

# Frequently Asked Questions

## CEQA Environmental Document Filing

### ***Q: Does my environmental document need to be filed with the State Clearinghouse?***

A: The CEQA lead agency must submit a draft environmental impact report (EIR) or negative declaration (including mitigated), to the State Clearinghouse when any of the following is true (Cal. Code Regs., tit. 14, § 15205, subd. (b)):

- The lead agency is a state agency
- There is a state responsible agency
- There is a state trustee agency (the Department of Fish and Wildlife (CDFW) is always a trustee agency whenever a project may have any effect on fish and wildlife of the state, even if that effect is considered less than significant by the lead agency)
- A state agency otherwise has jurisdiction by law with respect to the project
- The project meets the criteria for “statewide, regional, or area wide significance” set forth in California Code of Regulations, title 14, section 15206
- A draft EIS, environmental assessment, or finding of no significant impact is prepared pursuant to the National Environmental Policy Act (NEPA)

### ***Q: Do I need to file a Notice of Determination (NOD) with the State Clearinghouse?***

A: For projects with state lead agencies, the NOD should be filed with the State Clearinghouse (Pub. Resources Code, § 21108). For projects with a local lead agency, the NOD should be filed with the County Clerk in the county or counties where the project is located (Pub. Resources Code, § 21152).

### ***Q: Our project covers more than one county. Do we need to file the NOD and pay the filing fee to each county?***

A: You will need to file an NOD in each county (Pub. Resources Code, § 21152, subd. (a)). However, only one filing fee is due per project (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(3)). Attach a copy of the original CDFW Environmental Filing Fee Cash Receipt or CDFW-approved alternative receipt to each NOD filed (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(4) & (e)(7)).

### ***Q: To which CDFW regional office do we send our environmental document?***

A: For projects located in a single region, send your document to the appropriate regional office (not headquarters). To find our regional office boundaries, please visit: <http://www.wildlife.ca.gov/regions>. For projects that occur in **multiple regions** or **statewide**, send the document to each regional office within the project boundary and to the headquarters office:

California Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
CEQA Program  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814

## Filing Fees

**Q: Why do I have to pay a fee when I file the NOD for my CEQA environmental document?**

A: The Legislature authorized CDFW to impose and collect a filing fee to defray the costs of managing and protecting California's fish and wildlife resources, which include consulting with public agencies, reviewing environmental documents, recommending mitigation measures and developing monitoring requirements (see Fish & G. Code, § 711.4, subd. (a)). Find the current fee schedule on this webpage:

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>

**Q: When did CDFW begin collecting CEQA environmental document filing fees?**

A: Assembly Bill 3158, signed by Governor Deukmejian in 1990, established the requirement for CDFW to impose and collect CEQA environmental document filing fees (Stats. 1990, ch. 1706, § 4, pp. 8175-8176).

**Q: Why are the fees increasing?**

A: Filing fees are adjusted annually based on changes to the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the U.S. Department of Commerce (Fish & G. Code, § 713).

**Q: To whom should I make the check payable? Do I need two checks (one for the CDFW filing fee and one for the county processing fee)?**

A: For local lead agency projects, generally, only one check is needed and it is payable

to the County Clerk for the county in which the project is located (e.g., Sacramento County Clerk). Check with your County Clerk for specific instructions. State agencies should make checks payable to the Department of Fish and Wildlife for filing with the State Clearinghouse (Fish & G. Code, § 711.4, subd. (d)).

**Q: If my project is categorically or statutorily exempt from CEQA, do I still have to pay the filing fee?**

A: No – projects that are categorically or statutorily exempt are not subject to CDFW filing fees; however, County Clerks may require you to pay the county documentary handling fee when you file the notice of exemption (Fish & G. Code, § 711.4, subds. (d)(1) & (e)).

**Q: My environmental document was completed last year, but I have not filed the NOD with the County Clerk. Do I have to pay the current fee or the fee that was in place when the document was completed?**

A: Current filing fees are due at the time the NOD is filed (Cal. Code Regs., tit. 14, § 753.5, subd. (b)(3) & (4)).

**Q: Do I need to pay the filing fee if I paid the fee for a previous document?**

A: Only one fee shall be paid per project unless the project is tiered or phased, or separate environmental documents are required (Fish & G. Code, § 711.4, subd. (g)). Separate environmental documents include EIRs, negative declarations, subsequent EIRs and negative declarations, and supplements to EIRs. Only one fee would be required if you used an existing certified EIR for multiple project approvals that would result

in no additional effect on fish and wildlife. An additional filing fee is required if approval of any separate environmental document would result in an effect on fish and wildlife not previously addressed in a certified EIR, Master EIR, Program EIR, Staged EIR, or General Plan EIR (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(3)).

## Receipts (County Clerks)

### ***Q: Where can I get receipts?***

A: CDFW discontinued printing hard copy receipts in 2015, and is now using electronic receipts. You can find the current receipt on this webpage:

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees/County>

### ***Q: Do County Clerks need to get approval to use an alternative receipt?***

A: Yes – County Clerks must submit alternative receipts to CDFW prior to use. CDFW will issue a letter of approval if the alternate receipt contains all required information (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(7)).

## De Minimis

### ***Q: Can I use a “de minimis” filing fee exemption?***

A: No – The Governor signed Senate Bill No. 1535 (2005 – 2006 Reg. Sess.) into law on September 29, 2006. This bill eliminated the fee waiver for projects with a “de minimis” effect on fish and wildlife. This change became effective on January 1, 2007. Applicants who believe their project has no effect on fish and wildlife can request a No Effect Determination (NED) from the appropriate CDFW regional office. Only CDFW can issue an NED (lead agencies can

no longer make this determination as it relates to a fee waiver).

### ***Q: If I filed an NOD using a de minimis fee exemption prior to January 1, 2007, can I use that filing fee receipt to file another NOD?***

A: No – Filing fee receipts with a de minimis exemption are invalid for waiving current CEQA filing fees if a public agency is filing an NOD for the same environmental document (Fish & G. Code, § 711.4, subds. (c) & (d); Cal. Code Regs., tit. 14, § 753.5, subds. (b) & (e)(1)).

## No Effect Determination

### ***Q: How do I know if my project will have no effect on fish and wildlife and be eligible for a filing fee waiver?***

A: If you believe your project meets the criteria for an NED, complete an NED Request Form and submit it to the appropriate CDFW regional office. For the assessment of CEQA filing fees, a project that causes *any* disturbance to the habitat on which fish and wildlife may depend, or causes direct harm to fish and wildlife is considered to have an effect on fish and wildlife. A filing fee is required regardless of project size, magnitude of the effect, or whether the effect on the environment is considered positive or negative (Cal. Code Regs., tit. 14, § 753.5, subd. (d)). CDFW will issue an NED if your project qualifies. Keep the original NED and submit two copies to the County Clerk with the NOD (Cal. Code Regs., tit. 14, § 753.5, subd. (c)(1)). See this webpage for related information:

<https://www.wildlife.ca.gov/Conservation/CEQA/NED>

***Q: How long does it take to get an NED?***

A: It typically takes 14 to 30 days for CDFW to make a determination if the documentation submitted is complete. If the initially submitted documentation is incomplete or the project is complex, it could take longer. Regardless of whether an NED request has been submitted or not, the filing fee must be paid at the time of filing the NOD for the project (Fish & G. Code, § 711.4, subd. (c)(3)). You should submit the written request for an NED when the Environmental document is released for public review, or as early as possible in the public comment period. Requests should include sufficient documentation to support an NED. An NED will not be issued when insufficient documentation is submitted to CDFW (Cal. Code Regs., tit. 14, § 753.5, subd. (c)(1)(A)).

**Refunds**

***Q: My project was cancelled after I filed the NOD, can I get a refund?***

A: No – The fee is due at the time the NOD is filed and is independent of whether the project actually goes forward (Fish & G. Code, § 711.4, subd. (c)(3)).

***Q: I paid the environmental filing fee for my project, but subsequently received an NED from CDFW. Can I get a refund?***

A: Yes – Contact CDFW by email [CEQA@wildlife.ca.gov](mailto:CEQA@wildlife.ca.gov) or phone (916) 653-4875. You will need to provide CDFW with a copy of the following documents: the NOD for your project, the Environmental Filing Fee Cash Receipt, the cancelled check, and the NED signed by CDFW. Upon verification, CDFW will issue a refund.

***Q: How long does it take to get a refund?***

A: Once CDFW approves the refund, it typically takes 2 to 3 weeks for the check to be mailed. However, it could take longer, because when a filing fee is submitted to the county, the county cashes the check and the money is deposited into the State Treasury within 30 days of the month of filing. CDFW must wait for the State Treasury to receive the funds, and for the county to transmit the associated paperwork, before initiating the refund process. We highly recommended that you give yourself enough time to apply for an NED to avoid paying the filing fee and requesting a refund.

**Project Opposition, CEQA & CDFW**

***Q: Is CDFW contacted about all CEQA environmental documents? How can I get involved in the CEQA process?***

A: CDFW should be contacted whenever a CEQA project may impact fish or wildlife. CDFW often prepares comment letters to the lead agency when an environmental document does not adequately address fish or wildlife impacts. If you would like to get involved in the CEQA process, you can request to receive notices about a particular project from the lead agency (Pub. Resources Code, § 21092.2). Members of the public can comment on draft environmental documents (Cal. Code Regs., tit. 14, §§ 15201-15204).

***Q: I observed sensitive species in an area proposed for impacts. What can be done?***

A: If you have information or a concern, you should notify the CEQA lead agency. You may also contact the appropriate CDFW regional office:

<http://www.wildlife.ca.gov/regions>

## **General Project Questions**

***Q: I have general questions about permits and documentation.***

A: Please contact the CDFW regional office that serves the county in which your project is located, as shown on this webpage:

<http://www.wildlife.ca.gov/regions>

## **Templates**

***Q: Does CDFW have templates for notices or for environmental documents?***

A: CDFW does not have a standard set of templates for environmental documents or for filing notices with the State Clearinghouse. CDFW generally uses the templates found in the CEQA Guidelines. See this webpage for the CEQA Guidelines templates:

<http://resources.ca.gov/ceqa/guidelines/>