

EEP PPM Section 8.2.1.1		Document No.: PLN.PRO.01.01.01	
Procedure Title: In-lieu-fee (Combined) Mitigation Request		Rev. No. 0	Page: 1 of 12
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## 1.0 PURPOSE AND SCOPE

- 1.1 Purpose. The purpose of this procedure is to implement ecosystem enhancement projects in sufficient amount within appropriate CUs to satisfy mitigation needs of accepted In-lieu-fee (ILF) projects (within one year of receiving payment for stream and wetland impacts).
- 1.2 Scope. This procedure applies to EEP's ILF program, which provides mitigation for wetland, stream, and buffer impacts.
- 1.3 Participants. This procedure applies to the following personnel:
- EEP Processing Assistant
  - EEP ILF Specialist
  - EEP Strategic Planning Supervisor
  - EEP Strategic Planning Section
  - EEP Planning Supervisor
  - EEP Operations Director
  - EEP Director
  - Applicant
  - Regulatory Agencies
  - DENR Controller's Office
  - Design Firm.

## 2.0 PROCEDURE STEPS

- 2.1 Receive ILF request. EEP receives an ILF request letter. The EEP Processing Assistant enters applicant info into EEP database.
- 2.2 Verify request letter is complete. The EEP Processing Assistant verifies whether the request letter is complete.
- a. If the letter is complete go to step 3; if not continue to b.
  - b. If the information is incomplete, the Processing Assistant sends a letter to the applicant requesting complete information, and documents this in the database; return to step 1.
- 2.3 Determine whether to accept ILF request. EEP determines whether to accept the ILF request.
- a. The EEP ILF Specialist evaluates the request versus the annual budget for the impacted cataloging unit (CU).

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- b. The EEP ILF Specialist determines whether the current request causes the cumulative requests previously received and authorized for the same type of impact to exceed 70 percent of the annual CU budget. If the current request would cause the cumulative amount to exceed 70 percent, go to step 4. If the cumulative amount is less than 70 percent, continue to c.
- c. The EEP ILF Specialist notifies the Processing Assistant to accept the request. Go to step 6.

Some ILF requests will involve multiple types of impacts (e.g., stream, wetland, buffer). Each impact type is to be evaluated separately. One type of impact may be accepted, while others in the same request letter might not, depending on the CU-specific situation. The database will track the impact types in the request letter and whether or not all, some, or none of them will be accepted. In addition, some of the acceptance letters will be conditional on the permitting agency accepting nontraditional mitigation as a means of mitigating the impacts.

2.4 Coordinate with Strategic Planning. The EEP ILF Specialist coordinates with the EEP Strategic Planning Supervisor to decide whether or not to accept the request.

- a. The EEP Strategic Planning Section analyzes the mitigation status of the CU in which the applicant's impacts are proposed to occur. The Section considers the amounts of impacts previously accepted through the ILF program, as well as those projected by NCDOT, in contrast to the mitigation assets currently available, as well as the mitigation assets in development in that CU. If the Section does not predict mitigation delivery problems, notify the Processing Assistant to accept the request and go to step 6; otherwise continue to b.
- b. The EEP Strategic Planning Section determines, due to the levels of mitigation previously accepted in a CU along with the lack of mitigation opportunities in the CU, that the request should not be accepted.
- c. The EEP Strategic Planning Supervisor communicates the Section's position to the EEP Planning Supervisor and the EEP Operations Director.
- d. If they concur, they notify the EEP Director of the decision to deny the request (the Director has authority to override) and go to step 5. If they do not concur, continue to e.
- e. If the Planning Supervisor or EEP Operations Director does not agree with the recommendation not to accept the application, the issue is elevated to the EEP Director.

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- f. The EEP Director determines whether to decline the request (go to step 5) or accept the request (go to step 6).

Except for extreme situations, it is expected that EEP accept all ILF requests.

- 2.5 Send nonacceptance letter. The EEP Processing Assistant sends the applicant a nonacceptance letter, documents the situation in the database, and places a copy of the nonacceptance letter in the paper file. Process ends.
- 2.6 Send acceptance letter. The EEP Processing Assistant sends the Applicant an acceptance letter (and copies DWQ if buffer is involved) and instruction packet, enters the information into the database, and places a copy of the acceptance letter in the paper file.
- a. Applicant follows the instructions in the packet received from EEP and submits a permit application(s) to the appropriate regulatory agencies, including the EEP acceptance letter (continue to b). For projects with buffer impacts, the Applicant receives a Certificate of Authorization (COA) form from DWQ, completes the form, and submits it to DWQ (go to d).
  - b. Regulatory Agencies determine whether EEP is acceptable to deliver mitigation for the Applicant. If EEP is deemed acceptable, continue to c. If EEP is deemed unacceptable, the Regulatory Agencies notify the Applicant and the process ends.
  - c. Applicant receives 401/404 permits.
  - d. Applicant receives COA.
  - e. Applicant submits the completed information packet to EEP, including copies of the 401/404 permits or COA (or both if applicable).

The acceptance letter includes potential minimum and maximum mitigation ratios that the Applicant can expect from the Regulatory Agencies. The maximum ratio also reflects the maximum mitigation EEP is willing to implement to offset the proposed impacts.

The acceptance letter can also include any proposed alternative mitigation for the Regulatory Agencies to approve. For instance, EEP may accept to mitigate for impacts only in a specific CU through the option of nontraditional mitigation.

The instruction packet specifies to the Applicant that they are to submit copies of all required permits (401/404) or certifications (COA) from the Regulatory Agencies.

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2.7 Receive completed information. The EEP Processing Assistant receives the completed information packet from the applicant, with copies of 401/404 permits and/or COA, and enters the information into the EEP database.

- a. The EEP Processing Assistant determines if the packet was completed properly and includes copies of the required permits and/or COA. If the packet has been completed properly, go to step d; if not, continue to b.
- b. The EEP Processing Assistant identifies missing or improperly completed information and documents this in the EEP database.
- c. The EEP Processing Assistant contacts the Applicant and requests that missing or improperly completed information be resubmitted to EEP (go back to 7a).
- d. The EEP Processing Assistant compares the mitigation required in the permit(s) and/or COA to what EEP proposed in the acceptance letter. If the mitigation required exceeds the maximum ratio proposed by EEP, continue to e; if not, go to f.
- e. The EEP ILF Specialist determines if EEP can accept mitigation increase over what was proposed. If EEP accepts increase go to step 8, if not continue to h.
- f. EEP Processing Assistant checks if EEP proposed alternative mitigation (adjacent CU, BMP, etc.). If EEP did not propose alternative mitigation go to Step 8, otherwise continue to g.
- g. EEP Processing Assistant verifies if permitting agencies accepted alternative mitigation proposal. If alternative mitigation is reflected in permit(s) and/or COA go to Step 8, if not continue to h.
- h. EEP ILF Specialist contacts the appropriate Regulatory Agency and negotiates an adjustment to the mitigation required to match what EEP proposed. If the Agency makes the permit modification to match EEP proposed mitigation, go to Step 8; if not, continue to i.
- i. The EEP ILF Specialist elevates the issue to the EEP Director to decide if EEP will accept the permit requirements or deny the applicant's request. If EEP accepts the agency mitigation requirement, go to step 8; if not, return to step 5 (nonacceptance).

2.8 Send invoice to applicant. The EEP Processing Assistant prints out an invoice from the database, based on required mitigation amounts in permit(s), mails it to

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the Applicant (same day), and puts a copy of the invoice (stamped with the date sent) in the paper file. The database will automatically store information sent in the invoice, including the date sent.

- 2.9 Receive payment of invoice. The EEP Processing Assistant receives payment of the invoice from the Applicant and enters the payment information into the database.
- a. The Processing Assistant verifies that payment received matches the invoiced amount. If the payment matches or exceeds the invoiced amount, continue to c. If the amount received is less than the invoiced amount, continue to b.
  - b. If the payment is less than the invoiced amount, the Processing Assistant returns the payment to the applicant, requests the correct amount be resubmitted to EEP, and documents the situation in the database (return to step 8).
  - c. The Processing Assistant endorses the check and fills out the deposit slip.
  - d. The Processing Assistant sends the check and deposit slip to the Controller's Office and enters the information into the database.
  - e. The Processing Assistant checks online to see if the Controller's Office has deposited the payment into the correct account (cost center).
  - f. The Processing Assistant enters the date of deposit into the database.
  - g. If the payment exceeded the invoice amount, the EEP Processing Assistant follows the Accounts Payable-Overhead procedure (ACT.PRO.03.01.01) to refund the over payment.

If the request includes stream or wetland impacts, go to step 10. If the request includes buffer impacts, go to step 11 as well.

- 2.10 Send Notice of Receipt. The EEP Processing Assistant prints a Notice of Receipt from the database and sends (same day) a copy to the applicant and to the appropriate Regulatory Agencies.
- a. The Processing Assistant puts a copy of the Notice of Receipt (stamped with the date sent) in the paper file.

The database will automatically store the information sent in the Notice of Receipt, including the date sent.



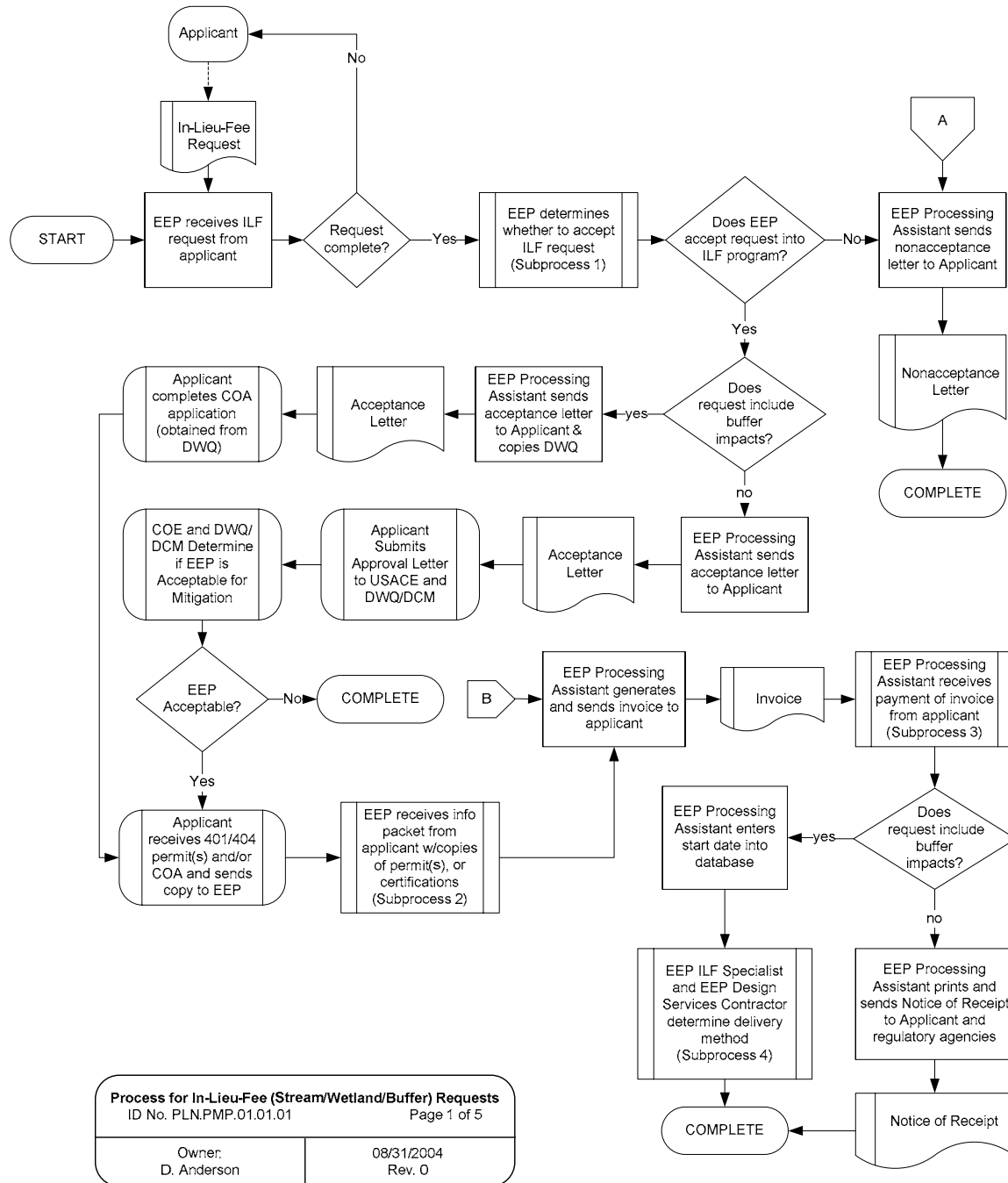
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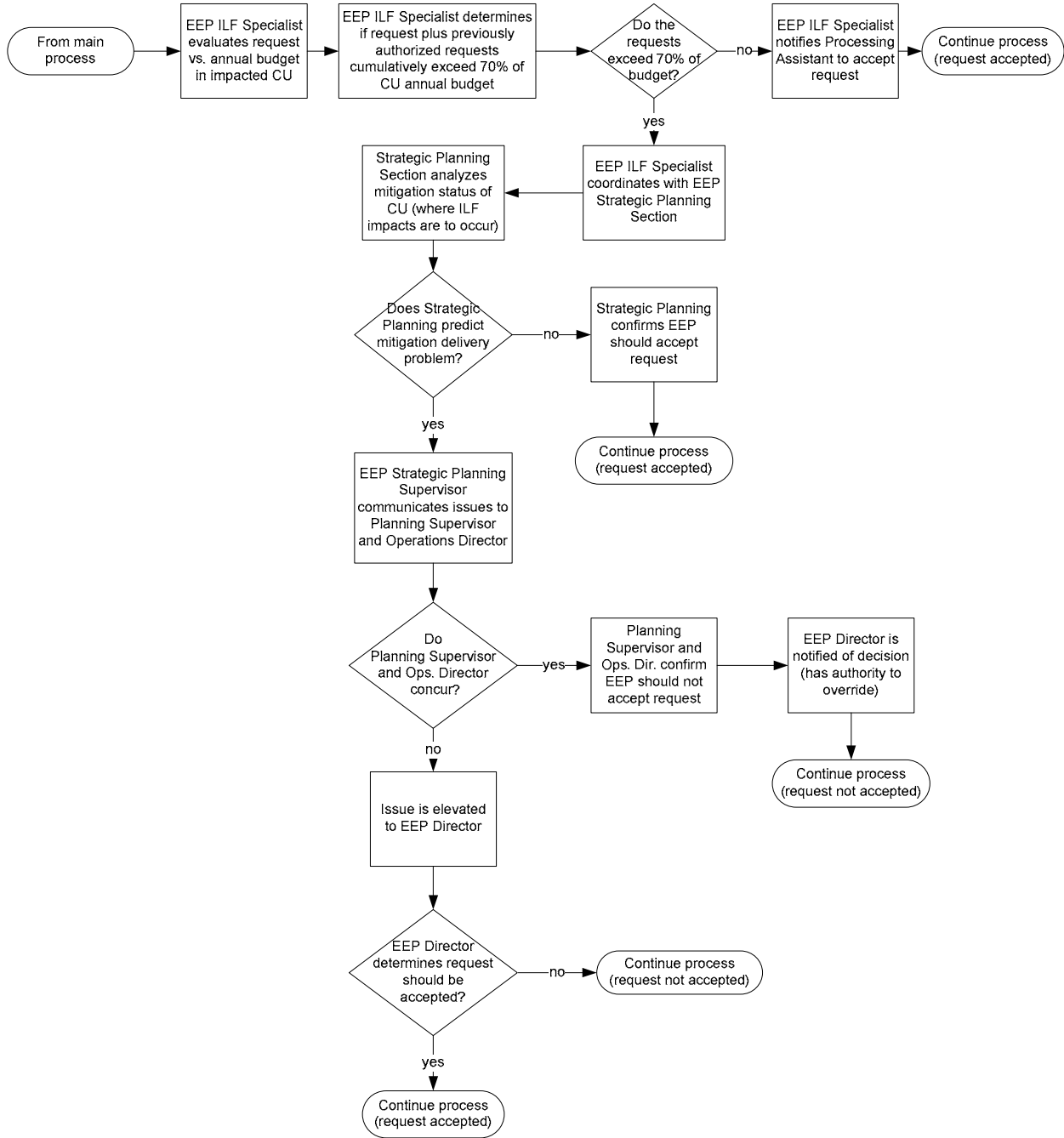
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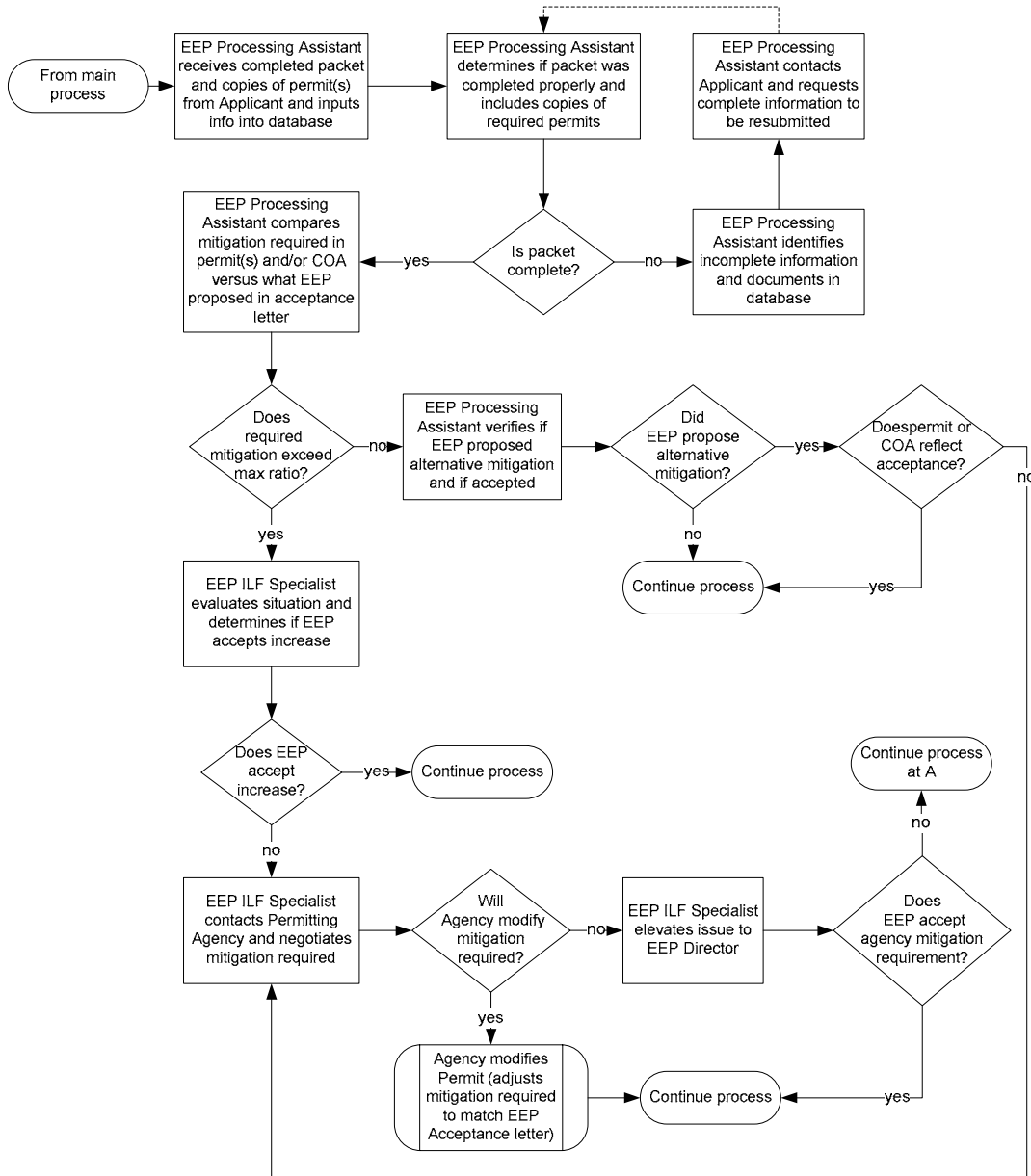
- P** = Primary responsibility
- A** = Assist
- RI** = Review to provide **I**nput
- RA** = Review and **A**pprove
- N** = **N**otify
- S** = Submit final output to this person

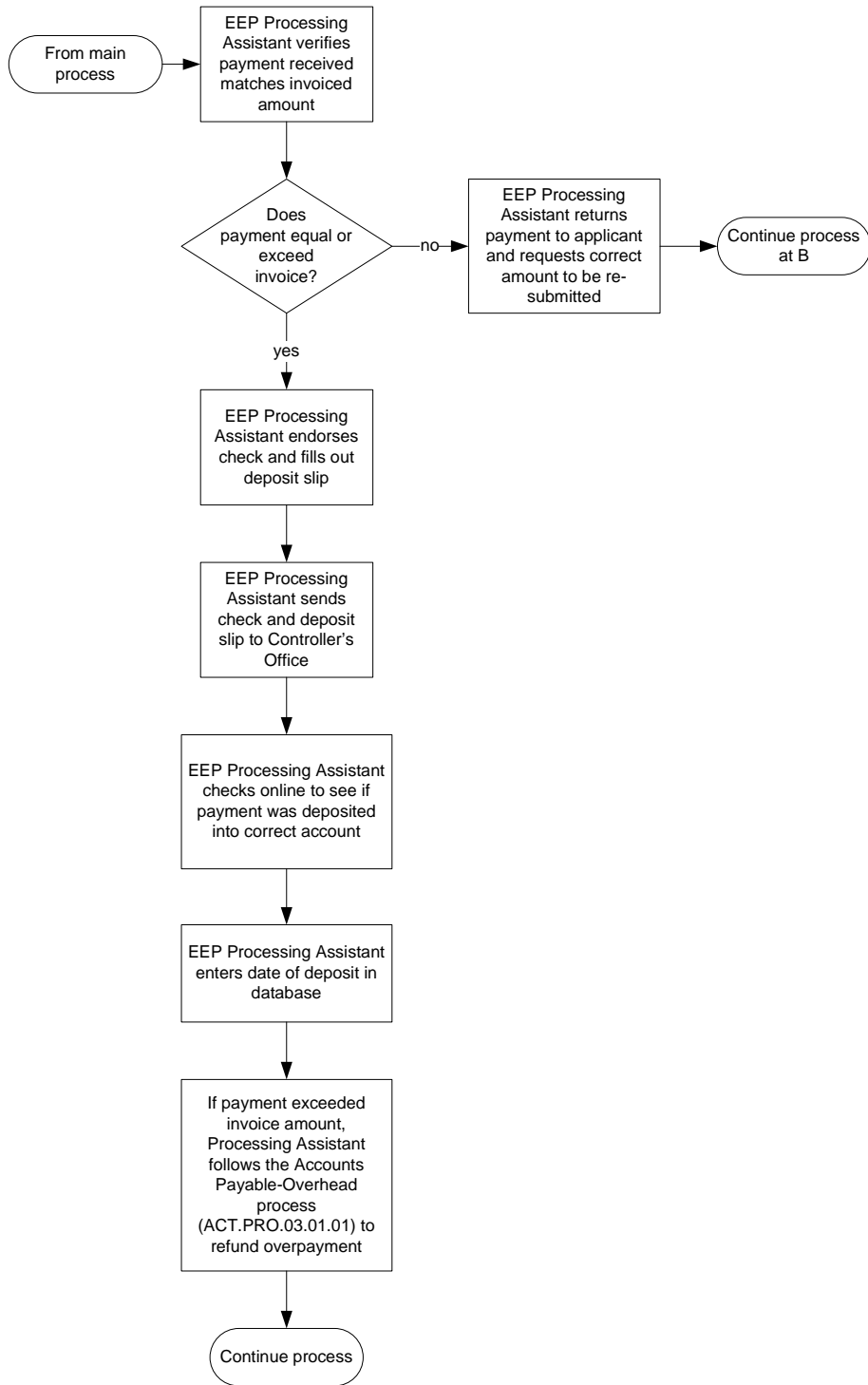


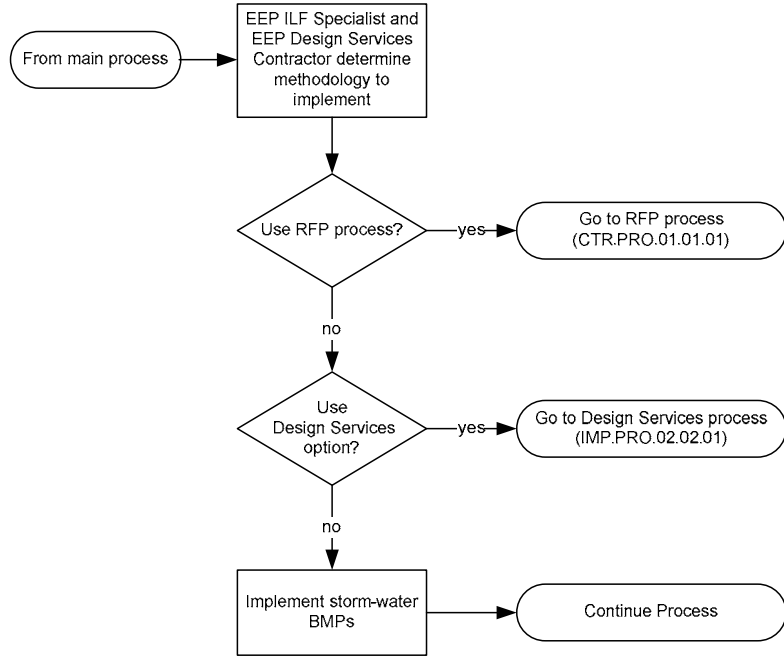
### 4.0 PROCEDURE FLOW DIAGRAM











<b>Process for In-Lieu-Fee (Stream/Wetland/Buffer) Requests</b> Subprocess 4: EEP's ILF Administrator and Design Services Contractor Determine Delivery Method ID No. PLN.PMP.01.01.01      Page 5 of 5	
Owner: D. Anderson	08/31/2004 Rev. 0

## 5.0 REFERENCES

None.

## 6.0 FORMS

None.