

**APPENDIX C:
RARE, THREATENED AND ENDANGERED SPECIES COORDINATION**

*SR 26, Atlantic Avenue from Clarksville to Assawoman Canal
Environmental Assessment and Section 4(f) Evaluation*



*U.S. Department of Transportation
Federal Highway Administration*



STATE OF DELAWARE
Department of Transportation



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573-4575



May 2, 2005



Ms. Therese M. Fulmer
Manager, Environmental Studies
Delaware Department of Transportation
800 Bay Road
P.O. Box 778
Dover, DE 19903

RE: *Contract #24-112-10, SR 26 Mainline, Sussex County, DE*

Dear Ms. Fulmer:

This responds to your letter, received March 17, 2005, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. 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.).

Except for occasional transient individuals, no proposed or federally listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation with the U.S. Fish and Wildlife Service is required. 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 or endangered species under our jurisdiction. It does not address the Service's concerns pursuant to the Fish and Wildlife Coordination Act or other legislation. For information on the presence of other rare species, you should contact Karen Bennett of the Delaware Natural Heritage Program at (302) 653-2880.

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) 656-6728.

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 Maricela Constantino at (410) 573-4542.

Sincerely,

G. A. Mason

for Mary J. Ratnaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Kevin Faust, COE, Dover, DE



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

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May 9, 2005

Therese M. Fulmer
Delaware Department of Transportation
800 Bay Road
P.O. Box 778
Dover, Delaware 19903

RE: SR 26 Mainline (Clarksville to the Assawoman Canal)
Corridor widening, improvements to drainage and existing intersections
Contract #24-112-10

Dear Ms. Fulmer:

Thank you for contacting the Natural Heritage and Endangered Species program about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

In our previous letter dated September 27, 2004, we concluded that the project was within five miles of a Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Assawoman Wildlife Area and that the USFWS would need to be consulted. However, due to recent scientific evidence, the USFWS has changed the requirement and they only need to be consulted for projects that occur within three miles. Therefore, this project is not within a Delmarva fox squirrel zone.

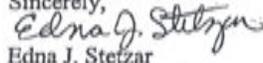
In addition, as stated in our previous letter, a population of *Apeltes quadracus* (fourspine stickleback) is found within Whites Creek. This species is dependent on calm, shallow, heavily vegetated waters for its habitat. Measures should be taken to avoid impacts to submerged aquatic vegetation and to decrease downstream sedimentation during construction.

Because of the presence of this species, the area of the project bisecting Whites Creek lies within a State Natural Heritage Site. However, it does not lie within a Delaware National Estuarine Research Reserve. This is one of the criteria used to determine the presence of Critical Resource Waters. The final decision regarding Critical Resource Waters – if this is an issue – will be made by the U.S. Army Corps of Engineers (ACOE). The information above will aid the ACOE in their determination.

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Your letter does not mention any bridge work, therefore there should be no impacts to migratory birds. If however, bridge work is planned, surveys for migratory birds should be conducted according to standard procedures.

We are continually updating records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Sincerely,

Edna J. Stetzar
Biologist

DELDOT 2005-04-11