

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 410\*

Committee Substitute Favorable 4/11/91

Senate Environment and Natural Resources Committee Substitute Adopted 6/13/91

Short Title: Env. Policy Act Amends.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ENVIRONMENTAL POLICY ACT OF 1971 AND TO MAKE THE ACT PERMANENT.

The General Assembly of North Carolina enacts:

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

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

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

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

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

- (1) The policies, rules, and public laws of this State shall be interpreted and administered in accordance with the policies set forth in this Article; and
- (2) Any State agency shall include in every recommendation or report on proposals for legislation and actions involving expenditure of public moneys for projects and programs significantly affecting the quality of the environment of this State, a detailed statement by the responsible official setting forth the following:
  - a. The environmental impact of the proposed action;
  - b. Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;

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

9 (2a) Prior to making any detailed statement, the responsible official shall  
10 consult with and obtain the comments of any agency which has either  
11 jurisdiction by law or special expertise with respect to any  
12 environmental impact involved. Any unit of local government or other  
13 interested party that may be adversely affected by the proposed action  
14 may submit written comment. The responsible official shall consider  
15 written comment from units of local government and interested parties  
16 that is received within the established comment period. Copies of such  
17 detailed statement and such comments shall be made available to the  
18 Governor, to such agency or agencies as he may designate, and to the  
19 appropriate multi-county regional agency as certified by the ~~Director of~~  
20 ~~the Department~~ Secretary of Administration, shall be placed in the  
21 public file of the agency and shall accompany the proposal through the  
22 existing agency review processes. A copy of such detailed statement  
23 shall be made available to the public and to counties, municipalities,  
24 institutions and individuals, upon request.

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

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

35 **"§ 113A-8. Major development projects.**

36 (a) The governing bodies of all cities, counties, and towns acting individually, or  
37 collectively, ~~are hereby authorized to~~ may by ordinance require any special-purpose unit  
38 of government ~~and~~ or private developer of a major development project to submit  
39 detailed statements, as defined in G.S. 113A-4(2), of the impact of such ~~projects.~~  
40 projects for consideration by those governing bodies in matters within their jurisdiction.  
41 Any such ordinance may not be designed to apply to only a particular major  
42 development project, and shall be applied consistently.

43 (b) Any ordinance adopted pursuant to this section shall exempt those major  
44 development projects for which a detailed statement of the environmental impact of the

1 project or a functionally equivalent permitting process is required by federal or State  
2 law, regulation, or rule.

3 (c) Any ordinance adopted pursuant to this section shall establish minimum  
4 criteria to be used in determining whether a statement of environmental impact is  
5 required. A detailed statement of environmental impact may not be required for a  
6 project that does not exceed the minimum criteria and any exceptions to the minimum  
7 criteria established by the ordinance."

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