

**NORTH CAROLINA ENVIRONMENTAL POLICY ACT
(NCEPA)
REQUIREMENTS FOR PROJECTS REQUIRING A COASTAL
AREA MANAGEMENT ACT (CAMA) PERMIT**

Version 2.2
April 13, 2005

I. PURPOSE OF THE N.C. ENVIRONMENTAL POLICY ACT

The purpose of the NCEPA is to provide a method by which decision makers may consider environmental aspects and consequences of a proposed development. A review under NCEPA may be triggered whenever a project meets the following criteria:

- 1) Expenditure of public monies or use of public lands (includes submerged public bottom lands)
- 2) An action (i.e. a State permit decision)
- 3) A potential impact
- 4) The project exceeds approved minimum criteria (**See Appendix A**)

II. PROJECTS SUBJECT TO THE REQUIREMENTS OF THE NCEPA

Most activities requiring a Coastal Area Management Act permit are exempt from the requirements of the N.C. Environmental Policy Act. According to 15A NCAC 01C .0504(3)(f), (DENR Minimum Criteria) only the following activities will require the preparation of an environmental document under the NCEPA;

- A) Construction of a new marina, or a 25% or greater expansion in the number of slips at existing and operating marinas
 - ***Must be constructed at least partially over state owned lands. NCEPA does not apply to marinas entirely located within man-made basins or canals cut from highground.***
 - ***Expansion of existing facilities - If a ten slip or less docking facility located at least partially over state owned bottom is to be expanded so that the facility will be classified under CRC regulations as a marina, then a NCEPA review will be required. A NCEPA review will also be required if the existing ten slip or less facility is located in a highground basin, and at least some of the proposed new slips are located over state owned bottoms.***
- B) New navigation channels;

- ***Only applies to excavation of State-owned bottomlands.***
 - ***Maintenance activities associated with maintaining the traditional and established use of a channel and new excavation activities located entirely within 100 feet of the shoreline, or within 50 feet from the waterward edge of any existing or authorized docking facility and involving the excavation of less than 5,000 square feet of public trust bottom do not constitute excavation of a new navigation channel for purposes of these rules.***
 - ***Increasing depths of existing natural or man-made channels to allow for a new or expanded use will in most cases not be considered a new navigation channel.***
 - ***Final decision on all determinations of what constitutes a new navigational channel will lie with Assistant Director and Major Permits Coordinator***
- C) Excavation of materials from aquatic environments for use for beach renourishment or other purposes not directly related to approved navigational projects, and;
- ***For example, excavation from the estuarine system for the purpose of providing material for beach nourishment or the establishment of bird or wildlife islands, where the area to be excavated is not being done as part of a navigational project.***
- D) A large scale beach nourishment or spoil deposition project. A project shall be considered large scale when it places more than a total volume of 200,000 cubic yards of sand at an average ratio of more than 50 cubic yards of sand per linear foot of shoreline.
- E) The salvaging of cut logs from public trust waters for commercial use, unless the salvage operation complies with any departmentally-approved best management practices developed for such activities;
- ***As of this time, no departmentally-approved BMP's exist.***
- F) The construction over state owned submerged lands of private bridges to privately owned islands, unless the length of the bridge is less than 50 feet;
- G) The excavation, dredging or other hydrodynamic manipulation of an inlet, inlet channel(s) or inlet shoal(s) for non-navigational purposes.
- H) Any activity which might require a NCEPA environmental document under provisions of another state approval or state or local governmental agency requirement.
- ***i.e. NCWRC, NCDOT projects. If the projects are being done by one of these agencies (DCM is not the lead NCEPA agency), or if the NCEPA document is being required by another permit agency (i.e. DWQ) the DCM specific NCEPA review requirements outlined herein will not apply. The***

lead agency will be responsible for submitting documentation to the Division of Coastal Management that the NCEPA process has been successfully completed.

Additionally, as set out in 15A NCAC 01C .0503, the Secretary of the Department of Environment and Natural Resources (DENR) may determine that environmental documents under the NCEPA are required on a case by case basis. The Major Permit Coordinator will coordinate any request to initiation this kind of NCEPA review with the Assistant Director, Director and Secretary (or his designated representative).

III. IF A NCEPA DOCUMENT IS REQUIRED.

If a NCEPA document is required for a proposed development, preparation of an Environmental Assessment (EA) will be required. The purpose of the EA is to provide a decision-making tool to determine if a planned project is of such significance or scope and impact on the environment as to require the preparation of an Environmental Impact Statement (EIS). Guidelines for preparing an EA document are provided in **Appendix B**.

Some projects having federal involvement require the preparation of a document under the National Environmental Policy Act (NEPA). If a document has been prepared under NEPA and submitted for review through the State Clearinghouse process, an additional filing under the NCEPA is not required.

IV. INITIAL DCM EVALUATION

Upon completion of the EA, one copy of the document should be provided to both the appropriate DCM regional office manager and the major permits coordinator in Morehead City (see **Appendix C**) for the purposes of initiating an internal evaluation of the document. This evaluation is **only** for the purposes of ensuring that the document is of the proper format and that the information provided within the document appears to be complete and accurate. This internal evaluation will **not** assess the merits and environmental consequences of the proposed project.

If the DCM evaluation results in a determination that additional information is necessary, or that the potential impacts of the project are not adequately addressed, the document will be returned to the preparer with a written explanation of what information or steps are necessary to complete the document. When the requested revisions are completed, the document should be re-submitted to the major permit coordinator for a re-evaluation. The document shall be

circulated for Departmental review once the document is deemed complete. Acceptance of the document for circulation does not mean that additional information will not be required at further stages of review.

V. DEPARTMENTAL REVIEW

The applicant is required to provide the major permits coordinator in Morehead City eleven (11) copies of the EA document, which must include any revisions resulting from the initial DCM evaluation process. Eight copies of the documents will be sent to the Department's NCEPA coordinator, 1 copy maintained by the Major Permits Section and 1 copy of the document submitted to the appropriate DCM regional office. The DENR NCEPA coordinator will then distribute the document for review by the following DENR Divisions;

Division of Air Quality
Division of Coastal Management
Division of Environmental Health
Division of Forest Resources
Division of Land Resources
Division of Marine Fisheries

Division of Parks and Recreation
Division of Radiation Protection
Division of Soil and Water
Division of Waste Management
Division of Water Quality
Division of Water Resources
Wildlife Resources Commission

This Departmental review will typically be completed within 15-20 working days. However, time extensions are allowable in certain cases.

If the Departmental review does not identify any issues that require additional discussion or coordination, the applicant will be requested by the Major Permits Coordinator to provide an additional 12 copies (additional copies may be required based upon public interest, project complexity, size of document, etc.) of the document to the major permits coordinator, at which point the major permit coordinator may add a Finding of No Significant Impact (FONSI) statement to the EA, and submit the appropriate number of documents to the State Clearinghouse.

If the Departmental review identifies issues which the Department determines warrant additional study, the major permit coordinator will attempt to work with the applicant and the commenting agency(s) to resolve these issues. The applicant also has the option of coordinating directly with the commenting agency(s) to resolve these issues. In many cases, a second Departmental review of a revised document may be necessary. If the issues of contention are resolved to the satisfaction of the Department, the applicant will be required to revise the EA document to reflect these changes and provide 12 copies of the revised document to the major permits coordinator. At this time, the major permit coordinator may add a Finding of No Significant Impact (FONSI) statement to the EA, and submit the documents to the State Clearinghouse for final public review.

If the Departmental review identifies areas of potential adverse impact associated with the proposed project, and the applicant and the Department can not reach an agreement on how to resolve these issues, the applicant may choose to prepare an Environmental Impact Study to satisfy the NCEPA requirements. **Appendix B** provides guidelines on how to prepare an EIS.

VI. STATE CLEARING HOUSE REVIEW

After satisfactory review by the Department, copies of the document are supplied to the State Clearinghouse, which will publish a summary of the document in the N.C. Environmental Bulletin, which is published bi-weekly (the Environmental Bulletin publication schedule can be accessed at <http://www.doa.state.nc.us/doa/clearing/ebsched.htm>). The environmental document will also be circulated by the Clearinghouse to appropriate state and local agencies for review and comment. The clearinghouse review is also the appropriate avenue for considering public comments on an individual project. The clearinghouse review period is 30 calendar days after publication of the document summary in the environmental bulletin (45 calendar days for a draft EIS).

It should be noted that the State Clearinghouse review does not include circulation to any federal review agency. However, at this point DCM provides copies of the document to The U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service and Environmental Protection Agency for their review and comment.

At the end of the State Clearinghouse review period, the Division will either be notified that additional action is needed on the document, thereby initiating a new round of coordination with the objecting parties, or that the document has satisfied the requirements of the NCEPA.

VII. WHEN MAY A CAMA PERMIT APPLICATION BE SUBMITTED.

As required by T15A:07J.0204(b)(8), which states “*for development proposals subject to review under the North Carolina Environmental Policy Act (NCEPA), G.S. 113A-100 et. seq., the permit application will be complete only on submission of the appropriate environmental assessment document*”, a CAMA permit application may not be considered complete until such time as all NCEPA requirements have been satisfied; the term “*appropriate environmental document*” means that a document has completed the NCEPA review and can now be utilized as a decision making document; the submission of a document for Departmental or State Clearinghouse review does **not** satisfy the “*appropriate environmental document*” requirement.

Furthermore, as a result of the recent NUCOR settlement between the Department and several environmental organizations, no DENR permit decision may be made on a project subject to NCEPA review until such time as the NCEPA process has been fully completed. Therefore, no application will be officially accepted as complete until a NCEPA compliance letter is received from the State Clearinghouse (regardless of whether or not DCM or another agency is requiring the NCEPA review). The applicant may initiate pre-application coordination with the Division

at any time, and may submit an application following completion of the Departmental review. The application submittal at this point will allow the Division to review the application for completeness, and will allow for some early processing steps to take place, which should lead to quicker final actions on a project. Specifically, it has been determined that at this stage (following completion of Departmental review) the following procedures will take place (if the applicant chooses to submit an application at this time):

- 1) DCM will begin normal distribution of the permit application and field investigation report, provided that the application accurately reflects the project depicted in the environmental document. The field investigation report should include a statement that the project is currently undergoing a NCEPA review;
- 2) Publish the Public Notice as would be done for any project;
- 3) At this time the application should be entered into the permit tracking database, with the “accepted as complete date” being the date the application was received as complete (for database purposes only), but in no case shall this date be earlier than the completion date for the Departmental review. The project will immediately be placed “on hold” in the database. **This step is only for the purposes of getting the application entered into the database – this step does not constitute official acceptance for the purposes of initiating and determining the 150-day processing clock;**
- 4) A letter similar to the one shown in **Appendix D** should be sent to the applicant at this time. However, the statutory time period will not begin until a NCEPA compliance letter is received from the State Clearinghouse;
- 5) Upon receipt of a letter from the State Clearinghouse that the project has officially satisfied the NCEPA requirement, the Major Permits Coordinator will send an official acceptance as complete letter to the applicant, including a 75 day anticipated action date.
- 6) From this point, the permit application review process will proceed as would normally occur for any project. It is important to note that any commitments made by the applicant in the environmental document will be included as permit conditions in any permit issued for the project.

APPENDIX A

DENR MINIMUM CRITERIA

The DENR Minimum Criteria may be accessed at

<http://www.enr.state.nc.us/files/criteria.pdf>

APPENDIX B

Environmental Assessment Guidelines

These standardized guidelines are for use when preparing an Environmental Assessment (EA) to comply with the **North Carolina Environmental Policy Act (SEPA)** and its rules in the North Carolina Administrative Code. The purpose of the EA is to provide a state agency with enough information to determine if a planned project has a level of impact on the environment requiring the preparation of an Environmental Impact Statement (EIS) **or** if a Finding of No Significant Impact (FONSI) is the appropriate conclusion.

1. Prepare a cover letter including the following:

- Title/name of proposed activity
- Responsible state agency
- Name, address and phone number of state agency contact person
- Preparer of the document (if *not* a state agency, include address, phone number)
- List of other cooperating agencies, if applicable

2. Complete all sections (A-I).

A. Proposed Project Description

Describe the entire project. Explain how it fits into any larger project or master plan. If this is a phased project, identify future and previous planned phases and their timing. Details should include, but are not limited to, the following, as applicable:

- number of acres of land or waters to be disturbed
- existing site characteristics
- square footage and height in stories of new buildings
- square footage or acreage of footprint of entire project
- number of parking spaces in parking lot(s) or deck

- number, configuration and size of boat slips
- proposed use(s) of any building(s)
- location of project (county/municipality) and reference to location map(s)
- site improvements to be made, such as grading, filling, landscaping, etc.
- connections to existing utility and sewer lines and/or new utility installation
- amount of paved and otherwise impermeable surface
- construction of any stormwater control devices
- location of spoil disposal site(s)

B. Purpose and Need for Proposed Project

Discuss why this project is necessary and how it fits into the project sponsor's mission. Include any unique aspects of the project.

C. Alternatives Analysis

Discuss all reasonable alternatives to the proposed project, including the alternative of no action.

If more than one site was considered, discuss the site selection process and the factors considered in selecting the proposed site. Factors considered could include real estate considerations, space, utilities, transportation, environmental consequences, etc. **Conclude with why the proposed site or project is the preferred alternative.**

D. Existing Environmental Characteristics of Project Area

The existing or affected environment should be discussed in terms of what **currently** exists on the site and in the surrounding area.

If no site resource information exists for a given topic, make a statement to that effect and **provide a reference to a study or document which supports your statement.** *For example, if there are no wetlands on the site, reference a wetlands delineation that was done in the past or, at a minimum, a field survey that was conducted.*

For some topics, such as land use, wetlands, water supplies, shellfish or fish and their habitats, and wildlife and their habitats, discussion should also include the surrounding area if there is any possibility that the proposed project could have any impact on it. *For example, if the site itself does not contain any wetlands, but there are wetlands downstream that could be affected by the increased surface water runoff from the site, they should be identified.*

(1) Topography

Briefly describe the topography of the project area including landforms, slopes, and elevations. A brief description of the geology of the site can be added if available. Is the site within the 100-year flood plain? National Flood Insurance Program (NFIP) maps should be used to determine whether the project will encroach on the base (100-year) flood plain.

(2) Soils

Describe the dominant soil(s) in the project area as well as any soil types that might prove to be a constraint to the proposed project. This would include any fill, wetland soil types, etc.

(3) Land Use

Describe the current use of the land at the site and the surrounding acreage. Additionally, discuss how the current land use fits into the land use of the entire area in terms of conservation, development, and ecological function. If applicable, identify the current zoning classification of the project site and surrounding area.

(4) Wetlands

Describe the existence of any wetlands on-site or near the site. Indicate any wetlands on the map in Section H. Include a list of the type, quality, and delineation. Describe the primary function of the wetland (*e.g., flood control, wildlife habitat, groundwater recharge*), and other factors that indicate the relative importance of the function to the total wetland resources of the area.

(5) Prime or Unique Agricultural Lands

Is any of the proposed site classified as prime or unique agricultural land? Reference some authority. Local soil and water conservation districts can be of assistance in classification of these areas.

(6) Public Lands and Scenic, Recreational, and State Natural Areas

Discuss the existence of any formally designated park land, scenic or recreational areas, or state natural areas on or adjacent to the site.

(7) Areas of Archaeological or Historical Value

Reference any studies that have been done on this site. If no studies are available discuss if and how the site has been previously disturbed. List any buildings on the site and their approximate age.

(8) Air Quality

Identify the area's air quality classification, acknowledging if it is in transition and why. Discuss the current sources of emissions for the site. Discuss any previous odor problems or complaints due to any existing facilities.

(9) Noise Levels

Discuss the current noise levels on the site with a measurable benchmark, if possible.

(10) Water Resources (Surface Water and Groundwater)

Note: Since these topics tend to overlap and are interrelated, discuss them together under a single heading.

Identify surface waters and groundwater (aquifers) in the project area. For surface waters, identify the name, location (include on the enclosed map in Section H), classification, and use support ratings. Identify the river basin where the project is located. If there are unnamed streams, estimate the average flow. Discuss groundwater in terms of use, quality, quantity, depth, and recharge.

(11) Forest Resources

List type (*for example, hardwoods/pines*) at or near the site.

(12) Shellfish or Fish and Their Habitats

Are there categories of shellfish beds/fish habitats at or near the site? Are these closed beds, highly productive areas, or spawning areas?

(13) Wildlife and Natural Vegetation

Identify any wildlife habitat that exists on or near the project area. List specific species of dominant plants and animals that are indicative of the kind of habitat that exists, as well as any threatened or endangered species.

E. Predicted Environmental Effects of Projects

In this section the discussion should center on the ***direct, indirect, and cumulative impacts*** the project will have on the same topics covered in the previous section with the addition of “(14) Introduction of Toxic Substances.” Identify both the construction and operational impacts. If there will be no impact in any specific topic area (#1-13 above), that should be stated. If the impact is small and deemed to be insignificant, describe the impact and then make a statement to that effect at the end of the discussion for ***each*** topic. In all categories, quantify impacts where feasible (*i.e., in terms of acres, linear feet, etc.*).

If, in Section D, “Existing Environmental Characteristics of Project Area,” it was shown that a resource did not exist on or near the site, then indicate “Not Applicable (N/A)” in the appropriate section. *For example, if there are no wetlands on the site or near the site that could be impacted by the project, then there cannot be any environmental consequences to wetlands from the project and there need not be any mitigative measures. Therefore, the topic of wetlands does not need to be addressed in this or the next section and “N/A” should be indicated under #4 of this section.*

(1) Topography

Will this project change the existing topography? Identify and evaluate any encroachments of

the project on flood plains.

(2) Soils

Will this project cause any soil disturbance or contamination? If soil is to be moved, how many square yards/feet will be moved and to what location? If soil is expected to be contaminated, discuss the contaminant.

(3) Land Use

How will the land use change due to the project and how will the new use(s) fit into the intended land use of the entire area in terms of conservation, development, ecological function, and quality of life? Will local zoning or land use plans need to be changed?

(4) Wetlands

Will there be any direct or indirect impacts on wetlands from the project? If wetland is to be filled, how many acres are involved and what kind of authorization (permit) is required? Will the diversion/addition/withdrawal of surface water impact existing wetlands? Construction activity as well as long-term operational activity should be considered.

(5) Prime or Unique Agricultural Lands

How will the project affect the identified prime or unique agricultural land? How much acreage will be lost and how much retained in that use? What will be the impact of the loss?

(6) Public Lands, Scenic and Recreational Areas

How will the project impact any formally designated park land, scenic, recreational or state natural areas on or adjacent to the site? Again, quantify the amount of loss. Also, discuss the loss of any informal scenic or recreational site functions.

(7) Areas of Archaeological or Historical Value

How will the project affect any areas of archaeological or historical value? Will any building be demolished or renovated? If yes, include photographs of buildings on the site.

(8) Air Quality

How will the ambient air quality be affected by the project? Remember to discuss both the construction and the operation of the project. Consider cumulative impacts as this project is added to the existing development. Will there be any open burning? If parking is involved and there will be more than 750 spaces, a Complex Air Source permit will be required. Confirm if the project will increase odor levels or increase the possibility for odor complaints.

(9) Noise Levels

Will the project increase noise levels? If so, when (days of the week and hours of day)? At what distance will increased noise levels be heard? Will surrounding properties be affected by noise level?

(10) Water Resources

How will the project impact the following during construction and operation: surface water quality and quantity, and groundwater quality and quantity? Address any changes in the amount of impervious surface at the project site and stormwater runoff (*i.e., nonpoint source pollution*). When discussing these impacts, include impacts on erosion rates at the site and downstream, sedimentation changes, changes in downstream water quality (e.g., eutrophication impacts), etc.

(11) Forest Resources

If any forests are destroyed by this activity, describe forestry practices to be used.

(12) Shellfish or Fish and Their Habitats

What kinds of impacts on shellfish, fish, or their habitats will the project have either during construction or operation? Consider on-site and nearby aquatic habitats.

- The proximity of the proposed project to open and/or closed shellfish waters.
- If dredging is involved, the amount of disturbed and undisturbed shallow bottom habitat in the project vicinity should be quantified.
- Would the proposed project result in the deterioration of existing fish habitat?
- Would the proposed project interfere with movement of any resident or migratory, fish species, especially threatened/endangered or anadromous fish?
- How will the proposed project be timed so as to minimize adverse impacts to shellfish and fish?
- What is the proximity of the proposed project to any known submerged aquatic vegetation?
- How will the proposed project affect water with the following classifications:

Outstanding Resource Waters (DWQ)

High Quality Waters (DWQ)

Impaired waters (on the 303d list, DWQ)

Nutrient Sensitive waters (DWQ)

Open Shellfishing Waters (DEH, Shellfish Sanitation)

Water Supply waters (DEH)

Anadromous Fish Waters (NMFS, NCWRC)

Primary and Secondary Nursery Areas (DMF, NCWRC)

Essential Fish Habitat (DMF)

(13) Wildlife and Natural Vegetation

How much of the existing natural vegetation will be destroyed or altered by the project?

Will wildlife be displaced?

- Provide a list of threatened and/or endangered species found in the county in which the proposed project is located. List the species, the species' ratings (T/E), the habitat potential for species presence, and the probable impact of the proposed development on the species.
- If the wildlife will be displaced, are there surrounding areas that provide similar types of habitat or does the project encompass any possible relocation areas nearby? What is the long-term effect if more development is planned for the area?
- Would the proposed project change the diversity of species, number of any species of plants or animals?
- Would the proposed project result in the deterioration of existing wildlife habitat?
- Would the proposed project interfere with movement of any resident or migratory wildlife species?
- Would the proposed project conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan?

(14) Introduction of Toxic Substances

Will any toxic substances be introduced during construction or operation of the project? If so, name them and identify how they will be used. Discuss any measures that will be taken to ensure that toxic substances will be treated in accordance with all appropriate regulations so that there will be no significant environmental impact.

(15) Cummulative Impacts

Describe how various coastal resources will be impacted by the combined effects of your project with those projects already in place and/or reasonably foreseeable future projects in the project vicinity. Specifically, cumulative impacts to water quality, wetlands, fisheries resources, shellfish resources, wildlife resources, and public trust usage must all be addressed. **(NOTE: The Department is currently developing a Cumulative Impact Guidance Manual. Upon its completion, a link to this resource document will be provided here.)**

F. Mitigative Measures

The only topics that need to be covered in this section are those which were deemed to be significantly affected by the proposed project in Section E, "Predicted Environmental Effects of Projects." List all of those topics in the same order as above and discuss for each one what measures are going to be taken to mitigate the effects of the project. *For example, wetlands created to offset wetland loss, or if habitat of any kind is going to be created, it should go in this section.* If the project will cause an increase in emissions, what steps are being planned to minimize or reduce future emission increases? If stormwater control practices are going to be implemented, what kinds and what level of rainfall events will they accommodate? Provide quantitative data.

G. *References*

List in alphabetical order any documents referenced in the EA.

H. *Exhibits*

Include a reproducible site location map or maps showing the site of the proposed project and any significant features such as wetlands, parks, historic sites, etc.

I. *State and Federal Permits Required*

List any permits that are to be obtained for this project.

Environmental Impact Statement Guidelines

SCOPING

If the Department determines that an EIS is required on a project, the Department may choose to request advice from the general public and other agencies on what alternatives and issues should be addressed in the EIS, in which case an interested parties meeting will be scheduled and/or a request will be made to the State Clearinghouse to publish a scoping letter in the N.C. Environmental Bulletin.

FORMAT

The EIS document should utilize a format which will encourage good analysis and clear presentation of all alternatives and which contain the following:

- 1) Cover Sheet with the following:
 - A) Title of activity (subject of document)
 - B) Agency for whom document is being prepared
 - C) Designation of the document as a Draft or Final Environmental Impact Statement.
- 2) A reproducible site location map showing the site of the proposed project, and any significant features such as wetlands, parks, historic sites, endangered species locations, etc.
- 3) A section for each item listed in the contents.

The EIS document should generally not exceed 60 pages.

CONTENT

- I) Summary - An adequate and accurate summary of the EIS stressing the major conclusions, areas of controversy, and issues to be resolved. The summary shall also list all federal, state and local permits, licenses, certifications, and other approvals which must be obtained in implementing the proposal.
- II) Purpose and Need - The underlying purpose and need for the proposed activity.
- III) Alternatives (including the proposed activity) - An examination of the alternatives to

meet the need. Use information and analysis presented in items 4 and 5 below to show the environmental impacts of the alternatives including the proposed activity in comparative form. To the extent possible, the comparison of alternatives should quantify how the purpose and need would be satisfied by each alternative and the proposed activity. This section is the heart of the EIS, defining the issues and providing a clear basis for choice among options by decision makers and the public. It should also;

- A) Explore and evaluate all reasonable alternatives, including the alternative of no action and those not within jurisdiction of the Department;
- B) Discuss the reasons for the elimination of alternatives from detailed study;
- C) Identify the preferred alternative(s) in the draft statement and identify such alternatives in the final statement, unless another law prohibits the expression of such a preference;
- D) Include appropriate mitigation measures not already included in the alternatives, and;
- E) Assess the social and economic impacts of each alternative. Impacts should be quantified for each alternative, where feasible, but when quantification by standard economic tools is not feasible or intangibles are involved, a description of each impact is required.

IV) Affected Environment - A description of the environment to be created by the alternatives under consideration. The description should be no longer than is necessary to understand the effects of the alternatives. Data and analysis in a statement should be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Categories of impacts to be addressed are not limited to, but should include, the following categories:

(1) Topography

Briefly describe the topography of the project area including landforms, slopes, and elevations. A brief description of the geology of the site can be added if available. Is the site within the 100-year flood plain? National Flood Insurance Program (NFIP) maps should be used to determine whether the project will encroach on the base (100-year) flood plain.

(2) Soils

Describe the dominant soil(s) in the project area as well as any soil types that might prove to be a constraint to the proposed project. This would include any fill, wetland soil types, etc.

(3) Land Use

Describe the current use of the land at the site and the surrounding acreage. Additionally, discuss how the current land use fits into the land use of the entire area in terms of conservation, development, and ecological function. If applicable, identify the current zoning classification of the project site and surrounding area.

(4) Wetlands

Describe the existence of any wetlands on-site or near the site. Indicate any wetlands on the

map in Section H. Include a list of the type, quality, and delineation. Describe the primary function of the wetland (*e.g., flood control, wildlife habitat, groundwater recharge*), and other factors that indicate the relative importance of the function to the total wetland resources of the area.

(5) Prime or Unique Agricultural Lands

Is any of the proposed site classified as prime or unique agricultural land? Reference some authority. Local soil and water conservation districts can be of assistance in classification of these areas.

(6) Public Lands and Scenic, Recreational, and State Natural Areas

Discuss the existence of any formally designated park land, scenic or recreational areas, or state natural areas on or adjacent to the site.

(7) Areas of Archaeological or Historical Value

Reference any studies that have been done on this site. If no studies are available discuss if and how the site has been previously disturbed. List any buildings on the site and their approximate age.

(8) Air Quality

Identify the area's air quality classification, acknowledging if it is in transition and why. Discuss the current sources of emissions for the site. Discuss any previous odor problems or complaints due to any existing facilities.

(9) Noise Levels

Discuss the current noise levels on the site with a measurable benchmark, if possible.

(10) Water Resources (Surface Water and Groundwater)

Note: Since these topics tend to overlap and are interrelated, discuss them together under a single heading.

Identify surface waters and groundwater (aquifers) in the project area. For surface waters, identify the name, location (include on the enclosed map in Section H), classification, and use support ratings. Identify the river basin where the project is located. If there are unnamed streams, estimate the average flow. Discuss groundwater in terms of use, quality, quantity, depth, and recharge.

(11) Forest Resources

List type (*for example, hardwoods/pines*) at or near the site.

(12) Shellfish or Fish and Their Habitats

Are there categories of shellfish beds/fish habitats at or near the site? Are these closed beds, highly productive areas, or spawning areas?

(13) **Wildlife and Natural Vegetation**

Identify any wildlife habitat that exists on or near the project area. List specific species of dominant plants and animals that are indicative of the kind of habitat that exists, as well as any threatened or endangered species.

V) **Environmental Consequences**

The scientific and analytical basis for the comparisons is under Item (3) above (Alternatives). In addition to the information requested in the *Predicted Environmental Effects* section of the EA guidelines (direct, indirect, and cumulative impacts of the alternatives), an EIS discussion of environmental consequences should also address for each resource category:

- (1) the relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity;
- (2) any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented; and
- (3) possible conflicts between the proposed activities and the objectives of federal, state, and local plans, policies, and controls for the affected area.

- 6) **List of Preparers** - A list of names and qualifications of the persons who were primarily responsible for preparing the EIS.

PUBLIC HEARING

The Department may choose to hold a public hearing to complement the EIS process where significant public interest is expressed in the proposed activity. Where such a hearing would be helpful in increasing public awareness or clarifying the issues or gathering additional public comment, the Department will publish notice of the public hearing in the N.C. Environmental Bulletin.

APPENDIX C

Division of Coastal Management

Contacts

District Managers

Elizabeth City Regional Office

Mr. Frank Jennings
1367 U.S. 17 South
Elizabeth City, NC 27909
252-264-3901

Morehead City Regional Office

Ms. Tere Barrett
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808

Washington Regional Office

Mr. Terry Moore
943 Washington Square Mall
Washington, NC 27889
252-946-6481

Wilmington Regional Office

Mr. Steve Everhart
127 Cardinal Drive Ext.
Wilmington, NC 28405-3845
910-796-7215

Major Permits Coordinator

Mr. Doug Huggett
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808

APPENDIX D

Example of Letter to Applicant Explaining Permit Processing Guidelines for Projects Undergoing NCEPA Review

June 14, 2005

Dear :

The NC Division of Coastal Management hereby acknowledges receipt of your application for State approval for development of your property located at (fill in location) . *Because your project is subject to review under the North Carolina State Environmental Policy Act (NCSEPA, G.S. 113A-1), your application can not be considered complete until a the appropriate environmental document has successfully completed the NCEPA review process.*

During the time the NCSEPA review is occurring, we will circulate your permit application to state and federal review agencies for comment. However, the statutory time period that is required for considering CAMA permits will not be running. You will also be responsible for making and incorporating any NCEPA project changes to the CAMA permit application. Once the environmental review process is completed and a Record of Decision issued, a letter will be submitted to you stating that the application is now deemed complete and the projected deadline for making a permit decision is 75 days from the day of NCEPA completeness. If you are not notified of a final action by the initial deadline, you should consider the review period extended. Under those circumstances, this letter will serve as your notice of an extended review. Under those circumstances, this letter will serve as your notice of an extended review. However, an additional letter will be provided on or about the 75th day.

NCGS 113A-119(b) requires that Notice of an application be posted at the location of the proposed development. Enclosed you will find a "Notice of Permit Filing" postcard which must be posted at the property of your proposed development. You should post this notice at a conspicuous point along your property where it can be observed from a public road. Some examples would be: Nailing the notice card to a telephone pole or tree along the road right-of-way fronting your property, or at a point along the road right-of-way where a private road would lead one into your property. Failure to post this notice could result in an incomplete application.

An onsite inspection will be made, and if additional information is required, you will be contacted by the appropriate State or Federal agency. Please contact me if you have any questions and notify me in writing if you wish to receive a copy of my field report and/or comments from reviewing agencies.

Sincerely,

Coastal Management Representative

