

# EPA 3-18-89 P.D. jumps into the vernal pool fray

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The federal Environmental Protection Agency has entered the dispute over vernal pools in northwest Santa Rosa and has asked for a review of four projects slated for development.

The bottom line may be that developers there will have to contribute to a fund to buy vernal pool habitat elsewhere or set aside some part of their own property to conserve the vanishing habitat.

The EPA action could also have implications for dozens of development proposals containing vernal pools on hundreds of acres stretching from Windsor to Sebastopol.

"Vernal pools are considered a wetland area. EPA is committed to achieving no net loss of the nation's wetlands, particularly in California where 90 percent of the original wetlands have been lost," said Lois Grunwald, a spokeswoman for the EPA.

One of the developers who may be affected by the EPA action expressed both frustration and optimism.

"It's very frustrating — never knowing who's going to make the next decision," said John Lowry, project director for Burbank Housing Development.

"I'm hopeful that if they are serious about environmental protection, they will see this is a small

*See Pools, back page*

## Pools

*Continued from Page A1*

area inside urban boundaries, surrounded by development and they will make a decision this is not the place for the pools."

EPA's entrance into the months-long controversy came in the form of a strongly worded letter to the federal agency charged with protecting wetlands, the U.S. Army Corps of Engineers.

Vernal pools are seasonal wetlands — puddles, pools and streams that are full of water in the spring and dry the rest of the year. They are distinguished by particular kinds of soil, plant and underground water connections.

The Corps has reviewed four properties containing vernal pools along Waitzer and San Miguel avenues and in each case declined to ask for a permit because the wetlands were less than an acre in size.

This action clears the way for development to proceed, subject to concerns about endangered species of wildflowers found in some vernal pool areas.

Three other developers in the area are also seeking disclaimers from the Corps.

But in its letter, the Environmental Protection Agency said the Corps should "re-evaluate the findings." Even though the acreage is small, the cumulative loss could have a significant impact on the environment, the EPA letter said.

"EPA believes the remaining projects should not be disclaimed as waters of the United States and should be subject to full public interest review due to the cumulative impacts of the proposed projects," said the letter, signed by Harry Seraydarian, director of EPA's Water Management Divi-

sion.

Seraydarian's letter also stressed that the vernal pools in Santa Rosa are part of the Pacific Flyway, the route used by migrating waterbirds.

If waterbirds are using these specific vernal pools, the Corps must take responsibility for assuring the habitat is not lost, the letter said.

In response to EPA's letter, the Army Corps is "looking for additional evidence" that migratory birds might be using the site, said William Prout, a spokesman for the Corps.

"It would be unusual for us to rescind a decision, but not unprecedented," Prout said. "The developers have relied on this and we take our responsibility to the contractors very seriously."

Prout said the Corps expects to reach a decision within the coming week.

Waterfowl have reportedly been seen at some of the pools by Marco Waaland, the biologist who prepared the county's vernal pool report, and a nearby resident, Peter Tucker.

If developers are required to obtain a Corps permit, as EPA is suggesting, it could delay their projects from 60 days to 18 months, said Frank Rezac, also a spokesman for the Corps.

The length of time depends on the amount of fill proposed, the value of the habitat being destroyed and the amount of public or federal agency opposition to the project, Rezac said.

The city will probably not allow development to proceed until the federal agencies have resolved their dispute, said Charles Regalia, senior city planner.

The developers given the initial go-ahead by the Corps are Burbank Housing Development, Ronald Perry, Schellinger Construction Inc. and Richard Dutton, according to the city planning department.