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FOUNDED 1866

January 28, 2014

Ms. Winsome A. Lenfert  
 Airports Division Southern Region  
 Federal Aviation Administration  
 1701 Columbia Avenue  
 College Park, GA 30337

Re: Paulding County Airport and the National Environmental Policy Act

Dear Ms. Lenfert:

I am writing on behalf of Jordan Louie, Janice Louie, Bob Board, Mary Board, Susan Wilkins and Anthony Avery who recently settled their suit involving the Federal Aviation Administration’s handling of recent proposed improvements to the Paulding County Airport. That settlement calls for the FAA to apply the National Environmental Policy Act (NEPA) to the Paulding Airport’s application for a Part 139 certificate and to any application by a commercial air carrier for an amendment to its Operations Specifications to provide commercial service to the Paulding Airport.

We believe the nature of analysis that NEPA requires for this proposal is somewhat unusual. Therefore, the purpose of this letter is to share with you our expectations as you work toward the selection of the appropriate contractor to perform this work on your behalf. We look forward to participating fully in the NEPA process and will offer additional, more detailed suggestions when the FAA issues its Notice of Intent to prepare an Environmental Assessment or Environmental Impact Statement.

Please note we strongly disagree with statements reportedly made by County and Airport officials characterizing the Paulding proposal as involving only a handful of weekly commercial flights that an FAA environmental analysis could easily address in a matter of weeks. The FAA’s duty is to address all reasonably foreseeable effects -- direct, indirect and cumulative -- resulting from the various actions that will transform this bucolic county airport into a second commercial airport for the Atlanta region. This is not a task that can be completed in several weeks.

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As the Paulding Airport is being considered as a possible commercial facility, we expect the FAA to apply its long-standing legal position that any commercial airport benefitting from federal funds must be available to any commercial operator that can safely use its facility, without limitation or restriction on the number of daily or weekly flights, save for what the market may permit. Thus, the County's proposed focus solely on Allegiant's most recent plans for four weekly flights at Paulding Airport is only the starting point, not a confining point, for the NEPA analysis the FAA has committed to undertake. In accordance with Orders 5050.4B, 1050.1E and the FAA's guidance on review and approval of aviation forecasts, the airport's aviation forecast must be coordinated with the FAA using FAA-accepted methods, supported by available data and guided by the absence of non-economic constraints on operations.

In this regard, the experience at the Sanford, Florida airport may prove instructive for the Paulding NEPA analysis. There, a passenger terminal was constructed in the mid-1990's. In response, a number of commercial operators began service, including Allegiant. In 2013, Sanford Airport recorded some 2,033,620 passengers, according to a January 15, 2014 report in USA Today. Another example is Santa Fe Municipal Airport where commercial service began in 2009 with 19,000 passengers and four years later was handling more than 10 times that number (121,000).

What is more, a five-year planning horizon to estimate projected traffic levels may be appropriate for routine NEPA reviews where FAA conducts an environmental assessment of likely impacts from the addition of a new runway to an existing facility, or analyzes similar impacts from some other upgrade where commercial jet service already exists. Such a limited horizon cannot capture either the scope or depth of the reasonably foreseeable impacts that must be identified and discussed under NEPA for a transformative proposal like this. The factors, scope, and timeline of the forecast for new commercial service should be much more exhaustive and cover a minimum of 10 years.

We urge the FAA to employ whatever means can predict a reasonable sense of the environmental consequences in a Paulding-like context where the FAA decision at issue effectively transforms the immediate region forever into a commercial complex with all the ancillary development associated with those types of airports. In essence, then, my clients believe that to satisfy NEPA in the Paulding context, the FAA must address impacts in categories found in a standard Environmental Assessment. But, in measuring projected impacts of air emissions, water releases, noise levels, impacts on threatened and protected species, socio-economic impacts and the other topics, FAA must assume flight operations and passenger activity that go well beyond the projections of four weekly flights by Allegiant.

Once the FAA establishes the appropriate aviation forecasts, it should also assess the reasonably foreseeable indirect and cumulative impacts associated with transforming

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an area into a second commercial airport for a major U.S. city. That means the FAA needs to address traffic and road congestion, hotel development, airport-related commercial development, potential night cargo operations, population growth, and other related subjects. If, as reported, Paulding County has predicted that commercial jet service at Paulding will produce 20,000 new jobs in the County, and since FAA approval of commercial jet service is instrumental to achieving that goal, NEPA requires the FAA to address the impacts of adding those 20,000 workers to Paulding County. That means identifying and measuring impacts of 20,000 new workers and their families on traffic, housing, schools, air, water, and the like.

We also believe that this NEPA analysis must include an expert assessment by FAA of the economic wisdom and viability of the commercial arrangement between Paulding County's Airport Authority and the Propeller Group, the impetus for all this proposed development. Although NEPA normally may not require detailed economic analysis, in this case it is the obligation of the FAA to assess the viability of all mitigation commitments identified in its NEPA process. Because the current financial arrangements provide the Propeller Group with a disproportionate share of airport profits, the County may find itself cash-strapped and unable to accomplish mitigation projects that the EA or EIS has identified as critically important to the affected communities. Thus, if there is a reasonable risk that the mitigation commitments made to the community may prove illusory, the FAA should assess that concern in its NEPA analysis.

Thank you very much for your consideration of these thoughts. We are confident that the FAA will perform its customary thorough job on this critically important assignment.

Sincerely,



Peter R. Steenland

cc: Michael Fineman, Esq.