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SUIT OPPOSES WENDT RANCH PROJECT ENVIRONMENTAL STUDIES AND PERMITS FOR TASSAJARA VALLEY DEVELOPMENT WERE INAPPROPRIATE, SAY FOES OF 272 NEW HOUSING UNITS *LINDA DAVIS, TIMES STAFF WRITER*

TASSAJARA VALLEY - Developer giant Shapell is under the gun for two Tassajara Valley projects.

One is subject to a federal lawsuit filed Friday, the other for possible violations of the Dougherty Valley Settlement Agreement related to potential traffic.

Three environmental groups - Save Our Danville Creeks, the Center for Biological Diversity and the **Alameda Creek Alliance** - filed suit against U.S. Fish and Wildlife and the U.S. Army Corps of Engineers claiming those agencies improperly approved permits for the Wendt Ranch development adjacent to Shapell's proposed Alamo Creek development, both east of Danville. Jeff Miller of the Center said steps proposed to protect the red-legged frog habitat on the 165-acre Wendt Ranch site are inadequate.

The suit challenges a biological report prepared by Fish and Wildlife and the permit issued by the Corps of Engineers. It claims impacts of the proposed adjacent Alamo Creek project should have been included, and that the study ignored other "sensitive" species, including the San Joaquin kit fox.

Wendt Ranch, a 272-unit housing development, was approved by Contra Costa County in 1996. It is two years behind schedule, said Chris Truebridge[KPG3], executive vice president for Shapell. Grading is scheduled to begin April 15, but Miller said the environmental groups will seek a restraining order.

Wendt has been under fire since its approval. In 1997, Save Our Danville Creeks sued the county for alleged procedural irregularities in project approval, and lost. The same group filed a complaint with the state Water Resources Control Board over alleged water rights violations. The state dismissed the petition this month, saying it failed to raise substantial issues, Truebridge said.

"This is incredibly frustrating, the (groups) continue to harass us," Truebridge said. "People should be living (in Wendt) right now. The bureaucratic process has cost us two years. If people want to know why houses cost so much, this is part of the reason."

Bob Smith, senior project manager for the Army Corps of Engineers, said two biological reviews were issued on the project - in June 2000 and in November - to address issues raised by the environmental groups. In addition to 90 acres of frog habitat/green space set aside at Wendt, Smith said Shapell also plans to establish 150 more acres of habitat off the site near Mount Diablo and north of Livermore.

Patricia Foulk, a spokeswoman for Fish and Game, said that staff turnovers and limited resources caused some delays in re-doing the environmental studies, but that biologists did their job competently and completely.

Shapell's proposed 1,400-unit Alamo Creek development is under scrutiny for possible violations of the 1994 Dougherty Valley Settlement Agreement, which sets traffic volumes and other guidelines for future development in the area.

On March 4, a regional traffic advisory committee recommended the Contra Costa Transportation Authority take a closer look at traffic projections for the Crow Canyon Road/Camino Tassajara intersection, which would be impacted by Alamo Creek. Shapell contends proposed traffic signals and road improvements would handle any problem.

If the authority finds traffic volume would exceed acceptable levels, the county could lose \$2.1 million in Measure C road improvement funds if county supervisors approve existing Alamo Creek plans.

The Dougherty Valley Oversight Committee will review the matter 9:30 a.m. Wednesday at the San Ramon Community Center, 12501 Alcosta Blvd. The transportation authority meets 6 p.m. Wednesday, at 3478 Buskirk Ave., Suite 100, Pleasant Hill.