MEMORANDUM OF AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS,
WILMINGTON DISTRICT,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR
US 321 IMPROVEMENTS
FROM SR 1500 (BLACKBERRY ROAD)
TO SR 1632 (POSSUM HOLLOW ROAD)
TOWN OF BLOWING ROCK, NORTH CAROLINA
WATAUGA AND CALDWELL COUNTIES
TIP PROJECT R-2237C

WHEREAS, the Regulatory Division of the United States Army Corps of Engineers (USACE), Wilmington District, is considering the issuance of a permit to the North Carolina Department of Transportation (NCDOT), pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), for the widening of US 321 from SR 1500 (Blackberry Road) to SR 1632 (Possum Hollow Road) within Blowing Rock, North Carolina (the Undertaking), which is NCDOT's Preferred Alternative; and

WHEREAS, this Memorandum of Agreement (Agreement) applies only if NCDOT decides to construct the Preferred Alternative (that is, proceed with the Undertaking); and

WHEREAS, the duration for the Undertaking from Right-of-Way acquisition to completion of construction is likely to take up to ten years during which time traffic management will be required; and

WHEREAS, the terrain in the area of the Undertaking is mountainous and requires blasting during construction and constrains the options for minimization of impacts; and

WHEREAS, the Town of Blowing Rock is a unique destination community with rural mountain resort character, and the Green Park Inn, the State's second oldest surviving resort hotel, is a element within of the National Register-listed Green Park Historic District and considered a local landmark; and

WHEREAS, NCDOT has determined that the Undertaking will have an adverse effect upon the National Register-listed Green Park Historic District; and

WHEREAS, the USACE and NCDOT have consulted with the North Carolina State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Town of Blowing Rock (Town), Concerned Citizens of Blowing Rock, Blowing Rock Historical Society, Caldwell County Commissioners, and owners of historic properties within the Green Park Historic District have participated in the consultation and have been invited to concur in this Agreement; and

WHEREAS, NCDOT and the Town of Blowing Rock have entered into a Memorandum of Understanding (MOU) to implement measures related to the design, implementation, and mitigation of the Undertaking outside of the Green Park Historic District and it is understood that no stipulation in the MOU can override any stipulation of this Agreement;

NOW, THEREFORE, the USACE, NCDOT, and SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

The USACE will include the following stipulations as part of any permit issued to NCDOT for the Undertaking:

I. DOCUMENTATION

A. Green Park Historic District: Prior to the initiation of construction activities, NCDOT shall record the existing conditions of the Green Park Historic District and its surroundings in accordance with the attached Historic Structures and Landscape Recordation Plan (Appendix A). This will include a video to document US 321 and the surrounding landscape and structures within the historic district as well as keying the locations of the filming to an aerial photograph of the historic district adjacent to US 321.

B. Individual Structures: Prior to the initiation of construction activities, NCDOT shall record the existing conditions of the following structures and their immediate surroundings in accordance with Appendix A. The structures are:
   - Green Park Inn
   - Cottage No. 21 (as referred to in the 1994 National Register Nomination)
   - A.G. Jonas Cottage

C. Existing Stone Walls: Prior to the initiation of construction activities, NCDOT shall record the existing stone walls along US 321 within the historic district in accordance with Appendix A.

D. Blowing Rock Country Club Golf Course Hole Number 4: Prior to the initiation of construction activities, NCDOT shall record the existing conditions of Hole No. 4 in accordance with Appendix A.

II. BASELINE STUDIES AND VIBRATION MONITORING

A. Development of Vibration Monitoring Plan: NCDOT's Geotechnical Engineering Unit, in consultation with NCDOT Division 11, shall develop a

vibration monitoring plan for the project, to include on-site research during final design as well as monitoring during construction. The recommendations of the plan shall be provided to the USACE, SHPO, Town, and other concurring parties for their comments prior to adoption of the plan.

B. Baseline Studies: On-site research, done prior to construction, will measure existing vibration exposure, determine sensitivity of nearby structures, and assign thresholds accordingly.

C. Vibration Monitoring: Vibration monitoring will be conducted on key structures within the historic district (to be recommended in the aforementioned vibration-monitoring plan). When a reading exceeds an established threshold, the alarm will sound and anyone who hears it, e.g., property owners/staff or contractor personnel, shall immediately contact the Resident Engineer.

D. Pre-construction Surveys: NCDOT will conduct pre-construction surveys of all structures adjacent to US 321 within the historic district to record a "before" condition so that any construction-related damage can be accurately identified.

III. COMMUNITY COMMUNICATIONS

A. Public Information Plan: NCDOT's Construction Unit IMPACT Public Information Program will work with the Town of Blowing Rock to develop an appropriate public information plan (PIP).

B. "Kick-Off" Meeting: As part of the PIP, NCDOT will hold a pre-construction "kick-off" meeting to introduce the contractor and the construction process to area residents.

C. Project Website: NCDOT will develop, maintain, and consistently update a project website to provide current information about the schedule and development of the project, project progress, project contact information, and notification of any anticipated delays based on scheduled construction activities.

D. Contact with Resident Engineer: NCDOT's construction project manager shall be the Resident Engineer. He or she is the only individual with the authority to stop construction. Citizens may directly contact the Resident Engineer (and assistants) with questions or concerns so that the Resident Engineer can immediately address any project concerns.

IV. PROJECT DESIGN

A. Review of Plans: To insure that the Town of Blowing Rock, and the SHPO are consulted and the Residents of the Green Park Historic District are given an opportunity for review, NCDOT will provide the following plans for comment. Plans will be provided to the Blowing Rock Town Board, the SHPO, and available for review at the Blowing Rock Town Library.

- Roadway Design Plans at 25%, 50%, and 80% of completion
- Preliminary Post-Construction Landscape Design Plans
- Preliminary Traffic Control Plans
- Preliminary Pavement Marking Plans

- Preliminary Signing Plans
- Preliminary Sedimentation and Erosion Control Plans

B. Guardrail: Where guardrail is required, NCDOT shall install approved wooden-faced guardrail where it can be installed and meet safety requirements. If, during final design, locations are identified where wooden-faced guardrail cannot be installed, or where, in order to meet safety requirements, installation would cause an undesirable increase in project right of way to provide necessary roadside clear areas, NCDOT will coordinate with the Town and SHPO to find an acceptable guardrail alternative prior to finalizing the plans.

C. Lane Width: The width of lanes within the boundary of the Green Park Historic District will be limited to11-feet.

D. Goforth Road: NCDOT shall terminate Goforth Road just east of US 321 rather than rebuild its intersection with US 321.

E. Median: NCDOT will not construct a median within the limits of the Green Park Historic District.

F. Highway Lighting: NCDOT will not install highway lighting within the limits of the Green Park Historic District.

G. Signal Poles: NCDOT shall use standard mast-arm signal poles for traffic signals, including the one(s) proposed in the Green Park Historic District. If the Town chooses a decorative mast arm pole that exceeds the cost of the NCDOT-standard mast-arm pole, the Town will pay the incremental cost difference.

H. Utilities: NCDOT will place existing overhead utility lines (electrical, telephone, and cable television) underground between Green Hill Road and Possum Hollow Road.

I. Stone Walls: NCDOT will replace all existing stone walls in the Town limits (including the Green Park Historic District) removed by the Undertaking with new in-kind stone walls. All other retaining walls along the Undertaking within the Town limits will be formed concrete walls with simulated masonry surface treatment. The surface treatment will be designed to resemble the existing stone walls in the historic district (e.g., the low wall in front of the Green Park Inn). The appearance of the surface treatment will be coordinated with the Town of Blowing Rock, and a sample of the surface treatment shall be fabricated for the Town's and SHPO's review and comment and the Department's approval prior to permanent installation on the project.

J. Sidewalks: NCDOT will provide a sidewalk, five feet in width, on the east side of US 321 from Green Hill road to US 321 Business (which includes the part of the project within the historic district), so that the west side berm may be used for more concentrated landscaping. Pedestrian crossings (crosswalks and/or pedestrian signals) may be provided at signalized intersections.

K. Decorative Pedestrian Lights: NCDOT shall include, as a part of the post-construction landscape plan, decorative pedestrian lights, the style of which is to be agreed upon by the Town, SHPO, and NCDOT, at selected locations within the Town limits. Any decorative pedestrian light locations within NCDOT right-of-way (e.g., in areas of more concentrated landscaping) must

be approved by the Special Design Section of NCDOT's Roadway Design Unit . NCDOT will pay for the lighting equipment and installation, and NCDOT will install the lights as part of the landscape plan implementation. The Town will assume ownership of the lights and will pay all utility (electricity) costs.

L. Landscaping: Plantings will be planned in accordance with NCDOT's Guidelines for Planting within Highway Right-of-Way. Broader areas of more concentrated landscaping will be included where right-of-way, roadway elements, terrain, and safety conditions allow. Design and landscape characteristics will be developed through discussions with the Town Board, SHPO and Residents of the Green Park Historic District to maintain the rural mountain resort character of the district.

M. Coordinated Signal System: NCDOT will design and install a coordinated traffic signal system as part of the Undertaking.

N. Speed Limit: The speed limit within the historic district shall be posted 35 mph after construction.

O. Fog Safety Study: NCDOT will evaluate flashing warning lights, pavement markers, rumble strips and/or stripes, delineation, warning signs, and/or lighting that would be appropriate to increase safety and improve driver behavior during fog occurrences. The plans submitted by NCDOT to SHPO and the Town for review and comment (Item IV.A) will show the results of NCDOT's evaluation and the resulting recommendations.

V. CONSTRUCTION ACTIVITIES

A. Blasting: NCDOT and the contractor shall limit blasting to specific times. Those times will be posted on the aforementioned project website. In addition, blasting activities will be announced to the media as outlined in the PIP.

B. Dust Minimization: NCDOT and the contractor shall utilize a truck to periodically spray water on dry, exposed soil to control dust to the greatest extent possible.

C. Reseeding Exposed Dirt: In accordance with NCDOT's Best Management Practices for Protection of Surface Waters, NCDOT and the contractor shall seed exposed soil with grass in order to control run-off, erosion, and dust.

D. Covered Truck Beds: NCDOT shall require all construction trucks traveling at speeds greater than 25 mph to cover their truck beds in order to reduce the amount of dust and debris.

E. Staging Areas: NCDOT shall not permit staging areas within the Green Park Historic District. NCDOT may permit overnight parking of equipment and storage of materials, associated with current construction needs, within the construction right-of-way limits along any part of the project corridor.

F. Waste Sites, Borrow Pits, and Construction Offices: NCDOT shall not permit waste deposits, borrow pits, or construction offices within the Green Park Historic District.

G. "Smart Zone" Techniques: NCDOT shall use "Smart Zone" techniques in the maintenance of traffic during construction. These techniques may include

methods such as advance notification of delays, lane closures, real time monitoring, and the use of Digital Message Systems. In addition, NCDOT shall maintain a website that will provide information on anticipated delays based on scheduled construction activities.

VI. GREEN PARK INN

NCDOT, in consultation with SHPO and the property owners, shall develop measures to reduce the adverse effect of the Undertaking on the Green Park Inn. These measures may include, but are not limited to, the following:

- Replacement of the existing stone walls;
- Replacement of the existing sidewalk;
- Reconfiguration of the existing parking lot;
- Sound abatement/buffering; and/or
- Landscaping.

VII. A.G. JONAS COTTAGE

NCDOT, in consultation with SHPO and the property owners, shall develop measures to reduce the adverse effect of the Undertaking on the A.G. Jonas Cottage. These measures may include, but are not limited to, the following:

- Construction of a retaining wall;
- Construction of a privacy fence;
- Sound abatement/buffering; and/or
- Landscaping.

VIII. COTTAGE NO.21 (as referred to in the 1994 National Register Nomination)

In the event that this property is not determined to be a relocation in the final design, NCDOT, in consultation with SHPO and the property owners, shall develop measures to reduce the adverse effect of the Undertaking on Cottage No.21. These measures may include, but are not limited to, the following:

- Providing alternative access to the property;
- Construction of a retaining wall; and/or
- Landscaping.

IX. BLOWING ROCK COUNTRY CLUB GOLF COURSE

NCDOT will construct a retaining wall on the east side of US 321 at the Blowing Rock Country Club Golf Course (Hole No. 4) in order to minimize impacts to the course.

IX. UNANTICIPATED DISCOVERY

In accordance with 36 CFR 800.11(a), and prior to initiation of construction activities, NCDOT shall ensure preparation of a plan of action should archaeological or architectural resources be inadvertently or accidentally discovered during the construction phase of the project. The plan shall provide for an assessment of the significance of the discovery in consultation amongst NCDOT, USACE, and the SHPO. Inadvertent or accidental discovery of human remains will be handled in accordance with North Carolina General Statutes 65 and 70.

X. DISPUTE RESOLUTION

Should the North Carolina SHPO or any parties to this agreement object within (30) days to any plans or documentation provided for review pursuant to this agreement, NCDOT shall consult with the North Carolina SHPO to resolve the objection. If the USACE or the North Carolina SHPO determines that the objection cannot be resolved, USACE will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within thirty (30) days after receipt of all pertinent documentation, the Council will either:

A. Provide USACE with recommendations which USACE will take into account in reaching a final decision regarding the dispute, or

B. Notify USACE that it will comment pursuant to 36 CFR Section 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by USACE in accordance with 36 CFR Section 800.7 (c) (4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; USACE's responsibility to carry out all the actions under this agreement that are not the subject of the dispute will remain unchanged.

Execution of this Memorandum of Agreement by USACE, the NCDOT, and the North Carolina SHPO, its subsequent filing with the Advisory Council on Historic Preservation, and implementation of its terms evidence that USACE has afforded the Council an opportunity to comment on the US 321 improvements from SR 1500 to SR 1632 in the Town of Blowing Rock, and its effects on the Green Park Historic District and that USACE has taken into account the effects of the Undertaking on this National Register-listed historic district.

AGREE:

Charles R. Alexander, Jr. 11/15/04

UNITED STATES ARMY CORPS OF ENGINEERS, WIMINGTON DISTRICT DATE

Col, USA

4 Nov 04

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DATE

10/25/04

NORTH CAROLINA HISTORIC PRESERVATION OFFICER DATE

FILED BY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION DATE

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CONCUR:

TOWN OF BLOWING ROCK DATE

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CONCUR:

_____

Concerned Citizens of Blowing Rock Date

_____

Concerned Citizens of Blowing Rock (PLEASE PRINT)

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CONCUR:

Blowing Rock Historical Society Date

Blowing Rock Historical Society (PLEASE PRINT)

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CONCUR:

Caldwell County Commissioners Date

Caldwell County Commissioners (PLEASE PRINT)

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CONCUR:

Owner(s) of Green Park Inn Date

Owner(s) of Green Park Inn (PLEASE PRINT)

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CONCUR:

Owners of A.G. Jonas Cottage Date

Owners of A.G. Jonas Cottage (PLEASE PRINT)

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CONCUR:

Owner(s) Cottage #21 Date

Owner(s) Cottage #21 (PLEASE PRINT)

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CONCUR:

Blowing Rock County Club Date

Blowing Rock County Club (PLEASE PRINT)

APPENDIX

Historic Structures and Landscape Recordation Plan
For the widening of US 321 from SR 1500 (Blackberry Road) to
SR 1632 (Possum Hollow Road) within Blowing Rock, North Carolina

Photographic Requirements

A. Green Park Historic District: Prior to the initiation of construction activities, NCDOT shall record the existing conditions of the Green Park Historic District and its surroundings in a video documenting US 321 and the surrounding landscape and structures within the historic district and keying the locations of the filming on an aerial photograph.

B. Individual Structures: Prior to the initiation of construction activities, NCDOT shall photographically record the existing conditions of the Green Park Inn, Cottage No. 21, and A.G. Jonas Cottage and their immediate surroundings. For each structure NCDOT shall collect selected views of each building including, but not limited to:
   - Overall views of each building (elevations and oblique views)
   - Interior views of the main areas and noted interior architectural elements
   - Overall views of the project area, showing the relationship of each building to its setting

C. Existing Stone Walls: Prior to the initiation of construction activities, NCDOT shall photographically record the conditions of existing stone walls along US 321 within the historic district. For each NCDOT shall collect selected views of each stone wall including, but not limited to:
   - Overall views of each wall (elevations and oblique views)
   - Overall views of the project area, showing the relationship of each wall to its setting

Photographic Format

- Digital video transferred to a CD-ROM
- Color slides (all views)
- 35 mm or larger black and white negatives (all views)
- Two Black and white contact sheets (all views)
- All processing to be done to archival standards
- All photographs and negatives to be labeled according to Division of Archives and History standards

Copies and Curation

One (1) set of all photographic documentation will be deposited with the North Carolina Division of Archives and History/State Historic Preservation Office to be made a permanent part of the statewide survey and iconographic collection.