

VI. Summary of Comments on the Final EIS

Record of Decision

VI) SUMMARY OF COMMENTS ON THE FINAL EIS

In order to assure that the Resource Agencies agreed with the content of the document and that all of their comments on the Draft EIS and from the public hearings were addressed, an advance copy of the Final EIS was provided to the Resource Agencies. The Resources Agencies provided comments to DelDOT which were addressed in the published Final EIS.

The Final EIS was posted on the project website on December 7, 2007. The first public comments were submitted on December 10, 2007 via email. However, the review period did not officially begin until December 14, 2007, when the Notice of Availability was published in the Federal Register. A review period of 30 days from that date was established.

At the end of the comment period, a total of 79 comments were received, from 72 citizens (individuals and groups), three elected officials (state (2) and local (1)), New Castle County government, and four Resource Agencies (DNREC, USACE, EPA, and FAA). Correspondence was submitted in several ways – via the project website, by mail, fax, and email. All correspondence was considered during the decision making process. All correspondence that included requests for information was given immediate attention to provide the requested information. For example, requests for an electronic copy of the Final EIS on disk were generally filled within one day. In addition, requests to make the website version more user-friendly were met with website improvements that allowed the user to navigate the document more easily.

A. Views of the Resource Agencies

Four agencies responded with comments on the Final EIS. The FAA stated that they had no further comment on the Final EIS; all comments on the Draft EIS had been addressed. The EPA also stated that they had no further comment on the Final EIS; all comments have been addressed in the Final EIS. The USACE indicated that they are able to issue a permit for the project as it is described in the Final EIS. DNREC noted that all of their comments on the advance copy of the Final EIS were addressed and incorporated into the final document. DNREC also stated that they are not opposed to the Preferred Alternative.

DNREC also expressed their understanding of the complexity of the challenge that choosing a Preferred Alternative presented, given the various resources and impacts of each of

the alternatives considered. With the inclusion of a comprehensive proposed mitigation plan, DNREC looks forward to continuing coordination and consultation that would ensure all components of the mitigation plan are completed to achieve their maximum potential.

The USACE noted that they have been involved in the planning process since its inception in 2005 and appreciated the effort made by all participating agencies to achieve consensus on the issues to achieve a balanced project. The USACE stated, *“It is further anticipated that the permit can be issued based upon the preliminary design documentation in the Final EIS and shown on the US 301 Project Wetland Impact Plates. While these plans are considered preliminary, they do offer sufficient details with respect to impacts on wetlands and waters of the United States to facilitate an informed decision by the Corps. The permit document would be conditioned to require continued USACE review and approval of final design plans, final mitigation plans, and temporary impact restoration plans. The commitments of the Final EIS, ROD, and Biological Assessment (BA) would be incorporated into the permit document along with other environmentally protective design elements, such as minimum heights for bridge crossings and designed wildlife corridors and crossings. We look forward to the DelDOT Project Team’s continued coordination with the USACE and the other resource and regulatory agencies involved in the US 301 project and their continued efforts to avoid and minimize impacts during the anticipated design and construction phases.”*

In addition to comments on the Final EIS, the USFWS sent concurrence on the conclusion of the Biological Assessment performed for the project, and the Delaware SHPO sent their concurrence with the Finding of Adverse Effect to historic properties. All of the agencies noted looking forward to continued involvement with the project as it moves forward through design and construction. Agency letters are included in **Attachment F** of this ROD.

B. Views of New Castle County Government and Elected Officials

New Castle County Executive Chris Coons, Councilmember William Powers, Senator Bruce Ennis and Representative Hall-Long all expressed their concern regarding the proposed alignment of the Strawberry Lane connection to existing US 301. As a result of their requests, along with those of two farm owners that would be affected by the alignment, DelDOT has reviewed the alignment and revised it for inclusion in the Selected Alternative. Option 1 Modified, that avoids impacts to the farmlands in permanent agricultural preservation, is now

included in the Selected Alternative (see *Section III.A.4.* of this ROD). Comments of the County and Elected Officials are included in *Attachment G* of this ROD.

C. Views of the Public

Of the 71 comments received from individual members and groups of the public, two comments appeared most frequently. Thirty-one comments were received that requested the Spur Road be “uncoupled” from the US 301 project, having it become a stand alone project, and instead, focus on improving existing US 301. The second most frequent comment (29 comments) expressed support for the selection of the Green North plus Spur Road as the Preferred Alternative for the project. The remainder of the citizen comments did not follow any common theme.

Most of the comments requesting that the Spur Road be uncoupled were reproduced verbatim and sent via email from members and supporters of the Middletown Corridor Coalition (MCC). The comments received were similar to comments received from some of the same citizens following the publication of the Draft EIS. This comment has been addressed both in this ROD and previously, in person and in correspondence with those who have commented during this round of public comment; however, analyses have shown (*Section IV.B, pages 35-38* and *Section IV.D.2, pages 57-61* of this ROD) that the Spur Road is the option that best meets Project Purpose and Need and will continue to be included as an element of the Selected Alternative. With this in mind, project commitments include (1) an early contract to improve the sharp curve south of Summit Bridge, (2) a study of the Spur Road design speed, (3) an evaluation of the Spur Road median width, and (4) advancing the construction of mitigation (berms and landscaping) ahead of the construction of the Spur Road.

Project commitments also include alignment studies, during the final design phase, of the Spur Road in the vicinity of the Steele property, a property included in the Delaware Agricultural Preservation Program.

All of the citizens’ comments received on the Final EIS, and responses, are provided in *Attachment H* of this ROD.

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