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MEMORANDUM

Division of Water Program Coordination Office of Water Permit Programs

SUBJECT: GUIDANCE MEMORANDUM 01 -2001

Use of USGS 1980 Hydrologic Unit Map of the United States to determine appropriate Hydrologic Unit Code (HUC) for Compensatory Mitigation using Mitigation Bank Credits

TO: Regional Directors

FROM: Larry G. Lawson, P.E.

DATE: January 8, 2001

COPIES: Regional Permit Managers, Regional Compliance and Enforcement Managers, VWPP Supervisors, Ellen Gilinsky, Mary Jo Leugers, Martin Ferguson, Richard Ayers, Joe Hassell

Section 62.1-44.15:5.E of the Code of Virginia establishes standards and conditions applicable to the use of wetland mitigation banks in the Commonwealth to compensate for unavoidable wetland impacts regulated under the Virginia Water Protection Permit (VWPP) Program.

The Code directly references the use of the Hydrologic Unit Map of the United States (U.S.G.S. 1980) to define the Hydrologic Unit Code (HUC) boundaries. The Code establishes a condition that, among other things, the use of a mitigation bank shall only be acceptable when "*the [mitigation] bank is in the same U.S.G.S. cataloging unit, as defined by the Hydrologic Unit Map of the United States (U.S.G.S. 1980), or an adjacent cataloging unit within the same river watershed, as the impacted site...*". The only exception to this rule is for Virginia Department of Transportation linear projects or locality projects in localities that cross multiple river watersheds, provided that these projects meet certain other requirements as detailed in the Code.

The VWPP Program has experienced some difficulties utilizing the referenced Hydrologic

Unit Map of the United States (U.S.G.S. 1980) to determine the appropriate hydrologic cataloging unit for mitigation of wetland losses as part of a VWP permit. In most cases, the map accurately identifies the hydrologic cataloging unit of a particular site. However, the large scale of this map (1:2,500,000 or 1 inch = 40 miles) reduces its usefulness as a tool to locally determine if a site lies within a particular hydrologic cataloging unit if it is near a HUC map boundary. The Hydrologic Unit Map – Virginia (U.S.G.S.1974) was prepared at a smaller scale (1:500,000) that may be considered more appropriate for local HUC determination. Differences in the scale of these maps, have resulted in boundary discrepancies and differences in interpretation in several key areas specifically within Tidewater Virginia (see Figure 1). In addition, manmade alterations in flow in the Tidewater area have further exacerbated these discrepancies in HUCs. As a result of these uncertainties, DEQ has been mandated by the General Assembly to conduct a study regarding HUC determinations by July 1, 2002.

Until action is taken by the General Assembly, and for the purposes of this guidance, the Hydrologic Unit Map of the United States (U.S.G.S. 1980) as referenced in the Code (§62.1-44.15:5.E) is to be used for all hydrologic cataloging unit determinations for the VWPP Program, without exception. However, guidance is necessary for those impacts which occur on HUC boundaries. When an impact to wetlands regulated by the VWPP Program appears to be located either wholly or partially on the HUC boundary as delineated by the Hydrologic Unit Map of the United States (U.S.G.S. 1980)(Figure 1.), and cannot be clearly determined to be within a particular HUC, then the impact may be mitigated in either of the contiguous hydrologic cataloging units. For instance, if an impact is determined to be located on the HUC boundary that lies between the hydrologic units 02080208 and 03010205, then the impact may be mitigated in either the 02080208 or the 03010205 hydrologic cataloging unit.

This guidance is presented to assist the staff in identifying the hydrologic cataloging unit for impacts to wetlands permitted under a Virginia Water Protection Permit and utilizing purchase of credits in a mitigation bank as the form of compensatory mitigation. This guidance shall be in effect until such time as the General Assembly or DEQ issue a statutory decision regarding the findings and recommendations based on research being conducted by the U.S.G.S. Please contact Ellen Gilinsky, Virginia Water Protection Permit Program Manager, at 804-698-4375 with any questions about the application of this guidance.

DISCLAIMER

This document provides procedural guidance to the permit staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

Figure 1. Hydrologic Unit Map of the United States (USGS 1980) HUC Boundary Overlaying Hydrologic Unit Map -Virginia (USGS 1974) Base Map - Detail Area Tidewater, VA

