

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

AESO/FA

December 15, 2000

Ms. Cindy Lester
Chief, Regulatory Branch
U.S. Army Corps of Engineers
3636 North Central Avenue, Suite 760
Phoenix, Arizona 85012-1936

Dear Ms. Lester:

The Service has received Public Notice 1999-15350-AP (PN) dated November 22, 2000, issued by the U.S. Army Corps of Engineers. Sonoran Ridge Estates, L.L.C. has submitted an application for a Section 404 Clean Water Act (CWA) permit to develop the 320-acre Sonoran Ridge Estates at Olive Avenue and Jackrabbit Trail, Maricopa County, Arizona (Section 33, T3N, R2W). 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 of the permit application under the FWCA.

The PN indicates the proposed project would impact 320 acres through construction of driveways, roads, utility lines, and building pads. A total of 0.85 acres of jurisdictional washes would be affected by the discharge of dredged and/or fill material. We believe the total impact of the development which would be authorized by your agency should be assessed, including parts located on uplands and any secondary and cumulative effects. The impact assessment should also evaluate indirect effects and any interrelated and interdependent activities. We believe the footprint of the permitted project is, at minimum, the total 320 acres of development and not merely the 0.85 acres of jurisdictional washes.

The PN states that a preliminary determination has been made that an environmental impact statement is not required for the proposed work. As such, we assume that your agency is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA). We are concerned that a 320-acre residential development could significantly affect the quality of the human environment. We request that, when completed, the draft EA be submitted to our office so we may evaluate the significance of environmental impact.

The PN states preliminary determinations indicate the proposed activity would not affect endangered or threatened species, or their critical habitat. However, no supporting documentation is provided. The PN lacks information regarding surveys, habitat assessments, literature searches, or any other evaluations conducted to reach this determination.

The PN states that approximately 48.7 acres of the project area will be open space. No other information regarding the nature of mitigation is included in the PN. In accordance with existing regulations and procedures, mitigation measures should be developed that first address the issues of avoidance and minimization, and lastly compensation. For compensation, mitigation and monitoring measures should be developed that address the totality of unavoidable project related impacts. We request that a mitigation plan be prepared and submitted to our office for review.

The 404(q) Memorandum of Agreement Between the Department of the Interior and the Department of the Army provides for cooperation in acquiring and conveying project information needed by either agency to fulfill its permit review responsibilities. At this time we believe we have not been provided adequate project information to allow us to prepare substantive project specific comments. Therefore, the Service requests this permit be held in abeyance and the comment period extended until we have had an opportunity to review the EA and mitigation plan, and provide substantive comments and recommendations in accordance with the FWCA and the CWA. If we can be of further assistance please contact Mike Martinez (x224) or Don Metz (x217).

Sincerely,

/s/ David L. Harlow
Field Supervisor

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