



NCDOT Wetlands and Stream Mitigation Activities

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Why does NCDOT need mitigation?

NCDOT Mission Statement

Connecting people and places safely and efficiently, with accountability and environmental sensitivity, to enhance the economy, health and well-being of North Carolina.

- Federal laws require certain permits from the US Army Corps of Engineers and NCDENR if a project impacts wetlands, streams, or buffers

NCDOT Wetlands and Stream Mitigation Activities

- NCDOT's mitigation strategies
- Why NCEEP was formed
- NCDOT/NCEEP Operating Process
- Results and Future

NCDOT Mitigation Strategies

- Prior to 2003 - NCDOT Offsite
 - Mitigation Sites
 - Mitigation Banks
- Prior to 2003 - NCDOT use of In-lieu Fee Program
- After 2003 - NCDOT use of Ecosystem Enhancement Program
- NCDOT onsite

Prior to 2003 - NCDOT Offsite Mitigation

- Mitigation Projects

NCDOT was responsible for development of a mitigation project through agency coordination and approval of the site acquisition, plan, design, construction, and monitoring period.

- Mitigation Banks

NCDOT contracted 14 projects under banking scenarios

After 2003 - Credits and management transferred to NCEEP

Prior to 2003 - NCDOT use of In-lieu Fee

1996 - Wetland Restoration Program established by state legislation

1998 - MOU between USACE and NCDENR allowed WRP to act as in-lieu fee program and provide mitigation for NCDOT in high-need areas of the state

After 2003 - Site credits and management transferred to NCEEP

NCDOT Onsite Mitigation

Adjacent to Roadway projects

- Typically “added value” for right of way required for transportation project and 1:1 impact to mitigation ratio
- Most involve stream channel relocation or causeway removal in wetlands

NCDOT onsite mitigation strategy continues today, but accounts for a very small portion of NCDOT’s overall mitigation needs.

Prior to 2003 - Mitigation Challenges

Problem - Mitigation was on the permitting critical path and was contributing to transportation project delays.

Reasons - Mitigation delivery was not keeping up with demand and was not being planned early enough in the project development process due to:

- Increase in transportation program and impacts
- Increase in regulatory requirements
- Multiple reviews of mitigation sites and plans
- Lack of acceptable mitigation available at permit time

Mitigation Process Improvement Initiative

Solution – 2001 Interagency Mitigation Process Improvement Initiative launched by NCDOT, NCDENR, and USACE along with participants from USEPA, USFWS, and NCWRC

Mission – Develop a structured mitigation process that supports the timely delivery of North Carolina's transportation program while appropriately compensating for unavoidable and minimized wetland, stream, and buffer impacts

NCEEP Established July 2003 through Memorandum of Agreement amongst NCDOT, NCDENR and USACE

Purpose - provide stream and wetland mitigation in advance of impacts for NCDOT projects, thereby taking mitigation off the critical path for project schedules.

Outcome

- Simplified permit process
- Allowed highway and mitigation work to progress concurrently and separately
- Provided for improved interagency relationships

NCDOT / NCEEP MOA Operational process

- NCDOT provides NCEEP a list of transportation projects and estimated impacts for each year based on a 7-year STIP highway program
- NCEEP develops Operational Strategic Plan to meet NCDOT's mitigation needs
- NCEEP develops biennial budget and requests NC Board of Transportation approval
- NCDOT pays NCEEP based on quarterly invoices = ACTUAL COST SYSTEM (pay as work is done)

NCDOT / NCEEP MOA Results

- No NCDOT projects delayed due to lack of mitigation since the inception of NCEEP
- NCEEP has delivered required compensatory mitigation and helped NCDOT to achieve its mission statement
- Support of continued funding of NCEEP program to provide mitigation for NCDOT project impacts

NCDOT/NCEEP Current Initiative

- Collaboratively working to simplify and streamline the coordination process between the two agencies
- Increase accuracy of impact projections
- Stabilize impact orders
- Provide more predictable mitigation costs

North Carolina Mitigation Requirements

	USACE	NCDWQ
Ephemeral Stream	No	No
Intermittent Stream	Case-by-Case	Yes
Perennial Stream	Yes	Yes
Modified Natural Stream	Case-by-Case	Yes
Ditch	Case-by-Case	No*
Mitigation Threshold	Case-by-case (generally 150 LF)	150 LF
Mitigation Ratios	Case-by Case (typically 2:1)	1:1

*Unless determined to be jurisdictional by the USACE

Comparison to Other States

	NC	SC	VA	GA
Mitigation Threshold (ft.)	150	300	300	100

Questions?