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To: Amador County Planning Commission

From: Rebecca Korematsu, Director, Volcano Community Services District (VCSD)

Subject: Comments on Item 1, November 14 2023 Meeting, Request for a Zone Change (ZC-23;9-1)

I am presenting concerns about this request, namely, that the proposed zoning change and associated development permitted on these parcels would threaten the quality and quantity of our town's water supply source and associated watershed.

This source, referred to as the "Cleveland Tunnel" system accesses groundwater originating from an ancient stream bed (Cleveland Channel) buried beneath the ridge tops. The parcels being rezoned lay above/along the watershed. The access point for town water is an abandoned mining shaft (Cleveland Tunnel) located some 2000 feet northwest of the town of Volcano, on the side of Charleston Road. The Volcano Community Services District ("District") has pre-1914 appropriative water rights for its diversion to meet the community's current and future water needs, which has been documented in numerous reports and filings with the California State Water Board.

The applicant briefly refers to water being supplied to the **23.5 acres** "by well or overflow from the Cleveland Channel." ¹ There is no further specific information in either the application or staff report. By way of comparison, ***the entire District boundary served by the Cleveland Channel water source is approximately 47 acres (serving approximately 70 connections).***

We also note that the Cleveland Channel is considered by the Water Board to be "groundwater under the influence of surface water," which means that not only impacts to the raw water flow (e.g., pumping/diverting the channel water in a manner that reduces available flow to the District) but also potential drainage of land-use contaminants through the surface into the underground channel must be carefully evaluated from the "permitted" or "conditional uses" in the staff report,

¹ Environmental Information Supplement #5;

including oil and gas wells drilling, commercial slaughter houses and stockyards for livestock or from the applicant's proposed septic system/leach lines over the watershed. None of the potential adverse impacts on the watershed have been addressed by staff and for these reasons in particular, *the Commission should not adopt a Notice of Exemption until further investigation and public input.*

The Planning Commission should also consider the following circumstances that affect the ability of the District's Cleveland Channel water source to meet *any additional demands* for water at this time:

1. In 2007, the District established a moratorium on new hook ups (connections) to the Cleveland Tunnel water system based on the results of a supply-demand study that raised significant doubts that the Cleveland Channel water source could accommodate additional new connections, especially when considering drought conditions. The District also established a waiting list and process for District property owners to request consideration of a new connection at a later date. Out-of-District property owners could also request consideration, but their waiting list would be considered after the waiting list for District property owners. [Ordinance 2007-01, 2007-02]
2. There are currently 8 undeveloped parcels within the District that are on the waiting list, and 1 parcel outside the District. The single request to be placed on the waiting list from outside the District was made by Volcano Gold LLC for a single parcel, so the applicant for this rezoning knew of these procedures and the reasons for them.
3. In 2015, *at the direction of the California Water Resources Control Board*², the District continued the moratorium on new connections and its mandatory conservation measures. A December 2015 Source Capacity Planning Study conducted in compliance with the Water Board's order concluded that the Cleveland Channel appears capable of meeting the water demands of *current* connections in the District based on the sustainable firm yield of the Cleveland Tunnel system and existing/projected peak day demands from those existing customer connections. The report

² Compliance Order No 01-10-15R-003, California State Water Resources Control Board, July 14, 2015.

recommended that this yield and demand data continue to be monitored in order to consider any future requests for new connections.

To date, there have been no requests of any owners currently on the waiting list to connect to the District. Should a request come in, the Board would need to update the 2015 study with the supply and demand data that has been collected since then, and consider that information in reviewing the request(s) at a duly noticed Board meeting. It may also require an appeal to the State Water Board in light of its 2015 compliance order.

How many wells, what depths, where will they be located, how many individuals/farms/operations served, what volume in gpm of “overflow” from the Cleveland Channel does the applicant believe he has legal access to (and from what physical location(s)), how can the applicant assure the District that they will not affect the flow of water through the Cleveland Tunnel to meet the town’s water requirements? These specifics need to be addressed. In the past, the town’s water supply has previously been compromised by water pumping from a *single* mine shaft along the watershed, which was required to cease and desist. It has since been filled in and securely covered and the permit pulled, but not before the town water supply was interrupted, causing years of rationing and hardship.

Unless and until the applicant provides much more specificity on how water (and how much) would be supplied to the rezoned parcels and the manner in which the Cleveland Channel/Tunnel watershed would be protected, this request could significantly undermine the ability of the District to fulfill its statutory obligation to provide safe, reliable and sufficient drinking water to its customers. I urge the Planning Commission to recognize and fully support the District’s statutory obligation in considering this request for rezoning.

Therefore, I urge the Planning Commission to immediately suspend the Notice of Exemption until the impact of this proposed zone change on the watershed and water supply for the Volcano Community Services District is fully evaluated and considered.