

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

September 9, 2021

Certified Mail

Return Receipt Requested

7016 2140 0000 4368 3414

Mr. Sam Bratton
Wake Stone Corporation
P O Box 190
Knightdale, NC 27545

RE: Mine Name: Cary (Triangle) Quarry
Mining Permit No. 92-10
Wake County
Neuse River Basin

Dear Mr. Bratton:

We have reviewed the modification request your company submitted for the referenced mine site. In order for this office to complete its review of the referenced project in accordance with G.S. §74-50 and §74-51 of the Mining Act of 1971, please provide the additional or revised information in accordance with the following comments:

1. On September 3, 2021, Judge Byrne informed counsel for the Department about an intended ruling in *Umstead Coalition v. NC Department of Environmental Quality*, 20 EHR 03014 that will necessitate revisions to the Crabtree Creek bridge design included in your mining permit application. Please provide any revisions to your bridge design and/or to your method for moving quarried rock from the proposed expansion pit to the processing plant in the existing pit that will be necessary to meet the requirements of the final written order, once issued.
2. Once Judge Byrne's final written order is issued, if Wake Stone intends to take any legal action regarding the order, please inform the Department of your intentions to do so.
3. On July 30, 2021, the US Fish and Wildlife Service's "final rule that identifies Endangered Species Act protections for the Neuse River waterdog," *Necturus lewisi*, went into effect. This rule may have an impact on your proposed mine expansion across Crabtree Creek. Please provide any further threatened and endangered species coordination you have conducted with the US Fish and Wildlife Service in response to this final rule.
4. Please provide a visual rendering, as it would appear in the winter, of the proposed sound barrier wall design and location from a bird's eye and ground level perspective at the following locations (see attached figures):
 - a. Looking from William B. Umstead State Park across Foxcroft Lake towards the haul bridge across Crabtree Creek.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources

512 North Salisbury Street | 1612 Mail Service Center | Raleigh, North Carolina 27699-1612

919.707.9200

- b. Looking from William B. Umstead State Park across Foxcroft Lake towards the sound barrier wall located on the northern boundary of the proposed pit.
- c. Looking from Old Reedy Creek Road/East Coast Greenway towards the proposed quarry site.

Please note, this office may request additional information, not included in this letter, as the mining application review progresses. Be advised that our review cannot be completed until all of the items listed above have been fully addressed.

In order to complete the processing of your application, please forward two (2) copies of the requested information to my attention at the following address:

Division of Energy, Mineral, and Land Resources
Department of Environmental Quality
1612 Mail Service Center
Raleigh, NC 27699-1612

As required by 15A NCAC 5B.0113, you are hereby advised that you have 180 days from the date of your receipt of this letter to submit all of the requested information. If you are unable to meet this deadline and wish to request additional time, you must submit information, in writing, to the Director clearly indicating why the deadline cannot be met and request that an extension of time be granted. If an extension of time is not granted, a decision will be made to grant or deny the mining permit based upon the information currently in the Department's files at the end of the 180-day period.

Though the preceding statement cites the maximum time limit for your response, we encourage you to provide the additional information requested by this letter as soon as possible. Your prompt response will help us to complete processing your application sooner.

Please contact me at (919) 707-9220 if you have any questions.

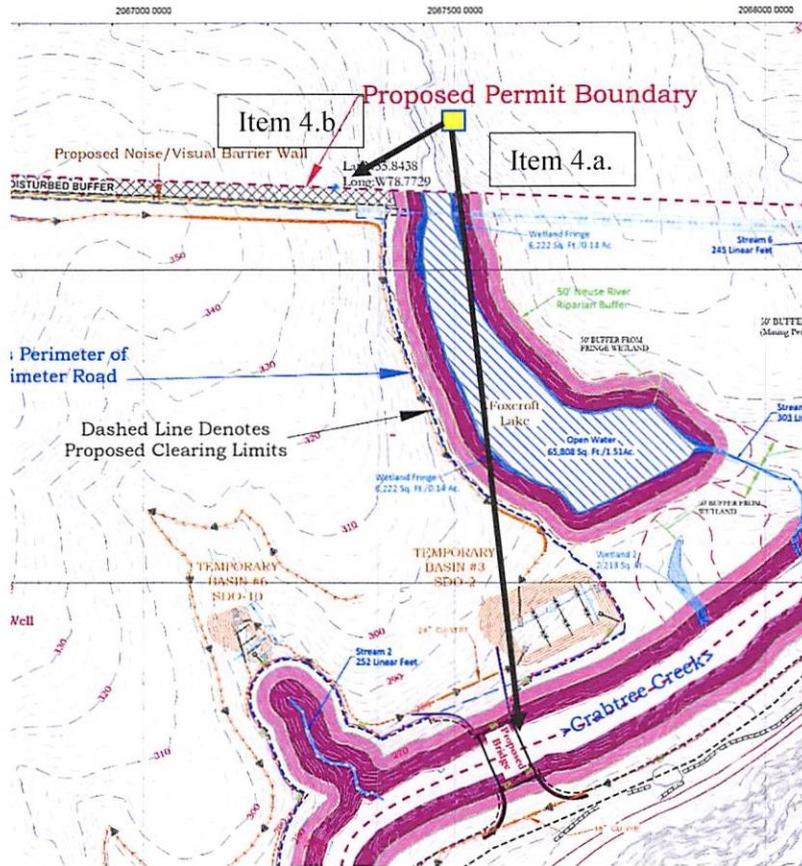
Sincerely,



David Miller
State Mining Engineer

Enclosures

cc: Bill Denton, PE, Raleigh Regional Engineer



- View location
- View direction

