



PROJECTS SUBJECT TO STATE ENVIRONMENTAL POLICY ACT (SEPA)

Only proposed projects that have certain characteristics are subject to the provisions of the State Environmental Policy Act (SEPA). When all of these characteristics or “triggers” are met, a document analyzing the potential environmental effects of the proposed project must be prepared and submitted to the State Environmental Review Clearinghouse for government agency and public review. The three “triggers” which determine when SEPA provisions must be followed are:

1. The project requires an action by a state agency. Actions include constructing public facilities, issuing permits, awarding grants and making decisions without which the project could not proceed.
2. The project involves an expenditure of public funds or the use of state land. Any amount of funding, from local, state or federal sources, is considered public funding for SEPA purposes.
3. The project has a potential environmental effect. Most state agencies have established minimum criteria specifying thresholds, above which an activity is presumed to have a potential environmental effect. Proposed projects that fall below these minimum criteria do not require environmental analyses unless special circumstances exist.

Exceptions:

If an environmental document for a proposed project has been prepared under the requirements of the National Environmental Policy Act (NEPA), and submitted for review through the State Environmental Review Clearinghouse process, then additional filing under SEPA is not required.

Furthermore, environmental documents are not required for certain actions, such as the construction of utility and water lines within street right-of-ways and the issuance of general water quality, air quality and coastal areas management act permits (see NCGS §113A-12).

On the other hand, local ordinances can require the preparation of environmental documents for major development projects, which would not trigger a SEPA analysis. These local-level documents are often submitted to the State Environmental Review Clearinghouse for intergovernmental and public review.