



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

April 19, 2012

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number SWF-2010-00506, Central Texas Airport

Mr. James R. Carpenter
Central Texas Airport
925-B Capital of Texas Hwy., Suite 115
Austin, Texas 78746

Dear Mr. Carpenter:

Thank you for letter dated April 12, 2012, concerning a proposal by CTA, LLC, to construct the Central Texas Airport located approximately two miles east of the city of Webberville, Bastrop County, Texas. This project continues to be assigned Project Number SWF-2010-00506. Please include this number in any future correspondence.

Department of the Army Standard Individual Permits require a comprehensive evaluation of the permit application, publication of a Public Notice, a review of all comments received, detailed evaluation of all reasonable alternatives, a public interest review, and preparation of an Environmental Assessment pursuant to the National Environmental Policy Act of 1969 (NEPA).

My regulatory staff and I clearly recognize the ongoing development issues in Central Texas and fully understand the need for economic development. In mid to late October 2010, my office began receiving numerous calls from concerned citizens regarding a proposed airport to be located in Bastrop County. In an effort to determine if the project would require a Section 404 permit, my staff located CTA's website and on October 29, 2010, contacted the CTA to invite them to consider requesting a pre-application meeting to discuss their proposal. A pre-application meeting was held November 22, 2010, to discuss the application requirements. Your consultant subsequently submitted a standard individual permit application on January 18, 2011, which included a delineation of waters of the U.S. performed in 2008.

A Public Notice was issued on March 25, 2011. In response to a number of requests, the USACE extended the Public Notice comment period for 15 days, which closed on May 9, 2011. A total of 61 comment letters were received concerning the proposed project, including 52 requests for a public hearing. On May 20, 2011, a letter was sent to your consultant, ACI Consulting, affording you the opportunity for resolution or rebuttal to all objections and/or recommendations received on the proposed project. U.S. Environmental Protection Agency, Texas Commission on Environmental Quality, and Texas Parks and Wildlife all commented that your mitigation plan was not adequate. At that time, we also reminded you for the need to

submit an Environmental Information Document (EID), a 404(b)(1) analysis, and an alternatives analysis. The CTA and ACI were previously informed of the need for these documents during the November 22, 2010, pre-application meeting.

On June 22, 2011, the USACE received your consultant's responses to the public comments and on August 19, 2011, the USACE received the consultant's EID, which did not contain an adequate 404(b)(1) analysis. In a September 7, 2011, letter, the USACE informed you and your consultant of information that was lacking in the EID. At that time we again requested a Compensatory Mitigation Plan consistent with the Compensatory Mitigation Rule, 33 CFR Part 332. On October 17, 2011, your consultant requested a meeting with the USACE to discuss the additional information letter of September 7, 2011. A telephone conference call was held on October 25, 2011, between the USACE, your consultant, and the CTA to discuss the appropriate information for the revised EID and mitigation plan. At that time, you were again informed the proposed mitigation plan for riparian plantings along one side of the Colorado River would not be consistent with the mitigation rule and the Fort Worth District would not accept such a proposal as adequate compensatory mitigation.

On January 24, 2012, ACI submitted the revised EID. In a telephone conversation between you and me on February 28, 2012, the USACE accepted the EID as enough information to continue our review; however, this understanding was predicated on receiving a revised mitigation plan that is based on either purchasing mitigation credits at the now approved Wilbarger Mitigation Bank, or a newly revised Compensatory Mitigation Plan consistent with the Compensatory Mitigation Rule, 33 CFR Part 332, with in-kind mitigation. My staff continued to develop the decision document for the permit, and on March 21, 2012, sent an email to your consultant reminding them that the permit evaluation could not continue without an acceptable mitigation plan.


During the pre-application meeting on November 22, 2010, the CTA and ACI were informed that permit timelines are most often delayed for three main reasons: inadequate information from applicants and consultants; delayed responses from applicants and consultants; and required coordination for Endangered Species and Historic Properties. The proposed project would not impact any Endangered Species or Historic Properties. To this date, the USACE still does not have complete and adequate information needed to complete our review, including an adequate mitigation plan.

Because public comments relative to light pollution from the proposed Central Texas Airport were not addressed in your consultant's response to public comments, this subject still needs to be addressed.

We look forward to receiving your clarification of your response to the lighting comment raised by the general public. Additionally, in order to complete our evaluation and render our permit decision, we remind you of the need to submit a revised mitigation plan that would provide an adequate level of in kind mitigation, consistent with the Compensatory Mitigation Rule.

Thank you for your interest in the USACE Section 404 Regulatory program. If you have further questions in regards to this project, or our regulatory program, please contact Mr. Frederick Land, Regulatory Project Manager, at telephone number (817) 886-1729.

Sincerely,


Stephen L Brooks
Chief, Regulatory Branch

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