

## MEMORANDUM

Date: January 3, 2001

To: All CEQA Lead Agencies

From: Steve Nissen, Director, Governor's Office of Planning and Research  
Terry Roberts, Manager, State Clearinghouse Unit

Subject: New Legislative Requirements for Notices of Preparation (AB 1807)

Effective January 1, 2001, two new requirements were added to the California Environmental Quality Act (CEQA) as a result of the passage of Assembly Bill 1807. Any public agency acting as a "lead agency" under CEQA must provide a copy of all Notices of Preparation (NOPs) to the Governor's Office of Planning and Research (OPR). In addition, lead agencies are required to submit transportation monitoring information to the State Department of Transportation (Caltrans) when the project has impacts of statewide, regional, or areawide significance (as defined in the CEQA Guidelines). These new requirements are reflected in Sections 21080.4 and 21081.7 of the Public Resources Code (PRC).

Most lead agencies are already familiar with the requirement to submit NOPs to the State Clearinghouse Unit of OPR when the proposed project involves a state responsible or trustee agency. AB 1807 requires a copy of every NOP prepared by a lead agency to be submitted to OPR, regardless of state agency involvement in the project approval. This memo is intended to answer commonly asked questions regarding your obligation to submit NOPs to OPR. Please contact the State Clearinghouse at (916) 445-0613 or email [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) if you have any questions or comments.

### 1. Which NOPs must be submitted to OPR?

A copy of all NOPs must be submitted to OPR, regardless of the involvement of any state responsible or trustee agency. We recommend that lead agencies add OPR to their standard distribution lists for NOPs.

### 2. When must the NOP be sent to OPR?

The NOP must be sent to OPR immediately upon a determination by the lead agency that an environmental impact report (EIR) will be required for a project. The lead agency must send OPR a copy of the NOP at the same time that it sends the notice to responsible and trustee agencies (PRC Section 21080.4).

3. To whom should the NOP be addressed?

The NOP should be addressed to the State Clearinghouse, OPR, P.O. Box 3044, Sacramento, CA 95812-3044. Please use our post office box for mailing purposes. Our street address is 1400 Tenth Street, Room 222, Sacramento, CA 95814 if you plan to have your NOP delivered by courier.

4. How many copies of the NOP must be sent to OPR?

Only one copy is required by law. Since the State Clearinghouse will distribute copies of your NOPs to interested state agencies, we would appreciate receiving 15 copies of each NOP. If we receive only one copy, the time required to make photocopies could delay our distribution of the notice.

5. Does OPR require a transmittal form to be submitted with the NOP?

OPR requests that a Notice of Completion form be submitted with every NOP. The Notice of Completion form is available in Appendix C of the State CEQA Guidelines, the State Clearinghouse Handbook (Form A), and from the OPR website ([www.opr.ca.gov](http://www.opr.ca.gov)). The Notice of Completion form is necessary for accurate entry of project information into OPR's environmental database.

6. How will OPR process your NOP?

OPR will routinely distribute copies of the NOP to interested state agencies, including the appropriate Caltrans District office, for their review and comment. When OPR distributes copies of an NOP to state agencies, we remind them of the statutory requirement to provide comments to the lead agency within 30 days of receipt of the NOP. In addition, OPR will record the information about the project in our environmental database, and include a summary of the NOP in its bi-monthly State Clearinghouse Newsletter.

7. How long is the review period for an NOP?

The review period for an NOP is 30 days from the date of receipt of the notice by the recipient agency (PRC Section 21080.4(a)). OPR has no discretion to modify this review period.

8. What happens if a state agency comments on your NOP?

Any person or agency may submit information or comments to a lead agency to assist in the preparation of a Draft EIR. The lead agency must consider all comments and include them in the Draft EIR, as appropriate (PRC Section 15084(c)). If a state agency identifies itself as a responsible or trustee agency during the NOP review period, then the lead agency must also submit the Draft EIR to the State Clearinghouse (see CEQA Guidelines Sections 15205 and 15206).

9. Must the subsequent Draft EIR be submitted to the State Clearinghouse if the NOP was previously submitted to OPR?

Not necessarily. AB 1807 requires all NOPs to be submitted to OPR, but not all Draft EIRs. The criteria for submitting a Draft EIR to the State Clearinghouse for state level review have not changed (see CEQA Guidelines Sections 15205 and 15206). If your proposed project does not meet the CEQA Guidelines criteria for state review, you are not required to submit the Draft EIR to the State Clearinghouse. Although AB 1807 requires lead agencies to submit all NOPs to OPR, the new law does not automatically require submittal of all ensuing Draft EIRs to OPR.

10. Will public agencies be reimbursed for the cost of this new state mandate?

No. AB 1807 indicates that no reimbursement is required because local agencies and school districts have the authority to levee charges, fees, or assessments to pay for the activities required by the bill.