

**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

August 16, 2005

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 Public Notice 2002-01341-AP (PN) dated July 18, 2005, issued by the U.S. Army Corps of Engineers. Westwind Properties LLC has applied for a Section 404 Clean Water Act (CWA) permit to construct a 807-acre residential development in the Town of Buckeye, Maricopa County, Arizona (Section 15, 21, and 22, T1N, 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.) but do not constitute our final review.

Of a total 1.82 acres of jurisdictional washes on site, the proposed project would directly impact 1.12 acres through the discharge of dredged and fill material for construction of building pads and road crossings integral to the Westwind development plan. The project area is characterized by farm fields, dirt roads, irrigation ditches, and native desert. We believe your review should address the total 807-acre development including direct, indirect, and cumulative effects; and all interrelated and interdependent activities including those above the ordinary high water mark. Your assessment should include effects of adjacent development on jurisdictional waters not subject to a discharge and the effects of the larger project on a landscape scale. An evaluation should be conducted to determine the extent of secondary and cumulative effects, and impacts to surrounding areas and other wildlife as defined in the 404(B)(1) Guidelines.

The PN states 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 the opportunity to review any draft NEPA document. Your assessment should address potential effects of the entire development on jurisdictional washes, Sonoran desertscrub vegetation, and local and regional wildlife resources, including potential shifts in ecosystem function, community structure, biological diversity, relative abundance, and species richness.

The PN states the applicant is preparing a mitigation plan, but provides no specific information. A functional assessment should be utilized to quantify impacts to guide development of a

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mitigation plan. The assessment should address vegetative parameters such as canopy cover, biomass, and total volume; and perhaps shifts in animal diversity, abundance, density, and richness. Empirical monitoring criteria should be established to illustrate the replacement of biological function. We request the opportunity to review the draft mitigation plan.

In closing, we request an opportunity to review the draft NEPA document and mitigation plan, and provide substantive comments and recommendations in accordance with the FWCA and Section 404(m) of the CWA. Thank you for your coordination on this project. 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 Program, Arizona Game and Fish Department, Phoenix, AZ

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