

**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

October 29, 2002

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:

Thank you for Public Notice 2001-00192-SDM (PN) dated September 30, 2002, which we received on October 7, 2002. Circle G LLC. has submitted an application for a Section 404 Clean Water Act (CWA) permit to construct a 320-acre residential development known as Circle G in the Santans in Pinal County, Arizona (Sections 15 and 22; T3S, R7E). 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 proposed project involves construction of roads, driveways, utilities, and building pads. We believe the total impact of the 480-acre development which would be authorized by your agency should be assessed, including indirect and cumulative effects and interrelated and interdependent activities. 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. We request that a copy of the draft EA be submitted to our office to assist in our assessment of the project.

The PN provides little information regarding the development and implementation of mitigation measures. In accordance with existing regulations and procedures, mitigation measures should be developed that first address avoidance and minimization, and lastly compensation. For compensation, mitigation and monitoring measures should be based on a thorough impact analysis that addresses the totality of unavoidable project related impacts. The mitigation plan should be developed in coordination with the appropriate resource agencies. We request the mitigation plan be submitted to our office for review prior to finalization and acceptance.

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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 drafts of the EA, mitigation plan, and other pertinent project-related documents, 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/ Steven L. Spangle
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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