



The Umstead Coalition

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Judge Vacates Wake Stone's 2nd Attempt to Permanently Destroy Portions of Neuse Riparian Buffer to Construct a Mining Truck Bridge over Crabtree Creek

Another win for William B. Umstead State Park! On May 11, 2023, an Administrative Law Judge at the Office of Administrative Hearings (OAH) stopped the second attempt by a private mining company, Wake Stone Corporation, to construct a massive 60-foot-wide bridge with walls and bridge abutments within the riparian stream buffer protecting Crabtree Creek.

The Neuse River Riparian buffer Authorization (aka permit) to permanently destroy stream buffers was vacated by Chief Administrative Law Judge Donald R. van der Vaart (OAH Case 23 EHR 01337, Order file [link here](#)). Wake Stone's previous permit for the bridge was overturned in September 2021 due to a challenge by the Umstead Coalition. Wake Stone resubmitted the same bridge plan the following month, and were again granted a permit by the NC Department of Environmental Quality (DEQ). The Umstead Coalition filed an appeal at OAH.

Wake Stone, a private mining company, has proposed to build a new bridge across Crabtree Creek just upstream of William B. Umstead State Park within the view and noise scape of William B. Umstead State Park to transport large, noisy quarry trucks from a proposed new pit north of Crabtree Creek on the Odd Fellows Tract to their existing quarry operations on the south side of Crabtree Creek. Concurrent with this proposed new bridge is the proposed construction of 1,700 linear feet of massive retaining walls along Crabtree Creek that would kill trees and substantially narrow the Crabtree Creek protected buffers on the existing quarry site.

The Contested Trial for The Umstead Coalition's Appeal was held in January and February 2023. The Umstead Coalition's expert witnesses presented testimony describing how a bridge could be constructed without permanent impacts to the Crabtree Creek riparian buffers, with alternative designs and a location farther from William B. Umstead State Park.

The Court Ruling to Vacate the Authorization to destroy Crabtree Creek riparian buffers was based upon DEQ's inappropriate approval process. The merits of The Umstead Coalition's case were not the key aspect of this ruling to vacate. However, the Umstead Coalition believes the merits of our case would also support the reversal of the DEQ's Authorization.

DEQ appealed the judge's decision on May 25, 2023 to Superior Court. Wake Stone was not a party to this proceeding and can not appeal.

This positive outcome for the buffer permit is but one of several legal challenges to prevent the destruction of the adjacent Odd Fellows tract, which has long been on the State Park's acquisition list for inclusion into Umstead State Park.

♥ The Umstead Coalition ♥

Dedicated to preserving the natural integrity of W.B. Umstead State Park and the Richland Creek Corridor

DEQ denied Wake Stone's mining permit application in February 2022, and Wake Stone filed notice of appeal the following month. That proceeding was heard in February 2023, and is awaiting the judge's ruling to uphold DEQ's decision, or overturn the denial. The Umstead Coalition strongly supports DEQ's effort upholding Wake Stone's permit denial.

About the Umstead Coalition:

The Umstead Coalition has been working since the 1960's to support and protect William B. Umstead State Park through fundraising, sponsorship or volunteer activities, and oversight of environmental and legal protections. William B. Umstead State Park was established in 1934 as a public works project during the Great Depression. For more information, visit <http://umsteadcoalition.org>

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