



## MITIGATION BANKING

### What is a Mitigation Bank?

A mitigation bank is a wetland area that is being restored, enhanced, protected, or preserved to compensate for the future use of wetlands in developmental activities.

A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency. The establishment of mitigation banks must adhere to strict regulations from the government.

Mitigation banks are a form of "third-party" compensatory mitigation, in which the responsibility for compensatory mitigation implementation and success is assumed by a party other than the permittee. This transfer of liability has been a very attractive feature for Section 404 permit-holders.

### Our Experience

For over 17 years, ELOS has assisted clients in the planning, implementation, and management of mitigation banks and mitigation projects.

At present, ELOS manages five commercial mitigation banks totaling approximately 6,300 acres of wetland restoration activity, and our services include every aspect of mitigation banking.

Mitigation banking is an important part of project development in the Gulf Coastal Plain and is potentially required in a large percentage of development projects that occur in the region. ELOS has years of experience dealing with regulatory agencies such as:

- US Army Corps of Engineers
- US Department of the Interior
- US Environmental Protection Agency
- Louisiana Department of Natural Resources
- Louisiana Department of Wildlife and Fisheries

# Case Studies

**St. Tammany Parish Mitigation Bank:** ELOS has been managing a privately-owned mitigation bank in St. Tammany Parish, Louisiana, since 2010 to rehabilitate and maintain nearly 4,600 acres of pine, flatwood savannah, and bayhead swamp. The rehabilitation project was designed to restore the bank from deficiencies rendering it unviable for environmental credits. ELOS consultants restored the bank to active compliant status, increased its biodiversity, and provided habitat for wildlife that included threatened and endangered species. ELOS botanists were responsible for establishing new vegetative monitoring plots and transects, as well as locating and maintaining plots established prior to our involvement.

**Livingston Parish Mitigation Bank I:** ELOS was contracted to oversee the establishment of and to supervise the rehabilitation of a privately owned tract of land in Livingston Parish, Louisiana. The mitigation bank was established in two phases to improve 675.1 acres of bottomland hardwoods (BLH) and provide enhanced forested wetlands and continuity to the ecosystem of the Tickfaw River Basin.

ELOS performs on-site monitoring to assess conditions of the bank such as the status of plantings and the condition of ditches. Plots have been established to collect data from this environment for submission to the U.S. Army Corps of Engineers (USACE).

**Livingston Parish Mitigation Bank II:** ELOS is contracted to provide general services to assist in mitigation bank needs for a second privately owned tract of land in Livingston Parish, Louisiana. The bank consists of nearly 310 acres of bottomland hardwood forest. ELOS has been responsible for coordination and communication with USACE. ELOS coordinated with USACE to determine what work still remained based on previous work performed at the site related to monitoring events.

An adaptive management plan was drafted and submitted, with ELOS' Geographic Information Systems being utilized to create figures for mapping the planting and monitoring locations.