

ANAHEIM



PLANNING SERVICES

## FISH AND GAME FEES

The recent change in section 711.4 of the Fish and Game Code introduced the term, "no effect." This term comes into play only for projects subject to California Environmental Quality Act (CEQA). Attached is a letter to lead agencies/county clerks that clarifies when and how it applies. The "no effect" standard is more stringent than the "de minimis" standard that CEQA Lead Agencies previously applied to projects they determined were exempt from having to pay the CEQA filing fees. Note that the "no effect" standard is not limited to sensitive fish and wildlife species; it encompasses all fish and wildlife species.

A determination that a project is categorically or statutorily exempt from CEQA does not need Department of Fish and Game's review or concurrence. The CEQA lead agency has full discretion to make that determination, and if that determination is made, no CEQA Fish and Game fees need to be filed.

Projects submitted for zoning actions must be accompanied by a check made out to the Orange County Clerk-Recorder in the amount of \$2,043.00 for Negative Declarations and County processing fees and \$2,818.25 for Environmental Impact Reports for Fish and Game filing fees and County processing fees. Applicants who feel their project should be exempt from these fish and game fees may file a request for exemption with the Department of Fish and Game. However, a check must still be submitted to the City at the time of application. If a signed exemption is presented to the City prior to public hearing, the check will be returned.

Attached is the "no effect" form (i.e., fee exemption form) developed by the Department of Fish and Game. The top portion of the form ("Applicant Name" through "Brief Project Description") must be filled out and returned with the project description along with an aerial image or photographs of the site (if applicable) by email ([Inewtonreed@dfg.ca.gov](mailto:Inewtonreed@dfg.ca.gov)) or regular mail (4949 Viewridge Ave., San Diego, CA 92123). If the Department determines that the project will have no effect on fish and wildlife, the "no effect" form will be signed by the Department and should be filed with the County Clerk in lieu of the fee, when filing the Project NOD. Applicants must submit the signed "no effect" form to the Planning Services Division prior to the public hearing in order for the City to return the submitted check.



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Environmental Review and Permitting
1416 Ninth Street, Suite 1260
Sacramento, California 95814



CEQA Filing Fee No Effect Determination Form

Applicant Name:

Date Submitted:

Applicant Address:

Project Name:

CEQA Lead Agency:
CEQA Document Type: (ND, MND, EIR)
SCH Number and/or local agency ID number:

Project Location:

Brief Project Description:

Determination: Based on a review of the Project as proposed, the Department of Fish and Game has determined that for purposes of the assessment of CEQA filing fees [F&G Code 711.4(c)] the project has no potential effect on fish, wildlife and habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records; you are required to file a copy of this determination with the County Clerk after your project is approved and at the time of filing of the CEQA lead agency's Notice of Determination (NOD). If you do not file a copy of this determination with the County Clerk at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid No Effect Determination Form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to Fish and Game Code Section 711.4(c)(3).

DFG Approval By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Conserving California's Wildlife Since 1870



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cynthia Bryant  
Director

**Memorandum**

Date: October 28, 2008  
To: CEQA Lead Agencies  
From: Scott Morgan, Assistant Deputy Director, State Clearinghouse  
Re: Department of Fish & Game Fees Increase Effective January 1, 2009

This memo is to inform Lead Agencies that the Fish and Game CEQA Filing Fee required by Fish and Game Code Section 711.4 will increase on January 1, 2009.

Senate Bill 1535 was signed into law on September 29, 2006, and increases the Department of Fish and Game filing fee for Notices of Determination (NOD). The Bill requires the Department of Fish and Game to adjust the fees annually pursuant to Fish and Game Code Section 713. The annual fee adjustments are based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the U.S. Department of Commerce. The bill also eliminates the fee exemption for projects determined to have a "de minimis" effect on fish and wildlife (Section 711.4 of the Fish and Game Code).

The Fish and Game filing fees have increased as follows:

|                                | <u>2008 Fee</u> | <u>Increase Effective 1-1-09</u> |
|--------------------------------|-----------------|----------------------------------|
| Negative Declaration           | \$1,876.75      | \$1,993.00                       |
| Mitigated Negative Declaration | \$1,876.75      | \$1,993.00                       |
| Environmental Impact Report    | \$2,606.75      | \$2,768.25                       |
| Certified Regulatory Program   | \$886.25        | \$941.25                         |

For more of Department of Fish and Game information on the fee increases refer to their website: <http://www.dfg.ca.gov/habcon/ceqa/>.

The Fish and Game filing fee is due at the time of filing a NOD. State lead agencies must submit the filing fee payment to the State Clearinghouse when filing a NOD with this

office by including as part of its filing a check payable to the Department of Fish and Game. Local lead agencies must pay the fee to the appropriate County Clerk when filing a NOD locally. Because a lead agency typically files its NOD before responsible agencies file their NODs for the project, payment is required at the time of the lead agency's filing. If for any reason the fee was not paid at the time the lead agency filed its NOD, the fee must be submitted at the time a responsible agency files its NOD.

A State agency that is taking action pursuant to a Certified Regulatory Program must submit the required \$941.25 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.)

A filing fee must be paid unless the project will have *no effect* on fish and wildlife. (Section 711.4(c)(2) of the Fish and Game Code). If the project will have any effect on fish and wildlife resources the fee is required. A project proponent who believes the project will have *no effect* on fish and wildlife should contact the Department of Fish and Game at the headquarters of the Department of Fish and Game region in which the project is located. The region headquarters contact information can be obtained at the following website: <http://www.dfg.ca.gov/regions/index.html> .

In summary, the State Clearinghouse will not accept or post a NOD filed by any state lead agency unless it is accompanied by one of the following: (1) a check with the correct Fish and Game filing fee payment, (2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or (3) a form documenting the determination that the project will have no effect on fish and wildlife.

Likewise, County Clerks should not accept or post an NOD from a local lead agency unless accompanied by one of these three documents.

A copy of the bill, as chaptered, is available at the California Legislative Information website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).