



# Environmental Updates

Greetings Environmental Staff!

It seems like every week, a new policy, court case, or new listing comes out that significantly impacts our environmental procedures.

We're hoping this email product will help improve the communication of updates, guidance, and resources to help navigate through the issues.

Newsletter Frequency:

We expect the frequency of this "newsletter" to be bi-monthly (every other month), however, as information and resources come out that may be useful, we'll send those out as appropriate.

Intended Audience:

We believe that this information will be mostly geared toward and beneficial to Division Environmental Staff (including PDEA Engineers, Division Environmental Officers, and Division Environmental Specialists), however, each Division operates a little differently, so if there are other folks who may benefit from these updates, please feel free to email [ecap@ncdot.gov](mailto:ecap@ncdot.gov) and we'll be happy to add them to the distribution list. Alternatively, if you do not wish to receive this, we'll be glad to remove you from the list.

Please feel free to let us know if you have suggestions, requests, or recommendations.

## WOTUS Update

Monte Matthews from the USACE provided the following update on 6/27/2023:

*The Environmental Protection Agency and the U.S. Department of the Army (agencies) are in receipt of the U.S. Supreme Court's May 25, 2023, decision in the case of Sackett v. Environmental Protection Agency. In light of this decision, the agencies are interpreting the phrase "waters of the United States" consistent with the Supreme Court's decision in Sackett.*

***The agencies are developing a rule to amend the final "Revised Definition of 'Waters of the United States'" rule, published in the Federal Register on January 18, 2023, consistent with the U.S. Supreme Court's May 25, 2023 decision in the case of Sackett v. Environmental Protection Agency. The agencies intend to issue a final rule by September 1, 2023.***

Additionally:

If you are permitting a project and have a resource that needs to be removed from jurisdiction (such as an artificial pond or stormwater feature) reach out to your Corps representative to discuss how to remove the feature. They now have mechanisms to deal with these scenarios on an individual basis. This information has been updated on the [WOTUS section of the ECAP Website](#).

## Pre-Filing Notifications

When the Pre-Filing Notification requirement came back into play in April 2022, we sent NCDWR a Pre-Filing request using the Department's Comprehensive Project List.

With the publishing of the new STIP, there are some projects that were not included on this list.

Therefore, on June 30, ECAP distributed a new mass Pre-Filing Meeting Request with the latest comprehensive project list AND also included the Department's Maintenance Improvement Program. Hopefully, this will alleviate you from having to Pre-file for a while.

[The pre-filing documentation \(and list\) can be found here](#)

## NRTR Quality Assurance Checklist

As part of a Technical Services initiative, we have streamlined our [NRTR guidance documents into a checklist format](#).

Hopefully, you and your firms will find this format easier to scope, as well as to use as a Quality Control checklist to help provide a better product and fewer reviews.

## "Landowner Letter"

In an effort to reduce confusion and to broaden the usage to other Units (e.g., Locations and Surveys) the "Landowner Letter" is now called the "[Survey Notification Letter](#)." It too now has a [procedure/Quality Control Checklist component](#) to help you and your firm ensure it is accurate and placed at consistent SharePoint locations.