**AMENDMENTS TO THE NC ENVIRONMENTAL POLICY ACT (SEPA)**

**by HB795 (S.L. 2015-90), June 2015**

**When is SEPA Required? Projects must involve all three of these “Triggers”:**

1. A significant expenditure of public monies (≥ $10 million of state (not local) funds) OR use of public land\* (including swampland and submerged land) for land-disturbing activity of greater than 10 acres that results in substantial, permanent changes in natural cover or topography; AND
2. An action by a state agency (such as land and money appropriations, awarding grants, issuing permits (unless only a 401 WQ Certification), or granting licenses); AND
3. Has a potential detrimental environmental effect upon natural resources, public health and safety, natural beauty, or historical or cultural elements, of the state's common inheritance. (See Minimum Criteria Listings)

**Notable Utility Line Policy Changes:**

* Infrastructure Lines that are COMPLETELY within public ROW or easement, or COMPLETELY within public water or under submerged lands, are EXEMPT from SEPA.
* Water/Sewer projects that are funded by the NC Water Infrastructure Fund, except for those funded by State Revolving Funds (which are EPA funds, therefore those projects are covered by NEPA), are EXEMPT from SEPA.

**Item NOT Changed**: Minimum Criteria Listings

*Reviewed by Lyn Hardison, DEQ SEPA Environmental Review Coordinator; May 17, 2016*

\* From G.S. 113A-9:

"Public land" means all land and interests therein, title of which is vested in the State of North Carolina, in any State agency, or in the State for the use of any State agency or political subdivision of the State, and includes all vacant and unappropriated land, swampland, submerged land, land acquired by the State by virtue of being sold for taxes or by any other manner of acquisition, or escheated land.

"Use of public land" means land-disturbing activity of greater than 10 acres that results in substantial, permanent changes in the natural cover or topography of those lands that includes:

a. The grant of a lease, easement, or permit authorizing private use of public land; or

b. The use of privately owned land for any project or program if (i) the State or any agency of the State has agreed to purchase the property or to exchange the property for public land and (ii) the use meets the other requirements of this subdivision.