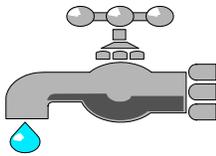


Factsheet: Instructions for Applicants Seeking a Federal Categorical Exclusion (CE)



The Division of Water Infrastructure (DWI) prepared this factsheet to provide directions on how to obtain a Categorical Exclusion (CE).

Most projects seeking federal funds (e.g., drinking water state revolving fund (DWSRF) loans) do not need to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA). Instead, most projects can obtain a CE - a finding by the DWI that the project - either individually or cumulatively with other projects - would have no significant effect on the human environment and therefore does not require further environmental review.

Requesting a CE is straightforward. Along with the "CE Request" form, the applicant submits agency comment letters:

- In many cases, the applicant's engineer may provide a blanket comment letter for each agency.
- In some cases, the applicant will need to request project-specific comment letters from one or more of the agencies. These cases are discussed in more detail under each agency.

The agencies of interest are as follows:

- North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers

The remainder of this document describes the form and comment letters in greater detail.

CE Request Form

The "CE Request" form is formally the "Request for Categorical Exclusion from Substantive Environmental Review" and is available from this link:

<https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information>

Keep the following directions in mind when filling out the CE Request form:

1. Carefully read the form before filling it out.
2. Enter the applicant's complete formal name. If you are a county authority, specify which county. For example, "**Wake County Water District VII**" is better than "**County Water District VII**".
3. Enter a detailed project description: "**installing approximately 4,000 ft. of 6-inch line along US. Route 52, including one booster pump and rechlorination station.**"

4. Check ALL the exclusions that apply. Failure to check an applicable exclusion will result in rejection of the request for CE. In particular, if you are installing a well, you will also wish to withdraw water from the well, so check both the "installation" and "withdrawal" exclusions.
5. Ensure that each exclusion applies before checking it. If the project size exceeds any exclusionary threshold, then the project is ineligible for CE.
6. The applicant's authorized representative or the engineer must sign and date the form.
7. Print the name of the signer.
8. Print the signer's job title.

Agency Comment Letters

A request for CE must include agency comment letters.

Most projects are covered by blanket comments from one or more agencies. If the project meets a particular agency's blanket comment conditions, the applicant's engineer only needs to certify that the project meets those conditions, and the applicant does not need to obtain a project-specific comment letter from that agency. Attachment 1 provides the proper language for the certification for each agency.

Most projects do not need project-specific comment letters.

When a project does not meet the blanket comment conditions for a particular agency, the applicant must request and obtain a project-specific comment letter from that agency.

The request to an agency for a project-specific comment letter should include a **color-coded map of the proposed project and surrounding area**. Follow up your letter to ensure that each agency receives any other information the agency requires to issue a comment letter.

An example request is included as Attachment 2 to this guide. As stated in this example letter, the agency contacts should submit comment letters directly to DWI.

Issuing the CE

After review of the CE Request form, the comment letters, and other project documentation, DWI may take the following actions:

- Request additional information.
- Request an Environmental Assessment.
- Issue a CE. No further environmental documentation is required to DWI.

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Attachment 1 - Comments from Potentially Interested Agencies

NC Department of Natural and Cultural

Resources (NCDNR) – NCDNR is the designated "State Historic Preservation Office" (SHPO) for federal programs such as the DWSRF.

For many projects, you can address SHPO blanket comments with an addendum to the Engineering Report (ER), sealed by a Professional Engineer, stating that the project consists solely of the following components:

1. The placement of equipment within an existing facility's fence line. This would include upgrades to an existing water treatment plant;
2. New or replacement water meters on existing water lines;
3. New or replacement waterlines in previously disturbed road or utility rights-of-way; and
4. The installation of solar-powered mixers in an existing tank when the area of the solar panels is less than 108 square feet.

SHPO will need to issue project-specific comment letters for any other project; specifically, any project that includes the following:

1. Intake structures,
2. New waterlines going cross-country (e.g., establishing new right-of-way), or
3. Water tanks.

When requesting SHPO comments, you may find the GIS at the following website to be useful:

<https://www.ncdcr.gov/about/history/division-historical-resources/state-historic-preservation-office/gis-maps-and-data>

To request the SHPO comment letter, open the Environmental Review website for SHPO (<https://www.ncdcr.gov/state-historic-preservation-office/environmental-review>), click on the **Environmental Review Project Submittal Process**, and follow the directions in the *Project Review Checklist* for Email Submittals.

For more information, contact Ms. Renee Gledhill-Earley at the State Historic Preservation Office, 919-814-6579, or by email at renee.gledhill-earley@ncdcr.gov

US Fish and Wildlife Service (USFWS) – USFWS reviews impacts on threatened or endangered species. For many projects, you can address USFWS's blanket comments in the Engineering Report (ER), sealed by a Professional Engineer, stating that the project consists solely of the following components:

1. The installation or replacement of water meters on already existing services on existing waterlines;
2. Additions of equipment in an existing water facility that do not change its influent or effluent. This would include renovations and upgrades such as solar-powered mixers at an existing tank or renovation of an existing water treatment plant or pumping facility that does not increase its capacity; and
3. Installation of SCADA, (Supervisory Control and Data Acquisition) or other telemetry equipment.

USFWS will specifically need to issue comment letters for projects that include either intake structures or waterlines (even in existing right-of-way).

The following procedures will speed USFWS's comment letter:

1. View the USFWS website (http://www.fws.gov/raleigh/species/cntylist/nc_counties.html) and review the list of Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species in the project area (generally, the county).
2. Review the habitat of each Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species to determine if the habitat would be affected by the proposed project.
3. Document your determinations in a letter requesting USFWS comment. The letter must list the species, habitats and determinations and briefly explain how you reached your determinations. The letter should be substantially similar to the TEMPLATE attached to this document. The quality of this letter will greatly influence the speed with which USFWS can respond.
4. If USFWS does not respond within 30 days after you send the letter requesting USFWS comment, your engineer can make a statement (signed and sealed in the Engineering Report {ER}) that the project will not adversely affect Endangered Species or Threatened Species. This signed and sealed addendum to the ER - along with a copy of the comment request letter - will serve as USFWS comment.

Western NC USFWS Rep: The contact information for western North Carolina (Stokes, Forsyth, Davidson, Rowan, Cabarrus, Stanly and Anson Counties, and points West) is as follows:

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Field Office Supervisor
(currently Ms. Janet Mizzi, check
([https://www.fws.gov/asheville/htmls/general_infor
mation/aboutasheville.html](https://www.fws.gov/asheville/htmls/general_information/aboutasheville.html))

US Fish and Wildlife
Asheville Field Office

828-258-3939 Ext. 42223
FAX: 828 258- 5330
janet_mizzi@fws.gov

Address
160 Zillicoa Street
Asheville, NC 28801

Eastern NC USFWS Rep: The contact information for Eastern NC (Rockingham, Guilford, Randolph, Montgomery, and Richmond Counties, and points East) is as follows:

Field Office Supervisor
(currently Mr. Peter Benjamin, check
<http://www.fws.gov/nc-es/staff/ralstaff.html>)
US Fish and Wildlife Service
Raleigh Field Office

Telephone: 919/856-4520 Ext. 11
Fax: 919-856-4556
pete_benjamin@fws.gov

Physical / Parcel address
551 F Pylon Drive
Raleigh, NC 27606

Regular mail address
P.O. Box 33726
Raleigh, NC 27636-3726

US Army Corps of Engineers (USACE) - USACE regulates impacts on "the waters of the United States" under Sections 9 and 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. USACE's prime interest as a commenting agency is to ensure that projects are properly permitted and comply with their permit.

After determining the permitting requirements for the project, provide the DWI with one of the following blanket comments:

1. If none of the construction activities or facilities themselves is to occur in a stream, lake, or other body of water or in wetlands, submit an Engineering Report (ER), sealed by a Professional Engineer,

stating: **"I have determined that no US Army Corps of Engineers Permit is required."**

Note that this comment applies to a waterline with only directional-bore stream crossings, so long as no drilling mud or other materials are discharged into a stream or wetland.

2. After securing all required USACE permits, submit an ER, sealed by the Professional Engineer, stating: **"I have determined that all required Army Corps of Engineers permits are in place."**

USACE states, "any project that will result in a discharge of dredged or fill material into 'waters of the United States' requires a permit." Most water projects will not need a permit. Most water projects that need a permit can be covered by a nationwide permit 12. You can download the text of nationwide permit 12 at the following website: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Permits/NationwidePermits.aspx>

A list of other nationwide permits can be found at the following website:

http://www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/NWP2012/NWP12_3-23.pdf

Carefully read the applicable permit - including the General and Regional Conditions - to be sure you understand any requirements for notification to the US Army Corps of Engineers. Note that certain waters in NC cannot use a nationwide permit during certain times of the year because of fisheries moratoria.

If you are still unsure whether a permit is required, you can contact the local US Army Corps of Engineers Regulatory Field Office responsible for the county in which the project is located. You can find the office responsible for each county through the Corps of Engineers website: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact.aspx>

From there, you will find the contact for the project's county, or contact one of the four regulatory field offices. If you have general (not project-specific) questions, you

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can direct them to Scott C. McLendon of the Wilmington
District Office of USACE at the following address:

Scott C. McLendon
CE-SAW-RG
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403
Direct: 910-251-4952
General Number: 910-251-4633
FAX: 910-251-4025
<http://www.saw.usace.army.mil/>
scott.c.mclendon@usace.army.mil

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Attachment 2 – Template Comment Request Letter

DATE

APPLICANT NAME AND ADDRESS

CONTACT NAME AND ADDRESS

Dear CONTACT:

We have requested categorical exclusion from substantive environmental review requirements (CE) under 15A NCAC 1C .0408 "minimum criteria" rules, for the project listed below. Before granting the request, the Division of Water Infrastructure (DWI) of the North Carolina Department of Environment and Natural Resources requires us to seek your agency’s comment on the advisability of issuing a CE. Specific project information is laid out below.

The Applicant is to place detailed project information below.

Project Information

Project #: WIF-XXX

Applicant: THE APPLICANT IS TO PLACE ITS FULL FORMAL NAME HERE

County: THE APPLICANT IS TO PLACE THE NAME (OR NAMES) OF THE COUNTY (OR COUNTIES) IN WHICH THE PROJECT WILL BE CONSTRUCTED HERE

Project Description: THE APPLICANT IS TO PLACE A DETAILED PROJECT DESCRIPTION HERE

Applicant Contact Information

THE APPLICANT IS TO PLACE DETAILED CONTACT INFORMATION INCLUDING THE CONTACT'S NAME, ADDRESS, PHONE, FAX AND EMAIL IN THIS SECTION.

Project Engineer Contact Information

THE APPLICANT IS TO PLACE DETAILED CONTACT INFORMATION INCLUDING THE ENGINEER'S NAME, ADDRESS, PHONE, FAX AND EMAIL IN THIS SECTION.

The Applicant is to replace the example text with information for the specific project.

Additional Information (if applicable): The project is entirely limited to Wallaby County. The only species listed on the USF&WS website (http://www.fws.gov/raleigh/species/cntylist/nc_counties.html) for Wallaby County is the Hairy Wombat, a "Threatened Species." The waterline replacement project does not take place in and is not expected to adversely affect the snodgrass-land habitats required by the Hairy Wombat.

County	Species	Listing	Explanation of expected impact
Wallaby County	Hairy Wombat	Threatened	The only snodgrass-lands in Wallaby County are in a state park three miles from this waterline replacement project. Therefore, the project has no expected adverse impact.

In developing your comments, please address those federal cross cutting authorities listed with your agency below:

Agency	Cross Cutting Authority
North Carolina Cultural Resources	Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended
	National Historic Preservation Act of 1966, PL 89-665, as amended
United States Fish & Wildlife Service	Endangered Species Act, Pub. L. 93-205, as amended
	Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended
	Wild and Scenic Rivers Act, Pub. L. 90-542, as amended
United States Army Corps of Engineers	Protection of Wetlands, Executive Order 11990 and Floodplain Management, Executive Order 11988

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After your review, please provide comments to the DWI, preferably by email at vincent.tomaino@ncdenr.gov. You may also write to Vincent Tomaino at the addresses below. If you require additional information, please inquire directly to the applicant contact, at the address above.

Parcel Delivery (e.g., FedEx) Address	Regular Mail Address
Division of Water Infrastructure Archdale Building – Room 825R 512 North Salisbury Street Raleigh, NC 27604 919-707-9160	Division of Water Infrastructure 1633 Mail Service Center Raleigh, NC 27699-1633

To enable the project to move forward, please issue your comment letter or email even if you have no comments. You may reply by email.

Sincerely,

APPLICANT

Enclosures: Color-coded Project Map

cc: Vincent Tomaino, DWI