



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

**MEMORANDUM**

**Date:** November 30, 2011

**To:** All CEQA Lead Agencies

**From:** Governor's Office of Planning and Research, State Clearinghouse

**Re:** Mandatory identification of the project applicant on the Notice of Determination form (AB 320)

Assembly bill 320 (Hill), signed October 8, 2011 amends sections 21108, 21152, and 21167.6.5 of the Public Resources Code. The changes require a lead agency to identify the project applicant on the notice of determination (NOD) or notice of exemption (NOE) form. Specifically, the NOD or NOE must "identify the person or persons in subdivision (b) or (c) of Section 21065, as reflected in the agency's record of proceedings[.]" Section 21065 of the Public Resources Code defines a "project" to include:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

Section 15351 of the State CEQA Guidelines further defines "applicant" to mean "a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance."

Sections 15075 and 15094, as well as Appendices D and E, of the State CEQA Guidelines have been revised to incorporate these new requirements. The new requirements go into effect January 1, 2012.

For further information or assistance please contact the State Clearinghouse at (916) 445-0613 or [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov).