

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



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The United States Army Corps of Engineers (Vicksburg District) (“Corps”) issued a September 26th Public Notice regarding a proposed umbrella Mitigation Bank (“Bank”).

The Public Notice describes a Bank that would be undertaken by Streamworks Mitigation Services, LLC (“Streamworks”) in Clark 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 permits is mitigation of environmental impacts to rivers, streams, or 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.

The mitigation bank is generally a wetland, stream, or other aquatic resource area 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 Bank’s instrument identifies the number of credits available for sale and an assessment is typically undertaken to certify that the number of credits provide the required ecological functions. Some Banks operate as commercial enterprises selling their credits to permit applicants needing to provide required mitigation. Others, such as the Arkansas Department of Transportation, utilize such Banks for their own activities.

The Streamworks Clark County proposal is described as an umbrella Mitigation Bank whose phase I would encompass approximately 560 acres of land in which restoration, enhancement, and preservation activities would be undertaken. Streamworks’ goal is stated to be the restoration of the perennial, intermittent, and ephemeral streams and restore enhanced wetlands on the Terre Noire Creek Mitigation Bank.

The 560 acre track is stated to currently contain approximately 164.4 acres of wetlands and 42,102 linear feet of streams. The historic land use is stated to be primarily silviculture. Such land use is stated to have resulted in streams being ditched, straightened, and filled to maximize timber production.

The proposed service area of the Mitigation Bank is within the State of Arkansas. It is further stated to be demarcated by the United States Geological Survey as hydrologic unit code 08040103, 08040201, and 08040102 within the Ouachita River Basin.

A link to the Public Notice, which also provides a link to the Bank's prospectus, can be found [here](#).