

Reply Reply All Forward

Tue 1/12/2021 4:19 PM

 Rufus Edmisten <rufus@rufusedmisten.com>
Wake Stone Quarry

To: Ervin Fortman

You forwarded this message on 1/14/2021 10:32 AM.

To Whom it May Concern,

I have reviewed the email and the attached newspaper articles on this controversy from 1981 to help refresh my thoughts.

To the best of my memory as the former N.C. Attorney General, what I can say is that I do not think Director Conrad made a typographical error with the word *Sooner* in the permit issued on May 13, 1981.

I also find it difficult to believe Wake Stone would have accepted the permit if it was an error. This was not a small or insignificant point.

The word *Sooner* put in place a 50 year sunset clause. The term later had no time certain for the mine to end.

- While it's clear that Wake stone always preferred no time limit to the donation, and the Mining commission copied that position into their final order.
- It is also clear that I , Governor Hunt and Secretary Lee publicly criticized the mining commission decision, as we opposed the location of a quarry adjacent to the state park, and we were publicly on record considering a legal appeal of the mining commission decision
- It is also clear from newspaper reports at the time, Wake Stone publicly stated they expected the life of the mine to be 50 years.
- These three facts are not in dispute and are confirmed by the public record.
- The controversy of these points was resolved with the May 13, 1981 Issuance of the permit which
 - Allowed the mine to operate adjacent to the park (contrary to the states goals)
 - Set a time certain for the mine to close at 50 years (contrary to Wake Stones request)

When disputes exist, which they often do they are often resolved with a compromise.

It would be wrong to change the permit in 2018 after it was issued and renewed 8 times over 37 years with this condition. Each time the permit was issued Wake stone had the opportunity to express a concern if there was an error, they never did until 2011.

Equally important is to note that this claim that Director Conrad made a “typographical error” suggested in 2018 was not new information.

The same claim had been made by Wake Stone in 2011.

It was considered at that time by Director James Simons, who had firsthand knowledge of the original permit application in 1981. He saw no merit to the claim, and renewed the permit with the word sooner intact, maintaining a 50 year time limit on the mine.

For these reasons I think the permit issued speaks for itself and should be respected. It would be inappropriate at this late stage to change the permit in 2018 eliminating the very condition that may have been the basis for the approval.

With the passing of time it is difficult to recall every detail, but for that reason the issued permit should speak for itself.

Thank you,
Rufus Edmisten