

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



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The United States Army Corps of Engineers (Vicksburg District) (“Corps”) issued a March 20th Public Notice regarding a proposed Addendum (i.e., an expansion) to the Pelican Foster Mitigation Bank (“Pelican”).

The Addendum is to be part of an existing wetland mitigation bank in Ashley County, Arkansas.

A prospectus describing the proposed bank (i.e., “Addendum”) was received from Matrix New World Engineering.

Section 404 of the Clean Water Act requires that a permit be obtained from the Corps for certain activities in jurisdictional waters. 404 Permits require mitigation of environmental impacts to rivers, streams, or jurisdictional wetlands. The Corps may require that a party proposing the project purchase credits from a mitigation bank or an in-lieu fee program in the same area to compensate for such impacts.

A mitigation bank is generally a wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (in limited 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’s instrument identifies the number of credits available for sale and an assessment is typically undertaken to certify that the credits provide the required ecological functions. Some banks operate as commercial enterprises, selling their credits to permit applicants needing to provide required mitigation. Other banks (such as operated by the Arkansas Department of Transportation) are non-commercial and provide credits for that entity’s activities involving dredged or fill, etc.

The described goal of Pelican is stated in part as conducting:

...bottomland hardwood wetland, instream, riparian buffer, upland buffer, and upland stream buffer restoration, enhancement, and preservation activities on the PFMBA.

The Corps Public Notice further states that the sponsor indicates:

...restoration and enhancement of instreams would increase wetland function, provide species diversity,

and increase the width of a wildlife corridor along the Bayou Bartholomew and its major tributaries.

The Public Notice states that the service area of the Addendum will be established to provide mitigation within the state of Mississippi. This area is stated to be demarcated by the United States Geologic Survey, is hydrologic unit code 08040204 and 0804025 within the Bayou Bartholomew basin.

A copy of the Corps' Public Notice including the prospectus can be downloaded [here](#).