

Appendix E:
Agency Coordination

APR 19 2000



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

TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

Dorothy Daly
McCormick, Taylor and Associates, Inc.
Two Commerce Square
2001 Market St.
Philadelphia, PA 19103

17 April 2000

Dear Ms Daly:

Thank you for soliciting the DE Natural Heritage Program for rare species information for the MTA Project No. 4508-18 (Blue Ball Area Transportation Study).

A review of our Biological and Conservation Database has revealed the following:

IMMEDIATE BOUNDARIES OF STUDY AREA

| <u>Scientific Name</u> | <u>Common Name</u> | <u>State Rank</u> | <u>Global Rank</u> | <u>Taxon</u> |
|----------------------------|--------------------|-------------------|--------------------|--------------|
| <i>Cuphea viscosissima</i> | blue waxweed | S2 | G5? | Plant |

WITHIN 1.0 MILE OF STUDY AREA (also encompasses species occurring in wetlands that are hydrologically connected to the project site within .5 miles)

| <u>Scientific Name</u> | <u>Common Name</u> | <u>State Rank</u> | <u>Global Rank</u> | <u>Taxon</u> |
|------------------------------|-------------------------|-------------------|--------------------|--------------|
| <i>Chordeiles minor</i> | Common Nighthawk | S2B | G5 | Bird |
| <i>Eurycea longicauda</i> | Longtail salamander | S1 | G5 | Amphibian |
| <i>Ambystoma maculatum</i> | Spotted salamander | S2 | G5 | Amphibian |
| <i>Agkistodon contortrix</i> | Copperhead | S1 | G5 | Reptile |
| <i>Agrimonia rostellata</i> | woodland agrimony | S2 | G5 | Plant |
| <i>Conopholis americana</i> | squaw-root | S2 | G5 | Plant |
| <i>Pellaea atropurpurea</i> | purple-stem cliff-brake | S1 | G5 | Plant |
| <i>Heteranthera dubia</i> | grassleaf mud-plantain | S1 | G5 | Plant |

The population of *C. viscosissima* is located adjacent to Route 202 near the Lombardy Cemetery. This population could be impacted by significant roadway alterations such as widening.

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The salamander species in this list are all associated with wetlands and are hydrologically connected to this project site through the water systems in this area. Possible indirect effects could come from water quality degradation at the project site which would flow downstream towards the occurrences.

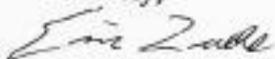
If you have any questions or require additional information, please contact me.

INVOICE - PAYMENT DUE

It is our policy to charge a fee for this environmental review service. Please consider this letter to be an invoice for \$29.50 (\$29.50/hour for a one-hour minimum). Please make payable to and submit to:

DE Division of Fish and Wildlife
89 Kings Hwy.
Dover, DE 19901
ATTN: Carla Cassell-Carter

Sincerely,



Eric F. Zuelke
Associate Biologist

cc: Carla Cassell-Carter (Fish and Wildlife Coordination/Accounting)



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE

NATURAL HERITAGE PROGRAM

4876 HAY POINT LANDING ROAD
SMYRNA, DELAWARE 19977

RECEIVED
MICK, TAYLOR
& ASSOCIATES, INC.

TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

APR 23 2000

Dorothy Daly
McCormick, Taylor and Associates, Inc.
Two Commerce Square
2001 Market St.
Philadelphia, PA 19103

26 April 2000

Dear Ms Daly:

This letter is an addendum to the review written by me on 17 April 2000 regarding MTA Project No. 4508-18 (Blue Ball Area Transportation Study).

You and I spoke on the telephone on 26 April 2000 about one plant species in the immediate vicinity of the site and other water quality issues and associated animal species downstream from the site. To your knowledge there will be no new roadway construction projects other than ones currently underway at this site. Because of this, the DNHP does not anticipate impacts to the population of *Cuphea viscosissima* near Lombardy Cemetary.

You mentioned that water quality and stormwater retention issues are being addressed in an environmentally sound manner. Because of this, the DNHP does not anticipate impacts to any species of plant or animals downstream of the project site.

If you have any questions or require additional information, please contact me.

Sincerely,

Eric F. Zuelke
Associate Biologist

Delaware's Good Nature Depends on You!



McCormick, Taylor & Associates, Inc.

Engineers and Planners

April 5, 2000

United States Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

Two Commerce Square
2001 Market Street
10th Floor
Philadelphia, Pennsylvania 19103

PHONE (215) 592-4200
FAX (215) 592-0682
EMAIL mta.ph@mccormicktaylor.com

ATTENTION: Field Supervisor

REFERENCE: Blue Ball Area Transportation Project
New Castle County, Delaware
MTA Project No. 4508-18

SUBJECT: Threatened and Endangered Species

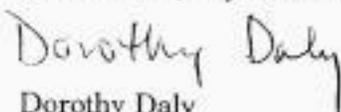
Dear Sir:

The Delaware Department of Transportation is currently conducting environmental studies related to potential improvements to Delaware Route 202 and has retained McCormick, Taylor & Associates, Inc., to conduct these studies. The study area is located along Delaware Route 202, from Interstate 95 to just beyond Delaware Route 141. (Del. USGS Quadrangle map attached).

I am interested in obtaining information concerning the potential for occurrence of federally listed threatened and endangered species, or their designated critical habitat, under the jurisdiction of the United States Fish and Wildlife Service within one mile of the study corridor. Information concerning listed species occurring in wetlands hydrologically connected to or located within 0.5 mile of the project area is also requested.

Thank you for your timely assistance in addressing this matter. If you have any questions or require additional information pertaining to this request, please do not hesitate to contact me at (215) 592-4200.

Sincerely,
McCormick, Taylor & Associates, Inc.


Dorothy Daly
Environmental Planner

Enclosure: As stated



McCormick, Taylor & Associates, Inc.

Engineers and Planners

April 5, 2000

Department of Natural Resources
& Environmental Control
Division of Fish and Wildlife
Natural Heritage Program
4876 Hay Point Landing Road
Smyrna, Delaware 19977

Two Commerce Square
2001 Market Street
10th Floor
Philadelphia, Pennsylvania 19103

PHONE (215) 592-4200
FAX (215) 592-0682
EMAIL mta.ph@mccormicktaylor.com

ATTENTION: Mr. Eric Zuelke

REFERENCE: Blue Ball Area Transportation Study
New Castle County, Delaware
MTA Project No. 4508-18

SUBJECT: Threatened and Endangered Species

Dear Mr. Zuelke:

The Delaware Department of Transportation is currently conducting environmental studies related to transportation improvements to Delaware Route 202 and has retained McCormick, Taylor & Associates, Inc., to conduct these studies. The study area is located along Delaware Route 202, from Interstate 95 to just beyond Delaware Route 141. (Del. USGS Quadrangle map attached).

I am interested in obtaining information concerning the occurrence of rare, threatened and endangered species or their designated critical habitat, under the jurisdiction of the Delaware Department of Natural Resources & Environmental Control, Division of Fish and Wildlife within one mile of the study corridor. Information concerning listed species occurring in wetlands hydrologically connected to or located within 0.5 mile of the project area is also requested.

Thank you for your timely assistance in addressing this matter. If you have any questions or require additional information pertaining to this request, please do not hesitate to contact me at (215) 592-4200.

Sincerely,
McCormick, Taylor & Associates, Inc.

Dorothy Daly
Environmental Planner

Enclosure: As stated



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

April 26, 2000

Ms. Dorothy Daly
Environmental Planner
McCormick, Taylor & Associates, Inc.
Two Commerce Square
2001 Market Street
10th Floor
Philadelphia, Pennsylvania 19103

RE: Blue Ball Area Transportation
Project
New Castle County, DE

Dear Ms. Daly:

This responds to your April 5, 2000, request for information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of Delaware Route 202, from Interstate 95 to just beyond Delaware Route 141. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no proposed or federally listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For further information on other rare species, you should contact Eric Zuelke of the Delaware Natural Heritage Program at (302) 653-2880.

An additional concern of the Service is wetlands protection. The Service's wetlands policy has the interim goal of no overall net loss of Delaware Bay's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in

wetlands proposed, the U.S. Army Corps of Engineers, Philadelphia District should be contacted for permit requirements. They can be reached at (215) 656-6726.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Andy Moser at (410) 573-4537.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Pennington". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert J. Pennington
Assistant Field Supervisor
Div. of Habitat Evaluation and Protection

cc:
COE, Dover, DE
(ATTN: John Brundage)

FARMLAND CONVERSION IMPACT RATING

| | | | | | |
|---|---|---|-----------------------------|-----------------|-------------------|
| PART I (To be completed by Federal Agency) | | Date Of Land Evaluation Request | | | |
| Name Of Project Blue Ball Properties. | | Federal Agency Involved Federal Highway Admin | | | |
| Proposed Land Use Transportation - Highway | | County And State New Castle, Delaware | | | |
| PART II (To be completed by SCS) | | Date Request Received By SCS | | | |
| Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form).</i> | | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Acres Irrigated | Average Farm Size |
| Major Crop(s) | Farmable Land In Govt. Jurisdiction Acres: % | Amount Of Farmland As Defined in FPPA Acres: % | | | |
| Name Of Land Evaluation System Used | Name Of Local Site Assessment System | Date Land Evaluation Returned By SCS | | | |
| PART III (To be completed by Federal Agency) | | Alternative Site Rating | | | |
| | | Site A | Site B | Site C | Site D |
| A. Total Acres To Be Converted Directly | | 50.6 | | | |
| B. Total Acres To Be Converted Indirectly | | 6.9 | | | |
| C. Total Acres In Site | | 57.5 | | | |
| PART IV (To be completed by SCS) Land Evaluation Information | | | | | |
| A. Total Acres Prime And Unique Farmland | | | | | |
| B. Total Acres Statewide And Local Important Farmland | | | | | |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | | | | | |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | | | | | |
| PART V (To be completed by SCS) Land Evaluation Criterion | | | | | |
| Relative Value Of Farmland To Be Converted <i>(Scale of 0 to 100 Points)</i> | | | | | |
| PART VI (To be completed by Federal Agency) | | | | | |
| Site Assessment Criteria <i>(These criteria are explained in 7 CFR 658.5(b))</i> | Maximum Points | Build Altern. | | | |
| 1. Area In Nonurban Use | 15 | 3 | | | |
| 2. Perimeter In Nonurban Use | 10 | 2 | | | |
| 3. Percent Of Site Being Farmed | 20 | 11 | | | |
| 4. Protection Provided By State And Local Government | 20 | 0 | | | |
| 5. Distance From Urban Builtup Area | N/A | -- | | | |
| 6. Distance To Urban Support Services | N/A | -- | | | |
| 7. Size Of Present Farm Unit Compared To Average | 10 | 0 | | | |
| 8. Creation Of Nonfarmable Farmland | 25 | 0 | | | |
| 9. Availability Of Farm Support Services | 5 | 1 | | | |
| 10. On-Farm Investments | 20 | 0 | | | |
| 11. Effects Of Conversion On Farm Support Services | 25 | 0 | | | |
| 12. Compatibility With Existing Agricultural Use | 10 | 0 | | | |
| TOTAL SITE ASSESSMENT POINTS | 160 | 17 | | | |
| PART VII (To be completed by Federal Agency) | | | | | |
| Relative Value Of Farmland <i>(From Part V)</i> | 100 | | | | |
| Total Site Assessment <i>(From Part VI above or a local site assessment)</i> | 160 | 17 | | | |
| TOTAL POINTS <i>(Total of above 2 lines)</i> | 260 | 117 | | | |
| Site Selected: | Date Of Selection | Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/> | | | |
| Reason For Selection: | | | | | |

Explanation of AD-1006

I. Assumptions Made

- The "Site" for each alternative was defined as the area, including non-farmland, directly affected by the alternative.
- Under Part III.A. Total Acres to be Converted Directly - This acreage equals the acreage of prime farmland soils within the proposed right of way.
- Under Part III.B. Total Acres to be Converted Indirectly - This acreage includes any areas rendered inefficient to farm and any areas left inaccessible to the farmer.
- Under Part III.C Total Acres in Site - This equals the total farmland acreage of the parcels affected by the respective project alternatives.

II. Assignment of Rankings

The following describes the rationale used in assigning the rankings to each of the criteria in Part VI of the AD-1006 form. Information used in this procedure was obtained from field investigations, aerial photographs, farmer interviews, data research and coordination with the New Castle County Conservation District. In cases where detailed information was not available, a "worst case" scenario was assumed.

1. Land in non-urban use

Rating: > 90% = 15 points
 90 - 20 % = 14-1 point(s)
 < 20% = 0 points

A review of the USGS quadrangle for the project area and a field visit were made to determine the land use of the project area. Approximately 30 percent of the area within a 1-mile radius of the project area is currently in non-urban use. A rating of 3 was assigned for this parameter.

2. Perimeter in non-urban use.

Rating: > 90% = 10 points
90 - 20 % = 9-1 point(s)
< 20% = 0 points

The conditions applicable to this criterion were determined through site visits. As in the case of question 1, urban use dominates the project area. Two wooded areas were the only sizeable non-urban use locations present surrounding the project area. As a result, only 30 percent of the project perimeter was considered to be in non-urban use and a rating of 2 was for this parameter.

3. Percent of site being farmed

Rating: > 90% = 20 points
90 - 20 % = 19-1 point(s)
< 20% = 0 points

A field visit and use of historic aerial photography was made in determining this parameter. Areas that are being farmed were identified on project mapping as part of the calculation of the project area land uses. Based on this calculation approximately 60 percent of the project site was determined to be have been actively farmed for at least five of the last ten years. A rating of 11 was assigned for this parameter

4. State or local government protection

Rating: site protected = 20 points
Site not protected = 0 points

Review of property deeds and local zoning revealed that none of the project site for either alternative is restricted to agricultural use by easement, conservation program participation or zoning. As such, a rating of 0 was assigned for this parameter.

5. Proximity to urban area

This criteria is not applicable to the project, therefore no rating was made.

6. Proximity to facilities and services

This criteria is not applicable to the project, therefore no rating was made.

7. Size of farm unit compared to average

Rating: Average or above average = 10 points
Below average = 1 point deduction for every 5 percent below the average farm size down to 0 points if 50% or more below the average.

All of the land that was identified as being farmed has recently been purchased by the State of Delaware and commercial entity. These owners have taken the farmed land out of farming status. As such, the land is no longer part of a farm operation and a rating of 0 points was assigned for this parameter.

8. Creation of non-farmable land

Rating: > 25% = 25 points
25 - 5% = 24-1 point(s)
< 5% = 0 points

Under this criterion consideration is given to farmland area which would become non-farmable due to elimination of access or because the size or shape of the area is impractical to farm. It was determined that 6.9 acres of farmable land would become non-farmable. However, this land is no longer being farmed and is planned for other land uses not compatible to farming. As such a 0 rating was assigned for this parameter.

9. Availability of farm support services/markets

Rating: All required services available = 5 points
Some required services available = 4 -1 point(s)
No required services available = 0 points

The project area is situated outside of an established farming community and most farm support services are not located within a reasonable distance. As such a rating of 1 was assigned for this parameter.

10. Extent of on-farm investments

Rating: Substantial amount of on-farm investments = 20 points
Moderate amount of on-farm investments = 19-1 point(s)
No on-farm investments = 0 points

On-farm investments were considered to be items such as barns, other storage facilities, irrigation systems, conservation measures, fruit trees and vines, etc. Based on field investigations, there were no on-site investments present. A 0 rating was assigned for this parameter.

11. Effects of farmland conversion on support services

| | | |
|---------|------------------------------|-----------------|
| Rating: | Substantial demand reduction | = 20 points |
| | Some reduction in demand | = 19-1 point(s) |
| | No reduction in demand | = 0 points |

Since the affected farmland has recently been taken out of agricultural use, it no longer has an affect on local or regional farm support services. As such, the project's conversion of this land will have no affect on these services and a 0 rating was assigned for this parameter.

12. Compatibility of project with surrounding agricultural use

| | | |
|---------|---------------------|-----------------|
| Rating: | Incompatible | = 20 points |
| | Somewhat compatible | = 19-1 point(s) |
| | Totally compatible | = 0 points |

There is no other land being farmed within close proximity to the proposed project. Additionally, land use planning for the project vicinity does not include the preservation of agricultural lands. As such, the proposed project is compatible with the intended land use of the project vicinity and a 0 rating was assigned for this parameter.

Total Score = 17