

COMMUNITY DEVELOPMENT DEPARTMENT

Subject: Department of Fish and Game Environmental Filing Fee

Issue: Procedures for DFG Environmental Filing Fee

Reference: Section 711.4, California Fish and Game Code

Policy/Procedure: When acting as a CEQA lead agency, the Town must comply with the provisions of Section 711.4 of the Fish and Game Code regarding the payment of a filing fee with a Notice of Determination. The Town procedures for complying with Section 711.4 are attached.

Effective Date: March 30, 2007; Updated on January 1, 2012

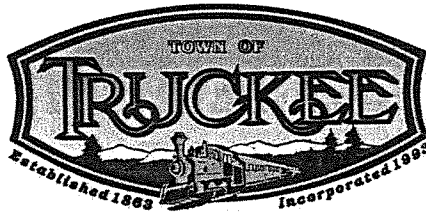
Attachments: Procedures for DFG Environmental Filing Fee

Approved by: _____

John McLaughlin, Director

Date: _____

12.16.11



Procedures for DFG Environmental Filing Fee

1. The project planner must first determine whether the project is subject to the environmental filing fee requirement. At the environmental determination stage of application processing, if it is determined the project is statutorily or categorically exempt from further CEQA review, the project is not subject to the environmental filing fee and no further action by the project planner is necessary.
2. If a Negative Declaration or Environmental Impact Report will be prepared for the project, the project planner must determine whether the project may have an adverse effect on fish and wildlife resources and habitat. Generally, an adverse effect would be any harmful change to wildlife resources and habitat, no matter how miniscule. For example, removal of natural vegetation or the removal of a tree would probably be considered an adverse effect. Examples of projects that may possibly not have an adverse effect would be a project on a barren site with no vegetation or trees or a project that results in operational changes but no physical changes to the natural environment.
3. If the project planner believes the project will have *no effect* on fish and wildlife, the project planner is to inform the project applicant that the project may possibly be exempt from the DFG environmental filing fee. However, the project planner must inform the applicant that the applicant must obtain a completed form from the DFG documenting the Department's determination that the project will have no effect on fish and wildlife in order for the Town to exempt the project from the filing fee. The project applicant should be referred to the main office of Region 2 of the DFG:

Department of Fish and Game, Region 2
1701 Nimbus Road
Rancho Cordova, CA 95670

(916) 358-2900

4. If the applicant submits the completed DFG exemption form prior to Town action on the project, the project planner needs to do the following:
 - (a) Add the following action to the staff report and resolution:

Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et seq. of the California Fish and Game Code, the <INSERT REVIEW BODY> finds the project will have no impact or effect on fish and wildlife resources and is not subject to the DFG environmental filing fee. This

finding is based on the Department of Fish and Game form submitted to the Town that states the project is exempt from the DFG environmental filing fee.

- (b) Attach a copy of the DFG exemption form with the Notice of Determination that is sent to the County Clerk. If the Notice of Determination is also being sent to the California Office of Planning and Research, attach a copy of the DFG exemption form with the Notice of Determination.

- 5. If the applicant does not submit the completed DFG exemption form prior to Town action on the project, but states they are pursuing the exemption with DFG, the project planner needs to do the following:

- (a) Add the following condition to the project:

The applicant shall comply with one of the following conditions:

Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et seq. of the California Fish and Game Code, fees in the amount of \$2,101.50 (Department of Fish and Game fee) and \$50.00 (County Clerk fee) shall be submitted to the Planning Division within five (5) working days of the approval of the project. A check in the amount of \$2,151.500 shall be made payable to the County of Nevada and submitted to the Town Planning Division. No grading or building permits shall be issued until the fees are paid. The fees are required to be collected on behalf of the Department of Fish and Game and are not for Town purposes.

(The Department of Fish and Game fee for a Notice of Determination for an EIR is \$2,919.00 and the County Clerk fee is the same at \$50.00, for a total amount of \$2,969.00.)

OR

A completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife and is exempt from the DFG environmental filing fee shall be submitted to the Planning Division within five (5) working days of the approval of the project. No grading or building permits shall be issued until the form is submitted.

- (b) If the applicant pays the fee, follow Steps 6c and 6d.
- (c) If the applicant submits the DFG exemption form, follow Step 4b.

- 6. If the project will have an adverse effect on fish and wildlife resources and habitat, the project planner needs to do the following:

- (a) In the staff report and resolution, add the following action to the staff recommendation:

Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et seq. of the California Fish and Game Code, the <INSERT

REVIEW BODY> finds the project will have an adverse impact on wildlife resources and is subject to the DFG environmental filing fee.

- (b) Add the following condition to the project:

Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et seq. of the California Fish and Game Code, fees in the amount of \$2,101.50 (Department of Fish and Game fee) and \$50.00 (County Clerk fee) shall be submitted to the Planning Division within five (5) working days of the approval of the project. A check in the amount of \$2,151.50 shall be made payable to the County of Nevada and submitted to the Town Planning Division. No grading or building permits shall be issued until the fees are paid. The fees are required to be collected on behalf of the Department of Fish and Game and are not for Town purposes.

(The Department of Fish and Game fee for a Notice of Determination for an EIR is \$2,919.00 and the County Clerk fee is the same at \$50.00, for a total amount of \$2,969.00.)

- (c) When the applicant submits the check to the Town, attach the check with the Notice of Determination that is sent to the County Clerk. If the Notice of Determination is also being sent to the California Office of Planning and Research, attach a copy of the check with the Notice of Determination.
- (d) The County Clerk will return a copy of the Notice of Determination and the fee receipt. The fee receipt may be forwarded to the applicant for their records, however keep a copy of the fee receipt in the application file.
7. For projects that require the filing of multiple approvals or Notices of Determination, only one fee must be paid for the project. In this event, attach a copy of the receipt or other proof of payment to any additional Notices of Determinations that may be required for the same project. This receipt copy suffices as documentation that the fee has been paid.



Nevada County Clerk Recorder/ Registrar of Voters

County Clerk - Recorder
950 Maidu Avenue, Suite 210
Nevada City, CA 95959
Phone: (530) 265-1221
Fax: (530) 478-1275
mynevadacounty.com/recorder

Gregory J. Diaz
County Clerk - Recorder

Gail Smith
Asst. County Clerk-Recorder

County Elections
950 Maidu Avenue, Suite 250
Nevada City, CA 95959
Phone: (530) 265-1298
Fax: (530) 265-9829
mynevadacounty.com/elections

December 5, 2011

Form: Gregory J. Diaz
County Clerk-Recorder

To: Our Customers

Re: California Environmental Quality Act (CEQA) filing Fees for 2012

Pursuant to California Fish and Game Code Section 713 fees for environmental filings will increase beginning January 1, 2012. This increase is a result of Senate Bill 1535 passed on September 29, 2006 requiring the Department of Fish & Game to adjust the filing fees annually.

The table below contains the 2011 CEQA filing fees, and the fees that become effective on January 1, 2012

Filing Fees for CEQA Documents

CEQA Document	2011 Filing Fee	Fee Effective January 1, 2012
Negative Declaration (ND)	\$2,044.00	\$2,101.50
Mitigated Negative Declaration (MND)	\$2,044.00	\$2,101.50
Environmental Impact Report (EIR)	\$2,839.25	\$2,919.00
Environmental Document pursuant to a Certified Regulatory Program (CRP)*	\$965.50	\$992.50

Thank you

