

**Caution: Building in a Wetland Can Be Hazardous to Your House**  
**Developers are nibbling away at the nation's small wetlands, creating big problems in the process for many homeowners**

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**"Build your house in a wetland, and you've got a hobby for the rest of your life," warns Ed Perry. "You will be fighting that water forever."**

A student of flooded basements and cracked foundations, Perry knows what he's talking about. While investigating illegally filled wetlands in Pennsylvania for the U.S. Fish and Wildlife Service (FWS), the biologist has visited plenty of houses built where water naturally flows and has commiserated with sorrowful owners of sodden split-levels. The lesson, says Perry, is that home builders who tamper with even small wetlands can have big problems.

The trouble Perry uncovers should never take place. Wetlands are superb at purifying polluted water, replenishing aquifers and harboring wildlife. But they are almost always terrible places to build houses.

Only about 5 percent of the land area in the continental United States is composed of wetlands. **But these transitional zones—neither completely dry nor entirely liquid—are enormously valuable, especially when it comes to controlling floods. Wetlands act like natural sponges on the landscape, absorbing and then gradually releasing storm waters and lessening flood damage.**

In the Midwest, where thousands of homes were struck by devastating floods in the early 1990s, more than 17 million acres of wetlands have been built on or plowed under in the Mississippi and Missouri river basins; an FWS study found that those destroyed wetlands could have contained enough river water to flood 1,000 football fields to a depth of more than four miles. Instead, much of that water poured over levees and into people's homes.

When wetlands are filled, the water that made them wet has to go somewhere. If it isn't seeping back into the basement of the house built on the former wetland, the water likely is leaking into formerly dry homes of downstream property owners.

That's exactly what happened not long ago in the Pocono Mountains in Monroe County, Pennsylvania, after a developer drained a half-acre forested wetland and then dug a channel down the middle of the property. Thanks to that ditch, "the sponge wasn't acting like a sponge anymore," says Craig Todd, manager of the Monroe County Conservation District. Storm water sluicing through the drained wetland "ended up creating the largest eroded gully in our county," he says. It clogged municipal culverts and flooded out two houses downstream.

Ed Perry has prepared numerous reports studded with photos of seasonal wetlands—some of them "sites you need hip boots to get into," he says—where unscrupulous builders have tried to peddle housing lots during dry months. The situation is compounded by a national policy that gives blanket approval to developers to build homes and other structures in many small wetlands.

The U.S. Army Corps of Engineers' nationwide permit program was set up in 1977 to provide developers and other potential wetland fillers with quick responses for modest projects. The idea was to spare citizens from red tape while they sought approval from the Corps (which regulates wetlands activities under the federal Clean Water Act) for projects that have only slight impact on the environment. But critics of the nationwide permits say the program destroys thousands of acres of valuable wetlands a year, usually in the form of small wetlands.

"Most of the filling that goes on throughout the country is relatively small—fills of less than a half acre," Perry says of the nickel-and-dime approach to destroying natural resources.

To Tony Turrini, a National Wildlife Federation attorney specializing in wetland regulations, the small, seemingly harmless fills allowed by the Corps' nationwide permit program represent a critical problem. "What we're talking about is piecemealing away the resource," says Turrini. "It's a piece here, a piece there, but cumulatively we're seeing extremely significant losses." Even without considering the natural benefits wetlands provide, the fact remains that building in such areas makes little sense.

One of the most controversial Corps permits—known as Nationwide Permit 26—allowed for the filling of as many as 10 acres of wetlands under certain circumstances. Environmentalists long criticized Nationwide Permit 26 as the cause of more than half of all wetlands destruction every year in this country. Under threat of a lawsuit from NWF and other groups, the Corps recently agreed to phase out the permit over the next two years.

Now another permit—Nationwide Permit 29—has come under fire from conservationists. Adopted by the Corps in 1995, the permit gives expedited approval for filling as much as one-half acre of wetlands for construction of single-family homes and such attendant features as septic systems or pools.

"With Nationwide Permit 29, the Corps has said half-acre fills are inherently insignificant," says Turrini. "But lots of studies document that playa lakes, prairie potholes and vernal pools—all wetlands that are often less than one-half acre in size—have very significant environmental values."

The Corps insists that its new permit will have minimal impact on the nation's wetlands. But officials in northeast Pennsylvania's Pocono Plateau worry that the permit could result in destruction of thousands of acres of undeveloped small wetlands. The plateau is home to roughly 30 percent of the state's wetlands.

The same unspoiled region is within a leisurely drive of one-tenth of the nation's population. Moreover, there are thousands of undeveloped homesites, many with wetlands, in subdivisions platted during a Poconos vacation-home boom in the 1970s and 1980s. An official of The Nature Conservancy assigned to the Poconos calls the empty homesites, undeveloped due to the recession of the late 1980s, "a sword of Damocles over this area."

The good news in the Poconos is that local governments have adopted regulations to steer growth away from wetlands. The bad news is that the Army Corps of Engineers' relaxed approach to wetlands development could undermine such efforts. Says FWS's Perry, "The local people have come up with all these zoning ordinances and regulations to stop people from filling in their wetlands, and the federal government now issues a general permit that allows them to do it. Those people feel like they've had the rug pulled out from underneath them."

A few states to the west, conservationists have identified more wetlands imperiled by the Corps' home-building permit, in this case on lots that were platted decades ago—and that now appear poised for development—in marshes and cedar swamps along a Lake Michigan shoreline. Scott McEwen of the Tip of the Mitt Watershed Council, a nonprofit group in Michigan, fears that Nationwide Permit 29 will expedite filling of many small waterfront lots that, taken together, provide nursery habitat for fish such as pike and walleye and that serve as staging areas for warblers and other neotropical birds migrating across the Great Lakes into Canada. "In this area [northern Michigan], where there's so much second-home development pressure, there's going to be a tremendous cumulative impact," he says.

Filling one small parcel of wetland may seem harmless, but the damage adds up when several property owners in a watershed also begin draining and building. That's why conservationists are concerned that the Army Corps' permit program is helping to nibble away the nation's precious wetlands. Their concern seems justified. At this writing, the Army Corps was preparing to release 16 more nationwide permits for review, including one that would allow residential fills of as many as three acres of wetlands.

**"We're losing our wetlands base not because of large projects but because of a multitude of small fills that aren't being regulated properly," says NWF's Turrini. Considering all the good wetlands do—from protecting people from floods to providing habitat for wildlife—not saving even the smallest patch of bog or marsh, he adds, "amounts to pouring precious resources down the drain."**

*Writer Michael Lipske lives in Washington, D.C.*