



State of North Carolina

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August 28, 2009

The Honorable Walter B. Jones
Congress of the United States
House of Representatives
Room 2333, Rayburn House Office Building
Washington, DC 20515

Dear Congressman Jones:

Attorney General Cooper asked me to respond to your letter of July 7, 2009, expressing continued concerns regarding the intention of the United States Navy to build an Outlying Landing Field (OLF) in eastern North Carolina. The Attorney General has been concerned about this proposal and instructed his staff a number of years ago to closely monitor the status of the siting plan and all related legal implications.

Although the Federal government has the authority under Article I, Section 8, Clause 17 of the Constitution to condemn property determined to be necessary for public purposes, the issue of relative jurisdiction within such property implicates matters of state law including actions of political subdivisions. As you note, the North Carolina General Assembly has through the enactment of Session Law 2009-20 sent a clear signal that North Carolina will not voluntarily consent to exclusive jurisdiction by the Navy over property in a county which does not already have an existing military base where aircraft squadrons are stationed.

While it is unlikely the State can prevent the acquisition of property by the federal government; without full jurisdiction over property acquired for an OLF, it appears that the Navy would have difficulty in operating a military base.

The Attorney General's office will therefore continue to carefully monitor all legal issues related to the OLF siting process and be prepared to act as necessary to protect the economy and environment of eastern North Carolina. Thank you for your efforts to achieve a resolution of this issue at the Federal level.

Very truly yours,


Grayson G. Kelley
Chief Deputy Attorney General