

January 4, 2011

Office of the Under Secretary of Defense
3000 Defense Pentagon
Washington, DC 20301-3000
Attention: Patrick J. O'Brien, Director
Office of Economic Adjustment (OEA)

Re: 2005 Hampton Roads Joint Land Use Study, Virginia/Outlying Landing Field, North Carolina

Dear Mr. O'Brien

Thank you for your letter response to me. I appreciate the fact that the Office of Economic Adjustment (OEA) does not desire to involve itself with the decisions of the local jurisdictions of Virginia. However, it was with our tax dollars that OEA funded an important land use document in Virginia, the 2005 Hampton Roads Joint Land Use Study (HRJLUS), which usurps the local authority of other jurisdictions outside the state of Virginia.

Your letter to me suggested that I deal with the Hampton Roads Planning District Commission (HRPDC) on this issue. While this in theory sounds logical, we here in the localities of Northeastern North Carolina are not part of this commission nor do we seek to be part of this commission that consists of Virginia local politicians. This makes it difficult to have our voices heard in this arena. Therefore, I am asking for your help.

As you know, the Joint Land Use Program is a cooperative land use planning tool used by affected "local" governments and military installations to foster compatible development in the vicinity of these installations. The 2005 HRJLUS was developed under the Joint Land Use Program. As part of the 2005 HRJLUS, the Navy agreed to "reduce air ops to minimal feasible to support the mission over Hampton Roads developed areas" as a tool for mitigating jet noise impacts. Jet noise impacts have been significant in this area due to long term incompatible development/land use practices. In order to reduce air operations over the populated areas of Hampton Roads in Virginia, the Navy in conjunction with the local governments in the Hampton Roads area of Virginia determined through the HRJLUS that the construction of an additional outlying landing field in North Carolina would reduce air operations over the Hampton Roads cities.

If reducing air operations over the developed areas of Hampton Roads by constructing an additional outlying landing field is the choice of the Navy and the local governments in Virginia then it is their responsibility to look within their own state boundaries to resolve their land use issues. Reducing air operation at NAS Oceana and NALF Fentress is a tool to sustain and protect individual property rights of Virginia citizens. Land acquisition strategies outside the jurisdiction of Virginia should not be performed by proxy for the Commonwealth of Virginia by the U.S. Navy through the Joint Land Use Program.

On December 2, 2010, the HRPDC met to discuss a potential update to the HRJLUS, among other issues. They are planning a study to explore options for a more comprehensive regional Joint Land Use Study that may include neighboring Northeastern North Carolina localities. It is my belief that any studies conducted regarding the regional impacts of military operations in a proposed extended Hampton Roads Area Study would not be beneficial to North Carolina localities. The Hampton Roads cities contain a much larger population and host the vast majority of military facilities in the region. Their desires would clearly take precedence over the interests of Northeastern North Carolina. The 2005 HRJLUS clearly showed the intentions of the Hampton Roads cities and the Navy with respect to the localities of Northeastern North Carolina when they determined that an additional Outlying Landing Field should be located in North Carolina.

It is unfathomable that the Hampton Roads cities in conjunction with the U.S. Navy produced a Land Use Plan (the 2005 HRJLUS) funded by OEA that sought to make land use decisions for North Carolina without the consent of or consultation with the State of North Carolina or any North Carolina locality. The 2005 HRJLUS determined that the solution to a Virginia land use problem – incompatible development around existing military installations in the Hampton Roads area – was the development of an additional outlying landing field in North Carolina without bothering to include North Carolina localities in the decision making process.

With this in mind, I am formally requesting the Office of Economic Adjustment to stop funding for this illegal action and to formally request that the Hampton Roads Planning District Commission take immediate action to remove any references to North Carolina from their land use plans.

The 2005 HRJLUS, by making land use decisions for North Carolina, should be considered illegal because the Joint Land Use Study Program requires local cooperation between affected “local” governments and military installations. NAS Oceana, NALF Fentress and Naval Station (NS) Norfolk Chambers Field all reside within the Commonwealth of Virginia. Further, current local land use plans in the adjacent North Carolina localities are in direct conflict with the outlying landing field provisions in the HRJLUS.

A Virginia Land Use Plan funded by federal dollars and co-authored by the federal government (the U.S. Navy) that makes land use decisions for North Carolina without the consent or participation of North Carolina is unconstitutional. It usurps the sovereignty of North Carolina and its local governments and should be reversed at once.

The Joint Land Use Study (JLUS) Program is managed and funded by the Office of Economic Adjustment and, therefore, OEA is responsible for activities within this program.

Respectfully,



Larry Johnson
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Cc: Senator Hagan, Senator Burr, Congressman Walter Jones
North Carolina Governor Beverly Perdue