

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Land Resources



James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
Charles Gardner, P.G., P.E.
Director and State Geologist

October 11, 1996

Mr. John A Poole
Wake Stone Corporation
P.O. Box 190
Knightsdale, North Carolina 27545

RE: Permit No. 92-10
Cary Quarry
Wake County

Dear Mr. Poole:

Your recent request to have the above referenced mining permit modified has been approved. The modification is to allow the shipping of material after 1:00 P.M. on Saturdays until such time as the Umstead State Park reopens or the repair of the Raleigh Outer Loop Project near the RDU Airport is completed, whichever comes first.

Please attach this approval letter to your existing mining permit for future reference. The expiration date, mine name and permit number on the permit document shall remain the same as before this modification.

The issuance of a mining permit and/or any modification to it does not supersede local zoning regulations. The responsibility of compliance with any applicable zoning regulations lies with you.

Please advise this office at (919) 733-4574 should you have any questions concerning this matter.

Sincerely,


Charles H. Gardner, P.G., P.E.

CHG/tls
cc: Mr. John L. Holley, P.E.

Geological Survey Section
(919) 733-2423
FAX: (919) 733-0900

Land Quality Section
(919) 733-4574
FAX: 733-2876

Geodetic Survey Section
(919) 733-3836
FAX: 733-4407



State of North Carolina
Department of Environment, Health, and Natural Resources
Division of Land Resources

James G. Martin, Governor
William W. Cobey, Jr., Secretary

Charles H. Gardner
Director

February 5, 1992

Mr. John Bratton
Wake Stone Corporation
P. O. Box 190
Knightdale, North Carolina 27545

RE: Triangle Quarry
Mining Permit No. 92-10
Wake County

Dear Mr. Bratton:

This office has completed its review of your company's January 20, 1992 report regarding the blast and corresponding rock slide that occurred on January 7, 1992 along the western pit boundary adjacent to Crabtree Creek. This office concurs with the findings of the report and the safeguards that are proposed therein to prevent future incidents from occurring at this site. Therefore, your mining permit has been modified to incorporate the report, in its entirety, and require compliance with the corrective actions proposed. I would like to draw your particular attention to Operating Conditions Nos. 3 and 10 of the enclosed permit.

Please review the modified permit and advise this office should you have any questions concerning this matter. I would like to extend the Department's appreciation to you and your company for the timely and professional manner in which you investigated and rectified this situation at your mine site.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tracy E. Davis".

Tracy E. Davis, E.I.T.
Mining Specialist
Land Quality Section

TED/se

Enclosures

cc: Mr. John Holley, P.E.

DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES

DIVISION OF LAND RESOURCES

LAND QUALITY SECTION

P E R M I T

for the operation of a mining activity

In accordance with the provisions of G.S. 74-46 through 68,
"The Mining Act of 1971," Mining Permit Rule 15A NCAC
5 B, and other applicable laws, rules and regulations

Permission is hereby granted to:

Wake Stone Corporation

Triangle Quarry

Wake County - Permit No. 92-10

for the operation of a

Crushed Stone Quarry

which shall provide that the usefulness, productivity and scenic
values of all lands and waters affected by this mining operation
will receive the greatest practical degree of protection and
restoration.

MINING PERMIT EXPIRATION DATE: APRIL 1, 2001

In accordance with the application for this mining permit, which is hereby approved by the Department of Environment, Health and Natural Resources hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the expiration, revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit, or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation or suspension by the Department. Alternatively and in addition to the above, the Department may institute other enforcement procedures authorized by law.

Definitions

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. 74-49.

Modifications

- A. April 1, 1991: This permit has been modified to include the three pit expansions, the construction of a pit perimeter road, and the construction of the visual barrier berm along the 250 foot permanent buffer zone as indicated by the revised Site Plan and supplemental information dated February 14, 1991.

- R. February 5, 1992: This permit has been modified to include and require compliance with the January 20, 1992 blast and rock slide investigation report prepared by Wake Stone Corporation, in its entirety.

Expiration Date

This permit shall be effective from the date of its issuance until April 1, 2001.

Conditions

This Permit shall be subject to the provisions of the Mining Act, N.C.G.S. 74-46, et. seq., and to the following conditions and limitations:

OPERATING CONDITIONS:

1. Wastewater and Quarry Dewatering

Any wastewater processing or mine dewatering shall be in accordance with the requirements and rules promulgated by the N.C. Environmental Management Commission.

2. Air Quality and Dust Control

- A. Any mining related process producing air contaminant emissions including fugitive dust shall be subject to the requirements and rules promulgated by the N.C. Environmental Management Commission.
- B. The provisions of Air Quality Permit No. 4386 shall be followed.
- C. The permanent access (plant entrance) road shall be paved from the scale house to SR 1790. During quarry operation, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
- D. The permittee shall cooperate with DOT in paving SR 1790 from the entrance to the quarry to the intersection of SR 1790 and SR 1654.
- E. Sprays shall be used throughout the plant at transfer points to control dust.
- F. Drill hole dust shall be controlled by wetting or other means.
- G. Dust control at the crushers and screens shall be maintained by the use of water sprays.

- H. A water spray shall be provided for highway haul trucks.
- I. Washed stone shall be stockpiled within the part of the designated plant area which is closest to the park.

3. Buffer Zones

- A. Any mining activity affecting wetlands shall be in accordance with the requirements and regulations promulgated by the U.S. Army Corps of Engineers.
- B. Sufficient buffer shall be maintained between any affected land and any adjoining waterway to prevent sedimentation of that waterway from erosion of the affected land and to preserve the integrity of the natural watercourse.
- C. The dotted line labelled as buffer along the northern boundary and along the eastern boundary is the permanent buffer as designated by the Mining Commission. (Site plan dated March 10, 1981).
- D. An undisturbed buffer of existing natural vegetation shall be maintained between the mining disturbance and both Crabtree Creek and the Umstead Park property as indicated by the "permanent buffer" shown on the site plans dated March 10, 1981 and February 14, 1991 with the exception of the installation of the two (2) vegetated earthen berms as specified by the revised Site Plan dated February 14, 1991.
- E. An undisturbed buffer zone of existing natural vegetation shall also be maintained between the top edge of the bank of Crabtree Creek and any mining disturbance within the 10 year permit area. The buffer zone shall be of sufficient width to prevent offsite sedimentation and to preserve the integrity of the natural watercourse. In any event, the buffer shall meet U.S. Corps of Engineers requirements for Crabtree Creek Watershed.
- F. A minimum buffer zone of 100 feet shall be maintained between Crabtree Creek and the new pit expansions along the west side of the mine site as delineated on the revised Site Plan and supplemental information dated February 14, 1991 and approved in the mining permit on April 1, 1991.
- G. A minimum buffer zone of 50 feet shall be maintained between Crabtree Creek and the outer edge of the perimeter haul road that runs along the western edge of the existing pit denoted as "Pit Expansion Initiated During 1989."

- H. A minimum buffer zone of 250 feet shall be maintained between any mining activity and Crabtree Creek along the north side of the mine site.
- I. A minimum buffer zone of 100 feet shall be maintained between any mining activity and both the Umstead Park property and adjoining property along the east and south sides of the mine site, respectively.
- J. The only exceptions to these undisturbed buffers of natural vegetation are:
 - A. The construction of berms as approved by the Department for visual and noise screening.
 - B. The installation of drainage and sedimentation controls as approved by the Department to protect Crabtree Creek.
 - C. The construction of a water supply dam as shown on drawings submitted in a permit modification request dated September 30, 1986 approved by the Department.

4. Erosion and Sediment Control

- A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, brush barriers, silt check dams, silt retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance to prevent sediment from discharging onto adjacent surface areas or into any lake or natural watercourse in proximity to the affected land.
- B. The existing lakes shall be used to trap sediment from initial mining disturbances. The spillways of the existing lakes shall be further stabilized as necessary to prevent erosion of the spillway from runoff from the affected lands. The embankments of the existing lakes shall be improved if necessary to insure the stability of the embankments.
- C. The three pit expansions, the construction of a pit perimeter road, and the construction of the visual barrier berm along the 250 foot permanent buffer zone shall be conducted according to the revised Site Plan and supplemental information dated February 14, 1991 with the following stipulations: (1) that Sediment Basin "C" be constructed as an arched stone filter, (2) as Culvert No. 3 requires a headwater depth of at least 5 feet, the minimum elevation of the top of the road fill shall be set at elevation 292, (3) temporary diversions TD-1A, TD-1B, TD-2A and TD-7B shall be provided with a temporary liner (straw with net recommended as a minimum), (4) the minimum stone thickness of Class B stone for all rip-rap lined ditches shall be 22 inches (Class A stone could be

used for all rip-rap lined ditches in lieu of Class B stone due to the low velocities and small discharges), and (5) all overburden cut slopes shall be graded to a 1 1/2:1 slope or flatter.

- D. An erosion and sediment control plan(s) shall be submitted to the Department for approval prior to any land disturbing activities not indicated on the revised erosion control plan or mine maps submitted with the approved application for a mining permit. Such areas include, but are not limited to, expansion outside of the initial pit area, creek crossings, or expansion of overburden disposal areas.

5. Groundwater Protection

Observation wells shall be installed, maintained and monitored as deemed appropriate by the Department.

6. Noise Abatement

All reasonable precautions shall be taken to minimize the impact of operational noise upon Umstead Park. Such measures shall include but not be limited to:

- A. Noise barriers between the park boundary and the crushers and screening towers to minimize noise levels at the park shall be provided from the outset of the operation. Noise barriers may be enclosures, walls, bins, structures, stockpiles, or natural terrain. In the event there is disagreement over the required noise control measures, the final design and placement of noise barriers shall be determined by qualified noise and engineering consultants mutually agreed upon by both parties.
- B. The plant shall be located at the lowest feasible elevation.
- C. The plant shall be designed so that the primary crusher can be relocated in the pit at the earliest possible date.
- D. The chutes used in processing shall be rubberized.
- E. Compressors with noise abatement enclosures (currently called whispered compressors) shall be used with track drills to open the quarry. Once the quarry is opened, either hydraulic or down-in-the-hole drills shall be used to further reduce noise.
- F. Pit haul trucks shall be equipped to exhaust through the beds of the trucks to muffle engine noise.

- G. Conveyors rather than trucks shall be used for stockpiling material.
- H. The quarry and stone process operations shall be operated only on Monday through Friday and shall not be operated on the following recognized holidays: New Year's Day, Easter Monday, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. A reasonable amount of hauling of processed stone from the stockpile areas is permitted until 1:00 P.M. on Saturdays, but hauling shall not be done at any other time on weekends or on holidays without prior approval by the Department.

7. Processing Plant Location

- A. The processing and stockpiling facilities shall be located as indicated on the Wake Stone Corporation site plan dated March 10, 1981.
- B. The plant shall be located to place the processing and stockpiling facilities at the lowest possible elevation to reduce visibility and noise impact on the park.
- C. The location of the pit shall be such that, once the overburden is removed, the quarry excavating equipment (i.e. compressor and drill, shovels, and trucks) can be placed at an elevation lower than the surrounding natural ground in the initial phases of quarrying.

8. Graded Slopes and Fills

- A. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause offsite damage because of siltation, shall be planted or otherwise provided with groundcover, devices or structures sufficient to restrain such erosion.
- B. Overburden cut slopes along the perimeter of the pit opening shall be graded to a minimum 1 1/2 horizontal to 1 vertical or flatter and shall be stabilized within 60 days of completion. Furthermore, a minimum ten (10) foot wide horizontal safety bench shall be provided at the top of the rock and at the toe of the overburden slope.

9. Surface Drainage

The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.

10. Blasting

The operator shall provide to the Department a copy of the findings of any seismic studies conducted at this facility. The operator shall make every reasonable effort to incorporate the report's recommendations into the production blasting program.

The following blasting conditions shall be observed by the operator to prevent hazard to persons and adjacent property from thrown rock or vibrations:

- A. In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of any component of ground motion shall not exceed 1 inch per second at the immediate location of any building outside of the permitted area regularly occupied by human beings such as dwelling house, church, school, public building, or commercial or institutional building outside of the permitted area. The operator shall monitor each blast with a seismograph.
- B. Airblast overpressure shall not exceed 128 decibels linear (dBL) as measured at the immediate location of any regularly occupied building such as any dwelling house, church, school, public building, or commercial or institutional building.
- C. The operator shall take all reasonable precautions to insure that flyrock is not thrown beyond areas where the access is temporarily or permanently guarded by the operator. Should flyrock occur beyond the guarded area or the levels in Items A and B above are exceeded, the operator shall report the incident to the Department immediately and further use of explosive at the site shall be immediately suspended until the following actions have been taken:
 - 1. A thorough investigation as to the cause(s) of the incident shall be conducted.
 - 2. A satisfactory report detailing the investigation shall be provided to the Department within 10 days of the incident. Said report shall, at a minimum, document the cause(s) of the incident along with technical and management actions that will be taken to prevent further incidents.

The report shall meet with the approval of the Department before blasting may resume at the site. Failure to take corrective measures to prevent flyrock and repeated instances of flyrock shall be considered a violation of this permit.

- D. The operator shall maintain records on each individual blast describing: the total number of holes; pattern of holes and delay of intervals; depth and size of holes; type and total pounds of explosives; maximum pounds per delay interval; amount of stemming and burden for each hole; and blast location. Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

- E. The operator shall, when requested by the Department, give 24 hour advance notice to the Land Quality Section prior to any blast during a period for which notice is requested.
- F. Regarding blasting activities conducted to lower the haul road along the western boundary of the "Pit Expansion Initiated During 1989" area and Crabtree Creek, all of the corrective actions/steps outlined in the blast and rock slide investigation report prepared by Wake Stone Corporation dated January 20, 1992 shall be followed. In addition, any areas disturbed as a result of the previous rock slide and its subsequent removal shall be restored to its natural, pre-disturbed state or an alternative acceptable to the Department.

11. High Wall Barrier

A physical barrier consisting of large boulders placed end-to-end or fencing shall be maintained at all times around the perimeter of any highwall to prevent inadvertent public access. In addition, a minimum ten (10) foot wide horizontal safety bench shall be provided at the junction between the top of rock and the toe of the overburden cut slope.

12. Visual Screening

- A. Existing vegetation shall be maintained between the mine and public thoroughfares to screen the operation from the public. Additional screening methods, such as constructing earthen berms, shall be employed as deemed appropriate by the Department.
- B. Berms shall be located and constructed as shown on the revised Site Plan and supplemental information dated February 14, 1991. Construction of berms shall be completed within one (1) year of the start of quarrying activities. In addition to grasses, loblolly and/or Virginia pines shall be planted as deemed appropriate by the Department to improve visual and noise buffering.
- C. The operation shall be situated to optimize natural screening of the operation from public view from Interstate 40 and the Park property. The visual screening plan shall include maintaining undisturbed buffer areas of natural vegetation as shown on the site plan dated March 10, 1981. Additionally, a vegetated earthen berm shall be constructed east of the processing plant and stockpile area as shown on the revised site plans dated March 10, 1981 and February 14, 1991. Visual screening such as vegetated earthen berms and/or evergreen trees shall be placed as necessary to supplement natural screening.
- D. A vegetated earthen berm shall be constructed between the Wake Stone Corporation plant and the western boundary of the Park as shown on Wake Stone Corporation's site plan dated March 10, 1981 and February 14, 1991.

- E. Berm dimensions shall be no less than indicated on Wake Stone Corporation's site plans dated March 10, 1981 and February 14, 1991 and may be higher and longer than shown.
- F. The side slopes of all berms shall be graded to a 2 horizontal to 1 vertical grade or flatter and revegetated on the sides and top with grasses and evergreen trees. The toe of the berm shall not encroach on the park property boundary and shall be at least 50 feet from the boundary. The alignment of the berm may vary from the approved site plan as is necessary to provide the 50 feet of undisturbed land between the park boundary and the toe of the berm and assuring an acceptable angle for the slope of the berm.
- G. Other berms may be required as mining progresses to reduce the noise and visual impact upon the park.

13. Plan Modification

The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.

14. Refuse Disposal

- A. No on-site disposal of refuse or other solid waste that are generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Solid Waste Management and the Land Quality Section, Department of Environment, Health and Natural Resources. The method of disposal shall be consistent with the approved reclamation plan.
- B. Mining refuse as defined by G.S. 74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Solid Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that maybe considered hazardous shall be disposed of within the permitted area.

15. Annual Reclamation Report

An Annual Reclamation Report shall be submitted on a form supplied by the Department by February 1 of each year until reclamation is completed and approved.

16. Bonding

The security which was posted pursuant to N.C.G.S. 74-54 in the form of a \$25,000.00 blanket bond is sufficient to cover the operation as indicated on the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.

17. Archaeological Resources

Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.

APPROVED RECLAMATION PLAN

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

The approved plan provides:

Minimum Standards As Provided By G.S. 74-53

1. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.
2. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.
3. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.
4. No small pools of water shall be allowed to collect or remain on the mined area that are, likely to become noxious, odious or foul.
5. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.
6. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

RECLAMATION CONDITIONS:

1. Provided further, and subject to the Reclamation Schedule, the planned reclamation shall be to allow the quarry excavation to fill with water, provide a permanent barricade (fence) along the top of any highwall, and grade and revegetate any areas in unconsolidated material.
2. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:
 - A. All areas of unconsolidated material such as overburden or waste piles shall be graded to a 2 horizontal to 1 vertical or flatter slope and terraced as necessary to insure slope stability.

- B. All settling ponds and sediment control basins shall be backfilled, graded, and stabilized or cleaned out and made into acceptable lake areas.
- C. The processing, stockpile, and other disturbed areas neighboring the mine excavation shall be leveled and smoothed.
- D. Compacted surfaces shall be disced, subsoiled or otherwise prepared before revegetation.
- E. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition 12A and B.
- F. The affected land shall be graded to prevent the collection of noxious or foul water.
- G. Any diverted or re-established drainage channels shall be restored to a stable condition.

3. Revegetation Plan:

All disturbed areas in unconsolidated material shall be permanently revegetated utilizing the following provisions:

Site Preparation: The land surfaces shall be graded and/or shaped as necessary to create grades applicable to the subsequent use of the site, but in no case will any slope greater than 26 degrees in unconsolidated material be left. Loose rock, woody material, and other obstruction that would interfere with the establishment of vegetation planned for the site shall be removed and either buried or properly disposed of off-site in accordance with Operating Conditions 12A and B above. Surface runoff will be controlled by terraces or diversions to allow discharge through protected outlets.

Lime and Fertilizer: Lime and fertilizer shall be applied in accordance with soil test results or at a rate of 2,000 lbs./ac. of lime and 1,000 lbs./ac. of 10-20-20 fertilizer.

Seedbed Preparation: Lime and fertilizer shall be mixed with the soil to a depth of 3 to 4 inches where conventional equipment can be used. On slopes steeper than about 2:1, soils shall be grooved or scarified along the contour to provide for retention of seeds and nutrients on the slope until germination and growth is started. On steep slopes not accessible to seeding equipment, seed, nutrients, and mulch shall be applied by hand.

Revegetation: Typical seed mixtures to be utilized include: fescue-rye, fescue-rye-lespedeza, and fescue-lespedeza, where the lespedeza used may include Korean or Kobe, or sericea. All rye species to be utilized shall be ryegrain rather than ryegrass. In fall or spring plantings, seeding mixtures will utilize 100 lbs. fescue and 50 lbs. rye per acre to be planted. Late spring plantings in certain areas may contain up to 40 lbs. Kobe/Korean per acre where desirable to supplement natural deer browse. Sericea lespedeza will be utilized at a rate of 20 to 40 lbs. per acre in combination with fescue when planting excessively droughty soils or steep slopes. When using lespedeza species in fall plantings, non-scarified seed will be utilized. Scarified seed will be utilized in spring plantings. Newly seeded areas will be mulched with unchopped small grain straw applied at a rate of 1.5 to 2 tons per acre, or until approximately 75% of the soil is hidden.

Loblolly pine and red cedar seedlings will be planted at selected sites to provide visual screens and revegetation. Evergreen seedling plantings are typically done on a staggered 4' by 4' pattern.

Maintenance: Plant replacement and other maintenance that may be required to establish vegetative cover appropriate to the reclamation plan for this site shall be carried out until vegetation is properly established.

4. Reclamation Plan:

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

5. Donation to State

This provision is pursuant to Wake Stone Corporation's offer to donate the quarry site to the State as part of its reclamation plan.

The term, "quarry site," shall include the entire pit as it exists after quarrying has been completed, a strip extending at least 50 feet back from the top of the slope of the pit on all sides and a reasonable area to connect the pit and surrounding strip to the Park, constituting a total area of at least 75 acres.

During the option period, Wake Stone Corporation shall have the right to encumber all of its remaining property from time to time by mortgage, deed of trust or other security agreement then in common use for the purpose of securing one or more bona fide obligations of Wake Stone Corporation, such as the payment of money or the providing of any goods or services. The option to the State shall be subordinate to each such encumbrance in the same manner and to the same extent as if such option has been recorded after the recordation of each such encumbrance.

The right of the State to exercise its option shall be subject to:

- A. Wake Stone Corporation not being prohibited by the U.S. Government, State of North Carolina, Wake County, any municipality having jurisdiction, or by any court from removing Wake Stone Corporation's property all quarryable stone which is outside the buffer zone referred to in condition 3, page 3. The requirements by the State that Wake Stone Corporation comply with laws and rules and regulations generally applicable to stone quarries shall not be deemed a prohibition of quarrying for the purpose of the option agreement.
- B. The operation of a quarry on Wake Stone Corporation's property for a minimum period of five years.

The conveyance of the quarry site, if approved by the State, shall be by deed containing the usual covenants of warranty and conveying the quarry site free and clear of all encumbrances except those existing at the time of Wake Stone Corporation's purchase, ad valorem taxes at the time of conveyance (which shall be prorated), and such drainage and utility easements as shall have been installed in connection with the development of the property.

The option may include such other terms as are mutually acceptable to the State and Wake Stone Corporation.

The method by which the quarry site may be donated to the State is as follows: Upon acquisition of the land by Wake Stone Corporation (by the exercise of its options to purchase), Wake Stone Corporation will grant to the State an option which, if exercised by the State, will require that Wake Stone Corporation convey a fee simple title to the quarry site to the State. The State shall have no obligation to exercise its option to accept a conveyance of the quarry site.

The terms and conditions of the option shall be as follows:

- A. When all quarryable stone has been removed from all of the land belonging to or under the control of Wake Stone Corporation during the period of its quarrying operations and which lies between the Park and Interstate Highway 40, it shall be the duty of Wake Stone Corporation to notify the State of this fact. Upon receipt of such notice, the State shall have six months within which it may elect to have Wake Stone Corporation convey the quarry site to the State. If the State elects to have Wake Stone Corporation convey the quarry site to the State, it shall notify Wake Stone Corporation of such election within said six month period. All notices shall be by certified mail and return receipt requested. If the State fails to make an election within said six month period or shall elect not to accept a conveyance of the quarry site, the option shall thereupon terminate and Wake Stone Corporation shall have no further obligation to convey the quarry site to the State.
- B. If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accrue at the end of 50 years from the date quarrying commences or 10 years after quarrying operations have ceased without having been resumed, whichever is sooner, and notices shall be exchanged at that time in the same manner and with the same time limitations as set forth in paragraph A above.
- C. Until the option has expired Wake Stone Corporation will not encumber by mortgage or deed of trust of any of the area designated "BUFFER AREA" on Wake Stone Corporation's site plan dated February 17, 1981, revised March 10, 1981 and February 14, 1991, except for purchase money security interests.

The terms and conditions relating to the donation are placed herein to prescribe generally the boundaries of the Wake Stone Corporation offer. The acceptance by the State is subject to approval by the Department of Administration and the Council of State and the ascertaining that the offer is in accord with the laws of the State and lawfully adopted rules and regulations. Further, the Department's analysis of the condition of the land to be transferred will be in accordance with the criteria identified in the "Principles Governing the Establishment Extension and Development of State Parks, State Recreation Areas and State Natural Areas."

This permit, issued May 13, 1981, modified April 15, 1986, and renewed and contemporaneously modified April 1, 1991, is hereby modified this 5th day of February, 1992 pursuant to G.S. 74-52.

By: Charles H. Gardner

Charles H. Gardner, Director
Division of Land Resources
By Authority of the Secretary
Of the Department of Environment, Health and Natural Resources