

#### **04 NCAC 19L .1004 ENVIRONMENTAL REVIEW**

(a) Applicants and recipients shall comply with the policies of the National Environmental Policy Act of 1969 and all other applicable provisions of Federal and State law which further the purposes of such act (as specified in 24 C.F.R. Part 58). This Subchapter incorporates by reference 24 CFR Part 58, including subsequent amendments and editions. Copies of this federal regulation are available for public inspection from the Division of Community Assistance. Single copies are available from this Division in Raleigh, North Carolina, for one dollar (\$1.00) each.

(b) Applicants and recipients shall assume the responsibilities for environmental review, decision-making, and other actions which would otherwise apply to the Secretary, under NEPA and other provisions of law which further the purposes of NEPA in accordance with section 104(f)(4) of Title I of the Housing and Community Development Act of 1974, as amended and the implementing regulations at 24 C.F.R. Part 58.

(c) Applicants and recipients shall meet the requirements of the following Federal laws and regulations:

- (1) The National Environmental Policy Act of 1969 ("NEPA", 42 U.S.C. 4321 et seq., P.L. 91-190) which establishes national policy, goals, and procedures for protecting, restoring and enhancing environmental quality;
- (2) Environmental Review Procedures for Title I Community Development Block Grant Programs, (24 C.F.R. Part 58), which sets forth the procedures for carrying out the environmental responsibilities under NEPA;
- (3) Executive Order 11988, Floodplain Management, May 24, 1977 (42 F.R. 26951 et seq.);
- (4) Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 F.R. 26961 et seq.);
- (5) The Coastal Zone Management Act of 1972, (16 U.S.C. 1451 et seq.), as amended;
- (6) The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349), as amended, particularly concerning sole source aquifers;
- (7) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended;
- (8) The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.), as amended;
- (9) The Clean Air Act (42 U.S.C. 7401 et seq.);
- (10) The Fish and Wildlife Coordination Act of 1958 as amended, (16 U.S.C. 661 et seq);
- (11) The Federal Water Pollution Control Act (P.L. 92-500);
- (12) HUD environmental criteria and standards (24 C.F.R. Part 51), and the Council on Environmental Quality Standards at 40 C.F.R. Part 1500-1508;
- (13) The National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) as amended;
- (14) Procedures for the Protection of Historic and Cultural Properties, 36 CFR 800;
- (15) Executive Order 11593, Protection and Enhancement of the Cultural Environment. May 13, 1971 (36 F.R. 8921 et seq.);
- (16) The Reservoir Salvage Act of 1960 (16 U.S.C. 469 et seq.); as amended by the Archaeological and Historic Preservation Act of 1974; and
- (17) The Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), as amended.

(d) The recipient shall meet the requirements of the following State laws and rules where they are applicable to the provisions of this Subchapter:

- (1) Chapter 113A of the General Statutes of North Carolina, entitled Pollution Control and Environment;
- (2) G.S. 143-215.108 which designates the Environmental Management Commission as the issuing authority for air quality permits;
- (3) G.S. 143-215.1 which governs water pollution permits and designates the Environmental Management Commission as the issuing authority;
- (4) G.S. 121-12, Protection of Properties on the National Register, which requires consideration of project impact on any property listed in the National Register; and
- (5) G.S. 70-1 through 70-3, Indian Antiquities laws, which urges private landowners to refrain from excavation and other actions leading to the destruction of Indian archaeological sites on their property. It also requires local governments to report the discovery of artifacts and refrain from further excavation or construction when excavating or constructing on public lands.

(e) The recipient shall obtain all air pollution and water pollution permits for a CDBG program pursuant to Paragraph (d) of this Rule.

(f) All records and data shall be maintained pursuant to Rule .0911 of this Subchapter.

*History Note:* Authority G.S. 143-215.1; 143-215.108; 143B-10; 143B-431; 24 C.F.R. Part 58; 24 C.F.R. 570.487; 42 U.S.C.A. 4321 through 4370; 42 U.S.C.A. 5304(b)(4);

*Eff. July 1, 1982;*  
*Amended Eff. August 1, 1998; June 1, 1993; September 1, 1990; May 1, 1988; October 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
*2018.*