

FOR IMMEDIATE RELEASE

March 18, 2019

Raleigh, NC

Judge Confirms Merit in Umstead Coalition and TORC's Contentions that the RDU Airport Authority has failed to Follow Federal Regulations and NC State Law

The Umstead Coalition, Tamara and Randal Dunn, Triangle Off-Road Cyclists (TORC), William Doucette, (Plaintiffs) case was heard today in Wake County Superior Court. They had filed a Complaint for Declaratory Judgment and Injunctive Relief seeking a temporary restraining order (TR) to enjoin the Raleigh-Durham Airport Authority (RDUAA) and Wake Stone Corporation (WSC) from commencing quarry activities on the 105-acre tract (Property) which RDUAA has agreed to lease to WSC.

Today, the judge granted a TRO on any actions beyond exploratory drilling. The TRO prohibits Wake Stone from exercising its lease option. An evidentiary hearing in his court will be held in 10 days or so to consider a full injunction.

The complaint is unique due to the airport's requirement to follow specific FAA regulations and procedures required when a change in land use from aeronautic to non-aeronautic use such as a "non-interim" rock quarry. No other leases at the airport would be affected.

The complaint was filed to ensure RDUAA follows Federal Regulations and State laws, as well as improve communications between the RDU AA with its 4 owning municipalities, neighboring agencies, and the public. Dr. Spooner said after today's ruling: "We seek to improve the "Branding" of the RDU International Airport. The current "Brand" of the airport with this (closed door) quarry deal is tarnished due to lack of community engagement, ignoring Federal Regulations and State Laws, and negative impacts to the William B. Umstead State Park.

The Property was acquired in the 1970s for an airport runway which was never constructed. The Property is adjacent to William B. Umstead State Park and the Umstead Coalition has sought to acquire the Property for Park purposes.

The legal action heard today was in response to RDUAA's approval and execution of the long-term lease on March 1, 2019 in conflict with State law and Federal regulations.

Following lease execution, construction activities were immediately commenced in furtherance of the quarry. Such activities include grading, tree cutting, road construction, and placement of gravel. Wake Stone trucks were observed on the Property repeatedly last week. In addition, Wake Stone has notified NC DEQ of their intent to perform exploratory drilling. Plaintiffs have asked that the Court suspend all quarry related activities until this matter is resolved on its merits.

Under State law, any disposition of airport property for non-aeronautical purposes must be approved by the four owning municipalities (Raleigh, Durham, Wake County and Durham County).

In addition, in order for RDUAA to properly enter into a long-term lease for non-aeronautical purposes under Federal regulations, it must obtain a release of the Property from the Federal Aviation Agency. Such a release must be requested by the Airport Sponsor, which is comprised of the four municipalities which established and own the RDU Airport (the Cities of Raleigh and Durham; the Counties of Wake and Durham). According to FAA as of the date of lease approval and execution, no release had been requested or granted.

The complaint heard today requests that the Court declare the Lease invalid and require RDUAA to follow State and Federal law in the disposition of the Property. It is the hope and expectation of the Umstead Coalition and other Plaintiffs that the four owning municipal governments will carefully consider any request to approve a sale or lease of the Property and allow for a public debate on the proper disposition of this Property.

Allowing a rock quarry on public lands in North Carolina is a dangerous precedent which merits full input from the community and the land owners. Dave Anderson representing TORC says “we should take a pause and make sure we get this right, given the irreversible path and the concern expressed by local governments and the public.”

###

For more information, or to set up an interview, please contact:

David Anderson, Triangle Off-Road Cyclists (TORC), 919-345-8011, advocacy@torc-nc.org

Dr. Jean Spooner, Umstead Coalition, 919-602-0049, info@umsteadcoalition.org