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**INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO
THE NORTH CAROLINA STATE ENVIRONMENTAL POLICY ACT**

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [North Carolina State Environmental Policy Act](#) (SEPA), as amended in June 2015 by [Session Law 2015-90](#). When a proposed NEPA action also requires compliance with SEPA, it is critical that NEPA practitioners familiarize themselves with SEPA and understand how SEPA compares to and contrasts with NEPA.

Both statutes are designed to facilitate informed decision-making and environmental review. SEPA requires that state agencies study the environmental consequences of their actions, including permitting and financial assistance. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment. This fact sheet compares SEPA requirements in North Carolina General Statute Chapter 113A, as amended, and Administrative Code (NCAC), 01 NCAC 25 .0100 et seq., the North Carolina Department of Administration (DOA) implementing regulations, with CEQ's regulations for implementing the procedural provisions of NEPA, [40 CFR Parts 1500-1508](#).¹

This fact sheet provides basic information and is intended to serve as a springboard for discussion with the North Carolina State agencies (i.e., Department of Administration (DOA), Department of Environmental Quality (DEQ), Department of Natural and Cultural Resources (DNCR), Department of Transportation (DOT), Community College System and University of North Carolina) when proposed projects trigger both Federal and state environmental review requirements. Project proponents are strongly encouraged to contact the appropriate State agency in the early stages of project planning so that Federal and state environmental review processes, if applicable, can be appropriately aligned.

It is important to note that SEPA expressly permits that a NEPA document, in certain circumstances, may be used in lieu of a state document. Where a North Carolina agency is required to prepare or comment on an environmental document under Federal law, the agency does not have to prepare an additional environmental document under SEPA if the NEPA document or comment meets the requirements of SEPA. Under SEPA, an environmental document includes an environmental assessment (EA), finding of no significant impact (FONSI), or environmental impact statement (EIS). [N.C. Gen. Stat. 113A-10](#). If a specific activity is designated as categorically excluded under NEPA, SEPA has been satisfied. [01 NCAC 25.0402](#).

Introduction

SEPA closely tracks NEPA's format. If the proposed agency action will have environmental effects above the statutory applicability criteria and the minimum criteria established by a State agency in the NCAC, then an applicant will be required to prepare an environmental review. An

¹ This fact sheet includes the June 2015 legislative amendments to SEPA. Please check with the North Carolina Department of Administration, which is responsible for issuing SEPA implementing rules (01 NCAC 25.0100 et seq.), for future regulatory changes consistent with these amendments.



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applicant initially consults with the Lead State Agency (State Project Agency) to identify the scope of the proposed action. Scoping helps to identify the potential impacts of the project. The applicant will first prepare an environmental assessment (EA), and if the EA determines that the proposed action will have significant impacts, then an environmental impact statement (EIS) is prepared. A [flowchart of the SEPA review process](#) is available on the DEQ website.

Key Points of Comparison

The table below is a comparison of NEPA terms and SEPA terms set forth in the North Carolina statute and Administrative Code.

NEPA	North Carolina SEPA
Categorical Exclusion, 40 CFR 1508.4 , 40 CFR 1507.3	Scope/Minimum Criteria, N.C. Gen. Stat. 113A-11(b) and 113A-12 , as amended
Environmental Assessment, 40 CFR 1508.9 , 40 CFR 1501.3	Environmental Assessment, 01 NCAC 25.0401 , 01 NCAC 25.0501-0503 , 01 NCAC 25.0506
Finding of No Significant Impact, 40 CFR 1508.13	Finding of No Significant Impact, 01 NCAC 25.0504 , 01 NCAC 25.0505
Notice of Intent, 40 CFR 1508.22	Scoping notice, 01 NCAC 25.0602
Environmental Impact Statement, 40 CFR 1502 , 40 CFR 1508.11	Environmental Impact Statement, 01 NCAC 25.0601 -- 01 NCAC 25.0505
Record of Decision, 40 CFR 1505.2	Record of Decision, 01 NCAC 25.0606

The following provides a general comparison of the NEPA and SEPA processes:

- The applicability provisions differ. Unlike NEPA, SEPA as amended applies to actions involving “significant expenditure of public moneys” (greater than \$10 million for a single project or action or related group of projects or actions) or “use of public land” (land-disturbing activity over 10 acres which results in “substantial, permanent changes” in natural cover or topography) for projects and programs significantly affecting the quality of the State’s environment. [N.C. Gen. Stat. 113A-4\(a\)\(2\)](#) and [113A-9\(11\)](#), as amended. Actions include licensing, permitting, and funding, among others. [01 NCAC 25.0108\(b\)](#).
- The required effects analysis varies. NEPA requires Federal agencies to analyze direct, indirect, and cumulative effects of their proposed actions. [40 CFR 1502.16](#) and [1508.7-1508.8](#). By contrast, SEPA as amended requires that State agencies analyze the direct environmental impacts of proposed actions. [N.C. Gen. Stat. 113A-4\(2\)\(a\)](#), as amended.
- Under NEPA, an agency is not required to address the socioeconomic impacts of every alternative. A cost-benefit analysis among different alternatives may be incorporated by reference or used as an aid, but it is not required. [40 CFR 1502.23](#). Conversely, SEPA mandates that an EIS assess the socioeconomic impacts of each alternative, using an economically quantitative method where feasible or otherwise describing such impacts. [01 NCAC 25.0603\(4\)\(e\)](#).



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- NEPA does not have any page limits for an EIS. [40 CFR 1502.7](#) states that a final EIS shall normally be less than 150 pages and that for proposals of unusual scope or complexity shall normally be less than 300 pages. Page limits may be set during the scoping process. [40 CFR 1501.7](#). SEPA requires that an EIS must not exceed 60 pages and must include site location maps. [01 NCAC 25 .0603](#).
- SEPA as amended does not require an environmental document for certain actions, including actions approved under various permits or plans. [N.C. Gen. Stat. 113A-12, as amended](#). In addition, each State agency must adopt minimum criteria for actions or classes of actions that have no significant long-term impact on the environment and will not require an environmental document if their impacts are below the criteria. [N.C. Gen. Stat. 113A-11\(b\), as amended](#).

Contact Information and Resources

- North Carolina Department of Administration (DOA)
State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, N.C. 27699-1301
- DOA State Environmental Review Clearinghouse Coordinator
(919) 807-2425
state.clearinghouse@doa.nc.gov
- DOA State Environmental Review Clearinghouse SEPA Main Page
<http://www.doa.state.nc.us/clearing/Default.aspx>
- North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601
- Lyn Hardison, DEQ SEPA Environmental Coordinator
(252) 948-3842
lyn.hardison@ncdenr.gov
- DEQ SEPA Page <http://portal.ncdenr.org/web/deao/sepa>
- The North Carolina Environmental Policy Act:
 - Session Law 2015-90 (SEPA Reform)
<http://www.ncleg.net/EnactedLegislation/SessionLaws/PDF/2015-2016/SL2015-90.pdf>
 - State Environmental Policy Act (SEPA)
http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_113A.html
 - DOA SEPA General Provisions
<http://www.doa.state.nc.us/clearing/documents/chapter25rules.pdf>
 - NC State Agencies Administrative Rules
 - <http://www.doa.state.nc.us/clearing/minumumcriteria.aspx>