

U.S. Army Corps of Engineers



Federal Highway Administration



Delaware Department of Transportation

### JOINT PUBLIC NOTICE

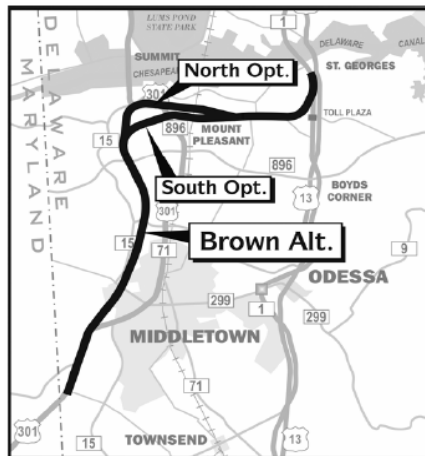
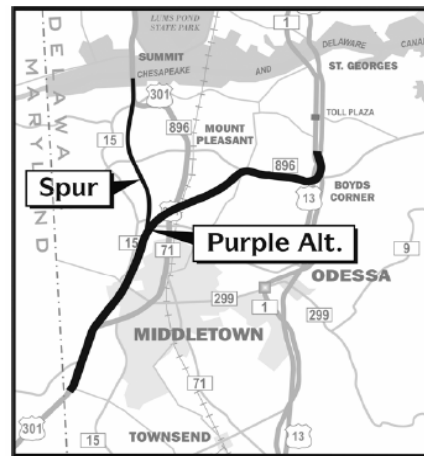
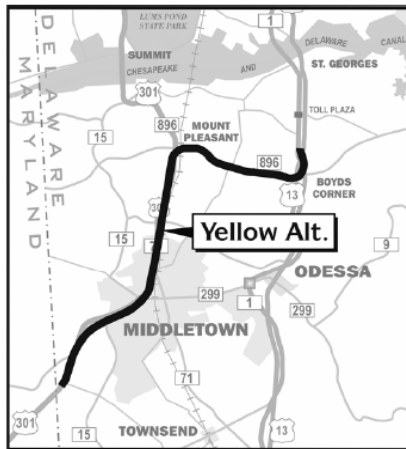
FEDERAL HIGHWAY ADMINISTRATION  
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT

DELAWARE DEPARTMENT OF TRANSPORTATION  
WILL CONDUCT  
COMBINED LOCATION/DESIGN PUBLIC HEARINGS

for the

## US 301 PROJECT DEVELOPMENT DELAWARE/MARYLAND LINE TO SR 1, SOUTH OF THE C & D CANAL

in New Castle County  
DeDOT Project: 25-113-01  
Corps Project: CENAP-OP-R-2006-6071-1



<p style="text-align: center;"><b>Monday, January 8, 2007</b>  Middletown Fire Hall  27 W. Green Street  Middletown, DE  4:00 p.m. – 10:00 p.m.*  Presentations at:  4:00 p.m.  4:30 p.m.  5:30 p.m.  6:30 p.m.</p> <p style="text-align: center;">Snow Date: January 22, 2007**  Middletown Fire Hall</p>	<p style="text-align: center;"><b>Tuesday, January 9, 2007</b>  Middletown Fire Hall  27 W. Green Street  Middletown, DE  4:00 p.m. – 10:00 p.m.*  Presentations at:  4:00 p.m.  4:30 p.m.  5:30 p.m.  6:30 p.m.</p> <p style="text-align: center;">Snow Date: January 23, 2007**  Middletown Fire Hall</p>
<p>*The hearings will begin at 4:00 p.m. with a 30-minute presentation by the hearing sponsors, including hearing purpose, project need, description of retained alternatives and a summary of their environmental and cultural impacts, statements pertaining to the property acquisition process, Title VI of the Civil Rights Act of 1964 and Executive Order 12898 regarding Environmental Justice. An informational Workshop for the review of maps displaying the retained alternatives and information summarizing the results of the project development effort to date will take place throughout the hearings. The Project Team will be available to answer questions. A brief presentation to include a description of the retained alternatives and a summary of the environmental and other impacts will be provided at 4:30 p.m., 5:30 p.m., and 6:30 p.m. Testimony may be given directly to a stenographer from 4:00 p.m. until the hearing's conclusion. At 7:00 p.m., traditional style public testimony will begin. The hearings will end when all testimony is complete or at 10:00 p.m., whichever comes later. Forms will be available at the hearings for the public to provide written comments. Comments can also be provided through the project website, <a href="http://www.us301.org">www.us301.org</a>. Comments must be received by February 3, 2007. Each of the public hearings will have the identical format and will provide the same information.</p> <p>**If the "Snow Emergency Plan" is in effect on the day of the hearings, the hearings will be canceled and rescheduled for the "snow dates" listed above at the originally scheduled meeting times and locations.</p>	

The US 301 Project Development effort is being conducted by the Delaware Department of Transportation (DelDOT) and the Federal Highway Administration (FHWA), in cooperation with the U.S. Army Corps of Engineers (Corps), the U.S. Environmental Protection Agency (EPA), and the U.S. Fish and Wildlife Service (USFWS). State agencies, including the Delaware State Historic Preservation Office (SHPO), the Delaware Department of Natural Resources and Environmental Control (DNREC), and the Delaware Department of Agriculture have also participated in this effort.

Purpose and need for the US 301 Project includes identifying and analyzing alternatives that would:

1. Reduce existing and projected roadway congestion in the project area
2. Improve safety in the project area, where over 400 traffic accidents have resulted in injuries and over 20 fatalities (half on US 301 south of the C & D Canal) over the past several years
3. Manage traffic by separating US 301 through traffic, particularly truck traffic, from local traffic

A Draft Environmental Impact Statement (DEIS) has been approved for this project. In addition to the No-Build Alternative, four Build Alternatives, Yellow, Purple, Brown, and Green, along with Alignment Options (North and South) for the Brown and Green Alternatives, and Interchange Options for each of the alternatives, were retained for detailed evaluation and presented at Public Workshops in December 2005, February 2006, and April 2006. Additionally, Project Purpose and Need and the Potential Range of Alternatives were initially presented at workshops in June 2005 and September 2005. The Build Alternatives provide a 4-lane controlled access roadway from the Delaware/Maryland Line to SR1, south of the C&D Canal. The Green and Purple Alternatives also provide a 2-lane spur road from the vicinity of Armstrong Corner Road to Summit Bridge. The Alternatives have been refined in response to comments received at the fifth round of Public Workshops in April and the continuing coordination and consultation with the state and federal resource and regulatory agencies. The refined Alternatives Retained for Detailed Evaluation will be presented at the public hearings, along with an assessment of their effects. **DelDOT has recommended the Green North + Spur Road Alternative as the Preferred Alternative.** The DEIS describes the retained alternatives and provides information regarding associated impacts of all retained alternatives. The DEIS will be on display at locations listed in this public notice.

This project is currently in the Project Development phase, which includes agency and public involvement, engineering, and environmental studies, and at its conclusion, the receipt of Location and Design Approvals.

The purpose of these Combined Location/Design Public Hearings is to afford all interested persons the opportunity to present their views regarding the proposed locations and general design of the alternatives. This includes the social, economic, and environmental effects for all of the Build Alternatives and the No-Build Alternative. Comments received from the public, along with those from the resource and regulatory agencies, will be considered by DelDOT in reaching an informed decision on a Preferred Alternative.

The hearings will begin at 4:00 p.m. with a 30-minute presentation by the hearing sponsors, including hearing purpose, project need, description of retained alternatives and a summary of their environmental and cultural impacts, statements pertaining to the property acquisition process, Title VI of the Civil Rights Act of 1964 and Executive Order 12898 regarding Environmental Justice. An informational Workshop for the review of maps displaying the retained alternatives and information summarizing the results of the project development effort to date will take place throughout the hearings. The Project Team will be available to answer questions. A brief presentation to include a description of the retained alternatives and a summary of the environmental and other impacts will be provided at 4:30 p.m., 5:30 p.m., and 6:30 p.m. Testimony may be given directly to a stenographer from 4:00 p.m. until the hearing's conclusion. At 7:00 p.m., traditional style public testimony will begin. The hearings will end when all testimony is complete or at 10:00 p.m., whichever comes later. Forms will be available at the hearings for the public to provide written comments. Comments can also be provided through the project website, [www.us301.org](http://www.us301.org).

Comments must be received by February 3, 2007. Each of the public hearings will have the identical format and will provide the same information.

The Corps of Engineers is soliciting comments from the public; federal, state, local agencies and officials; Native American Indian Tribes; and other interested parties in order to consider and evaluate the aquatic impacts of the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny permits for this proposed project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. These public hearings provide the opportunity to present views, opinions, and information that will be considered by the Corps in evaluating the requested Department of the Army permit. All comments received will become part of the formal project record and considered in the preparation of the Final Environmental Impact Statement for the proposed project. Copies of any written statements expressing concern for aquatic resources may be submitted to Mr. Frank J. Cianfrani, Chief, Regulatory Branch, U.S. Army Corps of Engineers, CENAP-OP-R-2006-6071-1, Philadelphia District, Wannamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The Corps' decision on whether to issue a permit under Section 404 of the Clean Water Act for the proposed project will be based on an evaluation of the proposed action's potential environmental impacts and the general review to determine if granting the permit is in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A review of the species and maps listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, indicates that there is no Essential Fish Habitat in the vicinity of the project, and as such, the proposed project would have no effect on any EFH resources.

The evaluation of the impacts of the proposed project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under Section 404(b) of the Clean Water Act codified in 40CFR230.10.

A preliminary review of the project, as proposed, indicates that the proposed work is not likely to adversely affect any known federally listed rare, threatened, or endangered species or their critical habitat pursuant to Section 7 of the Federal Endangered Species Act as amended. As the evaluation of the proposed project continues, additional information may become available that could modify this preliminary determination.

DelDOT must subsequently certify that the proposed activity complies with and will be conducted in a manner consistent with the Delaware Coastal Zone Programs, and obtain Water Quality Certification and Wetlands and Subaqueous Lands Permits from DNREC in accordance with Section 401 of the Clean Water Act and with Delaware Code title 7, sections 6607 and 7212. DelDOT must also obtain other State or local government authorizations that may be required.

DeIDOT, in consultation with the Delaware State Historic Preservation Office, has identified 31 historic resources that are listed on and/or considered eligible for the National Register of Historic Places in the study area. A preliminary assessment of the potential effects on these historic properties has been completed. These resources as identified in the DEIS are listed below:

Shahan Farm, Lanape Acres 389 Strawberry Lane	Woodside; Henry Clayton House 1358 Choptank Rd
B.F. Hanson House 1102 Middletown Warwick Rd	Governor Benjamin T. Biggs Farm Choptank Road
C. Polk House Estate 929 Middletown Warwick Rd	S. Rothwell House; Green Forest Farm 669 Old Summit Bridge Rd
Summerton; John Cochran House 840 Middletown Warwick	Weston; S. Brady Farm 4677 Summit Bridge Rd
Rumsey Farm 841 Middletown Warwick Rd	Lovett Farm/Mrs. Templeman House (Beers 1868) 1405 Cedar Lane Rd
Hedgelawn; Kohl House; Wm R. Cochran House 772 Middletown Warwick Rd	T.J. Houston Farm (Beers 1868) 1309 Cedar Lane
Cochran Grange; John P. Cochran House 704 Middletown Warwick Rd	Mt. Pleasant Farm 4564 Summit Bridge Rd
Middletown Historic District Main Street & Broad Street	A. Eliason House; Twin Holly Farms 4353 Summit Bridge Farm
Forest Cemetery 1000 N. Broad Street	S.F. Shallcross House 1049 Boyds Corner Rd
The Maples; George Derrickson House (Beers 1868) 1023 Bunker Hill Road	J.M. Vandergrift House; Elm Grange 2424 S. Dupont Highway
Rosedale; Mary Del Farm 1143 Bunker Hill Rd	Retirement Farm 2256 Dupont Hwy N
S. Holton Farm 2010 Choptank Rd	"Fairview"; A.H. Diehl House (Beers 1868) 350 Hyetts Corner Rd
R.G. Hayes House 5187 Summit Bridge Rd	State Bridge Number 383 Jamison's Corner Rd
Armstrong-Walker House; J. Cox Estate 5036 Summit Bridge Rd	J. Houston House (Beers 1868) 1000 Jamison Corner Rd
Achmester N Side of Marl Pit Rd, One Mile E of Summit Bridge Rd	Idalia Manor; Mrs. M.A. Osborne 1870 S. Dupont Highway
Choptank; J. Clayton Farm; Rhoades House 1542 Choptank Road	

In accordance with Section 106 procedures of the National Historic Preservation Act, these public hearings provide an opportunity to receive comments, opinions, and information on the project's effects to historic properties, including standing structures and archaeological resources, as well as to identify interested parties for the continuing consultation with the Advisory Council on Historic Preservation and the State Historic Preservation Officer (SHPO). The SHPO has concurred with DeIDOT's determination that the project would have an adverse effect on some historic properties, should a build alternative be selected. Public views on the resolution of adverse effects on historic properties are being sought.

The US 301 Project Team and the state and federal regulatory agencies encourage public comment on the project. Input for the public hearing record may be provided in a number of ways: written comments conveyed by the comment forms provided at the public hearings, through the US 301 project website ([www.us301.org](http://www.us301.org)), and testimony at the hearings. All forms of testimony will carry equal weight in project deliberations. Statements and exhibits to be included in the "Public Hearing Transcript" must be received by February 3, 2007. Written comments and materials may be submitted to Mr. Mark Tudor, P.E., US 301 Project Director, Delaware Department of Transportation, P.O. Box 778, Dover, Delaware 19903.

A list will be created for each hearing for testimony. Individuals and representatives of organizations who desire to testify will be called on in the order they registered. Those wishing to testify are encouraged to register through the project website, [www.us301.org](http://www.us301.org), or may also register by calling the US 301 Project Development toll-free line at 1-866-485-9988 weekdays between 8:30 a.m. and 5:00 p.m. A sign-up sheet will be available at the sign-in table for those wishing to testify, beginning at 4:00 p.m. on the day of each hearing. Testimony may also be given directly to a stenographer from 4:00 p.m. until the hearing's conclusion.

In order to accommodate each person who wishes to provide testimony, it may be necessary to impose a time limit. If this becomes necessary, those registered will be advised in advance. For more information about the hearing procedures, please contact the Project Team by using the project's toll-free line or the project website, noted above.

The display boards, the public hearing information brochure, the Public Notice, the comment form, the matrices noting natural environmental, cultural resources, traffic, and community impacts, along with the engineering features associated with each of the retained alternatives and a DeIDOT FYI Real Estate Brochure – "Your Property and the Right-of-Way", will be available on the project website beginning on November 13, 2006 and will be available upon request, at no charge, through the project website and the toll-free line noted above. The material will also be available at the US 301 Project Office, located at 723 North Broad Street, Middletown, Delaware 19709, which will be open on Thursdays (3:00-7:00p.m.) and Saturdays (9:00a.m.-1:00p.m.) from November 16, 2006 through February 3, 2007. However the Project Office will be closed on November 23<sup>rd</sup> and 25<sup>th</sup> (Thanksgiving Holiday) and December 23<sup>rd</sup>, 28<sup>th</sup>, and 30<sup>th</sup> (Christmas and New Year's Holidays). The material will also be available at the public hearings.

The Draft Environmental Impact Statement (DEIS) will be available for review beginning on November 13, 2006 on the project website and at selected facilities listed below:

Appoquinimink Public Library  
(Circulation Desk)  
118 Silver Lake Road  
Middletown, DE 19709  
*M-Th: 10:00 a.m. – 9:00 p.m.*  
*Fri: 10:00 a.m. – 5:00 p.m.*  
*Sat: 10:00 a.m. – 2:00 p.m.*

Delaware Department of Transportation  
(Bidder's Room)  
800 Bay Road  
Dover, DE 19901  
*Weekdays: 9:00 a.m. – 4:00 p.m.*

Delaware Department of Transportation  
(Central Hall Area)  
250 Bear-Christiana Road  
Bear, DE 19701  
*Weekdays: 9:00 a.m. – 4:00 p.m.*

Federal Highway Administration  
300 South New Street  
Room 2101  
Dover, DE 19901  
*Weekdays: 9:00 a.m. – 4:00 p.m.*

New Castle County Government Offices  
(Land Use Customer Waiting Room)  
87 Reads Way  
New Castle Corporate Commons  
New Castle, DE 19720  
*Weekdays: 9:00 a.m. – 4:00 p.m.*

WILMAPCO 850 Library Avenue, Suite 100  
(Lobby)  
Newark, DE 19711  
*Weekdays: 9:00 a.m. – 4:00 p.m.*

US 301 Project Office  
723 North Broad Street  
Middletown, DE 19709  
*Thursdays (3:00-7:00p.m.) and Saturdays  
(9:00a.m.-1:00p.m.) from November 16, 2006  
through February 3, 2007.*  
*[Project Office will be closed on November 23<sup>rd</sup>  
and 25<sup>th</sup> (Thanksgiving Holiday) and December  
23<sup>rd</sup>, 28<sup>th</sup>, and 30<sup>th</sup> (Christmas and New Year's  
Holidays)]*

Regulatory Branch  
US Army Corps of Engineers  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
(215) 656-5932  
*Weekdays: 1 p.m. - 3:30 p.m.*

For more information regarding the availability of the DEIS, please contact the project's website ([www.us301.org](http://www.us301.org)) or toll-free line (1-866-485-9988).

The workshops/hearings location is accessible to persons having disabilities. Any person having special needs or requiring special aid is requested to contact DelDOT by phone or mail one week in advance of the workshops/hearings.

For further information, contact DelDOT Public Relations at 1-800-652-5600 (in DE) or 302-760-2080, write to the Delaware Department of Transportation, 800 Bay Road, Dover, Delaware, 19901, or visit [www.deldot.gov](http://www.deldot.gov).

**HEARING IMPAIRED/NON-ENGLISH SPEAKING PERSONS:**

If anyone who is hearing impaired desires to attend these hearings, please notify the above address in writing or teletype to 1-800-735-2258 (Statewide toll free). Non-English speaking persons who wish to attend should notify the same address or call 1-866-462-0020. All requests for an oral, sign language, or non-English language interpreter must be received by January 2, 2007. To the extent that this is feasible and possible, an interpreter will be provided.