

**1.0 DESCRIPTION OF THE  
UNDERTAKING**

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This report presents the results of an effect assessment conducted for the Delaware Department of Transportation (DelDOT) and the Federal Highway Administration (FHWA) in consultation with the Delaware State Historic Preservation Office (DE SHPO) and the Maryland State Historic Preservation Office (MD SHPO) for the US 301 Project Development in New Castle County, Delaware (Figure 1). Because the project is federally funded, FHWA seeks to comply with Section 106 of the National Historic Preservation Act of 1966, as amended and the implementing regulations contained in 36 CFR Part 800. The purpose of the report is to document the potential effect of the proposed project on historic properties located within the Area of Potential Effect (APE) for the Preferred Alternative (Figure 2).

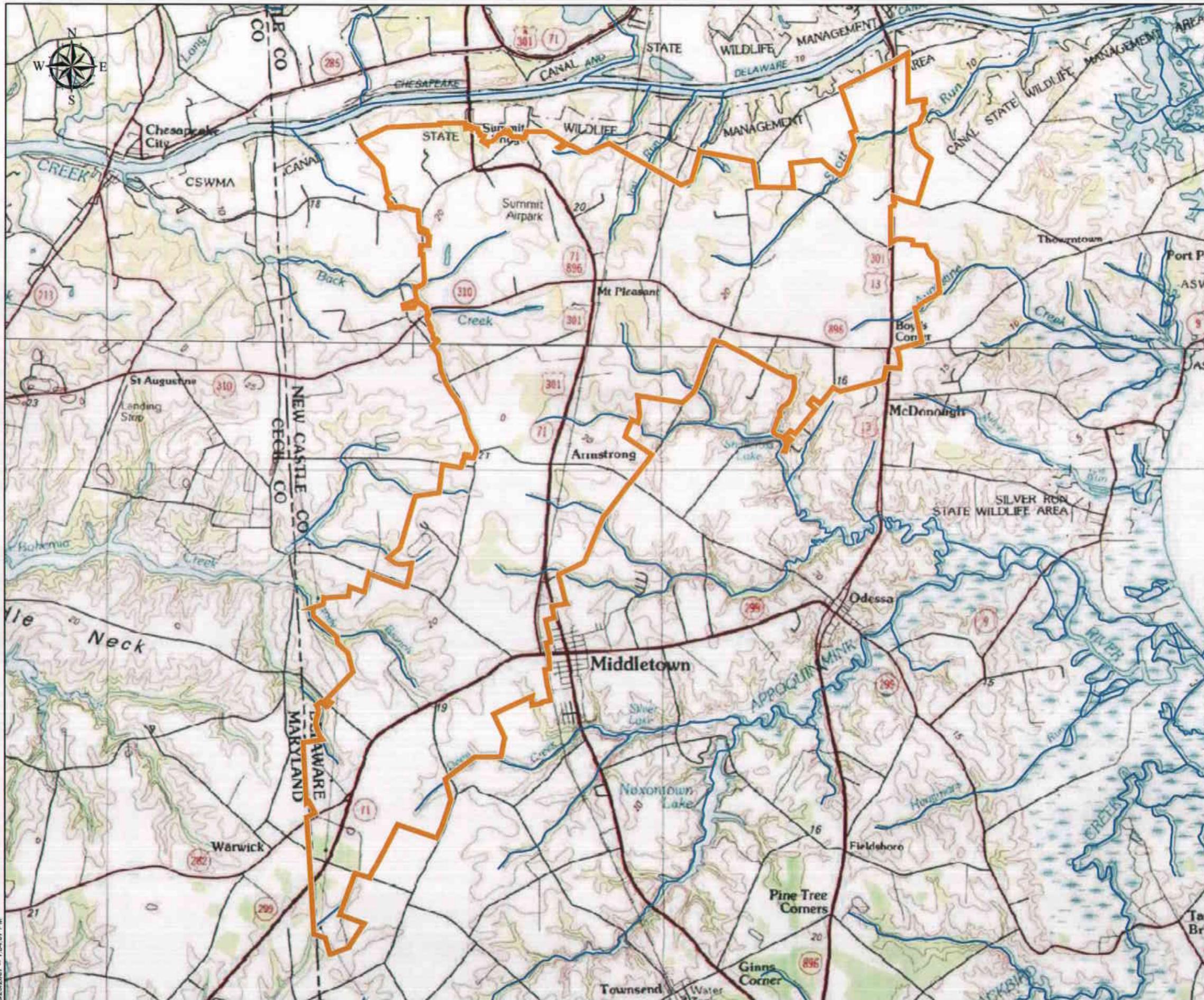
### 1.1 Project Background

The evaluation of improvements to the US 301 corridor in New Castle County has been ongoing since the mid-1960s, with early studies completed in the 1970s and 1980s. More recent studies initiated by DelDOT include the July 1993 *Draft Environmental Impact Statement* (DEIS), which compared the environmental impacts of a variety of alternatives to improve traffic service and operation in the US 301 corridor between the Delaware-Maryland state line and I-95 (Vanasse Hangen Brustlin, Inc. [VHB] 1993). The January 2000 *Major Investment Study* (MIS) (VHB 2000) investigated the overall transportation needs in southern New Castle County and recommended that improvements to the US 301 corridor be developed from the Delaware-Maryland state line to SR 1 south of the C&D Canal, rather than to the SR 896 corridor north of the Canal, as proposed in the 1993 DEIS. The current US 301 Project Development effort focuses on addressing the mobility and safety needs of this rapidly developing area, building upon the previous purpose and need presented in the 1993 DEIS and 2000 MIS.

A broad range of alternatives was evaluated as part of the current US 301 Project Development effort, including a No-Build and seven build alternatives: Yellow, Orange, Purple, Brown, Green, Blue, and Red. All of the build alternatives proposed the construction of a new four-lane limited access roadway from the state line to an existing limited access roadway (I-95 in the case of the Red Alternative and SR 1 south of the C&D Canal in all other cases). A.D. Marble & Company conducted a reconnaissance survey and prepared a related context report during the summer of 2005 that examined the initial alternatives (excluding the Red and Blue alternatives, which were addressed in a separate report by McCormick Taylor) (A.D. Marble & Company 2006 and McCormick Taylor 2006).

DelDOT and FHWA consulted with the state and federal resource agencies, including DE SHPO and Maryland State Highway officials, regarding the development and consideration of the alternatives and presented the range of initial alternatives at public workshops. After considering the technical analyses and the comments of the resource agencies and the public, DelDOT, following the addition of a Spur Road to the Purple and Green Alternatives, recommended that the Yellow, Purple, Brown, and Green Alternatives be retained for detailed evaluation. All of the retained build alternatives provided a four-lane limited access toll road from the Delaware-Maryland state line to SR 1, south of the C&D Canal. Two of the build alternatives (Purple and Green) provided a two-lane, limited access Spur Road from the new US 301 to the Summit

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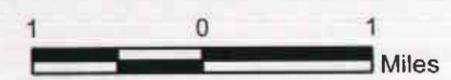


U.S. 301 Project Development  
Documentation in Support of a  
Finding of Adverse Effect

 Area of Potential Effect



Figure 1  
Project Location Map



November 2007

Sources:  
USGS 30x60 DRGs; Wilmington, DE; Dover, DE



**U.S. 301 Project Development  
Documentation in  
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**Figure 2: Green North Alternative,  
Area of Potential Effect, and Historic Properties  
November 2007**



- Green North Alternative
- Area of Potential Effect
- Municipal Boundary
- CRSP Points
- Determined Eligible
- Listed
- CRSP Boundaries
- Determined Eligible
- Listed

Sources:  
2007 Census of Maryland, U.S. Census Bureau, October 2007  
1:100,000  
11/15/07

Bridge. The results of the development and consideration of the alternatives was provided in the *US 301 Project Development: Alternatives Retained for Detailed Evaluation* report, dated November 8, 2005 (RK&K 2005).

An intensive-level historic resource survey of the APE for the alternatives retained for detailed study was conducted from the summer of 2005 to 2006. An archaeological predictive model was prepared in 2005 and 2006. The results of the cultural resources studies were summarized for the public in the DEIS and are discussed in Section 2 this report. Based on the evaluations presented in the DEIS and based upon consideration of all of the impacts identified, input from the state and federal resource and regulatory agencies and the public, DelDOT recommended the Green Alternative, North Option plus Spur Road as the Preferred Alternative in the DEIS. Following additional evaluation and design refinements in consideration of comments received on the DEIS from the federal and state resource and regulatory agencies and the public, DelDOT announced its preferred Alternative on May 16, 2007. The Preferred Alternative for the US 301 Development Project includes Armstrong Corner Road Area Option 2A, Summit Interchange Option 3B and Ratledge Road Area Option 4B Modified.

## **1.2 Description of Preferred Alternative**

DelDOT has identified the Green North Alternative plus Spur Road as its Preferred Alternative. For the purposes of this report, the “undertaking” is identified as DelDOT’s Preferred Alternative. A detailed description of the recommended Preferred Alternative was provided in the November 2006 *US 301 Project Development Draft Environmental Impact Statement* (FHWA and DelDOT 2006). The Preferred Alternative will be further detailed in the Final Environmental Impact Statement (FEIS). It is described below and summarized in Table 1.

The Preferred Alternative will provide a four-lane, limited access tolled highway. The roadway will be constructed on a new location extending generally northward from the Delaware-Maryland state line to north of Middletown, near Armstrong Corner Road. The roadway will extend approximately 2,600 feet into Maryland where the four-lane highway will tie in to the existing two-lane road. From north of Middletown, the alignment will continue generally northeast to cross over existing US 301 and SR 896 (Boyds Corner Road) and tie into SR 1 north of the Biddles Corner Toll Plaza, which is south of the Chesapeake & Delaware (C&D) Canal. Near Armstrong Corner Road, where the alignment extends to the northeast, a two-lane, limited access Spur Road will continue north on a new location to a new interchange with SR 896 south of Summit Bridge and the C&D Canal. DelDOT’s preferred Green North Alternative with Spur Road will include Interchange Option 2A in the Armstrong Corner Road area, Summit Interchange Option 3B in the vicinity of the Spur Road, and Option 4B Modified in the Ratledge Road area, as discussed in further detail below.

The Preferred Alternative will measure a total length of 17.5 miles, including the Spur Road, and have six interchanges: a diamond interchange southwest of Middletown at Levels Road; right-on/right-off ramps at existing US 301 in the vicinity of Armstrong Corner Road; a diamond interchange at Jamison Corner Road; flyover ramps to SR 1 north of the Biddles Corner Toll Plaza; a partial cloverleaf interchange along the Spur Road at an extended Bethel Church Road; and a flyover ramp at the terminus of the Spur Road at the SR 15/SR 896 junction.

**Table 1. Description of the Preferred Alternative.**

<b>Engineering Features</b>	<b>Preferred Alternative Green North</b>
Alignment Description	Ridge route plus new E/W alignment (with spur)
Alignment Length, miles	17.5
Total Area of Limit of Disturbance (LOD), acres	941
Number of Interchanges	6
Interchange Locations	Levels Road
	Armstrong Corner Rd
	Jamisons Corner Rd
	SR 1 north of Toll Plaza
	Bethel Church Road
	SR 15/SR 896
Number of Overpasses/Underpasses	9
Overpass/Underpass Locations	Strawberry Lane
	Bunker Hill Road
	Armstrong Corner Rd
	US 301
	Norfolk Southern RR
	SR 896
	Hyetts Corner Rd
	Old Schoolhouse Rd
	Churchtown Rd
Typical Section, Mainline	Two 12-foot lanes in each direction
	10-foot paved inside and outside shoulders
	66-foot wide landscaped median
Typical Section, Spur Road	One 12-foot lane in each direction
	10-foot paved inside and outside shoulders
	62-foot wide landscaped median
Design Speed	70 mph

An interchange will be provided in the Armstrong Corner Road area on the new US 301 mainline to access the areas north of Middletown. The preferred option in this area is Armstrong Corner Road Area Option 2A. This option will provide an interchange between the new US 301 and existing US 301 north of the existing intersection of Armstrong Corner Road and existing US 301. The northbound entrance and exit ramps will be located on existing US 301 approximately 1,000 feet north of Armstrong Corner Road. The southbound entrance and exit ramps will be located on the existing US 301, approximately 3,500 feet north of Armstrong Corner Road. Two new signalized intersections on existing US 301 will control exit and entry traffic.

The preferred Summit Interchange Option (3B) will provide a directional “Y” interchange between SR 896 and the US 301 Spur Road. Bethel Church Road will be extended east to a north-serving interchange with the Spur Road. Access from Choptank Road and Bethel Church Road to the Spur Road will be provided via a partial cloverleaf interchange. This option will include a cul-de-sac on Bethel Church Road east and west of the interchange. The existing sharp curve on SR 896, south of Summit Bridge, will be improved to current design standards and the existing traffic signal will be removed.

From just south of Boyds Corner Road, the preferred Ratledge Road option (4B Modified) provides the connection from the Pleasanton area to the proposed Jamison Corner Road interchange. East of the Norfolk Southern Railroad overpass, the Green North Alternative alignment will continue in a northeast direction to pass over SR 896 (Boyds Corner Road). North of SR 896, the North Option will continue in a northerly direction before turning almost directly east toward SR 1, avoiding impacts to active farmlands in this area. The new US 301 alignment will pass under a reconstructed Jamison Corner Road, pass south of the Airmont community, cross over Scott Run and under a reconstructed Hyetts Corner Road, and continue east to the interchange with SR 1 north of the existing Biddles Corner Toll Plaza and south of the SR 1 bridge over the C&D Canal. Directional ramps will be provided from southbound SR 1 to southbound US 301 and from northbound US 301 to northbound SR 1.

The APE for the Green North Alternative is shown in Figure 2 and discussed in Section 2.0 of this report. The Green North Alternative will not require the acquisition of any acreage from the National Register boundaries of the 22 identified historic properties in the APE. Proposed improvements and construction activities, including staging and stockpile, will be located within anticipated or existing transportation right-of-ways (ROW) or within areas not identified as historic properties, districts, or sensitive archaeological areas.

### **1.3 Public Involvement in the Section 106 Process**

Consulting parties for the US 301 Project Development include DelDOT, DE SHPO, and MD SHPO. The New Castle County Department of Planning and Land Use (NCC) was invited to participate as a consulting party as it has a demonstrated interest in the project. The County did not formally respond to the invitation. However, the staff of the NCC has occasionally participated in the Section 106 consultation process in order to provide comment on the National Register eligibility of resources during the identification phase. Under the provisions of the MOA, additional consulting parties may be identified as the project development process continues. With regards to consultation with Native Americans, FHWA has contacted the Delaware Nation and the

Stockbridge-Muncee Community; to date, neither tribe has indicated its intent to participate in the consultation. The MOA allows for other consulting parties to be identified as the project development process continues.

FHWA and DelDOT hosted five rounds of public workshops in conjunction with the planning process. Notices of the project workshops were advertised in *The Delaware News Journal* and *The Middletown Transcript* and posted at more than 40 locations throughout the project area, including a park and ride facility, banks, post offices, police and fire stations, and numerous local businesses. Individuals were notified using the project mailing list. The alternatives development and the results of cultural resources investigations were presented at the public workshops on June 20 and 21; September 12, 13, and 19; December 5, 6, and 7, 2005, and February 22 and 23 and April 10 and 11, 2006. A Combined Location-Design Public Hearing (with the U.S. Army Corps of Engineers [USACE]) was held on January 8 and 9, 2007. Table 2 provides a summary of the information presented in each of the public workshops. Additionally, project updates were provided via a project newsletter and a project website. A project hotline and project office were also established to aid in the collection and distribution of project information to the public. The Project Team (DelDOT, DE SHPO, FHWA, RK&K, and A.D. Marble & Company staff), as requested, held meetings with individuals and groups to discuss project updates and potential impacts.

During the course of the historic structures survey and limited archaeological investigations, surveyors visited properties with a copy of the intent-to-enter letter issued for the project as well as an informational brochure that explained the purposes of the cultural resources studies. The staff made up to three attempts to visit properties when the owner or tenant was at home in order to ensure the residents' comfort with their presence, to answer any project-related questions, and to have an opportunity to conduct informal interviews on the history of the property.

Informal interviews were also conducted with residents identified as being able to provide further information on the history of specific resources. The results of these oral interviews were used to guide additional research efforts and National Register eligibility assessments.

As a result of these efforts, the public was part of an on-going effort to identify and evaluate historic resources; assess potential effects on historic properties; present alternative options that might avoid, minimize and mitigate potential adverse effects; and to present and discuss the Preferred Alternative. Continued public involvement will be ongoing with future archaeological investigations and implementation of mitigation measures for standing structures. The views of the agencies and the general public are summarized in Section 6.0.

**Table 2. Summary of Public Workshops.**

Workshop Dates	Topics Discussed
June 20 and 21, 2005	Introduction of Transportation Needs and Alternatives
	Comments indicated support for Purple and Green Alternatives; lack of support for Yellow, Orange, Brown, and Red Alternatives; and requested an investigation of a route south of Middletown (developed as the Blue Alternative)
September 12, 13, and 19, 2005	Presentation of updated evaluation of all alternatives (including the new Blue Alternative) and impacts of the alternatives
	Comments indicated support for retaining the Purple and Green Alternatives for detailed evaluation; dropping the Yellow, Orange, Brown and Blue Alternatives
	Comments were split in opinion on the Red Alternative
	Comments also suggested adjusting where the Green Alternative crosses 301 (northward)
December 5, 6, and 7, 2005	Presentation of the four retained alternatives: Yellow, Purple, Brown, and Green
	Introduction of the Purple and Green Alternatives with a Spur Road to Summit Bridge, the proposed elimination of the toll-free ramps, and two alignment options for the crossing/interchange at existing US 301
	General themes frequently repeated included the need for action, concern about the amount and pace of development in the project area, and a need to have a timely alternative decision
	Alternative-related themes included concerns about changing alignments, impacts to natural resources, and impacts to communities and community resources
	Comments provided indicated that there were an insufficient number of comments to provide support or opposition to the alternatives or options presented
February 22 and 23, 2006	Issue-focused workshops presented issues raised at the December 2005 workshops and the Project Team's evaluation of those issues
	An insufficient number of comments were received to ascertain support or opposition to the alternatives or options presented
April 10 and 11, 2006	Presentation of refined alternatives for review and comment
	Of respondents, twice as many expressed support for the Green Alternative than the Yellow or Purple Alternatives
	Petitions received requested the return of the Green and Purple Alternatives to their original alignment and the removal of the spur road; expressed opposition of the Yellow and Purple Alternatives; and expressed support for the Green Alternative with Armstrong Corner Road Area Option 2A
January 8 and 9, 2007	Presentation of DelDOT's recommended Preferred Alternative (Green North + Spur) and the Draft Environmental Impact Statement (DEIS)
	Explanation of why the other alternatives retained for detailed analysis were not selected as the Preferred Alternative