



Planning Department &lt;planning@amadorgov.org&gt;

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**public comment for Amador Planning Commission meeting on 5/9/23**

2 messages

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**Sarah E Tomaszewski Farias** <farias@ucdavis.edu>  
To: "planning@amadorgov.org" <planning@amadorgov.org>

Mon, May 8, 2023 at 9:06 PM

Please find attached, public comment and associated appendix along with a picture below of the property in question that is being considered for development (view from our property).

Thank you for your consideration. We also plan to attend the hearing in person tomorrow

Sincerely, Sarah and Dana Farias



Sarah Tomaszewski Farias, Ph.D., ABPP-CN

University of California, Davis

Professor, Department of Neurology

Section Chief, Cognitive and Behavioral Neurology

Director, California Alzheimer's Disease Center, UC Davis - Sacramento

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**2 attachments**

 **objections to Allswell estates.docx**  
30K

 **Appendix.docx**  
32K

**Amador County Planning Department** <planning@amadorgov.org>  
To: Sarah E Tomaszewski Farias <farias@ucdavis.edu>

Tue, May 9, 2023 at 8:10 AM

Received, thank you.

Amador County Planning Department  
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Jackson, CA 95642  
(209) 223-6380  
[planning@amadorgov.org](mailto:planning@amadorgov.org)

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## Appendix: Response to the environmental impact report

This letter is in response to the Allswell Ranch Estates proposal currently undergoing environmental review. The proposed project, as described in the California Environmental Quality Act Initial Study, is identified only as, 'tentative subdivision map #187 for Allswell Ranch Estates' and is described under Site Characteristics as, "a single ±61.27-acre legal parcel characterized by rolling hills and an Oak Woodland covering approximately 59% of the current parcel. Current use of the property is vacant with an agricultural building located on proposed parcel 5." The map on page 6 of the Initial Study depicts the proposed parcel split, from one, ±61.27-acre parcel, to six parcels, each no less than 5 acres.

The Initial Study, Chapter 4 Biological Resources, identifies four resource areas - sensitive species, riparian habitat, wetlands, and migratory corridors, all deemed to have potential impacts 'Less Than Significant with Mitigation Incorporated'. The following comments are offered in response to the Discussion/Conclusion/Mitigation outlined for each of these resources.

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CA Dept. of Fish and Game or U.S. Fish and Wildlife Service?

The Discussion/Conclusion/Mitigation Section A, identifies several potentially occurring sensitive species and requires Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5 to ensure impacts associated with any future development is less than significant. Regarding the list of potentially occurring sensitive species and habitats, the Initial Study states that only the Information for Planning and Consultation (IPAC) database was queried to develop this list. IPAC is provided through the U.S. Fish and Wildlife Service and only identifies potentially occurring migratory birds and federal sensitive species and habitats. As such, potentially occurring state sensitive species, such as those special status species regulated by the California Department of Fish and Wildlife (CDFW) and identified via the CDFW BIOS database, have not been identified and potential impacts have not been assessed. However, if the reference to the 'CDFW IPAC' database (Initial Study, page 18) is in error and the reference was supposed to be to the CDFW BIOS database, which incorporates species information from the CDFW California Natural Diversity Database (CNDDDB), it should be noted that CNDDDB is not an exhaustive or comprehensive species inventory. CNDDDB is a 'positive reporting database' that only includes information for species have been observed and reported to CNDDDB - the lack of species occurrence data does not mean that the species do not occur there and since the proposed project is private property, it's highly likely it has never been surveyed since much of the state has never been surveyed for plant and animal species.

Regarding the Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5 that are required in order to ensure that impacts associated with any future development are less than significant, it is unclear what the nexus is between these mitigation measures and future development of the six parcels that will likely be owned and developed by individuals with no awareness of this Initial Study prepared for the proposed subdivision. Specifically, what is the discretionary action that would ensure that future development is subject to these mitigation measures?

Regarding BIO-1 and BIO-3, which are similar and state, 'special status animal/plant populations should be avoided to the maximum extent practicable' it is unclear how special status animal and plant populations will be identified prior to future development. BIO-1 requires a Biological Resource Analysis prepared in advance of ground disturbing activities to document the presence of sensitive species; however, BIO-1 does not include specifications for what should be included in a Biological Resource Analysis, so it is unclear if surveys would be required, similar to the requirement in BIO-4 to survey for plants. Additionally, as stated above, it is unclear how sensitive animal or plant populations will be identified in advance of ground disturbing activities or how 'future development' will be subject to these mitigation measures unless there is a discretionary action associated with ground disturbing activities such as grading for a new road, or well drilling and installation of associated ancillary facilities. For example, the current 61 acre parcel recently graded approximately 1/2 acre of new access road and cleared approximately one acre for well drilling and installation of solar panels - were any of those activities subject to discretionary action and was preparation of a Biological Resource Analysis a requirement prior to that ground disturbance?

Regarding potentially occurring sensitive plant populations and BIO-3, which states, 'if avoidance is not possible then impacts will need to be quantified, and mitigation subject to the approval of CDFW, USFWS, or CNPS, will need to be developed to reduce the impacts to a less-than-significant level - it should be noted that CNPS (the California Native Plant Society) is a private non-profit organization with no regulatory authority to require, authorize or approve mitigation.

Regarding the list of potentially occurring migratory birds identified in Figure 4b, this list was generated using the USFWS IPAC tool, which generates a migratory bird list that is only a subset of birds that may occur in a specified area and is not representative of all birds that may occur, Mitigation Measure BIO-2, appears to mitigate potential impacts to nesting birds if this measure is associated with the future development of the subject parcel proposed for subdivision. It is unclear however, the nexus between these mitigation measures and future development of the six parcels that will likely be owned and developed by individuals with no awareness of this Initial Study prepared for the proposed subdivision. Specifically, what is the discretionary action that would ensure that future development is subject to these mitigation measures?

The Initial Study identifies specifically several potentially occurring sensitive animal species; however, bats and burrowing owls are both known to occur in the proposed project area, but were not analyzed. Burrowing owl have been observed on two separate occasions by the owner of the property adjacent to the proposed project. Similarly, numerous bats are frequently observed on and adjacent to the proposed project area by adjacent property owners. However, as noted above, the species list generated for the Initial Study did not include state sensitive species, so it's likely bat species that are known to occur and are state species of concern, were not included in the Initial Study and therefore impacts to bat species have not been analyzed. In addition to identifying potentially occurring bat species, a focused bat survey should be conducted prior to any ground disturbance that includes trimming or removing large trees, especially during the during the bat maternity season. Mature oak trees are known to provide important hibernacula roost habitat and removal or disturbance of roost habitat could cause significant impacts to bats as a colony could consist of the entire local population of a species and impacts may lead to high mortality. The availability of suitable roosting habitat is considered a limiting factor for western bat populations. Roost site suitability is often based on a narrow range of suitable temperatures, relative humidity, physical dimensions, etc., and many species exhibit high roost site fidelity. In order to minimize impacts to roosting bats, a habitat assessments of impacted large trees to determine if roosting habitat is present should be conducted by a biologist with experience surveying for bat roost habitat and knowledge of the ecology of local bat species. Different species may require different mitigation strategies and factors beyond the roost type, such as the rarity of the species and the sensitivity of the species to disturbance, must be considered. Presence of roosting bats may require additional focused surveys to determine species use, seasonal use patterns, and roost type.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CA Dept. of Fish and Game or U.S. Fish and Wildlife Service?

The Discussion/Conclusion/Mitigation Section B, states sensitive riparian habitats are not reported to occur on the project area. However, Figure 4c as well as the parcel map, clearly identifies an unnamed blue-line stream with surface connectivity between the mapped wetland/pond feature in the southwest corner of proposed parcel 5 and Dry Creek. Blue-line streams are often associated with riparian habitat. If the subject parcel has not been surveyed for riparian habitat, impacts to that sensitive habitat have not been analyzed. A jurisdictional delineation to identify jurisdictional waters of the U.S. and state should be conducted.

The Discussion/Conclusion/Mitigation Section B, does not include an analysis of oak woodlands. The applicant for the proposed project was required to submit an Oak Woodland Evaluation. That evaluation concluded that the proposed project is approximately 59% Oak Woodland, which qualifies as an 'Oak Woodland' under Fish and Game Code. Oak Woodlands have been identified by CDFW as a sensitive natural

community, specifically identified as an Area of Conservation Emphasis due to the incremental loss of oak woodland through habitat conversion to agricultural, commercial, and residential uses, combined with other concerns such as the lack of natural regeneration. The Initial Study should include a discussion of the loss of oak woodland.

C. Would the project have substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The Discussion/Conclusion/Mitigation Section C identifies the presence of a wetland and states Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5 address the protection of potential habitats and other various biological resources which may be present in association with the wetland. However, BIO-5 is the only mitigation measure specific to wetlands and BIO-5 states, 'Compete avoidance of wetlands is conservatively recommended' - recommendation to avoid impacts to wetlands is not a requirement to avoid impacts to wetlands, thus, Mitigation Measure BIO-5 does not mitigate impacts to this known wetland. Additionally, Mitigation Measure BIO-5 states site development shall implement, 'a buffer depending upon the species'. Fresh emergent wetlands, such as those identified on the proposed project, are a sensitive community and are considered an extremely valuable natural resources, regardless of whether or not they are occupied by (sensitive) species. CDFW has a Wetland Policy that requires no net loss of these habitats. CDFW considers all wetlands sensitive, and the state has a "No Net Loss" wetland Policy. If impacts to wetlands will occur, mitigation at an appropriate ratio of no less than 2:1, should be included to ensure no net loss.

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Discussion/Conclusion/Mitigation Section D states the proposed project site contains potential habitat for migratory bird species, but does not address whether or not the proposed project site is used as a migratory corridor or nursery site for other wildlife. The EIR prepared for the Amador County General Plan states there are no established mule deer migration corridors in Amador County, however, in eastern Amador County deer may move through any suitable open space habitat areas between their summer and winter ranges and mule deer have been observed on the proposed project area.

Regarding migratory birds, as previously noted, the species list in Figure 4(c) is not comprehensive and likely omits potentially occurring resident and migratory bird species. The Initial Study also states that Mitigation Measures BIO-1, BIO-2, and BIO-5 mitigate impacts to less than significant; however, it is unclear how BIO-5, a mitigation measure specific to wetlands, mitigates impacts to birds. Additionally, the Initial Study states, 'in the event that any of the special-status species are found within the project site, the

proper authorities shall be notified' however it is unclear exactly how special status species will be identified since Mitigation Measures BIO-1 does not require surveys that would otherwise identify special status species, and Mitigation Measures BIO-2 only requires 'nesting bird surveys' conducted during certain times of the year.

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The Discussion/Conclusion/Mitigation Section E states the proposed project would not conflict with local policies adopted for the protection of biological resources. However, as previously stated, an Oak Woodland Evaluation prepared for the proposed project concluded that the property is approximately 59% Oak Woodland, which qualifies as an 'Oak Woodland' under Fish and Game Code. The Oak Woodland Evaluation states that proposed parcels 4 and 5 have few oaks on them, so it's likely that development of those parcels will not result in a significant impact to oak woodland habitat. However, the evaluation also notes that parcels 1, 2 and 6 contain the most number of oak trees and residential site expansion of those parcels have the potential to reduce Oak Woodland habitat. The Environmental Impact Report (EIR) prepared for the Amador County General Plan identifies this Oak Woodland habitat as a Sensitive Natural Community that, 'like most oak woodland habitats, supports numerous wildlife species and is particularly important for species that feed on acorns, are cavity-nesters, or are otherwise dependent on valley oaks for food and/or breeding habitat. Wildlife commonly found in valley oak woodland includes gopher snake, acorn woodpecker, oak titmouse, white-breasted nuthatch, California quail, and western gray squirrel.' This Sensitive Natural Community is an important biological resource and as stated in the EIR, substantial losses of a Sensitive Natural Community may be considered significant under CEQA. The Initial Study should include an impact analysis of this Sensitive Natural Community.

The Initial Study, Chapter 10, Hydrology and Water Quality, identifies several resource areas deemed to have potential impacts 'Less Than Significant with Mitigation Incorporated'. The following comments are offered in response to the Discussion/Conclusion/Mitigation outlined for resource area B:

B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate or pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The Initial Study states, 'The proposed project would not significantly require the use of, or otherwise interfere with, available groundwater supplies with the implementation of Mitigation Measure HYD-1. It is unclear how Mitigation Measure HYD-1, which only addresses grading permits, erosion control, and BMPs for stormwater runoff, addresses the availability of or otherwise mitigate the use of available groundwater.

The Initial Study also states, 'the applicant for the proposed project has stated that each of the proposed six (6) parcels will be served by private wells for domestic uses and that the applicant will have to demonstrate the ability for each parcel to support adequate potable water.' Neither the proposed project application or Initial Study include a discussion or analysis of whether or not there is adequate potable water to support the proposed development of six (6) parcels. However, the Environmental Impact Report (EIR) prepared for the Amador County General Plan outlines 'Conservation Elements' that include water, and goals and policies related to water supply and water quality. As noted in the EIR, groundwater from individual wells represents a major water source in the county, but groundwater-bearing units and aquifers are poorly defined and the majority of available groundwater is transient and found in fractured rock aquifers that have not been adequately studied - there appears to be no information available regarding the capacity of the aquifer to support the development of six (6) parcels. Given the lack of groundwater information generally, and the omission of a groundwater/potable water analysis in the Initial Study, the lead agency has not adequately addressed whether or not the project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The Initial Study should include this analysis, which includes demonstrating compliance with the 2014 Sustainable Groundwater Management Act that protects groundwater from depletion and overuse.



May 8, 2023

Re: Public Comment regarding the proposed Allswell Ranch Estates undergoing environmental review

In addition to comments we hope to offer at the public hearing to be held on May 9, 2023, please accept this letter documenting our concerns regarding the proposed development. We are owners of the approximately 26 acre parcel of land that is adjacent to Ms. Crawley's property where we have resided for over 13 years. Below is a brief itemized list of concerns regarding development of the property. **Of most concern, we do not believe there is sufficient ground water to support the existing 3 homes as well as six additional homes.** Additionally, we have consulted a biologist with a background in land and wildlife management and she has offered her opinion of the environmental impact assessment that was done, including a number areas of deficiency (please see appendix to this letter).

These are our concerns in order of priority:

1. First and foremost, of absolutely utmost concern is the negative impact subdividing Ms. Crawley's property into 6 parcels to support 5 additional new residential homes will have on **water access and sustainability**. This concern is based on our direct experiences living on the property, which we believe provides strong evidence that access to water is tenuous, at best, on our property and the surrounding properties. Future drought is inevitable and water shortages will only continue to escalate. Our own well regularly goes dry on a temporary basis when we have higher than normal water demands. This is despite the fact that we have a very deep well (over 500 feet). Adding a 1700 gallon water storage tank has also proven to be difficult to keep full due to water shortages. Our neighbors have experienced similar problems with their well. Additionally, the property that Ms. Crawley now owns has had multiple unsuccessful attempts at digging viable wells prior to her purchase of the property and, in fact, the previous owner walked away from her property due to insufficient water resources. In essence we are concerned that adding multiple new wells to support family households in close proximity to the existing properties and wells would severely tax water reserves and ultimately could render all of the properties unfit as residential homesteads. We and our neighbors, including Ms. Crawley, stand to lose all of the equity we have in our properties. Ultimately, we see this proposed estate as a threat to our financial livelihood.
2. We purchased our property 13 years ago with the goal of experiencing "country living." We previously lived in Sacramento in a very high-density neighborhood. We moved to the beautiful county of Amador to get away from the crowds of the city and for enhanced peace and privacy. We do not want to live in a subdivision!
3. Finally, we feel that developing Ms. Crawley's current property into 6 residential parcels, would substantially detract from the aesthetic view from our property (see attached pictures) and

would ultimate detract from the inherent pleasure we derive from our property, as well as reduce its monetary value.

Thank you for your consideration,

Sarah Tomaszewski Farias and Dana Farias, adjacent property owners