STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NATHAN HAYWARD III
SECRETARY

July 14, 2005

Mr. Kevin Magerr
Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Magerr:

The Federal Highway Administration (FHWA), in cooperation with the Delaware Department of Transportation (DelDOT), will prepare an Environmental Impact Statement (EIS) to consider changes to the existing US 113 corridor including access restrictions, additional travel lanes, and the construction of potential new alignment alternative(s) in south central Sussex County, Delaware. The proposed limited access facility would link back to the existing US 113 corridor north of the Town of Georgetown and in the vicinity of the Delaware/Maryland state line in the Town of Selbyville.

On behalf of the Federal Highway Administration (FHWA), the Department would like your concurrence in listing the Environmental Protection Agency (EPA) as a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the Georgetown-South Study Area, which is part of the Department's overall US 113 North/South Study (Contract #22-127-01). Our request is consistent with the Mid-Atlantic Transportation and Environmental (MATE) Streamlining Process and the associated Data Needs Guidance prepared as part of this process.

There are numerous potential environmental impact concerns as a result of the extent of the project area. In keeping with the MATE initiative, we are proposing to integrate the Section 404 process with the NEPA process for this project and in accordance with 40 CFR, Part 1501.6 of the Council on Environmental Quality's Regulations for Implementing the Procedural Provision of the National Environmental Policy Act, we request the EPA participation as a cooperating agency in the preparation of the EIS. The United States Department of Interior's Fish and Wildlife Service, the United States Army Corps of Engineers, and the National Marine Fisheries Service also have been requested to be cooperating agencies.

In your role as a cooperating agency, we anticipate working with you to resolve issues associated with potential impacts necessitated by this project and to ensure that the environmental documents adequately address these impacts. You will be given an opportunity to review preliminary versions of the draft and final environmental documents and to provide comments. The end result would be that the EPA would adopt these documents to satisfy environmental and regulatory requirements relative to the Section 404 permit.

DelDOT

Enclosed please find a copy of the Notice of Intent that was published in the June 3, 2005 issue of the *Federal Register* for your reference. Please respond in writing **on or before August 12, 2005**, with your concurrence to this request by signing and returning a copy of this letter to the address provided below:

Delaware Department of Transportation
Project Development – South
Attention: Monroe C. Hite, III
800 Bay Road
P.O. Box 778
Dover, DE 19903

Thank you for your attention. If you have any questions, please feel free to contact Mr. Monroe C. Hite, III, at (302) 760-2120, or myself at (302) 760-2370.

Sincerely,

Michael H. Simmons
Assistant Director, Project Development

As a representative of the Environmental Protection Agency, we concur with your request that the Environmental Protection Agency be listed as a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the Georgetown-South Study Area.

CONCUR:

Signature

10/13/05
Date

EPA
Agency

MS:mhm
Enclosure
cc: Robert Kleinburd, Federal Highway Administration, Delaware Division
Jim Butch, Environmental Protection Agency
Carolann Wicks, Chief Engineer
Frederick Schranck, Deputy Attorney General
Terry Petrucci, Director of Public Relations
Terry Fulmer, Manager, Environmental Studies
Donald Plows, Group Engineer, Project Development, Transportation Solutions
Monroe Hite, III, Project Manager, Project Development, Transportation Solutions