

## Tri-Valley Herald (Pleasanton, CA)

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**Section:** Local

### Permit dispute puts feds in court

Wildlife review for Tassajara questioned

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Three environmental groups are suing federal agencies for helping a Tassajara Valley developer at the expense of federally protected wildlife. The suit asks for court review of the way federal permits were given to developer Shapell Industries. It alleges inadequate study of how threatened red-legged frogs, threatened vernal pond fairy shrimp and endangered San Joaquin kit fox would survive the development.

Shapell, meanwhile, is busy trying to recast the 165-acre Wendt Ranch project, located about a mile east of Danville, into a larger development. Contra Costa County already has approved Wendt Ranch, but not the larger Alamo Creek development, which still awaits county approval for development.

Some of Wendt Ranch is proposed to become part of the 609-acre Alamo Creek project owned by Shapell.

On about 65 acres of Wendt Ranch, Shapell still plans to build 239 homes and to construct a 30 acre-foot drainage basin to serve Wendt Ranch and adjoining lands. The basin will collect storm runoff, damaging nearby wetlands and habitat for some of the species, the suit alleges.

Shapell Industries Vice President Tom Koch, who said he had not read the suit Wednesday, said his company had spent five years getting the permit.

One of those suing is the group, Save Our Danville Creeks, primarily made up of outdoor enthusiasts from Alamo, Danville and San Ramon. The others bringing the suit are the conservation groups, Alameda Creek Alliance and the Berkeley-based Center for Biological Diversity.

The suit was filed last week in federal district court for Northern California, and alleges the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers failed to do their duty when they issued Shapell the permits.

The suit alleges that the agencies ignored the federal Clean Water Act and federal Endangered Species Act and disregarded science, which suggests the threatened California red-legged frogs have a 300-foot buffer from developments to survive. Plans call for a 50-foot barrier, the suit says. According to the suit, Wendt Ranch is part of 5,699 acres Shapell owns in the region.