

## FISH & GAME FEE FAQs

### **A. What is a Fish & Game Fee and when does it apply?**

A Fish & Game Fee is required by Section 711.4 of the California Fish and Game Code for discretionary projects not exempt under the California Environmental Quality Act (CEQA) that have an "effect," regardless of the significance, on fish and wildlife. This fee is associated with filing of CEQA Notices of Determination (NOD) for discretionary land use projects. Unless the California Department of Fish & Game signs a ["No Effect" Form](#) for a project, Fish & Game Fees for the subject project will be required before public review.

### **B. When my NOD is filed, what documentation is acceptable to demonstrate compliance with the new Fish and Game Code?**

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 receipt showing full payment of the currently effective Fish and Game fee amount, (2) for projects relying on a previous environmental document pursuant to CEQA §15162, either a copy of a "De Minimis" finding for the same previously approved project approved prior to January 1, 2007 or a copy of a receipt showing prior payment of Fish and Game Fees in the amount effective at the time the project was approved, or (3) 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.

### **C. What does "No Effect" on fish and wildlife mean?**

The Department of Fish & Game has not developed guidelines nor yet prepared draft regulations pertaining to this matter. However, 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 Fish & Game Fee. Note that the "no effect" standard is not limited to sensitive fish and wildlife species; it encompasses all fish and wildlife species as well as habitat. It is anticipated that less than 5 percent of projects not exempt from CEQA will qualify for the "no effect" determination. If after consultation with County Staff you feel that your project has "no effect" to fish and wildlife, it is your responsibility to complete and submit to the Department of Fish & Game the ["No Effect" Form](#) for their concurrence.

### **D. How much are the Fish & Game Fees and the County Administrative fee?**

#### **2010 Fees**

<u>Type of CEQA Document</u>	Fee Effective 1/1/2010
Negative Declaration	\$2,010.25
Mitigated Negative Declaration	\$2,010.25
Environmental Impact Report	\$2,792.25
County Administrative Fee	\$50*

*\*The County Administrative Fee is collectable for all projects including those exempt from CEQA.*

#### **2009 Fees**

<u>Type of CEQA Document</u>	Fee Effective 1/1/2009
Negative Declaration	\$1,993.00
Mitigated Negative Declaration	\$1,993.00
Environmental Impact Report	\$2,768.25
County Administrative Fee	\$50*

### **D. I paid my Fish & Game Fees already, why am I being asked to pay again?**

If Fish and Game Fees were paid in association with the same previously approved project and the current project will rely on the previous environmental document for that same project, Fish and Game Fees do not need to be paid again. However, some projects currently being processed by the County have submitted the previous Fish and Game Fee, but the project has not yet been approved. Since NOD's are not filed until after the project is approved, these projects would need to pay the Fish and Game Fee difference and obtain a new receipt. To pay the difference and obtain a new receipt, bring a copy of your previously paid Fish & Game Fee receipt, a copy of any applicable communication from County staff

regarding this matter and a certified check or cashier's check payable to the "County of San Diego" cashier at the DPLU office or directly to the County Clerk.

**E. What if my previously approved project had "de minimis" findings for the Fish and Game fees and now I am relying on CEQA 15162 Findings for a current project?**

Any de minimis exemptions granted by local lead agencies prior to January 1, 2007 should be honored and accepted in lieu of the fee. For projects approved after January 1, 2007, any appropriate fee exemption must be authorized by the Department, on an official "No Effect" Form issued by the Department.