

Arkansas State Wetland Program Summary



Photo Caption: Bayou DeView in the Cache River National Wildlife Refuge, Arkansas

Photo credit: WM U.S. Fish and Wildlife Service

Click Here to Skip to
Arkansas Information about wetland:

- [Regulation](#)
- [Monitoring & Assessment](#)
- [Water Quality Standards](#)
- [Voluntary Restoration](#)
- [Education and Outreach](#)
- [Integration with Other Programs](#)

Section A. Quick View

Description of Arkansas' Wetlands

The most extensive areas of wetlands in the state lie along the major rivers, such as the lower Mississippi, Arkansas, Red, White, and Little Rivers and their principal tributaries in the Mississippi Alluvial Plain, South Central Plains, and Arkansas Valley Ecoregions. Other wetlands are scattered throughout the State and are associated with springs and seeps in the Ouachita Mountains and Ozark Highlands. Most of the wetlands in Arkansas are palustrine forested, scrub-shrub, and non-vegetated wetlands.

State Definition of Wetlands

The State of Arkansas has no separate regulatory definition of wetlands. Wetlands are regulated as surface waters or water contained on the exterior or upper portion of the earth's surface as opposed to groundwater.

Historic Wetland Loss/Gain in Arkansas

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
9,848,600	2,763,600	7,085,000	72%

It is estimated that Arkansas originally had 9.8 million acres of wetlands, representing almost 30% of the total surface area of the state. By the mid 1980's the number of wetlands had dropped to 2.8 million acres (72% loss) representing only 8% of the surface area (Dahl 1990). The delta region of Arkansas experienced the greatest losses, and now has approximately 875,000 acres of forested wetlands remaining of the original 8 million acres. This 89% loss is greater than any other Delta state. Arkansas has lost more wetland acres than any other inland state in the nation (Dahl 1990). For more information about Arkansas' wetland loss, go to: http://www.mawpt.org/wetlands/loss_gain.asp

Primary State Wetlands Web Page

Arkansas Multi-Agency Wetland Planning Team (MAWPT) Website: <http://www.mawpt.org/>

Note: Arkansas does not have a single wetland agency. Instead, wetland work is coordinated by the Arkansas Multi-Agency Wetland Planning Team (MAWPT). MAWPT is made up of state agency representatives promoting wetland conservation through implementation of goals and objectives contained in the Arkansas Wetland Strategy.

State Wetland Program Plan

Arkansas does not have a State Wetland Program Plan. However, Arkansas does have *The Arkansas Wetland Conservation Plan*, a comprehensive planning document developed by the Arkansas Multi-Agency Wetlands Planning Team (MAWPT) (<http://www.mawpt.org/plan/>)

State Budget and Staffing for Management of Wetlands

State Wetland Management Program Area	Regulatory	Monitoring and Assessment	Wetland Water Quality Standards	Voluntary Restoration
Agency	No information available	No information available	No information available	No information available
Source				
Amount				
FTE				

State Permitting Fees	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Amount:	\$200	
Agency:	Arkansas Department of Environmental Quality	

Innovative Features:

- Arkansas does not have a single wetland agency. Instead wetland work is coordinated by The Arkansas Multi-Agency Wetland Planning Team (MAWPT). MAWPT comprises state agency representatives promoting wetland conservation through implementation of goals and objectives contained in the Arkansas Wetland Strategy. The Arkansas MAWPT, formed through the Governor's office, has developed statewide and watershed level strategies that encourage voluntary, incentive-based conservation initiatives and consistent planning efforts. Their website is: <http://awrimscast.uark.edu/home/mawpt.aspx>

Models and Templates:

None.

Section B. Arkansas's Regulatory Approaches

How are Arkansas's Wetlands Regulated?

Arkansas' tool for regulating wetlands is §401 certification. Section 401 Water Quality Certifications are required prior to the issuance of federal permits and licenses to ensure that proposed projects will not violate the State's water quality standards. The decision to issue the Section 401 water quality certification rests with the Director of ADEQ and is based on compliance with Arkansas Pollution Control and Ecology Commission Regulation 2 (PDF File 4.8mb), Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. The majority of the Section 401 water quality certification requests are for Section 404 permits issued by the U.S. Army Corps of Engineers. In Arkansas there are 3 Corps Districts that share jurisdiction in the State: the Little Rock District, the Memphis District and the Vicksburg District.

Although the adoption of a more comprehensive regulatory program is not considered feasible, the state does have an extremely proactive non-regulatory effort. The Multi-Agency Wetland Planning Team (MAWPT) is a consortium of Arkansas state agencies that work together on restoration and planning for wetlands conservation. State focus rests on promoting wetland health, assembling wetland inventories, and developing analysis and information management tools. The group is guided by the *Arkansas Wetlands Strategy*, a comprehensive planning document that outlines objectives and strategies for state wetland initiatives.

For more information, visit the ADEQ Water Division Regulations website:

<http://www.adeq.state.ar.us/water/regulations.htm>

Wetland Delineation

Delineation Method	Yes	No
Use State's Own Delineation Method		X
Use Corp '87 Manual with Regional Supplement	X	
Other		X

Evaluation Methodology

The state now has HGM assessment procedures, but they are not currently required within a regulatory context. For more information about Arkansas' HGM Functional Assessment Guidebooks, go to

<http://www.mawpt.org/wetlands/classification/project.asp>

Exempted Activities

N/A

Special Provisions for Agriculture and Forestry

N/A

Penalties and Enforcement

Enforcement actions related to §401 water quality certification are issued by the ADEQ. Under Arkansas law, criminal prosecution and penalties and civil penalties may apply for violations to the state's water quality standards. However, enforcement actions on §401 are extremely rare in Arkansas. (From ELI Report:

http://www.eli.org/sites/default/files/docs/core_states/Arkansas.pdf)

Permit Tracking

The Arkansas Wetland Resource Information Management System (AWRIMS) website presents information on wetland projects, research, regulations, programs, and other related wetland conservation activities, making impact and restoration data available online to interested parties, such as state and federal agency regulators, landowners, or environmental groups. The system provides maps and geographic information systems (GIS) capability to non-GIS users over the Internet. In addition, program information can be queried for regulatory and non-regulatory data, including impact, restoration, mitigation, individual wetland planning areas, eco-regions and watersheds, congressional districts, counties, §404 permits, acreages, and conservation programs.

State General Permit (PGP or SPGP for 404)

Arkansas	Yes	No
Regional		X
Statewide		X

Assumption of Section 404 Powers

Arkansas	Yes	No	Detail
Assumed		X	
Applied for Assumption		X	
Explored Assumption		X	

Joint Permitting

N/A

Buffer Protections

Massachusetts	Yes	No
Buffer Protections		X

Mitigation Policy

No formal state wetland mitigation policy exists.

For the most current information on approved mitigation banks and in lieu fee programs in Arkansas, go to:

<https://rsgisias.crrel.usace.army.mil/ribits/f?p=107:158:4063004478659::NO:RP:>

Mitigation Database

N/A

Section C. Monitoring and Assessment

(Note: Information in this section has not been verified by State Wetland Staff)

Agency Responsible for Wetland Monitoring and Assessment

Not available.

Mapping/Inventory

The Arkansas Wetland Resource Information Management System (AWRIMS) website presents information on wetland projects, research, regulations, programs, and other related wetland conservation activities, making impact and restoration data available online to interested parties, such as state and federal agency regulators, landowners, or environmental groups. The system provides maps and geographic information systems (GIS) capability to non-GIS users over the Internet. In addition, program information can be queried for regulatory and non-regulatory data, including impact, restoration, mitigation, individual wetland planning areas, eco-regions and watersheds, congressional districts, counties, §404 permits, acreages, and conservation programs. The site is maintained through partnerships of conservation agencies and the Center for Advanced Spatial Technologies at the University of Arkansas at Fayetteville. To view the website, go to: <http://awrims.cast.uark.edu/home/awrims.aspx>

State Public Portal for Wetland Maps:

The AWRIMS allows users to view wetland data geographically through beginner and advanced map viewers. The advanced map viewer provides functions similar to desktop GIS systems, but is operated through the user's internet browser. For example, the status and trends function on the AWRIMS website allows the user to query, view, and overlay regulatory and conservation program data on color-infrared DOQQ. The user can query data according to geographic extent, i.e. HUC, Wetland Planning Region or Area, Level IV Ecoregion, Congressional Districts, etc. and by year(s). User-friendly map-making and printing capacity is an integral component of the website: <http://awrims.cast.uark.edu/home/awrims.aspx>

Wetland Classification and Assessment

The state's MAWPT has developed an HGM classification for its wetlands, though this classification does not have an inherent "quality" scale. It is used for state planning, but is suitable for use in permitting and other applications (i.e. it is consistent with the U.S. Army Corps of Engineers (Corps) Waterways Experiment Station HGM classifications and documents). The classification has allowed the state to identify and characterize rare wetlands. A description of the classification, keys, and description of wetland types can be found at <http://www.mawpt.org/wetlands/classification/classes.asp>

Statewide Monitoring Plan

None at present.

Overall Wetland Gain and Loss Tracking System

None at present.

Arkansas's wetland monitoring and assessment program has the following characteristics:

Level	None	Level 1	Level 2	Level 3
Arkansas	X			

Type	None	IBI	Conditional	Functional
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Arkansas	X			
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Frequency	None	Project Specific	Ongoing
Arkansas	X		

National Wetland Condition Assessment (NWCA) Participation

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

Section D. Wetland Water Quality Standards

(Note: Information in this section has not been verified by State Wetland Staff)

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses	√				
Narrative criteria in the standards to protect designated wetland uses	√				
Numeric criteria in the standards based on wetland type and location to protect the designated uses	√				
Anti-degradation policy includes wetlands				√	

Description: The State has adopted a 401 program administered by ADEQ with no explicit standards for wetlands (Ark. Stat. Ann. 582-1903(b)). Surface water quality criteria are narrative, chemical, and biological. The regulations do not identify designated uses for wetlands, defaulting to open water uses. The state does apply an anti-degradation policy to substantial alterations of a water body, which may include wetlands. A higher level of protection is given to waters designated as “outstanding resource waters.” (Combination of ASWM Text and ELI Report: http://www.eli.org/sites/default/files/docs/core_states/Arkansas.pdf)

Section E: Voluntary Restoration and Protection

(Note: Information in this section has not been verified by State Wetland Staff)

Information is not available to verify whether or not the state has a formal voluntary wetland restoration program. However, the Arkansas state legislature enacted the Arkansas Private Wetland and Riparian Zone Creation and Restoration Incentive Act in 1995. The Act creates the Wetland and Riparian Zones Tax Credit Program, which is also administered by the ANRC. The program is designed to target private landowners because most land suitable for wetland restoration, creation, or enhancement is privately owned. The program provides tax credits for the restoration or creation of wetlands and riparian zones. Mitigation or other regulatory actions are not eligible for the program. Additionally, the MAWPT has initiated wetland restoration projects on state-owned land, but these are not part of a formal program available to private landowners.

Voluntary Restoration Goals

General standards have been established for all projects supported by the Wetland and Riparian Zones Tax Credit Program, such as those for minimizing soil erosion and water degradation during construction, utilization of best management practices, and complying with all applicable federal, state and local laws. Additionally, criteria for restoration, creation, and enhancement of wetlands or riparian areas have been established.

Arkansas landowner guides/handbooks to assist with voluntary restoration efforts:

No information available.

Promotion and Advertisement

No information available.

Staffing

No information available.

Section F. Innovative Education and Outreach

No information available.

Section G. Climate Change and Wetlands

There is no specific information available from state staff at this time about state wetland program involvement in climate change work. However, in 2008, Arkansas completed a Climate Action Plan with assistance from the Center for Climate Strategies (CCS). Arkansas' plan (<http://www.c2es.org/docUploads/Arkansas%20climate%20plan.pdf>) focuses exclusively on the reduction of greenhouse gases (mitigation). It does not address preventative or protective strategies (adaptation). Wetlands are not featured in the plan. Arkansas has established a Climate Change Working Group to examine species vulnerability and best management response to habitat impacts. This group is presently in an investigation phase, and has established a deadline of October 2011 to produce a final report. For more information about the Arkansas Climate Change Working Group contact Jane Anderson at jeanderson@agfc.state.ar.us or (501)223-6350.

Section H. Integration Efforts

(Note: Information in this section has not been verified by State Wetland Staff)

Entity/Program Area	Yes/No	Description of the Connection	Contact for Follow-up
NPDES/Stormwater	U/K	Information not available	
301	U/K	Information not available	
303(d)	U/K	Information not available	
TMDL	U/K	Information not available	
Climate Change/ Climate Resiliency	U/K	Information not available	
Land Use Planning/watershed planning	U/K	Information not available	
Flood/Hazard Mitigation	U/K	Information not available	
Coastal Work	U/K	Information not available	
Other (Specify)	U/K	Information not available	

State Wetland Program Development Continuum

(Note: Information in this section has not been verified by State Wetland Staff)

Arkansas	Core Element 1: Regulation	Core Element 2: Monitoring and Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Wetland Restoration
Mature Stage High  Working on Implementation Working on Developing Early Stage Low	401 Certification Program Only	X	X	X

Section J. State Wetland Program Contacts

Mark Hathcote
 Ecologist, Water Planning Division
 Arkansas Department of Environmental Quality

5301 Boirthshore Drive
North Little Rock, AR 72118-5317
Hathcote@adeq.state.ar.us
(501) 682-0028

Tom Foti, Biologist
Arkansas Natural Heritage Commission
tom@arkansasheritage.org
(501) 683-5778

Section K. Useful Website Links for Arkansas

State Government Programs

1. Arkansas Department of Environmental Quality

<http://www.adeq.state.ar.us/water/>

- a) Water Quality Planning Branch

http://www.adeq.state.ar.us/water/branch_planning/default.htm

1. Arkansas Natural Resources Commission

http://arkansaswater.org/index.php?option=com_content&task=view&id=179

ANRC is divided into three operating divisions: Conservation Division, Water Management Division and Water Development Division. Since 1990, ANRC has been the lead agency for planning, coordinating and implementing the NPS Management Program in addition to many other programs that address water quality.

- a) Nonpoint Source Management

<http://anrc.ark.org/divisions/water-resources-management/nonpoint-pollution/>

- b) Arkansas Association of Conservation Districts

<http://aracd.org/>

- c) Wetland and Riparian Zones Tax Credit Program

<http://anrc.ark.org/divisions/water-resources-management/wetlands-riparian-zone-tax-credit/>

- d) Ground Water Protection & Management Program

<http://anrc.ark.org/divisions/water-resources-management/groundwater-protection-and-management-program/>

- e) Arkansas State Water Plan

<http://anrc.ark.org/divisions/water-resources-management/arkansas-water-plan/>

- f) Arkansas Wetlands Mitigation Bank Program

https://static.ark.org/eeuploads/anrc/title_12.pdf

<http://anrc.ark.org/divisions/water-resources-management/wetlands-mitigation-bank-program/>

- g) Water Quality

http://arkansaswater.org/index.php?option=com_content&view=article&id=14&Itemid=3

- h) Arkansas Nonpoint Source (NPS) Pollution Management Program

http://arkansaswater.org/index.php?option=com_content&view=article&id=13&Itemid=5

Federal Government Programs

1. USDA Natural Resources Conservation Service
Wetlands Reserve Program

ftp://ftp-fc.sc.egov.usda.gov/AR/pubs/wetlands_10.pdf

Other Wetland Organization Links

1. Arkansas Multi-Agency Wetland Planning Team

<http://www.mawpt.org/>

Federal, state and local agencies have complementary responsibilities in wetland management. At the federal level, the U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), Natural Resources Conservation Service (NRCS), U.S. Geological Survey-Biological Resources Division (USGS-BRD), U.S. Forest Service (USFS) and Farm Service Agency (FSA) all play important roles. In Arkansas, no fewer than seven state agencies have direct responsibilities for water resources, while none has discreet wetland authority. There is no state natural resource planning office and no state natural resources plan. Agencies are traditional, client-captured organizations with separate commissions, some of which are constitutionally independent. Development of comprehensive water code legislation, begun in the 1980s, continues to define agency water authorities. Generally, water quantity is the responsibility of the Arkansas Natural Resources Commission (ANRC), and water quality that of the Arkansas Department Environmental Quality (ADEQ). Arkansas Natural Heritage Commission (ANHC) may protect unique and rare wetland types. Arkansas Game and Fish Commission (AGFC) may monitor wetland-dependent wildlife habitat. Arkansas Forestry Commission (AFC) manages forested wetlands subject to timber harvest. Rural landowners are direct clients of all the natural resources agencies. Except for reservoir or water supply development, there is little history of regional land use planning. However, strong partnerships with federal agencies and interagency cooperation and information exchange results in more coordination than indicated by the traditional organizational structure.

- a) Arkansas Wetland Conservation Plan

<http://www.mawpt.org/plan/>

- b) Arkansas State Wetland Strategy

<http://anrc.cast.uark.edu/home/mawpt/statewide-planning-initiatives/arkansas-state-wetland-strategy.html>

2. Ducks Unlimited

Arkansas Wetlands Preserve Program

<http://www.ducks.org/arkansas/arkansas-projects/wetlands-reserve-program-arkansas>