

Mitigation Request to DMS

Environmental Analysis Unit
Version 2.0 Approved 4/21/2026

Purpose

To formally request mitigation from the North Carolina Department of Environmental Quality's Division of Mitigation Services (DMS) and receive written acceptance from DMS for use in permit applications.

Background

After avoidance and minimization of environmental impacts, and determination of any onsite mitigation opportunities, additional environmental mitigation may be necessary to offset North Carolina Department of Transportation (NCDOT) project impacts prior to permitting by the agencies. If onsite or previously purchased private mitigation bank credit is unavailable, the primary mechanism of obtaining this additional mitigation is via DMS.

Responsibility

The Project Manager and/or Permit Specialist (PM/PS) with the assistance of the EAU Mitigation & Modeling (M&M) Group is responsible for ensuring this additional mitigation is obtained prior to the permit application.

Procedures

1. The PM/PS prepares and submits the permit application to the appropriate agencies once final project impacts have been determined. If environmental impacts are unavoidable and any proposed onsite mitigation has been approved, additional offsite mitigation may be secured through DMS as needed to obtain the permit.
2. To request project specific mitigation, the PM/PS or M&M Group (if requested) will submit an electronic DMS In-Lieu Fee Request Form (Revised Dec 2022) to DMS. A carbon copy will be forwarded to the PM/PS for inclusion in the project file if the form is submitted by the M&M Group.
3. DMS reviews the mitigation request and issues an electronic mitigation acceptance letter to the submitter (e.g., Project Manager, Permit Specialist, or M&M Group). Upon receipt, a copy of the letter must be distributed to all relevant parties.
4. The acceptance letter becomes part of the permitting package submitted to the appropriate agency(s). Following receipt, an electronic copy of the acceptance letter is placed in the project file by the PM/PS and documented and recorded by the M&M Group.
5. Upon permit issuance, DMS is copied on the permit and will make the necessary debits to the DMS mitigation debit ledger.

Contacts

- For suggestions to change this procedure contact, Eric Black teblack1@ncdot.gov or Phoenix Spivey pnspivey@ncdot.gov.
- For questions about performing this procedure contact: Eric Black, teblack1@ncdot.gov or Brad Chilton wbchilton@ncdot.gov.

Record of Revision		
Version #	Reason for Revision	Revision Date
1.0	Update Version 1.0 procedures dated 9/21/2011 and contact list.	