

Wilmington District NCIRT Mitigation Review Framework

This framework has been developed in accordance with all applicable regulations, policy, guidance related to the establishment of Mitigation Banks in North Carolina. In addition, The USACE and EPA has published a final rule concerning Mitigation Banks, In-Lieu-Fee programs, and permittee responsible mitigation (Final Rule - 33 CFR 325 and 332, Thursday, April 10, 2008), and this framework has been developed in reliance on that rule.

North Carolina Interagency Review Team (NCIRT)

As defined in Final Rule, the Interagency Review Team (IRT) means an interagency group of federal, tribal, state, and/or local regulatory and resource agency representatives that reviews documentation for, and advises the district engineer on, the establishment and management of a mitigation bank or an in-lieu fee program. Prior to the development of the Final Rule, this role was provided for by a Mitigation Bank Review Team (MBRT). In Wilmington District, these tasks are now the responsibility of the North Carolina Interagency Review Team (NCIRT), which is comprised of representatives from the state and Federal resource agencies as follows:

US Army Corps of Engineers, NCIRT Chair
US Environmental Protection Agency
US Fish & Wildlife Service
NC Wildlife Resources Commission
NC Division of Coastal Management
NC Division of Water Quality
National Marine Fisheries Service

The goal of the NCIRT is to ensure that implementation, monitoring, and use of compensatory mitigation conducted in NC for impacts permitted pursuant to Sections 404 and 401 of the Clean Water Act and the Coastal Area Management Act is provided in a consistent manner, provides the suite of expected aquatic functions being restored, and will be self-sustaining over the long term.

It is expected that USACE review of individual mitigation banks will be conducted primarily by a designated POC in the USACE Field Office in which the bank is located. This POC, or Bank Manager, will assemble the NCIRT members for each bank review. Members of the NCIRT may be different for different banks, depending on the specific review needs of the bank. Factors that affect the membership of the NCIRT for individual bank review teams include, but are not limited to, geographic region, aquatic resource type, agency field office coverage area, or personnel expertise. All meetings of the NCIRT will be chaired by a USACE representative.

In addition to meetings of the NCIRT convened to review individual banks, a state-wide group of agency representatives will also convene on a regular basis to review and/or develop new mitigation initiatives, guidance documents, issues pertaining to the North Carolina Ecosystem Enhancement Program (NCEEP), or issues related to individual banks, as requested by the local NCIRT Chair (USACE POC). Generally, if an issue arises with a particular mitigation bank that may have implications for other banks or provide an opportunity to discuss and clarify a specific issue with the goal of District-wide consistency, that issue may be taken up by the state-wide NCIRT.

Schedules and agenda for state-wide NCIRT meetings will be made available to the public on the USACE RIBITS website.

Mitigation providers are permitted to attend NCIRT meetings to discuss prospectus, MBI's, monitoring reports and credit release provided such information is provided to the IRT at least 30 days prior to the meeting date. Items placed on the agenda will be at the discretion of the Chair. If a permittee or mitigation provider would like the NCIRT to review a particular topic, they may request that the topic be put on the agenda at least 30 days in advance of the next scheduled meeting. If that agenda is already full, the NCIRT chair will put that topic on the next agenda with available time and notify the requestor of the meeting date and time.