

March 7, 2019

To: Phillip J. Braden, Manager, FAA Southern Region

From:

Honorable Senator Wiley Nickel

Honorable Raleigh Council Member David Cox

Honorable Raleigh Council Member Kay Crowder

Honorable Raleigh Council Member Stef Mendell

Honorable Raleigh Council Member Russ Stephenson

Subject: Release of Federal Obligations, RDU International Airport (RDU)

We are requesting clarification regarding the process for requesting a Release from Federal Obligations for conversion of airport property relating to the 105-acre Odd Fellows Tract owned by RDU. RDU seeks to lease the property for a rock quarry. Further we seek clarification as to which governing bodies must sign the request for release. It is our understanding that each of the four owning municipalities (City of Raleigh, City of Durham, County of Wake, and County of Durham) that are listed as “co-sponsors” on various FAA grant agreements, must join in the request for release. The facts we have at hand are as follows:

1.) The RDU 105 acre tract which includes the Odd Fellows tract is Federally Obligated for aeronautical purposes.

- The property is shown on the Airport Layout Plan (ALP) as conditionally approved on 11/20/2017 (attached) and shown as airport property on Exhibit “A” property map submitted for AIP Project Grant AIP 3-37-0056-046-201. This tract is identified in the RDU Airport Authority (RDUAA) ALP Exhibit A property map as: Sir Walter Lodge 411 Independent Order of Odd Fellows, Book/Page 2416 0433. Date of Recording: 7/7/76.
- "Any property, when described in a FAA grant or defined by an ALP or listed in the exhibit “A” property map is considered to be “dedicated” or obligated property for airport purposes. If any of the dedicated property is not needed for present or future purposes, a land release or concurrent use approval from the FAA is required.” (FAA Order 5190.6B Chapters 22.1)

2.) A Release from Federal Obligations is required because RDU has declared that the Odd Fellows tract is no-longer needed for present or future airport purposes (FAA Order 5190.6B Chapters 22.1) and RDU has issued a long-term lease for a non-aeronautical land use, a mining operation that renders future aeronautical use infeasible.

- RDU approved a long term ground lease for a quarry in a public meeting on March 1, 2019

- The executed mining lease has a term of 35 years. (25 base years and 10 one year extensions)
- Mineral mining is a non-aeronautical land use (and not qualified as an interim use)

Given these facts, please confirm that a Release from Federal obligations defined in FAA Order 5190.6B Chapters 22 is required for the conversion of the Odd Fellows Tract to a rock quarry.

Please further confirm the following:

1. That the application for the Release from Federal Obligations must be signed by a duly authorized official of each Sponsor including the City of Raleigh, City of Durham, Wake County and Durham County. (FAA Order 5190.6B Chapters 22.23). and
2. Duly authorized means the sponsor's governing board, as well as the owning municipalizes (Councils/Commissioners) have each formally authorized their officials to sign for the sponsor.

We have a desire to work more collaboratively with the RDUAA and between local governing bodies on items of shared interest and responsibilities.

We would appreciate a response in writing at the earliest possible date.

Cc by Email:

Elliott Black, Director, Office of Airport Planning and Programming, FAA

Honorable David Price, US Congressman

Honorable Roy Cooper, NC Governor

Honorable Jay Chaudhuri, NC State Senator

Honorable Cynthia Ball, NC Representative

Ken Eudy, NC Governor's Advisor

Sean Maxwell, Office of Congressman David Price

Susi H Hamilton, Secretary, NC Department Natural and Cultural Resources (NC NCR)

Mike Regan, Secretary, NC Department of Environmental Quality (NC DEQ)

Danny Smith, Interim Director, Division of Energy, Mineral and Land Resources, NC DEQ

Bill Holman, North Carolina State Director, The Conservation Fund

Kym Hunter, Southern Environmental Law Center (SELC)

Cassie Gavin, NC Sierra Club

Jaqueline Giordano, Environment Committee Co-Chair, League of Woman Voters of Wake County

Marian Lewin, President, League of Woman Voters of Wake County