

GUIDANCE ON THE USE OF
COMPENSATORY MITIGATION IN ADJACENT CATALOGING UNITS

CONCURRENCE FORM

DEVELOPED BY THE PROGRAM ASSESSMENT AND CONSISTENCY GROUP (PACG)

Agencies that are members of the PACG agree that with a large amount of mitigation to be implemented in a short amount of time coupled with unsuccessful historic site searches in certain parts of the state, the need for consideration to include adjacent 8-digit cataloging units for mitigation is apparent. Consideration for such action will occur in an “emergency” situation. An “emergency” situation is defined as one in which compliance with the tri-party MOA is in jeopardy, and the following conditions exist*. A written justification will be submitted to the PACG for approval. The PACG will consult with the PACG-TC regarding adjacent CU proposals.

- Historic site searches have not been successful (includes EEP and DOT searches)
- Response in the Full-Delivery program is repeatedly unsuccessful
- A Local Watershed plan (if any) in cataloging unit of interest is not to the project ID stage, or will not produce needed amount of mitigation
- Credits from private mitigation banks are not available for purchase.

Ratio Adjustment (Ratios below do not reflect ratios imposed on permittee)

For the purposes of this guidance ecoregions are defined by the map shown in Figure 1 that was developed based on “Griffith, et. al. 2002. Ecoregions of North and South Carolina. Reston, VA. United States Geological Survey”.

Wetlands***

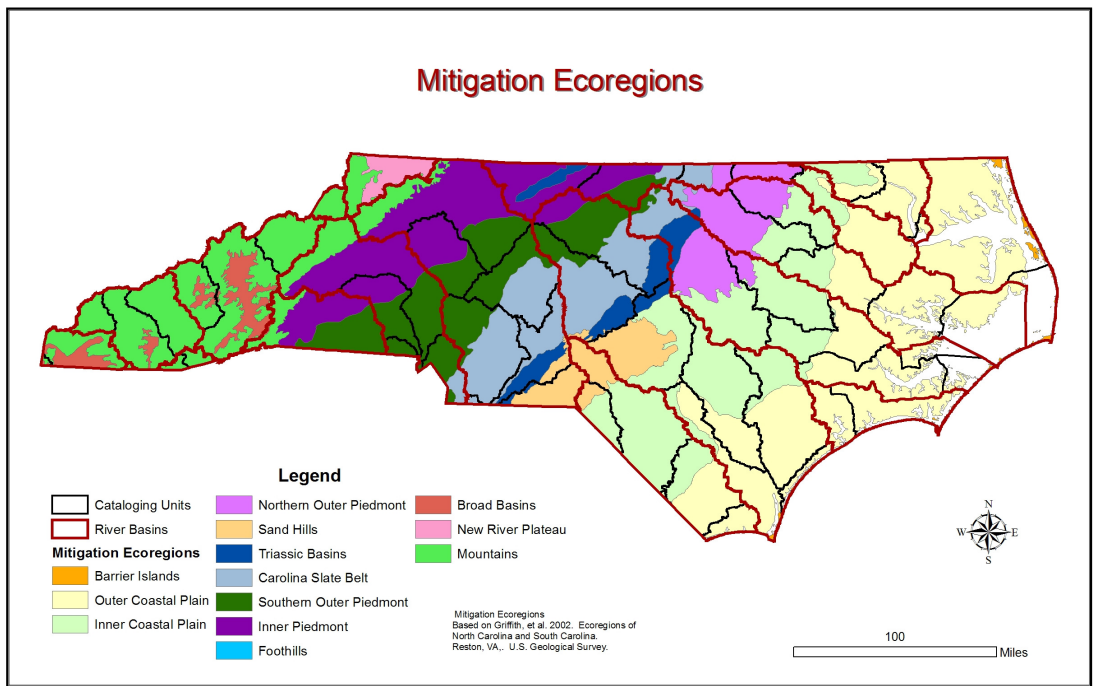
Situation	Restoration	Enhancement	Creation	Preservation
In same CU	1:1	2:1	3:1	5:1
Adjacent CU**; same ecoregion	1.5:1	3:1	4:1	7:1
Adjacent CU; different ecoregion; same physiographic region (Level III ecoregion)	2:1	4:1	5:1	10:1

Streams***

Situation	Restoration	Enhancement I	Enhancement II	Preservation
In same CU	1:1	1.5:1	2.5:1	5:1
Adjacent CU; same ecoregion	1.5:1	2:1	3:1	6:1
Adjacent CU; different ecoregion; same Physiographic region (Level III ecoregion)	2:1	3:1	5:1	10:1

- * All other requirements of the applicable MOU or MOA remain in effect
- ** Any Adjacent CU used must be in same River Basin
- *** Compensatory mitigation in adjacent cataloging units does not apply to Coastal Wetlands as defined in CAMA.

Figure 1: Mitigation Ecoregions for Use in the Application of the Adjacent CU Guidance



The PACG concurred on the above guidance for use by the EEP on May 20, 2005

USACE _____
 USEPA _____
 USFWS _____
 NCDCM _____

NCDWQ _____
 NCWRC _____
 NOAA _____
 NCDMF _____