



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Mitigation Bank/Ashley County, Arkansas: U.S. Army Corps of Engineers (Vicksburg District) Public Notices Proposed Addendum

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The United States Army Corps of Engineers ("Corps") (Vicksburg District) issued a July 28th Public Notice regarding a proposal for an addendum to the Pelican Foster Mitigation Bank ("PFMB").

The proposed addendum has been submitted by Pelican Mitigation, LLC, which is the bank Sponsor.

The prospectus submitted by the mitigation bank sponsor indicates that the proposed site is in Ashley County, Arkansas.

Section 404 of the Clean Water Act requires a permit be obtained from the Corps for certain activities in jurisdictional waters. A frequent condition of such permit is mitigation of environmental impacts to rivers, streams, or wetlands. The Corps may require that a party proposing a project purchase credits from a mitigation bank or an in-lieu fee program in the same area to compensate for such impacts. In the alternative, the permittee may be permitted to undertake on-site mitigation on property that it owns or controls.

The mitigation bank is generally a wetland, stream, or other aquatic resource that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 of the Clean Water Act. The value of a bank is defined in compensation mitigation credits.

The mitigation bank prospectus describes the proposal for developing and operating the mitigation bank.

The Corps' Public Notice states that the addendum to PFMB is proposed by the bank sponsor as a:

... means to meet the requirements for compensatory mitigation for future and yet unknown wetland and stream losses which may be permitted by the Corps under the authority of Section 404 of the Clean Water Act.

The addendum is stated to add approximately 56.3 acres. This would include:

- baseline conditions of 2.7 acres of bottomland hardwood wetlands
- 1.3 acres of shrub-scrub wetlands
- 17.0 acres of emergent wetlands
- 2,727 linear feet of stream channel

The service area of the mitigation bank provides mitigation to compensate for impacts to waters of the United States (including wetlands) with the Vicksburg District Regulatory Boundary in the state of Arkansas. The service area is stated to be demarcated by the United States Geologic Survey as hydrologic unit codes 08040205 and 08040204.

A link to the Public Notice can be found [here](#).