

RECLAMATION

Managing Water in the West

Record of Decision Future Recreation Use and Operations of Lake Berryessa

**Solano Project, Napa, California
Mid-Pacific Region
June 2, 2006**



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California**

Record of Decision

Future Recreation Use and Operations of Lake Berryessa Solano Project, Napa, California

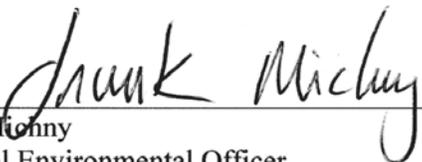
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Executive Summary

This document is the Record of Decision (ROD) of the Department of the Interior, Bureau of Reclamation, Mid-Pacific Region, for the Future Recreation Use and Operations of Lake Berryessa, hereinafter referred to as the Visitor Services Plan (VSP) ROD. The project is the subject of a Draft Environmental Impact Statement (EIS) dated October 2003 and a Final EIS dated October 2005, developed in compliance with the National Environmental Policy Act (NEPA).

Lake Berryessa is the operating reservoir for Reclamation's Solano Project (Project). The Project was authorized by the Secretary of the Interior (Secretary) on November 11, 1948, under terms of the Reclamation Project Act of 1939 for purposes of irrigation and municipal and industrial (M&I) water supply along with incidental flood control benefits. Monticello Dam was completed in 1957. The Project provides flood control protection for the City of Winters and other downstream communities and delivers close to 200,000 acre-feet to farmlands, cities, and industries annually.

Recreation was not a purpose of the Project as originally authorized; nonetheless, public visitation began almost immediately. Reclamation therefore entered into an agreement with Napa County (County) to manage recreation at the lake. Between 1958 and 1959, the County awarded seven concession contracts for a term of 30 years each to develop and manage designated areas along the lakeshore for recreation purposes. During that same time, Reclamation commissioned the National Park Service to develop a "Public Use Plan" (PUP) to guide the then-current and future management of resources and recreation activities at Lake Berryessa. The PUP was completed in 1959. Lake Berryessa officially became available for public recreational use that same year.

Over time, all seven contractors allowed private owners to install their trailers and mobile homes on an indefinite basis. Long-term private use of this type was in conflict with the original concession contracts and the approved PUP. Owners often added significant improvements to and around their units including decks, docks, and driveways. In addition, privately owned trailers and mobile homes generally occupied acreage most suitable for development, particularly lakeshore sites, to the exclusion of campsites, picnic areas, and other short-term or overnight facilities. Concession contractors contended that the year-round revenue generated from this arrangement was essential for business solvency.

Audits by the Government Accountability Office in 1971 and the Department of the Interior Office of Inspector General in 1995 and 2000 required Reclamation to address health, safety, and exclusionary issues associated with the nearly 1,300 long-term trailers and mobile homes located on Federal property around the lake. The PUP was formally updated in 1972. The Reservoir Area Management Plan (RAMP) was completed in 1992. Both the PUP and the RAMP ROD imposed additional conditions on long-term exclusive use at the concession areas.

Public Law 93-483, dated October 27, 1974, authorized Reclamation to manage recreation activities at the lake and construct several new Government-operated facilities. The recreation management agreement with the County was terminated in 1975 and all seven long-term contracts were transferred to Reclamation. The Secretary eventually renewed the existing concession contracts for two successive 10-year periods each under authority of Public Law 96-375, dated October 3, 1980. There is no authority to renew the existing concession contracts beyond their cumulative 50-year terms now permanently expiring in 2008 and 2009.

Reclamation initiated the visitor services planning effort in 2000 through the NEPA process. The primary objective was to provide as much time as possible for public participation in determining the future recreation use and operation of the lake prior to expiration of the existing concession contracts. Reclamation conducted extensive outreach and public scoping to formulate project alternatives. The

Draft EIS, published in October 2003, included four broad alternatives. Reclamation received more than 3,400 written comments to the Draft EIS through two separate comment periods lasting a combined 7 months, in addition to extensive feedback from more than 100 public meetings and briefings.

The Final EIS, released in November 2005, identified Alternative B as the Preferred Alternative. The main focus of Alternative B was the development of new facilities and programs to better serve the short-term visitor. According to Alternative B, all long-term trailers and mobile homes would be removed from Federal property at Lake Berryessa and replaced with short-term facilities according to a framework developed by Reclamation for each individual concession area. Alternative B also adopted the Water Recreation Opportunity Spectrum (WROS) zoning system for land and water user classification and committed to developing a trail system in and around Federal facilities.

Reclamation conducted another round of public outreach concurrently with the release of the Final EIS. The main purpose was to provide members of the public a final opportunity to submit any new or clarifying information prior to deliberations on the VSP ROD. In order to maximize the range of potential solutions, Reclamation adopted an interest-based approach to developing the VSP ROD. The process took almost 5 months to complete and resulted in substantive modifications to the Preferred Alternative identified in the Final EIS. Specifically, Alternative B is modified by the VSP ROD to include elements of Alternatives A, C, and D. The VSP ROD also carries forward key recreation-related provisions from the RAMP ROD and includes a range of mitigation measures. In summary:

1. Recreation program management. The VSP ROD prescribes basic management principles designed to guide and support lake-wide integration of Government operations and commercial operations in the best interests of the visiting public. In that regard, Reclamation will establish and sponsor a forum of public agencies, with meetings open to the public, to promote communication and collaboration in implementing the VSP ROD and addressing issues of mutual concern.
2. Facilities. The VSP ROD limits future development of the concession areas to facilities that support short-term, traditional, non-exclusive, and diverse recreation opportunities at the lake. The framework in the Final EIS is further generalized to allow prospective contractors greater flexibility in formulating and submitting proposals that meet this primary objective, subject to additional site-specific environmental analysis as appropriate. All facilities must be constructed or installed, operated, and maintained by the concession contractors. All privately owned trailers, mobile homes, and associated personal property must be removed from Federal property at Lake Berryessa.
3. Facility locations. The VSP ROD specifies the types of facilities that may be developed within each of three geographic locations at each concession area. The locations correspond with elevations above mean sea level (MSL) related to critical reservoir operations. Specifically, elevation 440' MSL represents the top of the active conservation pool for water supply and water quality purposes, and elevation 440'-455' MSL is the reservoir surcharge capacity for flood control purposes.
4. Occupancy. The VSP ROD defines three different types of occupancy for facilities within each sector. In addition to day-use occupancy and short-term occupancy, the decision allows annual occupancy in certain circumstances of units constructed or installed, operated, and maintained by the concession contractors.
5. Mitigation. The VSP ROD identifies a range of potential mitigation measures to reduce the impact of the decision on existing concession contractors, current trailer and mobile home owners, current contractor employees, and others. No immediate mitigation measures were necessary for construction and development.

6. Other. The WROS is not adopted as part of the VSP ROD. Instead, requirements in the RAMP ROD governing water surface carrying capacity and vessel occupancy are carried forward, and certain areas of the lake are reserved for non-motorized water craft and trolling engines. In addition, the VSP ROD requires signage to comply with Reclamation's Visual Identity Program requirements and commits Reclamation to work with partner agencies and new contractors to expand and maintain a trail system for non-motorized recreation in or around Federal property at Lake Berryessa.

Table of Contents

I.	Introduction.....	1
II.	Background.....	1
III.	Decision	4
1.	Recreation Program Management.....	4
2.	Government Operations	4
3.	Concession Operations.....	5
4.	Occupancy on Federal Lands.....	6
5.	Geographic Location of Facilities.....	6
6.	Land and Water Use Classification.....	7
7.	Water Craft Occupancy.....	7
8.	Water Craft Carrying Capacity	8
9.	Trails	8
10.	Signage.....	8
11.	Mitigation Measures (Hardship Situations)	8
12.	Mitigation Measures (Current Concession Contractors).....	9
13.	Mitigation Measures (Permittees).....	9
14.	Mitigation Measures (Current Contractor Employees)	10
15.	Concession RFP/Prospectus.....	10
IV.	Alternatives Considered.....	10
V.	Relationship of the VSP ROD to the 1993 RAMP ROD.....	11
VI.	Basis of Decision and Issues Evaluated.....	11
VII.	Environmental Commitments	13
VIII.	Comments Received on the Final EIS	15
	Glossary	18
	Appendix A.....	20
	Appendix B - Map No. 413-202-8.....	22
	Appendix C - Map No. 413-202-14.....	23

I. Introduction

This document is the Record of Decision (ROD) of the Department of the Interior, Bureau of Reclamation, Mid-Pacific Region, for the Future Recreation Use and Operations of Lake Berryessa, hereinafter referred to as the Visitor Services Plan (VSP) ROD. The project is the subject of a Draft Environmental Impact Statement (EIS) dated October 2003 and a Final EIS dated October 2005, developed in compliance with the National Environmental Policy Act (NEPA).

II. Background

Lake Berryessa is the operating reservoir for Reclamation's Solano Project (Project). The Project was authorized by the Secretary of the Interior (Secretary) on November 11, 1948, under terms of the Reclamation Project Act of 1939 for purposes of irrigation and municipal and industrial (M&I) water supply along with incidental flood control benefits. Construction began in 1953. Monticello Dam and Putah Diversion Dam were completed in 1957. The Putah South Canal, Terminal Dam, and Green Valley Conduit were completed early in 1959.

The Project provides flood control protection to the City of Winters and other downstream communities and farmlands. The Project delivers more than 36,000 acre-feet annually to the University of California Davis; the California Medical Center; and the cities of Vacaville, Fairfield, Vallejo, and Suisun. The Project also delivers up to 151,000 acre-feet annually to the Solano and Main Prairie Irrigation Districts.

During the planning phase of the Project, Reclamation assumed that flood control and water supply operations would result in radical fluctuations in water levels at the reservoir. Recreation was therefore not included as a Project purpose in the original authorization. Notwithstanding, 800 or more boats were in use on the lake by August 1958 despite the lack of public facilities. In recognition of growing public use of Lake Berryessa, Reclamation entered into a management agreement with Napa County (County) in 1958 to administer the recreational development of Federally owned property at Lake Berryessa. The management agreement included a preliminary General Development Plan.

Due to limited resources and because a majority of the public recreation use was by non-residents, the County determined that recreation services and facilities at the lake should be provided by concession contract. The County awarded seven long-term (30-year) concession contracts in 1958 and 1959 for recreation services on 1,700 acres of land and water at Markley Cove, Pleasure Cove (originally named Wragg Canyon Cove), Steele Park, Spanish Flat, Lake Berryessa Marina, Rancho Monticello, and Putah Creek. Revenue from these contracts was used by the County to fund recreation management of the lake.

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

Reclamation's recreation management agreement with the County (re-written in 1962) provided that the County and all parties acting under its authority would develop the Lake Berryessa area in accordance with the PUP; however, neither initial nor later recreational development of Lake Berryessa adhered to the recommendations of the PUP or the concession contracts themselves. Improvements did not always follow the original intended management designations of areas and uses. Contrary to the PUP or applicable contracts, concession contractors requested and received approval from Napa County to introduce long-term trailer lease sites at the lake.

In 1971, the United States Government Accountability Office (GAO) completed a study of public recreation facilities at Lake Berryessa. The GAO found that all seven concession contractors were effectively developing mobile home parks instead of the public campground and day-use areas recommended by the PUP and called for in the concession contracts. In general, the mobile home developments occupied prime public access areas, filling the shoreline with privately owned long-term trailer sites to the exclusion of the general public. This situation was beneficial for the concession contractors, as it provided them with steady year-round income. GAO recommended that Reclamation be required to take appropriate action to ensure adequate development of public recreational facilities at the lake as provided in the proposed revised PUP.

In 1972, the National Park Service updated the 13-year-old PUP at the request of Reclamation. Among other proposals, the new plan recommended that Interior's Bureau of Outdoor Recreation study whether the lake possessed attributes that might qualify it as either a National Recreation Area or State Recreation Area. Under the former designation, the Federal Government would purchase and control all existing access improvements (roads, launch ramps, etc.). The updated plan was never officially adopted, the study of potential National Recreation Area or State Recreation Area status was not undertaken, and no funds were ever appropriated to reimburse concession contractors for their improvements.

In March 1974, the County informed Reclamation of its intent to withdraw from the management agreement the following year. In October 1974, Congress passed Public Law 93-493, Title VI of which authorized Reclamation to assume the management of recreation at Lake Berryessa, including the existing concession contracts, and authorized the appropriation of \$3 million for development of additional Government-operated facilities. These provisions corresponded with same or similar recommendations in the 1971 GAO Report.

After assuming recreation management for Lake Berryessa in 1975, Reclamation reviewed the PUP and all existing commercial developments. Reclamation concluded that the PUP was essentially satisfactory but that it should be amended to take existing concession facilities into account. Reclamation also revised its recreation and land use objective for the lake, stating that its aim was “...to provide outdoor recreation facilities and services for the visiting public at Lake Berryessa which will accommodate a variety of aquatic-related recreation experience opportunities, to the extent and quality and in such combination that will protect the esthetic (sic) and recreational values and assure optimum public short-term recreational use and enjoyment, and social benefit.” (PUP, Amendment Number 2).

Between the mid-1970s and late-1980s, Reclamation planned and constructed the Oak Shores day-use area, Smittle Creek day-use area, Capell Cove public launch ramp and parking area, and the Federal administrative office complex as authorized by Public Law 93-493. When the Oak Shores day-use area opened in 1977, Reclamation collected a fee for use of the facilities. In the mid-1980s, however, a drought lowered the reservoir water level resulting in such a drop in visitor use that fee collection was deemed impractical. The fee system was discontinued, and public use of Oak Shores has been operated free of charge since that time.

In 1980, Public Law 96-375 was enacted which, among other provisions, authorized the Secretary, at the request of the concession contractors, to extend the original 30-year contracts for no more than two consecutive terms of 10 years each. The original contracts were otherwise due to expire in 1988/1989. The Secretary eventually invoked the full extent of that authority. The current contracts are now due to permanently expire in 2008/2009.

Throughout these events, the current concession contractors continued to promote exclusive long-term use at the concession areas. Because of the character of the terrain surrounding the lake, areas suitable for picnicking, camping, and boat launching are necessarily limited. With trailer sites occupying significant

(and preferred) portions of the useable Federal property, public areas of the lake had grown increasingly crowded. By the late-1980s, Reclamation saw a need to re-evaluate the current PUP and study carrying capacity and the diversity of recreational activities at Lake Berryessa.

In 1992, Reclamation completed the Reservoir Area Management Plan (RAMP) and EIS for Lake Berryessa. The 1993 RAMP ROD prescribed 41 separate actions for addressing resource management and recreation-related issues at the lake. Although the majority of the RAMP ROD was implemented, many of the problem conditions identified by Reclamation in the 1980s have continued to exist, and some have become more severe over the years.

In 1995, Interior's Office of the Inspector General (OIG) conducted an audit of Reclamation recreation facilities, including Lake Berryessa. The OIG found significant deficiencies regarding exclusive use of recreation property and recommended that Reclamation develop and apply policies to address private use of Federal property. A follow-up audit by the OIG in May 2000 identified serious health and safety issues and degradation of land and resources within the concession areas at Lake Berryessa. In their 2000 report, the OIG also recommended that Reclamation establish and implement an oversight process to ensure concession contractors comply with existing contract provisions, especially in the areas of building improvements, annual inspections, and prices charged to the public.

Reclamation initiated the visitor services planning effort in 2000 through the NEPA process. The primary objective was to provide as much time as possible for public participation in determining the future recreation use and operations of the lake prior to expiration of the existing concession contracts. Reclamation conducted extensive outreach and public scoping to formulate project alternatives. The Draft EIS, published in October 2003, included four broad alternatives. Altogether, Reclamation conducted more than 100 briefings to the public, other agencies, local governments, and members of Congress by way of open houses and public meetings in conjunction with the VSP effort. To maximize public involvement, Reclamation also conducted two separate comment periods for the Draft EIS for a combined 7 months during which more than 3,400 comment letters and e-mails were received.

The Final EIS, released in November 2005, identified Alternative B as the Preferred Alternative. The main focus of Alternative B was the development of new facilities and programs to better serve the short-term visitor. According to Alternative B, all long-term trailers and mobile homes would be removed from Federal property at Lake Berryessa and replaced with short-term facilities according to a framework developed by Reclamation for each individual concession area. Alternative B also adopted the Water Recreation Opportunity Spectrum (WROS) zoning system for land and water user classification and committed to developing a trail system in and around Federal facilities.

Reclamation conducted an extensive public outreach effort with release of the Final EIS. This included formal presentations to more than 1,200 participants at 12 different public meetings and individual briefings. In each case, Reclamation announced that comments on the Final EIS would be accepted and considered for at least 30 days. The main purpose was to provide members of the public a final opportunity to submit any new or clarifying information prior to deliberations on the VSP ROD.

Reclamation adopted an interest-based approach to developing the VSP ROD. The decision was determined only after Reclamation identified and systematically considered each major interest of each participating stakeholder group. The process took almost 5 months to complete and resulted in substantive modifications to the Preferred Alternative identified in the Final EIS.

III. Decision

Reclamation's decision is to implement Alternative B modified with elements of Alternatives A, C, and D. In addition, certain recreation-related actions are carried forward from the 1993 RAMP ROD and adopted along with various mitigation measures as part of the decision. The addition of mitigation measures and RAMP actions reflect comments and information received during the formal comment periods and public outreach meetings conducted with the release of the Final EIS.

1. **Recreation Program Management.** The following principles and actions will be used to guide and manage recreation activities at Lake Berryessa:

a. Integration. To the extent practicable, Government and commercial recreation operations at Lake Berryessa will be developed, implemented, and managed on an integrated, lake-wide basis to (1) provide the widest practical spectrum of recreation experience for the visiting public, (2) preserve and protect natural resources in and around the lake, (3) promote the safety and security of people and facilities, (4) support the economic goals of surrounding communities, especially gateway communities, and (5) maintain the opportunity for a fair and reasonable profit by concession contractors.

b. Adaptive Management. All Government and commercial recreation operations at Lake Berryessa will be managed on an adaptive basis to address and contend with new, evolving, or unforeseen circumstances. Such circumstances may include, but are not necessarily limited to, (1) development, modification, or adjustment of operational methods and procedures; (2) periods of high or specialized public visitation including national holidays or tournaments or other organized events; (3) public safety issues; and (4) environmental and natural resource preservation and protection.

c. Collaboration. Reclamation will sponsor a regular forum with the opportunity for public involvement to promote communication, thoughtful consideration of interests, consistency and uniformity, and constructive resolution of problems or conflicts. In addition, the Area Manager or his/her designee will meet on a regular basis with concession contractors to coordinate Governmental and concession operations and to jointly address operational issues.

2. **Government Operations**

a. Locations. Alternative B provides that Government-operated day-use recreation areas will include Oak Shores, Smittle Creek, Olive Orchard, Pope Creek, North Shore, Eticuera, Markley Cove, and Steele Canyon. Alternative B is modified as follows:

(1) Continue Government operation of Capell Cove launch ramp. This modification addresses public comments requesting Reclamation retain an affordable public boat launch. Government operation of Capell Cove launch ramp was evaluated by Alternative A (No Action) which would continue the current operation without change.

(2) Continue Government operation of Camp Berryessa. This modification addresses historic use patterns and public comments requesting large-group camping, an environmental education center, and other short-term use activities and facilities. Government operation of Camp Berryessa was evaluated by Alternative D.

(3) Any or all Government-operated recreation areas may be subsequently considered for commercial operation as determined by Reclamation. This responds to public comments concerning additional commercialization of Government-operated facilities.

b. Operations. Government-operated recreation areas identified in paragraph 2a above will be developed and operated by Reclamation consistent with the VSP ROD and applicable laws, policies, directives and standards, and practices. Alternative B is modified as follows:

- (1) Capell Cove will continue to be operated primarily as a boat launch facility. Supporting features include limited parking facilities, comfort station, and access gate.
- (2) Camp Berryessa will be developed and operated as described in Alternative D and managed as a group-camp and activity area on a reservation basis. Facilities will be developed for use by a wide range of groups and will include covered dining, meeting, and educational spaces, as well as showers and laundry facilities. Camp Berryessa will have a non-motorized boat launch ramp to facilitate kayak and canoe use and a buoy line to separate boaters from swimmers. Development of Camp Berryessa will be accomplished through partnership agreements with organizations and local agencies. Development will involve minimum use of Federal appropriations.
- (3) Should Reclamation elect to participate, then as provided by the Federal Lands Recreation Enhancement Act (Public Law 108-447), Reclamation will evaluate the potential to charge and collect recreation fees at some or all Government-operated facilities for the purpose of funding operation, maintenance, and other approved activities. This responds to public comments regarding funds available for implementing the VSP ROD.

3. Concession Operations

a. Locations. Markley Cove, Pleasure Cove, Steele Park, Spanish Flat, Lake Berryessa Marina, Rancho Monticello, and Putah Creek recreation areas will be developed, operated, and maintained by commercial concession contractors under long-term concession contracts with Reclamation. These locations are hereinafter referred to as concession areas.

b. Operations. All privately owned long-term trailers, mobile homes, and associated personal property currently located within the concession areas will be permanently removed from Federal property at Lake Berryessa, and short-term use opportunities will be increased and improved. Final development plans for each concession area will be determined through the competitive contracting process described in paragraph 15. Final development plans will be consistent with the framework for Concession Operations in Alternative B with the following modifications subject to site-specific environmental analysis as appropriate:

- (1) Concession operations at any particular concession area may include any or all facilities identified anywhere within Alternative B subject to: (a) location and occupancy conditions specified in the VSP ROD; (b) thematic, architectural, and design requirements specified by Reclamation through the contract solicitation (Request for Proposal (RFP)/Prospectus) process; and (c) applicable health, safety, and building codes. In response to public comments, this further clarifies that the description of Concession Operations at each concession area is a framework and not necessarily a requirement. Appendix A, Column 1, summarizes all facilities identified in Alternative B. The summary is subject to further refinement in conjunction with the concession RFP/Prospectus process.
- (2) All cabins, cottages, park models, hotels, motels, lodges, and other improvements will be constructed or installed, operated, and maintained by the concession contractor in conformance with Reclamation policies and directives and standards or as otherwise determined by Reclamation. Park models are considered rolling stock and must be removable.

(3) No single concession area is necessarily designated by Reclamation as the “center” for camping, houseboat operations, or any other recreation activity. This responds to public comments that the “center” designation may appear to pre-determine concession operations at particular concession areas or preclude otherwise reasonable proposals.

(4) There will be no reduction in the current capacity to support the use of power boats at Markley Cove as of the date of the VSP ROD. This responds to public comments regarding potential economic impact on gateway communities. Retention of current capacity was evaluated in Alternative A (No Action).

4. Occupancy on Federal Lands. Three basic types of public occupancy will be permitted on Federal lands at Lake Berryessa:

a. Day-Use Occupancy. Day-use occupancy refers to picnicking, boating, hiking, and other activities typically experienced by the general public in a single day and not in conjunction or associated with an overnight stay.

b. Short-Term Occupancy. Short-term occupancy refers to overnight use of campsites, RV and travel trailer sites, motel or lodge accommodations, cabins, cottages, park models, houseboats, or other overnight occupancy vessels for a period not to exceed 14 days during any period of 30 consecutive days¹.

c. Annual Occupancy. Annual occupancy refers to use of cabins, cottages, or park models at specific geographic locations defined in paragraph 5c for a term of 1 year with option to renew for not more than two consecutive 1-year terms contingent upon compliance with terms and conditions of the permit and other applicable requirements. Facilities shall not be used as a primary residence. Actual use shall be limited to a maximum of 90 consecutive days and no more than 6 months total per year. All cabins, cottages, and park models at Lake Berryessa must be constructed or installed, operated, and maintained by contractors and shall not be privately owned by individuals.

Annual occupancy on Federal lands at Lake Berryessa may be permitted only (1) where necessary to sustain the economic viability of the concession enterprise as demonstrated through the competitive contracting process and (2) where such occupancy does not exclude or unnecessarily constrain or restrict construction, installation, operation, or enjoyment by the general public of short-term recreation use facilities on Federal lands at the lake. The RFP/Prospectus will provide guidance and direction for demonstrating the need for annual occupancy. All permanent cabins or park models approved by Reclamation for annual occupancy must be located within an approved area with common water, sewage, and utility systems fully developed in compliance with specified health and safety codes including setback requirements.

The potential for annual occupancy under these circumstances responds to public comments that a year-round revenue stream may be necessary to sustain the economic viability of a concession enterprise at Lake Berryessa.

5. Geographic Location of Facilities. Appendix A, Columns 2-5, illustrates locations and related requirements for each type of facility according to occupancy category. This example is subject to refinement as part of the RFP/Prospectus process. Locations are described in terms of elevations above

¹ This is consistent with 43 CFR Part 423: Public Conduct on Bureau of Reclamation Facilities, Lands and Waterbodies dated April 17, 2006.

mean sea level (MSL) as prescribed in the RAMP and reservoir capacity allocations for the Project. For reference purposes, elevation 440' MSL is the top of active conservation for the reservoir, elevation 455.5' MSL (rounded down to 455' MSL) is the maximum water surface for reservoir surcharge. In summary:

a. From elevation 440' to elevation 455' MSL. Reserved for day-use facilities (marina facilities, swimming areas, picnic sites) and the following non-permanent overnight use facilities: park models approved for short-term occupancy, RV and travel trailer sites, campgrounds, and tent camping. Picnic tables, BBQ grills, restrooms, and other supporting infrastructure for these facilities must be flood-proofed. Flood-proofing for these structures and facilities includes, but is not limited to, sealed openings, removable utilities, flotation devices, and anchoring. Park models must be removed during the off-season or in anticipation of high-water events. Location of these facilities below elevation 455' MSL was evaluated in the RAMP, Action 23.

Retail stores and food and beverage facilities may be located at elevations 440' -455' MSL but only where certified by Reclamation as flood-proof in accordance with reservoir operation requirements, health and safety codes, and other requirements. Flood-proofing for these facilities includes, but is not limited to, stilts, lifts, floating barges, or other features that safely elevate the structure above elevation 455' MSL. Location of these facilities below 455' MSL was evaluated in the RAMP, Action 23.

b. From elevation 455' MSL to the Federal Property Line. Hotels, motels, conference facilities, cabins, cottages, and lodges must be located above the reservoir surcharge area (455' MSL and above). This is consistent with project operational requirements for flood control, water supply, and water quality, and promotes compliance with health and safety code requirements. In addition, the following overnight use facilities and supporting infrastructure may be located at or above elevation 455' MSL: park models approved for short-term occupancy, RV and travel trailer sites, campgrounds, tent camping, and picnic sites. Location of these facilities above elevation 455' MSL was evaluated in the RAMP, Action 22.

c. From elevation 455' MSL plus 100 Linear Foot (LF) Buffer to the Federal Property Line. All cabins, park models, or cottages approved by Reclamation for annual occupancy – along with aeration ponds and sewage system infrastructure other than pipelines, lift stations, and other appurtenant devices – must be located above elevation 455' MSL plus 100 LF buffer. All other facilities identified in paragraphs 5a. and 5b. may also be located above this level. The 100 LF buffer preserves space at each concession area for short-term occupancy facilities consistent with the VSP ROD. Annual occupancy above 455' MSL plus 100 LF buffer was evaluated in Alternative C.

6. Land and Water Use Classification. The WROS is not adopted as part of the VSP ROD. Existing requirements developed in conjunction with Action 17, “Water Surface Zoning and Restrictions,” of the 1993 RAMP ROD are carried forward on an interim basis pending future adoption by Reclamation of the WROS or other land and water use classification system in consultation with the forum established in paragraph 1c. In the interim, certain areas will be reserved for use by non-motorized water craft and electric trolling motors only. These areas are identified in Appendix B, map number 413-202-8.

7. Water Craft Occupancy. Occupancy requirements for houseboats and other Overnight Occupancy Vessels will be carried forward in accordance with Lake Berryessa Operational Policy 1 dated July 23, 1993. Current occupancy requirements for houseboats and water craft were evaluated under Alternative A (No Action).

8. Water Craft Carrying Capacity. Pending completion of a follow-up analysis and report of water craft carrying capacity, the following actions from the 1993 RAMP ROD are carried forward:

a. Action 20, “Water Craft Carrying Capacity”: Limit the total launching, marina capacity, and storage capabilities of water craft (power boats, sail boats, etc.) on Lake Berryessa to 3,000 based upon recommendations presented in the 1959 PUP. The carrying capacity will be revised if planned research shows that additional water craft may be safely accommodated. The additional launching capabilities of the north shore boat ramp (preferred action No. 11) are to be included in the carrying capacity limit of 3,000.

b. Action 30, “Commercial Houseboats/Overnight Occupancy Vessels (OOVs)”: Allow 75 commercial houseboats or other types of commercial OOVs to occupy Lake Berryessa. A higher quota may be imposed if supported by sufficient studies.

c. Action 32, “Private Houseboats/Overnight Occupancy Vessels (OOVs)”: A maximum of 75 privately owned houseboats (noncommercial vessels) will be allowed at Lake Berryessa. Houseboats will be authorized for placement on the lake by permit issued by Reclamation and moorage agreements with those concession operations capable of providing pumpout services. Houseboats and OOVs will be regulated by size, sewage and gray water holding capabilities, etc.

9. Trails. Reclamation will work in partnership with other Government agencies, private landowners, and private organizations to design and construct a regional trail system for non-motorized recreation. This will include a multipurpose shoreline trail on Reclamation-owned and managed lands at Lake Berryessa with connector trails to other public lands. New concession contracts will include provisions to develop trails within the recreation areas that also connect with the regional trail system. Trail development is expected to be ongoing. Reclamation will continue to work with partner groups and agencies to manage the existing trails on Reclamation-owned land at Lake Berryessa and improve their condition through repairs and reconstruction. Use of Federal appropriations for this purpose will be minimal. Existing trails will be inventoried and upgraded for accessibility. The proposed trail system is identified in Appendix C, map number 413-202-14. Construction of the trail system was evaluated in Alternatives B, C, and D.

10. Signage. All Government-operated recreation areas and all concession areas will be clearly identified as a Reclamation facility on all appropriate signage. All signage will be consistent with Reclamation Visual Identity Program requirements. This responds to public comments that Lake Berryessa was not well identified as a Federal facility, particularly within the concession areas.

11. Mitigation Measures (Hardship Situations). Some retired, elderly individuals have occupied trailers continuously for several years as their primary or sole residence at various concession areas. While this long-term occupancy conflicts with existing concession contracts and permitting requirements, moving away or relocation from Lake Berryessa could impose significant hardships on certain individuals and their caregivers. Reclamation will seek to identify and accommodate legitimate hardship cases expeditiously. Other specific eligibility criteria based on age, health, financial assets, and duration of occupancy will be developed. Special hardship accommodations could involve a variety of options such as special long-term occupancy authorizations, continued occupancy of an existing site, or relocation to a different concession area.

12. Mitigation Measures (Current Concession Contractors). The following mitigation measures are adopted by Reclamation as part of the VSP ROD:

a. Franchise Fees. At the contractor's request, Reclamation will negotiate in good faith to amend current contract to reduce franchise fees for the duration of the contract to offset potential contract close-out costs.

b. Recreation Rates. At the contractor's request, Reclamation will consider waiving prevailing policies and guidelines to allow contractor to charge above the most current rate comparability study to offset potential contract close-out costs.

c. Valuation of Contractor-Owned Facilities. Reclamation will continue to work with current concession contractors to expedite valuation (appraisal) of existing contractor-owned facilities. The appraisal method and any potential acquisition of existing facilities will comply with applicable provisions of Public Law 96-375; Interior legal opinions; Interior and Reclamation policies, regulations, and directives and standards; applicable financial accounting standards and guidelines; and provisions of the current concession contracts.

d. Contract Proposals. The RFP will be structured to allow contractors to submit proposals for individual concession areas, combinations of concession areas, or all seven concession areas.

e. Annual Occupancy. Reference paragraph 4c, contractors may propose some level of annual occupancy through the competitive contracting process consistent with the VSP ROD.

13. Mitigation Measures (Permittees). The following mitigation measures are adopted by Reclamation as part of the VSP ROD:

a. Priority Consideration. Reference paragraph 4c, should Reclamation approve some level of annual occupancy as part of the final concession area development plan, eligible permittees will receive priority consideration for permanent cabins or park models approved by Reclamation. In those cases, Reclamation will develop a placement list of eligible permittees for facilities approved for annual occupancy. The placement list will be based upon a random selection process.

Eligibility is limited to individuals who hold fee title to trailers or mobile homes situated at any of the concession areas on a long-term or otherwise continuous basis through a permit or permits with the respective concession contractor in effect as of the VSP ROD or individuals with fee title to a trailer or mobile home previously situated at Pleasure Cove Resort on a long-term or continuous basis who were required to remove that trailer or mobile home from the concession area by December 2005 in compliance with interim contract 04-LC-20-8317 dated May 20, 2004, or interim contract 05-LC-20-8905 dated June 1, 2005. In all cases, owners must have been in full compliance with contractual requirements and applicable permits or rental agreements with no outstanding financial obligation to the United States and in good standing with the previous concession contractor. Owners must also first remove their trailer or mobile home and associated personal property from Federal property at no cost to the Government.

b. Transition Services. Reclamation will establish a transition services capability to assist permittees in finding resources to relocate trailers and mobile homes to non-Federal lands in the Lake Berryessa area or elsewhere and assist in finding resources for removal of personal property. Transition services are confined to administrative assistance only and do not include any funding or financial assistance.

14. Mitigation Measures (Current Contractor Employees). Reclamation will include provisions in new contracts that recommend priority consideration of current contractor staff for employment.

15. Concession RFP/Prospectus. Reclamation will solicit proposals for concession operations from the widest practicable range of qualified bidders nationwide. Solicitations will be initiated as soon as practicable from the date of the ROD. All proposals must conform to the VSP ROD and other conditions and requirements identified in the solicitation itself, including architectural, thematic, and design requirements, and health, safety, and building codes.

Within this context, Reclamation will rely upon interested parties to apply experience and innovation in developing and submitting proposals that reflect proven industry practices, incorporate new or emerging trends in public recreation management, and provide the opportunity for a fair and reasonable profit for the concession contractor. The target date for an award is as soon as possible prior to the expiration of current contracts. Early award of the new contracts allows time to complete site-specific environmental analysis, as applicable and appropriate, and other pre-development activities prior to expiration of the current contracts. This responds to public comments regarding potential disruption to recreation activities during the transition period.

IV. Alternatives Considered

In the Final EIS, Reclamation identified and analyzed four alternatives, including Alternative A (No Action Alternative), which is required under NEPA. The No Action Alternative assumed all seven concession contractors would continue offering services and long-term trailer site leases until their contracts expire in 2008-2009. Once the contracts expire, Reclamation would issue new competitive contracts for the concession areas, allowing concession operations to continue much as they had in the past. Under the No Action Alternative, the numbers and variety of short-term visitor-use facilities would remain static. Reclamation would continue managing existing day-use facilities, trails, and land and water use, and would continue to administer special-use permits according to established Lake Berryessa and Central California Area Office policy.

The decision (Alternative B as modified by elements of Alternatives A, C, and D together with mitigation and certain recreation-related RAMP ROD actions carried forward) will enhance short-term recreational facilities and opportunities by removing all privately owned trailers and mobile homes from the concession areas, reserving all space below elevation 455' MSL plus 100 LF for short-term recreational use and supporting infrastructure, and allowing the possibility of annual occupancy above elevation 455' MSL plus 100 LF under certain conditions. The decision constitutes the Federal Action detailed in Part III, Decision.

Alternative C would first eliminate all long-term trailers from the existing concession areas, then re-introduce a limited number of trailers to sites at selected concession areas located further from the shoreline, consistent with recognized environmental concerns. Concession operations would continue under new contracts, but the concession areas would be redeveloped to improve recreational facilities and opportunities for short-term users and to restore vacated trailer sites to more natural conditions. Reclamation would continue to operate developed and dispersed day-use areas and would upgrade some facilities and develop education programs. New trails would be developed, and recreational use of the lake surface would be managed under a use-zoning plan. A concession contractor would operate Camp Berryessa under a fee-for-use system. Recreational use of the lake would be managed under the WROS use-zoning plan.

Alternative D would permanently eliminate all long-term trailer lease sites and convert two of the seven concession areas from commercial operations to direct Reclamation management. Reclamation would

also cancel long-term special use permits and assume direct management of the Camp Berryessa group campground. Reclamation would continue to operate developed and dispersed day-use areas and would upgrade some facilities, develop a shoreline trail system, and initiate a boat-in camping program. Recreational use of the lake surface would be managed under the WROS use-zoning plan.

V. Relationship of the VSP ROD to the 1993 RAMP ROD

The VSP ROD amends the 1993 RAMP ROD, which is the guiding resource management document for Lake Berryessa. The VSP ROD addresses only certain concessions and recreation management activities at Lake Berryessa with all other items, features, activities, and operations approved in the 1993 RAMP ROD remaining unchanged and in effect. The 1993 RAMP ROD and the 2006 VSP ROD, together, provide the comprehensive recreation and resource management guidance for Reclamation at Lake Berryessa. Likewise, through additional planning and environmental review processes, this management guidance can be revisited and revised as appropriate to help meet the new and contemporary recreation and resource management needs of the future.

VI. Basis of Decision and Issues Evaluated

The purpose and need for the Federal Action takes into consideration Reclamation's current policy regulating private long-term exclusive use of public property; public health, safety, environmental, and building codes, regulations, and laws; and the 1992 RAMP, that states Reclamation's desired goal as follows: *"...to provide outdoor recreation facilities and services for the visiting public at Lake Berryessa which will accommodate a variety of aquatic-related recreation experience opportunities, to the extent and quality and in such combination that will protect the aesthetic and recreational values and assure optimum short-term recreational use and enjoyment and social benefit."* (1992 RAMP, page 4).

In the Final EIS, four alternatives were evaluated to determine how well they met the purpose and need for the Federal Action and to identify their potential environmental consequences. Public comments during the scoping process and Draft EIS comment periods were considered in the selection of Alternative B as the preferred alternative in the Final EIS.

Impacts of each of the alternatives on a number of recreational, environmental, economic, public health and safety, and social issues were analyzed. Studies included consideration of potential impacts on:

- Land use, including exclusive use/public use conflicts and lake surface recreational use conflicts.
- Geology, Soils, and Topography, including erosion caused by trailer site development on unstable slopes.
- Biological resources, including Threatened, Endangered, and Rare species, fish, wetlands, water resources, and air quality.
- Cultural resources, including archeological, ethnographic, and historical resources and museum collections.
- Traffic and circulation, including congestion and parking around popular day-use areas.
- Noise, including potential impacts of concession area construction and lake surface recreational uses.
- Recreation, including crowding at public use areas, lake access concerns, diversity of recreational opportunities, accessibility for persons with disabilities, and camping and lodging opportunities.

- Scenic Resources, including deteriorating facilities.
- Socio-Economic Environment, including impacts to trailer site lessees and concession contractors, employment opportunities, and local income and population levels.
- Public Safety, including structural fire protection at concession facilities, law enforcement to protect lake users, and facilities' compliance with applicable public health and safety codes, standards, and laws.
- Hazardous Materials/Soil Contamination, including fuel tank leaks.

Alternatives B, C, and D are similar in the anticipated levels and types of environmental impacts that might occur; however, Alternative C calls for removal and subsequent re-introduction of some trailers. This action constitutes a somewhat higher level of environmental impact than the action described in Alternative D, which simply removes all trailers permanently and with no re-introduction. The No Action Alternative, on the other hand, is the least environmentally desirable alternative because it would allow environmental degradation, public health and safety and construction code violations, private long-term exclusive use of prime shoreline areas, user conflicts, and crowding of public day-use areas to continue indefinitely. Both the No Action Alternative and Alternative C also would conflict with Reclamation's land management policies governing exclusive use and the 1992 RAMP's directive to "protect the aesthetic and recreational values and assure optimum short-term recreational use and enjoyment and social benefit."

Alternatives B and D would comply with Reclamation's land management policies governing exclusive use by ultimately eliminating all privately owned long-term exclusive-use trailers. As a result of that action, those alternatives necessarily would have significant and detrimental impacts on existing concession contractors, whose long-term trailer site lease programs would be ended. Notably, all four of the alternatives – including the No Action Alternative – would have unavoidable adverse impacts arising from expiration of concession contracts; Federally mandated redevelopment processes; and Federal, State, and local environmental and safety requirements. However, Alternatives B, C, and D all propose redevelopment of concession areas, subject to site-specific environmental analysis, that would be expected to stimulate increased visitation and business.

Alternative B was identified as the Preferred Alternative in the Draft EIS and Final EIS because it appeared to best meet the purpose and need of visitor services planning at Lake Berryessa. From Reclamation's perspective, Alternative B provided the broadest range of type and quality of recreational experiences at Lake Berryessa, introduced the best range of developments and programs for the majority of lake visitors (short-term users), and offered visitors across the economic spectrum the widest choice of lodging and other accommodations. It also introduced a facility and use spectrum more consistent and appropriate to Federally owned Recreation Areas. However, in evaluating the full spectrum of interests associated with Lake Berryessa, Reclamation determined that Alternative B should be modified to more fairly and effectively meet the purpose and need in the long term. The decision (Alternative B with elements of Alternatives A, C, and D together with mitigation and certain recreation-related actions from the RAMP ROD) includes all practical means to avoid or minimize environmental harm, as identified in Section VII Environmental Commitments, and best meets Reclamation's purpose and need.

Alternative D is the environmentally preferred alternative. Alternative D assures less environmental impact but is more restrictive in the use of the land and waters of Lake Berryessa. Reclamation would directly manage more of the services for the public, and the number of locations where traditional commercial services existed would be reduced. Accordingly, Alternative D does not meet Reclamation's purpose and need to the same extent as the decision.

VII. Environmental Commitments

Although certain social and economic effects have been identified through this process, any environmental impacts are minimal. Potential changes relative to development associated with future concession contracts are planned to occur within the existing areas historically established for concession operations.

Mitigation Measures (Hardship Situations). Some retired, elderly individuals have occupied trailers continuously for several years as their primary or sole residence at various concession areas. While this long-term occupancy conflicts with existing concession contracts and permitting requirements, moving away or relocation from Lake Berryessa could impose significant hardships on certain individuals and their caregivers. Reclamation will seek to identify and accommodate legitimate hardship cases expeditiously. Other specific eligibility criteria based on age, health, financial assets, and duration of occupancy will be developed. Special hardship accommodations could involve a variety of options such as special long-term occupancy authorizations, continued occupancy of an existing site, or relocation to a different concession area.

Mitigation Measures (Current Concession Contractors). The following mitigation measures are adopted by Reclamation as part of the VSP ROD:

- a. Franchise Fees.** At the contractor's request, Reclamation will negotiate in good faith to amend current contract to reduce franchise fees for the duration of the contract to offset potential contract close-out costs.
- b. Recreation Rates.** At the contractor's request, Reclamation will consider waiving prevailing policies and guidelines to allow contractor to charge above comparability to offset potential contract close-out costs.
- c. Valuation of Contractor-Owned Facilities.** Reclamation will continue to work with current concession contractors to expedite valuation of existing contractor-owned facilities. The valuation method and any potential acquisition of existing facilities will comply with applicable provisions of Public Law 96-375; Interior legal opinions; Interior and Reclamation policies, regulations, and directives and standards; applicable financial accounting standards and guidelines; and provisions of the current concession contracts.
- d. Contract Proposals.** The RFP will be structured to allow contractors to submit proposals for individual concession areas, combinations of concession areas, or all seven concession areas.
- e. Annual Occupancy.** Reference paragraph 4c, contractors may propose some level of annual occupancy through the competitive contracting process consistent with the VSP ROD.

Mitigation Measures (Permittees). The following mitigation measures are adopted by Reclamation as part of the VSP ROD:

- a. Priority Consideration.** Reference paragraph 4c, should Reclamation approve some level of annual occupancy as part of the final concession area development plan, eligible permittees will receive priority consideration for permanent cabins or park models approved by Reclamation. In those cases, Reclamation will develop a placement list of eligible permittees for facilities approved for annual occupancy. The placement list will be based upon a random selection process.

Eligibility is limited to individuals who hold fee title to trailers or mobile homes situated at any of the concession areas on a long-term or otherwise continuous basis through a permit or permits with the respective concession contractor in effect as of the VSP ROD or individuals with fee title to a trailer or mobile home previously situated at Pleasure Cove Resort on a long-term or continuous basis who were required to remove that trailer or mobile home from the concession area by December 2005 in compliance with interim contract 04-LC-20-8317 dated May 20, 2004, or interim contract 05-LC-20-8905 dated June 1, 2005. In all cases, owners must have been in full compliance with contractual requirements and applicable permits or rental agreements with no outstanding financial obligation to the United States and in good standing with the previous concession contractor. Owners must also first remove their trailer or mobile home and associated personal property from Federal lands and property at no cost to the Government.

b. Transition Services. Reclamation will establish a transition services capability to assist permittees in finding resources to relocate trailers and mobile homes to non-Federal lands in the Lake Berryessa area or elsewhere and assist in finding resources for removal of personal property. Transition services are confined to administrative assistance only and do not include any funding or financial assistance.

Mitigation Measures (Current Contractor Employees). Reclamation will include provisions in new contracts that recommend priority consideration of current contractor staff for employment.

Mitigation Measures (Construction and Development). No significant impacts are expected to occur with implementation of this decision. Impacts to fish and wildlife resources, water quality, and air quality will not be significant, and no mitigation beyond normal Best Management Practices is needed. All practicable means to avoid, minimize, or mitigate any potential impacts related to the decision will be implemented. All mitigation and environmental commitments will be subject to additional site-specific environmental review as appropriate.

Re-development of the concession areas under the decision is anticipated to include both excavation and relocation of earth materials, resulting in a potential for erosion to occur during those activities. Reclamation shall require that Best Management Practices be included in all construction activities to minimize potential soil erosion during construction. Measures to separate construction areas from water sources and to protect wetlands shall be implemented, soils shall be stockpiled and covered in suitable locations to prevent erosion, and disturbed areas shall be covered as necessary for protection from wind and rain.

Generally, new structures other than marinas shall be situated above elevation 455' MSL, and Best Management Practices shall be employed to prevent impacts within the reservoir surcharge zone, including water quality. Wherever possible, new development shall be sited within existing developed areas. Any areas disturbed by construction activities shall be rehabilitated as appropriate.

Future proposals for new roads and other transportation facilities shall take advantage of existing corridors in order to minimize potential impacts. Wherever feasible, the re-planting of vegetation and re-use of landscape materials disturbed during construction will be used.

Temporary impacts to fish and wildlife resources from development activities shall be mitigated by rehabilitating disturbed habitat and by employing construction techniques to limit the amount of dust and noise generated, etc.

Reclamation will monitor all construction activities and enforce all mitigation activities through compliance with appropriate Federal, State, and local permit conditions and regulations and stop-work

provisions. Other construction-related impacts shall be minimized by closing construction areas to visitors and, where feasible, restricting earth disturbing work to certain days, times, and seasons.

Particulate levels shall be monitored and controlled, and new engine emission standards shall be enforced as appropriate. Reclamation, in cooperation with the concession contractors, shall follow all pollution abatement plans.

Impacts from noise could result from construction activities and, later, from visitor use at the concession areas when they re-open. Construction plans shall include noise abatement strategies, such as limiting work hours. Noise-monitoring stations shall be established as needed. Excessive noise may trigger adjustments to mitigate or avoid noise-related impacts. These procedures shall be part of a site-specific environmental analysis as appropriate that would precede site-specific development activities and shall also be included in post-development management activities.

The redevelopment of concession areas shall include provisions to ensure facilities are sited to minimize visual intrusions from the lake, with new structures and supporting utilities designed to blend with the surrounding environment. Original concession buildings situated below elevation 455' MSL shall be relocated, flood-proofed, or eliminated as required by the VSP ROD. Certain facilities constructed or installed, operated, and maintained by concession contractors – such as docks and ramps – may remain below the water-influence zone, and privately owned trailers and mobile homes and associated personal property shall be removed from Federal property at Lake Berryessa. New units or structures constructed or installed, operated, and maintained by contractors shall conform with thematic requirements that reflect a more natural condition.

The potential increase in short-term visitors taking advantage of new recreational opportunities may result in an increased need for public health and safety services. An analysis of law enforcement and emergency services, among others, will help to determine future needs. If additional needs are identified, Reclamation shall work with the County and with concession contractors to identify and secure funding and support pursuant to Public Law 107-69, dated November 12, 2001.

VIII. Comments Received on the Final EIS

Public comment periods for the Draft EIS were open from October 31, 2003, to April 22, 2004, then again from February 16 to April 4, 2005. During the two comment periods, Reclamation received more than 3,400 comment letters and e-mails which were responded to in the Final EIS, Appendix 19. There were also a significant number of participants at various Draft EIS public meetings.

After the release of the Final EIS on November 4, 2005, Reclamation conducted nine public informational meetings attended by more than 1,200 people to explain the EIS and respond to any questions. During those meetings, Reclamation received a large number of general questions regarding the details of the alternatives and in particular Preferred Alternative B. The majority of those present at the public meetings were current trailer owners who strongly supported the status quo. In addition, Reclamation received 34 written comment letters, 24 of which were in support of change at Lake Berryessa by permanently removing the long-term trailers and improving access to diverse short-term recreational opportunities. All of the comments received on the Final EIS were reiterations of comments received during the Draft EIS public comment periods and were addressed in the Final EIS. Following is a summation of the issues identified in these letters and Reclamation's responses.

1. Support for private trailers in the concession areas as currently configured.

Response: The continuation of privately owned trailers and mobile homes on public land at Lake Berryessa does not meet the purpose and need of the EIS. In order to improve public access to prime shoreline areas and allow for adequate traditional short-term overnight use, such trailers and mobile homes must be removed and the concession areas must be reconfigured for development of those services.

2. Support for not implementing the WROS as an adaptive management tool for the recreation opportunities at the lake.

Response: The WROS is not adopted as part of the VSP ROD. Paragraph 17, “Water Surface Zoning and Restrictions,” of the 1993 RAMP ROD is carried forward on an interim basis pending future adoption by Reclamation of the WROS or other land and water use classification system in consultation with the forum. Paragraph 17 states: “*Establish and implement (after coordination with the Napa County Sheriffs Dept.) specific zoning and/or restrictions for water surface uses and activities to promote public health and safety, foster compatibility of recreational uses, and protect and enhance natural resources, including water supplies, wetlands, and riparian habitats....*”

3. Support for no new numerical restrictions on the numbers of motorized vessels on the lake.

Response: The water craft carrying capacity of the lake does not change as part of the VSP ROD. Paragraph 20, “Water Craft Carrying Capacity,” of the 1993 RAMP ROD is carried forward on an interim basis pending future analysis. Paragraph 20 states: “*Limit the total launching, marina capacity, and storage capabilities of water craft (power boats, sail boats, etc.) on Lake Berryessa to 3,000, based upon the recommendations presented in the 1959 Public Use Plan....*”

4. Providing cost estimates for implementation of the action alternative.

Response: NEPA requires Government agencies to make the appropriate decision to meet the purpose and need of the EIS. The cost for implementation of any alternative is not a determining factor in a ROD.

5. Valuation of the concession contractors’ assets.

Response: Valuation and acquisition of current contractor-owned facilities will comply with applicable provisions of the current concession contracts; applicable provisions of Public Law 96-375; Interior legal opinions; Interior and Reclamation policies, regulations, directives and standards; and applicable financial accounting standards and guidelines.

6. Support for no change to the launch and marina operation at Markley Cove Resort.

Response: The VSP ROD proposes no net decrease in launch and marina capabilities at Markley Cove through adequate land management and future contract specifications. Rental houseboat centers may be dispersed lake-wide as space and appropriate moorage is available.

7. Support for no public fund expenditures for mitigation of private trailers to new vacation sites on public land.

Response: Specific Congressional authority and appropriations would likely be required before Reclamation could provide funds to relocate private trailers. The VSP ROD does not propose to request authority or appropriations for this purpose.

8. Comments of the California Regional Water Quality Control Board (CRWQCB). The CRWQCB provided an evaluation of each of the four alternatives relative to domestic wastewater issues.

In addition, CRWQCB submitted a “Summary of Wastewater Issues for each USBR Concessionaire within Lake Berryessa.” The evaluation included comments regarding the improvement of all wastewater systems within each concession area and a summary; specifically, recommendations for improved monitoring and reporting programs, improved treatment and disposal techniques, and points of contact for permitting issues.

Response: Some or all of these recommendations will be included in future contracts as appropriate.

9. Comments of the Environmental Protection Agency (EPA). The EPA submitted four comments with recommendations on the Final EIS:

a. Commitment to Future Environmental Analysis, Mitigation, and Monitoring

Response: Reclamation will continue to monitor lake activities, natural resources including water quality, and environmental health through continued testing, observation, inspection, training, visitor education, and outreach into local communities, in partnership with contractors, other agencies, and groups.

Reclamation staff conducts oversight of concession activities, special-use activities (tournaments, races, large group functions), and visitor behavior in collaboration with the Napa County Sheriffs’ Office, Napa County Public Health, Regional Water Quality Control Board, and other agencies and entities to ensure environmental and public health.

Lake Berryessa Reclamation staff currently offer visitor education for water quality, wildlife, habitat protection, and water and boater safety, through roving visitor contact and patrols, two visitor information centers, interpretative signs, pamphlets, bulletin boards, websites, and on-site and off-site school programs.

b. Funding for Adaptive Management and Monitoring Requirements

Response: Current and future appropriations will be used to fund the management and monitoring requirements set out by the VSP ROD.

c. Public Health Issues of Carbon Monoxide (CO) Emissions

Response: Reclamation currently focuses a large part of its visitor education and outreach on water and boating safety, including CO poisoning from water craft engines. This educational component will continue and expand as additional educational opportunities become available.

d. Pollution Prevention in Recreation Areas

Response: Reclamation will continue to require compliance with pollution prevention requirements in all facets of lake operations. Additional EPA-identified Best Management Practices will be evaluated and employed if feasible.

Glossary

These terms have the following meanings for purposes of the VSP ROD:

Active conservation storage. In hydrologic terms, that portion of water stored in the reservoir that can be released for all authorized purposes such as water supply, power generation, downstream recreation, fish and wildlife, etc. Conservation storage is the volume of water stored between the inactive pool elevation and flood control stage. At Lake Berryessa, active conservation storage encompasses all reservoir lands at or below elevation 440' MSL.

Annual occupancy. Lease of cabins, cottages, or park models at specific geographic locations within the concession areas (above elevation 455' MSL plus 100 LF) for a term of 1 year with option to renew for not more than two consecutive 1-year terms contingent upon compliance with terms and conditions of the permit and other applicable requirements. Facilities shall not be used as a primary residence. Actual use is limited to a maximum of 90 consecutive days and no more than 6 months total per year.

Cabin. An overnight occupancy structure, either constructed on-site or prefabricated, set on a foundation or otherwise permanently placed. All cabins shall be constructed or installed, operated and maintained by the concession contractor. There shall be no privately owned cabins on Federal lands at Lake Berryessa.

Concession areas. Those areas on Federal property at Lake Berryessa managed on behalf of Reclamation by commercial concession contractors for recreation purposes. Concession areas are also commonly referred to as "resorts" or "resort areas."

Cottage. A small, single-story lodging place, typically no more than 400 square feet, permanently set on a foundation used for temporary overnight stays. All cottages on Federal lands at Lake Berryessa must be constructed or installed, operated, and maintained by the concession contractor. There shall be no privately owned cottages on Federal lands at Lake Berryessa.

Day-use occupancy. Day-use refers to picnicking, boating, hiking, and other activities typically experienced by the general public in a single day and not in conjunction or associated with an overnight stay.

Hotel. A multi-room establishment that provides lodging and usually meals and other services for travelers and other paying guests.

Houseboat. Vessels whose lengths range from 40'-60' that have the capability of providing facilities for overnight occupancy of seven or more individuals (or are being used as such, and include galleys, toilets, showers, etc.), or any other similar vessel which the Lake Berryessa Recreation Manager determines to be a houseboat (from Operational Policy No. 1).

Lodge. A cottage or cabin, often rustic, used for temporary overnight stays.

Motel. A multi-room establishment that provides lodging for motorists in rooms usually having direct access to an open parking area.

Overnight Occupancy Vessel (OOV). OOVs are defined by Reclamation as vessels that do not meet the definition of a houseboat with the capability of providing facilities for overnight occupancy with a galley and toilet facility, or any other similar vessel which the Lake Berryessa Recreation Manager determines to be an OOV. Typically a cabin cruiser, sailboat, etc.

Park model. Term commonly used by the hospitality industry for individual units equipped for temporary or semi-permanent living accommodations. The Recreational Park Trailer Industry Association also refers to these as park trailer recreational models or park trailers. Park models are considered rolling stock and must be removable. All park models on Federal lands at Lake Berryessa shall be constructed or installed, operated, and maintained by the concession contractor. There shall be no privately owned park models on Federal lands at Lake Berryessa.

Recreational vehicles (RVs). For purposes of the VSP ROD: a vehicle designed as temporary living quarters for recreational camping, travel, or seasonal use. RVs may have their own motor power as in the case of motor homes or may be mounted as are truck campers. Not included in the RV definition are off-road vehicles and manufactured housing for long-term residence (park models and mobile homes).

Reservoir surcharge capacity. The reservoir capacity reserved for Project flood control operations. At Lake Berryessa, the reservoir surcharge area includes all reservoir lands between the top of active conservation storage (elevation 440' MSL) and elevation 455.5' MSL.

Short-term occupancy. Overnight use of campsites, RV and travel trailer sites, houseboats or other OOVs, motel or lodge accommodations, permanent cabins or park models at any location for a period not to exceed 14 days during any period of 30 consecutive days.

Travel trailer. A vehicle with a kitchen and sleeping facilities and registered as a travel trailer that is towed by an auto, van, or pick-up truck, and is 8.5' wide or less when any expansion sides or "tipouts" are in the normal travel position. Also included in this definition is a tent trailer.

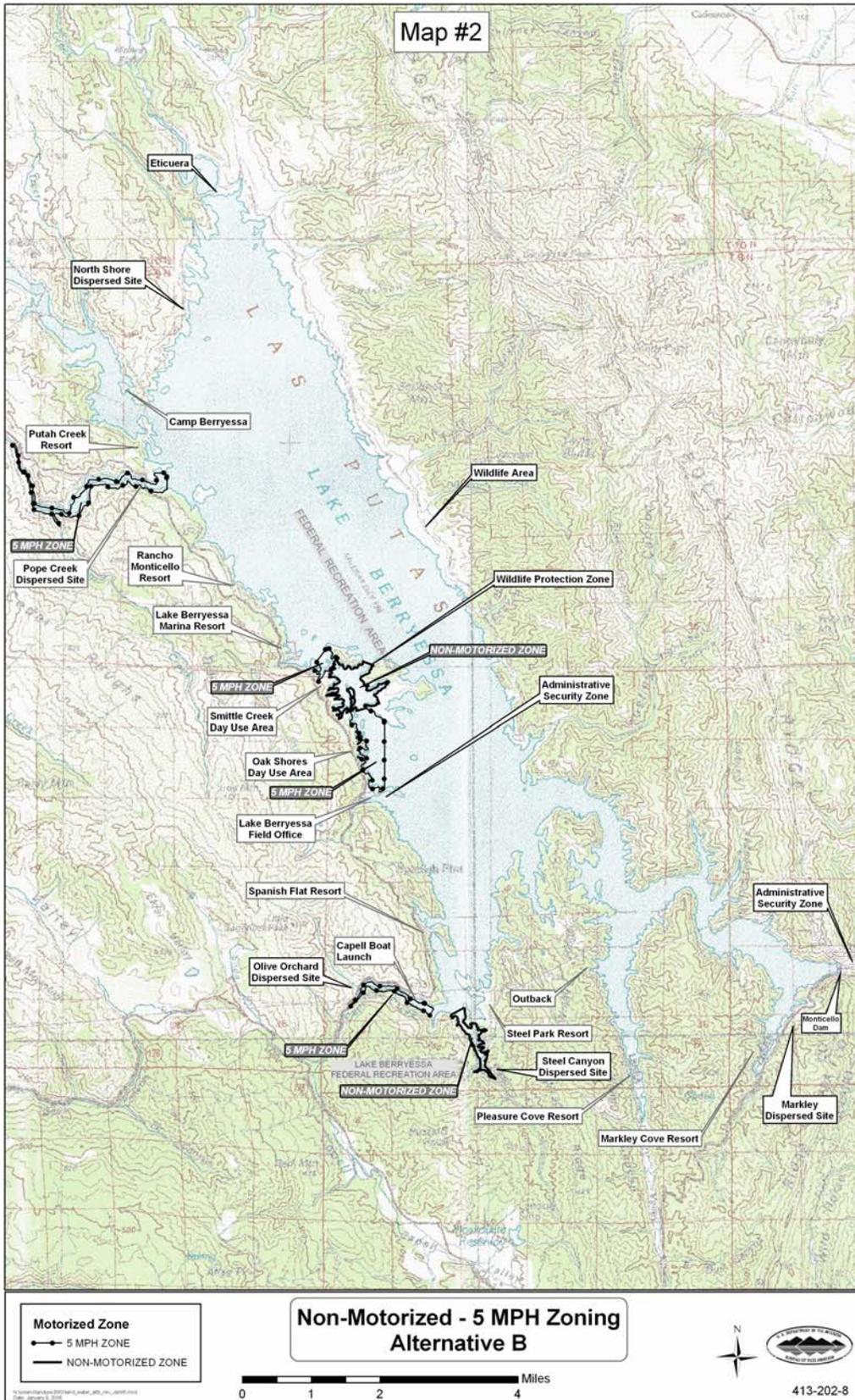
Appendix A

The following table is for illustrative purposes only. A more definitive list of facilities with occupancy and location requirements will be included in the RFP.

Col 1	Col 2	Col 3	Col 4	Col 5
FACILITIES	OCCUPANCY	Elev 440' - 455' MSL	LOCATION Elev 455' MSL and above	Elev 455' MSL +100' LF and above
Day-Use Facilities				
Picnic sites	Day	Permissible	Permissible	Permissible
Swimming areas	Day	Permissible	N/A	N/A
Canoe/kayak launch	N/A	Permissible	N/A	N/A
Overnight-Use Facilities				
Cabins	Annual	Prohibited	Prohibited	Permissible
Park models	Annual	Prohibited	Prohibited	Permissible
Cottages	Annual	Prohibited	Prohibited	Permissible
Cabins	Short-term	Prohibited	Permissible	Permissible
Park models	Short-term	Permissible	Permissible	Permissible
Cottages	Short-term	Prohibited	Permissible	Permissible
Hotel/motel	Short-term	Prohibited	Permissible	Permissible
Lodge/lodging center	Short-term	Prohibited	Permissible	Permissible
Youth/elder hostel	Short-term	Prohibited	Permissible	Permissible
Conference facilities	Short-term	Prohibited	Permissible	Permissible
Tent camping (non-motorized access)	Short-term	Permissible	Permissible	Permissible
Traditional campground	Short-term	Permissible	Permissible	Permissible
RV/travel trailer sites (full hook-up)	Short-term	Permissible/ flood-proofing required	Permissible	Permissible
RV/travel trailer sites (other)	Short-term	Permissible	Permissible	Permissible
RV/travel trailer dump stations	N/A	Prohibited	Permissible	Permissible
Restrooms, showers, laundry	N/A	Permissible/ flood-proofing required	Permissible	Permissible
Supporting infrastructure	N/A	Required with flood-proofing	Required in accordance with code	Required in accordance with code

Marina Facilities				
Launch ramps	N/A	Permissible	N/A	N/A
Slip rentals (power boats)	Annual	Permissible	N/A	N/A
Slip rentals (power boats)	Short-term	Permissible	N/A	N/A
Slip rentals (houseboats)	Annual	Permissible	N/A	N/A
Slip rentals (houseboats)	Short-term	Permissible	N/A	N/A
Houseboats (private)	Annual	Permissible	N/A	N/A
Houseboats (rentals)	Short-term	Permissible	N/A	N/A
Boat storage facilities	Annual	Permissible	N/A	N/A
Fish cleaning station	N/A	Permissible	N/A	N/A
Marine fuel facilities	N/A	Permissible/ flood-proofing required	N/A	N/A
Supporting infrastructure	N/A	Required with flood-proofing	N/A	N/A
Retail facilities	N/A	Permissible/ flood-proofing required	Permissible	Permissible
Food and beverage facilities				
Restaurants	N/A	Permissible/ flood-proofing required	Permissible	Permissible
Cafes	N/A	Permissible/ flood-proofing required	Permissible	Permissible
Snack bars	N/A	Permissible/ flood-proofing required	Permissible	Permissible
Supporting infrastructure	N/A	Required with flood-proofing	Required in accordance with code	Required in accordance with code

Appendix B: Map No. 413-202-8 – Non-Motorized – 5 MPH Zoning



Appendix C: Map No. 413-202-14 – Trails

