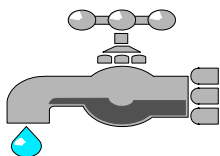


# Factsheet: Instructions for Applicants Seeking a Federal Categorical Exclusion



The Public Water Supply (PWS) Section of the North Carolina Division of Water Resources prepared this factsheet to provide directions on how to obtain a federally recognized categorical exclusion from

environmental review requirements (CE). This factsheet applies only to applicants seeking federal funds (e.g., drinking water state revolving fund (DWSRF) loans). The steps to the CE process are briefly listed below:

## Request

1. Submit a "CE Request" form.<sup>1</sup>
- 2a. In most cases, you can address blanket comments that serve as the comment letters for the three potentially interested agencies:
  - North Carolina Department of Cultural Resources, State Historic Preservation Office
  - U.S. Fish and Wildlife Service, and
  - U.S. Army Corps of Engineers
- 2b. In some cases, you will need to request actual comment letters from one or more of these agencies.
3. Transmit the CE Request form, along with the comment letters (or blanket comments) from the agencies, to the PWS Section.

## Issuance

4. The PWS Section issues the CE and informs you.

The remainder of this document describes these steps in greater detail.

## CE Request Form

Please keep the following in mind when filling out the CE Request form:

- Please carefully read the form before filling it out.
- Please enter the applicant's complete formal name. If you are a county authority, please specify which county. **"County Water District VII"** is not an acceptable name; **"Wake County Water District VII"** is acceptable.
- Please 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."**

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<sup>1</sup> The "CE Request" form is formally the "Request for Categorical Exclusion from Substantive Environmental Review," and is part of the *North Carolina Department of Environment & Natural Resources Application Appendix for Drinking Water Funding Programs*.

- Please 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. Please check both the "installation" and "withdrawal" exclusions.
- Please ensure that each exclusion applies before checking it. If the project size exceeds any exclusionary threshold, then the project is ineligible for CE.
- Please sign and date the form.
- Please print the name of the signer.
- Please print the signer's job title (to ensure the signer has authority to sign such a request).

## Comment Letters

Most projects are covered by blanket comments from all three potentially interested agencies.

You do not need to obtain a comment letter from an agency if your project meets that agency's blanket comment conditions. You only need to certify that the project meets the blanket comment conditions. Attachment 1 provides the proper language for the certification.

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

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

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 the PWS Section.

## Issuing the CE

After review of the CE Request form, the comment letters, and other project documentation, the PWS Section may request additional information, request an Environmental Assessment, or issue a CE by countersigning the CE Request form.

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## Attachment 1 - Comments from Potentially Interested Agencies

**NC Department of Cultural Resources** – The NC Department of Cultural Resources includes a "State Historic Preservation Office" or SHPO.

For many projects, you can address SHPO's blanket comments with an addendum to the Preliminary Engineering Report (PER), 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 projects that include the following items:

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

The contact information for SHPO follows:

Ms. Renee Gledhill-Earley  
State Historic Preservation Office  
919-807-6579  
renee.gledhill-earley@ncdcr.gov

Regular mail address:  
MSC 4617  
Raleigh, NC 27699-4617

Physical/Parcel Address:  
109 East Jones Street  
Room 258  
Raleigh, NC 27601

Requests for comment may also be emailed by following the directions on the following website:  
[http://www.hpo.ncdcr.gov/er/er\\_email\\_submittal.html](http://www.hpo.ncdcr.gov/er/er_email_submittal.html)

You will also find the GIS for buildings at the following website: <http://gis.ncdcr.gov/hpoweb/>

**US Fish and Wildlife Service (USFWS)** – USFWS reviews impacts on threatened or endangered species. For many projects, you can address USFWS's blanket comments with an addendum to the Preliminary Engineering Report (PER), 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 intake structures or waterlines (even in existing right-of-way).

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

Field Supervisor  
(currently Mr. Brian Cole, check <http://www.fws.gov/nc-es/staff/ashstaff.html>)  
US Fish and Wildlife  
Asheville Field Office  
  
828-258-3939 Ext. 223  
FAX: 828 258- 5330  
Brian\_Cole@fws.gov

Address  
160 Zillicoa Street  
Asheville, NC 28801

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

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

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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

The following procedures will speed USFWS's comment letter:

1. View the USFWS website (<http://www.fws.gov/nc-es/es/countyfr.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 (as a signed and sealed addendum to the Preliminary Engineering Report {PER}) that the project will not adversely affect Endangered Species or Threatened Species. This signed and sealed addendum to the PER - along with a copy of the comment request letter - will serve as USFWS comment.

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**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 PWS Section 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 addendum to the Preliminary Engineering Report (PER), 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 addendum to the PER, sealed by the Professional Engineer, stating: "**I have determined that all required Army Corps of Engineers permits are in place.**"

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USACE discusses jurisdictional decisions in the following link:

[http://www.ncwater.org/pws/srf/Factsheets/CELETTERA\\_NDRGL.pdf](http://www.ncwater.org/pws/srf/Factsheets/CELETTERA_NDRGL.pdf)

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/WETLANDS/NWP2007/PDF-SAW-NWP2007/NWP12\\_6-07.pdf](http://www.saw.usace.army.mil/WETLANDS/NWP2007/PDF-SAW-NWP2007/NWP12_6-07.pdf)

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

<http://www.saw.usace.army.mil/WETLANDS/NWP2007/nationwide-permits-2007.html>

Please 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. Please 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/wetlands/contact/index.html>

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From there, you will find the contact for the project's county, choosing among the following four web pages or phone numbers:

Asheville Regulatory Field Office (828) 271-7980  
<http://www.saw.usace.army.mil/wetlands/where/ashville.htm>

Raleigh Regulatory Field Office (919) 554-4884  
<http://www.saw.usace.army.mil/wetlands/where/raleigh.htm>

Washington Regulatory Field Office (910) 251-4555 or -4610  
<http://www.saw.usace.army.mil/wetlands/where/washington.htm>

Wilmington Regulatory Field Office (910) 251-4633  
<http://www.saw.usace.army.mil/wetlands/where/wilmington.htm>

If you have general (not project-specific) questions, you 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 NC Public Water Supply (PWS) Section, Division of Water Resources requires that your agency 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/nc-es/es/countyfr.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 PWS Section, preferably by email at [vincent.tomaino@ncdenr.gov](mailto: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 Mail (e.g., FedEx) Address	Regular Mail Address
Public Water Supply Section /Funding Group Archdale Building – Room 1304A 512 North Salisbury Street Raleigh, NC 27604-1170	Public Water Supply Section /Funding Group 1634 Mail Service Center Raleigh, NC 27699-1634

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, PWS Section