

# EL DORADO LAFCO

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## LOCAL AGENCY FORMATION COMMISSION

550 Main Street Suite E • Placerville, CA 95667

Phone: (530) 295-2707 • Fax: (530) 295-1208

lafco@co.el-dorado.ca.us

www.co.el-dorado.ca.us/lafco

February 28, 2007

Bill Chiat, Executive Director  
California Association of Local Agency Formation Commissions  
801 12th Street, Suite 611  
Sacramento, CA 95814

Dear Mr. Chiat,

As you are aware, effective January 1, 2007, the Department of Fish and Game significantly raised the fees for filing Notices of Determination (NOD). In addition, the Department of Fish and Game eliminated the fee exemption for filing NODs on projects determined to have a "*de minimis*" effect on fish and wildlife.

Under current regulations, NOD filing fees will have to be paid by the lead agency unless the project will have *no effect* on fish and wildlife. In order to qualify for a fee exemption, the Department of Fish and Game must agree that the project will have no effect and then issue a special form to the project proponent.

In the cases where a LAFCO processes sphere of influence (SOI) updates or amendments, LAFCO is often the lead agency and it prepares its own CEQA determination. Under the new regulations, each time LAFCO processes an SOI update or amendment and it utilizes a Negative Declaration as the appropriate environmental review, it will have to request that Fish and Game issue a form concurring that the project will have no impact on fish and wildlife. Otherwise, LAFCO will be paying a NOD filing fee of \$1,800 for a Negative Declaration. This would have a significant fiscal impact on this LAFCO and the agencies that contribute to its budget.

El Dorado LAFCO fully supports any efforts your organization undertakes, legislative or otherwise, to request and secure a blanket NOD filing fee exemption from the Department of Fish and Game for SOI updates or amendments.

Regards,

Ted Long  
Chairman

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Denise Tebaldi, Administrative Assistant • Tom Gibson, Commission Counsel

*Memo*  
*2/13/2007*  
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