

| 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 - Filled in by RRC staff                           |                                                  |                    |                                                                                     |                                         |                                          |                                                                         |                                                            |                                            |                                                                  |
| 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)] |
| SUBCHAPTER 02R – DIVISION OF MITIGATION SERVICES                         | SECTION .0100 - PURPOSE AND DEFINITIONS          | 15A NCAC 02R .0102 | DEFINITIONS                                                                         | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 40 CFR 230.98; 33 CFR 332.8                                | No                                         | Necessary                                                        |
|                                                                          | SECTION .0200 - BASINWIDE RESTORATION PLANS      | 15A NCAC 02R .0202 | COMPONENTS                                                                          | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 41 CFR 230.98 (c) ; 33 CFR 332.8 (c)                       | No                                         | Necessary                                                        |
|                                                                          |                                                  | 15A NCAC 02R .0203 | PUBLIC INVOLVEMENT; AVAILABILITY                                                    | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 42 CFR 230.98 (c) ; 33 CFR 332.8 (c)                       | No                                         | Necessary                                                        |
|                                                                          | SECTION .0300 - COMPENSATORY MITIGATION          | 15A NCAC 02R .0301 | GENERAL                                                                             | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>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                                                        |
|                                                                          |                                                  | 15A NCAC 02R .0302 | MITIGATION BANKS                                                                    | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>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                                                        |
|                                                                          | 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<br>If yes, include the citation to the federal law                  | 40 CFR 230.98; 33 CFR 332.8; 33 U.S.C. 1344                | No                                         | Necessary                                                        |
|                                                                          |                                                  | 15A NCAC 02R .0403 | DONATION OF PROPERTY                                                                | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>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                                                        |
|                                                                          | 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<br>If yes, include the citation to the federal law                  | CWA Sec. 101(a)                                            | No                                         | Necessary                                                        |
|                                                                          |                                                  | 15A NCAC 02R .0602 | NUTRIENT OFFSET PAYMENT RATES FOR THE NC DIVISION OF MITIGATION SERVICES            | Readopted Eff. March 1, 2018            | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | CWA Sec. 101(a)                                            | No                                         | Necessary                                                        |