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 as well as Session Law 2011-343, which made changes to the operation of the NCEEP. All new 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.

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 known mitigation banks with the requested credit type located in the hydrologic unit where this impact will take place (link to DWQ list) (see "approved mitigation bank" link under "Options for compensatory mitigation" heading)

_____ I have contacted the mitigation bank(s) in the hydrologic unit where the impacts will occur and credits are not available.

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

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 8/11/2011

Print this form, fill in requested information, sign and date, and either mail to NCEEP, 1652 Mail Service Center, Raleigh, NC 27699-1652, fax to 919-715-2219, or email to kelly.williams@ncdenr.gov. Attachments are acceptable for clarification purposes (location map or lat long is required). Review meetings are held on Tuesday afternoons. Information submitted is subject to NC Public Records Law and may be requested by third parties.

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

PROJECT INFORMATION			
8. Project Name			
9. Project Location (nearest town, city) **ATTACH MAP SHOWING IMPACT LOCATION**			
10. Lat-Long Coordinates (optional)			
11. Project County			
12. River Basin & Cataloging Unit (8-digit) (See Note 1)			
13. Project Type **specify owner type and write in project type (e.g. school, church, retail, residential SD, apartments, road, utilities, military, etc.)**	____Government ____ Private		
14. Riparian Wetland Impact (ac.) (e.g., 0.13)			
15. Non-Riparian Wetland Impact (ac.)			
16. Coastal Marsh Impact (ac.)			
17. Stream Impact (ft.) (e.g. 1,234)	**Warm**	**Cool**	**Cold**
18. Riparian Buffer Impact (sq. ft.) (where applicable)	**Zone 1:**	**Zone 2:**	
19. Regulatory Agency Staff Contacts (Indicate names, if known)	**USACE:**	**DWQ:**	
20. Other Regulatory ID Information (e.g., USACE Action ID, if known)			
IMPORTANT Check (√) below if this request is a: __ **revision to a current acceptance, or** __ **re-submission 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.** **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 919-716-1921 or kelly.williams@ncdenr.gov or to EEP's front desk at 919-715-0476.

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.