

# Judge: Airport can be closed

By BUD O'BRIEN

The city of Santa Cruz has apparently won the battle to close the airport it owns in the middle of another city — Scotts Valley.

Superior Court Judge Harry F. Brauer ruled this morning that the city is exempt from the regulations of the California Environmental Quality Act (CEQA) in this instance, and so did not have to prepare an environmental impact report (EIR) before it could close the airport.

A group of pilots and other supporters of maintaining the airport had organized as the Santa Cruz Airport Assn. and brought suit to prevent the closure. The group's lawyers asked the judge to enjoin the city from closing the airport as of Dec. 31 because it had not prepared an EIR.

But Judge Brauer said the city was exempt from CEQA's provisions under the terms of a law adopted after the passage of Prop. 13 that allows municipalities to skip environmental review processes if the project involved is a method of overcoming some of the problems posed by passage of the tax-cutting proposition. The judge upheld the city's claim that Sky Park Airport, since it is not a money-making proposition and is occupying land worth some \$5 million, constitutes a financial drain on the city.

But the judge also said that, since the law cited is "not crystal clear," the city would have to undertake an EIR if an appellate court were to rule that the Prop. 13 exemption didn't apply in this case.

Brauer said that the city's action of last November of declaring that even if it were determined that the CEQA laws did apply, an EIR would not be necessary was not valid.

The city, while claiming exemption for the CEQA regulations, went ahead and issued a "negative declaration" just in case. A negative declaration, in effect, says that a full-fledged EIR is not necessary because the impact of a particular project would not be sufficient to demand one.

But Judge Brauer said the decision of the city to ignore the possible impact of the closure of Sky Park Airport on the only other commercial airport in the county — Watsonville Airport — was improper.

So, if it were to be determined on the appellate level that the Prop. 13 exemption doesn't apply in this case, the city would then have to have an EIR prepared that takes into account the impact of Sky Park's closure on the Watsonville Airport.