



Governor's Office of Planning and Research
State Clearinghouse

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All CEQA Lead Agencies

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Governor's Office of Planning and Research

Filing of Notices of Determination with the State Clearinghouse

The State CEQA Guidelines identify the specific circumstances under which Lead Agencies must submit their draft Environmental Impact Reports (EIRs), proposed Negative Declarations (NDs), and Notices of Determination (NODs) to the State Clearinghouse. In all cases these documents must be submitted to the State Clearinghouse if there is any state agency with discretionary approval over the subject project, such as a permit, lease, or funding approval. A NOD must be filed with the State Clearinghouse within 5 business days of project approval for which a draft EIR or proposed ND was prepared and for which a state agency has approval authority. As a general rule, if the EIR or ND was submitted to the State Clearinghouse, the NOD should also be submitted to the State Clearinghouse upon project approval.

Our records indicate that many Lead Agencies submit NODs to the State Clearinghouse without previously submitting the underlying EIR or ND for state agency review. The State Clearinghouse believes there are two reasons Lead Agencies may be submitting NODs but not the underlying environmental documents.

1. Lead Agencies may be sending NODs to the State Clearinghouse unnecessarily.

If the project does not involve a state agency (either as a Lead Agency or Responsible Agency), the NOD should not be submitted to the State Clearinghouse. Unnecessary filing of NODs creates an administrative burden on both the Clearinghouse and the Lead Agency. The State Clearinghouse has technical support staff who can answer Lead Agency questions, either by email or phone, about whether a particular NOD must be filed with the Clearinghouse.

2. Lead Agencies may be filing their NODs only upon notification that a state permit will not be approved without evidence that the NOD was filed with the State Clearinghouse.

Some Lead Agencies report to Clearinghouse staff that they are purposefully filing only NODs, and not the underlying environmental documents. Other Lead Agencies may not realize until the NOD stage that the underlying environmental documents should have been submitted to the Clearinghouse. In either case, state responsible agencies, seeing the filed NOD, are led to incorrectly believe that the Lead Agency properly fulfilled its CEQA review requirements, and that the responsible agencies had the opportunity to review the EIR or ND prior to project approval. To educate Lead Agencies about their responsibilities when filing NODs, the Clearinghouse will send letters to Lead Agencies upon the receipt of a NOD for which no underlying environmental document was received. As a service to state responsible agencies, the Clearinghouse will begin flagging NODs for which the underlying environmental documents were not submitted to the State Clearinghouse.

The State Clearinghouse emphasizes the importance of submitting your draft EIR or proposed ND to this office for state agency review prior to filing the NOD on the project. If you have questions about the criteria for submission of environmental documents to the State Clearinghouse, please contact us at the following e-mail address or telephone number.

E-mail Address: state.clearinghouse@opr.ca.gov

Telephone (916) 445-0613
Number:

You may also view information on this subject in our "State Clearinghouse Handbook" for information on how to properly file your NOD and the criteria for submitting an EIR or ND to the State Clearinghouse.

References: CEQA Guidelines Sections 15205, 15206, 15075, 15094. See also, OPR Memorandum dated February 1, 2000, available from the State Clearinghouse website.