

The Role of the Interagency Review Team



Session 4

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
- There may be a co-Chair if third-party mitigation is used to satisfy another federal, tribal, state, or local program
- Corps coordinates actions with IRT prior to decisions
- Corps will seek to resolve issues by consensus, while meeting the decision-making time frames in the rule

Role of the IRT

- Primary role:
 - facilitate establishment of banks & in-lieu fee programs 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?

