

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

2

HOUSE BILL 410*
Committee Substitute Favorable 4/11/91

Short Title: Env. Policy Act Amends.

(Public)

Sponsors:

Referred to:

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ENVIRONMENTAL POLICY ACT OF 1971 AND TO
3 MAKE THE ACT PERMANENT.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 12 of Chapter 1203 of the 1971 Session Laws, as amended
6 by Chapter 119 of the 1973 Session Laws, Chapter 532 of the 1977 Session Laws, and
7 Chapter 658 of the 1981 Session Laws, is rewritten to read:

8 "Sec. 12. This act shall become effective on 1 October 1971."

9 Sec. 2. G.S. 113A-4 reads as rewritten:

10 **"§ 113A-4. Cooperation of agencies; reports; availability of information.**

11 The General Assembly authorizes and directs that, to the fullest extent possible:

12 (1) The policies, rules, and public laws of this State shall be interpreted
13 and administered in accordance with the policies set forth in this
14 Article; and

15 (2) Any State agency shall include in every recommendation or report on
16 proposals for legislation and actions involving expenditure of public
17 moneys for projects and programs significantly affecting the quality of
18 the environment of this State, a detailed statement by the responsible
19 official setting forth the following:

- 20 a. The environmental impact of the proposed action;
- 21 b. Any significant adverse environmental effects which cannot be
22 avoided should the proposal be implemented;
- 23 c. Mitigation measures proposed to minimize the impact;

- 1 d. Alternatives to the proposed action;
2 e. The relationship between the short-term uses of the
3 environment involved in the proposed action and the
4 maintenance and enhancement of long-term productivity; and
5 f. Any irreversible and irretrievable environmental changes which
6 would be involved in the proposed action should it be
7 implemented.

8 (2a) Prior to making any detailed statement, the responsible official shall
9 consult with and obtain the comments of any agency which has either
10 jurisdiction by law or special expertise with respect to any
11 environmental impact involved. In addition, any units of local
12 government or other interested parties which may be adversely
13 affected by the proposed action shall be given an opportunity to make
14 comments prior to a final agency decision. Copies of such detailed
15 statement and such comments shall be made available to the Governor,
16 to such agency or agencies as he may designate, and to the appropriate
17 multi-county regional agency as certified by the ~~Director of the~~
18 ~~Department~~ Secretary of Administration, shall be placed in the public
19 file of the agency and shall accompany the proposal through the
20 existing agency review processes. A copy of such detailed statement
21 shall be made available to the public and to counties, municipalities,
22 institutions and individuals, upon request.

23 (3) The Governor, and any State agency charged with duties under this
24 Article, may call upon any of the public institutions of higher
25 education of this State for assistance in developing plans and
26 procedures under this Article and in meeting the requirements of this
27 Article, including without limitation any of the following units of the
28 University of North Carolina: the Water Resources Research Institute,
29 the Institute for Environmental Studies, the Triangle Universities
30 Consortium on Air Pollution, ~~the University Council on Marine Sciences,~~
31 and the Institute of Government."

32 Sec. 3. G.S. 113A-8 reads as rewritten:

33 **"§ 113A-8. Major development projects.**

34 The governing bodies of all cities, counties, and towns acting individually, or
35 collectively, ~~are hereby authorized to~~ may by ordinance require any special-purpose unit
36 of government ~~and or~~ private developer of a major development project to submit
37 detailed statements, as defined in G.S. 113A-4(2), of the impact of such projects. Any
38 such ordinance may be designed to apply to only a particular class or type of major
39 development projects within the jurisdiction of the city, county, or town."

40 Sec. 4. This act is effective upon ratification.