

01 NCAC 25 .0108 SCOPE

(a) This Chapter is applicable to any situation where there is:

- (1) an expenditure of public monies or use of public land; and
- (2) an action by a state agency subject to this Chapter; and
- (3) a potential environmental effect upon either natural resources, public health and safety, natural beauty, or historical or cultural elements of the state's common inheritance.

(b) For the purpose of this Chapter:

- (1) "Action" includes but is not limited to licensing, certification, permitting, the lending of credit, expenditures of public monies, and other similar final agency decisions the absence of which would preclude the proposed activity. Action does not include the allocation of any public funds transferred in accordance with a statutory or regulatory formula, which leave no discretion to the allocating agency.

Note: This last exception is intended to exclude the following types of revenues: Powell bill, sales tax, intangibles tax, beer and wine taxes, utility franchise taxes, and General Revenue Sharing.

- (2) "Environmental effect" includes direct, indirect, and cumulative impacts for the project or program that may be significant, depending upon the manner in which the activity is carried out.
- (3) "Public monies" includes all expenditures in support of the proposed activity by federal, state or local or quasi-public entities from whatever source derived, but does not include resources used solely for processing a license, a certificate, or a permit; the lending of credit; or the resources used for the provision of technical services.
- (4) "State Project Agency" means the state department or council of state agency which has been designated pursuant to Rule .0210(a) of this Chapter for ensuring compliance with the N.C. Environmental Policy Act.
- (5) "State" includes all entities covered by the Executive Budget Act, Article One of the General Statutes, Chapter 143.
- (6) "State agencies subject to this Chapter" means:
 - (A) the Departments listed in G.S. 143B-11;
 - (B) boards, commissions, committees and councils organized within the Departments listed in G.S. 143B-2;
 - (C) other departments, boards, commissions, committees and councils which adopt the provisions of this Chapter directly or by reference; and
 - (D) all entities within the executive branch of state government when a final decision is required by G.S. 113A-5.
- (7) The definitions contained in G.S. 113A-1 through G.S. 113A-13 are incorporated by reference.

*History Note: Authority G.S. 113A-11; S.L. Extra Session 1999-463;
Eff. February 1, 1986;
Amended Eff. May 3, 1993;
Temporary Amendment Eff. April 12, 2000 to expire on January 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*