



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Habitat Conservation Planning Branch
1416 Ninth Street, Suite 1260
Sacramento, California 95814
(916) 653-4875



December 28, 2006

County Clerks
CEQA Lead Agencies

Dear Sir or Madam:

Senate Bill (SB) 1535 was passed by the Legislature and signed into law by the Governor on September 29, 2006. The bill contains, among other things, provisions which amend Fish and Game Code Section 711.4 to increase Department of Fish and Game (DFG) CEQA (California Environmental Quality Act) filing fees.

The environmental filing fees pay for many important DFG activities. They help fund DFG's cost of consulting and coordinating with other public agencies, reviewing environmental documents, recommending avoidance and mitigation measures to eliminate or reduce project impacts to fish and wildlife, developing mitigation monitoring requirements and carrying out other activities to protect public trust resources under CEQA.

The increased fee will provide, among other things, funding for additional DFG staff to participate in the CEQA review and coordination process. This will mean an improved response time to lead and responsible agencies for advanced project planning, DFG consultation, and direct review and comment of environmental documents for many projects. Although the fees will contribute to more comprehensive review of CEQA documents, DFG will continue to prioritize reviews to ensure focus on those projects with the greatest potential to impact the State's most important fish, wildlife and habitat resources.

Mandatory statutory changes in the bill, which will take effect on January 1, 2007, require the following:

- An increase in the DFG filing fees for Negative Declarations (NDs), Mitigated Negative Declarations (MNDs), and Environmental Impact Reports (EIRs) as outlined in the attached table;
- Annual fee adjustment based on an inflation index;
- Elimination of the "de minimis" fee exemption for projects determined to have a de minimis effect on wildlife (The de minimis exemption is replaced by a fee exemption, issued by DFG, for eligible projects that have "no effect on wildlife"); and
- An increase in the County Clerk processing fee.

Under the revised statute, a lead agency may no longer exempt a project from the filing fee requirement by determining that the project will have a de minimis effect on

fish and wildlife. Instead, a filing fee will be required unless the project will have no effect on fish and wildlife. If the project will have any effect on fish and wildlife resources, even a minimal or de minimis effect, the fee is required. A project applicant asserting a project will have no effect on fish and wildlife should contact DFG and DFG will review the project, make the appropriate determination, and in "no effect" cases, the Department will provide the project proponent with documentation of exemption from the filing fee requirement. At this time, the Department anticipates that less than 5 percent of the projects would qualify for the "no effect" standard.

The process for payment of filing fees has not changed. The fee is due at the time of filing a Notice of Determination (NOD). Local lead agencies must pay the fee to the appropriate County Clerk when filing a NOD locally (Section 711.4 of the Fish and Game Code).

Because a lead agency typically files its NOD before responsible agencies file their project NODs, payment will normally be required at the time of the lead agency's filing and responsible agencies may submit a copy of an official receipt showing the name of the project and the date and amount of payment. If a receipt showing prior payment of the fee is not provided, the fee must be paid at the time a responsible agency files its NOD.

State lead agencies must submit the filing fee payment to the State Clearinghouse when filing a NOD with that office by including, as part of its filing, a check payable to the Department of Fish and Game. See the attached table for a schedule of fees.

An agency that is taking action pursuant to a Certified Regulatory Program must submit the required \$850 filing fee to the Department of Fish and Game prior to filing its Notice of Decision with the Secretary for Resources.

If a required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

In summary, commencing January 1, 2007, the State Clearinghouse will not accept or post a NOD filed by any State lead agency and County Clerks should not accept or post a NOD from a local lead agency, unless it is accompanied by one of the following: (1) a check with the correct Fish and Game filing fee payment (see attached table), (2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or (3) a completed form from the DFG

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documenting the DFG's determination that the project will have no effect on fish and wildlife.

The DFG appreciates your cooperation with payment and collection of these fees, which fund important programs to protect fish and wildlife resources in California. If project applicants have questions regarding fees for their individual projects, please direct them to the DFG 2007 CEQA fee information line at (916) 651-0603, a recorded message will provide information about the filing fee increase and process. Messages received through the information line will be returned in the order they were received. Information is also available at the DFG website at www.dfg.ca.gov.

If you or your staff have questions regarding the statutory changes to the fees, or the fee collection process, please contact Scott Flint, directly at (916) 651-0371.

Sincerely,

A handwritten signature in black ink, appearing to read "Sonke Mastrup". The signature is written in a cursive style with a large, sweeping initial "S".

Sonke Mastrup
Deputy Director
Resources Management and
Policy Division

Attachment

ENVIRONMENTAL FILING FEES
(Fish and Game Code 711.4)

CEQA Document	Current Fee	Fee Effective 1-1-07
Negative Declaration (ND)	\$1,250	\$1,800
Mitigated Negative Declaration (MND)	\$1,250	\$1,800
Environmental Impact Report (EIR)	\$850	\$2,500
Environmental Document pursuant to a Certified Regulatory Program (CRP)	\$850	\$850
County Clerk Processing Fee	\$25	\$50