

Compensatory Mitigation Rule Timeline for Bank or ILF Instrument Dispute Resolution*

		# of days**	
Day 1**	Final Instrument Received by DE and IRT		
Day 30	DE must notify IRT members of intent to approve instrument within 30 days of receipt.	30	45 IRT members have 45 days from submission of final instrument to object to approval of the instrument and initiate the dispute resolution process.
Day 45	IRT members then have 15 days to notify DE and other IRT members of their objection by letter	15	
Day 75	If an objection is received, the DE must respond within 30 days	30	The DE's response must be sent to all IRT members, and may either indicate an intent to disapprove the instrument as a result of the objection, or provide a modified instrument that attempts to address the objection.
Day 90	If not satisfied, IRT member may forward the issue to IRT Agency HQ*** for review****	15	150 IRT member must object within 15 days of the notification of intent from the DE. The DE must hold in abeyance the final action.
Day 110	Within 20 days, IRT Agency HQ may request further review by the Assistant Secretary of the Army, Civil Works	20	
Day 140	ASA(CW) has 30 days to review the draft instrument and advise the DE on how to proceed with the final action	30	The requesting IRT Agency HQ must also notify the ASA(CW) if further review will not be requested.
Day 150	Remainder of time for notification of the sponsor of the final decision	10	The ASA(CW) must immediately notify requesting Agency HQ of the final decision. The DE must notify the sponsor of the final decision within 150 days of receipt of the final instrument.

*Timeline also applies to amendments.

**The timeline in this column uses the maximum number of days allowed for each phase.

***IRT Agency HQ refers to the Assistant Administrator for Water, U.S. EPA, the Assistant Secretary for Fish and Wildlife and Parks, U.S. FWS, or the Undersecretary for Oceans and Atmosphere, NOAA.

****While this step is available only to EPA, NOAA and FWS, other IRT members who do not agree with the DE's final decision do not have to sign the instrument or recognize the mitigation bank or in-lieu fee program for purposes of their own programs and authorities.

Total maximum time for dispute resolution process ≤ 150 days

~ EPA/Corps draft 4/02/08