

1 15A NCAC 02B ~~.0272,0269~~ is adopted with changes as published in 21:24 NCR 2308 as follows:

2 **Note:** This Rule was originally published as 15A NCAC 02B .0272. Due to recommendations by the Rules
3 Review Commission staff, the original Rule 15A NCAC 02B .0269 has been renumbered as Rule 15A NCAC
4 02B .0273.

5
6 **15A NCAC 02B ~~.0272,0269~~ RIPARIAN BUFFER MITIGATION FEES TO THE NC ECOSYSTEM**
7 **ENHANCEMENT PROGRAM**

8 The following is the process for payment of fees to the Riparian Buffer Restoration Fund administered by the North
9 Carolina Ecosystem Enhancement Program as one option to mitigate riparian buffer impacts ~~as~~ allowed under rules
10 in this subchapter. ~~These fees shall be paid to the Riparian Buffer Restoration Fund administered by the North~~
11 ~~Carolina Ecosystem Enhancement Program.~~ Persons who wish to use this option shall first meet the criteria
12 established for doing so in the buffer rules in this subchapter that reference this Rule. Such buffer rules include, but
13 may not be limited to, Rules 15A NCAC 02B .0242, .0244, .0260, and .0268. ~~(1) PAYMENT TO THE RIPARIAN~~
14 ~~BUFFER RESTORATION FUND.~~ Persons who choose to satisfy their mitigation determination by paying a
15 compensatory mitigation fee to the Riparian Buffer Restoration Fund as allowed here shall use the following
16 procedure:

17 ~~(a)~~(1) SCHEDULE OF FEES: The amount of payment into the Fund shall be based on the costs of
18 riparian buffer restoration. The payment amount shall be determined by multiplying the acres or
19 square feet of mitigation required under other rules in this Subchapter by an initial value of
20 ~~seventy-ninety-six~~ cents per square foot or ~~thirty-forty-one~~ thousand ~~four-eight~~ hundred and ~~ninety~~
21 ~~twoeighteen~~ dollars per acre ~~(\$2/acre).~~ (\$41,818/acre). This initial per-acre rate shall be adjusted
22 in January of each year by staff of the NC Ecosystem Enhancement Program based upon the
23 construction cost index factor published every December in the *Engineering News Record*.

24 ~~(b)~~(2) The required fee shall be submitted to the N.C. Ecosystem Enhancement Program (NC EEP), 1652
25 Mail Service Center, Raleigh, NC 27699-1652 prior to any activity that results in the removal or
26 degradation of the protected riparian buffer for which a “no practical alternatives” determination
27 has been made pursuant to requirements of other rules in this subchapter.

28 ~~(c)~~(3) The payment of a compensatory mitigation fee may be fully or partially satisfied by donation of real
29 property interests pursuant to requirements of other rules in this subchapter.

30
31 *History Note:* Authority G.S. 143-214.1; 143-214.5; 143-214.5(i); 143-214.7; 143-214.12; 143-214.21; 143-
32 215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; ~~143-282(d); 143-215.8B; 143-215.8B(b);~~
33 ~~143B-282(c); 143B-282(d);~~ S.L. 2005-190; S.L. 2006-259;
34 *Eff. July 1, 2008.*