

WETLAND MITIGATION BANKING¹

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Abstract. The concept of wetland mitigation banking has been in the environs of wetland management for quite some time. Several states and private entities now employ mitigation banking to offset unavoidable impacts to wetlands. This paper presents an overview of the processes involved in the establishment of a mitigation bank. Under the Clean Water Act (CWA) the impacts of proposed discharges on wetlands must be avoided or minimized to the extent practicable. However, for those impacts that are unavoidable, compensatory mitigation is required to replace the loss of wetland functions in a watershed. Compensatory mitigation includes the restoration, enhancement, creation, or preservation of wetlands “for the purpose of compensating for unavoidable impacts” to wetlands or other aquatic resources. Construction activities such as road building, housing developments, mine site expansions, and many other types of construction activities produce unavoidable impacts to wetlands, thus mitigation banks are established to offset wetland losses. Developing a wetland bank program can be a lengthy process, involving close coordination with a number of interested parties, principally the United States Army Corps of Engineers. The step-by-step procedures for creating wetland banks are typically site specific and highly depend on the regional setting, anticipated participants/users, and the funding mechanism for construction and maintenance of the wetland bank. These development tasks include:

- Coordination with Parties
- Goals and Objectives
- Data Review and Identification of Data Gaps
- Feasibility Analysis
- Preliminary Draft Prospectus
- Responses to Comments
- Final Prospectus
- Engineering Design and Construction

Additional Key Words: impacts, compensatory

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