# Frequently Asked Questions

## CEQA Document Filing

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

A: The CEQA lead agency must submit a draft EIR, ND, or MND to the State Clearinghouse when any of the following are 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 areawide 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), the Federal Guidelines.

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

A: Notices of determination should be filed with the State Clearinghouse for projects with state lead agencies (Pub. Resources Code, § 21108), and with the county clerk in the county where the project is located for projects with local lead agencies (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 every county?***

A: You will need to file the NOD in each county that the project occurs in (Pub. Resources Code, § 21152, subd. (a)). Only one filing fee needs to be paid per project (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(3)). Make sure to attach a copy of the original Department of Fish and Wildlife Environmental Filing Fee Cash Receipt or alternative receipt approved by the CDFW (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(7)) to each NOD filed (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(4)).

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

A: Project notices and environmental documents should be sent to the appropriate CDFW regional office (not headquarters) for the county in which the project is located. Regional offices can be located on the following website: http://www.dfg.ca.gov/regions/. Projects that occur in **more than one regional area** and **statewide** projects should be sent to each region the project occurs in and the CDFW headquarters office at the address listed below:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
CEQA Program
1416 Ninth Street, Suite 1260
Sacramento, CA 95814

## Filing Fees

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

A: CDFW regularly engages in activities to protect California's vast fish and wildlife resources. These activities include consulting with public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring requirements (Fish & G. Code, § 711.4, subd. (a)). The fees fund CDFW positions and programs throughout the state to conduct these activities. CDFW has been authorized by the legislature to impose and collect a filing fee to defray the costs of managing and protecting California's fish and wildlife resources (Sen. Bill No. 1535, approved by Governor, September 29, 2006, (2005 – 2006 Reg. Sess.) ch. 667). You can find the current fees schedule here: http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html

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

A: The filing fee is adjusted annually based on changes to the Implicit Price Deflator (commonly referred to as inflation or cost of living adjustment) 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 your 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 from CEQA do not need to pay the filing fee but may still need to pay the county clerk processing fee for filing a notice of exemption. (Fish & G. Code, § 711.4, subds. (d)(1) & (e))

***Q: My CEQA document was completed last year, but it has not been filed with the county clerk yet. Do I have to pay the fee that became effective this year for my old document?***

A: Yes – All notices of determination must pay the current filing fee at the time the NOD is filed. (Cal. Code Regs., tit. 14, § 753.5, subd. (b)(3) & (4))

***Q: Do we need to pay the filing fee if a fee was paid 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 is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to 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 do we get receipt books?***

A: You can order receipt books from the following address:

Department of Fish and Wildlife
License and Revenue Branch
Attn: Irene Lara
1740 N. Market Blvd.
Sacramento, CA 95834
(916) 928-8323
Irene.Lara@wildlife.ca.gov

***Q: Do we need to get approval to use the digital version of the above CDFW receipt that is posted on your website?***
***https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=40639&inline=1***

A: Prior approval is not required to use the CDFW receipt posted on the CDFW website. Prior approval is only required if there is an alternate receipt that you would like to use. (Cal. Code Regs., tit. 14, § 753.5, subd. (e)(7))

## De Minimis

***Q: Can we use de minimis?***

A: No – The Governor signed Senate Bill No. 1535 (2005 – 2006 Reg. Sess.) into law on September 29, 2006. This bill eliminated the fee exemption 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 regional CDFW office that serves the county your project is located in http://www.dfg.ca.gov/regions/. Only the CDFW can issue a NED (lead agencies cannot make this determination in regards to the fee waiver).

***Q: If we used a de minimis before, can we use it now?***

A: The use of a de minimis exemption dated prior to January 1, 2007, is invalid for waiving the CEQA filing fee if a separate document has been filed for that project. (Fish & G. Code, § 711.4, subd. (g); Cal. Code Regs., tit. 14, § 753.5, subd. (e)(3))

## No Effect Determinations (NED)

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

A: If you believe your project meets the criteria for a no effect determination (NED), complete a NED Request Form and submit it to the regional CDFW office for review. 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 a no effect determination if your project qualifies. Keep the original NED and submit two copies to the county clerk along with the Notice of Determination (Cal. Code Regs., tit. 14, § 753.5, subd. (c)(1)). Please see the following website for information on NEDs and a link to the regional offices: http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html

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

A: The written request for a NED should be submitted when the CEQA document is released for public review, or as early as possible in the public comment period. Requests should include sufficient documentation to support a no effect determination. A NED will not be issued when insufficient documentation is submitted to the CDFW. (Cal. Code Regs., tit. 14, § 753.5, subd. (c)(1)(A)). It typically takes 14 to 30 days 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 a no effect determination request has been submitted or not, the filing fee must be paid at the time of filing the notice of determination for the project. (Fish & G. Code, § 711.4, subd. (c)(3))

## Refunds

***Q: Our project was cancelled after we filed the Notice of Determination (NOD), can we 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 through or not. (Fish & G. Code, § 711.4, subd. (c)(3))

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

A: Yes – Contact CDFW by phone at (916) 653-4875, or by email at CEQA@wildlife.ca.gov. You will need to provide CDFW with a copy of the NOD for your project, a copy of the environmental filing fee cash receipt, a copy of the cancelled check, and a copy of the NED signed by CDFW. Upon verification, CDFW will issue a refund.

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

A: Once a request for refund has been approved, it typically takes 2-3 weeks for processing and for the check to be mailed out. However, this time can be significantly lengthened. 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 money to be deposited and for the county to transmit the associated paperwork before initiating the refund process. For this reason, it is highly recommended that a NED be applied for with enough time prior to filing the NOD.

## Project Opposition, CEQA & CDFW

***Q: We oppose a proposed project. Can CDFW help us?***

A: CDFW has no authority to disapprove projects proposed by lead agencies. To voice your opinion regarding projects in your area you will need to contact your local planning department and participate in public meetings and the CEQA process. The CDFW can only comment on proposed projects as a Trustee or Responsible Agency regarding the potential impacts to fish and wildlife species and provide suggestions to minimize or mitigate those impacts that are found to be significant. Please see the following link for more information regarding the CEQA process: http://www.dfg.ca.gov/habcon/ceqa/

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

A: CDFW is contacted whenever a project pursuant to CEQA may impact fish or wildlife, and comments are often prepared when CDFW receives an environmental document that does not adequately address environmental impacts. If you would like to get involved in the CEQA process, you can request to receive notices about a particular project from the clerk of the governing body or the project's lead agency (Pub. Resources Code, § 21092.2). Members of the public can comment on draft environmental documents (Negative Declarations or Environmental Impact Reports). (Cal. Code Regs., tit. 14, §§ 15201-15204).

***Q: We have seen sensitive species in an area proposed for impacts. What can be done?***

A: If you have information or a concern, you should notify the lead agency and you may also contact CDFW regional office: http://www.dfg.ca.gov/regions/

## General Project Questions

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

A: Please contact the regional office that serves the county your project is located in as shown on this website: http://www.dfg.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 that are offered in the CEQA Guidelines. Please see the following web page for the CEQA Guidelines templates: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/appendices.html