



SIERRA
CLUB

CAPITAL GROUP

Protect William B. Umstead State Park

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

February 8, 2021

Mr. Brian Wrenn, Director

Division of Energy, Mineral and Land Resources

N.C. Department of Environmental Quality

1612 Mail Service Center

Raleigh, N.C. 27699-1612

Subject: Joint Resolution from the Sierra Club Capitol Group and The Umstead Coalition – deny permit and restore undisturbed buffers and sunset clause

Dear Mr. Brian Wrenn,

On behalf of the Sierra Club Capital Group, with over 10,000 members and supporters in Raleigh and beyond, and the Umstead Coalition, one of the oldest organizations known to protect and advocate for the welfare of the William B. Umstead State Park, we have jointly signed the resolution attached to urge the DEQ-DEMLR to deny the mining permit 92-10, oppose the expansion of a quarry on the Odd Fellows land tract near Umstead State Park, and restore the original language of the Sunset Clause.

We have attached a statement of resolution, on the grounds that the property has unique environmental and social value that would be damaged by the development and pollution associated with expanding a quarry.

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.

Please accept this joint resolution as part of the public comment, to be taken into serious consideration by the DEMLR.

We ask that you preserve and protect this unique green space for our residents to enjoy for generations to come.

Hwa Huang

Group Chair

Capital Group of the NC Sierra Club

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) , ordering the permit be issued with protections for William B Umstead State Park including “Permanent” buffers; and

WHEREAS, between January 27, 1981 and May 13, 1981, DEQ (NC Divisions of Land Resources and Parks and Recreation) worked hard either increase protections for William B. Umstead State Park or, if not obtained, planned to appeal the Mining Commission’s overruling of DEQ’s decision to the Courts; and

WHEREAS, on May 13, 1981 after State Agencies worked hard to add permanent, undisturbed buffer and a 50 year Sunset Clause conditions into the Permit, the first Mining Permit 92-10 (Triangle Quarry) was issued by DEQ; and

WHEREAS, the original Mining Permit was accepted without objection by Wake Stone, as were 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, 92-10 Mining permits through 2017 have all measured the stream buffer 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, on March 28, 2018 a permit Modification was issued to reduce the buffer widths and expand the quarry area to be disturbed by shifting the protected buffers from top of bank to center of the stream;

WHEREAS, William B. Umstead State Park visitors routinely observe 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.

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 "later", which completes the removal or reduction of all the hard won protections that Wake Stone agreed to with the 1981 and subsequent permits; 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 buffers along William B. Umstead State Park and the minimal Neuse Buffers along the steep slopes of Crabtree Creek. The top of pit would be only 100 feet from William B. Umstead State Park and Crabtree Creek. The pit perimeter road, sediment erosion control, grading would occur as close as 25 feet of Umstead State Park - the public would not consider such a narrow slice as any meaningful “buffer”; 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 public property with vested, deeded ownership of the Cities of Raleigh and Durham and Counties of Wake and Durham, managed by the Raleigh Durham Airport Authority; 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. In exactly the same area Wake Stone already blew out a much larger buffer in 1992, destroying all natural vegetation in the buffer and blocking 90% of the stream, 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 Jordan 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 Umstead Coalition’s mission includes “*preserving the natural integrity of William B. Umstead State Park*”; and

WHEREAS, the Sierra Club advocates for environmental protection; and was opposed to the 1980 request, and was assured by the promised protections of the original permit that have now been violated or removed, and

WHEREAS, The existing Quarry has already had significant adverse effects on William B Umstead State Park, and the proposed expansion will significantly reduce the protections on both the existing and expanded pits, it is reasonable to conclude the additional significantly adverse effects will grow due to the significantly fewer protections,

NOW, *THEREFORE* BE IT RESOLVED, that The Umstead Coalition and Sierra Club Capital Group 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 significant 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 The Umstead Coalition and Sierra Club Capital Group request DEQ-DEMLR 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

NOW, *THEREFORE* BE IT RESOLVED, that The Umstead Coalition and Sierra Club Capital Group request that DEQ-DEMLR reinstate the 50-year sunset clause with “sooner” in the Reclamation Conditions of the Mining Permit 92-10.

Signed: February 7, 2021

Dr. Jean Spooner, Chair
The Umstead Coalition



Signed: February 7, 2021

Hwa Huang, Chair
Capital Group, Sierra Club



The Umstead Coalition
P.O. Box 10654
Raleigh, NC 27605-0654
(919) 852-2268