APPENDIX A: MEMORANDUM OF AGREEMENT (MOA)

MEMORANDUM OF AGREEMENT

AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE DELAWARE STATE HISTORIC PRESERVATION OFFICE, THE DELAWARE DEPARTMENT OF TRANSPORTATION, AND THE MARYLAND STATE HISTORIC PRESERVATION OFFICE

REGARDING IMPLEMENTATION OF THE U.S. 301 PROJECT FROM THE DELAWARE-MARYLAND STATE LINE TO S.R. 1, ST. GEORGE'S HUNDRED AND PENCADER HUNDRED NEW CASTLE COUNTY, DELAWARE

WHEREAS, the Federal Highway Administration (FHWA) with the Delaware Department of Transportation (DelDOT) propose to make the following improvements to U. S. 301 in St. George's Hundred and Pencader Hundred in New Castle County, Delaware: construct a four-lane, controlled access roadway and associated facilities (Exhibit A) from the Delaware-Maryland State Line to S.R. 1; and

WHEREAS, FHWA has selected the Green North Alternative plus a two lane spur road connecting to the southern terminus of Summit Bridge (Project) as the preferred alternative for the Project (see Exhibit A); and

WHEREAS, FHWA in consultation with the Delaware State Historic Preservation Office (DE SHPO) and DelDOT has established an initial Area of Potential Effect (APE) for the Project, as defined in 36 CFR Part 800.16(d) (Exhibit B); and

WHEREAS, FHWA has elected to phase the identification and evaluation of historic properties as provided in 36 CFR 800.4(b)(2) as stipulated under this agreement; and

WHEREAS, FHWA pursuant to 36 CFR Part 800.4(a)(2), has determined that within the APE in the State of Delaware the following properties are listed in the National Register of Historic Places:

The Maples, Cultural Resource Survey (CRS) No. N-106;
S. Holton Farm, CRS No. N-107;
Choptank, CRS No. N-109;
Rumsey Farm, CRS No. N-113;
Cochran Grange, CRS No. N-117;
Hedgelawn, CRS No. N-118;
Weston, CRS No. N-121;
Woodside, CRS No. N-427;

Achmester, CRS No. N-3930;
Idalia Manor, CRS No. N-3947;
Governor Benjamin T. Biggs Farm, CRS No. N-5123;
Armstrong-Walker House, CRS No. N-5146;
Rosedale, CRS No. N-5148; and
B.F Hanson House, CRS No. N-5225; and

WHEREAS, FHWA pursuant to 36 CFR Part 800.4(c), has determined that within the APE in the State of Delaware the following properties are eligible for listing in the National Register of Historic Places:

Summerton, CRS No. N-112;
T.J. Houston Farm, CRS No. N-5131;
Lovett Farm, CRS No. N-5132;
J. Houston House, CRS No. N-5195;
C. Polk House Estate, CRS No. N-5221;
Fairview, CRS No. N-5244;
State Bridge Number 383, CRS No. N-12636; and
Shahan Farm, CRS No. N-14388; and

WHEREAS, to date no historic properties have yet been identified in the APE in the State of Maryland; and

WHEREAS, FHWA in consultation with the DE SHPO has applied the criteria of adverse effect to historic properties; and

WHEREAS, FHWA has determined that the Project will have no effect on:

Cochran Grange, CRS No. N-117;
Weston, CRS No. N-121;
Woodside, CRS No. N-427;
Achmester, CRS No. N-3930;
Fairview, CRS No. CRS No. N-5244;
State Bridge Number 383, CRS No. N-12636; and
Shahan Farm, CRS No. N-14388; and

WHEREAS, FHWA has determined that the Project will have no adverse effect on:

Hedgelawn, CRS No. N-118;
Lovett Farm, CRS No. N-5132; and
J. Houston House, CRS No. N-5195; and

WHEREAS, FHWA has determined that the Project will have an adverse effect on:

The Maples, CRS No. N-106;
S. Holton Farm, CRS No. N-107;
Choptank, CRS No. N-109;
Rumsey Farm, CRS No. N-113;
Summerton, CRS No. N-112;
Idalia Manor, CRS No. N-3947;
Governor Benjamin T. Biggs Farm, CRS No. N-5123
T.J. Houston Farm, N-5131;
Armstrong-Walker House, CRS No. N-5146;
Rosedale, CRS No. N-5148;
C. Polk House, CRS No. N-5221; and
B.F. Hanson House, CRS No. N-5225; and

WHEREAS, FHWA has determined that the Project may also affect as yet unidentified historic properties in areas that have not been subject to prior cultural resource investigations, such as areas that are associated with proposed alignment modifications or other Project-related ancillary activities including, but not limited to, stormwater management facilities, wetland mitigation sites, staging, stockpiling and access areas, and disposal sites, and

WHEREAS, DelDOT participated in the consultation, has responsibilities for implementing stipulations under this MOA, and pursuant to 36 CFR 800.6(c)(2) has been invited to be a signatory to this MOA, and

WHEREAS, FHWA and DelDOT have consulted with the DE SHPO and the Maryland State Historic Preservation Office (MD SHPO) in accordance with Section 106 of the National Historic Preservation Act; 16 U.S.C. 470 (NHPA), and its implementing regulations (36 CFR Part 800) to resolve the effects of the Project on historic properties; and

WHEREAS, FHWA and DelDOT have notified the Advisory Council on Historic Preservation (Council) of the Project's adverse effect on historic properties and it declined to participate in the consultation, and

WHEREAS, FHWA has contacted the Delaware Nation, and the Stockbridge-Muncee Community; to date, neither Tribe has indicated its intent to participate in the consultation. However, FHWA will advise these Tribes of Native American archaeological sites, investigations, and treatments as provided for under the stipulations of this agreement, and

WHEREAS, FHWA has afforded the public an opportunity to comment on the effects of the Project on historic properties through the National Environmental Policy Act (NEPA) of 1969, as amended; and through DelDOT's Public Involvement Procedures.

NOW, THEREFORE, FHWA, DelDOT, DE SHPO, and MD SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties:

Stipulations

FHWA shall ensure that the following actions will be carried out:

I. Archaeological Resources

A. Identification/Evaluation

DelDOT in consultation with the DE SHPO and MD SHPO shall conduct identification (Phase I) archaeological surveys within the APE for the project, and will determine if identified sites will require a Phase II level archaeological survey to evaluate their National Register of Historic Places eligibility. Evaluation Studies (Phase II) may require additional background research and/or additional field excavations.

DelDOT shall prepare reports on findings of the archaeological identification/evaluation surveys and shall submit the reports to the DE SHPO and MD SHPO, as appropriate, for their review and concurrence. Upon receipt of the document, the review period will be thirty (30) days. FHWA and DelDOT will take into account comments and will recommend any next steps.

During the Evaluation Studies (Phase II), FHWA and DelDOT shall apply the National Register criteria (36 CFR 60.4) in accordance with 36 CFR 800.4 (c), taking into account applicable historic contexts and management plans developed for Delaware or Maryland's historic and prehistoric archaeological resources.

If FHWA and DelDOT determine that any of the National Register criteria are met, and the DE SHPO and/or the MD SHPO agrees, as applicable, the archaeological site(s) shall be considered eligible for the National Register.

If FHWA and DelDOT determine that the National Register criteria are not met, and the DE SHPO and/or the MD SHPO agrees, as applicable, the archaeological site(s) shall be considered not eligible for the National Register.

Based on the Evaluation Studies (Phase II), should a signatory to this agreement not agree on the eligibility determination of an archaeological site(s), the DelDOT or FHWA shall obtain a

determination from the Secretary of the Interior, pursuant to 36 CFR 800.4(c)(2), 36 CFR 63.2(c) and 63.3(d).

B. Effect Determination/Mitigation

If eligible archaeological sites are identified and affected within the APE, DelDOT will make a reasonable effort to avoid these sites or to minimize impacts to them. If the eligible sites cannot be avoided, DelDOT will apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5.

If the project will have an adverse effect on archaeological sites, DelDOT in consultation with the DE SHPO and/or MD SHPO, shall develop a treatment plan. The treatment plan may include elements of data recovery or an alternative mitigation plan.

DelDOT shall submit the treatment plan to the relevant SHPO and other consulting parties that may be identified, including Indian Tribes as defined in 36 CFR 800.16(m), for their review and comment. Upon receipt of the document, the review period will be thirty (30) days. Following 30 days, DelDOT will take into account any comments, and will recommend any next steps.

Should data recovery investigations be warranted, DelDOT shall ensure that a data recovery plan is developed in consultation with the relevant SHPO. The plan shall specify, at a minimum:

- the property, properties, or portions of properties where data recovery is to be carried out, and any property that will or may be destroyed without data recovery;
- research questions to be addressed through data recovery, with an explanation of their relevance and importance;
- the research methods to be used, with an explanation of their relevance to the research questions;
- the methods to be used in analysis, data management, and data dissemination, including a schedule;
- a provision for assessing materials that may be in need of conservation
- proposed disposition of recovered materials and records;
- proposed methods for involving the interested public in the data recovery, and for disseminating the results of the work to the interested public;
- a proposed schedule for the submission of progress reports to the relevant SHPO; and
- provisions to meet on-site in order to evaluate the success of the initial fieldwork phase of any data recovery program, and near the end of the fieldwork efforts to validate substantial completion.

When and/or if an alternative mitigation strategy is chosen and approved by the DE SHPO, MD SHPO, FHWA, and DelDOT, it may include but is not limited to: analysis and synthesis of past data accumulated through either SHPO, FHWA, and DelDOT projects, updating the relevant

SHPO and DelDOT archaeological websites and GIS databases, development of historic and prehistoric contexts and preservation priorities, statewide predictive models, development of travel or informational displays with the cultural resource work for this Project, and improved archaeological data management and access for both SHPO and DelDOT.

DelDOT will complete all necessary data recovery field work prior to commencing construction in the site areas; alternative mitigation may or may not be completed prior to commencing construction in the site areas.

DelDOT shall provide all draft and final archaeological reports and public information materials to the appropriate SHPO for review and comment. All final reports shall meet the Secretary of the Interior's standards and Guidelines for Archaeological Documentation (48 FR 44734-37), while also satisfying the necessary SHPO's guidelines for archaeological surveys or investigations.

C. Public Outreach

If mitigation is necessary, DelDOT will prepare a public participation plan and public information materials. DelDOT shall submit the plan and materials to the FHWA, DE SHPO, MD SHPO, and other consulting parties that may be identified for their review and comment. Upon receipt of the materials, the review period will be thirty (30) days. Following 30 days, DelDOT will take into account any comments received, and will recommend any next steps.

The public participation plan may include, but is not limited to archaeological site tours for the public and educational groups. The specific public outreach materials produced will be determined individually for each site for which mitigation is necessary and may include, but are not limited to pamphlets, videos, historical markers, brochures, exhibits, displays for public buildings booklets on the history or prehistory of the project area, lectures and or presentations at academic conferences, and/or public institutions such as schools and historical societies.

DelDOT shall distribute the public information materials to consulting parties, local schools, historical societies, libraries, museums and/or other venues and individuals deemed pertinent in consultation with the DE SHPO, MD SHPO, and FHWA.

D. Discovery of and Treatment of Human Remains and Burials

In the State of Delaware, DelDOT shall immediately notify the DE SHPO of the discovery of any human remains encountered during the archaeological investigations or the project construction. DelDOT shall cease all activities that may disturb or damage the remains, and comply with the Delaware Unmarked Human Remains Act (7DE code Chapter 54).

In the State of Maryland, DelDOT shall follow the Maryland State burial law: Title 10 Subtitle 4 §§ 10-401 through 10-404 of the Annotated Code of Maryland. Upon discovery, DelDOT shall cease all activities that may disturb or damage the remains.

If the human remains are of Native American affiliation, then FHWA will determine an appropriate course of action, in accordance with 36 CFR 800, and the above cited state laws. The FHWA will include the DE SHPO and/or MD SHPO in such consultation. The DE SHPO or MD SHPO will comply with the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601) with regard to disposition of the remains and/or associated funerary objects, as applicable.

E. Curation

DelDOT shall ensure that all records and materials resulting from the archaeological investigations conducted for this undertaking in the State of Delaware are processed, prepared for, and curated in accordance with 36 CFR Part 79 and the Division of Historical & Cultural Affairs' (the Division) "Guidelines and Standards for the Curation of Archaeological Collections" (2001).

These records and materials shall be curated at the Division, or its designee, following the policies of the institution, except as may be provided for under the following paragraph.

As part of the Public Outreach efforts outlined in Stipulation I.C. of this Agreement, the FHWA, DelDOT and DE SHPO will consult to determine if any archaeological materials may be loaned to a public museum or other public institution for the purposes of exhibit or research, following the Division's loan policy and procedures. Such loans and exhibits may occur only after the curatorial procedures, referenced in the first paragraph in this stipulation, have been completed.

All materials and records resulting from cultural resources investigations conducted in the State of Maryland for the Project will be processed in accordance with the MD SHPO's *Revised Technical Update No. 1 of the Standards and Guidelines for Archeological Investigations in Maryland – Collections and Conservation Standards* (2005) and curated in accordance with 36 CFR 79 at the Maryland Archeological Conservation Laboratory, unless clear title or Deed of Gift to the collection cannot be obtained.

II. Historic Structures, Buildings, and Districts

The Project will adversely affect the following historic properties by introducing visual and/or audible elements that may produce a change in setting or feeling associated with the property:

The Maples, CRS No. N-106;
S. Holton Farm, CRS No. N-107;
Choptank, CRS No. N-109;
Rumsey Farm, CRS No. N-113;
Summerton, CRS No. N-112;

Idalia Manor, CRS No. N-3947;
Governor Benjamin T. Biggs Farm, CRS No. N-5123
T.J. Houston Farm, N-5131;
Armstrong-Walker House, CRS No. N-5146;
Rosedale, CRS No. N-5148;
C. Polk House, CRS No. N-5221; and
B.F. Hanson House, CRS No. N-5225; and

Should DelDOT, in consultation with the DE SHPO and MD SHPO, redefine the Area of Potential Effect beyond the areas depicted in Exhibit B of this MOA, DelDOT shall consult with the DE SHPO and MD SHPO to identify and evaluate historic buildings, structures, and/or districts in the newly affected areas, and assess the effects of the project thereon, following the process outlined for Archaeological Resources in Stipulations I.A. and I.B of this agreement, as applicable.

DelDOT shall seek ways to avoid or minimize adverse affects in the design of the Project, such as, but not limited to decreasing grades, creating cuts, or otherwise manipulating the elevation of the roadway and ramps, where deemed appropriate.

When adverse effects can not be avoided in the design, DelDOT shall develop in consultation with the FHWA, DE SHPO, and applicable properties owners, and other consulting parties as appropriate, mitigation for the adverse visual, audible, and setting impacts of the Project. This may include, but is not limited to, screening, earth berming, landscaping, fencing, or other appropriate barriers. Whenever practicable all screening or landscaping elements will be installed prior to actual construction activities.

To the degree practicable, FHWA and DelDOT will ensure that any mitigation elements installed are complementary to the surrounding environment and/or natural vegetation, without introducing additional visual effects that may be considered cumulative in nature.

In addition, as part of the public outreach efforts, DelDOT shall disseminate information on Delaware's architectural history in relationship to the Project and APE. These efforts may include, but are not limited to, pamphlets, guides, or other media that provide historical information in the Project Area or describe National Register listed or eligible historic properties identified for the Project.

III. Disposal of Project Related Materials

DelDOT shall consult with the DE SHPO or the MD SHPO concerning the location for disposal of materials produced by any demolition, construction, excavation, and/or dredging. Upon the provision of adequate information, the DE SHPO or MD SHPO will have 30 days to review all such locations to ensure the disposal will not adversely affect historic properties. DelDOT shall not use any such locations if the DE SHPO or MD SHPO objects to proposed disposal sites.

IV. Review of Project Related Plans

DelDOT shall provide relevant sections of preliminary, semi-final, and final project plans to the DE SHPO, MD SHPO, and any other party deemed appropriate for review and comment. Upon circulation and assurance that relevant sections have been distributed, the DE SHPO, MD SHPO, and any other reviewing party will have 30 days to provide comments. DelDOT shall take into account any comments.

V. Subsequent Changes to the Project

A. If subsequent to the implementation of Stipulation IV, if DelDOT proposes any significant changes to the Project affecting location, design, methods of construction, materials, or relative footprint of the Project, DelDOT shall provide FHWA, DE SHPO, MD SHPO, and any other party deemed appropriate with information concerning the proposed changes. The DE SHPO, the MD SHPO, and any other party deemed appropriate will have 30 days from the receipt of this information to comment on the proposed changes. DelDOT shall take into account any comments, prior to implementing such changes.

VI. Administrative Stipulations

A. Personnel Qualifications

All cultural resource work carried out pursuant to this agreement will be by or under the direct supervision of a person or persons meeting at a minimum the "Secretary of the Interior's Standards and Guidelines" (http://www.cr.nps.gov/local-law/Arch_Standards.htm), formerly 61 CFR Appendix A.

DelDOT's Environmental Studies personnel will have direct authority to choose and authorize any qualified cultural resource management firms or subconsultant to carry out this work on an as-needed basis throughout the duration of the Project.

B. Survey and Data Recovery Standards

DelDOT shall ensure that all cultural resource surveys and data recovery plans conducted pursuant to this Agreement are done in accordance with the *Secretary of the Interior's Standards and Guidelines for Identification and Evaluation*, and for *Archaeological Documentation*, and in accordance with the DE SHPO's *Guidelines for Architectural and Archaeological Surveys in Delaware* (1993) or the MD SHPO's *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), as applicable.

Survey proposals and data recovery plans shall include a research design that stipulates: objectives, methods, and expected results; production of draft and final reports; and preparation of materials for curation in accordance with Stipulation I.E., including budgeting for initial conservation assessments and treatment. Additional requirements for data recovery plans are found in Stipulation I.B. of this Agreement.

All data recovery plans shall also take into account the Advisory Council on Historic Preservation's guidance *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*, and reports will meet professional standards set forth by the Department of the Interior's "Format Standards for Final Reports of Data Recovery Program" (42 FR 5377-79).

All data recovery plans, public outreach, or future consultation shall also follow and/or consider any supplemental guidance and provisions provided by, but not limited to, the American Association of State Highway Transportation Officials, FHWA, Transportation Research Boards, National Park Service, Advisory Council on Historic Preservation or recognized academic journals or professional organizations as identified by DelDOT and/or the SHPOs.

DelDOT shall ensure that all draft and final cultural resource reports are provided to the FHWA and appropriate SHPO within two (2) years of the completion of fieldwork.

C. Late Discoveries

If any unanticipated discoveries of cultural resources are encountered during the implementation of this undertaking, DelDOT shall immediately suspend work in the area of the discovery, and FHWA shall comply with 36 CFR Part 800.13 by consulting with the DE SHPO or MD SHPO. The FHWA will notify the DE SHPO or MD SHPO within one working day of the discovery. The FHWA, DelDOT, and the DE SHPO or MD SHPO will meet at the location of the discovery within forty-eight (48) hours of the initial notification to determine appropriate treatment of the discovery prior to resumption of construction activities within the area of discovery.

D. Amendments

Any party to this MOA may propose to FHWA that it be amended, whereupon FHWA shall consult with the other parties to this MOA to consider such an amendment. 36 CFR Part 800.6(c)(7) shall govern the execution of any such amendment.

E. Resolving Objections

1. Should any party to this MOA object in writing to FHWA regarding any action carried out or proposed with respect to the Project or implementation of this MOA, FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all

documentation relevant to the objection to the Council, including FHWA's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

a. Advise FHWA that the Council concurs in FHWA's proposed response to the objection, whereupon FHWA shall respond to the objection accordingly;

b. Provide FHWA with recommendations, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or

c. Notify FHWA that it will comment pursuant to 36 CFR 800.7(a) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4).

Should the Council not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, FHWA may assume the Council's concurrence in its proposed response to the objection.

FHWA shall take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; FHWA's responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.

F. Resolution of Objections by the Public

At any time during implementation of the measures stipulated in this MOA, should any objection pertaining to any such measure or its manner of implementation be raised by a member of the public, FHWA shall notify the parties of this MOA and take the objection into account consulting with the objector and, should the objector so request, with any of the parties to this MOA to resolve the objection.

G. Review of Implementation

FHWA, DelDOT, DE SHPO and MD SHPO shall review the project annually, to monitor progress of the implementation of the terms of this MOA. This review should occur in January of each year following execution of the MOA.

H. Duration of the Agreement

This MOA shall be null and void if its terms are not carried out within six (6) years from the date of its execution. Within six months of the end of this period, the FHWA may request in writing

that the signatories consider an extension of this MOA. Should all parties deem an extension to this MOA necessary, such extension shall be treated as an amendment under Stipulation VI.D. above. No extension or amendment will be effective unless all signatories to the MOA have agreed to it in writing.

I. Termination

1. If FHWA determines that it cannot implement the terms of this MOA, or the DE SHPO, or the MD SHPO determines that the MOA is not being properly implemented, FHWA, DelDOT, the DE SHPO, or the MD SHPO may propose to the other parties that this MOA be terminated.

2. The party proposing to terminate this MOA shall so notify all parties to this MOA, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.

3. Should such consultation fail, FHWA, DelDOT, DE SHPO, or the MD SHPO may terminate the MOA by so notifying all parties in writing.

4. Should this MOA be terminated, FHWA shall either:

   a. Consult in accordance with 36 CFR Part 800.6(a)(1) to develop a new MOA; or

   b. Request the comments of the Council pursuant to 36 CFR Part 800.7(a)(1). The Council shall have forty-five (45) days to respond with comments.

5. FHWA and the Council may conclude the Section 106 process with an MOA between them if the DE SHPO and/or the MD SHPO terminates consultation in accordance with 36 CFR Part 800.7(a)(2).

Execution of this MOA by FHWA, DE SHPO, MD SHPO and DelDOT and the implementation of its terms, evidence that FHWA has taken into account the effects of the Project on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: Robert Kleinburd Date: 11/5/07

Robert Kleinburd

DELAWARE STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 12.06.07
Timothy Slavin

MARYLAND STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 11-15-07
J. Rodney Little

DELAWARE DEPARTMENT OF TRANSPORTATION

By: _____ Date: 11/2/07
Robert Taylor

Exhibit A

Description of the US 301 Preferred Alternative

and

Preferred Alternative for the Project

Description of the US 301 Preferred Alternative

The undertaking is a four-lane, tolled, controlled access highway from the Delaware/Maryland state line to SR 1, north of the Biddles Toll Plaza and south of the C&D Canal, and a two-lane, tolled, controlled access Spur Road from the vicinity of Armstrong Corner Road to the Summit Bridge. In addition to the mainline and spur roadway, a length of 17.5 miles, the project includes:

- Widening existing US 301 in Maryland (approximately 2,600 feet)
- Proposed toll plaza north of the state line and toll collection facilities on all north-serving ramps
- Interchanges at 6 locations: Levels Road; existing US 301 in the vicinity of Armstrong Corner Road; Jameson Corner Road; SR 1; Spur Road and Bethel Church Road extended; and Spur Road/US 301/SR 896/SR 15 at the base of Summit Bridge
- Reconstructed local roadways to overpass the new US 301/Spur Road at Strawberry Lane, Bunker Hill Road, Hyetts Corner Road, Armstrong Corner Road, Old Schoolhouse Road, and Churchtown Road
- Extension of Strawberry Lane to existing US 301, east of new US 301
- Structured overpasses of all streams and wetlands
- Visual screening berms adjacent to the communities of Southridge, Middletown Village, Springmill, Chesapeake Meadow, and Airmont and for the Middletown Veterinary Hospital
- Associated stormwater management facilities
- All lighting, signing and utilities
- Wetland mitigation sites
- Construction storage, staging and access areas
- Fill and borrow sites

Exhibit B

Area of Potential Effect (APE) for the Project