

**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  
22410-2006-FA-0026  
22410-2006-FA-0027  
22410-2006-FA-0028

June 8, 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 Public Notices (PNs) 2005-01191-AP, 2006-01043-SDM, and 2002-00976-AP, all issued by the U.S. Army Corps of Engineers on May 10, 2006. Applicants have applied for Section 404 Clean Water Act (CWA) permits to develop residential and flood-control projects within valleys and basins of the White Tank Mountains and Hieroglyphic Mountains, in Maricopa County, Arizona. Respectively these projects include the 1,089-acre Surprise Foothills master-planned community, the Sols Wash channelization project, and the 2,120-acre Sunhaven master-planned community. It is not our intention to treat these PNs as one all-encompassing project, but to merely address similar and related issues in one review. 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 these permit applications pursuant to the FWCA.

The proposed project area for Surprise Foothills is on the bajada slope between the north end of the White Tank Mountains and Trilby Wash (Sections 15, 16, 21, and 28, T4N, R3W) within the City of Surprise. The project area is characterized by Sonoran desertscrub such as mesquite (*Prosopis* sp), triangle-leaf bursage (*Ambrosia deltoidea*), and creosotebush (*Larrea tridentata*). The Sols Wash channelization project will be located along Sols Wash, tributary to the Hassayampa River, at Wickenburg (Sections 1 and 2, T7N, R5W). Vegetation within this project area includes mesquite, catclaw acacia (*Acacia greggii*), salt cedar (*Tamarix* sp.), and desert broom (*Bacharris sarothroides*). The proposed project area for Sunhaven is the alluvial plain west of the Hieroglyphic Mountains in and adjacent to washes tributary to Trilby Wash (Sections 17, 19-21 T5N, R2W). Vegetation includes creosotebush, triangle-leaf bursage, barrel cactus (*Ferocactus wislizenii*), prickly pear cactus (*Opuntia* sp.), saguaro (*Carnegia gigantea*),

ironwood (*Olneya tesota*), paloverde (*Cercidium* sp.), catclaw acacia, and greythorn (*Ziziphus obtusifolia*).

These proposed projects will impact jurisdictional washes through the discharge of dredged and fill material for channelization and construction of gabion mattresses, building pads, roadway crossings, trail crossings, and utility crossings that are integral to each development plan. We recommend your scope of analysis for each project address the total environmental impact of the development on 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 section 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), Westwind (2002-01341-AP), Elianto (2001-01153-RWF), Anthem West (2001-01566-RWF) and Mirielle (2006-00346-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 into uplands. Thus, your scope of analysis for all 404 permit applications should be structured similarly.

The PNs state 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 comments by the Environmental Protection Agency (EPA) on projects such as Festival Ranch, Elianto, and Mirielle. Also, we have recently provided comments on environmental assessments for both Lone Mountain and Festival Ranch. We refer you to these comments, posted on our webpage <http://www.fws.gov/arizonaes/>, under Document Library, to help guide the development of your NEPA documents. The PNs provide no information regarding proposed mitigation. We recommend using empirical functional assessments to quantify impacts and guide preparation of mitigation plans.

Based on the level of development that is currently ongoing and planned around the greater White Tank Mountains ecosystem, we suggest that a regional cumulative impacts analysis be undertaken. The EPA expressed a similar concern to the Corps in a letter dated November 10, 2004, regarding the need for comprehensive analysis under NEPA for master-planned communities in the Buckeye Valley. We believe that your agency's current approach to mitigation will be limited in preserving the biological integrity of jurisdictional washes within this region. This could have extremely significant environmental effects considering the biological diversity and productivity of the greater White Tank Mountains ecosystem, including foothills, bajadas, and alluvial fans; and the proximity of the Hassayampa River. These issues should be coordinated with appropriate agencies and stakeholders that have an interest in preserving and protecting the integrity of these resources, including jurisdictional washes which are inseparably linked both ecologically and biologically to the entire regional ecosystem.

We request these permits be held in abeyance until we have been provided the opportunity to review draft NEPA documents and mitigation plans, and provide comments and

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recommendations in accordance with the FWCA and Section 404(m) of the CWA. We also encourage you to coordinate the review of these projects with the Arizona Game and Fish Department. Thank you for your coordination. 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  
Director, White Tanks Concerned Citizens, Waddell, AZ

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