

STATE/FEDERAL MITIGATION BANK REVIEW TEAM PROCESS FOR ALABAMA AND MISSISSIPPI (MOBILE CORPS DISTRICT)

This section describes the joint State/Federal process for the evaluation of wetland mitigation banks in **Alabama and Mississippi**. This process was developed cooperatively by the following agencies: **(See Appendix A for contact telephone numbers and addresses)**.

- U.S. Army Corps of Engineers, Mobile District (Corps)
- National Marine Fisheries Service (NMFS)
- U.S. Fish and Wildlife Service (FWS)
- Environmental Protection Agency (EPA)
- Department of Conservation and Natural Resources (DCNR)
- Alabama Department of Environmental Management (ADEM)
- Mississippi Department of Marine Resources (DMR)
- Mississippi Department of Environmental Quality (DEQ)

Background: In November 1995, the Corps, NRCS, EPA, FWS, and NMFS jointly issued Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (herein referred to as the “Federal Guidance”). A key point of the Federal Guidance (See **Appendix B**) is that an interagency Mitigation Bank Review Team (MBRT) should evaluate proposed mitigation banks. Federal recognition of mitigation bank is through a Mitigation Banking Instrument (MBI) signed by the federal and state MBRT members and the Banker. A mitigation bank in Alabama or Mississippi must have an approved MBI. The goal of the MBRT is to obtain consensus on issues related to the establishment, use, and operation of the banks under review. The State/Federal interagency team developed the MBRT process for Alabama and Mississippi in order to streamline the respective evaluation processes and reduce redundancy between the State and Federal review.

Applicability: The MBRT process is a Federal requirement for the evaluation of mitigation banks. The process described herein is based on the procedures described in the Federal Guidance. The MBRT process is a true joint State/Federal coordinated pre-application phase. The interagency team believes it is to the advantage of all parties to participate in the MBRT process because it provides a mechanism for maximum interagency coordination with minimum logistical complexity. It is anticipated that this will contribute to quick and consistent agency determinations in a cost-effective manner.

Agency Roles: At the Federal level, the Corps will serve as the MBRT Chair, except in cases where the bank is proposed solely for the purpose of complying with the Food Security Act (i.e., “Swampbuster” provisions), in which case the NRCS will serve as Chair.

Logistics: The MBRT Forum will meet every other month, the actual date to be determined based upon MBRT scheduling.

Due to the overlapping geographic responsibilities of the involved agencies, locations of the regional MBRT meetings will be dependent upon the number of mitigation banks from each state wishing to present. It is usually on a rotational basis between the Federal Chair and the State of Mississippi. Meeting dates will be scheduled in advance with the MBRT Chair responsible for distribution of the meeting agenda. The MBRT forums should be the primary vehicles for the evaluation of all phases of mitigation bank development (e.g., pre-application presentations, pending application discussions, post-approval issues). The agencies will strive to accomplish all important interactions with bankers in the MBRT forums in order to maximize interagency coordination.

Interagency Policy Coordination: The joint MBRT process is designed to evaluate the technical aspects of mitigation banking through a team approach. Experience to date has shown that during the technical evaluation of some mitigation banking proposals, policy issues were raised that needed close coordination of policy level decision makers of the respective agencies. Mitigation banks can often be related to public projects already planned or in place. These proposals usually need the input of agency specialists directly involved in the public project to determine if the proposed bank will be compatible. An interagency policy coordination procedure (see **Appendix E**) has been developed for the early identification of such proposals. All mitigation bank proposals should be run through the policy coordination procedure. Projects that are identified as needing special attention should not be reviewed by the MBRT for technical sufficiency until the identified issues are resolved.