

NORTH CAROLINA
FRIENDS of
STATE PARKS

Friends of State Parks, Inc
PO Box 37655
Raleigh, NC 27627
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February 10th, 2021

Mr. Brian Wrenn, Director
Division of Energy, Mineral and Land Resources
NC Department of Environmental Quality
1612 Mail Service Center
Raleigh, NC 27699-1612

Subject: Mining Permit Resolution

Dear Mr. Wrenn,

Please accept the attached resolution from the North Carolina Friends of State Parks expressing our concerns about the mining permit for a new quarry pit adjacent to William B. Umstead state park. For the reasons listed in the resolution, we request the Division of Energy, Minerals, and Land Resource, NC Department of Environmental Quality (NC DEQ-DEMLR):

- **Deny** the proposed Mining Permit for a new mine on the Odd Fellows Site because “the proposed new quarry operations would have a significant adverse effect upon the purposes of a publicly owned park, forest, or recreational area” including William B. Umstead State Park and its connected recreational corridors (per G.S. Chapter 74-Article 7, 74-51(d) of the 1971 Mining Act); and
- **Reinstate** the 2010 Mining Permit conditions on the existing quarry operations to restore the committed undisturbed buffers, measured from top of bank, along Crabtree Creek and William B. Umstead State Park; and
- **Reinstate** the 50-year sunset clause with “sooner” in the Reclamation Conditions of the Mining Permit 92-10.

With the population growth of the Triangle area and the unprecedented visitation and popularity of Umstead state park we need to look to the future and provide the maximum possible protection for these treasured resources.

Yours sincerely,

Jim Richardson, President
Friends of State Parks
jimr@ncfsp.org
919-851-4725

ecopy: Sheila C. Holman, Assistant Secretary, NC DEQ
Reid Wilson, Secretary, NC DNCR
Dwayne Patterson, Director, NC DPR

Protect William B. Umstead State Park

Deny Proposed New Quarry Pit, Restore Undisturbed Buffers and Sunset Clause

WHEREAS, On August 22, 1980. DEQ (then NRCD) denied an Application for a new Mining Permit based upon *“the proposed quarry operation would have an adverse effect upon the purposes of a publically owned park, forest, or recreational area. The combined effects of noise, sedimentation, dust, traffic and blasting vibration associated with the proposed quarry operation would produce primary impacts on William B. Umstead State Park in the form of noise intrusion and deterioration of visual resources.”*; and

WHEREAS, the industry-friendly Mining Commission overruled DEQ’s Decision (January 27 and April 3, 1981) and asked that protections for William B Umstead State Park including “Permanent” buffers; and

WHEREAS, on May 13, 1981 after State Agencies worked hard to add permanent, undisturbed buffer and Sunset Clause conditions into the Permit, the first Mining Permit 92-10 (Triangle Quarry) was issued by DEQ; and

WHEREAS, the original Mining Permit and its Renewals and Modifications issued on May 13, 1981; April 15, 1986; April 1, 1991; February 5, 1992; October 11, 1996; April 20, 2001; November 24, 2010; March 20, 2011 and December 1, 2017 all contained a **50-year Sunset Clause** in the “Reclamation Conditions”:

*“5.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.”*; and

WHEREAS, the 50-year Sunset Clause served as a basis for the State Park planning for future Park land acquisition for the purposes of conservation and recreation, key missions of the NC Parks system; and

WHEREAS, all 92-10 Mining permits through 2017 measured the stream buffer width from top of Crabtree Creek bank with undisturbed, forested buffers; and

WHEREAS, all of the nine Mining Permits issued during the almost 37 years from May 13, 1981 to December 1, 2017 were accepted by the private mining company without objection; and

WHEREAS, the buffers along the western quarry boundary along Crabtree Creek proved insufficient and in 1992 the quarry operations blasting caused a massive streambank failure and filled in 90 percent of Crabtree Creek. The streambank remains devoid of sufficient vegetation through today; and

WHEREAS, William B. Umstead State Park visitors routinely observes sediment-laden discharge from the existing quarry operations into the Park’s forest and directly into Crabtree Creek; and

WHEREAS, since 1982, there have been numerous complaints about dust, noise, water quality, dead trees, truck conflicts from NC Division of Parks and Recreation staff and the public. Many ignored. The adverse impacts continue.

WHEREAS, from 1982 to the present, the current quarry operation has repeatedly violated the protective buffers by unauthorized deforestation, massive streambank failure along Crabtree Creek, diversion of sediment-laden waters into William B. Umstead State Park, changing water hydrology within William B. Umstead State Park, and killing of Park trees. At best, a few were noted by DEQ as “deficiencies.” Some “deficiencies” were “addressed” by subsequent Permit Modifications allowing buffer reductions and lessening other Park protections (rewarded for bad behavior); and

WHEREAS, the March 28, 2018 Permit changes made at the request of the private mining company including removal of the Sunset Clause by changing “sooner” to the meaningless “later”; and

WHEREAS, the March 28, 2018 Permit changes substantially and dramatically reduced the protective buffer widths by moving the buffers from the top of bank to the centerline of Crabtree Creek. The same Permit Modification removed the protective language within the permit narrative, instead shifting to the site plan supplied by the private company; and

WHEREAS, the affected State Agency of the NC Division of Parks and Recreation was not informed or consulted of the requested changes that removed the Park protections of the Sunset Clause and substantially decreased the protective buffers in the March 28, 2018 Permit Modifications; and

WHEREAS, the Permit Modifications on March 28, 2018 removed almost all the hard-fought protections for William B. Umstead State Park; and

WHEREAS, on April 7, 2020, the private mining company submitted a Mining Permit Modification Application to increase the footprint of the existing quarry site by further reducing the protective buffers by again decreasing their width and converted the buffers to “unexcavated” buffers (which allow deforestation, fencing, pit perimeter roads, stockpiling, crushers, conveyor systems, etc. – everything just short of excavating a mining pit); and

WHEREAS, the proposed Permit Modifications submitted on April 7, 2020 proposes to expand the current pit perimeter and increase the depth of the current mine an additional 150 feet to a total depth of -170MSL (170 feet below sea level); and

WHEREAS, on April 7, 2020, the private mining company submitted a Mining Permit Modification Application to “expand” the quarry operations with a new rock mine on the other side of Crabtree Creek on a 105 acres tract known as the Odd Fellows Tract; and

WHEREAS, the proposed Permit Modifications submitted on April 7, 2020 proposes a new massive 60ft wide (4-lane) bridge over Crabtree Creek just upstream of William B. Umstead State Park to carry many noisy, dusty trucks from the proposed new pit to the processing area of the existing quarry operations; and

WHEREAS, the proposed Permit Modifications only includes twenty (25) foot wide undisturbed buffer along William B. Umstead State Park and the minimal Neuse Buffers along the steep slopes of Crabtree Creek; and

WHEREAS, the Mining Permit Modification Application is incomplete and asks the Agency reviewers to ignore an adjacent 17.2 acre “Future Reserves” area, which elsewhere is included in the submitted Reclamation Plan, the private companies web site and marketing information, and other figures in the Application. Furthermore, the private company includes this area within the requested permit expansion” boundary – an obvious attempt to avoid the required agency review and public comments; and

WHEREAS, the Odd Fellows tract is bounded by William B. Umstead State Park, Crabtree Creek, the Old Reedy Creek Road Recreational corridor and I-40; and

WHEREAS, the Old Reedy Creek Road recreational corridor is heavily used by runners, walkers, bikers, families, and nature lovers; and

WHEREAS, the Old Reedy Creek Road recreational corridor is a portion of Carolina Connection Bikeway, East Coast Greenway, and extremely popular gateway between Cary's Black Creek Greenway Trail (which connects to the American Tobacco Trail), Wake County's Lake Crabtree County Park, and Cary's Black Creek Greenway trail head parking lot connection to William B. Umstead State Park; and

WHEREAS, all of the drainage area from the Odd Fellows Tract flows into William B. Umstead State Park directly or via Crabtree Creek; and

WHEREAS, on May 8, 2020, The, NC Department of Natural and Cultural Resources- NC Division of Parks and Recreation (NCR DPR) submitted a letter to the NC Department of Environmental Quality -NC Division of Energy, Minerals, and Land Resources (DEQ-DEMLR) listing significant concerns regarding the proposed Mining Permit Application including: noise, sedimentation and water quality, dust and air quality, traffic, habitat loss, blasting vibrations, and loss of park expansion; and

WHEREAS, the Mission and Purpose of the NC Division of Parks and Recreation is Conservation, Recreation, and Education; and

WHEREAS: the Odd Fellows Tract is identified as "critical acres" in the Land Protection Plan of William B. Umstead State Park; and

WHEREAS, on June and July, 2020 DEQ-DEMLR held two Virtual Public Hearing and received approximately 2,000 public comments opposing the substantial reductions in Park protection on the current quarry site and the proposed new quarry site on the other side of Crabtree Creek on the Odd Fellows Tract; and

WHEREAS, the public comments indicated a massive outcry regarding the damaging issues with the current quarry operations including: noise, conflict with the 500 plus quarry trucks/day competing with Park visitors at our Park entrance, dust, air quality issues, water quality issues, loss of protective buffers, buffer violations and the current flooding of park lands resulting in the killing of Park trees; and

WHEREAS, a new rock mine pit on the Odd Fellows tract would start a bad precedent in North Carolina allowing a private rock mine on public property in NC and this one adjacent to William B. Umstead State Park; and

WHEREAS, a new rock mine pit on the Odd Fellows tract would only leave a narrow width of the Neuse River buffers along the steep slopes of Crabtree Creek just upstream of William B. Umstead State Park; and much of those buffers are proposed to be taken up with a fence, deforestation, bridge, sediment control structures; and

WHEREAS, the proposed narrow riparian buffers on both sides of Crabtree Creek would leave an artificially narrow "aqueduct" and elevated Crabtree Creek above two quarry pits, each deeper than 400 feet; and

WHEREAS, there is no independent engineering analysis ensuring the future integrity of Crabtree Creek with the proposed deep pits on both sides of Crabtree Creek and minimal stream buffers; and

WHEREAS, a new rock mine pit on the Odd Fellows tract would sever the last remaining habitat corridor connecting Jordon Lake to the east through William B. Umstead State Park; and

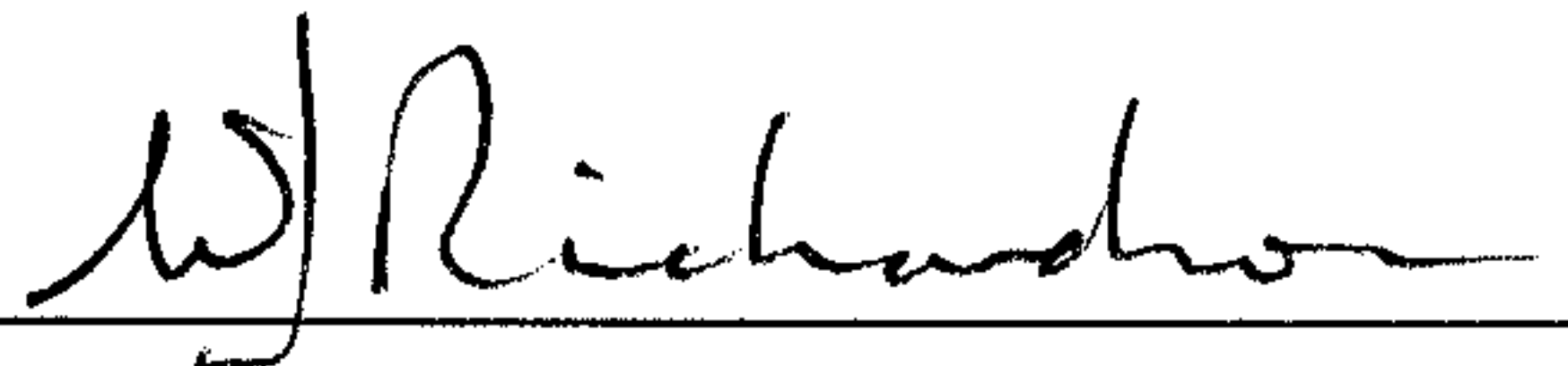
WHEREAS, a new rock mine pit on the Odd Fellows tract would eliminate a large forested recharge area for Crabtree Creek and decrease base flow; and

WHEREAS, the North Carolina Friends of State Parks (NCFSP) mission is *"serve the mission and the needs of the North Carolina State Park system as an independent, nonprofit advocate, provide support at a local level through NCFSP chapters, and act as a source of park information and environmental education to the general public"; and*

NOW, THEREFORE BE IT RESOLVED, that the Friends of State Parks request DEQ-DEMLR DENY the proposed Mining Permit for a new mine on the Odd Fellows Site because "the proposed new quarry operations would have an adverse effect upon the purposes of a publically owned park, forest, or recreational area" including William B. Umstead State Park and it's connected recreational corridors (per G.S. Chapter 74-Article 7, 74-51(d) of the 1971 Mining Act); and

NOW, THEREFORE BE IT RESOLVED, that the Friends of State Parks request DEQ-DEMLR reinstate the 2010 Mining Permit conditions on the existing quarry operations to restore the committed undisturbed buffers along Crabtree Creek and William B. Umstead State Park; and

NOW, THEREFORE BE IT RESOLVED, that the Friends of State Parks request that DEQ-DEMLR reinstate the 50-year sunset clause with "sooner" in the Reclamation Conditions of the Mining Permit 92-10.

Signed:  Date 2/11/21

Jim Richardson, President
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