Statement of Compliance with Session Law 2009-337 An Act to Promote the Use of Compensatory Mitigation Banks and SL 2011-343.

(link to SL 2009-337) (link to SL 2011-343)

Prior to accessing the Ecosystem Enhancement Program (EEP) In-Lieu Fee Mitigation Program, all applicants requesting wetlands, stream and/or riparian buffer mitigation are now required by law to comply with Session Law 2009-337 An Act to Promote the Use of Compensatory Mitigation Banks and Session Law 2011-343. All requests submitted on or after June 27, 2011 MUST include this form signed and dated by the permit applicant or an authorized agent. Please refer to DENR's Implementation Policy for more detailed guidance.

Compliance Statement:
I have read and understand SL-2009-337 and SL-2011-343 and have, to the best of my knowledge, complied with their requirements. I understand that participation in the NCEEP is voluntary and subject to approval by permitting agencies.

Please check all that apply:

_____ **Applicant is a Federal or State Government Entity or a unit of local government meeting the requirements set forth in G.S. 143-214.11 (as amended by SL 2011-343) and is not required to purchase credits from a mitigation bank.**

_____ **There are no listed mitigation banks with the credit type I need located in the hydrologic unit where this impact will take place (link to DWR list)**

_____ **Mitigation bank(s) in the hydrologic unit where the impacts will occur have been contacted and credits are not currently available.**

_____ **The DWR or the Corps of Engineers did not approve of the use of a mitigation bank for the required compensatory mitigation for this project.**

_____ **This is a renewal request and the permit application is under review. Bank credits were not available at the time the application was submitted.**
Enter date permit application was submitted for review: _____

Note: It is the applicant's responsibility to document any inquiries made to private mitigation banks regarding credit availability.

_____ **I have read and understand EEP's refund policies (attached)**
initial here

_____ _____
Signature of Applicant or Agent **Printed Name**

_____
Date

_____ _____
Project Name **Location**

NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM, NCEEP

IN-LIEU FEE REQUEST FORM Revised 8/22/2013

Complete requested information, sign and date, email to kelly.williams@ncdenr.gov . Attachments are acceptable for clarification purposes (location map or lat long is required). Information submitted is subject to NC Public Records Law and may be requested by third parties. Review meetings are held on Tuesday afternoons.

CONTACT INFORMATION	APPLICANT'S AGENT	APPLICANT
1. Business/Company Name		
2. Contact Person		
3. Street Address or P O Box		
4. City, State, Zip		
5. Telephone Number		
6. E-Mail Address		

PROJECT INFORMATION			
7. Project Name			
8. Project Location (nearest town, city**)**			
9. Lat-Long Coordinates or attach a map			
10. County			
11. River Basin & Cataloging Unit (8-digit) (See Note 1)			
12. Project Type **specify owner type and write in project type (e.g. school, church, retail, residential SD, apartments, road, utilities, military, etc.)**	Owner Type: ____Government ____ Private Project Type:		
13. Riparian Wetland Impact (ac.) (e.g., 0.13)			
14. Non-Riparian Wetland Impact (ac.)			
15. Coastal Marsh Impact (ac.)			
16. Stream Impact (ft.) (e.g. 1,234)	**Warm**	**Cool**	**Cold**
17. Riparian Buffer Impact (sq. ft.) Include subwatershed if Jordan or Falls Lake:	Zone 1:	Zone 2:	
18. Regulatory Agency Staff Contacts USACE:	NCDWR: Other:		
Check (√) below if this request is for a: ____ **revision to a current acceptance** ____ **renewal of an expired acceptance** ____ **extension of unexpired acceptance**	**By signing below, the applicant is confirming they have read and understand EEP's refund policy posted at nceep.net and attached to this form.** **Signature of Applicant or Authorized Agent:** _____ **Date:**		

Note 1: For help in determining the Cataloging Unit, visit:www.nceep.net or contact EEP

Direct questions to Kelly Williams at 919-707-8915 or kelly.williams@ncdenr.gov or to EEP's front desk at 919-707-8976

Refund Policy for Fees Paid to EEP's In-Lieu Fee Programs (9/21/2009)

Purpose: The purpose of this policy is to make clear the circumstances and process under which a permittee can obtain a refund while simultaneously balancing customer service and responsible business practices. This policy applies to all refund requests made on or after the publication date of this policy.

1. All refund requests must be made in writing to EEP's In-Lieu Fee Program Coordinator at kelly.williams@ncdenr.gov.

2. All refund requests are subject to fund availability. EEP does not guarantee fund availability for any request.

3. The request must either come from the entity that made the payment or from an authorized agent. Third parties requesting refunds must provide written authorization from the entity that made the payment specifying the name and address of the authorized refund recipient.

4. Refund requests related to unintended overpayments, typographical errors or incorrect invoices should be brought the attention of the In-Lieu Fee Program Coordinator as soon as possible. Such requests are typically approved without delay.

5. Payments made under EEP's incremental payment procedure are not eligible for refunds.

6. Refund requests made within nine months of payment to EEP will only be considered for requests associated with projects that have been terminated or modified where the permittee's mitigation requirements have been reduced. Such requests must be accompanied by written verification from the permitting agency that the project has been cancelled, the permits have been rescinded or have been modified, or the mitigation requirements have been reduced.

7. Refund requests made more than nine months from the payment date will only be considered for permits that were terminated or modified to not require any mitigation. Such requests must be accompanied by written verification from the permitting agency that the project has been cancelled, the permits have been rescinded and/or mitigation is no longer required.

8. Refund requests not meeting the criteria specified above are not eligible for a refund.

9. Refund requests that meet the criteria above will be elevated to EEP Senior Management for review. The following considerations apply to all refund requests:

   a. availability of funds after consideration of all existing project and regulatory obligations
   b. the date the payment was made
   c. the likelihood EEP can use the mitigation procured using the payment to meet other mitigation requirements

10. Once a refund has been approved, the refund recipient must provide a completed W-9 form to EEP's In-Lieu fee Program Coordinator within two weeks in order to process the refund though the State Controller's Office.

11. All decisions shall be final.