

**Planning and Project Management Department
Bastrop County**



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Stephen Brooks
Regulatory Branch Chief
US Army Corps of Engineers
Fort Worth District
P.O. BOX 17300
Fort Worth, TX 76102-0300
stephen.brooks@usace.army.mil

(Sent via email and regular mail)

RE: USACE Permit Application No.: SWF-2010-00506

Dear Mr. Brooks:

It has been brought to my attention that it appears there is still inaccurate information being circulated in regard to jurisdictional authority related to the CTA Green Corporate Center project. The purpose of this correspondence is to provide you with accurate information.

It is the position of Bastrop County that the authority the city of Bastrop has, with regard to this project, is the City's statutory authority over the creation of special districts such as: Municipal Utility Districts, Water Control and Improvement Districts, etc.

I am attaching a copy of an email (and attachments that accompanied the email), that I sent to the U.S. Army Corps of Engineers (USACE) on May 12, 2011. The purpose of that email was to clarify a statement that was made to the USACE, by the City of Bastrop, with regard to the jurisdictional authority of the city of Bastrop over this project.

Any project, including this one, should be able to stand on its own merits. However, if this project does not come to fruition as a result of inaccurate information, the biggest potential loser is Bastrop County and Elgin ISD; i.e. students in the Elgin School District.

The permit application, currently under review by USACE, is for the purpose of satisfying the requirements of Section 404 and 401 of the Clean Water Act (CWA). It is my understanding that the standard of practice for the USACE review of these types of permit applications is: the level of review of the Project will be "*commensurate to the level of impact to waters of the U.S.*" The permit application is to fill a small man-made stock pond, constructed several years ago on an ephemeral stream, for use as a source of water for a cattle operation.

It has not been, nor is it now, Bastrop County's intent to attempt to exert influence on the USACE one way or the other in their decision with regard to this or any other permit. In fairness to all, the Bastrop County Commissioners Court simply asked the USACE to review the permit using the USACE's standard practices, in accordance with the requirements of Section 404 and 401 of the Clean Water Act, using: sound science, standard engineering practices, and a rational-logical thought process.

In June 2010, Bastrop County, in accordance with Texas Local Government Code Section 381, entered into an Economic Development Agreement with Central Texas Airport, LLC. The recitals in the agreement state that it is the intent of the County and CTA that, as a result of CTA's development under the Agreement, business and commercial activity in Bastrop County will be stimulated, and commercial activity will be encouraged, developed and stimulated, producing additional tax revenue, job opportunities, affordable housing and business opportunities in and for the County.

The recitals in the Agreement further state that the County finds the Project, as presented by the CTA, will result in substantial benefit to Bastrop County and significant financial benefit to other taxing entities within Bastrop County and will promote state and local economic development, and that the Project will stimulate economic development within an area of Bastrop County that is or has been considered to be economically disadvantaged.

Bastrop County has just experienced the worst disaster in the County's history. The recent wildfire disaster burned 33,000-acres, destroyed approximately 1,650 residential structures, and resulted in a loss of approximately \$300,000,000 in real property value. In order to assist in the recovery from this disaster, we should all be doing what we can to boost the ad valorem tax base of our County, and to create additional job opportunities for the residents of Bastrop County.

Projects that have a potential of creating job opportunities and adding value to the ad valorem tax base, create an opportunity for Bastrop County to recover economically from the recent wildfire disaster. Please keep that in mind as you consider any project, in Bastrop County, that comes before you for review and permitting.

Please contact me if you have any questions or have a desire for further discussion on this matter.

Sincerely,



Ronnie Moore, P.E.
Bastrop County Engineer
Director Planning and Project Management

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