

## Statement of Compliance with Session Law 2009-337 An Act to Promote the Use of Compensatory Mitigation Banks

[\(link to SL 2009-337\)](#)

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. All new requests submitted on or after July 24, 2009 MUST include this form signed and dated by the permit applicant or an authorized agent. Applicants with unexpired acceptance letters may continue with their plans to use the In-Lieu Fee Program or withdraw their request and seek other available mitigation options.

### Compliance Statement:

I have read and understand SL-2009-337 and have, to the best of my knowledge, complied with its requirements.

Please check all that apply:

\_\_\_\_\_ Applicant is a Government Entity as defined in G.S. 143-214.11 and is not required to purchase credits from a mitigation bank.

\_\_\_\_\_ There are no known private mitigation banks with the requested credit type located in the hydrologic unit where this impact will take place [\(link to DWQ list\)](#).

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

\_\_\_\_\_ The application was submitted to the regulatory agencies prior to October 1, 2008 for streams and wetland impacts or July 24, 2009 for riparian buffer impacts.

\_\_\_\_\_ 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.

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**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 for Non-DOT Customers

Revised 09/24/2009

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](mailto:kelly.williams@ncdenr.gov). Attachments are acceptable for clarification purposes (location map is required). Review meetings are held on Monday afternoons and decisions are provided within 2 weeks.

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

<b>PROJECT INFORMATION</b>			
<b>8. Project Name</b>			
<b>9. Project Location</b> (nearest town, city) <b>**ATTACH MAP SHOWING IMPACT LOCATION**</b>			
<b>10. Lat-Long Coordinates</b> (optional)			
<b>11. Project County</b>			
<b>12. River Basin &amp; Cataloging Unit (8-digit)</b> (See Note 1)			
<b>13. Project Type</b>	_____ Government	_____ Private	_____ Commercial
<b>14. Riparian Wetland Impact</b> (ac.) (e.g., 0.13)			
<b>15. Non-Riparian Wetland Impact</b> (ac.)			
<b>16. Coastal Marsh Impact</b> (ac.)			
<b>17. Stream Impact</b> (ft.) (e.g. 1,234) (See Note 2)	<b>Warm</b>	<b>Cool</b>	<b>Cold</b>
<b>18. Buffer Impact</b> (sq. ft.) (e.g. 12,345) (where applicable, See Note 3)	<b>Zone 1:</b>	<b>Zone 2:</b>	
<b>19. Regulatory Agency Staff Contacts</b> (Indicate names, if known)	<b>USACE:</b>	<b>DWQ:</b>	
<b>20. Other Regulatory ID Information</b> (e.g., USACE Action ID, if known)			
<p style="text-align: center;"><b>IMPORTANT</b></p> <p>Check (✓) below if this request is a:</p> <p>___ revision to a current acceptance, or</p> <p>___ re-submission of an expired acceptance</p> <p>___ extension of unexpired acceptance</p>	<p style="background-color: yellow;">By signing below, the applicant is confirming they have read and understand EEP's refund policy posted at <a href="http://nceep.net">nceep.net</a>.</p> <p style="text-align: center;"><b>Signature of Applicant or Authorized Agent:</b></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><b>Date:</b></p> <p style="text-align: center;">_____</p>		

Note 1: For help in determining the Cataloging Unit, visit: <http://denrmaps.ncdenr.org/EEPMaps> or call EEP contact below

Note 2: For guidance on stream temperatures, go to:

<http://www.saw.usace.army.mil/WETLANDS/Mitigation/Documents/Stream/Appendices/AppendixI.pdf>

Note 3: Buffer mitigation applicable only in the Neuse, Tar-Pamlico and Catawba river basins, and the Randleman Lake Water Supply Watershed.

Direct questions to Kelly Williams at 919-716-1921 or [kelly.williams@ncdenr.gov](mailto: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](mailto: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 through the State Controller's Office.
11. All decisions shall be final.