



**US Army Corps
of Engineers®**

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 02-03 DATE: June 5, 2002
RESPONSE REQUIRED BY: July 5, 2002

Point of Contact: Philip Shannin PHONE: 415-977-8445 e-mail: pshannin@spd.usace.army.mil

The San Francisco District of the United States Army Corps of Engineers is seeking comments on a proposed new policy, regarding the use of mitigation banks on the Santa Rosa Plain, Sonoma County, California. For reference, a map of the Santa Rosa plain is attached to this notice.

A permit is required from the Corps of Engineers, under Section 404 of the Clean Water Act for any fill of Waters of the United States, including wetlands. Often mitigation for wetland impacts is required to obtain a permit. On the Santa Rosa Plain, two forms of wetland mitigation may be required, wetland creation and wetland preservation.

Currently, applicants who need to provide wetland creation mitigation in the Santa Rosa Plain have two options. One is to create wetlands on the plain as an independent mitigation project. The second is to purchase credits at an approved wetland creation mitigation bank. The owner of the bank creates wetlands, and sells "credits" to applicants who need mitigation for Section 404 permits.

Purchasing mitigation credits is often considered to be the preferred alternative for many developers. As a result of high demand for credits at these banks, it has become difficult for the Corps to approve new banks quickly enough to meet the demand. The Corps feels the use of banks is most useful as mitigation for projects with small wetland fill impacts, since smaller developers often do not have the resources to do an independent mitigation project.

Therefore, in order to ensure adequate banking credits for small development projects, the Corps proposes instituting a policy that projects with three or more acres of wetland fill on the Santa Rosa Plain be required to create an independent wetland creation mitigation project, rather than use a wetland creation mitigation bank. This restriction would only apply to creation banks, not preservation banks. Furthermore, this policy would not apply to application received in our office prior to finalizing this policy (which will be announced in a future public notice). This policy will be reviewed again in two years. If it is determined that the demand for the use of banks has become reduced or the speed of mitigation bank approvals has increased, the Corps may alter or revoke this policy. Please send all comments to Philip Shannin of our staff, by the date listed above.