



## **P R O C E D U R E**

**Section: Administration**

**Subject: Cumulative and/or Secondary Impacts  
Evaluation Process for Department Level  
Projects**

**Approved By: DENR Secretary**

**Eff. Date: March 1, 2000**

**Page 1 of 5**

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### **Purpose**

The purpose of this procedure is to create a system for DENR to evaluate cumulative and/or secondary impact (CSI) information as part of the State Environmental Protection Act or environmental permit requirements. The process is designed to make the system more clear for DENR staff, the applicant, and the public. This procedure will ensure a process that is fair, efficient, and predictable. Implementation of this procedure will (1) improve the quality of CSI information provided by the regulated community, (2) enable DENR to provide its customers timely, coordinated, and comprehensive feedback, and (3) increase CSI prevention and mitigation.

### **Rational**

Projects that are permitted or reviewed by DENR have the potential to cause cumulative and/or secondary impacts that may cause more environmental damage than the initial project. For example, secondary impacts may be of concern when building a new reservoir which can lead to requirements for new drinking water treatment plants, wastewater treatment facilities, condemnation of privately owned lands, and other infrastructure requirements, all which may create significant environmental impacts. In some cases, these secondary and cumulative impacts can then be responsible for increased air pollution, sedimentation, non-point-source pollution, degraded water quality, and loss of natural areas, public trust access, or other natural resources. Lack of a standardized process leads to misunderstandings, controversy, extended review

periods, and frustration by many. DENR needs a process to facilitate a departmental review of CSI for appropriate projects.

## Definitions

Definitions for CSI from 15A NCAC 01C.0101:

- Cumulative effects: "...results [sic] from incremental impact of the proposed activity when added to other past, present, and reasonably foreseeable future activities regardless of what entities undertake such other activities. Cumulative effects can result from individually minor but collectively significant activities taking place over time."
- Secondary effects (otherwise accepted as indirect): "Indirect effects are caused by and result from the proposed activity although they are later in time or further removed in distance, but they are still reasonably foreseeable."

## Process

The process is represented schematically on page 4. The emphasized boxes on the flow chart represent critical steps where a team meeting may be necessary.

**Step 1. Project Brought to Departmental Attention.** Departmental level projects may come to the Department's attention through a regulatory permit application that has been filed with an individual division or a proposed project that could require several different programs. Projects that may require evaluation for potential CSI documentation will be referred to a standing departmental CSI Review Committee through the avenues bulleted below. The Administrative Officer will staff this committee. The CSI Review Committee must assess whether or not the project is of a departmental nature within 60 days of the project being brought to the Administrative Officer for consideration by the committee. The CSI Review Committee may confer with DENR divisions and/or the applicant.

- **Secretary's Office.** Requests from the Secretary, Assistant Secretaries or other Senior Staff. Interdivisional teams should work with their Senior Staff sponsors to refer projects to the Committee as needed.
- **Administrative Officer.** Requests from the Secretary's Administrative Officer in charge of environment reviews.
- **Divisions.** During the course of normal permitting or project development, an individual Division or Section within DENR may encounter environmental concerns that secondarily or cumulatively have the potential for causing substantial environmental impacts due to their magnitude or cumulative effects. Division directors or their designees (e.g. section chiefs, SEPA coordinators) may request an evaluation by the CSI Review Committee to determine if the project should be elevated to a departmental level.
- **Other Agencies.** State agencies such as Commerce and DOT would be encouraged to notify the CSI Review Committee through the Secretary's Administrative Officer of impending large projects. This would provide other agencies an opportunity to receive feedback on potential environmental information requirements before final decisions on site locations are made. Requests for consideration by the CSI review committee must be made via a DENR employee as listed above.

For those projects that otherwise qualify for SEPA exception under NCAC T15A 01C .0503 EXCEPTIONS TO MINIMUM CRITERIA (see Appendix A for the rule), the CSI Review Committee will recommend to the Secretary whether the projects/permits should be considered by the Secretary for requiring environmental documents under the exception provision due to CSI issues. The CSI Review Committee will make a written recommendations to the Secretary within 15 days of the request. The recommendation may guide the Secretary in deciding whether CSI review and/or SEPA (1) is required, (2) is not required, or (3) could be required, but a decision can't be made until Step 5.

**Step 2. Identify Lead Agency and a Project Coordinator as Needed.** Once SEPA is determined appropriate, the Secretary will identify a lead agency and an individual project coordinator as needed for Department level review. Generally, but not always, the Project Coordinator will be from the Lead Agency division. Identification of lead agency and project coordinator may come after Step 5 in some cases.

**Step 3. Background Briefing by Project Coordinator to Appropriate Divisions.** The Project Coordinator will work with the Administrative Officer to inform appropriate divisions regarding CSI and SEPA related projects.

*Steps 4, 5, and 6 may take place concurrently*

**Step 4. CSI Guidance Shared with Potential Applicant.** [Guidance Document not yet created. Such a document could provide applicants an excellent resource for understanding the process and expectations associated with CSI in DENR.]

**Step 5. Team Scoping and Guidance.** During this Step, DENR will resolve any outstanding questions for the applicant as to whether CSI review and/or SEPA documentation is required. Depending on the magnitude and potential impacts of the project and an applicant's needs, the Project Coordinator may convene a project specific interdivisional team. This team may make written recommendations to the Secretary on CSI review and/or SEPA documentation as in Step 1. If CSI documentation is required, the project specific team will provide CSI guidance to the applicant and assemble a list of the CSI information which should be submitted by an applicant to the Department or a particular agency. The purpose of this list is to enable the applicant to provide a sufficient level of information for DENR to make knowledgeable, informative, and reasonable decisions regarding CSI issues for environmental documents and permits. Input from this project specific team should reduce gaps in information, improve coordination among DENR agencies, and provide clear expectations to an applicant and the public. The recommendation should be made within 30 days of a request by the Project Coordinator.

**Step 6. Divisional Communications by Applicant.** The applicant is encouraged to explore CSI issues and/or SEPA requirements with appropriate DENR programs before

**Step 7. Applicant Drafts Document.** Based on information gathered in Steps 4, 5, and 6, the applicant drafts any required environmental documents and/or submits permit applications.

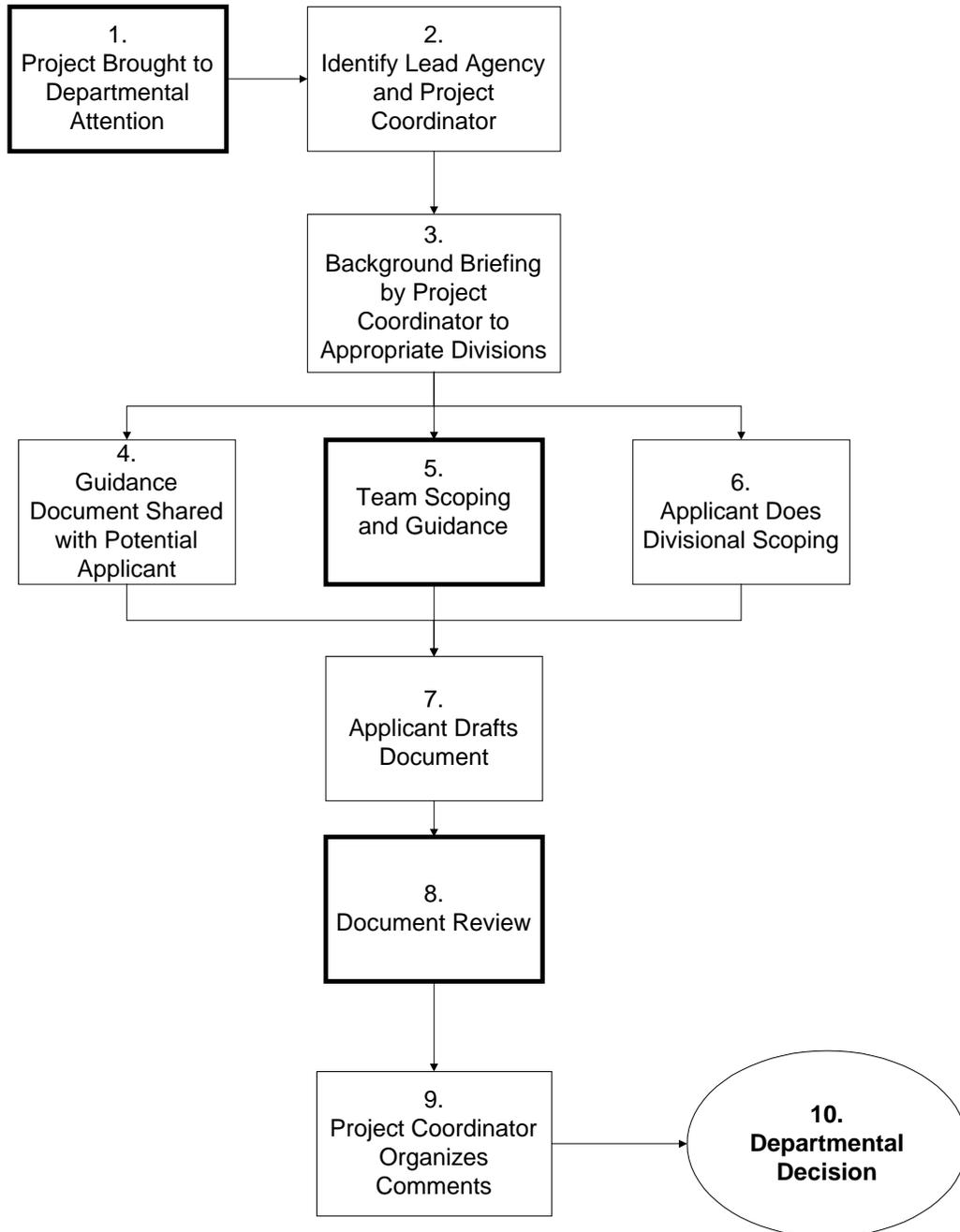
**Step 8. Document Review.** This Step provides for an interactive process among the applicant, Lead Agency, and the project specific team. Divisions submit comments to the Project Coordinator on the applicant's documents. The Project Coordinator may reassemble the Step 5 project specific team to make recommendations to the Secretary on the cumulative and secondary effects of a specific project so the Secretary has the benefit of DENR agency coordination prior to establishing a formal position on a project. The Project Coordinator must provide the applicant with feedback on status of the document review within 60 days of receiving documentation from the applicant.

**Step 9. Project Coordinator Organizes Comments.** The Project Coordinator organizes comments and summarizes them in a report to the Secretary. This report could include recommendations on departmental decisions to be made in Step 10.

**Step 10. Departmental Decision.** Departmental decisions could take the following forms:

- Recommendation on whether or not environmental documents should proceed to the State Clearinghouse based on whether CSI has been adequately addressed.
- Decision whether or not permits could be issued based on CSI considerations.
- Request for more information.

# DENR Process to Review Cumulative and Secondary Impacts



## Appendix A

### .0503 EXCEPTIONS TO MINIMUM CRITERIA

Any activity falling within the parameters of the minimum criteria set out in Rule .0504 of this Section will not routinely be required to have environmental documentation under the NCEPA. However, the Secretary of EHNR may determine that environmental documents under the NCEPA are required in any case where one of the following findings applies to a proposed activity.

- (1) The proposed activity may have a potential for significant adverse effects on wetlands, parklands, prime or unique agricultural lands, or areas of recognized scenic, recreational, archaeological, or historical value including indirect effects; or would threaten a habitat identified on the Department of Interior's or the state's threatened and endangered species lists.
- (2) The proposed activity could cause significant changes in industrial, commercial, residential, agricultural, or silvicultural land use concentrations or distributions which would be expected to create adverse water quality, air quality, or ground water impacts; or affect long-term recreational benefits, shellfish, wildlife, or their natural habitats.
- (3) The proposed activity has secondary impacts, or is part of cumulative effects, not generally covered in the approval process for the state action, and that may result in a potential risk to human health or the environment.
- (4) The proposed activity is of such an unusual nature or has such widespread implications that an uncommon concern for its environmental effects has been expressed to the agency.