



The Umstead Coalition

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The Umstead Coalition Files Complaint Related to Wake Stone’s Triangle Quarry to Restore the 50-year Sunset Clause and Protective Stream and Park Buffers.

On July 13, 2022 the Umstead Coalition, a citizen organization dedicated to protecting William B. Umstead State Park, filed a lawsuit to restore the 50-year Sunset Clause that was a condition of the Triangle Quarry approval in 1981. The Triangle Quarry is located on the south side of Crabtree Creek and adjacent to William B. Umstead State Park.

The Umstead Coalition filed a Complaint for Declaratory Judgment and Petition for Writ of *Certiorari* in Wake County Superior Court. We have asked the Court to reverse the Modification issued by the NC Department of Environmental Quality-Division of Energy, Minerals and Land Resources (DEQ-DEMLR) on March 26, 2018 for Mining Permit 92-10 Triangle Quarry. **We are requesting the 92-10 Mining Permit be restored to the December 2017 Permit.**

The Mining Permit conditions we are requesting to be restored include:

- Restore the 50-year Sunset Clause that Wake Stone agreed to and was a condition included in the original Mining Permit on May 13, 1981 and eight subsequent Permit Renewals and Modifications through December 1, 2017. The Sunset Clause gave the State the “right to acquire the quarry site at the end of 50 years or 10 years after quarrying operations have ceased, whichever is *sooner*.” (The March 26, 2018 Mining Permit Modification requested by Wake Stone changed “sooner” to “later” effectively eliminating the Sunset Clause that had been in effect for 37 years and counted upon by NC State Parks.)
- Restore the measurement of the width of protective buffers along Crabtree Creek to be measured from the top of stream bank. (The March 26, 2018 Mining Permit Modification requested by Wake Stone changed the width to be measured from the centerline of Crabtree Creek, effectively gutting the protective stream buffers by 230,000 to 280,000 square feet.)
- Restore the Buffer labels in the Site Plan to the previous 2011 Site Plan to specify “Undisturbed Vegetated Buffer.” (The March 26, 2018 Mining Permit Modification requested by Wake Stone changed the Site Plan labels to “Buffer from Property Boundary.”)
- Restore Buffer Conditions 3.C and 3.D in the Permit narrative explicitly stating “buffer zone was to be maintained between any mining activity and Crabtree Creek.” (The March 26, 2018 Mining Permit Modification requested by Wake Stone removed the protective language in the permit language issued by DEQ and replaced it with just a reference to Wake Stone’s Site Plan. This effectively degraded the protective nature of the buffers.)

The Umstead Coalition has reluctantly made this filing. We would prefer to resolve this out of court, but at this juncture we felt we had no other choice. Over the last two years, we have provided DEQ-DEMLR and

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

the Attorney General (AG) with numerous materials we have found in the State and County Archives that clearly document the 2018 Mining Permit Modifications were made in error and requested they be revoked.

We invite DEQ or the AG to resolve this issue and restore the vital protections to William B. Umstead State Park.

Dr. Jean Spooner, Chair of The Umstead Coalition, ***“requests the NC Department of Environmental Quality restore the Sunset Clause and Crabtree Creek buffers on the existing Triangle Quarry to protect William B. Umstead State Park. These are conditions the public has long expected to be upheld.”***

The Umstead Coalition has been a leading voice opposing Wake Stone’s plan to build a new private quarry pit on the publicly-owned Odd Fellows Tract on the north side of Crabtree Creek and also adjacent to North Carolina’s William B. Umstead State Park. The private company has pursued a new quarry on public property managed by the RDU Airport Authority only 25 feet from the border with William B. Umstead State Park, the East Coast Greenway (Old Reedy Creek Road Recreational Corridor), and a private residence. In February 2022, DEQ-DEMLR correctly denied Wake Stone’s request to put a quarry pit on the Odd Fellows Tract. Wake Stone has appealed that decision.

The original 1981 Triangle quarry permit for the current quarry was approved over the objections of DEQ regulators and State Parks only after Wake Stone agreed to certain conditions intended to protect William B. Umstead State Park and guaranteed an end date for quarry operations.

The Umstead Coalition’s Court filing can be found at the Wake County Superior Court (Case Number 22 CV 8638), or download via [this link](#). Additional information about this important issue may be found at: umsteadcoalition.org/Mining-Permit.

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 <https://umsteadcoalition.org>

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