

The Role of the Interagency Review Team



Session 3

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

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
- Must 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

Questions?



Issues/Questions:

Are Banks & ILFs handled by the same IRT?

Does your IRT have more than 1 agency as chair?

Does the IRT have regularly scheduled meetings?

Have you developed any tools to facilitate bank or plan approval?

Issues/Questions:

How does your IRT handle bank approval & credit release timelines?

How are timelines handled for banks with 2 or more co-chairs?

How does your IRT handle disputes within the IRT?

What is the general nature of those disputes?
Service area? Credit release? Site approval?
Financial assurances? Others?

How does the IRT resolve disputes with the sponsor?