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FOUNDED 1866

By Overnight Delivery and Electronic Mail

May 11, 2015

Mr. Eduardo Angeles
Associate Administrator for Airports
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

Re: Paulding County Airport Authority Terminal Area Expansion
Project

Dear Mr. Angeles:

I am writing on behalf of our six landowner clients who live near the Paulding Northwest Atlanta Airport (“Airport”) to express our continued concerns and now alarm at the FAA’s silence following our letter dated March 11, 2015. There, we provided documents demonstrating that the Paulding County Airport Authority (“Airport Authority”) plans to begin construction imminently on its Terminal Area Expansion Project at the Airport (“Terminal Project”).

Our letter provided three reasons why the FAA should immediately act to stop the Airport Authority from conducting any on-the-ground activity in support of this project. First, we noted that the Terminal Project was a proposed action subject to the ongoing Part 139 environmental assessment (“EA”). Second, the prior, supplemental EA leading to a FONSI is no longer valid, as it fails to take into account the Terminal Project’s adverse effect on water quality and Cherokee Darter habitat, and now ignores the recent

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proposed listing of the Northern long-eared bat as a threatened species. Third, any construction on the Terminal Project would run afoul of the Settlement Agreement we entered into with the FAA and Department of Justice on December 23, 2014, which explicitly required that any actions connected with the Part 139 application be halted and taken into account as part of the EA announced in the FAA's April 21, 2014 Notice of Intent.

We reaffirm our serious concerns regarding the FAA's obligations under the National Environmental Policy Act. Recently, we learned that the Director of the Airport Authority asserted that the Airport was entitled to (and intended to) undertake any type of construction at the airport (regardless of federal funding or environmental impacts), so long as the construction does not have the "direct purpose" of providing commercial passenger service. Contrary to Director Swafford's assertion, these improvements are not justified under the law as it would appear that these activities are intended to facilitate matters now under review at FAA. We doubt the FAA would support Director Swafford's view, as NEPA of course obligates the agency to review cumulative impacts, and prevent unlawful segmentation.

The FAA has notified the public that the Terminal Project (which involves clearing almost ten acres of forest, grading approximately 70 acres and piping 2,830 linear feet of trout stream) is the subject of an ongoing environmental review under NEPA. To allow any construction activity to move forward as long as it is not "directly intended" to be in pursuit of commercial passenger service does violence to the fundamental aspects of the NEPA review process, including the concepts of connected and cumulative action. This injury is exacerbated here, where the project involves other federal permits and for which the Airport Authority will be seeking federal funding.

Further, it is entirely unclear to us what information the FAA has reviewed to ensure that this project is not part of the Airport's plans for commercial passenger service. In other correspondence that is being sent today pursuant to the Freedom of Information Act, we respectfully request release of any information or analyses of this question, including documents to and from the FAA or Airport Authority relating to the Terminal Project.

Also, the U.S. Fish & Wildlife Service's decision to list the Northern long-eared bat as threatened under the Endangered Species Act post-dated our March 11 letter, but was foreshadowed in that correspondence. The listing action immediately calls into question the Airport Authority's existing permit from the U.S. Army Corps of Engineers, and requires renewed consultation

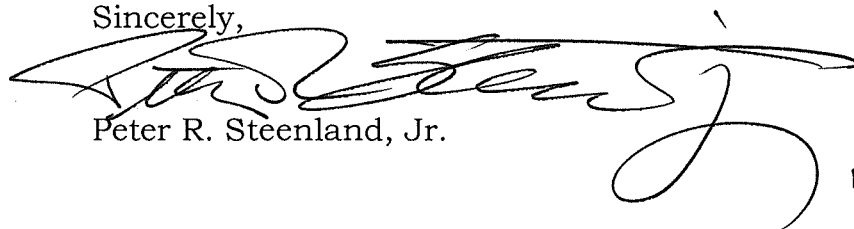
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between the Service and the FAA, particularly since the Terminal Project will convert extensive forest to industrial lands.

At bottom, the Airport Authority's rush to finish constructing the Terminal Project, prior to the FAA concluding its NEPA review, is inappropriate, illegal, and should be blocked.

Thank you very much; we continue to be grateful for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter R. Steenland, Jr.", written over a horizontal line.

Peter R. Steenland, Jr.

cc: W.A Lenfert, Airport Division Manager
FAA Southern Region

Daphne A. Fuller
Assistant Chief Counsel
Airports and Environmental Law Division

Michael Fineman
Attorney – AIP
FAA Southern Regional Office

Blake Swafford, Director
Paulding County Airport Authority