

Haggerty, Nicole@Wildlife

From: Moeszinger, Patrick@Wildlife
Sent: Friday, August 8, 2025 3:41 PM
To: Tia Klumpp
Cc: Wildlife R2 CEQA; Wilson, Billie@Wildlife; Stanfield, Melissa@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: CDFW Comments on the MND for the Auburn Industrial Park Project (SCH# 2025070501)

Dear Tia Klumpp:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from City of Auburn Community Development Department for the Auburn Industrial Park (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and 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. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, 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.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, 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 of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located on an approximately 7.25-acre portion of Assessor's Parcel Number 001-051-049-000, within the City of Auburn, California. The Project site is located north of Merrow Street and south of Blocker Drive, along an unnamed perennial tributary to Auburn Ravine that spans the western Project boundary.

The Project consists of the construction of up to 100,633 square feet of flexible industrial and commercial space, comprised of Building A (60,633 square feet) and Building B (40,000 square feet). The buildings have been designed to be divisible into multiple tenant spaces and end uses may include office, research and development, warehousing, distribution, e-commerce fulfillment, flex spaces, light industrial, and manufacturing. The Project includes a proposed extension of Merrow Street to the north along the unnamed tributary to Auburn Ravine, terminating at Blocker Drive. Once complete, access to the Project site will be provided via two (2) driveways that will be constructed off the proposed Merrow Street extension.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including both permanent and temporary impact areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads, if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Auburn in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

CDFW is primarily concerned with the Project impacts to the unnamed perennial tributary to Auburn Ravine that spans the western edge of the Project site.

COMMENT 1: Project Activities Affecting the Unnamed Tributary to Auburn Ravine; Project Description, MND PDF pages 3-4

Issue: The Project Description beginning on page 3 of the MND PDF does not describe any Project activities affecting the bed, bank, or channel of the unnamed perennial tributary to Auburn Ravine that runs parallel to the proposed extension of Merrow Street, nor is the unnamed tributary to Auburn Ravine depicted on the Site Plan figure included on page 6 of the MND PDF. However, MND Appendix A (Arborist Report and Tree Inventory), Sheet No. TPP 1.0 (PDF page 73) depicts substantial tree removal, grading, construction of a retaining wall, and construction of storm water outfalls and a detention basin, within the riparian vegetation located along the eastern bank of the unnamed tributary to Auburn Ravine.

The Project Description should include the whole action as defined in the CEQA Guidelines section 15378 and should include appropriate detailed exhibits disclosing the Project area including both permanent and temporary impact areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads, if applicable.

The MND should clearly identify and describe all short-term, long-term, permanent, and/or temporary impacts to biological resources under CDFW's jurisdiction as a Trustee Agency under CEQA, including all direct and foreseeable indirect impacts caused by the proposed Project. The MND should define the threshold of significance for each impact and describe the criteria used to determine each threshold (CEQA Guidelines, § 15064, subd. (f)).

Based on the information provided in MND Appendix A, CDFW is concerned that the proposed Project may result in direct, indirect, and cumulative adverse impacts to biological resources within the Project area that were not included in the MND's Project Description or Environmental Analysis.

Recommendation: CDFW recommends that the MND be revised to include a complete Project description, identify permanent and temporary impacts to all habitats present on the Project site, and provide a discussion of how the proposed Project will affect their function and value. The MND should provide a scientifically supported discussion of the significance of the Project's impacts and any proposed avoidance, minimization, and/or mitigation measures to address the Project's impacts upon fish and wildlife and their habitat. The MND should incorporate mitigation performance standards that will ensure that any significant impacts are reduced as expected. Mitigation measures proposed in the MND should be made a condition of approval of the Project.

COMMENT 2: Recommended Mitigation Measure BIO-RMM-2; Biological Resources, MND PDF page 20

Issue: Recommended Mitigation Measure BIO-RMM-2 states "avoidance of [the] stream is recommended to eliminate the need for wetland permits and potential impacts to aquatic species". However, based on the Project figures and analysis provided in MND Appendices A (Arborist Report and Tree Inventory) and E (Biological Resources Assessment and Aquatic Resources Delineation Reports), the Project appears to result in substantial alteration of the bank of the unnamed tributary to Auburn Ravine resulting from grading, removal of riparian vegetation dependent on surface or sub-surface flows, and the depositing of materials where they may enter the stream.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within riparian habitat associated with a body of water.

If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). CDFW relies on the lead agency environmental document analysis when acting as a Responsible Agency issuing an LSA Agreement. To facilitate issuance of an LSA Agreement, the MND should fully identify the potential impacts to the stream and riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources.

All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms, and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all the information needed for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

Recommendation: CDFW recommends that the MND be revised to fully identify the Project's potential impacts to the perennial unnamed tributary to Auburn Ravine and/or its associated riparian vegetation and wetlands, and include specific, enforceable avoidance and mitigation actions to be carried out by the City of Auburn and Project proponent that will reduce potentially significant impacts to a level that is below significant.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into the MND to avoid subsequent documentation and Project delays:

1. Mapping and quantification of the stream and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

COMMENT 3: Enforceable Mitigation Measures

Issue: CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. The MND includes multiple proposed mitigation measures for biological resources (e.g. Recommended Mitigation Measures AGF-RMM-1, BIO-RRM-1, BIO-RMM-2, and BIO-RMM-4) that rely on future plans, surveys, approvals, or agreements with the City of Auburn and Project proponent as a means to bring identified significant environmental effects to below a level that is significant. Because there is no guarantee that these approvals or cooperation with all of the above entities will ultimately occur, CDFW believes that the above mitigation measures are unenforceable and do not bring the impacts to biological resources to below a level that is significant.

Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented and explain why the measure is feasible.

Recommendation: CDFW recommends that the mitigation measures in the MND be revised to include measures that are enforceable and do not defer mitigation details until some future time. The MND should identify the following items: how each measure will be carried out; who will perform the measures; where the mitigation will take place; when the measures will be performed; the performance standards and mechanisms for achieving success; and an assured source of funding to acquire and manage any identified mitigation lands. The MND should describe a range of enforceable mitigation measures that will be implemented in instances where approval and cooperation with the entities identified above either does or does not occur.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

Due to the issues presented in this letter, CDFW believes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the Lead Agency CEQA document can affect later project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that the City of Auburn may not have the basis to approve the project or make "findings" as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to myself at (916) 767-3935 or patrick.moeszinger@wildlife.ca.gov.

Sincerely,

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