

**01 NCAC 25 .0302 APPROVAL OF CRITERIA**

The following procedures shall be used to gain approval of minimum criteria:

- (1) The agency shall prepare a draft list of the minimum criteria, describing the ease of measuring the criteria, and how the criteria predict the environmental impact of projects. The agency shall submit these lists to the Clearinghouse for circulation and review.
- (2) Upon receipt of these lists from the agency, the Clearinghouse shall:
  - (a) solicit written comments on the criteria from interested parties or agencies having expertise or jurisdiction by law, and shall publish a notice of the criteria in the Environmental Bulletin. The period of review is 30 calendar days from the date of publication in the Environmental Bulletin; and
  - (b) review the criteria to ensure they are consistent with Department of Administration rules and make any necessary recommendations to the agency as to consistency.
- (3) If there are no written comments and the criteria are consistent with Department of Administration rules, the criteria shall be approved by the Secretary of Administration.
- (4) If there are any written comments on the criteria, the Clearinghouse shall forward all those received to the submitting agency, along with any Clearinghouse recommendations as to consistency.
- (5) The agency shall consider all written comments and decide whether to submit a revised list of minimum criteria to the Clearinghouse or whether to continue with its original list.
  - (a) If the agency submits a revised list, the new list of criteria shall follow the same procedure for solicitation of comments, publication of notice, and consistency review as did the original list. This process shall be continued until the agency decides it no longer wishes to make further amendments to its proposed criteria, or until no further written comment is received.
  - (b) If the agency decides to continue with its original list or no longer wishes to amend its list as provided for in Rule .0302(5)(a) of this Section, it shall notify the Clearinghouse of that decision.
- (6) The Clearinghouse shall recommend to the Secretary of Administration approval or rejection of the final list of minimum criteria based on the consideration of all written comments and the criteria's consistency.
- (7) The Clearinghouse shall notify the agency of the Secretary's approval or rejection of its proposed final list of minimum criteria.

*History Note: Authority G.S. 113A-11;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1999; May 3, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*