

May 3, 2011

Frederick Land
Regulatory Branch, CESWF-PER-R
U. S. Army Corps of Engineers
Post Office Box 17300
Fort Worth, Texas 76102-0300

Texas Commission on Environmental Quality
401 Coordinator, MSC-150
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit Application #SWF-2010-0056; Application by Central Texas Airport for
Clean Water Act Section 404 and 401 Permits

Dear Mr. Land:

I am a resident of Bastrop County who lives within a few miles of the proposed site for the Central Texas Airport. I believe the airport will have adverse effects on my health, welfare and property due to the noise, air and water pollution, traffic, and wildlife hazard impacts. In addition, I believe that the project will adversely affect the environment, especially the water quality of the Colorado River and the health of the species that depend on it.

I. Request for Public Hearing:

I would like to begin by requesting that both the USACE and TCEQ hold Public Hearings on Permit Application #SWF-2010-0056. To date the citizens of Bastrop County have been denied an opportunity to have any say on the proposed Central Texas Airport. Public Hearings are needed to restore some semblance of a democratic process regarding this project that will negatively impact the county and its residents in the many ways enumerated below. We live here. We pay taxes. Our voices need to FINALLY be heard.

II. Inadequate Alternatives Analysis

The application should be denied because it does not include an adequate alternatives analysis. There is so little information regarding the nature of the proposed project that it is likely that there are other, viable alternatives that were not included in the application. Further, for those alternatives that were considered, the application included inadequate information.

General Aviation Reliever Airport is Not Needed: Most obviously, the need for a 'reliever' airport is misrepresented and greatly exaggerated in this application. Austin Bergstrom International Airport (ABIA) which has the capability to serve the same General Aviation (GA) clientele is nowhere near capacity. Additionally, Andrew Perry, Vice President of Development, recently confirmed by phone that the new Austin Executive Airport (formerly known as Bird's Nest), which is also a GA 'reliever' airport, is

due to open service with their new 6025' runway within weeks. They will be extending the runway to 7000' in the next few years. So despite the developer's sales pitch in this permit application, there is absolutely no need for another GA 'reliever' airport in this area.

The only relief this airport is going to provide will be to residents of other states/districts who register their planes at the CTA in Bastrop to avoid higher taxes in their location of residence. This scheme/scam is a 'tax haven heaven' for tax dodgers. While it appears to be legal, it could be argued that it is ethically questionable. In a letter dated May 13, 2010 (Exhibit A) obtained through an Open Records Request (ORR), the developer, Jim Carpenter, acknowledges there could be problems with this business model and reassures Bastrop County:

"The CTA business model was developed with assistance from some of the top property tax experts in this field They head the Property Tax Resolution Team for CTA-GCC and will oversee all aspects of property tax issues. . . . NAPTA [National Association of Property Tax Attorneys] is a national network of property tax attorneys that we will utilize to defend our tax customer base at CTA if they are challenged by other taxing districts in Texas or other states as to their valid situs at CTA in Bastrop County."

Unclear Nature of the Flights to be Served by the Proposed Airport: This permit application states that:

"[t]he operation of the CTA would be for purposes other than regularly scheduled commercial passenger and air cargo services, including personal and business aviation."

This is a bit misleading. It is my understanding that all non-common carrier operations are permitted to land at non-139-certified airports, like the proposed Central Texas Airport. While FAA regulations prohibit most common-carrier operations from landing at non-139-certified airports, there is an exception for certain common-carrier operations that are all-cargo operations. All-cargo operations can land at a non-139-certified airport as long as they are not scheduled charter flights. What this means is that all-cargo operations that are either non-charter or negotiated-charter can land at non-139-certified airports. In addition, according to T. R. Reid, a spokesperson for Carpenter & Associates, "Larger aircraft such as 737s will not be barred from the airport . . ." (Austin American Statesman, October 31, 2010).

This raises the spectre of the CTA becoming a charter cargo hub which for all practical purposes could transform this venture into a 'commercial' facility that would be anything but a 'general aviation' airport.

III. The Public Interest Supports Denial

In evaluating this application, the Corps must consider factors including effects on: (1) wetlands, (2) fish and wildlife, (3) water quality, (4) the area's historic, cultural, scenic

and recreational values. In addition, the Corps must consider property ownership. CTA's application fails to demonstrate that each of these factors has been considered and fails to demonstrate that the effects on fish and wildlife, water quality, historic, cultural, scenic and recreational have been minimized.

Wetlands and water quality: An airport on the banks of the Colorado River? A very bad idea. The proximity of fuel storage tanks in or near the floodplain and toxic chemicals used in airplane maintenance as well as substances that may be used by the future industrial tenants of the proposed adjoining Green Corporate Center may negatively impact the Colorado River, groundwater (Simsboro and Hooper aquifers) and local inhabitants (including wildlife). Also, airports generate common wastes including cyanides, chromium compounds, toxic metals, acids, alkalies, organic solvents, oil, grease, detergents, and batteries which may affect water quality significantly if not properly handled.

Water Quality Classified Stream Segment 1428 is designated for contact recreation, exceptional aquatic life, and as a public water supply. Runoff of toxic chemicals and fuels would endanger aquatic life, recreational activities and drinking water quality. In addition, proximity to the outcroppings of the Hooper and Simsboro aquifers make this an extremely unsuitable location for this project.

Wildlife Hazard: In addition to environmental and quality of life issues, there is a substantial safety hazard to those in the air and on the ground from the proximity of the runway to the bird-rich habitat of the Colorado River as well as the drainage channels and 26-acre detention pond proposed in this application. This detention pond as well as nearby forested land on the oxbow of the river are part of compensatory mitigation proposed in this application. The application fails to consider the extent to which such mitigation would attract additional wildlife, particularly birds in close proximity to the runway creating additional safety hazards to the operation of turbine jet engines.

The proposed airport is fairly close to designated critical habitat for the Houston Toad. The United States Fish and Wildlife Service, in conjunction with the Texas Parks and Wildlife Service, began a new 5 year review and recovery plan for the Houston Toad in 2010, which proposes delineating new "priority areas" for the toad, as well as partnering with private land owners to preserve the Houston Toad's environment. The application fails to include adequate information regarding whether this project could adversely impact the toad.

Likewise, the application fails to discuss the potential impacts of the project, particularly in light of the large, proposed retention pond, on endangered Whooping Cranes.

At the county's request, the 381 Agreement stipulates that the proposed CTA will not be required to obtain an Airport Operating Certificate (AOC). This decision by the County exempts the airport from having to adhere to the 14CFR Part 139 rules which are mandatory with an AOC but otherwise optional. Many safety issues are addressed in these rules including wildlife management. Why didn't the County insist these Wildlife Hazard recommendations be followed? Because if the CTA were required to adhere to these rules, this location would be deemed unsuitable because of its proximity to a

bird-rich environment. In other words, 'economic development' was considered to be more important than public safety and that's just not right.

Cultural and Recreational Values: The Colorado River segment affected by this proposed project is an ecologically significant stream segment that is used actively for recreation. Yet the application fails to consider impacts from the project on recreational uses of the river, including fishing.

Property Ownership: It appears that neither Mr. Carpenter nor the Central Texas Airport own the land on which they proposed to build this project. Nor is there any indication that the owners of the land support this application.

Funding for the Project is Uncertain and the use of Public Funds Unjustified: Mr. Carpenter states in an ORR letter dated February 13, 2009 (Exhibit B) that:

"We want CTA to be a local community asset providing international accessibility without the requisite obstacles, inconveniences, operational inefficiencies and added expenses that come with federal or state funding."

Yet Mr. Carpenter received a 30 year 75% tax rebate via the 381 Agreement with Bastrop County and also tried unsuccessfully for the second time this year to create a Special Utility District in the Legislature that would allow bonds to be issued to recoup the cost of airport infrastructure.

In other words, 'private funding' is a handy excuse to avoid regulation, but other funding sources seem to be quite acceptable and have even been aggressively solicited. Also please note that there is no way this facility will EVER be a local community asset. Instead it is likely to become a significant liability.

IV. At a Minimum, A Full NEPA Analysis Should Be Required

The proposed action is a major project that significantly affects the quality of the human environment. As such, the Corps should conduct a full NEPA review and produce an Environmental Impact Statement analyzing the environmental impacts of the project.

Scope and EIS: There is no mention in this application of the proposed 'Eco-Merge' industrial development project planned in conjunction with the airport. Possible industries include LED lighting, micro-electronics, solar arrays, and a waste-to-energy plant. As mentioned above, all of this proposed development will increase the risk of toxic pollution to water and air.

In a July 29, 2009 letter to John Scovell, CEO of Woodbine Development Corporation (Exhibit C), the developer describes that the industrial development not the airport is the primary focus of these dual projects:

"I have always maintained, our real business is not the airport project although it is an essential element."

"We are principally in the corporate campus business . . ."

In addition, the availability of a cargo charter facility opens the door for industrial development in proximity to the Colorado River all along the FM 969 corridor to Travis county. In the process, thousands of acres of prime farmland could be destroyed and western Bastrop county turned into an industrial sinkhole. Could the Colorado River and aquifers survive that kind of development?

Considering the co-dependency of the proposed airport and the industrial development, the scope of the EIS should include the entire CTA/GCC project. These combined projects could cause significant harm to the environment and residents of this county. For these reasons, the USACE should require a full EIS rather than an EA/FONSI for the 404 permitting.

Impacts to Consider: Among the impacts that an EIS should consider are the following:

1. Noise: The elevation of the proposed CTA runway is significantly lower than the surrounding area. This will increase the negative impact (especially noise) from low flying aircraft on the approximately 20 well-established subdivisions that will fall within the 22 acre Airport Compatibility Zone (ACZ). The new Cedar Creek High School which lies just off the south end of the runway (Exhibit D), the Hyatt Regency Lost Pines Resort and McKinney Roughs will be similarly affected by the roar of jet engines flying in and out of the river valley. Please note that some properties surrounding the airport development could suffer a substantial loss in value due to airport activities while others may be classified as uninhabitable due to noise.

2. Infrastructure Expansion: Access to the airport/industrial site is via two single lane Farm-to-Market roads with no shoulder. Even if traffic is less than the developer's inflated estimates, the current infrastructure is inadequate to handle the load. Area residents and service vehicles will be subjected to delays and dangerous driving conditions. Air pollution from increase in ground traffic is also a factor.

3. Air quality: Full consideration of the impact the proposed airport, industrial park and associated increases in ground traffic will have on air quality should be carefully considered. Ozone data from 2008-2010 (Exhibit E), shows that the CAPCOG McKinney Roughs C684 ozone monitor registered significant ozone levels in 2008 and 2009. While those levels were slightly lower in 2010, ozone non-attainment is a real possibility. However, Bastrop County dismissed that possibility in an October 25, 2010 letter to the TCEQ (Exhibit F) requesting that the County be removed from the Austin near non-attainment area. This request came only a few months after the Bastrop County Commissioners Court entered into the 381 Agreement for the proposed Central Texas Airport. What were they thinking!! Industrial projects like the proposed CTA should not be given a free pass to pollute in Bastrop County.

In addition, the EIS should include considerations relating to wetlands, fish and wildlife, water quality, and the area's historic, cultural, scenic and recreational values, as noted above.

V. Conclusion

This project is unnecessary, unsuitable for the proposed location and endangers the environment, residents, businesses and recreational activities. Moreover, the land in question has not even been purchased nor have any plans been submitted to the County! This application is incomplete, misleading and unworthy of serious consideration yet must be reviewed by the USACE and the TCEQ. The permitting agencies will hopefully take a long hard look at all the impacts this project would have. Let the principle that guides physicians also guide you, "*First do no harm.*" The Colorado River, aquifers and the residents of Bastrop County thank you for your thoughtful consideration.

Sincerely,

Candace Boheme

Cedar Creek. Texas 78612

Source of included Exhibits:

- A. http://www.stopcta.info/foia/381/10-05-13-02_taxes.pdf
- B. http://www.stopcta.info/foia/cottonwood/09-02-13-49_cottonwood_letter_dildy.pdf
- C. http://www.stopcta.info/foia/_09-07-29_woodbine_cover_21.pdf
- D. <http://www.stopcta.info/acz.html>
- E. http://www.stopcta.info/docs/ozone_data.pdf
- F. http://www.stopcta.info/docs/ozone_letter.pdf