

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 12/01/2006 11:46 PM

I/We wish to comment or inquire about the following aspects of this project:

We are strongly opposed to the alternative that will affect our quiet community. Had we known that this was in the works, we never would have purchased a home in Chesapeake Meadow.

Please ADD my/our name(s) to the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DeIDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Rebecca & Duane Brown

Community/Organization: Chesapeake Meadow

Address: 56 Meadow Dr.

Middletown, DE 19709

Response to Rebecca and Duane Brown:

Thank you for your comment.

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Date: 12/14/2006 3:38 PM

I/We wish to comment or inquire about the following aspects of this project:

I am a resident of Chesapeake Meadow and have the yard what you plan on taking in parcial. I do not agree with this I think you can adjust your road to accomidate not changing my yard and depreciating the value of my property. I will not give this property up without a fight in many ways. I don't think this is right, we should of been told of this when the properties were being sold knowing how many years ago you new this was going to happen. I know this is not a decision that is just being made. You are just going threw the options just to make people feel as is they had any say in this project.

Please ADD my/our name(s) to the Mailing List

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OPTIONAL: Please provide your information:

Name: John A Stuart

Community/Organization: Chesapeake Meadow

Address: 104 Fox Den Court

Response to John Stuart:

Thank you for your comment.

We will consider your request to move the alignment to avoid impacts to your property. We may not be able to accommodate all of these requests, because alignments often represent a trade-off of impacts to properties on either side. We will evaluate your request, as well as others of a similar nature, during the final design phase of the project.

You will be compensated fairly for the portion of your property that will be acquired for the construction of the Churchtown Road overpass.

As a result of refinements in engineering, no individual property is anticipated to be taken from residents of Chesapeake Meadow.

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Date: 01/03/2007 2:07 PM

I/We wish to comment or inquire about the following aspects of this project:

Great Job. You finally made the right choice. Now how do you get the money to build it. The development in the MOT area needs to stop until this road goes in.

Please ADD my/our name(s) to the Mailing List

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OPTIONAL: Please provide your information:

Name: Dwayne & Jeannette Burns

Community/Organization:

Address: 6213 SummitBridge Rd. Townsend DE 19734

Response to Dwayne and Jeannette Burns:

Thank you for your comment.

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Date: 01/04/2007 9:27 PM

I/We wish to comment or inquire about the following aspects of this project:

1. The choice of green north over green south was supposedly based on environmental impact. The difference in environmental impact between green north and green south appears to be insignificant. I have reviewed a copy of the environmental impact statement, which shows that in some respects green south has LESS impact. Please urge DeIDOT to reconsider refining their choice to choose the green south route.
2. In the event that we are unable to change the minds of DeIDOT to choose green south and they stay with green north, we want to have several things happen.
 - a. Do as has been proposed and make the road run below grade as it passes Airmont. Also install a berm between the road and Airmont to further lessen its impact on our neighborhood.
 - b. Build the berm BEFORE the road construction begins so that the construction impact on our neighborhood.
 - c. Make sure that the berm runs the entire length of the Airmont development. On some maps it is shown ending halfway down the back of the development.
 - d. The new road is going to put additional traffic on Lorewood Grove road, in particular the intersection of road 412A and Lorewood Grove. Consider extending Jamison's corner road where it curves to the east and instead make it go straight to Lorewood Grove. Maybe even abandon the existing road 412A. To slow down traffic at this dangerous intersection consider a roundabout or traffic circle where these roads meet.

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OPTIONAL: Please provide your information:

Name: Chuck Ott

Community/Organization: Airmont Civic Association

Address: 109 Airmont Drive
Middletown, DE 19709

Response to Chuck Ott:

Thank you for your comment.

1) The rationale and justification for the selection of Green North as DeIDOT's recommended preferred alternative are well-documented in the DEIS (Chapter V). The recommendation was based on a balanced overview which included a comparison of the impacts to the natural environment (wetlands and waters of the US, potential bog turtle habitat and forests), social and economic impacts (property acquisition, relocations, community and community facilities), cultural resources (physical, noise and visual effects) and the feasibility and restraints of the engineering design (ability to meet project purpose and need, design complexity, construction costs) of various elements of the roadway. When compared to the Green South Alternative, the differences in environmental impacts were that the Green North has lower wetlands, forest and stream impacts and has less potential to disrupt the habitats of wetland dependent wildlife. Green North also has a single, shorter and more perpendicular crossing of Scott Run than Green South. In addition, the Green South Alternative included a second crossing of Scott Run. For these reasons, DNREC did not support the Green South Alternative. The Green North Alternative represents, in the opinion of the resource and regulatory agencies, the best solution to the existing need.

2a) During final design, the elevation of the roadway in this location will be evaluated further in a effort to keep the profile as low as reasonably possible. A visual earthen berm is proposed between the community and new US 301 to minimize visual and noise impacts.

2b) During the final design phase, DeIDOT will evaluate the practicality of constructing the berm prior to construction of the roadway or as a part of the initial phase in the sequence of construction.

2c) DeIDOT will continue to evaluate the feasibility of extending the berm during final design. The berm is currently not proposed where the roadway will be below-grade.

2d) DeIDOT is currently in the design phase of planned improvements in this area (Jamison Corner Road reconstruction, Route 412A realignment, Lorewood Grove Road reconstruction) that are included in the Capital Transportation Plan (refer to DEIS, Chapter I, Section C.5.g.).

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Date: 01/05/2007 3:47 PM

I/We wish to comment or inquire about the following aspects of this project:

Will there still be access off of SR1 onto Rte 13 just after the Bridge? or, will local traffic have to go through the S.R 1 Toll booth?

I would not support this project if it eliminates the exit off of SR1 just south of the Canal Bridge onto rte. 13. Since this would require all local traffic to go through the toll booth.

This was a major issue during the construction of Rte. 1 and the new Bridge as I recall. That access off-ramp had to be put their in order to receive federal money for the bridge if my memory is correct. I will surely look into this if that ramp is to be eliminated.

Please ADD my/our name(s) to the Mailing List

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OPTIONAL: Please provide your information:

Name: Kirk Beshore

Community/Organization: Middletown

Address: 310 West Bradford Ct.

Middletown, De 19709

Response to Kirk Beshore:

Thank you for your comment.

The toll-free ramps between SR 1 and US 13, south of the C&D Canal, will continue to be available to the traveling public.

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Date: 01/08/2007 7:44 AM

I/We wish to comment or inquire about the following aspects of this project:

Change the Preferred Choice to Green Route South. The choice of green north over green south was supposedly based on environmental impact. The difference in environmental impact between green north and green south appears to be insignificant. DeIDOT, please reconsider refining the choice to choose the green south route.

If Unable to Change Preferred Choice to Green Route South

- Do as has been proposed and make the road run below grade as it passes Airmont.
- Also install a berm between the road and Airmont to further lessen its impact on our neighborhood.
- Build the berm BEFORE the road construction begins so that the construction impact on our neighborhood.
- Make sure that the berm runs the entire length of the Airmont development. On some maps it is shown ending halfway down the back of the development.
- The new road is going to put additional traffic on Lorewood Grove road, in particular the intersection of road 412A and Lorewood Grove.
- Consider extending Jamison's corner road where it curves to the east and instead make it go straight to Lorewood Grove. Maybe even abandon the existing road 412A. To slow down traffic at this dangerous intersection consider a roundabout or traffic circle where these roads meet.

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OPTIONAL: Please provide your information:

Name: Bill and Fran Resto
Community/Organization: Airmont Civic Association
Address: 111 Airmont Drive, Middletown, DE 19709

Response to Bill and Fran Resto:

Thank you for your comment.

The rationale and justification for the selection of Green North as DeIDOT's recommended preferred alternative are well-documented in the DEIS (Chapter V). The recommendation was based on a balanced overview which included a comparison of the impacts to the natural environment (wetlands and waters of the US, potential bog turtle habitat and forests), social and economic impacts (property acquisition, relocations, community and community facilities), cultural resources (physical, noise and visual effects) and the feasibility and restraints of the engineering design (ability to meet project purpose and need, design complexity, construction costs) of various elements of the roadway. When compared to the Green South Alternative, the differences in environmental impacts were that the Green North has lower wetlands, forest and stream impacts and has less potential to disrupt the habitats of wetland dependent wildlife. Green North also has a single, shorter and more perpendicular crossing of Scott Run than Green South. In addition, the Green South Alternative included a second crossing of Scott Run. For these reasons, DNREC did not support the Green South Alternative. The Green North Alternative represents, in the opinion of the resource and regulatory agencies, the best solution to the existing need.

During final design, the elevation of the roadway in this location will be evaluated further in an effort to keep the profile as low as reasonably possible. A visual earthen berm is proposed between the community and new US 301 to minimize visual and noise impacts.

During the final design phase, DeIDOT will evaluate the practicality of constructing the berm prior to construction of the roadway or as a part of the initial phase in the sequence of construction.

DeIDOT will continue to evaluate the feasibility of extending the berm during final design. The berm is currently not proposed where the roadway will be below-grade.

DeIDOT is currently in the design phase of planned improvements in this area (Jamison Corner Road reconstruction, Route 412A realignment, Lorewood Grove Road reconstruction) that are included in the Capital Transportation Plan (refer to DEIS, Chapter I, Section C.5.g.).

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Date: 01/08/2007 3:11 PM

I/We wish to comment or inquire about the following aspects of this project:

Comments from Middletown Village Resident 1/8/07

First-- Middletown Village-Frog Hollow Open Space provides refuge for much wildlife such as Birds including; ducks, geese, eagles, cranes, hummingbirds, also; turtles, beavers, deer, squirrels & naturally frogs, snakes & fish. ** new Route #301 should ensure protection of this natural environment and encourage more of the same providing some freedom of movement across the highway and such for example. Second-- Old existing Middletown #301 supplies Rest & Coffee (WaWa) Etc., Medical & Emergency Services to all traffic traveling the Hiways ! Important as these are; they should not be ignored in the planning for the new #301. Trucks traveling will still want to stop/shop these facilities, even over the choice of paying rather a toll and then nothing but open-road. Third-- In Europe; Truck Traffic Tolls are collected electronically via a registered black box ! No toll-booth-centers are therefore required. (i.e. up-to-date-technology, Wolfsburg-Germany for clean air considerations mainly) Sincerely- Don Fischer, 248 Academy Ln, Middletown Village

Please ADD my/our name(s) to the Mailing List

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OPTIONAL: Please provide your information:

Name: Donald K. Fischer
Community/Organization:
Address: 248 Academy Ln, Middletown, DE 19709

Response to Donald Fischer:

Thank you for your comment.

1) DelDOT is working with DNREC to develop concepts for wildlife passages that will be constructed as part of the roadway project. The roadway will have safety fencing on either side to prevent larger animals (such as deer) from entering the highway right-of-way. DelDOT is also working with the resource agencies to develop mitigation for wetlands and other wildlife habitat areas that will be impacted.

2) We are aware of the attraction of local services to the traveling public. Drivers wishing to continue to stop in Middletown for services will be able to exit the new US 301 either at the Levels Road interchange or at the interchange at Armstrong Corner Road/existing US 301.

3) DelDOT is considering the collection of tolls through Open Road Tolling (ORT), where collection is accomplished by reading an in-vehicle transponder (EZ-Pass) or by photographing license plates.

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Date: 01/08/2007 6:10 PM

I/We wish to comment or inquire about the following aspects of this project:

I support the armstrong corner road option 2a. there are many reasons, but the main one being this is the most logical route for north/south traffic and has the least impact on existing housing.

Irene Pulgini

Please ADD my/our name(s) to the Mailing List

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OPTIONAL: Please provide your information:

Name: irene pulgini

Community/Organization: middletown resident

Address: 743 wood duck court
middletown, de 19709

Response to Irene Pulgini:

Thank you for your comment.

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Date: 01/09/2007 7:39 AM

I/We wish to comment or inquire about the following aspects of this project:

my name is Andye Daley and I am the Board President of the Chesapeake Meadow Maintenance Corporation. I reside at 103 Fox Den Ct. Middletown, 19709

First and foremost, Chesapeake Meadow is clearly the most negatively impacted by the Green Route and the proposed spur than any other existing community.

Regarding the proposed spur, Homeowners of Chesapeake Meadow object for the following reasons:

1. The spur would cause an extreme increase in noise to our very quiet community. In your own sound study it was noted that the current sound weighted average is 47DBA Maximum. The expected final DBA will be around 65 DBA. This is an unacceptable increase of approximately 20 times or 2000 percent in perceived sound. The Churchtown Road bypass would provide a path for sound to escape without careful design of sound abatement. What DBA will DelDot guarantee for our community? Will DelDot reimburse our community for our own sound study? Can DelDot provide sound abatement similar to the Blue Route in Pennsylvania? The current stated sound budget is not large enough. We expect that the final sound level will be around 50 DBA with only limited excursions to 55 DBA due to the published expectations of other similar road projects in the DE, PA, NJ areas when an existing residential neighborhood is being affected. We remind you that an increase of 10DBA is an increase of ten times the existing sound power levels.

2. The spur would be an unsafe distance from the playground and park area utilized by our development and Dickerson Farms. This would absolutely put our children in danger, especially since the only divider proposed by the 301 Planning Commission is a berm, which is essentially a pile of dirt between our children and tractor trailers traveling at 70 miles an hour.

3. Reducing future traffic has been stated as a reason for building the spur, but we strongly believe that it would in fact increase the flow of traffic on Choptank and Churchtown Roads by redirecting traffic off existing 301/896 and the spur to avoid tolls.

4. The spur in conjunction with existing 896/301 would cause extensive additional traffic north bound on Summit Bridge, causing a bottleneck effect. At the first US 301 meeting, the project representatives stated that the Bridge could not sustain any additional traffic flow. There are no

Response to Andye Daley:

Thank you for your comment. Please see also the response to public hearing testimony from Andye Daley on January 8, 2007.

Response to comment 1 on page 1 of 4:

Noise analysis for the US 301 project follows the national requirements of the FHWA and the DelDOT Noise Policy, and use the Design Noise Level of 67dBA (**Activity Category B**) for sensitive receptors such as those in the project area, as listed below. (The handout/Noise Analysis Display from the January 8 and 9, 2007 Public Hearing, which were handed to all attendees at the Hearing, provided information regarding FHWA and DelDOT noise policies.)

The FHWA Design Noise Levels are as follows (refer to DEIS, page III-65, Table III-31):

- Activity Category A: Design Noise Level 57 dBA Leq(h) (exterior) Land on which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
- Activity Category B: Design Noise Level 67 dBA Leq(h) (exterior) Residences, motels, hotels, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks.
- Activity Category C: Design Noise Level 72 dBA Leq(h) (exterior) Developed lands, properties or activities not included in categories A and B above.
- Activity Category D: (no level assigned) Undeveloped lands.
- Activity Category E: Design Noise Level 52 dBA Leq(h) (interior) Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals and auditoriums.

DelDOT considers noise mitigation when either of the following conditions is satisfied:

- predicted design-year noise levels exceed existing noise levels by 10 dBA or greater, regardless of overall noise level or
- predicted design-year noise levels approach or exceed the FHWA's Noise Abatement Criteria Design Noise Levels listed above; i.e. FHWA and DelDOT consider a noise impact to occur for Category B when the design-year noise level would be 66 dBA or greater.

In the noise analysis, Chesapeake Meadow was identified as a noise-sensitive land use (NSA) under Activity Category B of the FHWA Noise Abatement Criteria (NAC). Existing noise levels were measured at 47 dBA for both primary Chesapeake Meadow receptors CM-1 (208 Deerfield Court) and CM-3 (26 Meadow Lane). Existing noise levels at the property lines along Fox Den Court/Churchtown Road (102 Fox Den Court) were projected at 50 dBA. Current community noise levels are influenced mainly by local activity. Design year noise level predictions for 2030 show an increase from 5 to 13 dBA above existing noise levels in the west portion of Chesapeake Meadow. Receptor CM-3 is

(continued on next page)



proposed improvements for 896 north of the bridge. This area already experiences high traffic volume and the spur would only add to this issue.

5. No one in Middletown would use the spur except for the 100 yards just south of the bridge, and in fact the people to most benefit from the spur would not even be from the State of Delaware. How can the commission justify spending over \$100 million dollars of our tax money to build a road that we cannot even access or utilize to our benefit.

6. We are disappointed and somewhat dismayed that the spur was added to the green route. The people of this community supported the green route only to find out that it now represents all of the negative aspects of the brown route, which we fully opposed.

For these vital reasons, Homeowners of Chesapeake Meadow strongly oppose the proposed spur.

We propose following alternatives, which should be considered:

7 Our first proposed solution, to remove the proposed spur, would in fact save Delaware taxpayers at least \$75 million dollars and would decrease the negative impact of the spur on property owners by an estimated 20%. If the \$100 million dollar spur is not constructed, the green route would, as a result, become the least expensive 301 alternative.

We recommend that existing 301/896 be utilized as the spur from the base of Summit bridge to the proposed Green Route entrance/exit between Armstrong Corner Road and School House Road, without tolls. This would alleviate the need for an entirely separate roadway and would lessen the direction of additional traffic to the Summit Bridge.

Improving Choptank Road for local traffic has already been approved under a separate DelDOT budget. The curve on 301/896 just south of the bridge is already slated to be improved. We suggest improving access to Bethel Church Road just south of the bridge by straightening out the entrance curve.

Utilizing existing 301/896 would benefit everyone by saving vast amounts of money and time. Obviously, this would also remove the negative impacts on Chesapeake Meadow and the large number of homeowners in the area affected by the proposed spur.

We suggest that the 301 Commission sell the properties previously purchased and return this profit to the main 301 project. Or utilize these properties for new open space areas, such as a bicycling or running track. Representing a political windfall that would counteract bad feelings caused by this project.

8 Our second suggested alternative, although clearly not as beneficial to our community or Middletown as a whole, is to move the proposed spur further to the west of our community into the open farm field, which is a leased property, not utilized by its owner.

Now with regard to the overpass, on Churchtown Rd, Homeowners of Chesapeake Meadow object for the following reasons:

(continued from previous page)

in the rear yards of the properties on the west side of the community, and shows the greatest predicted noise increases. These increases are measured and predicted without accounting for the proposed visual earth berm.

These noise levels were assessed according to FHWA NAC. Year 2030 noise levels along the west row of residences, within Chesapeake Meadow, would exceed federal guidelines at eleven properties. Year 2030 noise levels along the south row of residences (Fox Den Court), within Chesapeake Meadow, would not exceed federal guidelines, with the anticipated increase of 4dBA over existing noise levels, and no increase when compared to year 2030 No-Build.

Noise mitigation options were analyzed, but none was found to be cost-effective, as defined under DelDOT's noise policy (approved by FHWA). Although the criteria for the construction of a noise barrier or berm in this location are not met, DelDOT has committed to constructing a visual screening earth berm (11 feet high by 1,600 feet long) between the community and the Spur Road (including not only the affected residences along Meadow Lane, but extending to the southern end of the community). The length of the berm is limited on the south by Tidewater Utilities and on the north by Back Creek. The presence of this visual berm would also be beneficial to the community with regard to noise, reducing noise increases to only 1 dBA at the Deerfield Drive location and 5 dBA at Meadow Lane on the north.

The relationship between decibel increases and the actual volume of noise is a complicated one. The ability of the human ear to perceive a change in noise is limited. A 3 dBA increase is generally "barely perceptible" and a 5 dBA increase is considered "recognizable" or "noticeable". Also, while a 10 dBA increase is a 10-fold increase in power, it is only a perceived doubling of the volume to the human ear.

Response to comment 2 on page 1 of 4

The proposed berm would be 11 feet high in this location; continuous safety fencing will also be installed on both sides of the Spur Road to prevent pedestrian access to the highway.

Response to comment 3 on page 1 of 4

With the Green Alternative plus the Spur Road, the average number of daily vehicles projected to use Choptank Road north of Churchtown Road would be 5,400, approximately 57% less in 2030 than with the No Spur Road condition (14,500). Additionally, the average daily traffic on existing US 301/SR 896 is projected to be 1/4 less with the Green plus Spur Alternative (27,900) than with the No Spur Road condition (37,200).

Throughout the US 301 Project Development effort, the project team has been aware of the potential effects of toll diversions on local communities and has worked to mitigate these potential effects. Two different working groups, which included members from DelDOT,

(continued on next page)

1. Beginning immediately in front of our community, the overpass would have a negative visual impact by rising 22 feet into the air, taller than our homes. It would also be extremely wide, up to 50 additional feet on either side of the roadway, resulting in the loss of the integrity of a country road.

2. There are only two storm water drainage ponds for both our community and Dickerson Farms, a total of 268 homes. The overpass would run into our front pond, so it will need to be reconfigured. There is no open space available to alter the shape of the pond, and to move the pond would result in our homeowners losing portions of their property once again.

3. The overpass would require removing the berm and trees in front of our development, which the 301 Planning Commission would have to replace for us. In addition, the overpass would cross into homeowner's properties, causing them to lose part of their land. DelDot never individually advised these homeowners or any member of the community that portions of our open space and privately owned land would be taken. DelDot will have to redesign our entranceway .

4. By raising vehicles into the air, the overpass would cause increased traffic noise in addition to the increased noise from the proposed spur. The 301 Commission has refused to provide us with any noise abatement for noise caused by an overpass due to "costs". We would like the Commission to explain how they are going to decrease the noise traffic with no budget to do so.

5. We have been advised that Churchtown Road would be closed for up to 2 years for the construction of the overpass alone, not counting the construction of the spur. This would limit our access to roads, communities, etc. west of Chesapeake Meadow, as well as anyone else who currently drives on Churchtown Road. Closing Churchtown Road would clearly deny the Volunteer Fire and Ambulance Company recently built on Churchtown Road its direct access to any of the communities west of the overpass, although these communities are directly serviced by that fire company. This extreme risk needs to be addressed .

6. Building the Spur and overpass as proposed would require the Tidewater Utilities water towers and buildings to be relocated, as the overpass would take over the land on which this utility is located and deny any access to that property.

7. The spur and overpass would have a negative impact on the resale value of our properties.

8. The construction of the overpass and spur would cause extensive damage to the stucco facades of homes in our community and the surrounding area. We would expect the Commission to plan to repair or replace all damage caused by the vibration from construction.

For these reasons, we request that the overpass be moved to the west beyond the Tidewater utilities, or an even better idea is to not build it at all.

In summary, Homeowners of Chesapeake Meadow oppose the spur as proposed, including the overpass on Churchtown Road. We also oppose the Brown Route, which has the same negative impacts on our community. We ask the 301 Planning Commission to utilize existing 896/301 as the spur. In addition I would propose that members of our community sit on a committee along with DelDot and their team of engineers and designers to help with this project. As perhaps,

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community leaders, law enforcement, local elected officials, and other technical staff (including representatives from the Maryland State Highway Administration), were established during the process. These working groups were primarily focused on the issue of heavy truck diversions, and developed a series of recommendations to help manage these diversions through a combination of truck restrictions on local roads and targeted enforcement efforts.

The working groups also examined the potential for passenger cars to divert around the toll facilities. Based on the toll rates assumed in our analyses, these types of diversions were not projected to be significant, with the exception of the area of Warwick Road (near the MD/DE state line). Additional measures are being considered for this area to address the potential for traffic diversions. These efforts are detailed in the FEIS, Chapter III.G.4.c and Chapter IV.C.

With regard to traffic using SR 15 (Choptank Road/Bethel Church Road) to avoid the US 301 tolls, it is in the best interests of DelDOT to entice traffic to use the toll facility; more traffic on the toll road will result in more revenue and a more financially sound project. To that end, DelDOT will work to establish a tolling structure and toll rates which attempt to minimize diversions to alternate routes (including Choptank Road), while optimizing the revenues from the new toll facility. Clearly, it would not be in the best interests of DelDOT to include design features on this new facility that discouraged its use and reduced the potential toll revenues.

Response to comment 4 on page 1 of 4

The recommended Spur Road includes a "Y" type interchange south of Summit Bridge, which has been developed in accordance with current DelDOT design standards. The interchange has been analyzed and is projected to operate at a satisfactory level of service in design year 2030. Daily traffic on Summit Bridge, in Design Year 2030, is projected to be 59,500 vehicles per day with new US 301 and the Spur Road, while the projected volume on the Summit Bridge is 53,900 vehicles per day with new US 301, but without the Spur Road, a difference of less than 10%. Traffic projections show that regardless of the alternative, including the Middletown Corridor Coalition's suggested Green North without the preferred Spur Road, there is a consistently high traffic demand to use Summit Bridge.

The volume of traffic projected to use the Summit Bridge daily in 2030 with the Green Alternative with the Spur Road is 59,500; under the No Spur Road condition the volume is 53,900 and under the No-Build, 65,000. Therefore, the Green Alternative with the Spur Road is projected to provide some relief to traffic on Summit Bridge in 2030. While both of these projections represent a significant increase over existing daily volume of 26,300, the level of service (LOS) on Summit Bridge is projected to be LOS D during peak hours with the Green with the Spur Road, which is still considered acceptable.

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leasons to the community at large. If you have any questions please feel free to contact me 302-378-2807 or email andye13@atlanticbb.net Thank you for your time.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DeIDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Andye Daley

Community/Organization: Chesapeake Meadow

Address: 103 Fox Den Ct.
Middletown, De 19709

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The ability to provide capacity improvements north of Summit Bridge was designed into the dualization of US 301/SR 896 that was completed in the 1990s. Should capacity be needed north of the bridge, it can be built within the existing right-of-way from the bridge to US 40 and with the acquisition of right-of-way between US 40 and I-95. In that scenario, the Summit Bridge would indeed be the bottleneck.

Response to comment 5 on page 2 of 4:

The purpose of the Spur Road is to better manage traffic from existing US 301 and the Westown area destined for Glasgow, Newark and points north (approximately 1/3 of the traffic currently on existing US 301 near the Maryland line). The Spur would reduce traffic on local roads such as existing US 301 and Choptank Road, thus reducing congestion and improving safety.

Surveys of current traffic show that 65% of northbound US 301 traffic is going northeast (SR 1), 35% of northbound US 301 traffic is going north (SR 896), and 95% of the long distance or inter-state trucks are going northeast (SR 1).

Traffic projections (2030) support the need for a new 4-lane US 301 and 2-lane Spur Road. Northbound traffic projected to use the Spur Road includes 57% from the new Levels Road interchange (southern Middletown area, including Westown), 39% comes from MD, and 4% is from other locations

The Spur Road significantly reduces traffic on Choptank Road (by 57% - 14,500 to 6,200 vehicles per day) and on existing US 301 (by 25% - 37,200 to 27,900) compared to non-spur options, in year 2030. The Spur Road draws traffic away from two undivided roads (Choptank Road and US 301) and places it on a divided roadway (Spur) – divided roadways typically have lower accident rates. And, the Spur Road provides additional opportunities in addressing the sharp curve and traffic signal at the base of the Summit Bridge. The Spur Road will also provide another north-south route that could carry traffic in the event of a major incident (closure of SR 1 or US 301, or evacuation).

The Project Team presented a Spur Road option that provided local access via intersections with major local cross roads (Old School House Road and Churchtown Road). However, comments were received from the public and New Castle County opposing this option, due to concerns that the additional local access would accelerate proposed development in the area or result in new development in areas to the west of the Spur Road that are not projected for development.

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DelDOT considers the cost of the Spur Road appropriate to provide a through route for through traffic (especially truck traffic) that will separate this traffic from local vehicular traffic and increase safety on local roadways, thus benefiting local residents. The Spur Road will also serve southern Middletown, as well as decrease the need for future improvements to Choptank Road and existing US 301.

Response to comment 6 on page 2 of 5:

In the process that was used for the US 301 Project Development effort, alternatives evolve over time. Alternatives are proposed and eliminated (like the Blue Alternatives) and alternatives change (the addition of the spur to the Purple and Green Alternatives), based on continued analysis and public and agency input.

The public was informed of the Range of Alternatives, the Retained Alternatives, the Recommended Preferred Alternative and the Preferred Alternative. The Green Alternative (including a north and south option) has been under consideration from the beginning of the process and the Green + Spur option has been under consideration since December 2005 when the Retained Alternatives were announced. The addition of the Spur Road presented to the public at the December 2005 public workshops, was presented in considerable detail at the February 2006 “Issues” workshop, including its Purpose and Need, benefits, etc., and again at the April 2006 public workshops. The Green North + Spur was the Recommended Preferred Alternative announced by DelDOT in November 2006, as noted in the DEIS, and was presented as such at the January 2007 Combined Location-Design Public Hearings. Additionally, after every workshop/hearing, the Project Team mailed extensive documentation to community leaders including those from Chesapeake Meadow. DelDOT has been aware of the community’s “no spur” position as a result of the comments and petitions received during the workshops’ comment periods, including those from residents in Chesapeake Meadow and others.

The Spur Road was added because:

- (1) it balances the available capacities of the Summit Bridge, SR 1 bridge and St. Georges Bridge crossings of the C&D Canal;
- (2) its addition provided flexibility in addressing the sharp curve and signal at the base of Summit Bridge at the intersection of SR 896, US 301, and SR 15; and
- (3) it will accommodate the 35% of through traffic that was identified in the Origin & Destination Survey, and confirmed by traffic projections, as desiring to access points directly north, while the US 301 mainline will accommodate the 65% of through traffic wishing to access I-95 and points to the northeast.

Response to comment 7 on page 2 of 4:

This comment suggests improving US 301 from Armstrong Corner Road to Mount Pleasant and eliminating the Spur Road. However, traffic analysis suggests the need to widen existing US 301 from Peterson Road to Mount Pleasant, should the Spur Road be deleted. Improvements would include adding one additional lane in each direction plus a continuous left turn lane and a raised median or

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additional left turn lane as necessary. Widening would occur primarily along the west side of the roadway, and would require approximately 55 feet of additional right-of-way (ROW) along the west side of the corridor. On the east side, approximately 20 feet of additional ROW would be required. In locations of existing Section 4(f) historic resources (RG Hayes House, CRS Number N05153; Armstrong-Walker House, CRS N05146, and Mt. Pleasant Farm, CRS N05242), the roadway would be shifted to avoid impact to these properties. These shifts would require additional ROW from the opposite sides of the roadway. DelDOT has considered this option and believes it is not the most prudent approach. While the total cost of this option is approximately \$67-\$83 million, less than the estimated preferred Spur Road cost of approximately \$105-\$120 million, it does NOT fully meet the project purpose and need:

- o Results in more traffic on local roads (e.g. Choptank Road and existing US 301, among others)
- o Results in higher accident rates/actual accidents, because of more traffic on lower type roads, signalized/unsignalized intersections and numerous access points
- o Results in mixing through truck traffic with local traffic from north of Armstrong Corner Road to Summit Bridge (reference two recent accidents near DE/MD line – 4 fatalities – (both involved 18-wheelers) and the most recent accident/fatality at US 310/SR 896 and Old Summit Bridge Road..
- o Results in reduced traffic at the toll plaza just north of the state line – less toll revenues to fund new US 301 and the Spur Road and results in diversion of truck traffic to local roads in DE and MD.
- o Results in significant property impacts along existing US 301, as noted below, due to the need to widen existing US 301 from Peterson Road to Mount Pleasant. Partial Impacts to Businesses: Burger King, Summit Plaza, Middletown Chevy, Nu-Car Connection, Middletown Medical Professional Bldg, Ciamaricone’s Landscaping, Tri State Materials, Cooper Wilbert Vault Company, Mr. Mulch, Guardian Fence Company, Rollins Metal Works, Keenan Auto Body Shop, 301 Cycle, Shops of Mt. Pleasant
Total Takes of Businesses: Ringold Chapel AME, Logullo’s Country Market, M. Madic, Inc., KO’s Cleaning
Partial Impacts to Homes: 3 plus impacts to Middletown Village and Springmill
Total Takes of Homes: 9
Plus impacts to additional vacant or farmed residential/commercial properties
The Recommended Spur Road does not require any residential or business relocations.

DelDOT will continue to consider the feasibility of adding a greenway trail adjacent to the east side of the Spur Road. Changes to the typical section of the Spur Road, such as an adjustment of the width of the median or reduced clearances could be evaluated to provide some additional outside width and include the proposed trail within the right-of-way without additional property acquisition.

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Response to comment 8 on page 2 of 4:

DelDOT would like to note the following with respect to the proposed Spur Road in the vicinity of the Chesapeake Meadow community. An 11' x 1,600' long earth berm is proposed between the Spur Road and Chesapeake Meadow. Approximately 150-175 feet of additional open space would remain between the bottom of the earth berm (community side) and the nearest property line at Chesapeake Meadow. This additional open space results from the proposed US 301 Spur Road being shifted to the west as it passes Chesapeake Meadow, such that the proposed travel lanes actually fall outside of the DelDOT-owned right-of-way. This was done to ensure ample room for an earth berm, as well as to shift the roadway as far from Chesapeake Meadow as reasonably possible. The strip of property directly to the west of Chesapeake Meadow, owned by DelDOT, is approximately 2,200 feet in length and varies in width from 250 on the south end to 350 feet on the north end. As a result of this westerly shift, DelDOT needs to acquire an additional strip of property adjacent to the DelDOT-owned parcel approximately 2,220 feet long and 200 feet wide.

Suggestions have been received from impacted property owners on both sides of the Spur Road, requesting DelDOT look at moving the alignment to avoid their specific property. The requests from those in Chesapeake Meadow to move the corridor further to the west have been countered by the owners of the farms west of the proposed Spur Road, whose desire is to have the road moved further to the east and closer to the vicinity of Chesapeake Meadow. Clearly, both sides cannot be accommodated, and the roadway has already been shifted further from the Chesapeake Meadow community to provide the distance needed to construct a visual berm for the community. For those on both sides of the roadway, additional shifts in the alignment are not being considered at this time. However, we will review the alignment in this location during final design and evaluate the potential to shift the alignment and/or narrow the proposed cross-section, which could potentially lower impacts on both sides.

Responses to comments regarding the Churchtown Road overpass

Response to comment 1 on page 3 of 4:

Under the current design and based upon the level of information available at this time, Churchtown Road would not be closed during construction of new Churchtown Road over the Spur Road. The new Churchtown Road overpass would be located just to the north of the existing roadway, with retaining walls to allow existing Churchtown Road to remain open in both directions during construction. There however most likely will be intermittent lane closures to allow for construction adjacent to the existing roadway as is typical with any roadway construction. Access to Tidewater Utilities will be maintained and they will not be acquired for the project.

During construction of the overpass, it may be necessary to close one lane of Churchtown Road while a section of retaining wall is constructed along the south edge of new Churchtown Road. During this period, the contractors would use flaggers so that continuous access could be maintained. It is currently anticipated that traffic will be maintained continuously on Churchtown Road during construction and will not be diverted as noted in the MCC comment above.

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Finally, the highest elevation on the Churchtown Road overpass will be approximately elevation 77. The elevation of the backyards of 102 and 104 Fox Den Court are approximately elevation 55 and 53.5, respectively. As a result, the overpass structure will be approximately 22 feet above the elevation of the backyard of 102 Fox Den Court and located approximately 1,200 feet from the overpass high point. The overpass structure will be approximately 23.5 feet above the elevation of the backyard of 104 Fox Den Court and located approximately 1,000 feet from the overpass high point. Adjacent to 102 Fox Den Court, new Churchtown Road will remain at the existing location and elevation. Adjacent to 104 Fox Den Court, new Churchtown Road will be located approximately 6 feet closer and approximately 2 feet higher than existing Churchtown Road.

Based on the level of information we have at this time, no homes will be taken for the Churchtown Road improvements. Along the north side of Churchtown Road, currently anticipated impacts involve only the community's common area. We currently anticipate being able to avoid any individual residential property takings. On the south side of Churchtown Road, we have significantly reduced the impact on 838, 842, 852 and 858 Churchtown Road. However, temporary construction easement along these parcels will likely be needed. In addition, some property from 852 and 858 Churchtown Road will need to be acquired to tie existing Churchtown Road into New Churchtown Road. Access to all four properties will be continuously maintained.

The Project Team has also relocated the previously proposed stormwater management pond from the 858 Churchtown Road property to DelDOT property located on the north side of Churchtown Road. Finally, the alignment of New Churchtown Road, east of the Spur Road, has been shifted slightly to the north, to minimize impacts on the wetlands to the south of Churchtown Road and the Zapata property.

Response to comment 2 on page 3 of 4:

The current design does not impact the Chesapeake Meadow stormwater drainage ponds.

Response to comment 3 on page 3 of 4:

A landscaping plan will be prepared during the project's final design to mitigate the removal of the existing berm and trees adjacent to the new US 301.

Potential partial property acquisitions are noted in the DEIS, as are potential relocations; however, only potential relocations are specifically identified. Specifically, as a result of their attendance at a meeting of the Chesapeake Meadow community on the US 301 Project Development effort, the property owners at 102 Fox Den Court were provided information on the potential impact on their property. The overpass will not result in a taking of any property from 100 Fox Den Court. The property owners at 104 Fox Den Court have not been notified of the potential taking of slightly more than 0.1 acre from their property. The potential takings of community open space do not impact the

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community stormwater management ponds located there. Many of these partial property acquisitions noted in the DEIS have been reduced or eliminated. As noted previously, design and minimization efforts since the DEIS have eliminated any individual property acquisitions along Fox Den Court, and reduced partial property impacts on the south side of Churchtown Road.

The entryway will not be affected by the overpass since the modifications to Churchtown Road will begin west of the entrance.

Response to comment 4 on page 3 of 4:

102 Fox Den Court is located at the extreme southern end of Chesapeake Meadow, and would not be impacted by traffic noise from the Spur Road, i.e. the Spur Road does not result in a projected increase of 10dBA or a noise level that approaches 67dBA. The primary traffic noise influence to 102 Fox Den Court is Churchtown Road, which it borders, and not the Spur Road, since the distance to the Spur road ranges from approximately 850 feet at its western-most point to 1,200 feet at the east property line. With no southern exposure to the Spur Road, due to a raised Churchtown Road, 102 Fox Den is only minimally affected by traffic noise from the Spur Road. Thus, although noise levels were modeled accounting for all contributing traffic noise sources to the property, including the Spur Road, Churchtown Road was found to be the most relevant noise source.

The current daily volume of traffic on Churchtown Road is approximately 2,700 vehicles per day (vpd). Under the Green North and No-Spur Road scenario, noise levels are predicted to increase from 50 dBA (existing, modeled) to 54 dBA. Under Green North + Spur Road, daily traffic volumes on Churchtown Road are less (3,700 vpd) than Green North and No-Spur (4,200 vpd), but design-year noise levels are predicted to be the same at 54 dBA. The noise contribution from Churchtown Road being raised is actually reduced slightly as a result of the property's exposure to east-bound traffic on Churchtown Road being slightly reduced. At the same time, the Spur Road results in a minor increase in the design-year noise level, which results in the overall noise level at 102 Fox Den Court being the same, with or without the Spur Road.

Response to comment 5 on page 3 of 4:

See the response to comment 1 on page 3 of 4.

Response to comment 6 on page 3 of 4:

The Project Team has met with Tidewater Utilities, who have generally concurred in the latest concept for the Churchtown Road overpass of the Spur Road, including the suggested method for providing access to Tidewater's facility and operations. Access will be provided, for the most part, along existing Churchtown Road, which will curve to the north and pass under the Churchtown Road overpass bridge.

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Response to comment 7 on page 3 of 4:

Neither DelDOT nor FHWA can be responsible for any decrease in property values because of the proximity of a roadway project, and there is no compensation available for such changes in property values. On the other hand, there is equally no compensation for FHWA or DelDOT for potential increases in property values that may occur because of a highway project.

Response to comment 8 on page 3 of 4:

It is anticipated that none of the construction will be close enough to homes in Chesapeake Meadow to cause a vibration that would cause a problem such as described in the comment.

Response to summary statement on page 3 of 4:

A refined Preferred Alternative is presented in the Final EIS, and commitments regarding minimization and mitigation of impacts will be memorialized in the Record of Decision which is anticipated to be signed following the availability of the FEIS and a subsequent review period. Final engineering and design of the roadway will be guided by those commitments, as will construction. During the final design process, DelDOT will meet with those directly and indirectly affected to secure their input.

U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/09/2007 11:04 AM

I/we wish to comment or inquire about the following aspects of this project:

Dear DeIDOT,

Thank you for the opportunity to express my concerns and comments regarding the proposal for the Green alternative to the U.S.301 project. For the record, please note that I am strongly opposed to at least one element of the selection decision. The element of this project that I am greatly opposed to is the "spur" portion of the highway. I do not share your views of the benefits this would bring.

Firstly, it makes no sense to me whatsoever how disturbing the peace, tranquility and rural nature of an area that has without question the highest residential real estate value in this area brings benefits to me or anyone else who invested substantial sums of money to live here. Specifically, I fail to see how your proposal to provide an easy unimpeded route for the region's major commercial trucking thru traffic continuing on to SR896 is going to help increase (or at least not decrease) the quality of living for existing residents and value of the residential real estate in this area.

Secondly, over time, substantially all or most of the frontage real estate to this highway for any portion which may be grade level will become re-zoned commercial as it's sold off to speculators/developers, thereby attracting development of strip malls and the like. This and other similar development activity will serve as an even greater catalyst for the decline in existing residential property value. If the spur is to be built, then why couldn't this route be limited-access and weight restricted from all commercial traffic, i.e., No 18-wheel Tractor Trailers? It seems to me that what makes the most sense is to force heavy commercial vehicles seeking to continue north on SR896 to exit the new US 301 @the proposed Armstrong Corner exit and utilize the existing US 301/ SR71 highway there. This particular stretch of road has just recently gone through significant improvements slightly further to the north at Boyd's Corner. This would still provide for and allow bypass of commercial truck traffic around local US 301/SR299 near local Middletown Village area and utilize additionally a significant portion of already existing 4 lane roadway near Summit airport. This would surely save a substantial amount of construction cost and help to further offset a portion of the \$2.7 billion dollar budget shortfall at DeIDOT.

As for the need to eliminate "the curve" south of Summit Bridge, I personally believe the severity of the issue is seriously overstated. There are ample warnings regarding safe speed for those traveling south, not to mention adequate advance visibility for cautious and alert drivers.

Response to John Cooper

Thank you for your comment.

1) DeIDOT appreciates your concerns about property values and the quality of life issues associated with the construction of the roadway. DeIDOT will continue to pursue various mitigation efforts to lessen the visual impact of the roadway on adjacent communities, such as lowering the roadway elevation below grade where soils and drainage allow, visual screening berms and landscaping. Future changes in property values along the new US 301 corridor cannot be predicted nor can the values associated with such changes be determined, because other factors along with the highway will influence those changes. It is impossible to determine to what extent each factor influences changes in property values. Compensation for a decrease in property value is not provided. DeIDOT will design the new US 301 to avoid or minimize the effects of the new highway on property values to the best extent possible; however, the market value of properties that would be adjacent to the new US 301 in the future cannot be estimated, nor can that change in value be mitigated.

2) The Spur Road is designed as a limited-access roadway; the only local access to be provided will be at the proposed Bethel Church Road Extended interchange (directional ramps), providing access to and from the north only. Access rights to the Spur Road will be acquired as part of the right-of-way acquisition process and a denial of access will be imposed along the entire length of the Spur Road. DeIDOT is designing the Spur Road as a through route for through traffic, especially truck traffic, in order to separate this traffic from local and vehicular traffic and increase safety on local roadways. To require all truck traffic to continue to use the local roadways would not meet the purpose and need of the project with respect to increasing safety throughout the corridor and separating local from through traffic, especially truck traffic.

3) We respect your opinion regarding the curve and signal at the base of Summit Bridge; however, the accident statistics do not support your comment. During the 6 ½ year study period evaluated in the DEIS, a total of 85 crashes have occurred at this location.

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Greater enforcement to posted speeds is still an effective option to improve safety. Also, the avoidance of commercial trucking traffic from the proposed spur would provide a long-term disincentive to developers whom would try to ?commercialize? the area. I chose to live here, indeed, because of the rural and natural beauty of the area. There are very few places in northern Delaware that still offer such similar attributes and I do not plan to sit idly as others attempt to destroy the basis for my choosing to settle here.

When I purchased my home in the Back Creek Subdivision of Middletown, DE this past summer, I attempted to research the growth patterns and other conditions potentially impacting this purchase via the official New Castle County and local Middletown, DE web-sites, in addition to what was learned through my Realtor. Coincidentally, none of these information resources even mentioned this project, nor provided a link or reference to the Delaware DOT web-site. Therefore, I didn?t give your site consideration when considering the purchase of my home in this area since no one informed me of the potential for the projects occurrence, even though now I understand this been ?studied? for the past 40 years? I might add that a study of something for so long with as much apparent indecision doesn?t exactly inspire a great deal of confidence for me in the DeIDOT agency. I consider this an unfortunate failure by the County, City, and Realtor who assisted me on the purchase of my home, for not adequately getting the message out regarding this project and its implication to those of us who are relocating to this area from out of town and, therefore, lack the ?local? knowledge of the area?s best kept secrets. I also accept some amount of blame for not anticipating such an ?improvement? in an area that had (has) a reputation for already out-of-control growth.

Again, I do not support you on the spur portion of the project and will commit my energy to oppose every aspect thereof.

Respectfully,

John K. Cooper
327 Clayton Manor Dr.
Middletown, DE 19709
zahnjeffsmom@yahoo.com

Your comments and opinions are very important. All information provided on this form will be carefully considered by DeIDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: John K. Cooper
Community/Organization: Homeowner: Back Creek Subdivision
Address: 327 Clayton Manor Dr.
Middletown, DE 19709

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4) We understand home sellers in Delaware are required by law to provide a disclosure form noting impacts to the sale property that the sellers are aware of. The US 301 project is not adjacent to nor will it impact properties in Back Creek.

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/11/2007 3:27 PM

I/We wish to comment or inquire about the following aspects of this project:

DEAR SIRSOR MADAM: I WOULD LIKE TO SUGGEST THAT YOU CONSIDER THE GREEN ROUTE SOUTH. THIS CHOICE OF ROUTE WOULD KEEP TRAFFIC AWAY FROM THE SCHOOL AND DEVELOPMENTS, ON HYETTS CORNER ROAD.

FURTHER SOUTHWEST, THE ROUTE APPEARS TO CUT IN FRONT OF THE NEW HIGH SCHOOL, A POOR STUDY ENVIRONMENT.

THANK YOU FOR THE OPPORTUNITIES TO COMMENT AND A SPECIAL FOR EARLIER CONSIDERATION FOR ALTERING THE ROUTE, THAT WOULD HAVE GONE THRU MY CHURCH (NEW COVENANT PRESBYTERIAN)

GOD BLESS
DONALD A BAUER

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: DONALD A BAUER

Community/Organization: NEW COVENANT PRESBYTERIAN CHURCH

Address:

Response to Donald Bauer

Thank you for your comment.

The rationale and justification for the selection of Green North as DelDOT's recommended preferred alternative are well-documented in the DEIS (Chapter V). The recommendation was based on a balanced overview which included a comparison of the impacts to the natural environment (wetlands and waters of the US, potential bog turtle habitat and forests), social and economic impacts (property acquisition, relocations, community and community facilities), cultural resources (physical, noise and visual effects) and the feasibility and restraints of the engineering design (ability to meet project purpose and need, design complexity, construction costs) of various elements of the roadway. When compared to the Green South Alternative, the differences in environmental impacts were that the Green North has lower wetlands, forest and stream impacts and has less potential to disrupt the habitats of wetland dependent wildlife. Green North also has a single, shorter and more perpendicular crossing of Scott Run than Green South. In addition, the Green South Alternative has a second crossing of Scott Run. For these reasons, DNREC did not support the Green South Alternative. The Green North Alternative represents, in the opinion of the resource and regulatory agencies, the best solution to the existing need.

DelDOT is aware of the proximity of the St. Georges Technical School and the Appoquinimink High School to the proposed roadway alignments.

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/14/2007 3:37 PM

I/We wish to comment or inquire about the following aspects of this project:

I have been to your Project Office in Middletown to view the detailed maps, have read everything I have seen such as your updates and all the press, local and regional, that this decision is creating and believe all the people that have a problem with one alternative or another (too close to my home, my kid's school, my neighborhood playground, etc.) have forgotten why they moved to this area in the first place. Middletown and the entire MOT area was a nice, quiet, agricultural based area with the living conditions and reputation of being a nice place to live. Even before I moved here from above the canal in 1995, I had spent much quality time in the area in various capacities in the horse world. Now, with the Green Route being your option of choice, this entire area stands a real chance of agriculture around here being a thing of the past. That's so very sad for our future generations for a variety of reasons- not the DOT's fault, but you ARE aiding it.

The MOT area growth is out of control. The City of Middletown annexes everything it can get it's hands on and the building boom means ALL your roads are out of date and overused. So why can't you fix what is there, without destroying the existing farmland, BY CHOOSING THE YELLOW ROUTE, making it four lane along the stretch where it is two lane, utilizing merge lanes and a few well-timed lights to handle cross traffic. I'd sure like to see the Bob Evans Restaurant or the Dairy Queen relocate (they can afford it!) rather than tell a family that has been farming a piece of land for GENERATIONS that we're gonna split your fields right down the middle. . . sorry about your loss.

As I said, people have forgotten why they moved here and we need to preserve our open lands, not put roads over them. You already built Route One- we don't need a "Route Two" destroying our state. I currently drive from Middletown to Wilmington daily and do not use Route One- I would never use this new road, especially if it is a toll road. The City of Middletown has caused most of this traffic problem- if their City is going to be "cut in half" by widening and updating the current Route 301, then that's the price they pay for the extra money in their pockets. Fix the current roads, add the round-a-bouts you were so happy about installing before. Leave the farmlands and the wetlands alone.

Response to Susan Tokash

Thank you for your comment.

We appreciate your preference for the Yellow Alternative and the reasons you have for preferring it over the Green North Alternative. The reasons for DelDOT's recommendation of Green North as the preferred alternative, and the reasons why the other alternatives were not recommended, are documented in Chapter V of the DEIS, in the public workshops and public hearings displays and handouts, and in Chapter II of the FEIS.

In addition, we have worked with several farmers in the Ratledge Road area to minimize impacts to their farms and the farming community.



(comments addressed on previous page)

Please ADD my/our name(s) to the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DeIDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Susan Tokash

Community/Organization: Last Yankee Farm

Page 1 of 2 Printed on Jan 14, 2007 3:37:27 PM

Address: 1421 Bethel Church Road
Middletown, DE 19709



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/18/2007 8:01 PM

I/We wish to comment or inquire about the following aspects of this project:

Proposal For a "Linear Park" to Replace Spur on DELDOT's Proposed Green Route for the New Route 301

As a coalition, as well as individuals, we are dissatisfied with the proposed "spur" on the Delaware Department of Transportation's (DELDOT's) projected "green route" for the new route 301. We believe that this spur will create a hazard to our children and neighborhoods without providing any real value to the residents of Middletown. One critical problem with the project is that the only divider proposed by the 301 planning commission is a berm, which is essentially a pile of dirt between Middletown's children and tractor-trailers traveling at 70 miles per hour. Added to these safety issues, the land that DELDOT will use for this proposed project was purchased with local tax dollars. However, the proposed spur is not an access road and would in no way benefit the residents of Middletown.

As a result of these concerns, we propose that DELDOT, the state and the county eliminate the highway's spur route completely. This elimination could be completed without any negative implications to traffic patterns. Rather than creating the spur, it is proposed that DELDOT utilize the existing route 301/896 as their spur. This alternative has been discussed as an option by DELDOT and we highly recommend that it is accepted.

Based on our estimates, the elimination of the proposed spur and use of the existing route (301/896) will result in a \$75 million cost savings to Delaware taxpayers over the initially proposed project costs of an estimated \$600 million.

In place of the proposed spur, we suggest utilizing this land for a "linear park." More specifically, we propose the creation of a bike/running trail and open space recreational park that runs from south of the Summit Bridge to Main Street in Middletown. If this proposal is accepted, this would be the first open space park in Middletown. This park would serve as an asset to the region, bringing communities together and offering a positive venue for community activities. At the same time, this park would maintain and or increase the property values within the community.

The creation of this park would allow DELDOT, the state and the county to give back to our communities at little or no cost to the state and/or county. DELDOT's proposed green route and

Response to Patrick Daley

Thank you for your comment.

Please also see the comment form and response to Andye Daley on pages 9 to 15 of this section.

DeLDOT would be willing to investigate the desire for and feasibility of such a facility with adjacent communities, property owners and stakeholders. A potential greenway could be located on the Spur side of the berm. However, it would seem that locating the greenway on the non-road side of the berm would be more appropriate. A suggested greenway is not included as part of the Preferred Alternative.



spur take communities and land away from Middletown. Eliminating the spur and instead implementing this linear park would allow DELDOT, the state and the county to reduce this damage and give something back to Middletown's communities and taxpayers.

Please understand that we urge DELDOT to eliminate the proposed spur from its plans and encourage the New Castle County Parks Department to take over this land and utilize it to administer the proposed linear park.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:
Name: Patrick Daley
Community/Organization: Chesapeake Meadow
Address: 103 Fox Den Ct.
middletown, de 19709

(comments addressed on previous page)

U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/25/2007 1:05 PM

I/We wish to comment or inquire about the following aspects of this project:

My wife and I recently purchased a lot and future home in the Spring Arbor subdivision of Middletown. The Green Route right-of-way would pass within two hundred yards of our home on Palisade Circle. Since this location is not far from Bunker Hill Road, where you apparently plan to elevate the new U.S. 301 on an overpass over Bunker Hill, it seems obvious to us that we would see, hear, smell, and breathe the road and its users at all hours.

Ordinarily, we are not "NIMBY" people, but in this case, we agree with the people who have objected to the preferred alternative on the grounds that it passes between a development for older people and a school for young people (the new Appoquinomink High School).

Since I live in New York state and have not spent very much time in Delaware until recently, I am not aware of all studies you have carried out in the past. However, unless I have missed something, it would appear that you have overlooked (or have been steered away from) a less objectionable alternative. In its current alignment, U.S. 301 crosses the border from Maryland into Delaware about five miles from the relatively new Delaware Route 1. Since all alternatives you have planned for U.S. 301 have it joining Delaware Route 1 south of the canal (ostensibly to take advantage of the existing bridge over the canal) in any case, why not just build an east-west connector over that short distance and utilize the existing Delaware Route 1 to carry traffic north to I-95?

Last weekend we drove through the area I have suggested and found it to be mostly farmland. The only real development in its path seems to be the St. Andrew's School, which should be avoided by my proposed right-of-way. I realize that this route goes through the Appoquinomink watershed, but there must be up-to-date measures in existence to minimize the environmental impact. Since the distance to be traversed is so small, the environmental and dollar cost would be greatly reduced by my proposal.

In viewing the project website, I noticed that you have avoided impacting farmland as much as possible. However, it is clear that the local governments in New Castle County have been allowing the development of a considerable amount of farmland in the present and future, so this fact negates your concern for farmland. In view of present trends, it seems logical to minimize the impact on people before being concerned with the impact on farmland that will be developed

Response to Allen Rubinow

Thank you for your comment.

While we appreciate your concern, please note that Bunker Hill Road, the two-lane local road, will be elevated over the new US 301. One of the objectives of the design for the Spur Road is to provide local road overpasses wherever possible, thus decreasing the impact of the overpass (likely less traffic and slower speeds than on the Spur Road, therefore, less noise and visual impact, less required right-of-way to construct the relatively smaller overpass). Allowing the Spur Road to overpass local roads would cause a greater impact to nearby communities.

DelDOT did consider a southern route (developed as the Blue Alternative) during the project planning process. That alternative was not retained for detailed study as a result of strong opposition from the southern communities (Townsend and the surrounding area) and from the resource agencies. The alternative also did not address the traffic problems effectively.

We appreciate your preference for the Blue Alternative and the reasons you have for preferring it over the Green North Alternative. The reasons for DelDOT's recommendation of Green North as the preferred alternative, and the reasons why the other alternatives were not recommended, are documented in Chapter V of the DEIS, in the public workshops and public hearings displays and handouts, and in Chapter II of the FEIS. The reasons for not retaining the Blue Alternative are also detailed in *US 301 Project Development: Alternatives Retained for Detailed Evaluation* (DelDOT, November 2005), which received concurrence from the agencies. This document is available for review upon request.

**US 301 Project Development
Final Environmental Impact Statement**



anyway. A better alternative would be a master plan that balances farmland preservation and transportation.

Allan L. Rubinow
15-A Heritage Drive
New City, NY 10956
amr1971@optonline.net

Please ADD my/our name(s) to the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Allan L. Rubinow
Community/Organization: future Spring Arbor at South Ridge homeowner
Address: 15-A Heritage Drive
New City, NY 10956

(comments addressed on previous page)

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
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Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/29/2007 12:33 PM

I/We wish to comment or inquire about the following aspects of this project:

If the intent is to alleviate traffic through Middletown and it is a toll road, won't the trucks continue to use 896? How do you plan for Summitt Bridge to handle increase in traffic? Why not take the shortest route connecting 301 to 1, why disturb so many who moved (from the city) to Middletown to have a quiet lifestyle and raise my son in a peaceful clean place.

Please ADD my/our name(s) to the Mailing List

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OPTIONAL: Please provide your information:

Name: susan laskos

Community/Organization: lea cara farms

Address: 319 jessica drive middletown de 19709

Response to Susan Laskos

Thank you for your comment.

DelDOT did consider a southern route (developed as the Blue Alternative) during the project planning process. That alternative was not retained for detailed study as a result of strong opposition from the southern communities (Townsend and the surrounding area) and from the resource agencies.

We appreciate your preference for the Blue Alternative and the reasons you have for preferring it over the Green North Alternative. The reasons for DelDOT's recommendation of Green North as the preferred alternative, and the reasons why the other alternatives were not recommended, are documented in Chapter V of the DEIS, in the public workshops and public hearings displays and handouts, and in Chapter II of the FEIS. The reasons for not retaining the Blue Alternative are also detailed in *US 301 Project Development: Alternatives Retained for Detailed Evaluation* (DelDOT, November 2005), which received concurrence from the agencies. This document is available for review upon request.

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

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4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 01/29/2007 9:37 PM

I/We wish to comment or inquire about the following aspects of this project:

I AGREE WITH YOUR CHOICE OF THE GREEN NORTH+SPUR. THIS IS THE ONE I HAVE FAVORED BUT WITH A SLIGHT MODIFICATION. INSTEAD OF PLACING THE ROAD ON THE EAST SIDE OF THE MIDDLETOWN BAPTIST CHURCH, I FEEL IT WOULD BE BETTER TO EXTEND THE FOUR LANE PORTION OF THE ROAD A LITTLE FARTHER NORTH UP THE SPURROUTE AND THEN TURN THE FOUR LANE PORTION EASTWARD ONTO THE OLD DP&L PROPERTY JUST SOUTH OF POST AND RAIL FARMS. CONTINUE FOLLOWING THE DP&L PROPERTY (LAND THAT WAS TO CARRY POWER LINES FROM THE SUMMIT NUCLEAR PLANT) ALL THE WAY TO BOYDS CORNER/MT.PLEASANT ROAD(896) AND CROSS IT DIRECTLY INTO THE WELFARE FOUNDATION PROPERTY (OLD SUMMIT NUCLEAR PLANT PROPERTY). THIS WOULD SAVE SEVERAL HOMES AND BUSINESSES ON ROUTE 71 NORTH OF ARMSTRONG CORNER AND ALSO SAVE THE RAUSCH FARMHOUSE AND KEEP THE WOOLEYHAN FARM FROM BEING SPLIT IN-HALF.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: GEORGE H. SCHAFFER, JR. & CAROLYN B. SCHAFFER
Community/Organization:
Address: 552 BEASTON ROAD
MIDDLETOWN, DE 19709

Response to George and Carolyn Schafer

Thank you for your comment.

Regarding the Armstrong Corner Road area: Initially, the alignment in this area did cross north of the Middletown Baptist Church through an area of high quality wetlands and forest and close to the Post & Rail Farms community. This alignment was revised to the south at the request of the Army Corps of Engineers to minimize impacts to wetlands.

The alignment in the Ratledge Road area has been shifted onto the old DP&L alignment to preserve working farms in the area and avoid impacts to high quality wetlands.

DelDOT received the map proposing Option 4B, with signatures as noted, during the Public Hearing. [Option 4B is a hand-drawn alignment that would traverse the distance between Boyds Corner Road and Jamison Corner Road approximately 1,500 feet east of the alignment presented in the DEIS (shown on this map as Option 1)]. DelDOT is committed to working with the environmental resource agencies, the Army Corps of Engineers and the farmers, owners and neighbors in the Ratledge Road community to develop an alignment for this portion of the Green North Alternative that will minimize, to the greatest extent possible, impacts to active farmlands and minimize impacts to the wetland area.

To this end, representatives from the Ratledge Road/Jamison Corner neighborhood, Corps of Engineers, FHWA, DelDOT, DNREC, the Delaware News Journal and the Project Team met in the field on January 30, 2007, to review the existing environment in the vicinity of the proposed options. Follow up meetings have been held to discuss ongoing concerns and design an alignment that would preserve the affected farm properties and homes while minimizing impacts to wetlands in the area.

As a result of the community's concerns and ongoing consultation, DelDOT is proposing the Option 4B Modified alignment as the preferred alignment of new US 301 in this area. Option 4B Modified essentially is aligned on the DP&L corridor from south of the Cedar Lane School complex to the boundary of the Whitehall properties, where it then curves to the east toward Jamison Corner Road. DelDOT is also proposing a minimization and mitigation package that will compensate for the increased impacts this alignment will cause to wetlands and forest, in coordination with the resource agencies. The option and commitments in the mitigation package are included in the FEIS and ROD.

US 301 Project Development Final Environmental Impact Statement



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

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4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/01/2007 5:10 PM

I/We wish to comment or inquire about the following aspects of this project:

I wish to comment on the over-all plan, mainly concerning the location of the new road(s). I've attended more than one of the public workshops held over the past year or so and have seen the options. This past month and a half I have traveled up and down 301 from Middletown to Washington D.C. six times and for probably the first time in my life I paid attention to the road and what was on it. This is where I got my idea. As I'm sure your aware, when coming home (or traveling North bound) on 301, it's a two lane divided highway all the way until you get to the Delaware line. Why, I have no idea.

However this is where my idea comes in. All along 301 you see mostly just farm land and open space, with the occasional town popping up which has food and gas stations, just like Middletown now has. However what you don't typically see is easy access into the heart of town directly off the highway. So why should this pattern change. I'm aware that before or after Middletown (depending on which direction you travel) the next place to stop and eat, use the restrooms, etc. is a far way away. So making a by-pass wouldn't make a whole lot of sense. I am definitely against the growth that has choked the town I was born in but this is almost an exception. My plan would be to just widen the existing two lane road to four from the MD/DE line to the intersection with 896.

Sure this may have been suggested but I wonder to what depth that person had discussed or thought about the idea. No matter where the new road will be somebody won't like it any people will have to give up a home or land. I understand that. However, by putting it here, the only people who would possibly have to surrender a house that I'm aware of would be the Middletown Village community or one of the few homes dotted along the road. This is one area where I'm not positive and if possible would like to talk about it. But, if it is in fact only a few homes from the Middletown Village neighborhood, don't you think that is a little more "fair"? That community has not been here for very long and hence, those people are a part of the problem with overcrowding and traffic and why this road needs to be moved. Therefore, at least in my opinion and others I've talked with, it seems to make more sense and be more fair to have them move, rather than those who have been here since before all the growth and had no control over it; the ones that bought land in the area or inherited it in a small, sleepy town.

Now, one of the biggest problems with 301 now is obviously the traffic that never seems to go away. The one thing I have noticed that makes it worse are the numerous traffic lights. More than often, they turn red, stopping and backing up 301 just so one car can cross. There are a few lights that are unnecessary in my opinion and I have come up with a way that should eliminate them. First off, the first, well now second, light you come to when coming into town at the intersection of Bunker Hill Road and 301 by the WaWa and new hotel. Every shopping complex on this road has more than one entrance. If a bridge was constructed connecting Bunker Hill and 299 over, or under (possibly with on/off ramps for local traffic), 301 wouldn't affect traffic flow or business too much except for help ease traffic in the heart of town and

Response to Matt Cracco

Thank you for your comment.

The need for the Spur Road has been demonstrated by the traffic projections, which indicate more than twice as much traffic (14,500 vehicles per day (vpd) versus 6,200 vpd) on SR 15 (Choptank Road, north of Churchtown Road) and more than 30% more traffic (37,200 vpd versus 27,900 vpd) on US 301/SR 896 without the Spur Road. The option to improve US 301/SR 896 from the Armstrong Corner Road Interchange to Summit Bridge and using this improved facility as the "spur" was evaluated very briefly by the project team during the alternatives development process but was not presented at a public workshop. This option was not presented because of its inability to reduce traffic congestion, improve safety and manage truck traffic when compared to the Spur Road on the ridge alignment. This alternative was evaluated in greater detail as a result of continuing coordination efforts with the Middletown Corridor Coalition. However, the additional effort has led to the same conclusion, i.e., the Green North plus the Spur Road is still preferred over the Green North Alternative without the Spur and with improvements to existing US 301.

Although some of the improvements you mention have merit, they are outside of the scope of the US 301 Project. Some of the suggestions may be evaluated for other future roadway projects.

US 301 Project Development Final Environmental Impact Statement



the congested, confusing first 1/4 mile of 299. Travelers on 301 (North or South) looking to access WaWa, Buffalo Wild Wings, Waffle House, the liquor store, Lowes, or any other store in that general shopping center can access it via the new light being placed just south of town. Once crossing the bridge, entrances into the hotel and industrial complex, as well as DQ, Bob Evens, and Middletown Village is just up the road on the left and can be accessed by the existing opening. From this same area, McDonalds, KFC, and the rest of that shopping center can be accessed. The next intersection is the one with Broad Street. That intersection wouldn't need to be changed much at all. Accessing Broad Street traveling north would remain basically the same, as would merging North on 301 from Broad Street. A south bound entrance would not be necessary, as this can be done before or after this intersection. This would also help decrease downtown traffic of those just passing through.

Continuing North on 301, the light at the entrance of the elder living community is a constant nuisance. Never have I ever seen that light turn red for more than one car but I suppose it would have to stay for safety issues. It could however be slightly tweaked. The next light, recently erected at the intersection of Armstrong Corner Road does not need to be there. This would be a second smaller bridge (or tunnel, due to the elevation of the existing roads, but ultimately which ever is cheaper) should be constructed. Nobody needs access to either of these roads except local traffic such as my self. I am a frequent driver who crosses 301 at that location and doesn't really see the need for a traffic light. If anything, allow for a blinking red light during periods where traffic isn't as heavy, mainly at night. Possible on off ramps for local traffic would be needed.

Now another option for this intersection goes in the completely different direction. It would involve the ramps to Rt. 1 in Middletown were removed, as they should be because more than half of the traffic through town is just people passing through from Maryland, Pennsylvania, and other Delaware residents. Instead, Marl Pitt Road would serve as a sort of by-pass (for passenger vehicles) to rt. 13 and 1. It would probably have to be repaved and slightly widened but thats all. Just a thought.

From then on its smooth 4-lane sailing since the next intersection that would involve more than a simple turn lane or paved crossing is the recently completed intersection with 896. Not too much would have to be done with that intersection, everything could remain the same for the most part. That takes care of all major road plans. One more thing many want addressed is the area at the bottom of summit bridge. The planned spur is cool and all but this is also an area that directly involves me, as I live down Bethel Church Road. This section of 301/896 contains 3 traffic lights. This plan would eliminate one of these and make much better use out of another. Bethel Church used to run straight across to Summit Bridge Road until it was dissected by the new section of road and the new bridge. Both roads still lie in exact alignment as they once did. The intersection with the newer section of road is dangerous and causes many accidents, one of which was personal. However this can be solved. The traffic light helped a lot, but the only way to fix it is to eliminate the problem. If Bethel Church was connected once again, it would take the traffic from Bethel and that intersection, which is in a bad location, and move it to the next light down. This would help with traffic flow. Now, rather than have a very dangerous intersection and one that stops all of 301 for one car at a time, one is eliminated completely and an existing light is being used much more efficient. Just from talking to people around here who use Bethel Church daily, nobody would have a problem traveling an extra mile to the other intersection.

I think that covers just about the basic idea about it and I really wanted to get this in before the deadline for public comments was offered. Even though it could cause some congestion and annoyance during construction, any other plan would also. This is the only way to improve traffic flow and the small town country atmosphere feel all the same as much as possible. It appears it could possibly be cheaper as well, but that I'm not sure about due to the three small bridges. In the end though, it fits just about everyone. Less farm land would be used up, high speed 18-wheelers would not be so close or going as fast near houses and the new high school, those of us who have lived here before the growth will not lose what we

love so much about this area, traffic passing through town on 299 and Main Street would be reduced dramatically (helped in large part of removing the rt 1 ramps), and it would continue 301 as it is in Maryland. If it works down there why not here?

I'm stillyoung and love this town more than anyone i know and hate to see it go down the tube anymore then it has. If you would at least consider it I really think it would be a competitive option once the numbers were figured out. I'd be more than happy to talk about it and discuss it more at any time in person or via email. Thank you for your time.

Matt

Your comments and opinions are very important. All information provided on this form will be carefully considered by DeIDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Matt Craceo

Community/Organization:

Address: 112 Lynn Circle

Middletown, DE

19709

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

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4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/02/2007 8:46 AM

I/We wish to comment or inquire about the following aspects of this project:

AFTER REVIEWING THE ALTERNATIVES FOR YOUR 301 ROUTE ALTERNATIVES, I WOULD LIKE TO KNOW WHY THEY ALL SEEM TO BENEFIT MR. RICK WOODIN AND HIS ASSOCIATES, WHEN THEY ARE THE ONES CREATING THE NEED FOR NEW ROADS. HE HAS BUILT A LARGE ESTATE IN THE PATH OF THE ROAD AND IT SEEMS DELDOT IS DOING EVERYTHING TO BY PASS HIS GOLF COURSE, BY PASS HIS ESTATE HOME AND PROVIDE HIM WITH THE VALUABLE ACCESS TO HIS COMMERCIAL PROPERTIES. WHY DOESN'T THE "RIDGE ROUTE CONTINUE ON THE PATH OF THE RIDGE THROUGH HIS FRONT DOOR? WERE PROTECTION OF MR WOODIN'S PROPERTIES PART OF THE DESIGN CRITERIA? WHY CAN'T THE ROUTE 15 AND 301 RIGHT OF WAYS BE COMBINED IN THE AREA FROM ARMSTRONG'S CORNER ROAD TO THE NEW HIGH SCHOOL TO SAVE RIGHT OF WAY ACQUISITION COST, CREATE A SINGLE HIGHWAY ZONE THAT WOULD ELIMINATE TWO RIGHT AWAYS SEPARATED BY UNUSABLE SPACE, WHEN A SINGLE RIGHT OF WAY COULD CREATE A WIDER NATURAL BARRIER FOR THE FREE MOVEMENT OF WILDLIFE?

THANK YOU
MARK S. WIGGINS

302-293-1859

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: MARK S. WIGGINS SR
Community/Organization: BACK CREEK
Address: 104 JOSHUA COURT
MIDDLETOWN, DE 19709

Response to Mark Wiggins, Sr.

Thank you for your comments.

DelDOT is currently constructing improvements to Choptank Road; the improvements are designed to improve safety and to maintain Choptank Road as a local roadway and not add capacity. The new US 301 could not be constructed on the Choptank Road alignment because of the much greater impacts to properties, including two that are eligible for inclusion in the National Register of Historic Places, that would occur with the construction of a four-lane, divided, limited-access roadway. The spur alignment passes adjacent to the Woodin property, and an interchange in the Middletown area has been discussed as part of the US 301 improvements for many years.



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
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Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/02/2007 12:08 PM

I/we wish to comment or inquire about the following aspects of this project:

We again commend DelDOT on the process involving the local community in selecting the path of US 301. We are new to Delaware (2 1/2 years) and have been to most public hearings. We appreciate the effort and have taken advantage by submitting our comments. We thank you for these opportunities.

In reviewing these final options we do think clarification is needed for the intersection of the spur road just south of the 301/896 bridge. It may be that there is more detail on another map but it is not clear how persons leaving the Lea Earra Farms onto US 896N can exit onto US 15S as they currently can do at the lighted intersection.

At the connection of US 301 to Del 1 just south of the bridge it is also unclear as to how US 13N connects to Del 1N. There is a marker for the relocated on ramp but it is lacking in detail.

Previously we had commented about the number of sound receptors east of US 13 to determine noise impacts. We realize this is a computer program that would logically determine that the noise levels diminish going farther east of the three receptors depicted on the map. However, from personal experience the current noise levels coming from the area of the toll booth on Del 1 do not significantly diminish. Trucks air braking can be readily heard and often can awaken a person from a sound sleep.

It would then seem that the noise from the traffic on the proposed elevated roadway curving to connect with the existing Del 1N will have an impact farther than the indicated noise receptors. Especially if that is where the US 13 N on ramp connects to Del 1N. There will be merging traffic with lane changing and, at times, serious braking.

Progress is good in improving our roadways and access thereto. But along with these improvements there should also be progress in the sound dampening techniques employed for the comfort of the local citizenry.

Again we thank you for the opportunity to comment and congratulate you on the inclusion of the public.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

Response to George Keegan and Heather Chelpaty

Thank you for your comment.

The new interchange south of Summit Bridge will eliminate the traffic signal currently located on the sharp curve south of the Summit Bridge. Access to SR 896 from Lea Earra Farms will be provided via Old Summit Bridge Road. Access to SR 15 from Lea Earra Farms will be provided via Old Summit Bridge Road to SR 896 to Churchtown Road to SR 15.

On northbound US 13, the existing on ramp (median turning lane to cross southbound US 13 and access SR 1) to SR 1 northbound will be shifted approximately 1,000 feet to the south, and the left turn lane from US 13 to SR 1 will be extended and physically separated from US 13 to ensure safety of queued vehicles. The crossover ramp would continue under the new flyover ramp from northbound US 301 to SR 1, and merge into northbound SR 1 before new US 301 merges onto northbound US 301.

The noise receptors you identify are labeled PF-1, PF-2, and PF-3 (shown on Figure III-10 in Chapter III), and are listed in order of increased distance from SR 1 and US 301. The analysis showed that noise levels would be no greater than existing or No-Build levels at PF-2; therefore, no audible difference in noise level will be perceptible at distances comparable to PF-2, which is approximately 1,500 feet from SR 1 and 1,200 feet from US 13.



OPTIONAL: Please provide your information:

Name: George Keegan/Heather Chelpaty
Community/Organization: Pine Valley Farms
Address: 65 White Bark Drive
Middletown, DE 19709
Page 1 of 2

(comments addressed on previous page)

U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/02/2007 4:16 PM

I/We wish to comment or inquire about the following aspects of this project:

I Do not understand the need to ruin more of what is left of open farm land in the Middletown area. Many of the people who moved down here did so to enjoy the open landscape. This is why I do not understand the choice of the Green route with its spurs. Why is it necessary to continue to cut across additional land basically in parallel with Choptank road when you are putting a connector in at the top of Choptank by Biggs Farm and are widening this road & adding round-a-bouts. Do we really need so many spurs or connectors. I am especially against having a spur on Old Schoolhouse Road. This is a small road that dead-ends at Choptank & has never had alot of traffic. The impact on this small road will totally change not only the landscape of the area but will increase traffic, noise and especially the pollution, to an area of historical finds. This area normally a quiet area with many geese, ducks, deer and a pair of eagles that visit the area on a regular basis will be greatly effected as will the environment to this area. The Springs that feed Back creek and three of our ponds start several yards from Old school house Rd. The widening of the road will add to water runoff and pollutants into Back Creek. Around the outskirts of this wetland area I have found many indian arrow heads and feel that much will be lost with the development of the new road. As much of the area around gets developed I find I am constantly picking up trash from those developments as they blow across our fields, now we'll also be picking up trash from people throwing it out of car windows as well. I say we keep the traffic up along Rt 896, continue to widen that stretch of road from Summit to 301MD as it also benefits our Businesses in that region.

Nicole Rhoades

Please ADD my/our name(s) to the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Nicole Rhoades

Community/Organization: Pres. a.p.c.a.

Address: 18 Blue Jay Drive Lot4 Choptank & Rhoadesdale Farm L.P.
Arbour Park
Newark, De 19713

Response to Nicole Rhoades

Thank you for your comment.

The construction of the Spur Road will facilitate the passage of through traffic between the state line/Westtown area and SR 896/Summit Bridge for travelers wishing to access points north and west of the Summit Bridge and for traffic north and west of Summit Bridge traveling south to the Westtown area and Maryland. The current reconstruction of Choptank Road (in progress) will not add capacity to this roadway; however, without the Spur Road, traffic on Choptank Road north of Churchtown Road will nearly triple (14,500 vehicles per day (vpd) versus 6,200 vpd with the Spur Road in 2030 versus 5,400 vpd existing). Old Schoolhouse Road will remain a local road ending at Choptank Road; there are no plans to extend this road beyond its current alignment, only to raise it to overpass the Spur Road. Additional traffic is not anticipated as a direct impact of the overpass.

While the impacts of the Old Schoolhouse Road overpass of the Spur Road are not inconsequential, they could be minimized by the construction of steeper slopes for the overpass approaches. Impacts to wildlife will be minimized by restricting their access to the Spur Road by fencing. Noise impacts will be minimized by the provision of visual earth berms proposed between the Spur Road and a number of adjacent communities to minimize the visual impacts. Stormwater runoff will be treated for both quantity and quality in stormwater management facilities currently designed (in concept) as ponds. Air quality will, according to projections, not exceed national standards.

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/03/2007 10:44 AM

I/We wish to comment or inquire about the following aspects of this project:

Additional advantages to overhead US301

1. Sewer lines, power lines, telecommunication could all be attached to roadway with minimal excavation.
2. Large volume sewer force mains could be attached to the bridge piers above ground for easy and quick identification of leaks, before environmental damage occurs. Farming and other activities could still take place on the right of way, below the roadway in remote areas with no access roads such as the vast Emerson farms.
3. Construction would be much faster with little effect by weather above ground.
4. Road sections would have power supply in them and electric cranes could be used to assemble the sections to save on fuel emissions.
5. Limited earthwork would be required.
6. Disturbance to the environment would be minimal.
7. Wetland could be crossed with minimal disturbance.
8. borrow pits to build up the base of the highway would be minimized, saving more land for more development and increasing our taxbase.
9. No need to truck in millions of tons of stone base from out of state.
10. This idea could even get Joe Biden elected as next president, and first from Delaware if we can get him to keep quiet.
11. Snap together road sections could be designed to lay over existing roadways.
12. Road sections would have to be adaptable to cars of today and the future.
13. Road section could contain sensors to monitor and adjust speeds.
14. Public transportation could use the new road also.
15. Road sections would contain a track system to supply power and to align vehicles.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Mark S. Wiggins Sr.
Community/Organization: Back Creek
Address: 104 Joshua Court
Middletown, DE 19709

Response to Mark Wiggins, Sr.:

The Department appreciates your presentation of the benefits and lower impacts this "futuristic" roadway design would have, but the idea is not viable. DelDOT would not consider a totally elevated highway because of the much greater visual impacts that this would bring to the surrounding communities, significantly higher costs, and the greater impacts associated with providing access to and from an elevated roadway.



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

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Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/03/2007 9:13 PM

I/We wish to comment or inquire about the following aspects of this project:

I believe that instead of the the green spur route being used as a limited access highway, DelDOT should use 896 as the spur route (DelDOT has in fact stated that 896 could be the spur). This would cause less impact on open lands, existing homes and developments. I also think that the land currently bought for the spur route should be used to create a linear park that would connect the canal parkways all the way down to Middletown. This area is in great need of safe and usable walking, biking and running paths. As a long distance runner I can personally say that the roads are completely unsafe and unusable for running any sort of distance outside the confines of a development. I also think the green spur route should not be built as that land was acquired with local tax dollars but the spur will not benefit local residents. This is another reason a park would be a far superior idea. The land would be used for local taxpayers benefits, and it would keep the countryside from being completely marred by a highway.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Melissa DelRosso
Community/Organization: Chesapeake Meadow
Address:

Response to Melissa DelRosso

Thank you for your comment.

The need for the Spur Road has been demonstrated by the traffic projections, which indicate more than twice as much traffic (14,500 vehicles per day (vpd) versus 6,200 vpd) on SR 15 (Choptank Road, north of Churchtown Road) and more than 30% more traffic (37,200 vpd versus 27,900 vpd) on US 301/SR 896 without the Spur Road. The option to improve US 301/SR 896 from the Armstrong Corner Road Interchange to Summit Bridge and using this improved facility as the "spur" was evaluated very briefly by the project team during the alternatives development process but was not presented at a public workshop. This option was not presented because of its inability to reduce traffic congestion, improve safety and manage truck traffic when compared to the Spur Road on the ridge alignment. This alternative was evaluated in greater detail as a result of continuing coordination efforts with the Middletown Corridor Coalition. However, the additional effort has led to the same conclusion, i.e., the Green North plus the Spur Road is still preferred over the Green North Alternative without the Spur but with improvements to existing US 301.

DelDOT will consider the potential to add a recreational trail adjacent to the Spur Road during the final design process; however, that could increase the width of the limit of disturbance for the roadway and increase the impacts to property and resources.

**US 301 Project Development
Final Environmental Impact Statement**



U.S. 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 p.m. to 10:00 p.m./Conclusion
Middletown Fire Hall

Date: 02/04/2007 2:23 PM

I/We wish to comment or inquire about the following aspects of this project:

I think the green route along with the spur is a great option because that curve off Summit Bridge is extremely dangerous. I have lived in this area for almost 19 years and it makes me upset to here people who just moved here fighting to keep roads away from their developments when they're part of the growth problem.

We live in the Boyds Corner area and we are fairly close to route 13 as well as route 1. The same complaints were voiced by many who lived in our area but I still went through. We couldn't use Pole Bridge road for awhile and we got through it. I honestly would object to a park in place of the spur because I have two teenage drivers and that curve should go.

Your comments and opinions are very important. All information provided on this form will be carefully considered by DeIDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Kathy Olinger

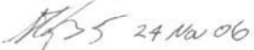
Community/Organization: Evergreen Acres

Address: 416 Holly Court
Middletown, DE 19709

Response to Kathy Olinger

Thank you for your comment.



<p style="text-align: center;">LAZY "B" CONSTRUCTION CORP.</p> <p style="text-align: center;">SOIL & SHORE EROSION HIGH FLOTATION EQUIPMENT</p> <p>1131 DUTCH NECK ROAD PHONE 630-6441 MIDDLETOWN, DE 19709</p> <p>DelDOT Public Relations P.O. Box 778 Dover, Delaware 19903</p> <p style="text-align: center;">DELDOT</p> <p style="text-align: center;">NOV 27 2006</p> <p style="text-align: center;">OFFICE OF PUBLIC RELATIONS</p> <p>Attn: US 301 Project Development</p> <p>Thank you for sending me the plans for the latest recommended preferred alternative (Green North + Spur). The plan shows that my property at 4901 Summit Bridge Road is not being adversely impacted, or not having to move which is certainly a good thing. However should the road alignment change for my worse I would appreciate as much notice as possible. Moreover in the past few years I have casually looked for property to place my construction company just incase I had to move, and the result was negative.</p> <p>Respectfully,  Steve Batzel President</p>	<p>Response</p> <p>Thank you for your comment.</p> <p>We will accommodate your request should the preferred alternative alignment change and impact your property.</p>
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US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

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Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

- 1) LONGER & HIGHER BERM ALONG HYETT'S CORNER RD.
FROM JAMISON CORNER RD TO SCOTT RUN.
- 2) ADD ENLARGED TREE LINES ON BERM.
- 3) DO BERM FIRST TO HELP SHOULD CONSTRUCTION + EARLY GROWTH

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: CHARLES S. HAYDEN
Community/Organization: ARGUMENT
Address: 242 OAK DR. MIDDLETOWN, DE 19709

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

(Argument Community Meeting 12/5/06)

Response

Thank you for your comment.

During final design, the elevation of the roadway in this location will be evaluated further in a effort to keep the profile as low as reasonably possible. A visual earthen berm is proposed between the community and new US 301 to minimize visual and noise impacts.

During the final design phase, DelDOT will evaluate the practicality of constructing the berm prior to construction of the roadway or as a part of the initial phase in the sequence of construction.

DelDOT will continue to evaluate the feasibility of extending the berm during final design. The berm is currently not proposed where the roadway will be below-grade.

DEC-14-2006 11:24AM FROM-

T-744

Mr. Mark Tudor, P.E.
US 301 Project Director
Delaware Dept. of Transportation
P.O. Box 778
Dover, DE 19903




Re: Route 301 Preferred Alternative

Dear Mr. Tudor:

I am writing you in support of DelDOT's chosen preferred alternative for US 301, the Green North Alternative, with Armstrong Corner Road Option 2A and Summit Bridge Option 3B.

I support this alternative for a number of reasons, among which is that it seems to provide the most logical North/South routing and alignment for Route 301, and provides easy access to Routes 1 and I-95 Northbound. In addition, it avoids impacting a lot of pre-existing housing, which saves money in eminent domain takings, not to mention avoiding the imposition of the loss of homes on families. I also think it allows for easy access to the proposed Scott Run Business Park, which will make it much more convenient for employees and business people to access the park, and will help attract some much needed job growth south of the canal.

Sincerely,


PRESIDENT, BROSIUS ELLIOTT CO.

Response

Thank you for your comment.

US 301 Project Development
Final Environmental Impact Statement



DEC-20-2006 16:12 From:

To: 914107283160

P. 1 / 1



Appoquinimink School District

December 20, 2006

Mrs. Carolyn Wicks
Secretary of Transportation
Central Administration Center
PO Box 778
Dover, DE 19903

*To: Bill Hellman
From: Bob Hershey*

Dear Mrs. Wicks:

The Appoquinimink School District is strongly opposed to Option 4 for the proposed Green Route for Route 301. The proximity of this Option to the Cedar Lane Educational Campus on south side of Route 896 and the dissection of the property on the north side of Route 896 has several negative effects on our District

Option 4 on the south side of 896 will pass 10 feet from our property line and less than 150 yards from Alfred G. Waters Middle which is currently under construction and slated to open in September of 2007. Cedar Lane Elementary School and Cedar Lane Early Childhood center are also located on this 70 acre property. The noise, fumes and proximity to classrooms, playgrounds and athletic fields will adversely affect the students and staffs at all three of these locations both during the construction and after the commissioning of the highway.

Option 4, directly north of the Cedar Lane Educational Campus, will dissect an approximately 80 acre parcel of land. The District has been negotiating the purchase of this parcel from the Developers of the proposed Bayberry Development for the location of the District's 3rd high school. These 80 acres are the minimum requirement for the construction of a 1600 student high school to accommodate the school, parking, athletics and the sports stadium. The placement of this high school would complete our K-12 campus at this location. As you can imagine school sites are at a premium within our District in both availability and location. The size and proximity of the Bayberry Development warrant the location of this K-12 campus on it's western border.

Though we support the construction of the new 301 highway to relieve traffic on our local roads, we hope that you will take our concerns into consideration while making your final determinations for the location of the highway.

Sincerely,

Tony Marchio

Dr. Tony Marchio
Superintendent
Appoquinimink School District

An Equal Opportunity Employer

- Superintendent
Dr. Tony Marchio
- Board of Education
Mrs. Joanne Christian
President
Mr. Edward Czerwinski
Vice President
Mrs. Edna Gale
Mr. Kevin Hestney
Mrs. Donna Skinner
- District Office
118 South Sixth Street
P.O. Box 4010
Odessa, DE 19730-4010
302.378.4128 Phone
302.378.5016 Fax
- Appoquinimink
Early Childhood Center
502 South Broad Street
Middletown, DE 19709
302.378.4400 Phone
302.378.5606 Fax
- Brick Mill Elementary
378 Brick Mill Road
Middletown, DE 19709
302.378.5280 Phone
302.378.5295 Fax
- Cedar Lane
Early Childhood Center
1221 Cedar Lane Road
Middletown, DE 19709
302.448.9873 Phone
302.478.9277 Fax
- Cedar Lane Elementary
1259 Cedar Lane Road
Middletown, DE 19709
302.378.5045 Phone
302.378.5081 Fax
- Olive St. Loss Elementary
206 Brunson Boulevard
Beet, DE 19701
302.832.1343 Phone
302.832.3213 Fax
- Silver Lake Elementary
200 E. Cochran Street
Middletown, DE 19709
302.378.5023 Phone
302.378.5082 Fax
- Townsend Elementary
P.O. Box 369
126 Main Street
Townsend, DE 19734
302.378.5020 Phone
302.378.5086 Fax
- Louis L. Redding Middle
201 New Street
Middletown, DE 19709
302.378.5070 Phone
302.378.5080 Fax
- Everett Meredith Middle
504 South Broad Street
Middletown, DE 19709
302.378.5001 Phone
302.378.5008 Fax
- Middletown High
120 Silver Lake Road
Middletown, DE 19709
302.378.4141 Phone
302.378.5268 Fax
- Appoquinimink Adult
Education Center
504 South Broad Street
Middletown, DE 19709
302.378.5037 Phone
302.378.0362 Fax



CAROLANN WICKS, P.E.
SECRETARY

January 11, 2007

Dr. Tony Marchio
Superintendent
Appoquinimink School District
118 South Sixth Street
P.O. Box 4010
Odessa, DE 19730-4010

Dear Dr. Marchio:

Thank you for taking the time to inform the Delaware Department of Transportation (DelDOT) of the Appoquinimink School District's opposition to Option 4 of the Green Route of the options remaining for the alignment of Route 301. It is important for DelDOT to receive as much public input as possible prior to a final decision on the Preferred Alignment.

Many factors will be considered in making that decision. Your letter has been shared with the project team and is included in the comments received prior to the public workshops and hearings held this month.

Sincerely,

Carolann Wicks

Carolann Wicks
Secretary

CW:glg

- cc: Darrel Cole, Director, Public Relations
- Mark Tudor, Group Engineer, Transportation Solutions
- Gary Laing, Community Relations Officer





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Additional response to Mr, Marchio

We have considered your concerns regarding the proximity of the new alignment to the Cedar Lane Complex. The project team, together with the US Army Corps of Engineers, DNREC, the US EPA and FHWA, has reviewed all of the options for the alignment between Armstrong Corner Road and Jamison Corner Road, and has recommended alignment Option 4B Modified in this area. Option 4B Modified will eliminate impacts to the school district's planned expansion property and pass approximately 400 feet to the west of the educational property line (closer than the alignment shown in the DEIS). This option will eliminate impacts to long-term family owned and operated farms (Wooleyhan and Emerson) while increasing impacts to low/medium quality wetlands.

US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
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4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

DEC. 19th 2006

I think the new 301 highway should go on the east side of the woods up through the wetlands and not on the west side of the woods through the farmer's field. Delaware has enough wetlands, swamps etc. and our farm land is going fast.

There are so few farms left in Southern New Castle Co. We should try and save what little farm land we have left.

And another thing, wetlands don't pay taxes or vote, people do.

A farmer's land is his family's life and lively hood.

Farms are passed down through the family and some farms have been in the same family for a 100 years or so.

Wetlands & swamps are just another breeding ground for mosquito's and other insects.

And we have enough of them now.

Once our farm land is gone, it will be gone forever. Federal & State Gov. should be the first to save our farm land.

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: BILL COCKERHAM

Community/Organization: _____

Address: 445 Ratledge Rd. Middletown, DE. 19709

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Response to Bill Cockerham:

Thank you for your comment.

DelDOT received the map proposing Option 4B, with signatures as noted, during the Public Hearing. [Option 4B is a hand-drawn alignment that would traverse the distance between Boyds Corner Road and Jamison Corner Road approximately 1,500 feet east of the alignment presented in the DEIS (shown on this map as Option 1)]. DelDOT is committed to working with the environmental resource agencies, the Army Corps of Engineers and the farmers, owners and neighbors in the Ratledge Road community to develop an alignment for this portion of the Green North Alternative that will minimize, to the greatest extent possible, impacts to active farmlands and minimize impacts to the wetland area.

To this end, representatives from the Ratledge Road/Jamison Corner neighborhood, Corps of Engineers, FHWA, DelDOT, DNREC, the Delaware News Journal and the Project Team met in the field on January 30, 2007, to review the existing environment in the vicinity of the proposed options. Follow up meetings have been held to discuss ongoing concerns and design an alignment that would preserve the affected farm properties and homes while minimizing impacts to wetlands in the area.

As a result of the community's concerns and ongoing consultation, DelDOT is proposing the Option 4B Modified alignment as the preferred alignment of new US 301 in this area. Option 4B Modified essentially is aligned on the DP&L corridor from south of the Cedar Lane School complex to the boundary of the Whitehall properties, where it then curves to the east toward Jamison Corner Road. DelDOT is also proposing a minimization and mitigation package that will compensate for the increased impacts this alignment will cause to wetlands and forest, in coordination with the resource agencies. The option and commitments in the mitigation package are included in the FEIS and ROD.

US 301 Project Development
Final Environmental Impact Statement



JAN. 5. 2007 2:54PM BLENHEIM HOMES

NO. 369 P. 2

Mr. Mark Tudor, P.E.
US 301 Project Director
Delaware Dept. of Transportation
P.O. Box 778
Dover, DE 19903

Re: Route 301 Preferred Alternative

Dear Mr. Tudor:

I am writing you in support of DelDOT's chosen preferred alternative for US 301, the Green North Alternative, with Armstrong Corner Road Option 2A and Summit Bridge Option 3B.

I support this alternative for a number of reasons, among which is that it seems to provide the most logical North/South routing and alignment for Route 301, and provides easy access to Routes 1 and I-95 Northbound. In addition, it avoids impacting a lot of pre-existing housing, which saves money in eminent domain takings, not to mention avoiding the imposition of the loss of homes on families. I also think it allows for easy access to the proposed Scott Run Business Park, which will make it much more convenient for employees and business people to access the park, and will help attract some much needed job growth south of the canal.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. Funk, Jr.".

Response to Robert Funk, Jr.

Thank you for your comment.

From: KabobKats@aol.com [mailto:KabobKats@aol.com]
Sent: Tuesday, January 09, 2007 9:32 PM
To: DOT Public Relations (DelDOT)
Subject: Rt. 301 Project

Hello, powers that be,

We are asking that you please reconsider the plan that you are leaning toward for the Rt. 301 project. We live in Chesapeake Meadow, and will be greatly affected by this route. You have not made plans, from what we hear, for the increased noise that it will produce. Why does Churchtown Road have to be raised. Why can't you raise the road that you are already building?

We don't understand, and want to express our disappointment in this project. We ask that you please reconsider.

Duane A. Brown
Rebecca K. Brown
Megan M. Brown
56 Meadow Dr.
Middletown, DE 19709

Response to Duane, Rebecca, and Megan Brown

Thank you for your comment. Please also see the response to Andy Daley's website comment form found in Section D.7 of this Chapter, pages 9-15, for more information on this topic.

DelDOT continues to consider the Spur Road an integral part of the US 301 Project design. One of the objectives of the design for the Spur Road is to provide local road overpasses wherever possible, thus decreasing the impact of the overpass (likely less traffic and slower speeds than on the Spur Road, therefore, less noise and visual impact, less required right-of-way to construct the relatively smaller overpass). Allowing the Spur Road to overpass local roads would cause a greater impact to nearby communities.

Regarding the noise impacts along Churchtown Road, the current daily volume of traffic on Churchtown Road is approximately 2,700. The projected 2030 daily volume with the Green North Alternative (with Spur) is 3,700, which represents a 33 percent reduction from the projected daily volume under the No-Spur Road condition (4,200). The amount of highway noise is based upon the volume of vehicles using the road; therefore, the Green North Alternative with Spur Road would provide a lower noise level for future conditions based on the projected lower volume using Churchtown Road under the Green North with Spur build condition.

Based on the analysis of noise at receptors located in Chesapeake Meadow and Dickerson Farms, and the location of your property, you would not experience a noise impact from traffic on the Spur Road or on Churchtown Road overpass.

The ability of the human ear to perceive a change in noise is limited. A 3 dBA increase is generally "barely perceptible" and a 5 dBA increase is considered "recognizable" or "noticeable". Also, while a 10 dBA increase is a 10-fold increase in power, it is only a perceived doubling of the volume to the human ear.

DelDOT has committed to constructing a visual screening earthen berm (11 feet high by 1,600 feet long) between the community and the proposed Spur Road that would also be beneficial to the community with regard to noise, reducing noise impacts to only a 1 dBA increase at the Deerfield Drive location and a 5 dBA increase at Meadow Drive.



From: nascar21650@peoplepc.com [mailto:nascar21650@peoplepc.com]
Sent: Tuesday, January 09, 2007 6:17 PM
To: DOT Public Relations (DelDOT)
Subject: 301 Route

Gentlemen or Ladies,

I think that before any more houses or shopping centers are built you should get US 301 put in where it should have be put from the start.

It should be from the Maryland / Delaware line right straight up 896.

Thank you for your time.

Response

Thank you for your comment.

We anticipate completion of the FEIS in the fall of 2007. Following FHWA's issuance of the Record of Decision (ROD), engineering design and right-of-way acquisition is estimated to take up to four years (2008-2011), with construction following, beginning in 2012. Construction could take from four to 10 years to complete depending on funding.

The Red Alternative, which followed the ridge route and SR 896, crossing the C&D Canal on the Summit Bridge, was evaluated during the planning process but was not retained for detailed evaluation. Reasons for not retaining the Red Alternative included:

- it does not accommodate the 65% of traffic on US 301 that is destined for points to the northeast
- it would require additional lanes on the Summit Bridge to accommodate increased traffic volumes
- it did not provide direct access to SR 1
- it would have required major improvements to the SR 896/I-95 interchange and tie-in to Old Baltimore Pike
- it had identified impacts to Section 4(f) resources
- it would have been the costliest to construct
- required the most difficult maintenance of traffic and inconvenience to travelers during construction.

The full explanation for nor retaining the Red Alternative are in the DEIS, Section II.B.2.a.

From: eric.spencer@jpmorgan.com [mailto:eric.spencer@jpmorgan.com]
Sent: Wednesday, January 10, 2007 9:49 AM
To: DOT Public Relations (DeIDOT)
Cc: krista.d.spencer@jpmorgan.com
Subject: US 301 Project - Green Rt Alternative

Hello, My name is Eric Spencer.

My wife and I recently moved into the Airmont community. I recently attended the public hearings and am disappointed to hear about DelDot's recommendation of the Green Rt + spur Alternative. We moved to Middletown and especially Airmont to be removed from the high traffic patterns of Delaware, namely in the rural New Castle County areas. I understand that areas south of the canal are in high demand and more and more developments are being built. What I can't understand is why all this development is even allowed when the current infrastructure clearly cannot support the traffic demands. Someone should have realized a long time ago a need for a road to relieve 301 traffic and plans should have been in place before many communities were built. Essentially this road should have already been in place or construction should have already been underway. DelDot is way behind on relieving traffic associated with 301/896. DelDot has backed itself into a corner and because of poor planning will have a major impact on the Middletown community, by lowering property values and the environment, by displacing habitats.

The roads in and around the area of Airmont community are already highly traveled as people use Lorewood Grove, Hyetts Corner & Jamison Corner roads to access Boyd's Corner Rd. The Airmont community is already impacted as people use our community as a shortcut to Hyetts Corner Rd, via Airmont Dr. Even though we are a mile from Rt1, traffic noise can be heard in our community, so I can only imagine what the noise will be like if the Green Rt is built. These roads are already not the safest, especially Hyetts Corner, where two SUV's have a hard time traveling by each other. The recommended Green Rt will only cause more havoc to this area and make conditions even more unsafe.

I and other community members from Airmont/Asbury Chase/Mount Hope enjoy these roads as a means to enjoy bike riding, walking dogs and running. DelDot has not convinced me that it plans to make these roads safer for our communities to continue to enjoy these activities or remedies for the increased noise that will be associated with the Green Rt. Sure berms are proposed, but these are not sufficient. In just a year since I have lived in Airmont, the traffic volumes have increased significantly and not to mention the addition of St. Georges Tech school added to this. What compensation is DelDot prepared to offer our communities to ensure we are not at risk, especially our children, as a result of higher traffic volumes. Some suggestions may be to fund sidewalks for our community, add lighting, especially on Airmont Dr where people cut through from Lorewood Grove Rd to Hyetts Corner, or maybe choose another alternative, or choose the no build option. The money DelDot is attempting to secure for this project could be utilized in many other traffic locations.

I just feel sorry for the people that may lose homes, land, businesses, houses of worship and their way of life all due to the inability of DelDot to properly plan and work with other state officials to ensure traffic patterns are sufficient to support ongoing development.

I am against the DelDots recommendation of the Green Rt + spur option and in the future hope that DelDot will better review and plan to sure up Delaware's existing road infrastructure to accommodate the State's growth. The state's inadequate road infrastructure is quickly becoming an epidemic, which could have been easily avoided with proper planning.

Regards,
Eric Spencer
312 Beech Ln
Airmont
Middletown, DE 19709
302-449-0778

Response to Eric Spencer

Thank you for your comment.

We anticipate completion of the FEIS in the fall of 2007. Following FHWA's issuance of the Record of Decision (ROD), engineering design and right-of-way acquisition is estimated to take up to four years (2008-2011), with construction following, beginning in 2012. Construction could take from four to 10 years to complete depending on funding.

The rationale and justification for the selection of Green North as DeIDOT's recommended preferred alternative are well-documented in the DEIS (Chapter V). The recommendation was based on a balanced overview which included a comparison of the impacts to the natural environment (wetlands and waters of the US, potential bog turtle habitat and forests), social and economic impacts (property acquisition, relocations, community and community facilities), cultural resources (physical, noise and visual effects) and the feasibility and restraints of the engineering design (ability to meet project purpose and need, design complexity, construction costs) of various elements of the roadway. When compared to the Green South Alternative, the differences in environmental impacts were that the Green North has lower wetlands, forest and stream impacts and has less potential to disrupt the habitats of wetland dependent wildlife. Green North also has a single, shorter and more perpendicular crossing of Scott Run than Green South. Green South also has an additional crossing of Scott Run. For these reasons, DNREC did not support the Green South Alternative. The Green North Alternative represents, in the opinion of the resource and regulatory agencies, the best solution to the existing need.

During final design, the elevation of the roadway in this location will be evaluated further in an effort to keep the profile as low as reasonably possible. A visual earthen berm is proposed between the community and new US 301 to minimize visual and noise impacts.

During the final design phase, DeIDOT will evaluate the practicality of constructing the berm prior to construction of the roadway or as a part of the initial phase in the sequence of construction.

DeIDOT will continue to evaluate the feasibility of extending the berm during final design. The berm is currently not proposed where the roadway will be below-grade.

DeIDOT is currently in the design phase of planned improvements in this area (Jamison Corner Road reconstruction, Route 412A realignment, Lorewood Grove Road reconstruction) that are included in the Capital Transportation Plan (refer to DEIS, Chapter I, Section C.5.g.).



From: Al Evans [mailto:al@alevans.us]
Sent: Saturday, January 13, 2007 1:42 PM
To: DOT Public Relations (DelDOT)
Subject: 301 Bypass

We need to stop studying the issue to death. I vote we start building the road. "Green North + Spur Rd" looks great.

BUILD THE ROAD AND WE WILL BE HAPPY!

Al Evans
President
Tel: 302-449-2082
Cell: 302-276-6056
Fax: 302-449-2082

P.O. Box 800
Middletown, DE 19709
Email: al@alevans.us
URL: www.iw-tech.org

Response to Al Evans

Thank you for your comment.

We appreciate your concern regarding the immediate need for the new US 301 to accommodate existing traffic. Following the publication of the FEIS and its review, the Record of Decision and the Army Corps of Engineers provisional permit in the fall, 2007, final engineering and corridor preservation/ acquisition will begin and will likely take approximately 4 years (2008-2011). Construction is likely to begin in 2011 and last 4-5 years under ideal conditions and if full funding is available. Construction may take up to 10 years if limited funding requires phasing the construction.

449 Ratledge Rd
Middletown, DE 19709
January 17, 2007

Mr. Mark Tudor, P.E.
US 301 Project Director
P O Box 778
Dover, DE 19903

Dear Mr. Tudor:

In regard to the Green Route of the 301 Project, I disagree in the interchange north of Armstrong Corner. With having an interchange at the Levels Road and one in the Whitehall area, there is no need of having one north of Armstrong Corner. This highway is approximately 17 miles with the spur to Summit Bridge and 3 interchanges in such a short distance is not necessary. This highway should be designed for the truckers and the many 'seasonal travelers' going north and south on 301. This interchange will only put traffic back on our local roads and this is what we want to alleviate.

1. Keep truckers and seasonal traffic off our local roads.
2. Minimize the disruption of local families and business.
3. Don't spend money that we (Delaware) does not have.

Please consider the impact this highway has on many people in our area. I agree that this highway should have been built (20 years ago) before all the developments and businesses have boomed, but now we have to make sacrifices and it is not an easy task.

You may want to consider making the spur a 4 lane highway. I am sure in the near future it will be needed.

Sincerely,


Edith Carroll

Life-long resident

Response to Edith Carroll

Thank you for your comment.

The interchange at Armstrong Corner Road is provided to allow local access to Middletown and points north of Middletown. Based on traffic projections and the fact that the spur road will be limited access, the Spur Road only needs to be constructed as a two-lane roadway to carry the anticipated traffic.



US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday January 8, 2007 & Tuesday January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

I TOTALLY AGREE WITH YOUR SELECTION OF THE
GREEN NORTH ROUTE AND THE SPUR



Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: DAVID KLINGER
Community/Organization: MIDDLETOWN BAPTIST CHURCH
Address: 730 VINWAY ST. SMYRNA, DE. 19977

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us

Response to David Klinger:

Thank you for your comment.

US 301 Project Development
Final Environmental Impact Statement



-----Original Message-----

From: mmcguig2@dtcc.edu [mailto:mmcguig2@dtcc.edu]
Sent: Tuesday, January 16, 2007 6:57 PM
To: DOT Public Relations (DelDOT)
Cc: jbover@dtcc.edu
Subject: U.S. Route 301 Project Development

Dear Delaware Department of Transportation,

I am writing to follow up on the U.S. Route 301 Project Development because of its effects on my family and I. I have been keeping up with the project's development for some time and read about the Green North and Spur Road as the selected Preferred Alternative. In all honesty, I believe that this alternative is the best choice available, but I still do not agree with the project at all. After reviewing the Draft Environmental Impact Statement, I can further state that the production of this project will only bring about negatives to the community of Middletown. By following through with the construction, some families will be forced to leave their homes, animals will be forced out of their natural habitats, the air quality will become worse because with more space comes more traffic, and the noise will become uncontrollable even with barriers.

As a teenager in this wonderful community, I have seen Middletown grow and I could not be happier with what I have experienced during my time here. I hope that Del-DOT realizes the significance this project can/will have on the people of Middletown in the near future. The only question I have is, does the state of Delaware honestly have to complete this project? I hope that my points on this project are taken into consideration and I look forward to hearing back from Del-DOT before the February 3, 2007 deadline for written comments. Thank You for your time and cooperation regarding this important matter.

Sincerely,
Michael P. McGuigan

Sent January 26, 2007, 4:12 PM

Dear Mr. McGuigan,

Thank you for your comments on this project. As you may know living in the area, this project has been talked about off and on for over 40 years. The traffic and safety issues continue to get worse and worse, because of the mixture of local and thru traffic, especially the high percentage of truck traffic. The lack of continuity in the road system for US301 (in Maryland it has no traffic lights) does not help the situation, and puts some of the more longer distance traffic in different conditions that has contributed to the safety issues.

The continued key will be to complete the process to select an alignment, so the residents in the area know where this alignment will be, so they can plan accordingly. The longer it takes to select an alignment, the more impactful a future selection will be on people, natural habitats, and animals. The last 40 years have shown us that the traffic problems are not going away, and with more and more people moving down into this area will not get better without significant improvements.

When this project moves into more detailed engineering design, we will continue to strive to minimize impacts to the communities and the environment.

Hope this helps. Let us know if you any additional comments/thoughts as we continue to move towards selecting an alignment.

Thank you for your input.

Mark Tudor
DelDOT, US301 Project Director

Nan & Ray Eddy
358 Daylily Way
Middletown, Delaware 19709-5832
302 376 6098
raynan515@msn.com

January 9, 2007

Delaware Department of Transportation
Office of Public Relations
P. O. Box 778
Dover, Delaware 19903

Dear Sir/Madam:

First, let me indicate that we are not very pleased with your Internet option to file "comments." We have tried to do this three times today without success. Each time the message was that the "spam protection code" was "case sensitive." Each time we put in the exact code only to get the same error message which indicated that by using the "back" button we should change the code and then "resubmit." Each time we did this we lost all of our comments. Needless to say, this was frustrating - thus this letter.

As you can see from the above address we live in the Springmill community. We have attended many of the workshop/information sessions on the new U.S. 301.

At a recent presentation at Springmill we were told that the "preferred alternative" will be constructed within 700 feet of our home. As you will see on a Springmill plot plan, our home is located in the very northwest corner of the community. We were also told of the plan to construct a six foot berm on the east side of the highway for noise abatement.

Our reason for this comment is to express concern about the proposed berm and to make a recommendation.

A six foot berm will not provide a level of noise abatement for eighteen-wheeler trucks. The stacks on eighteen-wheelers are well above six feet off the ground. Accordingly, we would urge that the height of the berm be increased so that it will, in fact, serve as a noise and exhaust pollution buffer for our community. This is of particular concern in light of the fact that the generally prevailing winds come from the west/northwest direction.

Your consideration and concurrence with this comment will be greatly appreciated.



Response to Nan & Ray Eddy:

Thank you for your comment.

The elevation of the visual earth berm will be further evaluated during final design. However, as the new US 301 mainline passes the northwest corner of the Springmill development, it will begin its elevation to overpass Armstrong Corner Road to the north of Springmill. Typically, at this distance, the effectiveness of an earth berm in reducing noise from the roadway is minimal (a reduction of approximately 3 dBA is anticipated).

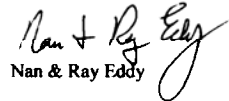
In addition, the air quality analysis showed that neither the 1-hour nor the 8-hour National Ambient Air Quality Standards will be violated in any location (including this one).

(continued on next page)

We would also like to take this opportunity to reiterate a previous "comment" which we called the "shared pain" concept. We agree that wherever the new road is constructed it will impact on private residences, churches, business properties, etc. There was a previous proposal which would have placed the new by-pass several hundred feet further to the west. The disadvantage of this option was that it would affect the parking lot at a church on Armstrong Corner Road. We had previously "argued", and would again, that sparing the church parking lot by moving the by-pass several hundred feet closer to our homes should be reconsidered on the basis that we are residents of our homes seven days a week, while the church's function is generally focused on one day of the week. We again submit this comment for your consideration.

Thanks you for the opportunity to share the above comments. We have appreciated the "apparent" transparency of this planning process.

Sincerely,



Nan & Ray Eddy

(continued from previous page)

We appreciate your concern and your request to move the alignment to avoid impacts to your property. We may not be able to accommodate all of these requests, because alignments often represent a trade-off of impacts to properties on either side. We did evaluate several options in the vicinity of Armstrong Corner Road, and feel that the preferred option (ACR Area Option 2A) best represents an accommodation of all interests. We will continue to evaluate minimization of impacts during the design phase of the project.

**ASHLAND
NATURE CENTER**
(Headquarters)
P.O. Box 700
Heckessin, DE 19797
(302) 239-2334
(302) 239-2473 FAX
www.delawarenaturesociety.org

**ABBOTT'S MILL
NATURE CENTER**
15411 Abbott's Pond Rd.
Millford, DE 19963
(302) 422-4847
(302) 422-1849 FAX

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To: U.S. 301 Project Manager, Delaware Department of Transportation
From: Lorraine M. Fleming, Board Member
Jennifer Gochenaur, Assoc. Director, Natural Resources Conservation
Date: January 16, 2007
Subject: Comments Regarding the Recommended Preferred Alternative for U.S. 301

The Delaware Nature Society regrets that we were not able to have a representative at the January 8th or 9th public workshops due to scheduling conflicts. We respectfully submit the following written comments in reference to the recommended preferred alternative for the U.S. 301 project.

The Delaware Nature Society has followed this project closely, attended public workshops, and commented at intervals, specifically regarding potential natural resource and farmland impacts. We commend the department on its extensive efforts to involve the interested public and to make available information and analyses at each stage of project development. Although only the no-build alternative avoids negative impacts in the short term, it was unlikely from the initiation of project consideration that a no-build recommendation would be the outcome.

We have a number of comments and concerns regarding the Green North route with spur road option 3B and interchange option 2A.

- **Wetlands and Water Quality**
The draft E.I.S. indicates that the impacts to "high" quality wetlands are lowest relative to other route options; however, significant acreage of "medium" quality wetlands would be destroyed in construction. Required wetlands mitigation is envisioned, but creation of freshwater wetlands is not an established science, and site selection will be critical. Further, mitigation should take place within the sub-watershed of the wetlands loss.

Impacts to surface waters (waters of the U.S.) are rated as "high" for the large number of stream crossings required, especially the foreseen impacts to Scott Run with attendant floodplain and riparian wetland damage. The increase in impervious cover will bring increased roadway runoff carrying contaminants to watercourses and in many cases to groundwater. Stormwater management using state-of-the-art "green" technologies and the use of other BMPs, such as riparian corridor restoration, will be essential if this route is built. Also, a significant percentage of the proposed alignment passes over important aquifer recharge zones raising further concerns about groundwater contamination via stormwater runoff.

Response to Delaware Nature Society

Thank you for your comment.

We appreciate your concerns about the impacts of the project on our natural resources, specifically water and water quality, forests, agricultural lands, RTE species and the State Resource Areas. Similar concerns about impacts and the mitigation of wetlands, streams, and forest impacts have been expressed by the environmental resource agencies reviewing the project and are noted in the environmental documentation.

A full environmental mitigation package including wetlands recreation, riparian buffer enhancement, reforestation and stormwater management is detailed in the FEIS. Additional commitments will include the protection of wetlands within the project area, protection of bog turtle habitat, minimization of impacts within the State Resource Area of Scott Run, and realignment of the alternative to save active farms north of Boyds Corner Road. Refer to FEIS, Chapter III.F.



- **Forests**
34 acres of mainly upland, deciduous forest—a land cover type rapidly becoming rare in New Castle County—would be destroyed in construction of the preferred route. Required mitigation planting should be planned to reconnect fragmented forests within the sub-watersheds.
- **Agricultural Lands**
The alignment is largely over prime agricultural soils. As part of the proposed project, what can be done to preserve the farms that will be bisected or otherwise impacted by roadway construction if construction? DeIDOT should work with the Department of Agriculture Farmland Preservation Program.
- **Species: Rare, Threatened, Endangered, or of Special Concern**
More than 30 sites of Bog Turtle habitat identified within the original study area were examined by experts, and no Bog Turtles were found with the conclusion that potential for conflict with the turtle is low. However, Bog Turtles may yet be present, and monitoring throughout any project construction is a must. The Queen Snake, a state rarity, must also be protected, dictating minimum disturbance of freshwater wetlands.

If this project goes forward, the Delaware Natural Heritage Program should be contracted to do a thorough reconnaissance of the area for the reported rare plants.
- **State Resource Area**
Impacts to Scott Run within the C & D Canal SRA are to be avoided if possible.

Thank you for the opportunity to comment.

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US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday January 8, 2007 & Tuesday January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project: _____

Please keep the Green Rt. as your main selection for the new hiway - especially if it is the one which will gain us (Delaware) the most federal funding. Begin purchasing sit of w/e property soonest, and begin construction posthaste!!

Please ADD my/our name(s) to the Mailing List Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:
Name: A concerned citizen who lives near Boyd's
Community/Organization: corner & drives the pt every day
Address: _____

Mr. Mark Tudor, P.E., US 301 Project Director,
Delaware Department of Transportation, P. O. Box 778, Dover, Delaware 19903.
Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Response

Thank you for your comment.

We appreciate your concern regarding the immediate need for the new US 301. Following the publication of the FEIS and its review, the Record of Decision and the Army Corps of Engineers provisional permit in the fall, 2007, final engineering and corridor preservation/ acquisition will begin and will likely take approximately 4 years (2008-2011). Construction is likely to begin in 2011 and last 4-5 years under ideal conditions and if full funding is available. Construction may take up to 10 years if limited funding requires phasing the construction.



US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
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I / We wish to comment or inquire about the following aspects of this project:

The presentations, which I attended on Tues, 8/9/07, were very informative, and answered most of my questions before I got to ask them. The decisions DelDot has made are "logical" given the problems to work around. Being a member of New Covenant Church, I'm happy that my "church home" and neighborhood / community meeting place won't be destroyed (if the Green Route north-plus spur) according to Del Dot's current plan -- the best for the most people must be striven for and I hold Del-Dot & "the state" to that high standard.

The Green route, as selected, has my household's support!!

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: _____

Community/Organization: _____

Address: _____

Mr. Mark Tudor, P.E., US 301 Project Director,
Delaware Department of Transportation, P. O. Box 778, Dover, Delaware 19903.
Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Response

Thank you for your comment.



US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
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I / We wish to comment or inquire about the following aspects of this project:

Thank you so much for your diligence in studies of the proposed new rt 301 in middletown area; your team has always been courteous & helpful in answering questions, even if what was said is not what we wanted to hear! We ask that you steadfastly continue to support ~~Green Rt~~ & spur as recession-dation; continue to work with Arimont residents as to noise mitigation! Originally thinking the Brown Rt. would be best, you've convinced me that the ~~Green Rt~~ is most advantageous!!!

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: _____

Community/Organization: _____

Address: _____

Mr. Mark Tudor, P.E., US 301 Project Director,
Delaware Department of Transportation, P. O. Box 778, Dover, Delaware 19903.
Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Response

Thank you for your comment.



US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday January 8, 2007 & Tuesday January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

An agonizing process and difficult decision,
we know -
At the last "round" of discussions in Middtown,
it was great to find out that advantages out-
weigh disadvantages on the green route.

Response

Thank you for your comment.

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: _____

Community/Organization: _____

Address: _____

Mr. Mark Tudor, P.E., US 301 Project Director,
Delaware Department of Transportation, P. O. Box 778, Dover, Delaware 19903.
Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

US 301 Project Development
Final Environmental Impact Statement



Paul J. and Paula M. Marsilii
426 Armstrong Corner Road
Middletown, DE 19709

January 23, 2007



Mr. Tom Nickel
Delaware Department of Transportation
Planning/Real Estate Section
250 Bear-Christiana Road
Bear, DE 19701

Re: DelDOT Route 301 Project
Early Acquisition Request Letter
Property Address: 426 Armstrong Corner Road, Tax Parcel #1301700087

Dear Mr. Nickel:

With the announcement of the Green Route North with Spur as the "preferred alternative"; if this route is chosen, our home is situated in the total acquisition area as a result of the Armstrong Corner interchange. Please consider this letter a request to be considered for early property acquisition due to hardship.

Our hardship request is based on my husband's needs for special housing as well as the likelihood of his gradually diminishing health. My 48 year old husband Paul had a heart transplant at the University of Pennsylvania in June of 2004. The transplant was needed after many years of debilitating heart disease as a result of a congenital heart defect.

Beginning in 1989, Paul underwent open heart surgery for a valve replacement, and eventually underwent several surgeries for placement of pacemakers, and internal defibrillator devices. In 1998, Paul was referred to the University of Pennsylvania Congestive Heart Failure/Transplant unit for evaluation. We were told then to expect a gradual decline in his health and to prepare for the possibility of a transplant in ten years. In preparation, we worked to make our two-story home "first floor accessible". We converted our large garage to a living space with only two steps that included closets and a recliner sofa (my husband prefers to sleep sitting up), and a full bathroom. When necessary, ramps could be installed for wheelchair access to complete the conversion.

My husband became gravely ill in April 2004, and was eventually transferred from Christiana Hospital to the University of Pennsylvania for a heart transplant in May of 2004. His kidneys were in chronic failure and he was being treated for a platelet deficiency as a result of an allergic reaction to a medication. Upon admission, he was evaluated and underwent surgery the next day to connect him to a Bi-Ventricular Assist Device – a machine that would do the work of his heart until a donor was found. During this surgery, the doctors discovered an aortic aneurysm that would complicate the transplant surgery. If that wasn't enough, within days after that surgery, he had complications requiring yet another open heart surgery.



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
250 BEAR-CHRISTIANA ROAD
BEAR, DELAWARE 19701

CAROLANN WICKS, P.E.
SECRETARY

January 29, 2007

Mr. and Mrs. Paul J. Marsilii
426 Armstrong Corner Road
Middletown, DE 19709

Dear Mr. and Mrs. Marsilii:

This acknowledges receipt of your January 23, 2007 letter and request that DelDOT consider acquiring your property (Tax Map No. 13-017.00-087), which is impacted by DelDOT's recommended preferred alternative for the US 301 Project, as a hardship purchase under our early acquisition program.

While DelDOT has recommended the Green North + Spur as the preferred alternative for the U.S. 301 Corridor, there are a number of activities we want to complete before we move forward with property acquisition activities. DelDOT has completed the combined location-design public hearings. The purpose of these hearings was to afford all interested persons the opportunity to present their views regarding the proposed locations and general design of the four retained alternatives, including DelDOT's recommended alternative, along with the social, economic, and environmental effects of each alternative. DelDOT will consider the input from these hearings, the results of their continuing detailed evaluation and input from the environmental resource and regulatory agencies, including comments on the draft environmental impact statement (DEIS), before proceeding with property acquisition activities.

We currently anticipate circulating a final environmental impact statement (FEIS) in the spring of 2007. We hope to receive Federal Highway Administration (FHWA) approval (Record of Decision) for the US 301 Project in the summer of 2007. Right-of-way acquisition activities are normally not initiated until after receipt of FHWA's Record of Decision and the legislature's authorization of funding, anticipated to occur in the summer of 2007. Only limited funding is anticipated to be available for property acquisitions in fiscal year 2008 (July 2007 to June 30, 2008).

However, in the spring of 2007, we will determine the level of federal and state matching funds that might be available for hardship acquisitions on the US 301 Project. We will then



We were blessed that Paul received his heart transplant on June 23, 2004. But complications arose which required yet another procedure to debride infection from the sternum as well as remove infection from the Dacron graft used to repair the aortic aneurysm. The repair for the sternum required that the bone be split, debrided, then covered with an omental flap (a muscle from the abdomen), so the bone would heal with good nourishment from healthy tissue. His sternum is no longer connected, and is unstable as a result.

My husband was approved for Railroad Retirement/Social Security Disability in August of 2004. The instability of his sternum does not permit him to do any "heavy" or "significant" lifting. In addition, the steroids and anti-rejection medication he takes caused osteoporosis – resulting in a fracture in one of his thoracic vertebrae. Further complications, as well as normal side effects of the heart transplant remain. He will never be able to work again as an industrial electrician. He is preparing for a consultation with a local nephrologist to evaluate the condition of his kidneys. Paul is doing quite well and is able to walk and drive unassisted. He is fortunate to be alive, all things considered.

With all of the good news about his second chance at life – we face one very important piece of reality. The average life expectancy of a transplant is ten years, and we are about to finish year three. The advances available in medicine can change daily, so we are aware that something could change this statistic – but at the present time, we have to deal honestly with our future and recognize it is limited. And we also must accept the fact that Paul's health will deteriorate slowly, requiring the need for special care. These facts underscore our hardship.

Our need for an early acquisition is focused upon the following.

- A need to have our relocation done prior to my husband's health deteriorating to a point where the relocation will be a burden for both of us.
- A need to have a home that is first floor accessible. This will allow my husband the same access to the kitchen and a sleeping area and full bathroom that he has now. It should be noted that we had no intention of relocating as his health deteriorated, as our home was already prepared for handicapped accessibility.
- The home must still have three bedrooms, as we have three children; one of whom still lives with us.

We ask that you give this request for early acquisition careful consideration. We look forward to talking with you about our situation and are available to discuss this matter at a time convenient for you and your staff. Please feel free to contact us at home (302)378-9652.

Thank you.

Sincerely,


Paul J. Marsilii


Paula M. Marsilii

Mr. and Mrs. Paul J. Marsilii
January 29, 2007
Page 2

request Federal Highway Administration approval to use the identified funds, which will also likely be limited, to purchase properties that qualify for hardship acquisition. Assuming federal funds are available and their use is approved by FHWA, we must then obtain approval of the hardship acquisitions from our Early Acquisition Committee. Mark Tudor, US 301 Project Director, is scheduled to brief the committee on the US 301 Project at their next meeting in January.

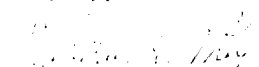
The general requirements to qualify for hardship acquisition are included on the attached "Hardship/Protective Acquisitions". Should you have questions regarding these general guidelines, please contact our North District Real Estate Services Office (see below).

We have also attached a copy of our brochure, "Your Property and the Right-of-Way", which provides responses to a number of the questions we traditionally receive regarding property acquisitions.

Unfortunately, we will not be in a position to take any formal action on requests for hardship acquisition on the US 301 Project until spring 2007. In addition, we cannot determine the level of federal funding and state matching funds that will be available for hardship acquisitions until that time. Be assured we will make a concerted effort to review your request, so that once the level of funding is identified, the necessary federal requirements met, and federal approvals received, we can present hardship acquisition requests to the Early Acquisition Committee.

All acquisition activity will be handled by our North District Real Estate Services Office. If you have any real estate questions in the future, please do not hesitate to contact me at (302) 326-4482.

Very truly yours,


Thomas D. Nickel
North District Real Estate Manager

TDN:sea

cc: V. Wayne Rizzo, Assistant Director of Planning, Real Estate Services
Mark Tudor, Group Engineer, North I
Carol V. O'Donoghue, Assistant Chief, Real Estate



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Hardship Acquisition

The Department of Transportation, because of the significant impact the announcement of a road alignment has on the ability to sell a property on the open market, can offer an affected property owner relief through its early acquisition program, based on a "Hardship purchase." "Hardship purchases" are those situations primarily applicable to owner-occupied residential properties where a property owner can establish to the Department's satisfaction that they will be detrimentally impacted by a transportation project, such that they cannot sell their property within a reasonable time frame, coupled with the need to alleviate some particular medical, safety or financial hardship. The hardship must be such that it is generally characterized as being beyond the control of the property owner and significantly different than other properties affected by the project.

A property owner must request an early acquisition in writing to the Assistant Director, Planning or the Project Manager detailing the hardship with documented proof. For example, just stating that a property owner will not be able to market or sell their home is not enough, the property must have been on the open market for at least six months and then certified by a Realtor that the inability to sell the property is because of the stigma of the transportation project. This documentation also is required for any other compelling reason whether it be a job transfer, retirement plans or medical reasons.

If upon review and approval by the department that a hardship exists and funding is available the property will be considered for purchase at the next meeting of the Early acquisition /Corridor Capacity committee meeting, which meets at a minimum twice a year or as early acquisition requests required. If the acquisition is approved the Department's Real Estate Services Section will begin its acquisition process, beginning with the assigning of the appraisal.

US 301 Project Development
Final Environmental Impact Statement



**SAUL
EWING**
Attorneys at Law
A Delaware LLP

Wendie C. Stabler
Phone: (302) 421-6865
Fax: (302) 421-5868
wstabler@saul.com
www.saul.com

January 25, 2007

Mr. Wayne Rizzo
Right-of-Way Chief
Delaware Department of Transportation
P. O. Box 778
Dover, DE 19903

RE: **Rausch Properties
Tax Parcel Nos. 13-013.00-069 and 13-012.00-043 (the "Rausch
Property")/Route 301 Project**

Dear Wayne:

As you know, I am counsel to the Rausch family in connection with matters related to the potential acquisition of all and/or a portion of the Rausch Property as defined above.

In that regard, on behalf of the family, we appreciate your meeting with us to discuss the timing and process for the 301 project. As we understand it, no final decision on routing has been made, but is expected over the next several months.

I am writing to advise you that the Rauschs are interested in selling the Rausch Property and have in that regard recently entered into negotiations to sell the Rausch Property to a third party in a transaction that will result in a significant return to them. Needless to say, the negotiations have been stalled by the announcement that the "preferred route" may well involve a substantial or even possibly, a total taking, by DelDOT.

We would like to know as soon as possible what the Department's plans are so that the Rauschs may move forward with the completion of negotiations for the sale of the Rausch Property or, in the alternative, request an early acquisition by DelDOT to forestall additional lost opportunity costs while the project is planned and engineered over the coming months and years.

P.O. Box 1266 • Wilmington, DE 19899-1266 • Phone: (302) 421-6800 • Fax: (302) 421-6813
Courier Address: 222 Delaware Avenue, Suite 1200 • Wilmington, DE 19801-1611

BAI TIMORF CHESTERBROOK HARRISBURG NEWARK PHILADELPHIA PRINCETON WASHINGTON WILMINGTON

546/28 1 25 07

A DELAWARE LIMITED LIABILITY PARTNERSHIP



25-113-01
90
January 29, 2007

Wendie C. Stabler, Esquire
Saul Ewing, Attorneys at Law
P.O. Box 1266
Wilmington, DE 19801-1611

Dear Wendie:

This acknowledges receipt of your January 25, 2007 letter and request that DelDOT consider acquiring your clients The Rausch's property (Tax Map Nos. 13-013.00-069 and 13-012.00-043), which is impacted by DelDOT's recommended preferred alternative for the US 301 Project, as a hardship purchase under our early acquisition program.

While DelDOT has recommended the Green North + Spur as the preferred alternative for the U.S. 301 Corridor, there are a number of activities we want to complete before we move forward with property acquisition activities. DelDOT has completed the combined location-design public hearings. The purpose of these hearings was to afford all interested persons the opportunity to present their views regarding the proposed locations and general design of the four retained alternatives, including DelDOT's recommended alternative, along with the social, economic, and environmental effects of each alternative. DelDOT will consider the input from these hearings, the results of their continuing detailed evaluation and input from the environmental resource and regulatory agencies, including comments on the draft environmental impact statement (DEIS), before proceeding with property acquisition activities.

We currently anticipate circulating a final environmental impact statement (FEIS) in the spring of 2007. We hope to receive Federal Highway Administration (FHWA) approval (Record of Decision) for the US 301 Project in the summer of 2007. Right-of-way acquisition activities are normally not initiated until after receipt of FHWA's Record of Decision and the legislature's authorization of funding, anticipated to occur in the summer of 2007. Only limited funding is anticipated to be available for property acquisitions in fiscal year 2008 (July 2007 to June 30, 2008).

However, in the spring of 2007, we will determine the level of federal and state matching funds that might be available for hardship acquisitions on the US 301 Project. We will then

US 301 Project Development
Final Environmental Impact Statement



January 24, 2007
Page 2

As you know, my clients are not young people and this project has made planning particularly difficult for them.

Please advise me at your earliest convenience of the Department's intentions in this regard.

Very truly yours,


Wendie C. Stabler

cc: Ms. Carolann Wicks
Mr. William K. Hellmann
Mr. Mark Tudor
Mr. Robert Rausch

5440281 | 25 07

Wendy C. Stabler, Esquire
January 29, 2007
Page 2

request Federal Highway Administration approval to use the identified funds, which will also likely be limited, to purchase properties that qualify for hardship acquisition. Assuming federal funds are available and their use is approved by FHWA, we must then obtain approval of the hardship acquisitions from our Early Acquisition Committee. Mark Tudor, US 301 Project Director, is scheduled to brief the committee on the US 301 Project at their next meeting in January.

The general requirements to qualify for hardship acquisition are included on the attached "Hardship/Protective Acquisitions". Should you have questions regarding these general guidelines, please contact our North District Real Estate Services Office (see below).

We have also attached a copy of our brochure, "Your Property and the Right-of-Way", which provides responses to a number of the questions we traditionally receive regarding property acquisitions.


Unfortunately, we will not be in a position to take any formal action on requests for hardship acquisition on the US 301 Project until spring 2007. In addition, we cannot determine the level of federal funding and state matching funds that will be available for hardship acquisitions until that time. However, in the meantime, you can submit your written request for hardship acquisition, including a description of your situation. Be assured we will make a concerted effort to review your request, so that once the level of funding is identified, the necessary federal requirements met, and federal approvals received, we can present hardship acquisition requests to the Early Acquisition Committee.

All acquisition activity will be handled by our North District Real Estate Services Office managed by Mr. Tom Nickel. If you have any real estate questions in the future, Mr. Nickel should be contacted at (302) 326-4482.

Very truly yours,


V. Wayne Rizzo
Assistant Director, Planning

VWR:ssj

cc: 
Tom Nickel, North District Acquisition Manager
Carol V. O'Donoghue, Assistant Chief, Real Estate

From: Snyder, Donald P. [mailto:DSnyder@WilmingtonTrust.com]
Sent: Friday, January 26, 2007 9:14 AM
To: DOT Public Relations (DelDOT)
Subject: Route 301 Spur road

I would like to make a comment or question the need for the Spur road portion of the Green Route. As I understand the purpose of the new construction is to get the through traffic off the local roads--mainly the 18-wheelers.

Although the curve at the base of the Summit Bridge is a bad curve, if most of the trucks will not be using this road, most of the accidents would be eliminated. You will never stop the fast heavy-footed drivers who get a thrill out of going around curves on two wheels.

It seems to me that the money for the spur road could be better spent upgrading the route 15 to better serve the locals. Not to much of an upgrade. You don't want to encourage through traffic on route 15. The traffic circles would stop the large trucks from using route 15. I wouldn't want to upgrade the current 301/71/896 routes to the point where through traffic would choose this road over the new 301 limited access highway.

In summary, I really don't see the need for the spur road if you build a limited access 301 feeding into route 1.

Now for Route 1. By feeding the 301 traffic onto route 1, there will need to be some serious upgrades where route 1 merges into I95 in the Christiana Mall area. That area is already a bottle neck.

Open space is getting harder and harder to find and maintain. By using existing roadbeds as much as possible, you would cut back on acquisition costs and building from scratch construction costs. Let's use what we have and upgrade the current roads before building a spur road. With the spur, you have one more highway to maintain which would probably cost more in the long term.

Don Snyder
125 Clipper Drive
Nautical Cove
Middletown, DE 19709
302-378-6044

dsnyder125@verizon.net

Response to Don Snyder:

Thank you for your comment.

The reconstruction and widening project for Choptank Road is under way at this time; the roadway will remain two lanes wide with planned bicycle lanes and traffic circles. The option to improve existing US 301/SR 896 from the Armstrong Corner Road interchange to Summit Bridge and using this improved facility as the "spur" was evaluated by the project team during the alternatives development process but it was not presented at a public workshop. This option was not presented because under this option, the projected daily traffic on Choptank Road in 2030 (14,500 vehicles per day (vpd) north of Churchtown Road) was projected to be nearly triple the existing daily volume on this roadway, and did not represent as significant a reduction from the projected No-Build conditions as would be provided by the Green Alternative with the Spur Road (6,200 vpd north of Churchtown Road). Additionally, this option did not provide as much relief in the projected 2030 daily traffic on existing US 301/SR 896 (37,200 vpd, north of Boyds Corner Road) compared to the No-Build Alternative as did the Green Alternative with the Spur (27,900 vpd). By maintaining a significant amount of traffic on the local road system, the "Green Alternative without Spur" option also would not have the same traffic congestion relief and safety benefits as expected from the Green Alternative with the Spur Road.

Improvements are programmed to relieve congestion at the I-95/SR 1 interchange, which include the construction of direct ramps between I-95 and SR 1 in both directions, separating through traffic from local traffic. These improvements are scheduled for construction beginning in the fall 2009, with completion anticipated by the end of 2012, well in advance of the projected completion of US 301 (2015/2016). The new interchange was designed to relieve existing congestion and accommodate future traffic volumes. The connection of US 301 to SR 1 was considered in developing the design concept for the new interchange improvements. An additional lane (5th lane in each direction) is currently under construction on I-95 from SR 1 to SR 141.



-----Original Message-----

From: ken [mailto:kenwarner@verizon.net]
Sent: Saturday, January 27, 2007 1:23 PM
To: DOT Public Relations (DeLDOT)
Subject: US 301

I live on the existing US301. Our house is directly underneath the proposed route. There are a number of us who live out here who have been played with for the last 15 yrs over this project. This is the third and maybe the fourth time the project has been opened.

I deeply hope this time a final decision is made. We are more or less hostage to the political games being played about this road, and a final decision will make our future certain.

The argument against the spur is specious. The people complaining need to sue their realtors for non disclosure. If they bought knowing about the corridor they have no argument.

Delaying this project in order to study that idea will put all of us who have suffered through this into yet another period of uncertainty.

I doubt my counter arguments to the People opposed would be read - but I am willing to discuss them if anyone in your office is interested. It would be a relief to see the final decision being what is now the recommended route, and allow all of us to move forward.

Kenneth Warner
4892 Summit Bridge Rd.
Middletown, DE 19709
378 2078

Response to Kenneth Warner

Thank you for your comment.

Following the publication of the FEIS and its review, the Record of Decision and the Army Corps of Engineers provisional permit in the fall, 2007, final engineering and corridor preservation/ acquisition will begin and will likely take approximately 4 years (2008-2011). Construction is likely to begin in 2011 and last 4-5 years under ideal conditions and if full funding is available. Construction may take up to 10 years if limited funding requires phasing the construction.



From: Benlieske@aol.com [mailto:Benlieske@aol.com]
Sent: Sunday, January 28, 2007 10:15 AM
To: DOT Public Relations (DelDOT)
Subject: green spur route for 100 million dollars

100 MILLION DOLLARS FOR A 5 TO 6 MILE STRETCH OF 2 LANE ROAD THAT IS UNWANTED AND NOT NEEDED IS A RIDICULOUS WASTE OF MONEY AND A UNNECESSARY BURDEN FOR STATE TAXPAYERS. THIS WAS EXPLAINED TO ME BY SOMEONE AT THE 301 OFFICE AS NECESSARY FOR THE COMMUTERS FROM MARYLAND. THE RECENTLY REDONE INTERSECTION FOR 896, 71 AND 301 SOUTH FLOWS TRAFFIC REALLY WELL NOW (THOSE OFF US THAT SIT AT THE SIDE ROADS FOR 1 MINUTE WITHOUT SEEING A CAR BEFORE THE LIGHT CHANGES) AND IF IMPROVED TO 4 LANES SOUTH WITH A CLOVERLEAF FOR ENTRY AND EXIT TO THE NEW 301 THIS ROAD WOULD BE A SENSIBLE ALTERNATIVE TO A 100 MILLION DOLLAR RAPING OF THE LOCAL COUNTRYSIDE! IN CASE YOU HAVE NOT NOTICED THE AREA FROM SUMMIT BRIDGE SOUTH NOW FLOWS TRAFFIC WITHOUT BIG BACKUPS. TRAFFIC IN THIS AREA SURELY DOES NOT WARRANT A 100 MILLION DOLLAR BYPASS FOR MARYLANDERS AT THE EXPENSE OF SOME THE PRETTIEST OPEN AREAS LEFT IN SOUTHERN NEW CASTLE COUNTY. THE IMPROVEMENT OF 71, 301 SOUTH FROM 896 WOULD NOT INVOLVE BUILDING EXPENSIVE BRIDGES ACROSS THE THE 2 LANE SPUR THAT WOULD BE THE NEW VIEW FROM SOME LONGTIME HOMEOWNERS AND TAXPAYERS. DELDOT SHOULD PROVE THEY DONT HAVE GEORGE BUSH'S NARROW MINDEDNESS AND LISTEN TO THE PEOPLES SUGGESTIONS. DELDOT IS A AGENCY THAT IS IN PLACE TO SERVE THE PEOPLE OF THE STATE .

Response:

Thank you for your comment.

The need for the Spur Road has been demonstrated by the traffic projections, which indicate more than twice as much traffic (14,500 vehicles per day (vpd) versus 6,200 vpd) on SR 15 (Choptank Road, north of Churchtown Road) and more than 30% more traffic (37,200 vpd versus 27,900 vpd) on US 301/SR 896 without the Spur Road. The option to improve US 301/SR 896 from the Armstrong Corner Road Interchange to Summit Bridge and using this improved facility as the "spur" was evaluated very briefly by the project team during the alternatives development process but was not presented at a public workshop. This option was not presented because of its inability to reduce traffic congestion, improve safety and manage truck traffic when compared to the Spur Road on the ridge alignment. This alternative was evaluated in greater detail as a result of continuing coordination efforts with the Middletown Corridor Coalition. However, the additional effort has led to the same conclusion, i.e., the Green North plus the Spur Road is still preferred over the Green North Alternative without the Spur but with improvements to existing US 301.

Juan and Cheryl Zapata
Southwind Farm
952 Churchtown Road
Middletown, DE 19709
302.378.9668

January 25, 2007

Delaware Department of Transportation
800 Bay Road
Dover, DE 19903

RE: Route 301 Spur Road

To whom it Concerns:

Everyone's home is special to them. However, Southwind Farm is truly unique and considered irreplaceable by some professional in the real estate industry. Losing property due to a major road is reason enough for anyone to feel robbed, but property loss in this situation not only changes the current value to our family but also the future value of the property. As is, our property is twenty-two acres, which is just enough to form two agricultural sub divisions. If plans go as discussed for the new route, this option will be taken away from us. The ability to implement a second driveway from Churchtown Road to the east side of our property would also be removed.

Southwind Farm has been home to us for ten years and we plan on seeing generations enjoy this property as much as we have. So with that, we sincerely ask that the effects to our property are considered before future decisions are made. We feel that to fully understand the impact that this route could possibly have on our property an on-site visit is vital.

Should the proposed spur road and revamping of Churchtown Road occur, we respectfully request consideration of the following:

Negative Impact to our property is extreme:

1. Taking of land will eliminate the ability to maintain 2 agricultural subdivisions
2. The negative grade from the road to the stream potentially requires a significant amount of fill and vastly disrupts the land; eliminating a pasture and several mature trees
3. Removes the majority of the property road frontage
4. Potentially prohibits access to the east (second) bridge

In the event of such development please additionally consider the following:

Response to Juan & Cheryl Zapata:

Thank you for your comment.

We will consider your request to move the alignment to avoid impacts to your property. We may not be able to accommodate all of these requests, because alignments often represent a trade-off of impacts to properties on either side. We will evaluate your request, as well as others of a similar nature, and your suggestions during the final design phase of the project.



1. The profile of the spur road should be as low as possible in elevation to visually block the road from our home.
2. The cut slopes from the spur road should be as steep as feasibly possible to reduce the footprint of the spur road and the taking of our property.
3. The removal of trees for the bridge crossing our wetlands should be minimized in order that the largest amount of buffer possible is provided for the property between the spur road, relocated Churchtown Road and our property
4. The fill slopes for Churchtown Road overpass should be as steep as possible to minimize the taking of our property and the existing slope from Churchtown Road down to our stream
5. Shifting of Churchtown Road to the north, east of the spur road will provide a more economical solution, in that less roadway fill material would be required; i.e. the south slope would tie into level ground as opposed to tying into land that is sloping away.
6. The loss of several acres and therefore the ability to maintain two subdivisions may be recovered by shifting Churchtown Road to the north and steepening the relocated Churchtown Road slopes away from the wetlands located south of Churchtown Road.
7. Allow as many as possible trees to remain near the wetland and proposed bridge area
8. Using weathered steel guardrails will best compliment the aesthesis of the area in general
9. Relocating Churchtown Road to the north will eliminate the turn to the west end of our property for increased safety
10. Swapping of land taken could maintain our total acreage, therefore maintaining the subdivision
11. Landscaping of land changes will help to save the visual, esthetic losses to our property

Additionally, please inform us of the anticipated date of taking any property; how it is determined by DelDot, and how it affects the value of our property.

Sincerely,

Juan E. Zapata

Cheryl R. A. Zapata

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TIDEWATER
UTILITIES, INC.

"Southern Delaware's Premier Water Company Since 1964"

January 31, 2007

Mr. Mark Tudor, P.E.
US 301 Project Director
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

RE: Impact of US 301 project on water supply and storage facilities of Tidewater Utilities, Inc. located on Churchtown Road.

Dear Mr. Tudor:

Tidewater Utilities, Inc. (TUI) has reviewed the proposed "Green North" alternative route for the above referenced project. One of TUI's main regional water supply, treatment and storage facilities is located along this route. Our facility is located on Churchtown Road on the western edge of the Chesapeake Meadows subdivision, parcel number 1301200106; please see the attached map.

This facility is a fully automated plant with three wells and has a capacity of 470 gallons per minute, with iron removal, residuals management and 125,000 gallons of storage. It supplies 922 existing customers in seven (7) different developments in our Northwest Water District. It would cost approximately \$3,000,000-\$5,000,000 in 2007 dollars to construct a new facility of this kind, not counting any land costs necessary to relocate. In addition this facility cannot be taken out of operation for any significant time period due to the needed supply and storage in this district.

The selected route appears to have a direct impact on our facility and would require that it be relocated. If this is the case, we would expect the Department of Transportation to pay all costs associated with this relocation. Due to the needed supply and storage to serve this water district, a new facility would need to be completed before the removal of the existing facility could be removed. Any new facilities would also need to be located somewhat near the existing facility such that they are hydraulically located at the appropriate location.

We are very concerned about the effect that this project will have on our infrastructure. Therefore, we request a meeting to go over this project and your plans to address the effects on our facility and any alternative that can be developed to avoid these effects. Please contact me at 302-734-7500, ext. 1062 to arrange a mutually agreeable time to discuss this issue further.

Sincerely,



Gerard L. Esposito
President

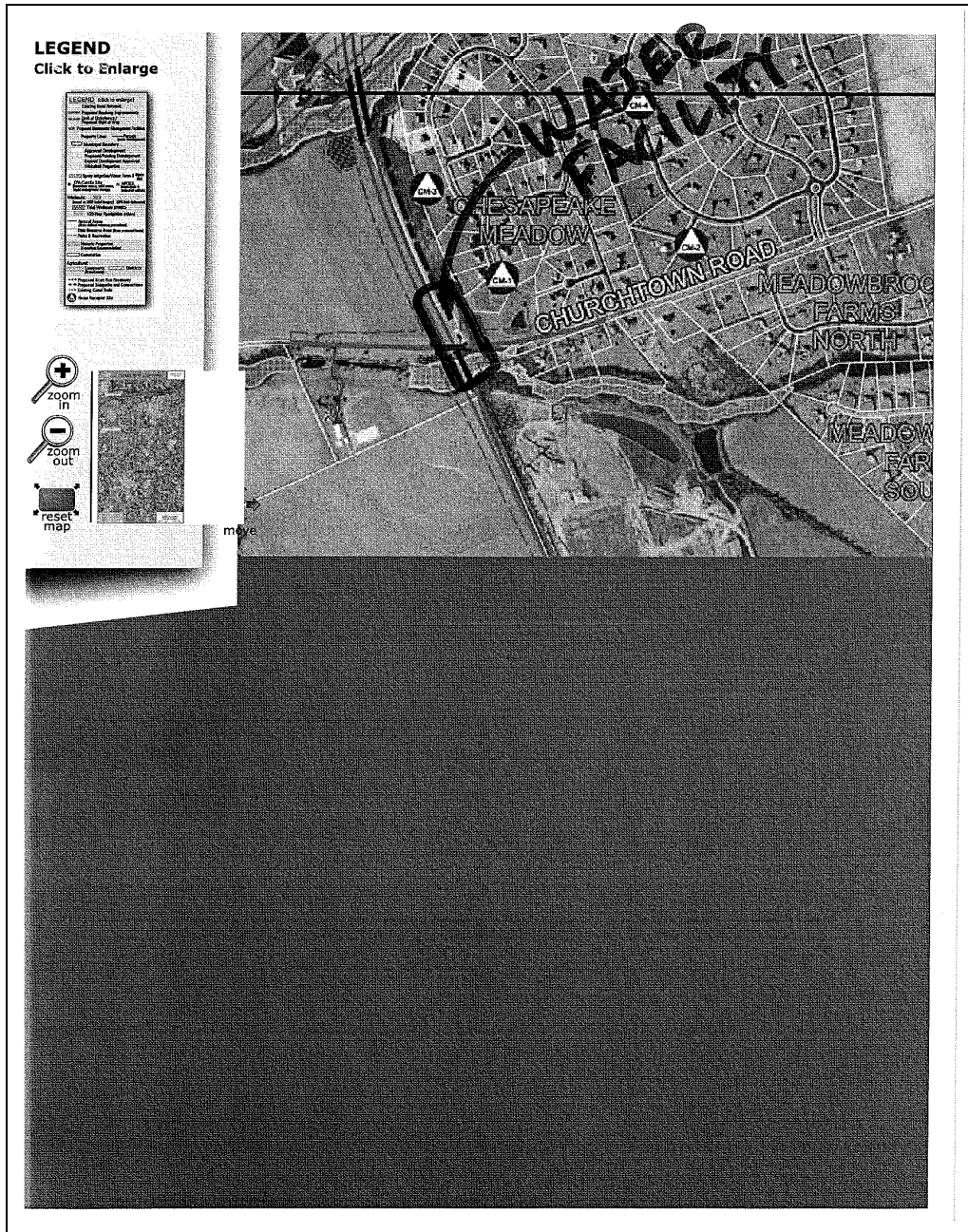
cc: Richard M. Risoldi, V.P. Subsidiary Operations, Middlesex Water Company
Bruce E. Patrick, P.E., Vice President of Engineering, Tidewater Utilities, Inc.
Jeremy Kalmbacher, P.E., Director of Engineering, Tidewater Utilities, Inc.
Kenneth J. Quinn, Esquire, V.P. and General Counsel, Middlesex Water Company
Jeremy W. Homer, Esquire, Parkowski, Guerke and Swayze

1100 South Little Creek Road • Dover, DE 19901 • 302-734-7500 • 1-800-523-7224 • fax 302-734-9297

Response to Tidewater Utilities:

Thank you for your comment.

During a meeting on April 16, 2007 between DeIDOT and Tidewater Utilities, DeIDOT presented an improvement concept for the Spur Road and Churchtown overpass that minimized impacts and retained access to the Tidewater Utilities facilities on Churchtown Road. This concept will be incorporated into the final design of the roadway.



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-----Original Message-----

From: Gasparovic, Jim (GE Infra, Aviation)
[mailto:jim.gasparovic@ge.com]
Sent: Wednesday, January 31, 2007 4:28 PM
To: DOT Public Relations (DeIDOT)
Subject: Rt 301 opinion

I am not in favor of the route chosen by DeIDot. I know this was the route selected many years ago & most of the land has already been purchased but I do not like the location. There are many thoughts that come to mind:

1. One comment from DeIDot was that based on surveys, the truckers like Rt 301 because it reduces or eliminates the "white knuckle" driving on route 95. - WHO ARE WE TRYING TO BENEFIT HERE THE TRANSIENT TRUCKERS OR THE PERMANENT RESIDENTS????? Move freight by train not truck or get them back on Rt 95 where they belong.
2. The land purchased is way too narrow to effectively isolate the road from the community (by the way nice job Kenny the Mayor of Middletown issuing building permits along the current route to reduce the chance of selecting that road option). Look at where the road goes by the new high school. There is no room there & the road is way too close to the school & houses. Nice job!
3. Why take the rural setting on the west side of town for a road and ruin that setting when all the new "pilgrims" moving in are on the east and southeast side. Build the road over there near Cedar Lane & connect them directly to Rt 1 and save a lot of money. They want the road, let them put it in their backyard but no we have the classic case of NIMBY.
4. The southern route south of Middletown was killed by a lot of good PR by the folks down that way including the school. It still is the shortest way to get traffic to Rt 1 and leftover funds can be used to improve the other local roads.
5. The road will create a lot of noise & carbon dioxide and other crap. AT LEAST PLANT PINE TREES LIKE "AUSTRIAN PINE" TO SOAK UP THE CRAP. YOUR NOISE EXPERT SAYS THERE IS NOT ENOUGH WIDTH FOR AN EFFECTIVE SOUND BARRIER BUT DID HE OR ANYONE CONSIDER THE EMISSIONS. ANY GREEN TREES ARE BETTER THAN NONE!!! BY THE WAY YOU CAN GET THESE TREES FOR VERY LITTLE AND THEY ARE THE BEST SOLUTION TO THE OVERALL DIGUSTING ROAD. SEE LAWYERS NURSERY (MONTANA) - AUTRIAN PINE SEEDLING 18-24" \$0.54 EACH AND THEY HAVE 40630 IN STOCK!!! AT LEAST LINE THE ROADWAY 2 OR 3 ROWS DEEP (STAGGERED) TO REDUCE THE CRAPPY VIEW, NOISE & EMISSIONS.
6. For the record you put a traffic light at Marl Pit/Armstrong Corner Road & Rt 301. The trucks just blow thru the red lights like crazy because they are flying down the road. There is an accident waiting to happen.

Response to Jim Gasparovic:

Thank you for your comment

The FEIS addresses the preferred alternative and describes the efforts taken during refined engineering in order to minimize the effects raised. Efforts to minimize the effects include lowering the roadway where possible; visual screening berms; and appropriate landscaping (to be included during final design). The roadway is designed, however, to remove through traffic, especially truck traffic, from local roads, and while it might be perceived as serving transients better than local residents and commuters, it will in fact benefit local traffic by both reducing traffic volumes and the percentage of trucks on the local roads, thereby reducing congestion and improving safety.

As to location, alternative locations have been discussed throughout the project development process, beginning with the 1993 DEIS.

The reasons for not selecting the Blue Alternatives (shortest routes) are documented in the DEIS, Chapter II, Section B. The Blue Alternative did not fully meet the project purpose and need; it was objected to by state and federal environmental resource and regulatory agencies; and it was strongly opposed by the public. On the other hand, the Green North Alternative (Preferred) fully meets project purpose and need and has been generally supported by the public and the state and federal environmental resource and regulatory agencies.

Typically, a new signal is put on "Flashing Yellow" for approximately two weeks before activation. When activated, a Variable Message Sign (VMS) will be active for approximately two weeks to one month to warn drivers of a new signal. The new traffic signal at Marl Pit/Armstrong Corner Road and US 301 did have these warnings posted to alert drivers.



7. WE DON'T WANT A NORTHERN NEW JERSEY IN MIDDLETOWN. IF WE WANTED TO LIVE IN A CONGESTED NOISY CROWDED CEMENT TOWN WE COULD VERY EASILY MOVE THERE. KEEP THE DEVELOPMENT WHERE IT BELONGS. SOMEWHERE ELSE.

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US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS



QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday January 8, 2007 & Tuesday January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I wish to comment or inquire about the following aspects of this project: The property adjacent to ours
is wetlands. It drains out the majority of the woods. Four Farms
(including ours) go to the center of the stream at the back
of the farms.
By moving the Designated green Route "Spur" further back on
our property & the adjacent farms the State would be buying
less acreage from the farms & avoid wetlands. Saves tax payers
money by spending less to build the spur in the middle
of the farms.
The spur would be more of a straight shot by
avoiding the wetlands.

Our farm is in a permanent farmland district. We made
settlement with the state on stipos to keep it as one parcel.
It is in farmland preservation & shows as such on the
Del DOT maps shown at the workshops.

We actively farm the property now. This is our Livings,
Buying the spur more to the back of our property is less money
the state would pay for "FARMLAND PRESERVATION" premium acreage.
It would also avoid hitting our barns.

We have a 3/4 acre pond along our house. What negative outcome do we
expect if streams surrounding our property are misdirected?
 Please ADD my/our name(s) to the Mailing List Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:
Name: Ronald & Virginia Steele
Community/Organization: FARMERS (in District), FARMLAND PRESERVATION
Address: 1188 Choptank Rd., Middletown, DE, 19709

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.301.org

Response to Ronald and Virginia Steele:

Thank you for your comment

We will consider your request to move the alignment to avoid impacts to your property. We may not be able to accommodate all of these requests, because alignments often represent a trade-off of impacts to properties on either side. We will evaluate your request, as well as others of a similar nature, during the final design phase of the project.



Delaware Institute for Planning & Design

5 Vandever Avenue • Wilmington, DE 19802
302-654-9817 • 302-654-7687 FAX

February 2, 2007

Mr. Mark Tudor, P.E.
US 301 Project Director
Delaware Department of Transportation
P.O. Box 778
Dover, Delaware 19903

Re Comments on Proposed Location/Design of US 301 in New Castle County:
(DeIDOT Project: 25-113-01; Corps Project: CENAP-OP-R-2006-6071-1)

Mr. Tudor,

The Delaware Institute for Planning and Design (DIPD) is an organization comprising the Delaware Chapters of the American Institute of Architects, the American Society of Landscape Architects, and the American Planning Association. Our organization seeks to promote wise land use decisions, environmental protection, and long-term planning policies that improve the quality of life for all who live, work and recreate in Delaware.

In response to your call for comments regarding the proposed alignments of Route 301, a committee of members from the DIPD undertook an examination of the project alternatives, and attended DeIDOT workshops. Based on the committee's review and analysis, and a subsequent discussion and action by the Institute's Board of Directors, the DIPD does not support DeIDOT's Recommended Preferred Alternative: Green North + Spur Road, but instead, supports the Brown Route, or some modified configuration of same.

In concept, we agree that a relief route is needed for this portion of the county, and that from a pure transportation planning perspective, the proposed alignment makes sense. However, our view is that the project is not simply transportation planning - its impacts will be enormous in many ways - and that DeIDOT's preferred alternative does not make sense when viewed from a land use planning, and future development perspective.

New Castle County's recent Draft Comprehensive Plan envisions the area north of Middletown - a rectangle roughly bounded by the Middletown corporate limits, the current Route 301 to the west, the C&D canal to the north, and Route 1 to the east - as a "New Community Development Area" intended to receive as much as

- 1 of 3 -



Response to Delaware Institute for Planning & Design:

Thank you for your comment

We appreciate your preference for the Brown Alternative and the reasons you have for preferring it over the Green North Alternative. The reasons for DeIDOT's recommendation of Green North as the preferred alternative, and the reasons why the other alternatives were not recommended, are documented in Chapter V of the DEIS, in the public workshops and public hearings displays and handouts, and in Chapter II of the FEIS.

DeIDOT's reasons for not preferring the Brown Alternatives include:

- Major impact to Summit Airport
- Greatest impact to communities at the base of Summit Bridge due to the proposed 3-level interchange
- Greatest impacts to high quality wetlands
- Considerable opposition from those expressing an opinion at public workshops and community meetings

US 301 Project Development
Final Environmental Impact Statement



Letter to Mark Tudor (DeIDOT) from the DIPD.
RE: Comments on Proposed Location/Design of US 301 in New Castle County.
February 2, 2007. Page 2.

40% of the county's population growth over the next 25 years.

If Delaware and New Castle County are to maintain their quality of life, development of this area cannot be based on the "bedroom community" model common in the past. Instead, it must be built in a way that minimizes reliance on the automobile. This means that development north of Middletown must offer mixed uses, be interconnected by multiple modes of transportation, and be self sufficient to the extent that persons living in the area need not travel long distances on a daily basis to work, shop, recreate or participate in other activities which enhance their daily lives.

New Castle County's Draft Comprehensive Plan recognizes this, and while it does not have the force of law, it does set the stage for future changes to the Unified Development Code (zoning & subdivision ordinances) which will manifest this new, more sustainable pattern of development.

While, admittedly, all of the proposed Route 301 alternatives would impact the "New Community Development Area" to some degree, the "Green North + Spur Road" would prove to be more detrimental than others. It would essentially bisect the area from southwest to northeast, and in doing so, impede community, transportation and open space links critical to creating human-scale, environmentally sound development, while consuming a large portion of the intended development area.

In contrast, the Brown Route - or an unexplored similar configuration skirting the edges of the development area - would enable this portion of the county to develop in a more appropriate way. Thus, we believe that the Brown Route alignment should be reconsidered as it, along with a suitable network of local roads, would result in the kind of place where people can walk, bike, use public transportation, or drive only short distances in pursuit of their daily lives. (See Attachment A)


We understand that the Brown route has a so-called "fatal flaw" in that it would impede the FAA approved expansion of Summit Airport. To this we say, either redesign the Brown Route alignment to rectify the conflict, or use the power of eminent domain to preclude airport expansion: if wise land use planning and Delaware's future demand it, and others will be asked to give up their lands and plans for the benefit of the project, then we fail to see why this particular private enterprise should be exempted.


- 2 of 3 -

Letter to Mark Tudor (DeIDOT) from the DIPD.
RE: Comments on Proposed Location/Design of US 301 in New Castle County.
February 2, 2007. Page 3.

In closing, the Institute appreciates this opportunity to comment on the project, and for your convenience, have attached a copy of our initial comments submitted on Tuesday, January 9, 2007. We also stand ready to meet with you and any other relevant officials to discuss our concerns regarding DeIDOT's Recommended Preferred Alternative, and what we consider to be the inherent advantages of the Brown Route Alternative.

Very truly yours,


Eric Sturm, ASLA
Committee Chair


David R. Guinnup, AICP
Secretary / Treasurer

Enclosures (2)

cc: Ms. Carolanne Wicks, Secretary of Transportation (DeIDOT)
Ralph Reeb, Director of Planning (DeIDOT)
Connie Holland, Director, Office of State Planning Coordination
Members of the DIPD US 301 Committee:
Governor Ruth Ann Minner

File: Ltr20070202v2.wpd (Route301Letter-5thDraftof01-31-07.doc).

- 3 of 3 -

Attachment A
Some Selected Specific Comments on the Proposed US 301 Corridor Alternatives
by
The Delaware Institute for Planning and Design

Below are some specific comments regarding the major corridor alternatives. These comments represent concerns, observations, and questions presented or raised by the DIPD US 301 Committee Members, but are not intended to be exhaustive. Both the Green and Yellow routes "cut up" the development area north of 301/896. The Brown Route which runs generally parallel but north with 301/896. The Green Route which runs on a 45 through the community development area in addition to "creating" a smaller triangular "quadrant" or piece of land to the east of 301 and to the south of 896 before it enters the "North Quadrant" of the Community Development Area (CDA).

Green North Negatives:

- Creates "smaller," land locked "development parcels" that will have difficulty "connecting" to future developments, increasing trip length and number of trips.
- Directly "serves" existing/planned but limited potential developments (e.g., Whitehall Industrial/Office Park, Bay Berry etc.) without rhyme or reason relative to promoting and serving well planned larger sustainable communities within the growth/community development zone.
- Visually affects a larger area which reduces the overall benefits.
- Creates strong potential for a continuation of sprawl, overly isolated and separated uses, and strip center development along its corridor (even with the proposed limited access) which will reduce areas intended for well planned sustainable and relatively self-sufficient communities and neighborhoods.
- Blocks "connectivity" throughout a major portion of the growth zone and CDA.

Brown Advantages:

- Keeps CDA more intact and allows for better more integrated planning efforts to take place to create a physical and social sense of place and community.
- Less disruptive to the "Land Quadrants" which increases retention of existing "character" of the area.

Other Comments & Observations:

- None of the options appear to be integrated into a sustainable and green land use and overall transportation plan for the New Castle County or the portion of the County south of the C&D Canal. Consistent with sustainable energy-efficient green development, consideration should be given to accommodating if not encouraging multi-modal options, including rail and light rail – north-south rail assets and right-of-way already exist.
- All alternatives appear to avoid addressing the capacity limits of the new Route 1 bridge crossing the C&D Canal and eventual replacement of the Summit Bridge, as well as eventual disposition of the old US 13 St. Georges Bridge.
- It is not clear to what degree traffic projections are satisfying local versus thru traffic, and whether those projections are based on assumptions of continuing employment center dominance above the C&D Canal. What land use mix and pattern was used to generate the local traffic portions of the traffic projections?



Delaware Institute for Planning & Design

5 Vandever Avenue • Wilmington, DE 19802
302-654-9817 • 302-654-7687 FAX

Prepared Statement for the Combined Location/Design Public Hearing

January 9, 2007 at Middletown, Delaware

Regarding

US Route 301 Corridor from the Delaware/Maryland Line to the C&D Canal

DeIDOT Project 25-113-01 - Corps Project CENAP-OP-R-2006-6071-1

The Delaware Institute for Planning and Design (DIPD) appreciates the opportunity to make comments regarding this very important project. While the Institute has not yet taken a position on any specific corridor alternative or set alternatives, the Institute has the following comments and recommendations:

- Major improvement to and realignment of US 301 is justified on the desirability of improved safety, separation of local and through traffic, and better geometrics to accommodate truck traffic, provide an appropriate and complete hierarchy of roads in the area, and provide an viable alternative route between the Washington and Philadelphia metropolitan areas (easing pressure on the I-95 corridor) with minimal adverse environmental impact.
- The desirability and need for improvements to the US 301 corridor have long been recognized to the point of some right-of-way has already been acquired. A portion of the DeIDOT preferred alternative does use much of the right-of-way already acquired (the westerner portion that goes to the Summit Bridge).
- It is better to have the corridor established prior to further development in the area, rather than later.
- Given the pace of development in the area, funding for right-of-way acquisition should proceed with all deliberate speed. Right-of-way acquisition should not be delayed due uncertainty about construction and maintenance financing.

The Institute will forward a more complete testimony statement and recommendations prior to the February 3, 2007 deadline.

Eric Sturm, ASLA,
US 301 Committee Chair

David R. Guinnup, AICP
Secretary

File: PrepStatmntLH20070109.wpd/pdf (WPW) A copy of the DIPD Information Brochure is attached.





Sent February 3, 2007, 5:07 PM

Dear DELDOT,

My name is Theresa Carbone and I live at 52 Meadow Drive Middletown Delaware 19709.

I am dissatisfied with the proposed "spur" on the Delaware Department of Transportation's (DELDOT's) projected "green route" for the new route 301. In lieu of the construction of this spur, I propose that DELDOT, the state and the county eliminate the highway's spur route completely. Rather than creating the spur, it is proposed that DELDOT utilize the existing route 301/896 as their spur.

In place of the proposed spur, I suggest utilizing this land for a "linear park." More specifically, I propose the creation of a bike/running trail and open space recreational park that runs from south of the Summit Bridge to Main Street in Middletown. If this proposal is accepted, this would be the first open space park in Middletown. This park would serve as an asset to the region, bringing communities together and offering a positive venue for community activities.

Thank you for your consideration.
Theresa Carbone

Response to Theresa Carbone:

Thank you for your comment. Please see the responses to Andy Daley's comment form in Section D.7. of this Chapter for more information on this issue.

This comment suggests improving US 301 from Armstrong Corner Road to Mount Pleasant and eliminating the Spur Road. However, traffic analysis suggests the need to widen existing US 301 from Peterson Road to Mount Pleasant, should the Spur Road be deleted. Improvements would include adding one additional lane in each direction plus a continuous left turn lane and a raised median or additional left turn lane as necessary. Widening would occur primarily along the west side of the roadway, and would require approximately 55 feet of additional right-of-way (ROW) along the west side of the corridor. On the east side, approximately 20 feet of additional ROW would be required. In locations of existing Section 4(f) historic resources (RG Hayes House, CRS Number N05153; Armstrong-Walker House, CRS N05146, and Mt. Pleasant Farm, CRS N05242), the roadway would be shifted to avoid impact to these properties. These shifts would require additional ROW from the opposite sides of the roadway. DelDOT has considered this option and believes it is not the most prudent approach. While the total cost of this option is approximately \$67-\$83 million, less than the estimated preferred Spur Road cost of approximately \$105-\$120 million, it does NOT fully meet the project purpose and need:

- Results in more traffic on local roads (e.g. Choptank Road and existing US 301, among others)
- Results in higher accident rates/actual accidents, because of more traffic on lower type roads, signalized/unsignalized intersections and numerous access points
- Results in mixing through truck traffic with local traffic from north of Armstrong Corner Road to Summit Bridge (reference two recent accidents near DE/MD line – 4 fatalities – (both involved 18-wheelers) and the most recent accident/fatality at US 310/SR 896 and Old Summit Bridge Road..
- Results in reduced traffic at the toll plaza just north of the state line – less toll revenues to fund new US 301 and the Spur Road and results in diversion of truck traffic to local roads in DE and MD.
- Results in significant property impacts along existing US 301, as noted below, due to the need to widen existing US 301 from Peterson Road to Mount Pleasant.

Partial Impacts to Businesses: Burger King, Summit Plaza, Middletown Chevy, Nu-Car Connection, Middletown Medical Professional Bldg, Ciamaricone's Landscaping, Tri State Materials, Cooper Wilbert Vault Company, Mr. Mulch, Guardian Fence Company, Rollins Metal Works, Keenan Auto Body Shop, 301 Cycle, Shops of Mt. Pleasant

Total Takes of Businesses: Ringold Chapel AME, Logullo's Country Market, M. Madic, Inc., KO's Cleaning

Partial Impacts to Homes: 3 plus impacts to Middletown Village and Springmill

Total Takes of Homes: 9

Plus impacts to additional vacant or farmed residential/commercial properties

The Recommended Spur Road does not require taking any residential or business relocations.

DelDOT will continue to consider the feasibility of adding a greenway trail adjacent to the east side of the Spur Road. Changes to the typical section of the Spur Road, such as an adjustment of the width of the median or reduced clearances could be evaluated to provide some additional outside width and include the proposed trail within the right-of-way without additional property acquisition.

From: DPRICE60@aol.com [mailto:DPRICE60@aol.com]
Sent: Monday, February 05, 2007 8:58 PM
To: DOT Public Relations (DelDOT)
Subject: 301 Project

I have been watching the write ups, the routes, the monetary costs and do not understand where you are all coming from. Yes DE has destroyed Middletown. Yes Middletown is now overpopulated and there are way too many people on the roads here. Yes there are too many tractor trailers on the road. So why don't you all save the tax payers a lot of money and the people of Middletown a lot of destruction of more land by simply building a TOLL BOOTH on 301. Thats right - rather than spending about 70-80 million dollars that you dont have in your budget anyway. Set up a toll booth and charge the tractor trailers for using this route. They only come this way because it is the cheapest - rather than going down I-95 or any other route. Just save us some money that we dont have anyway. Dont let the governor keep raising our taxes for stupid mistakes. In my opinion this was a really easy fix. Thanks
Donna M. Price

Response to Donna Price:

Thank you for your comment

Your suggestion to construct a toll booth on existing US 301 was initially entertained; however, the multitude of bypass options to avoid that toll collection on a roadway that has no limitations of access was not considered a practical option.



104 Joshua Court
Middletown, DE 19709

.....
Mark S. Wiggins Sr.

February 6, 2007

Resident's of the State of Delaware

TIME TO BE THE FIRST STATE

In reviewing the proposed routes and alternatives for the proposed US301, I came to the conclusion that the design of the road was more important than the actual route. We have failed to look to the future and I believe that it is time for Delaware to stand up and take the lead of this great nation. If we act now, we can take advantage of the situation and design our US301 as the interstate highway of the future and make it a project for our whole state to pool our total resources.

I believe the design should be a totally elevated highway starting at the crossing by the new Middletown High school built over the existing Route 15 right of way and turning at Armstrong's Corner Road, or continuing on the Ridge Route utilizing the original proposed right of way or existing right of ways when ever possible, with local access road , bike paths, walking paths, and recreational areas such as skateboarding, basketball and recreation areas located under the highway. In remote areas farming could still continue below the roadway.

The design should include the use of composite materials, materials made from recyclable items such as tire or trash or any of the chemical waste products that we seem to have an abundance of in this state. If needed we could import raw materials utilizing the Port of Wilmington. The road base sections would be made up at a plant based in Southern New Castle County to create jobs for this area. If the unthinkable happens, we could produce them at one of our existing auto plants. The road sections would be made in replaceable section that include sensors for speed adjustments, and have a channel to align cars on roadway and provide an electrical source in them to recharge batteries on future cars. Electric cranes could be used to assemble them, getting there energy source from the previous section limiting exhaust emissions. Future maintenance would be quick and easy with a crane replacing sections over night instead of months.

It would save land for the future, by limiting the need for massive interchanges, additional right of way acquisitions and land needed for borrow pits required for an on grade roadway. It would allow free flow of wildlife instead of dissecting the Southern New Castle County down the middle. It would virtually eliminate the nightmare of a tragic accident with deer that are very prevalent in this area, and a big problem in Maryland on existing US301. It would eliminate trucking in millions of tons of stone, which is not available in our state.

It could eliminate the need for a Spur Road or at least it would be a nice area for a walking path. Bike paths and walkways could be located under one direction of the road and local access under the other separated by a safe barrier in the middle.

The area is located between Washington DC, Philadelphia, Baltimore, and New Your City and would be an ideal charging station, to provide power to future battery and electric cars that are currently limited in distance. We could generate revenue from charging batteries.

Utilities could be attached to the road piers, eliminating power poles.
.....

Response to Mark Wiggins, Sr.:

Thank you for your comment.

DelDOT would not consider a totally elevated highway because of the much greater visual impact that this would bring to the surrounding communities, significantly higher costs, and the greater impacts associated with providing access to and from an elevated highway.



February 6, 2007
Page 2

All of the land saved would remain as taxable property and continue to generate revenue and provide more revenue as it is developed.

Speeds could be adjustable by sensors in roadway depending on the conditions. Heavier duty truck lanes could be built, separating cars from trucks. Each lane could be set at different speed, eliminating the need to change lanes and making the highway safer.

Public transportation could run off the same power source on the same roads.

Snow removal would become unnecessary, because roadway could be warmed from the electrical source. The local access roads would then be covered, minimizing the weather conditions. Storm water runoff from the roadway could easily be captured and treated before reentering the environment.

Roadway could be built over existing wetlands with minimal disturbance. Time to construct a road could be cut in half. Weather would not hinder construction as much as an on grade roadway. Tie in to existing bridges would be easier with an elevated highway, eliminating some of the problems that exist on the Summit Bridge approaches. Assemble could be started at several location at on time, completing the project in much shorter time.

Prefabricated road section could be designed to lay over existing on grade roads. Quality control would be easier in an enclosed environment of a manufacturing plant, verses assembly in the field.

The cost of a project like this does not appear feasible if you look at the initial cost only. The savings of land and taxable property would lower the cost over the years and revenue could be generated by implementing a charging fee on electric cars.

Funding for road construction has been limited by the federal government at this time, but funding for alternative energy sources and alternate energy uses will be readily available now and will be increasing in the near future. I don't look at it as we can't afford to do it. We can't afford not to do it. It may make additional funds available for other projects that remain on the table.

It took 30 years of planning for the proposed US301 and we still have not determined its path. The original thinking of an on grade road is ridiculous at this point. Too many developments are in the way and we have allowed construction to occur in every path we want to take, including the original design. The path to future roads is to look ahead. We can bridge most of our problems if we continue to look forward and not try to design for the past. Let's bring the giants of the chemical industry, the auto industry and the vast engineering skills that exist within our state together, and with the support of our resident's of Delaware, we will again be the first state in the nation to act on the future problem facing our great state and nation.

Thank you for your time, and I hope that all residents of this state can act and contribute to this idea in any way possible. Please contact your local and state representative if you my ideas are worth investigating.

Sincerely,

Mark S. Wiggins Sr.

Middletown, DE

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Sent February 2, 2007, 8:39 AM

January 31, 2006

For the planned U.S. 301 project I would have preferred the yellow alternate. Even though it is the most expensive choice the primary benefit of this route is that it follows the existing roadway and avoids fragmenting the remaining open ground. Since the green option was selected for construction I have several suggestions and concerns that should be addressed.

Since I am a partner of Rhoadesdale Farm LP my primary area of interest is the spur road between Old School House road and Churchtown road. The current route of the spur road runs along the edge of our backfield which is adjacent to an abandoned borrow pit. Half of this boundary is an Osage orange hedgerow and the remainder is a berm planted with white pines. If the spur road were shifted slightly to the east it would then run along the edge within the borrow pit. This routing would have several benefits. The primary plus is that it would reduce the impact on our farm, which we are trying to preserve as a working farm (open ground that is in short supply for this area which Governor Minner is trying to save) and our farm serves as a wintering ground for thousands of migratory waterfowl in this region and ospreys and bald eagles frequently show up. Since the spur road would be running through the borrow pit through this stretch it will be at a lower elevation and therefore reduce the sound and visual impact (since there is a hedge and berm already in place). Why tear out screening and sound deadening devices if they are already in place? Due to it being at a lower elevation the height requirements for the Old School House and Churchtown road overpasses would be reduced and their associated costs. In addition the right of way cost should be lower for the borrow pit ground when compared to productive farmland.

Another area of concern is the acquisition of land from our backfield adjacent to Old School House road and the planned retention pond at the head waters of Back Creek. We require access to this field from the road for farming purposes and any additional rain run off from the retention pond may be more than our water control structures of our ponds can handle. Also since we eat the fish from our ponds any additional pollutants from the road will be detrimental. Could this retention pond be placed in the borrow pit area instead of wasting more productive (costly) farmland?

I am in agreement with the views of the Middletown Corridor Coalition in questioning the necessity and benefits of the spur road. Improving and widening the existing road from Summit Bridge to the proposed Rt. 1 interchange will reduce the impact on this community. There is a two lane roadway already in place from the bridge almost to School house road due to the recently completed Mount Pleasant improvements. Wouldn't it be more cost effective to widen the short portion of remaining single lane road to the planned interchange? The planned Choptank road improvements will handle the increased traffic volume to the west of Route 301.

I understand that the people of DelDot are trying their best and look forward to working with them to achieve a mutually beneficial solution for this challenging project. Please feel free to contact my partners or me so we can discuss these details if it becomes necessary.

Sincerely,

Daniel F. Rhoades
828 Shallcross Lake Road
Middletown, De. 19709
(302) 376-1855

Response to Daniel Rhoades:

Thank you for your comment

We will consider your request to move the alignment to avoid impacts to your property. We may not be able to accommodate all of these requests, because alignments often represent a trade-off of impacts to properties on either side. We will evaluate your request, as well as others of a similar nature, during the final design phase of the project.

The need for the Spur Road has been demonstrated by the traffic projections, which indicate more than twice as much traffic (14,500 vehicles per day (vpd) versus 6,200 vpd) on SR 15 (Choptank Road, north of Churchtown Road) and more than 30% more traffic (37,200 vpd versus 27,900 vpd) on US 301/SR 896 without the Spur Road. The option to improve US 301/SR 896 from the Armstrong Corner Road Interchange to Summit Bridge and using this improved facility as the "spur" was evaluated briefly by the project team during the alternatives development process but was not presented at a public workshop. This option was not presented because of its inability to reduce traffic congestion, improve safety and manage truck traffic when compared to the Spur Road on the ridge alignment. This alternative was evaluated in greater detail as a result of continuing coordination efforts with the Middletown Corridor Coalition. However, the additional effort has led to the same conclusion, i.e., the Green North plus the Spur Road is still preferred over the Green North Alternative without the Spur but with improvements to existing US 301.

US 301 Project Development
Final Environmental Impact Statement



Gerald J. & Patricia M. Steskal
52 Springmill Drive
Middletown, DE 19709
(302) 376-3086

January 2, 2007

Delaware Department of Transportation
Middletown Office

Subject: US 301 Project Development

In May 2006, DelDOT received a letter with a petition with 565 signatures indicating the feelings of the majority of Springmill residents (see letter attached). It was all but ignored by DelDOT.

With the announcement of "The Recommended Preferred Alternative", Springmill now has the bypass within 750 feet and a spur road that will be elevated 20 feet high, *without sound barriers*, to cross the bypass.


First, the spur road is not needed. There are already two (2) roads that access the Summit Bridge (Route 15 & the existing Route 301).

The proposed route, "Recommended Preferred Alternative" for the bypass requires the acquisition of the property adjacent to and east of the Middletown Baptist Church. We suggest, after that acquisition, this property can be exchanged for the property to the north and rear of Middletown Baptist Church, which the church owns, obviously, with the consent of the church. With that exchange, the bypass can proceed north past the Middletown Baptist Church on property already owned by the State. After passing the church, the bypass can turn east across the property previously owned by the church. Although this property is partial wetlands, it can be crossed with little or no impact on the wetland areas.

This proposed route will move the bypass further west from the Middletown Baptist Church; will spare the 10-12 homes and the Day Care Center on the existing 301 now in the path of the bypass.

An earlier proposal for a suggested route included the closure of Armstrong Corner Road at the point where the bypass would cross. If this were implemented, additional savings would be realized with the elimination of the flyover for the spur road and the flyover for the bypass. They *would not be needed* to cross Armstrong Corner Road.

Hopefully, you will seriously consider this suggestion and relieve the Springmill community from the unnecessary noise and pollution that is bound to occur with DelDOT's "Recommended Preferred Alternative". You have responded favorably to the concerns of other communities. Please respond favorably to ours.

Sincerely,

Gerald J. & Patricia M. Steskal

Cc: Bethany Hall Long

Response to Gerald & Patricia Steskal:

Thank you for your comment and for presenting a copy of the petition. Your petition along with all public input, has been considered during the project development process.

The need for the Spur Road has been demonstrated by the traffic projections, which indicate more than twice as much traffic (14,500 vehicles per day (vpd) versus 6,200 vpd) on SR 15 (Choptank Road, north of Churchtown Road) and more than 30% more traffic (37,200 vpd versus 27,900 vpd) on US 301/SR 896 without the Spur Road. The option to improve US 301/SR 896 from the Armstrong Corner Road Interchange to Summit Bridge and using this improved facility as the "spur" was evaluated briefly by the project team during the alternatives development process but was not presented at a public workshop. This option was not presented because of its inability to reduce traffic congestion, improve safety and manage truck traffic when compared to the Spur Road on the ridge alignment. This alternative was evaluated in greater detail as a result of continuing coordination efforts with the Middletown Corridor Coalition. However, the additional effort has led to the same conclusion, i.e., the Green North plus the Spur Road is still preferred over the Green North Alternative without the Spur but with improvements to existing US 301.

DelDOT has included the construction of an aesthetic screening berm (six feet high and 2,200 feet long) that will minimize the visual impacts of the roadway; the screening berm will also provide measure of noise reduction. There are no projected noise impacts (by FHWA definition) anticipated for Springmill.

Your suggestion to move the Spur Road north and west of the Middletown Baptist Church was looked at inconsiderable detail early in the study process (reference ACR Area Option 1 in the DEIS, Section II.D.1.a-d and Section V.A.1.a-d). Because of the greater impacts to wetlands and the severance of a large contiguous forested area, among other things, this alignment option was dropped. Finally, as presently planned, Armstrong Corner Road will pass over the Spur Road, which will be at grade.



Middletown, DE 19709
May 15, 2006

To: DelDot Public Relations

Reference: U. S. 301 Project Development

Enclosed is a petition indicating the feelings of the majority of Springmill residents concerning the purple and green alternative routes. This petition does not replace the previous petition from Springmill opposing the yellow alternative being routed past the front of the Springmill community. As proposed, none of these alternatives are acceptable to us.

If the green or purple alternative is chosen, the original location, which placed it approximately 2200 feet from the rear of Springmill, should be used. This original location did not put Springmill in the path of a bypass nor did it threaten the existence of the Middletown Baptist Church. There is ample open space north of Springmill and the Baptist Church for a bypass route to turn east.

There is already considerable pollution affecting Springmill from the existing Route 301. By placing Springmill between existing Route 301 and another major highway will put the senior residents at great risk by creating a pocket of increased pollution that can lead to respiratory problems as well as other illnesses.

Please honor the concerns of the residents of Springmill that have signed this petition and return the purple and the green alternatives to their original location.

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US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday, January 8, 2007 & Tuesday, January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

Would like access to existing 301 from Strawberry Lane.

Response to Scott Hooper:

Thank you for your comment.

DelDOT has consulted with the farmers and resource agencies to accommodate this request. An extension of Strawberry Lane will be constructed, east of the new US 301, to provide a direct connection to existing US 301 as part of the Preferred Alternative.

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: *Scott Hooper* *302-449-2976 or Chuck Hooper 302-398-7535*

Community/Organization: *Hooper Inc.*

Address: *1130 Middletown Warwick Rd Middletown DE 19709*

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org



US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday January 8, 2007 & Tuesday January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

Concerned about moving farm equipment
from Cecil County MD to Hooper's Inc. for repairs
would like to have ~~it~~ be able to go
by way of Strawberry Lane.

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: Thomas A. Dill

Community/Organization: Warwick Farmer

Address: 165 Wilson St, Warwick Md. 21912

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Response to Thomas Dill:

Thank you for your comment.

DelDOT has consulted with the farmers and resource agencies to accommodate this request. An extension of Strawberry Lane will be constructed, east of the new US 301, to provide a direct connection to existing US 301 as part of the Preferred Alternative.

US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
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Middletown Fire Hall

I / We wish to comment or inquire about the following aspects of this project:

We are in total support of the green route. Our reasons are very obvious. The green route is the least expensive to build, the least invasive to existing communities and has the least amount of impact to the environment. It is in an area that would allow for expansion of the roadway if necessary in the future. We are all aware that the yellow route would be the worst choice. The brown or purple would not be bad except for the added cost of the roadway. Yes the green route is the best choice.
What are we waiting for? Lets get the wheels in motion. It has been studied for years at great cost. Money that could have been put toward the construction. We should be ashamed of ourselves to be so wasteful. We need these roads now! In ten years we will be needing expansion on this route and we will find ourselves in still another dilemma.
Get going now!

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: *Tom & Christine Laphan*
Community/Organization: *Springville*
Address: *536 Whispering Trail - Middletown*

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Response to Tom & Christine Laphan

Thank you for your comment.

We anticipate completion of the FEIS in the fall of 2007. Following FHWA's issuance of the Record of Decision (ROD), engineering design and right-of-way acquisition is estimated to take up to four years (2008-2011), with construction following, beginning in 2012. Construction could take from four to 10 years to complete depending on funding.



US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

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I / We wish to comment or inquire about the following aspects of this project:

During these workshops we've seen our own home in and out of the path of the road alternate with each meeting. Many of the residents north and around Armstrongs Corner have been there for three generations. It's the rural individual home owners who are paying the price for the uncontrolled development in Southern New Castle County. We have heard much talk about preserving rural areas.

Please ADD my/our name(s) to the Mailing List

Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: _____

Community/Organization: 4872 Summit Bridge Rd

Address: Middletown, De 19709

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@stata.de.us
www.us301.org

Response

Thank you for your comment.

US 301 Project Development - Public Hearing Comment Form - January 8 & 9, 2007

DELAWARE DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
US ARMY CORPS OF ENGINEERS

QUESTIONS AND/OR COMMENTS

US 301 Delaware-Maryland Line to SR 1, South of C&D Canal
Combined Location-Design Public Hearings
Monday January 8, 2007 & Tuesday January 9, 2007
4:00 PM to 10:00 PM/Conclusion
Middletown Fire Hall

Response

Thank you for your comment.

I / We wish to comment or inquire about the following aspects of this project:

At best attending most of the workshops & realizing my efforts are useless; as an individual my comments do not have the effect that a development with numerous people would have. However as I have checked the vicinity, there is a lot of vacant land available that would have no impact on our small community. The changes from one meeting to another with the added spin & changes made give us false hope. We have been windy about waiting for a final decision. Guess some one complains & are heard that affects us for instance the Baptist Church. I have lived here for over 50 yrs, & the news stories have been here less than 2 yrs. (So what is fair?) The road past us could have made under & the road could go in Maryland - there are other options.

Please ADD my/our name(s) to the Mailing List Please DELETE my/our name(s) from the Mailing List

Your comments and opinions are very important. All information provided on this form will be carefully considered by DelDOT. Under state law, this form is public domain, and if requested, a copy of it must be provided to the media or public. Thank you for your participation and contributions to this important transportation project.

OPTIONAL: Please provide your information:

Name: _____
Community/Organization: 4897 Summit Dr. Rd.
Address: Middletown, De. 19709

Phone 866-485-9988 (toll-free) Fax 302-739-2217 Email dot-public-relations@state.de.us
www.us301.org

Betty Shepherd
3815 Wrangle Hill Rd
Bear, DE 19701
302-834-8405

January 11, 2007

To Whom It May Concern: |

I read with great interest in the Crossroads section of the News Journal today how Winterthur will be hosting a clinic to help people take care of their heirlooms. How ironic? There will be a clinic to help people take care of their heirlooms because they are very important. Do you think this clinic will help me? The State wants to take away my family's heirloom My Aunt is Anna Wooleyhand, and I am referring to the property on Ratledge Road.

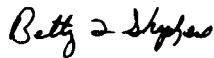
If you had something very valuable handed down to you by your great-grandparents, and every time you looked at it or even thought about it, it brought back memories of these beloved family members; memories so vivid you can feel that person's presence just by touching it. You rub your hand across it, shut your eyes, and you could feel the soul of your loved ones reaching out to you. It might only be worth a couple of dollars, but to you it feels like a million. Then someone comes knocking on your door asking to take that item away from you because they really need it. You say "NO, please, DON'T TAKE IT." But they are from the State, and are taking this because the State really needs it. Your cries of NO fall on deaf ears. A land that was handed down through a family for over 100 years is lost. A family heirloom is gone forever. A family's life history gone.

Young and in love, my grandparents purchased this ground to raise their three daughters. Now my cousin, Richard Wooleyhan, farms it. When he shuts his eyes and holds the dirt in his hands, he can feel the souls of my Uncle Pete (his father), and our grandparents. It is like they are there with him, guiding him, and they are proud of him.

It's not just "a piece of land." It's a family's history. It's a family's memories. It's a family's life! People are willing to work with you. Just listen with your hearts, and reconsider their ideas. Roads, houses, and wetlands can be rebuild. A family's life history and an heirloom, one such as a farm, cannot. It's GONE FOREVER.

The News Journal in the past carried articles of the young Emerson man who in high school plans to farm the Emerson farm. This farm has been in his family for generations as well.

Thank you for your time.



Betty Shepherd



Response to Betty Shepherd:

Thank you for your comment

DelDOT received the map proposing Option 4B, with signatures as noted, during the Public Hearing. [Option 4B is a hand-drawn alignment that would traverse the distance between Boyds Corner Road and Jamison Corner Road approximately 1,500 feet east of the alignment presented in the DEIS (shown on this map as Option 1)]. DelDOT is committed to working with the environmental resource agencies, the Army Corps of Engineers and the farmers, owners and neighbors in the Ratledge Road community to develop an alignment for this portion of the Green North Alternative that will minimize, to the greatest extent possible, impacts to active farmlands and minimize impacts to the wetland area.

To this end, representatives from the Ratledge Road/Jamison Corner neighborhood, Corps of Engineers, FHWA, DelDOT, DNREC, the Delaware News Journal and the Project Team met in the field on January 30, 2007, to review the existing environment in the vicinity of the proposed options. Follow up meetings have been held to discuss ongoing concerns and design an alignment that would preserve the affected farm properties and homes while minimizing impacts to wetlands in the area.

As a result of the community's concerns and ongoing consultation, DelDOT is proposing the Option 4B Modified alignment as the preferred alignment of new US 301 in this area. Option 4B Modified essentially is aligned on the DP&L corridor from south of the Cedar Lane School complex to the boundary of the Whitehall properties, where it then curves to the east toward Jamison Corner Road. DelDOT is also proposing a minimization and mitigation package that will compensate for the increased impacts this alignment will cause to wetlands and forest, in coordination with the resource agencies. The option and commitments in the mitigation package are included in the FEIS and ROD.

BLLENHEIM BAYBERRY, LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19711

February 5, 2007



Mr. Mark Tudor
Project Manager
State Department of Transportation
P. O. Box 778
Dover, DE 19903

Re: Route 301 Alignment

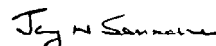
Dear Mr. Tudor:

I recently attended DelDOT's workshops held on January 8 and 9, 2007 pertaining to the above-referenced matter. I understand that there continues to be general support for DelDOT's preferred alternative (Green North). However, a number of property owners in the vicinity of Boyds Corner Road have expressed concern with the location of Route 301's crossing of Boyds Corner Road and the impact it would have on their properties, and that as a result, DelDOT has proposed several other possible options for such crossing.

We believe the concerns raised by the owners of the Wooleyhan, Emerson and Rausch farms, as well as residents along Rattledge Road, are worthy of consideration. In that regard, we support Option 4B which not only minimizes the impact to the property owners in question, but also reduces the effect upon the schools along Cedar Lane Road. While Option 4B impacts some additional wetlands areas, the fact that it significantly lessens the impact upon a number of property owners and local schools is a good basis upon which to select this Option as it provides a balance between the impact upon protected resources and the impact upon property owners.

I look forward to continued dialogue with DelDOT on this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


Jay Sonecha

Response to Jay Sonecha:

Thank you for your comment

DelDOT received the map proposing Option 4B, with signatures as noted, during the Public Hearing. [Option 4B is a hand-drawn alignment that would traverse the distance between Boyds Corner Road and Jamison Corner Road approximately 1,500 feet east of the alignment presented in the DEIS (shown on this map as Option 1)]. DelDOT is committed to working with the environmental resource agencies, the Army Corps of Engineers and the farmers, owners and neighbors in the Rattledge Road community to develop an alignment for this portion of the Green North Alternative that will minimize, to the greatest extent possible, impacts to active farmlands and minimize impacts to the wetland area.

To this end, representatives from the Rattledge Road/Jamison Corner neighborhood, Corps of Engineers, FHWA, DelDOT, DNREC, the Delaware News Journal and the Project Team met in the field on January 30, 2007, to review the existing environment in the vicinity of the proposed options. Follow up meetings have been held to discuss ongoing concerns and design an alignment that would preserve the affected farm properties and homes while minimizing impacts to wetlands in the area.

As a result of the community's concerns and ongoing consultation, DelDOT is proposing the Option 4B Modified alignment as the preferred alignment of new US 301 in this area. Option 4B Modified essentially is aligned on the DP&L corridor from south of the Cedar Lane School complex to the boundary of the Whitehall properties, where it then curves to the east toward Jamison Corner Road. DelDOT is also proposing a minimization and mitigation package that will compensate for the increased impacts this alignment will cause to wetlands and forest, in coordination with the resource agencies. The option and commitments in the mitigation package are included in the FEIS and ROD.

US 301 Project Development Final Environmental Impact Statement



Martin O'Malley, Governor
Anthony Brown, Lt. Governor

John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

January 30, 2007

Mr. Mark Tudor
Project Director
Delaware Department of Transportation
800 Bay Road
Dover, Delaware 19903

Dear Mr. Tudor:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the US 301 Project Development study. The Maryland Transportation Authority (MdTA) and the State Highway Administration (SHA) have reviewed this document and offer the following comments for your consideration.

General

- Maryland's portion of US 301 on the Eastern Shore is a four-lane, partial access controlled facility. It is our intention to gradually upgrade it as safety and capacity needs require. We have constructed interchanges at MD 213 and MD 291, and conducted Project Planning studies for MD 313 and MD 304.
- Based on experience, we have found it beneficial to develop parallel support facilities in our major transportation corridors in order to distribute traffic and provide options in case of emergencies. We are glad to see that most options retain an improved connection to the Del 896 crossing of the Chesapeake and Delaware Canal.
- Our paramount concern about Delaware's US 301 project is to minimize traffic diversion into Maryland that might result if the toll is high and/or the location of toll collection facilities is not carefully considered.

1

- Maps do not show much detail on the Maryland side of the state line, making it difficult to spatially relate impacts on the Maryland side (i.e., Figure I-2 on page I-5).

2

3 Page S-2 - Replace "John F. Kennedy Highway" with "John F. Kennedy Memorial Highway".
- Replace "fully accessed" terminology; suggest "uncontrolled access."

3

4 Page S-15 - 3rd paragraph under Natural Resources - The paragraph says the Yellow Alternative would have both the 'least' and 'most' impact to hydric soils in different sentences.

4

My telephone number/toll-free number is 410-545-0412 or 1-888-204-4828
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Response to Maryland State Highway Administration:

Thank you for your comments on the US 301 Project Development Draft Environmental Impact Statement and the recommendation of the Green North Alternative as DelDOT's Preferred Alternative.

Each comment is numbered in your letter, corresponding with the responses that follow:

Response 1 – DelDOT is also concerned about diversions of traffic due to the implementation of a toll facility. See the discussion in the DEIS Chapter III (pages III-171 to III-179) on travel and toll diversions and the discussions of continued enforcement of truck restrictions on potential toll diversion routes. The FEIS details the progress on the recommendations of the Toll Diversion Working Group approved by the Maryland SHA and DelDOT Secretary.

Response 2 – More detail is available in the DEIS Appendix B, Alternatives Cut Sheets, on each alternative's sheet 1 and, with respect to toll diversion, on Figure III-23 on Page III-174. The engineering figures in the FEIS also provide some additional detail regarding the LOD in Maryland.

Response 3 – I-95 is properly identified as the "John F. Kennedy Memorial Highway" in the FEIS.

Response 4 – The paragraph, as corrected in the FEIS, states that the Yellow Alternative has the least impacts to Prime Farmland Soils and the greatest impacts to hydric soils.

Response 5 – (See next page for comment) A statement to that effect is included in the FEIS.

Response 6 – (See next page for comment) The border is located properly in the figures in the FEIS.

Response 7 – (See next page for comment) The correct spelling of Odessa is used throughout the FEIS.

US 301 Project Development Final Environmental Impact Statement



Mr. Mark Tudor
Page Two

- 5 Page I-2 – Last paragraph – Should mention that conversion to access control of US 301 is in Maryland’s Highway Needs Inventory, our long-term planning document.
- 6 Figure S-1 and I-1 – The Delaware/Maryland border is not shown in proper location.
- 7 Page I-6 – 4th paragraph – “Odessa” misspelled as “Oddessa”.
- 8 Page I-10 – SR 896 Paragraph – DEIS reports that twenty percent of the ADT is truck traffic. The 8/25/06 Powerpoint handout presentation to MdTA showed twenty-five percent on page 5. Please clarify this discrepancy.
- 9 Page I-13 – Last paragraph – Should add mention that the model was used for the 2030 traffic projections, and that the added roadway improvements are part of the network that is an input into the model.

Page I-15 – Improvements in Maryland paragraph – The DEIS refers to Maryland’s “Capital Transportation Plan”. It should be the “Consolidated Transportation Program”.

– Improvements in Maryland paragraph – SHA is now completing project planning for US 301/MD 304, not beginning this phase, as stated in the DEIS.
- 10
- 11 Figure II-4 – The typical section for US 301 shows an 8’ measurement near the shoulder -- what is that portion for or referring to?
- 12 Page II-5 - Red Alternative - The project area ends at the C&D Canal, however this alternative crosses the C&D Canal and continues for several miles until its connection with I-95. How were you able to study an alternative outside of your study area?
- 13 Page II-13 – The outside shoulder description for the US 301 Spur Road typical section does not match Figure II-4. The 12’ shoulders are not all paved on the graphic (only 10’).

– The shoulder descriptions for the interchange ramps do not match Figure II-5.
- 14 Page III-10 Land Use - Coordination with the Delaware Office of State Planning occurred in 2002. I assume that this coordination took place during previous US 301 studies. Did additional coordination occur as part of the current study? Given the large amount of proposed development, revisiting this coordination seems appropriate.
- 15 Page III-42 Cultural Resources – Please be consistent with the use of “preferred alternative” and “selected alternative”.

(Continued from Page 1)

Response 8 – The correct value is 25%, which represents the percentage of vehicles falling within FHWA vehicle classes 5 through 13. This range of vehicles classes is used consistently throughout the FEIS document and all recent analyses, including the toll diversion studies performed in 2006. The 20% value noted by SHA corresponded to the percentage of vehicles falling within FHWA vehicle classes 6 through 13. All references to the truck percentage along SR 896 have been changed in the FEIS to show the correct value of 25% trucks.

Response 9 – The FEIS includes a statement that the roadway projects are included in the traffic model.

Response 10 – The correct title, Consolidated Transportation Plan, is used in the FEIS, as is the current status of the US310/MD304 interchange project.

Response 11 – The eight feet shown on the Mainline typical section is a portion of the clear zone, which is 30 feet and includes the 10-foot paved shoulder. The figure and text have been edited for inclusion in the FEIS.

Response 12 – The Red Alternative was eliminated from further evaluation during the early stages of project planning. In these early stages, the project area was larger, extending north of the C&D Canal along the SR 896 corridor to I-95. Following the Alternatives Retained for Detailed Evaluation process, the study of the area north of the C&D Canal was not pursued further. The DEIS focused on the four alternatives retained and the impacts associated with them.

Response 13 – The Spur Road includes a 12-foot outside shoulder, ten feet of which is paved and two additional feet are unpaved and graded, as shown in Figure II-4. The text and figure are revised in the FEIS.

Response 14 – Coordination with the Office of State Planning has been ongoing throughout the US 301 project development effort. The Project Team has also coordinated with other agencies including Middletown and New Castle County.

Response 15 – The FEIS is consistent when discussing the preferred alternative.

US 301 Project Development Final Environmental Impact Statement



Mr. Mark Tudor
Page Three

- 16 Table III-57 – No intersections were evaluated in Maryland. SHA suggests looking at one or two intersections along US 301 south of the state line, and possibly on MD 213.
- 17 Table III-60 – Should this table be labeled as having “total” accidents, and not accident “rates”? The adjacent paragraphs seem to refer to total accidents, and the rates should be the same for each alternative for existing roads.
- 18 Table III-61 – Should the accident rate be the same for existing and the No-Build conditions?
– The traffic section should mention that the model used for these forecasts is currently being updated by DelDOT, and the FEIS will have numbers from that final version of the model. The land use for WILMPACO has also recently been revised and will be used in the development of the FEIS traffic.
- 19
- 20 Page III-171 – First paragraph under Existing Conditions – Identify the “larger multi-state transportation model” (MdTA model).
- 21 Page III-172 – Third bullet point – US 13 crosses the canal to the “east” of Summit Bridge – not the “west”.
- 22 Table III-62 – The 2006 volumes for US 301 at the state line are not in line (they are much higher) with the volumes presented in Figure III-23 for 2003, as well as the Maryland SHA traffic volume map for 2005. These volumes should probably be lower.
- 23 Page II-176 – “The travel forecasting results indicated a four percent increase in daily traffic in 2030 crossing the Chesapeake Bay Bridge on US 50/301 with a US 301 build alternative when compared to the No-Build Alternative, and a corresponding three percent decrease in daily traffic crossing the Susquehanna River on I-95 in Maryland with a US 301 build alternative when compared to the No-Build alternative.” How was this analysis done? These shifts in traffic are very sensitive to the toll rate assumed; perhaps these shifts should be discussed in ranges related to a range of potential tolling rates.
- 24 – Replace “Chesapeake Bay Bridge” with “William Preston Lane Jr. Memorial Bridge”.
- 25 Page III-177 – Truck Diversions – Please outline what the forecasted truck diversion to MD 213 is, as was done in the previous paragraph for auto diversions. Also, discuss the disincentives to truck traffic to use MD 213 instead of US 301 – such as geometric differences, numerous traffic signals, draw spans, travel time, etc.

(Continued from Page 2)

Response 16 - We acknowledge the suggestion. We believe the study of impacts to roadways in Maryland, including US 301 and MD 213 has been addressed in the section on Travel Patterns (III.G.4), as part of the detailed US 301 traffic diversion study. That study was undertaken to assess the potential changes in traffic volumes on numerous roads in Maryland and Delaware as a result of a new US 301 toll road.

Response 17 – Agreed. The table is updated in the FEIS with a revised title that clearly indicates that the data represents the total number of accidents. In addition, the table has been expanded to include MD 213 and consolidated the data from Table III-61 into Table III-60 to present the safety data more concisely and, hopefully, in a more understandable manner.

Response 18 – The values in Table III-61 are area-wide accident rates, which are a weighted average of the accident rate and traffic volume on each of the key roads in the project area. While the accident rates on each facility remain the same between existing (2003) and 2030 No-Build, there are shifts in the relative percentage of traffic using these roads. Therefore, the 2030 No-Build accident rate for the project area is different than the 2003 accident rate for the project area.

Response 19 – When the US 301 DEIS was published in November 2006, the Project Team described the intention to develop updated traffic forecasts prior to the publication of this FEIS. However, as of the publication of FEIS, the new version of the regional transportation model is still undergoing development, refinement and calibration by DelDOT and is not yet available for official use. Therefore, the latest available travel forecasting model for the project remains the state’s “B model”, which was used for traffic forecasting for the DEIS.

A comparison was made of the land use assumptions in the current B model (which were approved by WILMAPCO in 2003) with more recent land use projections as of June 2005, to assess the magnitude of change that might be expected in the travel forecasts by using more recent development assumptions, even if they have not been officially adopted in the state’s regional travel demand model. The comparison focused on the traffic analysis zones (TAZs) in the M-O-T Planning District. Results showed that the new 2005 land use assumptions resulted in a net 13% increase in housing, but a 2% decrease in the total number of employees. Generally, this indicates the potential for slightly higher overall volumes throughout the project area than the current 2030 traffic forecasts developed for this study, indicating an even greater need to address and relieve congestion, and better manage truck traffic on US 301 throughout the project area.

US 301 Project Development Final Environmental Impact Statement



Mr. Mark Tudor
Page Four

26

– Mitigation – Please mention that Maryland SHA did an independent review of the diversion forecasts and forecasting process. Suggestions made from the review will be incorporated with the new model runs that will be used for the FEIS. Maryland SHA and DelDOT have agreed that any changes from DEIS numbers will likely be minor.

27

– Mitigation paragraph – Provide locations of where along US 301 the new weight stations in Maryland and Delaware will be.

28

Pages III-178-179 – The recommendations of the Toll Diversion Workgroup were presented to Neil Pedersen and Carolann Wicks in both states. Please detail the implementation status of the recommendations. Also, for each recommendation briefly mention generally why the workgroup thought they would be useful.

29

Page III-179 – The recommendations from the workgroup also included recommending continued coordination between DelDOT, SHA, Cecil and Kent Counties on the traffic issues.

30

Page IV-14 – Mention that SHA did an independent evaluation of the modeling efforts and their comments will be considered in the next round of modeling for the FEIS.

Thank you, again, for the opportunity to review and comment on the US 301 DEIS. If you have any questions or need additional information, please do not hesitate to contact Mr. James E. Dooley, Jr., Regional Planner for the Eastern Shore, State Highway Administration at 410-545-5672, toll free 888-204-4828 or by email at jdooley@sha.state.md.us. Of course, you should never hesitate to contact me directly.

Sincerely,

Raja Vecramachaneni
Director of Planning and
Preliminary Engineering

Enclosures

cc: Mr. James E. Dooley, Jr., Regional Planner, SHA
Mr. Bruce Grey, Deputy Director, Office of Planning and Preliminary Engineering, SHA
Mr. Richard K. Lindsay, District Engineer, SHA
Mr. Samuel Minnitte, Jr. Director of Planning, Maryland Department of Transportation
Mr. Douglas H. Simmons, Deputy Administrator for Planning and Engineering, SHA
Mr. Dennis N. Simpson, Deputy Director of Capital Planning, MdTA

(Continued from Page 3)

Response 20 – To clarify, the US 301 study did not use the MdTA model directly. Instead, a new multi-state model was developed for the US 301 study that used some of the same regional network framework that was developed for the MdTA model. Accordingly, the use of the MdTA model as the basis for the new multi-state model is identified in the FEIS.

Response 21 – The text has been changed to reflect the correct direction.

Response 22 - We agree. The volumes for US 301 at the state line in Table III-62 (now Table III-64) have been adjusted downward to better reflect existing traffic conditions at this location.

Response 23 – (See previous page for comment) The methodology used to develop toll diversion estimates between US 301 and I-95 is presented in the FEIS, Chapter III.G.4.C, *Improved Connectivity for Through Traffic*. All of the toll diversion estimates between I-95 and US 301 were based on the multi-state model developed for this project, which included a proprietary toll elasticity function that has the ability to model toll diversions for autos and trucks separately, and at multiple time periods throughout the day.

Response 24 – (See previous page for comment) We acknowledge the correct formal name of the bridge, and have included this text in the FEIS.

Response 25 – (See previous page for comment) The FEIS is updated to include the estimated truck diversions to MD 213 and MD 330 resulting from the construction of an improved, tolled US 301. A sentence discussing the relative advantages of a new US 301 compared to the numerous disincentives that MD 213 and MD 330 present to trucks is also added. Additionally, a reference in the FEIS directs the reader to Chapter 4 of the *US 301 Draft Travel Analysis Technical Report* (November 2006), which includes a detailed study of the potential travel diversions to MD 213 and other nearby roads. This technical report is available for review upon request.

Response 26 – A mention of SHA’s independent technical review of the toll diversion forecasts has been added to the FEIS. Additionally, a reference is included that directs the reader to Section 4.B.1 of the US 301 Draft Travel Analysis Technical Report, dated November 2006, which includes a more detailed discussion of SHA’s involvement in the toll diversion study and your independent review of the traffic diversion forecasts for this study.



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Response 27 – The locations of the weigh stations (southbound US 301 at MD 299 and northbound US 301 north of the state line) and their opening dates (MD – opened May 2007; DE – to open early 2009) are included in the FEIS.

Response 28 – We note that the working group recommendations were presented to Neil Pedersen and Carolann Wicks and also detail the current status of the implementation of the working group’s recommendations in the FEIS.

Response 29 – (See previous page for comment) The FEIS is updated to list all eight of the Toll Diversion Working Group’s recommendations, including the recommendation for ongoing communication between SHA, DelDOT, Cecil and Kent Counties, and the municipalities, regarding the issues raised by the Working Group. All ongoing coordination occurring since the circulation of the DEIS is also detailed in the FEIS.

Response 30 – (See previous page for comment) Please see Response 26 on the previous page.

US 301 Project Development Final Environmental Impact Statement



State of Delaware Historical and Cultural Affairs

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*Bill Helfman
RK+K*

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FEB 26 2007

RUMMEL, KLEPPER & KAHL, LLP

February 14, 2007

Mr. Robert Kleinburd
Division Program Manager
Federal Highway Administration
J. Allen Frear Federal Building
300 South New Street
Dover, DE 19904-6726

RE: US 301 Corridor Study/Project Development; Draft Environmental Impact Statement

Dear Mr. Kleinburd:

Thank you for the opportunity to comment on the US 301 Draft Environmental Impact Statement (DEIS), prepared for compliance with the National Environmental Policy Act. The DEIS describes DelDOT's detailed analysis of those alternatives retained for further study (Yellow, Purple, Brown North, Brown South, Green North, and Green South), and identifies Green North as the "Recommended Preferred Alternative". The staff of the DE SHPO offers its comments on the analyses performed to date, including steps taken to comply with Section 106 of the National Historic Preservation Act, and the Alternatives' relative potential effects on historic properties.

1

Under separate cover, this office is also providing technical comments on the DEIS. However, one technical comment bears mentioning in this letter. The Summary, Chapter III (Environmental Resources and Consequences), and Chapter V (Recommended Preferred Alternative) contain inconsistent information on the number of historic properties that may be affected by the Alternatives. The inconsistency is significant, as some of the figures given suggest that the preferred Green North alternative would affect fewer properties than may actually be the case. Please ensure that correct information is given in the Final EIS, and, in the interim, is provided to any members of the public who inquire about this aspect of the DEIS.

Analyses Performed/Section 106 Process:

The Federal Highway Administration (FHWA) and DelDOT reinitiated Section 106 consultation on the US 301 project in February 2005, and began the process of re-defining an Area of Potential Effect and identifying and evaluating historic properties. Earlier studies, performed by the University of Delaware (the Center for Historic Architecture and Engineering and the Center for Archaeological Research, 1993) were consulted, but new survey of architectural properties and studies of archaeological potential were warranted.



Response to Delaware State Historic Preservation Office:

Thank you for your comments on the US 301 Project Development Draft Environmental Impact Statement and the recommendation of the Green Alternative North Option as DelDOT's Preferred Alternative.

Each comment is numbered in your letter, corresponding with the responses that follow:

Response 1 – Regarding the discrepancy between the numbers of historic properties that may be affected, the information in the Summary Table S-1 and Chapter V, Sections B and C, is incorrect. The information presented in the Summary text, Page S-13, and in the text on page III-48 and on Table III-23 is correct. This information is updated based on the results of the application of the criteria of adverse effects and presented with consistency in the FEIS.

US 301 Project Development Final Environmental Impact Statement



Letter to R. Kleinburd
February 14, 2007
Page 2

2

Survey of those buildings, structures, and historic cemeteries that are likely to be affected by the Alternatives has been completed; DelDOT and DE SHPO staff have reached consensus on these resources' eligibility for listing in the National Register of Historic Places. As the project design progresses, FHWA, DelDOT and SHPO should consult further to determine if additional resources fall within the Area of Potential Effect (APE) and need to be evaluated.

3

The DEIS characterizes the general types of effects that the Alternatives may impose on historic properties in the study area. However, currently, our agencies are consulting to formally apply the Section 106 Criteria of Adverse Effects to historic properties in the APE of the Recommended Preferred Alternative (Green North). The assessment will need to be documented in accordance with the regulations implementing Section 106 (36 CFR Part 800.11). Since adverse effects are anticipated, FHWA must notify and invite the Advisory Council on Historic Preservation to participate in the consultation.

4

To date, no local governments, preservation organizations, Indian Tribes or individuals have requested to participate in the Section 106 process as formal consulting parties. Nevertheless, this office recommends that FHWA and DelDOT again contact such entities, and offer them an opportunity to participate in the resolution of adverse effects. In particular, the New Castle County historic preservation planner, and owners of affected historic properties should be invited to consult on measures to avoid, minimize and/or mitigate adverse effects. Such measures will be stipulated in a Memorandum of Agreement (MOA).

5

DelDOT's consultant also prepared models for predicting areas with a higher probability to contain archaeological sites. These models provide a means of comparing the alternatives at a very gross scale, as presented in the DEIS' impact matrices. For the selected alternative, the MOA should stipulate the process by which FHWA, DelDOT and DE SHPO will consult on the appropriate level of work to identify and evaluate archaeological sites, assess effects on National Register eligible sites, and determine ways to avoid, minimize, and/or mitigate for adverse effects. All aspects of the construction – the alignment proper, service roads, stormwater management facilities, wetland mitigation facilities, stockpile and staging areas, etc., – should be considered.

Other Analyses Performed:

Of the numerous other analyses discussed in the DEIS, the following have particular bearing on the project's potential effects to historic properties: Visual and Aesthetic Characteristics; Air Quality; Noise; and Secondary and Cumulative Effects. This office asks that the following issues be addressed in both the Final EIS and the Section 106 Assessment of Effects:

6

- The section on Visual and Aesthetic Characteristics should discuss the height, spacing, direction and intensity of lighting on the new facility; these factors can exacerbate the highway's visual effects, particularly at toll plazas and interchanges.

(Continued from Page 5)

Response 2 – Consultation between SHPO, FHWA and DelDOT will continue throughout the remaining stages of the project.

Response 3 – Documentation detailing the ongoing consultation regarding the effects of the preferred alternative on historic properties is included in the FEIS. Elements of the consultation that are documented include:

- copies of correspondence with the Delaware Nation and the Stockbridge-Muncee Community, ACHP, and the Maryland Historical Trust (MHT);
- a detailed summary of the findings of the application of the criteria of adverse effect (FEIS Chapter III) from the report, “ Documentation in Support of a Finding of Adverse Effect”;
- a Memorandum of Agreement (MOA) that outlines the next steps in the consultation that will occur as the project moves forward (An appendix to the Adverse Effects report and the FEIS).

Response 4 – As we have moved forward, applied the criteria of adverse effect, and determined which properties will be adversely affected, we have invited the Delaware Nation and the Stockbridge-Muncee Community councils, ACHP, and MHT to participate in the consultation (see Response 3). Measures to avoid, minimize or mitigate adverse effects will continue to be explored in consultation with property owners as the project moves forward to final design. Such consultation and the identification of those measures to be taken are identified in the MOA.

Response 5 – The MOA (draft will be Appendix H in the FEIS) identifies the steps to be taken in the consultation for the identification, evaluation for National Register eligibility, and treatment of eligible archaeological sites affected by the proposed project. All areas of disturbance for the project, including mitigation sites, stormwater management facilities sites, and temporary construction sites, are included.

Response 6 – A discussion of highway lighting proposed for the roadway and its effects, including effects on historic properties, is included in the FEIS, Visual and Aesthetic Characteristics (III.A.9).

US 301 Project Development Final Environmental Impact Statement



Letter to R. Kleinburd
February 14, 2007
Page 3

7

- Negative changes in Air Quality can be viewed as an atmospheric effect, listed among the examples of adverse effects in the Section 106 regulations. Data in the DEIS indicate that some degradation of air quality will likely occur at the Rosedale and Maples historic properties, if the preferred alternative (or any "ridge" alignment) is built.

8

- Noise, or audible effects, is also listed among the examples of adverse effects. The DEIS indicates that several National Register-listed or eligible properties – as grouped with other types of properties in "Noise Sensitive Areas" – may be adversely affected by the introduction of highway noise, but states that mitigation is not feasible or not reasonable to undertake. Under Section 106, further consultation on noise effects to historic properties, specifically, and exploration of ways to minimize or mitigate for those effects is needed. Additionally, the analysis projects that noise levels under some Build alternatives would *decrease* over the current ambient/peak hour and/or the projected No Build noise levels at some historic properties (The Maples, for example); the Final EIS and Section 106 Assessment of Effects should include explanation of these results.

9

- The Section 106 Criteria of Adverse Effect include "reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative", similar to the definition of Secondary and Cumulative Effects given in the DEIS. The DEIS acknowledges that the project has the potential to result in secondary and cumulative effects, but relies on County ordinances, State land use guidance, and Section 106 regulations to address these effects (please see further discussion in the technical comments). This office suggests that FHWA and DelDOT continue to seek ways that the design of the facility itself could discourage such effects; a study of the actual secondary and cumulative effects of SR 1, a similar, large scale limited access highway that is now completed, might prove instructive.

Alternatives' and Options' Potential Effects on Historic Properties

The DE SHPO's views on the alternatives are similar to those expressed in October, 2005. With the exception of "No Build", all of the Alternatives presented to date are likely to adversely affect historic properties. The "Build" Alternatives, and various new Options associated with certain alternatives, can be characterized by their relative degree and nature of potential effects.

The Yellow, Purple and Green Alternatives all affect a higher number of known National Register listed or eligible properties than would the Brown Alternatives. Further, the Yellow Alternative would result in physical impacts to four historic properties. The effects of the alternatives on areas with a higher probability to contain archaeological sites is mixed, with Yellow and Purple less likely to affect pre-contact period Native American sites, but more likely to affect historic period sites; the reverse is the case for the Green and Brown alternatives.

(Continued from Page 6)

Response 7 – Some changes in general air quality always accompany the construction and use of a new highway. The project will be included in the WILMAPCO regional air quality conformity analysis following the completion of the Record of Decision. The microscale analysis performed for the project indicated a slight rise in CO levels at the receptor located at 1106 Bunker Hill Road for the alternatives using the ridge alignment. The predicted concentrations will not exceed the S-NAAQS 1-hour or 8-hour standard for CO at any location and, therefore, are not considered an impact (DEIS, III.C).

Response 8 – Predicted changes in noise levels at each historic property affected by the Preferred Alternative are evaluated under the criteria of adverse effects for audible effects that would diminish the integrity of the property's setting or feeling, as applicable. Where the audible impacts are adverse, these effects are taken into consideration in the mitigation measures included in the MOA. A discussion of the reasons for noise increases/decreases is included for each applicable historic property in the FEIS – see also responses to technical comments, response to comment 26.

Response 9 – DelDOT has designed new US 301 (mainline and spur road) as a limited access highway, thus, limiting access to areas that are already planned for development. The FEIS also discusses the cumulative effect that the roadway will add to those caused by the already planned and approved developments in the project area that will likely be completed before roadway construction will begin. Development adjacent to the new roadway access points is for the most part already planned and/or approved, and future development approvals will depend upon county and municipal zoning.

Response 10 (see next page for comment) – DelDOT has confirmed its preference for the Green North Alternative and considers the Spur Road an integral part of the roadway project. While we appreciate your concern about the Spur Road, only two additional historic resources are within the area of potential effect of the Spur Road - Choptank (CRS No. N00109) and Governor Benjamin T. Biggs Farm (N05123). During the consultation to apply the Criteria of Adverse Effect, it was agreed that there is an adverse effect on both resources based upon the change in the viewsheds. Mitigation to lessen the effect will be determined in accordance with the stipulations in the MOA.

US 301 Project Development Final Environmental Impact Statement



Letter to R. Kleinburd
February 14, 2007
Page 4

10

As discussed by DE SHPO staff at resource agency meetings, this office remains concerned with DelDOT's addition of the north-south "Spur Road" to the Green and Purple Alternatives. The inclusion of this additional facility contributes to the higher number of affected historic properties on these routes. Functionally, the Brown Alternatives appear to achieve similar movement of traffic, but with fewer affected historic properties. The design of the two-lane Spur Road, depicted as a corridor nearly as wide as, and with the same 70 mph design speed as the mainline facility, seems out of proportion with the percentage of traffic it may carry, particularly as existing Route 301 will remain in service. As indicated in the DEIS, the addition of the Spur Road was also of significant concern to some members of the public.

If the issues with the Brown Alternatives cannot be overcome (as stated in the DEIS), and FHWA and DelDOT continue to view Green North as the preferred alternative, this office requests further consideration of the purpose, need, and design of the Spur Road.

11

Several other Options that have been discussed would vary in the degree of potential effects on historic properties, as follows:

- Armstrong Corner Road Interchange (Green and Purple alternatives): All options would have adverse visual and noise effects on the Holton Farm, common to all of the "ridge" Alternatives. Option 1 would be furthest from, with a lesser degree of potential visual and/or noise effects to the Armstrong-Walker House. DelDOT's preferred Option 2a, while not as impactful to Armstrong-Walker as Options 2 and 3, would affect areas with higher probability to contain archaeological sites, as indicated by the predictive model.
- Boyd's Corner Road Interchange (Yellow and Purple alternatives): All Options would likely adversely affect the Shallcross House, though the degree of those effects may be more significant with Options 2 and 3.
- Boyd's Corner Road/Ratledge Road Crossing (Green North alternative): As discussed at the February 8, 2007, resource agency meeting, DelDOT's ongoing consultation with the local community and the natural resource agencies has resulted in consideration of additional Options for this crossing. The new Option 4B Modified appears to balance the community and natural resource issues. However, as compared to Option 1 (the route identified in the DEIS), Option 4B Modified would move the highway closer to the historic T.J. Houston House and Lovett Farm, and may affect areas with higher archaeological potential (pre-contact Native American sites). Nevertheless, the DE SHPO is open to further discussion of Option 4B Modified.

12

Thank you for your consideration of these comments. This office looks forward to working with FHWA and DelDOT on completing the assessment of effects, and developing the Memorandum of Agreement. It is the DE SHPO's understanding that consultation with Maryland's SHPO (the Maryland Historical Trust) is also ongoing. Please keep us apprised of these efforts.

13

(Continued from Page 7)

Regarding the purpose and need for the Spur Road, benefits include:

- a significant (57%) reduction of future traffic on Choptank Road and a 25% reduction on existing US 301; the Spur Road is anticipated to carry approximately 22,500 vehicles per day
- anticipated improvements to safety as a result of the traffic shift to a divided (Spur) roadway
- improves the sharp curve at the base of Summit Bridge
- provides a direct route for the 35% of traffic bound for destinations to the north and northwest of Summit Bridge
- provides an additional north-south route for incident management

Conversely, without the addition of the Spur Road:

- Choptank Road is projected to carry approximately 8,000 additional vehicles per day
- existing US 301 is projected to carry between 6,600 and 9,300 additional vehicles per day
- a higher (by 20%) accident rate is predicted for existing roadways (US 301, SR 299, Choptank Road, and SR 896)
- the roundabout at Churchtown Road/Choptank Road would approach failure in the PM peak
- the US 301/Broad Street signalized intersection would be over capacity
- there would be significant queues on existing US 301; left turns from unsignalized access points would fail, eventually requiring additional signals (i.e., at Old Schoolhouse Road)
- the existing two-lane portion of US 301 would require widening to four lanes
- the historic properties along existing US 301, between Summit Bridge and Armstrong Corner Road, and along Choptank Road, would receive additional stress from additional traffic forced to use existing US 301.

Further, as a response to comments received through the Public Hearing process, DelDOT has reevaluated the design and alignment of the Spur Road in an effort to further minimize impacts on both sides of the limit of disturbance.

Response 11 – We appreciate your concerns regarding the options; DelDOT considered input from all sources (SHPO, DNREC, ACOE, DDA, and the public) before making its announcement. We feel that the Preferred Alternative represents what we consider the best solution to meet purpose and need while minimizing overall environmental impacts.

(continued on page 9)


**US 301 Project Development
Final Environmental Impact Statement**



Letter to R. Kleinburd
February 14, 2007
Page 5

If you have any questions at this time, please do not hesitate to contact Gwen Davis, who is conducting the review of this project, at (302) 736-7400.

Sincerely,


Joan N. Larrivee
Deputy State Historic Preservation Officer

cc: Edward Bonner, Philadelphia District, U.S. Army Corps of Engineers
Timothy Slavin, Director DCHA/State Historic Preservation Officer
Stephen Marz, Deputy Director, Division of Historical and Cultural Affairs
Robert Taylor, Assistant Director, Engineering Support, DelDOT
Therese M. Fulmer, Manager, Environmental Studies, DelDOT
Mark Tudor, Project Manager, Project Development North II, DelDOT
Michael C. Hahn, Senior Highway Planner, DelDOT
Gwenyth A. Davis, Archaeologist, SHPO, Division of Historical & Cultural Affairs
Robin Bodo, National Register Coordinator, SHPO, Division of Historical & Cultural Affairs
Christine Quinn, Preservation Planner, New Castle County Dept. of Land Use
Bill Hellmann, RK&K, Inc.
Helen German, RK&K, Inc.

(Continued from Page 8)

Based upon the application of the Criteria of Adverse Effects (reported in *Documentation in Support of a Finding of Adverse Effect and Memorandum of Agreement* (Preliminary Draft August 2007) and summarized in the FEIS), the preferred option's adverse visual and audible effect on the Armstrong-Walker House could be minimized/mitigated through landscape screening, fencing and/or, potentially, extension of the berm at Springmill; impacts of the other options on community resources could not so easily be mitigated.

Response 12 – Regarding the Ratledge Road Options, our recommendation of Option 4B Modified is supported by all of the natural resource agencies (ACOE, DNREC, DDA) with regard to direct impacts to communities, farmlands, wetlands and forestlands.

Option 4B Modified does, in fact, result in an adverse effect to the T.J. Houston House (previously, with Option 1, our determination would have been no adverse effect). We are more concerned with the effects of approved development on the Lovett Farm and T.J. Houston House properties than those of our proposed roadway, expecting that the residential development will surround both of these resources long before we begin roadway construction. The effects of the alternative, while considered adverse today, may simply be cumulative in the future. We will continue to consult with your office as the final recommendations and decisions are developed.

With regard to areas of higher archaeological potential, the MOA provides for the identification, determination of eligibility, and treatment of potentially eligible sites within the entire area of disturbance of the project.

Response 13 (see prior page for comment) – As you request, we will continue to keep your office informed of our continuing consultation with the Maryland Historical Trust. We have determined that there are no historic properties within the area of potential effect in Maryland and have requested their concurrence with this finding. Further, the MHT has been asked if they wish to be a signatory to the MOA.

US 301 Project Development Final Environmental Impact Statement



February 15, 2007

**US 301 Project Development
Delaware Division of Historical & Cultural Affairs/State Historic Preservation Office
Technical comments on the Draft Environmental Impact Statement (DEIS)**

1

Summary:

Page S-7, 1st paragraph, suggested change: after term “historic resources”, give examples of resource types in the parentheses (rather than types of effects), to parallel info given for natural resources; apply to similar phrasing found in other parts of the report as well.

2

Page S-11, Table S-1:

- There should be a footnote indicating that the numbers given for Historic Properties only refer to buildings and structures
- Note that the numbers for the Yellow alternative (potential physical effects vs. visual/audible effects) are not mutually exclusive; a total of 19 historic properties are affected by this alternative
- The numbers given for potential visual and audible effects for all of the other (non-Yellow) build alternatives are inconsistent with the text on pages S-13 and III-48, and with the data in Table III-23 (page III-49). NOTE: the same figures in Table S-1 are also cited on Page V-2, in Chapter V (Recommended Preferred Alternative). **This is a significant detail, since the Table S-1 figures suggest that the preferred alternative would affect the 2nd least number of properties when according to these other citations in the DEIS, it would affect the 2nd most number of properties.**

3

Page S-13, section H.2., Cultural Resources, suggested changes:

1st paragraph:

- "...Chapter III-B. Thirty-one *historic buildings and structures* were identified..."
Reword sentence re: Brown alternatives and the additional resource (i.e., Biggs House, N06320). State that the Brown Alternatives *will* physically affect one additional property (because the impact will occur regardless of eligibility), for which assessing the National Register eligibility would require further investigation of the building's interior.
- "Consultation...Criteria of Adverse Effect *are* applied...Selected Alternative, and *measures to avoid, minimize and/or mitigate for* adverse effects will be determined..."

4

2nd paragraph:

- 1st sentence is not accurate; at least one historic archaeological site has been identified; check w/A.D. Marble re: N05191.
- Other suggestions for 1st sentence: "...; a predictive model identified areas...to contain archaeological *sites*. The model was *partially* tested..."

5

3rd paragraph: Suggest moving this to become the 2nd paragraph under this section, since it only refers to buildings/structures. As is, could be read as implying that only Yellow would affect archaeological sites as well (not the case).

Responses to the State Historic Preservation Office Technical Comments:

Each comment is numbered in your letter, corresponding with the responses that follow:

Response 1 – The description of historic resources now reads “(historic buildings and structures, potential archaeological sites)” in the FEIS.

Response 2 – A table summarizing the impacts in the FEIS includes your suggested changes, as appropriate. The numbers in the tables and text have been reviewed, as have the numbers in Table S-1, so that they agree with the balance of the document. The text in Chapter V regarding the alternatives not chosen has also been revised to reflect the correct numbers in the FEIS.

Response 3 – The text of this section has been edited in the FEIS to reflect your suggestions.

Response 4 – The following text has been included in the FEIS: “One archaeological resource (N05191) has been identified; a predictive model identified areas of high, medium, low and nil sensitivity to contain archaeological sites. The model was partially tested and refined to further define those areas. Further investigation for archaeological resources will be completed, as detailed in an MOA to be included in the FEIS, prior to commencement of any construction activities. The MOA will also detail the disposition of any identified archaeological remains that may be found within the area of disturbance of the Selected Alternative.”

Response 5 – The referenced paragraphs have been revised in the FEIS and reflect your suggestions.

Response 6 – (See comment on next page.) The revised paragraph in the FEIS states that the Yellow Alternative has the least impacts to Prime Farmland Soils and the greatest impacts to hydric soils.

Response 7 – (See comment on next page.) Your suggestions for wording have been considered for the FEIS. The MOA, which stipulates the completion of the identification, determination of eligibility, and treatment of affected archaeological sites, is included as an appendix to the FEIS. The assessment of adverse effects is also completed and summarized in the FEIS.

US 301 Project Development Final Environmental Impact Statement



February 15, 2007 US 301: DE SHPO Technical Comments on the DEIS Page 2

6 Page S-15, section H.6., Natural Resources, 3rd paragraph: statements re: Yellow alternative and Prime Farmland and Hydric Soils seem contradictory.

Page S-18, section I. Permits, 2nd bullet, re: Section 106:

- 7
- Based on the Jan. 10, 2007, meeting, strike phrase “including archaeological investigations”, as it was determined that there is insufficient time before the FEIS to pursue additional survey; the MOA will stipulate completion of this aspect of the identification/evaluation of historic properties.
 - Third step in the 106 process is technically called “*Assessment* of Adverse Effects”
 - Since the 301 project was re-initiated in 2005, the Advisory Council on Historic Preservation (ACHP) has not been involved in the consultation, and is unlikely to be a party to the MOA. However, FHWA is required to notify the ACHP of a finding of adverse effect, and invite ACHP to participate in the consultation to resolve adverse effects, leaving open the possibility for a 3-party MOA.
- 8
- Note: At the Jan. 10, 2007, meeting, Mike indicated that the Maryland SHPO would likely be seeking a separate assessment of effects, and may choose not to be a party to the Delaware MOA. Even if this is the case, Delaware 106 documents should be shared with Maryland SHPO, and vice versa.
- 9

I. Purpose & Need:

10 Page I-1, I.A.1., Background, last paragraph: didn't FHWA require DelDOT to conduct the MIS?

11 Page I-9, I.A.2., Table I-1: would be helpful to have further explanation of what factors go into determining Level of Service (LOS), as it is unclear why road segments with similar ratios of AADT to Capacity have different ratings (e.g., compare US 301 southwest of Middletown and SR 896 at Jamison's Corner, both judged LOS E for 2005, with US 301/SR 896 at Summit Bridge which was judged LOS B)

II. Alternatives:

Pages II-25 to II-30, Interchange options tables:

- 12
- The tables don't include archaeological potential.
 - Just listing the numbers of historic properties affected doesn't give a full picture of the potential effect. For example, the Armstrong Corner Road area (Table II-2), the degree of effect on the Armstrong-Walker House significantly differs among the options. Similarly, for the Boyd's Corner Road area, the main difference among options is the degree of effect on one property – S.F. Shallcross House. Perhaps distance to the historic property would be a better measure?
 - Table II-4 footnote 5 requires clarification, as the table indicates no properties physically impacted; the potential physical effect on Mt. Pleasant Farm is from the Yellow Alternative, proper, regardless of interchange.

(Continued from Page 10)

Response 8 - The ACHP was notified via a June 18, 2007 letter that the project will have an adverse effect on historic properties, as required under Section 106, and was invited to participate as a signatory on the MOA.

Response 9 - We are continuing our consultation with the Maryland SHPO (Maryland Historical Trust (MHT)). A letter was forwarded to MHT on April 17, 2007 requesting their concurrence on a finding of no historic properties affected in Maryland, and inviting their participation as a signatory on the MOA.

Response 10 – As noted, the decision to conduct the MIS was DelDOT's.

Response 11 – Level of Service (LOS) is a commonly used measure of effectiveness to describe the quality of travel on a roadway segment or at a junction of two or more roads (i.e., intersections or interchanges). LOS is dependant on a number of factors including the physical characteristics of the road (number of lanes, type of terrain, frequency of access points, ability or lack of ability for vehicles to pass other vehicles, etc) and the characteristics of the traffic using the facility (volume, percentage of trucks, free flow speed, fluctuation of traffic volumes within the peak hour, etc). LOS is not based on the volume to capacity ratio. This information is included in the FEIS.

For the specific example noted, both US 301 southwest of Middletown and SR 896 at Jamison Corner Road are two-lane facilities, with similar (but not identical) roadway and traffic characteristics. Accordingly, the capacities of both roads are quite similar, and with similar projected volumes, also have similar projected LOS. Conversely, US 301 at the Summit Bridge is a four-lane road with a significantly different traffic composition (11% trucks on the Summit Bridge compared to 20-30% trucks on US 301 south of Middletown and SR 896 near Jamison Corner Road).

Response 12 – We have considered your suggestions and comments while completing the FEIS. Archaeological potential is not included in the referenced tables, nor is the “degree of effect”. The tables have been revised to indicate number of historic properties with potential adverse effects in two categories: “physical” and “audible, visual, atmospheric”.

Table II-4 refers only to the differences in impacts to historic properties of the options, regardless of the other impacts of the Yellow Alternative, proper. The impact to Mt. Pleasant Farm is due to the Alternative, not the options, and, therefore, is not included in the Table.

US 301 Project Development Final Environmental Impact Statement



February 15, 2007 US 301: DE SHPO Technical Comments on the DEIS Page 3

III. Environmental Resources and Consequences:

13 Page III-1, 5th paragraph needs correction: states that Section B includes a list of known archaeo-logical sites and proposed mitigation, but that is not the case.

III.A.6. Communities & Community Facilities:

14 - Page III-28: the criterion for including communities in the study was “adjacent to or within 1,500 feet of one or more of the alternatives”. This is over twice the distance for including potential historic properties in the study. Please explain the difference in the criteria used.

15 - Page III-34: The discussion of potential impacts to community facilities does not mention Summit Airport, yet the issue of impacts to this facility is cited several times in the comparison of other alternatives to DelDOT’s preferred alternative (Chapter V)?

III.B. Cultural Resources:

The majority of our comments on the last pre-draft of this section have been addressed. A few other suggested changes are given below.

16 The proposed wetland mitigation areas should be discussed in this section. Site 10 is adjacent to the historic boundary of an NR listed property. Developing the mitigation areas would likely adversely affect any archaeological sites that may be present on the subject parcels. The predictive models as applied (provided by ADM via on Jan. 30) to Site 1 in particular require further consultation.

17 Figure III-8B: perhaps should identify location of J. Biggs (N06320), label with a different symbol?

18 2. Environmental Consequences, Page III-47, intro section: Should probably explain the link between the 7 examples of adverse effect and the more generalized terms (physical, visual and audible effects) used throughout the DEIS. For the purposes of comparing the alternatives in the DEIS, the use of the more general terms are for expedience in indicating direct versus more indirect potential effects. The Section 106 Assessment of Effects will include a more explicit application of the specific examples of adverse effects, under the regulations.

2. Environmental Consequences, a. Architectural Resources:

19 - Page III-48, 1st paragraph, re: Yellow Alternative: It would help the discussion in the next paragraph if it were just noted here that the Yellow alternative may affect a total of 19 properties, and add to the last sentence the fact that Armstrong-Walker and Mt. Pleasant Farm could still suffer visual & audible effects, even though the buildings aren’t being taken.

20 - Page III-48, 2nd paragraph: The change in wording of this paragraph from the pre-draft version is awkward and makes the points of the discussion less clear. Simply state how many properties could be affected by each alternative, and leave out the “would be evaluated for” phrase.

(Continued from Page 11)

Response 13 – The description of Section B in the FEIS more accurately describes the content of Section B.

Response 14 – The decision to include communities within 1,500 feet was arbitrary, based on the widespread community interest in the project, the intense level of citizen involvement and workshops attendance, the large number of comments received at each of the public workshops, and the number of communities with which the project team interacted. The distance for historic properties effects was based on actual potential noise and visual effects as determined either through modeling or field verification. In the FEIS, only the communities within 600 feet of the Green North Alternative are assessed for impacts of the Preferred Alternative.

Response 15 – Summit Airport was considered as an economic resource (business) in the DEIS, not as a community facility.

Response 16 – The identification and evaluation of wetland mitigation sites was not included in the DEIS, because it was not completed at the time of circulation. Wetland mitigation sites are discussed in the FEIS (including their evaluation for potential adverse effects to historic resources and sensitivity to contain archaeological sites).

Response 17 – The figure shows sites that are listed or determined eligible at the time of circulation; J. Biggs house is not included. The discussion is not applicable to the preferred Green North Alternative, nor is the boundary of the potentially eligible resource, as would be shown on the figure, confirmed..

Response 18 – A discussion of the application of the criteria of adverse effect is included in the FEIS.

Response 19 –Your suggestion is applied in the wording of this paragraph in the FEIS.

Response 20 – Your suggestion is applied in the wording of this paragraph in the FEIS.

US 301 Project Development Final Environmental Impact Statement



February 15, 2007 US 301: DE SHPO Technical Comments on the DEIS Page 4

- 21 - Page III-48, 3rd paragraph and Table III-23: perhaps note in the text that J. Biggs House (N06320) is not included in Table III-23, or perhaps add it to the table, listing the NR status as “Undetermined”, with potential effect “P” indicated for the Brown alternatives.
- 22 - Table III-23, key, re: types of effects: given comment above, and for consistency in the document, use same definitions given in the footnotes in Tables II-3 through II-6.
- 23 2. Environmental Consequences, b. Archaeological Resources, suggested changes:
 - Page III-50, 2nd paragraph: “When the prehistoric sensitivity *zones* of the....”
 - Page III-50, 3rd and 5th paragraphs: “...possibility of *destroying or burying* prehistoric archaeological *sites*.” (or, could use phrase “adversely affecting sites”)
 - Page III-51, 1st paragraph, last sentence: Comment on last pre-draft was not addressed here. If National Register eligible archaeological sites will be adversely affected, and those effects cannot be avoided, various means of mitigation should be explored, including, but not necessarily limited to excavations to recover significant data.
- 24 III.C. Air Quality: Table III-29, may want to explain why 2030 figures generally *decrease* over the 2010 figures? Table III-30, which “Build” alternative is represented?
- 25 III.D. Noise:
 - Have there been studies conducted *after construction*, comparing preliminary noise evaluations with the actual noise levels (say 10 years after construction)? If so, it would be important to draw upon such studies to discuss the reliability of noise modeling, recognizing that modeling techniques have likely improved over the years.
 - Should provide an explanation as to how projected noise levels under some Build options could decrease over ambient/peak and/or No Build. To our office, of particular concern are the figures given for The Maples (H-25), Woodside (H-27), B.F. Hanson House (H-2), Rumsey Farm (H-4), and Armstrong-Walker Hse. (H-11). This issue was discussed at a meeting with RK&K’s noise engineer, but it would be helpful to have the explanation in print, in the FEIS and the Section 106 Assessment of Effects.
 - 2.b. Impact Assessment/Abatement: Historic properties (e.g. Holton) are lumped in with other properties in the “Noise Sensitive Areas”; should note that further consultation on noise effects to historic properties and ways to mitigate for those effects will also be undertaken as part of the Section 106 Assessment of Effects.
- 27 III.F. Natural Resources:
 - 5.b. Water Quality, Page III-120: The discussion of Environmental Consequences acknowledges that new roads could lead to further development, etc. (which thereby may further affect water quality), but this point is not addressed in the Mitigation discussion.
 - 6.c. Waters/Wetlands, Page III-133: The mitigation site selection process had already begun as of the printing of the DEIS, and it seems odd not to have included a discussion of that process. Although not a primary consideration, the likelihood of an area to contain archaeological sites should be evaluated in the site selection process, if for nothing else as a potential cost factor.
- 28
- 29

(Continued from Page 12)

Response 21 – We acknowledge your suggestions concerning the J. Biggs House; that resource will not be affected by the Preferred Alternative (see Response 15). The discussion of the Brown Alternative and the resources it potentially affects is not expanded in the FEIS.

Response 22 – The footnotes to Table III-23 are revised in the FEIS.

Response 23 – Your suggested changes are reflected in the FEIS. The MOA addresses the identification of archaeological sites, the determination of their eligibility, and potential mitigation of adverse effects to National Register eligible archaeological sites.

Response 24 – Table III-29: The CO analysis incorporates the effect of changes /improvements in vehicle emission control system technologies as well as regulations and standards that will be in place in 2030 (information provided by DNREC). The result will be “cleaner” vehicles in 2030 compared to 2010, thus having a reducing effect on CO concentrations. The numbers in Table III-30 represent “worst case” build scenarios: Purple for the SR 299 intersection (left column) and Yellow for the SR 896 intersection (right column. This is clarified in the FEIS.

Response 25 – We are not aware of any such studies.

Response 26 – The explanation below is included in the FEIS and in the adverse effects report.

The Maples (H-25). With the final Green North Alternative, the property will experience a 4 dBA increase in the average daily noise level (from 56 dBA to 60 dBA). This is greater than the previously reported (in the DEIS) increase of 2 dBA associated with the preliminary Green North Alternative, due to minor variations in the preliminary vs. final version Green North geometrics. A 4 dBA increase would be perceptible on the property. Therefore, the undertaking does have the potential to audibly affect The Maples. Noise levels with the Green North Alternative would still less than the predicted No-Build noise level of 65 dBA due to the reduction of traffic on Bunker Hill Road.



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Woodside (H-27). With the construction of the Preferred Alternative, Woodside would experience a reduction of 3 dBA since existing traffic on Choptank Road to the west would be diverted onto the proposed Spur road that will be located at a further distance to the east. No audible impact on Woodside is anticipated with the proposed undertaking.

B.F. Hanson House (H-2). Based on noise receptor H-2, located towards the front of the property, 370 feet from the Preferred Alternative and 1,100 feet north of Warwick Road, the Preferred Alternative is expected to slightly decrease existing noise levels at the B.F. Hanson House by 2 dBA to 59 dBA. This decrease can be attributed to the relocation of the main roadway from 225 feet to 360 feet away from the location of the receptor on the property.

Rumsey Farm (H-4). Since the proposed roadway would take much of the traffic, including heavy truck traffic, off existing US 301 and onto the new roadway further away from the receptor, the noise increase associated with traffic on improved US 301 would be negated, yielding future noise levels (52 dBA) that are comparable to existing levels (52 dBA).

Armstrong Walker House (H-11). Noise receptor H-11 indicates an existing average daily noise level of 67 dBA, which exceeds the Noise Abatement Criteria (NAC). Therefore, the property is currently experiencing a noise impact. The construction of the Preferred Alternative would result in a decrease in the noise level of 1 dBA, to 66 dBA, due to the reduction of traffic on existing US 301. The project would have no audible effect on the Armstrong-Walker House property, but the resource would still be impacted.

Response 27 – Further consultation to mitigate noise effects to historic properties will be undertaken; the process and consultation to develop minimization and/or mitigation of adverse effects due to noise is summarized in the FEIS and outlined in the MOA.

Response 28 – The discussion of mitigation of impacts to water quality includes those impacts that may be caused by the project, *i.e.*, sediment control measures, stormwater management facilities, riparian buffer restoration, and revegetation of cleared land. The referenced text has been edited to read: “The construction of roadways and associated infrastructure will include...”, as no adjacent development is associated with this project.

Response 29 – See Response 16.

US 301 Project Development Final Environmental Impact Statement



III.J. Secondary & Cumulative Effects Analysis:

- 30 - General: Discussion of current and projected land use patterns and protective measures (e.g. NC County's UDC and the State's Strategies for State Policies and Spending levels of development) do not appear to take into account the current annexation strategy employed by municipalities, which may diminish the effectiveness of those County and State level protective measures; the municipalities' policies may lack similar measures.
- 31 - General: A review of the changes in land use patterns – particularly location of new development – that occurred with the construction of SR 1, a similar, large scale limited access highway, may prove instructive on actual secondary & cumulative effects of such projects. Page I-10, section I.A.2.c., links the astronomical traffic growth on SR 299 to the opening of SR 1, with its interchange at SR 299.
- 32 - 1.d. Programmed Transportation Projects, Page III-187: does not include DeIDOT's planned Weigh Station on existing 301.
- 33 - 4.f. Historic Properties; Page III-197: For consistency, note that the Brown alternatives may physically affect a property the NR eligibility for which has not been determined; Page III-198, last paragraph in this sub-section: See general notes above about effectiveness of County ordinances. Clarify that Section 106 only applies to *federally* funded, permitted, authorized, or otherwise approved projects; most of the projects likely to be encouraged by the construction of US 301 would not fall into this category; Section 106 cannot be said to be an effective tool of addressing secondary and cumulative effects of the US 301 project.
- 34 - The SCEA should acknowledge relocations as a possible secondary effect, for businesses and industry in particular. The Armstrong-Walker House suffered a change in its setting, additional noise, etc. when a trucking business relocated to a property across the road, after being required to move for the SR 1 project.

V. Recommended Preferred Alternative:

- 35 - Pages V-2 (B. Purple Alternative) and V-3 (C. Brown Alternatives): See comments on the Summary, Table S-1 above: The numbers given for potential visual and audible effects for the Purple, Brown, and Green alternatives are inconsistent with the text on pages S-13 and III-48, and with the data in Table III-23 (page III-49). **This is a significant detail, since the Table S-1 and Chapter V figures suggest that the recommended preferred alternative would affect the 2nd least number of known historic properties when according to these other citations in the DEIS, it would affect the 2nd most number of properties.**
- 36 - None of the Alternatives' discussions in this chapter reference potential effects on areas deemed by the predictive models as likely to contain archaeological sites.
- 37 - D. Green Alternative:
 - Page V-4, 1st paragraph in this subsection: discusses the 4(f) issues on Yellow, but neglects to mention that the Green Alternatives could have non-physical effects on a relatively high number of historic properties (21 properties, per pages S-13, III-48, and III-49). Also, the Section 4(f) analysis should be referred to as a DRAFT.

(Continued from Page 13)

Response 30 – We have included some discussion regarding the annexation of land by municipalities (primarily by Middletown) and the consequent lack of specific protections within the municipalities in the FEIS.

Response 31 – A review of the changes in land use patterns shows that the growth and development that occurred was as much a result of New Castle County's rezoning as the completion of SR 1. The rezoning that led to the opening of the land for development could have been a secondary effect of the roadway.

Response 32– We regret the omission of DeIDOT's planned weigh station on US 301 in the list of programmed improvements. It is included in the FEIS list.

Response 33 – Your suggested text change is included in the FEIS. As you suggest, the effectiveness of Section 106 historic protection regulations for projects that are not federally funded is discussed in SCEA conclusion.

Response 34 – Your suggestion is acknowledged; the relocations of any displaced residence or business, whether displaced by a federally funded roadway project or simply relocated for business reasons, is not regulated in any way through the Federal relocation and assistance program, but by zoning regulations that are in place at the time of the proposed displacement. The selection of the "inappropriate" site for the relocation of the trucking company (within the viewshed of an historic resource) was unfortunate; however, it may have been considered reasonably foreseeable given the appropriate zoning that is available in its new location. Appropriate text is included in the FEIS.

Response 35 – See the response to Comment 2 on Table S-1 and the summary; an updated summary table of impacts is included in the FEIS.

Response 36 – We acknowledge the omission of a discussion about the potential effects to archaeological sites in this paragraph.

US 301 Project Development Final Environmental Impact Statement



February 15, 2007 US 301: DE SHPO Technical Comments on the DEIS Page 6

38

- Page V-4, 4th paragraph in this subsection: neglects to mention that the public had significant questions and concerns about the inclusion of the Spur, as indicated in Chapter IV.B.

39

- 1. Armstrong Corner Road Options: Should note that Option 1 would be furthest from, with a lesser degree of potential visual and/or noise effects to the Armstrong-Walker House. All options would have significant effects on the Holton House (Green, Purple, and Brown alternatives, in general).

40

Appendix A maps: Woodside (N00427) is not shown.

41

Appendix B maps, various: Proposed Weigh Station at south end, on existing 301, north of Strawberry Lane, is shown as "(By Others)"; this designation is misleading, since the weigh station is a DelDOT project?

(Continued from Page 14)

Response 37 (see prior page for comment) – As the discussion focuses on Section 4(f) impacts, we do not refer to potential Section 106 effects. We refer to the Section 4(f) analysis as a “discussion” in the FEIS. A more complete discussion of the effects of the Green Alternatives is included in the FEIS.

Response 38 – The communities’ objections to the inclusion of the Spur Road are discussed in the FEIS.

Response 39 – The effects of the Armstrong Corner Road Options on the Armstrong-Walker House and S. Holton Farm were considered, but were not regarded as a factor in the preference of one option over another, as, generally, all of the options would have somewhat similar non-physical effects on those resources. The major decision factors included functionality of local versus arterial connections, direct impacts to properties and community facilities (specifically Middletown Baptist Church), wetland and forest impacts, design standards, relocation of existing US 301. Also, at the time, the effects had not yet been evaluated under the criteria of adverse effect.

Response 40 – Woodside is shown on all mapping as appropriate.

Response 41 – The weigh station is designated as a separate DelDOT project on the mapping for the FEIS.

US 301 Project Development Final Environmental Impact Statement



February 23, 2007

Carolann Wicks, Secretary
Delaware Department of Transportation
800 Bay Road
Dover, Delaware 19903

**Re: Delaware Department of Natural Resources and Environmental Control
US 301 Draft Environmental Impact Statement**

Dear Secretary Wicks:

We appreciate the opportunity to comment on the 301 Project Development and Draft Environmental Impact Statement. The project manager, Mark Tudor, and the 301 Project Team coordinated closely during project development with our technical staff who represented four different DNREC divisions. We feel that this open communication during the design process resulted in better resolutions of the difficult decisions made during highway project development.

DNREC's focus throughout the 301 project development has been the conservation, protection and preservation of the natural resources of the State. We have provided the public and your Project team with exceptional access to our collective knowledge on environmental issues such as wetlands, state and federally rare species, habitat fragmentation, cumulative impacts of development, and water quality. We also recognize the need to consider the impacts that these different alignments will have on families and communities as well as the cost of constructing the different alignments. DNREC is also aware that DeIDOT is required by the state and federal laws to evaluate transportation projects for numerous social, historical and environmental factors.

As you are aware, the DeIDOT team has recently presented additional options for the Green North Route to address community issues that became apparent during the Public Hearing process. The following is a brief compilation of Department's comments on both the Draft Environmental Impact Statement and the new Green North options. For more detailed assessments, we have included two attachments: Attachment 1, addressing the DEIS, and Attachment 2, addressing the Ratledge Road options.

Response to Delaware Department of Natural Resources and Environmental Control:

Thank you for your comments on the US 301 Project Development Draft Environmental Impact Statement (DEIS) and the recommendation of the Green Alternative North Option as DeIDOT's Preferred Alternative and for your effort, and input throughout the project development process.

Each comment is numbered in your letter, corresponding with the responses that follow:

Secretary Wicks
February 23, 2007
Page 2 of 4

DEIS Alignments and Preferred Alternative

1

From a strictly environmental perspective, the Yellow on-alignment option is DNREC's preferred alternative; the use of an existing transportation corridor reduces habitat fragmentation and impacts in other less disturbed areas. We recognize and agree that Yellow route is the most expensive option, creates the most disruption to Middletown residents and businesses, and is unlikely to receive the necessary federal permits and funding for construction.

DNREC does not support Brown North and South because of the impact to the high quality wetlands and relatively undisturbed natural stream systems and wildlife corridors in this area. This route is also unlikely to receive the necessary federal permits and funding due to impacts to Summit North Airport.

The remaining alternatives are the Purple and the Green North and South Routes. In the DEIS, the Purple alternative had a slightly lower level of environmental impact than Green North and South routes. This route is partially on-alignment with the existing Route 896. Additionally, the Purple Route avoids impacts to Scott Run proposed by the Green Routes and has fewer wetland impacts. Because the Purple route is at least partially on an existing alignment and minimizes impacts to tributaries of the C& D Canal, it is an environmentally preferable route. However, it had higher forested and community impacts and costs than either of the Green alternatives. The community impacts included the route's proximity to schools and the elevated portion of the highway, which would create greater noise levels and be an obtrusive structure in a residential community.

A review of the Green North and Green South routes, depicted in the DEIS, indicated that the Green North Route had fewer wetland and wetland impacts than Green South. It also had one less crossing of the Scott Run than the Green South option. For these reasons, DNREC preferred the Green North to the Green South route. The Green Route was believed to have lower community impacts than the Purple Route. Because the environmental impacts were similar between the Purple and Green Routes, the DNREC does not oppose the selection of the Green North Route as DeIDOT's preferred route.

Ratledge Road Options

2

In response to community concerns that became apparent at the public hearing, DeIDOT revised the Green North route in the Ratledge Road area and presented 6 options to DNREC for the route in this vicinity. With these new options, the matrix of impacts for Green North has been radically altered and the comparison between the Purple and the Green Routes is no longer as clear cut.

(Continued from Page 1)

Response 1 – We acknowledge your preference for the Yellow Alternative from a natural resources perspective, lack of support for the Brown North and South Alternatives, and preference of the Green North Alternative over the Green South Alternative from a natural resources perspective. We also acknowledge that the Purple Alternative is an environmentally preferable route that has community impact issues. We appreciate your position on the Green North Alternative as DeIDOT's preferred route.

Response 2 – The evaluation of the impacts associated with each of the Ratledge Road Area Options is focused mainly on the community's request to save two active farms, and the community associated with these farms, that would have been impacted by the Green Alternative North Option alignment that was presented in the DEIS (Option 1), while engineering an alignment that would produce minimal impacts to wetlands, streams and forests in the area. A matrix comparing the impacts of the Ratledge Road Area Options is included in the FEIS discussion of this issue. DeIDOT prefers Option 4B Modified, as discussed in the FEIS. The addition of the Ratledge Road Area Options has made the comparison between the Green North Options and the Purple difficult. The Green North Options have greater wetlands impacts, slightly greater stream impacts and greater forest impacts than the Green North Alternative presented in the DEIS. However, the community impacts along the Purple Alternative are significant enough that DeIDOT continues to prefer a Green North (specifically Green North with Option 4B Modified) over the Purple alternative.

US 301 Project Development Final Environmental Impact Statement



Secretary Wicks
February 23, 2007
Page 3 of 4

Of the six new options presented by DeIDOT for the Ratledge Road area, two options, Option 1 and 4, do not represent significant additional environmental impacts and are supported by DNREC. However, both of these options have high community impacts. Options 2, 3, and 4A have significant wetland and forest impacts to high quality systems and will not be supported by DNREC. A compromise solution is the Option 4B Modified route, which affects an immature forest and medium quality wetlands, but minimizes community impacts. It appears that the Green North Route with the Ratledge Road Option 4B is DeIDOT's new preferred route.

3

DNREC would not oppose the Green North Route with Option 4B Modified provided that DeIDOT puts in place sufficient permanent environmental protections such that the habitat and functions of the high quality wetlands and forests in this area are not compromised, and mitigates appropriately for the additional impacts. If sufficient mitigation and preservation cannot be achieved, it is DNREC's position that DeIDOT should reconsider other retained alternatives.

Additional Comments

DNREC has advised and participated with DeIDOT in its efforts to minimize the environmental impacts of each of the retained alternatives. The existing state and federal regulatory programs ensure that impacted habitats will be avoided when possible, and if not avoided, appropriately mitigated or replicated as part of our regulatory review and permitting process.

4

Throughout the Route 301 planning process the DeIDOT Project Team has made assurances that the proposed alternatives would remain limited access (as described in meeting minutes from August 15, 2006 and numerous times within the DEIS) and that additional accesses were not anticipated for the alternative that is ultimately chosen. These assurances are important in that the areas through which the off-alignment alternatives travel are now relatively sparsely developed and currently serve as buffer for wetlands and as supporting habitat for wildlife. These lands are currently mapped as Investment Level 3 areas as part of the State Strategies for Policies and Spending in the Livable Delaware program, and as such development is not encouraged. Additional access beyond that provided for in the current Route 301 alternatives would further impinge on remaining open space as they would encourage suburban growth in the areas west of current Route 301. We request that DeIDOT place more emphasis within the Final EIS on the importance of limiting additional interchanges and commit to the limiting access in the Final EIS

Although the Green North Route does have the advantage of avoiding some of the impacts to Scott Run that Green South includes, it also has the disadvantage of bisecting large tracts of agricultural fields. These farm fields currently serve as supporting habitat and as travel corridors for wildlife. However, much of this open space is slated for development. The largest proposed development in this area is owned by Whitehall Properties whose specific site plans have yet to be finalized.

(Continued from Page 1)

Response 3 – DeIDOT remains committed to providing the proposed compensatory mitigation package which is detailed in the FEIS and will be memorialized in the Record of Decision for the project, and will continue to coordinate with DNREC and other agencies during the permitting phase of the project. The mitigation measures included in this package will be in addition to the compensatory wetland mitigation measures described in the DEIS. Ensuring the conservation of the habitat and functions of the high quality wetlands and forest in this area, DeIDOT will place 20 acres of high quality forested wetland and upland habitat under conservation easement through deed restrictions such that the area shall remain in its natural state in perpetuity. To mitigate locally for lost functions and values seven acres of low quality farmed wetland will be enhanced through the planting of trees, control of invasive species, and conserved through deed restrictions. As mitigation for the acreage of wetlands impacted, an additional 15 acres of wetland creation will be included in the mitigation site located near the Levels Road interchange. In addition, DeIDOT will pursue potential agricultural district in the Boyds Corner Road/Ratledge Road area and additional conservation easements in the Scott Run area.

Response 4 – DeIDOT is committed to the limited access route for the new US 301 as it is described in the DEIS and FEIS. As described, the new US 301 would provide access at only 6 locations: Levels Road, existing US 301, Jamison Corner Road, at SR 1, Bethel Church Road extended, and US301/SR 896 at the base of Summit Bridge. No additional access points will be considered. The purchase of access rights from adjacent properties to the new roadway will be a part of the right-of-way acquisition process for the new roadway.

US 301 Project Development Final Environmental Impact Statement



Secretary Wicks
February 23, 2007
Page 4 of 4

5

DNREC would appreciate the opportunity to plan with the DelDOT Project Team for the inclusion of wildlife passages into the final design of the Green North Alternative. Planned wildlife passages would not only benefit wildlife during the construction phase of Route 301 and thereafter, these passages might also help to guide the creation of the site plans for Whitehall Properties which are composed on large tracts to agricultural fields. Joint planning by DNREC and DelDOT would serve to minimize the cumulative impacts of Route 301 and proposed development on the remaining habitat in the Middletown/C&D Canal area. DNREC highly recommends the inclusion of such wildlife corridors wherever feasible, and our support of the Green North Route alternative is based, in part, on our anticipation that such corridors can be made a part of the final design.

The process of evaluating and analyzing the different 301 alignments reminds us that where people have settled and communities have developed, we will find that wildlife habitat and wetland quality are usually negatively impacted. Conversely, avoiding quality wildlife habitat and wetlands usually pushes a project towards disrupting human activities.

We appreciate working along side DelDOT's Project team and look forward to the next steps including reviewing the Final EIS.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin C. Donnelly'.

Kevin C. Donnelly
Director

Attachments

cc: John A. Hughes, Secretary
Edward Bonner, Army Corps of Engineers
Robert Kleinburd, Federal Highway Administration
Mark Tudor, Delaware Department of Transportation

(Continued from Page 1)

Response 5 – A wildlife passage corridor is proposed for the area in the vicinity of the southern tributary to Scott Run just north of Boyds Corner Road. The corridor will be approximately 10 feet high by 10 feet wide, and is located adjacent to the southern branch of Scott Run. The corridor should provide connectivity between high quality wetlands and forests placed under conservation and the downstream portions of Scott Run.

ATTACHMENT 1

**DNREC Technical Committee
Review of the 301 Draft Environmental Impact Statement and
DelDOT's Preferred Alternative**

The DNREC Technical Committee is comprised of staff with expertise in natural heritage, watershed, wetlands, streams and coastal zone issues. These committee members have spent many hours with the DelDOT Project Team, evaluating sites and data and working to minimize impacts from the proposed Route 301 highway. The following are the collective comments of the DNREC Technical Committee concerning the studied routes and the preferred alternative found in the Draft Environmental Impact Statement (EIS).

1

The four alternatives under review – Yellow, Brown, Purple and Green - all provide for a limited access roadway from the present Route 301 at the Maryland state line to Route 1 near the Chesapeake and Delaware Canal (C&D Canal). Three of the four routes (Brown, Purple and Green) also include provisions for construction of spur roads to carry traffic north to the Summit Bridge over the C&D Canal. Two of the routes, Brown and Green, have north and south alignment options. Green North, DelDOT's preferred alternative, has undergone revisions since the public hearing on January 8-9, 2007. **The comments below address the Green North alignment option as detailed in the Draft EIS. Comments on the newly proposed Green North alignments will be addressed in Attachment 2.**

2

Discussion of Alternatives

Yellow Alternative

This route is the on-alignment option which utilizes the existing Route 301 corridor. The route then follows the existing Route 896 and Route 1 corridors. The wetland impacts are the greatest with 50.5 acres, but most of these wetlands are already degraded by existing road crossings. We have concluded that the majority of the wetlands impacted are not high quality wetlands and that selecting this route would provide the least environmentally damaging option by concentrating road construction in an already disturbed area. This option would also fragment the least open space and cause the least disruption of existing wildlife travel corridors.

DelDOT is required by the state and federal laws to evaluate major transportation projects for numerous social, historical and environmental factors. DelDOT's Route 301 Project Team has determined that many of these non-environmental factors make the Yellow route

Response to DNREC Technical Committee Review of ... DelDOT's Preferred Alternative (ATTACHMENT 1):

Response 1 – Thank you for thorough review and comprehensive positive comments on the Alternatives. To clarify: The Green and Purple Alternatives include the addition of a two-lane spur road (one lane in each direction) that carries traffic to the Summit Bridge; the Brown Alternatives' four-lane mainline provides an interchange for traffic wishing to access the Summit Bridge. None of the Alternatives extends past the C&D Canal to the north.

Response 2 – Thank you for your summary evaluation and comparison of the four retained alternatives; DelDOT respects DNREC's reasons for preferences among the retained alternatives.

US 301 Project Development Final Environmental Impact Statement



DNREC Route 301 DEIS Comments
February 21, 2007
Page 2 of 6

infeasible. For example, impacts to four historic properties would be unavoidable. As provided for in Section 106 of the National Historic Preservation Act, projects supported by federal funding cannot result in direct impacts to recognized historic properties if means to avoid the impact is available (such as an alternative route). The Yellow route would also require the most number of residential and business relocations (128 and 58 respectively compared to a range of 2-8 residences or businesses for the other routes), and maintaining traffic during construction would be difficult at best. Relocation and maintenance of traffic issues combine to make the Yellow route the most costly option (\$76M more than the next expensive option - Purple). Additionally, the Yellow route has minimal support from Middletown residents as they feel that the route bisects the community.

Brown Alternative

On paper the Brown North and South routes appear feasible. The number of wetland acres impacted is relatively low - 18.5 for Brown South and 23.9 for Brown North - compared to the range of 18.5-50.5 acres for all alternatives. However, the Brown North and South routes have the highest acreage of high quality wetlands impacted of all the alternatives. Field investigations revealed that the wetland impacts include high quality headwaters to Back Creek. While portions of other alignments will cross through this area (Purple and Green spurs), those alignments would be 2 lanes whereas the Brown routes would be 4 lanes, thus creating more disturbance, impervious surface and runoff. The southern option for Brown also has the highest forest impact with 51.0 acres. Both the North and South Brown routes fragment forest habitat and disrupt existing wildlife corridors. **We do not support the Brown Alternative because of the impact to the relatively undisturbed natural stream systems and wildlife corridors in this area.**

Additionally, impacts to Summit Airport property are unavoidable and the Federal Aviation Administration does not support this alignment, making the procurement of federal permits more difficult.

Purple Alternative – **Please note that this assessment is based on the routes detailed in the Draft EIS. An assessment of the Purple Route compared to the new Green options is included in Attachment 2.**

The Purple and Green routes follow the same alignment west of existing Route 301 but the Purple route utilizes a portion of the existing Route 896 corridor. The impacts as presented in the DEIS from these two routes are very similar in terms of wetland and forest acres disturbed. The Purple route would have slightly less wetlands impacts (24.9 acres) than the Green Routes (North – 26.2 and South – 28.3 acres). It has a moderate amount of impacted waterways (16,257 linear feet) when compared to Green North (15,515 linear feet) and Green South (16,327 linear feet.) However, the Purple route would avoid impacts to Scott Run and other tributaries of the Chesapeake and Delaware Canal proposed by the Brown and Green routes. Purple has fewer stream crossings than does Green North or Green South. Purple has the highest % impervious surface in groundwater recharge zones and halves a forest block west of the Cedar Lane schools.

There are no responses on this page.

US 301 Project Development Final Environmental Impact Statement



DNREC Route 301 DEIS Comments
February 21, 2007
Page 3 of 6

DelDOT engineers have determined that a portion of the alignment must be elevated over existing Rt. 896 to span the intersection at Boyd's Corner. The elevated roadway will create greater noise impacts to nearby residents as well as be an obtrusive structure. The Purple route places a major highway adjacent to the Cedar Lane elementary school and another newly constructed school on Rt. 896.

Because the Purple route is at least partially on an existing alignment and minimizes impacts to tributaries of the C & D Canal, it is an environmentally preferable route. The DelDOT Project Team has not chosen the Purple route because of the higher community impacts and costs than either of the Green alternatives.

Green South Alternative

The Green South route has a moderate number of wetland impacts, 28.3 acres, when compared with the range of 18.5 to 50.5 for the other routes. It also has moderate waters impacts, 16,326 linear feet as compared to the range of 14,278 to 20,708 linear feet.

The Green South route truncates a forested wetland complex west of Jamison Corner Road. It also crosses the headwaters of Scott Run at an angle that increases the length of structure spanning the waterway thereby increasing the level of impact. Additionally, Green South crosses Scott Run twice while Green North only crosses Scott Run once. Finally, this route is considered to have the most potential to disrupt the habitats of wetland dependent wildlife. **For these reasons, we do not support the Green South alternative.**

Green North Alternative (DelDOT's preferred alternative) - **Note that this assessment is based on the routes in the Draft EIS. An assessment of the new Green North options is included in Attachment 2.**

The Green North alternative as presented within the Draft EIS has 26.2 acres of wetlands impacts and 15,515 linear feet of waters impacts, which are comparatively moderate impacts. Total wetland impacts are similar to Purple and Green South. This option has the least forest impacts of all the alternatives.

The Green North and South options follow the same route until approximately 4,000 feet south of Boyds Corner Road. The North option is located farther from the Cedar Lane Middle and Elementary Schools than either the Purple or the Green South routes. The Green North route crosses Scott Run at only one location, as opposed to two locations crossed by Green South. It avoids the forested wetland that would be impacted by Green South west of Jamison Corner Road, but impacts another forested wetland near Hyetts Corner Road.

There are no responses on this page.

US 301 Project Development Final Environmental Impact Statement



DNREC Route 301 DEIS Comments
February 21, 2007
Page 4 of 6

Summary of Alternatives

- From a strictly environmental perspective, DNREC considers the Yellow on-alignment option to be the favorable route. Utilizing an existing transportation corridor, it reduces habitat fragmentation and impacts in other less disturbed areas. However, DelDOT has not selected the Yellow route because it creates the most disruption to the residents of Middletown and is unlikely to receive the necessary federal permits and funding for construction.
- We do not support Brown North and South routes because of their impact to the relatively undisturbed natural streams and wildlife corridors in this area.
- The Purple alternative has a lower level of environmental impact than the Green North and South, and after Yellow is the least environmentally detrimental alternative. This route has not been selected by DelDOT because of the higher community impact and cost than either of the Green alternatives.
- We do not support the Green South route as it has more potential to disrupt the habitats of wetland dependent wildlife than Green North.
- The Green North route, DelDOT's preferred alternative, is essentially a compromise between environmental and community impacts. **We are not opposed to DelDOT's preferred alternative, Green North, if effective mitigation is utilized to offset the environmental impacts associated with the highway.**

3

Comments for Further Consideration

DNREC has observed and appreciated DelDOT's efforts to minimize the environmental impacts of each of the retained alternatives. Throughout the Route 301 planning process the DelDOT Project Team has made assurances that the proposed alternatives would remain limited access (as described in meeting minutes from August 15, 2006 and numerous times within the DEIS) and that additional accesses were not anticipated for the alternative that is ultimately chosen. These assurances are important in that the areas through which the off alignment alternatives travel are sparsely developed and currently serve as buffers for wetlands and streams and as support for wildlife habitat. We strongly support limiting the number of interchanges thereby limiting the overall environmental impact. We oppose any future additional accesses.

4

DelDOT has agreed to span all natural waterways. By not filling in the floodplain, spanning waterways preserves flood attenuation functions, allows for wildlife corridors, and reduces impacts to the waterway. We strongly support this initiative.

5

DNREC strongly recommends environmentally protective stormwater management by avoiding impacts to forested land, eliminating untreated runoff in sensitive areas,

6

(continued from prior page)

Response 3 – DelDOT is committed to providing a compensatory mitigation package for the natural environmental impacts associated with the Green North Alternative that includes wetland replacement, wetland enhancement, wetland conservation, reforestation, riparian buffer restoration, and stream restoration, as described fully in the FEIS and will be memorialized in the Record of Decision for the project.

Response 4 – DelDOT is committed to the limited access route for the new US 301 as it is described in the DEIS and FEIS. As described, the new US 301 would provide access at only 6 locations: Levels Road, existing US 301, Jamison Corner Road, at SR 1, Bethel Church Road extended, and US301/SR 896 at the base of Summit Bridge. No additional access points will be considered. The purchase of access rights from adjacent properties to the new roadway will be a part of the right-of-way acquisition process for the new roadway.

Response 5 – DelDOT is committed to minimal incursions into floodplains, as demonstrated by our design to bridge significant waterways. In addition, DelDOT will be improving waterway habitat connectivity by removing the culverts under Hyetts Corner Road at Scott Run and restoring the stream under this roadway crossing.

Response 6 - The FEIS includes a summary of the stormwater management efforts that are anticipated to be employed for the project – including ponds, drainage swales and ditches, and other efforts to protect surface waters and groundwater from untreated roadway runoff. Hydraulic studies have been included in the effort to date for the Preferred Alternative in the FEIS, identifying appropriate drainage paths and treatments for roadway runoff; the FEIS will include additional detail that was not available in the DEIS. This effort to maximize the protections and minimize the impacts will continue during final design.

DNREC Route 301 DEIS Comments
February 21, 2007
Page 5 of 6

enhancing groundwater recharge and utilizing Green Technologies that use innovative best management practices.

DNREC would appreciate the opportunity to plan with the DeIDOT Project Team the inclusion of wildlife passages into the design of the preferred alternative. Planned wildlife passages would not only benefit wildlife during the construction phase of Route 301 and thereafter, they might also help to guide the creation of the site plans for large developments and business parks in the area. Such combined planning would serve to minimize the cumulative impacts of Route 301 and proposed development on the remaining habitat in the Middletown/C&D Canal area. DNREC highly recommends the inclusion of such wildlife corridors wherever feasible, and our non-opposition to the Green North option is based, in part, on our anticipation that such corridors can be made a part of the final design.

7

As part of the mitigation process and in developing a compensation package for impacts from the Route 301 bypass, the DNREC would like DeIDOT to put particular emphasis on creative planning, proper monitoring and assessment, and use of all tools at the DeIDOT's disposal to improve the overall environmental conditions within and surrounding the project area. Through proactive planning efforts, the notion of connectivity between natural habitats (forests, wetlands, waters) should always be considered. In addition to the preceding comments, other particular items include:

8

- Buffers to waters and wetlands should be maximized using native vegetation beneficial to wildlife. These buffers are important as wildlife corridors and for meeting Total Maximum Daily Load (TMDL) obligations and improving overall water quality;
- Forests, especially large forest blocks should be preserved and/or added to where possible, including connecting these habitats to other existing habitat within and outside of the project area. This includes wildlife corridors and reducing fragmentation of habitat;
- Wetlands should be compensated for to the maximum extent practicable. Wetlands created or restored through compensation should be of similar types to naturally occurring wetlands of the area, with emphasis on varying wetland types to increase diversity. Any wetland restoration or enhancement opportunities within or adjacent to the project area should be considered in addition to specific/required compensation;
- Any compensation efforts should eliminate negative effects to groundwater recharge, and avoid dewatering surrounding waters or wetlands;
- Further consultation with DNREC should occur regarding placement, design and species composition of wetland and forest compensation;

(continued from page 8)

Response 7 – A wildlife passage corridor is proposed for the area in the vicinity of the southern tributary to Scott Run just north of Boyds Corner Road. The corridor will be approximately 10 feet high by 10 feet wide, and is located adjacent to the southern branch of Scott Run. The corridor should provide connectivity between high quality wetlands and forests placed under conservation and the downstream portions of Scott Run. (See also responses 5 and 9).

Response 8 – DeIDOT has created a diverse mitigation package that maximizes habitat creation and emphasizes habitat connectivity. Monitoring and assessment of habitat creation will be included for all created areas. Specific responses to bulleted items follow:

- Upland forest buffers will be included around created wetlands. Riparian buffer enhancement has been included as a specific component of the mitigation package. Impacts to stream buffers have been minimized to the greatest extent possible at each stream crossing.
- To the extent possible DeIDOT has avoided and minimized forest impacts. Forested wetland mitigation in the Levels Road intersection area will create a 90 acre forest block between two tributaries to Sandy Branch. Forested wetland mitigation and riparian buffer enhancement will create a nearly contiguous 80 acre forested block along a tributary to Drawers Creek. In the Boyds Corner/Ratledge Road area, enhancement and reforestation opportunities will be targeted at increasing the size of contiguous forest blocks.
- DeIDOT's wetland compensation package goes well beyond the standard Section 404 requirements of approximately 54 acres (based on 2:1 replacement of shrub and forested wetlands and a 1:1 replacement of emergent wetlands). DeIDOT will be creating approximately 92 acres of wetland between two sites, enhancing seven acres of wetlands, and conserving approximately 20 acres of wetlands.
- DeIDOT will avoid negative effects on ground water recharge through wetland creation, however these effects can not be eliminated as the interception of some ground water will be required to maintain the Levels Road interchange mitigation site hydrology. The wetland will be designed to discharge into both the tributaries to Sandy Branch at the upstream end of the mitigation site.
- DeIDOT will continue to consult with DNREC through the wetland and forest compensation design process.

US 301 Project Development Final Environmental Impact Statement



DNREC Route 301 DEIS Comments
February 21, 2007
Page 6 of 6

- Wetland mitigation and reforestation plans should include long term monitoring for invasive species, wildlife use, survival of planted species, and water quality and quantity;
- Any easement plans should provide funding and plans for monitoring the easement, and invasive species control;
- DeIDOT should be aware that the State of Delaware and the Chesapeake Bay Program have agreed upon TMDL's for nitrogen, phosphorus and bacteria reductions for portions of the Chesapeake Bay drainage. Portions of the proposed Route 301 bypass alignments are within this drainage.
- Agricultural land should be protected as buffer for wildlife habitat, water quality and wildlife movement; and
- The Biological Assessment requested by the US Fish and Wildlife Service (USFWS) for the Scott Run watershed should be addressed in Final Environmental Impact Statement to the satisfaction of USFWS.

- DeIDOT is committed to monitoring the success of created wetlands and reforestation areas. Specific success criteria and monitoring periods will be determined in consultation with DNREC and ACOE and included in the Conceptual Mitigation Package as a requirement of the ACOE permit. At a minimum DeIDOT anticipates monitoring created wetland vegetation and hydrology for five years. Additional monitoring elements and/or extended monitoring periods will likely be included in the Conceptual Mitigation Package.
- DeIDOT will explore monitoring and invasive species control measures for areas placed under conservation easement.
- DeIDOT recognizes that portions of the project are within the Chesapeake Bay Drainage and may be subject to TMDL limits. DeIDOT is committed to treating runoff in accordance with DeIDOT's Erosion and Sediment Control and Stormwater Management (ES₂M) Design Guide and using "green technologies" whenever possible.
- DeIDOT will pursue a potential agricultural district in the Boyds Corner Road/Ratledge Road Area.
- The Biological Assessment will be addressed in the FEIS, and concurrence from USFWS on the conclusions of the Biological Assessment will be obtained.

**Response to DNREC Technical Committee Review of ... Ratledge Road Options
(ATTACHMENT 2):**

ATTACHMENT 2

**DNREC Technical Committee
Review of the 301 Project Development Ratledge Road Options**

Since the release of the Draft Environmental Impact Statement (DEIS), additional alignments have been considered by DelDOT. Six modifications to the Green North route have been studied since the Public Hearing on January 8-9, 2007. The following comments are specific to these newly proposed options in the Ratledge Road area.

The six new options are located in the Ratledge Road area and the changes impact the route for approximately 5,000 feet both north and south of Route 896. Members of the DNREC Technical Committee met with representatives of DelDOT and federal agencies on January 30, 2007 to complete a site evaluation.

Site Evaluation

North of 896

To the north of 896, the areas of environmental interest include forested lands, wetlands and a headwater ditch. The forested land in this area is the largest block of forest to be directly impacted by the Green North alignment. This forest can roughly be broken into two sections: Northwest (NW) and Southeast (SE).

The NW forest is a mature forest that includes an impressive forested wetland complex that harbors a Pin Oak Mixed Hardwood Forest (as classified by the Delaware Natural Heritage Program). This forest contains mature trees of numerous species. The shrub and herbaceous layers are diverse. The wetland within this forest host many sedges and is suitable for the state rare cattail sedge (*Carex typhina*). This wetland holds excellent breeding habitat for a wide variety of amphibians and aquatic insects including the state rare four-toed salamander (*Hemidactylium scutatum*). This area is an important resource for cavity nesting birds and raptors.

The SE section is an immature forest, devoid of oak species except on its perimeters. It has lower quality wetlands than the NW forest. Normal succession would carry the SE section from its current community of red maple and sweet gum trees into a community that is more dominated by oaks. However, evidence of a dense deer population in this forest suggests that its succession may be arrested by browsing deer (which preferentially browse on oak saplings). This regime would prevent oaks from establishing in the SE section. Consequently, the presence of mature oaks in the NW sections makes it even more valuable as wildlife habitat.

There are no responses on this page.

US 301 Project Development Final Environmental Impact Statement



Ratlidge Road Option
February 21, 2007
Page 2 of 5

Other wetlands north of Route 896, in the vicinity of the options, include farmed wetlands. These wetlands are currently of low quality. The waterways in the path of the different options appear to man-made or man-altered low quality waterways.

South of 896

To the south of Route 896 is a large block of forest, with smaller areas of wetlands than found to the north of 896. The forested land and waterways were not field reviewed by the DNREC team. The waterways in this area are reportedly man-made or man-altered low quality waterways. One farmed wetland, currently of low quality, was evaluated by the team.

Discussion of Options

9

Option 1

Of the five alternatives presented by DelDOT's Project Team, Option 1 has the least negative environmental impact. It stays the farthest away from more mature woods and wetlands and fragments the fewest wildlife corridors. Within the mature NW forest, a high quality wetland at the northwest corner is impacted by this route. If Option 1 is chosen, ways to avoid or minimize this impact should be explored. **DNREC supports this option but recognizes that there are considerable community and farmland impacts associated with it.**

Option 2

Option 2 cuts through the mature NW forest north of 896. This option would destroy this forest community. **Therefore, DNREC does not support this option.**

Option 3

Option 3 bisects the mature NW forest and also impacts the forest south of 896. DNREC does not support fragmenting either of these forest blocks. **As such, DNREC does not support this option.**

Option 4

Option 4 has relatively low environmental impacts. It avoids most of the forest blocks in the area. Most of the wetlands it impacts are lower quality farmed wetlands as opposed to the higher quality wetland impacted by Option 1. **DNREC supports this option.**

Option 4A

Option 4A bisects forest blocks, both north and south of Route 896. It also has the highest impacts to both forests and wetlands. **As such, DNREC does not support this option.**

(continued from page 11)

Response 9– Thank you for the evaluation summary of options in this area. As noted here and discussed earlier, DNREC recognizes that DelDOT must consider all impacts in selecting an alternative that minimizes impacts while at the same time attempting to balance those impacts. Option 4B Modified is DelDOT's Preferred Option.

Ratlidge Road Option
February 21, 2007
Page 3 of 5

Option 4B

Option 4B was presented to DNREC at the same time as the above options. After a site visit on January 30, 2007, 4B was modified. The modifications helped to lessen the negative impacts of 4B and DNREC sees them as an improvement. DNREC agrees to the replacing of Option 4B with Option 4B Modified.

Option 4B Modified

Option 4B Modified has high forest impacts to the medium quality SE forest, located north of 896. This forest would be fragmented. High impacts to medium quality forested and emergent wetlands would occur. This SE forest block is a large block of immature forested wetland that was allowed to return to a more natural state after DP&L cut a road through it, reportedly in the mid-1970s. This tract consists of young red maple and sweet gum trees interspersed with emergent wetlands that are dominated by the invasive exotic, reed canary grass. Although this forest/wetland complex by itself would be classified as being of low to medium quality, running a highway through it would fragment the larger forest block of which it is a part. This fragmentation would open the block up to further invasion by invasive plants and introduce pollutants into the immediate wetlands which would in turn vector them through the entire system. Additionally, the wetlands that would be destroyed by 4B Modified, although degraded, still likely serve as suitable breeding habitat for some amphibian species and even more species would use them for foraging and migration. A roadway running through this system can be expected to result in substantial roadkill. The collective habitat value of these wetlands and forest would be significantly impacted.

In addition to the medium quality SE forest, Option 4B Modified also impacts an upland portion of the mature NW forest and a portion of the forest south of 896. Provided that DeIDOT puts in place sufficient permanent environmental protections such that the habitat and functions of the high quality wetlands and forests in this area are not compromised, and mitigates appropriately for the additional impacts, DNREC would not oppose this option.

10

Summary of Options

Option 1 best avoids disturbance to the Ratledge Road forest complex to the north of 896 and the forest south of 896. Option 4 avoids the forest complexes but fragments it from other forests it is currently associated with to the east. For environmental reasons, Option 1 and 4 are options preferred by DNREC. Options 2, 3 and 4A all severely impact the forest complex the north of 896 and portions of the forest south of 896. These options would not be supported by DNREC. Option 4B Modified can be seen as a compromise between community and environmental impacts. However, it must be recognized that this option does significantly impact the forest complex and that high quality compensation must be provided in order to maintain DNREC's support.

(continued from page 12)

Response 10 – DeIDOT remains committed to providing the proposed compensatory mitigation package and will continue to coordinate with DNREC and other agencies during the permitting phase of the project. The mitigation measures included in this package will be in addition to the compensatory wetland mitigation measures described in the DEIS. Ensuring the conservation of the habitat and functions of the high quality wetlands and forest in this area, DeIDOT will place 20 acres of high quality forested wetland and upland habitat under conservation easement through deed restrictions such that the area shall remain in its natural state in perpetuity. To mitigate locally for lost functions and values, seven acres of low quality farmed wetland will be enhanced through the planting of trees, control of invasive species, and conserved through deed restrictions. As mitigation for the acreage of wetlands impacted, an additional 15 acres of wetland creation will be included in the mitigation site located near the Levels Road interchange. In addition, DeIDOT will pursue potential agricultural district in the Boyds Corner Road/Ratlidge Road area and additional conservation easements in the Scott Run area.

Response 11 (see comment on following page) –The matrix provided below clarifies the differences in impacts of the six Ratledge Road Area Options with respect to wetlands, streams and ditches, forests, and other natural environmental resources. This matrix will also appear in the FEIS, Chapter II (Alternatives).

Option	1	2	3	4	4A	4B	4B Mod
Resource							
Wetlands (acres)	27.4	32.2	35.4	31.2	36.1	35.2	34.2
High Quality	10.1	14.3	12.0	9.0	9.0	9.0	9.0
Medium quality	13.3	13.3	13.6	13.1	20.5	19.9	19.4
Low quality	4.1	4.6	9.8	9.8	6.6	6.3	5.6
Number of wetlands	51	53	53	50	53	49	50
No. wetland crossings	4	4	4	4	4	4	4
No. wetlands fragmented	7	7	7	7	7	7	7
Waters of the US, total (lf)	15,679	15,947	15,923	16,207	16,059	16,015	16,019
Streams	323	534	340	517	340	415	436
Ditches	15,356	15,413	15,583	15,690	15,720	15,600	15,582
DNREC Tidal wetlands (acres)	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Floodplains (acres)	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Agricultural districts (No.)	1	1	1	1	1	1	1
Agricultural Easements (No.)	1	1	1	1	1	1	1
Forestland (acres)	34.21	34.28	42.17	33.24	44.56	40.60	37.98

Ratledge Road Option
February 21, 2007
Page 4 of 5

Comparison of 4B Modified to Alternatives Retained for Detailed Study

Because of the high social and community impacts of the Ratledge Road Options 1 and 4 and the environmental impacts of the remaining Ratledge Road options, it appears that the Green North route, with Option 4B Modified is the preferred DeIDOT route for the 301 project. This option significantly increases the wetland and forest impacts for the Green North alternative. Green North Alignment with Option 4B Modified:

11

- Significantly increases the wetland impacts so that they are larger than either the Green South or the Purple Route;
- Impacts approximately 7 more acres of wetlands than the original Green North route (However, much of the increased wetland impact involves low or medium quality wetlands.);
- Has moderate forest impacts compared to Purple and Green South, but has 5 more acres of forest impacts than the original Green North route; and
- Has fewer stream impacts than Green South, but impacts more streams than the Purple Route.

The Green North route with Option 4B Modified is not DNREC's favored route or option. However, DeIDOT has made efforts to minimize impacts to high quality environmental systems in the Ratledge Road area. As stated above, provided that DeIDOT puts in place sufficient permanent environmental protections such that the habitat and functions of the high quality wetlands and forests in this area are not compromised, and mitigates appropriately for the additional impacts, DNREC would not oppose this option.

Comments for Further Consideration

12

- Permanent preservation/conservation must be such that the habitat and functions of the wetlands and forests in the Ratledge Road area are not compromised. Opportunities for restoration and enhancement, while maximizing connectivity, must meet DNREC's approval.
- There must be adequate monitoring requirements associated with any forest restoration agreements.
- DeIDOT should seek opportunities to buy portions of forests/wetlands to keep large blocks intact.
- DeIDOT should seek permanent protection of environmentally sensitive lands wherever outright purchase is not feasible.
- Wildlife corridors should be designed to maintain safe connectivity to habitat on either side of the roadway.
- Stormwater management should maintain water quality by diverting runoff through cleansing vegetation such that polluted highway runoff does not reach receiving wetlands and waterways. DeIDOT should avoid siting stormwater

(continued from page 13)

As detailed in **Response 10**, DeIDOT will provide a compensatory mitigation package for the greater impacts of Option 4B Modified.

Response 12

- DeIDOT is committed to working with DNREC to identify the appropriate protection language to conserve the wetlands and forest in the Ratledge Road area and looks forward to designing reforestation and enhancement that meets DNREC's approval.
- DeIDOT is committed to monitoring success and invasive species at reforestation sites.
- DeIDOT is committed to pursuing additional conservation of areas in the Scott Run Watershed through conservation easement deed restrictions, however, DeIDOT can not guarantee success as it depends largely on the individual property owners willingness to cooperate. DeIDOT may not be able to condemn properties through eminent domain in this situation.
- The wildlife passage corridor will be approximately 10 feet high by 10 feet wide, and is located adjacent to the southern tributary of Scott Run, just north of Boyds Corner Road. The corridor will provide safe connectivity between high quality wetlands and forests placed under conservation and the downstream portions of Scott Run.
- DeIDOT is committed to using "green technologies" in its stormwater management design which includes bioswale infiltration systems. DeIDOT has avoided siting stormwater management facilities in mature native vegetation whenever possible; however, it was not possible to avoid all impacts to mature native vegetation. Stormwater management facilities must be located near low points along the roadway and frequently these low points occur in areas of mature vegetation near stream corridors and wetlands. To move these low points sufficiently to keep stormwater facilities out of mature vegetation would require raising the roadway profile significantly, which in turn, would increase the impacts on wetlands and adjacent native vegetation due to wider roadway embankments. Stormwater management facilities must be located near low points along the roadway and frequently these low points occur in areas of mature vegetation near stream corridors and wetlands. To move these low points sufficiently to keep stormwater facilities out of mature vegetation would require raising the roadway profile significantly, which in turn, would increase the impacts on wetlands and adjacent native vegetation due to wider roadway embankments.

Ratledge Road Option
February 21, 2007
Page 5 of 5

management facilities where native vegetation (especially mature trees) has already been established.

- DeIDOT should locate compensation areas to either maximize size of habitat blocks or maximize buffer protection of streams.
- DeIDOT should plant larger oaks in areas where young forest exists or is planted and deer browse is heavy.
- DeIDOT should consider the presence of large blocks of forest outside of the study area and prioritize habitat protection in areas hydrologically or spatially connected to these areas.
- DNREC must be consulted regarding placement, design and species composition of wetland and forest mitigation.
- Preservation of agricultural land that surrounds this area should be actively encouraged.

Conclusion

The Green North options in the Ratledge Road area have the potential to fragment and/or disturb the largest block of forest to be impacted by the entire alignment. As such, these options should be carefully considered before one is chosen. If sufficient mitigation and preservation cannot be achieved, DeIDOT should reconsider other retained alternatives.

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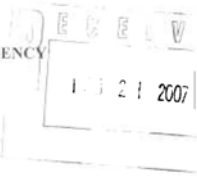
- DeIDOT, working with DNREC and other regulatory agencies has attempted to locate mitigation such that it maximized habitat blocks and stream buffer protection.
- DeIDOT recognizes the reforestation problems created by heavy deer populations and will employ deer fencing, tree cages, or other measures of protection to ensure the success of it reforestation and forested creation sites.
- DeIDOT has taken a whole landscape view when planning the Boyds Corner/Ratledge Road conservation areas and has attempted to locate these areas where they might provide the greatest benefit to the overall habitat.
- DeIDOT is committed to working with DNREC through the mitigation design process.
- DeIDOT is committed to pursuing an agricultural district in the Boyds Corner/Ratledge Road area, however success in this depends largely on the individual property owners.

DeIDOT remains committed to providing the proposed compensatory mitigation package as detailed in the FEIS and memorialized in the Record of Decision for the project, and will continue to coordinate with DNREC and other agencies during the permitting phase of the project. The mitigation measures included in this package will be in addition to the compensatory wetland mitigation measures described in the DEIS. Ensuring the conservation of the habitat and functions of the high quality wetlands and forest in this area, DeIDOT will place 20 acres of high quality forested wetland and upland habitat under conservation easement through deed restrictions such that the area shall remain in it's natural state in perpetuity. To mitigate locally for lost functions and values 7 acres of low quality farmed wetland will be enhanced through the planting of trees, control of invasive species, and conserved through deed restrictions. The mitigation for the acreage of wetlands impacted, an additional 15 acres of wetland creation will be included in the mitigation site located near the Levels Road interchange. In addition, DeIDOT will pursue potential agricultural district and additional conservation easements in the Boyds Corner Road/Ratledge Road area. See also Response 3 to DNREC's letter of February 23, 2007.

US 301 Project Development Final Environmental Impact Statement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



February 15, 2007

Mr. Robert Kleinburd
Environmental Project Manager
Federal Highway Administration
300 South New Street
Dover, Delaware 19901

Subject: Draft Environmental Impact Statement for the Delaware Department of Transportation (DelDOT) US 301 Project (CEQ 20060469)

Dear Mr. Kleinburd:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, Section 404 of the Clean Water Act (Section 404), and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U. S. Environmental Protection Agency (EPA) has reviewed Draft Environmental Impact Statement (DEIS) for the above referenced project. The Draft Environmental Impact Statement (DEIS) was prepared by DelDOT and the Federal Highway Administration (FHWA) in cooperation with the US Army Corp of Engineers, US Fish and Wildlife and the US Environmental Protection Agency (EPA).

The US 301 project proposes to improve and enhance highway safety, manage truck traffic, and address existing and projected traffic congestion in the Delaware portion of the highway, while minimizing environmental impacts and accommodating existing and planned development. The project proposes to provide improved travel conditions for vehicles traveling north/south between US 301 at the Delaware/Maryland state line and points north of the Chesapeake and Delaware Canal via State Road (SR) 896 (Summit Bridge) and SR-1 in Southern New Castle County, Delaware.

Throughout project development, including project planning, scoping, alternatives analysis and alternative selection, DelDOT has provided extensive and ongoing coordination, cooperation and consultation with EPA, as well as other Federal and state resource agencies. DelDOT has embraced the Mid-Atlantic Transportation and Environmental (MATE) streamlining concepts into its project development process which encourages early involvement by the regulatory agencies as a way of avoiding, minimizing and mitigating project impacts during the initial assessment and design phase. As such, the DEIS provides a collaborative assessment of the proposed project.

EPA has evaluated the DEIS for the US 301 Project and has rated the project as an EC-2, environmental concerns, insufficient information. EPA has developed the rating system to evaluate EISs under the NEPA process. A copy of the EPA EIS rating system is enclosed for your information. Further information regarding the rating system can be found at: <http://www.epa.gov/Compliance/ceqa/comments/ratings.html>. EPA has based the EC-2 rating for the

1

1

Response to the US Environmental Protection Agency:

Thank you for your comments on the US 301 Project Development Draft Environmental Impact Statement (DEIS) and the recommendation of the Green Alternative North Option as DelDOT's Preferred Alternative.

Each comment is numbered in your letter, corresponding with the responses that follow:

Response 1 – We understand and accept your rating of EC-2, in accordance with the EPA's EIS evaluation system, and, based on continued consultation, suggest that those areas of concern which you identified in the DEIS, including the wetland mitigation plan and Ratledge Road Area resolution, have been resolved in the FEIS.

US 301 Project Development Final Environmental Impact Statement



project on the limited wetland mitigation as well as the unresolved Ratledge Road area alternative alignment in the DEIS. EPA believes these issues will be resolved final EIS.

In accordance with Section 404 of the Clean Water Act and the procedural considerations of NEPA, EPA requests that the wetland permitting process or the permit decision by the U.S. Army Corps of Engineers be placed on hold and that upon concurrence of the mitigation plan by EPA that the compensation plan be made a condition of permit issuance.

EPA is aware of the ongoing wetland mitigation work and has participated in the initial field work into the assessment of potential wetland mitigation sites. EPA anticipates that this effort will continue and will be included in a compensatory mitigation package. EPA also recommends that DeIDOT investigate the use of the following measure to further improve the project:

2

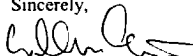
1. Reducing the impacts of stormwater is a very important consideration for highway transportation projects and an important EPA initiative. If possible the project should implement Low Impact Development techniques and other Best Management Practices that will further reduce the impacts of stormwater runoff

2. Noise mitigation measures should be implemented during construction. These measures may include:

- maintenance of construction equipment and installation of mufflers to reduce noise;
- time of day restrictions on construction and maintenance activities to eliminate noise during those times of day when it is considered to be most objectionable; and
- timing of construction activities to avoid primary breeding and nesting seasons of avian and other affected species.

3. Off-road diesel engine emissions can have a significant impact on air quality. The use of low or ultra-low sulfur fuels, particulate controls and anti-idling measure can drastically reduce air emissions.

EPA recognizes and appreciates the proactive approach taken by DeIDOT and FHWA in the development of the DEIS. Thank you for the opportunity to provide comments on the DEIS. Should you have any questions regarding our comments concerning the NEPA process, please contact Kevin Magerr at 215-814-5724.

Sincerely,

William Arguto
NEPA Team Leader

Enclosure
cc: Robert J. Taylor, DeIDOT

(continued from page 16)

Response 2 – Item 1 – The FEIS includes a summary of the stormwater management efforts that may be employed for the project – including ponds, drainage swales and ditches, and other efforts to protect surface and groundwaters from untreated roadway runoff. Hydraulic studies have been included in the design effort for the Preferred Alternative in the FEIS, identifying appropriate drainage paths and treatments for roadway runoff and including additional detail not available in the DEIS. This effort to maximize the protections and minimize the impacts will continue during final design.

Item 2 – Possible noise mitigation measures during construction are specified as a project commitment in the FEIS, and include time-of-year restrictions, time-of-day restrictions and equipment maintenance. See Chapter III, Section I “Temporary Construction Impacts”.

Item 3 –These recommendations will be forwarded to the construction contractors, but will not be included as requirements. Many contractors agree that limiting idling time would be practical, and some already use low or ultra-low sulfur fuels.

U.S. Environmental Protection Agency
National Environmental Policy Act (NEPA)

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Environmental Impact Statement (EIS) Rating System Criteria

EPA has developed a set of criteria for rating draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft EIS.

- [Rating the Environmental Impact of the Action](#)
- [Rating the Adequacy of the Draft Environmental Impact Statement \(EIS\)](#)

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- **LO (Lack of Objections)** The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- **EC (Environmental Concerns)** The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- **EO (Environmental Objections)** The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental Objections can include situations:
 1. *Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;*
 2. *Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;*
 3. *Where there is a violation of an EPA policy declaration;*
 4. *Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible*

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- alternatives; or*
5. *Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.*
- **EU (Environmentally Unsatisfactory)** The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
 1. *The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;*
 2. *There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or*
 3. *The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.*

[Return to Top](#)

RATING THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)

- **1 (Adequate)** The draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- **2 (Insufficient Information)** The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.
- **3 (Inadequate)** The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS.

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**US 301 Project Development
Final Environmental Impact Statement**



(copied from an email sent to Mark Tudor, DelDOT's project director)

>>> <Bob_Zepp@fws.gov> 3/2/2007 2:45 PM >>>

Mark:

Spoke w/ Erica earlier this week and she suggested that I send you this email. She was inquiring as to the comments I have on the 301 EIS. Generally, I don't have or plan to submit comments since from my standpoint the process that we used worked well and problems were resolved. There is one exception and that is the mitigation package.

I will (and am) ask Ed to condition any permit he issues to have a condition that requires DelDOT to develop a mitigation plan and submit it to the agencies for review and comment prior to the start of construction.

Hope this is helpful

BZ

Response to the US Fish and Wildlife Service:

Thank you for your comments on the US 301 Project Development Draft Environmental Impact Statement (DEIS) and the recommendation of the Green Alternative North Option as DelDOT's Preferred Alternative.

Thank you for your participation in this very important project development process and for the appreciation you have expressed about the interactive agency review process we employed throughout to distribute information and resolve issues.

We are developing a compensatory mitigation plan for impacts of the Preferred Alternative that will include compensation for wetlands and forest impacts; protection, enhancement and preservation of existing resources; mitigation of stormwater runoff impacts, among other items. The full mitigation plan will be detailed in the FEIS and will be carried out as part of the Section 404 Permit for the project.