



# **Banner Mountain Homeowners Association est. 1984**

April, 2006

## **PURPOSE**

The purpose of the organization is to:

1. Promote activities which help provide for optimum living conditions in the area and to discourage activities which threaten to affect the area adversely.
2. Keep the members informed of current issues which might affect the Banner Mountain area.
3. Establish committees to study the relationship of any proposed activity to its effect on the area.
4. Voice the consensus of opinion of the BMHA to pertinent government agencies.

## **INVITATION to become a MEMBER of the BMHA**

Did you know that for only \$15 per year you can be a member of your neighborhood association? Without doing anything else but filling out the form on the last page and sending it with a \$15 check to our address, we'll put you on the member list and send you our newsletter. As you can see in this issue, there are many developments and updates you won't find in our local media that may be of interest to you.

## ***Member Benefits***

### **WHAT YOUR DUES GET YOU**

A mere \$15/yr gets you the following & more:

- 1) the continued viability of BMHA;
- 2) countless volunteer hours from directors, committee & members;
- 3) a strong united voice regarding concerns of Banner Mtn;
- 4) fire safety programs;

- 5) a voice concerning traffic problems unique to Banner Mtn;
- 6) a voice concerning crime & vandalism in our neighborhoods;
- 7) a voice concerning mining operations and well water problems;
- 8) directors & committees meet regularly on issues affecting Banner Mtn. None of them receive any compensation for their time;
- 9) periodic newsletters and other mailings concerning local issues;
- 10) reduced propane service (see last page) from Ferrel Gas and septic cleaning service from NAVO fees;**
- 11) an influential organization that will listen to your concerns;
- 12) reviews & response to environmental impact reports (EIR's) & legal documents in connection with Banner Mtn developments
- 13) an organization to educate us on upcoming issues of concern;
- 14) a web site [www.bannermountain.org](http://www.bannermountain.org) to keep you informed
- 15) with your input, BMHA can be almost anything you want it to be

**Come on Board**

We encourage any one interested in participating to come to one of our Board Meetings, typically scheduled every 3<sup>rd</sup> Thursday of the first month of a Quarter (Jan-Apr-Jul-Oct) or contact:  
 Banner Mountain Homeowners, P.O. Box 833,  
 Nevada City, CA 95959, or to:



Jim Pritchard (478-9200, [jimp@patentdrawings.com](mailto:jimp@patentdrawings.com)),  
 or  
 Jeff Toff (265-4402, [jrtman50@msn.com](mailto:jrtman50@msn.com))

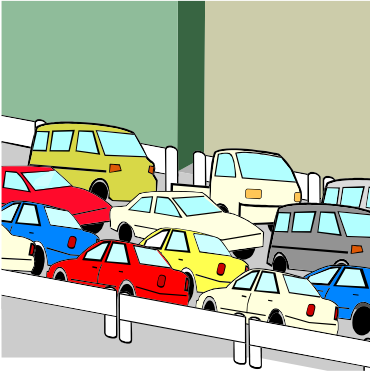
**New developments on and near Banner Mountain**

**Decisions by Grass Valley That Affect Us.**

On April 11, the City Council made a decision to accept a consultant's study (SDA Economic and Fiscal Conditions Study) that argues for over 2500 houses to be added to the current housing planned in the City by 2020. This means that more than 2500 houses can be added to the houses *that are already zoned* for building.

The decision to grow, far more than the City General Plan allows, will affect us directly. Our primary access roads to services and

points beyond, Banner Lava Cap Road and Idaho Maryland Road, will be met with more traffic than if growth proceeded at its historic pace. For example, there will be an increase of more than 10,000 vehicle trips per day on Brunswick Road, and Idaho -- Maryland Road. The new housing, especially from the Loma Rica Ranch development, will drive several thousand more vehicles every day into the Brunswick Basin shopping area (based on traffic engineering studies.). In addition, over the next several years, the freeway will see an increase in traffic of as much as 35%.



Although the City just completed a survey of its residents, where 41% cited traffic, congestion and growth that is too fast as the most serious problem for Grass Valley<sup>1</sup>, the Council did not address the impacts of accelerated growth on traffic, air quality, police services, hospital access, and other needs that we have related to Grass Valley. These topics should be addressed in the draft DEIR (Draft

Environmental Impact Report) that will come on the way toward approved projects.

The Council also ignored growth that is already planned within the City, on underdeveloped parcels zoned for housing, and focused on four SDA's (Special Development Areas) that have been proposed by the developers to add over 4000 housing units. Despite extensive citizen input<sup>2</sup>, calling attention to the existing growth of housing, the City approved the recommendation to increase growth in areas currently not part of the City.

By approving the consultant's study, the City launched a process whereby the large developers will proceed through a lengthy and expensive process of getting their projects approved. The City indicates that it may have opportunity for additional citizen input.

---

1

<http://www.cityofgrassvalley.com/services/departments/admin/pdf/CommunitySurveyResults.pdf>

2

[http://www.cityofgrassvalley.com/services/departments/cdd/pdf/SDA/AD DENDUM032006/Chapter2\\_033106.pdf](http://www.cityofgrassvalley.com/services/departments/cdd/pdf/SDA/AD DENDUM032006/Chapter2_033106.pdf)

It is important for those of us on Banner Mountain to provide input to this City planning process. There is no question that the proposed development will change our quality of life, even up here on the mountain.

For easy ways to comment on the City's development process or questions, contact Jim Bair at [info@ccatnc.org](mailto:info@ccatnc.org).



**New BMHA website** Check out our new website [www.bannermountain.org](http://www.bannermountain.org) Jim Pritchard has set up and will maintain this site. There's a lot of interesting stuff. If you'd like to see something on this site pertaining to Banner Mtn, contact Jim [jimp@patentdrawings.com](mailto:jimp@patentdrawings.com), and he may be able to make that happen

## **Important Information for Well Owners**

### **Well Owners Alert**

NID recently issued a Draft Environmental Impact Report (DEIR) covering the proposed Lower Cascade Canal/Banner Mountain Pipeline Project. It points out adverse effects that might be inflicted upon local groundwater wells in the project area. The DEIR rightly notes that these wells are numerous and significantly relied upon as the principal potable water source in the project area (see Chapter 3.4 Hydrology and Water Supply).

In some cases the DEIR outlines measures to protect these wells. For example, NID plans to establish a Well Monitoring Program for wells that might be adversely affected by pipeline construction activities such as blasting or trenching. And for wells that are unavoidably damaged or impaired, they will make things right for the well owner. This remedy and related ones are described in Mitigation Measures 3.4-1 through 3.4-3, which address Impact 3.4-8: Impacts to Domestic Wells from Construction and Operations of the Raw Water Pipeline. These potential impacts along with many others and their recommended mitigations are described in the Executive Summary of the DEIR.

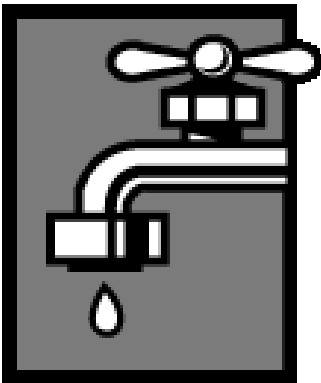
Unfortunately, things are not as equitable for property owners whose wells might become impaired as a result of proposed reduced flows in the Lower Cascade Canal (LCC). Test results

disclosed in the DEIR reveal that a well adjacent to the LCC is dependent upon canal leakage – a sophisticated chemical analysis showed that the water coming from this very deep well is essentially canal water. In addition, NID’s own measurements indicate that “*an increase in flow increases canal leakage*”, meaning that the reverse is also true. As a result, reduced canal flows clearly pose a potentially significant and unavoidable impact to wells near the canal.

With this information in mind and no disclosure of how many other canal-dependent wells might exist, NID’s refusal to offer any mitigation for wells impaired by reduced flows is clearly disappointing. Mitigation measures would be infeasible, they say, citing staff and cost considerations (see Impact 3.4-2: Impacts to Well Water Supply as a Result of Reduced Flows in the LCC and UGVC in Chapter 3.4). Contrast this with NID’s stance to remedy wells that become damaged or impaired by proposed pipeline construction activities.

In both situations, wells risk becoming impaired through actions initiated by NID, but only in the case of pipeline construction activity is NID willing to help the well owner. This does not appear logical, equitable or perhaps even legal.

As to legality, Banner Mountain well owners should be aware of a California court ruling that gave a property owner rights to leakage from an earthen PG&E canal that passed through his property. For details see the website [www.amadorcanal.org/pemberton.html](http://www.amadorcanal.org/pemberton.html).



Well owners - the bottom line is this. You must submit a written statement of concern to NID by the statutory deadline for public comment of May 30, 2006 in order to preserve your legal standing in the event that your well becomes adversely affected by this project and NID offers no remedy. For more details about writing and submitting this kind of letter, see other articles in this Newsletter or attend the public forum on this subject on May 2,

2006 at the Grass Valley Elks Lodge, 109 South School Street in Grass Valley.

For more details on this article contact Willy Kollmeyer at [wdkollmeyer@comcast.net](mailto:wdkollmeyer@comcast.net) or 530-271-1378.

### **Groundwater & KVMR Radio**

A 7-minute educational segment regarding groundwater has been started for an indefinite time period. It may be heard during the Friday news hour (6-7 pm) on KVMR (89.5 FM). Questions from the public will be answered, on air. Call or e-mail questions to Allen Stahler, KVMR ([stahler@kvmr.org](mailto:stahler@kvmr.org)) or Steve Baker, Groundwater Geologist at [HSCI@gv.net](mailto:HSCI@gv.net). The KVMR phone number is 530-265-0365.

Questions that may be high on BMHA may include:

Domestic water quality, How much water do we have

Groundwater Management Plans,

Surface water / groundwater connection

How does a well work

Water Rights of property owners using a water well

SDWA, CWA

Contamination by leaking UGSTs

Pollutants common in the foothills

Water Conservation, Water usage and beneficial uses

Impacts from septic systems

Mining Impacts

Development impact to groundwater

Solar powered well pumps

Groundwater monitoring

Numerous Town Hall Meetings on Air are also being considered (2-hour programs interviewing experts around California and the nation). Here is a short list. If you have additional ideas, please let us know.



## **TOWN HALL MEETINGS ON AIR**

**Emperor Gold Idaho-The Opening of the Idaho-Maryland Mine and Groundwater**

**Drought**

**Drought Preparedness**

**Groundwater Impacts Created by Septic Systems**

**Nevada Irrigation District and Groundwater**

**Reality Check. Who's Experiencing a Shortage of Groundwater**

**The County of Nevada and Groundwater**

**Groundwater Responsibility in Nevada County**

### **Ongoing Projects & Issues**

#### **NID Lower Cascade Canal-Banner Cascade Pipeline Project:**

##### **IMPORTANT DATES:**

**Tuesday, April 18:** First NID public workshop

**Tuesday, April 25:** Pipeline committee meeting 7:00-8:30 PM at the Buford's, 13241 Wings of Morning Dr. Become involved--more help is needed!

**Tuesday, May 2:** Second NID public workshop (focus on the Mitigation Monitoring and Reporting process) 6-9 PM. Same location as first workshop.

**Saturday, May 6:** 10 AM-12 noon. Banner Mountain Homeowners Pipeline Committee Pipeline Workshop. This workshop will be designed to help neighbors understand the process of writing comments and what happens after the May 30 deadline. Everyone is invited so please talk to your neighbors and get them involved. (A Flyer will be mailed soon!)

#### **Banner Mountain Homeowners Association**

**—Pipeline Committee—**

#### **Review of the CEQA Document for the**

#### **NID Lower Cascade Canal – Banner/Cascade Pipeline Project**

**IMPORTANT NOTE: This is a new DEIR. If you have responded to a previous version of the Pipeline Project Environmental Documents, it will be discarded. Previous comments will be ignored. To have any legal leverage at all you will have to respond in writing to this new revised Draft Environmental Impact Report.**

If you already have contributed to the BMHA Pipeline Fund, you will receive some coaching on how to respond via mailings (email or conventional). The BMHA Pipeline Committee also provides a workshop open for all members (see above- May 6)

You can still donate to the Pipeline Fund to be included in this process, or you may decide to respond individually. We encourage very one involved to do both.

Whichever way you choose, it will be very helpful if you send a copy of your concerns to the Pipeline Committee chair, Karen Burford, or Frans Velthuisen (see page 13).

Members of the BMHA Pipeline Committee and Save Our Historic Canals plan to vigorously respond to the EIR. For more information: the Pipeline Committee - contact Karen at 478-5689 or 273-2336, x. 201, or [karinab@aol.com](mailto:karinab@aol.com), for SOHC - Susan Sanders 477-7415 or [ssanders55@comcast.net](mailto:ssanders55@comcast.net). Yes, SOHC does have a website - see [www.saveourhistoriccanals.org](http://www.saveourhistoriccanals.org).

## **Nevada County Fire Plan**

### **The Nevada County Fire Plan and Healthy Forest Restoration Act**

#### **...Does the Fire Plan Meet Federal Requirements?**

#### **Introduction**

The Nevada County Board of Supervisors appointed a Fire Plan Committee and charged it to comply with the Healthy Forest Restoration Act of 2003 (pg 5, NCFP), in order to maintain grant eligibility for wild land fire mitigation projects” (pg 11, NCFP). Does the proposed Fire Plan meet these standards? The following sections examine the three primary minimum requirements of the Healthy Forest Restoration Act and an examination of the Nevada County Fire Plan.



**1. Collaboration:** A CWPP must be collaboratively developed by local and state government representatives, in consultation with federal agencies and other interested parties.

**2. Prioritized Fuel Reduction:** A CWPP must identify and prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatment that will protect one or more at-risk communities and essential infrastructure.

**3. Treatment of Structural Ignitability:** A CWPP must recommend measures that homeowners and communities can take to reduce the ignitability of structures throughout the area addressed by the plan.

The following sections examine Fire Plan compliance with Healthy Forest Act guidelines.

### **1. Collaboration**

The HFRA requires that three entities must mutually agree to the final contents of a CWPP:

- a. The applicable local government (i.e., counties or cities);
- b. The local fire department(s); and
- c. The state entity responsible for forest management.

In addition, these entities are directed to consult with and involve local representatives of the USFS and BLM and other interested parties or persons in the development of the plan. The process is intended to be open and collaborative involving local and state officials, federal land managers, and the broad range of interested stakeholders.

BLM was not at the table because BLM was not invited. They are major stakeholders in the Nevada County urban-wildfire interface. Also, Nevada City and Grass Valley, both cities under serious threat from catastrophic wildfire, were not at the table. The question is why?

### **2. Prioritized Fuel Reduction**

The current Fire Plan contains an element called the “Community Fuels Management Prescription” that would reduce fuels on all 1-10 acre parcels. The Plan provides neither planning studies nor scientific rationale for this decision. Fuel prioritization is left as a

future “recommendation” for implementation. The Plan has no community area baseline information such as, a hazard assessments mitigation plan, natural resource planning, homeowner and taxpayer fiscal analysis, nor identified funding mechanisms that would seem to support a "Prioritized Fuel Reduction" plan.

### **#3. Treatment of Structural Ignitability**

A special committee, made up of fire prevention officers, members of the Building, Planning and Transportation Department, and members of various interest groups within the county, met over a period of three months and prepared suggested changes to the Fire Safety Regulations to address structural ignitability.

Fire Plan goal III, “Reduce risk to life and property through new or revised codes, ordinances and compliance programs”, set the stage. However, the FPC chose to only propose a structural “defensible space” requirement, and turned strictly to education when addressing the actual ignitability of structures. Note, “The FPC (Fire Plan Committee) recommends that the fire agencies, the building industry and the building material industry cooperate on a high visibility educational effort on the benefits of using ignition resistant building materials and methods when building in the wild lands of Nevada County, and that this effort emphasize the architectural and appearance similarities between ignition resistant building materials and more readily combustible building materials”. (Recommendation 37.)

It is troublesome that the Fire Plan Committee was apparently not informed or chose to ignore the California State Building Standards for Wild land-Urban Interface fire areas that have been discussed by CDF since 2002. Note that Effective January 1, 2008, building standards in the WUI will change and actually address ALL of the issues about Ignitability that are absent from the pending Fire Plan including roofs, decks, and siding. The 29 page state law on the standards is available at <http://www.osfm.fire.ca.gov/uwibs.html>. Also, the law reads, “Prior to building permit final approval the property shall be in

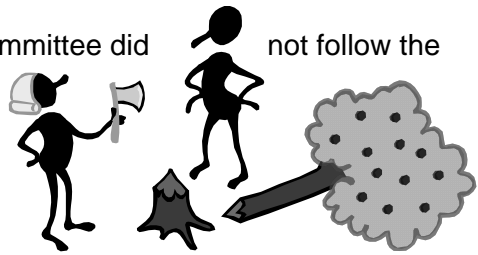


compliance with the vegetation clearance requirements prescribed in PRC 4291 & GC 51182 (100 feet).

These building standards were drafted in 2002, polished in 2004, and approved September 21, 2005 to go into effect January 1, 2008. Why did the Fire Plan Committee miss these addressing these standards in the pending Fire Plan?

### Summary

It is clear that the Fire Plan Committee did not follow the Board of Supervisors direction and utilize the guidelines of the Healthy Forest Restoration Act in preparing this proposed Fire Plan. Possibly there is another



not follow the

way of obtaining Federal Grant dollars for wild land fire mitigation projects. However, the current proposed Community Fuels Management Prescription element in the Fire Plan is of such magnitude, such a huge proposal, that it should be put on hold until all the impacts, both financial as well as environmental, can be properly evaluated. It would also appear that the overall financial impact of this proposed Fire Plan would warrant re-visiting the Healthy Forest Restoration Act guidelines in order to maintain grant eligibility.

- [Nevada County Fire Plan Initial Study](#), Prepared by Kathleen Edwards and Uma Hinman, available from the Nevada County Planning Department ((530) 265-1222)
- [Healthy Forest Restoration Act \(2003\)](http://www.healthyforests.gov/initiative/legislation.html), available at <http://www.healthyforests.gov/initiative/legislation.html>
- [Preparing a Community Wildfire Protection Plan](http://www.safnet.org/policyandpress/cwpphandbook.pdf), available at <http://www.safnet.org/policyandpress/cwpphandbook.pdf>
- [Planning for Wildfires](http://www.planning.org), Jim Schwab and Stuart Meck, APA Planning Advisory Service, c 2005. Contact the American Planning Association at <http://www.planning.org>
- [Changes in Public Resources Code 4291](http://www.fire.ca.gov/php/education_publiccode4291.php), available at [http://www.fire.ca.gov/php/education\\_publiccode4291.php](http://www.fire.ca.gov/php/education_publiccode4291.php)

- Suggested model fire plan available at, <http://www.cafirealliance.org/cwpp>

Prepared by Marty Pezzaglia: [martypezzaglia@hughes.net](mailto:martypezzaglia@hughes.net).

### **Fire Safe Council of Nevada County**

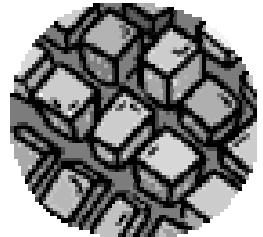
P O Box 1477, Nevada City CA 95959, Phone : (530) 272-1122

Email: [erin\\_fscnc@sbcglobal.net](mailto:erin_fscnc@sbcglobal.net)

### **Deer Creek Park 2 – Update:**

Here is the latest regarding Deer Creek Park 2:

The proposal for Deer Creek Park 2, a 193 lot subdivision south of Red Dog Road, is in the Environmental Impact Report (EIR) process. The revised Draft EIR was released in July 2005. There was public and agency review of the DEIR and the Nevada County Planning Commission held a public hearing. All public and agency comments were forwarded to the EIR consultant. The next steps are the consultant's "Response to Comments" and review of the entire EIR process by the Planning Commission. Stay tuned....



Revised Draft EIR **ONLINE:**

<http://docs.co.nevada.ca.us/dscgi/ds.py/view/collection-18755>

Printed copies available at House of Print & Copy for \$33.97 including tax, 273-1000

Contact: Sylvia Pichitino, 265-2201, [pich@oro.net](mailto:pich@oro.net)

## **NOTICES**

**Recycling:** You may already be aware that Nevada County must reduce the amount of solid waste that is going into the land fills or face severe fines soon. The Department of Transportation & Sanitation wants to encourage more recycling by eliminating the need to sort the various materials. If you are receiving curbside garbage pickup and are not recycling, call Waste Management (274-3090)



to request containers. If you do not have curbside service but wish to begin recycling, call the Nevada County Recycling Hotline at 265-1768. For more information call Nichole Dorr (470-2647)

**Service Provider Advertising:** We will list ads for service providers submitted and recommended by a member in future newsletters.

Any new recommendations?

### **Board of Directors**

Willy Kollmeyer, Pres.	271-1378	<a href="mailto:wdkollmeyer@comcast.net">wdkollmeyer@comcast.net</a>
Tim Lutz, DDS, Treasurer	478-9272	<a href="mailto:lutz@ncws@ncws.com">lutz@ncws@ncws.com</a>
Sylvia Pitchitino, Secretary	265-2201	<a href="mailto:pich@oro.net">pich@oro.net</a>
Jeff Toff	265-4402	<a href="mailto:jrtman50@msn.com">jrtman50@msn.com</a>
Hosea Bostic	265-4467	<a href="mailto:hbostic@chw.edu">hbostic@chw.edu</a>
Jim Pritchard	478-9200	<a href="mailto:jimp@patentdrawings.com">jimp@patentdrawings.com</a>
Frans Velthuisen, Newsletter	478-1252	<a href="mailto:qnq@earthlink.net">qnq@earthlink.net</a>

We encourage anyone interested in participating to submit their name with a short bio to: Banner Mountain Homeowners Assoc., P.O. Box 833, Nevada City, CA 95959, or Jim Pritchard (478-9200, [jimp@patentdrawings.com](mailto:jimp@patentdrawings.com)), Jeff Toff (265-4402, [jrtman50@msn.com](mailto:jrtman50@msn.com))

### **Membership Renewal**

We look forward to you renewing your membership for 2006. The dues are \$15. Please complete the application form below and include your e-mail address (we will not share it with anyone), and send it with your check in the enclosed envelope. Do NOT send it to FONA

Also, we need more members to participate in any of the activities that helps fulfill our PURPOSE.

----- cut here -----

**MEMBERSHIP**

For renewal or new application for membership in the Banner Mountain Homeowners Association, POBox 833, Nevada City, CA 95959. Use enclosed envelope to send a check for \$15 payable to the Association for the 2006 dues (Sept'05-Dec '06)

Name(s) \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIPCode: \_\_\_\_\_

Phone No: \_\_\_\_\_ Email: \_\_\_\_\_

I would like to become more involved with \_\_\_\_\_

Suggested Association activities \_\_\_\_\_

Service Providers/ Other Comments \_\_\_\_\_



Preferred Propane Provider  
For:  
**Banner Mountain Area Residents**

Did you know that Ferrellgas is the *only contracted* Preferred Propane Provider for the Banner Mountain area Residents? For more than 60 years, Ferrellgas has been committed to providing customers with hometown service, backed by the experience of an industry leader in safety and technical expertise. Here are just a few of the advantages you will receive as a Ferrellgas customer.

- Dependable propane supply
- Prompt, reliable service from local propane professionals
- Convenient payment and delivery options
- Around-the-clock emergency service

Banner Mountain Area Residents will also receive these additional benefits:

- Special guaranteed pricing of 0.40 cents over Ferrellgas cost
- Free Tank rental for the first year, after the first year only \$45.00 annually
- **FREE** 27-point safety inspection of your outside propane system (a \$49.95 value)
- Guaranteed supply

To start taking advantage of these special savings or for more details, call your Nevada City Ferrellgas team today at:

**530-265-5896**

**Banner Mountain Homeowners Association**

Member of non-profit :

**FEDERATION OF NEIGHBORHOOD ASSOCIATIONS  
228 COMMERCIAL STREET #277  
NEVADA CITY, CA 95959**

Non-Profit Org.  
U.S. Postage Paid  
Nevada City, CA  
Permit # 29