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To Group Ow-Docket@EPA
Subject Docket Item EPA-HW-OW-2006-0020

To the EPA and Army Corps Water Docket:

The San Juan Citizens Alliance is local group of some 500 members working to protect the natural resources of the San Juan Basin. The Alliance has been in existence for 20 years.

The Alliance is writing in opposition to the recently proposed compensatory mitigation rule (Docket No. EPA-HW-OW-2006-0020). Our nation's wetlands and streams provide habitat for a variety of species, improve water quality, and protect communities by reducing flooding. The proposed rule would weaken protections for these waters by sanctioning uncertain mitigation practices, effectively encouraging the increased destruction of these important water resources.

Your agencies have applied a long-standing principle regarding impacts to streams and wetlands: adverse impacts should be avoided whenever possible, unavoidable impacts should be minimized as much as possible, and only then should mitigation be considered. The proposed rule undermines this critical sequence with its overwhelming emphasis on mitigation.

This rule promotes an "anything goes" approach with no scientific backing. Under this proposal developers would be allowed to "compensate" for filling in streams and wetlands with mitigation projects many miles away that utterly fail to replace the destroyed resources. The rule would invite the net loss of wetlands and streams by even allowing the preservation of upland buffer areas to "replace" our nation's waters.

The proposal places far too much discretion in the hands of each Corps' district engineer to approve almost anything as mitigation, fails to address the fact that many aquatic systems cannot be recreated at all, and blatantly promotes the mitigation banking industry, taking into account the economic needs of this industry over the needs of the watershed in certain circumstances.

This rule fails entirely to further the national goal of "no net loss" of wetlands in any way and also fails to promote the health of our essential wetlands and streams. This rule needs to be significantly rewritten to treat mitigation as a last resort and to ensure that the best science is used to protect and enhance our nation's streams and wetlands. If those principles cannot be fully integrated into the proposal, then this rule should be withdrawn.

Sincerely,

Charles Wanner
San Juan Citizens Alliance
Water Issues Coordinator