

# Attachment 12

State of California  
Boating Regulations

# HARBORS AND NAVIGATION CODE

## SECTION 650-674

650. It is the policy of this state to promote safety for persons and property in and connected with the use and equipment of vessels and to promote uniformity of laws relating thereto.

660.1. (a) This chapter shall apply to vessels and associated equipment used, to be used, or carried in vessels used on waters subject to the jurisdiction of this state.

(b) This chapter, except those sections which expressly indicate otherwise, shall not apply to the following:

(1) Foreign vessels temporarily using waters subject to state jurisdiction.

(2) Military or public vessels of the United States, except recreational-type public vessels.

(3) A vessel whose owner is a state or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such.

(4) Ship's lifeboats.

670. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Alcohol" means any form or derivative of ethyl alcohol (ethanol).

(b) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(c) "Annotated equipment" means any of the following, excluding radio equipment:

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of the system, part, or component.

(2) Any accessory or equipment for, or appurtenance to, a boat.

(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat.

(d) "Boat" means any vessel that is any of the following:

(1) Manufactured or used primarily for noncommercial use.

(2) Leased, rented, or chartered to another for the latter's noncommercial use.

(3) Engaged in the carrying of six or fewer passengers, including those for-hire vessels carrying more than three passengers while using inland waters of the state that are not declared navigable by the United States Coast Guard.

(4) Commercial vessels required to be registered pursuant to Section 680 of the Vehicle Code.

(e) "Chemical test" means a test that analyzes an individual's breath, blood, or urine, for evidence of drug or alcohol use.

(f) "Controlled substance" means controlled substance as defined in Section 11007 of the Health and Safety Code.

(g) "Department" means the Department of Boating and Waterways.

h. "Director" means the Director of Boating and Waterways.

i. "Drug" means any substance or combination of substances other than alcohol that would so affect the nervous system, brain, or muscles of a person as to impair to an appreciable degree his or her ability to operate a vessel in the manner that an ordinarily prudent person, in full possession of his or her faculties, using reasonable care, would operate a similar vessel under like conditions.

j. "Intoxicant" means any form of alcohol, drug, or combination thereof.

k. "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district, or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement that grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

l. "Manufacturer" means any person engaged in any of the following:

(1) The manufacture, construction, or assembly of boats or associated equipment.

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly.

(3) The importation into this state for sale of boats, associated equipment, or components thereof.

m. "Marine employer" means the owner, managing operator, charterer, agent, master, or person in charge of a vessel other than a recreational vessel.

n. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.

o. "Operator" means the person on board who is steering the vessel while underway.

p. "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not that person lends, rents, or pledges the vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagee of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement that grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

q. "Passenger" means every person carried on board a vessel other than any of the following:

(1) The owner or his or her representative.

(2) The operator.

(3) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services.

(4) Any guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his or her carriage.

r. "Person" means an individual, partnership, firm, corporation, limited liability company, association, or other entity, but does not include the United States, the state, or a municipality or

motorists thereof.

(a) "Personal watercraft" means a vessel, 12 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(b) "Recreational vessel" means a vessel that is being used only for pleasure.

(c) "Registered owner" is the person registered by the Department of Motor Vehicles as the owner of the vessel.

(d) "Special-use area" means all or a portion of a waterway that is set aside for specified uses or activities to the exclusion of other incompatible uses or activities.

(e) "State" means a state of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(f) "State of principal use" means the state in which waters a vessel is used or intended to be used most during a calendar year.

(g) "Unocumented vessel" means any vessel that is not required to have, and does not have, a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.

(h) "Use" means operate, navigate, or employ.

(i) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except either of the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to a fixed track or line to which the watercraft is attached or by which the watercraft is controlled.

(3) "Water skis, an aquaplane, or a similar device" includes all forms of water skiing, barefoot skiing, skiing on skin boards, knee boards, or other contrivances, parasailing, ski kiting, or any activity where a person is towed behind or alongside a boat.

(4) "Waters of this state" means any waters within the territorial limits of this state.

(11.1. As used in this chapter, unless the context clearly requires a different meaning, "bather" or "bathing" means a person floating, swimming, wading, or bodysurfing, with or without the use of a flotation device, including, but not limited to, floating upon or with the aid of a surfboard, paddle board, surfmat, inner tube, life preserver, or air mattress, except a flotation device which is designed to be propelled by sail, mechanical means, power, oars, or paddle.

(11.3. The Department of Motor Vehicles shall provide every person who originally registers, or who acquires the ownership and title of, a vessel required to be numbered pursuant to Division 3.5 (commencing with Section 9540) of the Vehicle Code with a copy of guidelines for safe vessel operation prepared by the Department of Boating and Waterways.

652. (a). The department may issue regulations:

(1) Establishing minimum safety standards for boats and associated equipment'.

(2) Requiring the installation, carrying, or using of associated equipment.

(3) Prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established pursuant to this chapter.

(b) The regulations shall conform with the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard, or any successor thereto.

(c) No person or public agency shall use or give permission for the use of a vessel which does not carry the equipment or meet the standards established pursuant to this chapter.

(d) A peace officer or harbor police officer authorized to enforce this chapter may order the termination of the operation of a vessel which is found to be unsafe for operation pursuant to Section 6550.5 of Title 14 of the California Code of Regulations. A violation of an order under this subdivision is a misdemeanor.

652.f. (a) The use of a distinctive blue light as prescribed by the department is reserved for law enforcement vessels and may be displayed during the day or night whenever the vessel may be engaged in direct law enforcement activities, including, but not limited to, those activities specified in subdivision (a) of Section 663.7, where identification of a law enforcement vessel is desirable or where necessary for safety reasons.

(b) That light when used shall be in addition to prescribed lights and day signals required by law.

(c) The display of such blue lights on vessels for other purposes is prohibited.

(d) Any vessel approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel, and shall proceed, unless otherwise directed by the operator of the law enforcement vessel, at the reduced speed until beyond the area of operation of the law enforcement vessel.

(e) The operator of every cable ferry shall take whatever reasonable action is necessary to provide a clear course for any law enforcement vessel operating with a siren or an illuminated blue light, or both.

654. The exhaust of every internal combustion engine used on any motorized recreational vessel shall be effectively muffled at all times to prevent any excessive or unusual noise and as may be necessary to comply with Section 654.05.

This section does not apply to motorized recreational vessels competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and to the

designated area authorized by the permit. In addition, this section does not apply to motorized recreational vessels preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations occur.

654.05. (a) No person shall operate any motorized recreational vessel in or upon the inland waters of this state in a manner that exceeds the following noise levels:

(1) For engines manufactured before January 1, 1976, a noise level of 86 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(2) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 84 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(3) For engines manufactured on or after January 1, 1978, a noise level of 82 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(b) Testing procedures employed to determine noise levels shall be in accordance with the Exterior Sound Level Measurement Procedure For Pleasure Motorboats of the Society of Automotive Engineers in its recommended practice designated SAE J34. The department may, by regulation, revise the measurement procedure when deemed necessary to adjust to advances in technology.

(c) This section does not apply to motorized recreational vessels competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section does not apply to motorized recreational vessels preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations occur.

654.06. No person shall sell or offer for sale at retail any internal combustion engine for use on any motorized recreational vessel which, when operated, exceeds the following noise levels:

(a) For engines manufactured on or after January 1, 1974, and before January 1, 1976, a noise level of 86 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(b) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 84 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(c) For engines manufactured on or after January 1, 1978, a noise level of 82 dBA measured at a distance of 50 feet from the motorized recreational vessel.

# Attachment 13

Fire Protection Agreement  
California Department of Forestry  
and  
the Bureau of Reclamation

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

ASSISTANCE AGREEMENT

1. AGREEMENT NUMBER 02FC00019 CAF # 70A0201		2. TYPE OF AGREEMENT GRANT (X) COOPERATIVE AGREEMENT		3. CLASS OF RECIPIENT State Government (99)	
4. ISSUING OFFICE (NAME ADDRESS) U.S. Department of the Interior Bureau of Reclamation Mid-Pacific Region 2800 Cottage Way, Room E-1815 Sacramento, California 95825-1800			5. RECIPIENT (NAME ADDRESS TELEPHONE) State of California Department of Forestry & Fire Protection P.O. Box 944248 Sacramento, CA 94244-2480 Taxpayer Identification #68-0308069 DUS: C21104747    DR: 0		
6. ADMINISTRATIVE POINT OF CONTACT (NAME ADDRESS TELEPHONE FAX) Steve Lerner, MP 3800 Bureau of Reclamation, Mid-Pacific Region 2800 Cottage Way, Room E1815 Sacramento, California 95825-1800 Email: <a href="mailto:ELerner@blm.gov">ELerner@blm.gov</a>			7. RECIPIENT PROJECT MANAGER (NAME ADDRESS TELEPHONE FAX) Lynn Lundgren State Of California Department of Forestry & Fire Protection P.O. Box 944248 Sacramento, CA 94244-2480 (916) 653-6521		
8. TECHNICAL REPRESENTATIVE (NAME ADDRESS TELEPHONE FAX) Charles Johnson Bureau of Reclamation, Mid Pacific Region 2800 Cottage Way, MP-600 Sacramento, CA 95825 Ph: 916-979-5266			9. EFFECTIVE DATE See 17 a		
			10. COMPLETION DATE September 30, 2005		
11. PROGRAM STATUTORY AUTHORITY Title 16, U.S.C. 504, Protection of Timber Owned by the United States from Fire, Disease, or Insect Ravages and Public Law 102-377.					
12. FUNDING INFORMATION		RECLAMATION		13. REQUISITION NUMBER 02205000098	
TOTAL AMOUNT OF AGREEMENT \$6.00		TOTAL \$6.00		14. ACCOUNTING AND APPROPRIATION DATA See Statement of Work	
AMOUNT OF FUNDS OBLIGATED \$6.00		\$6.00			
15. PROJECT TITLE AND BRIEF SUMMARY OF PURPOSE AND OBJECTIVES OF PROJECT Cooperative Agreement with the State of California, Department of Forestry & Fire Protection for fire prevention and suppression services within the Lake Berryessa, Searsville, Clear Lake, Shasta, and Nimbus areas.					
16a. Acceptance of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the administrative recipient <i>James M. Wright</i> DATE 9/25/02			17a. Acceptance of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the United States of America, Bureau of Reclamation <i>Elizabeth A. Bartlett</i> DATE 9/27/02		
16b. NAME, TITLE AND TELEPHONE NUMBER OF SIGNER (Type or Print) James M. Wright Deputy Director Chief of Fire Protection <input type="checkbox"/> ASSISTANT DIRECTOR FOR REGIONAL (916) 633-9424			17b. NAME OF GRANTS AND COOPERATIVE AGREEMENTS OFFICER (Type or Print) (916) Elizabeth A. Bartlett		



**ATTACHMENT I**

**02FC200079**

**STATEMENT OF WORK**

STATEMENT OF WORK

I. Cooperative Project

The cooperative project to be accomplished under this Agreement is the suppression of wildland fires on Reclamation lands.

II. Term of Agreement

This Agreement shall become effective upon being executed by both parties.  
The Agreement shall be effective through the completion date of September 30, 2005

III. Mutual Cooperation

To accomplish the purpose and objective of this Agreement, each party agrees to cooperate with the other in fulfilling its obligations as herein provided.

IV. Specific Obligations of the Parties

A. State's Obligation

1. Provide "Basic" fire suppressions as against all wildfires on Reclamation lands.
2. The State shall, as soon as is practicable, notify the Reclamation Officer, facility manager, and reservoir manager of fires known to exist on Reclamation lands, as described in Attachment B and shown on the maps in Attachment C. *Reservoirs per Law II III put led TRUCKING*
3. ~~Irrespective~~ *Reservoirs per Law II* of action of others to suppress fires occurring in or threatening the protected Reclamation lands, the State shall take charge of control action on any such fire as soon after discovery as is practicable and will immediately take action to suppress such fire in a cost-effective manner consistent with policies.
4. After completion of fire suppression action, transmit to Reclamation a copy of the Forestry fire report for each fire on Reclamation lands.
5. Maintain adequate records and accounts of the costs for each fire for which Reclamation may be billed in such detail as will enable a qualified person to readily determine fire suppression costs which are reimbursable under this agreement and preserve such records for three years following payment. To the extent practical, such records shall include, but not be limited to all applicable employee attendance records, payrolls, copies of sub-contracts, purchase orders, invoices, from and payments to any subcontractors and suppliers.
6. Prepare and submit invoices for fire suppression costs relating to each fire occurring on Reclamation lands. In case of complex fire actions, State may submit partial

## STATEMENT OF WORK

Cooperative Agreement

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invoices with notation indicating supplemental invoices will follow. A general summary of said costs will be provided to Reclamation with each invoice from the State.

**B. Reclamation's Obligation**

1. Furnish State with maps on or before showing the location of Reclamation lands to be protected by State under this agreement.
2. Notify State (by April 1st each year) during the term of this agreement, of:
  - a. ownership changes in lands to be protected by forestry, and
  - b. the acreage to be protected by State under this agreement.
3. Permit State to use all roads, truck trails, springs, reservoirs, fire tanks, and other available "as is" facilities maintained by Reclamation for State's use in fire suppression activities.
4. Provide a Resource Advisor to the State upon request of the Incident Commander to said advisor delegated line authority.
5. Pay the cost of fire suppression as specified in item 6 below.
6. Transfer of funds:
  - a. Reclamation agrees to pay the State for actual fire suppression costs incurred by the State while suppressing fires on Reclamation lands. Reimbursement to be claimed by the State (as determined by the State) and approved by Reclamation shall include:
    1. Salaries and wages for permanent and seasonal State personnel used to suppress the fires. (Reimbursement for the salary or wage of any employee shall be computed on the direct daily or hourly wage of that employee including both actual overtime payments and related employee benefit costs.)
    2. The actual costs to State for use of personnel from other agencies, and for paid "pickup" labor used to suppress a fire.
    3. The actual cost to State for food services, transportation, and sleeping accommodations for personnel engaged in suppressing the fires.

STATEMENT OF WORK

- 4. The actual equipment operation costs expended by State to suppress the fires. (These costs shall be calculated by using the hourly or mileage rates for each class of vehicle, as listed in the Fire Cost Reimbursement Tables prepared annually by the State)
- 5. The total cost to State for equipment rented to suppress the fires
- 6. Replacement or repair cost to State for equipment and tools damaged, destroyed, or lost as a result of a fire. However, any such claim shall be reduced by any salvage value and shall be based on the depreciated value of such equipment and tools prior to the fire, as determined by State. Furthermore, State shall eliminate from said claims any cost directly attributable to the negligence of State personnel operating the tool or equipment.
- 7. Cost will include direct expenditures as well as indirect or administrative cost.
- b. Reimbursement to State for fires which burn into Reclamation lands shall be determined by the ratio which the burned acreage of Reclamation lands bear to the burned acreage of State Responsibility Area Lands involved in the fire, excluding any burned acreage which is the direct protection responsibility of any other fire protection agency.
- c. Reimburse State within 60 days of receiving State's invoice for fire suppression costs. Each payment will be made to the Department of Forestry and Fire Protection and addressed and mailed to the address set forth in paragraph "V" below.
- d. Billing shall be submitted to the following address:

Regional Director, Ms. LINDA TURNER  
 Mid Pacific Region  
 U. S. Bureau of Reclamation (MP-2500)  
 2400 Cottage Way (Rm E-1819)  
 Sacramento, CA 95825-1898

INITIAL  
 (Signature)

C. Special Provisions

Cooperation for Fire Hazard Reduction:

It is mutually agreed that both parties will cooperate in initiating programs to reduce fire hazards on, and promote fire prevention education on Reclamation lands.

STATEMENT OF WORK

2. Records:

The State shall keep and maintain adequate records and accounts of all financial transactions arising under this Agreement and the same shall be subject to audit by Reclamation. The State shall also give Reclamation any available information it may require relative to the work of the State under this Agreement.

3. Availability of Funds:

Reclamation obligation for performance of this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Reclamation for any payment may arise for performance under this contract beyond FY-05, until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer.

4. Authorized Representatives of Reclamation shall be permitted to inspect at any reasonable time facilities and activities pertinent to the fulfillment of this Agreement.

V. Project Officers

All notices and correspondence shall be deemed to have been given when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed as follows:

To Reclamation: ~~Regional Director~~ CONTRACTING OFFICER  
Mid Pacific Region  
U. S. Bureau of Reclamation (MP-3800) *PH*  
2800 Cottage Way (Rm E-1319)  
Sacramento, CA 95825-1898

INITIAL  
*PH*

To State: DEPUTY CHIEF  
California Department of Forestry and Fire Protection  
~~STATE/FEDERAL~~ Cooperative Fire Protection  
P O. Box 944246  
Sacramento, CA 94244-2460

Nothing herein contained shall preclude the giving of any such written notice by personal service.

VI. SPECIAL TERMS AND CONDITIONS

This Agreement terminates and supersedes the previous Agreement between the parties, (Agreement No. 8-FC-20-06380).

This Agreement will automatically include Reclamation lands within CDF's direct protection jurisdiction currently covered by separate "full service" contracts with CDF should any of those contracts be terminated. "Full service" contracts currently in force are listed in Attachment B.

## VII GENERAL PROVISIONS

- a. **Amendments.** Any changes to this agreement shall be made by means of a written amendment. Changes dealing with administrative matters (such as changes in paying office, changes of address, etc.) may be made by a unilateral amendment. An amendment pursuant to the below clause b, Termination for Cause, may also be made unilaterally. Any other changes shall be made by a bilateral amendment (signed by both parties). No written statement by any other person than the Grants and Cooperative Agreements Officer, and no oral statement of any person shall be allowed in any manner or degree to modify or otherwise affect the terms of the agreement.
- b. **Termination for Cause.** Reclamation may terminate the agreement in whole, or in part, at any time before the date of completion, whenever it is determined that CDF has failed to comply with the conditions of the agreement. Reclamation shall promptly notify CDF, in writing, of the determination and the reasons for the termination, together with the effective date. Payments made to CDF or recoveries by Reclamation under agreements terminated for cause shall be in accordance with the legal rights and liabilities of the parties.
- c. **Termination for Convenience.** Reclamation or CDF may terminate the agreement in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date, and, in the case of partial terminations, the portion to be terminated. CDF shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. Reclamation shall allow full credit to CDF for Reclamation share of the noncancelable obligations, properly incurred by CDF prior to the termination.
- d. **Utilization of Small Business Concerns and Small Disadvantaged Business Concerns:** It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in performing Grants and Cooperative Agreements awarded by any Federal agency.

CDF hereby agrees to carry out this policy in the awarding of subagreements and contracts to the fullest extent consistent with efficient Grant/Cooperative Agreements performance. CDF further agrees to cooperate in any studies or surveys as may be conducted by the United States Small Business Administration or the awarding agency of the United States as may be necessary to determine the extent of CDF's compliance with this clause. As used in

STATEMENT OF WORK

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this agreement, the term "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern:

- (1) Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
  - (2) Whose management and daily business operations are controlled by one or more of such individuals.
- e. **Equal Employment Opportunity.** All contracts awarded in excess of \$10,000 by CDF and its Contractors or Subcontractors shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR, part 60).
- f. **Procurement Standards.** To reflect the Interior Department's implementation and support of Executive Order 12432, dated July 14, 1983, the Minority Business Enterprise development, Departmental Clause, "Procurement Standards"--Attachment O is attached and incorporated into this agreement. Accordingly, the CDF shall submit quarterly Minority Business Utilization Reports, DI-1925 (copy included in Attachment O to the RECLAMATION within 10 days after the end of each fiscal year quarter, and to the Department of the Interior (DOI), Office of Small and Disadvantaged Business Utilization (OSDBU), Room 2527, 18th and E Streets NW, Washington, DC 20240. Attachment O

"It is a national policy to place a fair share of purchases with minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. In particular, recipients should:

1. Place minority business firms on bidder's mailing lists.
2. Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.
3. Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms.
4. Use the assistance of the Minority Business Development Agency of the Department of Commerce, the Small Business Administration, the Office of Small and Disadvantaged

Business Utilization, DOI, the Business Utilization and Development Specialist who reside in each DOI bureau and office, and similar state and local offices where they exist."

VII. OMB CIRCULARS

- A. The following OMB Circulars have been incorporated by reference into this Cooperative Agreement.

ADMINISTRATIVE

A-102 (RFAM 83-7, 85-7)

COST PRINCIPLES

A-87



## STATEMENT OF WORK

## EXHIBIT A - GLOSSARY OF TERMS

The following definitions will be applicable in this Agreement:

FIRE PREVENTION: Activities directed at reducing the number of fires that start, including public education, law enforcement, dissemination of information and the reduction of hazards through engineering methods.

FIRE PROTECTION: Is a general term implying an overall defense against wildland fires. It consists of two major elements; fire prevention and fire control (which implies fire containment and/or suppression or extinguishment).

FIRE SUPPRESSION: Refers to extinguishing or "putting out" wildland fires.

STATE RESPONSIBILITY AREA (S.R.A.): Refers to those lands classified by the State Board of Forestry (under Public Resources Code 4125 and following) as being the areas in which the financial responsibility for preventing and suppressing fires (excluding those on Federally-controlled lands, or those within city limits) is primarily the responsibility of the State.

WILDFIRE: Is defined as a fire burning uncontrolled on lands covered wholly or in part by timber, brush, grass, grain, or other flammable vegetation.

WILDLAND: Lands covered wholly or in part by timber, brush, grass, grain, or other flammable vegetation.

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ATTACHMENT # 11  
COOPERATIVE AGREEMENT 02-FC-20-0079

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Bureau of Reclamation Lands in California to be covered under this Cooperative Agreement for fire suppression responsibility.

CDF REGION	COUNTIES	EST. ACREAGE	FACILITIES
Northern Region	Napa-Solano-Yolo	7,500	Lake Berryessa
Northern Region	Shasta-Trinity	3,100	Shasta reservoir area
Northern Region	Glenn-Colusa	TBD	East Park & Stony Gorge
Southern Region	Fresno-Madera	TBD	Millerton

Additional Bureau of Reclamation Lands in California to be covered under this Cooperative Agreement for fire suppression responsibility in the event that a contract listed below should be terminated.

CDF REGION	COUNTIES	EST. ACREAGE	FACILITIES	CONTRACT NUMBER
Northern Region	El Dorado	TBD	Auburn recreation area	00-FC-20-0019 CDF #7CA99664
Northern Region	Calaveras-Tuolumne	TBD	New Melones recreation area	7-07-20-L3806 TR87-094
Southern Region	Merced-Santa Clara	TBD	San Luis reservoir area	

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COOPERATIVE AGREEMENT 02-PC-20-0079 \_\_\_\_\_

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(Jmw)

Maps of facilities included in this agreement showing general features and Reclamation land boundaries to be inserted here.

## SECTION A. SCHEDULE

### A.1. BACKGROUND

The State of California, Department of Forestry & Fire Protection (recipient) has provided fire prevention and suppression services for the Bureau of Reclamation (Reclamation) since 1979, under Cooperative Agreements 07-20-XD123, 8-FC-70-06380 and 99FC201769.

### A.2. PURPOSE

The purpose of this agreement is for the recipient to provide fire prevention and suppression services at Reclamation facilities at Lake Berryessa, Stony Gorge, East Park, Shasta, and Millerton areas.

### A.3. OBJECTIVE

The objective of this agreement is for the recipient to perform the following specific services: 1) plan for fire suppression, 2) patrol the designated areas, 3) operate heavy equipment to construct and maintain fire roads, breaks and to reduce fire fuel, and 4), improve wildlife habitat.

### A.4. BENEFITS

The benefits derived from this agreement shall be the furtherance of Reclamation's mission to protect these designated lands which are at a remote location. Protection of Government-owned land serves a public purpose in that the forests are preserved for ecological and recreational benefits.

### A.5. RESPONSIBILITIES OF THE PARTIES

Responsibilities of Reclamation: The United States Bureau of Reclamation (Reclamation), agrees to provide financial assistance to the State of California, Department of Forestry & Fire Protection from date of execution of award through September 30, 2005. Reclamation's responsibilities shall include the following:

1. Furnish State of California with maps on or before showing the location of Reclamation lands to be protected by State under this agreement.
2. Notify State of California (by April 1<sup>st</sup> each year) during the term of this agreement, of:
  - a. ownership changes in lands to be protected by Forestry; and
  - b. the acreage to be protected by the State of California under this agreement.
3. Permit State to use all roads, truck trails, springs, reservoirs, fire tanks, and other available "as is" facilities maintained by Reclamation for State's use in fire suppression activities.
4. Provide a Resource Advisor to the State upon request of the Incident Commander to said advisor delegated line authority.
5. Pay the cost of fire suppression as specified in item 6 below.
6. Transfer of funds:
  - a. Reclamation agrees to pay the State for actual fire suppression costs incurred by the State while suppressing fires on reclamation lands. Reimbursement to be claimed by the State (as determined by the State) and approved by Reclamation shall include:
    1. Salaries and wages for permanent and seasonal State personnel used to suppress the fires. (Reimbursement for the salary or wage of any employee shall be computed on the direct daily or hourly wage of that employee including both actual overtime payments and related employee benefit costs).

2. The actual costs to State for use of personnel from other agencies, and for paid "pick-up" labor used to suppress a fire.
  3. The actual costs to State for food services, transportation, and sleeping accommodations for personnel engaged in suppressing the fires.
  4. The actual equipment operation costs expended by State to suppress the fires. (These costs shall be calculated by using the hourly or mileage rates for each class of vehicle, as listed in the Fire Cost Reimbursement Tables prepared annually by the State).
  5. The total cost to State for equipment rented to suppress the fires.
  6. Replacement or repair cost to State for equipment and tools damaged, destroyed, or lost as a result of a fire. However, any such claim shall be reduced by any salvage value and shall be based on the depreciated value of such equipment and tools prior to the fire, as determined by State. Furthermore, State shall eliminate from said claims any cost directly attributable to the negligence of State personnel operating the tool or equipment.
  7. Costs will include direct expenditures as well as indirect or administrative cost.
- b. Reimbursement to State for fires which burn into Reclamation lands shall be determined by the ratio which the burned acreage of Reclamation lands bear to the burned acreage of State Responsibility Area Lands involved in the fire, excluding any burned acreage which is the direct protection responsibility of any other fire protection agency.
  - c. Reimburse State within 60 days of receiving State's invoice for fire suppression costs. Each payment will be made to the Department of Forestry & Fire Protection and addressed and mailed to the address set forth in paragraph "Project Officers" below.
  - d. Billing shall be submitted to the following address:

Ms. Linda Turner  
Mid Pacific Region (MP-3822)  
U.S. Bureau of Reclamation  
2800 Cottage Way (Rm E-1819)  
Sacramento, CA 95825-1898

**Responsibilities of the Recipient:**

1. Provide "Basic" fire suppressions against all wildfires on Reclamation lands.
2. The State shall, as soon as is practicable, notify the Reclamation Officer, facility manager, and reservoir manager of fires known to exist on reclamation lands, as described in Attachment II and shown on the maps in Attachment III.
3. Regardless of action of others to suppress fires occurring in or threatening the protected Reclamation lands, the State shall take charge of control action on any such fire as soon after discovery as is practicable and will immediately take action to suppress such fire in a cost-effective manner consistent with policies.
4. After completion of fire suppression actions, transmit to Reclamation a copy of the Forestry fire report for each fire on Reclamation lands.

- 5. Maintain adequate records and accounts of the costs for each fire for which Reclamation may be billed in such detail as will enable a qualified person to readily determine the suppression costs which are reimbursable under this agreement and preserve such records for three years following payment. To the extent practical, such records shall include, but not limited to all applicable employee attendance records, payrolls, copies of sub-contracts, purchase orders, invoices, from and payments to any subcontractors and suppliers. INITIAL  
JH [initials]
- 6. Prepare and submit invoices for fire suppression costs relating to each fire occurring on Reclamation lands. In case of complex fire actions, State may submit partial invoices with notation indicating supplemental invoices will follow. A general summary of said costs will be provided to Reclamation with each invoice from the State.

Special Provisions

- 1. Cooperation for Fire Hazard Reduction: It is mutually agreed that both parties will cooperate in initiating programs to reduce fire hazards on, and promote fire prevention education on Reclamation lands.
- 2. Records: The State shall keep and maintain adequate records and accounts of all financial transactions arising under this Agreement and the same shall be subject to audit by Reclamation. The State shall also give Reclamation any available information it may require relative to the work of the State under this agreement.
- 3. Availability of Funds: Reclamation obligation for performance of this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Reclamation for any payment may arise for performance under this contract beyond Fiscal Year 2005 (FY-05), until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer.
- 4. Authorized Representatives of Reclamation shall be permitted to inspect at any reasonable time facilities and activities pertinent to the fulfillment of this agreement.

Project Officers

All notices and correspondence shall be deemed to have been given when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed as follows:

To Reclamation: Contracting Officer  
 U.S. Bureau of Reclamation  
 Mid Pacific Region (MP-3800)  
 2800 Cottage Way (Rm E-1B19)  
 Sacramento, CA 95825-1898

To State: ~~Department Deputy Chief~~ *JH [initials]*  
 California Department of Forestry & Fire Protection  
 Cooperative Fire Protection  
 P.O. Box 944246  
 Sacramento, CA 94244-2460

*JH [initials]*  
STATE/FEDERAL

INITIAL  
*[Handwritten initials]*

Nothing herein shall preclude the giving of any such written notice by personal service.

**A.6. STATEMENT OF WORK**

See Attachment i, Statement of Work.

**SECTION B. SPECIAL PROVISIONS**

**B.1. PERFORMANCE PERIOD**

The performance period of the agreement is from date of execution through September 30, 2005.

**B.2. BUDGET - RECLAMATION (MAR 1993)**

Funding will be provided on a cost reimbursement basis, and is only authorized for the actual cost of suppression.

**B.3. FUNDING**

Reclamation shall reimburse the recipient for allowable costs incurred, in accordance with applicable OMB Circular during the effective period of this agreement.

It is understood that any estimated amounts are not binding on either party and are for informational purposes only, until such time as a modification is issued to provide funding for that period.

It is expressly understood that the Government has no obligation to provide funds in addition to those reserved in writing. Except as required by other provisions of this Agreement specifically citing and to be an exemption from this clause, Reclamation shall not be obligated to reimburse the Recipient for costs incurred in excess of the estimated cost set forth in the approved annual budget.

**B.4. PROPERTY AND EQUIPMENT TO BE FURNISHED BY THE GOVERNMENT**

Neither property nor equipment will be provided by the Government under this agreement.

**B.5. REPORTING REQUIREMENTS**

The Recipient will provide Reclamation with both a hard copy and floppy disk copy as specified in paragraph entitled "Responsibilities of the Recipient" pages 3 and 4.

**B.6. DATE OF INCURRENCE OF COSTS - RECLAMATION (MAR 1993)**

The Recipient shall be entitled to reimbursement of allowable costs incurred on or after date of execution, which if incurred after this agreement had been entered into, would have been reimbursable under the provisions of the agreement.

**B.7. INVOICES AND PAYMENT**

Payment will be made for all allowable costs incurred under the terms of this agreement. Invoices shall be submitted in duplicate to:

U.S. Bureau of Reclamation Ms. Linda Turner *LT*  
 Mid-Pacific Region  
 Attention, MP 3822  
 2800 Cottage Way, Room E 1815  
 Sacramento CA 95925-1898

INITIAL  
*(Signature)*

Invoices shall be in sufficient detail to permit review and analysis of costs incurred. Cost items shall include, but not necessarily be limited to category and hours of labor expended, material and supply costs, travel and per diem, other direct costs and indirect costs. Support documentation may be required at the discretion of the Grants and Cooperative Agreements Officer.

**B.8. APPOINTMENT OF GRANTS AND COOPERATIVE AGREEMENTS OFFICER'S REPRESENTATIVE (GCAOR)**

The Grants and Cooperative Agreements Officer may appoint a GCAOR to act in his/her behalf. The Recipient will be notified of such appointment, the identity of the GCAOR, and any authorities and/or limitations of the GCAOR. This individual may or may not be the representative named in Block 6 of the Form 7-2277.

**SECTION C. GENERAL PROVISIONS**

**C.1. REGULATIONS AND GUIDANCE**

The regulations at 43 CFR, Part 12, Subparts A - F are hereby incorporated by reference as though set forth in full text. The following Office of Management and Budget (OMB) Circulars, as applicable, and as implemented by 43 CFR Part 12, are also incorporated by reference and made a part of this agreement. Failure of a recipient to comply with any provision may be the basis for withholding payments for proper charges made by the recipient and for termination of support. Copies of OMB Circulars are available on the Internet at <http://www.whitehouse.gov/OMB/circulars/index.html>. The implementation of the circulars at 43 CFR Part 12 is available at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.

**a. Agreements with colleges and universities shall be in accordance with the following circulars:**

Circular A-21, revised August 8, 2000, "Cost Principles For Educational Institutions"

Circular A-110, as amended September 30, 1999, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"

Circular A-133, revised June 24, 1997, "Audits of States, Local Governments, and Non-Profit Organizations"

**b. Agreements with State and local governments shall be in accordance with the provisions of the following circulars:**

Circular A-87, as amended August 29, 1997, "Cost Principles for State, Local, and Indian Tribal Governments"

Circular A-102, as amended August 29, 1997, "Grants and Cooperative Agreements with State and Local Governments" (Grants Management Common Rule, Codification by Department of Interior, 43 CFR 12)

Circular A-133, revised June 24, 1997, "Audits of States, Local Governments, and Non-Profit Organizations"

**c. Agreements made with nonprofit organizations shall be in accordance with the following circulars and provisions:**

Circular A-110, as amended September 30, 1999, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"

Circular A-122, revised May 19, 1998, "Cost Principles for Non-Profit Organizations"

Circular A-133, revised June 24, 1997, "Audits of States, Local Governments, and Non-Profit Organizations"

**d. All agreements with organizations other than those indicated above shall be in accordance with the basic principles of OMB Circular A-110, and cost principles shall be in accordance with 48 CFR Subpart 31.2 titled "Contracts with Commercial Organizations" which is available on the internet at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.**



**C.2. MODIFICATIONS**

Any changes to this Agreement shall be made by means of a written modification. Changes dealing with administrative matters (such as in paying office, changes of address, etc.) may be made by a unilateral modification. A modification issued solely for funding a Federal Fiscal Year may also be made unilaterally. Any other changes shall be made by a bilateral modification (signed and mutually agreed upon by both parties). The Recipient shall submit written requests for bilateral modifications.

**C.3. ASSURANCES INCORPORATED BY REFERENCE**

The provisions of the Assurances executed by the Recipient in connection with this agreement shall apply with full force and effect to this agreement as if fully set forth in these General Provisions. Such Assurances include, but are not limited to, the promise to comply with all applicable Federal statutes and orders relating to nondiscrimination in employment, assistance, and housing; the Hatch Act; Federal wage and hour laws and regulations and work place safety standards; Federal environmental laws and regulations and the Endangered Species Act; and Federal protection of rivers and waterways and historic and archeological preservation.

**C.4. COVENANT AGAINST CONTINGENT FEES**

The recipient warrants that no person or agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the recipient for the purpose of securing agreements or business. For breach or violation of this warranty, the Government shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

**C.5. CONTRACTING WITH SMALL AND MINORITY FIRMS, AND WOMEN'S BUSINESS ENTERPRISES**

It is a national policy to award a fair share of contracts to small and minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

a. The grantee and subgrantee shall take all necessary affirmative steps to assure that minority firms, and women's business enterprises are used when possible.

b. Affirmative steps shall include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing lots, requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- (5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce as appropriate; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in b.(1) through (5) above.

#### **C.6. NOTICE REGARDING BUY AMERICAN ACT**

In accordance with Section 502 of the Energy and Water Development Appropriations Act, 2002, Pub. L. 107-66, please be advised of the following:

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

#### **C.7. RESOLVING DISAGREEMENTS**

When entering into a Grant/Cooperative agreement with a recipient, Reclamation commits itself to working with the recipient in a harmonious manner to achieve the objectives of the project successfully. When disagreements arise between the parties, they must be resolved according to the procedures discussed below:

- a. Reclamation shall attempt first to resolve disagreements with the recipient through informal discussion among the Grants or Contract Specialist, the Program Officer, and the recipient's Project Director.
- b. If the disagreement cannot be resolved through informal discussion between these parties, the Grants Specialist and the Program Officer shall document the nature of the disagreement and bring it to the attention of the Grants Officer.
- c. After reviewing the facts of the disagreement, as presented by the Grants and Program Offices, the Grants Officer will arrange a formal meeting.

If agreement still cannot be reached, the parties will collectively decide on any varied approaches which might be used to resolve the disagreement. The parties shall be responsible for their individual expenses related to any approach utilized to resolve the disagreement. If attempts at resolving the disagreement fail, the Chief, Acquisition and Assistance Management Services, or the Regional Director, whichever is applicable, shall make a decision which shall be final and conclusive.

c. Nothing herein shall be construed to delay or limit Reclamation's right to take immediate and appropriate action, as set forth at 43 CFR Subpart 12.83 or 12.962, as applicable, in the event of material noncompliance by the recipient, and no attempts at informal resolution shall be necessary.

Any post award issue will be open for resolution in accordance with the above procedures, with the exception of disagreements regarding continuation of the agreement (termination must be in accordance with 43 CFR 12), or other matters specifically addressed by the agreement itself.

#### **C.8. LOBBYING RESTRICTIONS**

In accordance with Section 504 of the Energy and Water Development Appropriations Act, 2002, Pub. L. 107-66, please be advised of the following:

None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

#### **C.9. ELECTRONIC FUNDS TRANSFER (EFT)**

In accordance with the Debt Collection Improvement Act of 1996, 31 CFR 206, effective January 2, 1999, all Federal payments to recipients must be made by EFT unless a waiver has been granted in accordance with 31 CFR 206.4. Upon award of a financial assistance agreement, Reclamation will provide the recipient with further instructions for implementation of EFT payments or a certification form to request exemption from EFT.

**C.10. INCREASING SEAT BELT USE IN THE UNITED STATES - EXECUTIVE ORDER 13043**

In accordance with 43 CFR 12.21(e) if you are awarded a grant or cooperative agreement, the following provision is applicable and shall be incorporated into any grant or cooperative agreement which the recipient awards to a subrecipient.

Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

**C.11. TERMINATION OF THE AGREEMENT**

Termination of this agreement, either for cause or convenience, will be in accordance with the termination provisions of the applicable OMB Circular.

**C.12. ENDORSEMENT OF COMMERCIAL PRODUCTS AND SERVICES**

In accordance with 43 CFR 12.2(d), this provision applies to grants and cooperative agreements whose principal purpose is a partnership where the recipient contributes resources to promote agency programs, publicize agency activities, assists in fund-raising, or provides assistance to the agency. If the agreement is awarded to a recipient, other than a State government, a local government, or a federally-recognized Indian tribal government, and the agreement authorizes joint dissemination of information and promotion of activities being supported, the following provision shall be made a term and condition of the award:

Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services.

All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

"The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government."

Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval.

A recipient further agrees to include this provision in a subaward to any subrecipient, except for a subaward to a State government, a local government, or to a federally-recognized Indian tribal government.

**C.13. CERTIFICATIONS**

The following certifications are incorporated by reference and made a part of this agreement:

Certifications Regarding Department, Suspension, and Other Responsibility Matters, Drug-free Workplace Requirements and Lobbying (DI-2010)

**C.14. ATTACHMENTS**

The following attachments are incorporated herein and made a part of this agreement:

Attachment 1 - Statement of Work

# Attachment 14

Napa County  
State of California  
Laws, Codes and Ordinances  
for  
Lake Berryessa  
Bureau of Reclamation  
Land and Water



NAPA COUNTY AND STATE OF CALIFORNIA  
LAWS, CODES AND ORDINANCES  
FOR LAKE BERRYESSA, BUREAU OF RECLAMATION  
LAND AND WATER

**NAPA COUNTY CODE OF ORDINANCES  
FOR  
BERRYESSA LAKE AND PARK AREA**

**Chapter 12.08**

**Sections:**

<b>12.08.010</b>	<b>Definitions.</b>
<b>12.08.020</b>	<b>Application of provisions—Statutory authority.</b>
<b>12.08.030</b>	<b>Unlawful activities designated.</b>
<b>12.08.040</b>	<b>Boats and other vessels—Operation restrictions.</b>
<b>12.08.050</b>	<b>Speed limit exemptions.</b>
<b>12.08.060</b>	<b>Enforcement authority regarding parking violations.</b>

**12.08.010 Definitions.**

**A. As used in this chapter:**

“Berryessa Lake and Park area” means the federally owned or controlled lands, reservoir areas and waters known as Lake Berryessa in the county of Napa, including but not limited to the Capell Cove, Smittle Creek Park and Oak Shores Park areas.

“Boat” is defined in Harbors and Navigation Code Section 651(d) to include any vessel which is any of the following:

1. Manufactured or used primarily for noncommercial use;
2. Leased, rented or chartered to another for the latter’s commercial use;
3. Engaged in the carrying of six or fewer passengers, including those for-hire vessels carrying more than three passengers while using inland waters of the state that are not declared navigable by the United States Coast Guard; and
4. Commercial vessels required to be numbered pursuant to Section 9850 of the Vehicle Code. “Boat” means and includes jet skis, watercycles and similar devices.

“bureau” means and is defined as the United States Department of Interior, bureau of Reclamation.

“Camping” means and is defined as follows:

1. Erecting a tent or shelter or arranging bedding, or both, for the purposes of or in such a way as will permit remaining overnight;
2. Use of any parked or standing vehicle for the purpose of sleeping during nighttime hours is also included in the definition of camping;
3. Use of houseboats or boats for the purpose of sleeping during the nighttime hours, whether anchored, moored or beached, is also defined as camping, and may be permitted in certain areas by the bureau.

“Parasailing” means the propelling of a person on water skis or other similar device, through the water, on the surface of the water or through the air, by means of a boat or other device.

“Vehicle” means and includes all vehicles, including but not limited to automobiles, trucks, off-road vehicles, four-wheel-drive vehicles, motorcycles, minibikes,

snowmobiles, dunebuggies, all-terrain vehicles, trailers, campers, bicycles, or any other such equipment.

“Vessel” means and includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

1. A seaplane on the water;
2. A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself. Harbors and Navigation Code Section 651(c).

“Water skis or similar devices” means and includes all forms of water skiing, barefoot skiing, skiing on ski boards, knee boards or other contrivances, parasailing, ski kiting or any activity where a person is towed behind or alongside a boat.

B. Any word that is not specifically defined in this section shall be interpreted pursuant to any other definition, if any, as contained in this code, the California Harbors and Navigation Code, or in other cases according to the word’s common meaning. (Ord. 1237 § 2 (part), 2004)

#### **12.08.020 Application of provisions--Statutory authority.**

A. The provisions of this chapter shall be applicable to all of the waterways connected to Lake Berryessa and shall be construed to supplement federal and state laws and regulations when not expressly inconsistent therewith on all waterways where such federal and state laws and regulations are applicable.

B. This chapter is enacted pursuant to Section 660 of the Harbors and Navigation Code of the state, and other applicable federal and state laws. (Ord. 1237 § 2 (part), 2004)

#### **12.08.030 Unlawful activities designated.**

A. Within the Berryessa Lake and Park area, it is unlawful for any person:

1. To pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, fence, structure or improvement of any kind, unless an employee of the county or an employee of the bureau while in the performance of official duties or unless authorized by special permit by the bureau;
2. Unless authorized by the bureau, to cut, carve, paint, mark, paste or fasten to any tree, fence, wall, rock, building, monument or other object within the Berryessa Lake and Park area any bill, advertisement or inscription;
3. Unless authorized by the bureau, to dig up or remove any dirt, stones, rocks or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast within the Berryessa Lake or Park area. Any proposed blasting must first be submitted for and receive approval from the county;
4. To leave or abandon in the Berryessa Lake and Park area, except in receptacles designated for that purpose by the bureau, human waste, cans, bottles, waste, paper, broken glass or other rubbish or garbage;
5. To light, build or maintain in the Berryessa Lake and Park area any open fire, with the following exceptions:



- a. When a written permit has been obtained from the bureau,
  - b. When fires are maintained in fireplaces, grills or other facilities provided and designated for that purpose by the bureau, and
  - c. When fires are in oil or gasoline stoves or gas grills in camps and picnic areas maintained and designated by the bureau.
6. To bring any dog or cat or any domestic animal into the Berryessa Lake and Park area except on a leash;
  7. To ride, drive, lead or keep a horse or other livestock in the Berryessa Lake or Park area except upon roads and trails designated for that purpose by the bureau, or in such other areas as may be designated as pasturage areas under lease by the bureau. No horse or other livestock shall be hitched to any tree or shrub in such manner as to cause damage to such tree or shrub. This subsection shall not apply to the use of horses for law enforcement purposes, or if prior approval has been obtained through issuance of a special permit by the bureau;
  8. To pursue, chase, hunt, molest, catch, capture, injure or kill any bird, mammal or reptile or to attempt to pursue, chase, hunt, molest, catch, capture, injure or kill, or to disturb any bird, mammal or reptile's habitat in the Berryessa Lake and Park area, unless certain areas are designated from time to time to be hunting areas by the bureau and the California Department of Fish and Game,
  9. To operate any vehicle at a speed in excess of fifteen miles per hour on any road in the Berryessa Lake and Park area, other than upon state or county highways, unless otherwise posted;
  10. To operate any vehicle within the Berryessa Lake and Park area except upon roads and throughfares and areas designated for such purpose by the bureau;
  11. To sell, peddle or to offer for sale any food, liquids, edibles for human consumption, or any goods, wares, services or merchandise within the Berryessa Lake and Park area, except under permit issued by the bureau, and subject to such laws and regulations as may now or hereafter exist, promulgated by the board of supervisors of the county, the director of public health, or the director of environmental health of the county;
  12. To camp in any portion of the Berryessa Lake and Park area other than in areas designated for such purpose by the bureau, unless authorized by special permit by the bureau;
  13. To wade, swim, bathe, operate a boat or water ski within one thousand five hundred feet of Monticello Dam;
  14. To operate a boat or pass through any logboom or line of buoys designating a closed area;
  15. To contaminate or pollute the waters of Lake Berryessa or the shore area or the tributaries thereof, or to discharge any human waste, litter, garbage, oil or other debris therein;
  16. To enter any areas of the Berryessa Lake and Park area which are closed to entry by the bureau, and posted against trespassing in accordance with the provisions of Section 602 of the California Penal Code;
  17. To carry and possess any firearms in the Berryessa Lake and Park area without a valid concealed weapons permit or a permit issued by the bureau;
  18. To destroy, injure, deface, remove and/or alter public property, including but not limited to developed facilities, natural formations, gravel, mud, sand, mineral deposits, designated historical or archaeological features, except when in accordance with written permission from the bureau;
  19. To cut down or remove live trees, or gather wood, without the written permission of the bureau;

20. To bring into the Berryessa Lake and Park area any household or commercial garbage, trash, rubbish, debris, dead animal(s) or litter of any kind for disposal or dumping without the written permission of the bureau;
21. To engage in the sport or activity of parasailing on Lake Berryessa in the following areas:
  - a. Within one thousand feet of any powerline, or
  - b. As posted on at least two signs on shore or on buoys in or near the prohibited area, or
  - c. Within two thousand feet of Monticello Dam.
22. To park any vehicle in a fire lane, in a red zone, or in any other area that is not a designated parking area within the Berryessa Lake and Park area;
23. To bring any glass containers to the day use facilities at Oak Shores Park and Smittle Creek Park areas;
24. To tie or attach any vessel, rope, canopy, hammock or similar item(s) to any tree, shrub, bush, vegetation, pole, picnic table, bench or other park facility, improvement, or structure;
25. To abandon a campfire or any open fire.

B. Unless otherwise provided, a violation of any of the provisions of this section, other than provisions relating to the parking of vehicles, may be charged as a misdemeanor or an infraction pursuant to Section 17 et seq. of the California Penal Code, and Government Code Section 25132. Violation of any provision of this section relating to the parking of vehicles shall not be a criminal violation but shall instead be subject to civil penalty in accordance with Vehicle Code Section 40200 et seq. and Chapter 10.32 of this code. (Ord. 1237 § 2 (part), 2004)

#### **12.08.040 Boats and other vessels—Operation restrictions.**

A. No person shall operate or navigate any commercial motorboat carrying passengers for hire on or around the Berryessa Lake and Park area unless licensed in accordance with law. Authorization must also be obtained from the bureau prior to engaging in such activities.

B. No person shall moor any boat, vessel, jet ski, watercycle, water ski, innertube, air mattress or other device which can be used for floating on the water, or designed for travel upon the water, to the pillars, abutments or appendages of the Pope Creek Bridge or the Putah Creek Bridge. A violation of this subsection shall constitute an infraction. A second violation within one year shall constitute a misdemeanor.

C. No person shall operate a motorboat or other vessel at a speed in excess of five miles per hour in any area marked with a buoy bearing the words "5 miles per hour" or bearing the words "No Wake." "5 miles an hour" shall be interpreted to mean creating "no wake" as the boat travels through or on the water.

D. No dock shall be constructed in the Berryessa Lake and Park area without prior approval from the bureau.

E. A violation of any subsection of this section shall constitute a misdemeanor unless otherwise specified. (Ord. 1237 § 2 (part), 2004)

#### **12.08.050 Speed limit exemptions.**

The sheriff and any of his deputies are exempt from the speed limits imposed by subsection (A)(9) of Section 12.08.030 and subsection (C) of Section 12.08.040 while driving a sheriff's patrol boat under all of the following conditions.

- A. If the boat is being driven in response to an emergency call or is engaged in rescue operations or in pursuit of an actual or suspected violator of the law;
- B. If the driver of the boat sounds a siren as may reasonably be necessary in the circumstances, and the boat displays a lighted blue lamp visible from the bow as a warning to other persons using the body of water in the vicinity of the boat. (Ord. 1237 § 2 (part), 2004)

**12.08.060 Enforcement authority regarding parking violations.**

The sheriff and any of his deputies, and, at the discretion of the sheriff, any uniformed employee of the United States Bureau of Reclamation assigned to the Lake Berryessa and Park Area, are authorized to issue notices of violation to persons who violate provisions of this chapter relating to parking restrictions. (Ord. 1237 § 2 (part), 2004)

NAPA COUNTY CODE OF ORDINANCES  
FOR  
JUMPING FROM PUTAH CREEK AND POPE CREEK BRIDGES

Chapter 12.12

**Sections:**

- 12.12.010 Findings--Purpose of provisions.
- 12.12.020 Unlawful activities designated.
- 12.12.030 Violation--Signs posted--Penalty.

**12.12.010 Findings--Purpose of provisions.**

- A. The county board of supervisors makes the following findings:
  - 1. That many persons, particularly young persons, when engaging in recreational pursuits at Lake Berryessa, have jumped, and have attempted to jump, from the Pope Creek Bridge and the Putah Creek Bridge into the waters or tributaries to the waters of Lake Berryessa;
  - 2. That a number of people have been hurt from this activity, and, particularly in years where there has been less than average rainfall, such an activity poses a danger to anyone engaging in same.

B. Therefore, the board of supervisors also finds that it is in the interests of the public health, safety and welfare to specifically prohibit this activity, and enact a substantial fine in order to discourage persons from participating in this dangerous activity. (Ord. 1237 § 3 (part), 2004; Ord. 921 § 3 (part), 1989; prior code § 8996)

**12.12.020 Unlawful activities designated.**

- A. It is unlawful for anyone to jump, leap or otherwise propel one's own body or the body of another from the Pope Creek Bridge or the Putah Creek Bridge.

**B. It is unlawful for anyone to attach a rope or other apparatus to the Pope Creek Bridge or to the Putah Creek Bridge, for the purpose of swinging from either bridge.**

**C. It is unlawful to swing from either the Pope Creek Bridge or to Putah Creek Bridge at any time.**

**D. It is unlawful for anyone not otherwise authorized by law to climb onto, or to jump, leap, or otherwise propel one's own body or that of another, from the superstructure of the Pope Creek Bridge or the Putah Creek Bridge. For this purpose, "superstructure" means the part of a bridge which rests on the piers and abutments, but which is beneath the level of the roadway.**

**E. It is unlawful for any person not otherwise authorized by law to attempt to commit any act made unlawful by this section.**

**F. It is unlawful for any person to stop or loiter on the Pope Creek Bridge or Putah Creek Bridge. (Ord. 1237 § 3 (part), 2004; Ord. 1111 § 3, 1996; Ord. 921 § 3 (part), 1989; prior code § 8996.1)**

#### **12.12.030 Violation--Signs posted--Penalty.**

**A. Anyone violating Section 12.12.020 of this chapter is guilty of a misdemeanor, and a fine shall be imposed in the minimum amount of two hundred fifty dollars for the first violation, three hundred fifty dollars for the second violation, and five hundred dollars for third or subsequent violations.**

**B. Before such minimum fines may be imposed, signs must be posted at both ends of each such bridge stating the activity prohibited and the amount of fine which may be imposed. (Ord. 1237 § 3 (part), 2004; Ord. 921 § 3 (part), 1989; prior code § 8996.2)**

# Attachment 15

California Department of Forestry  
Summary of Emergency Services  
Workload  
Lake Berryessa Area  
2002



Byron Camiglia  
Chief

**NAPA COUNTY FIRE DEPARTMENT**  
**FIRE MARSHAL'S OFFICE**  
California Department of Forestry and Fire Protection  
Cooperative Fire Protection Since 1932  
1199 Big Tree Road  
St. Helena, California 94574-9711  
Phone: (707) 967-1419 Fax: (707) 967-1474

July 10, 2003

Mr. John Reed  
12 Perkins Dr.  
Prescott, AZ 86301

Re: Lake Berryessa EIS

Dear Mr. Reed,

This letter is to document part of the discussions we have had regarding the impact to emergency services from the current use of Lake Berryessa. The California Department of Forestry and Fire Protection Sonoma- Lake- Napa Unit and the Napa County Fire Department are the fire services that provide fire protection for the Lake Berryessa area.

Development in the Lake Berryessa area consists of a small number of subdivisions, a small amount of mercantile to support both the subdivisions and the lake visitors, a small number of single family homes and the seven resorts, which currently have leases with the Bureau of Reclamation for use of trailer villages. I should also mention that the Bureau of Reclamation has improved portions of the shoreline for day use, hiking, walking trails, picnicking and a boat launch and dock. The resorts and the commercial development which support primarily the resorts and lake visitors make up most of the development in the area although a study has not been done to determine exactly how much development can be attributed to use of lake.

The California Department of Forestry and Fire Protection (CDF) has one station at Spanish Flat and the Napa County Fire Department (NCFD) has two stations in the area. Any fire department response to the resorts or surrounding areas would include a minimum of one CDF engine and one NCFD engine. I have collected call volumes for 2002 from the CDF Spanish Flat Station for review. The calls by month for the Spanish Flat Station are as follows:

January	13
February	11
March	18
April	23
May	41
June	45

July	52
August	55
September	47
October	20
November	17
December	17
Total	359

During the winter months the call volumes usually run below twenty per month. These calls reflect both responses to resorts and to the year round residents who reside in subdivisions or single family dwellings around the lake. In the summer the call volume increases by over 100% and clearly reflects the increased activity around the lake most of which is in and around the resorts. Historically on holiday weekends during the summer months additional volunteer firefighters and paid staff are called in to supplement the fire stations at Lake Berryessa due to the number and frequency of incidents. For example on Memorial Day weekend a volunteer engine from west Napa County is assigned to Spanish Flat Station and three volunteer firefighters spend the weekend staffing that engine to help assist stations at Lake Berryessa. On the July 4, 2003 weekend an additional 5 CDF Peace Officers were called into work and assigned to the Berryessa resort areas. In years past the Bureau of Reclamation funded an ambulance that provided service at Lake Berryessa from Memorial Day weekend until Labor Day weekend, initially it was seven days a week coverage and then dropped down to weekend coverage. When the Bureau stopped providing that funding the County of Napa provided it until the mid 1990's when the ambulance was no longer stationed at Lake Berryessa but responded to the Lake from the Napa Valley or Angwin.

Most of the incidents at Lake Berryessa are medical aids or traffic collisions. For example in August 2002, 37 of the 55 calls at Lake Berryessa were either medical aids or traffic collisions. An approximate commitment time for equipment committed to those incidents is over one hour. For example on a medical aid, two fire apparatus would be committed for over an hour. For a structure fire in one of the resorts an average of five fire apparatus would be committed for several hours. Commitment times and the number of resources committed vary on every incident.

It is easy to see that both the CDF and the NCFD are impacted by the current use of the lake. What is less clear is the extent to which both departments are impacted. The CDF/Napa County Fire Marshal's office requests that the impact to emergency services specifically fire services are studied as part of the final Environmental Impact Study (EIS). We also commit to providing any information that is required to assist in preparation of that study.

If you have any questions or would like any clarification please do not hesitate to call me at (707) 967-1425.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal tail extending to the right.

**Gabrielle Maurino Avina**  
Assistant Fire Marshal



# Attachment 16

Glossary of Terms Used in  
Concession Contract Development  
and Commercial Facilities Design  
and Administration on  
Reclamation Lands

## **Glossary (Explanation of Various Terms and Phrases Used in This Visitor Services Plan):**

*Following are some points of explanation and areas of focus for the next term of concession contracts at Lake Berryessa. This explanation and approach is intended to assure that all readers have the same basis of understanding on various terms and concepts in this document. Each of these areas of discussion should be considered as applying to all of the action alternatives (2, 3 & 4)*

### **Specific Numbers and Locations of Lodging, Boat Slips, Camping/RV Sites, etc. -**

This Visitor Services Plan and these associated alternatives will not, in most cases, identify exact and specific sizes, numbers and locations of various facilities. Information that indicates there would be 56 cabin type accommodations arranged as 14 four-plex's located in a specific area at Spanish Flat would not be presented in such detail. More likely one will note that a particular resort, would develop, for example, an array of rustic lodging units, which would be sited in a location with lake views and access and with a desirable degree of individual privacy to enhance the experience of the customer. Information is not more specific since it is still 5 to 6 years until the expiration of the current contracts and establishment of new authorizations it is not necessary to fix exact numbers, designs, and locations, i.e., when there may be several different types of facility design that could serve the same purpose. It is important to insure sure that concessionaires have the option to exercise some a degree of creativity in the final layout and design of new facilities. Therefore only basic parameters of the types of facilities, services and programs that would be acceptable at each location are provided. Also provided is a range of likely numbers that, based on economic feasibility, would be appropriate and would reasonably serve the public needs. It is also likely that new contracts could have start dates some years in the future where an operator would have certain opportunities to develop additional facilities depending upon certain criteria demonstrated, i.e., public demand visitation, business level and success of initial operations, etc. However, there will be enough specific data and descriptions in the following alternatives that the general flavor of the types of operations at each area will be clear.

**Required and Authorized Facilities, Programs and Services** - The profiles in each action alternative, by current resort location, outline the likely types of 'Required' facilities, programs and services for Lake Berryessa concessionaires. 'Required' in reference to concession operations within Reclamation simply means the types of facilities, programs and services that a concessionaire would provide through the terms and conditions of their contract. If it is 'Required' then the concessionaire must provide the service. At some point there may also be services that are 'Authorized' and these may be provided with the concessionaire having some flexibility in canceling if it is perceived as not profitable or for some other appropriate reason. If a service, program or facility is not identified in the concession contract as 'Required or Authorized' then it may not be initiated by the concessionaire.

**Retention or Replacement of Existing Facilities** - When reviewing Alternatives 2,3 & 4 the reader should not assume that if a location calls for an activity or facility that currently exists, i.e., camping, food & beverage, retail sales, marina etc. that the existing facilities would be utilized. In many instances existing facilities have no useful life beyond the term of the current contracts and new facilities that can provide better service would be necessary. In other situations there are actually code violations in regard to safety, building construction, or environmental sensitivity. Still other situations are simply inappropriate because current facilities may not be properly placed to provide the service anticipated in the next concession contracts. The individual alternatives would not cover which facilities would be retained vs. removed because the main issue focuses what would be the new scope of the operation to the public. However, for those readers interested in likely retention/removal issues please see the section on ("CONDITION ASSESSMENT ANALYSIS"). It is possible that there could be many more facilities and infrastructure requiring removal than retention because of the general poor condition. Reclamation will not automatically attempt to retain all or most facilities because it is not desirable to force new developments to fit the parameters of development that was established over 40 years ago. It would not be in the best interest of the public to tie future operations to past facilities that were not designed or constructed with the same intent as the needs of the 21<sup>st</sup> Century. Concessionaires will be contacted individually by Reclamation regarding their individual locations and the likely retention/removal scenario as they begin preparing for their current contracts to expire.

**Legal Nomenclature Re: New/Next Concessionaire** - Wording in the "Action Alternatives" would refer to the 'New' or the 'Next' concessionaire. This simply means whoever is selected having the best offer on the prospectus package and is assigned the next concession contract following the expiration of the existing contract. It does not mean that the 'New' concessionaire can not be the same as the existing concessionaire but it does imply that who ever it is would be operating under a new contract and may have significantly different responsibilities than present. However, none of the existing concessionaires have any preference in consideration of the next contracts. Concessionaires will be selected on a basis of competition in response to an eventual prospectus and it is likely that many firms and individuals not currently operating at Lake Berryessa would submit offers and compete for selection.

**Eco Tourism and Sustainable and Thematic Design** - All operations in Alternatives 2,3 & 4 would be developed and managed with a strong tie to environmental ethics. Visitors should see many examples of the benefit of recycling, green procurement, passive energy use, and other techniques that they can incorporate in their own homes and communities. Some of this would be subtle and only known through direct explanation or interpretation while other aspects would be more obvious and direct. These are all areas that are not specifically described in the alternatives but would become a demanding part of an eventual prospectus for each location at the time of establishment of new contracts within the next 5 or 6 years.

The architectural design of all facilities would be thematic for both the specific location and general physical and cultural heritage of the Lake Berryessa area. Road layouts and

general landscaping would be accomplished with an eye towards maintaining an overall peaceful flow among the facilities. This plan will not attempt to exactly determine the site where various facilities would be located but will leave that up to the site plans of the eventual bidders on the new concession opportunity (prospectus). However, the overall footprint would be within the area currently devoted to concession use and would not expand the present land area required.

**Prospectus** - This term (Prospectus) will be used in various areas of the alternatives usually in discussions or descriptions of future steps. In regard to this DEIS and VSP a 'PROSPECTUS' refers to a future document that would be issued by the Bureau of Reclamation. This document (prospectus) will identify an opportunity for interested parties (businesses and individuals) to submit an offer to become a concessionaire at Lake Berryessa following the expiration of the existing concession contracts/agreements. The prospectus would be issued approximately 2 years before the actual expiration of the existing contracts to assure that final selection of a new concessionaire has already occurred and that transition to the new contract will take place without delay following expiration. The prospectus would provide specific data that must be addressed by prospective bidders in order for their submittal to be considered as responsive. Offers that ignore the criteria and directions of the prospectus would not be considered. The prospectus would be prepared, in part, using the information developed through the DEIS/VSP. So in many ways the efforts at developing the following alternatives and the eventual final approved plan are major steps in the preparation of the prospectus a few years away.

**Rustic Charm** - This term will be seen in various places within some of the following alternatives. The definition of 'Rustic Charm' for this plan is to denote a type of architecture and a level of service. Readers should disregard any other definitions or understandings they may have regarding this terminology. Rustic Charm identifies that the general architecture would be of a rustic nature vs. a contemporary or modern type. Such a facility would appear as a lodge or cabin type structure often seen in older national park type areas. The 'Charm' part of the phrase identifies a higher level of amenities and appointments in the particular facility where it applies. It would denote luxuries of a nature not seen in a more standard or moderate priced facility. So, 'Rustic Charm' discusses a facility that appears rustic and maybe a little rugged but with services and interiors that might feature rustic appearing furniture and interior design but incorporated into an overall package of above average amenities.

Other facilities would be described as simply rustic which would also identify the appearance. There would be a fewer number of facilities that are 'Rustic Charm' than those that are simply rustic. It should be remembered that on any new facilities that the term 'rustic' itself really refers to an appearance and not what is actually delivered. 'Rustic' helps to typify the facilities but not the compliance to health and safety requirements or general comfort.

**Mobil Travel Guide Star Rating System** - In all the action alternatives there will be references to a level of overnight accommodation based upon the 'Mobil Travel Guide

Star Rating System'. This will help readers gain a better perspective on the differences between various operations and also help get a general idea of likely price ranges in comparison to facilities outside of Lake Berryessa.

Mobil Corporation (now known as ExxonMobil Corporation, following a 1999 merger) began producing the *Mobil Travel Guide* following the introduction of the US Interstate Highway system in 1958. The first edition covered only 5 southwestern states. Since then, the Mobil Travel Guide has become the premier travel guide in North America, covering the 48 contiguous states and major cities in Canadian provinces.

The current Mobil Travel Guide/Regional Travel Guide product consists of 10 volumes. Each volume represents a geographical region of the United States, the Guide provides for the traveling public a comprehensive reference that identifies and describes 4,000 locations, 21,000 points of interest, 14,000 motels, hotels, inns, resorts, guest ranches and many others, plus 8,000 restaurants. Utilizing this system and format to describe intended aspects of any new facilities at Lake Berryessa provides a reasonably universal approach to assist in grasping and understanding general type and level of proposed operations.

Selection of establishments for listing in the Guide is geared toward providing the traveler with a representative sample of restaurants and accommodations available in each area of the country. Establishments are described by their distinguishing characteristics, price range, the quality of service and facility, and by the area surrounding them.

Ratings are determined from upon written establishment inspection reports, Mobil Travel Guide management determines those establishments eligible for listing. Only facilities meeting Mobil Travel Guide standards of cleanliness, maintenance and stable management are listed in the Guide. Deteriorating, poorly managed establishments are deleted. A listing in the Mobil Travel Guide constitutes a positive quality recommendation; every rating is an accolade; a recognition of achievement.

Ratings are assigned according to the following scale:

- (Five Star) - One of the best in the country
- (Four Star) - Outstanding-worth a special trip
- (Three Star) - Well-appointed establishment, with full services and amenities
- (Two Star) - Comfortable establishment with expanded services and amenities
- (One Star) - Clean, convenient establishment with limited services

All ratings are reviewed annually and are the responsibility of Mobil Travel Guide management. Each property listed in Mobil Travel Guide is rated according to national standards and requirements. Additional information on the Mobil Travel Guide may be seen on the web at <[http://www.mobiltravelguide.com/index.jsp?menu=rating\\_criteria](http://www.mobiltravelguide.com/index.jsp?menu=rating_criteria)>.

# Attachment 17

US Fish and Wildlife Service  
List of  
Threatened, Endangered and Rare  
Species  
that may be present in the  
Lake Berryessa USGS Quadrangle



MAIL PERMIT NO.  
3-70250-3124

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W2005  
Sacramento, California 95825

August 28, 2002

John Reed  
12 Perkins Drive Prescott, Az 86301

Subject: Species List for FTS for Bureau of Reclamation at Lake Perrysa

Dear Mr. Reed:

We are sending the enclosed list in response to your June 20, 2002 request for information about endangered and threatened species (Enclosure A). The list covers the U.S. Geological Survey 7.5 minute quadrants, where your project is planned.

Please read the important Information About Your Species List (Enclosure B). It explains how we made the list and describes your responsibilities under the Endangered Species Act. Contact Dan Buford, Coast Bay-Delta Branch Chief, at (916) 414-6625, if you have any questions about the attached list or your responsibilities under the Endangered Species Act.

For the fastest response to species list requests, address them to the attention of Species Lists at this address. You may fax requests to (916) 414-6712 or 414-6713.

Sincerely,

Jan Knight, Chief  
Endangered Species Division

Enclosures

## ATTACHMENT A

Endangered and Threatened Species that May Occur in  
or be Affected by Projects in the Quads Listed at the End of this Report

### Lake Berryessa Area Project

June 18, 2002

#### Listed Species

##### Birds

- bald eagle, *Haliaeetus leucocephalus* (T)
- northern spotted owl, *Strix occidentalis caurina* (T)

##### Reptiles

- giant garter snake, *Thamnophis gigas* (T)

##### Amphibians

- California red-legged frog, *Rana aurora draytonii* (T)

##### Fish

- delta smelt, *Hypomesus transpacificus* (T)
- Central California Coastal steelhead, *Oncorhynchus mykiss* (T)
- winter-run chinook salmon, *Oncorhynchus tshawytscha* (E)
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

##### Invertebrates

- vernal pool fairy shrimp, *Branchinecta lynchi* (T)
- valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
- vernal pool tadpole shrimp, *Lepidurus packardii* (E)
- California freshwater shrimp, *Synbranchinella pacifica* (E)

##### Plants

- Clara Hunt's milk-vetch, *Astragalus clarianus* (E)
- Contra Costa goldfields, *Lasthenia conjugens* (E)  
(Thought to be extirpated from all or part of this area.)
- few-flowered navaretia, *Navaretia leucocephala* ssp. *pauciflora* (E)

#### Candidate Species

##### Amphibians

- California tiger salamander, *Ambystoma californiense* (C)

##### Fish

- Central Valley fall/fate fall-run chinook salmon, *Oncorhynchus tshawytscha* (C)

#### Species of Concern

##### Mammals



Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)  
greater western mastiff-bat, *Eumops perotis californicus* (SC)  
small-footed myotis bat, *Myotis californicus* (SC)  
long-eared myotis bat, *Myotis evotis* (SC)  
fringed myotis bat, *Myotis thysanodes* (SC)  
long-legged myotis bat, *Myotis volans* (SC)  
Yuma myotis bat, *Myotis yumanensis* (SC)  
San Joaquin pocket mouse, *Perognathus inornatus* (SC)

#### Birds

tricolored blackbird, *Agelaius tricolor* (SC)  
grasshopper sparrow, *Ammodramus savannarum* (SC)  
Bell's sage sparrow, *Amphispiza belli belli* (SC)  
short-eared owl, *Asio flammeus* (SC)  
western burrowing owl, *Athene cunicularia hypugaea* (SC)  
oak titmouse, *Baeolophus inornatus* (SLC)  
Aleutian Canada goose, *Branta canadensis leucopareia* (D)  
Swainson's hawk, *Buteo Swainsoni* (CA)  
ferruginous hawk, *Buteo regalis* (SC)  
Lawrence's goldfinch, *Carduelis lawrencei* (SC)  
Vaux's swift, *Chaetura vauxi* (SC)  
black tern, *Chlidonias niger* (SC)  
black swift, *Cypseloides niger* (SC)  
white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)  
little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
American peregrine falcon, *Falco peregrinus anatum* (D)  
greater sandhill crane, *Grus canadensis tabida* (CA)  
loggerhead shrike, *Lanius ludovicianus* (SC)  
Lewis' woodpecker, *Melanerpes lewis* (SC)  
long-billed curlew, *Numenius americanus* (SC)  
white-faced ibis, *Plegadis chihi* (SC)  
bank swallow, *Riparia riparia* (CA)  
rufous hummingbird, *Selasphorus rufus* (SC)  
Allen's hummingbird, *Selasphorus sasin* (SC)  
California thrasher, *Toxostoma redivivum* (SC)

#### Reptiles

northwestern pond turtle, *Chemmys marmorata marmorata* (SC)

#### Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)

western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)

river lamprey, *Lampetra ayresi* (SC)

Pacific lamprey *Lampetra tridentata* (SC)

longfin smelt, *Spirinchus thaleichthys* (SC)

#### Invertebrates

Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)

California linderiella fairy shrimp, *Linderiella occidentalis* (SC)

#### Plants

bent-flowered fiddleneck, *Amsinckia lunaris* (SLC)

Jepson's milk-vetch, *Astragalus rattanii* var. *jepsonianus* (SLC)

narrow-anthered California brodiaea, *Brodiaea californica* var. *leptandra* (SLC)

holly-leaved ceanothus, *Ceanothus purpureus* (SLC)

serpentine (=Cleveland's) cryptantha, *Cryptantha clevelandii* (SLC)

narrow-leaved daisy (=serpentine fleabane), *Erigeron angustatus* (SLC)

Tiburon buckwheat, *Eriogonum caninum* (SLC)

adobe lily, *Fritillaria pluriflora* (SC)

two-carpeled dwarf-flax (=western flax), *Hesperolinon bicarpetatum* (SC)

Brewer's dwarf-flax (=western flax), *Hesperolinon breweri* (SC)

Napa western flax, *Hesperolinon serpentinum* (SC)

Northern California black walnut, *Juglans californica* var. *hindsii* (SC)

Colusa layia (=Colusa tidytips), *Layia septentrionalis* (SLC)

Jepson's linanthus, *Linanthus jepsonii* (SLC)

Hall's madia (=Hall's harmonia), *Madia hallii* (=Harmonia hallii) (SC)

Mann County navaretia (=San Anselmo navaretia), *Navaretia rosulata* (SLC)

Gairdner's yampah, *Perideridia gairdneri* ssp. *gairdneri* (SC)

green (=serpentine) jewel-flower, *Streptanthus breweri* var. *hesperidis* (=S. hesperidi) (SLC)

Three Peaks jewelflower, *Streptanthus morisonii* ssp. *elatus* (SC)

#### Quads Used in Report:

515R

515D

515C

516A

516R

516D

499R

KEY:

- (E) *Endangered* Listed (in the Federal Register) as being in danger of extinction.
- (T) *Threatened* Listed as likely to become endangered within the foreseeable future.
- (P) *Proposed* Officially proposed (in the Federal Register) for listing as endangered or threatened.
- (PX) *Proposed* Proposed as an area essential to the conservation of the species.

*Critical Habitat*

- (C) *Candidate* Candidate to become a proposed species.
- (SC) *Species of Concern* May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
- (MB) *Migratory Bird* Migratory bird
- (D) *Delisted* Delisted. Status to be monitored for 5 years.
- (CA) *State-Listed* Listed as threatened or endangered by the State of California
- (\*) *Extirpated* Possibly extirpated from this quad.
- (\*\*) *Extinct* Possibly extinct

*Critical Habitat* Area essential to the conservation of a species.

ATTACHMENT A  
Endangered and Threatened Species that May Occur in  
or be Affected by Projects in the Selected Quads Listed Below  
Reference File No. -  
August 28, 2002

QUAD: 499B CAPELIN VALLEY

**Listed Species**

**Birds**

- bald eagle, *Haliaeetus leucoccephalus* (T)
- northern spotted owl, *Strix occidentalis caurina* (T)

**Amphibians**

- California tiger salamander, *Ambystoma californiense* (C/E)
- California red-legged frog, *Rana aurora draytonii* (T)
- Critical habitat, California red-legged frog, *Rana aurora draytonii* (T)

**Fish**

- delta smelt, *Hypomesus transpacificus* (T)
- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
- Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

**Invertebrates**

- valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
- California freshwater shrimp, *Syncaeris pacifica* (E)

**Plants**

- Contra Costa goldfields, *Lasthonia conjugens* (E) \*
- low-flowered navarretia, *Navarretia leucocephala* ssp. *paucaflora* (E)

**Candidate Species**

**Fish**

- Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

**Species of Concern**

**Mammals**

- Pacific western big-eared bat, *Corynorhinus* (=Plecotus) *townsendii townsendii* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringed myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

#### Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

oak titmouse, *Baeolophus inornatus* (SLC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Ochroptera vauxi* (SC)

black tern, *Chlidonias niger* (SC)

black swift, *Cypseloides niger* (SC)

white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)

American peregrine falcon, *Falco peregrinus anatum* (D)

loggerhead shrike, *Lanius ludovicianus* (SC)

Lewis' woodpecker, *Melanerpes lewis* (SC)

long-billed curlew, *Numenius americanus* (SC)

bank swallow, *Riparia riparia* (CA)

rufous hummingbird, *Selasphorus rufus* (SC)

Alder's hummingbird, *Selasphorus sasin* (SC)

California thrasher, *Taxostoma redivivum* (SC)

#### Reptiles

northwestern pond turtle, *Chrysemys marmorata marmorata* (SC)

#### Amphibians

oothill yellow-legged frog, *Rana boylei* (SC)

western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)

longfin smelt, *Spirinchtus thaleichthys* (SC)

#### Plants

narrow-anthered California brodiaea, *Brodiaea californica* var. *leptandra* (SLC)

holly-leaved ceanothus, *Ceanothus purpureus* (SLC)

serpentine (=Cleveland's) cryptantha, *Cryptantha clevelandii* (SLC)

Tiburon buckwheat, *Eriogonum caninum* (SLC)

Brewer's dwarf-flax (=western flax), *Hesperolinon breweri* (SC)

Northern California black walnut, *Juglans californica* var. *hindsii* (SC)

Jepson's linanthus, *Linanthus jepsoni* (SLC)

Gairdner's yampah, *Pendleria gairdneri* ssp. *gairdneri* (SC)

#### QUAD: 515B BROOKS

##### Listed Species

###### Birds

bald eagle, *Haliaeetus leucocephalus* (T)

northern spotted owl, *Strix occidentalis caurina* (T)

###### Amphibians

California red legged frog, *Rana aurora draytonii* (T)

###### Fish

della smelt, *Hypomesus transpacificus* (T)

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

###### Invertebrates

vernal pool fairy shrimp, *Branchinecta lynchi* (T)

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

vernal pool tadpole shrimp, *Lepidurus packardii* (E)

California freshwater shrimp, *Syncaris pacifica* (E)

##### Candidate Species

###### Fish

Central Valley fall/fate fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

##### Species of Concern

###### Mammals

Pacific western big eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

greater western mastiff bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

###### Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus nevadensis* (SC)

short-eared owl, *Asio flammeus* (SC)  
 western burrowing owl, *Athene cucullata hypugosa* (SC)  
 oak titmouse, *Baeolophus inornatus* (SLC)  
 ferruginous hawk, *Buteo regalis* (SC)  
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)  
 Vaux's swift, *Chaetura vauxi* (SC)  
 black tern, *Chlidonias niger* (SC)  
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)  
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
 American peregrine falcon, *Falco peregrinus anatum* (D)  
 greater sandhill crane, *Grus canadensis tabida* (CA)  
 loggerhead shrike, *Lanius ludovicianus* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
 long-billed curlew, *Numenius americanus* (SC)  
 white-faced ibis, *Plegadis chitii* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 rufous hummingbird, *Selasphorus rufus* (SC)  
 Allen's hummingbird, *Selasphorus sasin* (SC)  
 California thrasher, *Toxostoma redivivum* (SC)

**Reptiles**

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

**Amphibians**

foothill yellow-legged frog, *Rana boylei* (SC)  
 western spadefoot toad, *Spea hammondi* (SC)

**Fish**

green sturgeon, *Acipenser medirostris* (SC)  
 river lamprey, *Lampetra ayresi* (SC)  
 Pacific lamprey, *Lampetra tridentata* (SC)  
 longfin smelt, *Spirinotus thaleichthys* (SC)

**Invertebrates**

California linderiella fairy shrimp, *Linderiella occidentalis* (SC)

**QUAD: 515C LAKE BERRYESSA****Listed Species****Birds**

bald eagle, *Haliaeetus leucocephalus* (T)  
 northern spotted owl, *Strix occidentalis caurina* (T)

## Amphibians

California tiger salamander, *Ambystoma californiense* (C/E)

California red-legged frog, *Rana aurora draytonii* (T)

Critical habitat California red-legged frog, *Rana aurora draytonii* (T)

## Fish

della smelt, *Hypomesus transpacificus* (T)

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

## Invertebrates

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

California freshwater shrimp, *Syncaris pacifica* (E)

**Candidate Species**

## Fish

Central Valley fall/winter fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

**Species of Concern**

## Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

## Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

oak titmouse, *Baeolophus inornatus* (SLC)

ferruginous hawk, *Buteo regalis* (SC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)

black tern, *Chlidonias niger* (SC)

white-tailed (=black shouldered) kite, *Elaeurus leucurus* (SC)



little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
 American peregrine falcon, *Falco peregrinus anatum* (C)  
 greater sandhill crane, *Grus canadensis tabida* (CA)  
 loggerhead shrike, *Lanius ludovicianus* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
 long-billed curlew, *Numenius americanus* (SC)  
 white-faced ibis, *Plegadis chibir* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 rufous hummingbird, *Selasphorus rufus* (SC)  
 Allen's hummingbird, *Selasphorus sasin* (SC)  
 California thrasher, *Toxostoma rodinnum* (SC)

#### Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

#### Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)  
 western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)  
 river lamprey, *Lampetra ayresi* (SC)  
 Pacific lamprey, *Lampetra tridentata* (SC)  
 longfin smelt, *Spirinchus thaleichthys* (SC)

### QUAD 515A WALTER SPRINGS

#### Listed Species

##### Birds

bald eagle, *Haliaeetus leucocephalus* (T)  
 northern spotted owl, *Strix occidentalis caurina* (T)

##### Amphibians

California red-legged frog, *Rana aurora draytonii* (T)  
 Critical habitat, California red-legged frog, *Rana aurora draytonii* (T)

##### Fish

delta smelt, *Hypomesus transpacificus* (T)  
 Sacramento splittail, *Pogonichthys macrolepidotus* (T)

##### Invertebrates

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)  
 California freshwater shrimp, *Syncaris pacifica* (E)

**Species of Concern****Mammals**

- Pacific western big-eared bat, *Corynorhinus* (= *Plecotus*) *townsendii townsendii* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringe-eared myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)
- San Joaquin pocket mouse, *Perognathus inornatus* (SC)

**Birds**

- tricolored blackbird, *Agelaius tricolor* (SC)
- grasshopper sparrow, *Ammodramus saviannarum* (SC)
- short-eared owl, *Asio flammeus* (SC)
- western burrowing owl, *Athene cunicularia hypugaea* (SC)
- oak titmouse, *Baeolophus inornatus* (SLC)
- Lawrence's goldfinch, *Carduelis lawrencei* (SC)
- Vaux's swift, *Chaetura vauxi* (SC)
- black tern, *Chlidonias niger* (SC)
- white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
- little willow flycatcher, *Empidonax traillii brewsteri* (CA)
- American peregrine falcon, *Falco peregrinus anatum* (D)
- loggerhead shrike, *Lanius ludovicianus* (SC)
- Lewis' woodpecker, *Melanerpes lewis* (SC)
- long-billed curlew, *Numenius americanus* (SC)
- bank swallow, *Riparia riparia* (CA)
- rufous hummingbird, *Seiasthorus rufus* (SC)
- Alien's hummingbird, *Seiasthorus sasin* (SC)
- California thrasher, *Toxostoma redivivum* (SC)

**Reptiles**

- northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

**Amphibians**

- foothill yellow-legged frog, *Rana boylei* (SC)
- western spadefoot toad, *Spea hammondi* (SC)

**Fish**

- green sturgeon, *Acipenser medirostris* (SC)
- lungfish smelt, *Spirinchus thaleichthys* (SC)

## Plants

- Jepson's milk-velvet, *Astragalus nuttallii* var. *jepsonianus* (SLC)  
 Tiburon buckwheat, *Frigonum caninum* (SLC)  
 adobe lily, *Fritillaria pluriflora* (SC)  
 two-carpeled dwarf-flax (=western flax), *Hesperolinon bicarpellatum* (SC)  
 Colusa laya (=Colusa toylops), *Layia septentrionalis* (SLC)  
 Jepson's linanthus, *Linanthus jepsonii* (S-C)  
 green (=serpentine) jewel-flower, *Streptanthus breweri* var. *hesperidis* (=S. *hesperidi*) (SLC)

## QUAD: 515B AETNA SPRINGS

**Listed Species**

## Birds

- bald eagle, *Haliaeetus leucocephalus* (T)  
 northern spotted owl, *Strix occidentalis caurina* (T)

## Amphibians

- California red-legged frog, *Rana aurora draytonii* (T)  
 Critical habitat, California red-legged frog, *Rana aurora draytonii* (T)

## Fish

- delta smelt, *Hypomesus transpacificus* (T)  
 Sacramento splittail, *Pogonichthys macrolepidotus* (T)

## Invertebrates

- valley elderberry longhorn beetle, *Dosmocerus californicus dimorphus* (T)  
 California freshwater shrimp, *Syncaris pacifica* (E)

**Species of Concern**

## Mammals

- Pacific western big-eared bat, *Corynorhinus* (=Plecotus) *townsendii townsendii* (SC)  
 greater western mastiff-bat, *Eumops perotis californicus* (SC)  
 long-eared myotis bat, *Myotis evotis* (SC)  
 fringed myotis bat, *Myotis thysanodes* (SC)  
 long-egged myotis bat, *Myotis volans* (SC)  
 Yuma myotis bat, *Myotis yumanensis* (SC)  
 San Joaquin pocket mouse, *Perognathus inornatus* (SC)

## Birds

- tricolored blackbird, *Agelaius tricolor* (SC)  
 grasshopper sparrow, *Ammodramus savannarum* (SC)  
 Bell's sage sparrow, *Amphispiza belli belli* (SC)

short-eared owl, *Asio flammeus* (SC)  
 western burrowing owl, *Athene cunicularia hypugaea* (SC)  
 oak titmouse, *Baeolophus inornatus* (SLC)  
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)  
 Vaux's swift, *Chaetura vauxi* (SC)  
 black tern, *Chlidonias niger* (SC)  
 black swift, *Cypseloides niger* (SC)  
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)  
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
 American peregrine falcon, *Falco peregrinus anatum* (U)  
 loggerhead shrike, *Lanius ludovicianus* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
 long-billed curlew, *Numenius americanus* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 rufous hummingbird, *Selasphorus rufus* (SC)  
 Allen's hummingbird, *Selasphorus sasin* (SC)  
 California thrasher, *Toxostoma redivivum* (SC)

#### Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

#### Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)  
 western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)  
 longfin smelt, *Spirinchus thaleichthys* (SC)

#### Plants

bart-flowered fiddleneck, *Amsinckia lunaris* (SLC)  
 Jepson's milk-vetch, *Astragalus rattanii* var *jepsonianus* (SLC)  
 two-lobed dwarf-flax (=western flax), *Hesperolinon bicarpellatum* (SC)  
 Napa western flax, *Hesperolinon serpentinum* (SC)  
 Colusa layia (=Colusa tidytip), *Layia septentrionalis* (SLC)  
 Jepson's linanthus, *Linanthus jepsonii* (SLC)  
 Colub Mountain lupine, *Lupinus sericeus* (SLC)  
 Hall's madia (=Hal's harmonia), *Madia hallii* (=Harmonia hallii) (SC)  
 Gairdner's yampah, *Perideridia gairdneri* ssp. *gairdneri* (SC)  
 green (=serpentine) jewel-flower, *Striptanthus breweri* var *hesperidis* (=S. hesperidi) (SLC)

Three Peaks jewelflower, *Streptanthus morrisoni* ssp. *idifus* (SC)

QUAD: 516D CHILES VALLEY

**Listed Species**

**Birds**

- hald eagle, *Haliaeetus leucocapitulus* (T)
- northern spotted owl, *Strix occidentalis caurina* (T)

**Amphibians**

- California red-legged frog, *Rana aurora draytonii* (T)
- Critical habitat, California red-legged frog, *Rana aurora draytonii* (T)

**Fish**

- delta smelt, *Hypomesus transpacificus* (T)
- Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS
- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

**Invertebrates**

- valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
- California freshwater shrimp, *Syncaris pacifica* (E)

**Plants**

- Gara Hunt's milk-vetch, *Astragalus clarianus* (E)

**Species of Concern**

**Mammals**

- Pacific western big-eared bat, *Corynorhinus* (=Plecotus) *townsendii townsendii* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringed myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)
- San Joaquin pocket mouse, *Perognathus inornatus* (SC)

**Birds**

- tricolored blackbird, *Agelaius tricolor* (SC)
- grasshopper sparrow, *Ammodramus savannarum* (SC)
- Bell's sage sparrow, *Amphispiza belli belli* (SC)
- short-eared owl, *Asio flammeus* (SC)
- western burrowing owl, *Athene cucularia hypugaea* (SC)
- oak titmouse, *Baeolophus inornatus* (SC)
- Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)  
 black turn, *Dithornis niger* (SC)  
 black swift, *Cypseloides niger* (SC)  
 white-tailed (=black-shouldered) kite, *Elanus leucurus* (SC)  
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
 American peregrine falcon, *Falco peregrinus anatum* (D)  
 loggerhead shrike, *Lanius ludovicianus* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
 long-billed curlew, *Numenius americanus* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 rufous hummingbird, *Selasphorus rufus* (SC)  
 Allen's hummingbird, *Selasphorus sasin* (SC)  
 California thrasher, *Toxostoma redivivum* (SC)

#### Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

#### Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)  
 western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)  
 longfin smelt, *Spirinchus thaleichthys* (SC)

#### Plants

narrow-leaved daisy (=serpentine fleabane), *Erigeron angustatus* (SLC)  
 two-carpeted dwarf-flax (=western flax), *Hesperolinon bicarpellatum* (SC)  
 Napa western flax, *Hesperolinon serpentinum* (SC)  
 Colusa layia (=Colusa tidytip), *Layia septentrionalis* (SLC)  
 Jepson's linanthus, *Linanthus jepsonii* (SLC)  
 Marin County navaretia (=San Anselmo navaretia), *Navaretia rosulata* (SLC)  
 green (=serpentine) jewel-flower, *Streptanthus breweri* var. *hesperidis* (=S. *hesperidi*) (SLC)

## KEY:

(E)	<i>Endangered</i>	Listed (in the Federal Register) as being in danger of extinction.
(T)	<i>Threatened</i>	Listed as likely to become endangered within the foreseeable future.
(P)	<i>Proposed</i>	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	<i>Proposed Critical Habitat</i>	Proposed as an area essential to the conservation of the species.
(C)	<i>Candidate</i>	Candidate to become a <i>proposed</i> species.
(SC)	<i>Species of Concern</i>	May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
(SLC)	<i>Species of Local Concern</i>	Species of local or regional concern or conservation significance.
(MB)	<i>Migratory Bird</i>	Migratory bird.
NMFS	<i>NMFS species</i>	Under the jurisdiction of the National Marine Fisheries Service. Contact them directly.
(D)	<i>Delisted</i>	Delisted. Status to be monitored for 5 years.
(CA)	<i>State-listed</i>	Listed as threatened or endangered by the State of California.
(*)	<i>Extirpated</i>	Possibly extirpated from this quad.
(**)	<i>Extinct</i>	Possibly extinct.
	<i>Critical Habitat</i>	Area essential to the conservation of a species.

## Important Information About Your Species List

### How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute *quads*. The United States is divided into these quads, which are about the size of San Francisco. If you requested your list by quad name or number, that is what we used. Otherwise, we used the information you sent us to determine which quad or quads to use.

### Animals

The animals on your species list are ones that occur within, or *may be affected by projects within*, the quads covered by the list. Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.

### Plants

Any plants on your list are ones *that have actually been observed* in the quad or quads covered by the list. We have also included either a county species list or a list of species in nearby quads. We recommend that you check your project area for these plants. Plants may exist in an area without ever having been detected there.

### Surveying

Some of the species on your list may not be affected by your project. A trained biologist or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. For plant surveys, we recommend using the enclosed *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species*. The results of your surveys should be published in any environmental documents prepared for your project.

### State-Listed Species

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern. *However you should contact the California Department of Fish and Game for official information about these species.* Call (916) 322-2493 or write Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95834.

### Your Responsibilities Under the Endangered Species Act

All plants and animals identified as *listed* on Enclosure A are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt,



shoot, wound, kill, trap, capture, or collect" any such animal. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a *formal consultation* with the Service. Such consultation would result in a *biological opinion* addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an *incidental take permit*. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project. Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that mitigates for the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the mitigation plan in any environmental documents you file.

## Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as *critical habitat*. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Maps and boundary descriptions of the critical habitat may be found in the *Federal Register*. The information is also reprinted in the *Code of Federal Regulations* (50 CFR 17.95).

## Candidate Species

We recommend that you address impacts to *candidate* species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Your list may contain a section called *Species of Concern*. This term includes former category 2

*candidate species* and other plants and animals of concern to the Service and other Federal, State and private conservation agencies and organizations. Some of these species may become candidate species in the future.

## **Wetlands**

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

## **Updates**

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed, candidate and special concern species in your planning, this should not be a problem. We also continually strive to make our information as accurate as possible. Sometimes we learn that a particular species has a different range than we thought. This should not be a problem if you consider the species on the county or surrounding-quad lists that we have enclosed. If you have a long-term project or if your project is delayed, please feel free to contact us about getting a current list. You can also find out the current status of a species by going to the Service's Internet page: [www.fws.gov](http://www.fws.gov)

GUIDELINES FOR CONDUCTING AND REPORTING BOTANICAL INVENTORIES  
FOR FEDERALLY LISTED, PROPOSED AND CANDIDATE PLANTS

(September 23, 1996)

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations is not available, investigators should study specimens from local herbaria.
3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.
4. Report results of botanical field inventories that include:
  - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species
  - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name
  - c. survey dates and survey methodology(ies)
  - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made
  - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type
  - f. current and historic land uses of the habitat(s) and degree of site alteration
  - g. presence of target species off-site on adjacent parcels, if known
  - h. an assessment of the biological significance or ecological quality of the project site in a local

# Attachment 18

Environmental Protection Agency  
Regulatory Announcement  
420-F-02-037  
Emission Standards for  
New Non-Road Engines  
09/2002



# Regulatory Announcement

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## Emission Standards for New Nonroad Engines

*The U.S. Environmental Protection Agency (EPA) is adopting emission standards for several types of currently unregulated nonroad engines and vehicles. These standards apply only to newly manufactured products. This fact sheet gives an overview of the new standards. See the fact sheets and other documents referenced below for additional information.*

### Which engines and vehicles are covered?

We are adopting new standards for emissions of oxides of nitrogen (NO<sub>x</sub>), hydrocarbons (HC), and carbon monoxide (CO) from several groups of previously unregulated nonroad engines. Even though these different kinds of engines are combined into one rulemaking, the new requirements reflect differences in the way each type of engine is designed and used.

- **Large Industrial Spark-Ignition Engines:** Spark-ignition nonroad engines powered by gasoline, liquid propane gas, or compressed natural gas rated over 19 kilowatts (kW) (25 horsepower). These engines are used in commercial and industrial applications, including forklifts, electric generators, airport baggage transport vehicles, and a variety of farm and construction applications.
- **Recreational Vehicles:** Snowmobiles, off-highway motorcycles, and all-terrain-vehicles.
- **Diesel Marine Engines:** Diesel engines over 37 kilowatts (kW) (50 horsepower) used in recreational boats, such as yachts and cruisers.

## **Why is EPA regulating these engines?**

The engines covered by this rule are a significant source of air pollution. They currently account for about 9 percent of HC emissions, 4 percent of CO emissions, 3 percent of NOx emissions, and 2 percent of PM emissions from mobile sources. If left uncontrolled, by 2000 these engines will contribute 24 percent of national HC emissions, 6 percent of CO emissions, 9 percent of NOx emissions, and 5 percent of PM emissions from mobile sources. HC and NOx emissions form smog and contain toxic compounds such as benzene, so reducing them will benefit our health and environment, especially in terms of respiratory impairment and related illnesses. Some of these engines also emit high levels of CO, which is especially problematic for people who work with or are otherwise active near these engines. Many engines operate in warehouses, ice-skating rinks, or other enclosed areas, where personnel who work with or near the equipment can experience increased exposure. The new standards are expected to reduce HC emissions by 71 percent, NOx emissions by 80 percent, and CO emissions by about 57 percent from these sources.

These new emission standards continue the process of establishing requirements for low-emitting engines as required by Congress. In the Clean Air Act, Congress directed us to study emissions from all nonroad engines and vehicles and to set emission standards if the these sources cause or significantly contribute to air pollution and, more specifically, if the emissions of CO, NOx or HC contribute significantly to ozone and carbon monoxide pollution. In 1991, we published the Nonroad Engine and Vehicle Emission Study. Following that study, we completed a public process in 1994 to conclude that nonroad engines contribute significantly to air quality problems related to ozone, CO, and other pollutants. Since then we have set emission standards for most nonroad engines, including those used in farm and construction equipment, locomotives, commercial marine vessels, and lawnmowers. This final rule sets emission standards for additional categories of nonroad engines and vehicles for which we have not yet set emission standards.

## **What are the New Requirements?**

The new requirements vary depending on the kind of engine or vehicle, taking into account environmental impacts, usage rates, the need for high-performance models, costs and other factors. The emission standards apply to all new engines sold in the United States and any imported engines manufactured after these standards begin. The requirements for each type of engine include the following:

**Large industrial spark-ignition engines**

These are spark-ignition nonroad engines rated over 19 kW used in a variety of commercial applications (we refer to these as Large SI engines); most use liquefied petroleum gas, with others operating on gasoline or natural gas. These engines contribute to ozone formation and ambient CO and PM levels in urban areas. In addition, many engines operate in warehouses, ice-skating rinks, or other enclosed areas, where personnel who work with or near the equipment can experience increased exposure.

We are adopting two tiers of emission standards for Large SI engines (see Table 1). The first tier of standards, scheduled to start in 2004, are based on a simple laboratory measurement using steady-state procedures. The Tier 1 standards are the same as those adopted earlier by the California Air Resources Board for engines used in California.

The Tier 2 standards starting in 2007 are based on transient testing in the laboratory, which ensures that the engines will control emissions when they operate under changing speeds and loads in the different kinds of equipment. We are including an option for manufacturers to certify their engines to different emission levels to reflect the fact that decreasing NOx emissions tends to increase CO emissions (and vice versa). Manufacturers may generally meet a less stringent CO standard if they certify an engine with lower HC+NOx emissions. This approach adds an incentive for manufacturers to reduce HC+NOx emissions below the standard, without taking away the option of producing engines with very low CO levels for customers concerned about exposing individuals to exhaust emissions. In addition to these exhaust-emission controls, manufacturers must take steps starting in 2007, to reduce evaporative emissions, such as using pressurized fuel tanks.

Table 1: Emission Standards for Large SI Engines\*

Tier/Year	HC+NOx	CO
Tier 1 starting in 2004	4.0 g/kW-hr	50 g/kW-hr
Tier 2 starting in 2007	2.7 g/kW-hr	4.4 g/kW-hr

\*See 40 CFR part 1048 for additional information about alternate standards and field testing standards.

We are also adopting requirements to ensure that engines control emissions during all kinds of normal operation in the field. Tier 2 engines must have engine diagnostic capabilities that alert the operator to malfunctions in the engine's emission-control system. The rule also includes special standards and procedures to allow for measuring emissions without removing engines from equipment.

**Nonroad recreational engines and vehicles**

These recreational applications include snowmobiles, off-highway motorcycles, and all-terrain-vehicles (ATVs). These vehicles contribute to ozone formation and ambient CO and PM levels. They can also contribute to regional haze and other visibility problems in our national and state parks. Table 2 shows the exhaust emission standards that apply to recreational engines. In addition, we are finalizing standards that will minimize fuel lost through the walls of plastic fuel tanks and rubber hoses (permeation). These standards are presented in Table 3.

Table 2:  
Recreational Vehicle Exhaust Emission Standards

Vehicle	Model Year	Emission standards		Phase-in
		HC g/kW-hr	CO g/kW-hr	
Snowmobile	2006	100	275	50%
	2007 through 2009	100	275	
	2010	75	254	100%
	2012*	75	200	
		HC+NO <sub>x</sub> g/km	CO g/km	
Off-highway Motorcycle	2006	2.0	25.0	50%
	2007 and later	2.0	25.0	100%
ATV	2006	1.5	35.0	50%
	2007 and later	1.5	35.0	100%

\*or equivalent per § 1053.103



Table 3: Permeation Standards for Recreational Vehicles

Emission Component	Implementation Date	Standard	Test Temperature
Fuel Tank Permeation	2008	1.5 g/m <sup>2</sup> /day	28°C (82°F)
Fuel Hose Permeation	2008	15 g/m <sup>2</sup> /day	23°C (73°F)

**Recreational marine diesel engines**

These are marine diesel engines over 37 kW that are used in yachts, cruisers, and other types of pleasure craft. Recreational marine engines contribute to ozone formation and PM levels, especially in marinas, which are often located in areas with air-quality problems. The standards are phased in, beginning in 2006, depending on the size of the engine. Table 4 shows the new standards and implementation dates.

Table 4: Recreational Marine Diesel Emission Standards and Implementation Dates

Engine Size (based on displacement in liters per cylinder)	Implementation Date	HC+NOx g/kW-hr	PM g/kW-hr	CO g/kW-hr
0.5 L/cyl ≤ disp < 0.9 L/cyl	2007	7.5	0.40	5.0
0.9 L/cyl ≤ disp < 1.2 L/cyl	2006	7.2	0.30	5.0
1.2 L/cyl ≤ disp < 2.5 L/cyl	2006	7.2	0.20	5.0
disp ≥ 2.5 L/cyl	2009	7.2	0.20	5.0

**How Will the Standards Affect These Engines and Vehicles?**

The standards will require manufacturers to apply existing engine technologies in varying degrees, depending on the type of engine. These technologies would include modified two-stroke engine technology (such as recalibrating, clean carburetion, fuel system upgrades), changing from two stroke to four-stroke engine technology, modified four-stroke technology (such as recalibrating, fuel system upgrades), or improved diesel combustion and aftercooling.

## **Benefits**

When the emission standards for recreational vehicles, recreational marine diesel engines, and industrial spark-ignition engines are fully implemented, we expect an overall 72-percent reduction in HC emissions from these engines, an 80-percent reduction in NOx emissions, and a 56-percent reduction in CO emissions in 2020. These controls will help reduce ambient concentrations of ozone, CO and fine PM. In addition, they will reduce personal exposure for people who operate, work with or are otherwise close to these engines and vehicles. They will also improve visibility in national parks.

The human health benefits of this rulemaking include avoiding approximately 1,000 premature deaths, preventing 1,000 hospital admissions, reducing 23,400 cases of asthma attacks, and reducing 200,000 days of lost work. In monetary terms, we estimate these health benefits to be roughly \$8 billion in 2030. There are additional health and welfare benefits we are unable to quantify.

## **Costs**

Estimated costs for manufacturers to design, certify, and build their products to meet the new emission standards are expected to range from \$50 to \$900 per snowmobile, less than \$100 on average for an ATV, less than \$200 on average for off highway motorcycles, and about \$600 for each recreational marine diesel or Large SI engine. These costs would in many cases be offset by savings from reduced fuel consumption or engine maintenance (or both) resulting from the technology improvements to control emissions. We estimate that nationwide fuel savings will eventually be greater than 800 million gallons annually in the United States as a result of these new technologies. Taken in total, this fuel savings more than exceeds the costs of the rule in any given year.

# Attachment 19

Public Review of the DEIS Comments and Responses  
Comment Periods I & II

## Comment Period One

### Draft Environmental Impact Statement Comments and Responses

The Draft Environmental Impact Statement on the Future Use and Operations of Lake Berryessa, Napa County, California, was available for public review from October 31, 2003, to April 22, 2004. A public hearing was held on January 21, 2004. During the comment period, more than 1,900 people provided comments on the Draft Environmental Impact Statement (DEIS). More than 2,300 comment letters were received, and 89 people provided oral testimony at the public hearing. In addition, a petition with more than 11,000 signatures was submitted.

The National Environmental Policy Act (NEPA) and The Council on Environmental Quality regulations direct the lead agencies to respond to substantive public comments on a Draft EIS.

In cases where public response has been especially voluminous, the agency may summarize or consolidate similar comments. In this Final EIS common concerns were identified, consolidated and responses were created to address substantive comments.

***NOTE: There were a number of comments that were site-specific recommendations, or considered too general, or were outside the scope of the project. These comments were responded to as "Comment Noted" and coded as "CN001" and may be considered as Reclamation moves forward with site-specific proposals. Further environmental impact analysis will be prepared as site-specific proposals are developed.***

## Comment Period Two

Reclamation re-opened the comment period to receive additional comments from February 16, 2005 to April 04, 2005. During the comment period, more than 1,000 comment letters were received, and any substantive comments are also included in this document. Copies of the comment letters in electronic format are on the compact disc (CD) included in this appendix.

Part two of this appendix contains responses to three lengthy comments received in Comment Period II from the Lake Berryessa Resort Owners Association, Summers and Summers (management consultants), and Mr. Henry Howard. Each commenter is provided an individual subsection responding to their comments. Those responses begin on page 19-35.

Part three of this appendix contains Agency, Business, and Organizations comments received in this period. Those responses begin on Page 19-86.

In Appendix 20 there is an alphabetical list of names of those that submitted comments. Within the list of names there are comment and file codes to easily locate responses and letter files for each commenter.

*The comment letters were not printed in their entirety due to the extensive amount of comments received. The compact discs (CD) included contain all letters and documents in their entirety in portable document format (PDF) and require the Adobe Reader. If you do not have this program on your computer, it can be downloaded for free at <http://www.adobe.com/products/acrobat/readstep2.html>.*

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**PART 1 - COMMENT PERIOD I & II**

<u>Comment</u>	<u>Response</u>
The visitor counts discussed in the DEIS are not accurate or adequate.	AE001 The data presented in the EIS were calculated by multiplying the annual number of vehicles (tallied by automatic traffic counters) by the average number of persons per vehicle and represent a reasonable approximation of the actual number of visitors.
In contrast to what is implied in the DEIS, more shoreline and land area is currently devoted to short-term than long-term uses.	AE003 Within the developed recreational areas that are available to the public, the vast majority of the space is devoted to long-term, exclusive use.
Demand for lakeshore recreation or tent camping at resort sites is minimal, but demand is high for a remote "boat-to" beach/shoreline camping facility. The alternatives don't reflect actual demand.	AE004 According to surveys conducted, roughly 10 percent of those surveyed desire boat-in camping.
The DEIS presents two alternatives that contradict the "no exclusive use" policy, implying either that the alternatives are not feasible, or that the policy is not consistently applied.	AE006 The No Action Alternative (Alternative A) serves as a benchmark for comparison to the action alternatives and is not required to meet the purpose and need for the proposed action or satisfy Reclamation policy. Alternative C was developed in response to numerous comments from current long-term trailer owners, would require a change in reclamation policy, and is not the preferred alternative.
The "Affected Environment" section incorrectly characterizes long-term facilities. Most mobile homes, such as those at Steele Park resort, are well maintained, and the shoreline is open to public.	AE008 Many of the older trailers at the lake, while legal, do not meet current codes and regulations.
The DEIS presents an inaccurate and misleading assessment of the visitor trend to support its biased statement of need for the project.	AE009 The proposed action is needed primarily to bring recreation management at Lake Berryessa into compliance with Reclamation policy. The visitor trends were determined by surveys conducted by an outside consultant.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
The 2002 Kleinfelder report is a worst-case study and is not appropriate to the use made of it in the DEIS.	AE012 That report evaluates the condition of the existing facilities at the lake.
The 2002 Kleinfelder report evaluates facilities against current codes and standards that did not and in many cases do not now apply to the facilities evaluated. Impacts/costs based on it are too high.	AE013 In the interest of public health and safety, Reclamation has the discretion to impose current codes and regulations on existing facilities and contracts. This is especially true when new contracts are initiated, as is the case under all of the action alternatives.
A discussion of water rights should be identified in the water resources section.	AE014 Water rights were not discussed because the proposed project would not affect existing water rights.
The EIS does not describe the features, use, and condition of BOR managed facilities at the lake	AE016 Please refer to Chapter 3 of the EIS.
On Page 35, paragraph 5, specify which sites are being referred to by "mobile homes were developed on steep hillsides."	AE025 This statement comes from the 1972 GAO report and the revised Public Use Plan and is supported by the Kleinfelder report.
Page 36, paragraph 6. Explain the use of "and preferred" when discussing how trailer sites use up portions of useable areas. They only take up 9% of the shoreline.	AE028 Within the footprint of the concession areas, trailer sites occupy areas preferred for day use, short term overnight use, and public access.
What is the mean elevation above sea level at Pleasure Cove?	AE030 Lakewide, the mean full (crest) elevation is 440 feet mean sea level.
If plan "B" is selected, will everything be demolished before the start of the Request for Proposal process?	AE040 No changes will be made until the new concession contracts have been awarded or the current concession operator makes changes according to their contract.



<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
What would happen if no one were to bid on the new contract?	AE041 This is not expected to happen because Reclamation has already received significant interest in future operations, including interest from current concession operators.
What will happen if my home is ordered to be removed and there is no place to put it?	AE042 Reclamation can not comment on your decision regarding what to do with your personal property.
How can the financial loss to both resort owner and mobile home owner be justified? Reclamation says no compensation...is this legal?	AE043 The current concession contracts and 30 day site rental agreements do not call for compensation.
How can Reclamation order me to have my property moved...is this legal?	AE044 As a Federal land management agency, Reclamation is responsible for the public lands it is given to administer.
Since there is no economic feasibility study of Phase II included in the study, how does the public know if Phase II would ever be implemented?	AE045 This type of decision will be part of the proposals given to Reclamation by interested concession contractors. Phasing of the project is only one way to achieve implementation.
Who will pay for this project?	AE046 The money for this project may come from a variety of sources.
Long-term trailer sites were recognized in the RAMP. How come not in new the plan.	AE047 The RAMP recognized the presence of long term trailer sites as they related to the then current contracts.
What are the environmental effects of B,C, and D alternatives	AE048 The environmental affects of the project are described in detail in the Environmental Impact Statement (EIS).
What is the expected cost and what is the guarantee of funds?	AE049 The cost associated with this project will be determined when an alternative has been chosen and the new contracts are awarded

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
How does the Gov't walk into a resort and close it up without going through the proper steps?	AE050 This EIS is the document that evaluates alternatives for deciding the future management and use of this Federal land. As a Federal management agency, Reclamation is responsible to administer the public lands in its charge.
The DEIS analyzes an inadequate range of alternatives.	AL001 The three action alternatives analyzed in the EIS represent an adequate range of possible actions to accomplish the purpose and need for the proposed action.
The EIS should evaluate the LBVSP Task Force 7/A+ alternative.	AL002 This suggested alternative does not meet the purpose and need for the proposed action and has not been included in the EIS. Further discussion of this and other alternatives has been added to the Final EIS, "2.2.1 Alternative Concept Proposals."
Alternative D should include all resorts in government/private management.	AL003 This is consistent with the EIS, which includes both government and private management of the resorts.
Water and land use elements of Alternative D should be included in proposed action, and nature recreation should be provided equally with motorized recreation.	AL006 In order to present a range of alternatives, the various components, including the water and land use elements, were designed to be different among the alternatives. The action alternatives would increase nature recreation and create a better balance of recreational opportunities.
EIS should include an alternative that concentrates facilities on the south and southwest sides of the lake, where police, fire, and life safety services are available.	AL007 Alternative D would concentrate development at the south end of the lake.
New alternative should be included with development on south and southwest, northern portions natural, limited facilities at Putah Creek, east-side road closed, etc.	AL008 Alternative D would reduce overall development at the north end of the lake.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
The DEIS is flawed because it incorrectly presents the future No Action Alternative as deterioration of existing conditions, but the 1992 RAMP/EIS and Reclamation policy require maintenance and improvement.	AL009  While requirements for maintenance and improvements would continue, they may not be sufficient to address the magnitude of the problems that exist.
The DEIS is inconsistent in arguing that the Reclamation exclusive use policy requires selection of Alternative B, while also presenting exclusive use as a component of Alternative C.	AL013  Alternative C was developed in response to numerous comments from current long-term trailer owners, would require a change in reclamation policy, and is not the preferred alternative.
Reclamation should redevelop alternatives that meet the needs of Lake Berryessa and its stakeholders.	AL018  Development of the alternatives was undertaken to comply with existing Reclamation policy and to incorporate public concerns and recommendations identified through the scoping process.
The EIS does not present the site-specific layout of the proposed development	AL020  Specific features of future concession facilities, services, operations, and maintenance will be part of the proposal submitted to Reclamation after Reclamation opens a prospectus for new concession contracts. Additional NEPA documentation will identify site specific development after the concession contractor is awarded.
The EIS does not identify which resorts would be operated by BOR under Alternative D	AL024  Pleasure Cove and Putah Creek
Page 40, Item 4. Define source for "Sustainable Design"	AL027  "Sustainable Design" is a concept that has come to the forefront in the last 20 years. It is a concept that recognizes that human civilization is an integral part of the natural world and that nature must be preserved and perpetuated if the human community itself is to survive. Sustainable design articulates this idea through developments that exemplify the principles of conservation and encourage the application of those principles.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
The project would create adverse social and economic impacts for the community.	EC001 Potential effects of the project on socioeconomic resources are identified and described in Section 3.9.2
Alternative B would reduce public access during Phase 1.	EC003 During the short term, as current recreational facilities are redeveloped, there may be a decrease in public recreation access to certain facilities when they become temporarily unavailable. Public access to the lake would be maintained during this transition period. Redevelopment likely would occur in phases, such that the recreation areas would not all be closed at the same time. Impact 3.7.2.9 has been revised to address the short-term reduction in public access to the lake.
The financial projections are not accurate.	EC004 A certified public accountant from the National Park Service and a Reclamation economist have reviewed and verified the data in the Dornbusch report, which assessed the financial feasibility of the proposed project.
The project would place a great burden on Napa County public service providers.	EC005 The project would not substantially increase the demands on county service providers. The impacts to law enforcement and fire suppression providers are discussed in Section 3.10.2.
The DEIS does not adequately discuss existing law enforcement conditions.	EC006 Details on law enforcement are provided in Section 3.10 Public Safety.
Fire danger should be addressed.	EC007 Impacts related to structural and wildland fire suppression are discussed in Section 3.10.2.
Safety issues associated with personal watercraft should be addressed.	EC008 Safety issues involving motorized recreation are now discussed in Section 3.10.2.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
Road deterioration from movement of trailers and heavy equipment should be addressed.	<p>EC009</p> <p>Discussion of road deterioration has been added to Section 3.5.2. Because the increase in vehicle trips from the removal of trailers would be minor compared to the historic level of use, this action would contribute negligibly to deterioration of roads, both on and off Reclamation property. For roads within the existing developed areas, future development plans would address the need for road repair or replacement. These plans would be analyzed as part of the site-specific, project-level environmental documents.</p>
Creating trails will increase health and safety hazards from rattlesnakes and other wildlife.	<p>EC010</p> <p>Discussion of trail-related health and safety hazards has been added to Section 3.10.2.</p>
Fewer campsites and the absence of trailers would reduce the space available for lake users	<p>EC011</p> <p>The goal and intent of the VSP is to increase public access to public lands. Each of the seven resort areas that currently exist will continue to exist in the future of Lake Berryessa, with increased access to the visiting public.</p>
Banning mobile homes would make the lake inaccessible to some members of the public, including seniors and young children.	<p>EC012</p> <p>All members of the public would have the same right to access the lake's facilities. Lodge, motel, cabin, and cottage accommodations would be provided under the various alternatives.</p>
Increasing day use will bring increased problems associated with day users, including lawbreaking, traffic, garbage, and pollution.	<p>EC013</p> <p>Improving the quality of the available facilities is expected to attract day users that are interested in traditional camping and boating activities, rather than those negative activities cited by the commentor. Essential public services, including law enforcement and emergency services, would be provided at adequate levels for the anticipated number of day users.</p>
The project would break up the community that has been created by mobile home owners.	<p>EC014</p> <p>Impacts on the visitor profile, including long-term users and short-term users, are discussed in Impact 3.7.2.12 and 3.7.2.13.</p>

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<u><b>Comment</b></u>	<u><b>Response</b></u>
The project would affect wildlife: trails would chase away eagles, osprey, and other birds.	EC015 As stated under Impact 3.3.2.14, proposed trails would avoid sensitive habitat areas and have minor impacts on birds.
Closure of the resorts during two years of rebuilding would force local small businesses to close.	EC016 Access to the lake would be maintained throughout the redevelopment period. As stated in Impact 3.9.2.50 of the EIS, the increase in short-term users following redevelopment would benefit local businesses.
The DEIS does not address the costs associated with removal and remediation of the trailer sites.	EC018 Costs were not included in the EIS because they are not a NEPA requirement and are not a factor in the impact analysis.
A new ski center and ski school would limit access for the general public because of increased costs and decreased availability.	EC019 At this time, no increased costs have been proposed for the new ski facilities. In addition, Reclamation will continue to permit the Monticello Ski Club.
Napa County will be further burdened by the loss of tax revenue from long-term tenants at Lake Berryessa.	EC020 Napa County receives no significant tax revenue from the long-term tenants.
Local businesses would suffer from the project.	EC021 Impacts to local businesses are addressed in Section 3.9.2 under Local Entrepreneurs.
The DEIS fails to estimate the level of visitor use under the proposed project.	EC022 Figure 9 of the EIS presents this information.
The DEIS fails to project future levels of boat use and associated water quality impacts.	EC023 The discussion of potential water quality impacts under Impact 3.3.2.10 has been revised.

**PART 1 - COMMENT PERIOD I & II**

<u>Comment</u>	<u>Response</u>
<p>The DEIS fails to provide estimates of emissions from automobiles and motorized watercraft, as well as mitigation measures for air quality impacts.</p> <p>The EIS should address public health issues of carbon monoxide emissions associated with automobile and boat congestion at the lake, and should discuss monitoring for carbon monoxide and educating the public about carbon monoxide poisoning.</p>	<p>EC024, EC026</p> <p>To address potential air quality impacts, monitoring would be conducted at various locations around the lake, followed by identification and implementation of mitigation measures if warranted. Impact 3.3.2.22 has been revised.</p>
<p>Eastside Road should be closed to public traffic to mitigate impacts to wildlife.</p>	<p>EC029</p> <p>No impacts have been identified in the EIS that could be mitigated by closure of the Eastside Road.</p>
<p>Noise analysis is inadequate because it fails to consider impacts on sensitive uses and users.</p>	<p>EC030</p> <p>No sensitive receptors were identified within the region of influence for noise impacts.</p>
<p>New data on air impacts from motorized personal watercraft is now available.</p>	<p>EC031</p> <p>The EIS provides a general discussion of impacts from motorized watercraft. Because no projections of personal watercraft use have been made, the impact analysis does not depend on emissions data for that type of vehicle. To address potential air quality impacts, monitoring would be conducted at various locations around the lake, followed by identification and implementation of mitigation measures if warranted. Impact 3.3.2.22 has been revised.</p>
<p>New data on water quality impacts from motorized personal watercraft is available.</p>	<p>EC032</p> <p>The EIS provides a general discussion of impacts from motorized watercraft. Because no projections of personal watercraft use have been made, the impact analysis does not depend on specific data for those watercraft.</p>
<p>Motorized personal watercraft make less noise than anecdotal evidence suggests.</p>	<p>EC033</p> <p>No significant noise impacts from personal watercraft have been identified in the EIS. Noise monitoring would be conducted under the action alternatives. Discussion of noise monitoring has been added to Impact 3.6.2.2.</p>

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
The DEIS doesn't address Napa City General Plan policy against encroaching on agriculture/ open space, or the zoning restrictions on development in agricultural watershed zones.	EC035 Discussion of this policy was not included in the EIS because the action alternatives do not propose expanding the recreational facilities beyond the existing development footprints.
The DEIS should analyze how development at Putah Creek would create pressure to expand facilities at the lake's north end, in conflict with land use and zoning for open space and agricultural uses.	EC037 The action alternatives do not propose expanding the recreational facilities beyond the existing development footprints.
The EIS should analyze how development of lodging at Spanish Flat, Lake Berryessa Marina, and Rancho Monticello would create growth-inducing pressure to expand facilities.	EC038 As stated in Section 2.3.1, the proposed concession developments would be limited to the existing footprints.
The EIS should analyze how development at Spanish Flat and points north would create pressure to open the Eastside Road to public use.	EC039 The EIS does not propose any changes to use of the Eastside Road. Portions of the road are now available to the public to access the lake.
Soil erosion problems from removing long-term facilities have not been adequately addressed.	EC041 Erosion effects from facility removal and other project components are addressed in Impacts 3.2.2.3, 3.2.2.9, and 3.2.2.15. Soil erosion would also be addressed in the individual environmental documents to be prepared for site-specific proposals.
The analysis of the traffic impacts is inadequate. The removal of long-term facilities over the assumed period of project construction would result in an unacceptable increase in traffic accidents.	EC042 Section 3.5.2 has been revised to address the short-term traffic impacts from the removal of trailers and other facilities. Because the trailers would be moved only during low traffic periods, in compliance with local and regional transportation agencies, that action would not likely increase the number of traffic accidents.



**PART 1 - COMMENT PERIOD I & II**

<u>Comment</u>	<u>Response</u>
<p>The DEIS fails to adequately support the claim that there is unmet demand for short-term recreational opportunities.</p>	<p>EC044</p> <p>The demand is documented in the following use surveys: <i>An Analysis of the Water Recreation Carrying Capacity of Lake Berryessa</i>, completed in 1988 by Reclamation's Technical Service Center and Lake Berryessa Recreation Office; <i>Lake Berryessa Market Area Survey</i>, completed in March 1997 by the Survey Research Center at California State University, Chico; and <i>A Study of Boater Recreation On Lake Berryessa</i>, completed in 1998 by the Department of Natural Resource Recreation and Tourism at Colorado State University.</p>
<p>Sewer systems do not pose an imminent health threat to water quality.</p>	<p>EC046</p> <p>The Klienfelder Report, California Regional Water Quality Control Board, and Napa County agree that the age and condition of the waste disposal system at all seven concession operations are beyond their useful life. Sags and leaks in the current systems along with lift stations in the flood plain and sewer ponds that percolate up to 1,000 feet away to the surface all represent a threat of discharge into Lake Berryessa.</p>
<p>All existing long-term structures were built to code. There is no imminent threat to health and safety related to setbacks or fire standards. Removal of all structures is an overly-radical approach.</p>	<p>EC047</p> <p>Current long-term structures and contracts were based on the then current building codes. Future concession contracts will be based on current codes and regulations.</p>
<p>Five mile-per-hour boat zones and restrictions would adversely affect tournament style fishing.</p>	<p>EC050</p> <p>There would be no impacts because the number of 5-mile-per-hour zones would not increase substantially from current conditions under the action alternatives.</p>
<p>The DEIS does not adequately evaluate the socioeconomic impacts of the alternatives in the regional context.</p>	<p>EC051</p> <p>The EIS addresses impacts to population, employment, income, and concession services and facilities (which includes current concessionaires, long-term trailer site permittees, the general public, and local entrepreneurs).</p>

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
The DEIS does not evaluate the synergistic relationship between long-term use and the infrastructure that supports short-term users. The project would reduce diversity and choices now available.	EC053  The mix of uses and facilities proposed under the action alternatives would return Lake Berryessa to the recreational resource originally planned and would realign it with modern Reclamation policies and traditional recreational models.
The DEIS does not assess the economic impacts of the alternatives. The loss of revenue from the preferred alternative could be on the order of \$15 million or more by project build-out in 2009.	EC054  Loss of revenue would occur at the same time as termination of the concession contracts, so this loss is not a factor for the operations of a future concessionaire who would determine the feasibility of the future contract and revenue.
The DEIS does not evaluate the impacts of the alternatives relative to future potential to raise the elevation of Monticello Dam 5 to 15 feet for increased flood control/storage benefits.	EC055, GN194  There is no proposal to increase the capacity of Lake Berryessa or raise the height of Monticello Dam.
The DEIS should discuss the alternatives with respect to the potential for capacity in Lake Berryessa to be increased as part of a larger State water project.	EC056  A proposal submitted to increase the capacity of Lake Berryessa or raise the height of Monticello Dam is being addressed by the CALFED program.
Economic impacts cannot be determined until the inventory and appraisal of existing facilities is complete.	EC057  Economic impacts are assessed in Section 3.9 based on currently available data.
Lakeshore trail in Alternative B would create potential for trespassing on adjacent land since Reclamation only controls 300 ft from the high-water line.	EC059  Specific impacts from the creation of the proposed trail will be identified in a project-level environmental document following development of a trail design.
Requiring owners of long-term sites to remove their mobile homes without compensation would be an illegal "taking."	EC061  The trailers are the personal property of the owners and may be removed and relocated to non-public sites. The Federal Government owns the land occupied by these trailers. There is no personal property that Government wants to take.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<u><b>Comment</b></u>	<u><b>Response</b></u>
EIS is inadequate because it does not discuss schedule for Phase I implementation at the West Shore resorts. This area would be under-utilized for an indefinite long period.	EC064 Specific features of future concession facilities, services, operations, and maintenance will be part of the proposal submitted to Reclamation after Reclamation opens a prospectus for new concession contracts. Additional NEPA documentation will identify site specific development after the concession contractor is awarded.
Marinas are vital to boating recreation; removal of marinas will result in much less public use of the lake.	EC065 Marinas would not be eliminated from the lake.
The DEIS should discuss the point that the expiration of leases has been a disincentive to making long-term improvements, leading to the undesirable conditions noted in the “Affected Environment” chapter.	EC066 While this may be true, it does not relieve resort operators from their routine maintenance and upkeep responsibilities under the contracts with Reclamation.
As a result of incorrectly defining the No Action Alternative with continuation of long-term leases, impacts rightly belonging to Alt. A are misattributed to Alt. B, etc.	EC068 Alternative A is accurately defined to represent a continuation of existing operations and serves as a benchmark for the action alternatives; therefore, the impacts from the action alternatives have been correctly assessed and identified in the EIS.
The cost of rehabilitating existing facilities would be lower than the cost of replacement.	EC069 Removal, retrofitting or replacing the recreation area infrastructure will be based on the demand relative to the specific features of future concession facilities, services that will be part of the proposal submitted to Reclamation by future concession bidders.
The DEIS and the Dornbusch Report incorrectly interpret PL 96-375 as not requiring Reclamation to purchase existing improvements at “fair market value” under Alternative B.	EC070 Under all action alternatives, existing concessionaires would be compensated for those improvements that are intended for continued use.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<u><b>Comment</b></u>	<u><b>Response</b></u>
The evaluation of impacts on land use for Alternatives B, C, and D is flawed since it is based on WROS classification without the inventory and analysis process required by WROS.	<p>EC072</p> <p>The WROS process incorporates adaptive management, therefore monitoring of the land and water use classifications (zones) designated for Lake Berryessa and adapting for appropriate or necessary change will be an ongoing process.</p>
Impact statement 3.1-11 does not discuss potential impacts of 150 miles of trails in Alternative B on grazing	<p>EC073</p> <p>Additional NEPA documentation will identify site specific development of each portion of the trail system.</p>
Impact statement 3.1-13 is wrong. Reclamation's use of WROS would diminish recreation opportunities.	<p>EC075</p> <p>As stated in Section 3.7.2, the proposed action, which includes the WROS, would beneficially affect the mix of recreation opportunities.</p>
Impact statement 3.1-14 is wrong. Alternative B would result in health and safety problems during construction (loss of revenue and visitors) that should be considered irreversible or irretrievable.	<p>EC076</p> <p>Any impacts on public health and safety, loss of revenue, and loss of visitors during construction would be short-term impacts and would be reversed once the area has been redeveloped.</p>
Impact statement 3.1-15 is wrong. There would be major short-term impacts of Alternative B on land use due to removal of trailers and resorts.	<p>EC077</p> <p>Over the short term, removal of trailers and resorts would not change the land use designation of those areas or result in any other land use impacts.</p>
Impact statement 3.1-16 is incorrect. Reclamation does not identify or discuss significant impacts, and therefore does not discuss mitigation. Reduced public use would be unavoidable under Alternative B.	<p>EC078</p> <p>Where available, Reclamation has identified mitigation measures for adverse impacts. Project effects on public use, addressed in Section 3.7.2, are not expected to include an unavoidable reduction in public use. Public use is expected to increase with the development of additional recreation facilities.</p>
Impact statement 3.2-3 provides no substantial basis for the assertion that impacts of trail construction would be minor, since no trail design has been prepared.	<p>EC082</p> <p>Specific impacts from the creation of the proposed trail will be identified in a project-level environmental document following development of a trail design.</p>

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<b><u>Comment</u></b>	<b><u>Response</u></b>
The significance of the impacts cannot be properly evaluated, and therefore cannot be termed minor, in the absence of specific, detailed project design plans.	EC083 Project-level environmental documents would be prepared and made available for public review following the development of site-specific proposals.
Impact 3.5-2 does not adequately evaluate the traffic impacts of specific components, such as the trailhead parking area proposed at Steele Canyon road, where there is a dangerous blind curve.	EC085 Once site-specific proposals are developed, specific impacts to traffic would be evaluated in the project-level environmental documents. Parking areas would be developed in coordination with Napa County agencies to ensure their safety and adequacy.
Disagree with the conclusions of Impact 3.9-21; the conclusions are not supported.	EC087 This impact discussion is supported by the text under Impact 3.9.2.18.
Disagree with the conclusions of Impact 3.9-34; the conclusions are not supported.	EC088 The conclusions are based on the income data in 3.9.1 of the EIS. The increase in income was a Reclamation estimate.
DEIS doesn't address the level of police and fire protection services that would be required.	EC089 Workload analysis would be conducted following development of site-specific proposals, as discussed under Impact 3.10.2.34 and 3.10.2.50 in the EIS.
The EIS fails to discuss the financial losses for trailer owners and concessionaires	EC091 The trailers are the personal property of the owners. Concessionaires will be compensated for facilities that Reclamation intends to continue into the future.
The short-term impacts on the local community from demolition, traffic, and noise are not adequately discussed.	EC096 Please refer to 3.5 and 3.6 of the EIS.
There is no data to support the significant noise	EC098 As stated in the EIS, the impacts could result from an increase in the number of visitors of as much as

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
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impact under the No Action Alternative.	33 percent, with a corresponding increase in motorized watercraft and associated noise levels
There is no evidence to support the statements in Impact 3.7-5 regarding sewage systems and noise.	EC099 The condition of the sewer systems is based on the findings of the Kleinfelder report, as cited in 3.9, and the noise effects would result from an increase in visitor use of the lake, as presented in Impact 3.6.2.1.
Regarding Impact 3.7-10, there would be negligible impacts on carrying capacity.	EC100 While the EIS identifies the increase in carrying capacity as moderate, that capacity would be further quantified when site-specific proposals are prepared.
Impact 3.7-12 is very speculative.	EC101 The shift away from long-term facilities to those that favor short-term users would result in an associated shift in the visitor profile at Lake Berryessa.
The EIS does not identify regional revenue impacts or direct and indirect impacts to Napa and Solano counties	EC102 Please refer to 3.9 of the EIS.
The EIS does not identify impacts to lake visitors from closure of the resorts during redevelopment	EC105 Access to the lake will be maintained throughout the redevelopment period.
The EIS does not address needed improvements to firefighting infrastructure	EC106 Specific features of future concession facilities, services, operations, and maintenance will be part of the proposal submitted to Reclamation after Reclamation opens a prospectus for new concession contracts. Additional NEPA documentation will identify site specific development after the concession contractor is awarded.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
Will grading and land mass removal unearth any unique paleontological resources? What measures are in place to prevent construction and grading operations to recover and backfill finds?	EC109 Please refer to 3.4 of the EIS.
The components of the proposed action are not adequately developed to provide a foundation for analyzing the impacts.	EC125 Specific features of future concession facilities, services, operations, and maintenance will be part of the proposal submitted to Reclamation after Reclamation opens a prospectus for new concession contracts. Additional NEPA documentation will identify site specific development after the concession contractor is awarded.
The DEIS presents an overly broad description of current facilities and fails to indicate the locations and number of substandard units and facilities to support the need for drastic change.	EC126 Additional detail will be provided in project-level environmental documents, which will be made available for public review. The purpose of this project is to redefine the development and management of visitor services to support traditional, short-term, nonexclusive and diverse outdoor recreation opportunities at Lake Berryessa.
The EIS (Impact 3.7-5) incorrectly states that sewage system failures have caused water quality impacts. The statement is not supported.	EC128 The Klienfelder Report, California Regional Water Quality Control Board, and Napa County agree that the age and condition of the waste disposal system at all seven concession operations are beyond their useful life. Sags and leaks in the current systems along with lift stations in the flood plain and sewer ponds that percolate up to surface all represent a threat of discharge into Lake Berryessa.
The EIS (Impact 3.7-10) does not support assertions about recreational benefits of and demand for non-motorized boating	EC129 None of the alternatives proposed significant additions of non-motorized areas. Public comment showed a high interest in areas for non-motorized boats.
The DEIS fails to discuss the cost and timetable of a 150 mile trail system.	EC135 Additional NEPA documentation will identify site specific development of each portion of the trail

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
	system.
The EIS fails to address the socio-economic aspects and impacts to the owners and concessionaires.	EC136 Please refer to 3.9 of the EIS.
The DEIS does not comply with Section 102 (2) (42 D.S.C. 4332.2) with regard to reporting on the cost to implement the project.	GN012 Section 102 does not require that the cost to implement a proposed action be identified.
The DEIS is flawed because it is biased in favor of the proposed project.	GN013 The EIS was prepared in accordance with NEPA, CEQ Guidelines, and Reclamation NEPA guidelines.
Alternative B is not economically viable	GN014, GN015 In February 2005, Reclamation issued a Request for Information, requesting statements of interest and opinions regarding the financial opportunities and feasibility for visitor services at Lake Berryessa from individuals and companies with management experience in the "Recreation Hospitality Industry" based on Preferred Alternative B. Those companies that responded all provided positive responses and are included in the comment letters on the CD included in the EIS.
Year-round revenue generated by the mobile home leases provides needed financial support for management of the lake	GN019, GN372 Many business models at flat-water based recreations areas operate without long-term exclusive use. For example, Lake Powell, Lake Shasta, Whiskeytown Lake and Trinity Lake.
The project will make the mobile homes worthless and Reclamation will not reimburse home owners	GN022 The trailers are the personal property of the owners. The land occupied by these trailers is owned by the Federal Government. There is no personal property that Government wants to acquire.
Exclusive uses of public recreational land should	GN028 Alternatives B and D in the EIS would eliminate



<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
be prohibited	exclusive use.
None of the resorts should be <i>eliminated</i> because that could affect the day-use experience.	GN030 While resort operations may change when the concession contracts expire, the EIS proposes that all resort areas would continue to be managed as some type of public use area over the long term
There is no public benefit from removing infrastructure and starting over	GN036 The Klienfelder Report, California Regional Water Quality Control Board, and Napa County agree that the age and condition of the waste disposal system at all seven concession operations are beyond their useful life. Sags and leaks in the current systems along with lift stations in the flood plain and sewer ponds that percolate up to 1,000 feet away to the surface all represent a threat of discharge into Lake Berryessa. Remedying these deficiencies is a benefit to the public.
The Monticello Ski Club should be preserved. (The Monticello Ski Club offers an affordable option for water skiing enthusiasts.)	GN038 The EIS has been revised to not exclude this type of use.
Reclamation has misrepresented the benefits of day use and the problems with long-term use	GN053 Concessions will provide quality recreation facilities and services accessible to persons with disabilities, and appropriate visitor goods and services at reasonable rates.
Noise pollution is a problem at the lake	GN129 Reclamation will conduct ongoing noise monitoring and will adopt measures that have proven to lower noise levels and meets appropriate laws, rules and regulations for noise management. This data will be shared with agencies with concurrent jurisdiction and the public through our website. Further NEPA documentation will likely be needed if corrective measures are taken.
Mitigation needs to be proposed to compensate for the financial loss to Spanish Flat Water District.	GN141 Because water consumption and pricing are not expected to change under the action alternatives, there is no need for mitigation for the Spanish Flat

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
	Water District. The project-level environmental documents will assess water consumption effects from the site-specific proposals.
The DEIS does not provide a sufficient level of detail in describing the components of the alternatives.	GN142  Development details will be included in site-specific proposals, which will be made available and analyzed in project-level environmental documents.
The biology section of the EIS should disclose and analyze potential surface water and groundwater impacts.	GN143  Impact 3.3.2.20 discusses the potential impacts on surface water. Discussion of groundwater impacts has been added to Impact 3.3.2.21.
The 1992 Reservoir Area Management Plan study is outdated and should be revised based on recent traffic counts obtained during peak seasonal use.	GN150  Reclamation will conduct ongoing traffic monitoring and will work closely with Caltrans and Napa County to share traffic data and to adopt measures to improve traffic circulation impacts and meet appropriate laws, rules and regulations.
Noise enforcement procedures should be implemented, including concessionaire obligations	GN153  Reclamation will conduct ongoing noise monitoring and will adopt measures that have proven to lower noise levels and meets appropriate laws, rules and regulations for noise management. This data will be shared with agencies with concurrent jurisdiction and the public through our website. Further NEPA documentation will likely be needed if corrective measures are taken.
Clauses should be added to concessionaire contracts to require removal of dangerous materials	GN159  These are addressed in the operation and maintenance plans submitted to Reclamation as a requirement of the concession contract.
New language should be added discussing water resources in the “Affected Environment” section.	GN167  Water resources are discussed in Section 3.3 of the EIS.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<u><b>Comment</b></u>	<u><b>Response</b></u>
The DEIS relies on data from a 1996 survey of 1001 people that does not accurately represent current conditions and needs.	GN184  Although the EIS does not rely on this survey in determining the proposed actions, the findings of this survey still apply to the conditions at the lake.
A portion of the use fees paid by long-term users should go to reimburse Napa County for services.	GN187  Reclamation and Napa County are discussing methods to offset Napa County expenses.
The DEIS incorrectly presents the “no exclusive use” policy as non-negotiable, which incorrectly eliminates the need to evaluate and compare the benefits and impacts of long-term versus short-term use.	GN189  As discussed in Section 1.1, exclusive use of public property conflicts with current Reclamation policy. However, alternatives which require a change in the policy have been included in the EIS for consideration.
The DEIS does not clarify whether Reclamation prefers for the resorts to become self-sufficient in terms of operating their own water and sewer service.	GN206  This has not been determined, but will be considered as site-specific proposals are developed.
Would the BOR entertain the idea of an alternative agency formed to provide a water and sewer master service as found in the LAFCO governance study?	GN207  Yes. This would be determined by location and existing or planned systems near these recreation operations.
The DEIS should provide more detail (location maps, building restrictions, lot size, etc.) about proposed new developments.	GN250  Additional detail will be provided in project-level environmental documents, which will be made available for public review.
Support Alternative A and do not support Alternatives B, C, and D, but would like another alternative considered.	GN253  The alternatives presented and analyzed in the EIS represent a reasonable range of the activities that Reclamation could implement at Lake Berryessa.
Suggest including a fire risk reduction plan in the Visitor Services Plan.	GN297  A plan of this type would be prepared under the cooperative agreement presented in Attachment 13.

**PART 1 - COMMENT PERIOD I & II**

<u>Comment</u>	<u>Response</u>
Suggest the planning process address the impact on water prices in nearby residential areas from redevelopment of Steele Park and Spanish Flat, which share water districts.	GN299 Water consumption and pricing are not expected to change under the action alternatives. The project-level environmental documents will assess water consumption effects from the site-specific proposals.
Opening the lake exclusively to day users will not increase the number of recreationists.	GN309 The increased visitation forecast in the EIS is not directly associated with any of the proposed alternatives, but would result from an increase in regional demand. The effects of the proposed alternatives would be to shift the type of use.
Fire officials state that the resorts are not as bad as the California Department of Forestry and Fire Protection (CDF) report portrays.	GN316 Reclamation is not aware of any public records documenting that fire officials disagree with the CDF position.
The project will result in the need for increased police supervision.	GN335 Based on consultation with police officials, no increase in law enforcement requirements is foreseen from the alternatives. As stated in section 3.10, a survey of the law enforcement workload could be undertaken to identify staffing needs.
Where will the trailers be disposed of?	GN337 Each owner is responsible for the disposition of their personal property. County ordinance and state requirements guide those decisions.
Day use will increase fire danger and strain Napa County Fire Support Services.	GN338 As identified in Section 3.10, redevelopment of the resorts would correct existing design deficiencies that increase the risk of fires and hamper firefighting efforts.
The lake can't sustain additional watercraft on busy weekends.	GN339 As documented in Attachment 5 of the EIS, the carrying capacity of the lake is 3,000 watercraft. Current use generally doesn't approach this. Reclamation would survey and adjust management if use approaches this level.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
Existing roads can't take the increased traffic.	GN340 As discussed in Section 3.5, projected traffic levels are not expected to exceed the capacity of Lake Berryessa roads.
The DEIS did a poor job of explaining Alternative A.	GN350 Under this alternative, Reclamation would issue new competitive concession contracts. By law, Reclamation is not allowed to renew or renegotiate the current contracts. This alternative also provides that the majority of trailers located in the resorts may stay.
The DEIS failed to include the cost of the infrastructure removal, corrections, and replacement as identified in the Kleinfelder Study.	GN351 Project costs were not included in the EIS because they are not a NEPA requirement and are not a factor in the impact analysis.
There was no General Plan Description of the redevelopment scheme.	GN352 Chapter 2 includes text and maps describing the land use designations for each alternative and resort area. As site-specific proposals are developed, additional impact analysis will be conducted and will detail the proposed site layouts.
Reclamation hid the value of the Dornbusch study from the public and its cost was never identified. The true cost needs to be identified.	GN353 Project costs were not included in the EIS because they are not a NEPA requirement and are not a factor in the impact analysis.
The DEIS did not specify where the new projects would be located and in what part of the resort areas. The DEIS did not identify where the two-story hotel will be erected in Steele Park. The DEIS did not identify where the lodging center would be built at Putah Creek. The DEIS did not identify where the Water Ski Center at Steele Park will be located. Have site layouts been designed for redevelopment?	GN354, GN355, GN356, GN357, GN362 These details will be developed for site-specific proposals and will be identified in subsequent project-level environmental documents.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
The DEIS did not specify whether or not adequate land is available to build out the plan.	GN361 Other than for trail construction, the action alternatives would use only land within the existing development footprint. New trail construction will occur on Reclamation lands around the lake.
County land use descriptions were omitted from the general plan.	GN363 Napa County zoning of adjacent land is described in Chapter 3.1.1 Napa County Land Use Classification of the EIS.
Eliminating the marinas would take away people who have a vested interest in the lake.	GN367 There is no planned change for marina operations. The carrying capacity for boats on lake Berryessa remains 3,000, as it was in the 1992 RAMP.
Eliminating marinas would reduce police protection at the lake.	GN368 Marinas would not be eliminated from the lake. Law enforcement does not rely on those marinas for access to the lake as they have their own facilities at the Reclamation administrative area.
Eliminating the marinas would create less management and increase accidents.	GN369 Marinas would not be eliminated from the lake.
Reclamation should distinguish between a "trailer" and a "mobile home"	GN373 In the EIS, these terms are interchangeable and considered "long-term exclusive use".
Many older trailers, which were not connected to the sewer system, have been removed and replaced by short-term sites.	GN376 Today, over 150 long-term sites have no sewer connections.
Reclamation is inconsistent in allowing short-term users to discharge grey water to the ground at campgrounds, while prohibiting the same by long-term users.	GN377 Sewer hook-up and dump stations are available to campers. Discharging wastewater anywhere is illegal.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
Suggest grandfathering a limited number of long-term mobile homes that are well-maintained.	GN378 Alternative C allows limited long-term exclusive use.
Shutting down the lake for the minimum two year redevelopment period will have a negative impact to the local economy.	GN390 The Financial Feasibility Study made the assumption that there would be a “full cessation of concession activities at the lake.” However, this has never been the intent of Reclamation. Access to the lake would only be a short inconvenience. The public will still be able to access the lake during the construction period.
Trailer owners do not have money to remove trailers.	GN392 The owner is responsible for their personal property. The federal land on which the personal property is placed is public land.
The purpose and need statement does not cite the WROS system or past policies from the RAMP.	GN398 The WROS system is not part of the purpose and need, but is discussed in Chapter 2 as a component of the alternatives.
Alternative B substitutes one aesthetic (in favor of low impact recreation) for another (more noise and disturbance), but provides no rationale to support the substitution.	GN419 Chapter 1 describes the purpose and need for Reclamation's proposed redevelopment at the lake.
The EIS should include information on the findings and methodology of the Boating Capacity Range Indicator Decision Tool.	GN425 This tool was not used for this project, rather the Water Recreation Operation Spectrum (WROS) was employed to assist with planning for the EIS.
How was the term "Preferred Alternative" chosen for the EIS? This term decreases validity of other alternatives.	GN436 The National Environmental Policy Act (NEPA) allows federal land managers to identify the preferred action to allow the public to know the draft intent of the managing agency.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
EIS does not reflect position of Dornbusch study regarding need for evaluation of feasibility of remainder of proposed Alt B concession development, if warranted.	GN438 The Dornbusch Study recommendations are based on what the company feels a concession contractor is willing to invest in a concession operation to make it viable. Not all recommendations may be adopted, depending on the actual proposals submitted when a prospectus is request from prospective bidders.
How would security be maintained in visible resorts during construction periods?	GN439 The contract and the operation and maintenance plan includes a security component.
Will the boat patrol remain and be capable of launching from Capell?	GN440 Yes. Other ramps are also available for the Napa County Sheriffs Office.
DEIS failed to address the unofficial pullouts and overlook areas.	GN441 WROS classifications have been identified to assist Reclamation in planning for recreation on areas under concessionaire and government management. See Attachment 2.
EIS failed to address ability of project to meet (a) fire flow demand rate of water for 2 hours storage capacity, and (b) fire flow demand pressures required by CDF.	GN442 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
EIS failed to discuss need for proposed facilities to meet Napa County Fire Code and State Fire Code Title 19.	GN443 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
EIS failed to discuss establishment of a fire water main system (8" minimum) to provide hydrants and standpipes in an appropriate layout.	GN444 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.



<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<u><b>Comment</b></u>	<u><b>Response</b></u>
EIS failed to discuss irrigation needs for lawns, public access picnic sites and campgrounds.	GN445 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
The EIS failed to discuss the need for standby generators for backup power.	GN446 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Do the proposed resorts include recreational features for children?	GN447 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Does the project include garbage retaining structures, dumpster enclosures, and night lighting in access roads and public use areas?	GN448 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Will the new style resorts increase hazards due to design features (e.g. speed bumps, sharp turns, fire access turnarounds, or improper parking of boat trailers or pickup trucks)?	GN449 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Will new structures be situated to meet fire access requirements and 150-foot distance requirements from parking lots to entrance doors?	GN450 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Will sewage treatment involve hazardous chemicals such as chlorine and be pretreated in holding or diffuser ponds with chemicals?	GN451 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
Will water entitlement level be required to change due to CDF onsite fire water demand storage requirements and additional demands?	GN452 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Will additional electrical substations and power needs to new structures be required? Who will fund and pay for new power requirements?	GN453 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Who will pay for the restoration and re-establishment of utilities, telephone, satellite, gas, etc.?	GN454 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Where will garbage and recycling assets be landfilled and transported to for disposal or retention?	GN455 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Has a construction site trash program and removal plan been established?	GN456 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Has a full OSHA review of the project been established?	GN457 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
Who will design, and who will have opportunity to review, the layout and appearance of structures and features?	GN461 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<u><b>Comment</b></u>	<u><b>Response</b></u>
Will the BOR hire additional people to monitor the contracts of the selected builders?	GN462 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
What are the limits of the concessionaire's responsibility in regard to resort design, permit applications, and funding construction, utility set-up, etc.?	GN463 Specific features of future concession facilities, services, operations, and maintenance of site specific development will be identified after the concession contract is awarded.
The DEIS does not incorporate by reference or present pertinent information from recent studies that contain important project information.	GN488 The EIS and its impact analysis are based on the alternatives described in Chapter 2, not on any of the project descriptions in previously prepared reports and studies.
Reclamation should consider an alternate plan that would allow for both mobile homes and day use.	GN502 Alternative C allows a limited number of trailers to remain while increasing the amount of shoreline available for day use.
Boaters prefer to use launches at the resorts rather than the Reclamation launches, suggesting that the DEIS doesn't correctly state visitors' preferences.	GN515 The visitor preferences and desired recreational facilities supporting the proposed alternatives have been studied in surveys conducted in 1992 and 1997.
The statement justifying the need for action regarding long-term trailer site permittees is false and is not supported by data.	PN001 Retention of long-term trailer sites is not consistent with Reclamation Policy LND 04-01.
The statement that a significant number of resort facilities are in violation of environmental and public health and safety laws and regulations is not supported by data.	PN002 Environmental and safety and health issues identified in resorts are supported by documentation from by Kleinfelder, CDF, Regional Water Quality Control Board, and Napa County Department of Environmental Management.

<b>PART 1 - COMMENT PERIOD I &amp; II</b>	
<b><u>Comment</u></b>	<b><u>Response</u></b>
Was a needs assessment conducted to survey day- and weekend-users' needs?	PN004 Yes, surveys were conducted in 1988, 1997, and 1998.
The EIS does not include information from BOR Directives and Standards LND 04-01	PN005 The EIS refers to the policy, directives, standards and guidelines for Bureau of Reclamation concession standards.

**COMMENT PERIOD II**  
**Draft Environmental Impact Statement**  
**Comments and Responses**

The following public comments and agency responses are presented in a somewhat different manner than the comments/responses already presented. The main reason for this change is that the comments represented here are the three lengthiest comments received during the second comment period, and the reviewers believed this approach was the most thorough manner in which to address them. There are basically three submittals here.

The first is from the Lake Berryessa Resort Owners; it is titled the Resort Owners Proposal (ROP) and it also includes within its body some associated input and comments from the second commenter, Summers & Summers, a private business advisor hired by the resort owners. Responses to both the resort owners and Summers and Summers are included within the ROP section. The third major comment is from Mr. Henry Howard, a long-term trailer owner and permittee, at Lake Berryessa.

Because these two documents went into significant detail covering nearly all parts of the EIS it seemed appropriate to break them out from the other comments mainly for the ease of response and not because of any added level of consequence over other comments.

**RESORT OWNERS PROPOSAL - COMMENTS**

Following are comments that have been excerpted from the Lake Berryessa Resort Owners Proposal (ROP). The ROP is intended to be a fully developed alternative for future concession operations at Lake Berryessa to replace the action alternatives presented by Reclamation in the 2003 DEIS. While Reclamation does not agree that the ROP was fully developed (“Far from being merely conceptual . . .”), as identified by Summers and Summers, it did provide an adequate overview of the types of operations intended by the current concessionaires. Reclamation has made every attempt to respond to the individual comments in a thorough manner to assure that the government position is clear. At the end of all of the individual comments Reclamation also provides a summary response in an effort to bring all the points together in a more philosophical and global approach. The Response Code for this section is ROP02.

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>The RAMP is the document that currently guides the concessions and management of Lake Berryessa, but it does not become effective for implementation in the concession areas until the end of the current contracts . . .</p>	<p>In addition to the RAMP, the individual contracts, agency policy, and applicable regulations also help guide concessions management. The RAMP within its “Purpose and Need” Statement identifies its longevity and limitations as follows:</p> <p>“The planning period for this EIS and ultimately the RAMP will extend to the year 2009 when all existing concession agreements for privately developed resort areas will have expired.”</p>
<p>[PL 96-375] Section (a) authorizes the Secretary of the Interior to enter into new negotiated concession agreements. Those agreements must comply with the 1959 National Park Service Public Use Plan for Lake Berryessa, and Reservoir Area Management Plan.</p>	<p>The opportunity to renegotiate was a one-time opportunity, as indicated in the actual wording of the law as follows:</p> <p>“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 <i>for no more than two consecutive terms of 10 years each.</i>” (Emphasis added.)</p>
<p>Effects from the decisions regarding the future of the lake expand from the resorts and the lake, to the entire Lake Berryessa community, Napa County, Northern California water recreation, visitors from the Sacramento and San Francisco areas, including Santa Clara and Sonoma Counties, and vendors nationally, including boat manufacturers.</p>	<p>Impact analysis in the EIS demonstrates that decisions made for the future of Lake Berryessa based on the current action alternatives will have a positive effect on regional business and recreation.</p>
<p>The resorts have met the user needs with facilities and services, while meeting the recreation management objectives mandated by the PUP.</p>	<p>The original PUP never anticipated or discussed the development of long-term trailer<sup>1</sup> villages at Lake Berryessa, as has happened over the past 45 years. Amendments to the PUP in the mid-1970’s made it clear that long-term trailers would be transitioned out at the end of the current contract terms (2008/2009).</p>

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<sup>1</sup> Throughout the ROP there are various references to long-term sites, travel trailers, mobile homes, modular homes, etc. For the sake of response and in consideration that they are all owned by permittees and assigned trailer sites, Reclamation will refer to them in total and individually as “trailers.”

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>Lake Comanche / Long-Term Sites:                      “It is recommended that the mobile homes be retained for the following reasons: They contribute substantial revenue regardless of the reservoir water level. This income is particularly important during the years of major rehabilitation expenses and during drought years.”                      – 1990 Comanche Recreation Area Plan.</p>	<p>The land at Lake Comanche is owned by East Bay Municipal Utility District and has no bearing on the appropriate use of Federal land.</p>
<p>During drought conditions, recreational use drops dramatically, especially short-term use. Long-term users visit less, but their rents create a stable financial base on which concessions can maintain and operate facilities for all the public.</p>	<p>Due consideration must be given to the dozens of other businesses throughout California and the hundreds throughout the west that operate successfully on fluctuating reservoirs. In fact, over the last 5 years (2000-2005), many areas display a more significant annual fluctuation than Berryessa (e.g., Shasta, Oroville, Trinity, and New Melones), yet all of their concessionaires remain successfully in business without income from long-term trailer owners.</p>
<p>Lake Berryessa Resort Owners Plan / Elements of Viability:</p> <ul style="list-style-type: none"> <li>• Pricing to fluctuate with the market. No Bureau of Reclamation price fixing.</li> <li>• Contracts for the concessions to be 30 years with two 10-year extensions, consistent with size of the investment needed to complete the ROP.</li> <li>• Concessionaire performance review every three years, with performance rewards.</li> <li>• Operations will be the right and responsibility of the Concessionaire under the appropriate Reclamation Policies.</li> <li>• Bureau of Reclamation to allow Concessionaires an opportunity to review their business plan / operations, and make changes, with mutual consent, in order to meet changing market demands.</li> </ul>	<p>Reclamation does not participate in “Price Fixing” but in “Rate Approval” based on comparables as part of the responsibility for management of public land.</p> <p>Contract terms that result in a 50-year contract length are very unlikely. Concessionaire performance reviews will be done annually and may or may not be tied to “performance rewards.”</p> <p>Reclamation agrees that any changes in the contractual obligations of the concessionaire may only occur with the agency’s approval.</p>
<p>Lake Berryessa Inclusive of All Public Lands:                      Reclamation directly manages 135 miles of additional shoreline, of which the PUP identified at least 58 miles suited for day use, short-term use and boat-in camping.</p>	<p>The areas of shoreline that are currently developed for visitor use were chosen because those areas offered the best points of access to the lake. The shoreline that is currently undisturbed is outside the area of consideration for development.</p>

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

ROP Comment	Reclamation Response
Reclamation has a lot of undeveloped land at Lake Berryessa that should be considered for new services other than those lands within the current concession areas.	Development of the shoreline will depend on the alternative or combination of alternatives chosen in the Record of Decision.
<p><u>PUP 1959 Area Descriptions for Public Agency Development</u> [separate from Concessions]</p> <p><i>[R] = Reclamation</i></p>	These areas were identified as possibilities along with those that were ultimately selected as actual concession areas. The NPS submitted the plan with the caveat that, “The plan is intentionally broad in concept in order to afford the administering agency appropriate latitude of judgment in adapting it to realities which may be encountered.”
<p>[R] Reclamation Area #1 - Markley Cove Turn Out – Markley Canyon – Area A1 – 8 acres of land. These public lands in Markley Cove are not included in the resort area. They are located on the east side of the cove, the area is currently unimproved except for dirt turnouts and forged unimproved trails. The result is an unsanitary and unsafe area that is not monitored.</p>	The summation of “Area #1” is fairly accurate. However, at least part of the use and impact that occurs here is because the public may not enter the concession area with the intent of swimming, fishing or other short-term uses without paying a fee and then find that they are unable to functionally participate in their desired activities because of the long-term trailers along the shore line. The action alternatives intend to add to and improve formal trail systems all along Lake Berryessa. Litter and some of the abuses at this location do need to be addressed as part of the area management.
<p>[R] Reclamation Area #2 - 500 Acres, Additional Area of Wragg Canyon Area B. The PUP identified 500 acres of public land, most of which is currently only available to limited tours.</p>	Reclamation has entered into a memorandum of understanding dated November 22, 1991, with the University of California–Davis for the management of this area. The area is currently used for education and research. The only public access to this area is from the lake. All other access is by easement over private land. The lake shore is still open for public use.
<p>[R] Reclamation Area #4 - Capell Cove – Capell Creek Arm – Area D – 30-35 acres. Current development includes the Capell Cove free launch ramp, which was against the recommendation of PUP. A launch ramp was recommended in a different location. Reclamation controls 2.9 miles of Capell area shoreline. The Capell Cove area, as identified in the PUP, has not been developed, except as a turnout.</p>	<p>The development of this site was funded by the State of California through the Boating and Waterways program. One of the stipulations to receive funding was to keep the area free for a period of 10 years.</p> <p>The Capell Cove area was developed for boat launching and parking, providing a launch ramp, 70+ parking spaces, and a restroom facility. The area around Capell Cove is prone to landslides and further development is not planned.</p>



**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

ROP Comment	Reclamation Response
[R] Reclamation Area #5 - Reclamation Headquarters – Area F – 25-30 acres - Park Headquarters 25-30 acres. Five to seven of these acres were intended for the headquarters; the remainder was to be for public access. However, the area is currently behind locked gates, no access signs, etc., reserved for the exclusive use of Reclamation. There is no vehicle access or handicap access to the Reclamation office without special permission.	The present situation, in which the administrative area requires access through a locked gate, is due to national security requirements as a result of 9/11. An area accessed through the administrative complex is frequently used by senior citizens for fishing and picnicking, and they easily gain vehicular access through the intercom system at the gate. The area called Government Point is opened to public access by boat.
[R] Reclamation #6 - Oak Shores Park – Area F – 1,000 acres of land and water, over half of which is land: 250 acres of land in Oak Shores Park with 11 miles of shoreline, 250 acres of land on Big Island, 50 acres of land on Small Island, and about 50 more acres distributed among other smaller islands. A portion this major area has been partially developed as Oak Shores Park. The area is underdeveloped and access is limited.	Reclamation manages Oak Shores as a day use area that highlights picnicking, swimming, and small non-motorized boat use. Reclamation has budgeted for and is in the process of improving facilities and access for the public.
[R] Reclamation Area #7 - Smittle Creek – approximately 10 acres for Reclamation and 30 acres for the Berryessa Marina Resort –West Shore North of Smittle Creek – Area G – Map Sheet No. 5. Smittle Creek is underdeveloped, and the signage is either unfriendly or uninformative. The 30 acres of the Berryessa Marina Resort was returned to Reclamation.	Plans for future development of the Smittle Creek Day Use area will be determined <i>after</i> the ROD is developed.
[R] Reclamation Area #9 / Undeveloped Concession - Resort #8– Never Developed Resort - Pope Creek Area – Area J - Map Sheet No. 6. This land, south of Pope Creek was to be the location of the eighth concession, but it has no pull-off access, road access or trail access, even though it has more than 1,000 feet of road frontage. It is located below Berryessa Pines subdivision and other privately held property. It has a location suitable for launching ramp but is not suitable for a marina or rental docks due to exposure to the winds.	The areas of shoreline that are currently developed for visitor use were chosen because those areas offered the best points of access to the lake. The shoreline that is currently undisturbed is outside the area of consideration for development. Development of the shoreline will depend on the alternative or combination of alternatives chosen in the Record of Decision.
[R] Reclamation Area #10 – Pope Creek Bridge Substation.	The identified substation does not seem to be needed at this point. Communication systems (radios and cell phones) not anticipated in 1958 make patrols by boat, by car, and on foot adequate to maintain necessary control and knowledge of area conditions.

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
[R] Reclamation Area #12 – East Side. East Shore has 11 miles of Reclamation shoreline road, of which the north half is a waterfowl and eagle nesting area, with limited trail access. The shoreline has the easiest topography for trail development; access could be restricted during sensitive nesting times, etc. The road should be accessible to the public with turnouts for parking and trails to the lake at regular intervals.	The action alternatives do call for trails on the east side as a part of an eventual new system at Lake Berryessa. The opening of the road may not be possible as identified by ROP because of earlier agreements with landowners when the original reservoir development took place.
The DEIS/VSP recommends termination of the lease with the Boy Scouts.	Since the DEIS was published, the Boy Scouts of America decided to no longer use the area because of necessary costs to repair failing infrastructure. It is anticipated in the action alternatives for this area to be continued as an improved group camp site available to all users. Reference to the BSA has been removed in the FEIS.
The RAMP ROD, in 1993, identified specific recreation management actions to be taken, and provided overall project parameters to guide the developments at Lake Berryessa. Following is an update to RAMP ROD reflecting current information and ROP criteria, to meet objectives for recreation and use, determined by identifying visitor profiles.	A review of the RAMP indicates that many of the following headings and quotes attributed to the RAMP section on “Preferred Actions and Alternatives” by the ROP did not come from that section. Furthermore, some of the actual summaries provided here also did not come from that section. These items will be identified as a part of the response to this section. Reclamation also notes that the actual projects described in the RAMP were not mandatory especially in a subsequent contract term.
<u>Land Acquisition</u> Reclamation may acquire additional lands to improve recreational access and services to public lands and minimize impacts to adjoining lands.	This is not something that is anticipated by Reclamation. It is felt that the existing land base is satisfactory.
<u>Land Disposal</u> Reclamation should consider disposing of or exchanging lands around Lake Berryessa that are not required for either the operation of the Solano Project, watershed protection, or recreational or wildlife purposes.	Land disposals or exchanges are not an action that is anticipated by Reclamation at this stage. If future concerns arise that can be addressed through disposal it will be considered.
Expand visitor information services — could include interpretive center facilities and activities.	This is planned in the action alternatives.
Develop mini-interpretive center in the dam area.	This is being considered in the interpretive plan for Lake Berryessa.

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**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
Have overlooks at appropriate locations along roads.	Some currently exist. No new ones are planned.
Add interpretive trails.	New trails that are developed as identified in the action alternatives would be accompanied by interpretive brochures to point out interesting natural and cultural features.
Have additional signing that directs visitor access and distributes information.	Comment noted.
Encourage positive programs that increase the recreational as well as socially beneficial opportunities for underserved communities.	Enhanced opportunities for school and other special groups are anticipated both as day trips and through the use of group camping and environmental education programs currently under development.
Have waste reduction and recycling programs at each resort.	This is the intent of any of the action alternatives.
<p><u>Dispersed Recreation Area Improvements</u></p> <p>Reclamation to improve and/or develop Dispersed Recreation Areas (Class III), which could include shoreline areas, access trails, sanitation facilities, garbage collection, parking, visitor information signing, etc., providing for the health and safety of the public and protection of resources.</p>	Reclamation believes that the existing action alternatives will provide adequate opportunities for developed recreation areas. To the extent that other undeveloped areas can be accessed by hiking or boating they will also be available for appropriate public use.
Improve accessibility for special needs populations in all facilities at Lake Berryessa, including concession areas.	This is the intent of the action alternatives.
<p><u>Administration Point Day Use Area:</u></p> <p>Reclamation to improve access to Administration Point to provide a dispersed/semi-primitive day use experience.</p>	This area is currently used informally by some senior citizens as a secure area for fishing and picnicking. It may not be appropriate to further develop or encourage use in this area due to security stipulations.
<p><u>Use and Development of Oak Shores Area:</u></p> <p>Oak Shores Day Use Area to be developed to accommodate user trends, public demand, and special needs populations. Oak Shores could be open for overflow camping. Construction of a full size launch ramp and courtesy dock implemented. Improve and/or develop General Outdoor Recreation Areas (Class II). Consideration should be made for the Oak Shores to be included and/or managed by a concessionaire or resort. It has the</p>	This subject was not a part of the RAMP section on "Preferred Actions and Alternatives" but has been included within this heading by the ROP. Full size boat launching facilities at Oak Shores are not anticipated because there are eight other areas where this activity occurs. It is also not intended to use Oak Shores as an overflow camping area. The idea of additional development to accommodate "special needs populations" is in process at this time. Although not anticipated at this time, the assignment of Oak Shores to a concessionaire for

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**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
potential be a High Density Recreation Area (Class I).	their management is possible if conditions develop that preclude Reclamation from continuing oversight.
<u>Use and Development of Smittle Creek Area:</u> Smittle Creek Area to be further developed. Resort Owners Proposal reincorporates Smittle Creek with Lake Berryessa Marina Resort (PUP), for placement of cabins / park models. Boat rental operations of the resort to be moved to the Smittle Creek Area.	This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. Reclamation does not intend to develop Smittle Creek Area for concessionaire use nor as a developed commercial area. The existing footprints of the concession areas provide adequate space for the development of public recreation and commercial areas following the realignment of use types.
<u>Island Uses and Improvements:</u> Provide dispersed recreation area improvements on Small and Big Island (450+ acres). This would change the existing land-use classification from Semi-Primitive (Class N) to Dispersed Recreation (Class III).	The areas of shoreline that are currently developed for visitor use were chosen because those areas offered the best points of access to the lake. The shoreline that is currently undisturbed is outside the area of consideration for development. Development of the shoreline will depend on the alternative or combination of alternatives chosen in the Record of Decision.
<u>Group Campground/Overflow Campgrounds:</u> Develop a high-quality campground/day use area northeast of the Putah Creek Bridge with Camp Berryessa, the North Area Campground, as its core.	This subject was not a part of the RAMP but has been included within this heading by the ROP. Reclamation believes that adequate camping will be available following the realignment of use types.
<u>Limited Special Uses of Lands:</u> 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.	Areas exposed by drawdown are already available for appropriate uses, and that authorization will continue.
<u>Special Events on Land:</u> Allow special events and/or activities (equestrian activities, races, bicycling events, etc.) that may temporarily displace other recreational uses on a limited irregular basis through a permit system.	To some extent this type of use is and will remain appropriate. However, Reclamation will be very watchful of scheduling special events or uses that may remove public areas from general use during times of the year when substantial or heavy use is anticipated. Special events may need to focus on shoulder seasons or otherwise avoid creating an inappropriate level of exclusivity.
<u>Land Use / Recreation:</u> Plan for recreation at Lake Berryessa based on the RAMP land use classification system. Concessions operated under Class I – High Density Recreation	The land use classification system used for the RAMP was specifically developed for the planning of the RAMP. The WROS Urban classification is similar to the RAMP classification of Class I High

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<b>ROP Comment</b>	<b>Reclamation Response</b>
Areas.	Density. The WROS is becoming the standard for planning water based recreation areas. It is a more dynamic planning tool that measures visitor expectation and desired experience. The WROS process provides managers with information that allows for flexibility in decision making. Managers will be more informed and better able to meet the needs of the visiting public, while protecting the resource. Further, this subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP.
<p><u>Trail Development:</u> Develop a predominantly unsurfaced multi-purpose riding and hiking trail system (30 to 150 miles) in Dispersed Recreation (Class III) and Semi-Primitive areas (Class IV).</p>	This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. This is an intended action of the action alternatives within the WROS process.
<p><u>Boat Access Camping:</u> Establish a limited trial program to explore the value of boat access camping for restricted areas, administered by Reclamation.</p>	Because of the potential of negative impacts and the challenge to appropriately monitor such a program, Reclamation is not anticipating a major boat access camping program, with the possible exception of allowing such use at the former “outback area” of Pleasure Cove. We recognize that this has been discussed in the past and even positively considered by Reclamation, but at present the negatives outweigh the positives. Future consideration may be possible based upon specific proposals and evaluation at the time.
<p><u>Boat Launching:</u> All developed areas should have appropriate launching facilities incorporated into their design. All boat launching should charge a competitive fee. Designate appropriate non-motorized boat launch ramps.</p>	This is the intent of the action alternatives.
<p><u>User Fees:</u> All developed areas to be allowed to charge fees for entrance, launching, day uses, camping, RV site use, short-term use, long-term use, docks and boat storage, to support the facilities and services.</p>	Reclamation does not believe that entrance fees for entering a concession area on Federal land are appropriate. Approved fees for actually using concession managed facilities—i.e., RV site use, campgrounds, launching facilities, etc.—are appropriate.

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**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>New Fees could be charged for:</p> <ol style="list-style-type: none"> <li>1. Day use at Oak Shores.</li> <li>2. Camping at Oak Shores.</li> <li>3. Group or overflow camping at Camp Berryessa.</li> <li>4. Launching at Capell Cove.</li> <li>5. Launching at Oak Shores.</li> <li>6. Launching at Camp Berryessa.</li> <li>7. Houseboat inspections.</li> <li>8. Boat access camping program services.</li> <li>9. Special events</li> <li>10. Special permit processing.</li> </ol>	<ol style="list-style-type: none"> <li>1. This is a possibility.</li> <li>2. No camping at Oak Shores.</li> <li>3. Definitely for group camping, but may not be appropriate for overflow.</li> <li>4. This is the intent of the action alternatives.</li> <li>5. No full-service launch facilities at this location anticipated.</li> <li>6. No full-service launch facilities at this location anticipated.</li> <li>7. The specifics of this suggestion are unclear, and so no response is offered.</li> <li>8. Except at Pleasure Cove under concessionaire oversight, no such a program is anticipated.</li> <li>9. This is the intent of the action alternatives.</li> <li>10. Reclamation agrees. Included in action alternatives.</li> </ol>
<p><u>Special Water Use Events:</u> Allow special water use events and/or activities (races, regattas, swims, fishing derbies, etc.) that may temporarily displace other recreational uses on a limited irregular basis through a permit system.</p> <p><u>Limited Special Uses of the Water Surface:</u> Allow limited special uses such as water skiing instruction, or slalom courses in designated coves and other specific water surface areas.</p>	<p>To some extent this type of use is and will remain appropriate. However, Reclamation will be very watchful of scheduling special events or uses that may remove public areas from general use during times of the year that substantial or heavy use is anticipated. Special events may need to focus on shoulder seasons or otherwise avoid creating an inappropriate level of exclusivity. Reclamation intends to retain the uses that have historically been available at Skiers Cove under the oversight of the Monticello Ski Club.</p>
<p><u>Water Surface Zoning</u> Lake Berryessa is one of the few lakes in Northern California ideally suited for water skiing and power boating. Power boating should not be unduly restricted.</p>	<p>Reclamation estimates that approximately 95 percent of the lake surface will still be available for power boating. A review of the original PUP shows that it had projected much more restrictive use of low speed zones and non-motorized use than currently exists or is planned.</p>
<p><u>Water Craft Carrying Capacity / Water Safety</u> Boater safety and education information is to be provided through Reclamation and the resorts.</p>	<p>This is the intent of the action alternatives.</p>

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**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
<p><u>Local Government Services:</u> 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.</p>	<p>This statement is very positive but is not supported with a plan on how to accomplish its intent. Reclamation believes that revenue to Napa County will be enhanced through direct contributions required in new concession contract(s) and through the increase in transient occupancy taxes because of added overnight facilities.</p>
<p><u>Flood-proofing and Anchoring Structures and Facilities</u> Resorts to develop approved emergency flood-proofing plans for securing water, sewage, and utility systems within the reservoir floodplain against contamination due to high water. 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 (height of the morning glory spillway). These facts need to be considered when evaluating the economic impacts of various actions on the lake.</p>	<p>It is a matter of time before the maximum lake levels and discharges will occur. The maximum probable lake elevation in the future is 463 feet above mean sea level. That is 23 feet above the crest and 3 feet above the railing of Monticello Dam. It may be a fact that in 99 years out of a hundred the perfect combination of events needed to result in water this high will not occur. However, not to plan for it would be potentially devastating given the potential losses. If the storms of 1995 that made the lake raise 60 feet had occurred in 2005 when the lake level was not as low, the catastrophic flooding condition would likely have occurred. It is also important that Reclamation require protection that recognizes the parameters under which Monticello Dam was actually developed. The dam has certain features that limit the amount of discharge and, under certain weather conditions, flooding will occur in the indicated zones.</p>
<p>Limit future construction of facilities in the reservoir floodplain.</p>	<p>Some facilities within the floodplain will be permitted.</p>
<p><u>Removal of Structures and Facilities for Environmental Causes:</u> Structures and facilities may be eliminated in unstable or environmentally unacceptable areas, provided no effective mitigation measures can be implemented.</p>	<p>It is unclear here what type of structures and facilities are referred to. If these include long-term trailers, then Reclamation believes this is a moot point because preferred alternative B calls for those facilities to be removed or at least to be substantially reduced in number with none closer than 100 linear feet (not vertical feet) from the 455-foot elevation contour.</p>
<p><u>Long-Term Sites:</u> Long-term sites are essential as a balanced portion of any concession at Lake Berryessa.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. As stated previously, Reclamation disagrees with the philosophy of the economics outlined here and believes that Lake Berryessa provides an outstanding opportunity to private businesses</p>

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**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
	operating traditional commercial outdoor recreation facilities (marinas, camping, cabins, retail, etc.) without depending on exclusive-use long-term trailer villages.
<p><u>Phased Upgrades / Long Term Sites and Permittee Facilities:</u> A phased program, will be developed to upgrade all long-term sites and permittee travel trailer/mobile home/modular units to 1998 HCD standards and new setback requirements, within 10 years.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. Reclamation finds this suggestion to be in conflict with the action alternatives. Amendments made to the PUP in the mid-1970s, when Reclamation took over from Napa County, specified that such use would end at the expiration of the current contract.</p>
<p><u>Relocation of Long-Term Sites:</u> Sites offered for long-term use, including modular units, mobile homes, travel trailers, cabins, etc., which are displaced due to new development plans may be relocated to another site within the resort provided space is available, or to another resort that has available space.</p>	<p>This scenario is an inappropriate use continuation on Federal land. This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP.</p>
<p><u>Future Long-Term Use / Non-Exclusive Use:</u> Flexibility for “use” can be accommodated by a “non-exclusive use” program. The program involves units available for short-term use; these units include long-term units that are in a pool of available units.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. Reclamation does not support the sub-letting or development of privately owned individual trailers or other facilities for rent to the public. Such a plan would not provide adequate assurance of health and safety and is not appropriate on Federal land but is the type of activity that might develop on private property.</p>
<p><u>Short-Term Sites:</u> Provide additional short-term facilities (cabins, camping, day use, etc.) in designated locations in accordance with proposed zones and new development plans.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. Reclamation believes that traditional short-term use is adequately addressed in the action alternatives.</p>
<p><u>Limitations on Shoreline Modifications Below 440 Feet:</u> 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 or day-use public access, or to alleviate health and safety problems.</p>	<p>To the extent that this comment does not include long-term trailer facilities, Reclamation agrees. This type of work, however, will be minimal, as clearances and permits from the Army Corps of Engineers are required for any such disturbance.</p>



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<b>ROP Comment</b>	<b>Reclamation Response</b>
<p><u>Erosion Control:</u> Erosion control should be implemented where practical using acceptable materials and methods, for the protection of the land, environment and integrity of the dam. Riprap [rock fill] to be used whenever possible.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included in the ROP. Erosion control on the shoreline will be minimal, as permits from the Army Corps of Engineers are required for any such disturbance. Other land-based control within developed areas will be encouraged and permitted as appropriate.</p>
<p><u>Land Use Planning, Facility Development and Design Standards:</u> Land use criteria shall be developed to assist in the master planning of each developed area.</p>	<p>The existing action alternatives have been developed utilizing land use criteria. The new concessionaire(s) may be required to obtain additional clearances (e.g., environmental documents) as applicable for new development.</p>
<p><u>Resort Master Plans:</u> Master plans created by each resort will follow land use guidelines and provide thematic, resort-unique, design and development criteria.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. The Visitor Services Plan portion of the EIS is establishing the core parameters of development, and final configuration and numbers will be determined by the eventual concessionaire(s) as approved by Reclamation.</p>
<p><u>Health and Safety Standards:</u> All facilities will be upgraded to current health and safety standards in Phase I of the development.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. All new and existing facilities that remain are to meet applicable health and safety standards in the action alternatives.</p>
<p><u>Fire Safety:</u> Trees and vegetation should be maintained in a fire safe manner, particularly in the resorts and where there is significant public use.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. This is an intent of the action alternatives.</p>
<p><u>Concession Areas / Land Development:</u> Resorts may develop lands in the concessions areas not yet developed. Additional land may be added to existing concession boundaries for development of additional short-term facilities, when all suitable land is in use within a particular concession.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. Reclamation has made a commitment as a part of this planning process that the existing footprints of concessionaires will not be enlarged. It is not the intent of Reclamation to develop more lands but to more appropriately use the existing assigned lands for short-term uses. The actual wording in the RAMP section on “Preferred Actions and Alternatives” states: “Delete undeveloped, unused, and/or inappropriately used recreation land and</p>

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<b>ROP Comment</b>	<b>Reclamation Response</b>
	water areas from within the concession boundaries and modify concession agreements as appropriate.” This is the intent of Reclamation.
<p><u>Houseboats/Overnight Occupancy Vessels (OOVs):</u> As a method to provide access for diverse recreational opportunities and additional short-term users, allow 100 commercial and 100 personal/private houseboats, or other types of commercial OOVs to occupy Lake Berryessa</p>	The present limit for commercial and private houseboats on Lake Berryessa is 75 each. There is no intent at this time to raise the overall level. It may be reviewed in the future but the current number of commercial houseboats is less than 10, so there is adequate room for expansion.
<p><u>Sewage and Gray Water Holding Facilities:</u> 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.</p>	This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. This is a realistic suggestion and although not specifically mentioned in the EIS it represents the type of intent considered for the new concession contracts in regard to environmental sensitivity.
<p><u>Marina Pollution Prevention:</u> 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 Dock Walkers.</p>	This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. This is a realistic suggestion and although not specifically mentioned in the EIS it represents the type of intent considered for the new concession contracts in regard to environmental sensitivity.
<p><u>Fee Structure:</u> In accordance with the concessionaires’ right to make a fair profit, concessions will have the right to charge according to the market, and fair business practices, for comparable facilities and services.</p>	This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included in the ROP. Concessionaires do not have a “right to make a fair profit,” but they do need a “reasonable opportunity to make a profit.” Concessionaire rates are to be based upon “comparability” with similar businesses in similar situations. This requirement is Reclamation policy, is prominently identified in current contracts, and will be a factor of any new contract(s). Reclamation intends to enforce comparable pricing.
<p><u>Variable Rate Franchise Fees:</u> Reclamation to establish and implement variable rate franchise fees with concessionaires that will serve as an incentive to emphasize capital investment, health and safety, maintenance levels, public access, and/or other recreational objectives.</p>	Variable rates can take several different forms, and Reclamation is not specifically for or against this approach. It will be a part of the overall mix of considerations for new contract(s). The National Park Service has frequently utilized fluctuating fees to accomplish various mutual goals and objectives.
<p><u>Ownership of Improvements:</u> All permanent and concession funded</p>	This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been

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<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>improvements, and modifications to facilities, shall be considered the property of the respective concessionaires, encouraging capital investment and optimum facilities for public use. (Public Law 96-375 will be clarified to include all concessionaire-funded improvements).</p>	<p>included within this heading by the ROP. Public Law 96-375 does not apply to any contracts beyond those that existed in 1980 when the law was passed. Once those contracts expire, the law no longer is a factor. However, the new contract(s) will contain very clear wording that outlines ownership and compensation to assure that both parties know exactly the ownership and compensation parameters. Reclamation agrees with the need to have “in place” protection for concessionaire-owned property.</p>
<p><u>Contract Term:</u> Reclamation, with the consent of the Secretary of the Interior, to incorporate a contract term and provisions that are based on the concessionaires’ right to make a fair profit and allows the concessions the ability to provide services that the public demands and that improve facilities and services for future recreational use. Based on the extensive investment (\$87 million) required to implement this plan, a term of 30 years with two 10-year options is reasonable.</p>	<p>This subject was not a part of the RAMP section on “Preferred Actions and Alternatives” but has been included within this heading by the ROP. Reclamation does not agree with this summation and believes it very likely that an opportunity for an eventual 50-year term is not necessary to attract bidders on a new contract opportunity at Lake Berryessa.</p>
<p><u>Lake Berryessa – RAMP Land and Water Use Classifications:*</u> Following are the classifications and map as cited in RAMP and subsequently used for this ROP.</p> <p>CLASS I – High Density Recreation Areas - Intensely developed and managed areas intended for mass public use, such as resorts with restaurants, marina, mobile home parks, campgrounds, restrooms, day use areas, etc.</p> <p>CLASS II – General Outdoor Recreation Areas - Substantially developed areas intended for specific recreation uses (e.g., camping, picnicking, boat launching) but of lower density than Class I.</p> <p>CLASS III – Dispersed Recreation Areas - Minimally developed areas, generally with road access, minimal sanitation facilities, road pullouts, and trails, intended for less intensive use with no major improvements.</p> <p>CLASS IV – Semi-primitive Areas - Undeveloped natural areas, with limited or constrained access, intended for limited recreational use; minimal improvements, such</p>	<p>As stated previously, the Land Use Classification System used for the RAMP was specifically developed for the planning of the RAMP. The WROS Urban Classification is similar to the Ramp Classification of Class I, High Density. The WROS is becoming the standard for planning water based recreation areas. It is a more dynamic planning tool that measures visitors’ expectations and desired experiences. The WROS process provides managers with information that allows for flexibility in decision making. Managers will be more informed and better able to meet the needs of the visiting public, while protecting the resource.</p>

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<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>as fencing and trails would be allowed.</p> <p>CLASS V – Areas which have restricted recreation potentials due to their use for project administration and operation, or where flood easements are involved.</p>	
<p>Many residents have moved to the Lake Berryessa area to enjoy water recreation and to have the use of and access to the resorts.</p>	<p>Comment noted.</p>
<p>Businesses in the Lake Berryessa Area need to be considered in the master plan of Lake Berryessa in order to better serve the public and develop the areas in a consistent and supportive manner.</p>	<p>External businesses have been considered as part of the EIS/VSP. Reclamation sees added opportunities for businesses in the area with the addition of more short-term visitors that do not have an already built-in support center supplied from outside of the immediate area. Current external businesses do not appear to be financially robust, and several of them have failed within the last 20 years.</p>
<p>The resorts have individual master plans (each of the seven present resorts) that would have at least two phases each. For example, Phase I would be accomplished within 2 years, Phase II would be accomplished within 5 years. All resorts would make health and safety issues a priority. Infrastructure and upgrades to existing facilities are incorporated in the plans. The fundamental change to “non-exclusive use” at all the resorts includes resort-owned and permittee-owned units for short-term rental. The resort proposals implement changes mandated by the RAMP in accordance with NEPA. All resorts are Class I High Density Recreation Areas. Following are brief descriptions of what the resorts are proposing, and current to proposed comparisons.</p>	<p>Having individual “master plans,” for each of the seven concession areas, presents a potentially fractured approach to re-developing Lake Berryessa.</p>
<p>The ROP proposes retention of 1,144 long-term trailer sites plus significant increases in all categories of short-term use facilities.</p>	<p>The retention of 1,144 long-term sites is not compatible in a Federal Recreation Area with 116 hotel/motel rooms, 350 short-term cabin rentals, 675 tent sites, 440 RV sites, and significant group site camping facilities. Reclamation would not suggest or require that the investment to develop all of the additional facilities in an appropriate manner is desirable in an area where substantial long-term trailer installations are present in the current configuration adjacent to the shoreline in the prime areas of all the concession areas. Public comment</p>

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<b>ROP Comment</b>	<b>Reclamation Response</b>
	has indicated that any short-term facilities adjacent to or encumbered by significant exclusive use long-term facilities are not desirable.
Under a new contract, Markley Cove is anxious to implement a vision of what this very small, scenic resort should offer. Because of the limited amount of space available, it is simply not possible to develop high quality overnight camping or RV sites.	Reclamation agrees and does not include such development in Alternative B.
Markley Cove could not properly maintain a fleet of rental houseboats if one considers the space required for maintenance and off-season storage of the boats.	Reclamation believes that houseboats are a good use at Markley Cove and could be provided by a company in a manner similar to many other locations in the state.
Day use launching at Markley Cove is currently enjoyed by large numbers of boaters. This day use would be adversely impacted by the parking requirements of houseboat clients.	Reclamation believes that the continuation of launching is important, and providing off-site parking with shuttle transport for houseboat customers may be a likely solution.
Markley Cove does, however, have a wonderful protected harbor that serves well as a location for covered boat slips and private houseboat mooring.	Reclamation intends for such use to remain under all action alternatives.
Markley Cove could be developed into a starting point for hiking trails, and the accessibility to the highway encourages all new visitors to stop in for information and to purchase food and/or souvenirs.	Once a complete trail system is developed at Lake Berryessa any of the concession locations could serve as a jumping off point for trail use.
A visitor center is very important at this end of the lake, as was proven by the extensive utilization of the small center at Markley Cove until it was removed.	The final configuration of visitor facilities has not yet been determined but such a facility would be appropriate and the Markley Cove location will be considered along with others. Final determination may not be made until the technical negotiation period with a new concessionaire(s).
Markley could continue to be a gateway by sponsoring boat regattas.	Reclamation believes that special events have a place in several areas including Markley Cove.
The ROP proposes extensive improvements to the existing long-term sites at Markley Cove to assure a higher level of compliance with health and safety issues and a more appealing level of appearance through resort-wide requirement for conversion to park models and landscaping.	Markley Cove is not a desirable location for development of long-term sites even under Alternative C because it is not possible to be 100 linear feet away from 455-foot elevation contour.
Markley Cove currently operates under price controls through the Bureau of Reclamation. Once	By policy, Reclamation will continue to approve all

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
these controls are removed, the remaining 31 long-term units will generate income equal to what all the previous sites produced.	rates in advance based upon comparability.
The ROP proposes several improvements for Markley Cove in a Phase II continuation of improvements, i.e., maintenance shop relocation, garbage collection, upgrading the launch ramp, landscaping, hiking access, and new restrooms.	Reclamation agrees philosophically with all of the identified improvements detailed in this comment. Although not specifically identified in the EIS they are representative of the intent of general improvements anticipated.
The Markley Cove launch ramp fees, currently controlled by the Bureau of Reclamation, are under market. The fees allowed are currently the lowest on the lake. If the fees were raised, the added income would offset some of the cost to upgrade the day use facilities.	Reclamation intends to continue rate approval on a comparability basis as required by agency policy and contractual conditions.
The ROP proposes a Phase III development for Markley Cove that includes some upgrades to long-term site infrastructure, new docks and covered slips, additional parking, “high-end” rental units, and a small conference center.	Only the docks and slips are appropriate, as Markley Cove will not have long-term sites or a conference center in any of the action alternatives. Those uses are not compatible with the topography.
Build a parking ramp at Markley Cove to create a minimum of 80 additional parking spaces.	The comment does not indicate where this ramp would be located. However, it is a reasonable idea, as added parking would be helpful for a rental houseboat operation.
Build a coffee/sandwich kiosk in vicinity of the current retail area to attract and serve drive-by traffic as well as Markley Cove clientele.	A small food and beverage facility may be a workable idea but is the type of activity that will be determined at the time of final negotiation of the eventual new concessionaire contract.
Work with Reclamation to develop a visitor center for Lake Berryessa at Markley Cove.	A visitor center at Markley Cove is a possibility but not one that can be finalized at this stage and until final negotiations for a new concessionaire contract. There may be other locations that should also be considered once the ultimate configuration of all concession areas is determined.
The Dornbusch report mentions a 20-year contract term. Dornbusch states that an investor should reasonably expect a 15 percent rate of return. The above calculations indicate this would be difficult to achieve.	Reclamation believes that the target 15 percent rate would be achievable with the type of houseboat rental business anticipated in Alternative B.
The ROP proposes a type of secondary use of long-term trailer sites (“vacation rental management program”) for rental to the short-term public at all	This is not a compatible approach to providing a quality experience to short-term users. It retains the undesirable close proximity mixing of densely

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>of the concession areas except Markley Cove. Under this system the actual permittees (trailer owners) would make their units available to the general public when they were not going to be using them. The permittee would collect the revenue.</p>	<p>packed private trailer facilities in the prime areas with adjacent, compromised short-term facilities. This situation is not appealing to traditional short-term users and is not an approach that Reclamation intends to consider. The current development and use at Lake Berryessa is an anomaly within Federal land management areas, and the new proposal maintains that unacceptable situation.</p>
<p>The centerpiece of Pleasure Cove Resort’s proposal is the construction of a 60-room hotel that includes a new restaurant, adds meeting rooms, a spa, and other contemporary amenities found at hotels.</p>	<p>Reclamation perceives Pleasure Cove as an area more devoted to camping and RV use. Perhaps some rustic cabins might also be appropriate but the development of a hotel seems in conflict with the focus intended for the area.</p>
<p>The narrow water channel that the resort is located on is also ideal for berthing (including houseboats). We would increase our houseboat/OOV docks to 50. Other docks at the resort would increase to 200, all covered. Pontoon and ski boat rentals will be a new service offered</p>	<p>This proposal is reasonable so long as there is enough space for the added development.</p>
<p>Campsites will be increased to 200 large sites. An additional group camping site, capacity 50, will be added.</p>	<p>Improvements to the camping facilities are a positive addition.</p>
<p>The ROP proposes the development of areas adjacent to Steele Park that are currently not developed with the goal of adding various short-term facilities. They also intend to retain all existing long- and short-term facilities.</p>	<p>The action alternatives indicate ample existing acreage in the currently developed area for the planned short-term facilities. Retention of the long-term uses is not anticipated.</p>
<p><u>Spanish Flat Resort / Proposed Improvements:</u> Long-term sites would be retained.</p>	<p>Reclamation does not agree with the need to retain long-term sites in order to assure “year-round income.” There are hundreds of recreation businesses throughout the country that are successful on a seasonal basis without year-round income.</p>
<p>All roads would meet the ROP standards.</p>	<p>It is unclear whether the indicated ROP standards are compliant with Reclamation and/or State standards.</p>
<p>Provide handicap access to at least one dock.</p>	<p>Reclamation agrees and has such intent within the follow-through of the proposed action alternatives.</p>
<p>Remove long-term sites in the 440-450 base floodplain.</p>	<p>Alternative C indicates that no long-term sites would be permissible within 100 linear feet of the</p>

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
	455-foot msl contour.
Assure all sites are on a sewer system.	This is a basic requirement that is necessary just to meet current applicable standards.
The resort would offer a rental service and reservation network where a site could be placed in a rental pool whenever the owner would not be using it.	Please see earlier comment on “vacation rental program.” This particular proposal for Spanish Flat spells out the process of direct rental from the trailer owner and the availability only when the “owner would not be using it.” Reclamation finds that this is a sub-concession program, which is in conflict with agency policy.
Phase II  Powerboats would continue be the major users during the high season. Marketing would increase off-season uses of fishing, boating, cabin rentals, and the conference center.	Reclamation has no prohibition or pre-conceived disagreement with the concept of a conference center at Lake Berryessa as part of a concession operation (on government land). The placing of such a facility will be addressed in the Request for Proposals for new contracts and will depend on the outcome of the ROD.
The marina would be updated and the services expanded.	Basically the suggested improvements are acceptable and would individually or as a group be a good addition to the area under any of the action alternatives.
The day use area would be expanded and improved. It would feature a pool splash area, an increased picnic area, and a volleyball court.	The improvements to the day use area are acceptable and would individually or as a group be a good addition to the area under any of the action alternatives.
Build a completely new boathouse and launch system on the private property lands off Spanish Flat Loop Road.	Development on private land is not a consideration of the EIS. However, any actions that would help support visitor use at Lake Berryessa would be a positive addition and perceived as an asset to public use by Reclamation.
Improve the camping facilities so that all lakeside sites could accommodate RVs.  The resort store would be completely redone with a new building.	Reclamation agrees with the intent of these improvements and recognizes that they are needed and could be accomplished within any of the existing action alternatives.
Spanish Flat Water District would provide water to serve the resort for fire protection, and the resort would provide standpipes approximately every 1,000 feet throughout the resort.	The intent here is positive but the details may need to be upgraded.



**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
<p>The owners of Spanish Flat Resort also own approximately 225 private land acres on both sides of Knoxville Road. About half of this land is above the Spanish Flat Village on the west side of the highway. The other half adjoins the government land on the east side of the road.</p> <p>At present, the land is zoned agricultural watershed and underutilized. If zoning were changed to permit development, day use spaces could be significantly increased, and affordable housing could be constructed.</p>	<p>This section on “Zoning Changes” of private land is outside the scope of the EIS. Napa County is responsible for zoning of private land in this area.</p>
<p>“Spanish Flat Appraisal Statement.”</p>	<p>Comment noted.</p>
<p>The ROP indicated dissatisfaction with all of the approved rates at Spanish Flat and indicated that they are all currently at artificially low levels and they have adjusted them for the sake of their economic projections.</p>	<p>All of the comments regarding rates are unsupported as presented. Rates at Lake Berryessa are to be approved based upon comparability. Reclamation is currently in the process of a rate comparability study that is being conducted by an independent contractor.</p> <p>Concessionaires at Lake Berryessa and at other Reclamation areas as well as hundreds of concessionaires within the National Park Service are all tied to comparable rates. Making independent assumptions and determinations of what rates should be as outlined here is problematic and could result in unrealistic projections. Concessionaires can not divorce themselves from the rate approval actions of Reclamation. The procedure for determining rates is clearly stated in the contract.</p>
<p>The most significant proposal for Berryessa Marina Resort is to re-incorporate Smittle Creek into the resort.</p>	<p>It is not the intent of Reclamation to authorize the expansion of the footprint of any of the concession areas.</p>
<p><u>Rancho Monticello Resort / Proposed Improvements:</u> Roads designed to ROP criteria.</p>	<p>Any road improvements will have to meet the Federal and State guidelines and regulations.</p>
<p>Big Flats and North:</p> <ul style="list-style-type: none"> <li>• Add campsites.</li> <li>• Add RV sites.</li> <li>• Add launch ramp, store and cafe.</li> </ul>	<p>These comments appear to refer to facilities added to better serve the short-term visitors who find themselves some distance from the current store and marina area. The action alternatives, by reducing or eliminating the long-term trailer use would make the present area available to all short-term users and would confine the development of</p>

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
	added campsites and RV sites to the areas presently used for long-term trailers.
<p><u>Long-Term Sites:</u> New design solutions for units to have smaller footprints: e.g., two-story, duplex, and zero clearance units. This will improve views and access</p>	Comment noted.
<p><u>Short-Term Sites:</u> Add short-term rental units in Big Flat. Offer rentals of varying sizes—studio, one, two, and three bedrooms—to accommodate more public needs.</p>	The type of detail that is being described will be part of contract proposals.
Increase camping and RV sites, a portion of which would be on undeveloped lands within the resort.	Reclamation has made a commitment to not increase the footprint of any of the existing concession areas.
Convert long-term sites to non-exclusive use by a resort-operated vacation rental management program, which would rely on a short-term rental pool using permittee- and resort-owned vacation units.	Third party agreements are outside the scope of this document. Reclamation does not feel the “vacation rental program,” as described in the ROP, is an appropriate consideration for Lake Berryessa.
Move some dry storage to nearby private lands.	Comment noted.
Consider smaller footprint solutions for storage.	Comment noted.
Correct roads to fire standards.	Comment noted.
The PUP called for an eighth resort at Lake Berryessa, which starts at the north end of Rancho Monticello Resort and extends to the Pope Creek Bridge, and which could be developed to provide additional day use and camping.	Reclamation does not intend to establish an eighth concession area or to expand any of the existing areas because there is adequate acreage to serve the public as identified in the action alternatives. Actually the PUP identified this area for possible development but did not “call for it” as stated by the ROP.
<p><u>Putah Creek Resort Area:</u> Less than one-third of the total area is currently developed, all at the northern end of the resort.</p>	<p>This comment is not exclusive to Putah Creek Resort. It is the intent of Reclamation to keep all new development and redevelopment within the current concession footprint. The RAMP identified as a preferred alternative the need to remove such land from the assigned concessionaire lands, as follows:</p> <p>“Delete undeveloped, unused, and/or inappropriately used recreation land and water areas from within the concession boundaries and</p>

**PART 2 - COMMENT PERIOD II**

**Resort Owners Plan - Response Code ROP02**

<b>ROP Comment</b>	<b>Reclamation Response</b>
	modify concession agreements as appropriate.”
The east side of Knoxville Road contains the majority of the development at Putah Creek Resort, including a marina, a retail area, a motel, RV sites, day use parking, and long-term sites.	Comment noted.
<u>Phase I:</u> Sewer system is enlarged, a fourth pond is added, and the pump house is upgraded.	The Putah Creek sewage treatment system is a major problem, as it has had several past formal violations. A fourth pond may not be an adequate solution to correct this problem.
Roads are brought into compliance with ROP standards. Mobile home site facilities modernized. Mobile home sites in the floodplain will be relocated. Mobile homes are upgraded or replaced as needed to meet 1998 HCD standards. Vacation unit rental program is implemented.	The reintroduction of all exclusive long-term use sites would not be possible at Putah Creek because there is not enough assigned land more than 100 linear feet from the 455 feet above mean sea level contour to make such an installation suitable and reasonably profitable.  Third-party agreements are outside the scope of this document. Reclamation does not feel the “vacation rental program,” as described in the ROP, is an appropriate consideration for Lake Berryessa.
50-unit boat garage will be added above the current group camping site. Campsites enlarged and improved.	Enlargement of campsites is definitely a necessary conversion for Putah Creek. A boat garage may be appropriate but final determination will be based upon overall needs of entire lake.
Store is remodeled.	A new facility may be more appropriate.
<u>Phase II:</u> Land development in Pope Creek Area — open new entrance and add RV park, snack bar and weight room, launch ramp, and fire emergency sub-station. Motel replaced with a two-story hotel.	The above phased scenario would require the use of undeveloped lands and continues the mixing of short- and long-term uses that are undesirable and inappropriate at a contemporary Federal recreation area. It does not fulfill the intent of the “Purpose and Need” of this project.
Boat storage units [50] added above current group camping site in the side of the hill – total 100. Restaurant and bar replaced with architectural design that utilizes the view and lake access better.	These seem like appropriate projects for Putah Creek, to be ultimately determined upon final contract negotiation and recognition of overall developed area needs.
Theater and/or Amphitheater – create entertainment destination. Store and snack bar added to north end of resort to accommodate the RVs and campsites.	Comment noted.

## Summary Response from Reclamation Re: the Entire Resort Owners Proposal

The Resort Owners Proposal (ROP) has been reviewed in detail by Reclamation. It does not present an approach believed to be acceptable or desirable in response to the stated “Purpose and Need” of this EIS. The preceding pages highlight many of the comments from the ROP not already addressed in earlier comments and responses to the EIS. The ROP submittal comprises a significant level of effort on the part of the resort owners. Reclamation provides the following narrative to summarize the general tenor of all of the preceding points and the philosophical character of the ROP. This narrative is intended to highlight the differences between Reclamation’s responsibilities as the land owner and managing agency and the desires of the resort owners to retain the same approximate level of long-term use in the form of trailer villages.

**Overall Response on Resort Owners Proposal (ROP)** – The proposal is a variation on the earlier “A+” proposal submitted during the initial comment period of the EIS/VSP. Like the “A+” submittal, this proposal has a core assumption of retaining the use of long-term trailer villages in basically the same configuration as is currently present. It does suggest the removal of approximately 200 of the existing inventory of approximately 1,350 trailers. Most of the removed trailers are within the floodplain, sites without sewage hook-ups, and smaller travel trailers and their proposed removal is welcomed by Reclamation. However, the retention of approximately 1,150 trailers at Lake Berryessa is not a type of use that Reclamation finds desirable.

The ROP proposes some new opportunities for short-term users directly associated with the long-term trailers. They call this opportunity a “vacation rental program” and “rental mobile homes.” The “vacation rental program” is the renting of long-term private trailers to the public by the trailer owners when they do not wish to use them. The “rental mobile homes” program was not defined but is probably trailers owned by the concessionaire that are available for public rental in a similar manner as the existing cabins. Reclamation’s goal for Lake Berryessa is to have an operation that is more traditional in nature for concession operations in Federal recreation areas. The ROP is an attempt to mainly retain the private exclusive long-term trailer use with an attempt to address necessary short-term improvements. However, it does not satisfactorily accomplish the goals of Reclamation’s “Purpose and Need” identified in the EIS (in part as follows):

The project is needed to correct over four decades of resort operations under which prime recreational areas have been reserved for long-term trailer site permittees, to the exclusion of the majority of visitors to Lake Berryessa. Such practice is in conflict with modern Reclamation policies regulating exclusive use of public property.

Studies show that the general public prefers short-term day-use facilities such as campsites, picnic areas and boat launches. Existing facilities are few in number and relegated to less desirable shoreline areas because trailers occupy the preferred areas.

In addition, a significant number of facilities operated by the resorts are in violation of environmental and public health and safety laws, regulations and codes. The current concession operations agreements expire in 2008-09 and the existing concessionaires have no right of preference for renewal. The upcoming expiration of the agreements offers a timely opportunity to revise the concessions operations and change management direction to better serve the public.

The ROP indicates significant increases in facilities for the short term public, e.g.:

- 77-percent increase in overall short-term sites,
- 98-percent increase in RV sites,
- 34-percent increase in tent sites,

- 367-percent increase in cabins,
- 1,450-percent increase in mobile home rentals
- 390 permittee trailers to rent (vacation rental program)
- 41-percent increase in group camping maximum occupancy,
- 55-percent increase in picnic sites,
- 65-percent increase in docks,
- 88-percent increase in launch ramps,
- 100- to 400-percent increase in various types of boat rentals,
- 75-percent increase in restaurants.

In order to accomplish all of these increases the ROP is relying on many acres of private land and increased development acreage at several of the present concession areas. Reclamation can not make obligations or assume any level of control or ability to direct the use of private land for the sake of this EIS/VSP. Furthermore, Reclamation has committed not to develop outside the footprints of the existing concession areas.

The ROP would result in an even larger development and subsequent impacts at Lake Berryessa, and these impacts are not addressed by the respondents. The ROP would maintain the current character of the concessionaire areas that is not acceptable to Reclamation and to many potential users. For these reasons and for reasons stated in the preceding responses to specific comments, the ROP as presented will not be considered as a valid alternative.

The following comments were provided by Summers & Summers (S&S), management consultants hired by the concessionaires to provide this analysis of the subject plan. They were included in the ROP as Attachment A.

<b>PART 2 - COMMENT PERIOD II</b>	
<b>Summers and Summers – Response Code SS002</b>	
<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
Elimination of long-term use sites would destroy the current (and future) concessions revenue stream and the feasibility of Alternative B.	Alternative B will be successful in its identified configuration without the long-term installations. The findings of S&S ignored the aspect of Lake Berryessa’s use pattern that discourages thousands of traditional short-term users from visiting: specifically, they do not wish to spend their limited free time and disposable income in an area whose most notable feature is the presence of large permanent trailer parks located in the prime shoreline areas of the assigned concessionaires. S&S also did not address the anecdotal evidence of numerous other Federal recreation areas located on reservoirs that have historically and continuously been financially successful without long-term installations. The fact that very few of these other financially successful recreation hospitality operations are more physically attractive than Lake Berryessa or as near to a large pool of users (8-10 million within 3 hours) further discredits the assertion that a traditional operation cannot be successful at Lake Berryessa.
Only the “Phase I” subset of Alternative B is analyzed (since even Dornbusch determined that Alternative B in its entirety is not feasible).	Dornbusch determined that Alternative B is conceptually feasible. Dornbusch provided some suggestions in regard to how best to approach Alternative B to enhance feasibility, and one of those was to phase the development. Secondary phases are dependent upon financial triggers not yet established that would be put in place with an eventual new concessionaire(s). Reclamation had adequate analysis accomplished for this stage of an EIS. Whichever alternative is selected, a prospectus will be issued by Reclamation, and those companies and individuals that wish to compete to be the future concessionaires will provide their individual feasibility and financial pro forma. The value of a financial analysis from a company willing to spend their own money in developing new businesses at Lake Berryessa will be more applicable than either the conservative and limited analysis provided by Reclamation or the critique of that analysis by S&S.

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
<p>The single concession contract would eliminate competition among the concessionaires and might harm lake visitors as a result.</p>	<p>This concern is unfounded. The National Park Service (also in the Department of the Interior) has nearly 80 years of experience in dozens of park areas throughout the country where a single concessionaire is satisfactorily serving the public. Those contracts as well as contracts at Berryessa have very strict and manageable stipulations that require the government to take actions in regard to rates and operational performance to assure that the public is being fairly dealt with.</p>
<p>The elimination of concession activity at the lake for two years would negatively affect visitor demand (and cause the Bureau to forego fees paid to it by the concessionaires).</p>	<p>Reclamation has no intent to eliminate concession activity for two years. This was a suggestion by the Dornbusch feasibility contract but it will not be instituted. Instead, there will be periods of time at various areas where access and overall use is impacted and perhaps even inconvenient for a period. Not unlike what happens when major projects take place throughout communities and neighborhoods around the country to replace, upgrade or repair outdated facilities and infrastructure.</p>
<p>The lack of compensation to outgoing concessionaires for facilities improvements likely violates Public Law 96-375. If the Bureau is forced to reimburse concessionaires for facilities not included in the Alternative B plan, this fact alone might render the entire plan unfeasible, as the costs to the Bureau (or a future concessionaire) would be enormous.</p>	<p>Reclamation will adhere to public law and has provided a legal interpretation of the applicable law that outlines what occurs when the current contracts expire.</p>
<p>Infrastructure and other significant costs are underestimated or assumed away in the Dornbusch report and Alternative B.</p>	<p>After following the NEPA process, Reclamation believes that the information provided in the EIS is supportable and appropriate.</p>
<p>The assumption that demand will be enhanced, given the drastically reduced facilities available under Alternative B’s “Phase I,” by purportedly improving the quality of concessions is highly unlikely.</p>	<p>Reclamation believes that the information provided in the EIS is supportable and appropriate. Numerous comments from short-term users have expressed this philosophy.</p>
<p>The assumption that per capita spending of visitors will increase if Alternative B is implemented is unsupported and highly unlikely.</p>	<p>After following the NEPA process, Reclamation believes that the information provided in the EIS is supportable and appropriate.</p>
<p>The assumption that the loss of business due to the elimination of trailer sites may be made up by the</p>	<p>The assumption that any revenue has to be “made up” is inappropriate and not applicable to this EIS</p>

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
<p>trailer owners returning as visitors or by others who are attracted to the new facilities is highly unlikely.</p>	<p>or the new contracts. There is no stipulation that the new contracts at Lake Berryessa must generate at least as much revenue as the current concessions. What is most important financially is that the new businesses can realize a reasonable profit based upon the risk assumed and the investment made. However, Reclamation believes the potential under Alternative B for revenue is in excess of the existing levels.</p>
<p>Numbers crucial to the feasibility analysis, such as the 15 percent discount rate and earnings of 35 percent of gross receipts, are exceedingly optimistic. Especially troubling is the fact that Dornbusch’s \$8.5 million revenue feasibility threshold is reduced to \$7.2 million in later sections of the report (when concessions are broken down by type) <i>without explanation!</i></p>	<p>After following the NEPA process, Reclamation believes that the information provided in the EIS is supportable and appropriate.</p>
<p>Assumptions of facilities revenues, including occupancy and usage rates and the length of the peak season, are overly optimistic.</p>	<p>After following the NEPA process, Reclamation believes that the information provided in the EIS is supportable and appropriate.</p>
<p>Reclamation’s concession contract management is poor and must be improved. Most, if not all, of the concerns raised by Reclamation regarding the existence of long-term use sites—including health and safety concerns—can be resolved by simply clarifying and enforcing concession contract provisions, which the concessionaires support but the Bureau has been unwilling to consider.</p>	<p>Several of the existing concessionaires have ignored various contract provisions relating to environmental contamination, administration of long-term permittee sites, etc., and some of them have failed to address direct requests and stipulations from Reclamation. These offenses have resulted in determinations of default, citations from the State of California (health and safety), and in one instance contract termination.</p>
<p>Reclamation’s management of the Lake Berryessa Recreation Area is poor and must be improved. It seems hypocritical of Reclamation to complain about the quality and/or quantity of concession facilities available to day users when it has not done its part to offer recreation opportunities to current and potential lake visitors.</p>	<p>This comment reflects a misunderstanding of how a concession management programs work in many areas. It is not uncommon in National Park and U.S. Forest Service areas throughout the country for a concessionaire under contract to the government to provide the bulk of public facilities in excess of that provided directly by the government. Certainly the opposite is also true where the government builds and operates the bulk of facilities. The key is that concessionaires are on the Federal estate as a privilege and not a right, and they are to provide the types of services outlined by the land owner (the Government). They operate under contract to the Government and should not expect to have unfettered determination of exactly what they wish to offer. As these contracts come to</p>



**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

Summers & Summers Comments - SS002	Reclamation Response
	expiration in the next few years it is appropriate for Reclamation to re-identify the types of facilities and services necessary, as the needs have changed since 1958 and 1959 when the current contract were established.
This cooperative environment is much more constructive than Reclamation’s past attempts to unilaterally impose its vision upon those that actually provide the vast majority of the services at the lake.	This comment incorrectly implies that the existing concessionaires have had no input into this process. To the contrary, Reclamation has had many more meetings and discussions to focus on information sharing and discussion with the concessionaires (resort owners) and representatives of long-term trailer owners than with all other stakeholder groups combined.
The ROP does not represent a new alternative. Rather, it stays within the boundaries of the current DEIS and offers a blend of Alternatives A and C.	The ROP does not utilize the existing footprint or boundaries of the existing concession operations. It outlines the need to develop numerous areas that are currently undeveloped and also relies on the use of private land, which cannot be addressed as part of this EIS because this EIS applies only to Federally owned land.
It (the ROP) signifies an effort to find a compromise with Reclamation and to be consistent with the administration’s stated goals to maximize access to public lands and not discriminate against any current users of those public lands.	Reclamation takes seriously its obligation to maximize access to public lands and not discriminate against <i>any</i> users of those lands. An eventual final alternative and ROD will be a result of Reclamation’s analysis of the multiple years’ worth of work in reviewing the issues.
Notably, the concessionaires have agreed to reduce the number of long-term sites by 15 percent.	Reclamation does not perceive this reduction as significant and it would not provide a meaningful relief from the concession operations that are focused on long-term trailer parks. The bulk of the existing trailers along the lake shore would still be present and those areas unavailable for traditional short-term uses.
Under the ROP, franchise fees would be raised to 5.0 percent. This represents a rate increase of over 84 percent.	Franchise fees are not available for improving facilities at Lake Berryessa. It is the Government’s responsibility to determine appropriate franchise fees. They could be reduced in favor of some type of other obligation with more direct local benefit to the public.
In addition, the ROP would improve the look of the resorts by renovating facilities and adding new graphics, signage, and facades.	If Alternative C or some derivative that includes any number of long term trailers is the final alternative and identified in the ROD, then this

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
	comment would be appropriate.
<p>The resort owners have committed, in the ROP, to create additional areas along the shoreline for day use recreation and access.</p>	<p>The ROP’s approach to providing better facilities and opportunities for short-term visitors is through further development. Reclamation believes that adequate areas currently exist within the existing footprints for better handling short-term use. The 15 miles of developed shoreline is not property that should be treated as though it were private. It is, for the moment, assigned for the use of the current concessionaires under their six contracts, which expire in 2008/2009.</p>
<p>Some resort owners have complained that their allowable price increases have not kept up with increases in expenses, or even inflation, over the past few years. The ROP calls for an end to this government price fixing, and rightly so.</p>	<p>Rates are approved based on comparability and not by “cherry picking.” Further, there never has been any guarantee that price increases will always keep up with inflation, only with comparability. This process is part of agency policy and is not exclusive to the Bureau of Reclamation.</p>
<p>These business decisions must be made by resort owners operating in the market sphere, not bureaucrats operating in the political sphere.</p>	<p>Reclamation agrees that basic business parameters and day-to-day decisions about how to conduct business—within the terms and conditions of the contract—are the purview of the concessionaire. However, Reclamation intends to continue approving concessionaire rates as defined in official policy and the individual contracts.</p>
<p>The ROP provides a detailed plan for both phases.</p>	<p>There is no demonstration that Phase II can be accomplished by the ROP proposal as it will depend upon the success of Phase I, the same as the Dornbusch report. The plan as presented is not supported by any meaningful economic data</p>
<p>Far from being merely conceptual, the ROP provides specific numbers of facilities to be added or renovated for each type of concession for each phase for each resort. It should be clear that the concrete and specific plan offered by the resort owners represents a superior plan of action.</p>	<p>Reclamation prefers an approach that would encourage the actual concessionaire(s) selected to receive the next contract(s) to be the primary architect in establishing both the general layout and specific plans, within the core parameters provided by Reclamation.</p>
<p>While Dornbusch assumes a “full cessation of concession activities at the lake” during Phase I’s two-year construction/renovation period, the ROP would allow the resorts to remain open while facilities are being constructed or renovated.</p>	<p>Dornbusch may have assumed such a closure but Reclamation has NO INTENT to permit such a closure. See earlier comments on this topic.</p>

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
<p>As the 1992 Reservoir Area Management Plan notes:</p> <p>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 . . .</p>	<p>The remainder of this quote from the 1992 RAMP says:</p> <p><i>These long-term exclusive uses will be located or relocated in areas that are neither prime shoreline locations that are desirable for short-term users or conflict with other greater public needs.</i></p> <p>Also from the RAMP are the following quotes that are applicable to this general issue of long-term trailer use:</p> <p><i>The planning period for this EIS and ultimately the RAMP will extend to the year 2009 when all existing concession agreements for privately developed resort areas will have expired.</i> (Purpose and Need, p. viii)</p> <p><i>By 2009 the concession agreements for all seven resorts will have expired and new or expanded reorganizations may occur.</i> (Preferred Actions and Alternatives, p. x)</p> <p><i>The intent of the Preferred Actions is to provide for the majority, not a select minority.</i> (Recreation, p. xiii)</p> <p><i>These agreements [trailer site permits] do not convey any permanent right to occupy the site and the tenants should not conclude that their privilege to occupy public land for recreational purposes would continue indefinitely. As such, with any land use change they could expect their rental agreements to be terminated at any time after being given suitable notice.</i> (Resort Tenants, p. xv)</p> <p>In 1971, a GAO study of public recreation facilities at Lake Berryessa found them not adequately developed. The GAO report found that all seven concessionaires had concentrated on development of mobile home parks instead of the Public Use Plan’s recommendations for campgrounds and day use areas. In general, the mobile home development had occurred on prime public access areas, encumbering the shoreline with exclusive long-term uses.</p>

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
	<p>There are many other similar comments. It should be apparent that the RAMP did not provide guidance in perpetuity but mainly just through the existing term of concession contracts and/or until another planning process occurred that updated the information provided.</p>
<p>Without the long-term sites, full services would likely be offered only during the peak season, with scaled-down operations (i.e., fewer available facilities and services) available during the majority of the year.</p>	<p>Reclamation sees no incongruity with all services not being available all year. Certainly launching and many other marina services would be open but it is very common throughout State and Federal recreation areas to have many seasonal operations.</p>
<p>If Alternative B (or any other single action alternative) were to be implemented, all vacation mobile homes would have to be removed. This would present a number of problems. Removal of the trailers would entail enormous costs. Some trailer owners might refuse to leave, resulting in legal and perhaps even public safety concerns. Others, unable or unwilling to bear the costs of removal might simply remove their belongings from the trailers and leave the structures behind.</p>	<p>Such episodes could occur, but this is not a sufficient reason for dismissing Alternative B. There are literally hundreds of facilities and practices that used to be present or occur on public lands that have changed. The experience with removing over 160 densely positioned trailers at Pleasure Cove in 2002/2003 has indicated that it can be accomplished in a manner that results in an environmental plus following a season of recovery.</p>
<p>Fifteen million dollars is quite a sum to pay for the removal of structures that pose no serious threat to public safety, the environment, or the enjoyment of the lake by others, however.</p>	<p>Reclamation disagrees with the assumptions of this comment. It is especially inaccurate to say that there are no threats to public safety, the environment, or the enjoyment of the lake by others. Numerous incidents over the past several years have resulted in environmental contamination and public exposure due to concessionaire or permittee system failures.</p>
<p>Dornbusch assumed that a prospective investor would require at least a 15 percent return on his investment to undertake the project outlined in Phase I of Alternative B (and, thus, to make the plan feasible). To illustrate how unlikely such a scenario would be, consider that the resort owners currently earn an average return on investment of about 9 percent. Even after the final phase of the ROP is completed, the concessionaires anticipate a return of just under 10 percent.</p>	<p>Reclamation disagrees with this analysis because it fails to consider the strong anecdotal evidence for success provided by the experience at other similar areas around the country.</p>
<p><b>Capital Investment</b> As noted previously, the ROP actually calls for a greater capital investment than the Dornbusch/Alternative B plan during Phase I.</p>	<p>Dornbusch’s work was theoretical, as is the ROP, and what the actual investment ends up being is speculative and will be based upon actual performance of business during Phase I in either</p>

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
<p>Since this investment will likely be spread out over a slightly longer time frame, however, it should not be overly burdensome to the concessionaires. In addition, the costs are divided among the seven resort owners, rather than being borne by a single concessionaire. Suffice it to say, the resort owners propose a total capital investment (over both phases) of nearly \$42 million.</p>	<p>scenario. Furthermore, comparing the level of investment is invalid because the two proposals have different objectives and incorporate different component sets.</p>
<p>According to the ROP, concession operating costs as a percentage of gross receipts are approximately 61.0 percent. In contrast, Dornbusch assumed that, under Alternative B, operating costs would be only about 54.7 percent of gross receipts</p>	<p>Both proposals are theoretical and very well may have different percentages for operating costs depending upon the differing types of facilities etc.</p>
<p><b>Contract Length</b> The Dornbusch analysis assumed a contract length of 20 years. The ROP calls for a 30-year contract with two 10-year extensions. As noted above, Dornbusch assumed a capital investment of \$23,093,000. The ROP’s capital investment of \$41,683,300 is approximately 80.5 percent greater.</p>	<p>The actual length of the contract will not be determined until the selection of and final negotiation with a successful bidder(s). It will reflect the actual risk and investment. Reclamation acknowledges that a length of more than 20 years may be necessary, but it is very unlikely that Reclamation will negotiate a contract that has potential for 50 years without some level of government ability to make changes without mutual agreement for any extensions.</p>
<p>Moreover, the ROP’s investments will result in a significantly greater quantity and quality of visitor facilities, while the plan analyzed by Dornbusch would result in significantly <i>fewer</i> facilities. This added benefit to lake visitors would seem to command an even longer contract term. Thus, we feel that, given the size of the investment required and the likely benefits to lake users, a total contract period of between 40 and 50 years is justified.</p>	<p>Based upon current conditions of facilities under the existing concessionaires and contracts, there is no reason to expect that new facilities under the ROP will be superior to those that would occur under Alternative B. Discussing contract lengths of 40-50 years at this stage is premature and it could very well be one of the criteria for evaluation in bids from companies; i.e., all other aspects being equal, a shorter term is better.</p>
<p>Compensation is provided for facilities improvements . . . . Under the ROP, the resort owners would be fully compensated (by Reclamation or a subsequent concessionaire) for improvements made to their facilities.</p>	<p>Concessionaires should have some type of mutually agreed upon investment protection process that appropriately recognizes their assets at the termination of a contract.</p>
<p>The ROP represents a good blend of current DEIS Alternatives A and C and is far superior to Reclamation’s Preferred Alternative B in providing recreational opportunities for long-term, short-term, and day-use visitors alike. Implementation of the ROP will result in some concessions, and some gains, for Reclamation and the concessionaires and</p>	<p>This comment disregards the fact that many potential short-term visitors avoid Lake Berryessa because they do not believe it provides a quality recreation experience.</p>

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
trailer owners, but the ultimate winners are lake visitors of all types.	
Concessionaires have the opportunity to remain in operation at the lake (pending successful contract renewal or award via winning bids) and continue the same (or similar) business models, but they must also address health and safety issues raised by Reclamation.	The identified safety and health corrections are required in all of the action alternatives.
Under the ROP, approximately 85 percent of the trailers would get to remain on the resorts' lands, but the concessionaires would address the exclusive use issue by offering a considerable portion of them as vacation rentals to the public.	As noted above, Reclamation finds the sub-leasing or renting of private trailers to the general public to be inappropriate within a Federal recreation area.
While it may have been unrealistic to expect resort operations and economic conditions to remain the same, those anticipated in the Dornbusch report's analysis of Alternative B were even more unrealistic. The ROP makes a number of the changes sought by Reclamation while drawing upon the experience of those who have run recreation and hospitality businesses successfully for many years.	Reclamation does not perceive any unique complexities regarding Lake Berryessa concession operations to the extent that appropriate professional experience within the "hospitality industry" and other similar locations are not equally as qualifying as the current concessionaires.
<p><b>Deterioration of Facilities in Advance of Contract Expiration</b></p> <p>If Alternative B were to be selected by Reclamation as the development plan for Lake Berryessa, instead of the ROP, there is a very real possibility that concession facilities would be allowed to steadily deteriorate until the end of the resorts' current contracts in 2008 and 2009. Such a reaction by the concessionaires would come as no surprise, and would even be considered rational, given (1) the intention under the action alternatives to effectively evict the existing concessionaires.</p>	It would be inappropriate for Reclamation to base its determination of a final approved plan, even partly, on the implication here. Many of the existing facilities already show signs of deterioration and insufficient maintenance. The contracts are expiring through a normal course that has been well known since they were signed and agreed to over 45 years ago.
Some public officials and residents in Napa County have raised concerns that police and other emergency services to Lake Berryessa are costing the county a significant amount of money. They are displeased that county tax dollars are being used to subsidize property that is owned and operated by the federal government.	Reclamation agrees that county expenditure issues and low revenue levels to Napa County are an important issue for any alternative.
The ROP represents the visions of the concessionaires, whereas Alternative B was formed	This comment is incorrect. The concessionaires and trailer owners had more input into this process

**PART 2 - COMMENT PERIOD II**

**Summers and Summers – Response Code SS002**

<b>Summers &amp; Summers Comments - SS002</b>	<b>Reclamation Response</b>
without the input of those providing facilities and services at the lake and fails to embody a cooperative vision of existing stakeholders.	than any other specific public group. Their exact proposal may not end up as the final plan, but their input has been carefully considered.

**Summary of Summers & Summers Comments – Part of ROP**

The ROP included, as “Attachment A” a document titled “Analysis of the Resort Owners Plan for Lake Berryessa.” This attachment was provided by the company of Summers & Summers (S&S). This company was originally hired by opponents of Reclamation’s action alternatives who favor the retention of the long-term trailer installations at Lake Berryessa. Attachment A provides 19 pages of support for the ROP.

Also included, as “Attachment B,” is a document titled “Economic Analysis of the Dornbusch Associates Report and the Bureau of Reclamation’s ‘Alternative B’ Plan for Lake Berryessa,” also by S&S. This document was initially submitted to Reclamation in October 2004, and Reclamation issued a detailed response in November 2004. Attachment B provided 45 pages of data attempting to discredit Reclamation’s economic feasibility work as well as suggestions on how to better approach the issues surrounding the upcoming expiration of concession contracts at Lake Berryessa. It also included nine specific recommendations to Reclamation that were specifically and individually addressed in the 2004 response.

The entire 64 pages of these two S&S documents were presented as a part of the ROP. Reclamation does not agree with the tenets outlined in the documents that indicate there will not be an economically feasible business opportunity without retention of the current long-term uses. Furthermore the documentation by Summers & Summers and other portions of the ROP disregard certain salient factors regarding the issues of feasibility and appropriate use of Federal lands at Lake Berryessa as the current concession contracts come to the legal expiration of their 50-year terms. Reclamation has already responded to all of these points either in the preceding comments and responses to this ROP, directly to Summers & Summers in November of 2004, or in earlier responses to other comments from the first comment period for this EIS. However, Reclamation provides the following general response to these two documents in the interest of thoroughness.

**Reclamation’s Response to Summers & Summers Support Attachments A & B** – Since the current contracts were developed and signed over 45 years ago, the eventual expiration of those contracts and the requirement for Reclamation to recognize the need for a change in focus has been evident to both parties of the contracts (Reclamation and the individual concessionaires). Similarly, the Public Use Plan (PUP) has been clear for the last 48 years and the Amendments to that PUP for the last 30 years as to the specific preferences for short-term use and the apparent end to the current long-term focus. Public Law 96-375 has been a factor for 25 years and the RAMP for 13 years. None of these NEPA compliant and/or legal documents indicate that the original concessionaires have any preference or heightened expectation of remaining into the next term. (They can compete with others.) Similarly, there has not been any indication that the original facilities, services, and programs would continue in perpetuity. In fact, there are many indications in the PUP amendments and the RAMP that the existing reliance on long-term trailers was only continuous through the current contract terms ending in 2008/2009. The original contracts and the PUP never anticipated or provided language that directly permitted or encouraged the development of trailer villages as they now exist. However, Napa County and Reclamation, in the early years of these 50-year contracts, did permit the development of trailer villages in part to augment revenue

for the concessionaires. The PUP was amended three times in the early 70's to recognize, among other things, the existence of the trailer installations, but these amendments gave no assurances that long-term trailer use would continue beyond expiration and were very clear that short-term use and development was preferred. The following excerpts from the PUP Amendments state those positions as follows:

Amendment 1

This amendment did not deal with any detail of operational preferences. It became effective on July 1, 1975 and simply noted the change in area management from Napa County to the Bureau of Reclamation.

Amendment 2

Wording within this still-applicable amendment:

This plan (PUP), as amended, may be revised and amended on a continuing basis and in sufficient detail so as to bring it into conformance with currently prevailing circumstances and to reflect applicable goals, objectives, and policies of the Bureau of Reclamation of the United States Department of the Interior.

Conflicts between short and long term users for available space, facilities, and services will be reconciled in favor of short-term users.

(Approved and Signed by B.E. Martin, the Regional Director of the Mid-Pacific Region, on July 7, 1975)

Amendment 3

This amendment specifically addressed Reclamation's policy for long-term use at Lake Berryessa. The cover letter signed by Regional Director B.E. Martin on May 27, 1976, included the following statements (emphasis added):

As you will note, the policy provides for an orderly long-term phase-out or conversion of existing long-term uses based upon public need. At the same time, it provides for near-term corrections of substandard conditions in existing mobile home and travel trailer parks. Those trailer sites which conform with applicable standards may continue to be operated by the resorts and used by their tenants *at least until the expiration of concessions agreements.*

Prior to the expiration of these agreements, *we must make land use studies and plans to determine how each of the resort areas should be redeveloped and managed in the future.* Such plans will help us to make judgments and decisions of public need. In these study and planning efforts, we will seek comment and advice from all interested parties, groups and agencies in an effort to find out how the public wishes this lake to be developed and managed. We are committed to managing Lake Berryessa so as to provide the optimum social benefit on a sustained basis over the long-term.

The text of the amendment itself included the following (again, emphasis has been added):

The sites on which these long-term uses are permitted will be converted to short-term use as public needs develop and in accordance with the Public Use Plan (PUP) or to revisions or modification of this plan that may be adopted by the Bureau of Reclamation.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

No additional sites or facilities will be developed for long-term use and existing long-term uses (mobile homes and travel trailer sites) will be phased out as public needs develop.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*



Mobile home/trailer sites which were developed under proper approval granted in writing by Napa County or jointly with the Bureau of Reclamation, and meet applicable current County, State and Federal health and safety laws, rules and regulations will be permitted to *remain in use for the remaining term of the existing concession agreements* (emphasis added) provided the sites continue to meet the standards.

These declarations were made 30 years ago and were reaffirmed in the RAMP of 1992. The EIS/VSP process that Reclamation has been working on since 2000 is the very effort identified in one of the above italicized comments from Director Martin's 1976 cover letter.

The ROP and S&S propose to retain long-term trailers in essentially the same configuration as presently exists in all seven of the concessionaire areas and along the same lakeshore locations. The ROP promotes the concept of letting trailer owners rent their trailers out to the public at those times they do not wish to be there themselves. The ROP and S&S suggests also responding to the needs of short-term users by adding a significant number of new facilities—campsites, RV parks, cabins, boat rental slips, launch ramps, concessionaire-owned trailer rentals, food and beverage outlets, etc. In short, it proposes a scenario that would provide the apparent substantial needs and support facilities for both long-term and short-term users. In order to do this the ROP outlines the need to use presently undeveloped acreage adjacent to many of the existing concession areas as well as the need to use many acres of private property external to Reclamation's land base or area of influence or control.

Reclamation will not consider the commercial use of existing private trailers as such arrangements do not meet the expectations of the short-term public and appear to be a fabricated approach to retain trailers and provide some level of appeasement for short-term use. As described in the ROP, this "vacation rental program" is a sub-concession operation and would be a violation of agency concession policy. Furthermore, the general short-term public has expressed significant disapproval and negative appeal with the very proximity of private long-term trailers and no interest in vacationing within those installations.

The ROP and S&S approach to increase the land base to provide something for everyone is also discounted by Reclamation as unnecessary and inappropriate use of Federal land. Reclamation believes we are at the stage identified by both the PUP Amendments and the RAMP where the agency is preparing for a different use pattern at Berryessa than has taken place over the last 45 years. Regardless of the Summers and Summers input and their earlier evaluation of the Dornbusch feasibility report, Reclamation does not agree with the philosophy that removal of the long-term trailers will destroy the economic feasibility for Lake Berryessa concessionaires. Lake Berryessa, because of its size, physical attraction, and proximity to large population centers, presents an outstanding economic opportunity if properly developed without long-term trailer usage.

The ultimate economic viability test will be provided by qualified interested bidders to a new concessions opportunity. These companies must consider the economics in advance of submitting their offers and committing their funds. Reclamation believes this interest, which has already been expressed, will demonstrate a more important level of confidence or lack thereof than the theoretical work provided for Reclamation by Dornbusch or for the ROP by Summers and Summers.

**COMMENTS FROM MR. HENRY HOWARD**

The following several pages of comments all come from a single commenter, Mr. Henry Howard. Mr. Howard submitted a large document during the second EIS comment period presenting his thoughts. He also submitted numerous comments during the initial “EIS comment period.” Many of his comments for the second period were duplicates of or variations on his earlier submittal. Also, some of his comments in this second period were the same as or similar to those of the Resort Owners Proposal or other respondents, which were already responded to above. The comments included below represent those areas where the reviewers perceived a new comment or a need to clarify. Generally the “Comment” column (left side) presents Mr. Howard’s exact wording but there are a few instances within the following comments/responses where the reviewer condensed a lengthy (perhaps a page or more) comment from Mr. Howard in the interest of space and clarity. The Response Code for this section is HH002.

<b>PART 2 - COMMENT PERIOD II</b>	
<b>Mr. Henry Howard – Response Code HH002</b>	
<b>Mr. Howard’s Comments</b>	<b>Reclamation’s Response</b>
<p>I have always remained solid in my quest to find out the total cost of this project and who has authorized the expenditures so far and what was the enabling documentation and I remain resolved to obtain a full disclosure of the federal funding and third party monies to enable this project.</p>	<p>Reclamation has made every effort to comply with NEPA, making constant checks and internal reviews. The EPA has reviewed the document and found it to be in compliance. It is not known what the ultimate costs of developing new facilities at Lake Berryessa will be for either the Federal Government or new concessionaire(s), and it will not be known until the actual final plan and phases are being completed. Reclamation managers have authorized expenditure of annually appropriated funds for the planning activities and development of the subject EIS and have followed all required public notification/communication documentation standards. Many informational meetings and presentations have been conducted throughout the area, several public mailings have been sent to a list of over 2,000 interested persons and organizations, and the formal public comment periods were far in excess of the minimum NEPA requirements. There are many unknowns in regard to the actual future expenditures for the implementation of any of the proposed action alternatives. This is not a situation unique to Lake Berryessa and is a common occurrence in fulfilling plans for new areas and new development. At some time this figure will be available, but the fact that it is not yet known is not a failing or otherwise unique. It would be inappropriate for Reclamation to ask for or take any third-party monies to assist in the development of this plan.</p>

**PART 2 - COMMENT PERIOD II**

**Mr. Henry Howard – Response Code HH002**

<b>Mr. Howard’s Comments</b>	<b>Reclamation’s Response</b>
<p>I remain concerned about BOR officials inputs and providing false and misleading information in the Dornbusch Study and in violation of Title 18 U.S.C.PART 1, CHAPTER 2, § 35 <i>Imparting or conveying false information.</i></p>	<p>Reclamation has not provided false, misleading, or otherwise untrue information. Any economic projections on this or other government or private projects that are presented by Reclamation or any party in a pro forma format is theoretical to some extent and only provides a general guide for the next steps.</p>
<p>The Lake Berryessa BOR Project will result in significant and unmitigated adverse environmental impacts which will have a critical bearing on the future of the Lake Berryessa, the City of Napa and Winters, the California Route 128 corridor, the supporting communities and the Solano County Drinking Water Supply . . . . Moreover, multiple aspects of the Berryessa Project do not meet permit standards pursuant to the National Environmental Protection Act . . . . The Berryessa Project will degrade the landscape and substantially interfere with the region’s economic vitality and renaissance.</p>	<p>The potential impacts alleged in this comment are unsupported. The EIS adequately outlines those impacts anticipated by the proposed action alternatives. The proposed changes will actually result in a long-term positive change to the area through the elimination of some and reduction of other current negative natural environmental impacts attributable to existing failing infrastructure, inappropriate landscaping, existing fire safety hazards, and unapproved failing shoreline stabilization attempts. None of the other regulatory agency comments have reflected any concerns similar to those presented in this comment. Following their review of the EIS, all adjacent local governments, with the exception of the Winters City Council, have expressed their support of the proposed changes at Lake Berryessa.</p>
<p>Task Force – 7 believes that the proposed Berryessa Resorts redevelopment at Lake Berryessa does not embody environmentally responsible growth consistent with the spirit of NEPA and the Presidential Executive Orders. The DEIS is fundamentally flawed and incomplete because it fails to satisfy NEPA and the California Environmental Quality Review Act (CEQA) and the rules and regulations enacted to govern such reviews. High-ranking officials of BOR management have stated this project does not require CEQA review since it takes place inside federal draw lines.</p>	<p>The EIS has satisfactorily addressed the appropriate issues and expressed the appropriate concerns. The other reviewing agencies, e.g. EPA, found no serious flaws in the document. CEQA regulations are not applicable to Federal land managed by the Federal Government.</p>
<p>The Task Force - 7 considers the proposed Lake Berryessa Resorts redevelopment to be an ill-advised and inappropriate use of the land surrounding Lake Berryessa.</p>	<p>The proposed changes present options for use of Federal land, more appropriate for the traditional short-term public than the present focus on exclusive long-term use by over 1,300 private trailer owners. Comments from groups and individuals that represent traditional recreational users indicate strong support for change at Lake Berryessa. There is positive public interest in any</p>

**PART 2 - COMMENT PERIOD II**

**Mr. Henry Howard – Response Code HH002**

<b>Mr. Howard’s Comments</b>	<b>Reclamation’s Response</b>
	option that results in more access to the lake in areas presently devoted to long-term trailer villages.
<p>The Project, as currently planned, pits the personal BOR official’s visions and the financial interests of a proposed single developer against the character of the local community, against the long-term users, against the beauty of an important natural resource and the integrity of the Berryessa Watershed.</p>	<p>There are no personal considerations from “Reclamation officials” regarding the EIS. Reclamation’s planning and the decisions that are a result of that planning are driven by policy and law. The process that led Reclamation to consider “Alternative B” was driven by historic and current uses that contributed to the degradation of area resources. Over the last several years there have been several discharges from either inadequate concessionaire sewage systems or knowingly and directly from some trailer owners’ personal systems.</p>
<p>Although the Bureau of Reclamation pledges to limit environmental impacts through the use of “space age” technology, Task Force – 7 regards this proposed experiment as irresponsible, given that a failure of the Project’s mitigation measures could necessitate the construction of regional water filtration and regional sewage plants at a cost to the general public and Federal government of approximately <b>\$6 billion</b>.</p>	<p>The EIS never mentions the term or concept “space age” technology. The Lake Berryessa project is not an “experiment” but a required management action to address the expiration of seven concession contracts that will come to their legal terminus at the end of 50 years in 2008/2009. Reclamation does not understand the comment regarding \$6 billion for the construction of regional water filtration and sewage plants.</p>
<p>... the Project, at its present scale, is not compatible with the existing Lake Berryessa seven resorts. The Project is unprecedented in size and projected cost, within not only the Mid-Pacific BOR Region, but also indeed, the entire Western United States...It would be the first Federal precedent setting project to remove 1300 established vacation homes and trailers from the seven resorts under the cloak of “exclusive use removal.”</p>	<p>Reclamation agrees that this is the first time that 1,300 private exclusive use trailers have been proposed for removal from Federal recreation lands. The existing situation that has resulted in large areas of prime Federal property being managed for exclusive long-term users is not compatible with appropriate use of limited public recreation lands and water but more akin to private land use.</p>
<p>From an environmental standpoint, the proposed Project requires dramatic disruption in a particularly sensitive and valuable area. The Project is within Blue Ridge Watershed. The resorts sites are located on steep slopes in excess of 25 percent, along the Lake Berryessa Reservoir. This is a recipe for the contamination of the Northern California (Solano County) water supply...</p>	<p>The present installations are problematic not just because of the use type but also because of failings of some concession owned and operated sewage treatment facilities and similar failings and illegal discharges that have often occurred from individual private long-term trailers. Any of the action alternatives will correct these deficiencies and reduce the opportunity for environmental degradation. Reclamation considers the concerns brought forth by this comment as support for the</p>

**PART 2 - COMMENT PERIOD II**

**Mr. Henry Howard – Response Code HH002**

<b>Mr. Howard’s Comments</b>	<b>Reclamation’s Response</b>
	adoption of one of the action alternatives.
<p>The Federal EPA addressed this issue in the Federal Register as follows: April 9, 2004 ERP No. D-IBR-K65262-CA Rating EC2, Lake Berryessa Visitor Services Plan, future use and operation, Solano Project Lake Berryessa, Napa County, CA. Summary: EPA expressed environmental concerns that significant increases in visitor use under the proposed VSP could result in negative impacts to air and water quality. EPA requested information on estimated future use and environmental impacts be included in the FEIS.</p>	<p>A more detailed assessment of potential impacts to air and water quality associated with possible increases in visitor use is included in the FEIS, as suggested by the EPA.</p>
<p>BOR has completely failed to analyze any other reasonable alternatives of smaller scale or magnitude . . . the analysis of reasonable alternatives must be evaluated as a means to eliminate, avoid or mitigate the significant adverse impacts, which will result from the proposed Berryessa Project. In light of the significant adverse environmental impacts associated with development on the west side of Lake Berryessa, a separate Federal demonstration project on vacant land must be evaluated.</p>	<p>To adequately address the significant needs at Lake Berryessa after nearly 50 years of the existing use types and aging facilities it is necessary for this EIS and associated planning processes to be large in scope. The resulting new facilities and uses will reduce the existing negative impacts and result in a use type that more appropriately serves the general public. There are no “significant adverse environmental impacts” anticipated. A demonstration project on vacant land is not an appropriate suggestion and would only serve to create a new environmental disturbance where none currently exists. Other proposals were considered but rejected as identified in the EIS and in some of the direct responses to other public comments.</p>
<p>The DEIS’ conclusion that there will be no impact upon community character is based upon its assertions that: (1) “the Resorts will be fairly self-contained [and thus] there will not be an affect on community character;” and (2) the Project will merely “re-introduce resort development uses into an area that historically supported such development locally and on a former long-term scale.” TF-7 will present evidence that DEIS treatment of community character is critically flawed . . .</p>	<p>Neither of the quotes attributed in this comment to the EIS exists as identified.</p>
<p>Approximately 9666 acres of forested, open space land will be directly altered if the Berryessa Project is approved . . . this proposal will overwhelm and destroy the diverse and intermingled land uses that currently characterize the area.</p>	<p>Any restructuring of resort areas will take place within the current footprint of the concession area. Each of the action alternatives will result in reduced levels of impact to the Lake Berryessa area through the elimination or reduction of the areas presently impacted year-round by the long-term trailer villages. As identified in the EIS, there may</p>

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<b>Mr. Howard’s Comments</b>	<b>Reclamation’s Response</b>
	<p>be some minor initial impacts due to removal of some existing facilities and the construction of new facilities, but the long-term effects are positive as compared to the present situation. Reclamation is unsure of the calculation and location of the 9,666 acres described in this comment, as it was not identified in the EIS or other Reclamation documents regarding this project.</p>
<p>Though tourism generated by the area’s plentiful natural resources and ready opportunities for year-round recreation has been and continues to be central to the regional economy, Northern California has never seen a resort development akin to the proposed Berryessa Resorts . . .</p>	<p>This statement is not accurate, as there are commercial recreational developments within Northern California that are larger in scope and numbers than proposed for Lake Berryessa—e.g., Lake Shasta, Lake Tahoe, Yosemite Valley, Napa Valley, and perhaps others. Reclamation recognizes that changes at Lake Berryessa will be major because they will be new and will replace an existing type of use that has been present for 50 years.</p>
<p>Economic studies of the region have indicated that tourism may be best revitalized through “a focus on existing destinations and a series of niche-based accommodations,” including wineries, Bed and Breakfasts and shops.” Such development is most appropriate in areas which have unique character and can become focal points for development.” Significantly, one study, “Lake Berryessa Visitor Planning A+,” recommended: “Rather than recreate the over-sized resorts of Napa County, four or five 100-room facilities built over a five to ten year period would be far more viable than either a multiplicity of smaller units or dependence on redeveloped new resorts.” This A+ Study, authored by a Committee Chair, Task Force – 7, Peter Kilkus, also noted that the local community “recoils from the idea of over-population,” that “assaults on our watersheds would be tragic” and that “the Disneylandization of the Berryessa area is unthinkable.”</p>	<p>There is no indication from the commenter that identifies the “economic studies of the region” highlighted in the first sentence here. The second study identified as one by “Lake Berryessa Visitor Planning A+” is not a recognized or valid “study” but was an earlier comment/proposal submitted by Task Force-7, a group composed of long-term trailer owners at Lake Berryessa. The action alternatives do not and did not propose any form or reference to making Lake Berryessa similar to Disneyland.</p>
<p>After reviewing the DEIS it is apparent that many of the benefits from the proposed management focus on non market goods and services such as concession management by a proposed single provider. The focus on non-market goods and services is appropriate for land management agencies responsible for stewardship of the public estate. For the non-market goods and services such</p>	<p>The reference to “non-market goods and services” is not applicable in the Lake Berryessa FEIS as it refers to an “Economic Analysis,” an optional feature Reclamation chose not to include in this document. Specifically, an EIS is not required to contain a “cost-benefit analysis,” which includes a discussion of non-market goods and services, (watershed and old growth forest restoration,</p>

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<p>as wildlife habitat, migratory corridors, watershed protection, and scenic landscapes, are under produced by private market forces. The under production of non-market resources is an example of a market failure and provides the economic justification for public ownership (long-term vacation homes) and investment in Lake Berryessa and federal properties.</p> <hr/> <p>The DEIS does not account for the changes in non-market goods and services.</p> <p>Based on legislative directives and project focus, the Lake Berryessa Project should take a total economic valuation perspective and include an economic analysis of the proposed management alternatives that takes into consideration non-market benefits and costs.</p>	<p>wildlife habitat and scenic landscapes) if such an analysis is not relevant to the choice between action alternatives. Since none of the above resources are impacted and the focus remains on the existing resort footprint, a discussion of non-market goods and services is not applicable.</p>
<p>Federal lands in the Lake Berryessa Basin generate over 1.5 million visitors annually for recreation activity, representing a minimum of \$150 million in willingness-to-pay (WTP) benefits, and supporting 5,000 jobs in the regional economy.</p>	<p>Reclamation agrees on the approximate visitation at Lake Berryessa, but the concept of willingness to pay” of \$150 million or the support of 5,000 jobs in the regional economy is not adequately demonstrated.</p>
<p>. . . resort site redevelopment will reduce soil productivity. Of potential importance for the DEIS is the impacts on site productivity and the removal of biomass.</p>	<p>The adoption of any of the action alternatives will not reduce soil productivity or biomass. It will reduce the actual ground impact due to the removal of over 1,300 trailers and open up additional areas for increase of natural “biomass.”</p>
<p>Long-term users are continually financing resort maintenance-redevelopment costs of resorts until public land managers make a decision to allocate budgets to assume operational cost for running and maintaining the resorts.</p>	<p>It is not the intent of Reclamation to assume the cost of operating and maintaining a private concession business.</p>
<p>The site clearance and logging operation has the long term potential to mar scenery, impact wildlife populations and degrade the aesthetic appeal of the Lake Berryessa Blue Ridge basin. Both the short and long-term damages may have economic costs for local businesses in terms of potential decline in customer satisfaction, lost business and tax revenues, or lost opportunities to attract-retain jobs.</p>	<p>The implication that a logging operation of any type will occur as part of the redevelopment is not accurate. Furthermore, the picture painted of vast negative and disruptive impacts throughout the area is similarly inaccurate. The removal of over 160 trailers from Pleasure Cove in 2002/2003 was relatively smooth and did not disrupt local or regional activities.</p>
<p>The large scale of the bark beetle, sudden oak disease and Spanish moss was not addressed in the DEIS. There is significant impacts on local basin</p>	<p>The scope of this EIS is not impacted by nor does it impact the mega geographic areas impacted by bark beetles, sudden oak disease, or Spanish moss. The</p>

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aesthetics and overall effect on the areas immediate small communities, e.g., Berryessa Highlands.	overall disruption of area foliage will be minimal and will result in less ground area impacted on a long-term basis.
The resort health and code crisis is exaggerated.	The statements by Reclamation in the EIS regarding the condition of concessionaire-owned facilities is accurate and is based upon a thorough analysis by a qualified engineering company of all seven concession areas.
<p><b>Recommendations</b> The following are long range planning recommendations whereby the BOR could begin to concentrate its efforts to restore its position and image and create recreation opportunities with existing resources and budgets:</p>	
Develop ten government funded vista pullouts, equipped with port-lets, paved parking, picnic tables, and shaded covers.	The development of vista pullouts may be a good idea but 10 are not necessary. There are already a few areas that serve that purpose and general upgrades of them would be appropriate but not until a final determination is made regarding changes to the concession areas and how their new services would figure into the overall mix of short-term visitor support.
Complete the road around the lake on the eastern shore and surface with asphalt.	Construction of a paved road around the lake or even on the east side is not desirable as it would negatively alter the character of Lake Berryessa, which now can boast a relatively “wild side.”
Complete overhaul of Oak Shores and Smittle Creek.	The comment regarding a “Complete overhaul” at Oak Shores and Smittle Creek is undeveloped here or elsewhere in Mr. Howard’s submittal and Reclamation does not perceive the intent.
<p>Increase the parking at Smittle Creek.</p> <p>Build a regional water plant and sewer treatment to service Berryessa basin, Berryessa Highlands, Berryessa Estates, Circle Oaks, Spanish Flat area, all resorts.</p>	It is not an appropriate Reclamation function to build any infrastructure to serve private housing areas. Involvement in development of a water plant or other infrastructure systems that may serve multiple Reclamation concession areas may be considered as part of the negotiation of an eventual new concession contract(s) at Berryessa.
Develop Pope Canyon bridge area into a vista area and picnic area.	With the completion of more appropriate access to the concession areas for the short-term public the additional development of Pope Creek along the major access route is not desirable or necessary.



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Camp Berryessa overhaul, new roads and structures.	New development at “Camp Berryessa” will be necessary but will be the function of a new concessionaire selected to manage that area for public use.
Extend all resort contracts an additional 20 years, require that majority of upgrades to structures comply with Alternative B, except the remove trailer extraction provisions.	Extension of current concession contracts for any period of time would be a violation of Public Law 96-375.
Require all dry site trailers not hooked into existing utilities and sewage/water control. All dry sites not able to upgrade would be remove from sites within 2 years.	The failure to address the issues surrounding long-term private trailer installations at Lake Berryessa in this EIS would be negligence. Dry sites currently under use are addressed in the EIS along with all other long-term sites.
Open Government Point shoreline access to all users.	Government Point access will remain similar to its current situation in part because of national security concerns at all Reclamation administrative locations. It is currently utilized on an informal basis by several senior citizens that appreciate its level of safe and secure setting and that type use could be encouraged.
Open North Shore campground run by BOR as a demonstration project in accordance with 1992 RAMP Plan.	Regardless of the identification in the RAMP, a North Shore campground is not perceived as necessary nor is one planned, as adequate camping is anticipated among the new concession developments. This is, in part, an effort to reduce the level of impact by not disturbing a currently undeveloped area.
Prioritize efforts in motorized boating 99.5 percent usage. Since kayaks and canoes are basically one person or two users reduce emphasis on the agenda of Sierra Club groups.	The comment regarding motorized boat use, canoes, kayaks, and the Sierra Club is vague and Reclamation is unable to perceive the point or develop a meaningful response.
Develop campgrounds on small and big island IAW 1992 RAMP document.	No camping development will occur on any of the islands at Lake Berryessa as those areas have become more important as undeveloped natural areas (e.g., for eagle nesting), and management of visitor facilities at those locations would be unnecessarily costly. Reclamation recognizes that this determination is somewhat different than originally expressed in the RAMP, but it is appropriate based upon current knowledge and preferences for proper environmental stewardship.

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Establish a Citizen to Protect Advisory Board for oversight of BOR at Lake Berryessa. Adopt the DOI’s new policy for 4- C’s.	Some type of a user advisory board may be of value at Lake Berryessa but it is not the intent of this EIS to address its structure and function.
Develop two additional boat launch ramps with all amenities and fuel capability.	Additional boat launch ramps at Lake Berryessa are not necessary with the proper management and maintenance of the existing eight ramp areas.
Implement user fees system for Capell Cove boat launch and use of BOR developed and dispersed sites, follow the President’s Executive Orders.	Final determination regarding user fees for Capell Cove and Oak Shores has not yet been made but it is very likely that new fees will be instituted by either the government or a concessionaire. The actual opportunity to collect and retain such fees was not a factor when the EIS was developed but has become so in the last few months with the inclusion of Reclamation in the national Fee Demonstration Program.
Establish law enforcement capability for BOR park rangers, or contractor.	Reclamation does not have any authority to independently conduct law enforcement operations. Continuing efforts to contract such services are a part of the EIS.
All mobile homes would be anchored and flood proofed in a measure to comply with 1992 ramp within five years or removed.	Reclamation agrees that all existing trailers must be anchored as required in the building code. However, in the preferred alternative, this issue becomes moot.
The BOR would remove its storage yard to higher ground below Government Point.	The storage yard at Government Point is adequate.
Within two years all resorts would be characterized and master planned IAW Napa County guidelines.	The comment regarding master planning is vague and Reclamation is unable to respond.
Develop all weather access roads from Winters, Napa, and Fairfield with federal funding highway maintenance funding. Eliminate unsafe turns and improve grades and road surfaces.	Development of new highways or access roads is beyond the scope of this planning effort. Reclamation and various highway officials have examined the existing systems and have deemed them adequate. The existing roads are not high-speed routes, and they will likely remain in their current character, which is not unlike that of access routes to many remote recreation areas within California or other Western States.
The Blue Ridge group has already acknowledged that the potential for overuse of the Forest lands presents its greatest danger even before the Berryessa Project was proposed	The Blue Ridge Berryessa Natural Area (BRBNA) Partnership has submitted a formal comment supporting Alternative D.

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<p>At no time does the DEIS discuss the loss of Transient Occupancy Tax charged by resorts and forwarded to Napa County. Secondly the DEIS fails to discuss the heavy loss of revenues sent to Napa County under the Resort Tax ordinances that all resorts pay to Napa County.</p>	<p>Transient Occupancy Tax (TOT) is not specifically discussed in the EIS, although overall manpower and financial impacts to Napa County are outlined. It should be noted, however, that officials of Napa County have stated both orally and in writing that they strongly support Reclamation’s preferred Alternative B and further feel it will result in an increase of TOT to the county.</p>
<p><b>Groundwater Impacts</b> The DEIS does not adequately evaluate the hydrogeology of the area, which is critical to preparing an accurate water balance for the sites.</p>	<p>As stated in the EIS, Reclamation would limit structures from being placed below the 455-foot MSL contour and would require that best-management practices be employed. These practices would include landscaping, facility siting, road alignment, and drainage abatement, all serving to continue to protect potential surface and ground water (none of which include wells) and to minimize impacts to nearby reservoir water sources. These restrictions and modernization of the treatment plants would eliminate the kinds of water quality violations that have occurred in the past. Other than the provisions cited above, the hydrology of the area would not be affected by any of the action alternatives as the planned new developments at LB are occurring on the same footprint already affected by current operations.</p>
<p>. . . Virtually no attention has been given to protecting the historic Indian artifact sites found in the lakes remaining boundaries, especially its two historic Patwin settlements listed in CA-DWR documents.</p>	<p>The EIS, under the section on Cultural Resources, outlines the current known parameters of American Indian artifact areas. It indicates that extensive surveys have been conducted in the past to identify such resources and that most known areas are now submerged in the lake. It also states that on occasion artifacts are turned up in the normal course of area management and public use but that no known sites exist within any of the current or planned concession areas. One statement from the EIS says: “Documented archeological sites at the reservoir consist of isolated artifacts, artifact scatters, artifact concentrations, campsites and large village sites. The large village sites were located adjacent to the major drainages and are now well below low-water levels. No documented sites are listed on or potentially eligible for listing on the National Register of Historic Places.”</p>
<p><b>Mining and Financial Assurance</b> The BOR sponsor of the redevelopment of</p>	<p>The concern listed in this comment does not apply to proposed activities at Lake Berryessa. Section</p>

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Berryessa Resorts has not sought, nor has the BOR considered the need for a mined land reclamation permit.	2714 of the subject act stipulates that construction projects similar to those anticipated at Lake Berryessa do not fall under the requirements for any type of mining authorization. If such mining statute applied it would have been applicable since 1975. This is a non-issue.
<p><b>Pesticides</b>                      The Task Force - 7 contends that the DEIS did not adequately address the potential impacts from pesticide that may be used on the proposed Berryessa Project.</p>	The EIS does address concern on existing pesticides stored by current concessionaires and among the 1,300 trailer owners as an issue needing appropriate attention during removal of facilities. This same issue was successfully addressed during the removal of over 100 trailers from the Outback at Pleasure Cove in 2002/2003. There are no pesticide applications planned or intended as a part of the development of new facilities. Any new concession contract(s) will include a section on Integrated Pest Management (IPM) that stipulates absolute criteria to be followed in advance of an application.
<p><b>Process</b>                      The Task Force - 7 objects to the decision by the BOR not to provide access to the comments materials in the DEIS through the provision of searchable files in order to insure meaningful, much less full participation of the public and all involved agencies in the review of the DEIS. The BOR’s Decision not to require this level of the transparency constitutes a failure of the BOR in its role as lead agency to provide a complete and impartial review and to facilitate “the weighing of social, economic and environmental factors early in the planning and decision-making process” (NEPA).</p>	This comment’s intent is not clear, but Reclamation has followed all of the stipulated requirements in the NEPA process.
<p>... The Task Force - 7 notes that several “planning studies” cited in support of the proposed project were proposed by and written under the direction of BOR principals, Dornbusch, Marshall Swift, Kleinfelder. The Dornbusch Study on Page 49 takes great measures to elaborate a disclaimer that information provided to them by BOR was basically flawed and incorrect.</p>	It is an acceptable practice for an agency to contract with an external individual or company as was done by Reclamation with Dornbusch and Kleinfelder to provide expert analysis. Marshall & Swift is not a contracted company by Reclamation but an estimating firm that provides estimating guides and approaches to any company, individual, or agency that wishes to use their service and data bases. The Dornbusch study does not indicate on page 49 or anywhere else that data provided by Reclamation was flawed or incorrect. It does indicate there was a significant level of unknown factors because of the lack of applicable data from

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	the existing concessionaire and because the proposed Alternative B was such a major change that the current data would not be applicable. It further recommends that additional financial analysis would be required at some future point when more specific development criteria are available. Reclamation agrees with this need and intends to accomplish that through the Prospectus process and critical review of pro forma information from interested bidders for new concession contract(s).
[The DEIS fails to properly consider impacts and associated NEPA requirements from storm runoff when the new construction occurs at various locations. Soils runoff could negatively impact water quality, and fish and other aquatic species habitat. There could also be significant runoff of pollutants from land sources. It does not discuss the treatment of storm water to mitigate any pollutants.]	Construction practices will be required that take into consideration the potential for runoff and erosion within construction areas. Not all of the construction will occur simultaneously. The EIS addressed aspects of the construction as outlined in the following examples:  Reclamation would require that Best Management Practices be included in all construction activities to minimize potential soil erosion during resort construction.  Rehabilitation and new construction would be accomplished within parameters of “Sustainable Design” and in compliance with commonly accepted environmentally sensitive practices, e.g., energy efficiency, water conserving fixtures, and recycling. All concession areas would take an Eco-Tourism type approach to facility development and operation. Construction standards would follow “Reclamation’s Recreation Facility Design Handbook” and meet Americans with Disabilities Act of 1990 (ADA) requirements.  The EIS also adequately addressed potential impacts to wildlife, birds and air as result of the construction period.
The DEIS clearly does not accurately depict the traffic increases likely to be engendered by the proposed resort and expansions of the Berryessa resorts. It also does not adequately mitigate the problems associated with expected changes in traffic flow.”	As outlined in section 3.5 of the EIS, “No traffic study comparable to the study prepared for the 1992 RAMP was undertaken for the purposes of this planning effort. However, traffic engineers for NAPA County, California Department of Transportation (CalTrans) experts and traffic officers with the California Highway Patrol were consulted regarding existing traffic conditions on the corridors serving Lake Berryessa.” All of the

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	experts counseled in completion of the EIS indicated that the traffic patterns and loading factors examined for the 1992 RAMP remain applicable and accurate, and they could perceive no reason for reworking the data.
<p><b>Visual And Aesthetic Impacts</b>            No visual assessment or simulations were completed from the seven resorts, the Berryessa-Knoxville Road exposures, slopes or CA Route 128, the areas most likely to be impacted within the five-mile radius . . . . Based on a review of the surrounding topography, the worst-case scenario for visual impacts will be from across the lake and adjacent to government areas at Oak Shores and Capell Cove and west shore resorts, namely Putah Creek, Rancho Monticello, Spanish Flat and Berryessa Marina.</p>	Visual impacts will be similar to the noticeable construction activities throughout cities and towns and rural areas nationwide. The construction is temporary and will result in an overall improvement to the visual resources of Lake Berryessa. The RAMP and other earlier reviews of recreation activities at Lake Berryessa continuously highlight the unappealing visual aspects of the current trailer installations, and this will be corrected by adoption of any of the action alternatives.
Visual impacts of clear-cutting over 500 acres and turning much of the areas into Recreational Vehicle and tent camping areas, and buildings; Loss of forest land that includes the destruction of over 10,000 trees.	The EIS has absolutely no mention of clear cutting any acreage let alone a specific number such as 500 acres. There is also no mention of the removal of over 10,000 trees. Both of these comments are invalid assumptions by the commenter.
The DEIS does not adequately address the wastewater treatment issues during the eight-year construction period for the project . . . . The proposed 8-year construction activity is a significant number of construction workers on site without adequate wastewater management. The DEIS also does not address when the WWTPs will be put on line or the operation of the WWTP under low flow conditions until final build out.	Consideration of wastewater treatment during construction of new facilities will be addressed as the type and level of construction becomes apparent once there is an FEIS, and ROD, and eventually a new concessionaire(s). However, the EIS deals in detail with the current failings of existing wastewater systems that serve some of the concession areas, e.g.: “. . . the sewage systems at some resorts are aging and deteriorating, and are expected to require major improvements within the next 15 years.” The EIS identifies that new systems are necessary, and it seems apparent that the intent is to properly address these issues, which are such a major failing at some of the present areas. There is no indication in the EIS of an “8 year construction period.” WWTP’s are an operational requirement and not something to be addressed in the EIS.
The DEIS fails to adequately address applicable water rights issues as it may impact the	Reclamation intends to utilize the same water privileges and rights that currently exist for the

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concessionaire areas and other private areas adjacent to Lake Berryessa that may be impacted by the plan.	concession operations at Lake Berryessa. This EIS cannot address the requirements and issues regarding areas outside of the planning area. However, there is no expectation that the new operations will impact available water resources for potable sources to any degree different than presently exists.
The project has not been designed to avoid and minimize wetland impacts.	Wetlands were addressed in several areas of the EIS, and the determination was made that they will not be impacted by the construction portion of the preferred alternative.
<b>Wildlife And Habitat Impacts</b> ... The DEIS failed to adequately address the significant adverse impacts on wildlife, habitat and fauna ...	As stated in Alternative B, for example, some potential impacts would occur to wildlife, common birds, amphibians, reptiles and vegetation as a result of the proposed developments in the resorts. Further, some wildlife would be temporarily displaced due to noise, dust, and human activity, and some vegetation would be removed during construction in the resorts. However, these effects would be mitigated as discussed in 3.3.2.12 through 3.3.2.24, and are not considered significant.
Any order of BOR to remove them (private and concessionaire-owned substandard boat docks) would cause a substantial environment disaster to the immediate Lake.	Similar docks have been removed in the past, but the removal must be done properly to assure that un-encapsulated foam and other materials are not released.

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<b>West Coast Mobile Home - <u>Comment</u></b>	<b><u>Response</u></b>	<b><u>AB001</u></b>
Spanish Flat Proposal would retain and upgrade the long term usage and further expand our short term business	Comment noted	
Long term sites needed for year round income	Comment noted	
Resort would comply with health and safety standards	Comment noted	
<b>Napa County (Dillon) - <u>Comment</u></b>	<b><u>Response</u></b>	<b><u>AB002</u></b>
Napa County endorses Reclamation's plan for change	Comment noted	
A plan for redevelopment is needed. That is the only way revenue can be generated	Reclamation and Napa County shall work together to find ways to balance the budget associated to recreation.	
We need better public access to existing public lands	Comment noted	
The best areas to access the lake is where trailers are	Comment noted	
We desperately need to improve public safety programs	Reclamation and Napa County will work together to meet these goals.	
<b>National Marina Manufacturers Association - <u>Comment</u></b>	<b><u>Response</u></b>	<b><u>AB003</u></b>
WROS	The WROS process incorporates adaptive management, therefore monitoring of the land and water use classifications (zones) designated for Lake Berryessa and adapting for appropriate or necessary change will be an ongoing process.	
Two year closure of the lake for development?	No closure of the lake is planned or desired by Reclamation. Access to the lake will be maintained throughout the redevelopment period.	
Boat slip from 1349 to 601	The carrying capacity for boats on lake Berryessa remains 3,000, as it was in the 1992 RAMP. There is no planned change in boat slips over the course of future development.	



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<b><u>AMI - Comment</u></b>	<b><u>Response</u></b>	<b><u>AB004</u></b>
Boat slip from 1349 to 601	The carrying capacity for boats on lake Berryessa remains 3,000, as it was in the 1992 RAMP. There is no planned change in boat slips over the course of future development.	
<b><u>Berryessa Garbage - Comment</u></b>	<b><u>Response</u></b>	<b><u>AB005</u></b>
We would not survive a two year shutdown of the lake	No closure of the lake is planned or desired by Reclamation. Access to the lake will be maintained throughout the redevelopment period.	
<b><u>Personal Watercraft Industry Association - Comment</u></b>	<b><u>Response</u></b>	<b><u>AB006</u></b>
Support the Summers Economic Analysis of the Dornbusch Report	Comment noted, see comment SS002	
Main interest is continued access to the lake for PWCs	Under the VSP Personal Water Craft will still have access and use of the lake.	
WROS classification system does not make sense.	The WROS is becoming the standard for planning water based recreation areas. It is a more dynamic planning tool that measures visitor expectation and desired experience. The WROS process provides managers with information that allows for flexibility in decision making. Managers will be more informed and better able to meet the needs of the visiting public, while protecting the resource. Further, this subject was not a part of the RAMP section on "Preferred Actions and Alternatives" but has been included within this heading by the ROP.	
Concern about a 2 year closure while facilities are improved	No closure of the lake is planned or desired by Reclamation. Access to the lake will be maintained throughout the redevelopment period.	
The call for ban of PWC has no scientific basis	Under the VSP Personal Water Craft will still have access and use of the lake, no ban on PWC's is called for in the EIS..	
19 million American ride PWC each year	Under the VSP Personal Water Craft will still have access and use of the lake.	
PWC emissions have been declining since 1999 due to EPA standards and CARB standards effective 2001	Under the VSP Personal Water Craft will still have access and use of the lake.	
Since 2005 it is unlawful for boats in CA to exceed	Napa County has law enforcement authority for	

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75 decibels when measured from shoreline	Lake Berryessa, this will remain in effect with regard to all unlawful behavior.
PWCs are no more likely to disturb wildlife than other boats	Comment noted
PWIA supports mandatory boater education, age requirements and strict enforcement of regulations for PWCs	Comment noted
<b>California Inland Fisheries Foundation - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB007</u></b>
Our successful Trout Pen Project is at Markley Cove	Comment noted
Another Trout Pen project is needed at another marina	Comment noted
VSP should include current concessionaires	Current concessionaires may compete for new concession contracts when offered to competitive bids prior to contract termination.
<b>Boone's Saloon - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB008</u></b>
Proposed closure of Lake Berryessa (devastating)	No closure of the lake is planned or desired by Reclamation. Access to the lake will be maintained throughout the redevelopment period.
Local businesses would be devastated by closure	No closure of the lake is planned or desired by Reclamation. Access to the lake will be maintained throughout the redevelopment period.
Some resorts have to clean-up certain areas	Comment noted
Most of the resorts realize that they have to clean-up certain areas.	Comment noted
<b>Sierra Club - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB009</u></b>
Sierra Club has more than 800,000 members nationwide	Comment noted
Strongly endorse no entrance fees for minimal developments	Comment noted
Lake Berryessa has more accidents than other lake in California	Reclamation will continue to work with the State of California, Napa County and other partners to create and implement education programs to teach recreationists to use precautions while recreating at

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	Lake Berryessa.
Current user conflicts between motorized and nature based recreationists	Reclamation recognizes that conflicts exist between some types of recreationists. It is one of Reclamation's priorities to provide opportunities for a variety of recreational experiences for visitors to Lake Berryessa. While current boating activities will continue, Reclamation hopes to create Five MPH zones and non-motorized zones to help separate uses and address safety concerns that have resulted in conflicts.
Recommend campsites, protected swimming areas, kayak launch ramps and a shoreline trail	Comment noted.
Strongly recommend more 5 mph zones as in Alt. D	Comment noted
The Narrows, in particular, should be a 5 mph zone as in Alt. D	Comment noted
Recommend establishment of remote campsites	Comment noted
Ban jet skis as they are loud, unsafe, and pollute	Comment noted
<b>Lake Berryessa News - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB010</u></b>
I have seen the economic climate in the area deteriorate significantly in that amount of time (11 yrs)	Comment noted
The uncertainly of the future of the lake has been the biggest contributor	Comment noted
Subscribers and advertisement revenues have dropped dramatically	Comment noted
The seven resorts are the key to economic of the local business community	Comment noted
They and the long-term site owners have been the foundation of my newspapers revenue	Comment noted
Anything that detracts from the resorts will be detrimental to my business	Comment noted
Alternatives B, C and D are not in the best interest in the local community (economically/socially)	Comment noted
Advertisers are dependent on the resorts, on their long-term site owners, as well as the short-term	Short-term users will likely be more dependent on local businesses to provide their short-term needs.

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visitors.	Since most vacationers are not as familiar with the area, the local paper may fill the advertising needs of new facilities and services available at these local businesses.
<b>Lake Berryessa Chamber of Commerce - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB011</u></b>
We all want LB to be accessible to the public	Comment noted
Provide the infrastructure necessary to service a broad range on needs	Reclamation agrees that the infrastructure should be replaced or retrofitted to meet the recreational demands that is determined by Reclamation to be necessary and appropriate on federal land
The LBCC believes that the Summers and Summers Economic Analysis calls into serious question the financial viability of Reclamation's Plan	See Response SS001
If BOR should carry out the proposed closure of the Lake and complete demolition of the existing infrastructure the consequences for all of the local, as well as regional businesses would be devastating	Access to the lake will be maintained throughout the redevelopment period. The increase in short-term users following redevelopment would benefit local businesses.
Several Groups have proposed economically-viable plans that would increase access for short-term visitors	Comment noted
<b>The California Parks Company - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB012</u></b>
I agree with the Bureau's redevelopment plans	Comment noted
LB has unattractive trailer/MH installations.	Comment noted
Long-term users are along the most desired areas	Comment noted
Current Short-term campgrounds are unattractive	Comment noted
Campgrounds are not responsive to visitor demand	Comment noted
Good business opportunity for houseboats	Comment noted
Camp Berryessa is a wonderful location for a group camp	Comment noted
Potential for tent cabins and rustic lodging	Comment noted
Potential for upgraded camping and RV use	Comment noted

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Potential for consolidated marinas at 3 to 4 locations	Comment noted
The Bureau should pay the removal costs	Comment noted
The Bureau should pay the rehabilitation costs	Comment noted
Leaving behind the shell of the recreation complex for incoming concessionaires	Comment noted
A reasonable investment can be envisioned	Comment noted
Sub-contractors should be devised	Comment noted
We continue to support Alternative B	Comment noted
<b><u>Blue Ridge Berryessa Natural Area – Comment</u></b>	<b><u>Response</u></b> <b><u>AB013</u></b>
First the trailers and the mobile homes must go	Comment noted
Second, redevelopment must serve diverse recreational users	Comment noted
Third, transition period must be open and transparent	Comment noted
Transition period must be a participatory process	Comment noted
The BRBNA would like to participate in the transition process	Reclamation, BRBNA and other partners shall work together to meet the shared goals.
<b><u>Solano County Board of Supervisors - Comment</u></b>	<b><u>Response</u></b> <b><u>AB014</u></b>
Supports Alt. B	Comment noted
Eliminates pollution from concessions and trailers	Comment noted
Currently underutilized public recreational resource	Comment noted
Lake Berryessa should be more like Lake Solano Park, which provides easy, inexpensive, likely available public access on a public resource	Comment noted
<b><u>Berryessa Trails and Conservation - Comment</u></b>	<b><u>Response</u></b> <b><u>AB015</u></b>
Special interest group's alternative plan is a fiasco. (Alt A+ and ROP)	Comment noted

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Strongly support redevelopment of the Lake Berryessa Recreation Area.	Comment noted
Lake Berryessa now poorly serves the recreational needs of the public	Comment noted
Motorized recreation fosters an atmosphere of lawlessness	Comment noted
Napa County incurs extra enforcement and EMS costs	Comment noted
Support open areas to public access	Comment noted
Change character and perception of the lake from motor boating to nature based family friendly recreation	Comment noted
Eliminate current health, safety, fire and floodplain problems	Comment noted
Add new investments and development to benefit economy	Comment noted
Current concession model hinders public use	comment noted
Concessionaires are in violation of many state/local codes	The old contracts adhere to grandfathered 1950s codes. New contracts will follow current federal, state and local codes, comment noted
Current concession model cost Napa Co. millions	Comment noted
The public has complained about private vacation sites	Comment noted
Concession areas are signed private property	The real property is public land and should not be signed as private.
The lake serves only a narrow segment of the market	Comment noted.
Lake Berryessa concessions charge high prices	Comment noted.
<b>Napa County (Luce) - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB016</u></b>
Napa County supports Reclamation's overall efforts, addressing health, safety and fire hazard problems, recreation access problems, and water quality and aesthetic problems.	Comment noted

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LB should offer a high quality visitor experience	Comment noted
Napa County supports the VSP Alternative B, with some of D	Comment noted
BOR use water and land use developments of Alt D.	Comment noted
<b>City of Winters - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB017</u></b>
Resolution No. 2004-34 passed 10/20/04 declaring VSP could cause negative fiscal impact to Winters	Comment noted
Estimate it could cause more than \$100,000 of sales tax revenue annually to Winters	Comment noted
We want to offer our input regarding ways to mitigate the impact to our community	Agencies and partners should work together to gain the greatest benefit possible.
<b>Solano County Water Agency - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB018</u></b>
Supports VSP and Alt. B in particular	Comment noted
Alt B better serves short term visitors	Comment noted
Alt B best protects water quality	Comment noted
Water quality is our primary interest in the VSP	Comment noted
Costly improvements necessary for being brought into compliance	Reclamation will work with the State, Napa County and other partners to improve, retrofit or replace infrastructure to lower the operation and maintenance costs.
<b>Pope Valley Repair and Towing Inc - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB019</u></b>
Shutting down the lake for 2 years would create a hardship on Pope Valley Repair and Towing	No closure of the lake is planned or desired by Reclamation. Access to the lake will be maintained throughout the redevelopment period.
Pope Valley Repair and Towing is the closest towing and is busy all year	Comment noted
Pope Valley Repair and Towing depends on revenue from the lake	Comment noted.
<b>Forever Resorts, LLC - <u>Comment</u></b>	<b><u>Response</u>                      <u>AB020</u></b>
Lake Berryessa is very physically attractive for new facilities	Comment noted

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Proximity to nearby population is more positive than most	Comment noted
Forever Resorts is willing to compete for new contracts	Comment noted
Millions of people are eager for an appropriate range of quality outdoor recreation	Comment noted
The current facilities and atmosphere does not welcome or encourage new vacationers	Comment noted
Visitors are looking for a positive and unique vacation experience	Comment noted
The alternatives that you have outlined are wonderful changes for the public	Comment noted
These alternatives provide a positive financial opportunity to the eventual concessionaires	Comment noted
<b><u>Napa Sierra Club - Comment</u></b>	<b><u>Response</u></b> <span style="float: right;"><b><u>AB021</u></b></span>
The current concessions are hazardous, unsafe and threaten water quality	Comment noted
The 1995 audit by the Office of Inspector General was negative of the concessions	Comment noted
The 2000 audit indicated that "Long-standing health and safety deficiencies have not been corrected"	Comment noted
Six of 7 resorts were issued Notices of Violations from 12/2000 to 02/2001	Comment noted
Kleinfelder Report in 2002 'the sewers are in a generally deteriorated condition and need replacement"	Comment noted
DEIS notes sewer systems are "aging and deteriorating"	Comment noted
DEIS further notes that facilities and long term sites are located in the reservoir flood plan and pose a threat to the lake water quality"	Comment noted
Kleinfelder Report concluded there is 12 million deferred maintenance of infrastructure and facilities	Comment noted



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November 2001 Napa County Fire Safety Analysis reported that "fire and safety problems existed in all of the resorts"	Comment noted
Alt. A+, the status quo, is "unworkable"	Comment noted
Neither Alt A or Alt A+ is "an acceptable or even reasonable environmental alternative"	Comment noted
The Summers Report contains "numerous unsupported allegations and assumptions"	Comment noted
Providing facilities and opportunities to meet recreational needs will bring the public and create a financially successful lake	Comment noted
<b><u>Tuleyome Inc - Comment</u></b>	<b><u>Response</u> AB022</b>
Disappointed comment period reopened as time has been lost	Comment noted
Waste water pollution continue	Current concessionaires have made improvements and Reclamation has improved monitoring of waste systems.
Negative economic and recreational impacts also currently continue	Comment noted
Currently limited recreational options and places of quality to stay	Comment noted
Motels currently are sub-standard	Comment noted
Both motels and campsites are over-priced currently	Comment noted
Trailer parks are unsightly	Comment noted
Re-develop the lake to provide greater recreational options particularly hiking trails, kayak launch ramps and swimming areas	Comment noted
Increase non motorized and 5 mph zones	Five MPH zones and non-motorized zones are included in each of the alternatives to help separate conflicts in uses and safety concerns that have resulted in the past to bodily injuries and death to recreationists.
We want new facilities of good quality which comply with current codes and reasonably priced.	Comment noted

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<b><u>Napa County CEO (Watt) - Comment</u></b>	<b><u>Response</u></b>	<b><u>AB023</u></b>
BOR planning for implementation with Napa County	Comment noted	
Concessionaires should be considered by economy of scale	Comment noted	
A larger company better staffing and planning.	Comment noted	
A larger company have experience with health and safety	Comment noted	
<b><u>Recreation Del Sol - Comment</u></b>	<b><u>Response</u></b>	<b><u>AB024</u></b>
Alt B is economically viable	Comment noted	
Dornbusch correctly expresses the economic viability of Alt B and we disagree with the Summers' analysis	Comment noted	
<b><u>Bay Area Open Space Council - Comment</u></b>	<b><u>Response</u></b>	<b><u>AB025</u></b>
As more than 90 percent of the non-camping accommodations at Lake Berryessa are currently reserved for private use, redevelopment that would open those areas up to the public access is particularly welcome.	Comment noted	