

CATEGORICAL EXCLUSION EVALUATION

**Choptank Road (SR 15) Planning Study
Bethel Church Road (N 286) to Bunker Hill Road (CR437)
New Castle County, Delaware**

Prepared For:

The State of Delaware
Delaware Department of Transportation
P.O. Box 778
Dover, Delaware 19903

Prepared By:

McCormick, Taylor & Associates, Inc.
200 Continental Drive
Suite 305
Newark, Delaware 19713

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I. Introduction

A. Project History

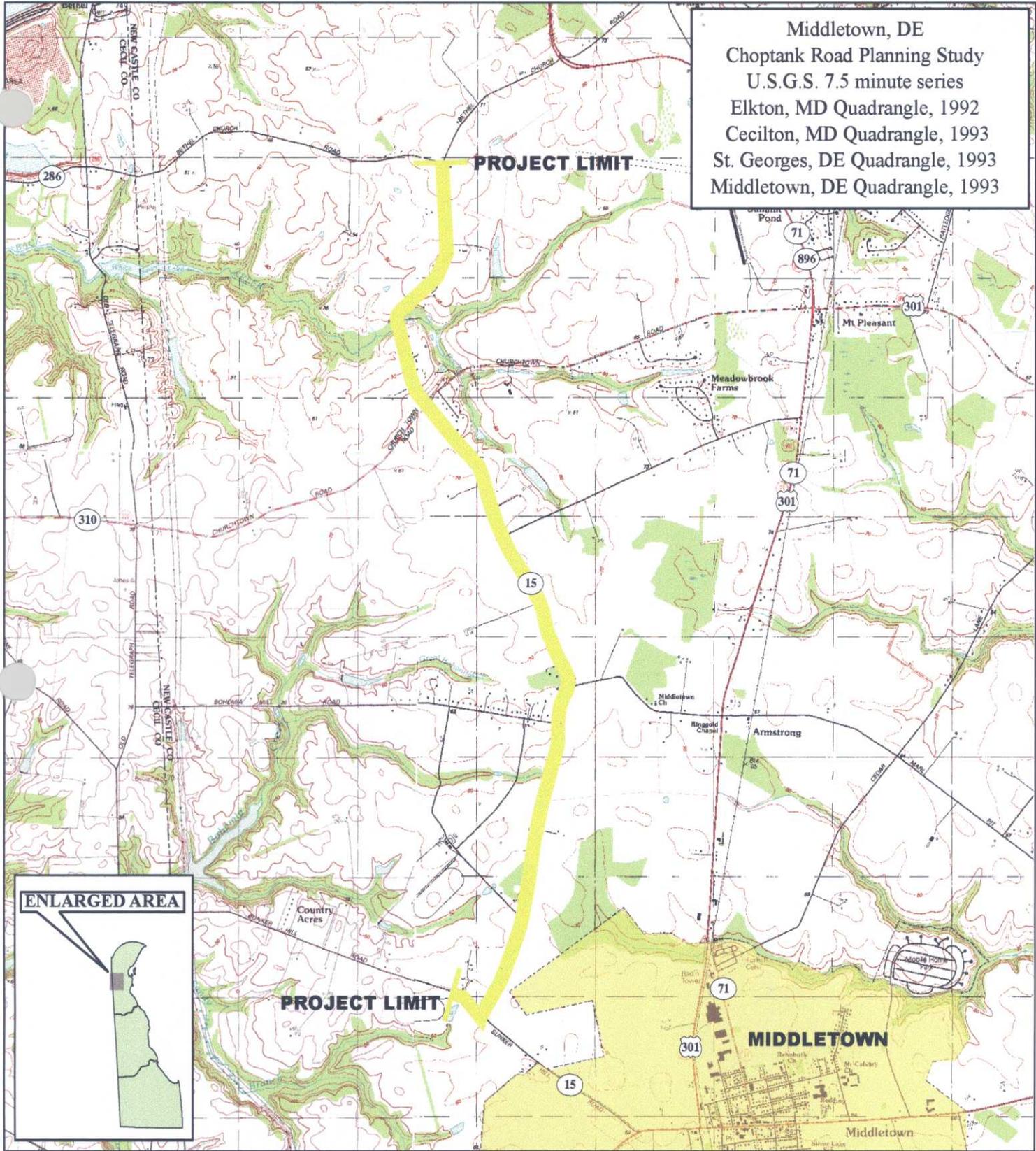
The Choptank Road Planning Study was initiated in the late 1990's to address safety concerns, current roadway conditions and increasing traffic volumes. The project was originally identified in DelDOT's Southern New Castle County Improvements Study, as the first of several secondary road improvement projects in the US 301 Corridor that includes the Choptank Road Planning Study area. The rural principal arterial of the region is US 301, a four lane divided highway that connects the Washington DC region with Wilmington, DE, serving as an alternate to Interstate 95. As local and regional population and associated traffic volumes increase and more signalized intersections are installed on US 301, Choptank Road is expected to serve as a local alternate to US 301.

Major through traffic will remain on US 301, pushing the local traffic more familiar with the local road network onto parallel routes such as Choptank Road. This will result in higher traffic volumes on Choptank Road than would be expected based solely on recent and planned developments in the vicinity of Choptank Road. This diversion to Choptank Road can be expected to increase until the US 301 corridor is relocated and/or improved. The US 301 improvements are not likely to be completed for at least eight to 10 years. In the interim, improvements are proposed for Choptank Road as recommended by the Southern New Castle County Improvements Study. DelDOT's Capital Transportation Program 2003-2008 includes funding for improvements to Choptank Road.

B. Project Location

Choptank Road (SR 15) parallels US 301 in southwestern New Castle County from just south of the Chesapeake and Delaware Canal to west of Middletown, Delaware, (*Figure 1*). Within the study area, Choptank Road is a two-lane, north-south secondary roadway dating to the mid-19th century. During the mid 1990's, it became part of a state-designated alternate route west of US 13 extending from the Canal to south of Dover.

Figure 1 illustrates the study limits for the Choptank Road project corridor: Bethel Church Road (N 286) to the north and Bunker Hill Road (CR 437) to the south. Just beyond the study limits, at-grade intersections connect these two roadways back to US 301. North of the study area, US 301 was realigned to connect with the Summit Bridge built during the mid 1960's. Minor improvements have occurred along Bethel Church Road from Choptank Road to US 301 and this section was removed from the original Choptank Road study area. At the south end of the project, approximately 850 feet of Bunker Hill Road is included in the Choptank Road study area in order to improve the substandard horizontal curvature.



Middletown, DE
 Choptank Road Planning Study
 U.S.G.S. 7.5 minute series
 Elkton, MD Quadrangle, 1992
 Cecilton, MD Quadrangle, 1993
 St. Georges, DE Quadrangle, 1993
 Middletown, DE Quadrangle, 1993

Project Location Map
Choptank Road Planning Study
New Castle County, Delaware



MTA
 McCormick, Taylor & Associates, Inc.



Figure 1

C. Purpose and Need

As discussed in the project's Purpose and Need Statement, included as *Appendix A of the Handoff Package*, the primary purpose of the Choptank Road Planning Study is to develop and evaluate transportation improvements that enhance safety throughout the corridor. The intent of the project is not to increase the roadway capacity by adding lanes, but to upgrade the existing roadway geometry and cross-section to provide a more safe and efficient roadway that serves mainly existing and planned development. This project will improve the existing pavement conditions and provide adequate drainage facilities to carry runoff away from the roadway. *Figure 2* illustrates existing roadway features. Since Choptank Road is part of Bicycle Route One, the State's designated north-south bicycle route, any improvements will need to accommodate bicyclists in addition to vehicular traffic in order to achieve multi-modal usage. Local pedestrian needs will also be considered.

Safety concerns and geometric deficiencies have been identified throughout Choptank Road, which contribute to accident rates higher than statewide averages. As described and illustrated in the Purpose and Needs Statement (*Appendix A*), the existing roadway geometry and cross-section contribute to the increased number of accidents. Much of the roadway geometrics do not meet current standards for this type of facility. Accident reports from 1997 to 2000 indicate that many accidents occur at curves and most involve only one vehicle. This is indicative of poor roadway conditions ranging from wet or icy pavement, geometrics that do not meet today's standards and, in some cases, excessive speeds.

As a result, the need for the proposed improvements to Choptank Road is to:

- provide adequate access and mobility
- improve safety,
- upgrade and widen the pavement section and
- better accommodate bicyclists and local pedestrians.

D. Project Description

The Choptank Road study corridor is approximately five miles long (*Figures 1 and 2*). Within the study corridor, the roadway averages 18 feet wide and carries two lanes of traffic with little or no improved shoulders except in the vicinity of newer developments. The roadway width varies in the vicinity of intersections at Bethel Church Road, Churchtown Road, Armstrong Corner Road, Bohemia Mill Road and Bunker Hill Road and at entrances to the newer residential developments. Choptank Road provides direct access to approximately 40 driveways of older residences and to three main entrances of newer residential developments with over 200 homes that are highlighted on *Figure 2*.

The proposed Choptank Road Improvements project will involve the widening of Choptank Road between Bethel Church Road and Bunker Hill Road, and will include the introduction of roundabouts, or at minimum intersection improvements at Bethel Church Road, Churchtown Road and Bunker Hill Road. Intersections at Old School House Road and Armstrong Corner Road will also be improved. The project will include drainage and safety improvements including improving of three substandard curves.

From north to south, improvements will occur at the intersection of Choptank and Bethel Church Roads, the northern terminus of the project. Rather than a four-way intersection improvement and turning upgrade, a roundabout is proposed at this intersection as a traffic calming measure. Minor widening of the roadway is proposed along Choptank Road to Churchtown Road. At this intersection of Choptank and Churchtown Roads, another roundabout is proposed. The existing 'T' intersections at Old School House Road and Armstrong Corner Road are proposed to be upgraded. The remainder of Choptank Road will then be widened to a proposed roundabout at the southern terminus of the project at Bunker Hill Road where improvements will extend approximately 850 feet west along Bunker Hill Road in order to straighten a curve along this stretch of road.

II. Alternate Analysis

A. Alternate Development

Three public meetings have been conducted for this project. The first meeting, the Public Information Workshop, was held on November 15, 2000 and presented information pertaining to the project goals, described the project planning process and identified the issues associated with the roadway in its present form. These issues include failing pavement, drainage deficiencies, restricted sight distance and a narrow roadway width (*Figure 2.*) Comment cards were available for attendees to complete. In addition to obtaining general comments, the comment cards contained specific questions to receive feedback related to sensitive features along Choptank Road warrant protection or enhancement, concerns or problems that exist and what improvements should occur along Choptank Road.

The study team reviewed the comments received from the community and incorporated them into the conceptual design, as appropriate. On March 6, 2001, the Alternates Workshop was held. During this meeting, two alternate typical sections were presented. Alternate A, as shown on *Figures 3A-1 and 3A-2*, provides two 11' travel lanes and two 5' shoulders, typical of a traditional improvement for this type of roadway. Alternate B provides two 11' travel lanes, two 2' shoulders and a shared 10' wide bicycle/pedestrian path offset on the east side 7' from the edge of shoulder as shown on *Figures 3B-1 and 3B-2*.

Both alternate typical sections were applied to the same proposed roadway centerline. The centerline differs from the existing centerline in areas where shifts were needed to avoid environmental and historic impacts and to improve the overall roadway geometry.

Each alternate design concept was developed to improve drainage and intersections, provide traffic calming and accommodate bicyclist/pedestrian needs. Roundabouts were proposed for the intersections of Choptank Road at Bethel Church Road, Churchtown Road and Bunker Hill Road. Exhibits, videos and information on the characteristics and operation of roundabouts were available for review and comments cards were provided.

B. Recommended Alternate

The study team reviewed the comments from the March 6, 2001 Alternates Workshop and modified the conceptual designs as appropriate. Based on engineering evaluation, and input from regulating resource agencies and other affected groups, it was concluded that Alternate A was preferred.

On June 4, 2001, the third and final workshop was held. During this meeting, artistic renderings were presented to show the roadway in its proposed conditions. Renderings of the Choptank Road intersections with Bethel Church Road, Churchtown Road and Bunker Hill Road were also shown to illustrate the appearance of the roundabouts. Alternate A was identified as the recommended alternate. The project goals were reviewed and checked to ensure that they were met. A summary of the community's comments was available along with the response by the study team.

Subsequent to the Alternates Public Workshop, DelDOT conducted additional resource agency coordination including cultural resource surveys and field investigations pursuant to 36CFR800. This resulted in the identification of six properties along Choptank Road either previously listed or recommended as eligible for listing in the National Register of Historic Places (NRHP). Engineering modifications of Alternate A were made to avoid or minimize encroachment onto these properties. This resulted in avoidance of five of the six properties, as discussed in *Section III.F*, with minor encroachment onto one property.

The NRHP property that would be affected, the W.T. Stoops House property now signed as Lone Manor Farm, is situated on a 12 acre, flag-shaped parcel west of Choptank Road. A farmhouse and outbuildings are located approximately 1,800 ft. from Choptank Road. The recommended NRHP property boundary is the entire tax parcel that includes a 12 ft. gravel farm lane within the approximate 80 ft. of frontage along Choptank Road. There are no significant structures or architectural features along this frontage. To accommodate the proposed roadway reconstruction, +/-30 ft. of land would be taken from this frontage.

Due to the close proximity of three residential properties located directly across Choptank Road from the 80 ft. wide frontage and farm lane, shifting the approximate 30 ft. take to the eastside of the road would require acquisition of two, possibly all three residences. The significance of the minor encroachment on the NRHP property and the consequences of total avoidance were discussed by DelDOT with staff of the Delaware State Historic Preservation Officer (DESHPO) and the Federal Highway Administration (FHWA).

Subsequent agency coordination and consultations occurred between DelDOT, the DESHPO and the FHWA resulted in an opinion that the minor encroachment would likely result in a DelDOT recommendation of no adverse effect and expected DESHPO concurrence. It was agreed that the completion of the Section 106 process, including formal DESHPO review of the Effects Determination would occur during development of project design to assure minimal encroachment and effects on the historic properties.

It was also agreed by DelDOT and the FHWA that a topographic survey would need to be undertaken to determine the extent of Section 4(f) take and use of the historic property and level of Section 4(f) documentation. Based on the expected DESHPO concurrence of a no adverse effect for the project, it is anticipated that a Nationwide Programmatic Section 4(f) Evaluation will be sufficient to address and approve the minor take and use.

The conceptual design plans for the recommended Alternate A, included as *Item 2 of the Handoff Package*, identify the recommended boundaries of the six NRHP listed, eligible or recommended eligible properties. The plans also include the avoidance of five NRHP boundaries and the minor encroachment onto the one historic property (*Plan Sheet 9*).

C. Level of Environmental Study

Based on the recommended Alternate A described above, and the potential impacts associated with it, the proposed Choptank Road Improvements project qualifies as a Class II (Categorical Exclusion Evaluation) level action in accordance with 23 CFR 771.117 (d) items (1) and (3). Therefore, the appropriate level of environmental documentation for the project was determined to be a Categorical Exclusion Evaluation (CEE). This CEE has been prepared in order to document the probable impacts discussed below that could result from the recommended Alternate A.

III. Social, Economic and Environmental Analysis

Table 1, located at the end of this CEE, provides a reference checklist of the potential level of impacts associated with the proposed Choptank Road Improvements Project. The following information provides a discussion of the potential impacts and is arranged to correspond with the checklist. The impact analysis is based on preliminary engineering included in the *Handoff Package* and will need to be reevaluated as the project advances into detailed design when topographic surveys are available and impacts are reevaluated. *Figure 4* illustrates Alternate A and locates cultural resource and environmental features.

A. Right Of Way Requirements

The majority of the proposed improvements associated with the project will occur within existing Choptank Road right-of-way that averages about 30 feet throughout the study area. Where necessary and appropriate, proposed widening will use reserved or dedicated right-of-way from the recent and planned developments. Approximately 60 ft of right-of-way will be required throughout the project area to accommodate the estimated 90 feet of right-of-way required to provide for the cross-section proposed for Recommended Alternate A. Additional right-of-way will be required in the vicinity of the five proposed intersection improvements. It is estimated that 120 individual parcels will be involved.

The property acquisitions will be limited mainly to minor right-of-way acquisitions from adjacent residential properties, open space and several agricultural areas along both sides of Choptank Road. Exceptions to these strip takes will occur in the vicinity of proposed roundabouts at three intersections (Bethel Church Road, Churchtown Road and Bunker Hill Road), areas for Storm water Management (SWM), and two minor realignments of Choptank Road, One is located just to the north of Back Creek where Bridge 377 was recently replaced by DelDOT, the other is south of the Armstrong Corner Road vicinity.

B. Relocations

There are no relocations of homes, businesses, non-profit facilities or any other facilities required for the proposed Choptank Road Improvements Project.

C. Environmental Justice

DOT Order 5610.2 defines "minority" as a member of four groups: Black, Hispanic, Asian American and American Indian / Alaska Native. According to the US Census Bureau, the total minority population for New Castle County in 2000 was 134,455 persons, or 26.9 % of the population of 500,265. Within the project area (Census Tract 166) there is a minority population of 596 persons that comprise 10.4% of the total population south of the Chesapeake and Delaware Canal and east to Middletown. This compares to the statewide percentage of 23.7% and county percentage of 26.9%.

No minority communities or low-income groups are present or known to exist along Choptank Road; this includes the three potential relocations that may be tenant occupied.

D. Social Impacts

The proposed improvements will facilitate local access and improve safety and should not have a significant adverse effect on any members of minority, elderly or low-income groups, as explained above. The proposed land acquisitions will not create a burden for any of these population groups. One property, located at 1175 Choptank Road, appears to operate as a daytime care facility for autistic children. A portion of the front yard will be impacted by proposed roadway realignment to improve a substandard curve north of Back Creek and also to avoid a NRHP listed property located on the opposite side.

The proposed project will not impose any significant local or regional adverse impacts to the communities in the project area. A public golf course (Back Creek) located west of Choptank Road and north of Churchtown Road will be encroached upon to accommodate the Section 4(f) avoidance east of Choptank Road. Based on preliminary engineering, it appears the encroachment will require redesign of a cart path and possible modifications of a pond and irrigation system that would also accommodate storm water management.

E. Economic Impacts

No significant local, regional or statewide economic impacts will be induced as a result of the proposed Choptank Road improvements.

F. Cultural Resources

Historic Structures

A Phase I/II historic resources survey was conducted for the proposed Choptank Road Improvements Project in consultation with DelDOT staff as well as staff of the DESHPO. Results of the survey and a summary of the consultation are included in *Item 6 of the Handoff Package*. The purpose of the survey was to identify all buildings and structures, fifty years in age or older, situated within the Area of Potential Effect (APE) for the project. Previous studies conducted within the APE resulted in the identification of five properties listed or eligible for inclusion in the NRHP and three other identified properties. Of these five eligible or listed properties, one, the Governor B.T. Biggs Farm (N-5123), was individually listed in the NRHP; whereas the remaining four properties are contained within the thematic National Register nomination, Rebuilding St. Georges Hundred (N-9567). Separately, these four properties are known as: Woodside (N-427), Choptank (N-109), S. Holton Farm (N-107), and Rosedale (N-5148) that are located on *Figure 4*.

Woodside (N-427) and Rosedale (N-5148) had NRHP boundary discrepancies in the earlier survey; therefore, revised National Register boundaries have been recommended. In addition, the field survey conducted for this study identified the W.T. Stoops House (N-108) as potentially eligible for listing in the NRHP. The property had originally been recommended as ineligible for listing in the NRHP as a result of the previous survey. For the purposes of the Choptank Road Improvements study, the W.T. Stoops House property is considered as being eligible for listing in the NRHP as a component of the previous thematic NRHP nomination. As a result, the six properties located on *Figure 4*, (Biggs Farm, Woodside, Choptank, S. Holton Farm, W.T. Stoops House and Rosedale) have been identified as NRHP listed or eligible.

As explained previously in *Section II.B*, the recommended Alternate A has a minor encroachment (estimated at 2,400 square feet which is less than 0.056 acre) on the W.T. Stoops House property and avoids the remaining five NRHP properties. These are a result

of the engineering modifications made to Alternate 2 that are included on the conceptual design plans (*Item 2 of the Handoff Package*).

Archaeological Resources

A Phase I Archaeological Survey was conducted for the Choptank Road Improvements project. This survey entailed documentary research, field investigations, laboratory/data analysis, report preparation, and project coordination. In consultation with the DelDOT and DESHPO, an anticipated project APE was delineated based on the conceptual design scheme. For the Phase I Archaeological Survey, the APE was determined to consist of lands within the proposed right-of-way for Alternate A, that have not been subjected to previous archaeological testing and where proposed work would result in the disturbance of existing lands surfaces.

Using the results of documentary research and surface inspection, select areas within the APE were targeted as having a medium to high potential for containing archaeological deposits. The target areas were subjected a controlled subsurface archaeological testing program. These investigations were conducted with the intent to ascertain the presence or absence of any archaeological sites within the project APE.

Based on the results of the Phase I Archaeological Survey, it has been concluded that the APE contains at least five archaeological sites that could require formal archaeological studies beyond the Phase I Location and Identification level. In addition to the subsurface/surface remains of several nineteenth century domestic sites at various locations along Choptank Road, these sites also include the subsurface remains of a nineteenth century schoolhouse and the archaeological remains of a Native American occupation site. The locations and detailed technical descriptions of these sites are presented in the Management Summary of the Cultural Resources Survey included in *Item 6 of this Handoff Package*. Currently, site registration with the DESHPO and the Delaware State Museum is in progress.

It is important to recognize that the need and extent of additional archaeological studies at the identified sites will be contingent upon modifications to the current conceptual design for Alternate A. At a minimum, any site that would be subjected to impact by the proposed project would require formal Phase II Evaluation Level studies. In addition to formal delineation of the site's vertical boundaries, Phase II studies would be conducted to examine the site's archaeological integrity, discern datasets represented at the site, and assess National Register eligibility. Phase II studies would also identify any appropriate mitigation efforts for the site.

Based on the results of the Phase I Archaeological Survey, it is recommended that thorough coordination be undertaken with the DelDOT and DESHPO in order to address the relation of the identified sites to the proposed project and to coordinate any additional archaeological studies that may be warranted.

G. Air Quality

There will be no significant changes to local air quality as a result of the Choptank Road improvements. The project will not increase vehicular use within the study area. As a result there will be no statewide impacts to air quality or degradation of local air quality. During construction, however, there may be a temporary reduction in local air quality due to the use of heavy equipment. This reduction will be eliminated upon completion of the proposed project.

H. Noise

The Choptank Road project area mainly consists of agricultural complexes and scattered residences. The only sensitive receptors in the area are the specific residences that are present along the project corridor. The nature of the proposed project precludes the need to perform detailed noise analyses. Only those projects that are built on new alignment or add through lanes to existing roadways require investigation and potential mitigation of related noise impacts. The proposed project will improve the existing road, keeping the same number of through lanes.

I. Hazardous Waste

A review of the appropriate state and federal databases, as well as limited field reconnaissance, yielded no indication of potential hazardous waste issues within the proposed area of disturbance. Database searches include the US Environmental Protection Agency (EPA) Envirofacts and DNREC's Environmental Navigator systems and hazardous waste site.

J. Water Quality

Choptank Road crosses over Back Creek just north of Churchtown Road south of the northern study limits. Bridge 377 crosses Back Creek and was recently replaced by a separate DelDOT project. No more construction is anticipated at this location. The only surface water features present within the corridor are roadside ditches and agricultural drainage ditches that convey water to unnamed streams beyond the project area.

Portions of the study area are within a Water Resource Protection area and Artesian maintains a public water facility west of Choptank Road near Old School House Road. There will be no permanent adverse water quality impacts associated with the proposed project, as there will be no appreciable changes to project area conditions. Some temporary localized water quality impacts could occur as a result of construction activities. However, with the implementation of proper erosion and sedimentation control measures, these impacts should be minor and limited. The proposed project will not impact project area groundwater quality provided the proper pollution control measures, such as erosion and sediment control and spill containment features are implemented during construction activities.

K. Hydrological Impacts

According to ESRI/FEMA mapping, there are no 100-year floodplains in the project area.

L. Fish and Wildlife

Coordination with the Delaware Natural Heritage Program of the Department of Natural Resources and Environmental Control (DNREC) and the US Fish and Wildlife Service was conducted to determine if any state or federal threatened, endangered or rare plants, animals or natural communities were known to be present within the proposed project area. Coordination letters are included at the end of this *CEE Report*

The proposed project will not create an adverse effect on wildlife or their habitat. Roadway work will occur in areas of frequent human activities that lack habitat value. As such, these areas hold little attraction to wildlife and the temporary disturbance created during construction will not have an adverse effect on the project area wildlife.

M. Wetlands

The wetlands mapped (*Figure 4*) for the project locates palustrine forested wetland areas that are present in the project area. These are palustrine-forested systems consisting of primarily broadleaf deciduous species (PFO1). They are located in the vicinity of Back Creek, along an unnamed stream south of Bohemia Mill Road and to the south of Bunker Hill Road. Based on conceptual engineering and field views, it is likely that the wetland areas will be avoided by the recommended Alternate A. It is recommended that a topographic survey and, if needed, wetland delineations be required as part of project design to make a final determination on the potential for wetland impacts.

N. Land Use

The land area surrounding the project is used primarily for residential development and agriculture. Expansion is occurring in the three newer residential developments and more than 500 homes have been approved and proposed for construction in these areas. Several large farm tracts are also being subdivided into lot sizes ranging from 12 to 70 acres. No commercial development or manufacturing facilities are proposed along Choptank Road. The nearest commercial development is along Bunker Hill Road east of the study area.

The proposed project will have little affect on the current or planned land use of the project area. According to the New Castle County 2002 Comprehensive Development Plan Update, the future land use plan for the study area is for low density residential development (1 to 3 Dwelling Units per acre). Choptank Road is also identified for improvements in the County's 2002 plan. As proposed, the project will not stimulate development, as it will not increase traffic capacity or change current traffic patterns.

O. Natural Resources

The project corridor includes mostly residential land, farmland and open space areas. The project will require approximately 120 partial property acquisitions totaling about 34.4 acres to construct the proposed roadway and intersection improvements including SWM. About 95 of these acquisitions are residential parcels; the remaining 25 from open space parcels including three in crop production. The open space acquisitions will encompass approximately 17.69 acres; of which approximately 4.97 acres are in crop production. This amount and strip loss of land will not have an impact on the agricultural operation(s) of the farmland to be acquired. As a whole, only a minimal loss in farmland /open space and their associated habitat is anticipated to occur as a result of the proposed project.

One of the parcels expected to be impacted by the recommended Alternate A is the Maple Grove Agricultural Preservation District located near the southern project limit from which the Delaware Department of Agriculture has purchased development rights. The US Department of Agriculture has also designated this 185-acre active farm as a Conservation Farm. Approximately 4.22 acres of the farm is proposed to be acquired as right-of-way to widen Choptank Road to the east. Acquisition of this acreage is necessary as a Section 4(f) avoidance of the NRHP eligible Rosedale property located on the west side of Choptank Road. Accordingly, DeIDOT will need to coordinate with the Delaware Department of Agriculture and possibly the DESHPO as the project moves forward.

The project is not located in the Delaware Coastal Zone, and therefore the proposed improvements will have no effect on coastal areas.

P. Access

The proposed Choptank Road Improvements Project may result in some temporary effects on maintenance of traffic during construction. Access to residences and agricultural complexes along the proposed bypass will be maintained, but may be restricted during construction activities. The proposed project will have no permanent an adverse affect on access availability for the elderly, handicapped, children, pedestrians, bicyclist or public transportation and those who utilize public transportation.

Q. Modal Choice

There is currently no existing or planned bus service in the Choptank Road study area. Additionally, neither bus nor transit service along Choptank Road would address two of the project needs of improving safety and accommodating bicyclist and pedestrians. The nearest DART service is in the town of Middletown where the Middletown Shuttle connects with additional DART services in the county. The proposed Choptank Road improvements should promote safety for bikes and pedestrians who use Choptank Road as part of Bicycle Route 1. Local bicycle, pedestrians and vehicle safety will also be improved with the proposed widening of Choptank Road and the recent addition of shoulders and widening of travel lanes as part of the Bridge 377 project over Back Creek.

R. Permits

It appears the project will likely avoid wetland impacts based on conceptual engineering and field measurements. Palustrine wetland areas in the vicinity of Back Creek were within the limits of the recent replacement of Bridge 377 and appear to be outside the limits of the project. The project is also in proximity of palustrine wetlands near the historic Holton Farm and along the south side of Bunker Hill Road opposite the historic Rosedale property. Section 4(f) avoidance of the recommended NRHP boundaries places the recommended Alternate A close to the wetland areas possibly requiring Section 404 Permit compliance (Type 1). For this reason, it is recommended that topographic survey and additional engineering be completed to more accurately locate impact limits. Even if impacted, any wetland encroachment would be minor and addressed as part of the permit process.

It is also expected that the proposed construction activities will not require a 401 Water Quality Certificate due to the limited amount of construction, if any, in these areas.

IV. CONCLUSION AND RECOMMENDATIONS

The proposed Choptank Road Improvement Project adequately meets all of the project needs, including: improved safety and efficiency to traffic; improved bicycle and pedestrian safety, improved drainage. Design modifications have resulted in minimal impacts to environmental and cultural resources including avoidance of five Section 4(f) properties with minor encroachment of 2,400 square feet on one NRHP property in order to avoid two, possibly three residential relocations. The No-Build Alternate would not address the project needs, including the higher than average number of accidents along Choptank Road. The No Build Alternate would also result in continued degradation of the roadway and not address the identified safety concerns including bicyclists and pedestrian safety. For these reasons, the proposed Alternate A is recommended as the preferred alternate.

Based on the foregoing analysis, and assuming continued compliance with the DNREC, ACOE, DESHPO, and FHWA requirements and standards, it can be concluded that the project will have no significant adverse impacts on the social, economic or environmental conditions of the area. As a result, the proposed work is consistent with a Class II, Categorical Exclusion per 23CFR771.117c(3). This Categorical Exclusion determination will be submitted to the FHWA for final approval pending resolution of Section 106 and Section 4(f) Evaluations.

TABLE 1
CATEGORICAL EXCLUSION EVALUATION
Project Checklist and Project Level Determination Form

Project Title: Choptank Road Improvements Project
 Project Location: New Castle County, Delaware
 State Contract No.:
 Federal Aid No.:

	Adverse Impacts/Concerns			
	None	Possible	Probable	Comment
Right of Way Requirements				
A. Private			x	>>120 parcels
B. Public	x			
C. 4(f)			x	Programmatic 4(f) anticipated
D. 6(f)	x			
Relocations				
A. Homes	x			
B. Businesses	x			
C. Non-Profit	x			
Environmental Justice	x			
Social Impacts	x			
A. Local	x			
B. Statewide				
Economic Impacts				
A. Local	x			
B. Statewide	x			
Historic & Archaeological Sites (Listed, Nominated, Eligible)¹				
A. National Register			x	No Adverse Effect anticipated
B. State Listing	x			
C. Other (Locally Significant)	x			
Air Quality				
A. Local	x			
B. Statewide	x			
Noise				
A. Residential		x		Temporary Construction Noise
B. Commercial	x			
C. Sensitive areas (schools, churches, etc.)	x			
D. Other (Locally Significant)	x			
Hazardous Waste	x			
Water Quality¹				
A. Surface Water	x			
B. Groundwater	x			
Hydrologic Impacts				
A. Stream relocation	x			
B. Stream channelization	x			
C. Stream stabilization	x			
D. Floodplain	x			

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CATEGORICAL EXCLUSION EVALUATION
Project Checklist and Project Level Determination Form**

Project Title: Choptank Road Improvements Project
 Project Location: New Castle County, Delaware
 State Contract No.:
 Federal Aid No.:

	Adverse Impacts/Concerns			
	None	Possible	Probable	Comment
Fish & Wildlife				
A. Endangered species	x			
B. Habitat	x			
Wetlands¹				
A. Project area	x			
B. Up or down stream	x			
Land Use				
A. Direct	x			
B. Secondary	x			
Natural Resources¹				
A. Farmlands			x	Maple Grove Preservation District
B. Woodland	x			
C. Conservation area			x	Maple Grove Preservation District
D. Coastal zone	x			
Access				
A. Maintenance of traffic		x		Temporary During Construction
B. Elderly		x		Temporary During Construction
C. Handicapped		x		Temporary During Construction
D. Children		x		Temporary During Construction
E. Pedestrians		x		Temporary During Construction
F. Bicyclists		x		Temporary During Construction
G. Public transit and those who depend on it		x		
Modal Choice		x		
Permits				
A. Corps		x		
B. Coast Guard	x			
C. DNREC		x		
D. County		x		
E. City	x			

¹ See Appendix – Agency Coordination

Categorical Exclusion Recommendation 771.117 (d) (1) + (3) *MA* 5/29/02
 per 23CFR771.

Concurrence: Federal Highway Administration _____
 Division Administrator _____ Date _____

Comments: _____

APPENDIX A

Agency Coordination Letters



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

December 14, 2001

Mr. Gregory M. Firely
Environmental Scientist
McCormick, Taylor & Associates, Inc.
200 Continental Drive, Suite 305
Newark, Delaware 19713

RE: *MTA Project No. 4508-25 Choptank Road Planning Study
New Castle County, Delaware*

Dear Mr. Firely:

This responds to your November 15, 2001, request for information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the Choptank Road planning study. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened bog turtle (*Clemmys muhlenbergii*) may be present within the project area. Bog turtles primarily inhabit palustrine wetlands comprised of a muddy bottom or shallow water, and tussocks of vegetation. We recommend that you thoroughly inspect the property for the presence of appropriate bog turtle habitat. Should this investigation reveal the presence of scrub-shrub or emergent wetlands, a survey for bog turtles is recommended. Karen Bennett of the Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife can provide further details regarding the distribution of bog turtles in the state of Delaware, and appropriate survey techniques for determining the presence of the species. Ms. Bennett may be contacted at (302) 653-2880. Should your surveys show the species to be present within the project impact area, further coordination will be required with the U.S. Fish and Wildlife Service and the Department of Natural Resources and Environmental Control.

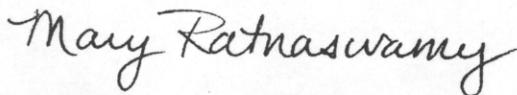
Except for occasional transient individuals, no other federally proposed or listed threatened or endangered species are known to exist within the project area. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available this determination may be reconsidered.

This response relates only to federally protected threatened and endangered species under our jurisdiction. For information on the presence of other rare species, you should contact The Delaware Natural Heritage Program.

An additional concern of the Service is wetlands protection. The Service's wetlands policy has the interim goal of no overall net loss of Delaware Bay's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands proposed, the U.S. Army Corps of Engineers, Philadelphia District should be contacted for permit requirements. They can be reached at (215) 656-6726.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Andy Moser at (410) 573-4537.

Sincerely,



Mary J. Ratnaswamy, Ph.D.
Program Leader, Endangered Species

Enclosure

cc:

Delaware Department of Natural Resources and Environmental Control, Dover, DE

(ATTN: Eric Zuelke)

U.S. Army Corps of Engineers, Dover, DE

(ATTN: Kevin Faust)



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
NATURAL HERITAGE PROGRAM
4876 HAY POINT LANDING ROAD
SMYRNA, DELAWARE 19977

TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

21 December 2001

Mr. Gregory M. Firely
McCormick, Taylor & Associates, Inc.
200 Continental Drive, Suite 305
Newark, DE 19713

RE: Potential bog turtle habitat along Choptank Road, New Castle County, Delaware

Dear Mr. Firely;

Please accept this letter as confirmation that no bog turtle (*Clemmys muhlenbergii*) habitat exists at the above referenced project site. A field visit (Joint Agency Field Review) by Mr. Eric F. Zuelke, formerly of the Delaware Natural Heritage Program staff, found no potential habitat along Choptank Road.

Please contact us if you have additional questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. Bennett".

Karen A. Bennett
Program Manager I

Cc: Andy Moser, Endangered Species Biologist, USFWS

Delaware's Good Nature Depends on You!



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
NATURAL HERITAGE PROGRAM
4876 HAY POINT LANDING ROAD
SMYRNA, DELAWARE 19977

TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

Ms. Carol Sullivan
DE Dept. of Transportation
800 Bay Road, P.O. Box 778
Dover, DE 19903

15 May 2001

Dear Ms. Sullivan:

Thank you for soliciting the DE Natural Heritage Program for rare-species information for the following roadway/bridge projects from the 15 May 2001 agency review:

1) Bridge 407, New Castle Co.

A review of the DNHP Biological and Conservation Database has revealed the following species:

<i>Scientific Name</i>	<i>Common Name</i>	<i>State Rank</i>	<i>Global Rank</i>	<i>Taxon</i>
<i>Anodonta implicata</i>	Alewife floater	S1	G4G5	Freshwater mussel

This population of freshwater mussel is found just downstream from the dam of Silver Lake. The scope and nature of this project are not anticipated to introduce impacts to this population.

2) Choptank Road, New Castle Co.

A review of the DNHP Biological and Conservation Database has revealed that there are currently no records of state-rare or federally listed species of plants, animals, or natural communities at or near this project site.

3) Carter Road, Smyrna, Kent Co.

A review of the DNHP Biological and Conservation Database has revealed that there are currently no records of state-rare or federally listed species of plants, animals, or natural communities at or near this project site.

4) Walker Road, Dover, Kent Co.

A review of the DNHP Biological and Conservation Database has revealed that there are currently no records of state-rare or federally listed species of plants, animals, or natural communities at or near this project site.

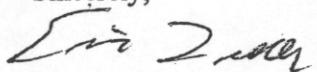
5) Governors Ave, Dover, Kent Co.

A review of the DNHP Biological and Conservation Database has revealed that there are currently no records of state-rare or federally listed species of plants, animals, or natural communities at or near this project site.

Delaware's Good Nature Depends on You!

If you have any questions, or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Zuelke". The signature is written in a cursive style with a large initial "E".

Eric F. Zuelke
Associate Biologist