

November 17, 2009

The Honorable Raymond Mabus
Secretary of the Navy
1000 Navy Pentagon, Room 4E729
Washington, DC 20350-1000

Re: Outlying Landing Field

Dear Secretary Mabus,

As you know, the United States Navy is preparing a Draft Environmental Impact Statement (DEIS) for construction of an Outlying Landing Field (OLF) to support jet fighter aircraft based at Naval Air Station (NAS) Oceana in Virginia Beach, Virginia. One site being studied is Hales Lake/Moyock on the Camden/Currituck County border in northeastern North Carolina.

The selection of this site will irreparably harm Camden and Currituck given their population growth and development trends. Moreover, it will surely cause hardship for the Navy in carrying out its operational mission.

We are also concerned by the site selection process, the adverse impacts on the schools and respectfully report the unequivocal political opposition which will almost certainly bring litigation.

SITE SELECTION PROCESS

We are aware of documents related to the Navy's selection process which call into question the selection and subsequent study by the Navy of the Hales Lake/Moyock Site. Attached documents show the North Carolina Department of Environment and Natural Resources (NCDENR) staff were given less than 8 hours to evaluate the site. This short timeframe rendered a proper evaluation impossible.

A chronology of the documents is attached (Attachment 1).

POPULATION GROWTH

Documents further indicate the Navy used data which, in some cases was, more than 17 years old. For example, the 1990 Currituck County Land Use Plan (LUP) was consulted when a 2007 version was available. Flawed reliance upon the 1990 version does not capture the rapid residential and commercial growth of the County over the last 15 years. The U.S. Census Bureau reports between 2000 and 2007, Currituck County was the fifth (5th) fastest growing county in North Carolina and the 72nd fastest growing county in the United States. Moyock, a mere one mile from the site, is the fastest growing community, and the population center, of Currituck County. Continued rapid, high density growth in the Moyock area is documented in the 2007 version of the Currituck County LUP. Illustrative excerpts are contained in Attachment 2.

Likewise, Camden County is another of the fastest growing counties in our state. The U.S. Census Bureau reports, between 2000 and 2007, it was 2nd. It too had a current LUP on file with NCDENR from 2005, but inexplicably a 1993 version was used.

Estimated population growth rates for each of the counties immediately surrounding and encompassing the Hales Lake/Moyock Site between the years 2000 and 2008 according to the U.S. Census Bureau are as follows:

- Currituck, Population Growth Rate 2000-2008, **32.9%**. Total 2008 Population Est. **24,183**
<http://quickfacts.census.gov/qfd/states/37/37053.html>
- Camden, Population Growth Rate 2000-2008, **40.6%**. Total 2008 Population Est. **9,682**
<http://quickfacts.census.gov/qfd/states/37/37029.html>
- Pasquotank-Elizabeth City, Population Growth Rate 2000-2008, **17.8%**. Total 2008 Population Est. **41,111**
<http://quickfacts.census.gov/qfd/states/37/37139.html>

Had a competent review of the most current LUPs occurred, the population and developmental growth in the subject counties would have revealed a site incompatible with an OLF.

IMPACTS ON SCHOOLS

Recently, the Navy updated the OLF site maps on the EIS website using the most advanced noise data and modeling techniques. The resulting site map (<http://www.olfeis.com/documents/maps/HalesLake.pdf>) depicts the approximate 60 dB DNL noise contour, which now extends into neighboring Pasquotank County whose citizens were never afforded the opportunity to host scoping meetings. The new 60 dB DNL noise contour is less than one mile from the Northside Schools Complex in Pasquotank County, home to an elementary school, a middle school, and a high school. This clustered complex accommodates over 1,000 children per day.

Further study of the map reveals three schools in Camden County in close proximity to the 60 dB DNL noise contour (Grandy Primary School, Camden Middle School, and Camden County High School), as well as, three schools in Currituck County also in close proximity (Moyock Elementary, Moyock Middle School, and Shawboro Elementary).

The establishment of high-noise military operations will have a severe adverse impact with our educational commitment.

ENCROACHMENT INDICATORS

A Land Use Plan is a collection of policies and maps serving as a community's blueprint for growth. These plans are elementary to coastal management in North Carolina. It is critical accurate, current

growth/development patterns be exclusively utilized. Regrettably, our communities were neither represented, nor evaluated properly.

The Navy and the government of Virginia Beach engaged in a Joint Land Use Study (JLUS) to resolve conflicts between development and jet aircraft operations near NAS Oceana. As part of the JLUS document finalized in 2005, the Navy and Virginia Beach partnered to place restrictions on flight operations at NAS Oceana minimizing noise on that community. The Navy then documented its intention to pursue an additional Outlying Landing field in North Carolina. Admirably, the Navy demonstrated a spirit of cooperation with the local government of Virginia Beach. We are dismayed, however, the boards of commissioners in northeastern North Carolina were not afforded the same spirit of cooperation and communication but were instead denied a voice in the decision making process.

More specifically, we are disheartened local governments of Camden and Currituck were not consulted prior to the selection of the Hales Lake/Moyock Site for further study.

Such consultation prior to selecting a site for study is critical to this process. We are familiar with our communities and understand the current and projected growth trends. For example, although the "core area" of the Hales Lake/Moyock Site is relatively unpopulated, the area just beyond the core is populated and growing. On page ES-5 of the Navy's Executive Summary for the 2003 Final Environmental Impact Statement (2003 FEIS) which paved the way to home base the Super Hornet squadrons at NAS Oceana, the population growth trend within a five mile radius of the Navy's current OLF, NALF Fentress, was described:

"Residential lighting from the increasing population around NALF Fentress further degrades night FCLP training. Residential growth trends around NALF Fentress will make these problems worse. Between 1990 and 2000, the population density within a 5-mile radius of NALF Fentress increased 44%."

Attached is a map of the Hales Lake/Moyock Site (Attachment 3) which outlines a 5-mile "expanded buffer zone" surrounding the Navy's projected OLF impact area and includes parts of Camden, Currituck, and Pasquotank counties. Population growth estimates within this 5-mile expanded buffer zone indicate a growth rate of 26% between the years 2000 and 2008. Chapter 7 of OPNAVINST 11010.36 further states:

"The importance of the air installation having sensitivity to long-range encroachment indicators cannot be overemphasized. Local community capital improvement plans and long range land use plans, commonly referred to as "Comprehensive Plans," provide clues far in advance of actual encroachment actions. These plans generally address land areas far greater than the AICUZ and must be evaluated to determine their influence on the AICUZ area either directly or indirectly."

It is clear just beyond the core area, strong long-range encroachment indicators of population/development pressure are present. Obviously, this site is not compatible with the Navy's long-term OLF mission. There is an estimated population of 10,000 people in Moyock alone. This is inconsistent with the Navy's criteria of 50 people per square mile. The Hales Lake/Moyock area has a high rate of population growth. The Navy saw fit to remove this site from OLF consideration in the 2003

FEIS due to population pressures explained by 1990 census data when our population was considerably smaller (Table 4-6, 2003 FEIS). Nothing has changed to suggest this is a more desirable site today than it was then. To the contrary, the ensuing growth and development makes it even less accommodating to an OLF. Although the Navy has tried to minimize the impact by stating it only needs 2,000 acres, this is disingenuous in that it ignores reality. If the Navy saves the federal government the expense of buying or condemning 30,000 to 50,000 acres, it is still placing the burden on local government to control future growth on the balance of the 28,000 acres or more. The Navy proposes to place an OLF in our community with little compensation to the landowners and no mitigation of damage to the counties which lose their tax base.

Yet, sadly, the current inadequate study has now been underway for more than two years, already subjecting our citizens to adverse impact. For example, the disclosure of the mere possibility of an OLF is now required in the listing of real estate for sale in some areas of Camden and Currituck counties, diminishing real property values.

UNIFIED POLITICAL OPPOSITION

We respectfully bring to your attention the General Assembly of North Carolina unanimously passed legislation this summer amending our state's federal reservation statute to provide North Carolina does not consent to the acquisition of any land in our counties for the establishment of an OLF and will not yield its jurisdiction. We have attached a copy of S.L. 2009-20 for your review. The Attorney General of North Carolina has made it clear he is monitoring the OLF siting process and will act as necessary to protect the economy and environment of eastern North Carolina. See Letter dated August 28, 2009 from Attorney General Roy Cooper to Congressman Walter B. Jones attached hereto. Camden and Currituck have retained counsel and have made it clear for many months they will take legal action to oppose siting of an OLF in Hales Lake/Moyock.

From the beginning the Navy has stated it will not seek to site an OLF in a community that does not want it. Our county governments have made it clear we do not want an OLF at the Hales Lake/Moyock Site, as has Governor Perdue, the North Carolina General Assembly, North Carolina's Attorney General, and North Carolina's Agriculture Commissioner Steve Troxler, who is in fear of the loss of some of the most productive farmland east of the Mississippi River.

There is no support from the elected officials who represent this region, only intense opposition to an OLF.

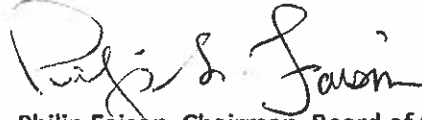
As County Commissioners, we are required to protect the health and welfare of our citizens. We are fully convinced, for the reasons stated herein, the development of an OLF at the Hales Lake/Moyock site will irrevocably damage the financial stability of our counties, significantly interfere with our ability to educate our children and in the case of Camden, the OLF could destroy its viability to function as a political subdivision of the State of North Carolina. We do not overstate our position when we conclude the political sovereignty of North Carolina should be respected.

Our views are fixed and not subject to change. We have no interest in seeking any proffered benefits from the Navy in return for being burdened with an OLF.

SUMMARY

We thank you for your review of this correspondence and attachments, your sensitivity to our concerns and your service and that of the United States Navy to our freedom. We respectfully request the Navy to be true to its stated position and release the Hales Lake/Moyock site from further consideration.

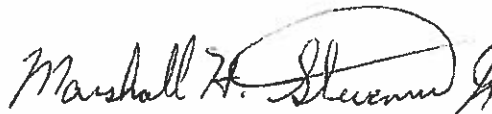
Sincerely,



Philip Faison, Chairman, Board of Commissioners
Camden County, North Carolina



J. Owen Etheridge, Chairman, Board of Commissioners
Currituck County, North Carolina



Marshall H. Stevenson, Jr., Chairman, Board of
Commissioners
Pasquotank County, North Carolina

ATTACHMENT 1

A summary of the documents, most of which are interoffice emails, follows. They have been compiled in chronological order for the sake of consistency:

1. NCDENR Email dated Sept. 26, 2007 from Linda Pearsall (NCDENR) to Don Reuter (NCDENR) - This email indicates that Secretary of Natural Resources Bill Ross was looking for alternative sites. The chief concern is proximity to State Parks.
2. Navy Email dated October 1, 2007 from Richard Catoire (USN) to Linda Pearsall (NCDENR) – Commander Catoire provides center point coordinates for the new sites.
3. NCDENR Email dated October 2, 2007 from Linda Pearsall (NCDENR) to NCDENR staff – Ms Pearsall directs her staff to review the “new” sites.

What is most disturbing is the “short turn around” time the staff was given to review and raise critical issues to Governor Easley’s OLF Study Group. Notice the date and time of the email: Tuesday, October 2, 2007, 11:09 am, with review of sites due by the next day, Wednesday, October 3, 2007, mid-day.

4. NCDENR Email dated October 2, 2007 12:40 from John Thayer (NCDENR) to NCDENR staff - “No Better Map(s) yet”. The documents used to evaluate the Moyock/Hales Lake site were the 1993 Camden County Land Use Plan (1993 LUP) and the 1990 Currituck County Land Use Plan (1990 LUP).

It should be noted that at the time NCDENR reviewed the Moyock/Hales Lake Site for OLF suitability using the 1990 LUP, Currituck County had an updated LUP on file with NCDENR dated May 18, 2007. This means that the Moyock/Hales Lake site was reviewed for OLF site suitability with an LUP that was 17 years old.

The same applies for Camden County. NCDENR reviewed the Moyock/Hales Lake Site using Camden County’s old LUP from 1993. Again, NCDENR had on record an updated LUP for Camden County dated June 17, 2005. In this case, a 14-year old LUP was used for review for OLF site suitability in 2007 when an updated LUP was clearly available.

ATTACHMENT 2

Below are some excerpts from the 2007 Currituck County Land Use Plan that was available for review at the time the Navy requested information on the sites:

Since development in the northern portion of the Mainland in the Moyock area is strongly affected by the economic hubs of neighboring Virginia, new residential growth in this area tends to be of a "bedroom community" nature. Subsequently, commercial uses in this area tend to be residential support services. As a result of continued residential growth, additional commercially zoned properties are developing in this area.

Future Development by Planning Subareas, Next Five Years

Moyock

Development Trend: Moyock's emergence as a bedroom community for the Tidewater Area of Virginia will become more pronounced over the next five years. New residential subdivisions will continue to move into the area, spawning retail services and other non-residential development.

Currituck County 2006 Land Use Plan, page 4-8

Traffic volume on NC 168 has increased greatly in the northern part of the county around Moyock. Traffic volume on monitored areas of NC34 has also increased. A consistent increase of between 4,000 and 5,000 vehicles per day has occurred at monitored segments of US 158 after it intersects with NC 168. Table 5.2, 1999 and 2002 Traffic Volumes

NC 168 Bypass, West of Moyock

The NC 168 Bypass will have a major impact on the northwestern and central parts of Currituck County:

- Properties near the new Bypass, just west of Moyock will witness increased pressure for both residential and commercial development, as this new roadway will improve access for additional "bedroom community" development.*
- The bypass will send large volumes of traffic through the currently rural, western part of the county, effectively opening up extensive, open land to development interests.*
- Intersections of NC 34 and US 158 with the proposed bypass will also likely result in greater demand for both residential and commercial development (Section 5: Community Facilities Analysis 5-9).*

Moyock Watershed Improvement Service District

Much like the Guinea Mill Canal area, the Moyock area is rapidly changing from rural farming community to a more urbanized setting resulting in more stormwater run-off from more impervious surfaces. Traditionally the farmers and landowners have maintained the drainage but with the recent changes taking place this is no longer the case. With the lack of maintenance resulting in chronic flooding and no entity responsible for overseeing these drainage ways, this service district was created by the County in June 2002.

Moyock Area

Summary of Area Character

The Moyock area is the fastest growing part of Currituck County. Development densities currently range from 1 to 3 units per acre depending upon development type. It is coming under increasing development pressure as a "bedroom community" for the Tidewater Area of Virginia.

This means that people moving into the Moyock area often work across the state line in Virginia but prefer to have their residence in Currituck County. Heightened development interest in this area has brought with it pressure for more subdivisions, as well as the retail services that follow such development. It also brings with it concerns about heavier traffic, loss of open space, increased stormwater runoff and drainage issues, overburdened schools, a need for enhanced police, fire and rescue services, and demand for centralized water and sewer services.

Policy Emphasis:

The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

Clustered housing developments, with open space required by ordinance, will need to be encouraged. If sewage treatment collection systems are built, whether publicly or privately, all such systems should be designed so as to allow them to be tied together into a single system at some point in the future.

The proposed 168 Bypass will be needed to address the increased traffic loads passing into and through this area. Protections should be put in place before the Bypass is built so as to conserve the integrity and traffic moving function of this new roadway. Appropriate land use controls and access management will be critical in protecting the public's investment in the new roadway. A selected right of way corridor that gives proper consideration to avoiding existing home sites will be important. Traffic management on secondary and local roads will also need to receive attention.

Given the existing development pattern and availability of services, much of the Moyock area is planned as Full Service. However, it should be noted that all four (4) land use classifications are included in Moyock and the surrounding area. There are existing environmentally sensitive areas that cannot support higher density development and do not have access to services that are therefore classified in either the Conservation or Rural Areas. In addition, it is not the County's intention to develop all of Moyock intensely but rather create specific service centers and to provide a buffer of Limited Service Areas at lower density development between Full Service Areas and those within the Rural and Conservation classifications (Page 11-4, 2007 Currituck County LUP).

ATTACHMENT 3

EXPANDED BUFFER ZONE MAP

