

## I-26 Connector Project Section 106 Consultation – Riverside Cemetery

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This document represents the joint position of the Section 106 consulting parties for Riverside Cemetery: the City of Asheville Planning Department (City), the Preservation Society of Asheville and Buncombe County (PSABC), and the Montford Neighborhood Association (MNA). These parties are jointly referred to as the Riverside Cemetery Consulting Parties (RCCPs).

### **Statement of Position on Adverse Effects**

The RCCPs concur with the finding of adverse visual effects for Riverside Cemetery in the I-26 Connector Project FEIS. Additionally, it is the RCCPs' contention that the selected alternative will also introduce incompatible auditory and atmospheric elements at this historic site.

Per the Section 106 statute [36 CFR Part 800], "adverse effects can be direct or indirect and include change in the character of the property's use or setting, or introduction of incompatible **visual, atmospheric, or audible elements.**"

Under NCDOT standard noise policy, Riverside Cemetery does not qualify for noise abatement. However, per FHWA, "the consideration of [noise impacts on] historic properties under Section 106 is a separate requirement...Some properties, such as designed or cultural landscapes where the landscape itself is the significant feature or where the setting is especially important, may be extremely sensitive to any change that can be perceived by the human ear. In such cases FHWA considers anything above 3 dB(A) to be a change that should be considered an effect."

In 2019, NCDOT collaborated with the City's Parks Department and I-26 Connector Project Aesthetics Committee to apply for a Category A "Land of Serenity and Quiet" designation. Although FHWA has not granted the Category A designation, the application clearly outlines the role serenity and quiet play in the unique setting of this local landmark, and its enjoyment by the living:

"Riverside Cemetery ... is a dignified and tranquil place for memorial and interment, and a place of quiet and comfort for those who visit graves in the cemetery. Besides family and friends of those interred, the cemetery welcomes approximately 20,000 to 25,000 guests each year seeking a serene environment of

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quiet oasis and sanctuary in a dense urban environment, and guests a place for reflection and contemplation.”

The RCCPs maintain that, under the Section 106 guidelines, noise abatement is an essential and appropriate mitigation objective for Riverside Cemetery.

**We request that NCDOT, FHWA, and SHPO incorporate into the Section 106 MOA sufficient measures to address both the visual and auditory impacts on this historic resource.** Specific requests follow.

### **Design/Build Stipulations.**

Given that design/build contracts are subject to future design changes, some of which may not be foreseeable, and/or which may represent improvements that the Consulting Parties would support, we request the following stipulations be included in the MOA:

1. The Design/Build Contractor shall consider all available design exceptions to minimize visual and auditory impacts to Riverside Cemetery and implement such exceptions where feasible. Specifically, any design revisions that would result in a lowering of the 19/23/70 roadbed and/or a shift of roadways to the west should be prioritized for evaluation.
2. The Design/Build Contractor shall engage the Riverside Cemetery Section 106 Consulting Parties and the City’s Aesthetics Committee early in the design process, and at appropriate checkpoints, to ensure design and aesthetic specifications in the vicinity of Riverside Cemetery meet with the terms and intentions of this Memorandum of Agreement. The RPPC will review all proposals by NCDOT and/or the design-build contractor to mitigate above items prior to design approval.
3. The Design/Build Contractor shall undertake a vibration study to assess highway traffic-induced vibration and short-term vibration impacts from construction. If indicated by the study, the contractor will prepare a Vibration Monitoring and Control Plan for construction activities, requiring the contractor to keep vibration levels under values that would be detrimental to historic structures in the Cemetery [mausoleums, monuments]. Any historic structures damaged by construction activities will be restored to pre-project condition at the contractor’s or NCDOT’s expense.

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4. Discrete construction noise abatement measures shall be employed alongside the Cemetery, including, but not limited to, portable noise barriers and/or other equipment-quieting devices. The Design/Build contractor will coordinate construction activities with the Riverside Cemetery Manager and shall cease construction during services or special events at the Cemetery.

### **Minimizations and Mitigations.**

1. To minimize noise impacts, the most up-to-date noise-mitigating technologies will be utilized along 19/23/70 NB and SB and for I-26 alongside Montford Hills north to the Broadway interchange. This will include but not be limited to:
  - a. Next Generation Concrete Surface (NGCS)
  - b. Continuous Reinforced Concrete Pavement
  - c. Jointless Concrete Bridge structures
  - d. Guardrails specifically designed for noise abatement.
2. Any structures (e.g. walls, bridge supports) adjacent to the Cemetery will be designed to respect and reflect the period of significance of this historic resource. Aesthetic considerations will include context-sensitive design elements and materials of construction.
3. Where feasible, berms will be constructed in the existing NCDOT ROW to provide sound mitigation and visually minimize the perceived height of walls and elevated structures. Where topography and/or ROW width is insufficient to allow berm construction against walls, stepped or terraced planting areas will be used to provide visual relief and sound abatement.
4. Native tree and evergreen landscaping will be densely planted in the ROW, including bermed and terraced areas, to provide visual relief and auditory buffering of traffic noise and vibration. Plantings will conform to the City of Asheville Park's Department Parks Planting List.
5. Given that tree loss cannot be fully anticipated at this time, we request that NCDOT contribute \$250,000 toward a Montford Historic District canopy restoration fund. The fund will address tree replacement on private property and City property where existing trees in the highway ROW have been removed during construction. Funds will be administered by MNA, with approval by the Historic Resources Commission

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for any planting in the district and the City Parks Department for plantings on City property. Funds will be released upon completion of Section B road construction and will be used within five years.

6. Lighting shall be context-sensitive and shall comply with the City's Outdoor Lighting Standards ordinance and relevant Aesthetics Committee recommendations. Shielded and dark-sky compliant light fixtures shall be used to illuminate the roadway and signage only, with special consideration given to lighting on elevated highway structures above the river, greenways and homes.