

CHAPTER 39 - DEPARTMENT OF ADMINISTRATION'S MINIMUM CRITERIA

SECTION .0100 - PURPOSE

01 NCAC 39 .0101 PURPOSE

The purpose of these minimum criteria is to establish threshold levels for minor operations or small routine facility projects in this Rule which no filing of environmental documents under G.S. 113A shall be required. The primary emphases of these minimum criteria are to:

- (1) insure that protection is provided to the environment in the State Government Center and at other properties under the control of the Department of Administration throughout the state;
- (2) insure that environmental impacts are considered prior to approving activities on the state's sensitive areas, defined as those which are delineated or protected under one or more of the following:
 - (a) Wetlands by the U.S. Army Corps of Engineers under 33 CFR 328.3 and 40 CFR 230.3;
 - (b) National Historic Preservation Act of 1966, as amended and National Executive Order 11593 and State Executive Order 16 administered by the North Carolina Department of Cultural Resources;
 - (c) Prime Agricultural and Forest Lands identified under P.L. 97-98 and State Executive Order 96;
 - (d) State Park Lands designated under G.S. 113-44.9;
 - (e) State Game Lands administered under G.S. 113-264 and 306(d);
 - (f) State Forest Lands administered under G.S. 113-22 and 29;
 - (g) State Nature Preserves and Dedicated Natural Areas administered under G.S. 113A-164.1;
 - (h) Primary and Secondary Nurseries designated in accordance with 15A NCAC 03R .0103 - .0105 and 15A NCAC 10C .0503, and Critical Habitat Areas designated in accordance with 15A NCAC 03I .0101 and 15A NCAC 10I .0101(a)(5);
 - (i) State High Quality Waters designated in accordance with 15A NCAC 02B .0201(d); this includes waters classified as WS-I, WS-II, SA and ORW (Outstanding Resource Waters);
 - (j) State Natural and Scenic Rivers designated under G.S. 113A-30;
 - (k) North Carolina Coastal Reserves designated under G.S. 113A-129.1;
 - (l) State Lakes administered under G.S. 146-3; and
 - (m) Lands which contain animal or plant species protected by the Federal Threatened and Endangered Species Act (administered by the U.S. Fish and Wildlife Service), State Endangered and Threatened Wildlife and Wildlife Species of Special Concern Act (G.S. 113-331 administered by the North Carolina Wildlife Resources Commission), or State Plant Protection and Conservation Act (G.S. 106-202.12 administered by the North Carolina Department of Agriculture); and
- (3) permit the implementation of the routine operations, maintenance, repair, or construction tasks which the state is required to undertake without undue delay or expense.

*History Note: Authority G.S. 113A-11;
Eff. October 1, 1993;
Amended Eff. January 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*