



## Memorandum of Meeting

**Date:** January 31, 2007

**Time:** 5:30 p.m. to 7:45 p.m.

**Location:** Carlisle Fire Hall, Milford, Delaware

**Topic:** **Milford Area Working Group Meeting No. 14**

**Attendees:** See page 8

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### *Introduction*

Bob Kramer called the meeting to order at 5:45 p.m. Mr. Kramer had the Working Group members introduce themselves. He then welcomed the public and indicated that they would have an opportunity to comment on the project at Workshops scheduled for February 26th and 27<sup>th</sup>. He then introduced Secretary of Transportation Carolann Wicks to speak to the Working Group.

Secretary Wicks thanked the Working Group members for their commitment of time to the project. She recognized that the Working Group represented a cross section of the community but they were only one piece in a multi-faceted approach to community and agency involvement in the project. Secretary Wicks indicated that part of this evening's discussion would focus on the Brown Alternative, which came to her attention about a year ago. She said that it has been seriously considered since then, many options have been looked at and much time and effort, both in terms of agency coordination and technical work, have gone into trying to make it the best that it can be.

Secretary Wicks indicated the importance of the role that the federal and state resource and regulatory agencies play both in terms of approvals, as well as permitting. She indicated that it is the Department's challenge to balance the agency issues with the public's issues in arriving at a decision. Secretary Wicks encouraged the Working Group to keep up their efforts. She stated that the process is close to concluding and that it is important for the Department's future to move forward and make an informed decision.

Secretary Wicks noted that the Department is facing financial challenges. She indicated that the Governor recommended a comprehensive package of funding options, in her unvailing of the budget, which will go directly to capital projects. Secretary Wicks reiterated that this project has and will continue to be a priority for the Department. We continue to champion it. It is a real need for the state and the area to insure a corridor is there for the future. She concluded her comments and asked if there were any questions.



Hearing no questions, Monroe Hite, III, thanked Secretary Wicks for her comments and welcomed the Working Group attendees. He indicated that a considerable amount of work had been accomplished since the Project Team last met with the Working Group in May, 2006 and an update of that work will be provided this evening. He further indicated that the Working Group would also be provided an update on the overall project schedule. He reviewed with the Working Group the items in their hand-out package. He then handed out copies of a letter to Mr. Swanson addressing the issue of Natural Areas mapping by the Department of Natural Resources and Environmental Control and inclusion of that information in the Project Team's base mapping.

### *Key Issues*

Mr. Hite then reviewed the Project Team's progress in addressing the five key issues discussed at the May Working Group meeting: wetlands, cultural resources, RTEs (rare, threatened and endangered species), traffic, and socio-economic impacts. He indicated that two additional key issues, natural areas and cost would also be discussed this evening. Natural Areas was added due to DNREC's fall 2006 publication of new State Resource Area and Natural Area maps. Cost is a follow up to previous discussions with the Working Group. His presentation regarding each key issue is summarized as follows:

- **Wetlands.** The natural resource agencies (U.S. Army Corps of Engineers, Environmental Protection Agency, U.S. Fish and Wildlife Service, and DNREC) have analyzed the retained alternatives during several field visits and office meetings to review critical issues. The agencies now have a full understanding of the wetland issues, including a general assessment of habitat quality, associated with each alternative.
- **Cultural Resources.** The Delaware State Historic Preservation Office (SHPO), working closely with the Project Team, has agreed on the eligibility of all but four architectural properties for the National Register of Historic Places. The outstanding properties should be resolved shortly.
- **RTEs.** The Project Team coordinated with the U.S. Fish and Wildlife Service and DNREC regarding Federal species of concern, which include Swamp Pink (a flower) and Bald Eagle in the US 113 study area. Extensive studies were conducted to determine potential impacts to Swamp Pink, a Federally-listed species. No direct impacts were found in the Milford area, although exceptional habitat was found in the Johnson Branch area. A new Bald Eagle nest was identified by the Department of Natural Resources and Environmental Control, in the fall of last year, within about 500 feet of the Orange Alternative.
- **Traffic.** During 2006, DelDOT completely updated its travel demand model based on a number of factors: population and employment, external volumes, calibration using 2005 traffic volumes, a new mode choice model, and a new toll



model for I-95, SR 1, and the proposed US 301. Traffic forecasts specific to the US 113 Milford Area alternatives were reviewed. All alternatives meet project purpose and need. Traffic-dependent impacts (noise, air quality, economic, etc.) will be determined when the traffic forecasts are complete.

- **Socio-Economic Impacts.** This category includes impacts to both businesses and properties. Property impacts have been updated. Business impacts are being recalculated using the revised traffic forecasts. Impacts to agriculture were determined and were presented to the Working Group.
- **Natural Areas.** DNREC approved new State Resource Area and Natural Area maps in fall 2006. These data were provided to the Project Team by DNREC immediately upon approval and have been incorporated into the mapping. Impacts to State Resource Areas and Natural Areas have been incorporated into the impact matrix. The only significant impacts are associated with the Orange and Blue alternatives at Griffith Lake and along Johnson Branch.
- **Cost.** The range of costs, including construction, right-of-way and other incidentals in today's dollars were discussed with the Working Group for each alternative.

Mr. Hite then introduced Jeff Riegner to provide an overview of the Milford Area Alternatives.

### *Overview of Alternatives*

Mr. Riegner indicated that he would go through each alternative and discuss various aspects of each alternative. However, before he did that he wanted to spend some time discussing refinements that had been made to the alternatives since the Working Group had last seen them. The adjustments were made in consideration of June, 2006 Public Workshop input, agency comments and additional information gathered regarding the key issues. Adjustments to the Orange and Blue Alternatives to minimize resource impacts in the Griffith Lake and Johnson Branch areas were suggested, considered and then rejected by the agencies. The Orange Alternative was adjusted in the Church Hill Road area to avoid impact to a National Register eligible farm complex. The Blue Alternative was adjusted to avoid impact to a National Register property on the corner of US 113 and Warner Road. The Purple Alternative alignment was adjusted to the south to reduce residential and resource impacts in the vicinity of the Logan's Run development. Finally, several options for the Brown Alternative were developed to reduce impacts and will be discussed in detail later in the presentation.

Mr. Riegner indicated that the Matrix was used to determine advantages and disadvantages of each of the alternatives.



### ***Yellow Alternative***

Mr. Riegner reviewed the Natural/Cultural Resource Advantages and Disadvantages for the Yellow (On-alignment) Alternative. He indicated that the presence of National Register eligible structures opposite one another on US 113 just south of Old Shawnee Road presented a fatal flaw for the Yellow Alternative since it was impossible to avoid either one or the other of the resources in making the Yellow Alternative work. This would preclude the use of Federal funds should the Yellow Alternative be selected since there are other alternatives that do not impact National Register eligible properties.

At this point, Bob Kramer interjected for the Working Group that, in terms of how we move forward in presenting the alternatives to the public, if we are missing any advantage or disadvantage, please let the Project Team know.

Mr. Riegner then reviewed the Engineering/Traffic/Safety/Community advantages and disadvantages for the Yellow Alternative and finished up the review of the Yellow Alternative with a discussion of public comments to date.

### ***Orange Alternative***

Mr. Riegner's review then shifted to the Orange Alternative. Again, he discussed the Natural/Cultural Resources advantages and disadvantages, followed by the Engineering/Traffic/Safety/Community advantages and disadvantages and finished up with public comments to date.

Richard Carmean asked what if the Bald Eagle moved to another alternative. Karl Kratzer, with the Project Team, indicated that a primary zone (750 feet) and a secondary zone (1500 feet) had been established for the Bald Eagle and if the alignment could be shifted to stay out of the primary zone, then the impact of the eagle nest would be to restrict construction during certain times of the year when the eagle may be mating or hatching young.

### ***Blue Alternative***

Mr. Riegner next reviewed the Blue Alternative, discussing the Natural/Cultural Resources advantages and disadvantages.

Skip Pikus asked what is a Swamp Pink. Karl Kratzer responded that it is a federally endangered flowering plant.

Mr. Riegner continued his discussion on the Engineering/Traffic/Safety/Community advantages and disadvantages and finished with public comments to date indicating concerns expressed by the community of Knotts Landing regarding the proximity of the Blue Alternative to their community.



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### ***Green Alternative***

Mr. Riegner continued a similar discussion through the Green Alternative.

### ***Purple Alternative***

He continued the discussion through the Purple Alternative. He indicated that the two historic architectural resources that would be indirectly affected were the barns on the Hall property and a farm house on Clendaniel Pond Road. Mr. Riegner further indicated that the Green and Purple Alternatives were essentially the same from Greentop Road to US 113.

### ***Brown Alternative***

Mr. Riegner's discussion then turned to the Brown Alternative. He reviewed the Natural/Cultural resource advantages and disadvantages. He followed with a review of the Engineering/Traffic/Safety/Community advantages and disadvantages. He explained that when you measured each alternative from the same beginning point just south of the Frederica Bypass to the same end point on US 113 at Hudson Pond, the Brown Alternative was actually the longest at 15.1 miles, as compared to the Green and Purple Alternatives at 14.6 miles.

Mr. Riegner continued the discussion with public comments to date regarding the Brown Alternative and then explained the series of meetings with the resource agencies associated with the Brown Alternative. He indicated in a September field review that the agencies expressed concern regarding impacts to the Herring Branch area at the western end of the Brown Alternative where it meets US 113. Those concerns focused on the wetland impact of the Brown Alternative being greater than either the Green or Purple Alternative, as well as the quality of wetlands and adjacent forest being higher in the Herring Branch area than the wetland areas impacted by the Green and Purple Alternatives. Also, that the Herring Branch area is one large contiguous wetland/woodland complex.

Mr. Riegner then reviewed the options that the Project Team developed to minimize the impacts on the Herring Branch area. These efforts included moving the Brown Alternative farther south closer to Lincoln or north through the development of Central Parke. DeIDOT does not consider either approach viable. The Project Team then looked at narrowing the proposed cross section of the road and removing or relocating the ramps connecting US 113 with the Brown Alternative and vice versa. The agencies indicated that even though the options considered reduced impacts in the Herring Branch area, the impacts of the Brown Alternative remained greater than the Green and Purple Alternatives. Mr. Riegner then read a series of statements from the resource agencies indicating their preference for an Eastern Bypass Alternative over a Western Bypass Alternative and a preference for either the Green or Purple Alternative over the Brown



Alternative because of the fewer natural resource impacts associated with the Green or Purple Alternatives.

At this point, Bob Kramer opened the discussion to comments from the Working Group members.

David Edgell asked if the agencies position meant that they would not issue a permit for the Brown Alternative. Mr. Riegner indicated that their regulations required them to select the Least Environmentally Damaging Practicable Alternative (LEDPA) and in their eyes that was not the Brown alternative or any of the alterations that the Project Team had made to reduce the potential impact. David Edgell then asked if the Green or Purple Alternative had a fatal flaw, could Brown then move ahead. Mr Riegner indicated that Brown would not be Dead on Arrival (DOA) under that scenario. Mr. Hite interjected that we have clear direction from the agencies for moving forward.

Skip Pikus questioned how the length of the alternatives was derived and that Brown was the longest. Mr. Riegner explained how the lengths were determined. Mr. Pikus asked if there were still problems with the alternatives that had not been discovered. Mr. Riegner indicated that that was what the Project Team had been doing for the last nine months, attempting to dig out all the issues with each of the alternatives. Bill Hellmann indicated that there would be joint hearings in June which would include the Corps of Engineers for a provisional permit and it was at this time that the public would have the opportunity to convince the agencies that the Brown Alternative was less environmentally damaging than the other alternatives.

Ed Kee indicated that he thought originally that the Brown Alternative drew less traffic than the other alternatives. Mr. Riegner indicated that the earlier sketch planning model was not as effective as the new model in forecasting future traffic and that the new model indicates that the Brown Alternative is more effective in carrying local traffic and less through traffic. So even though the volumes are similar for the Eastern Bypass alternatives the source of the traffic is different for the different alternatives.

Wyatt Hammond asked if the federal agencies had to be involved and if so could the On-Alignment Alternative be dropped? Mr. Riegner indicated that all seven alternatives are still on the table.

Bob Kramer indicated that there is a significant amount of work that the Working Group will have to consider in recommending a preferred alternative.

Glen Stevenson asked if those were the only two historic properties affecting the Yellow Alternative. Mr. Riegner indicated that there were several properties that were eligible for inclusion to the National Register along the Yellow alignment but these resources happened to be located opposite one another.



Carl King asked where the resources were located and what would happen in the case of a natural disaster. Mr. Riegner indicated that the resources were located just south of the intersection of Old Shawnee Road and US 113, that there were actually four resources in the area, three on the west side of US 113 and one on the east side and that conditions do change. The project has included extensive work with the State Historic Preservation Office but a property owner has a right to do with his property as he/she sees fit.

Elliott Workman indicated that the issue of the quality of the wetlands along Herring Branch was the call of the federal agencies and asked if that call will negate development of those wetlands. He further stated that the State Resource Areas designation has no teeth and that Sussex County has taken no action to give it any teeth.

Brooke Clendaniel asked the status by the SHPO of the Hammond Cadillac building. Mr. Riegner indicated that they did not consider it eligible for inclusion to the National Register.

Andrew Bing indicated that all that detail will be in the Draft Environmental Impact statement.

Bob Kramer indicated that all that information is on the Project website for public consumption.

Monroe Hite indicated that information as well as a wealth of other information is on the website.

Bob Kramer asked the Working Group for suggestions on the Power Point slides, which will form the basis for the Public Workshop displays. He asked that the Working Group members get their comments back to the Project Team in the next two weeks. He then indicated that the Workshop dates were the 26<sup>th</sup> and 27<sup>th</sup> of February. The 26<sup>th</sup> would be in Lincoln at the Emily Morris Elem. School and the meeting on the 27<sup>th</sup> would not be at the firehouse but at the Benjamin Banneker Elem. School. He further indicated that the meeting locations were incorrect on slide 40 in the Schedule.

### *Schedule*

Mr. Hite outlined the schedule provided to the Working Group members in the presentation. He reiterated DelDOT's commitment to recommend a preferred alternative in the Milford area in the DEIS which would be made available to the public in May. He reviewed the dates for the upcoming Working Group meetings and indicated that the Project Team would entertain a discussion on a preferred alternative earlier than the April 11<sup>th</sup> Working Group meeting if the Working Group decides that's appropriate. Working Group members should contact Project Team members if they want posters/flyers for the workshops.



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### ***Conclusion***

Bob Kramer encouraged Working Group members to contact Monroe if they have any questions/concerns prior to the next meeting. He indicated that the discussion of a recommended preferred alternative would be initiated at the next meeting and that we would be moving to a decision soon.

Mr. Kramer adjourned the meeting at 7:45 p.m.

### **Working group members in attendance:**

Scott Adkisson  
I.G. Burton, III  
Richard Carmean  
F. Brooke Clendaniel  
Mark Davis  
David Edgell  
Jerry Peters/Terry Feinour  
Scott Fitzgerald  
Connie Fox  
Wyatt Hammond  
E. Keith Hudson  
Ed Kee  
Carl King, Jr.  
Lawrence Lank  
Mark Mallamo  
Randy Marvel  
David Mick  
Barry Munoz  
Skip Pikus  
Ronald Robbins  
Don Plows/Mike Simmons  
Glen Stevenson  
Elliott Workman