

Department of Fish and Wildlife Environmental Processing Fees



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Effective January 1, 2007, State law (AB 1535) mandated that the California Department of Fish and Wildlife (DFW) collect user fees in association with the filing of a Notice of Determination. A Notice of Determination is the final environmental documentation that is prepared by City staff when a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been approved or certified.

The fees required are intended to defray the costs of managing and protecting fish and wildlife resources including the costs expended by the DFW in the review of environmental documents under the California Environmental Quality Act (CEQA). The bill also eliminated the fee exemption for projects determined to have a "de minimis" effect on fish and wildlife. For those projects determined to have a potential for any adverse effect to fish and wildlife resources, either individually or cumulatively, the list of fees are located on the DFW website: <http://www.wildlife.ca.gov/conservation/CEQA/Fees>.

The County Clerk Filing Fee is **always required** whether or not the project will have a "de minimis" effect on fish and wildlife.

The City can 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 have to be paid unless the project will have no effect on fish and wildlife as determined by the DFW. It is the applicant's responsibility to contact the DFW at (916) 653-4875 or www.wildlife.ca.gov/conservation/CEQA/NED to determine if the project will have no effect on fish and wildlife. If the DFW concurs the project will have no such effect, they will provide you with a form that will exempt the project from the filing fee requirement; however the County fee is still required.



If the required filing fee is not paid, the project will not be operative, vested, or final, and any local permits issued for the project will be invalid. The City thereby requires payment of these environmental fees by the applicant, submitted to the Community Development Department **within 48 hours of project approval**, and shall be in the form of a cashier's check made payable to **Orange County Clerk**.

City planning staff will deliver the fees to the County Clerk at the time the Notice of Determination is filed. The Notice of Determination and the cashier's check will be filed within five working days after project approval. The filing of the Notice of Determination starts a 30-day statute of limitations on court challenges to the approval (CEQA Section 15075). If the required fees are not delivered to the City within two working days of the approval, the Notice of Determination cannot be filed within the time limits established, and the statute of limitations will be extended from 30-days to 180-days per Section 15112 of the CEQA Guidelines.



