

Wilhelm, Gayle

From: James R. Carpenter [jim@carpenteraustin.com]
Sent: Friday, August 19, 2011 5:45 PM
To: 'Greg Hill'
Subject: Copies of Previous Correspondence to Stephen Brooks -USACE
Attachments: Central Texas Airport (# SWF-2010-00506)

Greg;
It occurred to me that it would be helpful for you to know what previous exchanges had occurred between Stephen Brooks and myself. Steve Paulson and his team have had all the discussions with the Corps' staff. Ronnie Moore, Bastrop County Engineer and former TxDot Aviation Division Engineer over Western Texas had multiple conversations that are all logged with the Corps' Project Manager for this permit application and who conducted the onsite visit. Ronnie would like to talk with you so that Bastrop County can weigh in on this unreasonable delay.

We have experienced different versions of the same story between my conversation with Stephen Brooks and our teams' conversations with his staff. In my personal 45-minute long telephone conversation with Stephen Brooks I was disturbed by his complaint to me about our team not providing his staff with suggested locations to conduct "the public hearing" on our Individual Permit application. I asked him why that decision had already been made when all through this process his staff had indicated that one was not warranted based on our fact situation and the proposed mitigation that we had agreed upon. I wanted him to explain to me why they were requiring us to provide a very expensive and time consuming Environmental Information Document (EID) that would have our team do the Corps' work for them by providing the Corps with responses to all of the relevant public comments that were received in both the required public comment period and then the arbitrarily extended comment period if they had already made up their mind to conduct yet a third public comment period. I told him that a third comment period would not yield any additional relevant issues as the scientific and engineering fact situations were not going to change. However, I explained to him that the Corps was failing to understand the adverse impact of an unwarranted public hearing that would result in a media circus for activists that have been unable to stop this private development or to dissuade the unanimous support for this project by the Bastrop County Commissioners Court. He stammered around and finally said that just because there was another public hearing/comment period did not mean we would not ultimately get our permit. That was a disturbing comment which I explained was nothing more than another unwarranted time delay for the sake of playing into the hands of a few dozen organized activists against the interests of Bastrop County and its 75,000+ citizens that need this project underway.

I explained to Stephen Brooks that we were in very confidential and time critical negotiations with both lenders and major employers that could likely be adversely impacted by this unnecessary delay that will contribute nothing to the question on the impact to the waters of the U.S. The benefits are all too obvious for permitting the filling of the existing 8.5 acre man-made stock pond that represents less than 1% of the project area and has zero value and replacing it with a voluntary 43.2 acres of new pond and vegetated planting areas along the Colorado River. I would characterize Stephen Brooks as being caught between a directive to play to the activists and give them their hearing so as to take a path of zero resistance from the Corps' perspective while throwing CTA and Bastrop County under the bus. If the President is serious about creating jobs then CTA represents a case study on how government agencies are delaying or eliminating job creation by private interests.

I would also like to give you a point of fact that Bastrop County has had to correct on several occasions. The City of Bastrop Mayor, Mayor Pro-Tem, City Attorney and Manager have all falsely

represented that this project is within their ETJ and control. The fact is that the City of Bastrop only has a statutory 1-mile ETJ and a voluntary extended ETJ that runs as far as 20+ miles. The city offers a map of this extended ETJ that is included on its website but fails to qualify the fact An Interlocal Agreement between the City and County limits the city's authority to a designated Zone A. CTA lies approximately 8+ miles from the City of Bastrop and is within the Zones that are under exclusive County control not the city. They have misused this fact situation with Legislators and others and attempted to do so with the Corps via a letter which Bastrop County discovered and had to correct with the Corps. Ronnie Moore can provide the first hand details on this matter.

Thanks for your help and please call me any time including after hours and weekends with questions or comments on my mobile [REDACTED]
Jim Carpenter

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