

# Banner Mountain Homeowners Association, est. 1984

August, 2005

## **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 to fill 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***

The BMHA negotiates discounts with several service providers, such as NAVO Plumbing for septic pumping and Ferrell Gas for propane service. We have also helped bring the seasonal free chipping service to our neighborhood and can provide you with application forms and info about this very important program.

## **2005 Annual Membership Meeting and election of the Board of Directors**

This fall we will again have our quarterly Board and Annual Membership Meeting. We'll send an invitation to members only when the location and timing have been confirmed. If you have any issues concerning our Banner Mountain neighborhood you'd like addressed, please send us a summary of your ideas, and make sure you are on the membership list (Fill out the attached membership enrollment/renewal). You will also be able to meet the volunteers and directors, who have worked hard to represent every BMHA-member to the best of their ability. You'll be able to cast your vote for new or incumbent directors. You can also vote by mail. The ballots will be sent out about 30 days before the election.

## **Nomination for new Directors**

Have you ever considered becoming a Board member of the Banner Mountain Homeowners Association? It's a nice way to be active and to give something back to the community. There are many issues affecting us, directly or indirectly and not all of these are good for us. Some one needs to stay alert and keep an eye on things and share their insights so we can encourage the positive and discourage the negative developments in our neighborhood.

If not you, maybe you know some one you'd like to nominate, let us know and we'll contact her/him. All this needs to happen as soon as possible, because we'll have to send the ballots out 30 days before elections. Officially the deadline for nominations or to volunteer as a candidate is Sept 30.

## **Come on Board**

We encourage any one interested in participating to submit their name for upcoming election before Oct. 1 to: 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))

**Departure of Director:** Jerry Sakai resigned from the Board last October. We thank Jerry for his dedicated efforts to help bring the BMHA's administration up to date and energize us all to take on the projects we are working on.

## **New developments on and near Banner Mountain**

### **INTERSECTION UPDATE - IDAHO MARYAND AND BRUNSWICK**

According to John Rumsey, Nevada County DOT, the following changes are planned :

1. Idaho Maryland will be closed to thru traffic at Brunswick
2. EAST bound traffic will be allowed ONLY RIGHT TURNS
3. WEST bound traffic will be allowed RIGHT OR LEFT TURNS
4. Eastern approach of IM will be widened and raised
5. Southern approach of Brunswick will be slightly widened
6. No other change will be made to Brunswick
7. Permanent radar will be used to slow/calm traffic

Rubberized lane dividers will be added first to re-train traffic and test the changes. Concrete lane dividers to be added in 2006 if the pattern works.

DOT says this will be only a TEMPORARY solution. The final solution will come with development of Loma Rica Ranch (whenever that is in the future) and movement of the intersection about 0.1 mile to the north.

My feeling about this change is mixed. I have heard about changes for many years and I feel the cost estimate (\$250,000) is low and the changes will only bring about a different set of problems. Once this project is finished, the county may drag their feet to come back and fix it properly so this may be in place for many years. No changes to the south bound left turn lane of Brunswick to I.M. are planned and that will be dangerous when traffic stacks up and stops South bound traffic on Brunswick.

If you have any comments or suggestions, contact John Rumsey (265-1431) at the DOT

Tim Lutz, 478-9272, or [lutz@ncws.com](mailto:lutz@ncws.com)

### **Ground Water Watch (news article)**

Approximately 50% of property occupants in Nevada County use groundwater for their supply of water. Groundwater for many of us is the sole source of water. Presently, four changes are having an effect on our groundwater; 1) the number of people moving to the foothill areas is increasing significantly; 2) new roads and homes are covering greater areas of the land causing changes in the natural plumbing; 3) chemical usage and septic systems are being used more than ever and are spread across a greater geographic area as compared to past years (source of pollution); and 4) the delivery of precipitation is occurring intermittently and at different rates and volumes with each passing year. Fortunately, significant drought conditions have not existed for some time under the current land usage.

The most recent drought periods were experienced in 1976-77 and 1987-1992. What will be the effects on our lives when the next significant drought cycle develops? If our wells go dry, we lengthen our existing well or drill a new well. If your not successful with this, you can attempt to create a special district and have NID run a pipeline to your home. This may not, however, be possible (I checked, it will cost me \$50K) so you either schedule water deliveries to your home during the period of the drought or consider moving to somewhere with ample water. Foreclosure may become imminent if you can not support two homes. This is a worst case but may be considered realistic for some areas of our county under conditions of significant drought. Recognize that it is the availability of water (and jobs) that created the opportunity to populate our county.

We need an early warning system that can alert us to adverse changes that are occurring. The intention is to act early and avoid the development of a water catastrophe on our communities. Observation and documentation reflecting the status of our groundwater systems (aquifers) must be generated now, before adverse effects become too severe. This

information will inform us of the problem and provide objectivity and factual support when searching for remedies with local, state and federal agencies.

GROUND WATER WATCH has been created for this purpose. This program requires the interest and participation of many property owners in Nevada County. An effort is currently being made to create a volunteer well program that will include property owners who are interested in helping you know more about your water resource. The more the community knows, the greater the chances for developing appropriate remedies and contingencies. If a dramatic reduction in groundwater availability or quality occurs, we will have a timely and appropriate response. Without this program, we have no way of seeing our circumstances and suffer the consequences of non-response.

It is with your support that this program can be successful. If you are interested in becoming a volunteered well owner, please call. I am available to answer any questions that you may have. Know your water. It is an essential part of our lives.

Steve Baker, 265- 0446, or [hsci@gv.net](mailto:hsci@gv.net)

**Ground Water Study:** We (BMHA) sent this letter to our Board of Supes June 20, 2005  
To Whom It May Concern:

Concern about ground water is a recurring theme in our area. Indeed, the Banner Mountain Homeowners Association came into being many years ago because of a perceived threat to private wells posed by a proposed mining venture. Local residents feared that dewatering the mine might seriously impair wells that were hydrologically connected to it through unseen cracks and fissures in the underlying rock strata. This possibility was a galvanizing force that led to a successful ballot initiative rescinding the mine's governmental approvals, and this particular threat passed away.

But concerns about ground water remain and we are continuously reminded that both human activities and nature can seriously affect it. For example, it has been estimated that about half of Nevada County residents depend upon private wells for drinking water and domestic use. Therefore, as our county continues to grow in population it is not unreasonable to expect that demands upon ground water will also increase. Unfortunately, history reveals that California has experienced periods of drought, which presumably have had an influence on ground water. And in the future, global warming looms. What it might bring in the way of change to regional precipitation and recharge of ground water can

only be guessed. As a result, we are faced with a situation where the use of ground water will undoubtedly increase, but its long term reliability is unknown. For these reasons, our organization believes that baseline data on the state of ground water should be gathered so that future judgments about activities that can affect ground water will be made with a better understanding of their full consequences.

Accordingly, the Board of Directors of the Banner Mountain Homeowners Association has endorsed the following statement:

***In light of the fact that water is one of our most precious resources, that our county is growing very rapidly, that California historically goes through periods of drought and that half of our County's domestic water supply comes from wells, we believe strongly that a study of ground water in Nevada County is needed.***

We hope that this statement will be of use to your organization and its activities.

Respectfully submitted,

Willy D. Kollmeyer  
President  
Banner Mountain Homeowners Association

**Sacher Property:**

A toxic cleanup has been completed last fall on this 120 acre parcel. The owner(s) of the Sacher Family Trust Property Site next to the Lava Cap Mine Super Fund had the cleanup done to "residential standards", meaning that if all is done right, it is now clean enough for development.

Neighbors had a chance to express their concerns before the clean-up. A plan was made to accommodate these concerns and provide maximum safety. The truck loads of arsenic containing soil were covered with tarps and the ground kept damp to reduce dust. Also the timing was to be coordinated so that the school busses and toxic transport and moving around of equipment etc. would not interfere with each other. As it turned out, that was too complicated a task to do right on the first morning. Contractor pick-up trucks, a truck with earthmoving equipment, some local residents driving to work, some cars with parents and a group of kids were all milling about the Lava Cap Mine Rd and Banner Lava Cap intersection at the same time around 8 am trying to make room for each other. A few telephone calls helped streamline this process and no further complaints were filed.

Further research revealed that preliminary plans for development of about 26 non-clustered residential parcels are on file with the County Health

Dept. Considering simultaneous plans for the NID pipeline with possible new water service to this same property, some residents are concerned that extensive development will follow, possibly including the Lava Cap Mine Superfund Site (after it has been cleaned up). They are also concerned about traffic and timely notice to the community of any plans under consideration. Contact Frans Velthuisen at 478-1252 or [qnq@earthlink.net](mailto:qnq@earthlink.net) .

### **Ongoing Projects & Issues**

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

So what is happening with the pipeline project?

The pipeline committee was successful in pointing out errors (missing pages, inconsistencies, etc) in the DEIR (Draft Environmental Impact Report) resulting in it being pulled from public review. Ron Nelson, the general manager of NID has reassured Karen Burford, the chair of the BMHA Pipeline Committee, that in-depth consultation regarding the project and the DEIR has been a primary focus for NID during these past months. A major part of the consultation process has involved a “peer review” of the DEIR by Jones and Stokes, an environmental consulting firm, specializing in similar projects. This firm reviewed the DEIR by focusing on the adequacy of the project description, objectives, screening, selection and analysis of alternatives, thresholds of significance, and links between EIR conclusions and those thresholds. They also evaluated the general adequacy of the proposed mitigation measures. As a result they proposed specific comments and recommendations to NID and the project staff who are in the process of reviewing these recommendations through continued consultation.

Ron Nelson has assured Karen that the changes to the DEIR will be made very clear to the public through written documentation as well as public meetings. No specific date for a re-release of the DEIR has been set as of yet. Karen will continue to be informed by NID of any significant advances with ample time for the pipeline committee to regroup and prepare the community for the 45 day public comment period.

Members of the BMHA Pipeline Committee as well as Save Our Historic Canals plan to vigorously respond to the EIR when it finally issues. For the Pipeline Committee contact Karen for more information at 478-5689 or [karinab@aol.com](mailto:karinab@aol.com), for SOHC Willy Kollmeyer 271-1378, or [wdkollmeyer@gv.net](mailto:wdkollmeyer@gv.net).

If you have any questions please feel free to call Karen at 478-5689 or 273-2336, x. 201.

**Fire Lookout:** Another fire season is coming up and we need many volunteers on the lookout atop Banner Mtn. Thank you Igor for coordinating, training and scheduling the volunteers and thank you to all the volunteers who are giving their time to safeguard our community. It's a great way to spend a few hours by yourself! Contact Igor at 470-9181, or [igorraven@yahoo.com](mailto:igorraven@yahoo.com)

**CASCADE CANAL UPDATE:** This is a crucial time for protecting the Cascade Canal trail. The Draft Environmental Impact Report for Nevada Irrigation District's (NID's) Modernization Project will be re-released this summer, and Save Our Historic Canals (SOHC) will be reviewing this document carefully to make sure that potential impacts to the Cascade Canal have been adequately addressed. All those who use the Cascade Canal trail, and those whose wells or ponds may depend on seepage from the canal, should be aware that we have **no long-term assurance that NID will continue to maintain the canal and trail in the future.** In the first EIR, NID stated: "*further curtailment, up to and including abandonment, may be considered at some future date should it be determined that it is no longer reasonably efficient to continue operation of the canals.*" (page 1-22, draft Environmental Impact Report, Lower Cascade Canal Modernization Project, 2004).

SOHC will be reviewing and commenting on the draft EIR, but we have a larger vision of **how to protect the canal trail in perpetuity** – to secure easements from willing landowners over the entire 4.8-mile trail. Our goal is to overlay the NID maintenance easement with a second easement from the Nevada County Land Trust, providing permanent protection even if NID abandoned the canal and its maintenance easement. This overlay easement would relieve landowners of liability, provide oversight and maintenance of the trail, and would protect it forever.

We are now involved in a major fundraising effort to support this work, and are relying on donations to fund our work. If the Cascade Canal trail is important to you, please consider making a donation to support SOHC's efforts to protect and preserve this trail in perpetuity. Donations can be sent to SOHC at 228 Commercial St., #221, Nevada City, CA 95959. For more information, please contact Susan Sanders at 477-7415.

### **Important Information for Well Owners**

Last summer, the Nevada Irrigation District issued a draft Environmental Impact Report (DEIR) covering their proposed Lower Cascade Canal-Banner/Cascade Pipeline Project. Appendix S in this DEIR described a study entitled "EVALUATION OF LEAKAGE FROM THE LOWER

CASCADE CANAL, NEVADA IRRIGATION DISTRICT". Shortly thereafter, the entire DEIR was withdrawn by NID, but they will reissue another version in the near future. Nevertheless, the earlier version contains important information that Banner Mountain well owners need to be aware of.

By using a highly credible method known as isotopic analyses, the source of water in two wells was determined. The first well was located about ¼ mile downhill from the canal and south of Idaho Maryland Road. It produced water that originated from local precipitation on Banner Mountain, ie. local groundwater. However, the second well was essentially pumping water derived from canal leakage even though it was over 200 feet deep and located within 100 feet down slope from the canal. Needless to say, this unexpected finding came as a great surprise to the well owner, whose property is situated between Banner Lava Cap and Idaho Maryland Roads. This area encompasses one of the most heavily urbanized regions on Banner Mountain, and the consultant's analyses showed that there could be a 30% to 70% recharge from the canal into wells up to ½ mile away.

Several questions come to mind from this leakage study. How many other wells on Banner Mountain are unknowingly within the hydrological sphere of influence of the canal and inadvertently dependent upon canal leakage? Keep in mind that this does not necessarily depend simply upon distance from the canal because of the way leaked water can flow on top of and through fissures and cracks in the underlying rock strata. Who is responsible for making these well determinations? What would happen to these wells if the canal flow were drastically reduced or terminated altogether? Who would be responsible if wells became impaired? Unfortunately, clear answers are not available at this time, and the DEIR was remarkably silent about these kinds of questions and offered no mitigations.

If you are concerned about these issues, please be sure to comment in writing to NID within the proscribed time limit after the new DEIR reissues. It will make a difference. Correspondence should be addressed to Nevada Irrigation District, Attn: Tim McCall, Chief Engineer, 1036 W Main St, PO Box 1019, Grass Valley, CA 95945.

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

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**Deer Creek Park 2 – Update:** Deer Creek Park 2 Update: A little over a year ago, the Draft Environmental Impact Report for Deer Creek Park 2, the proposed 193-lot subdivision just off Red Dog Road, went back to the consultant for revisions. The County is now reviewing the "administrative draft" of the revised DEIR. The hope is to have the public draft available by

the end of November. There will be a 45 day public comment period once the draft is released. For more information: Please call, Sylvia Pichitino, 265-2391 or email [pich@oro.net](mailto:pich@oro.net).

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### **Idaho-Maryland Goldmine**

The Grass Valley City Council will be meeting to discuss of the merits of opening the Idaho-Maryland Mine on Brunswick Road. Some local business leaders advocate opening the mine saying it will boost our economy by bringing new jobs. But the environmental and health impacts could be devastating. BMHA encourages any one to contact the Grass Valley City Council and the County Supervisors to require an Environmental Impact Report (EIR), and to express their concerns. Among other things, some of us are concerned about traffic, noise, dust and the impact on our wells when the dewatering of the old mine shafts takes place. For articles and a community forum about the Idaho-Maryland Mine visit [www.yubanet.com](http://www.yubanet.com) .

### **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.

- 1. HOME CARE** service while you are away on vacation including pet care, landscape maintenance, etc. by NCT Solutions. Call David Denkers at 273-8973 or 273-8186, email: [denkers3@hotmail.com](mailto:denkers3@hotmail.com) (by Jerry Sakai)
- 2. SNOW REMOVAL** by David Dearman 265-5954 who lives at 15605 Cascade Loop. (Carole Carson/Jerry Sakai)

Any new recommendations?

### **Banner Mountain Homeowners Association**

P.O. Box 833

Nevada City, CA 95959

### Board of Directors

Willy Kollmeyer, Pres. 271-1378 [wdkollmeyer@gv.net](mailto:wdkollmeyer@gv.net)  
Tim Lutz, DDS, Treasurer 478-9272 [lutz@ncws@ncws.com](mailto:lutz@ncws@ncws.com)  
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Jim Pritchard 478-9200 [jimp@patentdrawings.com](mailto:jimp@patentdrawings.com)  
Frans Velthuisen, Newsletter 478-1252 [qng@earthlink.net](mailto:qng@earthlink.net)

We encourage any one interested in participating to submit their name for upcoming election before Nov. 1 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 2005. The dues are \$15. Please complete the application form below and send it with your check in the enclosed envelope. If you can recommend any periodic service providers, such as snow clearing, handyman, etc. please note that. Also, we need more members to participate in any of the activities that helps fulfill our PURPOSE.

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## **MEMBERSHIP**

For renewal or new application for membership in the Banner Mountain Homeowners Association, use enclosed envelope to send a check for \$15 payable to the Association for the 2005 dues (Jan-Dec '05).

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

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

City/State/ZIP Code: \_\_\_\_\_

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

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

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

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