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Corps takes role in defense of wetlands

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The U.S. Army's growing platoon of environmental watchdogs is moving in on Sonoma County governments, developers and businesses that want to fill in wetlands.

Long associated with major construction projects, the Army Corps of Engineers these days is shifting its emphasis to regulation, much to the delight of environmentalists and to the chagrin of builders.

"We view ourselves as defenders of the wetlands," said Corps attorney John Eft.

In Sonoma County, the agency recently has sent delegates to request help from city and county governments in securing federal permits for any planned fill projects. And it's responding to tips about violations by handing out cease-and-desist orders to builders who bypass the permit process.

One recent recipient of an order

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was the city of Sebastopol, which for years has been filling an abandoned sewer pond along the Laguna de Santa Rosa with debris from public works jobs.

City officials were caught off guard when the Corps demanded they stop the old practice.

"I was surprised. I had no idea they had jurisdiction," said Melvin K. Davis, city manager.

A corps spokesman said that's a typical response.

"A lot of people were unaware of these laws. They cannot believe you can't fill the old swamp," said the Corps' Bill Prout.

In Sebastopol, a recent grass-roots movement to preserve the lagoon has culminated in a report being considered by city officials that would prohibit development in the flood plain and stop filling of the lagoon.

The latest proposals aside, city officials felt they were within their rights with the sewer pond fill project because it was originally approved by state Fish and Game officials.

The project now is the subject of an after-the-fact Corps permit application, which will go through environmental review and possibly to public hearing before a decision is reached.

Corps permit officer Eric Behn said several other projects also are coming up for Corps permits, among them Santa Rosa's San Miguel subdivision and some properties along Sebastopol's Morris Street.

The planned Occidental Road Bridge across the Laguna de Santa Rosa at High School Road in Sebastopol and the controversial replacement of the Guerneville Bridge across the Russian River also require permits.

The agency also gives annual permission to recreation districts and individuals who dam creeks and rivers for swimming holes, including on Cazadero's Austin Creek and several points along the Russian River. Once standard practice, the dams each year are facing more opposition from fish and wildlife experts, according to engineer Radford Hall.

Hall said the Corps issues permits to 98 percent of the applicants, but changes in the projects often

are required during the review process. Public hearing notices about fill permits go to some 15 resource agencies, including the U.S. Fish and Wildlife Service.

To make sure they're not missing any projects, the Army recently sent representatives to the city of Santa Rosa and county of Sonoma to seek cooperation in getting builders to apply for permits.

In Sebastopol, the word went out from City Hall to private developers after the city received its cease-and-desist order in November.

"We're getting a lot more work in Sonoma County than we've gotten in the past and that's a good sign. It's much better to catch projects in the planning stages," said Behn.

The Corps first got the job as lead agency for enforcing fill requirements along waterways in 1974, when the Clean Water Act became federal law. At that time, Corps engineers' main focus was on large building and dredging projects.

"Some said it was like the fox watching the hen house," observed Hall.

He said the Corps at first was "reluctant" to take the job of issuing waterway fill permits and overseeing all activities in navigable waters.

But, as the nation's shrinking wetlands have become a major issue, the U.S. Army has strengthened its role as environmental watch dog, hiring biologists and ecologists to work with the engineers, he said.

Now, "we're taking a more aggressive enforcement position," he said. "It's a sign of the times in terms of where water resources are."

The U.S. Army Corps of Engineers over the years has built many projects that have been blasted by environmentalists. The last major one in Sonoma County was Warm Springs Dam, which activists successfully delayed for years before its construction.

Corps Attorney Eft said he often finds himself switching sides. In one case he'll be sitting with environmentalists who agree with a Corps decision to refuse a permit for a major project, then in another, he'll be defending a lawsuit filed by an environmental group challenging a permit issued by the Corps.

"I get to wear both hats, environmental good guy and environmental bad guy," Eft said.