



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380
FAX: (209) 223-6254
WEBSITE: www.amadorgov.org
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

Early Consultation Application Referral

TO:

ACTC	Transportation and Public Works Department
AFPD	Waste Management Department
Amador Air District	Buena Vista Band of Me-Wuk Indians
Amador LAFCO	Calaveras Band of Mi-Wuk Indians
Amador Transit	Chicken Ranch Rancheria of Me-Wuk Indians
Amador Water Agency	Ione Band of Miwok Indians
Building Department	Jackson Rancheria Band of Miwok Indians
Cal Fire	Nashville Enterprise Miwok- Maidu-
Caltrans, District 10	Nishinam Tribe
CDFW, Region 2	Shingle Springs Band of Miwok Indians
County Counsel	United Auburn Indian Community of the Auburn
Environmental Health Department	Rancheria
Sheriff's Office	Washoe Tribe of Nevada and California
Surveying Department	

DATE: October 6, 2022

FROM: Krista Ruesel, Planning Department

PROJECT: A Zone Change from the R1A, Single-family Residential and Agricultural District, to the PD, Planned Development District for (ZC-20;10-1); and a Use Permit for an event venue and vacation rental (UP-20;10-2). The property is 38.30 acres and has a General Plan Designation of OR, Open Recreation. APN 026-060-018

Owner/Applicant: Thomas and Barbara Jean Hoover

Supervisorial District: 3

Location: 43300 Highway 88, Kirkwood. Highway 88 encroachment is located 1.5 miles west of Mormon Emigrant Trail; the specific project site is approximately two miles east of Highway 88 via private access easement.

REVIEW: As part of the preliminary review process, this project is being sent to State, Tribal, and local agencies for their review and comment. The Technical Advisory Committee (TAC) will review the project application for environmental review and drafting of the Conditions of Approval during its regular meeting on Thursday, **October 20, 2022 at 1:00 p.m.** in the Board of Supervisors Chambers at the County Administration Building, 810 Court Street, Jackson, California as well as via teleconference.



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APPLICATION FOR ZONE CHANGE

Application for a zoning change shall include the following:

- 1. A. Name of Property Owner Thomas R.'Tom' and Barbara Jean 'BJ' Hoover
 Mailing Address 135 Schober Ave. Jackson CA 95642

 Phone Number 209-223-0718
- B. Name of Applicant Same
 Mailing Address Same

 Phone Number Cell 209-419-0717
- C. Name of Representative Same
 Mailing Address Same

 Phone Number Same

- 2. Assessor Parcel Number(s) Exhibit D
- 3. Letter of application explaining purpose of request, description of proposed uses, and other pertinent information. **Note: It is to your benefit to be as specific as possible with your application information.** Exhibit C
- 4. Letter of authorization if landowner is being represented by another party.
- 5. Submit a plot plan of parcel showing location of project in relation to property lines and any existing structures/improvements (roads, parking areas, etc.) on the property as well as all proposed structures/improvements (may wish to make separate maps). NOTE: An Assessor Plat Map can be obtained from the Surveying and Engineering Department (810 Court Street, Jackson, CA) for the purpose of aiding in drawing of the plot plan. Exhibit G
- 6. Copy of deed(s) to property. Exhibit F
- 7. Completed Environmental Information Form and Indemnification Agreement. Exhibit A
- 8. Filing fee of \$_____ (see attached schedule of fees).
- 9. Application Form to be signed at the time of project presentation in the Planning Department.



PLANNING DEPARTMENT
Community Development Agency

County Administration Center
 810 Court Street • Jackson, CA 95642-2132
 Telephone: (209) 223-6380
 Website: www.amadorgov.org
 E-mail: planning@amadorgov.org

APPLICATION PROCEDURE FOR USE PERMIT

A Public Hearing before the Planning Commission will be scheduled after the following information has been completed and submitted to the Planning Department Office:



1. Complete the following:

Name of Applicant Thomas Hoover

Mailing Address 135 Schober Ave. Jackson CA 95642

Phone Number 209-223-0718 or 209-419-0717

Assessor Parcel Number 026-060-018

Use Permit Applied For:

- Private Academic School
- Private Nonprofit Recreational Facility
- Public Building and Use(s)
- Airport, Heliport
- Cemetery
- Radio, Television Transmission Tower
- Club, Lodge, Fraternal Organization
- Dump, Garbage Disposal Site
- Church
- OTHER Vacation rental/events venue



2. Attach a letter explaining the purpose and need for the Use Permit. *Exhibit C*



3. Attach a copy of the deed of the property (can be obtained from the County Recorder's Office). *Exhibit F*



4. If Applicant is not the property owner, a consent letter must be attached.



5. Assessor Plat Map (can be obtained from the County Surveyor's Office). *Exhibit E*



6. Plot Plan (no larger than 11" X 17") of parcel showing location of request in relation to property lines, road easements, other structures, etc. (see Plot Plan Guidelines). Larger map(s) or plans may be submitted if a photo reduction is provided for notices, Staff Reports, etc. The need is for easy, mass reproduction. *Exhibit G*



7. Planning Department Filing Fee: \$ 4,474.00
 Environmental Health Review Fee: \$ 720.00
 Public Works Agency Review Fee: \$ 500.00



8. Complete an Environmental Information Form. *Exhibit A*



9. Sign Indemnification Form.

ENVIRONMENTAL INFORMATION FORM

To be completed by applicant; use additional sheets as necessary.
Attach plans, diagrams, etc. as appropriate.

GENERAL INFORMATION

Project Name: Hoover's HideOut

Date Filed: 10-08-2020 File No. _____

Applicant/ Developer Thomas R Hoover Landowner Tom and BJ Hoover

Address 43300 Highway 88 Kirkwood Address 135 Schober Avenue Jackson CA 95642

Phone No. 209-419-0717 Phone No. 209-223-0718

Assessor Parcel Number(s) 026-060-018

Existing Zoning District Single Family Residential - Agricultural (R1-A)

Existing General Plan Open Recreation (O-R)

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies _____

Amador County: Conditional Use Permit, Building Permits,

Environmental Health Permits

WRITTEN PROJECT DESCRIPTION (Include the following information where applicable, as well as any other pertinent information to describe the proposed project): Exhibit C and Exhibit G

1. Site Size
2. Square Footage of Existing/Proposed Structures
3. Number of Floors of Construction
4. Amount of Off-street Parking Provided (provide accurate detailed parking plan)
5. Source of Water
6. Method of Sewage Disposal
7. Attach Plans
8. Proposed Scheduling of Project Construction
9. If project to be developed in phases, describe anticipated incremental development.
10. Associated Projects
11. Subdivision/Land Division Projects: Tentative map will be sufficient unless you feel additional information is needed or the County requests further details.
12. Residential Projects: Include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected.
13. Commercial Projects: Indicate the type of business, number of employees, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
14. Industrial Projects: Indicate type, estimated employment per shift, and loading facilities.
15. Institutional Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
16. If the project involves a variance, conditional use permit, or rezoning application, state this and indicate clearly why the application is required.

ADDITIONAL INFORMATION Are the following items applicable to the project or its effects? Discuss below all items checked "yes" (attach additional sheets as necessary).

YES NO

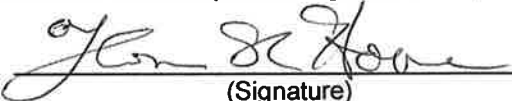
- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. Change in existing features or any lakes or hills, or substantial alteration of ground contours. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Change in scenic views or vistas from existing residential areas, public lands, or roads. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Change in pattern, scale, or character of general area of project. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Significant amounts of solid waste or litter. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Change in dust, ash, smoke, fumes, or odors in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Substantial change in existing noise or vibration levels in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Site on filled land or has slopes of 10 percent or more. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 28. Does this project have a relationship to a larger project or series of projects? |

ENVIRONMENTAL SETTING *Exhibit B*

29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site (cannot be returned).
30. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity (cannot be returned).
31. Describe any known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Attach photographs of any of these known features (cannot be returned).

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date October 8, 2020


 (Signature)
 For Hoover's HideOut

Environmental Setting

29. All on-site improvements are currently in place, as further described in Exhibit C: Project Narrative and shown on Exhibit G: Plot Plan. No new improvements are proposed under the Use Permit Application.

The project site is primarily characterized by granitic rock formations, with small pockets of conifer trees. A seasonal creek traverses the project site in a north-south direction.

30. There is one additional residential structure on the adjacent 40-acre parcel near the north side of the lake. The subject property is surrounded on three sides by US Forest Service land, with Tragedy Creek southwest of the site.

There is known obsidian flake area north of the subject property near Tragedy Creek on Forest Service land.

31. There are no known mine shafts, tunnels, air shafts, or open hazardous excavations on the subject property or in the project vicinity.

* * * *

INDEMNIFICATION

Project: Hoover's HideOut

In consideration of the County's processing and consideration of the application for the discretionary land use approval identified above (the "Project") the Owner and Applicant, jointly and severally, agree to defend, indemnify, and hold harmless the County of Amador from any claim, action, or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating related to the Project approvals as follows:

1. Owner and Applicant shall defend, indemnify, and hold harmless the County and its agents, officers or employees from any claim, action, or proceeding against the County or its agents, officers or employees (the "County") to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to, damages, fees, and or costs, including attorneys' fees, awarded against County. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.
2. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.
3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action, or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand, and agree to perform the obligations under this Indemnification.

Applicant:

Owner (if different than Applicant):


Signature

Signature



43300 Highway 88
Kirkwood, CA

Project Narrative

Purpose

The HideOut at Kirkwood currently operates as a Vacation Rental By Owner (VRBO), and as an events venue. The project site is zoned Single Family Residential – Agricultural (R1-A) and has been partially permitted by Amador County. The purpose of the Rezoning Application is to change the zoning on the subject property from R1-A to Planned Development (PD). The PD zoning district is consistent with the underlying General Plan Land Use Designation of Open Recreation (O-R). The purpose of the Conditional Use Permit Application is to bring all of the on-site activities under one discretionary permit issued by Amador County.

In support of the Rezoning and Use Permit Applications, a detailed project description is as follows:

Overview

The HideOut is located at 43300 State Highway 88 (Assessor Parcel Number 026-060-018) and within the El Dorado National Forest on 40-acres of private land at an elevation of 7,200 feet. The facility is used for a vacation home (through VRBO); and on-site events including summer weddings, winter activities, and special events. The HideOut's peak season is June through October for summer vacations and events, and from January to April for winter activities and vacations.

The peak season of June to October will accommodate up to two events per week for up to 35 events total per peak season. The events/vacations are rented out for extended stays. There are currently two packages offered: a midweek (Monday through Thursday); or a weekend (Thursday through Monday).

Rental Description

During a rental of any of the above, the property is rented only to that group. The group then invites its attendees and only those invited are on the property during their stay. The HideOut began as a VRBO rental location and has kept the same principles to date. Guests can hire and invite vendors such as food, beverage, photographers, florists, DJ's, etc. The HideOut does not provide any of these items in our packages. A representative from The HideOut is always onsite during any rental to manage the property. Groups can invite guests for their wedding event with a maximum of 220 guests' total. The average wedding size is 130-150 attendees.

Amenities at The HideOut

On-site amenities are as follows (refer to Exhibit G - Plot Plan for locations):

- Main Lodge is 5,000 square feet with 5 bedrooms and 5½ bathrooms for guests (detailed description below);
- Multi-Purpose Building (Saloon) is 2,400 square feet with one bathroom, a dry bar, and kitchenette downstairs; plus two sleeping areas upstairs for guests (detailed description below);
- Exterior restroom facilities – three restrooms near the reception area, one restroom at the wedding site, and 1½ restrooms at the camping site;
- 700 square foot Bunk House includes a prep kitchen for vendors use, as well as a storage area for guests or vendors use. The kitchen has a stove, deep-double bay stainless steel sink for cleanup and multiple stainless-steel countertops. There is also one bathroom for vendors use;
- Pole Barn (Dance Hall) is a 2,100 square foot, large open sided building with a concrete floor for the purposes of entertainment including, dinners, dancing, wedding ceremonies;
- Outside concrete dance floor 16 feet by 20 feet;
- Outside wood chipped reception area with overhead lighting;
- Parking in a large meadow area with sufficient room to park 130+ vehicles;
- One acre spring fed lake;
- Six person Hot Tub located behind the saloon (winter use only);
- 6 person Sauna located behind the saloon (winter use only);
- Large Soaking Tub located in the granite above the lake with gated access from the second floor of the Lodge;
- Designated target practice area; and
- Self-guided hiking trail on and around the property.

Winter activities include cross country skiing, snowshoeing, snowmobiling, downhill skiing, and self-guided and guided touring.

Camping onsite is by invitation only. No hookups provided. Camping is in an open meadow.

Detailed Building Descriptions

Main Lodge

- Five individual bedroom suites that include a full bathroom, heated with temperature controlled propane fireplace. (three bedrooms located on ground floor, two bedrooms located on second floor);
- A single half-bath on ground floor;
- Two kitchens that include one cooktop, one wall mounted oven, one freestanding oven with cooktop, one propane refrigerator, one electric double door refrigerator, one propane chest freezer, and two sinks;
- Dining room (+/-200 square feet);
- Living room (+/-900 square feet);
- Loft area upstairs (+/-500 square feet); and
- Laundry room upstairs.

Multi-Purpose Building (Saloon)

- Downstairs area is open for recreational uses including: pool table, air hockey table, dry serving bar, darts, checkers, card games, etc.;
- One full bathroom on ground floor;
- One kitchenette that includes a propane refrigerator, an oven with cooktop, and one sink;
- One bedroom upstairs; and
- Loft area upstairs with additional three beds and sitting area.

Additional Onsite Sleeping Quarters

Between the Lodge and Saloon, 16-20 adults are allowed to sleep in the two buildings. Up to 30 adults are allowed to camp onsite. Camping is only allowed during event package rentals. During vacation rentals, a maximum of 16 adults are allowed to stay overnight on site. Camping is by RV, tent, or other.

Hours of Operation

Activities are allowed from 6:00 AM to 2:00 AM during the summer peak season of June to October, with flexibility by request.

Amplified sound is allowed on Tuesday and Saturday nights from 6:00 PM to 2:00 AM during the peak summer season, with flexibility for additional days or hours by request.

Water

Potable water is provided by an on-site well that produces 100 gallons per minute. There is a 1,500 gallon storage tank located onsite. The well pump produces +/- 15 gallons per minute.

Electrical Power

Electricity is provided on-site by the use of generators with battery backup system. There are two diesel powered generators on-site that are used one at a time. One generator is a 12kw and the other is a 20kw. Currently there are two fuel storage tanks on-site that each hold 400 gallons of diesel in single wall metal tanks. Generators and storage tanks are located within enclosed buildings, so they are protected from any weather elements including winter. Diesel tanks also have a containment tank under them in case of a leak.

Sewage Disposal

All on-site wastewater is taken care of by County approved septic systems.

Parking on site

- There is a large meadow area for guest parking that accommodates +/- 130 vehicles (roughly the size of a football field); and
- Handicap parking is located behind the Dance Hall, or adjacent to the Lodge on concrete pavers.

Fire Protection

- Dry fire hydrants are located on each side of the lake so that a fire engine can hook up and utilize the lake water for fire suppression;
- Lake size is roughly 1 to 2 million gallons;
- The HideOut irrigates the surrounding vegetation throughout the summer;
- Large open areas provide clearance from structures;
- Roadway from highway to the project site averages 20-feet wide; and
- The subject property is surrounded by granite on three sides, with a lake on the fourth side.

Solid Waste

- All trash and garbage is collected weekly by ACES Waste Services. During the peak season, a minimum 4-yard dumpster is located adjacent to the highway and trash from on-site is hauled out daily.
- All waste oil is transported to ACES Pine Grove facility for proper disposal.

Access

The access road from State Highway 88 to the project site is provided by a 50-foot wide easement 1.5 miles in length, through both private and public lands. The roadway is composed of a combination of road base, gravel, and highway grind out material that has been placed to provide a reliable surface to drive on. Wide spots or turnouts are located all along the road to allow cars to pass each other without issue. Refer to Exhibit H – Access Road, showing road widths at regular intervals. The road is not cleared of snow during the winter, during which time, a snowcat or snowmobiles are utilized to gain access to the subject property.

* * * *



May 4, 2022

TO: Patrick Chew, AFPD

The HideOut
43300 Highway 88
Pioneer, CA

SUBJECT: AFPD Fire Department Comment Response

The following response is pertaining to comments made by Patrick Chew during the HideOut's Request to Rezone and Special Use Permit by Amador Fire Protection District (AFPD).

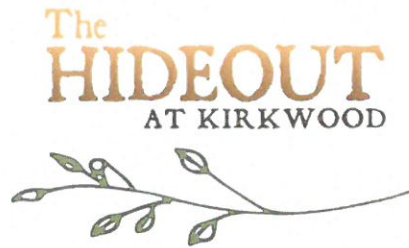
These comments were made via an e-mail sent on November 12, 2020 (attached). These comments were made prior to a site visit by Officer Chew. Since that time, we have met with Officer Chew twice on site and three times at his office to go over his comments and discuss how we plan to address each. Each item discussed has a date of completion noted next to it. The following comments and information are provided as an outline of those issues and describing the present operations of the HideOut as well as projected improvements in the future.

Response's:

Concerning our current road, it was measured and documented every 100 feet during the summer of 2021. That map is attached for reference. At that time, the majority of the road was 20' or wider. The areas that are not 20' are very close to that. Each summer we continue to upgrade our road with the goal of a minimum of 20' wide. Areas that have large unmovable objects, have turnouts on each side of them. In response to our lakeside hill, that is only 8-10 feet wide, we are evaluating options such as signals or other means to allow one direction traffic flow during emergencies. **Add automated traffic control for lakeside hill – 2024-2025**

After multiple conversations, site visits and evaluations of the property with Officer Chew, the following are additional recommendations to help with fire protection.

- The HideOut will build and install a 2" high-pressure water system that will pump water directly from the lake and will supply 2 fire hydrants. This system will allow HideOut personnel to be the first responders until Fire Crews can arrive. The hydrants will be approximately 150 feet away from the main structures so that they are fully accessible should a fire start in one of the buildings. **This system will be installed before May 2025**
- The HideOut will install and maintain (2) 4" dry-barrel fire hydrants for the use of the Fire Crews. One will be located on either side of the lake. **These will be installed by June of 2023.**



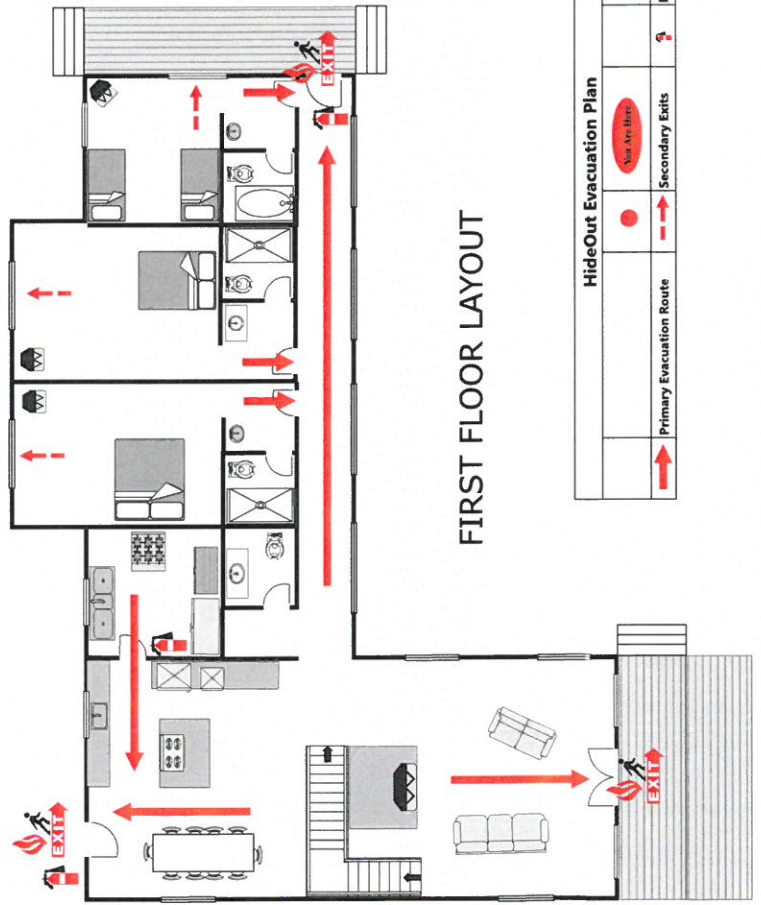
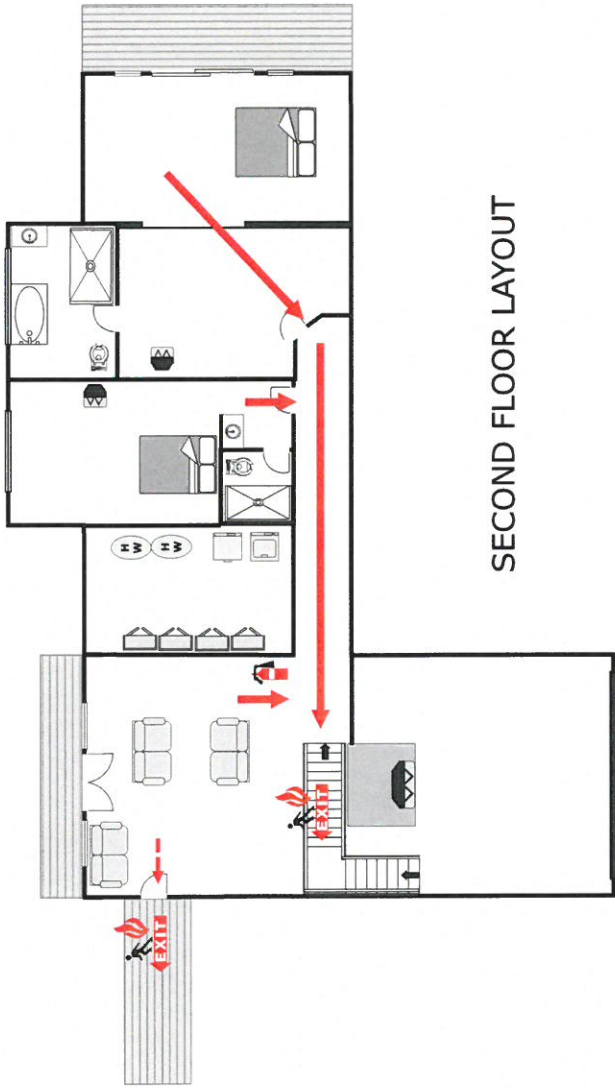
- The HideOut has added additional water faucets with hoses around the property and close to existing buildings for staff and first responders. There are at minimum 2 faucets per building fed from our 3,000 gallon storage tank via ¾" piping. **These are already in place.**
- The HideOut has 24 fire extinguishers presently and will provide additional fire extinguishers as requested by AFPD. Fire extinguishers will be inspected yearly and locations will be coordinated with AFPD.
- The HideOut waterflow supply comes from the lake adjacent to the buildings and holds more than one million gallons of water.
- The HideOut has only one building on site that can accommodate 100+ persons during an event. This building is referred to as "The Dancehall". A separate sheet with the layout, along with some photos is being provided. This building normally is open on two long sides as seen in the photos but can be enclosed by means of rolling barndoors. Should those doors be fully closed, there are 3 emergency exits built into them. Fire extinguishers normally are located at each exit and additional extinguishers will be provided as directed by AFPD. These fire extinguishers will be serviced once a year. **All fire extinguishers recommended by AFPD will be installed prior to summer of 2022 as well as a Occupancy Load Sign within the building.**
- During emergencies any contact with Fire Response Crews will be through a satellite phone system. There is one phone presently located in the Saloon building. An additional phone will be added by summer of 2022 in the reception area within the Office. HideOut staff are present and available 24 hours a day during any event. The HideOut guests are informed of the location of HideOut staff and are able to utilize the emergency phone directly. **This will be completed by Summer of 2022**
- Smoke & Carbon monoxide detectors are located within the lodge and saloon presently per requirements during our original building inspections. **We will walk the buildings with Pat Chew and if he would like additional detectors added we will add them prior to June of 2022**
- **Emergency Exit signage will be added within the Lodge & Saloon prior to June of 2022**
- A Fire Evacuation and Safety Plan will be developed and implemented by the HideOut. This plan will include evacuation maps within any building with bedrooms and HideOut staff will be trained on CPR/First Aid. The Fire Evacuation and Safety Plan will be available in the HideOut office for guests if requested. The HideOut staff will meet with each Rental Party and go over safety protocol upon their arrival. **This complete Safety Plan will be done by the summer of 2023.**



Attachments:

1. Fire Marshall comments from Nov. 12th, 2020
2. Building Floor Plans (Lodge, Saloon, Dance Hall)
3. Road Width Map
4. Site Plan with 4" dry barell locations & proposed location of 2" high pressure system

Signature Of Acceptance: _____ Tom Hoover, Owner



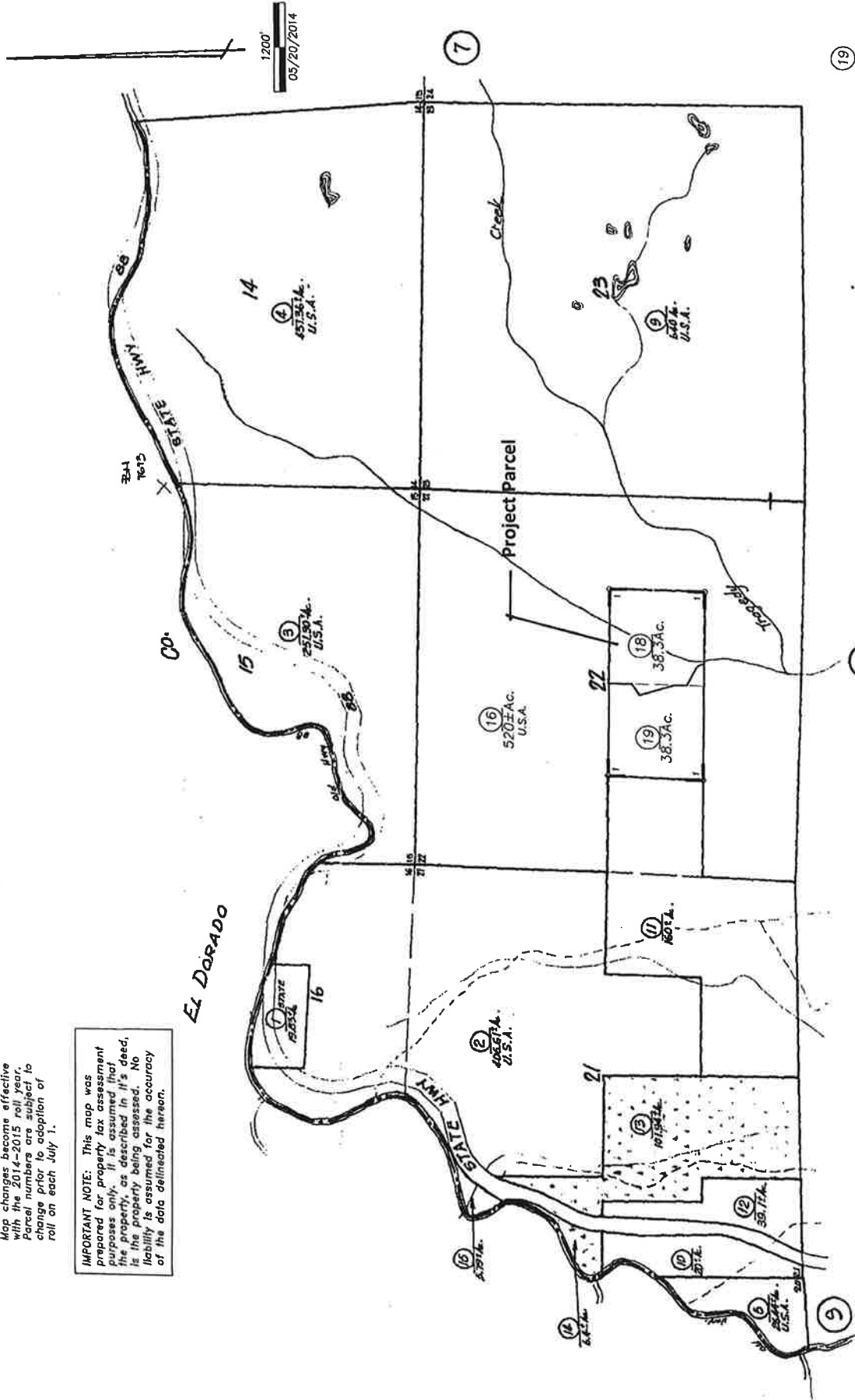
HideOut Evacuation Plan			
	Primary Evacuation Route		Your Air Here
	Secondary Exits		Fire Extinguisher

26-06

T. J. N., R. 16 E., M. D. B. & M.

Map changes become effective with the 2014-2015 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

IMPORTANT NOTE: This map was prepared for property tax assessment purposes only. It is assumed that the property, as described in it's deed, is the property being assessed. No liability is assumed for the accuracy of the data delineated hereon.



Assessor's Map Bk. 26, Pg. 06
County of Amador, Calif.

R.M. Bk. 33, Pg. 96 R.S.D.A. Forest Service
R.M. Bk. 50, Pg. 82 (9/17/97)
R.R.M. Bk. 63, Pg. 51 (11/20/2012)

Assessor Parcel Map

Order No.
Escrow No. 102175-RK
Loan No.

3

"OWNERSHIP CHANGE RECEIVED"
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE CO.
at 30 Min. Past 2 P.M.

SEP 18 1997

Official Records
Amador County, California

\$ 12.00 Recorder

+ 10.00 SMF

SPACE ABOVE THIS LINE FOR RECORDER

WHEN RECORDED MAIL TO:

THOMAS R. HOOVER
BARBARA JEAN HOOVER
135 Schober Avenue
Jackson, CA 95842

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

DOCUMENTARY TRANSFER TAX \$93.51
Computed on the consideration or value of prop
Computed on the consideration or value less
remaining at time of sale.

The undersigned Grantor,
Signature of Declarant or Agent determining

GRANT DEED

APN: 26-060-008

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DEAN KENNEDY and MARY R. KENNEDY, Trustees of THE KENNEDY FAMILY TRUST date
hereby GRANT(S) to

THOMAS R. HOOVER and BARBARA JEAN HOOVER, husband and wife, as Community
the real property in the unincorporated area
County of Amador, State of
as

SEE "EXHIBIT A" CONSISTING OF ONE PAGE, ATTACHED HERETO AND MADE A PAR

Dated August 11, 1997

Dean Kennedy
DEAN KENNEDY, TRUSTEE OF THE K
TRUST dated June 28, 1991

STATE OF CALIFORNIA)
COUNTY OF AMADOR) ss.

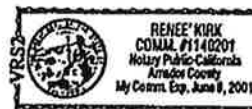
Mary R. Kennedy
MARY R. KENNEDY, TRUSTEE OF
FAMILY TRUST dated June 28, 1991

On September 17, 1997 before
me, Renee Kirk, Notary Public

personally appeared
DEAN KENNEDY and
MARY R. KENNEDY

personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s) or the entity upon behalf of
which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Signature *Renee Kirk*
Renee Kirk



AMADOR COUNTY

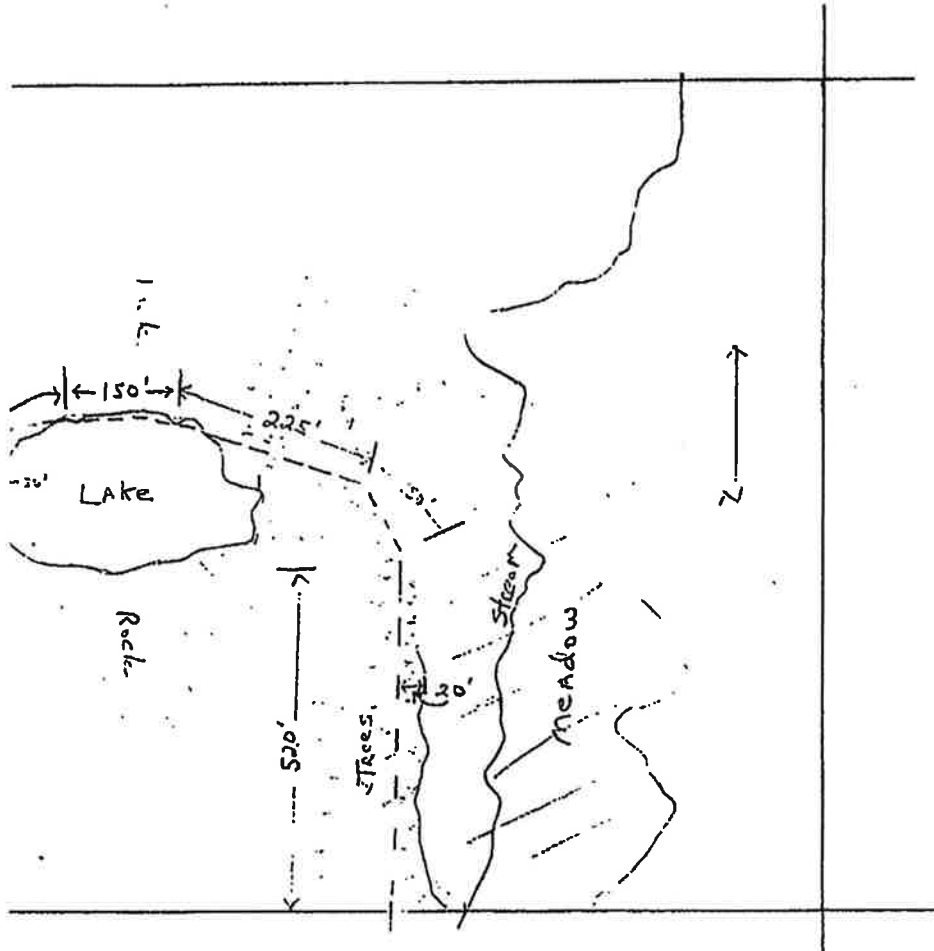
"EXHIBIT A"

**THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22,
TOWNSHIP 9 NORTH, RANGE 16 EAST, M.D.B. & M.**

**TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND
PUBLIC UTILITY PURPOSES 50 FEET IN WIDTH IN THE LOCATION OF THAT
CERTAIN STRIP OF LAND SHOWN AND DESIGNATED AS "CENTERLINE PROPOSED
50' ACCESS & UTILITY EASEMENT" ON RECORD OF SURVEY FOR DEAN KENNEDY
FILED FOR RECORD IN THE OFFICE OF THE AMADOR COUNTY RECORDER ON
SEPTEMBER 17, 1997, IN BOOK 50 OF MAPS AND PLATS AT PAGE 82.**

**RESERVING THEREFROM A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP
9 NORTH, RANGE 16, EAST, M.D.B & M. FOR INGRESS, EGRESS AND PUBLIC
UTILITIES 20 FEET IN WIDTH IN A LOCATION SHOWN ON ATTACHED "EXHIBIT
B".**

"Exhibit B"



EASEMENT - - - - -

COMMENTS: TRUE PROPERTY BOUNDARIES
ARE NOT KNOWN FOR THIS PROPERTY -

Section 22, T9N., R16E

END OF DOCUMENT

MAP NOT TO SCALE

Exhibit G



THE HIDEOUT, LLC
 49500 Hwy 99
 P.O. Box 188
 Redwood, CA 95569

REVISIONS

THE HIDEOUT - SITE VICINITY MAP
 49500 HWY 99
 REDWOOD, CALIFORNIA
 APN#

DATE: 02/20/20
 SCALE: AS NOTED
 A-O
 SHEET: 1
 SITE: VICINITY

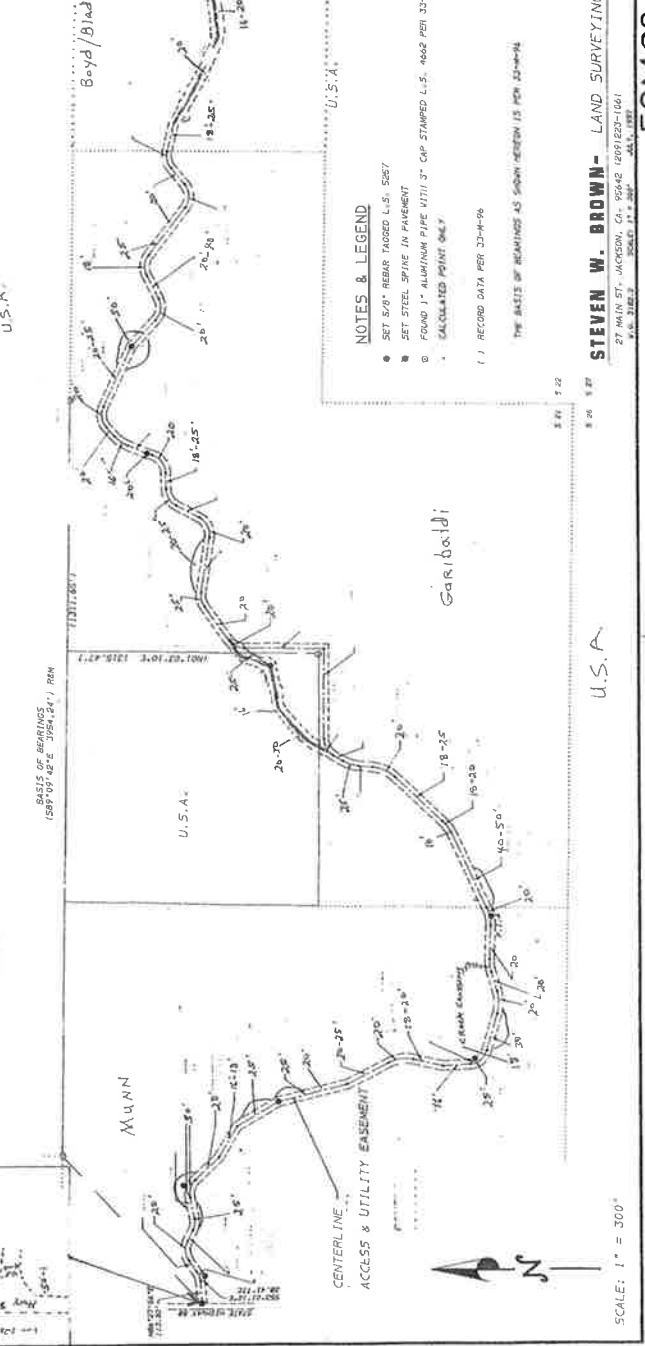
Plot Plan

RECORD OF SURVEY FOR THE KENNEDY FAMILY TRUST
 BEING A PORTION OF THE SW 1/4 AND SE 1/4 OF SECTION 21, AND THE SW 1/4 OF SECTION 22, T.9N., R.16E., M.D.M. AMADOR COUNTY, CA.
 JULY, 1997
 SCALE: 1" = 300'

RECORDER'S STATEMENT
 FILED THIS 11th DAY OF SEPTEMBER 1997, 10:30 AM
 COUNTY OF AMADOR COUNTY, CALIFORNIA
 BY *James S. Johnson*
 COUNTY RECORDER
 AMADOR COUNTY, CALIFORNIA

COUNTY SURVEYOR'S STATEMENT
 THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1997.
 ALL MEASUREMENTS WERE MADE BY MEANS OF THE
 STATE-APPROVED INSTRUMENTS AND METHODS.
 ALL CORNERS WERE PROPERLY MARKED AND
 THE SURVEY WAS FOUND TO BE CORRECT.
 I, *Steven W. Brown*
 COUNTY SURVEYOR
 L.I.C. EXP. 6-30-2000

SURVEYOR'S STATEMENT
 I, *Steven W. Brown*
 LAND SURVEYOR
 L.I.C. EXP. 12-31-99



NOTES & LEGEND

- SET 5/8" REBAR TAGGED L.S. 5267
 - SET STEEL SPRING IN PLACEMENT
 - FOUND 1" ALUMINUM PIPE WITH 3" CAP STAMPED L.S. 4662 PER 32-M-74
 - CALCULATED POINT ONLY
 - 1.1 RECORD DATA PER 32-M-74
- THE BASIS OF BEARINGS AS SHOWN HEREON IS PER 32-M-74

STEVEN W. BROWN - LAND SURVEYING
 27 MAIN ST., JACKSON, CA. 95942 (925) 223-1041
 FAX 318-7330 (925) 223-1041

50M82

SCALE: 1" = 300'



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Biological Resource Evaluation



The HideOut at Kirkwood Amador County, California

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February 2022

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1.0 INTRODUCTION

This report presents the methods and results of a biological resource evaluation conducted by Vollmar Natural Lands Consulting, Inc. (VNLC) for the HideOut at Kirkwood (Study Area). The Study Area is located in a private inholding adjacent to the El Dorado National Forest, in Amador County (County), California (**Figure 1**). The HideOut at Kirkwood is currently zoned Single Family Residential – Agricultural (R1-A). The property owner is submitting a Rezoning Application in order to change the property’s zoning to Planned Development (PD). A Conditional Use Permit Application is also to be submitted, in order to add all on-site activities under one discretionary permit under the County. This biological resource evaluation was conducted to support the Rezoning and Conditional Use Permit Applications. This resource evaluation was conducted to identify and characterize existing conditions as well as to assess the potential for special-status species, sensitive habitats, and jurisdictional features to occur within the Study Area.

1.1 Special-status Species

Based on habitat requirements and regional distribution, one State or Federal Threatened (ST, FT) or Endangered (SE, FE) wildlife species has potential to occur within the Study Area (also see **Section 5.1.1** and **Appendix B**):

- Sierra Nevada yellow-legged frog (*Rana sierrae*) – FE, ST

In addition, four non-listed special-status animals have potential to occur within the Study Area (see **Section 5.1.2** and **Appendix B**):

- Southern long-toed salamander (*Ambystoma macrodactylum sigillatum*) – Species of Special Concern (SCC);
- Fisher (*Pekania pennanti*) – SSC;
- Fringed myotis (*Myotis thysanodes*) – Bureau of Land Management: Sensitive (BLM:S) and United States Forest Service: Sensitive (USFS:S); and
- Pallid bat (*Antrozous pallidus*) – SSC.

The Study Area could also support nesting and migrating birds protected by the Migratory Bird Treaty Act (see **Section 5.1.3**) and California Fish and Game Code 3503. The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) identified three special-status birds as having potential to occur within the Study Area:

- Cassin's Finch (*Carpodacus cassinii*) – Birds of Conservation Concern (BCC);
- Evening Grosbeak (*Coccothraustes vespertinus*) – BCC; and
- Olive-sided Flycatcher (*Contopus cooperi*) – SSC.

There is suitable habitat within the Study Area for three non-listed plant species with California Rare Plant Rank (CRPR) designations by the California Native Plant Society (CNPS) (see **Section 5.1.4** and **Appendix B**), including:

- Scalloped moonwort (*Botrychium crenulatum*) – CRPR 2B.2;
- Mingan moonwort (*Botrychium minganense*) – CRPR 2B.2; and
- Western goblin (*Botrychium montanum*) – CRPR 1B.2.

1.2 Critical Habitat

As shown in **Figure 4**, the Study Area is within designated critical habitat for the Sierra Nevada yellow-legged frog (*Rana sierrae*). Critical habitat for this species also covers much of the land in this area east of Lower Bear River Reservoir and south of California State Route 88 extending up to the crest of the Sierra Nevada Mountains.

2.0 PROJECT LOCATION

The Study Area is located in a private inholding surrounded by El Dorado National Forest in Amador County east of the El Dorado County–Amador County border and immediately east of State Highway 88 (**Figure 1**). The Assessor’s Parcel Number (APN) for the Study Area is 026-060-018. The Study Area is an approximately 40-acre parcel. The Study Area is within Section 21 Township 09 North and Range 16 East, and mapped within the Bear River Reservoir 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle (**Figure 2**).

The Study Area can be accessed from State Highway 88 heading north by taking the first right turn after Dufrene Road onto an unnamed access road. Take a slight right and continue to the end of the road, approximately 2.1 miles.

3.0 METHODS

3.1 Preliminary Review

Prior to the site visit, VNLC biologists reviewed the most recent version of the California Natural Diversity Database (CNDDDB 2021) to identify special-status plant and wildlife observations in the project vicinity. Additionally, the USFWS IPaC (USFWS 2021) was reviewed to help evaluate the potential for federally listed species to occur in the Study Area. A nine-quadrangle search for rare and listed plants was conducted through the CNPS online Inventory of Rare and Endangered Plants (CNPS 2021). The species potentially present in the quadrant containing the project site are listed in **Appendix B**. The site’s aerial imagery, project description, and general regional conditions were also reviewed prior to the site visit.

Special-status animal species targeted and analyzed in this report include those listed by the USFWS and/or California Department of Fish and Wildlife (CDFW) as threatened or endangered, as well as those proposed for listing or that are candidates for listing as threatened or endangered.

The listing of “Endangered, Rare, or Threatened” is defined in Section 15380 of the *California Environmental Quality Act (CEQA) Guidelines*. Section 15380(b) states that a species of animal or plant is “endangered” when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species is “rare” when either “(A) although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or (B) the species is likely to become endangered within the foreseeable future throughout all or a portion of its range and may be considered ‘threatened’ as that term is used in the Federal Endangered Species Act” (ESA).

Animal species are designated as “Species of Special Concern” or “Fully Protected” by the CDFW. Although these species have no legal status under the California Endangered Species Act (CESA), the CDFW recommends their protection as their populations are generally declining and they could be listed as threatened or endangered (under CESA) in the future. “Fully Protected” species generally may not be taken or possessed at any time. The CDFW may only authorize take for necessary scientific research and may authorize live capture and relocation of “fully protected” birds to protect livestock.

Birds are designated by the USFWS as “Birds of Conservation Concern.” Although these species have no legal status under ESA, the USFWS recommends their protection as their populations are generally declining, and they could be listed as threatened or endangered (under ESA) in the future.

Special-status plants include species that are designated rare, threatened, or endangered as well as candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the CEQA Guidelines, such as those plant species identified by the CNPS as CRPR 1A, 1B, and 2 in the Inventory of Rare and Endangered Vascular Plants of California. Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included as CRPR Lists 3 and 4 in the CNPS Inventory.

For the purposes of this report, ‘sensitive plant communities’ include those designated as such by the CDFW, either in the CNDDDB, the list of California Sensitive Natural Communities (CDFW 2019), or as sensitive alliances classified in the Manual of California Vegetation (MCV) (Sawyer et al. 2009). Alliances included within the MCV that are designated as global or state rank (“G” or “S”) 1-3 are considered “rare or threatened” at the global and/or state level, and are therefore considered sensitive.

In addition, wetland and riparian habitats, regardless of MCV status, are considered sensitive. Wetlands, streams, and permanent and intermittent drainages are subject to the jurisdiction of the U.S. Army Corps of Engineers (ACOE) under Section 404 of the Federal Clean Water Act (CWA).

The CDFW also generally has jurisdiction over these resources, together with other aquatic features that provide an existing fish and wildlife resource pursuant to Sections 1602- 1603 of the California Fish and Game Code. The CDFW asserts jurisdiction to the outer edge of vegetation associated with a riparian corridor. The Regional Water Quality Control Board (RWQCB) also generally has jurisdiction over streams and wetlands. Any grading, excavation, or filling of jurisdictional drainage corridors or wetlands would require a Section 404 permit and will require mitigation.

3.2 Site Visit

The biological resource evaluation was conducted by Jake Schweitzer, VNLC Senior Ecologist, and Henry Hwang and Misaki Yonashiro, VNLC Staff Ecologists. The ecologists conducted a site visit and reconnaissance-level survey on October 19, 2021. They walked the Study Area to gain complete visual coverage, and recorded dominant plant and wildlife species, general conditions, and notable habitat features. A search was conducted for jurisdictional features (wetlands and other waters, etc.), sensitive habitats, and habitat potential for special-status species (nesting potential, burrows or dens, etc.). A Trimble Geo7x was used to map the top of banks, at the break in slope between the stream banks and surrounding uplands. The Ordinary High Water Mark was also surveyed, as observed from changes in the plant composition and soil texture. Prior to arriving at the Study Area and between moving to each new water body, VNLC surveyors thoroughly disinfected all field gear following decontamination protocols described in “Attachment 4: Equipment Decontamination Protocol” included in the “Interagency Conservation Strategy for Mountain Yellow-Legged Frogs in the Sierra Nevada” produced by the CDFW, National Park Service, USFWS, and U.S. Forest Service. Photographs showing representative site conditions were recorded as well; these are included in **Appendix A**.

4.0 EXISTING CONDITIONS

The Study Area lies within the Upper Mokelumne watershed. The Mokelumne River is a tributary to the San Joaquin River, and rainfall and snowmelt travel downstream, including through the Study Area and its surrounding watershed through rivers and tributaries. The Study Area is within an elevation range of 7,100-7,200 feet. The Study Area is mapped on two soil units. The western third of the Study Area surrounding the lake and portions of the eastern edge of the Study Area are mapped as rock outcrop, with surface texture rated as unweathered bedrock. Approximately two-thirds of the Study Area is mapped as Xerumbrepts-Cryumbrepts, wet association, 5 to 50 percent slopes, which is not prime farmland. The surface texture is rated as coarse sandy loam, and the top 24 inches is moderately acidic, with a pH of 5.8. Both units are rated as non-hydric soils.

East of the Study Area lies the Mokelumne Wilderness, a federally designated wilderness area. Besides the paved road development, the surrounding land is undeveloped preserved forest. The Study Area primarily consists of Lower Montane Coniferous Forest, but is on the high elevation range of it, near the transition zone to Upper Montane Coniferous Forest where tree sizes start to decrease and species change. The Study Area contains seep/meadow habitat as well as boulder

fields and a limited amount of riparian habitat, which occurs along a seasonal stream and along the margins of a small lake that is partly within the Study Area. The access road comprises a combination of road base, gravel, and highway grind out material.

The Study Area includes two seasonal intermittent streams that run from the northeast corner of the parcel to the midpoint of the southern boundary. The two drainages run roughly parallel before converging outside the Study Area and draining into Tragedy Creek. Both drainages have canopies consisting of lodgepole pine (*Pinus contorta*) with plant species such as Lemmon's willow (*Salix lemmonii*), California corn lily (*Veratrum californicum*), western mountain aster (*Symphyotrichum spathulatum*), creeping bentgrass (*Agrostis gigantea*), and rocky mountain rush (*Juncus saximontanus*) along their banks. As noted above, there is also a small lake partially within the western edge of the parcel that is approximately 1.1 acres in total area and is reported to be over 10 feet deep during a typical rain year. Plant species that were observed at the lake edge included lodgepole pine, quaking aspen (*Populus tremuloides*), rose meadowsweet (*Spiraea splendens*), rocky mountain rush, creeping bentgrass, and sedge species (*Carex* spp.). The Study Area includes an approximately 0.4-acre wet meadow, with the dominant species consisting of native sedges (*Carex* spp.), Lemmon's willow, tufted hair grass (*Deschampsia cespitosa*), and west coast Canada goldenrod (*Solidago elongata*). The southern tip of the wet meadow leads into a small drainage that runs underneath the access road via culvert and continues south shortly out of the Study Area. The dominant species include lodgepole pine, Lemmon's willow, creeping bentgrass, slender willow herb (*Epilobium ciliatum*), sedges (*Carex* spp.), and western mountain aster. Near the southern edge of the Study Area adjacent the western drainage exists a riparian woodland. The dominant plants within the riparian woodland included native species such as Lemmon's willow, California corn lily, Canada goldenrod (*Solidago canadensis*), slender willow herb, and common cow parsnip (*Heracleum maximum*). Lodgepole pine is rated as a facultative species, indicating that it is sometimes associated with wetlands and riparian habitat (Lichvar et al. 2018). However, within the Study Area, the species is not specifically associated with the stream as it was observed throughout the forested habitats, and therefore does not itself form riparian woodland.

Dominant species found throughout upland boulder fields within the Study Area include huckleberry oak (*Quercus vacciniifolia*), rose meadowsweet, spreading phlox (*Phlox diffusa*), lace lip fern (*Myriopteris gracillima*), mountain pride (*Penstemon newberryi*), hummingbird trumpet (*Epilobium canum* ssp. *angustifolium*), squirrel tail grass (*Elymus elymoides*), and buckwheat (*Eriogonum* spp.), all of which are species native to California and the Study Area. The tree species mostly occur below in the flatlands below the boulders, and consist primarily of native trees such as lodgepole pine, Jeffrey pine (*Pinus jeffreyi*), and California red fir (*Abies magnifica*).

5.0 RESULTS

This section provides background information on special-status species and sensitive habitats within the Study Area. Only listed species and/or special-status species with the potential to occur within the Study Area are addressed here.

5.1 Special-status Species

Figure 4 shows the distribution of special-status species documented in CNDDDB in the surrounding area. These and other special-status species known from the project region are listed in **Table 1** and **2** of **Appendix B**, along with their regulatory status, habitat requirements, and an evaluation of their potential to occur on or near the Study Area.

5.1.1 Federal or State Listed Wildlife Species

There is one Federal or State listed wildlife species with potential to occur with the Study Area, Sierra Nevada yellow-legged frog (SNYLF). The lake within the Study Area is likely not viable SNYLF habitat in its current state as it is stocked with introduced fish species. The eastern drainage within the Study Area is unlikely to support perennial breeding or overwintering habitat, even during average or above average rainfall years. Due to its connectivity and close proximity to known SNYLF occurrences along Tragedy Creek, this habitat most likely constitutes marginal active-season feeding habitat. The western drainage most likely constitutes suitable active-season feeding habitat. This western stream likely represents higher value SNYLF habitat than the eastern stream due to it carrying a larger volume of water during the summer and its more heterogeneous habitat structure. This species is discussed in detail below.

Sierra Nevada yellow-legged frog (*Rana sierrae*) – Federal Endangered, State Threatened

Sierra Nevada yellow legged frog is a True Frog belonging to the family Ranidae (Jennings 1987). SNYLF are moderately sized frogs with indistinct dorsal folds and variable adult coloration (Stebbins 2012). Adult frogs measure 1.6 to 3.3 inches snout-vent length (SVL) with females averaging slightly larger than males (Ibid.). Typical dorsal patterning consists of few to many discrete black spots mixed with paler spots of irregular shapes on top of a mix of brown to yellow, or green-brown background colors (Jennings and Hayes 1994). The vent and underside of the hindlimbs range in coloration from pale lemon to an intense sun yellow (Wright and Wright 1949). SNYLF are similar in appearance to the closely related foothill yellow-legged frog (*Rana boylei*), and southern mountain yellow-legged frog (*Rana mucosa*). However, SNYLF can be distinguished from the foothill yellow-legged frog by having a smoother tympanum and occurring at higher elevations (typically above 4,000 feet) and from southern mountain yellow-legged frogs by having shorter limbs (length of fibulotibia to SVL is typically < 0.55 in SNYLF) (Ibid., Vredenburg et al. 2007). The larvae (tadpoles) of SNYLF are generally mottled brown in coloration and range up to 2.8 inches in total length (Stebbins 2012).

SNYLF live in high mountain lakes, ponds, streams, and tarns, primarily in areas that were glaciated as recently as 18,000 years ago (Phillips 2001). Plant species that are associated with SNYLF habitat include, lodgepole pine, yellow pine (*Pinus ponderosa* complex), sugar pine (*Pinus lambertiana*), white fir (*Abies concolor*), whitebark pine (*Pinus albicaulis*), and other wet meadow species (Zweifel 1955, Zeiner et al. 1988). SNYLF are strongly associated with aquatic habitats and are rarely found more than 3 feet from water (Brown et al. 2019). Although SNYLF are known to inhabit both lotic (flowing water) and lentic (still water) habitats, more studies have historically focused around high elevation lentic habitats than in stream or meadow portions of

their habitat. Thus, the natural history and habitat preferences of SNYLF are less well understood in lower elevation and stream habitats (USDA Forest Service 2014). Habitat characteristics associated with higher abundances of SNYLF in lentic habitats include deep water (greater than 8.2 feet maximum depth), a lack of introduced fish, and open shorelines consisting of rock or meadow habitat (Knapp 2005). Shallow areas of lentic habitat are also important for larval development and refuge from predators (Jennings and Hayes 1994). SNYLF stream habitat ranges from high gradient rocky streams, to lower gradient reaches with marshy edges and utilize a diverse array of microhabitats within these streams (Foote et al. 2013, Brown et al. 2019). Stream dwelling populations of SNYLF appear to be much smaller on average than lake dwelling populations (Brown et al. 2019).

Mating occurs from April to July depending on local conditions and egg masses are laid in both lotic and lentic habitats. SNYLF attach their egg masses to underwater surfaces such as, rocks, logs, gravel, or unattached in shallow areas (Vredenburg et al. 2004). Egg masses are typically deposited in aquatic habitats that are perennial and greater than 6.5 feet deep in order to avoid being frozen through during winter as larvae require 2-3 years to develop (Lacan et al. 2008). During nonbreeding periods in alpine areas, adults move among a larger variety of aquatic habitats for feeding, including more ephemeral sites that may be unsuitable for overwintering or breeding. Based on radio telemetry data, it is reported that SNYLF may move average of 328 m (1076 feet) along streams during the summer active period (Brown et al. 2014). They then tend to return to the same places to breed and overwinter (Pope and Matthews, 2001; Matthews and Preisler, 2010).

SNYLF were historically widely distributed throughout the western Sierra Nevada north of the monarch divide and eastern side of the Sierra Nevada from Inyo County up through Mono County. Although they were once described as one of the most abundant amphibians in the Sierra Nevada Mountains, it is estimated that SNYLF have been extirpated from over 92% of their historic ranges and experienced dramatic population declines in their remaining ranges (USDA Forest Service 2014). This dramatic decline has been induced by a number of factors including, introduced fish, disease, and habitat loss (Ibid.).

Potential to Occur Within the Study Area

As determined by the USFWS, the Study Area occurs within designated critical habitat for SNYLF and thus carries particular significance in regards to the conservation of this species. CNDDDB records show that the Study Area is in close proximity to two mapped occurrences of SNYLF within Tragedy Creek and nearby pools. The SNYLF population in Tragedy Creek is reported to be extant and robust. One occurrence is located approximately 750 feet east of the Study Area behind a steep granite ridge. Another occurrence is located approximately 800 feet south of the Study Area and is hydrologically connected to the Study Area by an unnamed tributary to Tragedy Creek that flows through the Study Area (**Figure 4**).

Potential habitat for SNYLF within the Study Area includes a small lake that is partially within the Study Area, and two seasonal intermittent streams. The small lake is located on the western

edge of the Study Area and measures approximately 1.1 acres in total area and is reported to be over 10 feet deep. The small lake features depths necessary for overwintering, shallow areas for larval development, and open or rocky shores but is not viable SNYLF habitat in its current state as it is stocked with introduced fish species (Knapp 2005).

As shown on **Figure 3**, the eastern drainage corresponds to a mapped, unnamed tributary to Tragedy Creek. It is a low gradient (1-3% slope) seasonal stream with sandy soil substrate, shallow banks, little rocky habitat, and canopy cover that ranges from 0-40% along its length within the Study Area. The canopy mainly consists of lodgepole pine with plant species such as California corn lily along its banks. Bank width measured between 4 feet and 35 feet and flow rate was not able to be determined as no water was present in the stream at the time of the survey. No pools deep enough to support breeding or overwintering were detected in this stream. Although this survey was conducted during an extreme drought year, it is unlikely that any perennial breeding or overwintering habitat occurs in this stream even during average or above average rainfall years. Due to its connectivity and close proximity to known SNYLF occurrences along Tragedy Creek, this habitat most likely constitutes marginal active-season feeding habitat.

As shown in **Figure 3**, the western drainage runs through the Study Area roughly parallel to the eastern drainage before converging outside of the Study Area and draining into Tragedy Creek. It is a low gradient (1-5% slope), seasonal stream with, loose sandy soil substrate, steep banks, and a moderate amount of rocky habitat in its northern portion. Bank width measures 18-63 feet with an ordinary highwater mark measuring 5-20 feet across. Exposed and shaded areas are present along the stream with canopy coverage ranging from 0-40% within the Study Area. The canopy mainly consists of lodgepole pine with plant species such as Lemmon's willow along its banks, sometimes growing in dense stands. Other features such as fallen logs, rocky areas, and deep pools (2+ feet deep) may provide suitable microhabitat for SNYLF if they are present. No perennial pools with depths sufficient for breeding or overwintering were detected during the survey so this habitat is likely only utilized as active-season feeding habitat. Due to its connectivity and close proximity to known SNYLF occurrences along Tragedy Creek, this habitat most likely constitutes suitable active-season feeding habitat. This western stream likely represents higher value SNYLF habitat than the eastern stream due to it carrying a larger volume of water during the summer and its more heterogeneous habitat structure.

5.1.2 Non-listed Special-Status Wildlife Species

Four other special-status species have some potential to occur within the Study Area: southern long-toed salamander, fisher, fringed myotis, and pallid bat. These species are not federally or state listed as endangered or threatened. However, their designation as special-status species by CDFW or USFWS warrants consideration.

Southern long-toed salamander (*Ambystoma macrodactylum sigillatum*) – State Species of Special Concern

The southern long-toed salamander is a State Species of Special Concern. They inhabit high mountain lakes and ponds, as well as alpine meadows. They are mostly found under wood, logs, rocks, bark and other objects near breeding sites which can include ponds, lakes, and streams, or when they are breeding in the water. At other times of the year, they stay in rotten logs or moist places underground such as animal burrows.

Larvae are hatched from eggs laid in water, until they become transformed adults. Transformed adults are terrestrial and spend most of their time underground in existing burrows. Juveniles and adults will migrate to wintering locations during the fall season, as well as migrate to breeding sites from winter-spring. Due to deforestation and introduced fish, some populations of the species may be at risk, but currently the species does not appear to be in population decline. (Nafis 2020).

Potential habitat within the Study Area includes the small lake and streams, but is of low to moderate quality habitat due to the presence of stocked fish in the lake, and intermittent nature of the streams.

Fisher (*Pekania pennanti*) – State Species of Special Concern

The fisher is a State Species of Special Concern. Fishers are in the weasel family and can weigh between 4-13 pounds and measure up to 3.5 feet long (WDFW 2021). The species has dark brown fur overall, with lighter upperparts, as well as a long tail and short legs (WDFW 2021).

It is a mammal that inhabits only North America, from the Sierra Nevada to the Appalachians. Fishers prefer low to mid elevation coniferous, mixed, and deciduous forests. High canopy closure, well-connected habitat patches, and abundance of hollow trees for dens are ideal for fishers. Fishers are proficient tree climbers but prefer to move on the ground. Ground burrows are usually inhabited in the winter, while tree nests are commonly used during spring-fall but can be used year-round. Fishers are carnivores that feed on small to mid-size mammals such as birds, mice, squirrels, and porcupines (Rhines 2003).

Habitat destruction and fragmentation via logging, as well as incidental mortality has been one of the main contributors to their population decline (Rhines 2003). Historically, over-trapping was a large contributor as well (WDFW 2021).

Potential habitat within the Study Area includes forested areas, though no burrows or dens were observed during the site visit.

Fringed myotis (*Myotis thysanodes*) – Bureau of Land Management: Sensitive

The fringed myotis is listed as Bureau of Land Management: Sensitive and United States Forest Service: Sensitive. Fringed myotis are a species of bat that have 1-1.5 mm long fringe of hair along the wing edge (Keinath 2004).

Fringed myotis are mostly found throughout western North America. They prefer forests of pinyon-juniper, valley foothill hardwood and hardwood-conifer. For day, night, and maternity roosts they prefer rock features and large snags. For hibernacula they prefer mines and caves.

Roost loss and modification, habitat alteration, and toxic chemicals make the species vulnerable to population decline (Keinath 2004).

Potential habitat within the Study Area includes the forested areas and rocky outcrops.

Pallid bat (*Antrozous pallidus*) – State Species of Special Concern

The pallid bat is listed as a State Species of Special Concern. They are social bats, with most roosting in groups of 20-160 individuals. They feed on many species of arachnids and insects, usually foraging over open ground (CDFW 1998).

Pallid bats are found throughout most of California, excluding several counties. They inhabit a range of habitats, from shrublands and grasslands to woodlands and forests. Throughout most of its range it is a yearlong resident. For day roosts they prefer caves, mines, crevices and occasionally hollow trees and buildings. For night roosts they can be found in more open areas, including open buildings and porches. They have a high sensitivity to disturbances at their roosting sites (CDFW 1998).

Potential habitat within the Study Area includes the forested areas and buildings.

5.1.3 Migratory and Nesting Birds

The Migratory Bird Treaty Act (16 U.S.C. 704) and the California Fish and Game Code (Section 3503) prohibits the take of migratory birds, or disturbance to the active nests of most native birds. Several migratory birds have potential to occur within the regional vicinity of the Study Area. These include, but are not limited to, the Cassin's Finch (*Carpodacus cassinii*), Evening Grosbeak (*Coccothraustes vespertinus*), and Olive-sided Flycatcher (*Contopus cooperi*), all three of which have potential to use the site during their breeding season (IPaC 2021). Multiple bird species were observed on the Study Area during the field visit, including Dark-eyed Junco (*Junco hyemalis*), Common Raven (*Corvus corax*), and Mountain Chickadee (*Poecile gambeli*). Additionally, due to the presence of large trees and signs of small mammal activity, raptors are likely to use the site for foraging and nesting. Nesting raptors (and most other nesting birds) are protected under the California Fish and Game Code 3503.

Cassin's Finch (*Carpodacus cassinii*) – USFWS Bird of Conservation Concern

The Cassin's Finch is a USFWS Bird of Conservation Concern. The species looks quite similar to the Purple Finch but slightly larger and longer-billed. Adult males have rosy pink heads and breasts, while female and immature Cassin's Finches are brown and white overall with streaky underparts.

They are most often in high elevation mountain forests, and at lower elevations during the winter. Conifer forests are their most preferred habitat, although they can also be found in pine, Douglas-fir and pinyon-juniper. Cassin's Finch like to forage up in the trees but can be found feeding on ground if not snow-covered. They can be seen foraging in small flocks outside of the nesting season. Although the species is quite widespread and common, surveys indicate population declines within the last few decades (Kaufman 1996).

Potential habitat within the Study Area includes forested areas and is of high quality due to the prevalence of pine trees and potential foraging habitat.

Evening Grosbeak (*Coccothraustes vespertinus*) – USFWS Bird of Conservation Concern

The Evening Grosbeak is a USFWS Bird of Conservation Concern. It is a striking-looking bird, particularly the adult males who are yellow overall, with dusky heads, yellow eyebrow stripes, and large bills. The females and immature males are grey overall with yellow highlights. The species prefer to nest high in large shrubs or trees, including in spruce, pine, fir, cedar, and willow. Evening Grosbeaks forage in flocks during the winter, then smaller groups or pairs during the breeding season, and monogamous pairs during the nesting season (Cornell University 2019).

Potential habitat within the Study Area includes the forested areas.

Olive-sided Flycatcher (*Contopus cooperi*) – State Species of Special Concern

The Olive-sided Flycatcher is a State Species of Special Concern. They are a large flycatcher, distinctively perching upright, particularly atop dead branches or trees. They have brown upperparts and pale underparts, with a distinguishing dark vest on their front. This species prefers to breed in boreal and western coniferous forest in a wide range of elevations. Preferred nesting habitat include forest edges or openings, such as in meadows, streams, and recent burns. In nonbreeding habitat, tall scattered trees with snags are nearly always present, whereas the presence of water seems less important (Cornell University 2019).

Potential habitat within the Study Area includes forested areas, the meadow, and streams.

5.1.4 Special-Status Plant Species and Sensitive Plant Communities

There is suitable habitat for three species with special-status designation, though none are state or federally listed species (**Appendix B, Table 2**). The species have also been documented in the vicinity. The species potentially present within the Study Area are:

- Scalloped moonwort (*Botrychium crenulatum*) – CRPR 2B.2;
- Mingan moonwort (*Botrychium minganense*) – CRPR 2B.2; and
- Western goblin (*Botrychium montanum*) – CRPR 1B.2.

These three *Botrychium* species utilize similar habitats, including bogs, fens, marshes, swamps, meadows, seeps, and lower and upper montane coniferous forests. These species have potential to inhabit the wet meadow and, less likely but possibly, the margin of the lake.

The gravelly soils found in between the boulder fields, near the lake, and in localized other areas have potential to support a variety of other special-status plant species (**Appendix B, Table 2**). The other potential habitats include streams and associated riparian habitats, as well as the wet meadow. No rare plants are known from the Study Area and none were observed at the time of survey.

5.2 Wetlands or Waters of the U.S.

As shown on **Figure 3**, the Study Area includes a small lake that is partially within the Study Area, and two seasonal intermittent streams ('eastern' and 'western'). The small lake is located on the western edge of the Study Area and measures approximately 1.1 acres in total area and is reported to be over 10 feet deep. The lake is fringed with a series of narrow, disjunct wetlands.

The eastern drainage corresponds to a mapped, unnamed tributary to Tragedy Creek. It is a low gradient (1-3% slope) seasonal stream with sandy soil substrate, shallow banks, little rocky habitat, and canopy cover that ranges from 0-40% along its length within the Study Area. The canopy mainly consists of lodgepole pine with plant species such as California corn lily along its banks. Bank width measured between 4 feet and 35 feet and flow rate was not able to be determined as no water was present in the stream at the time of the survey.

The western drainage runs through the Study Area roughly parallel to the eastern drainage before converging outside of the Study Area and draining into Tragedy Creek. It is a low gradient (1-5% slope), seasonal stream with, loose sandy soil substrate, steep banks, and a moderate amount of rocky habitat in its northern portion. Bank width measures 18-63 feet with an ordinary highwater mark measuring 5-20 feet across. Exposed and shaded areas are present along the stream with canopy coverage ranging from 0-40% within the Study Area. The canopy mainly consists of lodgepole pine with plant species such as Lemmon's willow along its banks, sometimes growing in dense stands.

The site also supports approximately 0.4-acre of a wet meadow, dominated by native sedges, Lemmon's willow, tufted hair grass, and west coast Canada goldenrod.

6.0 CONCLUSION

The Study Area has the potential to support one listed species, the federal endangered and state threatened Sierra Nevada yellow-legged frog. However, due to the high volume of stocked fish in the lake, as well as the intermittent nature of the eastern and western drainages, this habitat usage within the Study Area is likely restricted to marginal active-season feeding habitat. The Study Area is within critical habitat for this species.

Additional, non-listed species with potential to occur within the Study Area include the southern long-toed salamander (*Ambystoma macrodactylum sigillatum*), fisher (*Pekania pennanti*), fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), migratory birds, and three species of

fern including scalloped moonwort (*Botrychium crenulatum*), mingan moonwort (*Botrychium minganense*), and western goblin (*Botrychium montanum*).

Sensitive habitats include one pond, two intermittent streams, a limited amount of riparian habitat, and seep/meadow habitat.

This biological resource evaluation was conducted to support the Rezoning and Conditional Use Permit Applications. In the event that changes to the Study Area are proposed, avoidance and minimization measures (AMMs) could be required as part of the permitting process to avoid or limit impacts to special-status species.

7.0 REFERENCES

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- Legend**
- Study Area
 - Public Land
 - Urban Area
 - County Boundary
 - Highway
 - River or Stream

FIGURE 1
Regional Vicinity Map

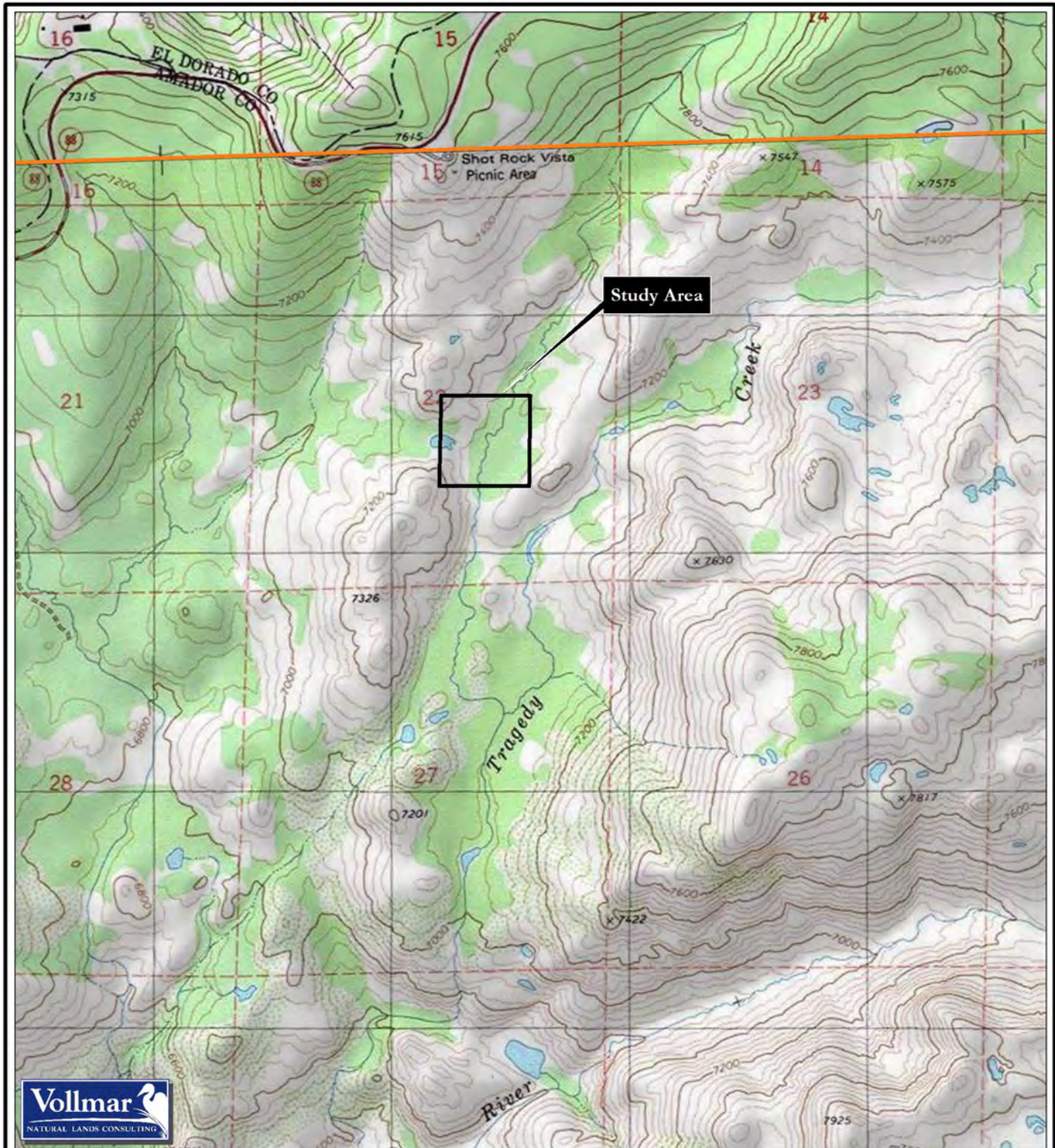
HideOut at Kirkwood
 Amador County, California



1:200,000
 (1 in. = 3 miles at letter layout)



Data Sources: VNLC, 2021 | CPAD, 2020
 USGS, Various | GAP, 1998 | USDA NAIP, 2018
 GIS/Cartography by: M. Yonashiro, Dec. 2021
 Map File: 523_Hideout_Vicinity_A-P_2021-1210.mxd

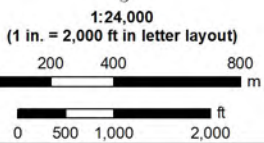


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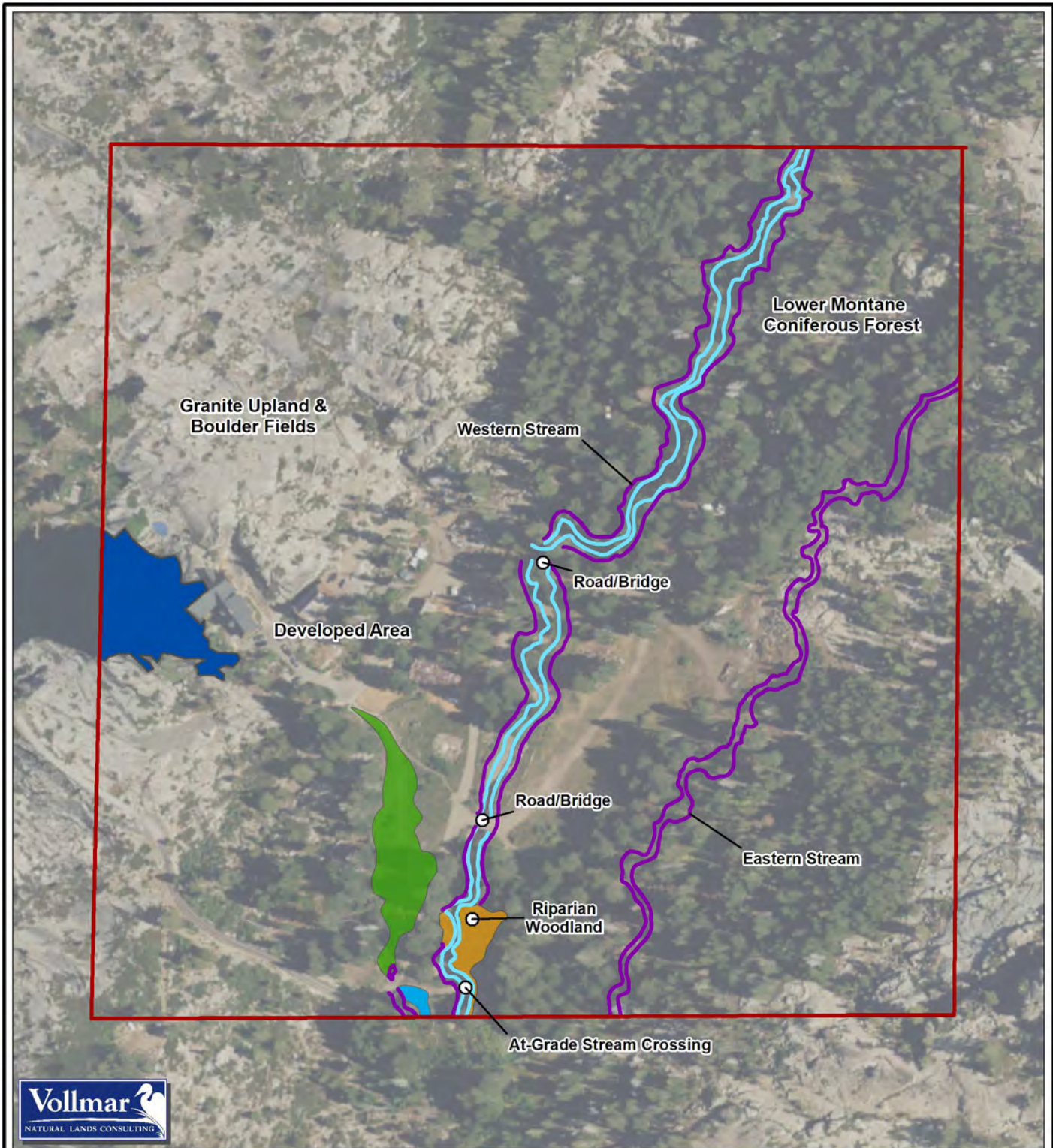
- Study Area
- USGS 1:24k Quad Boundary

**FIGURE 2
USGS Topographic Map**

HideOut at Kirkwood
Amador County, California



Data Sources: VNLC, 2021 | CPAD, 2016
 USGS, Various | GAP, 1998
 USGS DRG Series, 2013
 GIS/ Cartography by: M. Yonashiro, Dec. 2021
 Map File: 523_FIG-2_Hideout_DRG_A-P_2021-1122.mxd



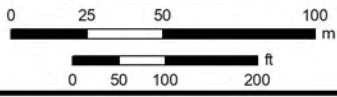
Legend

- Study Area
- Seasonal Wetland
- Wet Meadow
- Lake
- Riparian Vegetation
- Top of Bank
- Ordinary High Water Mark (OHWM)
- Feature

FIGURE 3
Site Habitat Map
 HideOut at Kirkwood
 Amador County, California

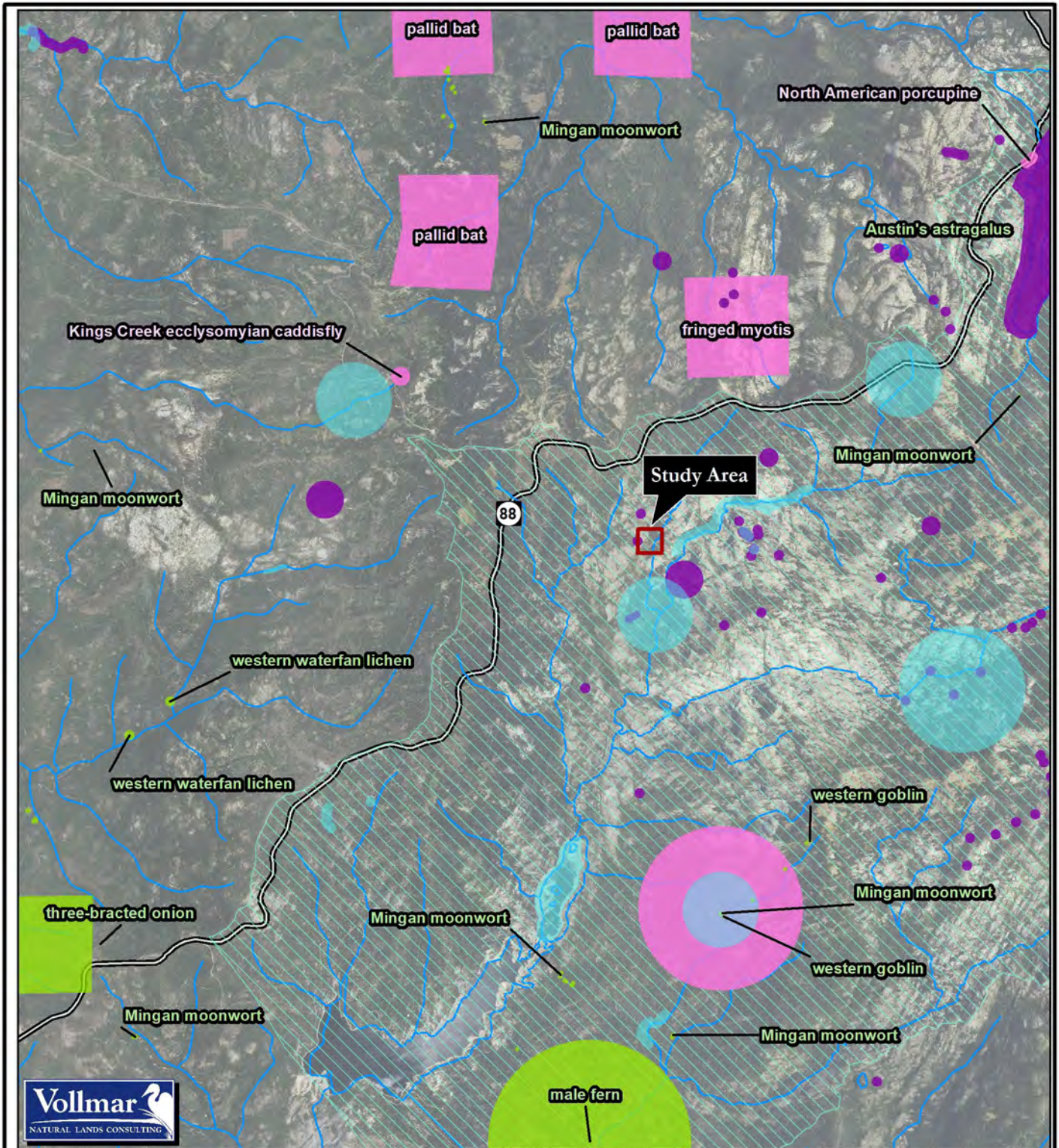


1:2,500
 (1 in = 208 ft. at letter layout)



Data Sources: VNLC, 2021 | USGS, Various | GAP, 1998
 USDA NAIP, 2018
 GIS/Cartography by: M. Yonashiro, Dec. 2021
 Map File: 523_FIG-3_Hideout_Habitat_A-P_2021-1213.mxd





Legend

- State Highway
- River or Stream
- ▭ Study Area
- Federally Listed Animal Occurrence**
- Sierra Nevada Yellow-Legged Frog
- Other Special-Status Animal Occurrence**
- Southern Long-Toed Salamander
- Other Special-Status Animal Occurrence
- Special-Status Plant Occurrence
- ▨ Sierra Nevada Yellow-legged Frog Critical Habitat

FIGURE 4
Regional Special-status Species Map

HideOut at Kirkwood
Amador County, California



1:90,000
(1 inch = 1 mile at letter layout)



Data Sources: CNDDB, Sept 2021 | USFWS, 2017
USDA NAIP, 2018 | USGS, various
GIS/Cartography by: M. Yonashiro, Dec. 2021
Map File: 523_hideout_CNDDB_A-P_2021-1122.mxd



APPENDIX A
REPRESENTATIVE SITE PHOTOGRAPHS



Photo 1. Wet meadow, facing north (10/19/21)



Photo 2. Road and bridge over western stream, facing east (10/19/21)



Photo 3. At-grade stream crossing over western stream, facing east (10/19/21)



Photo 4. Western stream, facing south (10/19/21)



Photo 5. Eastern stream, facing northeast (10/19/21)



Photo 6. Lake, facing west (10/19/21)



Photo 7. Riparian woodland adjacent western stream, facing southeast (10/19/21)



Photo 8. Granite rocky upland near lake, facing northwest (10/19/21)



Photo 9. Main cabin and saloon adjacent lake, facing northwest (10/19/21)



Photo 10. Small drainage that feeds wet meadow, facing southeast (10/19/21)

APPENDIX B
SPECIAL-STATUS SPECIES IN PROJECT REGION

TABLE 1. Special-Status Animal Species Documented within the Vicinity of the Study Area

Species highlighted in gray have potential or low potential to occur onsite.

Species	Status	Habitat Requirements	Potential to Occur
Amphibians			
Southern long-toed salamander <i>Ambystoma macrodactylum sigillatum</i>	SSC	They are mostly found under wood, logs, rocks, bark and other objects near breeding sites which can include ponds, lakes, and streams, or when they are breeding in the water. At other times of the year, they stay in rotten logs or moist places underground such as animal burrows.	Potential to occur. The Study Area supports suitable habitat in and adjacent the streams.
Yosemite toad <i>Anaxyrus canorus</i>	FT	Typical habitat includes wet mountain meadows, willow thickets, and borders of forests near permanent water.	Not expected. The Study Area is outside (west) of the species known range (USFWS 2014).
Foothill yellow-legged frog <i>Rana boylei</i>	SC, SSC, BLM:S, USFS:S	Found in or near rocky streams in a variety of habitats, including valley-foothill hardwood, valley-foothill hardwood-conifer, valley-foothill riparian, ponderosa pine, mixed conifer, coastal scrub, mixed chaparral, and wet meadow types.	Not expected. The Study Area is at too high an elevation for the species to occur.
Sierra Nevada yellow-legged frog <i>Rana sierrae</i>	FE, ST	Typical habitat includes lakes, ponds, marshes, meadows, and streams at high elevations— typically ranging from about 4,500 to 12,000 feet, but can occur as low as about 3,500 feet in the northern portions of their range. SNYLF are highly aquatic and adults can be found sitting on rocks along the shoreline, where there was little or no vegetation. They are rarely found more than 3.3 feet from water.	Potential to occur. The Study Area supports marginal active-season feeding habitat in and adjacent the streams.
Birds			

Species	Status	Habitat Requirements	Potential to Occur
Cassin's Finch <i>Carpodacus cassinii</i>	BCC	Typically live in mature forests of pine, spruce and aspen. They breed in open sagebrush shrubland.	Potential to occur. The Study Area supports potential foraging habitat in the forested areas.
Evening Grosbeak <i>Coccothraustes vespertinus</i>	BCC	During the winter they live in coniferous and deciduous forests, as well as in urban and suburban areas. During the breeding season they live in mature and second-growth coniferous forests.	Potential to occur. The Study Area supports potential foraging and breeding habitat in the forested areas.
Olive-sided Flycatcher <i>Contopus cooperi</i>	SSC	Usually breed in boreal forest and western coniferous forests.	Potential to occur. The Study Area supports potential foraging and breeding habitat in the forested areas.
Fish			
Delta smelt <i>Hypomesus transpacificus</i>	FT, SE	Endemic to the northeastern San Francisco Estuary and Delta.	Not expected. Study Area is not connected to the Delta or northeastern San Francisco Estuary.
Insects			
Monarch - California overwintering population <i>Danaus plexippus pop. 1</i>	FC, USFS:S	Open fields and meadows with milkweed. They are predominantly frost intolerant.	Not expected. Study Area experiences snow during the winter.
Mammals			
Pallid bat <i>Antrozous pallidus</i>	SSC, BLM:S, USFS:S	Forages in a variety of habitats. Roosts in rocky outcrops, buildings, and hollow trees.	Potential to occur. The Study Area supports potential habitat in forested areas, rocky outcrops and buildings.

Species	Status	Habitat Requirements	Potential to Occur
Fringed myotis <i>Myotis thysanodes</i>	BLM:S, USFS:S	Optimal habitats are pinyon-juniper, valley foothill hardwood and hardwood-conifer.	Potential to occur. The Study Area supports potential habitat in forested areas.
Fisher <i>Pekania pennanti</i>	SSC, BLM:S, USFS:S	Fishers inhabit coniferous and mixed coniferous-deciduous forests, with moderate to high canopy closure and the presence of large woody structures such as cavity trees, snags, and logs for rest sites and den sites. They tend to avoid areas without substantial tree cover (e.g., clear cuts, grasslands, agricultural fields), areas with significant human activity, and developed areas.	Potential to occur. The Study Area supports potential habitat in forested areas.

Notes:

FT – Federal Threatened; FE – Federal Endangered; ST – State Threatened; SE – State Endangered; SC – State Candidate; FC – Federal Candidate; SSC – CDFW Species of Special Concern; FP – CDFW Fully Protected; BLM: S – Bureau of Land Management: Sensitive; USFWS: BCC – United States Fish and Wildlife Service: Birds of Conservation Concern

TABLE 2. Special-Status Plant Species Documented within the Vicinity of the Study Area

Species highlighted in gray have potential to occur onsite, based on habitat and locally documented occurrences.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Astragalus austini</i> Austin's astragalus (Fabaceae)	--/--/1B.3	Alpine boulder and rock field, Subalpine coniferous forest, Rocky; 8,005-9,745 feet; (May) July-September	Not expected. Study Area is below the species elevation range.
<i>Boechea tularensis</i> Tulare rockcress (Brassicaceae)	--/--/1B.3	Subalpine coniferous forest, Upper montane coniferous forest, Roadsides (sometimes), Rocky, Slopes; 5,990-10,990 feet; (May) June-July (August)	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Bolandra californica</i> Sierra bolandra (Saxifragaceae)	--/--/4.3	Lower montane coniferous forest, Upper montane coniferous forest, Mesic, Rocky; 3,200-8,040 feet; June-July	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Botrychium ascendens</i> upswept moonwort (Ophioglossaceae)	--/--/2B.3	Lower montane coniferous forest, Meadows and seeps, Mesic; 3,660-9,990 feet; (June) July-August	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Botrychium crenulatum</i> scalloped moonwort (Ophioglossaceae)	--/--/2B.2	Bogs and fens, Lower montane coniferous forest, Marshes and swamps, Meadows and seeps, Upper montane coniferous forest; 4,160-10,760 feet; June-September	Potential to occur. Suitable habitat is present within the Study Area and the species is documented in the vicinity.
<i>Botrychium minganense</i> Mingan moonwort (Ophioglossaceae)	--/--/2B.2	Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, Mesic; 4,775-7,155 feet; July-September	Potential to occur. Suitable habitat is present within the Study Area and the species is documented in the vicinity.
<i>Botrychium montanum</i> western goblin (Ophioglossaceae)	--/--/2B.1	Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, Mesic; 4,805-7,155 feet; July-September	Potential to occur. Suitable habitat is present within the Study Area and the species is documented in the vicinity.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Brasenia schreberi</i> watershield (Cabombaceae)	--/--/2B.3	Marshes and swamps; 0-7,220 feet; June-September	Not expected. No marshes or swamps within the Study Area.
<i>Bruchia bolanderi</i> Bolander's bruchia (Bruchianaceae)	--/--/4.2	Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest; 5,580-9,185 feet;	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Calochortus clavatus</i> var. <i>avius</i> Pleasant Valley mariposa-lily (Liliaceae)	--/--/1B.2	Lower montane coniferous forest; 1,000-5,905 feet; May-July	Not expected. Study Area is above the species elevation range.
<i>Carex davyi</i> Davy's sedge (Cyperaceae)	--/--/1B.3	Subalpine coniferous forest, Upper montane coniferous forest; 4,920- 10,500 feet; May-August	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Carex hystericina</i> porcupine sedge (Cyperaceae)	--/--/2B.1	Marshes and swamps; 2,000-3,000 feet; May-June	Not expected. No marshes or swamps within the Study Area. Study Area is above the species elevation range.
<i>Carex limosa</i> mud sedge (Cyperaceae)	--/--/2B.2	Bogs and fens, Lower montane coniferous forest, Marshes and swamps, Meadows and seeps, Upper montane coniferous forest; 3,935- 8,860 feet; June-August	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Carex scirpoidea</i> ssp. <i>pseudoscirpoidea</i> western single- spiked sedge (Cyperaceae)	--/--/2B.2	Alpine boulder and rock field, Meadows and seeps, Subalpine coniferous forest, Carbonate (often), Mesic; 9,810-12,140 feet; July- September	Not expected. Study Area is below the species elevation range.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Carex tahoensis</i> Tahoe sedge (Cyperaceae)	--/--/4.3	Alpine boulder and rock field, Subalpine coniferous forest; 9,300- 12,500 feet; July- August	Not expected. No marshes or swamps within the Study Area. Study Area is below the species elevation range.
<i>Ceanothus fresnensis</i> Fresno ceanothus (Rhamnaceae)	--/--/4.3	Cismontane woodland, Lower montane coniferous forest; 2,955- 7,250 feet; (April) May-July	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Chaenactis douglasii</i> var. <i>alpina</i> alpine dusty maidens (Asteraceae)	--/--/2B.3	Alpine boulder and rock field; 9,400- 11,155 feet; July-September	Not expected. Study Area is below the species elevation range.
<i>Clarkia virgata</i> Sierra clarkia (Onagraceae)	--/--/4.3	Cismontane woodland, Lower montane coniferous forest; 1,310- 5,300 feet; May- August	Not expected. Study Area is above the species elevation range.
<i>Claytonia megarhiza</i> fell-fields claytonia (Montiaceae)	--/--/2B.3	Alpine boulder and rock field, Subalpine coniferous forest; 8,530- 11,590 feet; July- September	Not expected. Study Area is below the species elevation range.
<i>Claytonia palustris</i> marsh claytonia (Montiaceae)	--/--/4.3	Marshes and swamps, Meadows and seeps, Upper montane coniferous forest; 3,280- 8,205 feet; May- October	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Draba asterophora</i> var. <i>asterophora</i> Tahoe draba (Brassicaceae)	--/--/1B.2	Alpine boulder and rock field, Subalpine coniferous forest; 8,205- 11,500 feet; July- August (September)	Not expected. Study Area is below the species elevation range.
<i>Draba asterophora</i> var. <i>macrocarpa</i> Cup Lake draba (Brassicaceae)	--/--/1B.1	Subalpine coniferous forest; 8,205- 9,235 feet; July-August (September)	Not expected. Study Area is below the species elevation range.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Elymus scribneri</i> Scribner's wheat grass (Poaceae)	--/--/2B.3	Alpine boulder and rock field; 9,515-13,780 feet; July-August	Not expected. Study Area is below the species elevation range.
<i>Epilobium howellii</i> subalpine fireweed (Onagraceae)	--/--/4.3	Meadows and seeps, Subalpine coniferous forest; 6,560-10,235 feet; July-August	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Erigeron miser</i> starved daisy (Asteraceae)	--/--/1B.3	Upper montane coniferous forest; 6,035-8,595 feet; June-October	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Eriophorum gracile</i> slender cottongrass (Cyperaceae)	--/--/4.3	Bogs and fens, Meadows and seeps, Upper montane coniferous forest; 4,200-9,515 feet; May-September	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Glyceria grandis</i> American manna grass (Poaceae)	--/--/2B.3	Bogs and fens, Marshes and swamps, Meadows and seeps; 50-6,495 feet; June- August	Not expected. Study Area is above the species elevation range.
<i>Hackelia amethystina</i> amethyst stickseed (Boraginaceae)	--/--/4.3	Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest; 4,920-7,595 feet; June-July (August)	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Jensia yosemitana</i> Yosemite tarplant (Asteraceae)	--/--/3.2	Lower montane coniferous forest, Meadows and seeps; 3,935-7,545 feet; (April)May- July	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Lewisia kelloggii</i> ssp. <i>hutchisonii</i> Hutchison's lewisia (Montiaceae)	--/--/3.2	Upper montane coniferous forest; 2,510-7,760 feet; (April)May-August	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Lewisia kelloggii</i> ssp. <i>kelloggii</i> Kellogg's lewisia (Montiaceae)	--/--/3.2	Upper montane coniferous forest; 4,805-7,760 feet; (April) May-August	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Lewisia longipetala</i> long-petaled lewisia (Montiaceae)	--/--/1B.3	Alpine boulder and rock field, Subalpine coniferous forest; 8,205- 9,595 feet; July- August (September)	Not expected. Study Area is below the species elevation range.
<i>Meesia triquetra</i> three-ranked hump moss (Meesiaceae)	--/--/4.2	Bogs and fens, Meadows and seeps, Subalpine coniferous forest, Upper montane coniferous forest; 4,265- 9,690 feet; July	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.
<i>Meesia uliginosa</i> broad-nerved hump moss (Meesiaceae)	--/--/2B.2	Bogs and fens, Meadows and seeps, Subalpine coniferous forest, Upper montane coniferous forest; 3,970- 9,200 feet; July-October	Low potential to occur. Suitable habitat is present but marginal (primarily lower montane coniferous forest) within the Study Area. Species is not documented in the vicinity.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Myrica hartwegii</i> Sierra sweet bay (Myricaceae)	--/--/4.3	Cismontane woodland, Lower montane coniferous forest, Riparian forest; 490-5,740 feet; May-June	Not expected. Study Area is above the species elevation range.
<i>Ophioglossum pusillum</i> northern adder's-tongue (Ophioglossaceae)	--/--/2B.2	Marshes and swamps, Meadows and seeps; 3,280-6,560 feet; July	Not expected. Study Area is above the species elevation range.
<i>Peltigera gowardii</i> western waterfan lichen (Peltigeraceae)	--/--/4.2	Riparian forest; 3,495-8,595 feet;	Not expected. Riparian forest is marginal to lacking (only flashy seasonal stream present).
<i>Phacelia stebbinsii</i> Stebbins' phacelia (Hydrophyllaceae)	--/--/1B.2	Cismontane woodland, Lower montane coniferous forest, Meadows and seeps; 2,000-6,595 feet; May-July	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Piperia colemanii</i> Coleman's rein orchid (Orchidaceae)	--/--/4.3	Chaparral, Lower montane coniferous forest; 3,935-7,545 feet; June-August	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Potamogeton epihydrus</i> Nuttall's ribbon-leaved pondweed (Potamogetonaceae)	--/--/2B.2	Marshes and swamps; 1,210-7,125 feet; (June) July-September	Not expected. No marshes or swamps within the Study Area.
<i>Potamogeton praelongus</i> white-stemmed pondweed (Potamogetonaceae)	--/--/2B.3	Marshes and swamps; 5,905-9,845 feet; July-August	Not expected. No marshes or swamps within the Study Area.
<i>Rorippa subumbellata</i> Tahoe yellow cress (Brassicaceae)	-- /CE/1B.1	Lower montane coniferous forest, Meadows and seeps; 6,200-6,250 feet; May- September	Not expected. Study Area is above the species elevation range.
<i>Schoenoplectus subterminalis</i> water bulrush (Cyperaceae)	--/--/2B.3	Bogs and fens, Marshes and swamps; 2,460-7,380 feet; June-August (September)	Not expected. No bogs, fens, marshes, or swamps within the Study Area.

Scientific Name Common Name (Family)	Status (Federal, State, CRPR) ¹	Habitat Requirements	Potential to Occur
<i>Scutellaria galericulata</i> marsh skullcap (Lamiaceae)	--/--/2B.2	Lower montane coniferous forest, Marshes and swamps, Meadows and seeps; 0- 6,890 feet; June-September	Not expected. Study Area is above the species elevation range.
<i>Stellaria obtusa</i> obtus starwort (Caryophyllaceae)	--/--/4.3	Lower montane coniferous forest, Riparian woodland, Upper montane coniferous forest; 490-7,515 feet; May-September (October)	Low potential to occur. Suitable habitat is present within the Study Area, though species is not documented in the vicinity.
<i>Stuckenia filiformis</i> ssp. <i>alpina</i> northern slender pondweed (Potamogetonaceae)	--/--/2B.2	Marshes and swamps; 985-7,055 feet; May-July	Not expected. No marshes or swamps within the Study Area.
<i>Utricularia minor</i> lesser bladderwort (Lentibulariaceae)	--/--/4.2	Bogs and fens, Marshes and swamps; 2,625-9,515 feet; (May-June) July-August	Not expected. No bogs, fens, marshes, or swamps within the Study Area.
<i>Viola tomentosa</i> felt-leaved violet (Violaceae)	--/--/4.2	Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest; 4,710-6,560 feet; (April) May-October	Not expected. Study Area is above the species elevation range.

Notes:

Compiled from CNPS 9-quadrangle search.

Bloom Periods in Parentheses indicate that the species *occasionally* blooms during that period.

¹Rarity Status Codes:

E = Federally or State listed as Endangered

T = Federally or State listed as Threatened

R = State listed as Rare

CRPR Codes

CRPR 1A: Plants presumed extirpated in California and either rare or extinct elsewhere; CRPR List 1B = Plants rare, threatened or endangered in CA and elsewhere; CRPR 2B = Plants rare, threatened or endangered in California but more common elsewhere; CRPR 3 = More information is needed about plant; CRPR 4 = Plants of limited distribution, a watch list

CRPR: '.1' = Seriously threatened in CA; '.2' = Fairly threatened in CA; '.3' = Not very threatened in CA

APPENDIX C
OBSERVED PLANT SPECIES INVENTORY

APPENDIX C. Observed Plant Species Inventory within the HideOut at Kirkwood, 2021. Compiled by Vollmar Natural Lands Consulting.

Family Name	Scientific Name	Common Name	Origin	Cal-IPC Rank ¹	Wetland Indicator Status ²
Apiaceae (Carrot Family)	<i>Heracleum maximum</i>	Common Cow Parsnip	Native	N/A	FACW
Asteraceae (Aster Family)	<i>Solidago canadensis</i>	Canada Goldenrod	Native	N/A	NL
Asteraceae (Aster Family)	<i>Solidago elongata</i>	West Coast Canada Goldenrod	Native	N/A	FACU
Asteraceae (Aster Family)	<i>Symphotrichum spathulatum</i>	Western Mountain Aster	Native	N/A	FAC
Cyperaceae (Sedge Family)	<i>Cyperus</i> spp.	Sedge	Native	N/A	N/A
Fagaceae (Oak Family)	<i>Quercus vacciniifolia</i>	Huckleberry Oak	Native	N/A	NL
Juncaceae (Rush Family)	<i>Juncus saximontanus</i>	Rocky Mountain Rush	Native	N/A	FACW
Liliaceae (Lily Family)	<i>Veratrum californicum</i>	California Corn Lily	Native	N/A	FACW
Onagraceae (Evening Primrose Family)	<i>Epilobium canum</i>	Hummingbird Trumpet	Native	N/A	NL
Onagraceae (Evening Primrose Family)	<i>Epilobium ciliatum</i>	Slender Willowherb	Native	N/A	FACW
Pinaceae (Pine Family)	<i>Abies magnifica</i>	California Red Fir	Native	N/A	UPL
Pinaceae (Pine Family)	<i>Pinus contorta</i>	Lodgepole Pine	Native	N/A	FAC
Pinaceae (Pine Family)	<i>Pinus jeffreyi</i>	Jeffrey Pine	Native	N/A	NL
Plantaginaceae (Plantain Family)	<i>Penstemon newberryi</i>	Mountain Pride	Native	N/A	NL
Poaceae (Grass Family)	<i>Agrostis gigantea</i>	Creeping Bentgrass	Naturalized	N/A	FACW

Family Name	Scientific Name	Common Name	Origin	Cal-IPC Rank ¹	Wetland Indicator Status ²
Poaceae (Grass Family)	<i>Deschampsia cespitosa</i>	Tufted Hair Grass	Native	N/A	FACW
Poaceae (Grass Family)	<i>Elymus elymoides</i>	Squirrel Tail Grass	Native	N/A	FACU
Polemoniaceae (Phlox Family)	<i>Phlox diffusa</i>	Spreading Phlox	Native	N/A	NL
Polygonaceae (Buckwheat Family)	<i>Eriogonum</i> spp.	Buckwheat	Native	N/A	N/A
Pteridaceae (Brake Family)	<i>Myriopteris gracillima</i>	Lace Lip Fern	Native	N/A	NL
Rosaceae (Rose Family)	<i>Spiraea splendens</i>	Rose Meadowsweet	Native	N/A	NL
Saliaceae (Willow Family)	<i>Populus tremuloides</i>	Quaking Aspen	Native	N/A	FACU
Saliaceae (Willow Family)	<i>Salix lemmonii</i>	Lemmon's Willow	Native	N/A	FACW

Notes: Nomenclature corresponds to Jepson Manual, Second Edition (Baldwin et al. 2012) and Jepson Online Interchange (2019).

¹Cal-IPC Rank according to the California Invasive Plant Inventory (Cal-IPC 2020):

High – These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically.

Moderate – These species have substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon ecological disturbance. Ecological amplitude and distribution may range from limited to widespread.

Limited – These species are invasive but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness. Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic.

²Wetland Indicator Status categories according to the ACOE National Wetland Plant List Version 3.2 (Lichvar, R.W. et al. 2016):

OBL = obligate wetland; >99% probability of occurring in a wetland

FACW = facultative wetland; 67%-99% probability of occurring in a wetland

FAC = facultative; 33%-67% probability of occurring in a wetland

FACU = facultative upland; 1%-33% probability of occurring in a wetland

UPL = obligate upland; <1% probability of occurring in a wetland

NL = not listed (plants not listed in Lichvar et al. [2016], including some known to occur occasionally or primarily in wetlands)



United
States
Department
of
Agriculture

Forest
Service

Pacific
Southwest
Region

A05-5
December
2005



Environmental Assessment

Hoover Land Exchange

Amador Ranger District Eldorado National Forest



Granite outcrop common on both Federal and Non-Federal parcels.

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Environmental Assessment

Hoover Land Exchange

A05-5

*USDA Forest Service, Eldorado National Forest, Amador Ranger District
Amador County, California*

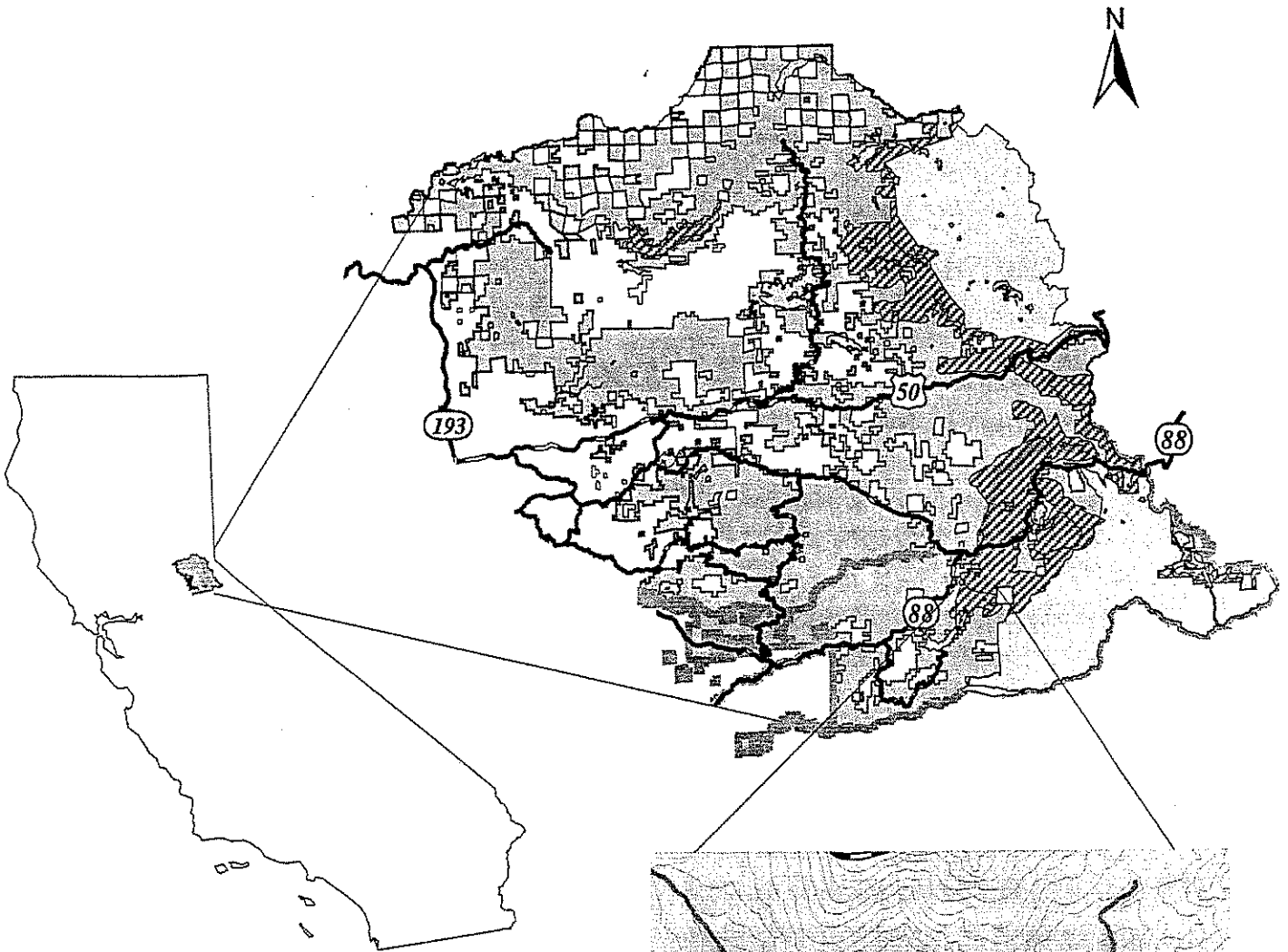
Background

A land exchange has been proposed involving lands within the Amador Ranger District of the Eldorado National Forest (ENF). The exchange consists of approximately 40 acres hereafter referred to as the Federal parcel for approximately 40 acres of a nearby privately owned parcel, hereafter referred to as the Non-Federal parcel. Both parcels are located in the high-country (>7000' elevation) south of Highway 88 near Tragedy Creek below Shot Rock Vista, within Amador County, State of California (see location map on the following page).

The Federal parcel proposed for exchange is comprised of one 40-acre parcel, bisected by a low standard private road, and bordered on two sides (west and east) by private lands, with the parcel to the west undeveloped and the parcel to the east developed (see two maps at end of document). The private landowner, who owns the Non-Federal parcel to be exchanged, also owns the developed 40-acre private parcel to the east of the Federal parcel, and is authorized by a private road special use permit issued by the ENF to use the road bisecting the Federal parcel. The Federal parcel is about 30 percent timbered; the remainder is exposed granite and brush. While both the Federal parcel and the developed privately owned parcel adjacent to the Federal parcel are mapped as within the Tragedy-Elephant's Back Inventoried Roadless Area (IRA), neither contributes to the roadless character of the IRA due to the presence of the private road and existing development in these parcels.

The Non-Federal parcel proposed for exchange was purchased by the current landowner in 2000. This parcel is situated approximately one-quarter mile southeast of the Federal parcel, and is undeveloped and completely surrounded by National Forest System (NFS) lands. This parcel has high-value riparian and wildlife habitat consisting of two perennial streams including the unnamed west fork and main fork of Tragedy Creek. Several small "pocket" meadows and wet areas exist on the Non-Federal parcel intermixed with mature, high-elevation lodgepole pine and red fir timber (see photo on page 3). The timber covers approximately 80 percent of this parcel. This parcel lies within the Tragedy-Elephant's back IRA, and does exhibit high value, roadless qualities. The private owner has expressed the need for road access to this Non-Federal parcel if it continues in private ownership, which would affect both that 40-acre Non-Federal parcel and the

Hoover Exchange Proposal Eldorado National Forest



Amador Ranger District

- Wilderness
- Inventoried Roadless Areas
- Lakes
- Main Roads

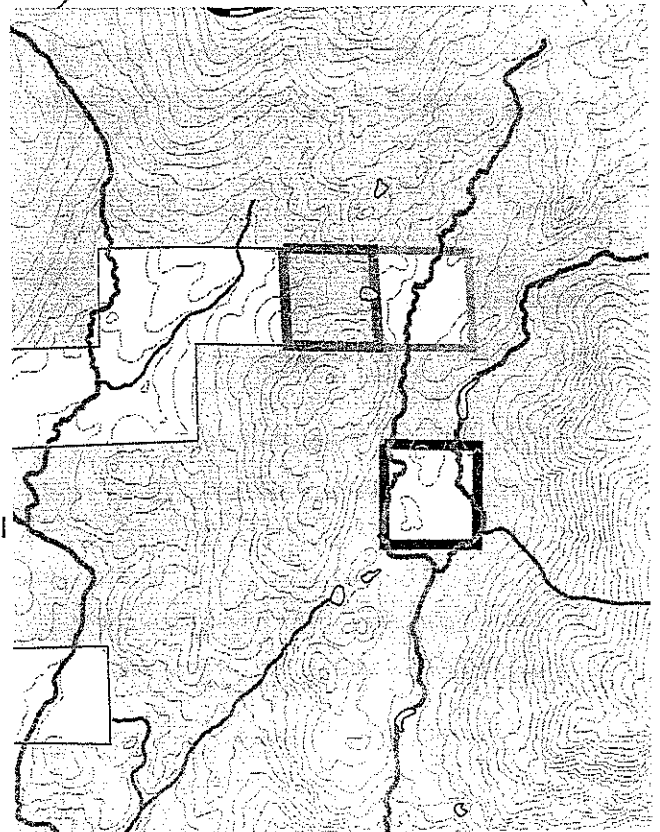
Ownership

- Eldorado NF
- Private
- Federal parcel
- Non-Federal parcel
- Private Developed

- 40 ft. contours

Streams

- Perennial
- Seasonal



currently roadless adjacent NFS lands that an access road would need to traverse in order to provide access.



Photo: Tragedy Creek on Non-Federal parcel

The Eldorado National Forest Land and Resource Management Plan (LRMP), Forest-wide Standards and Guidelines p. 4-104 states:

- General Direction – Seek optimum landownership patterns through land adjustments to reduce conflicts in the use and to improve administration of National Forest System lands.
- Standards/Guidelines – Improve the ownership pattern and simplify land management by:
 - *Acquiring private land for public access to water and to protect watershed values;*
 - *Acquiring private land to consolidate ownership and reduce conflicts;*
 - *Acquiring private land to protect scenic values, threatened and endangered wildlife species, and forestall non-compatible land uses;*
 - *Disposing of scattered National Forest parcels to create firm, logical boundaries.*

The Eldorado National Forest LRMP has designated the project area within Management Area Number 7, High Country - Semi-Primitive Motorized Management. The management emphasis for this area directs *“maintain a semi-primitive motorized forest setting that combines livestock grazing, minerals exploration and development, wildlife habitat management, watershed protection and dispersed recreation into a natural appearing landscape. Motorized use is allowed.”* (ENF LRMP page 4-160). Standards and Guidelines developed to direct land allocation practices include *“minimize road construction. Normally obliterate roads after project completion. Maintain project facilities without permanent roads. Require instream flows that satisfy aesthetic and recreation needs where streams border this Management Area.”* (ENF LRMP page 4-164).

Contained in the ENF LRMP is a goal for resolution of specific land ownership issues. *“When local communities were part of a sparsely populated rural society, the Eldorado and neighboring land interests were mostly compatible. This rural society [has] gradually urbanized, and contrasting land philosophies appeared and conflicts emerged. This Plan aims at consolidating interior ownership and establishing future land patterns, which facilitate long-term management of the Forest. Prime candidate lands for acquisition are parcels with high recreation values, desirable wildlife habitat....”* (ENF LRMP page 2-12).

A feasibility Analysis for the Hoover land-for-land exchange completed in February of 2005, found that the proposed land exchange meets the intent of 36 CFR 254.3(b). Transfer of the Federal parcel into private ownership and U.S. acquisition of the Non-Federal parcel would result in increased management efficiency by consolidating landownership, eliminating the need to administer a road use permit, resolving a significant encroachment, protecting and securing high-value watershed/riparian habitat. The exchange would conform to the Eldorado LRMP and the United States would gain legal access to the NFS lands south of the federal parcel.

With implementation of the exchange, Amador county zoning for the Federal parcel would remain “R1A—Single Family Residential and Agricultural.” The county General Plan designation would change from “General Forest” to “Open Recreation” which is consistent with adjacent private lands. The Non-Federal parcel would be included in the “Semi-primitive Motorized High Country” designation, along with the surrounding National Forest lands.

A BLM survey was completed in 2003, with corners marked and posted on both parcels. Land status review determined that the only encumbrances on the Federal parcel are the Private Road special use permit, and the encroachments constructed/placed on the property by the exchange proponent. There are no withdrawals, grazing allotments, mining claims or leases, or cost-share roads on the Federal parcel. There are no water rights of record for either parcel.

The Eldorado National Forest explored three options in the management of the NFS lands in this area. The Proposed Action is a land exchange, which would exchange the Federal parcel for the Non-Federal parcel and maintain the roadless character of the IRA as it currently exists. The second is the No Action, which would not exchange lands and would need to authorize a permanent private road through an undeveloped parcel of NFS land within an Inventoried Roadless Area (IRA) to access the undeveloped Non-Federal parcel because there is a legal requirement to provide adequate access to privately owned land. The third option is to purchase the Non-Federal parcel and retain ownership of the Federal parcel, issuing a special use permit to authorize a permanent private road through the Federal parcel to meet the legal requirement to provide adequate access to privately owned land.

Decision Framework

The Eldorado Forest Supervisor will make the decision, based on an interdisciplinary analysis, whether or not to exchange approximately 40 acres of National Forest System lands for approximately 40 acres of the non-federal private land, purchase the Non-Federal parcel, or take no action, as described above. That decision will be based on information documented in this environmental assessment (EA) and a project file will be maintained.

Purpose and Need

There is a need to alleviate issues associated with mixed land ownership patterns. The Federal parcel proposed for exchange is bordered on two sides by private land, and due in part to a previously ambiguous ownership boundary, has improvements encroaching (trespassing) on it. These improvements were constructed and developed by the exchange proponent.

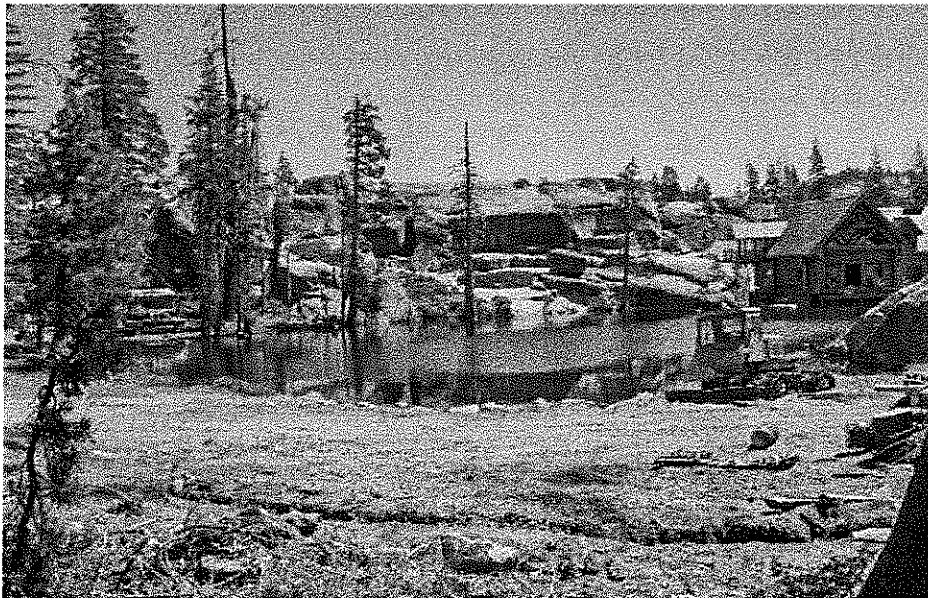


Photo: Looking from Federal parcel toward private developed area

The Non-Federal parcel is surrounded by NFS land, without any development or road access. There is a need to connect private lands and acquire the “island” of private land surrounded by NFS land. The purpose for the Proposed Action is to:

- prevent permanent road construction through currently roadless NFS land within an Inventoried Roadless Area;
- preserve the roadless character of the Non-Federal parcel, and its adjacent lands;
- preserve high quality wildlife habitat from development;
- consolidate federal and private ownerships;
- resolve the trespass; and
- reduce land ownership conflicts.

The proposal is consistent with the land allocations and management emphasis in the ENF LRMP.

Public Involvement

A concurrent scoping and comment letter was mailed to interested and affected members of the public on May 27, 2005, and a notice of Proposed Action comment period was published in the Mountain Democrat, Placerville, CA, on June 1, 2005. The Proposed Action was published in the Eldorado National Forest Schedule of Proposed Actions (SOPA) beginning with the January 2005 quarterly issue of the SOPA. The required Notice of Exchange Proposal (NOEP) was also published in the Mountain Democrat and the Amador County Ledger Dispatch newspapers on May 6, May 13, May 20, and May 27, 2005.

Issues and Concerns

During the initial scoping and comment period from June 1 to July 1, 2005, no substantive comments were received. No additional information was provided to the Forest Service regarding this Proposed Action, and there were no issues (points of debate or disagreement as to any feared negative effects) raised by the public. Because no significant issues were raised by the public, there was no need to develop alternatives to the Proposed Action to address public issues.

Alternatives

Alternative 1 – Proposed Action

The Proposed Action is a land exchange of National Forest System (NFS) Land for Non-Federal land of approximately equal value. The Proposed Action involves the exchange of approximately 40 acres referred to as the Federal parcel for approximately 40 acres of a nearby privately owned parcel, referred to as the Non-Federal parcel. The land-for-land exchange would transfer ownership of the existing roads to the private party and the United States would reserve a right-of-way to use the roads. Completion of the exchange would also provide the United States a right-of-way for access from Highway 88 to the National Forest System lands south of the Federal parcel.

The Federal parcel proposed for conveyance is comprised of one 40-acre parcel, bisected by a low standard private road, and bordered on two sides (west and east) by private lands, with the parcel to west undeveloped and the parcel to the east developed. The private landowner of the Non-Federal parcel to be acquired, also owns the developed 40-acre private parcel to the east of the Federal parcel. The Federal parcel is about 30 percent timbered (lodgepole pine and red fir non-commercial timber); the remainder is exposed granite and brush.



Photo: Tragedy Creek watershed on Non-Federal Parcel

The Non-Federal parcel proposed for acquisition is situated approximately one-quarter mile southeast of the Federal parcel, is undeveloped, and completely surrounded by NFS lands. This parcel has riparian values and aquatic wildlife habitat consisting of two perennial streams: the unnamed west fork and the main fork of Tragedy Creek. Several small, “pocket” meadows and wet areas exist on the Non-Federal parcel intermixed with mature, high-elevation lodgepole pine and red fir timber. This non-commercial timber covers approximately 80 percent of this parcel. The Non-Federal parcel lies within the Tragedy-Elephant’s Back IRA, and exhibits intact roadless qualities.



Photo: Riparian area on Non-Federal parcel

Both parcels are within the Eldorado National Forest (ENF) located in the high-country (>7000' elevation) south of Highway 88, near Tragedy Creek, below Shot Rock Vista, within Amador County, State of California (see location map). While both the Federal parcel and the developed privately owned parcel adjacent to the Federal parcel are mapped as within the Tragedy-Elephant’s Back IRA, neither contributes to the roadless character of the IRA due to the presence of the private road and existing development in these parcels.

Alternative 2 – No Action

Under the No Action Alternative land ownership would remain as it is currently. The private road special use permit authorization for use of the permanent private road through the Federal parcel would continue. Removal of all Trespass improvements from the Federal parcel would be required. The private owner has expressed the need for road access to the Non-Federal parcel if it continues in private ownership. This road access would affect both the 40-acre Non-Federal parcel and another approximately 40 acres of currently roadless National Forest System (NFS) lands that an access road would traverse in order to provide the required access.



Photo: Special use permitted road on Federal parcel

Alternative 3 – Purchase of the Non-Federal Parcel

Under Alternative 3 the Non-Federal parcel would be purchased and ownership of the Federal parcel would be retained. The existing private road special use permit authorizing use of the existing road through the Federal parcel to meet the legal requirement to provide adequate access to privately owned land would be continued. Removal of all trespass improvements from the Federal parcel would be required.

Comparison of Alternatives

Table 1: Comparison of alternatives

Attribute	Alternative 1	Alternative 2	Alternative 3
	<i>Proposed Action</i>	<i>No Action</i>	<i>Purchase</i>
Resolve trespass	Yes	Yes, removal would be required.	Yes, removal would be required
Maintain Roadless character	Yes	No	Yes
Proponent willing?	Yes	No	No
Maintain riparian and aquatic wildlife habitat	Yes	No	Yes
Available Funding	Yes	Yes	No
Consolidate Ownership	Yes	No	No

Alternatives considered but dropped from further analysis:

Alternative 3, purchase of the Non-Federal parcel, was considered but dropped from detailed analysis due to the lack of a willing seller. The owner of the Non-Federal parcel stated that he is not willing to sell the Non-Federal parcel to the Eldorado National Forest.

In addition, there are very limited funds available for the purchase of non-Federal lands, and future funding for land purchases is expected to remain limited. For these reasons, this alternative was not considered viable and was dropped from further consideration.

Environmental Consequences

Effects Relative to Significant Issues

No significant issues were raised during public scoping; therefore, effects will be discussed pertaining to the factors relative to a finding of no significant impacts and the requirements under FSH5409.13 – Land Acquisition, Chapter 30 – Land Exchange.

Effects Relative to the Alternatives

Public Interest Analysis

The resource values and public objectives of the Non-Federal parcel exceed the resource values and public objectives of the Federal parcel, and the intended use of the Federal parcel to be conveyed would not substantially conflict with the management objectives on the adjoining National Forest lands. There are no Indian Trust lands within the area of the Proposed Action.

The Proposed Action would result in a net gain of approximately 4.5 acres of riparian habitat, including several small pocket meadows.



Photo: Pocket meadow on Non-Federal parcel

Aquatic values are higher in the Non-Federal parcel, with 1,200 feet of perennial stream and 1,350 feet of seasonal stream. There are no perennial or seasonal streams on the Federal parcel to be conveyed. The perennial stream segments to be acquired provide habitat for mountain yellow-legged frogs, which have been documented both upstream and downstream from the Non-Federal parcel in the same types of habitats. Acquisition of the Non-Federal parcel would increase continuity for aquatic species habitats. Because there is a greater variety of vegetation types and wildlife habitats present on the Non-Federal parcel, the value for terrestrial wildlife is also higher than on the Federal parcel to be conveyed. Although both parcels are located within an Inventoried Roadless Area, only the Non-Federal parcel retains roadless values; those values have been forgone on the Federal parcel due to the requirement to provide reasonable access to the developed private parcel.

Management of the Federal parcel to be conveyed would not be likely to substantially conflict with the management goals and objectives of the Eldorado LRMP. Management Area 7, "High Country Semi-primitive Motorized Recreation" includes both parcels as well as the surrounding area, and would not change with implementation of the Proposed Action. Roadless recreation would continue to be managed as it is currently.

The public currently has no access through the private lands adjoining Highway 88 into either parcel, and this would remain the situation with implementation of the Proposed Action. The United States, however, intends to reserve an administrative right-of-way through the Federal parcel for use of the road currently under Special Use Permit as well as the existing road constructed in trespass. In addition, as part of the legal description associated with the Non-Federal parcel, the United States would acquire a right-of-way over the existing road through other private lands from Highway 88 to the Federal parcel. That legal description also provides for a right-of-way through the middle of the Non-Federal party's developed parcel, however no road currently exists in that location, so the right-of-way would be re-located to the existing road which crosses the SW corner of the parcel. The reservation, in conjunction with the two rights-of-way described above would therefore provide the United States administrative access on existing roads from Highway 88 to the NFS lands south of the Federal parcel.

Hazardous Substances

Field review conducted during August of 2005 found no evidence of the presence of hazardous substances or petroleum products on the Non-Federal parcel to be acquired. The Federal parcel to be conveyed contains two above-ground propane tanks, a propane-fueled generator, and other improvements constructed/placed in trespass by the exchange proponent. There is no evidence of the presence or likely presence of any hazardous substances or petroleum products, or release or threat of release of such, associated with the Federal parcel. With implementation of the Proposed

Action, these improvements would remain on the Federal parcel. However, the patent for the Federal parcel will contain appropriate indemnifying language.

Under Alternative 2, the owner would be required to remove the improvements, or to relocate them to the developed private parcel.

Wetlands and Floodplains

Both the Federal parcel and the Non-Federal parcel were field inspected and evaluated for wetlands and floodplains. Under the Proposed Action, the Eldorado National Forest would acquire segments of two streams, totaling approximately one-half mile in length, and associated overlapping floodplains, wetlands, and riparian areas of approximately 4.5 acres. These features would then be managed according the Riparian Conservation Objectives and associated standards and guidelines in the Sierra Nevada Forest Plan Amendment. The ENF would convey approximately 0.7 acres of a pond and 0.05 acres of adjacent floodplain/wetland/riparian area. The result would be a net gain of stream segments, floodplains, wetlands, and riparian acres into federal ownership. There would be no increase in flood risk to private lands.



Photo: Tragedy Creek tributary on Non-Federal parcel

Under the No Action Alternative (Alternative 2), the Non-Federal parcel could be developed with roads and buildings. Were this development to occur, the flood risk to private resources is likely to increase, especially during occurrences of rain-on-snow events which cause accelerated snow melt and may result in very high levels of runoff. Development of the Non-Federal parcel would also result in degradation of the existing wetland and riparian areas and an increase in sedimentation into the stream segments present on the parcel.



Photo: Federal Parcel in foreground; private development in background

Biological Evaluation

Biological evaluations were prepared for aquatic wildlife species, terrestrial wildlife species, and plants. The biologists' determinations were that the Proposed Action would have no effect for threatened, endangered, or sensitive aquatic species, terrestrial species, or plants. There would also be no reduction in the habitat quality for aquatic or terrestrial management indicator species (MIS). Biological evaluations and MIS reports are incorporated here by reference and are found in the project record.

For Alternative 2, biologists' determinations were that the No Action Alternative may affect individuals, but would not be likely to result in a trend toward Federal listing or a loss of viability for any of the aquatic, terrestrial, or plant Threatened, Endangered, and Sensitive species. Alternative 2 would be expected to lower the existing habitat capability somewhat for trout, an

Eldorado MIS aquatic species, if the Non-Federal parcel is developed with roads and/or buildings. Terrestrial MIS species habitat capability would also be reduced somewhat under alternative 2.

The effects of implementation of either of the alternatives would not be substantial for any aquatic, terrestrial, or plant species.

Heritage Resources

Field surveys were conducted on the Federal parcel in August of 2005, with no findings of any heritage sites. No survey was conducted on the Non-Federal parcel as it was unlikely to contain any heritage sites that may require protection.

Minerals

Both the Federal parcel and the Non-Federal parcel were field-examined. There are no mining claims on or in the immediate vicinity of the subject parcels, and the determination in concurrence with Bureau of Land Management (BLM) is that there is no potential for mineral values in either parcel. There are no potential mineral resource conflicts, and the recommendation is that the exchange be completed and the mineral estate on the Federal parcel be conveyed with the surface estate. A mineral report is located in the project record, in compliance with BLM manual 3060.11.

Prime Farmland, Rangeland, and Timberland

Neither parcel contains any prime farmland, the altitude precludes successful farming, and the land-form is not conducive to raising crops. While both parcels lie within a historic grazing allotment, the boundary was moved in 2001 to eliminate grazing in this area. Only the Non-Federal parcel to be acquired possesses any forage value, and evidence remains along streambanks that cattle once grazed on the parcel. At this elevation, rangelands are summer seasonal only, and would not be considered as prime rangelands. The existing timber on both parcels is of a high-elevation and non-commercial nature. The Eldorado LRMP assigns the capability and suitability for timberlands of the area containing both of these parcels to a recreation management area and not to commercial value timberlands. The lodgepole and red fir present on both parcels would qualify as non-commercial old growth; neither alternative would be expected to have an effect on the forest cover present.

Effects Relative to Finding of No Significance (FONSI) Elements

In 1978, the Council on Environmental Quality published regulations for implementing the National Environmental Policy Act (NEPA). These regulations (40 CFR Parts 1500-1508) include a definition of "significant" as used in NEPA. The ten elements of this definition are

critical to reducing paperwork through use of a finding of no significant impact (FONSI) when an action would not have a significant effect on the human environment, and is therefore exempt from requirements to prepare an environmental impact statement (EIS). Significance as used in NEPA requires consideration of the following intensity factors in the appropriate context for that factor.

1. Beneficial and adverse impacts:

Land exchanges convey land, interests in land, and the resources associated with them. However, the act of conveyance has no environmental effects. Therefore, the environmental analysis is focused on the future use and management of the lands acquired and conveyed and the effect of the exchange on the lands that adjoin them.

In general terms, natural processes within the Non-Federal parcel would continue unaltered by direct human influences under the Proposed Action. The Non-Federal parcel would be managed to protect against activities that directly or indirectly modify roadless values and ecological processes. Activities would be prohibited that affect roadless values and/or threaten riparian systems and aquatic habitat. Existing terrestrial wildlife habitat quality would be maintained for Threatened, Endangered, Sensitive, and Management Indicator Species. Manageability of National Forest Lands would improve by the acquisition of this isolated parcel. Uses would be controlled so as not to detract from the semi-primitive recreation values of the area.

No significant negative effects are expected to the Federal parcel from implementation of the Proposed Action. The current low-standard private road that bisects the parcel does not currently cause any significant negative effect to riparian resources or wildlife habitat for either aquatic or terrestrial species. The effects of the road or its location are not expected to change in the future. Resolution of the trespass improvements and acquisition of an easement for Forest Service access would not add any negative environmental effects from implementation of the Proposed Action. The Amador county zoning would remain "R1—Single Family and Agricultural," consistent with the developed parcel to the east, and the proponent has indicated that there is no desire for further development on the Federal parcel, that it would continue to be managed for road access purposes, which would not create new negative environmental effects.

The effects of this land exchange have been considered in the context of past, present, and reasonably foreseeable future actions in the analysis area. Beneficial effects were not used to offset adverse effects. In the absence of beneficial effects no adverse effects would be significant, whether considered collectively or individually. However, the beneficial impacts of acquisition of the Non-Federal parcel exceed the adverse impacts of conveyance of the Federal parcel.

2. The degree to which the Proposed Action affects public health or safety:

No significant effects to public health and safety are anticipated to result from implementation of the Proposed Action. No effects to public health and safety were identified during analysis for this proposal, directly, indirectly, or cumulatively.

3. Unique characteristics of the geographic area:

No significant effects on the unique characteristics of the geographic area are anticipated as a result of implementing the Proposed Action. Both parcels are located in upper montane vegetation types, and have somewhat similar characteristics. Both parcels have substantial areas of granitic rock outcrop, and herbaceous, brush, and tree species remain the same across the landscape. Acquisition of the Non-Federal parcel would add approximately 4.5 acres of riparian wetlands and overlapping floodplains to National Forest ownership, as well as approximately a half-mile of stream with associated high-quality yellow-legged frog habitat. Loss of approximately 0.7 acres of a small pond is balanced by the acquisition of the stream segments, with their associated riparian wetlands and floodplains.



Photo: Yellow-legged frog habitat – Tragedy Creek on Non-Federal parcel

There are no heritage resources on the Federal parcel to be conveyed, and field surveys by the interdisciplinary team did not identify any other unique characteristics on either parcel.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial:

The potential effects on the human environment from implementation of the Proposed Action are well established and not likely to be highly controversial. Land exchanges of this type have not shown controversial effects throughout the National Forest System, and there is no basis to expect scientific controversy for implementation of this Proposed Action.

5. Degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:

The Proposed Action would protect the ecosystems found on the Non-Federal parcel from human disturbance, and create no new negative effects to the Federal parcel. The effects on the human environment from the Proposed Action are not uncertain and do not involve unique or unknown risks. Instead, the existing natural system is maintained, which produces no negative environmental effects to the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

Implementation of the Proposed Action will not establish a precedent for future actions with significant effects, nor will it represent a decision in principle about a future consideration. This action implements an ongoing land exchange program to improve the manageability of National Forest Lands, improve ownership patterns to avoid isolated parcels of either private or federal ownership, and implements the goals and management direction decisions made in the Eldorado LRMP; therefore this action does not establish precedent, nor is it a decision in principle.

7. Whether this action is related to other actions with individually insignificant but cumulatively significant impacts:

Following is a discussion of past, present, reasonably foreseeable activities that might contribute to cumulative effects in the area of the proposed land exchange. After analysis it was concluded that there are no known or anticipated significant cumulative or secondary impacts resulting from this Proposed Action. Because there are no direct negative environmental effects, there are also no cumulative effects.

Past Actions Under all Alternatives

Both parcels were included in the Corral Flat livestock grazing allotment. This allotment was grazed by the Allen Estate for 300 head of cattle over an average season from July 1 to September 30 since the formation of the Eldorado NF in 1910. In 1930 the permittee voluntarily requested a reduction to 200 head, and then to 100 head by 1940. There have been

further reductions over time from 1948 through 1964, with 24 cow/calf pairs from 1965 through 1995. From 1996 to the present, there has been no livestock grazing on this allotment south of State Highway 88, where these parcels are located. As of 2001, the allotment boundary was changed to include a smaller area directly surrounding Corral Flat, north of State Highway 88, and neither parcel is currently within any grazing allotment.

Present Actions Under all Alternatives

Federal Parcel: A road traverses the width of the parcel, constructed by the exchange proponent under special use permit, in order to access the northernmost of his private parcels. In addition, a recent BLM survey located the property corners, and as a result it was revealed that the following improvements/structures are located within the Federal parcel, without authorization: Generator building with propane-fueled generator, water well/pump within a small (3'x3'x3') wooden housing, two propane tanks, parking area, portion of a hot tub/plunge pool, underground water and propane piping, underground electrical lines, a lean-to style open shed, planted landscape trees, and a dry barrel hydrant. One small corner of the cabin porch MAY be on the Federal parcel, but it is not certain. Another road, also constructed by the exchange proponent (in trespass), traverses the southeast portion of the parcel.



Photo: Road in trespass on Federal parcel.

Non-Federal Parcel: There are no developments or current impacts to the parcel proposed for acquisition.

Foreseeable Future Actions under the No Action Alternative

Both Parcels: There are no projects, other than those below, proposed by either the Forest Service or others that are currently foreseeable in the project area or adjacent to it.

Federal Parcel: Because the road is under special use permit, it would likely continue. Trespass improvements would need to be removed, as there is no provision for the Forest Service to be able to issue a separate special use permit for improvements that are in trespass.

Non-Federal Parcel: The private owner originally requested access across the intervening Federal parcel to construct another road under special use permit. The Forest Service would be required to grant the permit and allow road construction for access to the other private parcel, but the private owner would be required to fund an extensive NEPA analysis that would be needed due to the sensitivity of the area.

Foreseeable Future Actions under the Proposed Action Alternative

Both Parcels: There are no projects, other than those below, proposed by either the Forest Service or others that are currently foreseeable in the project area or adjacent to it.

Federal Parcel: The land-for-land exchange would transfer ownership of the roads to the private party, and the United States would reserve a right-of-way to use the roads. Improvements would no longer be in trespass. Foreseeable uses of the Federal parcel are limited by the physical topography of the land, and the proponent of the exchange does not plan any further development of the property. The only activities planned in the foreseeable future are to re-locate a short portion of the existing road away from a stream, and fuels reduction to reduce fire potential. These future activities are allowed by the current county zoning, and would not substantially conflict with the management objectives established for the adjacent Federal lands.

Non-Federal Parcel: The private parcel proposed for acquisition would be retained in its current undisturbed condition within the Tragedy-Elephant's Back Roadless Area. No resource development activities are planned within or adjacent to this parcel.

- 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:**

A cultural resource survey for the Federal parcel was completed in August 2005, and no cultural sites or significant artifacts were found. It is not likely that heritage resources requiring protection are located on the Non-Federal parcel; therefore, a heritage resource survey is not required under FSM 2360. The heritage resource survey report is located in the project file. The Proposed Action would not have an effect on significant scientific, cultural, or historic resources. No ground disturbing activities are proposed or authorized by this Proposed Action.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973:

The Proposed Action will not affect any federally listed, proposed or Forest Service sensitive plant or animal species. Biological Evaluations for plants, terrestrial wildlife, and aquatic wildlife are incorporated into this EA by reference, and are available in the project file at the Eldorado National Forest Supervisor's Office. The biologists' determinations are that implementation of any of the alternatives would have no effect to any threatened, endangered, or candidate plant or animal species.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment:

The Proposed Action would implement direction in the Eldorado National Forest LRMP, is consistent with Agency direction, and does not violate Federal, State, or local laws.

11. Reservations on the Federal land to be conveyed:

The Federal land would be conveyed with a reservation for ditches and canals as required by law. There would also be a reservation of an easement for administrative use of the roads within the parcel.

12. Whether there is any old growth timber on any of the parcels:

While the timber on both parcels is likely to be classified as old growth, all of the timber is also classified as non-commercial, due to the slow growth occurring at this altitude. There is a net gain of approximately 20 acres of non-commercial old growth timber into National Forest ownership from acquisition of the Non-Federal parcel and conveyance of the Federal parcel.

13. Equal Value Statement:

This is an approximately equal-value exchange. This valuation methodology was used since the exchange met the criteria as described in 36 CFR 254.42(a).

14. Whether the exchange is in the public interest (35 CFR 254.3(b)(2):

The resource values and public objectives of the Non-Federal parcel exceed the resource values and public objectives of the Federal parcel, and the intended use of the Federal parcel to be conveyed would not substantially conflict with the management objectives on the adjoining National Forest lands. See pages 11 and 12 of this EA for further discussion of the public interest.

15. Whether hazardous substances or petroleum products are associated with the parcels:

An inspection for hazardous substances and petroleum products, or any release of such, was conducted on both parcels. None were found as documented in the Land Transaction Screening Process (LTSP) forms on file at the Eldorado National Forest. Due to the substantial improvements present on the Federal parcel, however, the Patent will contain appropriate indemnification language for conveyance of Federal lands (no Termination of Federal Government Operations) to a potentially responsible party.

Agencies and Others Consulted

Branch Chief, Energy & Minerals Division, Bureau of Land Management, California State Office, 2800 Cottage Ways, Suite W1834, Sacramento, CA 95825.

Documents Incorporated by Reference and Available upon Request

Aquatic Species Biological Evaluation and Management Indicator species analysis for the Hoover Land Exchange. August 23, 2005. Erik Holst, Assistant Forest Fisheries Biologist and Jann Williams, Forest Fisheries Biologist.

Biological Evaluation for Sensitive Plants for the Propose Hoover Land Exchange Project. September 2005. Mike Taylor, Forest Botanist.

Heritage Resource Report for the Hoover Land Exchange R2005-51-32. November 2005. Josh Peabody, District Archeologist.

Soil Assessment, Hoover Land Exchange. August 15, 2005. Robert A. Colter Soil Scientist.

Terrestrial Management Indicator Species Report for the Hoover Land Exchange. September 2005. Chuck Loffland, Wildlife Biologist.

Terrestrial Wildlife Biological Assessment and Evaluation, Hoover Land Exchange. September 2005. Chuck Loffland, Wildlife Biologist.

Watershed Report. August 12, 2005. Steve G. Markman, Hydrologist.

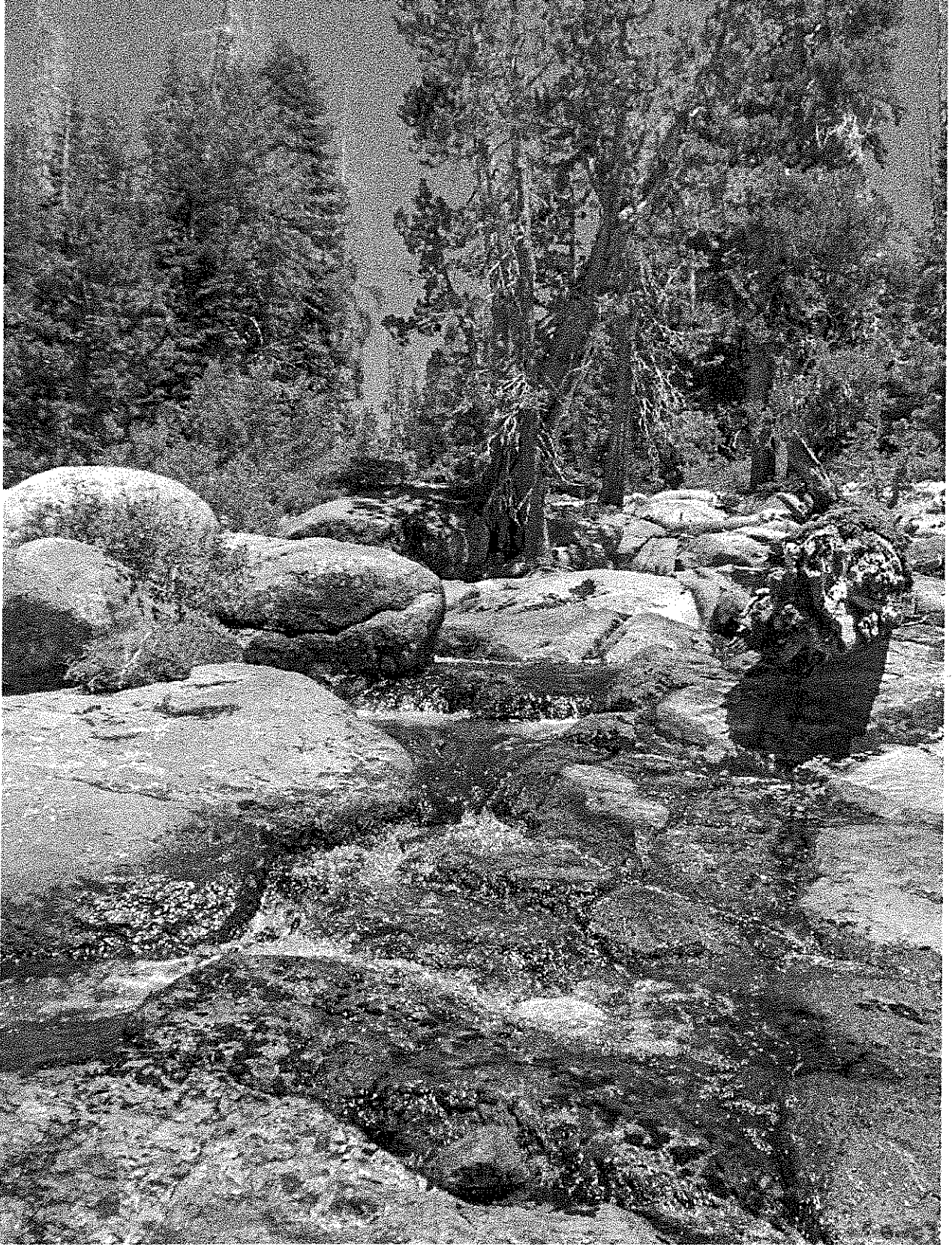


Photo: High-gradient reach of Tragedy Creek on Non-Federal parcel

**Heritage Resource Report for
Hoover Land Exchange
R2005-05-03-51-00032**

Project Leader: Sue Rodman

Total Project Acres: 40

Quad and Legal Location of Project: Bear River Reservoir, CA 7.5' (1991) T9N, R16E Sections 22 and 27

Description of Project: The Amador Ranger District, Eldorado National Forest proposes a land exchange for equitably valued non-federal land for National Forest System (NFS) Land. The exchange involves approximately 40 acres of National Forest Land for approximately 40 acres of nearby Non-Federal Parcel. Both parcels are located in the high-country (>7000' elevation) south of Highway 88 near Tragedy Creek below Shot Rock Vista, within Amador County, State of California on the Eldorado National Forest.

Total Acres within APE: 40

Prefield Research Results: Historic research was conducted in order ascertain whether any resources at risk were known to be present in the project area. Examination of Forest heritage resource base maps and inventory files (including the *GLO Plats*, *early county and Eldorado National Forest maps*, and the *Forest Heritage Resource Site Location and Inventory Maps*) revealed that the project area has been not previously surveyed and no archaeological resources are known to be located within the project area.

Prior Coverage within APE: No previous archaeological reconnaissance has been performed for the project area.

New Coverage for current project within APE: The entire 40 acres to be released from management were intensively surveyed for the presence of cultural resources (See Figure 1). On August 5, 2005 Daniel Gilmour and Joshua Peabody surveyed the area beginning at the property marker for the northwest corner of the property. We ran east—west transects, with intervals of fifteen meters or less, until the southwest corner of the property was reached. Ground visibility ranged from 85-100%. The high degree of visibility and the absence of soil development over the majority of the project area provided a high degree of confidence that all surficial materials could be located and that the presence of buried deposits are very low.

Survey coverage findings: Survey coverage of the 40 acres resulted in the discovery of a single isolated opalized wood projectile point fragment (See Figure 2 and 3). The projectile point was located on an expansive granitic outcrop. The a twenty meter radius around the projectile point was extensively searched and no additional artifacts were found. The located of the projectile point was electronically recorded, measured, and photographs of the piece were taken. Morphology of the projectile point suggests that it is in the Rosegate series and probably dates to the Mokelumne Phase (500 A.D. – 12,00 A.D.).

Resources at Risk: The survey revealed that there are no RARs in the project area.



Recommendations: This project complies with Section 106 of the National Historic Preservation Act of 1966, as amended in accordance with provisions of the *Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, the California State Historic Preservation Officer, the Advisory Council on Historic Preservation regarding the identification, evaluation, and treatment of historic properties managed by the National Forests of the Sierra Nevada, California (Sierra Nevada PA)*.

The following Standard Resource Protection Measures(Attachment 7, Section II,) of the Sierra Nevada Programmatic Agreement will be applied in order to ensure protection measures of Resources at Risk:

No resource protection measures are necessary for the project because no Resources at Risk reside within the area to be released from management.

Management Summary: By following the above recommendations, there will be no effect to cultural resources from implementing this project.

Should any previously unrecorded cultural resources be encountered during implementation of this project, all work should immediately cease in that area and the District Archeologist be notified immediately. , Work may resume after approved by the District Archeologist. Should any cultural resources become damaged in unanticipated ways by activities proposed in this project, the steps described in the Sierran PA for inadvertent effects will be followed.

Should the project boundaries or activities be expanded beyond the current APE, Section 106 compliance for this project will be incomplete until additional cultural resources review is completed.

Once the project is completed, the point at which change in ownership is complete, the 40 acres will be released from management and, provided no RAR's are discovered in the interim, no site of cultural heritage will have been affected by the project.

Prepared by:

Name

Amador District Archeologist

Date

I have read the above report and will assure that the recommendations and management considerations concerning cultural resources will be followed during all phases of project operations.

Staff Officer:

Name

Title

Date

PROFESSIONAL REVIEW:

I have reviewed this report and find it acceptable according to professional standards. The undertaking will not effect National Register listed, eligible or potentially eligible properties.

Approved by:

Name

Forest Heritage Resource Specialist

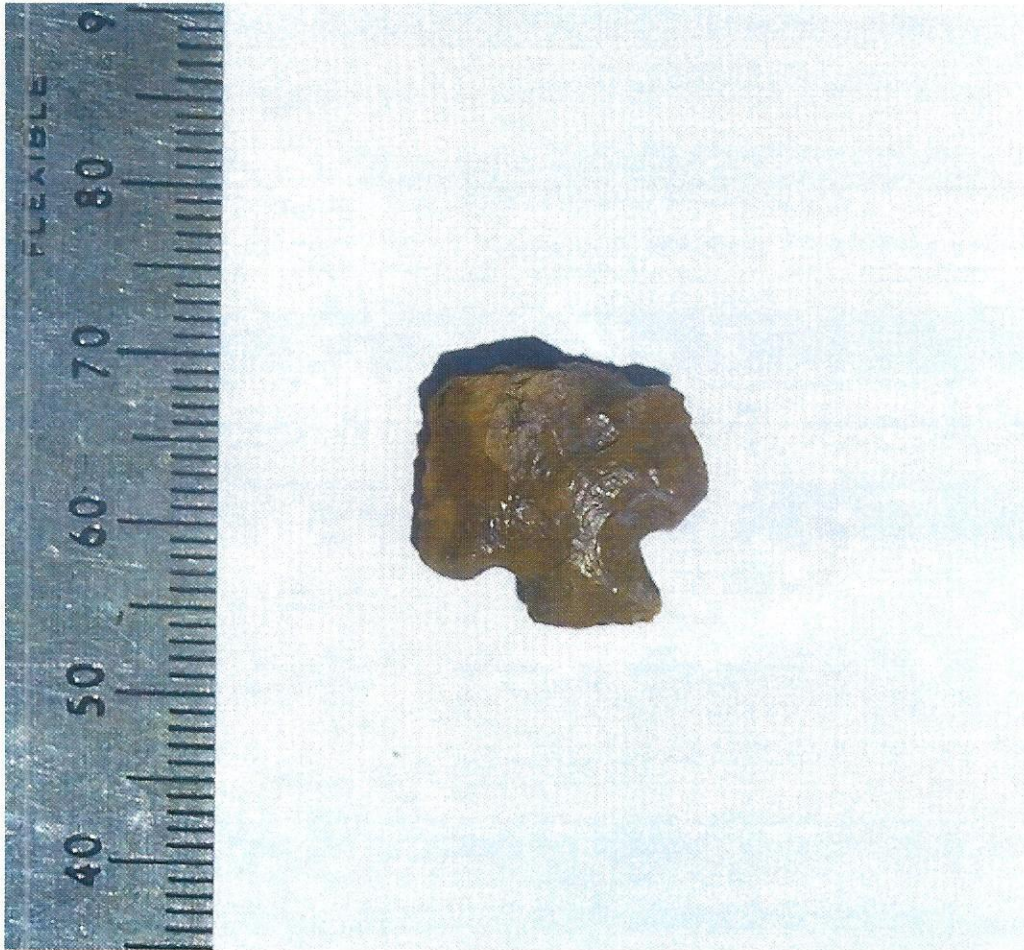
Date

Attachments:

- Project Location and Survey Coverage Map
- Isolates Photographs and Location Map



Figure 2 Isolate Photograph



REGULAR AGENDA

COVID-19 Update: Update by the Amador County Health Officer, Dr. Rita Kerr on the COVID-19 situation and the progress on the road to reopening Amador County.

Dr. Kerr, Health Officer, joined the meeting via ZOOM and took this time to provide an update of the current status of the COVID-19 situation. It should be noted that updates and current statistics can be found at www.amadorgov.org/services/covid-19.

ACTION: Update only.

Administrative Agency: Discussion and possible action relative to a letter of support for the Amador Fire Safe Council and their application for grant funds from the Amador Fire Safe Council.

Mr. John Heissenbuttel, Amador Fire Safe Council, addressed the Board and stated the California Fire Safe Council (CFSC) is pleased to announce the 2021 Cal Fire "Wildfire Evacuation Route Planning and Development" Grant Program. The objective of the Wildfire Evacuation route Planning and Development Grant is to assist counties containing State Responsibility Area (SRA) lands with planning and crating evacuation routes that can be used in the event of encroaching wildfires. Mr. Heissenbuttel stated a total of \$1.9 million dollars is available to counties for this work, with a maximum grant amount of \$380,000. Mr. Heissenbuttel stated the application submittal deadline is December 15, 2021, and with the Board approval the AFSC will prepare the application for signature by the County Administrative Officer by the deadline.

Discussion ensued with the following action being taken.

ACTION: Direction given to Amador Fires Safe Council to prepare the grant application with the County Administrative Officer being the signatory.

Planning Department: Discussion and possible action relative to an update on code compliance options for the Hideout at Kirkwood.

Mr. Chuck Beatty, Planning Director, addressed the Board and summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, Mr. Beatty stated the following updates have occurred since the last meeting of the Board regarding this matter:

- October 8, 2020: Mr. Hoover submitted applications for a Zone Change from R1A, Single-family Residential & Agricultural to PD, Planned Development and a Use Permit for an event venue and vacation rental as initially recommended by the Board of Supervisors.
- November 12 & December 16, 2020: The project applications were reviewed by the Technical Advisory Committee for completeness. Deficiencies were noted regarding the biological assessment, cultural resources study, and public access requirements.
- October 5, 2021: Staff met with the project proponent's team to discuss specific requirements for the biological assessment, cultural resources study, and public access requirements.
- November 9, 2021: Staff was advised that the biological assessment and cultural resources study were complete, and public access requirements had been discussed with AFPD. The project will be scheduled for a completeness review by the Technical Advisory Committee once the requested studies are submitted.

Chairman Axe opened the discussion to the public at this time. The following individual wished to speak.

Mr. Bruce Baracco, Project Planner, addressed the Board and stated cultural resource studies and biological resource evaluations have been done and forwarded to staff for review. When that process is complete it will be presented to the Technical Environmental Committee to go through the environmental checklist process and determine the viability for a negative declaration.

Mr. John Munn, adjacent property owner to the Hideout, addressed the Board and provided comments relative to this matter which are hereby incorporated into these minutes as thought set forth in full. In summary, he touched on the following three main issues:

- Use of the easement. Precedent and law indicated that changes in the easement require agreement between the easement holder and property owner and that use of an easement is limited to the zoning of property over which the easement passes.
- Distance from Highway 88 to the Hideout. Section 210 of Amador County Code Chapter 15.30, titled Fire and Life Safety, states that the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed a cumulative length of one mile for parcels 20 acres or larger, regardless of the number of parcels served. The length of the dead-end roadway from Highway 88 to the Hideout is approximately two miles.

- Access to the Hideout relies on a concrete and culvert stream crossing that Mr. Hoover constructed on his property, without his knowledge or consent, for which a Notice of Violation requiring its removal has been issued by the California Department of Fish and Wildlife.

Discussion ensued with Chairman Axe asking what the timeline might be for the project proponents to develop a plan and schedule for a completeness review by the Technical Advisory Committee.

Mr. Tom Hoover, Project Applicant, addressed the Board and stated he has been working with AFPD and others to move through the process and hopes to have a plan in place by Spring of 2022.

ACTION: None. Update Only.

Building Department: Discussion and possible action relative to a request for impact fee payment plan for Jamie Baldwin, 4030 Reservation Road, Ione, California.

Mr. Todd Barr, Chief Building Official, addressed the Board and stated circumstances have presented regarding this request and he asked that this matter be continued indefinitely. Mr. Barr advised he will bring this back to the Board when it is appropriate.

ACTION: No action at this time.

Elected Officials: Discussion and possible action relative to salary adjustments for county-wide Elected Officials.

Ms. Tacy Oneto-Rouen, Auditor, addressed the Board and stated the countywide elected officials (Auditor, Recorder, Tax Collector, District Attorney and Assessor, with the exception of Sheriff Gary Redman, have met and discussed their salary situation and are hereby asking consideration for salary adjustments. In summary, she noted, the salaries of the Amador County elected Officials Unit (excluding the Sheriff) are compensated substantially below the average of the comparable counties and the salary of each of our positions is clearly below that of the lowest comparable county. Ms. Oneto-Rouen continued by stating essentially, the main concern and request is that the Elected Officials Unit be treated similarly to the Board of Supervisors, and other county employees and have their compensation within the range of comparable counties. In addition, the Elected Official Unit would like the County to establish a process for regular salary reviews to avoid the problem being faced now to reoccur.

Discussion ensued with the following action being taken.

Fire Safe Plan

Residents of Broadmeadows Estates and Panner Creek Estates can utilize this prototype Fire Safe Plan to protect against fires.

Homes catch fire in one of three ways:

Ember Storm – embers from a wildfire can travel more than a mile ahead of the actual fire. The embers can create spot fires when the land on combustible materials, such as leaves in the gutter, or plants under windows.

Radiant Heat – radiant heat generated from burning structures or plants can be hot enough to ignite a house without direct flame contact.

Direct Flame – depending on time and exposure, direct flame can ignite a home, including by breaking glass, allowing the fire to enter the house.

The three elements of a fire safe plan include:

Hardening Your Home

Defensible Space

Evacuation

Refer to the attached sheets for more detailed information.

For questions or more information, contact:

Amador Fire Safe Council
PO Box 1055
Pine Grove CA 95665
www.amadorfiresafe.org
amadorfiresafe@gmail.com
209-304-2187

* * * *

Recommendations for Hardening Your Home to Better Survive Wildfire

EMBER-RESISTANT CONSTRUCTION RELIES ON BOTH MAINTAINING DEFENSIBLE SPACE AND HARDENING YOUR HOME. HERE ARE SOME THINGS YOU CAN DO TO HARDEN YOUR HOME TO MAKE IT MORE FIRE-RESISTANT.

YOUR TOP 3 PRIORITIES SHOULD BE YOUR ROOF, VENTS, AND NEAR-HOME VEGETATION.

- 1) Avoid combustible materials on the property, especially within the first five feet of the home.
- 2) Incorporate fire- and ember-resistant construction materials, installation details, and maintenance.
- 3) Be thoughtful about landscaping choices and maintenance.

THE ROOF has the greatest exposure to fire embers.

- ❑ Inspect and repair or replace your roof with tile, metal, asphalt, or shingles (materials with a Class-A fire rating).
- ❑ Plug gaps between your roof covering and sheathing to prevent ember entry.
- ❑ Install a metal drip edge (i.e., metal angle flashing) at the roof edge.
- ❑ Cover tile caps to prevent bird nesting.

VENTS can allow embers to enter a crawl space, the attic, soffit, or foundation.

- ❑ Upgrade vents with 1/8-inch metal mesh, or install vents approved to resist embers and flames (see resources).

EAVES AND SOFFITS with open-eave construction should be inspected.

- ❑ Wherever possible enclose open eaves.
- ❑ Caulk and plug gaps around exposed rafters and blocking.

WINDOWS can break from the heat, even before a home ignites, allowing burning embers or flames into the home.

- ❑ Install or upgrade to multi-pane tempered glass.
- ❑ Ensure there is no vegetation or other combustible materials within 5 feet of windows and glass doors.

SIDING is vulnerable if exposed to flames or radiant heat for periods of time.

- ❑ Inspect all siding. Plug or caulk gaps and joints.
- ❑ Maintain 6 inches of vertical noncombustible material between the ground and the start of the siding.
- ❑ Replace shingle or shake siding with ignition-resistant materials.
- ❑ If a neighboring home or outbuilding is closer than 30 feet, be sure to use noncombustible or ignition-resistant materials.
- ❑ Use a noncombustible louvered or self-closing dryer vent cover.

DECKS are vulnerable to fires from embers igniting vegetation or materials near or below them.

- ❑ Ensure that all combustible items are removed from underneath, on, or next to your deck.
- ❑ Put a noncombustible layer between wood decks and siding.



CHIMNEY

- ❑ Cover your chimney and stovepipe outlets with a noncombustible mesh screen.

RAIN GUTTERS should be cleared of leaves and needles that embers can easily ignite.

- ❑ Inspect and clean gutters regularly.
- ❑ Install a noncombustible gutter guard to reduce accumulated debris.

GARAGES are especially vulnerable to embers and ash. Embers can enter a garage as easily as dust, potentially igniting a house from the inside.

- ❑ Install weather stripping, or gaskets, around and under the garage door to limit ember entry.
- ❑ Store all combustible and flammable liquids away from ignition sources.
- ❑ Know how to operate your garage door when there is no power.

FENCES

- ❑ Fences or gates that connect to structures should use noncombustible materials within 5 feet of the building, to prevent the fence from burning up to the structure.

DRIVEWAYS AND ACCESS ROADS should be built and maintained according to state and local codes so that emergency vehicles can safely reach your home.

- ❑ Maintain access roads with a minimum of 10 feet of clearance on either side.
- ❑ Ensure that all gates can open without power to accommodate emergency equipment.
- ❑ Trim overhanging trees up to 15 feet from the ground in order to allow emergency vehicles to pass.

ADDRESS

- ❑ Make sure your address is clearly visible from the road.

WATER SUPPLY can be enhanced by having multiple garden hoses long enough to reach all areas of the structures on your property.

- ❑ If you have a pool or well, consider getting a fuel-powered pump.
- ❑ Best practice is to provide a 2½-inch water line from a water tank to a standpipe fitted with 1½-inch fire hose fittings coordinated with your local fire department.



For best practices to protect your home and property, see the *California Fire Safe Council, Defensible Space* brochure.

Q-2

Recommendations for Creating Defensible Space

HOMES SURVIVE WILDFIRE THROUGH A COMBINATION OF THE FOLLOWING FACTORS:

- 1) Awareness and management of combustible materials on the property, especially within the first 5 feet of the home.
- 2) Incorporation of fire- and ember-resistant construction materials, installation details, and maintenance.
- 3) Careful landscape selection, placement, and maintenance.

For best practices to protect your home and other structures, see the *California Fire Safe Council, Hardened Homes* brochure.

Defensible Space is the law in wildfire-prone areas. These condensed recommendations address legal requirements and best practices for preparing and protecting your property.

For more information contact CAL FIRE or your local fire department.

ZONE 0

0 feet – 5 feet from buildings, decks, and other structures

The goal is to avoid home ignition from blowing embers.

- Use noncombustible materials such as rock, stone pavers, cement, bare earth, gravel, or sand.
- Remove all plants and shrubs near windows.
- Remove leaves and needles from your roof and rain gutters.
- Clear vegetation and items that could catch fire from around and under decks.
- Remove dead branches that overhang or touch your roof. Keep branches 10 feet away from your chimney.
- Remove all leaves, needles, or other debris that fall in this zone.

ZONE 1

5 feet – 30 feet from buildings, decks, and other structures

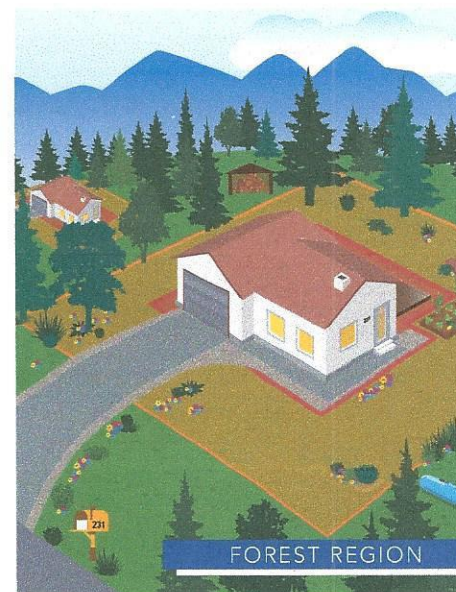
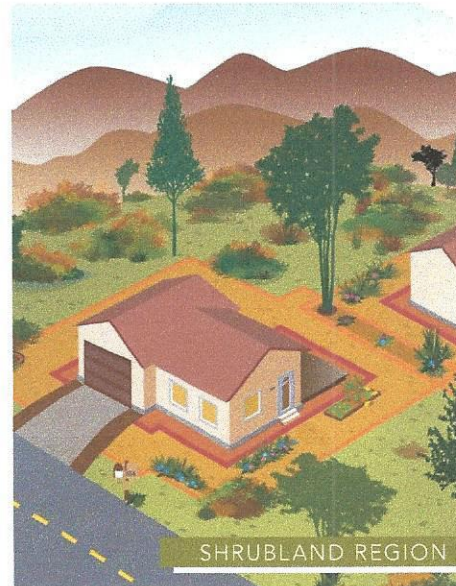
The goal is to reduce heat and movement of flame.

- Remove all dead plants, grass, and weeds.
- Actively prune live shrubs.
- Relocate woodpiles outside of this zone.
- Avoid extensive use of mulch, which can convey fire to the house.
- Limit fallen leaves, needles, twigs, bark, cones, and small branches to a depth of 2 inches.
- Move all gas and propane tanks outside of this zone.

ENTIRE PROPERTY

5 feet – 100 feet from buildings, decks, and other structures, or to the property line

- Create islands of vegetation with horizontal spacing between shrubs and trees.
- Create vertical spacing between grass, shrubs, and trees.
- Choose low-growing, irrigated, non-woody plants such as vegetables, succulents, erosion-control grasses, flowers, or lawn to create landscaping in this zone.
- Mow or remove dead or dried vegetation.
- Trim trees regularly to maintain a minimum of 10 feet of clearance between branches of adjoining trees or shrubs.
- Mow any grass to a maximum height of 4 inches.
- To protect water quality, maintain vegetation near waterways; do not clear to bare soil. Vegetation removal can cause soil erosion that damages streams, especially on steep slopes. Remove dead trees and shrubs, leaving the roots in place, if practical.
- Break up dense shrub cover on slopes by creating small islands of pruned shrubs staggered horizontally.
- Prior to evacuation, pull patio furniture, play sets, and gas BBQ tanks as far as possible from any structure, and bring cushions inside.



LANDSCAPING TIPS

Proper Placement Makes A Difference

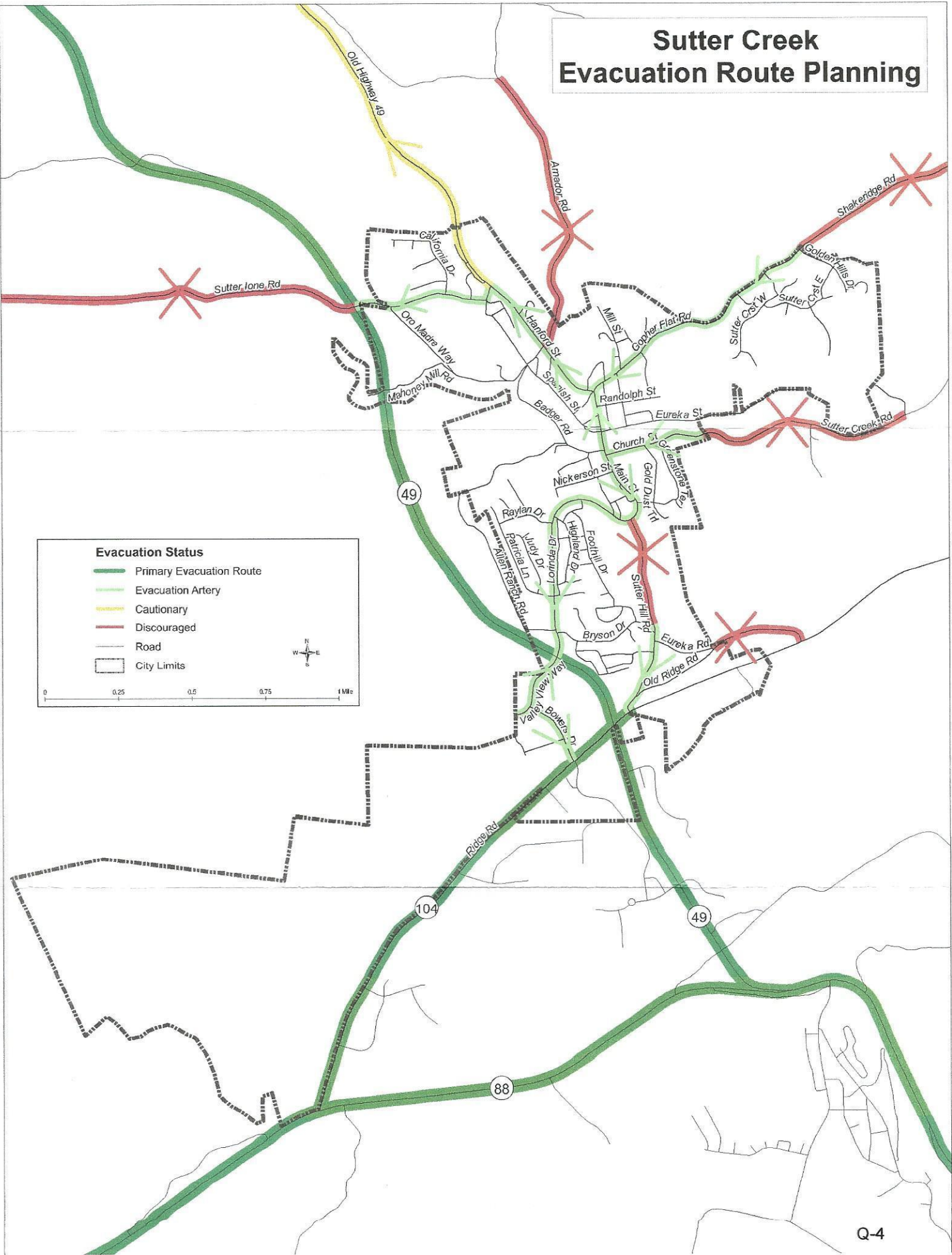
Remember, any plant can burn under the right conditions. For all plants, maintenance is key.

When choosing species to plant in your 5- to 30-foot defensible space zone, look for plants with these characteristics:

- Able to store water in leaves and stems.
- Produce limited dead and fine material.
- Maintain high moisture content with limited watering.
- Low-growing or open form.
- Open loose branches with a low volume of total vegetation.
- Low levels of volatile oils or resins.
- Slow growing with little maintenance needed.
- Not considered invasive.

Q-3

Sutter Creek Evacuation Route Planning



Evacuation Status

- █ Primary Evacuation Route
- █ Evacuation Artery
- █ Cautionary
- █ Discouraged
- Road
- City Limits



0 0.25 0.5 0.75 1 Mile



Project Application Referral - HideOut at Kirkwood

AFPD Headquarters <afpdhdq@amadorgov.org>

Tue, Oct 27, 2020 at 1:26 PM

To: Planning Department <planning@amadorgov.org>, Chuck Beatty <CBeatty@amadorgov.org>, Patrick Chew <pchew@amadorgov.org>

Annexing into the County CFD applies

Nicole

Amador Fire Protection District
810 Court Street
Jackson, CA 95642
209-223-6391-phone
209-223-6646-fax

This communication may contain legally privileged and confidential information sent solely for the use of the intended recipient, and the privilege is not waived by the receipt of this communication by an unintended and unauthorized recipient. If you are not the intended recipient of this communication you are not authorized to use it in any manner, and must either immediately destroy it or return it to the sender. Please notify the sender immediately by telephone at (209) 223-6391 if you received this communication in error."

----- Forwarded message -----

From: **Amador County Planning Department** <planning@amadorgov.org>

Date: Tue, Oct 27, 2020 at 1:01 PM

Subject: Project Application Referral - HideOut at Kirkwood

To: Chuck Beatty <cbeatty@amadorgov.org>

[Quoted text hidden]

Staff Referral Packet.HideOut.11-12-20 TAC.pdf
1258K



Project Application Referral - HideOut at Kirkwood

Amador LAFCO <amador.lafco@gmail.com>

Tue, Oct 27, 2020 at 2:21 PM

To: Amador County Planning Department <planning@amadorgov.org>

Chuck: No comment on this one. Looks like a fun location, but I'm not planning my wedding any time soon.

Thanks for continuing to forward the TAC referrals to me. It takes only a couple minutes and every now and then maybe I will catch something that will help you on a project.

Roseanne

[Quoted text hidden]

--

Roseanne Chamberlain
Amador LAFCO Executive Officer
(209) 418-9377



The Hideout

Mike Israel <misrael@amadorgov.org>
To: Jesse Shaw <jesse@tomasurey.com>
Cc: Planning Department <planning@amadorgov.org>

Thu, Nov 5, 2020 at 11:52 AM

November 5, 2020

Jesse,

A list of known EH issues based on my understanding of the project follows. I noticed that they did not mention the RVs or trailers they stay in as part of the project description - that will need to be corrected since it is not a use by right.

WATER SUPPLY

- The water well permit #W01640 has received final approval.
- If the proposed use would make water available to at least 25 people, 60 days out of the year or serve 15 or more service connections, the operation would be classified as a public water system and a permit must be obtained. I assume this will be the case unless there are use permit limitations that preclude the operation hitting this threshold. Make application to DDW.
- If the proposed use would not make water available to at least 25 people, 60 days out of the year but will include a Host Facility or other food facility subject to a permit issued by this office, it would need to comply with criteria for a CalCode water system. Make application to EH.

SEWAGE DISPOSAL

- Sewage disposal permit #08455 has received final approval. The permit was issued to serve a six-bedroom home. Any use other than a six-bedroom SFD will require that a qualified consultant evaluate and certify the system as adequate for the intended use(s). Certification must be submitted to EH.
- A septic system and a graywater system were constructed without permits. Hoover has paid the appropriate fees and a site visit has been made to evaluate but it is believed that the unpermitted systems are still in use. The statement that all on-site wastewater is taken care of by County approved septic systems is not currently factual.
- Permitted wastewater treatment and disposal systems must be provided for all structures with running water, including RVs, trailers or fifth wheels that are on site for extended periods.

FOOD SERVICE

- Any use that includes food service to the public must comply with the California Retail Food Code. We understand that events are catered by others; if that remains the case the operation would need to be permitted as a Host Facility, consistent with Chapter 10.1 of that Code, and all caterers must be permitted by Amador County. Any food sales or service by the Hideout rather than by others would require they obtain the appropriate retail food facility permit from this office.

HAZARDOUS MATERIALS/WASTE

- For any use other than single family residential, compliance with CUPA requirements is required. This may include, but not necessarily be limited to filing a hazmat business plan for propane if > 1,000 gallons and the diesel which fuels the generators and the waste oil management and disposal.

SPA POOLS

- Use of any spa or pool, other than by the occupants of not more than three residential units, is subject to regulation as a public pool. Due to the materials and nature of its design, it is unlikely that the existing structure on the granite could be brought into compliance with applicable codes. There is an additional hot tub located behind the saloon that must be demonstrated to be compliant with public pool requirements.

POND

- The existing pond is currently advertised as a recreational feature (website FAQ indicates the lake is swimmable). If this is included in the proposed use, periodic water quality sampling would be appropriate as would notification or correction of hazards (i.e. shallow water - no diving sign).

Thanks,

Mike

--

Michael W. Israel, REHS
Community Development Director
Air Pollution Control Officer
810 Court Street
Jackson, CA 95642
voice: (209) 223-6439
fax: (209) 223-6228
misrael@amadorgov.org

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20201112 ACTAC Information re. Hoover's Hideout

John Munn <jrmunn@sbcglobal.net>
To: planning@amadorgov.org

Mon, Nov 9, 2020 at 4:32 PM

Please forward the attached letter to members of the Amador County Technical Advisory Committee for their information prior to the Nov. 12, 2020, ACTAC meeting discussion of agenda item #2 regarding Hoover's Hideout. I have also attached a duplicate of the letter from DFW that includes the original location and site photographs. The crossing looks nice in the summertime, but doesn't come close to meeting requirements for passing the 100 year flow, allowing passage of aquatic organisms, or other concerns as described in DFW's letter.

John Munn

2 attachments



20201108 ACTAC Ltr.pdf
266K



20200720 DFW to Hoover-NOV Final.pdf
2385K

**John R. Munn, Jr.
2811 Almeria St., Davis, CA 95616
530-753-7529 phone & fax**

November 8, 2020

To: Amador County Technical Advisory Committee (ACTAC)
Attn: Members
810 Court Street
Jackson, CA 95642

Re: Hoovers' Hideout – Item #2 on Nov. 12, 2020 Meeting Agenda

Dear ACTAC Members:

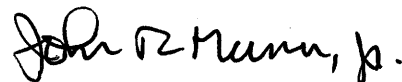
This is to inform you about access complications in getting to and from Hoovers' Hideout that I don't see described in the current applications for a zoning change and a use permit. The roadway to Hoovers' Hideout is on an easement crossing property that I own, which fronts on Highway 88. This section of the roadway includes both its entry from Highway 88 and a crossing over Corral Flat Creek. I believe the following qualifies as "other pertinent information."

Although I am not certain whether item 4. of the Application Procedure for Use Permit applies to easements, there has been no consent requested for the traffic increase that the described use would allow.

Caltrans has recently determined that the roadway leading to the Hideout does not have access to or from Highway 88, which is a controlled access highway in this area. In their words, Caltrans "found no supporting documentation that would allow access to SR88 to your [meaning my] property at this location." This entry was installed before I owned the property. A copy of my letter to Caltrans that explains this situation in more detail is enclosed for your information.

Another complication is an unapproved crossing that was installed last October (2019) over Corral Flat Creek without my knowledge or consent. The California Department of Fish and Wildlife (DFW) has reviewed this crossing and issued a Notice of Violation that requires it to be removed. Also enclosed for your information is a copy of the DFW letter providing this Notice.

Sincerely,



John R. Munn, Jr.

John R. Munn, Jr.
2811 Almeria St., Davis, CA 95616
530-753-7529 phone & fax

October 13, 2020

To: Mr. Dennis Agar, Caltrans District 10 Director
1976 E. Dr. Martin Luther King Jr. Blvd.
Stockton, CA 95205

Re: Access to Highway 88

Dear Mr. Agar:

I am writing to find out if Caltrans knows of any deed, agreement, or permit for access to Highway 88 at or close to post mile 57.55R? I am not referring to access points described in a deed between George Allen and the State of California in 1961. Instead, this is at the intersection of an easement that is south and east of Highway 88 and was granted to Dean Kennedy in 1997 by previous property owners. It is visible on Google Earth images. The deed for this easement was signed by the previous owners, but was not signed by anyone representing the adjacent right-of-way owned by the State of California. I acquired this property in 2014; and if the State has approved access for the easement granted to Mr. Kennedy, I would like to get a copy of, or at least a reference to, the document providing access.

When the right-of-way for Highway 88 in this area was granted by George Allen (the grantor) to the State of California (the grantee) in 1961, the deed specified that:

This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to said freeway.

Excepting and Reserving, however, to the grantor, his successors or assigns, the right of access to the freeway over and across courses numbered twelve (12), eighteen (18), twenty-five (25) and thirty (30) of the above described 25.69 acre parcel of land.

The courses referred to above include three 20 foot wide access points along the boundary of my property. Since then, the classification of this part of Highway 88 has been changed from a "freeway" to an access controlled highway. However, none of the access points identified above coincide with the Highway 88 intersection of the easement granted to Mr. Kennedy, and I have not been able to locate any document either changing the location of these deeded access points or granting an additional access point.

In 1985, I inquired about a driveway encroachment for property on the other side of Highway 88 from the easement granted to Mr. Kennedy. This would have provided both more convenience and better sight distance than the existing entrance. My request was denied with the following statement contained in a letter from Mr. John R. Sandman, who was then the Caltrans Acquisition Branch Chief:

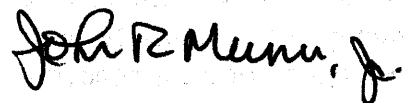
We are most apologetic for conveying to you the impression that access could be established directly from your property to Highway 88. Access control is something that we jealously protect in spite of the many requests we receive similar to yours.

If this policy has changed, I remain interested in gaining access for the property I was asking about in 1985.

Caltrans did approve a temporary encroachment permit for "repaving" at the intersection of Highway 88 with the easement granted to Mr. Kennedy. This permit (No. 1006-6RM-0634, a copy obtained from a Caltrans public records search is enclosed) states that there would be "No change in use of the existing break in this access controlled highway." However, the location of this repaving project was not included as one of the access points in the 1961 deed, which were paved, and the State Highway Map included with the permit does not contain the permitted project location. Instead, the map included with the repaving permit highlights one of the access points listed in the 1961 deed that is located approximately 1300 feet south of the permitted repaving project. I was also surprised that the State Highway Map included with the permit was stamped as coming from the Eldorado National Forest instead of a Caltrans copy. I have not been able to determine whether this map and photos that were enclosed with the permit were provided by Caltrans or by the project submitter.

As stated above, please let me know if there is any deed, agreement, or permit for access across the State of California owned right-of-way to Highway 88 at or close to post mile 57.55R, and whether there is now a process to provide a driveway encroachment or access across the State of California right-of-way on an access controlled highway.

Sincerely,



John R. Munn, Jr.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 20, 2020

Thomas Hoover
135 Schober Avenue
Jackson, CA 95642

Subject: Notice of Violation of Fish and Game Code Section 1602 and 5650

Dear Mr. Hoover:

On June 18, 2020, the California Department of Fish and Wildlife (Department) Wildlife Officer Kaitlin Blagg and Environmental Scientists Ian Boyd and Ian Ralston, visited the property at 43300 Highway 88, Amador County, CA 95646 (APN 026-060-013-000) (Attachment A). During the site visit, they observed that a series of five (5) high density polyethylene (HDPE) culverts and one (1) corrugated metal pipe (CMP) culvert were installed, within an unnamed stream, and secured in place with a substantial amount of concrete and crushed gravel (located at latitude 38.60995, longitude -120.21653). Additional observations included road widening around the crossing and deposition of sediment, rocks, and boulders just upstream of the crossing on each bank of the creek (Attachment B). The Department cannot locate a notification for this activity in its records and has determined that the work described was completed in violation of Fish and Game Code section 1602 and 5650.

Fish and Game Code section 1602 requires a person or entity to notify the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

Fish and Game Code 5650(a)(6) prohibits the placement of any substance or material in, permit to pass into, or where it can enter waters of the state that is deleterious to fish, plant life, mammals, or bird life.

In this case, the Department has determined that notification was required because the activities substantially obstructed the natural flow of stream, substantially changed the bed, channel, and bank of a stream, and deposited material that is deleterious to fish where it may pass into a stream. In order to address this violation, you will need to immediately stop all work associated with this crossing if you have not done so already; complete a Lake or Streambed Alteration Notification package; and submit the complete package, notification fee, and a copy of this notice to Ian Boyd, Environmental Scientist to the above address within 35 days after the date of this letter. The notification package should describe the work that has already been done as well as the work necessary to return the stream to the state it was in prior to the crossing being constructed, including,

Thomas Hoover
July 20, 2020
Page 2 of 7

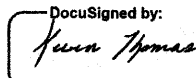
at minimum, removing concrete, crushed gravel, earthen material, and culverts that were placed within the stream and disposing them in a legal manner. Meanwhile, if you have not already done so, you must immediately take measures to stabilize the loose soil adjacent to the stream to prevent erosion. This could include installing straw wattles around the edges of the disturbed area and seeding the disturbed area with a locally native grass seed mix.

After the Department receives the notification and fee, it will process the notification and issue a draft Streambed Alteration Agreement (Agreement) as described in Fish and Game Code sections 1602 and 1603.

The Department is providing this notice to inform you about the requirements of Fish and Game Code section 1602 and the need to notify the Department before conducting remediation activities and any additional future activities subject to Fish and Game Code section 1602. You can find the Lake or Streambed Alteration Notification Form, the fee schedule, and the notification instructions and guidance at <https://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>.

If you have any questions regarding this letter, please contact Ian Boyd, Environmental Scientist at (916) 932-3035 or by email at ian.boyd@wildlife.ca.gov.

Sincerely,

DocuSigned by:

A2A0A9C574C3445...

Kevin Thomas
Regional Manager

Attachments

Attachment A. Location Map
Attachment B. Photo Documentation

ec: Wildlife Officer Kaitlin Blagg, kaitlin.blagg@wildlife.ca.gov
Lieutenant Stacey Lafave, stacey.lafave@wildlife.ca.gov
Ian Boyd, ian.boyd@wildlife.ca.gov
Ian Ralston, ian.ralston@wildlife.ca.gov
Jennifer Garcia, jennifer.garcia@wildlife.ca.gov
Billie Wilson, billie.wilson@wildlife.ca.gov
California Department of Fish and Wildlife



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 20, 2020

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135 Schober Avenue
Jackson, CA 95642

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Fish and Game Code section 1602 requires a person or entity to notify the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

Fish and Game Code 5650(a)(6) prohibits the placement of any substance or material in, permit to pass into, or where it can enter waters of the state that is deleterious to fish, plant life, mammals, or bird life.

In this case, the Department has determined that notification was required because the activities substantially obstructed the natural flow of stream, substantially changed the bed, channel, and bank of a stream, and deposited material that is deleterious to fish where it may pass into a stream. In order to address this violation, you will need to immediately stop all work associated with this crossing if you have not done so already; complete a Lake or Streambed Alteration Notification package; and submit the complete package, notification fee, and a copy of this notice to Ian Boyd, Environmental Scientist to the above address within 35 days after the date of this letter. The notification package should describe the work that has already been done as well as the work necessary to return the stream to the state it was in prior to the crossing being constructed, including,

Thomas Hoover

July 20, 2020

Page 2 of 7

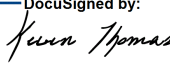
at minimum, removing concrete, crushed gravel, earthen material, and culverts that were placed within the stream and disposing them in a legal manner. Meanwhile, if you have not already done so, you must immediately take measures to stabilize the loose soil adjacent to the stream to prevent erosion. This could include installing straw wattles around the edges of the disturbed area and seeding the disturbed area with a locally native grass seed mix.

After the Department receives the notification and fee, it will process the notification and issue a draft Streambed Alteration Agreement (Agreement) as described in Fish and Game Code sections 1602 and 1603.

The Department is providing this notice to inform you about the requirements of Fish and Game Code section 1602 and the need to notify the Department before conducting remediation activities and any additional future activities subject to Fish and Game Code section 1602. You can find the Lake or Streambed Alteration Notification Form, the fee schedule, and the notification instructions and guidance at <https://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>.

If you have any questions regarding this letter, please contact Ian Boyd, Environmental Scientist at (916) 932-3035 or by email at ian.boyd@wildlife.ca.gov.

Sincerely,

DocuSigned by:

A2A0A9C574C3445...

Kevin Thomas
Regional Manager

Attachments

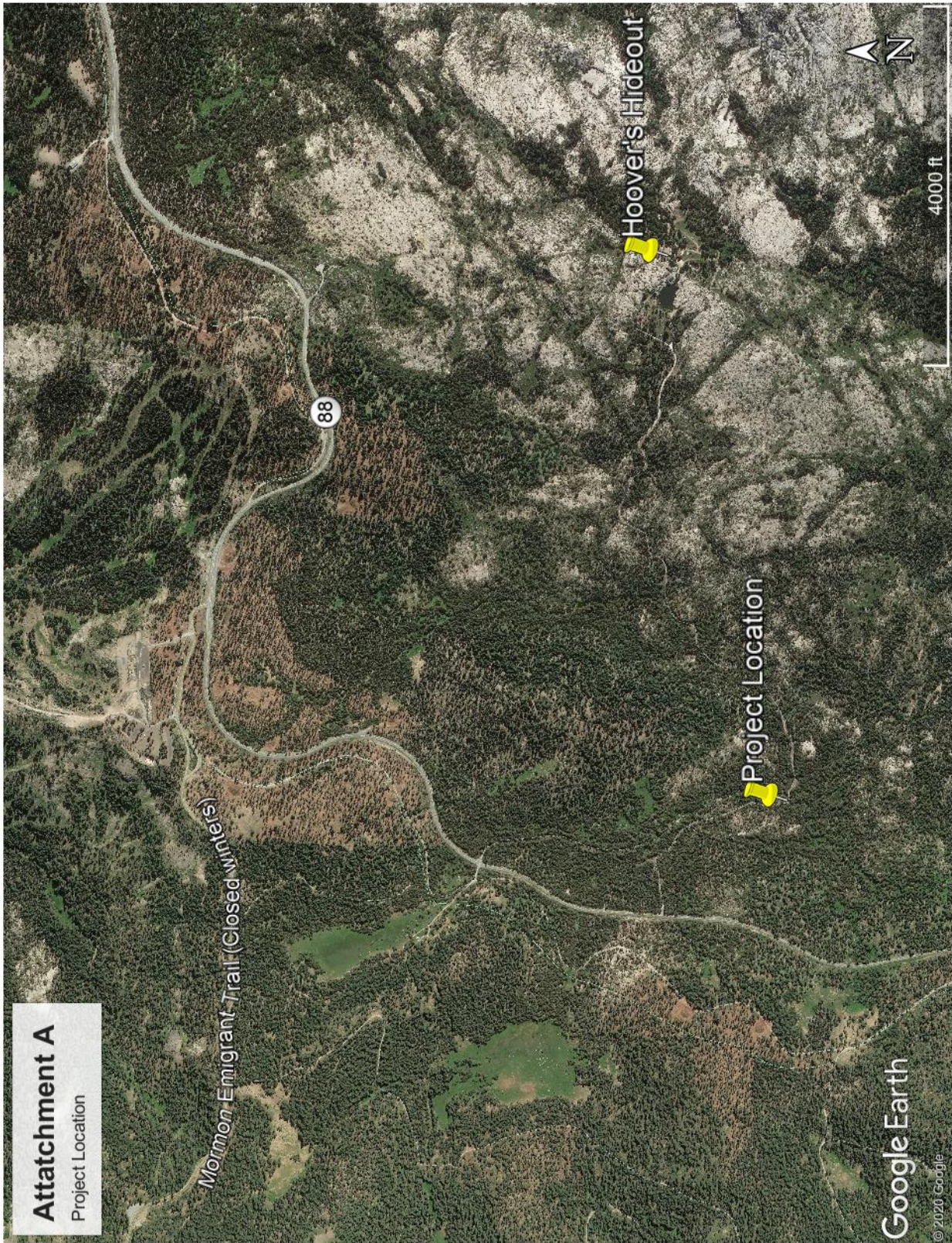
Attachment A. Location Map

Attachment B. Photo Documentation

ec: Wildlife Officer Kaitlin Blagg, kaitlin.blagg@wildlife.ca.gov
Lieutenant Stacey Lafave, stacey.lafave@wildlife.ca.gov
Ian Boyd, ian.boyd@wildlife.ca.gov
Ian Ralston, ian.ralston@wildlife.ca.gov
Jennifer Garcia, jennifer.garcia@wildlife.ca.gov
Billie Wilson, billie.wilson@wildlife.ca.gov
California Department of Fish and Wildlife

Thomas Hoover
July 20, 2020
Page 3 of 7

Attachment A: Location Map



Thomas Hoover
July 20, 2020
Page 4 of 7

Attachment B: Photo Documentation



Photo 1. Concrete surface of constructed crossing with estimated 1,350 cubic feet of concrete; photo direction – east; June 18, 2020.



Photo 2. Overview of the constructed crossing with three 18-inch HDPE culverts, two 12-inch HDPE culverts, and one 18-inch CMP culvert; photo direction – south; June 18, 2020.

Thomas Hoover
July 20, 2020
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Photo 3. Inlet of 18-inch diameter HDPE culvert incased in concrete and adjacent culverts; photo direction – south; June 18, 2020.



Photo 4. Inlet of 12-inch diameter HDPE culvert incased in concrete and adjacent culverts; photo direction – south; June 18, 2020.

Thomas Hoover
July 20, 2020
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Photo 5. Outlet of 18-inch diameter HDPE culvert incased in concrete and adjacent culverts. Measured culvert is set approximately 13 inches above the streambed; photo direction – north; June 18, 2020.



Photo 6. Inlet of 18-inch diameter CMP culvert backfilled with compacted soil and crushed gravel; photo direction – south; June 18, 2020.

Thomas Hoover
July 20, 2020
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Photo 7. Inlet of 18-inch diameter CMP culvert and loose soils and rocks placed on the left bank of the stream; photo direction – northwest; June 18, 2020.



Photo 8. Loose boulders and rocks placed on the right bank of the stream; photo direction – southeast; June 18, 2020.



Chuck Beatty <cbeatty@amadorgov.org>

Hide Out FD Comments

1 message

Patrick Chew <pchew@amadorgov.org>
To: Chuck Beatty <CBeatty@amadorgov.org>

Thu, Nov 12, 2020 at 2:07 PM

Chuck, the following below are some of the big-ticket items that the applicant will need to address. I would be more than happy to meet with them, go over the items, and provide some directions and interpretation on the fire code. These requirements below would be required in any other part of the Country since the code sections below are also mentioned in the International Fire Code

1. According to the California Fire Code, Section 503.1.1, all structures shall be within 150 feet from a fire department access road. An access road is defined in the International Fire Code of at least 20 clear widths within 150 feet from structures. If this cannot be met, mitigation shall be required subject to the approval of the fire department.

2. The required fire flow for the protection of this premise is 1,500 gallons per minute with 20 pounds residual water pressure in accordance with the adopted California Fire Code. This water supply is based on the location that the structures are of combustible construction and none of the buildings are protected by an automatic fire sprinkler system. A change in the conditions may alter the required fire flow.

3. For the minimum fire flow requirements noted above, the Fire Code also indicates that the duration of water supply for operational use shall be at least two hours. If a water source is not available at this location, other means to supply and/or store the volume of water shall be installed. If this cannot be met, mitigation shall be required subject to the approval of the fire department.

4. In accordance with the California Fire Code, Section 903.1.2.1, all structures where the consumption of alcohol is in use and the determined occupancy load exceed 100 persons; the building shall be protected by an approved automatic fire sprinkler system subject to the approval of the fire department.

5. In accordance with Section 510 of the California Fire Code, emergency responder radio coverage is required regardless of locations and topography. Provide detail as to how emergency responders are to be contacted during an event at this location. A detailed emergency and evacuation plan shall be provided. Routine training shall be performed and documented for review from this department.

6. This facility shall develop a fire evacuation and safety plan in accordance with Section 404 of the California Fire Code. According to this section of the code, a minimum of one

staff member identified as the Crown Control Manager shall be responsible for contacting the emergency responders if an incident were to occur. A detailed plan including but not limited to records of routine drills and training shall be kept on the premises; and made available upon request from this department. Frequency of evacuation drills shall be in accordance with Section 405 of the CFC, 2019 Edition and Title 19, Division 1.

--

Patrick Chew

Deputy Fire Marshal

Amador Fire Protection District

[810 Court Street](#)

[Jackson, CA 95642](#)

Cell 209-304-2250

Office 209-223-6391

Fax 209-223-6646

www.amadorfire.org

"This communication may contain legally privileged and confidential information sent solely for the use of the intended recipient, and the privilege is not waived by the receipt of this communication by an unintended and unauthorized recipient. If you are not the intended recipient of this communication you are not authorized to use it in any manner, and must either immediately destroy it or return it to the sender. Please notify the sender immediately by telephone at (209) 223-6391 if you received this communication in error."



RE: PT 2020-0507 FW: Project Application Referral - HideOut at Kirkwood

1 message

Ralston, Ian@Wildlife <Ian.Ralston@wildlife.ca.gov>

Thu, Nov 12, 2020 at 2:52 PM

To: "cbeatty@amadorgov.org" <cbeatty@amadorgov.org>, Amador County Planning Department <planning@amadorgov.org>

Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>

Hello Mr. Beatty,

Thank you for the opportunity to comment on the proposed Zone Change and Use Permit for The Hideout (Project). The proponent Thomas Hoover proposes to bring all of his on-site activities under one discretionary permit issued by Amador County.

The California Department of Fish and Wildlife (CDFW) has the following comments that may help to guide the direction of the Project proponent.

CDFW is responding as a **Trustee Agency** for fish and wildlife resources, which holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law (Fish & G. Code, § 86) of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW has identified potential impacts relating to fish and amphibian species, as well as impacts associated with increased vehicular traffic through the area. CDFW recommends that the Amador County Planning Department consider the following potential impacts in its capacity as Lead Agency under CEQA:

1. Please be advised that CDFW issued a Notice of Violation (NOV) to Mr. Hoover on July 20, 2020 in response to an unauthorized cemented culvert stream crossing constructed on the easement leading to The Hideout. If the nature of the crossing is to be made a condition of approval for the zone change and use permit, please consider that in order to address the NOV, Mr. Hoover is required to remove the cemented culvert and return the stream to its original state as a simple low-water crossing.
2. CDFW is concerned about potential impacts to the CA state listed Sierra Nevada Yellow-legged Frog (*Rana sierrae*) (SNYLF). Recent CDFW surveys have demonstrated that SNYLF are present throughout Tragedy Creek, which is located approximately 200 meters from the southeast corner of the property. An unnamed tributary runs directly through The Hideout and connects to Tragedy Creek less than 1 kilometer below the property. The tributary contains suitable habitat

for SNYLF, creating potential for impacts to occur if SNYLF exist on site. Please clarify if the subsequent use of The Hideout will include additional activities that could result in potentially significant impacts to SNYLF. Please note that if subsequent use of The Hideout could result in significant impacts to SNYLF, a CEQA analysis should be conducted prior to the approval of the zone change and use permit. Additionally, please be advised that if a Project may have the potential to result in "take," as defined in the Fish & G. Code, section 86, of a State-listed species, an Incidental Take Permit (ITP) or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081) may be required prior to starting Project activities.

CDFW recommends that the Project undergo an Initial Study (IS) under CEQA, which will include a complete environmental assessment of the existing biological conditions within the Project area, including, but not limited to, the type, quantity, and locations of the habitats, flora, and fauna. Maps and information regarding any survey efforts should be included within the IS. Any surveys of the biological conditions and related environmental analysis should be completed by qualified personnel with sufficient experience in the work performed for the Project. To identify a correct environmental baseline, the IS should include a complete and current analysis of endangered, threatened, candidate, and locally unique species potentially present in or near the Project area. CDFW recommends placing special emphasis on evaluating the presence and status of sensitive habitats and any biological resources that are rare or unique to the area.

The IS should identify all the areas under CDFW's regulatory authority per section 1602 of the Fish & G. Code. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes, including ponds and drainages, in the State, and any habitats supported by these features, such as wetlands and riparian habitats. If these habitat features are found within the Project limits or its vicinity, the IS should identify any potential impacts to these resources. The IS should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project, including an estimate of impact to each habitat type. Please note that the CDFW definition of wetlands, as well as extent of the habitat features, differ from other agencies, such the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. The IS should identify the different jurisdictional areas present within the Project limits under each agency. If it is determined that the Project would impact areas under CDFW's jurisdiction, the IS must propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

CDFW appreciates the opportunity to comment on the Project's Application Referral, and requests that Amador County considers CDFW's comments as planning continues. If you have any questions pertaining to these comments, please contact me at (916) 817-0434 or ian.ralston@wildlife.ca.gov.

Ian Ralston

Environmental Scientist

Habitat Conservation Planning Branch

North Central Region – Region 2

California Department of Fish and Wildlife

[1701 Nimbus Road](#)

[Rancho Cordova, CA 95670](#)

(916) 817-0434

**As a part of a broader effort by the California Natural Resources Agency and CDFW to go paperless, CDFW will begin accepting electronic notifications for Standard Lake and Streambed Alteration Standard Agreements through CDFW's new online Environmental Permit Information Management System (EPIMS), effective August 1, 2020. As CDFW transitions to EPIMS, CDFW will continue to accept paper notifications for Standard Agreements through August 31, 2020. All notifications for Standard Agreements received on or after September 1, 2020 need to be processed through EPIMS. For more information about EPIMS, or if you need help completing your online notification, please visit the CDFW's EPIMS website at: <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>*

From: Amador County Planning Department <planning@amadorgov.org>
Sent: Tuesday, October 27, 2020 1:01 PM
To: Chuck Beatty <cbeatty@amadorgov.org>
Subject: Project Application Referral - HideOut at Kirkwood

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Please see the attached application referral for a Zone Change and Use Permit for The HideOut at Kirkwood.

The application will be reviewed for completeness on **Thursday, November 12, 2020** at 3:00 PM by the Technical Advisory Committee, in the Board Chambers in the Amador County Administration Center, located at [810 Court St., Jackson, CA 95642](#).

Amador County Planning Department
[810 Court Street](#)
Jackson, CA 95642
(209) 223-6380
planning@amadorgov.org



D10 Rural IGR@DOT <d10.rural.igr@dot.ca.gov>

Nov 19, 2020, 9:33 AM



to Chuck, Lloyd@DOT, me

Mr. Beatty,

Thank you for the opportunity to review and comment on the Hoover's Hide Out Zone Change. After reviewing the project Caltrans has no comment at this time. If in the future there is any proposal to expand the facility please route the documents for Caltrans review.

Thank you,

Michael Casas

Caltrans District 10
Office of Rural Planning
Division of Planning, Local Assistance, and Environmental
1976 E. Dr. Martin Luther King Jr Blvd.
Stockton CA 95205
Telework # 1-209-986-9830

From: Amador County Planning Department <planning@amadorgov.org>

Sent: Tuesday, October 27, 2020 1:01 PM

To: Chuck Beatty <cbeatty@amadorgov.org>

Subject: Project Application Referral - HideOut at Kirkwood

EXTERNAL EMAIL. Links/attachments may not be safe.



Amador County Planning Department <planning@amadorgov.org> Nov 19, 2020, 9:48 AM



to D10, Lloyd@DOT

Thanks for the comments, Michael. Since this project has direct access to Highway 88, do you know if the current encroachment is permitted and/or adequate for the proposed use? I know we will be asked that question as the project moves forward.

Thanks again,

Chuck

Amador County Planning Department

810 Court Street
Jackson, CA 95642
(209) 223-6380
planning@amadorgov.org



D10 Rural IGR@DOT <d10.rural.igr@dot.ca.gov>

Nov 20, 2020, 2:41 PM



to me, D10, Lloyd@DOT

Hello Mr. Beaty,

Great question I will need to follow up with you next week regarding the encroachment for this project. As there is already an existing driveway and no proposal to expand the project at the moment other than a zone change I will need to check with our Encroachment Department to see if the current/existing driveway is sufficient for the current use.

Are they currently hosting events at the project site that was mentioned in the documents or are they proposing to have weddings and other events in the future?

Michael Casas



Clark, Lloyd@DOT <Lloyd.Clark@dot.ca.gov>

Nov 20, 2020, 3:49 PM



to D10, me

Hi Michael,

Thanks for keeping me in the loop with this project, as these types of encroachments seem to be problematic.

Thank s again,

Lloyd



Amador County Planning Department <planning@amadorgov.org> Nov 20, 2020, 4:01 PM



to D10, Lloyd@DOT

Michael, they are applying for a use permit to make legal the weddings and events that have been taking place for a few years. The zone change is required since the current residential/agricultural zoning doesn't allow the type or intensity of uses that are being conducted.

Thanks for looking into this for us.

Chuck

Amador County Planning Department
810 Court Street
Jackson, CA 95642
(209) 223-6380
planning@amadorgov.org



D10 Rural IGR@DOT <d10.rural.igr@dot.ca.gov>

Nov 24, 2020, 9:42 AM



to me

Chuck,

Will this zone change make the zoning a commercial property?

Michael



Amador County Planning Department <planning@amadorgov.or... Nov 24, 2020, 10:22 AM



to D10

Hi, Michael. The zone change to Planned Development (along with the conditional use permit) will allow the commercial use of the property for the large events with up to 200 people, 35 times a year. They would be able to accommodate parking for 130 vehicles, overnight indoor lodging for 20 people, and outdoor camping for 30 more. I hope this helps, let me know if you need more info.

Thanks,

Chuck



Planning Department <planning@amadorgov.org>

Project Application Referral - HideOut at Kirkwood

AFPD Headquarters <afpdhdq@amadorgov.org>
To: Amador County Planning Department <planning@amadorgov.org>
Cc: Patrick Chew <pchew@amadorgov.org>

Thu, Dec 3, 2020 at 4:23 PM

Annexation into the CFD applies. Thank you.

Nicole Cook
Sent from my iPhone

On Dec 3, 2020, at 16:12, Amador County Planning Department <planning@amadorgov.org> wrote:

[Quoted text hidden]
<Staff Referral Packet.HideOut.12-16-20 TAC.pdf>



The Hide Out Project:

2 messages

Anna Starkey <astarkey@auburnrancheria.com>
To: Amador County Planning Department <planning@amadorgov.org>

Fri, Dec 4, 2020 at 2:47 PM

Good afternoon,

Thank you for the notification for the Hide Out Project. The project area is potentially sensitive for tribal cultural resources with a medium to high potential for resources to be present. Will there be a cultural study conducted? If so, we request to review a draft copy of the report and photographs of the project area.

Thank you,

Anna

The United Auburn Indian Community is now accepting electronic consultation request, project notifications, and requests for information! Please fill out and submit through our website. Do not mail hard copy letters or documents.

<https://auburnrancheria.com/programs-services/tribal-preservation>



Anna M. Starkey, M.A., RPA
Cultural Regulatory Specialist
Tribal Historic Preservation Department | UAIC
10720 Indian Hill Road
Auburn, CA 95603
Direct line: (916) 251-1565 | Cell: (530) 863-6503
astarkey@auburnrancheria.com | www.auburnrancheria.com

Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-mail.

Amador County Planning Department <planning@amadorgov.org>
To: Anna Starkey <astarkey@auburnrancheria.com>

Wed, Dec 16, 2020 at 11:20 AM

December 16, 2020

Ms. Starkey,

Thank you for your interest in The Hideout use permit application. As part of the environmental review process, the lead agency (Amador County) will be requesting a cultural resources report once we have deemed the use permit application as complete. We will make sure that the United Auburn Indian Community receives a copy of the draft report upon submission. In the meantime, if you have any questions please feel free to contact me.

Thank you,
Chuck Beatty
Planning Director

Amador County Planning Department
810 Court Street
Jackson, CA 95642
(209) 223-6380
planning@amadorgov.org

[Quoted text hidden]



Hoover's Hide Out Caltrans response letter

1 message

Casas, Michael@DOT <Michael.Casas@dot.ca.gov>
To: Amador County Planning Department <planning@amadorgov.org>
Cc: "Ponce, Gregoria@DOT" <gregoria.ponce@dot.ca.gov>

Thu, Dec 10, 2020 at 9:22 AM

Hello,

Please find the attached Caltrans comment letter regarding the Hoover's Hide Out Zone Change 20:10-01 and Use Permit 20:10-02. Please let me know if you have any questions or comments regarding the letter. You can reach me at Michael.Casas@dot.ca.gov.

Kind regards,

Michael Casas

Caltrans District 10


Office of Rural Planning

Division of Planning, Local Assistance, and Environmental

1976 E. Dr. Martin Luther King Jr Blvd.

[Stockton CA 95205](#)

Telework # 1-209-986-9830

 **AMA-88-PM R57.542 Hoover's Hide Out ZC20-10-01 UP20-10-02_letter.pdf**
134K

DEPARTMENT OF TRANSPORTATION

DISTRICT 10
P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
PHONE (209) 948-7325
FAX (209) 948-7164
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

December 10, 2020

AMA-88-PM R57.542
Hoover's Hide Out
ZC20:10-01
UP20:10-02

Chuck Beatty, Director
Amador Planning Department
810 Court Street
Jackson, CA 95642

Dear Mr. Beatty:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the application for a Zone Change (ZC) 20:10-01 and Use Permit (UP) 20:10-02 for the Hoover's Hide Out. The facility is currently used for a vacation home (through VRBO); and on-site events including summer weddings, winter activities, and special events. The Hideout's peak season is June through October for summer vacations and events, and from January to April for winter activities and vacations. The peak season of June to October will accommodate up to two events per week for up to 35 events total per peak season. Large events such as weddings will have up to 130+ vehicles per event. The property is located at 43300 State Route (SR) 88, Assessor Parcel Number 026-060-018, and within the El Dorado National Forest on 40 acres of private land.

Caltrans has the following comments:

Traffic Operations:

- Senate Bill (SB) 743 is changing California Environmental Quality Act (CEQA) analysis of transportation impacts. It requires local land use projects to provide a safe transportation system, reduce per capita vehicle miles traveled (VMT), increase accessibility by mode share of bicycle, pedestrian, and transit travel, and reduce greenhouse gas (GHG) emissions. To support VMT reduction and statewide GHG reductions, Caltrans suggests public transit routes or private shuttle extended to and from the proposed facility.

Chuck Beatty
December 10, 2020
Page 2

- Land use change to this property may include commercial activities with direct access to this site from SR 88. Caltrans requires commercial standards for each driveway serving a commercial land use. Any new driveways, as well as any existing driveways if used as part of the proposed project, shall be built or upgraded to current Caltrans standards. See Highway Design Manual (HDM) Section 205 to ensure driveway entrance is built according to HDM Index 205.4 Driveways in Rural Areas.
- Standards are available online at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/> and at the District 10 Encroachment Permits Office.
- All work within Caltrans Right of Way (ROW) will require encroachment permits.

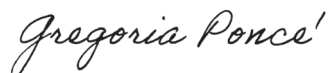
Encroachment Permit:

If any project activities encroach into Caltrans ROW, an application for an Encroachment Permit to the Caltrans Permit Office is required. Appropriate environmental studies must be submitted with the application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site. Please include CEQA documentation with supporting technical studies when submitting the Encroachment Permit. For more information please visit the Caltrans Website at;

<https://dot.ca.gov/programs/traffic-operations/ep/applications>

If you have any question or would like to discuss these comments, please contact Michael Casasat (209) 986-9830 (email: Michael.Casas@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,



Gregoria Ponce, Chief
Office of Rural Planning



Mary Ann Manges <mmanges@amadorgov.org>

Fwd: CUP Fire Department Comments The Hide Out

Chuck Beatty <CBeatty@amadorgov.org>

Wed, Dec 16, 2020 at 12:55 PM

To: Mary Ann Manges <mmanges@amadorgov.org>

For upload before today's TAC.

----- Forwarded message -----

From: **Patrick Chew** <pchew@amadorgov.org>

Date: Fri, Dec 11, 2020 at 3:02 PM

Subject: CUP Fire Department Comments The Hide Out

To: <whovrzu@comcast.net>, <justfit95@outlook.com>

Cc: Mike Israel <misrael@amadorgov.org>, Chuck Beatty <CBeatty@amadorgov.org>, Todd Barr <Tbarr@amadorgov.org>, Walter W. White <wwwhite@amadorgov.org>, Justin Yelinek <jyelinek@amadorgov.org>

Thomas/Josh, first I want to thank you Josh for the tour of your property a few weeks ago. I could see why everyone enjoys spending time at your place. Your place was obviously built with quality in mind. Unfortunately, the State codes and regulations even with mitigations and some flexibility still requires a minimum standard of safety. I have already discussed several of these items however; I have not yet received any proposal as to how you plan on meeting the State required code sections. The following shall be mitigated based on the application provided:

1. According to the California Fire Code, Section 503.1.1, all structures shall be within 150 feet from a fire department access road. An access road is defined in the International Fire Code of at least 20 clear widths within 150 feet from structures. If this cannot be met, mitigation shall be required subject to the approval of the fire department.

In order to meet the intent of this code provision, emergency pullouts shall be provided every 150 along the roadway to the facility. Pullouts shall be identifiable with signage and markings. Submit a detail plan to this department for approval.

2. The minimum required fire flow for the protection of this premise as a commercial use is 1,500 gallons per minute with 20 pounds residual water pressure for two hours in accordance with the adopted California Fire Code. This water supply is based that the structures being combustible construction and none of the buildings are protected by an automatic fire sprinkler system. A change in the conditions may alter the required fire flow.

Provide detail as to how this will be accomplished or an alternative plan as to how this will be mitigated.

3. In accordance with the California Fire Code, Section 903.1.2.1, all structures where the consumption of alcohol is in use and the determined occupancy load exceed 100 persons; the building shall be protected by an approved automatic fire sprinkler system subject to the approval of the fire department.

As discussed on the premise, there needs to be clear language that the two removable side walls will remain opened upon in use.

4. In accordance with Section 510 of the California Fire Code, emergency responder radio coverage is required regardless of locations and topography. Provide detail as to how emergency responders are to be contacted during an event at this location. A detailed emergency and evacuation plan shall be provided. Routine training shall be performed and documented for review from this department.

Provide documentation as to how this will be performed or an alternate communication method subject to the approval of AFD.

5. The facility management team shall develop a fire evacuation and safety plan in accordance with Section 404 of the California Fire Code. According to this section of the code, a minimum of one staff member identified as the Crowd Control Manager shall be responsible for contacting the emergency responders if an incident were to occur. The crowd control manager is also responsible to direct guests and first responders upon requests. A detailed plan including but not limited to records of routine drills and training shall be kept on the premises; and made available upon request from this department. Frequency of evacuation drills shall be in accordance with Section 405 of the CFC, 2019 Edition and Title 19, Division 1.

This was discussed several times but I have yet to have received any documentation.

6. As noted during my visit, all sleeping rooms shall be a placard indicating the egress route to the outside.

7. Smoke and Carbon dioxide detectors shall be installed in each bedroom and along the bedroom hallways. Smoke detectors shall be inter-connected as well as the CO detectors.

8. A sign shall be posted in any buildings used for sleeping purposes indicating 10 occupancy maximum per structure.

9. A hood ventilation system shall be installed above all cooking appliances.

10. Provide a method as to how the above ground propane tanks will be protected against moving objects, such as, vehicles.

11. Additional fire safety measures shall be in place if any events were to exceed the permitted occupancy from the County. Example of one would be a fire watch by one of our engine companies during the event. A permit shall be issued by AFD for this special use permit.

--

Patrick Chew
Deputy Fire Marshal
Amador Fire Protection District
810 Court Street
Jackson, CA 95642
Cell 209-304-2250
Office 209-223-6391
Fax 209-223-6646
www.amadorfire.org

John R. Munn, Jr.
2811 Almeria St., Davis, CA 95616
530-753-7529 phone & fax

December, 2020

To: Amador County Technical Advisory Committee (ACTAC)
Attn: Members
810 Court Street
Jackson, CA 95642

Re: Hideout – Item #3 on December 16, 2020 Meeting Agenda

Dear ACTAC Members:

I have the following observations about comments available for public review under Agenda Item 3 for the December 16, 2020, meeting of the Amador County Technical Advisory Committee (ACTAC). These are in addition to my earlier comments included in the Staff Referral Packet for this meeting that, among other things, describe how access to the Hideout crosses my property.

Mr. Hoover has been directed by the Amador County Board of Supervisors to make these Planned Development and Use Permit requests because current use of the Hideout does not comply with its R1A zoning. The Amador County Planning Department and Board of Supervisors have been aware of zoning and code violations related to use of the Hideout for several years, but they have chosen not to enforce these violations while the Hideout continues to operate as a commercial venue.

I am not opposed to the proposed use. However, I am opposed to assumptions about use of the easement across my property. As I have mentioned several times, what is done at the Hideout is not my business, it is getting there and back that is creating problems for me.


The comment letter from Caltrans does not address obtaining an encroachment across the Caltrans owned right of way of an access controlled highway, as explained in my earlier letter to the ACTAC. Access control along this segment of Highway 88 has been confirmed in a response from Caltrans.

The letter from the California Department of Fish and Wildlife contained in the Staff Referral Package covers the agency's concerns about the Corral Flat Creek crossing. What is not mentioned is that this unapproved crossing was built over an existing ford without my knowledge or consent and now prevents approval for my use of this non-exclusive easement for timber operations.

I have proposed solutions for these easement problems, but have not received a reply. Also, comments from the Auburn Rancheria are listed in the electronic notice that I received, but they could not be viewed.

I don't know if these comments are "completeness" issues for purposes of the ACTAC review, but they need to be included and considered to provide context for comments by public agencies that might otherwise be cited as a complete list of agency requirements.

Sincerely,



John R. Munn, Jr.



Mary Ann Manges <mmanges@amadorgov.org>

Fwd: CUP Fire Department Comments The Hide Out

Chuck Beatty <CBeatty@amadorgov.org>

Wed, Dec 16, 2020 at 12:56 PM

To: Mary Ann Manges <mmanges@amadorgov.org>

And this response, too.
Thanks!

----- Forwarded message -----

From: **Patrick Chew** <pchew@amadorgov.org>

Date: Wed, Dec 16, 2020 at 12:50 PM

Subject: Fwd: CUP Fire Department Comments The Hide Out

To: Chuck Beatty <CBeatty@amadorgov.org>, Todd Barr <Tbarr@amadorgov.org>, Mike Israel <misrael@amadorgov.org>

Tom responded yesterday but didn't send his comments to all.....Pat

----- Forwarded message -----

From: **Tom Hoover** <whovrzu@comcast.net>

Date: Tue, Dec 15, 2020 at 11:17 AM

Subject: Re: CUP Fire Department Comments The Hide Out

To: Patrick Chew <pchew@amadorgov.org>, Mike Israel <misrael@amadorgov.org>, Josh <hoovershideout@hotmail.com>

Morning Pat

In review of your recent comments and proposed conditions and after talking to Mike Israel we felt that it would be helpful if I sent you some additional information.

item 1. We have been working on the road for many years now trying to provide either 20 foot wide access or a turn out to accommodate emergency flow. County public works department has reviewed the road in the past and recommended turn outs every 300 to 500 feet, your comment requiring a turn out every 150 feet is something new to us, but since we were planning to widen the road to 20 feet through majority of the road and turn outs where it is not possible, we feel we can meet this requirement with majority of the road at a 20 foot width and turnouts to accomplish the rest, and continue to improve the road to 20 feet over time.

Item 2-fire flow of 1500 gallons per minute.

Since we have millions of gallons of water next too or very close to the main structures we have always thought that that would be our main source of water during a fire emergency. If we need to upsize or lengthen the pipes out of the lake for easier access and more

coverage that is something that we we could accomplish to achieve the flow as you're requiring.

item 3-concerning the barn or Dancehall as we call it and the movable side panels, please note that we have never closed all the doors completely and there are two emergency exits built into each side of those sliding panels, so even if they were completely closed we would have three exits from the building. If the fourth exit on the far end was required we could easily build another doorway on that end of the building to give four Emergency exits.

Item 4- concerning emergency communications, as we've noted we have phone service available as well as radio contact with both law-enforcement and fire fighting agencies. An evacuation plan can be developed And training provided.

Item 5.- again emergency plans drills and training can easily be incorporated into staffs education and continued education.

Item 6.-Your comments concerning evacuation plans or egress from bedrooms and a map or card can be installed for each bedroom.

Item 7.- concerning smoke and carbon dioxide detectors, presently the lodge has them installed and are interconnected, the saloon has them installed though they are not interconnected.

Item 8.- maximum occupancy signs can be installed in each building.

Item 9.-Hood vents can be installed above the cooking stoves.

Item 10.-concerning the propane tanks and their protection, steel posts can be installed in front of them to prevent anyone driving into them.

Item 11.-we are OK with additional safety measures added should we exceed capacity requirements.

I hope this helps as we move forward.

Thank you

Tom Hoover

Sent from my iPhone

On Dec 11, 2020, at 3:02 PM, Patrick Chew <pchew@amadorgov.org> wrote:

[Quoted text hidden]



Letter to Amador County Planning Commission Members

3 messages




John Munn <jrmunn@sbcglobal.net>
To: planning@amadorgov.org

Sun, Mar 14, 2021 at 3:44 PM

Please forward the attached letter and enclosures to Members of the Amador County Planning Commission. I heard that the Hoovers' zoning change application for the Hideout parcel had been forwarded to the Planning Commission by the Amador County Technical Advisory Committee, and didn't want to lose my opportunity to comment if I missed the announcement of this item being heard by the Commission. I am sending an original of this letter to the Commission and copies to the Amador County Board of Supervisors and to the Amador County Planning Department. Please let me know if you have any questions.

John Munn

3 attachments

-  **20210314 Ltr to ACPC re Hideout.pdf**
100K
-  **20201013 Caltrans Access Ltr.pdf**
82K
-  **20200720 DFW NOV to Hoover.pdf**
2385K

Amador County Planning Department <planning@amadorgov.org>
To: John Munn <jrmunn@sbcglobal.net>

Mon, Mar 15, 2021 at 10:45 AM

Mr. Munn, I'll forward these documents to the Planning Commission, as requested. The Commission currently has a vacant seat and I'll make sure the new appointee receives the documents when the seat is filled. Please note that this project is still under review and the Technical Advisory Committee hasn't discussed it since December, 2020.

Thanks,
Chuck Beatty
Amador County Planning Department
810 Court Street
Jackson, CA 95642
(209) 223-6380
planning@amadorgov.org

[Quoted text hidden]

John Munn <jrmunn@sbcglobal.net>
To: Amador County Planning Department <planning@amadorgov.org>

Mon, Mar 15, 2021 at 1:21 PM

Chuck – I heard the ACTAC had forwarded the zoning application to the ACPC as complete. If this isn't correct, I apologize, but might as well let the letter go ahead – especially since I have already mailed the hard copy and cc's. I expect that the ACTAC submission will be Tom Hoover's activity on this for the year unless something prompts further action, in which case my letter expresses my concerns. Hope all is going well for you. John Munn

[Quoted text hidden]

John R. Munn, Jr.
2811 Almeria St., Davis, CA 95616
530-753-7529 phone & fax

March 14, 2021

To: Amador County Planning Commission Members
Amador County Administration Center
810 Court Street
Jackson, CA 95642

Re: Hoover Hideout Zoning Change Proposal

Dear Commission Members:

I heard that the Amador County Technical Advisory Committee (ACTAC) has forwarded for your review a zoning change application by Thomas and Barbara Hoover for their Hideout parcel from R1A to Planned Development with a Use Permit. My comments about this follow now so that I don't miss the opportunity to send them while busy with future work.

Travel to the Hideout requires crossing an easement on property that I own. The Hoovers are one of several holders of this non-exclusive easement. My property is adjacent to Highway 88 and includes three deeded access points, which are at locations different from the one used by the Hoovers. In this area, Highway 88 is a "controlled access" highway.

The ACTAC forwarded the Hoovers' zoning change application as complete. However, there are several issues about access to, use of, and development of the Hideout that I hope you will consider.

The letter from Caltrans to the ACTAC about the Hoovers' application does not mention that the easement entry constructed by Mr. Hoover is not approved for access to Highway 88. For your information, I have enclosed a letter that I sent to Caltrans in October of 2020 asking about this access issue. In their reply, Caltrans states that "our record mapping of the area in and near your [meaning my] property found no supporting documentation that would allow access to SR88 to your property at this location", which is the same post mile location listed in the Hoovers' repaving permit, described below, for this entry. The shortest distance from one of my deeded access points to the Hoovers' easement entry is approximately 700 feet. Therefore, it appears that the Hideout's current access to Highway 88 is not approved.

The Hoovers' did obtain a repaving permit from Caltrans in 2006. This permit erroneously states that the project was located at a "break in the controlled access highway". It also states that there would be "No change in use". However, the proposed zoning change would justify and continue the large increase in traffic using this entry from Highway 88 and the easement to get to commercial events. Approving this zoning change would clearly sanction a "change in use" of an already illegal entry that affects my property and creates liability that I do not want.

Also, Mr. Hoover has yet to comply with a Department of Fish and Wildlife (DFW) notice requiring him to remove an illegal stream crossing that he constructed without notice or a permit over the creek flowing from the Corral Flat and Podesta meadows. Again for your information, I have enclosed a copy of the letter from DFW that includes this notice. Therefore, the Hoovers' access to the Hideout relies on an unapproved stream crossing on my property that is required to be removed and for which I do not want either the liability or its interference with the transport of timber products from my property, since DFW approval is needed for such use.

In addition, the Hideout is located approximately two miles from Highway 88 at the end of a dead-end roadway. Section 1273.00 of the State's SRA Fire Safe Regulations requires that roads, whether public or private, shall provide safe access for emergency wildland fire equipment and civilian evacuation concurrently. Section 15.30.090 of the Amador County Code states that "Roads, streets, private lanes" means vehicular access to any commercial occupancy, where "occupancy" is defined as "the purpose for which a building, or part thereof, is used or intended to be used." And Section 15.30.210 of the Amador County Code, adopting the same standard as the State of California, requires that the maximum length of a dead-end road to a parcel larger than 20 acres cannot exceed one mile, which means that the Hideout is approximately twice the distance from Highway 88 as is allowed for commercial operations. Therefore, commercial use at the Hideout is prohibited by both the Amador County Code and State Fire Safe Regulations, and any zoning designation that permits commercial operations is not appropriate at this site for apparent safety reasons.

The Hoovers' also relied on R1A zoning for construction standards at the Hideout while advertising for and conducting commercial operations. This has been known by the Amador County Planning Department since at least 2016, but commercial use has continued. Since approval of the proposed zoning change would set a precedent for others in Amador County to legalize nonconforming uses after the fact, the Hoovers' should not be rewarded with a zoning change to accommodate their commercial uses developed under residential zoning.

In addition to work that the County is now requiring on parking and environmental health issues created by commercial use, existing permits need to be checked to ensure that all Hideout buildings have permits and comply with standards for commercial use and for food and alcohol service.

Considering the described highway access and stream crossing problems, County Code and State Fire Safe requirements, lack of zoning observance, and greatly increased traffic through a forested and very rural area, I recommend that you do not approve the Hoovers' proposed zoning change for the Hideout parcel and that activities at the Hideout be restricted to uses permitted by its current R1A zoning, which existed before and during building of the Hideout.

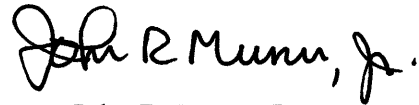
If, despite my concerns, you decide to move ahead with the Hoovers' zoning change request, I recommend that mitigations to lessen traffic, access, and liability problems be added to the required Use Permit so that the Hoovers, their heirs, and successors shall be required to do the following:

1. Meet all regulatory requirements for and maintain and be responsible for access, the roadway travel surface, and stream crossings on the easement over my property used by their visitors and by all those attending their events.
2. Identify hazard trees within the easement on my property and, with my approval, cut and remove both wood and slash.
3. Along with their guests, visitors, invitees, licensees, and all other persons travelling to and from the Hideout parcel, be confined to the mapped easement corridor and the area added in the "Second Easement Modification Agreement" recorded on January 31, 2014.

4. Be responsible for keeping such persons as covered in item number 3, above, on the roadway and for all damage such persons may cause to my property.
5. Take full responsibility for all liability in connection with use of the roadway to the Hideout and hold me, as owner of the land underlying the easement, harmless, and defend and indemnify me from all claims related to that use, including injury, damage, and regulatory enforcement.
6. Notify me ten (10) days before conducting any work on the roadway involving equipment of any kind, and of the opening and closing dates for use of the roadway by persons under the Hoovers' auspices as covered in item number 3, above.
7. Keep a gate or cable at Highway 88 locked at all times when the roadway is not in use, locking my lock, which I will provide, into the loop with Hoovers' lock at all times the gate or cable is locked.

Finally, please let me know what the Commission decides about the Hoover's zoning change application. If it is moving ahead in any way, I want to know what is included in the required Use Permit prior to approval.

Sincerely,



John R. Munn, Jr.

Cc: Amador County Board of Supervisors
Amador County Planning Department

John R. Munn, Jr.
2811 Almeria St., Davis, CA 95616
530-753-7529 phone & fax

October 13, 2020

To: Mr. Dennis Agar, Caltrans District 10 Director
1976 E. Dr. Martin Luther King Jr. Blvd.
Stockton, CA 95205

Re: Access to Highway 88

Dear Mr. Agar:

I am writing to find out if Caltrans knows of any deed, agreement, or permit for access to Highway 88 at or close to post mile 57.55R? I am not referring to access points described in a deed between George Allen and the State of California in 1961. Instead, this is at the intersection of an easement that is south and east of Highway 88 and was granted to Dean Kennedy in 1997 by previous property owners. It is visible on Google Earth images. The deed for this easement was signed by the previous owners, but was not signed by anyone representing the adjacent right-of-way owned by the State of California. I acquired this property in 2014; and if the State has approved access for the easement granted to Mr. Kennedy, I would like to get a copy of, or at least a reference to, the document providing access.

When the right-of-way for Highway 88 in this area was granted by George Allen (the grantor) to the State of California (the grantee) in 1961, the deed specified that:

This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to said freeway.

Excepting and Reserving, however, to the grantor, his successors or assigns, the right of access to the freeway over and across courses numbered twelve (12), eighteen (18), twenty-five (25) and thirty (30) of the above described 25.69 acre parcel of land.

The courses referred to above include three 20 foot wide access points along the boundary of my property. Since then, the classification of this part of Highway 88 has been changed from a "freeway" to an access controlled highway. However, none of the access points identified above coincide with the Highway 88 intersection of the easement granted to Mr. Kennedy, and I have not been able to locate any document either changing the location of these deeded access points or granting an additional access point.

In 1985, I inquired about a driveway encroachment for property on the other side of Highway 88 from the easement granted to Mr. Kennedy. This would have provided both more convenience and better sight distance than the existing entrance. My request was denied with the following statement contained in a letter from Mr. John R. Sandman, who was then the Caltrans Acquisition Branch Chief:

We are most apologetic for conveying to you the impression that access could be established directly from your property to Highway 88. Access control is something that we jealously protect in spite of the many requests we receive similar to yours.

If this policy has changed, I remain interested in gaining access for the property I was asking about in 1985.

Caltrans did approve a temporary encroachment permit for "repaving" at the intersection of Highway 88 with the easement granted to Mr. Kennedy. This permit (No. 1006-6RM-0634, a copy obtained from a Caltrans public records search is enclosed) states that there would be "No change in use of the existing break in this access controlled highway." However, the location of this repaving project was not included as one of the access points in the 1961 deed, which were paved, and the State Highway Map included with the permit does not contain the permitted project location. Instead, the map included with the repaving permit highlights one of the access points listed in the 1961 deed that is located approximately 1300 feet south of the permitted repaving project. I was also surprised that the State Highway Map included with the permit was stamped as coming from the Eldorado National Forest instead of a Caltrans copy. I have not been able to determine whether this map and photos that were enclosed with the permit were provided by Caltrans or by the project submitter.

As stated above, please let me know if there is any deed, agreement, or permit for access across the State of California owned right-of-way to Highway 88 at or close to post mile 57.55R, and whether there is now a process to provide a driveway encroachment or access across the State of California right-of-way on an access controlled highway.

Sincerely,



John R. Munn, Jr.



Fwd: Hideout -disgusting show of favoritism and looking the other way

Chuck Beatty <CBeatty@amadorgov.org>
To: Planning Department <planning@amadorgov.org>

Tue, Nov 23, 2021 at 1:08 PM

----- Forwarded message -----

From: **katherine mokeriver.com** <katherine@mokeriver.com>

Date: Tue, Nov 23, 2021 at 10:36 AM

Subject: Hideout -disgusting show of favoritism and looking the other way

To: Chuck Iley <ciley@amadorgov.org>, Gregory Gillott <ggillott@amadorgov.org>, Glenn Spitzer <gspitzer@amadorgov.org>, Chuck Beatty <cbeatty@amadorgov.org>

I am on the phone for the Zoom this am and couldn't raise my hand (apparently) to comment on The Hideout.

Why can't y'all or won't y'all enforce the county code re The Hideout? There is no reason to entertain a zone application for a project that is clearly not legal under the road limitations in county code. It's not up to the planning staff or planning commission to determine whether a road complies with code or not. And the state law re road access is irrelevant if the county code is stricter.

Everyone watching this issue knows it's because of who the applicant is and the fact that the county likes him and that business.

It's disgusting that 3.5 years after the BOS telling Hoover he has to come into compliance, he is still whining and stringing you along. Check out the guy's prices. He has plenty of ability to hire someone to complete that application timely -- and hasn't, b/c he knows his place isn't legal and you'll let him continue to operate it while he rakes in the \$\$.

<https://hideoutkirkwood.com/weddings/>

It took engines 40 min to respond to a fire very close to The Hideout last summer on a very slow emergency night. People are going to die up there one day -- and it'll be on your hands.

I am so tired of government on the friends and family plan. If you folks had any integrity, you'd all resign.

Katherine

--

Chuck Beatty, AICP
Planning Director
Amador County
209-223-6380



AMA-88-PMR57 Zone Change (ZC) (UP20) Hoovers Hide Out

1 message

Bauldry, Paul@DOT <paul.bauldry@dot.ca.gov>
To: Amador County Planning Department <planning@amadorgov.org>
Cc: "Ponce, Gregoria@DOT" <gregoria.ponce@dot.ca.gov>

Tue, Mar 1, 2022 at 1:31 PM

Hello Mr. Beatty,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Hoover's Hide Out application for a Zone Change 20:10-01 and Use Permit 20:10-02. The property is located at [43300 State Route \(SR\) 88](#) and within the El Dorado National Forest on 40-acres of private land. The Assessor's Parcel Number is 026-060-018.

The proposed Zone Change and Use Permit would only apply to the 40-acre parcel and allow the following:

- Zone Change Application is for the facility currently used for a vacation home (through VRBO); and on-site events, including summer weddings, winter activities, and special events.
- The Hideout's peak season is June through October for summer vacations and events, and from January to April for winter activities and vacations.
- The peak season of June to October will accommodate up to two events per week for up to 35 events total per peak season.
- Large events such as weddings will have up to 130+ vehicles per event.

Caltrans previously commented on this project on December 10, 2020.

Based on the current project description, Caltrans has no additional comments at this time. However, Caltrans requests to be included in the review process for the commercial driveway improvements or any other further development.

Thank you.

Paul Bauldry

Caltrans District 10

Office of Rural Planning

Division of Planning, Local Assistance, and Environmental

1976 E. Dr. Martin Luther King Jr Blvd.

[Stockton CA 95205](#)

Telework # 209.670.9488



**AMADOR COUNTY
BUILDING DEPARTMENT**

County Administrative Center
810 Court Street
Jackson, California 95642
Telephone: (209) 223-6422
Facsimile: (209) 223-6637
Website: www.co.amador.ca.us

Address: 43300 Hwy 88, Kirkwood, CA (the 'Kirkwood Hoover Hideout')

Parcel Number: 026-060-008-000

Subject: Potential code issues related to proposed changes in Uses/Occupancies

The original permit for this property, permit number 21414 (see below), was issued on 08/13/1999 and finalized on 12/07/2006 for a Detached Single Family Residence. The subsequent permits for this property were for a residential addition and an accessory building (see below).

According to a complaint and verified by website advertising and other internet information (see links below) the property is no longer being used as an R-3 Single Family Residence, but is instead being used as an R-1 Residential/Hotel type occupancy containing sleeping units where the occupants are primarily transient in nature (less than 30 days), and an A-2 Saloon.

2013 California Building Code Section 3408 states that no change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies unless such building is made to comply with the requirements of this code for such division or group of occupancies.

Since there was no permit submitted for the change of use that has occurred on this property, and the structures have not been approved for the current uses, the property is currently in violation of the California Building Code.

It is the responsibility of the owner to hire a design professional to study the existing site and structures in order to perform a code analysis to determine what scope of work is necessary in order to bring the property into compliance with the currently adopted codes, to submit that information along with a permit application and any other required documentation and to pay the appropriate fees for permitting, at which time a plan review shall be performed by the Building Department and other departments as applicable, plan review comments may be made and revisions or additional information may be required, and finally a building permit may be issued for the construction work that is required in order to bring the property into compliance with the applicable codes for the proposed uses.

Without seeing the site myself and without the benefit of a code analysis submittal from the applicant I cannot accurately determine the scope of work that will be necessary in order to bring this property into compliance with the current uses. Some of the *possible* issues with such changes in occupancies are listed below, this list is not comprehensive and is intended to be used for reference only. A comprehensive and project specific code analysis from the applicant will be required in order to determine the required scope of work. Other County Departments may have additional requirements.

R-1 Residential/Hotel and A-2 Saloon/Bar Occupancies may require, but are not limited to, upgrades or corrections to the following as applicable:

Handicapped accessibility requirements including parking, accessible routes throughout the site and all facilities, and accessible sleeping rooms as required, and accessible means of egress

General building height and area requirements, fire-resistance rated separations of occupancies and separation of sleeping rooms, etc.

Requirements pertaining to the construction types (types I & II non-combustible materials only, type III exterior walls non-combustible, type IV heavy timber, or type V any materials permitted by code)

Materials and methods for exterior wildfire protection (Chapter 7A requirements from SFM)

Interior finish requirements (flame spread index and smoke developed index for wall and ceiling finishes, etc.)

Fire protection systems: smoke/CO alarms, fire alarms and automatic fire extinguishing systems as applicable

General means of egress requirements including but not limited to: egress sizing (width) requirements, means of egress illumination, emergency lighting requirements, doors and door hardware requirements, stairways, handrails, guardrails, ramps, exit signs, exit access, intervening spaces, multiple tenants, exit travel distance, corridors, number of exits, luminous egress path markings, and exit discharge, access to public way or areas of safe dispersal requirements

Emergency escape and rescue requirements for sleeping rooms (window clear opening size & location)

Interior environment requirements (ventilation, lighting, temperature control, interior dimensions, etc.)

Energy efficiency requirements (HVAC systems, windows, building envelope, etc.)

Structural design, structural tests and special inspections, soils, foundation, & site grading general requirements

Glass and glazing, hazardous locations (safety glass requirements)

Mechanical, electrical and plumbing systems (general requirements)

General swimming pool requirements (pool enclosure, pool structure, steps, ladders, decks, diving boards, lighting, signs, pool equipment enclosures, etc.) & hot tub requirements (aeration/jet systems, operating temperature, area & depth, emergency shut-off switch, etc.)

Permit Number 21414, issued 08/13/1999, finalized 12/07/2006, Detached Single Family Residence

Type: BLD_HIST Vers: 1 Building History Convert Sub-Type: RES-SFDD (Activity)

Permit #: 21414 Address: 43300 STATE HIGHWAY 088
Status: FINALED APPLICANT: HODDVER THOMAS R & BARBARA
Date: 03/16/2001 Back Stop

Screen Fees Doc Insp Loc People Desc I/H/N

Events
Trust Accounts

General Information - Building History

Permit Status: FINALED Permit #: 21414 Update Egit Back
Sub Type: RES-SFDD Supervisorial Dist: 3

Parcel Number: 026-060-008-000
Name:
Address: 43300 STATE HIGHWAY 088
Scope of Work: SINGLE-FAMILY HOUSE (DETACHED)

Bedrooms: 6 # Stones: 2.0
Acres: 40.00 Value: \$298,797
Fire District: AFPD Climate: 16
CDF Zoning: R1A Report Flag:
Census: 101 Zoning: R1A
Public/Private: PRIVATE NSFD(Y/N):
Subdivision(Title): POR SEC22 T9N R16E NW1/4 OF S
Occupant: R3

Comments:

*** DATES ***
Issue: 08/13/1999
First Insp Date: 08/17/1999
Finalized: 12/07/2006
Expired: 06/06/2007
Cancelled: / /

*** Square Footage ***
Sq.Ft. Garage: 0
Sq.Ft. Deck: 546
Sq.Ft. Basement: 0
Sq. Ft. Living Space: 5,663
Miscellaneous Sq.Ft.: 0
Other Sq.Ft.: 0

Permit Number 23447, expired, detached bldg – rec room, residential addition

Type: BLDG Vers: 1 Combination Bldg Permit Sub-Type: RESADD (Activity)

Permit #: 23447 Address: 43300 HWY 88 KIRK
 Status: EXPIRED OWNER: HOOVER THOMAS R & BARBARA JEAN
 Date: 06/01/2001 Back Stop

Val Screens Fees Doc Insp People Desc Cond OK Appr Loc L/H/N Relate Events Images OfficeL

General Application Information

-----BUILDING GENERAL INFORMATION SCREEN-----

Status of Permit: EXPIRED Inspector / Plan Checker: _____

Contractor: OWNER Supervisory District: 3 Permit #: 23447

Building Type: RESADD Residential Addition

Waive Fees - (Y/N): N Valuation: \$99,179.50

Owner: HOOVER THOMAS R & BARBARA JEAN

Parcel No: 026-060-008-000 Zoning: R1A

Address: 43300 HWY 88 KIRK

Scope of Work: Detached building - Rec Room

Bedrooms: 0 Stories: 2.0 Occ. Group: R3/U1

Lot Acres: 0.00 Flood Zone: X

Fire District: _____ Climate Zone: _____

----- C-404 Census Report Data -----

C-404 Class Code: 434 Add/Alter Residential

of Bldgs: 1 # of Units: 0

Public Owned (Y/N): N

-----Info To Print On Permit-----

Sewage Disposal: SEPTIC

Permit No: 08455 Finaled (Y/N): N

Water Supply: WELL Finaled (Y/N): N

Water District: _____

Use Permits (Y/N): N Rd Encroachment (Y/N): N Code Sprinkled (Y/N): N

Notes: 1530 OK @ FINAL/PC BY WEATHERBY

-----KEY DATES-----

Date Applied: 06/01/2001

Plan Check Completed: 07/16/2001

Applicant Notified: 07/16/2001

Plan Ck Expires: 01/12/2002

Notified of PC Expires: / /

Notified/Approved: 07/16/2001

Permit Issued: 07/17/2001

Permit Finaled: / /

Permit Expires: 04/30/2006

Cert of Occ Issued: / /

Cancelled: / /

Withdrawn: / /

-----Adjusted Square Footage-----

Habitable Space: _____

Garage: _____

Deck: _____

Permit Number 25839, finalized, accessory building

Type: BLDG Vers: 1 Combination Bldg Permit Sub-Type: ACCBLDG (Activity)

Permit #: 25839 Address: 43300 HWY 98 KIRK
 Status: FINALED OWNER: HOOVER THOMAS R & BARBARA JEAN
 Date: 05/05/2003 Back Stop

Val Screen Fees Doc Insp People Desc Cond OK Appr Loc U/H/N Relate Events Images OfficeL

General Application Information

====BUILDING GENERAL INFORMATION SCREEN====

Status of Permit: FINALED Inspector / Plan Checker: BR
 Contractor: OWNER Supervisory District: 3 Permit #: 25839
 Building Type: ACCBLDG (Accessory Buildings) =====KEY DATES=====
 Waive Fees - [Y/N]: N Valuation: \$4,456.00 Date Applied: 05/05/2003
 Owner: HOOVER THOMAS R & BARBARA JEAN Plan Check Completed: 06/20/2003
 Parcel No: 0264SD-008-000 Zoning: R1A Applicant Notified: 06/20/2003
 Address: 43300 HWY 98 KIRK Plan Ck Expires: 12/17/2003
 Scope of Work: 1 ACCESSORY BUILDING Notified of PC Expires: / /
 Bedrooms: 0 Stories: 1.0 Occ. Group: U1 Notified/Approved: 06/25/2003
 Lot Acres: 0.00 Flood Zone: Permit Issued: 06/25/2003
 Fire District: AFPD Climate Zone: Permit Finalized: 11/03/2005
 Permit Expires: 05/02/2006
 C-404 Census Report Data
 C-404 Class Code: 328 Nonresidential Bldgs
 # of Bldgs: 1 # of Units: 0
 Public Owned [Y/N]:
 Ceit of Occ Issued: / /
 Cancelled: / /
 Withdrawn: / /

====Info To Print On Permit====

Sewage Disposal: EXISTING Habitable Space:
 Permit No: Finalized [Y/N]: Garage:
 Water Supply: EXISTING Finalized [Y/N]: Deck:
 Water District:
 Use Permits [Y/N]: Rd Encroachment [Y/N]: Code Sprinkled [Y/N]:
 Notes: 1530 REQUIREMENTS

====Adjusted Square Footage====

Permit Number 25840, cancelled, accessory building, noted "never built"

Type: BLDG Vers: 1 Combination Bldg Permit Sub-Type: ACCBLDG (Activity)

Permit #: 25840 Address: 43300 HWY 88 KIRK
 Status: CANCEL OWNER: HOOVER THOMAS R & BARBARA JEAN
 Date: 05/05/2003 Back Stop

Val Screen Fees Doc Insp People Desc Cond OK Appr Loc L/H/N Rele Events Images OfficeL

Events
Trust Accounts

General Application Information

====BUILDING GENERAL INFORMATION SCREEN====

Status of Permit: CANCEL Inspector / Plan Checker: BR
 Contractor: OWNER Supervision District: 3 Permit #: 25840
 Building Type: ACCBLDG Accessory Buildings
 Waive Fees - [Y/N]: N Valuation: \$7,450.00
 Owner: HOOVER THOMAS R & BARBARA JEAN
 Parcel No: 026-060-008-000 Zoning: R1A
 Address: 43300 HWY 88 KIRK
 Scope of Work: [X] ACCESSORY BUILDING
 Bedrooms: 0 Stories: 1.0 Occ. Group: U1
 Lot Acres: 0.00 Flood Zone:
 Fire District: AFPD Climate Zone:
 C-404 Census Report Data
 C-404 Class Code: 328 Nonresidential Bldg
 # of Bldgs: 1 # of Units: 0
 Public Owned [Y/N]:
 Info To Print On Permit
 Sewage Disposal: EXISTING
 Permit No.: Finaled [Y/N]:
 Water Supply: EXISTING Finaled [Y/N]:
 Water District:
 Use Permits [Y/N]: Rd Encroachment [Y/N]: Code Sprinkled [Y/N]:
 Notes: 1530 11/1/05 never built

====KEY DATES====
 Date Applied: 05/05/2003
 Plan Check Completed: 06/20/2003
 Applicant Notified: 06/20/2003
 Plan Ck Expires: 12/17/2003
 Notified of PC Expires: / /
 Notified/Approved: 06/25/2003
 Permit Issued: 06/25/2003
 Permit Finaled: / /
 Permit Expires: 12/22/2003
 Cert of Occ Issued: / /
 Cancelled: 11/01/2005
 Withdrawn: / /

====Adjusted Square Footage====
 Habitable Space:
 Garage:
 Deck:

Update + Exit Back

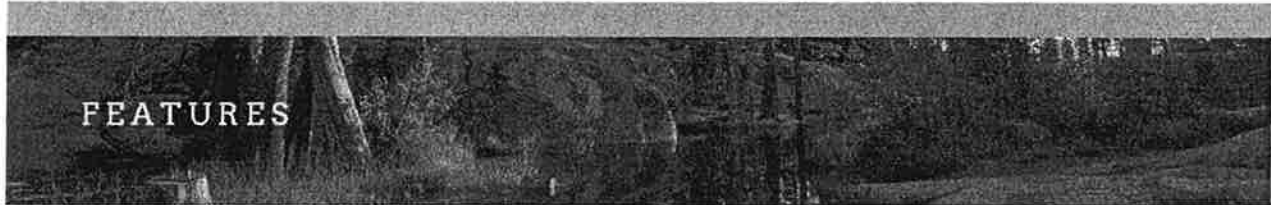
Website links:

<https://www.facebook.com/THE-HideOut-146510612028138/>

<http://hideoutkirkwood.com/>

<https://www.vrbo.com/235960>

<https://www.yelp.com/biz/the-hideout-kirkwood>



- 40 Acres of Pristine Mountain Landscape
- Lake-front 5,000 sq ft Lodge
- Old West Saloon
- 30' x 70' enclosed barn
- 7 Rooms + Loft, 6.5 Baths total. Sleeps 16-20
- Kitchens, BBQ's & Bar
- Heated 30-person Natural Granite Hot Tub
- Private Lake, Rivers & Streams
- Rehearsal Dinner, Ceremony & Reception Sites
- Tables & Chairs for up to 200 People*
- Wedding Events Center Building
- No Curfew & Limited Restrictions
- Pet Friendly for friendly pets
- Fully Customizable to Your Needs
- WiFi Accessible
- PA Systems
- 18' x 24' Lighted Dance Floor
- Patio Outdoor Heaters
- Onsite Parking
- Small RV & Tent Camping (limited)
- Secluded Setting
- Expansive Meadows & Mountain Views