

The posts below, were originally published in 2012 on the stopcta.info "Factoids" blog.

Note that many of the verification links to the original sources no longer exist due to technological 'advances' and the demise of local news publications, many through corporate media acquisition. RIP community news.

FEBRUARY 2012

Saturday, February 18, 2012

Holding pattern

Several visitors to this site recently observed that there haven't been any blog entries for some time and were wondering just what was going on. The short answer is . . . not much that's newsworthy. Flapping of gums without purpose would be a waste of everyone's time. Hence, the silence.

There has been some behind-the-scenes activity and several new documents have been added to the site but anything else airport related is currently in a holding pattern.

The USACE Permit Application is still in limbo and it would be a disservice to speculate on what MIGHT be happening with it or whether there will be a Public Hearing.

The USACE FOIA appeal, in process since January 5, is working it's way through Washington bureaucracy on it's way to the Army General Counsel for a determination.

In an effort to find something to 'report', it would be tempting to scrutinize the developer's other shenanigans. But to what end? All that matters is that the requirements of the 381 Agreement be met . . . or not. The first deadline is for work on the airport to commence by June 30, 2012. The countdown is underway.

When the next shoe drops, StopCTA will be the first to let you know.

Posted by noairport at 17:34:15 in Players, Developer, County, Federal

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Sunday, February 19, 2012

Dead or dying

Everywhere you look, cedar trees in Bastrop county are dying. Just about every one on my property has turned to brown since last summer. What's up with that?

Daniel Lewis of the Texas Forest Service came to have a look and concluded the culprit is *Chrysobothris texana*, a Buprestid beetle. The critter is a native, not an invasive, species that won't attack healthy trees. But the years of drought seem to have stressed the trees and made them vulnerable to infestation by this pest. This bug is not to be confused with the Cedar bark beetle which is more commonly seen in dry years.

Supplemental watering would reduce stress on the trees . . . if it's not already too late. But what's the trade-off in depletion to the aquifers? If we are on our way to becoming a desert, what's the point of fighting the inevitable?

It is sad to see these drastic changes to our Central Texas landscape. Cedars have been unfairly maligned and there are plenty of cedar-haters out there. If you are among them, please have a look at Elizabeth McGreevy's research that debunks the myths about cedars.

Cedars RIP.

Posted by noairport at 10:30:31 in News, Announcements, Environment

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MARCH 2012

Monday, March 12, 2012

Silenced . . . again

Ronnie McDonald's decision to resign his duties as Bastrop County Judge will be discussed separately. The purpose of this post is to publish comments that are once again languishing in the Bastrop Advertiser's 'awaiting moderation' queue.

Update: These comments have now been deleted from the 'awaiting moderation' queue at the Advertiser. So much for balanced journalism. Cheerleaders only allowed.

This comment was posted on March 3, 2012 at 1:43 pm on 'County judge eyeing run for Congress':

Bastrop county's disaster = a politician's career opportunity. Isn't politics wonderful?!

Here's a thought for a future project in DC . . .

Pave over the reflecting pool to make way for an airstrip! It would be very convenient for politico junkets and undoubtedly benefit the local economy.

And this one posted on March 9, 2012 at 4:42 pm on 'McDonald chooses Congress':

Perhaps the developer of the proposed Central Texas Airport and his associates could assist with campaign funding as they did in the fall of 2009 a few months BEFORE the 381 Agreement was approved by the Commissioners Court and officially signed by Judge McDonald.

McDonald contributions: http://www.stopcta.info/docs/campaign/McDonald_contributions.pdf
381 Agreement: <http://www.stopcta.info/docs/381.pdf>
Opponents Lobb Questions: <https://www.stopcta.info/factoids/2011/2011factoids.pdf>
Source: <http://bastropadvertiser.com/2011/02/18/airport-opponents-lobb-questions/>

Posted by noairport at 07:34:28 in News, Media, Players, Developer, County

2 comments

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Friday, March 16, 2012

Cut 'n run

Last week's big news was that Ronnie McDonald resigned as County Judge - a position he held for over a decade - to run for US Congress. The Judge chose an interesting time to abandon the county. What will this political opportunism mean for the county . . . assuming that the now Congressional candidate contributed more than presiding at the Commissioners Court sessions and face-time on the media when Bastrop was burning?

Her own has been in a bit of disarray since Lee Dildy's death nearly a year ago. His wife, having no political aspirations of her own, stepped in somewhat unwillingly to fill his position. So for the last year, the Court has in effect been down a hands-on Commissioner.

Great Commissioner Dildy's death the Court has also had to deal with continuing redistricting uncertainty. And then the Great Fire came. Recovery is ongoing and in need of strong leadership. Great time to have our 'leader' abandon ship.

But those of us concerned about the impact that the proposed Central Texas Airport will have on the County's future have another take on McDonald's departure. Remember that while the Court unanimously approved entering into the 381 Agreement in June of 2010, the signature that sealed the deal is Ronnie McDonald's. Now two years later as the first deadline that must be met by the developer is approaching, the person who 'officially' inflicted this obligation on the County won't be here to answer for the mess he's left as his legacy. Instead he's chosen to 'cut 'n run' in an attempt to move up the political food-chain.

In the coming months, McDonald's campaign contribution records will likely provide an interesting read . . .

Posted by noairport at 10:11:03 in Future, Players, County

2 comments

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Sunday, March 25, 2012

Hey, Joe . . .

No this is not going to be about that great Jimi Hendrix song. It's about Joe Ternus who is a Democratic candidate for the position of County Judge that was recently vacated by Ronnie McDonald.

Mr. Ternus came to Bastrop (from Austin) in 2006 to head the then 'Development Services' department, replacing Dee Corza who had served in that position for many, many years. His tenure lasted only a few years, until May of 2008 when he resigned/retired from his post.

If the proposed Central Texas Airport had not reared its ugly head, Mr. Ternus' job history would be of little significance. However . . .

It was during his stint with the the county that the first applications for the 'Colorado Riverland Ranch Airport' now known as the proposed 'Central Texas Airport' were submitted to the FAA in 2007. That fact would also be of little significance if the following hadn't occurred.

Mr. Ternus signed on to Carpenter's team' as a 'Consultant & Advisor' for 'Project Design, Development & Construction' with 6 to 8 months after he resigned his post with the county. It seems that 6 months is the 'acceptable/routine' transition period for employees cycling between the public and private sector aka the infamous 'revolving door'. Even that fact wouldn't raise concerns but . . .

Then came Mr. Ternus' recent bid for the Democratic nomination for County Judge. This is a BIG red flag that something might be afoot other than selfless public service. Perhaps he's here to finish what was started under his watch five years ago?

Voters should be connecting the dots. We need a County Judge working for 'we, the people' not for developers out to make a quick buck at our expense. It remains to be seen whether the other candidates will provide a viable alternative for those of us opposed to the CTA project. Preliminary research is not encouraging . . .

Posted by noairport at 01:52:02 in News, Future, Players, Developer, County

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Sunday, March 25, 2012

No public hearing!

We wanted a public hearing on the USACE permit application for the proposed Central Texas Airport. About fifty of us requested one. But it's not gonna happen.

The USACE has just issued an 'official' letter informing those of us who submitted comments requesting a hearing that there's not going to be one

" . . . the USACE has evaluated your request for a public hearing and has determined the issues raised are not sufficiently substantial to warrant a public hearing and there is otherwise no valid interest to be served by a public hearing. Therefore a public hearing for this project will not be held."

See: http://www.stopcta.info/factoids/2012/docs/no_hearing.pdf

More thoughts to come . . .

Posted by noairport at 12:51:27 in News, Announcements, Players, Developer, Federal

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APRIL 2012

Monday, April 2, 2012

TCEQ says 'no' too

Like the USACE, the TCEQ has decided there will be no public hearing on the permitting for the proposed CTA. Here's the kicker from a letter dated March 29, 2012.

"In response to your request for a public meeting regarding 401 certification, the executive director has determined that the 401 issues raised do not warrant a public meeting. Therefore, no public meeting will be held."

Outrageous!

But sadly predictable . . .

See: http://www.stopcta.info/factoids/2012/docs/no_hearing_tceq.pdf

Posted by noairport at 02:07:26 in Announcements, Players, Developer, State

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Wednesday, April 04, 2012

What Eco-merge?

Let's flash back to the Carpenter & Associates October 19, 2010 PR stunt at the Bob Bullock Texas Natural History Museum. The purpose of that by-invitation-only meeting was to announce "a major project with potentially significant implications for how development is done in Central Texas and around the world".

This new development paradigm branded as 'Eco-merge' and dripping of greeny goodness was slated to stand alongside the proposed Central Texas Airport. Well, here we are a year and a half later. The proposed CTA seems to have stalled with a June 30 deadline approaching but what's become of Eco-merge?

The answer can be found at the bottom of the very first page of the recently obtained revised 'Environmental Information Document' (EID) that was submitted to the USACE in January 2012 as part of the permitting process.
See: <http://www.stopcta.info/factoids/2012/docs/feasibility.pdf>

The original EID was submitted in August 2011 and clarifications requested by the USACE in September 2011 (that letter has been denied in a FOIA request and is currently on appeal). Note that it took over four months for the Carpenter 'team' to respond.

While we don't know . . . yet . . . specifically what was in that withheld letter, it is logical to assume there was a request for clarification on the scope of the project. Is it going to be an airport with an adjoining industrial/commercial complex or is it going to be an industrial/commercial project supported by the airport? It appears that Eco-merge is an ephemeral concept with absolutely no footing in reality:

"The proposed, action as described above, is a complete and independent project. No funding or approval for development beyond this proposed action has been obtained. The elements of the conceptual Eco-merge project (for example: commercial, industrial, or energy production, hotel, infrastructure, and other development features) are a second and independent project from the proposed action, on which the proposed action does not depend for its purpose and need. The specific design and feasibility of future actions will depend on what is economically feasible in the future."

And there you have it, folks. Now you see it. Now you don't. It's all smoke and mirrors . . .

Posted by noairport at 18:43:34 in Players, Developer, Federal

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Sunday, April 8, 2012

Highway to the sky

Anyone who's given the proposed Central Texas Airport a second thought has wondered just how FM 969 and FM 1704 could handle the traffic that would be generated by such a large project. Well, the revised 'Environmental Information Document' (EID), likely at the USACE's request, FINALLY addresses ground transportation issues:

"This may include, but not be limited to: construction personnel commuting to and from work and the delivery of construction equipment and materials intermittently."

Note the careful wording that limits this assessment to the 'construction phase' of the project. No mention of what impact the 'operational phase' would have. In any case, the additional traffic will not only slow things down. It's going to be downright DANGEROUS!

To alleviate congestion near the site, road improvements are in the works. So not only will there be more traffic but short-term construction to deal with as well:

"In coordination with TxDOT, CTA will be making initial improvement to FM 969 and FM 1704 in the immediate vicinity of the proposed project during the Phase 1 construction activities. Expected improvements include controlled intersections and additional turn lanes."

More long range traffic solutions mention the CAMPO 2035 Plan which includes upgrading FM 969 to a four-lane divided arterial from US 183 to Webberville.
See: http://www.campotexas.org/programs_plan.php

And a Bastrop County Comprehensive Transportation Plan which would do the same for FM 969 and FM 1704.
See: <http://www.capcog.org/divisions/regional-services/transportation-plan-bastrop>

These projects are a looong way off but inquiring minds will wonder just where the money is coming from to implement these grandiose plans.

Yup, according to the 'EID', taxpayers are on tap to foot the bill. Please note the conditional tense in the last sentence:

"All Bastrop County taxpayers, including the CTA, pay a Road and Bridge Tax. The funds collected by the County are distributed to each County Precinct according to the amount of roadways and bridges within the Precinct. With the expected increase in real property tax value and the economic growth associated with the CTA, Bastrop County and the affected Bastrop County Precinct 'should' realize an increase in Road and Bridge Tax funds."

So if 'Road and Bridge' Tax revenue is inadequate, what other options are there? Maybe yet another toll road? Or a municipal bond to cover the cost?

A similar situation is currently playing out in Travis County with the developer of the F1 project. This statement from an April 5 article in the Austin American Statesman 'Circuit of the Americas seeks assistance from Travis County for roadwork' should give taxpayers pause.
See: http://www.stopcta.info/factoids/2012/docs/AAS_f1_roads.pdf

In his application for the development incentive, circuit President Steve Sexton wrote:

"While we are asking for road incentives, you may still decide that the value of our proposal to county citizens is worthy of an abatement or rebate also."

Ah . . . developers LOVE those three magic words - incentives, abatement, rebates. If the CTA project moves forward, Bastrop County will likely be hearing a lot of them. Hold on to your wallets . . .

Posted by noairport at 12:20:14 in Costs, Traffic, Taxes, Future, Players, Developer, County, State

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Thursday, April 12, 2012

The spin never stops

The revised 'Environmental Information Document' (EID) continues to provide interesting fodder for commentary on this blog. This little gem beats the well-worn drum of 'more jobs and economic benefit' but adds a new twist of predicting unacceptable financial loss to both Bastrop County and the Applicant should the project be abandoned.

"The No-build Alternative would result in adverse economic, social, and financial loss to Bastrop County and the Central Texas region and would eliminate the potential for new jobs being created. Additionally, the abandonment of the project would result in loss of investment by both Bastrop County and the Applicant and would be economically impractical for them."

One would wonder if it isn't more 'impractical' to keep throwing good money into a project that seems to be on life support and going nowhere. Sometimes the wisest course of action is to take your lumps, cut your losses and pull the plug. Hopefully, the County will figure this out before the proposed CTA becomes an even greater liability . . .

Posted by noairport at 05:32:26 in Players, Developer, County

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Saturday, April 14, 2012

CTA deadlines

The 381 Agreement contains deadlines that must be met by the developer. Since this is a frequently asked question and there is some confusion floating around out there, we thought we'd post the relevant passages from World 12 of the '381 Agreement' for easy reference:

(I) Construction of Airport Improvements.

(A) Commencement. Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Airport Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Airport Improvements to Commence no later than June 30, 2012.

(B) Completion. Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Airport Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Airport Improvements to be Completed no later than June 30, 2012, subject to Force Majeure.

(II) Construction of Commercial Improvements.

(A) Commencement. Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Commercial Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Commercial Improvements to Commence no later than June 30, 2012.

(B) Completion. Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Commercial Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Commercial Improvements to be Completed no later than June 30, 2012, subject to Force Majeure.

Posted by noairport at 06:04:26 in Announcements, Players, Developer, County

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Sunday, April 15, 2012

Quack, quack

A recurring theme in the Public Comments submitted to the USACE regarding the permit application for the proposed Central Texas Airport is safety. Those comments can be viewed in the May 05, 2011 post titled 'Talking to the USACE'.
See: <https://www.stopcta.info/factoids/2011/factoids2011.pdf>

Citizens are rightfully concerned that the Colorado River and a 26 acre 'duck pond' to be located 900' east of the runway would attract large waterfowl that could possibly bring down one of those 737s or other aircraft that are slated to use the airport.

Of course it's dangerous. But thanks to the inclusion of an exemption to the '14 CFR Part 139' rules in the 381 Agreement at County Engineer Ronnie Moore's suggestion, the CTA will not be required to follow safety guidelines outlined in the FAA Advisory Circular No. 150/5200-33 'Hazardous Wildlife Attractants On Or Near Airports':
See: http://www.stopcta.info/factoids/2012/docs/FAA_wildlife_hazards.pdf

Mr. Moore confirmed that the County could have made adherence to the Advisory Circular mandatory but the Applicant, at the Corps request, finally owned up to the twisted logic that allows the County to skirt FAA safety guidelines in the 'Hazardous Wildlife Attractants' section of the revised 'Environmental Information Document' (EID):
See: <http://www.stopcta.info/factoids/2012/docs/HWA.pdf>

1. The proposed action is a privately funded GA airport.

2. The CTA will not accept any Federal grant-in-aid assistance.

3. Hence, CTA is not required to use the guidelines outlined in the 'FAA Advisory Circular No. 150/5200-33':
See: http://www.stopcta.info/docs/FAA_wildlife_hazards.pdf

Then comes a clever attempt to justify the location and function of the 'duck pond' in order to characterize it as a non-issue:

4. Detention ponds hold water for short periods, while retention ponds hold water indefinitely.

5. Retention ponds are more attractive to hazardous wildlife than detention ponds because they provide a more reliable water source.

6. Because it's a detention pond, it's not going to be a problem.

What they fail to mention is that the planned 'detention pond' is going to be maintained at a PERMANENT ELEVATION. So in effect it will function as a 'retention pond'. What are the chances that large waterfowl are going to respect the subtleties of this semantic sleight of hand? Not much.

The inclusion offers promises devoid of substance:

7: The Applicant will implement 'Best Management Practices' and wildlife hazard mitigation techniques relative to the hazardous wildlife attractant associated with the on-site detention pond.

Then in the next sentence:

8. "The Secured Airport Area will be protected by an extensive perimeter fencing and gate system."

Just how is a fence going to deter to wildlife that's on the wing? It's not. It's an empty gesture that we're not buying.

If it walks like a duck and quacks like a duck, it probably is a duck. Or in this case, maybe a turkey . . .

Posted by noairport at 15:29:31 in Costs, Quality of life, Costs, Safety, Players, Developer, Federal

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Sunday, April 15, 2012

More quackery

In addition to providing a spectacular wildlife attractant, the 26 acre detention pond (which will in effect be a retention pond because it will be maintained at a permanent level) presents another very real threat. Just how is the proposed CTA going to keep that pond filled during a severe drought? Where is the water coming from?

For your amusement, here is a conceptual sketch (from the EID) of the 'duck pond' and 'future recreation facility' complete with docks and boats.

Does it get any nuttier than this?

Posted by noairport at 22:16:41 in Costs, Environment, Players, Developer

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Wednesday, April 18, 2012

Travis County caves

Will the Bastrop County Commissioners be asked to do the same if the proposed Central Texas Airport moves forward? Please see April 09, 2012 post titled 'Highway to the sky' above.

County agrees to help cover F1 road improvements

By John Maher
statesman.com
April 17, 2012

Travis County commissioners Tuesday agreed to pay for at least part of two key road expansions near the Circuit of the Americas, the track in southeastern Travis County scheduled to host its first Formula One Grand Prix in November. The decision represents a significant shift from some officials' earlier insistence that organizers pick up the full tab for the work.
See: http://www.stopcta.info/factoids/2012/docs/f1_roads_Travis_caves.pdf

Posted by noairport at 09:34:27 in News, Media

Thursday, April 19, 2012

The sound of money

A recent issue of Aviation Week reported that NASA has demonstrated a break-through in the design of aircraft that may allow overland supersonic flights of both passenger and business jets.

“The tests involved scale models of small supersonic airliners designed by Boeing and Lockheed Martin and are aimed at entry into service about 2025. Although the measured shock wave signatures are at the high end of what would be publicly acceptable, they proved the design tools could produce a supersonic business jet capable of unrestricted overland flight,” says Peter Coen, NASA’s Supersonic Fixed Wing project manager.

The article continues with this information that:

“NASA’s original goal (of noise production) was 65 PNLdB (Perceived Noise Level); 70 PNLdB is widely regarded as the threshold for public acceptance of routine overland supersonic flight,” and that “Boeing and Lockheed are now working under Phase 2 contracts to refine the off-track shock wave signatures of their designs to reduce sonic boom over the full 60-mile wide “carpet.”

Those of us living in south Austin in the 1950’s and ’60’s remember the continual sonic booms from the military jets at Bergstrom AFB, and the damage it did to our windows, and the community controversy that it created. This was the era of the “Cold War,” and the complaints were continually brushed off by the Air Force justifying the noise by the mantra that “this is the Sound of Freedom.”

This “Sound of Freedom” was taken to court by the citizens of Oklahoma City in 1964 after “Operation Bongo II” subjected citizens to six months of continuous sonic booms, and the Air Force was forced to pay damages.

The citizens of Bastrop County may have a similar situation if the Central Texas Airport is constructed and operated with the potential of trans-sonic business aircraft using this facility and the surrounding air space. Imagine, not only the continual din of hundreds of aircraft at low altitude over Elgin and Cedar Creek, but also the sonic booms as they accelerate to cruising speed.

And remember, the ‘carpet’ of the sonic boom is 60 miles wide.’

This isn’t the reassuring ‘Sound of Freedom’.

It’s the destructive ‘Sound of Money.’

Posted by noairport at 09:23:06 in Costs, Quality of life, Future, Voices, oracle

Saturday, April 21, 2012

Splat!

A passenger on a flight taking off from JFK last Thursday recorded a birdstrike event that destroyed one engine as it happened. This plane made it back to safety. But a smaller plane might not have been so lucky. Build that 26 acre ‘duck pond’ 900’ from the runway at the proposed CTA and this could be happening right here in Bastrop County over McKinney Roughs, the Hyatt and the Cedar Creek High School. And we might not be as lucky . . .

See: <http://www.youtube.com/embed/UUgDyqqRjC0>

Posted by noairport at 10:31:46 in News, Media, Safety, Future

MAY 2012

Sunday, May 20, 2012

Follow the money

Former Bastrop County Judge Ronnie McDonald is now running for the US Congressional seat in District 27. The Pre-Primary report submitted to the FEC on May 17, 2012 lists a \$250 contribution from none other than James Carpenter. Readers of this blog know that the former Judge has been down this road before. McDonald’s campaign contribution history relating to the airport project, is detailed in **‘Opponents lob questions’ and ‘Crunching data’ from 2011**. See: <https://www.stopcta.info/factoids/2011/factoids2011.pdf> .-

One has to wonder just what favors Mr. Carpenter might expect should McDonald get elected and what other ‘friends’ the proposed CTA might have in Congress.

The proposed airport, located in District 10, is represented by Michael McCaul. A quick look at his contribution reports doesn’t show anything from Carpenter but does list several aviation related donations:

National Business Aviation Association Inc Political Action Committee (nbaa-Pac) - \$500 on April 23, 2012

Boeing Political Action Committee - \$1000 on October 12, 2011

American Airlines Political Action Committee - \$1000 on December 30, 2011

Just what is McCaul’s position regarding the proposed CTA? Stay tuned . . .

McDonald campaign reports: <http://images.nictusa.com/cgi-bin/fecimg/?C00516773>

McCaul campaign reports: <http://images.nictusa.com/cgi-bin/fecimg/?C00392688>

Posted by noairport at 06:07:00 in Players, Developer, Federal

JUNE 2012

Saturday, April 21, 2012

Art of the con

On July 29, 2009, Jim Carpenter sent an email to John Scovell, CEO and President of the Woodbine Development Corporation which is the managing general partner of the ownership team of the Hyatt Regency Lost Pines. See: <http://www.stopcta.info/factoids/2012/docs/woodbine.pdf>

That email attempted to downplay the role of the proposed Central Texas Airport which would be located directly across the Colorado River from the secluded resort and spa. The attachments to this correspondence included the slick Perryman Group Report: **‘The Sky’s the Limit’** from May 2009 as well as some material from Pico Eco-Service (soon to morph into Tiga). It was a hard sell for economic development and the now seemingly non-existent Eco-Merge project.

Mr. Carpenter wrote:

"As I have always maintained, our real business is not the airport although it is an essential element."

"John, I want to again reach out to you to allay your previously expressed concerns. We are principally in the corporate campus business . . ."

Now in 2012 we have a totally different story according to the very first page of the ‘Environmental Information Document’ (EID) submitted to the US Army Corps of Engineers in January. The proposed Eco-Merge project has now morphed into a developer’s future fantasy with no footing in reality:

"The proposed, action as described above, is a complete and independent project. No funding or approval for development beyond this proposed action has been obtained. The elements of the conceptual Eco-merge project (for example: commercial, industrial, or energy production, hotel, infrastructure, and other development features) are a second and independent project from the proposed action, on which the proposed action does not depend for its purpose and need. The specific design and feasibility of future actions will depend on what is economically feasible in the future."

See: <http://www.stopcta.info/factoids/2012/docs/feasible.pdf>

So which is it? Corporate campus with the airport as a secondary asset or is the airport the main event. Either the developer doesn’t have a clear idea of what the project is going to be or like any ‘politician’ the project description is carefully tailored according to who is hearing the pitch.

A fluid ever-shifting reality without static reference points is the essence of the art of the con. There seems to be a master at work here.

Posted by noairport at 20:42:41 in Developer

JULY 2012

Sunday, July 01, 2012

Into a pumpkin

It’s been two long, stress-filled years since the 381 Agreement for the proposed Central Texas Airport was approved by the Bastrop County Commissioners Court. Finally a few hours ago at the stroke of midnight on June 30, 2012, the deadline for the commencement phase of the CTA expired . . . not with a bang but a whimper. Hopefully, the developer’s failure to deliver will be the beginning of the end of this project.

Other than the 381 Agreement in which former County Judge Ronnie McDonald and the late Precinct 4 Commissioner Lee Dildy played a major part, this project received little support and encountered a series of insurmountable obstacles.

A year before the 381 Agreement was signed, the developer attempted to introduce a bill into the 2009 Legislative session that would have allowed annexation of airport land to the Cottonwood Creek WCID#3 in Travis County in order to create a Municipal Utility District at the airport site. Thankfully, the bill garnered little support and was never even introduced for consideration.

In conjunction with the proposed legislation, a pitch for the project was presented at a ‘Special Session of the Bastrop County Commissioners Court in April of 2009’. At that event, public opposition to the project became quite clear even though interaction with outraged citizens was limited. Thankfully, the Commissioners opted not to actively support the proposed legislation. A summary of that ‘Special Session’ is described in **‘Monday hearing’** posted on November 23, 2010. See: <https://www.stopcta.info/factoids/2010/factoids2010.pdf>

The following day the Bastrop City Council heard the same from the developer. The COB was as uncooperative as the legislature and pro-actively voted to draft a resolution of non-support for the project. **‘City council says no’** is also posted on November 23, 2010. See: <https://www.stopcta.info/factoids/2010/factoids2010.pdf>.

Despite the failures with the legislature and the COB, negotiations for the 381 Agreement with Bastrop County under the guidance of Judge McDonald and Commissioner Dildy quietly - and without any public input - began in the fall of 2009 culminating with its approval in June of 2010.

With the 381 Agreement in hand, the developer sought to gain wider support and entice additional investors in the fall of 2010 at an invitation only media opportunity at the Bob Bullock Museum that unveiled plans for a new element of the project - Eco-Merge. Both Judge McDonald and Commissioner Dildy conspicuously attended that event. We now know that Eco-Merge is no longer part of the airport equation due to lack of funding. **‘What eco-merge’** is posted above on April 04, 2012.

The Bullock event also marked the beginning of a second attempt to introduce legislation for the Cottonwood Creek WCID#3 at the upcoming 2011 Legislative session. As in 2009, the Cottonwood bill was a non-issue and the City of Bastrop once again failed to offer support support for the project.

It was about this time that the USACE became involved with the proposed CTA. But the contact was NOT initiated by the developer. An April 19, 2012 letter from Stephen Brooks to the developer summarizes the circumstances. See: http://www.stopcta.info/factoids/2012/docs/usace_letter.pdf

"In mid to late October 2010, my office began receiving numerous phone calls from concerned citizens regarding a proposed airport to be located in Bastrop County. In an effort to determine if the project would require a Section 404 permit, my staff located CTA’s website and on October 29, 2010 contacted the CTA to invite them to consider requesting a pre-application meeting to discuss their proposal."

This resulted in a Notice of the Permit Application requesting public comments on March 25, 2011. An ‘Environmental Information Document’ (EID) which was requested in the fall of 2010 was finally submitted in August 2011. The Corps found the EID lacking and requested additional issues be addressed. A second EID was submitted in January of 2012 but the mitigation section was still found to be inadequate. To date no additional documentation has been submitted and therefore no permits issued. But that is certainly not the Corps fault.

It appears that this project is on life support. But is the nightmare really over? Unfortunately, not quite as there are still unanswered questions. Is the developer’s failure to meet the requirements of the 381 Agreement an automatic ‘pink slip’? What is the mechanism to deliver the news to the developer? And how long will it take?

So while the CTA/Eco-Merge project seems to have turned into a pumpkin at the stroke of midnight, there’s no telling when (or if) the County will serve the citizens of this county a celebratory pie.

Posted by noairport at 03:10:02 in Looking back, Developer, County, City, State, Federal, The ‘expendable’

Friday, July 06, 2012

Developer misses deadline

By Cyndi Wright

Bastrop Advertiser

July 6, 2012

With the dawning of July 1, a collective sigh of relief may have been heard from the area in Cedar Creek where Austin developer Jim Carpenter has plans to build an airport.

But it’s not really clear whether vocal and organized opponents of the project can let down their guard yet.

The firm of Carpenter & Associates plans to build Central Texas Airport on approximately 1,000 acres located off FM 969, across the Colorado River from Hyatt Lost Pines Resort and a few miles north of Cedar Creek High School.

However, in his Section 381 economic development agreement with Bastrop County, which, according to Carpenter, gives much-needed tax rollbacks to the project, a June 30, 2012, deadline date to commence “turning dirt” on Phase 1 of the project has passed with nary a clod being moved.

But a law firm representing Carpenter & Associates has sent a letter to the county, invoking the “force majeure” clause of the agreement and stating that due to the delay resulting from causes beyond the reasonable control of the party, their client’s commencement of the project has been delayed by one year. The letter blames the delay on required approvals from the U.S. Army Corps of Engineers that have not been forthcoming.

“Most contracts have a force majeure clause,” said Ronnie Moore, county engineer. “It cites things that are beyond your control as an impediment to performance.”

Delays blamed on USACE

According to the letter, Carpenter & Associates first learned of regulatory approvals needed for the airport project from USACE in December 2010. County residents early on of the proposed project in March 2009 in an article in the Advertiser. But the USACE says it contacted CTA on Oct. 29, 2010 and a meeting between the airport developers and USACE was held Nov. 22, 2010.

“Unfortunately, the client has experienced delays beyond its anticipation and control in obtaining approval from the USACE permit application that has now surpassed 16 months of ongoing review and requests for additional information and studies...our client probably will not satisfy the deadlines due to delays caused by the USACE,” the letter from lawyer Patrick W. Lindner states.

But opponents of the airport project are quick to point out that, in their opinion, Carpenter has not only had plenty of time to respond to requests from the USACE. Opponents say the environmental consulting company he hired to represent him in that application should have known what the Corps needed since they have done this kind of work before.

Darlene Pendell, representing Groups United to Advocate Responsible Development, or GUARD, read a prepared statement to Bastrop County Commissioners Court at their regular meeting on June 25.

“To build the proposed airport, the discharge dredge and fill material will be dumped into 9.42 acres of jurisdictional waters of the United States, the Colorado River and/or tributaries 8 and 9,” Pendell said. “The United States Army Corps of Engineers issues individual permits for that action.”

“ACI Consulting, on behalf of Carpenter and Associates, and a representative from the U.S. Army Corps of Engineers visited the site of the proposed airport on Dec. 15, 2010 and again on May 20, 2011. The meetings took place 18 months and 13 months respectively before the phase one deadline. An Environmental Information Document was prepared for the Army Corps of Engineers and submitted by ACI Consulting on behalf of Carpenter and Associates on Aug. 18, 2011. ACI Consulting received a response from the Army Corps of Engineers in a letter dated Sept. 7, 2011, nine months before the phase one deadline of the 381 agreement.”

According to Pendell, in January 2012, ACI submitted a second EID allegedly to answer 23 subjects that were either not included in the original document or subjects that needed additional information in order for the Corps to complete the permit evaluation.

“The applicant, Mr. James Carpenter, could have avoided the delay of the permitting process by addressing all of the regulations of USACE in the original EID submitted to the Corps by ACI Consulting, an agent of the developer,” Pendell said. “The commissioners may be familiar with other work that ACI Consulting completed in Bastrop County. It is unexplainable why an environmental consulting firm wouldn’t include 23 separate subjects in the original EID submitted to the Corps.”

Mitigation plan not adequate

Correspondence from the planning, environmental and regulatory division of the Fort Worth District of USACE seems to indicate that authorities first became aware of the airport project through reasonable control complaints, rather than through an application by Carpenter or ACI Consulting for a necessary environmental assessment called for under the National Environmental Policy Act of 1969.

“In mid to late October 2010, my office began receiving numerous calls from concerned citizens regarding a proposed airport to be located in Bastrop County,” wrote Stephen Brooks, chief, regulatory branch, in a letter to Carpenter dated April 19, 2012. “In an effort to determine if the project would require a Section 404 permit, my staff located CTA’s website and on Oct. 29, 2010, contacted the CTA to invite them to consider requesting a pre-application meeting to discuss their proposal.”

According to the letter, a pre-application meeting was held Nov. 22, 2010, and ACI subsequently submitted a standard individual permit application on Jan. 18, 2011, which included a delineation of waters of the U.S. performed in 2008.

USACE issued a public notice on the permit application on March 25, 2011, and received a total of 61 comment letters, including 52 requests for a public hearing. Roughly a year before the phase 1 deadline, Carpenter & Associates received a letter from USACE stating that the mitigation plans outlined by Carpenter and ACI Consulting were not adequate.

“On May 20, 2011, a letter was sent to your consultant, ACI Consulting, affording you the opportunity for resolution or rebuttal to all objections and/or recommendations received on the proposed project,” Brooks said in the letter. “U.S. Environmental Protection Agency, Texas Commission on Environmental Quality and Texas Parks and Wildlife all commented that your mitigation plan was not adequate. At that time, we also reminded you for the need to submit an EID, a 404(b)(1) analysis and an alternatives analysis. The CTA and ACI were previously informed of the need for these documents during the Nov. 22, 2010 pre-application meeting.”

According to the letter, ACI submitted a revised EID on Jan. 24, 2012, however, in a telephone call between Brooks and Carpenter on Feb. 28, Brooks says he told Carpenter that the USACE accepted the EID as enough information to continue their review, however, the understanding was predicated on receiving a revised mitigation plan.

“During the pre-application meeting on Nov. 22, 2010, the CTA and ACI were informed that permit timelines are most often delayed for three main reasons: inadequate information from applicants and consultants; delayed responses from applicants and consultants; and required coordination for Endangered Species and Historic Properties,” Brooks said. “The proposed project would not impact any Endangered Species or Historic Properties. To this date (April 19, 2012), the USACE still does not have complete and adequate information needed to complete our review, including an adequate mitigation plan.”

Brooks goes on to point out that, additionally, public comments relative to light pollution from the proposed airport were not addressed in ACI’s response to public comments, this subject also still needs to be addressed.

What’s next?

In response to CTA’s invocation of the force majeure clause in the 381 agreement with the county, Moore said that matter is now in the hands of the county’s contracted legal services firm, Bickstaff, Heath, Delgado, Acosta LLP.

But he emphasized that invoking a force majeure is not the same thing as getting an extension on the June 30, 2012 deadline.

“If it is a valid cause for delaying the project for an amount of time, then under contractual law, the party should get that amount of time added,” he said. “It’s not an extension, it’s just not getting penalized for forces outside of your control.”

Moore also said that the county’s legal firm sent a letter to CTA’s lawyer asking for more information in order to determine if they feel the delay is a valid force majeure claim.

In the letter, dated June 18, lawyer Thomas Pollan writes, “Your letter refers to an April 19, 2012 letter from the U.S. Army Corps of Engineers that you contend placed new, additional requirements for approval. Your letter does not contain any documentation in support of the claim of force majeure, and the USACE April 19, 2012 letter does not tend to support the existence of force majeure.”

“They have to prove it,” Moore said. “We’re just being cautious. This is a contractual document so we are having the attorneys look at it now to make sure we are on solid legal ground.”

But according to Pendell and other opponents of the proposed airport, non-performance should not be confused with force majeure.

“The courts will not excuse non-performance if it could have reasonably been foreseen that the action of Mr. Carpenter or his agent would cause governmental delay,” Pendell told commissioners.

Phone calls and emails from The Bastrop Advertiser were not returned by press time from Carpenter & Associates or CTA.

See Saturday’s issue of The Bastrop Advertiser for a timeline of events surrounding the proposed airport.

Posted by noairport at 19:09:47 in Announcements, Media, Developer, County

Saturday, July 07, 2012

The big stall

The proposed Central Texas Airport has been in the works since August of 2007 when an application for the ‘Colorado Riverland Ranch’ private airport was submitted to the FAA. As that application, construction was scheduled to begin on November 01, 2007 and to be completed by November 01, 2009. See: https://www.stopcta.info/factoids/2012/docs/07-08-06_riverland_runway_15.pdf

One year later the project had morphed into the now ‘public’ Central Texas Airport and a new application was filed with the FAA. This time construction was to begin in October 2008 and be completed in October 2010. See: https://www.stopcta.info/factoids/2012/docs/08-09-22_CTA_runway_19.pdf

In June of 2010, the 381 Agreement with a deadline for commencement of construction to begin June 30, 2012 was signed. Now that deadline has also passed unfulfilled.

There seems to be a pattern here. Why after five years of wheeling and dealing is the proposed CTA still running on empty? Is this to be the gang that can’t shoot straight or is something else going on?

The Carpenter team alleges that the USACE is responsible for the recent delays - that they have **“proceeded with due diligence and commercially reasonable efforts towards completing the project . . .”**

But the timeline with the USACE tells another story.

Strike one: The CTA team certainly wasn’t in any hurry to begin the permitting process. In fact, contact was initiated in October 2010 by the Corps NOT the CTA team. If left to their own devices who knows when the permitting process would have begun.

Strike two: A good portion of the first Environmental Information Document (EID) submitted in August of 2011 was nothing more than a rehash of the 2009 Perryman Group’s report **‘The Sky’s the Limit’** extolling the economic benefits that the proposed CTA would bring to Bastrop County. See: http://www.stopcta.info/factoids/2012/docs/09-05-xx_perryman_22.pdf

The only logical explanation for why a professional consulting group like ACI who has had previous experience with the Corps would submit such an irrelevant, useless and embarrassing EID is that they were instructed to do so. That exercise in irrelevancy wasted 10 months of precious time.

Strike three: The USACE made it clear in February 28, 2012, about a month after the revised EID was submitted in January of 2012, that the mitigation portion of the report was still inadequate. The CTA failed to correct this final obstacle in the remaining 5 months before the 381 Agreement’s June 30 commencement deadline. See: <http://www.stopcta.info/factoids/2012/docs/reviseEID.pdf>

Money may not be able to buy love but it should have been able to buy an acceptable mitigation plan before the June 30 deadline. So why didn’t that happen?

Either the CTA couldn’t get ACI to cooperate in a timely manner (for whatever reason) or the CTA team actually WANTS to stall the project. Hmm . . . Perhaps current economic realities have put the proposed airport in the same position as the ephemeral Eco-Merge project. As stated in the revised EID:

"The specific design and feasibility of future actions will depend on what is economically feasible in the future."

That seems like a euphemistic way of saying they’re broke.

* Unfortunately, we only have a hard copy of the first EID.

Posted by noairport at 10:12:42 in Players, Developer, Federal

Saturday, July 07, 2012

Magic hammer?

When rereading the 381 Agreement a possibly important detail that could stop the proposed Central Texas Airport in its tracks popped out in ‘Section 9’ which deals with Company Performance. Please read the following VERY carefully:

(i) **Construction of Airport Improvements.**

(A) **Commencement.** Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Airport Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Airport Improvements to Commence no later than June 30, 2012.

(B) **Completion.** Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Airport Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Airport Improvements to be Completed no later than June 30, 2012, subject to Force Majeure.

(ii) **Construction of Commercial Improvements.**

(A) **Commencement.** Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Commercial Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Commercial Improvements to Commence no later than June 30, 2012.

(B) **Completion.** Company agrees to use Commercially Reasonable Efforts to cause construction of Phase One of the Commercial Improvements and the portions of Phase One of the Infrastructure Improvements required to use and operate Phase One of the Commercial Improvements to be Completed no later than June 30, 2012, subject to Force Majeure.

Did you notice that only the Completion Phase of the project, not the Commencement Phase is subject to Force Majeure? This observation was passed on to members of the Commissioners’ Court some time ago. So why are they even allowing a discussion of Force Majeure to continue? If that interpretation is a misread, then would a legal eagle please explain why? If indeed this is a magic hammer, why hasn’t it been used to deliver the coup de grace to the CTA?

Posted by noairport at 15:28:26 in Players, Developer, County

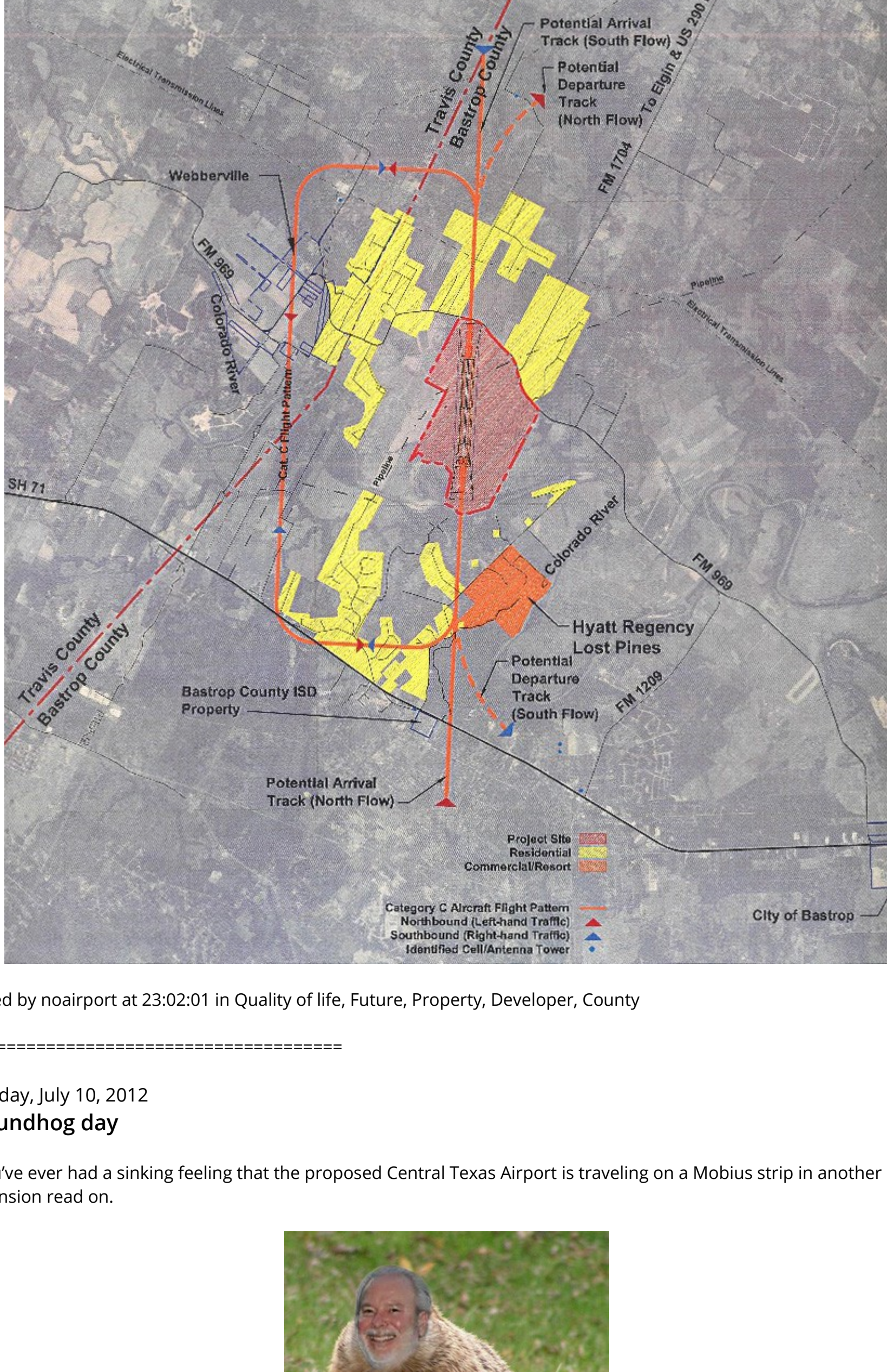
Tuesday, July 10, 2012

The good of the one

Star Trek buffs are familiar with the Vulcan edict that **“the good of the many outweighs the good of the one”**. That principle is valid not only on Vulcan but as a cornerstone of any civil society . . . in theory. But this is corporate America where **“the good of the one outweighs the good of the many”** anytime there is a chance that money can be made.

This map of the proposed Central Texas Airport’s flight patterns accompanied Cyndi Wright’s June 6 article ‘Developer misses deadline’ in the print edition of the Bastrop Advertiser. It brings home just how many people are going to be impacted by the CTA should it ever be built. How could the county have even considered this? Oh yes . . . the illusory pot of gold at the end of the runway.

Gaze long and hard at it folks . . . through your tears.

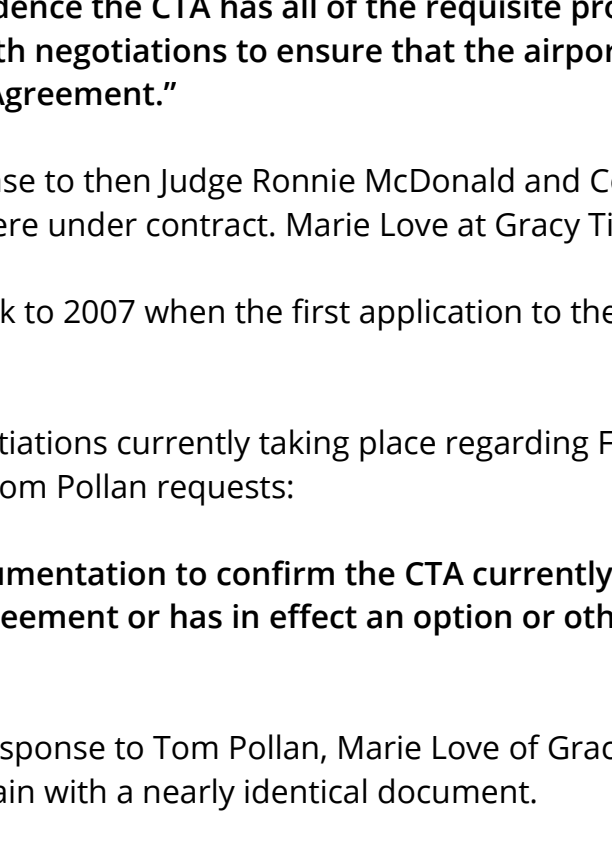


Posted by noairport at 23:02:01 in Quality of life, Future, Property, Developer, County

Tuesday, July 10, 2012

Groundhog day

If you've ever had a sinking feeling that the proposed Central Texas Airport is traveling on a Mobius strip in another dimension read on.



In the spring of 2010, negotiations for the 381 Agreement were intensifying. On March 23, Tom Pollan, the County's attorney at Bickerstaff, Heath, Delgado, Acosta LLP presented nine Non-negotiable Terms to the CTA team. Discussion of these Terms continued for weeks. In an April 08, 2010 letter to Jerry Kyle at Andrews Kurth LLP discussing the Non-negotiable Terms, Tom Pollan stated:

"While we appreciate CTA's acceptance that any modification of the territory included within the Property described in Exhibit "A" to the 381 Agreement will only be effected upon consent by the County, the County still has not seen a description of the property. The County will want to have this description and evidence the CTA has all of the requisite property under contract or option before it continues with negotiations to ensure that the airport can be built if the County is to enter into the 381 Agreement."

Jim Carpenter himself emailed a response to then Judge Ronnie McDonald and Commissioner Lee Dildy on May 05, 2010 confirming that the McFarland tracts were under contract. Marie Love at Gracy Title provided the requested document.

Please note that this contract dates back to 2007 when the first application to the FAA was made for the 'Colorado Riverland Ranch' airport.

Now fast forward to 2012 and the negotiations currently taking place regarding Force Majeure. In a June 18, 2012 letter to Patrick Lindner, the County's attorney Tom Pollan requests:

"In addition please provide documentation to confirm the CTA currently owns the Property described in Exhibit A of the Agreement or has in effect an option or other agreement to purchase it."

In an attachment to Patrick Lindner's response to Tom Pollan, Marie Love of Gracy Title (who is now a Senior Commercial Escrow Officer) comes to the rescue again with a nearly identical document.

Two years later and it's back to square one. Hold on to your wallets. Here we go again . . .

Posted by noairport at 05:25:23 in Players, Developer, County

Sunday, July 15, 2012

Force Majeure

A few days ago, an attempt to get answers to the questions raised in a previous post - 'MAGIC HAMMER' - was submitted to selected county officials. A response came from Ronnie Moore, Director of Planning and Project Management:

StopCTA said: I am aware of the current discussion regarding the developer's default of the 381 Agreement and Force Majeure.

I would like an answer to this question, please.

According to Section 9 (b) (i) (B), the Completion phase of the Airport is subject to Force Majeure.

However, according to Section 9 (b) (i) (A), the Commencement phase of the Airport makes no mention of it being subject to Force Majeure.

So why is Force Majeure even under discussion?

Thank you for clarifying.

Ronnie Moore replied: Read the 'Force Majeure' clause, Force Majeure is applicable to the entire agreement.

StopCTA: Okay but . . . if that were the case, why bother to set those specific parameters in Section 9? Couldn't it be argued that the Section 9 language supersedes the general Force Majeure definition in Section 15 (o)?

Ronnie Moore: Read the 'Force Majeure' clause, Force Majeure is applicable to the entire agreement.

It's looking like this is going to be a dead end. But just to be sure . . .

StopCTA: OK. So I'll rephrase . . .

Why specify conditions in one Section only to nullify them later in the document? Where's the logic in that?

Ronnie Moore did not reply.

End of the line. Questions still unanswered. This has been pretty much how the public debate with the County has gone from day one . . .

Posted by noairport at 05:07:36 in Players, Developer, County, The 'expendable'

SEPTEMBER 2012

Friday, September 07, 2012

Pants on fire!

The denouement of this little 'gotcha' has taken about a year to unravel. It is a real whopper!

On March 21, 2011, StopCTA gave a presentation on the proposed Central Texas Airport to the Bastrop Economic Development Corporation (BEDC). At that time the BEDC was in transition. Joe Newman, the current Director of the Elgin Economic Development Corporation (EEDC), had just left the same position at the BEDC where he had served for over a decade.

Months later on October 11, 2011, StopCTA was one of three concerned citizens to provide comments at an EEDC meeting.

Earlier that year, Mr. Newman had stated that the BEDC did not have an 'official position' regarding the airport. The same position was offered in regards to the EEDC. We were also told in October that EEDC had not heard anything from Mr. Carpenter.

After the EEDC presentation, StopCTA submitted an Open Records Request (ORR) to the City of Elgin on October 18, 2011 for documents concerning the proposed Central Texas Airport. The results of that research were posted on December 05, 2011 in 'What's up with Elgin'.
See: <https://www.stopcta.info/factoids/2011/factoids2011.pdf>

It all seemed so ho-hum.

Then in mid-August 2012, nearly a year later, StopCTA received documents from another source that contained correspondence to the City of Elgin that was responsive to the October 18, 2011 ORR but not provided. StopCTA immediately sent another ORR with the following contained in the cover letter:

"I previously submitted an ORR to you on October 18, 2011 which was posted by Sheets & Crossfield on October 31, 2011. I now have in my possession documents obtained from another source that were sent to the City of Elgin before October 18, 2011 and were responsive to my request but not provided to me. So I have revised my current ORR to give City of Elgin an opportunity to include responsive documents that you may have previously overlooked."

The next business day, Sheets & Crossfield (the City of Elgin attorneys) called for clarification of the ORR request because they were told there was nothing other than what was previously provided. The sequence of events was explained. A few days later there was yet another call to discuss documents that had now miraculously been located. The explanation? The documents must have been 'misfiled'. Just how does one 'misfile' an email? Even after all this, there is no way to know whether we have now been given all the relevant documents. Oh, well . . . so much for transparency in government.

The 'lost documents' responsive to the second ORR indicate, in their own words, that the City of Elgin and Mr. Newman had been less than forthcoming in response to our queries about Elgin's involvement with the proposed Central Texas Airport. Details of those documents will be posted separately.

This just keeps getting better and better!

Posted by noairport at 11:24:56 in Players, Developer, City

Saturday, September 08, 2012

No fly zone

Since 2007, the FAA has issued three approvals of airspace for the proposed Central Texas Airport project.

The first was issued for the 'Colorado Riverland Ranch Airport' on September 18, 2007.
See: http://www.stopcta.info/factoids/2012/docs/_07-09_18_airspace_riverland_13.pdf

The second came on January 02, 2009 when the name was changed to the 'Central Texas Airport'.
See: http://www.stopcta.info/factoids/2012/docs/_09-01-02_CTA_airspace_17.pdf

These first two were processed by Ben Guttery.

The third approval dated May 12, 2010 came after a restructuring within the FAA and was handled by Glenn Boles.
See: https://www.stopcta.info/factoids/2012/docs/FAA_letter.pdf

The format of this third document provided more detailed information than the previous two . . . a fact which did not please Mr. Carpenter:

"While this information is confidential for some purposes, it is not helpful or useful for our needs which is to simply demonstrate that our private development does not adversely impact Austin airspace. If a new letter could be issued that limits its scope . . . it would be of great assistance."

-- Jim Carpenter to the FAA, November 07, 2011

On the second page of that detailed FAA document, there is a very interesting and previously unnoticed deadline - just the kind of information which Mr. Carpenter might not want to have available to the public:

"In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until November 12, 2011. Should the facility not be operational by this date, an extension of the determination must be obtained by 30 days prior to the expiration date of this letter."

-- FAA to Jim Carpenter, May 12, 2010

At the 11th hour with a deadline looming, Mr. Carpenter contacted the FAA on November 07, 2011 - just 5 days before the expiration date - to request assistance in extending the reservation of airspace for the CTA.

He was politely told:

"Regarding airspace determination, it looks like you need to formally request an additional extension to the determination. That will have to take place by contacting Glenn Boles."

-- Mike Nicely to Jim Carpenter, November 07, 2011.

Someone on the 'CTA team' contacted Mr. Boles and then relayed the information to Jim Carpenter who summarized it as follows:

"... it is my understanding that for the FAA to continue to reserve the airspace (for Central Texas Airport) [the FAA] was going to need a copy of our Airport Business Plan with specific timelines and funding information to be sure this was a real project."

-- Jim Carpenter to the FAA, November 09, 2011

Anyone who's followed this project understands that the chances of Mr. Carpenter giving up that proprietary information is about nil. He tries to side-step the required documentation with this gambit:

"We believe that the Bastrop County Commissioners have already established the validity of the Central Texas Airport project and Section 9 of the Agreement establishes the timelines and performance requirements [the FAA] may be looking for. This is a publicly available document!"

-- Jim Carpenter to the FAA, November 09, 2011

Well, that didn't fly too well with the FAA. He was politely advised:

"... to continue to extend an airspace determination for a proposed airport, the FAA needs some assurance the proponent is continuing to work toward developing the proposed airport. The airspace for the Central Texas Airport is being reserved and as a result, handicaps nearby property owners from establishing a landing area should they so desire. Reserving the airspace also has an impact on other property owners who may want to establish a tall structure. As a result the FAA is very sensitive to extending airspace determinations because those extensions have impacts on other property owner's rights."

-- Mike Nicely to Jim Carpenter, November 10, 2011

Later that day, Jim Carpenter submitted a formal request to Glenn Boles for the extension.
See: http://www.stopcta.info/factoids/2012/docs/11-11-11_extension_request.pdf

There was no further mention of Mr. Carpenter's request within these recently obtained documents (which were responsive to a FOIA submitted in April 2012). So a call was made to Mr. Boles to get an update on the status of the request. We were told that Mr. Carpenter contacted the FAA last spring (2012) to inquire about the extension. In response the FAA issued a letter specifying the documentation that would be required. To date, the FAA has not had a response from Mr. Carpenter.

Just what documentation did the FAA require for an extension to the reserved airspace? A FOIA has been submitted for that exchange but we may not have a response for some time considering that the last FOIA took about 4 months.

In the meantime we can be thankful that the project is currently grounded with a 'no fly zone'.

Posted by noairport at 21:02:17 in Players, Developer, Federal

Monday, September 10, 2012

Is Tiga toast?

A year and a half ago, StopCTA provided some insight to the genesis of Tiga Energy Services:
See: 'Paper Tiga' posted February 07, 2011 at <http://www.stopcta.info/factoids/2011/factoids2011.pdf>

Tiga Energy Services is a company with which the Central Texas Airport signed a "Letter of Intent" (LOI) on April 24, 2010 (note there are some redactions).
See: http://www.stopcta.info/factoids/2012/docs/_10-04-24_tiga_LOI_signed_09.pdf

While doing some maintenance to the StopCTA website, the links in 'Paper Tiga' were checked for accuracy which led to this little discovery:

On August 08, 2012, Michael Hathaway, President of Tiga Energy Services, Inc filed for:

"CERTIFICATION AND NOTICE OF TERMINATION OF REGISTRATION UNDER SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934 OR SUSPENSION OF DUTY TO FILE REPORTS UNDER SECTIONS 13 AND 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934."
See: http://www.sec.gov/Archives/edgar/data/1454712/000114420412043533/v320679_15-12g.htm

Someone named 'Michael' answered the phone when a quick call was made to their Austin office. He said they have suspended reporting but would not say whether they were going private or going out of business. The final word was:

"I can't say any more because that's all we have disclosed."

If Tiga is toast, what does that mean for the future of the proposed Central Texas Airport and the very ephemeral Eco-Merge project? It looks to us like yet another wheel has fallen off . . .

Posted by noairport at 17:54:39 in Players, Developer

Monday, September 10, 2012

Courting Elgin

Last year when the fires were raging, Jim Carpenter paid a visit to Bastrop County. Not to offer to help. Not to suggest a reduction in the obscene tax benefits bestowed by the 381 Agreement. Nope. As we discovered from the 'lost' documents featured in *Pants on fire!* posted on 09/07/2012 above, he came to wheel and deal with the Elgin Economic Development Corporation. The correspondence is sparse and there still seem to be gaps in the 'land of the lost'. What we have of the story so far is collected in three 'clumps' of emails.

The first email 'clump' starts with this from Joe Newman, director of the Elgin EDC to David Glass, the president of the EEDC on September 20, 2011:

"I had a meeting this morning with some Central Texas Airport reps and they want our support of that project and another development that I had worked on while I was in Bastrop."

"They gave me a 3-page Confidentiality Agreement to sign and I plan to let our attorney look at it at tonight's council meeting. They would also like you to sign it and attend a meeting with them where they will show us their business plan, financials, investors, etc."
See: www.stopcta.info/factoids/2012/docs/elgin_confidentiality.pdf

"I know we need to handle this carefully since a lot of folks are against the project and specifically Jim Carpenter."

To which David Glass responded the same day:

"I will be happy to meet with them. Your [sic] right about needing to handle it carefully. However, I feel we need to stay close to the developers just in case they can pull it off."

Then a few days later on the 22nd Joe Newman follows up with:

"I had our attorney look at the confidentiality agreement that the developer asked me to sign. They would also like you to be in the meeting and ask that you sign the document also. Would that be OK? This is much more than just the airport project . . ."

This little exchange speaks volumes about the modus operandi of the development community - confidentiality agreements, deals behind closed doors, disdain (and fear) of public scrutiny and always ready to jump on the next enticing project.

Then about a week later on September 30 in the second flurry of emails, this pops up from Joe Newman to Jim Carpenter with a cc to David Glass:

"... I spoke with David Glass, Pres. of Elgin EDC board, last night and he said that he was very sorry to have missed your presentation yesterday and offered to meet you in Austin or wherever you prefer."

I'm going to cc David so you two can communicate directly if you like. . . ."

Here's an excerpt from Jim Carpenter's predictable response to Joe Newman and David Glass later that day:

"... I think it is very important that we assemble a group of trusted leaders in Elgin that are willing to work with us in a mutually beneficial manner. Some of the best and most loyal support that our project has received in Bastrop County has come from Elgin and we want to return the favor to those who have helped us. We are attempting to provide valuable advance information but only to certain individuals in Elgin that we can trust to maintain our critically important confidentiality until we make the announcement in concert with the respective businesses and their executives..."

If there was a meeting on September 29, there is no indication of it in the documents we have received from the ORR to the City of Elgin. Where was it held? Who was present? Did it even happen? The gap in the flow of correspondence seems rather suspect.

After a few days, the final emails include this from Paul Grabowski to Joe Newman and David Glass on October 3:

"Sorry we were unable to meet last week at Joe Newman office. We would like to schedule a meeting for this Thursday morning at 9am to discuss the Central Texas Airport project and two other major projects within the same area. Is that a good time for you? Please advise... The meeting will be in Joe Newman's office conference room."

"We have also invited the following, Ronnie Moore, Bastrop County Engineer, Keith Snowden, Donna Jordan and Ed Rivers may attend ."

"Jim Carpenter of Central Texas Airport, Robert Leffingwell and I will be presenters at the meeting."

Yet another meeting involving several previously unmentioned players. Note that some recipients of this email were redacted. Now there are two other major projects? Are they related to the airport? Joe Newman was out of town and unable to attend the meeting but who else participated? Or did it even happen?

Two names on the list of invitees might have caught your attention - Ed Rivers, President of the Elgin Chamber now running for Bastrop County Judge and Ronnie Moore, Bastrop County Engineer. Is Ronnie Moore's involvement with the EEDC and specifically the CTA project a conflict of interest with his position as Bastrop County Engineer? Other documents in StopCTA's possession offer some insight.

Nowhere in these documents is there a description of what Carpenter was selling or what the other projects were. A call to Joe Newman was marginally informative. He claims that the specifics of Carpenter's deal were never unveiled, that the Confidentiality Agreement was never signed and that Jim Carpenter has been MIA since then. Readers will have to come to their own conclusions about the veracity of that information.

And remember all this was happening while Bastrop was burning. That just feels sooooo wrong . . .

There are still more questions than answers about what went down in Elgin and StopCTA is working very hard to answer each and every one.

A few answers . . .

StopCTA has learned (hopefully reliably) that the October 6 meeting did happen and that Ronnie Moore was not in attendance. Still no clue about the other independent but 'airport related' projects that were pitched at the same time. Mention of this meeting seems to trigger amnesia!

Posted by noairport at 13:51:19 in Players, Developer, City

OCTOBER 2012

Sunday, October 07, 2012

Where is he now?

On March 9, 2012 there was an article in the Bastrop Advertiser titled 'McDonald chooses Congress'. The topic has been dormant for several months until this comment was posted on September 27:

"Can we have an update on Ronnie McDonald? I cannot find anything current on the web. Thanks."

Stop CTA responded with a comment similar to the following on September 28 but once again it remains 'awaiting moderation':

When StopCTA was checking out Ronnie McDonald's campaign contributions filed with the Federal Election Committee (FEC), we discovered where he landed after resigning.

On page 7 (of 25) of the JULY QUARTERLY report filed on 07/15/2012, there are two entries where McDonald contributed funds to his campaign totaling just over \$53,000. On that form, his employer is listed as McCreary, Vaseika, Bragg and Allen, PC (MBVA) and his occupation as Government Liaison. If MBVA sounds familiar it's because the firm handles the tax sales for Bastrop as well as other counties in Texas.
See: <http://images.nictusa.com/cgi-bin/fecimg/?C00516773>

What's with the Advertiser deciding what facts get out to the community . . . AGAIN!

Happy to report that the comment was FINALLY released from moderation. However, it is so buried it's unlikely that anyone will find it.

Posted by noairport at 21:55:46 in Announcements, Media

Sunday, October 14, 2012

A matter of facts

Just how important are 'facts' to an issue like the proposed Central Texas Airport? Those of us at StopCTA put factual accuracy at the top of the list. While errors occasionally slip through, we do our best to correct them ASAP.

Unfortunately, even the most well-intentioned opposition to the project has occasionally offered questionable information regarding the CTA. Here are a few of the blunders that have been circulated around Bastrop:

1. The CTA 'permit application' to the US Army Corps of Engineers produced more than its share of confusion:

An 'EID' (Environmental Impact Document) was submitted to the Corps on behalf of the CTA but more than once and published it has been erroneously identified as an 'EIS' (Environmental Impact Statement). An EIS is a much more rigorous evaluation than an EID (or 'EA' Environmental Assessment). The NEPA requirement details the process.
See: https://en.wikipedia.org/wiki/National_Environmental_Policy_Act

2. StopCTA was also disheartened to see the number of times 'Corps' was misspelled as 'Corp' in many different circumstances.

3. Then there was a misstep concerning the number of passengers that would be allowable per flight at the airport. An email sent to a political candidate and others stated that aircraft would be limited to 'less than 16 seats'. A quick look at page 2 of the 381 Agreement provides the correct information:

[The airport] . . . at no time will serve any scheduled passenger-carrying operations of an air carrier designed for more than 9 passenger seats or unscheduled passenger-carrying operations of an air carrier operating aircraft designed for 31 or more passenger seats."

There was more outrage that StopCTA had seen the email than there was about the 'fact' that so missed the mark.

4. Before the much-anticipated June 30 deadline when the CTA was required to begin construction, this whopper appeared briefly online:

"With only a couple of months left before they have to break ground and have \$150M in the bank . . ."

Again the very first page of Resolution approving the 381 Agreement has the correct information:

"WHEREAS, pursuant to the proposed Agreement (i) CTA will not be entitled to receive any grant payments unless and until CTA has completed construction of the first phase of the project which is estimated to cost \$150,000,000 . . ."

- A) The deadline for completing Phase I is June 30, 2014 - two years away.
- B) There is nothing in the 381 Agreement about the CTA having to have that money in the bank by the June 30, 2012 deadline for the commencement of the construction phase.

5. Finally, just a few days ago this popped up from a well-meaning citizen who discovered this statement posted online:

"Developers in Central Texas are planning to construct a private, general aviation airport and industrial park on the banks of the environmentally sensitive Colorado river at the intersection of FM 969 and FM 1704."

An email with this correction was sent to the web guy:

"The proposed CTA would not be a PRIVATE general aviation airport. It would be a PRIVATELY-FUNDED general aviation airport. Huge difference."

Instead of something like, "OMG how did we miss that! It will get fixed right away", the following defensive posture should give anyone who cares about 'facts' pause. The concerned citizen was advised as follows:

". . . take your own money and time and build something educational for the public on the matter to keep everyone so properly informed since you're so concerned about the public and their inability to understand what the broad and commonly used phrase "private airport" means. Or you could continue to send me more comments that focus on some completely insignificant minutiae and act like such trivialities are some huge problem . . ."

Minutiae? Trivialities? What can be said but WOW!

Posted by noairport at 03:02:48 in The 'expendable'

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Sunday, October 28, 2012

Fly on the wall

A recently received FOIA document provides a very interesting fly-on-the-wall perspective of the interaction between the USACE and the developers of the proposed Central Texas Airport. The document in question is a summary of a telephone conference held October 25, 2011. The date of this meeting is confirmed on page 1 of the 'Compensatory Mitigation Plan' of the revised 'Environmental Information Document' (EID) submitted to the USACE by the Proposed Central Texas Airport in January 2012.

The meeting Agenda submitted by ACI consulting lists the attendees as Jim Carpenter, CTA, Walter Tacquard CTA, Steve Paulson, ACI, Lauren Dill, ACI and two Corps representatives whose names are redacted. It would be logical to assume they are Jennifer Walker, Chief of the Permits Section and Frederick Land, the Project Manager.

The purpose of the meeting was to discuss the deficiencies in the first EID (submitted by ACI in August 2011) that were detailed in response to the EID from the USACE on September 07, 2011. StopCTA submitted a FOIA for that letter a year ago. It was denied on December 05, 2011 and an appeal was posted on December 30, 2012. The document remains on appeal with the Army General Counsel in Washington DC. Thanks to the meeting summary which lists 23 discussion items, we now have a pretty clear idea of what that withheld letter contains. Issues discussed at that meeting will be highlighted in separate posts.

The only other item to be noted here is that an additional attendee - Ronnie Moore, Bastrop County - was present at the conference call. The Corps confirmed that they did not extend the invitation so it would have had to come from someone on the CTA 'team'. In light of other documents that StopCTA has acquired but not yet made public, that was no surprise to us. More on that later . . .

Posted by noairport at 13:37:37 in Players, Developer, County, Federal, The 'expendable'

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Monday, October 29, 2012

Making a difference

The lack of transparency and disregard for public input regarding the County's decision to give its blessing to the proposed Central Texas Airport has proven to be a colossal miscalculation. Citizens were rightfully outraged that they had been given no voice in a project that could so negatively impact personal lives, public safety and environmental quality. Would the public ever have a say?

The first significant opportunity came when the USACE posted a Public Notice on March 25, 2011 which requested public comments regarding the Permit Application for the CTA. The initial comment period was for 30 days and then extended until May 9. This section of the Public Notice provided some encouragement to those who were overlooked in the County's decision-making process:

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed 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.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The most recently obtained document summarizing the October 25 meeting between the developers of the CTA, their consultants and the Corps confirms that the above paragraphs were not just empty window-dressing.

". . . an airport project is very different from a housing development and the public interest review is also different; that this project had more public interest than any project in recent district history with 60 comments and 50 plus requests for a public hearing; and that the EID/EA would need to [be] commensurate with the public interest review."

Preparing comments is not an easy task; one for which not many have the time or inclination. But the citizens of Bastrop County took the opportunity and it paid off.

Let this be a lesson that citizens CAN make a difference. Let the lesson for the County be that transparency and due diligence should be the highest priority in evaluating any future projects of this magnitude. Government should work for and consider its citizens first and not give priority to developers' pipe-dreams.

Posted by noairport at 13:29:16 in Safety, Quality of life, Environment, Future, Players, Developer, County, Federal, The 'expendable'

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Monday, October 29, 2012

Safety be damned!

Safety concerns regarding the proposed Central Texas Airport have been a recurring theme on this blog and elsewhere in the media. In addition, only of the comments responding to the CTA's Permit Application to the USACE highlighted the inherent dangers of not only building an airport on the banks of the Colorado River but on top of that, constructing a permanent elevation pond only 1000 feet from the runway.

Well the Corps took our collective concern to heart. Items 14 and 15 of the October 25, 2011 meeting discussed safety and wildlife hazard issues related to the proposed Central Texas Airport. The Corps tried their best but encountered an immovable (and clueless) developer. Here's a summary of the exchange:

[The Corps] explained that there needs to be a discussing [sic] on why the pond would not create a hazardous wildlife attractant. She explained that in our public interest review we need to address this issue. They need to explain why there is a need for a constant pool. Could do a small dry dam and eliminate the wildlife hazard.

The CTA's response provides stunning insight into the arrogance and self-interest of the developer. The safety issue is something that can be conveniently side-stepped by avoiding FAA regulation (due to the CTA's private funding status). This attitude will be no surprise to those familiar with the CTA issue but it's still a shock to see it so bluntly stated:

CTA stated that the pool was for aesthetics and irrigation and that it should not be a concern because it is not an FAA project.

And there you have it. Aesthetics is their primary concern and safety be damned! How's that for a shining moral compass?!

After that the Corps tried once more:

[The Corps] stated that we still have concerns because it is still a public safety issue. They should consider a dry detention basin.

The 'Hazardous Wildlife Attractants' section on page 28 of the revised 'EID' is a twisted sleight-of-hand response to the Corps well-founded concerns. 'Quack, quack*' provides a comprehensive analysis of that section. And the Detention Pond Layout included in Appendix A of the Compensatory Mitigation Plan can be seen in 'More quackery*'. See: April 15, 2012 posts [Quack, quack*](#) and [More quackery*](#) above.

Posted by noairport at 15:18:56 in Safety, Developer, Federal, The 'expendable'

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Tuesday, October 30, 2012

Exposing the hype

Ever since the developer first pitched the Central Texas Airport project at a public meeting of the Bastrop County Commissioners Court on April 13, 2009 and to the Bastrop City Council on April 14, 2009, a fog of hype has swirled around the project. Over time, the hype continued at a fever pitch but the players and configuration of the project never stayed the same for long. So exactly what is the proposed Central Texas Airport/Green Corporate Center project?

At the October 25, 2011 meeting, the Corps attempted to clarify the scope of the project with the very first item up for discussion:

1. Scope of the single and complete project including details on other planned phases and their status relative to independent utility. Elements to be detailed include any commercial, industrial, or energy production element, hotel, infrastructure, and other development features.

[The Corps] explained that the scope of the project needed to include the larger plan of development for any reasonably foreseeable phases, roads, infrastructure, etc. That the applicant should give themselves credit for work they had done for energy and "green elements". That the maps provided where [sic] insufficient and that we are having a difficult time even figuring out what the scope of the project is. Specifically the written descriptions do not match the plans. When asked about the buildings (what they were) on the east side of the runway, we were informed that they were just aesthetic drawings, not any particular buildings.

The Corps felt that defining the scope of the project was important enough to close the meeting with a continuation of the discussion:

23. Provide current detailed plans and profiles including all infrastructures and other site development related to the project. Currently, detailed site plans are provided for one segment of the project site plan while no profiles are provided.

[the Corps] went over in detail that we needed better maps.

CTA stated that the maps provided where [sic] artist renditions; that the project was design-build and no such data (engineering drawings) are available at this time.

[The Corps] stated that although detailed engineering drawings are not required, reasonably accurate maps, with all reasonably foreseeable phases an elements, are needed to permit the project.

It's clear that the Corps wasn't buying into any of the developer's hype that was so short on specifics. (If only the County had proceeded with such due diligence . . . sigh.) The Corps' persistence in requesting details was cleverly side-stepped in the revised EID. StopCTA pretty much connected these dots.

See: ['What Eco-merge'](#) posted above on April 04, 2012.

Looks like we were right on target.

Posted by noairport at 13:35:34 in Future, Developer, Federal

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Wednesday, October 31, 2012

Oh, so green

Eco-merge may have been unmasked but 'green' hype is still very much a part of the proposed Central Texas Airport's marketing strategy.

In the previous post, 'Exposing the hype', we learned that the Corps suggested that the applicant should give themselves credit for work they had done for energy and 'green elements'. Item 13 of the October 25, 2011 conference call also addressed the 'green' aspects of the project:

13. Energy requirement and conservation potential, including information on the 'green' elements of the proposed project.

Steve Paulson [ACI] asked what we meant by this.

[The Corps] explained that they discuss 'green' aspects of the project in their EID and website but never say what they are. For example, are they using solar arrays? If so state it in the EID.

In response to these suggestions, three sections of the revised EID touch on green aspects of the project. The most extensive presentation begins on page 43. It is brimming with lots of ideas and generalizations but the specifics still seem to be missing:

4.18 Natural Resources, Energy Supply, and Sustainable Design

Executive Order 13123, 'Greening the Government Through Efficiency Management' (64 FR 30851, June 8, 1999) encourages federal agencies to expand the use of renewable energy within their facilities and activities and requires a reduction of petroleum use, total energy use, air emissions, and water consumption by federal agencies in their facilities. It is also the policy of the FAA to encourage the development of facilities that exemplify the highest standards of design including principles of sustainability.

The proposed CTA is designed to be a green airport demonstration project, conceived and developed to achieve balance between technology and nature. The proposed CTA is designed to provide a privately owned and operated business facility and environment that recruits third-party businesses to demonstrate new and emerging technologies in alternative renewable energies; patent-pending energy management and communications applications; and integrated environmental design and development standards. The proposed CTA is designed to provide convenient, safe, and efficient general aviation accessibility to the Central Texas region.

The proposed CTA plans to implement unique environmentally compatible design features, and utilize demonstrations by other parties with renewable energy generations and management capabilities and scalable smart grid communications infrastructure.

The smart grid network proposes to provide secure and efficient infrastructure connectivity for the airport buildings and businesses, offering real-time, point-source energy consumption data collection and management capabilities for individual buildings or the entire airport.

A local Bastrop County company has been recruited to utilize the roof surface areas of the hangars and other structures on the airport for rainwater collection and harvesting for commercial reuse and bottling. Airports such as the proposed CTA do not have high water requirements so utilizing gray water systems for irrigation and other uses offer a potential model for sustainability.

Landscape planners propose utilization of certain trees, plants, and grasses for carbon mitigation and deterrents to undesirable bird species. CTA will consider these proposals and may implement testing areas to determine the effectiveness of these practices. Many airports utilize vegetation and mowing practices that attract wildlife species that are not suitable for airport environments. CTA is not bound by governmental guidelines or practices for such activities and plans to utilize best management practices.

The 'green' aspect of the airport is mentioned briefly in two other places in the revised EID - one on page 53 under '4.21.21 Natural Resources, Energy Supply, and Sustainable Design' and the other on page 1 of the 'Compensatory Mitigation Plan'.

Private ownership and freedom from regulation are the pillars on which this project is built. The CTA has made it very clear that their private funding status exempts them from FAA regulation and that they are NOT an FAA project, yet here an FAA policy comes in very handy.

See: [Quack, Quack](#) posted April 15 above

Renewable energy is a good thing but weren't the 'patent-pending energy management and communications applications' and 'smart grid network' connected to Tiga Energy Services? On August 08, 2012, eight months after the revised EID was submitted, Tiga Energy Services filed for 'Securities registration termination' with the SEC. What does that mean for the project's master energy plan? Is Tiga toast?

See: [Is Tiga toast](#) posted October 10, 2012 above

Rainwater collection is also a good thing but would you want to pay a premium for bottled water that was collected in a toxic airport environment? How green is that?

And finally the idea of deterring 'undesirable bird species' with vegetation while constructing a permanent level pond that will be a wildlife attractant is just plain ludicrous.

See: [Safety be damned](#) posted October 29 above

All this 'green' talk seems like just a lot of hot air to us.

Posted by noairport at 12:21:58 in Safety, Environment, Developer, Federal

END OF 2012 ENTRIES