



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Request for Comments
Issue Date: August 27, 2016
Comment Deadline: September 26, 2016

POC: Todd Tugwell
US Army Corps of Engineers
Wilmington District
3331 Heritage Trade Drive, Suite 105
Raleigh, NC 27587
Email: todd.tugwell@usace.army.mil

FEDERAL PUBLIC NOTICE

REQUEST FOR MODIFICATION OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF MITIGATION SERVICES IN-LIEU-FEE PROGRAM INSTRUMENT

The North Carolina Department of Environmental Quality, Division of Mitigation Services (NCDMS) seeks to modify their existing In-Lieu-Fee (ILF) Program Instrument. NCDMS, formerly known as the North Carolina Ecosystem Enhancement Program, is an existing ILF program, which has been in operation since the signing of a Memorandum of Understanding between the U.S. Army Corps of Engineers and the North Carolina Department of Environment and Natural Resources on In-Lieu Fee Compensatory Mitigation in 1998. The current ILF program instrument was previously drafted and approved in 2010 in order to bring the ILF program into compliance with the Federal Mitigation Rule of 2008. The purpose of the ILF program is to provide a comprehensive, natural resource enhancement program that identifies ecosystem needs at the local watershed level and preserves, enhances, and restores ecological functions within target watersheds while addressing impacts from anticipated North Carolina Department of Transportation (NCDOT) projects and permitted impacts from other development projects. NCDMS currently operates in all watersheds throughout the state of North Carolina.

The proposed modification request seeks changes to the existing service area boundaries, the existing advanced credit allocations, and the Compensation Planning Framework. The modified program instrument will be reorganized to provide a streamlined structure. NCDMS is requesting to develop new service area boundaries based upon several factors including the USGS National Watershed Boundary Dataset, functional loss and replacement opportunity, eco-region boundaries, habitat types, past history of mitigation delivery, and size and connectivity to adjacent USGS cataloging units. Service areas are used to identify mitigation sites since compensatory mitigation is provided within the same service area where the permitted impacts occur. The existing service area boundaries are based upon USGS 8-digit Hydrologic Unit Codes.

NCDMS is also proposing to reallocate existing advanced credits based upon the new service area boundaries.

The Compensatory Planning Framework (Framework) is used to select, secure, and to implement projects under the ILF program and establishes a prioritization strategy for compensatory mitigation activities. NCDMS is requesting to modify the existing framework to utilize 12 digit HUCs for data sources, to prioritize site selection to maximize functional uplift, and to introduce Targeted Resource Areas (TRAs) to define functional impairments in watersheds. The TRAs will replace the current 14-digit priority areas.

Issuance of this public notice is required pursuant to the “Compensatory Mitigation for Losses of Aquatic Resources; Final Rule”, as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 325 and 332). A copy of the modified ILF instrument and appendices is available for review on the Wilmington District webpage at <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>.

The Corps is soliciting comments from the public, Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the proposed modifications to the existing ILF program instrument. This is not an application for a specific mitigation project site. Impacts associated with specific mitigation project sites authorized under this instrument will be permitted under Nationwide Permit 27 and may not require issuance of public notices. In evaluating this request for modification, the Corps will consider any comments received.

The District will receive written comments on the proposed modification until close of business on September 26, 2016. Comments can be submitted to Mr. Todd Tugwell, Wilmington District, US Army Corps of Engineers, 3331 Heritage Trade Drive, Suite 105, Raleigh, NC 27587. If you have questions about this proposal, please contact Mr. Tugwell at (919) 554-4884 x58.