

**United States Department of the Interior  
U.S. Fish and Wildlife Service  
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AESO/FA  
22410-2006-FA-0011

February 3, 2006

Ms. Cindy Lester  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1936

Dear Ms. Lester:

Thank you for the January 6, 2006, Public Notice 2001-01566-RWF (PN), issued by the U.S. Army Corps of Engineers, regarding Pulte Home Corporation's application for a Section 404 Clean Water Act (CWA) permit to construct the 4,064-acre Anthem West master planned community in the Town of Buckeye, Maricopa County, Arizona (Sections 2-4, 9-11, 14-16, T2N, R4W). These comments are provided under the 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.

The proposed project area is located in the Hassayampa River valley southwest of the White Tank Mountains. The project area is characterized by Sonoran desertscrub with a variety of native plant and wildlife species. Though the Hassayampa River and the White Tank Mountains are outside the project footprint, the location of the project area in relation to these resources increases its importance to native wildlife as foraging, breeding, and dispersal habitat. The Hassayampa River, in particular, provides habitat for rare native fish and is important in the recovery of the endangered southwestern willow flycatcher (*Empidonax traillii extimus*).

The proposed project would directly impact 13.75 of 96.2 acres of jurisdictional washes on site, through the discharge of dredged and fill material for construction of building pads, roadways, parking areas, and detention basins integral to the Anthem West development plan. Your scope of analysis should address the total potential impact of the 4,064-acre development on the terrestrial and aquatic resources, including direct, indirect, secondary, and cumulative effects, both above and below the ordinary high water mark. This is particularly important in a regional context considering several other 404-permitted or proposed residential activities including Festival Ranch (PN 2000-00966-RWF), Verrado-Whitestone (PN 974-0218-RWF), Sundance (PN 2000-01264), Tartesso West (2002-00844-RWF), Trillium (2003-01009-AP), and Elianto (2001-01153-RWF). We believe all these projects are functionally similar to Lone Mountain (2000-01928-RWF), for which your agency previously expanded the scope of analysis. Thus, your scope of analysis for Anthem West development should be structured similarly.

The PN states that a preliminary determination has been made that an environmental impact statement is not required for the proposed work in accordance with the National Environmental Policy Act (NEPA). We request that you evaluate this determination in light of the Environmental Protection Agency's previous comments on similar projects such as Festival Ranch and Elianto.

The PN states that the applicant is proposing to mitigate impacts by preserving 125 acres of vegetated buffers along jurisdictional washes. In general, habitat islands within an urban landscape cannot adequately protect habitat contiguity and biological integrity. We recommend a functional assessment that utilizes objective empirical methods to quantify impacts and guide preparation of the mitigation plan. The functional assessment should address vegetative parameters such as composition, diversity, cover, biomass, and total volume; and shifts in animal diversity, abundance, density, and richness. Empirical monitoring criteria are needed to illustrate the quantitative replacement of biological function. We request that the draft mitigation plan be submitted to our office so that we may review the plan, provide recommendations, and complete our review of the proposed permitting action.

In closing, we request an opportunity to review the draft NEPA document and mitigation plan, and provide comments and recommendations in accordance with the FWCA and Section 404(m) of the CWA. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. Thank you for your coordination on this project. If we can be of further assistance please contact Mike Martinez (x224) or Debra Bills (x239).

Sincerely,

/s/ Steven L. Spangle  
Field Supervisor

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