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FOUNDED 1866

June 24, 2014

Col. Thomas Tickner, District Engineer
U.S. Army Corps of Engineers
Savannah District
100 W. Oglethorpe Avenue
Savannah, GA 31401-3640

Re: Request to Suspend and Revoke Permit No. SAS-2005-00964 for the Paulding Northwest Atlanta Airport “Terminal Area Expansion Project”

Dear Colonel Tickner:

I am writing on behalf of our clients, Jordan Louie, Janice Louie, Bob Board, Mary Board and Susan Wilkins, residents of Dallas, Georgia, and Anthony Avery, resident of Temple, Georgia, who reside near the Paulding Northwest Atlanta Airport (the “Airport”). The purpose of this letter is to respectfully request that you immediately initiate proceedings pursuant to 33 C.F.R. § 325.7(a) to suspend and revoke the above-referenced permit. There are four separate and independent bases requiring suspension and revocation of this permit:

- (1) the circumstances related to the authorized activity have changed (and the terms and conditions of the permit are no longer adequate);
- (2) the permittee has failed to comply with multiple terms and conditions of its permit;
- (3) significant new information has emerged regarding threatened and endangered species located in proximity to the Airport; and
- (4) the permit was issued based on false, incomplete, and/or inaccurate information provided by the permittee.

Any one of these failures provides a legally adequate basis for permit suspension and revocation.

In April 2013, the U.S. Army Corps of Engineers, Savannah District (the “Corps”) issued a permit modification for permit number SAS-2005-00964 authorizing the permittee to modify the mitigation plan and to pipe 2,830 linear feet of perennial stream and fill 1.07 acres of forested wetland. (Exhibit A). The permittee, the Paulding County Airport Authority (the “Airport

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Authority”), obtained the permit to accommodate a terminal area expansion project (“TAE Project”) identified in the permit application and permit as a 50-acre development adjacent to the existing Airport terminal involving the construction of approximately 345,000 square feet of hangar space, and associated aircraft tie down areas, parking areas, and office space. The permittee provided only one reason to support issuance of the Corps permit: a purported increase in demand for hangar space at the Airport. The Airport is authorized by the Federal Aviation Administration (“FAA”) for general aviation only, not for commercial passenger service.

However, the permittee’s actual plans for the TAE Project bear no resemblance to the plans submitted to the Corps. Instead, the actual plan includes a contiguous, interconnected, 190-acre development, known as the Paulding Aerospace Technology Park. This Aerospace Park is integral to the Authority’s plans for this Airport and involves a significant increase in the scope of the permitted activity.

Moreover, it is now clear that the permittee has little or no intention to use this development to support additional regional general aviation demand in the form of additional hangar space or otherwise. Instead of the originally proposed modest improvements to a bucolic general aviation facility, the permittee is now moving aggressively to implement development of a commercial aviation airport and related facilities on at least 240 acres on and adjacent to the Airport. Combined, the development will include up to 800,000 square feet of hangar space (more than double the amount originally contemplated in the TAE Project), facilities for aircraft maintenance, repair and overhaul operations (“MRO” operations), a 4-story office tower, and expansive parking areas. The jurisdictional impacts authorized by the current permit are essential to the operational viability of the Aerospace Technology Park, yet there has been no comprehensive assessment of the cumulative impacts associated with these and other related projects.

Based on the facts involved, the Corps has ample basis to find that the permittee has improperly segmented these projects. In doing so, the Airport Authority has managed to provide incomplete and inaccurate information to several federal agencies, including the Corps. The resultant federal permitting relied upon that limited information. Because the present permitting record contains only piecemeal environmental review, we filed suit in November 2013 to stop the Airport Authority’s improper segmentation with respect to its imminent plans to begin scheduled passenger service at the Airport. As part of the agreement reached in settlement of that lawsuit, the FAA published a notice of intent to conduct an Environmental Assessment of numerous related Airport projects – including the TAE Project as falling within the ambit of

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cumulative impacts. Accordingly, the FAA recently sought comments on the proper scope of the environmental review for the projects. 79 Fed. Reg. 22,177 (April 21, 2014) (the “NOI”). Since the TAE Project specifications and intended uses have materially changed, the forthcoming National Environmental Policy Act (NEPA) document should supplant the FAA’s prior environmental review of the project, a Supplemental Environmental Assessment (“Supplemental EA”) issued in 2010.

REGULATORY FRAMEWORK

As you know, the “district engineer may reevaluate the circumstances and conditions of any permit . . . either on his own motion, at the request of the permittee, or a third party, or as the result of periodic progress inspections, and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the public interest.” 33 C.F.R. § 325.7(a). The regulations direct the district engineer to consider a number of factors in this process including, among other things: (1) the extent of the permittee’s compliance with the terms and conditions of the permit; (2) whether or not circumstances relating to the authorized activity have changed since the permit was issued or extended; and (3) any significant objections to the authorized activity that were not earlier considered. *Id.*

In considering the public interest, the district engineer is directed to evaluate “probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest” and carefully weigh all of these factors to ensure that the reasonably expected benefits are balanced against reasonably foreseeable detriments. 33 C.F.R. §320.4(a). The regulations further provide that:

The decision to authorize a proposal ... should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal ... including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

Id.

SUMMARY OF FACTUAL BACKGROUND

Airport Construction and Initial Operation. The Airport began operations in 2008 as a general aviation airport. The initial airport construction involved impacts to 2,517 linear feet of perennial stream, 1,143 linear feet of intermittent stream, and 0.35 acre of wetlands. These impacts were authorized by the initial Corps permit number SAS-2005-00964 issued October 16, 2006. As part of its project review for the airport construction, the FAA conducted an environmental assessment that was finalized in 2005.

Aerospace Technology Park. By January 2009, the Airport Authority had begun the process of obtaining authorizations for the TAE Project. During the same time period, the Airport Authority and the Paulding Industrial Building Authority (“IBA”) were moving forward with plans to develop the Aerospace Technology Park. The IBA is a sister organization of, and is co-located with, the Airport Authority. The IBA’s executive director, Mr. Blake Swafford, also serves as the Airport Authority’s director, and the boards of both organizations overlap.

Corps Permitting for the Terminal Area Expansion Project. On April 11, 2011, long after the conceptual development of the integrated 240-acre terminal area expansion and Aerospace Technology Park, the permittee submitted its application to the Corps for the TAE Project. (Exhibit B). The joint public notice (“JPN”) for the project was issued on May 18, 2011 and incorporated aspects of the underlying permit application, including a description of the TAE Project and a set of drawings depicting the development. (Exhibit C). On June 27, 2012 the Corps issued its draft permit in reliance on the information submitted in the application. Mr. Blake Swafford signed the draft permit on April 5, 2013. Upon information and belief, as of the present time, land clearing related to the TAE Project has taken place but infrastructure construction on the TAE Project has not yet commenced and the stream has not been piped.¹

Airport Commercialization. By mid-2012, the Airport Authority had begun taking steps designed to convert the facility to one with scheduled passenger service. In July 2012, the Airport Authority corresponded with the Transportation Security Administration (“TSA”) regarding security for commercial service. In November 2012, the Airport Authority entered into a lease agreement with a private investor to develop and market commercial passenger service at the Airport. In October 2013, the Airport Authority publically announced the plans to convert the Airport to commercial passenger operations. As noted above, following our lawsuit, the FAA agreed to perform a comprehensive environmental review of several past, proposed,

¹ Based on the information we have reviewed it is unclear whether the clearing activity was conducted in accordance with Clean Water Act requirements.

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and reasonably foreseeable future actions related to commercialization of the airport, including the development of the TAE Project. Pursuant to NEPA requirements, the FAA must address direct, indirect and cumulative impacts, as well as a review of connected actions, including the environmental impacts of the Aerospace Technology Park.

Additional facts supporting suspension and revocation of the permit are provided below.

MULTIPLE INDEPENDENT BASES FOR SUSPENSION AND REVOCATION OF THE PERMIT

1. Circumstances Related to the Authorized Activity Have Fundamentally Changed Since the Permit was Issued

As documented in the permit application and the permit itself, the plans for the TAE Project that were submitted to the Corps contemplated the construction of hangar space and an apron to support the purported general aviation demand at the Airport. Whatever validity those plans may have had when submitted to the Corps, they bear virtually no resemblance to the Airport's actual plans for the project.

The plans submitted by the permittee to the Corps are depicted on six sheets of drawings that were incorporated into the permit pursuant to Condition 13. (Exhibit B). None of the drawings depict the adjoining Aerospace Technology Park, even though that project is clearly an integral part of the terminal area expansion development scheme. Sheet 3 of the drawings depicts the overall layout of the authorized construction. It is a complete mismatch to the Airport's current depiction which shows the very same TAE Project area as a unified component with the Aerospace Technology Park, but with very different infrastructure than identified in the permit. (Exhibit D); *see also* <http://www.pauldingdevelopment.org/real-estate/paulding-aerospace-technology-park>.

As evidenced by the 300,000 square foot production facility identified in the current depiction, it is clear that the driver for the TAE Project is not to meet any regional aviation demand for hangar and tie down spaces for general aviation aircraft as stated in the permit. Rather, it is aimed at bringing "aircraft assembly and completion centers, maintenance repair and overhaul (MRO) operations, aircraft suppliers, and avionics companies" to the site. (Exhibit D). Further, it is clear that the TAE Project is designed not as a stand-alone project but as the essential link between the Airport and the related Aerospace Technology Park. Without the TAE Project (as specified in the permit or as currently designed), the Aerospace Technology Park

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would be incapable of serving the primary purpose for which it was planned.²

The purpose of the TAE Project as stated in the permit application and the permit, i.e., to serve regional aviation demand, has little, if any, relationship to the actual purposes of the TAE Project. Commercial passenger service and heavy industrial uses are the end goal for the TAE Project, not general aviation facilities as contemplated by the permit. Thus, the potential impacts of the project are significantly greater, and are not substantially similar to, those evaluated prior to issuance of the permit. These changed circumstances warrant suspension and revocation of the permit.

2. The Permittee Has Violated the Terms of its Permit

The permittee has violated its permit as a result of both actions it has taken and others that it has failed to take. It is incontrovertible that the permittee has deviated from plans and purposes specified in the permit. It is equally clear it has violated the terms of its water quality certification. Clear evidence shows it has staged equipment within 200 feet of streambanks, and it has also failed to obtain a necessary stream buffer variance.

Deviation from Permitted Plans. As noted above, the permit incorporates the permittee's submitted plans and requires that such plans be followed. (Special Condition 13). The permit explicitly states that "IT SHALL BE UNLAWFUL TO DEVIATE FROM THE PLANS EITHER BEFORE OR AFTER COMPLETION OF THE WORK..." (Exhibit A, emphasis original). Despite those permit conditions, the permittee, in conjunction with its sister organization the IBA, is conveying to the public and to potential investors and businesses a vastly different development than is depicted in the permit.

Sheet 3 of the plans and drawings depicts the overall layout of the Corps-permitted construction. Among other things, these specifications depict three parking lots crossing the piped stream at a perpendicular angle, with each parking lot surrounded by a series of proposed buildings which are accessible to aircraft by three taxiways. Storm drainage structures are depicted as being constructed to surround the perennial stream and stormwater detention facilities are shown as being constructed to nearly surround the entire TAE project. Sheet 3 is a version of a similar diagram included on page 2-4 of the FAA's 2010 Supplemental EA for the TAE Project (which is attached because it is in color and more clearly legible). (Exhibit E).

² The relationship between the TAE Project and the Airport Technology Park is discussed more fully below.

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The TAE Project as depicted on Sheet 3 is dramatically different from the plans that currently are being used to attract prospective business tenants to locate at the site. In comparing the current description of the TAE Project to the one presented to the Corps in the permit application and incorporated into the permit itself, a number of material differences are evident.

The most obvious difference is the layout of the structures to be built. In the current documents, a 300,000 square foot production facility sits atop of the piped stream where smaller hangar space, taxiway, and landscaped areas are shown in the permit documents. A proposed apron is depicted where hangars, taxiways, and landscaped areas are shown in the permit specifications. Also, the parking lots have been completely reconfigured and appear to be far greater in size than previously identified. Additionally, while the permit documentation notes that 345,000 square feet of hangar space will be constructed, the current documentation depicts 375,000 square feet (hangar and production space), and notes that over 800,000 square feet can be built out.

These marked changes would increase the impervious surface of the TAE Project by reducing the size of the landscaped areas, and increasing the square footage of the hangar space, proposed apron space, and parking lots. In essence, the permittee told the Corps it wanted to build a “Mom and Pop” convenience store but when it got the permit, it executed contracts to construct a regional shopping mall instead. On this basis alone, revocation of the permit is warranted.

Deviation from Permitted Purposes. In addition to the obvious disparities between the permitted plans and the current plans for development, there is also a distinct and substantial difference between the purpose of the TAE Project as permitted and the presently-stated purpose of the project. This deviation is important because the permit “not only authorizes the work, but also its intended use. No use other than that specified in this permit can be performed.” (Exhibit A, at p.1). In its permit application, the permittee stated that the “purpose of the proposed action is to provide 50 acres of developable land at the Airport for terminal area facilities . . . [and that the] proposed action is needed to meet the long-term regional aviation demand at this Level III [sic] airport.”³ The permittee further stated that the TAE Project was needed to accommodate requests by aircraft owners for aircraft storage and parking. (Exhibit B, at p.1 of project narrative).

³ The Airport was a level II airport at the time the permit application was filed and when the permit was issued, and remains a level II airport to this day.

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In its decision document, the Corps' action was grounded upon the understanding that the intended use of the permit was to "expand the existing terminal area at Paulding Northwest Atlanta Airport in order to provide approximately 345,000 square feet of hangar development, along with associated tie down areas, parking areas, and office space for interested businesses and individuals." (Exhibit F at ¶ A4).

However, that understanding is simply not true. As is now evident, the purpose of the project is (and was at the time the permit was issued) quite different than that stated in the permitting documents. As discussed above, it is clear that the TAE Project is focused not on meeting any regional aviation demand for hangar and tie down spaces for general aviation aircraft. Those needs never existed. Instead, the purpose was to meet the needs of commercial passenger service and heavy industrial users.

This change in use is material, as the impacts associated with general aviation aircraft storage and parking are vastly different from the impacts associated with commercial operations and aircraft manufacturing and MRO operations. For example, in inclement weather with freezing precipitation, a general aviation airport is almost idle; most pilots will stay home. But, if that facility is a commercial airport, the aircraft are "de-iced" and proceed on their way. Put simply, there are very different ecological impacts associated with the permitted purpose and use and the actual planned purpose and use of the project. This example underscores the significance of the Corps permit conditions limiting the project's purpose and use. Similarly, activity at most small general aviation fields is not likely to sustain the full panoply of support facilities that accommodate commercial airports – rental car facilities, hotels, restaurants, etc., all of which have the potential to impact the resources protected by the Corps permit.

It is important for the Corps to recognize that at the time the amended permit was signed by the permittee in April 2013, the permittee already had taken concrete steps to bring scheduled passenger service to the Airport by, among other things, working with TSA on airport security, entering into discussions with a commercial airline, and executing a lease agreement with a private investor to develop passenger service. Yet, no disclosure was made to the Corps that the TAE Project was being materially modified to benefit that endeavor. By way of example, the expanded apron area for the modified TAE Project depicted in publically available documents would be useable for parking large commercial aircraft, whereas suitable space does not exist in the project specifications provided to and reviewed by the Corps. As a result, the Corps never considered and the permit does not reflect, that by the time the permit was issued the project's purpose was to accommodate commercial passenger service. The Corps has not evaluated the impacts of or permitted this alternative use and the permit must be suspended and revoked.

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Violation of Water Quality Certification. The permittee has violated General Condition 5 of the permit which requires compliance with the State of Georgia Water Quality Certification (“WQC”). The State WQC requires the permittee to notify the Georgia Environmental Protection Division (“Georgia EPD”) of “*any* modifications to the proposed activity including, but not limited to, modification to the *construction and operation* of *any* facility.” (Exhibit G) (emphasis added). We believe the permittee has failed to notify Georgia EPD of the substantial changes to the construction plans and project operations as detailed above.

Stream Buffer Requirements. The permittee has also violated Special Condition 9 of the permit by failing to obtain a stream buffer variance from Georgia EPD. Based on our review of record materials, the permittee has not obtained a required buffer variance for the TAE Project. On January 23, 2009, the permittee somehow obtained a letter from then Georgia EPD Director Carol Couch that the 50-acre TAE Project was a “roadway drainage structure” and therefore exempt from State stream buffer requirements. That finding squarely conflicts with the applicable statutes, regulations and guidance. Furthermore, to the best of our knowledge, the permittee has not informed Georgia EPD of the significant design changes, and therefore, the January 2009 determination is without effect. By separate letter we have asked Georgia EPD to rescind and revise its determination. (Exhibit H).

Staging Area Condition. Special Condition 5 of the permit prohibits locating staging areas and equipment maintenance areas within 200 feet of streambanks. (Exhibit A at p. 3). We believe the permittee is in violation of this condition as well. The attached image from Google Earth provides an aerial view of the project area, documenting that the permittee has violated this condition. (Exhibit I).

3. There is significant New Information Related to the Project’s Impacts to Endangered Species

Endangered Bats. The TAE Project is located within the known range of the northern long-eared bat, *Myotis septentrionalis*, along with the endangered Indiana bat, *Myotis sodalist*, and the endangered gray bat, *Myotis grisescens*. The U.S. Fish and Wildlife Service (FWS) has published a proposed rule on listing the northern long-eared bat as an endangered species. 78 Fed. Reg. 61,046 (Oct. 2, 2013). Within the next several months, the final rule will be published officially recognizing the northern long-eared bat as endangered. Because the permittee did not disclose that bat populations exist in the area, the Corps never considered the project’s impacts to these sensitive species.

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In May 2013, less than a month after signing the Corps permit, Blake Swafford stated to the IBA (in relation to the Aerospace Technology Park) that all projects in Paulding County receiving federal funds must undergo an Indiana bat study because the migration of that species passed through the county. In his presentation to the IBA, Mr. Swafford noted that because the IBA already had clear cut the trees on the property prior to conducting the survey “there is a very low probability that any bats will be found.” (IBA Minutes, Exhibit J). Belying his assertion, however, is the actual bat survey published in December 2013 by a consultant retained to evaluate bat populations in connection with the proposed construction of a roadway serving both the Airport and the Aerospace Technology Park. The survey reported that two northern long-eared bats (including one lactating female) were caught in a mist-net survey and that other bat species were picked up on acoustical surveys. (Copperhead Environmental Report, Exhibit J). Based on this report, the FWS declined to concur in a determination by the Federal Highway Administration (FHWA) that a new roadway immediately adjacent to PUJ would have no effect on the northern long-eared bat. (FWS Letter, Exhibit J).

This new information related to the existence of bat populations on site and the absence of FWS concurrence on the impacts to the northern long-eared bat warrant suspension and revocation of the permit.

Endangered Cherokee Darter. Revocation of the permit is also warranted by new information regarding the endangered Cherokee darter. Recent review of the darter monitoring program, conducted pursuant to the 2005 EA, reveals that it was fatally flawed. Because the 2010 Supplemental EA for the TAE project and the environmental review conducted by the Corps were implicitly premised on the insufficient monitoring results, we believe that suspension and revocation of the Section 404 permit is warranted.

We have retained an expert in the field, Dr. Byron J. Freeman, Director of the Georgia Museum of Natural History and water resources faculty member at the University of Georgia, to analyze the sufficiency of the darter monitoring required in conjunction with construction of the Airport. In connection with our comments submitted in response to the NOI, he drafted a preliminary report which concludes that the monitoring plans were insufficient for a number of reasons including that monitoring locations were incorrectly placed at sites where darters were not known to occur so that persistence of those species or changes in their abundance could not be evaluated. Said another way, no one knows how darters are doing after the Airport was constructed because the monitoring locations were incorrectly placed in reaches of streams where darters did not exist. Dr. Freeman’s preliminary conclusions, which were forwarded to

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the FAA in response to the NOI, detail other significant flaws in the monitoring program and are attached to this letter. (Exhibit K).

We further note that the FWS has raised concerns about the potential for stormwater runoff to adversely impact downstream habitat for the darter. (FWS letter, Exhibit J).

Based on the new information provided by Dr. Freeman related to the insufficiency of the monitoring plan on which assumptions related to the TAE project relied, and on the concerns raised by FWS, the permit should be suspended and revoked.

4. The Permit Is Based on False, Incomplete and/or Inaccurate Information

As discussed above, it is clear that at the time the permittee signed the draft permit in April 2013, the plans/drawings and project purpose were substantially different than had been represented to the Corps previously by the permittee. The changes to the TAE Project tied to the planned development of the Aerospace Technology Park and commercialization were well underway by that time. Unaware of these undisclosed material differences, the Corps thereafter issued the permit based on false, incomplete and/or inaccurate information.

The failure to disclose the Aerospace Technology Park in the permit application has also led to an additional defect in the permit necessitating suspension and revocation. Specifically, impacts associated with the portion of the Aerospace Technology Park north of Airport Parkway merit consideration by the Corps as part of the permitting evaluation of the TAE Project. The available documents make clear that the terminal area expansion and the Aerospace Technology Park are inextricably intertwined as two components of the same project. The Corps should have been advised by the permittee of the actual scope of the project. This is a classic example of a “connected action” that requires the permitting agency to go beyond the narrow bounds of a permit application. Surely, had the Corps known of the planned Aerospace Technology Park, it would have considered the Park’s impacts to jurisdictional waters more broadly in its permitting evaluation.

The interconnection between the TAE Project and the Aerospace Technology Park has been apparent for many years. In May 2009, long before the permittee filed the Section 404 permit application, Paulding County had sought and been notified of its eligibility for a grant from the Department of Housing and Urban Development (“HUD”) for “site preparation for the

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Paulding County Airport and Business Technology Park.”⁴ (Exhibit L, at p.1). Later that year, in October 2009, the IBA entered into an intergovernmental agreement with Paulding County for the County to administer the federal grants on behalf of the IBA for the “construction of the necessary roadway network to serve the Airport Industry and Technology Park.” (Exhibit M).

During this time frame, the land which was to become the Aerospace Technology Park was owned by the permittee. In August 2009, the permittee authorized the land to be transferred to the IBA and by deed dated March 17, 2010, the transfer was completed. (Exhibit N). Although legal title to the property was transferred to the IBA, full disclosure to the Corps of the relationship between the TAE and the Aerospace Technology Park was still required because of the common development plan and the fact that the Airport Authority and the IBA operate in concert with one another.

Despite the obvious connection between the TAE Project and the Aerospace Technology Park, the permittee continued to portray them as unrelated projects, both to the regulatory agencies and to the public. In the FAA 2010 Supplemental EA for the terminal area expansion, the permittee acknowledged that the County had “an economic development strategy that recommends the development of an industrial park *in association with* the Paulding Northwest Atlanta Airport.” (Exhibit O at page 4-3) (emphasis added). Yet, there was no disclosure that development of the Aerospace Technology Park was occurring, that infrastructure would be shared by the expanded terminal and the Park, and that the TAE Project was a necessary component of the broader development scheme.

The TAE Project and the Aerospace Technology Park were being jointly developed during 2010. In a report to HUD dated October 29, 2010, concerning the status of grant funds, Paulding County reported that funds had been requested to “assist with site preparation, including required infrastructure and utility improvements for the development of the Paulding County Airport *and* the Airport Business Technology Park.” (Emphasis added). The report also noted that the “first phase of the project included the development of the construction plans for and construction of the first 4,000 linear feet of water main to the airport...,” (with extension of the water line to the Aerospace Technology Park occurring during the second phase). (Exhibit P).

⁴ Note that the Aerospace Technology Park is referred to by a different name in the HUD documents – the Paulding County Airport and Business Technology Park. It goes by several different names in various other documents such as the Airport Industry and Technology Park.

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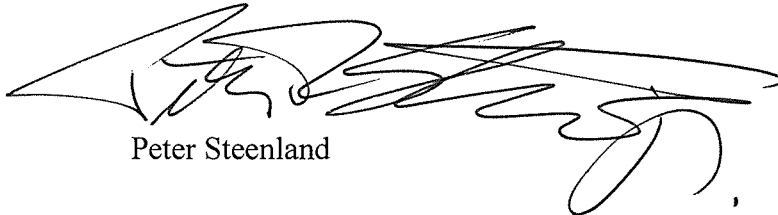
Progress towards building-out the Aerospace Technology Park continued in 2011. In January of that year, a contractor's proposal for engineering services for the Park referenced the contractor's "understanding that environmental clearances were obtained during the development of the airport and will not be required for this project." (Exhibit Q, attachment 1, p.1-2.). Of course, the contractor's understanding was misplaced, as no environmental review of the Aerospace Technology Park was conducted in conjunction with the environmental review of the TAE Project, as it should have been, and no such review has been performed otherwise. Work on developing the Aerospace Technology Park and the TAE project continues with the FHWA roadway improvements, discussed above, which "will provide roadway access to develop the Business and Technology Park road network and provide the transportation infrastructure for anticipated future economic development . . . at Paulding Northwest Atlanta Airport." (Copperhead Environmental Report, Exhibit J).

As a result of the permittee's failure to disclose to the Corps the interrelationship between the TAE Project and the Aerospace Technology Park, the Corps has not been given the opportunity to evaluate the cumulative impacts of these projects. Based on these circumstances, there is ample reason for the Corps to suspend and revoke the permit, as the permittee has submitted an application that is false, incomplete and/or inaccurate.

CONCLUSION

Based upon the foregoing, we respectfully request that the Corps expeditiously suspend and revoke the permit. As you can see, we have provided a copy of this letter to the Airport Authority, and we expect the Authority to share with us any response that it may file with you. Please contact me if you have any questions or need additional information. Also, we would be pleased to meet with you to discuss this matter further.

Sincerely,



Peter Steenland

cc: Mr. David Lekson, Chief, Regulatory Division
Ms. Sandra Tucker, Field Supervisor, U.S. Fish and Wildlife Service
Ms. Robin Goodloe, Assistant Field Supervisor, U.S. Fish and Wildlife Service

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Ms. Mary J. Wilkes, Regional Counsel and Director, U.S. Environmental Protection Agency, Region 4, Office of Environmental Accountability

Mr. James Giattina, U.S. Environmental Protection Agency, Region 4, Water Protection Division

Mr. Michael Fineman, Federal Aviation Administration, Southern Region

Mr. Judson Turner, Director, Georgia Environmental Protection Division

Mr. Calvin Thompson, Chair, Paulding County Airport Authority