

**APPENDIX A:  
DELAWARE STATE HISTORIC PRESERVATION OFFICE AND  
DELAWARE DEPARTMENT OF TRANSPORTATION LETTERS**



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION

800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

NATHAN HAYWARD III  
SECRETARY

January 8, 2004

Daniel R. Griffith, Director  
Division of Historic and Cultural Affairs  
Tudor Industrial Park  
604 Otis Drive  
Dover, DE 19901

**RE: Project Initiation, Market Street Renovation Project - Phase III**  
**State Contract: TBD; Federal Aid No.: TBD**

Dear Mr. Griffith:

I am writing to inform you that the Federal Highway Administration proposes to conduct an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, and its implementing regulations, 36 CFR Part 800. The agency has authorized the Delaware Department of Transportation (DelDOT) to initiate consultation with the Delaware State Historic Preservation Office (DE SHPO) on its behalf.

The undertaking will take place in the City of Wilmington and includes the reconstruction and streetscape improvements for a six (6) block section (100, 200, 300, 400, 500 and 600 Blocks) of North Market Street from Martin Luther King, Jr. (MLK) Boulevard to 7th Street. The roadway and streetscape improvements will be limited to the area within existing right-of-way between the existing building facades contained in the project area. The project will re-introduce two-way traffic and parallel parking to this section of Market Street and will include accessible curb ramps, crosswalks, granite curb, brick pavers, new street trees, ornamental traffic signal poles, ornamental lighting and site furnishings. Drainage improvement work and utility relocations are also necessary to accommodate the proposed improvements. It is expected that the proposed construction will be completed within the existing public right-of-way. The preliminary 50% construction plans will be completed in the spring of 2004.

Your agency has been involved with the planning and coordination of the Phase I and Phase II Market Street Projects and in the initial discussion of the overall Market Street Improvements, beginning with a field view of the greater project, which was attended by Gwen Davis from your office on March 28, 2000. A cultural resources identification survey was undertaken for Market Street from MLK Boulevard northward to 15<sup>th</sup> Street and Parsons completed the associated survey report, *Market Street Cultural Resources Inventory - Martin Luther King Boulevard to 15<sup>th</sup> Street, Wilmington, DE* in May 2003. The Draft Documentation Support for a Finding of No Adverse Effect - Market Street Renovation Project: 700 and 800 Blocks of North Market Street, City of Wilmington, DE was completed by Parsons in May 2003. The purpose of the Phase III project is to complete the overall Market Street Renovation Project, intended to extend from MLK Boulevard northward to 15<sup>th</sup> Street. Phase III will connect to the Phase II improvements, which will soon commence in 2004 in the 700 and 800 Blocks of Market Street.

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1/8/2004  
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We plan to involve property and business owners in the area of effect, the City of Wilmington, as well as Preservation Delaware's Historic Roads and Bridges Committee. By copy of this letter we request any government, organization, or individual who has an interest in participating in the formal Section 106 process as a consulting or interested party to respond in writing with their request. DelDOT and the City of Wilmington are not aware of other individuals and/or organizations that have a demonstrated interest in the undertaking due to their legal or economic relation to the undertaking or affected properties. We are requesting the DE SHPO's assistance in identifying any other party that may wish to be invited to be consulting or interested parties on the project. DelDOT and the City of Wilmington will continue to involve the public in the Section 106 process through public workshops, individual consultation, interagency meetings and coordination, and/or steering/focus groups. Please provide any further recommendations you might have for effectively involving the public in the Section 106 review of this undertaking.

Based on the nature and extent of the undertaking, DelDOT, for the Federal Highway Administration, defines the Area of Potential Effect (APE) as the limits of construction for street bed and sidewalks as well as the building facades fronting on Market Street. The proposed improvements wrap around corner properties, but in doing so do not come in contact with other properties fronting along side streets. Thus, no side streets will be included or involved in the cultural resources portion of the Phase III project. It is anticipated that upon plan availability, we will circulate those plans for Section 106 review and comment. We will follow up with subsequent questions that you may have and likely suggest an early finding of effect.

Please review the information that we have provided on this undertaking and contact Michael C. Hahn (302-760-2131) of my section if you have any questions.

Sincerely,



Therese Fulmer  
Manager, Environmental Studies  
Division of Transportation Solutions

TF/mh

CC: Robert Kleinburd, FHWA  
Michael Angelo, Assistant Director, Project Development  
Robert Taylor, Assistant Director, Engineering Support  
Raymond Petrucci, Project Manager  
~~Michael Hahn, Division of Transportation Solutions~~  
Gwen Davis, DE SHPO  
David Blankenship, City of Wilmington  
Debra Martin, City of Wilmington  
Gwinn Kaminsky Rivera, City of Wilmington  
Ted Januszka, Pennoni Associates Inc.  
Cynthia Auman, Parsons  
Chris McEvelly, Preservation Delaware, Inc  
Will Minster, Downtown Business Association  
Kee Kim, Korean Merchants Association  
File



*M. Hahn  
DelDOT*

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September 23, 2004

Mr. Robert Kleinburd  
Realty & Environmental Specialist  
Federal Highway Administration  
J. Allen Frear Federal Building  
300 South New Street  
Dover, DE 19904-6726

RE: Wilmington Initiatives: Market Street Renovation Phase III (MLK, Jr. Boulevard to 7<sup>th</sup> Street), Wilmington, New Castle County; State Contract No. 24-011-03; Federal Aid Project No. ESTP-N024(7); finding of No Adverse Effect

Dear Mr. Kleinburd:

We have reviewed the documentation of No Adverse Effect, prepared by a consultant and transmitted by DelDOT on your agency's behalf, for the above-referenced project. We have also reviewed the project plans provided with documentation. The documentation contains most of the information required to support this finding, as stipulated in 36 CFR 800.11(e) of the regulations implementing Section 106 of the National Historic Preservation Act. We request clarification of some of that information, as indicated in the attached comments and referenced in the conditions to our concurrence listed later in this letter.

The documentation indicates that the Federal Highway Administration (FHWA), with assistance from DelDOT, has applied the Criteria of Adverse Effect (800.5) to those properties within the undertaking's Area of Potential Effect which are listed in the National Register of Historic Places, or are, for the purposes of this undertaking, treated as eligible for listing. These properties include:

- All extant buildings in the Area of Potential Effect from MLK Boulevard to 5<sup>th</sup> Street, listed as contributing elements of the Lower Market Street Historic District and Extension (N-5264);
- Four properties listed as part of the Historic Resources of Market Street Multiple Resource Area (N-5126), including: Old Town Hall Commercial Historic District (N-4000) and contributing elements thereof; Delmarva Power & Light Bldg. (N-2157); Crosby and Hill Bldg. (N-2162); and Charles Schagrin Bldg. (N-2159);
- The Louis McLane House (N-156); and
- Six buildings meeting the 50 year age criterion, including 601, 602 (N-2158), 603, 604 (N-751?), and 617-627 North Market St., and 2 East 7<sup>th</sup> St.

The FHWA has determined that the project will have No Adverse Effect on these historic properties.

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The DE SHPO concurs with this determination, with the following conditions:

1. DelDOT will ensure that the attached comments on the documentation are addressed;
2. DelDOT will amend the project plans, and/or provide other means for instructing its Engineer overseeing the project and its contractors of the following provisions:
  - a. Plan Sheet 4/Project Note 36: changes to the project must be coordinated with DelDOT Environmental Studies, who in turn will coordinate with the DE SHPO and City of Wilmington Preservation Planner;
  - b. Plan Sheet 35/General Vault Note 6: if the contractor damages any materials which are to remain in place, repairs will be made in consultation with the property owner(s), DelDOT Environmental Studies, the DE SHPO and the City of Wilmington Preservation Planner; and
  - c. Plan Sheet 35/General Vault Note 17: indicate that treatment of vaults that are discovered during construction (e.g., properties at 119, 300, 305, and 604 North Market St.) will be coordinated with the property owners, and that the Engineer will notify DelDOT Environmental Studies of the proposed treatment, who in turn will provide this information to the DE SHPO and City Preservation Planner.
3. Prior to permitting construction work to commence on the project, DelDOT will provide the DE SHPO and the City of Wilmington Preservation Planner with a copy of the final, signed project plans, and will allow the DE SHPO and the City sufficient time in which to review and comment on the plans. DelDOT will take into account any comments provided by the DE SHPO and/or the City;
4. DelDOT will provide the DE SHPO and City of Wilmington Preservation Planner with a copy of the Shop Drawings to be prepared by the contractor, per Plan Sheet 36/Vault Treatment Type IV Note 1, for those properties subject to Vault Treatment Type IV (fill), e.g., 308-310, 402, and 404 North Market St., and 2 East 7<sup>th</sup> St. The shop drawings should include a plan and section of the vault space to be filled.
5. DelDOT will notify the DE SHPO and the City if any significant changes to the project methods, footprint, materials or design are proposed, and will take into account any comments provided by the DE SHPO and/or the City prior to implementing such changes; and
6. DelDOT shall consult with the DE SHPO concerning the locations for disposal of project related materials. DelDOT shall ensure that its contractor does not use any such location if the DE SHPO finds that the disposal activity may affect historic properties.

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As provided for under Section 800.5(c)(1) of the regulations, the FHWA may carry out the undertaking as planned, taking into account the above-cited conditions. The FHWA must maintain a record of the finding and, on request, provide information on the finding to the public. The FHWA must also reopen consultation with the DE SHPO and other interested parties if the project cannot be carried out as planned (800.5(d)(1)).

If you have any questions about these conditions, please do not hesitate to contact me. Thank you for your consideration of our comments.

Sincerely,



Daniel R. Griffith  
Director/State Historic Preservation Officer

Enclosure

cc: Carolann Wicks, Director, Division of Transportation Solution, DelDOT  
Therese M. Fulmer, Manager, Environmental Studies, DelDOT (w/enclosure)  
Raymond Petrucci, Project Manager, DelDOT  
Michael C. Hahn, Senior Highway Planner, DelDOT (w/enclosure)  
Susan Love, Environmental Scientist, Del. Coastal Management Program, DNREC  
David Blankenship, Dir. of Transportation & Streets, Public Works, City of Wilmington  
Debra Campagnari Martin, Preservation Planner, City of Wilmington (w/enclosure)  
Gwinn Kaminsky Rivera, Planning, City of Wilmington  
Ted Januszka, P.E., Pennoni Associates Inc.  
Jennifer Hurley, Hurley-Franks Associates, Inc.  
Cynthia Auman, Manager, Cultural Resources, Parsons