

EEP PPM Section 8.2.1.4		Document No.: PLN.PRO.01.02.01	
Procedure Title: Mitigation Request Process		Rev. No. 0	Page: 1 of 10
		Date: August 31, 2004	

1.0 PURPOSE AND SCOPE

1.1 Purpose. The purpose of this procedure to satisfy NC Department of Transportation (NCDOT) mitigation needs in a timely manner.

1.2 Scope. This procedure applies to mitigation requests from NCDOT.

1.3 Participants. This procedure applies to the following personnel:

- EEP DOT Coordinator
- EEP Strategic Planning Supervisor
- NCDOT Project Development and Environmental Analysis (PDEA) Branch Manager
- EEP Director
- NCDOT PDEA Office of Natural Environment (ONE) Manager
- USACE Representative
- NCDOT Contact
- DWQ/DCM Contacts
- EEP Strategic Planning Section.

2.0 PROCEDURE STEPS

2.1 Receive mitigation request. The EEP DOT Coordinator receives a mitigation request letter from NCDOT. The EEP DOT Coordinator stamps the first page of the letter “received” and provides a copy to NCDOT as a receipt. The letter should include permit application impact amounts and anticipated mitigation needs for wetlands, streams, and buffers.

EEP intends to respond to NCDOT request letters within 5 days of receipt. Buffer mitigation requests will be tracked; however, until NCDOT is able to forecast buffer impacts, buffer mitigation will be handled through the in-lieu-fee program.

2.2 Review request. The EEP DOT Coordinator reviews the information provided in the request letter.

- a. Confirm that the NCDOT, U.S. Army Corps of Engineers (USACE), and appropriate Division of Water Quality (DWQ)/Division of Coastal Management (DCM) contact information is provided.
- b. Confirm that impact information is separated into appropriate categories (e.g., riverine, nonriverine, streams).

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- c. Confirm that other required information is provided: Memorandum of Agreement (MOA) project status, let date, location (county, NCDOT division, cataloging unit [CU], ecoregion, river basin).
 - d. Input information into the EEP Project Tracking database. Go to step 3, unless some information is not properly included, in which case continue to e.
 - e. If all necessary information is not included, compose and send a letter to NCDOT requesting a modification letter. Return to step 1.
- 2.3 Compare request information to database. The EEP DOT Coordinator compares the information in the request letter to the information already in the EEP database.
- a. Compare the permit request date and let date indicated in the letter to the permit request and MOA let dates in the Impact Projection database for discrepancies.
 - b. Compare the permit application impact projection with the impact projections for the specific project in the Impact Projection database for discrepancies.
 - c. If the dates are equivalent or later and the impacts are equivalent or lower, then go to step 4. If there is a discrepancy in dates or impact amounts, continue to d.
 - d. Confirm that NCDOT sent the EEP DOT Coordinator a special request letter for change(s).
 - e. If EEP received and approved a special request, go to step 4. If not, continue to f.
 - f. Draft and send a letter to NCDOT informing them that the project is on hold until EEP receives and approves a special request letter.
 - g. Input information into EEP database. Go to step 1.
- 2.4 Determine what MOA rules apply. The EEP DOT Coordinator determines what MOA rules apply to the project. See the procedure flow diagram in Section 4.0 of this procedure (page 3 of 4 in the diagram) for an overview of this step.
- a. If the project is on the MOA Transition list, it follows MOA rules in Section IX that allow initial permitting with 100 percent preservation (i.e., requires 1:1 mitigation).

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- b. If the project is not on the MOA Transition list, it follows MOA rules in Section X that require a minimum of 1:1 restoration at the time of permit issuance, unless the project was “swapped” for a project on the transition list, in which case, it follows Section IX rules.
- 2.5 Forward project information. The EEP DOT Coordinator updates the database and forwards the project information to the EEP Strategic Planning Supervisor.
- 2.6 Make mitigation determination. The EEP Strategic Planning Section makes a mitigation determination.
- a. For projects following Section IX rules, verify that sufficient preservation is available (or will be in time for permit issuance) in the ecoregion in which the impacting project is located, and go to b. If sufficient preservation is not available, go to c.
 - b. Earmark sufficient preservation assets for the project. Go to step 7.
 - c. For projects following Section X rules, verify that sufficient mitigation (including a minimum of 1:1 restoration) is available (or will be in time for permit issuance) in the CU in which the impacting project is located, and continue to f. If adequate mitigation is not available, continue to d.
 - d. Develop strategy for alternatives, e.g., go to adjacent CU, use Best Management Practices (BMPs), use preservation. Continue to e.
 - e. Consult USACE contact (identified in request letter) if the use of adjacent CU mitigation is appropriate for the project. If adjacent CU mitigation is deemed appropriate and is allowed, continue to f. If it is deemed not appropriate, go to step 7.
 - f. Earmark sufficient mitigation assets, including restoration, for the project.

For instances in which preservation is not available for Section IX projects, traditional mitigation ratios on a CU basis can still be used.

Until EEP implements its newly designed database, the earmarking process must be done manually in the spreadsheets currently used by the Strategic Planning and Implementation Sections. Once the database is implemented, the earmarking process can be automated.

- 2.7 Send letter to NCDOT. The EEP DOT Coordinator drafts and sends an acceptance or nonacceptance letter to NCDOT. The letter should be addressed to the NCDOT Project Development and Environmental Analysis (PDEA) Branch Manager and signed by the EEP Director or his designee. The letter should be

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hand delivered to the NCDOT PDEA Office of Natural Environment (ONE) Manager within 5 days of receipt of the NCDOT request letter.

- a. If sufficient mitigation (either following Section IX or X rules) was earmarked in step 6, then draft and send an acceptance letter to NCDOT. Place a copy of the letter in the project file at EEP and send copies of the acceptance letter to the appropriate Regulatory Agency contact (identified in request letter). Go to step 8.
 - b. If sufficient mitigation was not earmarked for the project (resulting from a lack of adequate mitigation), then draft and send a nonacceptance letter to NCDOT. Document the cause of nonacceptance in the database. Process complete.
- 2.8 Send letter to Regulatory Agencies. The EEP DOT Coordinator drafts and sends a letter to the appropriate Regulatory Agencies.
- a. The EEP DOT Coordinator drafts a letter to the appropriate USACE representative, indicating that EEP has accepted mitigation responsibility for the impacting project and will provide the mitigation in accordance with the MOA. The letter should include information regarding the mitigation strategy in terms of type, ratio utilized, and total amount to be provided. The letter should copy the appropriate NCDOT contact and DWQ/DCM contacts as listed in the request letter. The EEP DOT Coordinator places a copy of the letter in the project file at EEP.
 - b. The EEP Director signs the letter.
 - c. The EEP DOT coordinator sends the letter (by fax or mail) to the appropriate USACE representative.
- 2.9 Receive copy of permit. The EEP DOT Coordinator receives a copy of the issued permit(s) from NCDOT.
- 2.10 Enter mitigation amounts in database. The EEP DOT Coordinator enters the mitigation amounts required in the permit(s) into the EEP database.
- a. Enter the date of permit issuance.
 - b. Enter the date of copy of permit receipt.
 - c. Enter the amount of mitigation required.
 - d. Place a copy of permit into project file at EEP.
- 2.11 Debit ledger. The EEP Strategic Planning Section debits the ledger by the appropriate amount.

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- a. If the project is following Section IX rules, go to step 12.
- b. If the project is following Section X rules, the process is complete.

2.12 Submit follow-up letter to USACE. The EEP DOT Coordinator prepares and submits a follow-up letter to the USACE representative no later than 30 days after permit issuance.

- a. The follow-up letter should include site acquisition information (documentation showing the property or easement was secured).
- b. Record the date of the letter in the EEP Project Tracking database.
- c. Place a copy of the letter in the project file at EEP.

3.0 RESPONSIBILITIES AND AUTHORITIES

Table 1 summarizes the responsibilities and authorities of key participants in this procedure.

Table 1. Responsibilities and Authorities

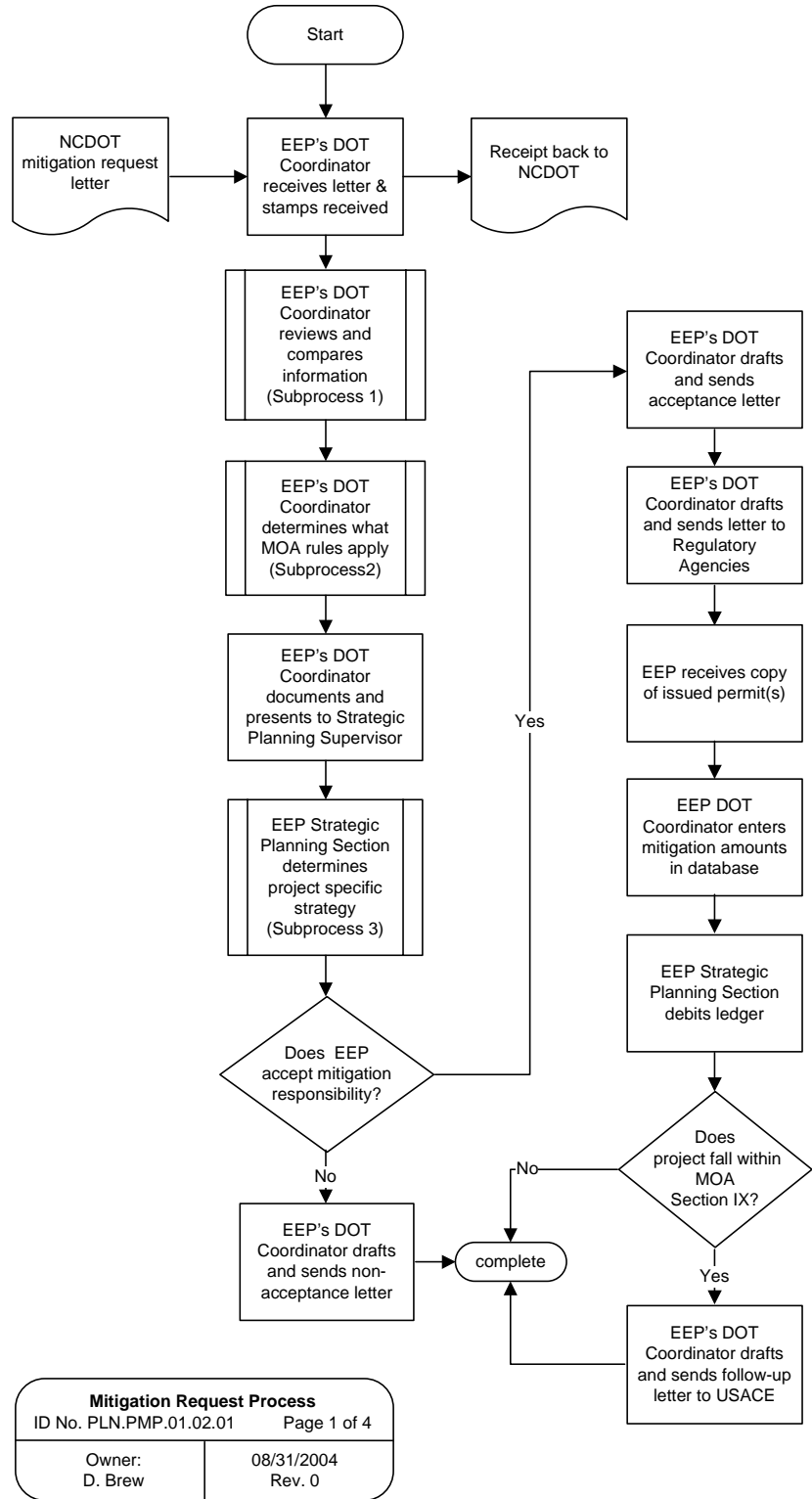
Step #	Procedure Step	EEP DOT Coordinator	EEP Strategic Planning Supervisor	NCDOT PDEA Branch Manager	EEP Director	NCDOT PDEA ONE Manager	USACE Representative	NCDOT Contact	DWQ/DCM Contacts	EEP Strategic Planning Section
1	Receive mitigation request	P								
2	Review request	P								
3	Compare request information to database	P								
4	Determine what MOA rules apply	P								
5	Forward project information	P	S							
6	Make mitigation determination		P				A			
7	Send letter to NCDOT	P		S		S				
8	Send letter to Regulatory Agencies	P			RA		S	S	S	
9	Receive copy of permit	P								
10	Enter mitigation amounts in database	P								
11	Debit ledger									P
12	Submit follow-up letter to USACE	P					S			

Legend:

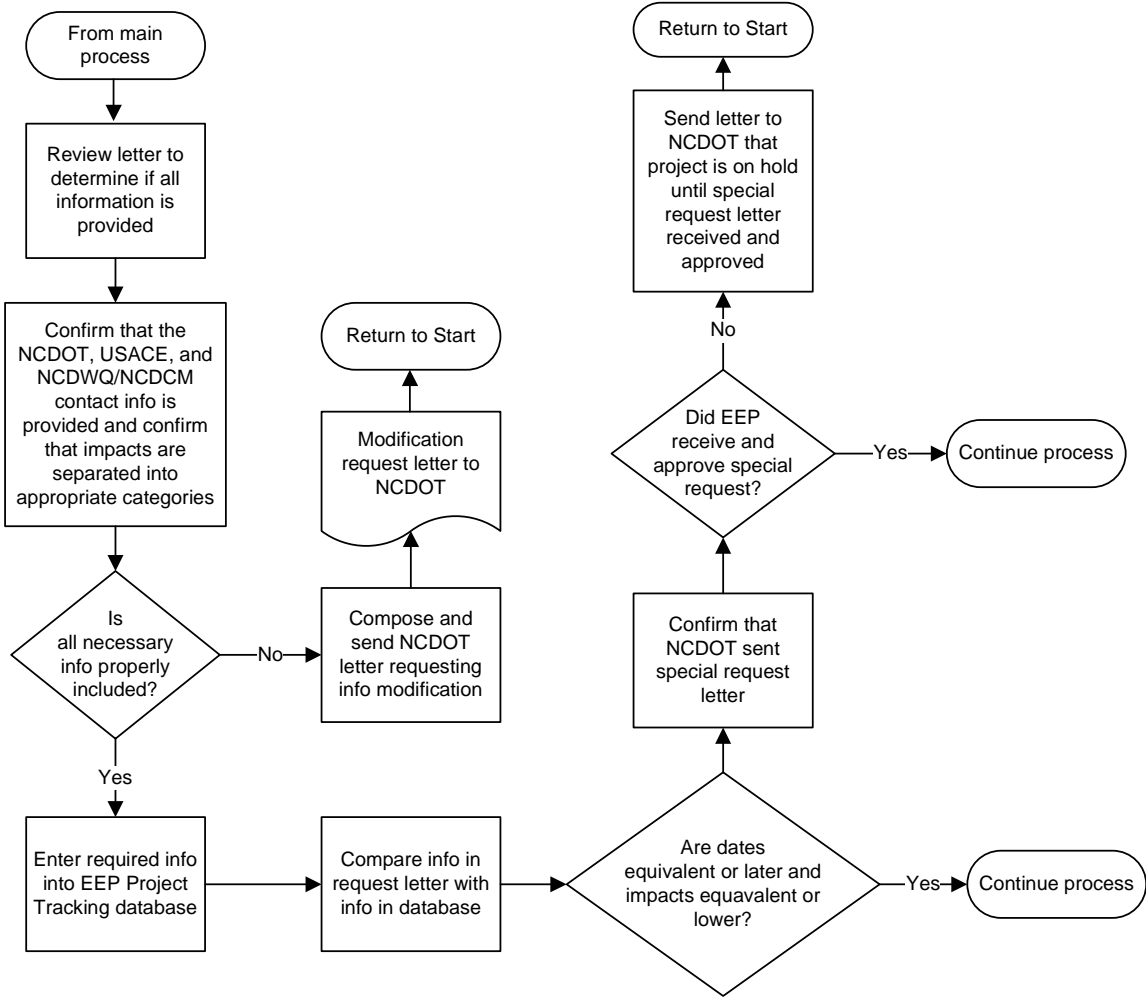
- P** = Primary responsibility
- A** = Assist
- RI** = Review to provide Input
- RA** = Review and Approve
- N** = Notify
- S** = Submit final output to this person

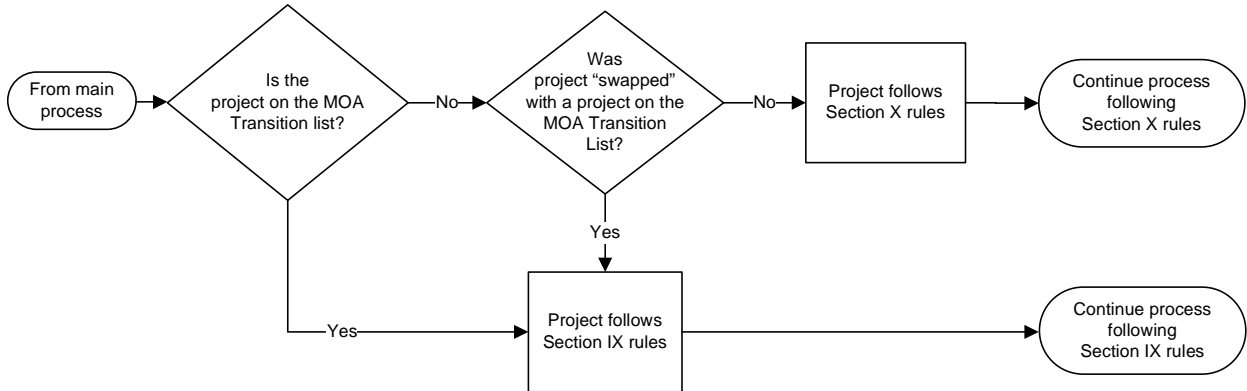


4.0 PROCEDURE FLOW DIAGRAM

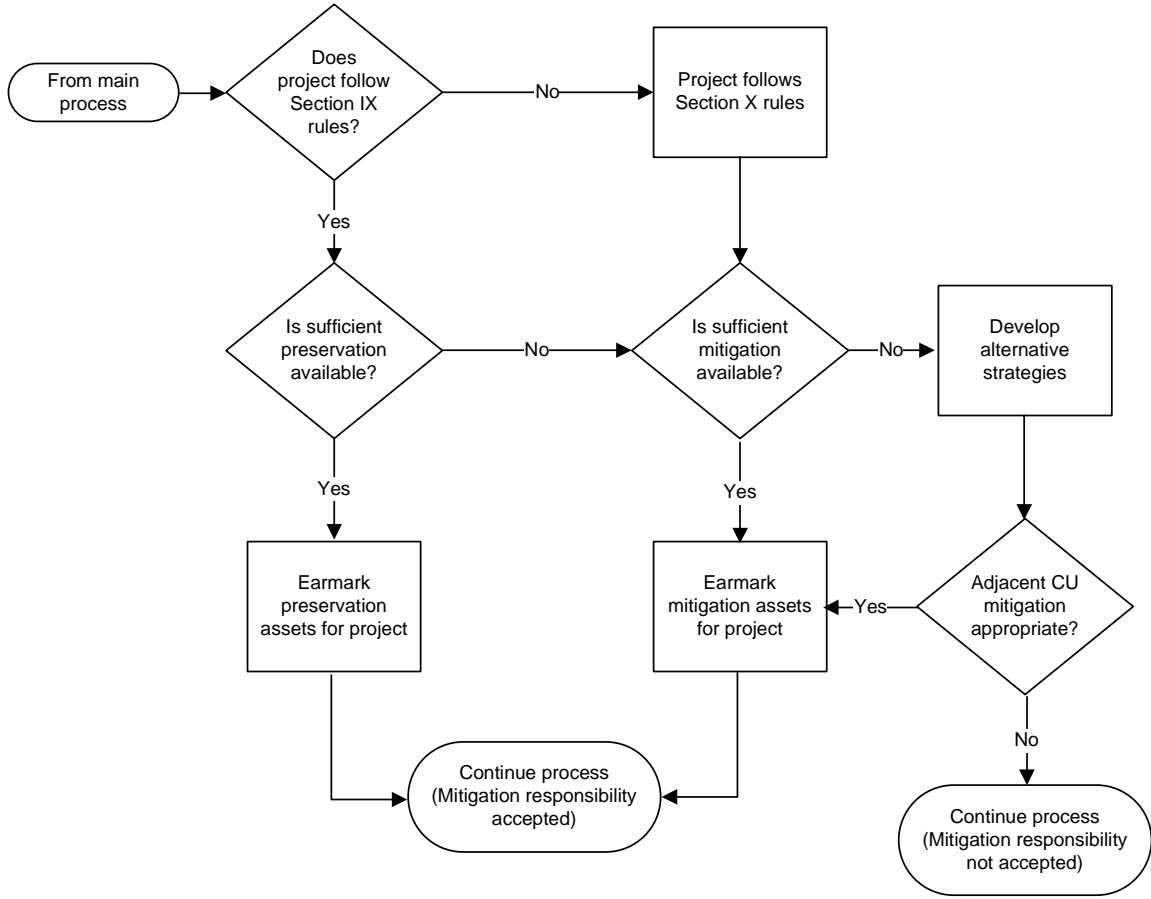


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Mitigation Request Process:	
Subprocess 3: Determine Project Specific Strategy	
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5.0 REFERENCES

None.

6.0 FORMS

None.