

**United States Department of the Interior
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
Telephone: (602) 242-0210 FAX: (602) 242-2513**

AESO/FA

January 7, 2005

Ms. Cindy Lester
Chief, Regulatory Branch
U.S. Army Corps of Engineers
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

Dear Ms. Lester:

Thank you for Public Notice (PN) 2004-00122-DE dated December 8, 2004. The Fitch/Nesbitt Family Ltd. Partnership has submitted an application for a permit under Section 404 of the Clean Water Act (CWA) to develop a residential subdivision known as Hermosa Estates on approximately 40 acres of land in Mesa, Maricopa County, Arizona (T1N, R7E, Sec. 5). These comments are provided under authority of, and in accordance with, the Fish and Wildlife Coordination Act (48 Stat. 401, as amended U.S.C. 661 et. seq.) (FWCA), but do not constitute our final review under the FWCA.

The PN states that the purpose of the proposed project is to develop a residential community in the City of Mesa. As discussed in previous comments on similar public notices, we believe the total impact of authorized development should be analyzed, including direct, indirect, and cumulative effects, and all interrelated and interdependent activities. In particular, effects on the biological integrity of jurisdictional waters from related activities occurring above the ordinary high water mark should be assessed and mitigated. The footprint of authorized activity extends beyond the limits of jurisdictional waters and may be, at minimum, the total acreage of interdependent and interrelated development.

Accordingly, we request the opportunity to review the 404(b)(1) alternatives analysis and mitigation plan prior to permit issuance in order to fulfill our permit review responsibilities under the FWCA and CWA. If we can be of further assistance please contact Mike Martinez (x224).

Sincerely,

/s/ Thomas A. Gatz
Deputy Field Supervisor

cc: Regional Administrator, Environmental Protection Agency, San Francisco, CA
Supervisor, Project Evaluation Programs, Arizona Game and Fish Department, Phoenix, AZ

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