



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

CESAW-RG/Tugwell

June 17, 2014

SUBJECT: NCIRT Review Process for NCEEP Submittals

From: Todd Tugwell, USACE Wilmington District NCIRT Chair

To: North Carolina Interagency Review Team and North Carolina Ecosystem Enhancement Program

Generally, when the North Carolina Ecosystem Enhancement Program (NCEEP) has a request that requires Wilmington District (District) review and approval, the request is reviewed during the bi-monthly North Carolina Interagency Review Team (NCIRT) meetings, at which point the NCIRT is provided with a presentation and data in support of the request. In order to improve the efficiency and consistency of these reviews, the District and NCEEP have established the procedures outlined in this document. In general, the procedures will follow the streamlined review process as described in Section 332.8(g) of the 2008 Mitigation Rule, which applies to many of the routine modifications to the NCEEP instrument, such as changes to approved banks sites, or modifications to credit structures or procurement strategies for particular sites or Requests for Proposals. For certain submittals, the District Engineer may determine that the streamlined review process is not warranted due to the significance of the proposed modification, in which case the review must follow the full review procedures outlined in Section 332.8(d) of the Rule. There may also be cases where the NCEEP requests are routine and do not involve modifications to the NCEEP instrument, in which case approval may be provided during the NCIRT meeting.

When NCEEP proposes to make routine requests under the streamlined review process, the following procedures will generally apply:

1. Prior to distributing proposed modifications to the NCIRT for their review and comment, representatives of NCEEP may meet with District representatives and representatives of the North Carolina Division of Water Resources (NCDWR) in order to determine the extent of the proposed modification and the appropriate review process, and also to get initial feedback on proposals.
2. For those modifications that follow the streamlined review process, NCEEP will post relevant documents on their portal so they may be accessed by NCIRT members. The materials will generally include a letter explaining the nature of the specific request along with supporting materials, such as presentations, data, maps, etc. NCEEP will send an email the District mitigation office stating that a

request has been posted for review and send paper copies of the request to the District mitigation office and NCDWR. Once the request has been received, the District mitigation office will send out an email to all NCIRT members that a modification has been posted and is available for download from the portal with instructions and timeframes for conducting the review. The address for the review portal is <http://portal.ncdenr.org/group/eep-irt/documents>. (Please note that you must have a NCID and access permission to log on to the NCEEP portal. Please contact Debbie Davis with NCEEP at 919-707-8939 or debby.davis@ncdenr.gov if you need assistance with portal access.)

3. The email from the District to the NCIRT will initiate a 30-day comment period. Applicable review dates and deadlines will be listed in the email along with instructions on how to access the documents on the portal. In some cases, NCEEP will post informational items to the portal that don't require District action or approval. The NCIRT will be notified of these as well, but in these cases, there will be no deadlines or required action. These postings will be identified as informational only, and are intended to provide NCIRT members with an opportunity to review information in advance of meetings.

4. Typically, NCEEP will post information and notify the District of the posting at least 15 days in advance of scheduled NCIRT meetings so that members may be notified of the posting and provided with an opportunity to review the information in advance of the meeting. Holding the NCIRT meetings in the middle of the 30-day comment period will also allow NCIRT members the opportunity to consider any additional information or discussion that occurs during the meetings prior the end of the 30-day comment period. Comments from NCIRT members should be submitted directly to the District mitigation office, preferably by email, so that they can be distributed electronically to NCEEP and other NCIRT members. In cases where the NCEEP request is routine and does not involve a modification to the NCEEP instrument, approval may be provided during the NCIRT meeting, provided that there is unanimous agreement among the NCIRT with regard to the proposed action. In these cases, the decision will be documented in the meeting minutes.

5. Following the 30-day comment process and within 60 days of sending out the initial email to the NCIRT beginning the process, the District will review the comments and provide NCIRT members with a notice of intent to approve or disapprove the proposed modification. NCEEP will be copied with this notice. In some cases, NCEEP may be asked to provide additional information during the meetings or as part of the review process. We will seek to resolve any concerns or comments prior to the end of the 60-day window when an approval decision must be made. In some cases, an extension to the 30-day comment period may be requested by NCEEP if they or their providers need more time to provide additional information based on comments they have received. Additionally, NCIRT members may also request an extension to this timeframe to accommodate additional office or on-site meetings, but NCIRT extension requests must be approved by the District mitigation office in consultation with

NCEEP. Time extensions will generally be limited in an effort to ensure that delays in reviewing requests are minimized.

6. Following the notice of intent to approve/disapprove, NCIRT reviewing agencies may choose to initiate the dispute resolution process. If so, they may notify us (District mitigation office) that they are initiating the dispute resolution process. This notification must be received within 15 days from the date of our notice of intent to approve or disapprove. This process is intended to address major concerns, and must be initiated by a letter from a senior official of the agency. Please do not initiate this process without first trying to resolve concerns during the comment period – this is not intended to be procedure used to extend the review process or address minor concerns. If the dispute resolution process is initiated during this step, we will follow the procedures outlined in Section 332.8(e) of the Mitigation Rule.

7. At the end of the 15-day dispute resolution notification period (or following the completion of the dispute resolution process), the District will provide NCEEP with written notice of approval or disapproval of the mitigation plan. This notice will generally be transmitted through email, with a copy provided to all NCIRT members.

For questions regarding this process, please contact the District mitigation office at 919-846-2564, or by email at todd.tugwell@usace.army.mil.