

The Interagency Review Team



Corps' Mitigation Responsibilities

- Conduct 404(b)(1) Guidelines analyses
- Determine appropriate amount and type of compensatory mitigation
- Approve permittee responsible mitigation
- Approve/disapprove third-party mitigation instruments/projects
- 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, restrict, or withdraw disposal sites (CWA § 404(c))
- FWS & NOAA evaluate impacts on T/E spp./EFH
- Participate on IRTs
- Elevate issues regarding 3rd Party Compensation thru Dispute Resolution Process

Interagency Review Team

- Federal
 - U.S. EPA
 - U.S. Fish and Wildlife Service
 - NOAA Fisheries
 - Natural Resources Conservation Service
 - Tribes
 - Other Federal Agencies
- State
 - Conservation Resources
 - Historic Resources
 - Environmental Quality/Protection
 - Erosion and Sediment
 - Fish and Wildlife
 - Other State 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/ILF approval time lines

Role of the IRT

- Primary role:
 - Facilitate 3rd party mitigation through review and approval of instruments/projects
- 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 FMR

Effective IRT Practices

- Stable membership
- Inclusive rather than exclusive
- Scheduled meetings
- Identify roles & responsibilities of IRT
- IRT part of field review
- Work as team on instrument /projects AND oversight
- Discuss issues of concern when they arise
- Develop IRT policies



MOAs with Other Agencies

- Corps & other IRT members may delegate IRT review functions to other government agencies
- Both Formal and Informal
- Corps retains sole authority for final approval of instruments, etc.

Examples

- West Virginia (formal)
 - WVDEP/USACE Agreement
- California (formal)
 - 8-Party MOU
- Oregon (formal)
 - Roles and Responsibilities
- North Carolina (formal)
 - Wilmington District IRT Mitigation Review Framework
- Virginia (informal)
 - Standard Monthly Meetings
 - Calendar Invites for Site Visits
 - Regular and Frequent Email Communication
 - Teleconference

Responsibility for Final Decision

- Who often has that responsibility?
- How is the decision documented?
- What is the level of detail necessary?
- Why are we discussing this?
- What examples/templates are available?

Joint Banks

- Federal and State Agencies
- Multiple Federal Agencies
- Multiple Resource Types

Issues/Questions:

Do you consider your IRT to be successful?

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

