

The Role of the Interagency Review Team



Session 10

Corps' Mitigation Responsibilities

- Determining appropriate amount and type of compensatory mitigation
- Conducting 404(b)(1) Guidelines analyses
- Approving mitigation plans
- Approval/disapproval of third-party mitigation instruments
- Oversight of third-party mitigation

Federal Agencies Role in Mitigation Decisions

- Comment on public notices
- Elevate issues under CWA 404(q) process
- **EPA** may prohibit disposal sites (CWA §404(c))
- **FWS & NOAA** evaluate impacts on T/E spp.
- **NOAA** evaluates impacts to EFH
- Participate on IRTs
- Elevate issues regarding bank/ILF proposals under DR process in rule

Interagency Review Team

332.8(b)

- Formerly MBRT
- Agency participation
 - U.S. EPA
 - U.S. Fish and Wildlife Service
 - NOAA Fisheries
 - Natural Resources Conservation Service
 - Other Federal agencies
 - Tribal, state, and local regulatory and resource agencies

IRT Chair

- Corps is chair
- Co-Chair if mitigation is used to satisfy another federal, tribal, state, or local program
- Corps coordinates actions with IRT prior to decisions
- Corps seeks to resolve issues by consensus, while meeting bank approval time lines

Role of the IRT

- **Primary role:**
 - Facilitate 3rd party mitigation through development of instruments
- May choose to sign instruments
- **Other roles** include review of:
 - Mitigation plans
 - Compensation planning framework
 - Monitoring reports
 - Credit release requests
 - Instrument modifications
 - Recommending adaptive management measures
- Abide by time limits specified in the rule

MOAs with Other Agencies

- Corps & other IRT members may delegate IRT review functions to other government agencies
- Corps retains sole authority for final approval of instruments and other documents

Issues/Questions:

Do you consider your IRT to be successful?

Are there any practices or features that help make the IRT successful?

How does your IRT handle disputes?

What is the nature of those disputes? Within the IRT? With the Sponsor? What topics/issues?

Questions?

