

G.S. 150B-21.3A Report for 15A NCAC 02R, Division of Mitigation Services												
Agency - Environmental Management Commission												
Comment Period - September 27 - November 26, 2024												
Date Submitted to APO - April 25, 2025												
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 02R – DIVISION OF MITIGATION SERVICES	SECTION .0100 - PURPOSE AND DEFINITIONS	15A NCAC 02R .0102	DEFINITIONS	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	40 CFR 230.98; 33 CFR 332.8	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - BASINWIDE RESTORATION PLANS	15A NCAC 02R .0202	COMPONENTS	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	41 CFR 230.98 (c) ; 33 CFR 332.8 (c)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02R .0203	PUBLIC INVOLVEMENT; AVAILABILITY	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	42 CFR 230.98 (c) ; 33 CFR 332.8 (c)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 - COMPENSATORY MITIGATION	15A NCAC 02R .0301	GENERAL	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	40 CFR 230.98; 33 CFR 332.8; 33 U.S.C 1341; 33 U.S.C. 1344	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02R .0302	MITIGATION BANKS	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	40 CFR 230.98; 33 CFR 332.8; 60 FR 228 (Nov. 28, 1995)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 - ECOSYSTEM RESTORATION FUND	15A NCAC 02R .0402	RATE SCHEDULE - STREAM AND WETLAND RATES FOR THE NC DIVISION OF MITIGATION SERVICES	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	40 CFR 230.98; 33 CFR 332.8; 33 U.S.C. 1344	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02R .0403	DONATION OF PROPERTY	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	40 CFR 131.10(a) - (g); 33 U.S.C. 1341; 33 U.S.C. 1344	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0600 – RIPARIAN BUFFER RESTORATION FUND	15A NCAC 02R .0601	RIPARIAN BUFFER MITIGATION FEES TO THE NC DIVISION OF MITIGATION SERVICES	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 101(a)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02R .0602	NUTRIENT OFFSET PAYMENT RATES FOR THE NC DIVISION OF MITIGATION SERVICES	Readopted Eff. March 1, 2018	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 101(a)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt