KERN COUNTY
Planning & Natural Resources

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RE: **Declaration of Consultant Nondisclosure Agreement and Waiver by Project Applicant**

Dear Applicant:

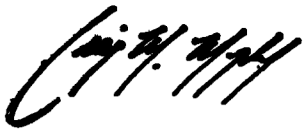
When preparing Environmental Impact Reports (EIRs) in accordance with the California Environmental Quality Act (CEQA), the Planning and Natural Resources Department allows the applicant to contract directly with consultants for necessary background studies, provided the environmental studies are factual and objectively prepared. The Department reviews consultant-prepared administrative draft environmental documents prior to public review to ensure that they are objective, factual, and conform to the Department's standards for EIR preparation. As the Lead Agency for CEQA, the Department relies on the information provided to be complete and accurate in its disclosure of baseline information and environmental effects. Section 15003(i) of the CEQA Guidelines requires that the County's CEQA document be adequate, complete, and a good-faith effort at full disclosure.

The Department is aware that confidentiality agreements are sometimes included by applicants in contracts with consultants for studies related to development projects particularly for work done prior to application and direct work on any draft EIR or related studies. These agreements can restrict the preparers of studies and documents from disclosing specified information to any third party without the permission of the applicant, which would be contrary to the Department's objective to prepare an environmental document that is complete and represents a good-faith effort at full disclosure.

Accordingly, the Department requires that every applicant involving an EIR complete and sign the attached Declaration of Consultant Nondisclosure Agreement and Waiver prior to the preparation and public circulation of the environmental document.

If you have any questions regarding this matter, please contact Department Staff in the Plan Development Division. Your compliance with this requirement is greatly appreciated.

Sincerely,



Craig M. Murphy, Director
Kern County Planning and Natural
Resources Department

PLN No:_____

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

Declaration of Consultant Agreement and Waiver

(Application No._____)

Pursuant to the County's authority under the Public Resources Code Section 21082.1, the County is required to circulate draft environmental documents that reflect its independent review as a Lead Agency. Accordingly. the County requires CEQA related information under the control of the project applicant and owner. The undersigned Owner and applicant for a discretionary land use or development approval ("project") involving a CEQA process on property described as _____ hereby affirms under penalty of perjury that they are not presently or during the past 12 month period were a party to any consultant agreements to study project related CEQA issues on the described property or any other property having any environmental connection with the project site, except as follows:

_____ (identify by agreement date and consultant).

Owner and applicant agree to promptly notify County of all future contracts of this type until final action on the project is taken by County. With respect to any such past or present agreement (or future agreement until final action on the project is taken by County), the undersigned hereby directs any such consultant to fully cooperate with Kern County officials by providing County with all baseline environmental conditions, potential environmental effects and impacts, potential mitigation measures, project alternatives and other information relevant to complying with CEQA in their possession pertaining to the above described property without regard to any non-disclosure covenants. The applicant further agrees that any and all such information becomes and remains part of permanent public records, subject to the Public Records Act, after receipt by the County.

A copy of this document shall have the same effect as an original.

_____ Date _____
(Signature of Applicant)

_____ Date _____
(Signature of Owner, if different)