



Initial Review: _____
Updated On: _____
Complete: _____
Official Use Only

Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

Project/Activity Name:	T201609002 I-95 and SR 896 Interchange
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: TJ Austin, Century Engineering, LLC (Agent) on behalf of Delaware Department of Transportation (Applicant)

Federal Agency Contractor Name (if applicable): _____

Federal Agency: USACE—Individual Permit
(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)

Mailing Address: 550 S Bay Road

City: Dover State: DE Zip Code: 19901

E-mail: TJAustin@centuryeng.com Telephone #: 302-734-9188

II. Federal Consistency Category:

- Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)
- Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)
- Federal Financial Assistance (15 C.F.R. Part 930, Subpart F)
- Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
- Federal License or Permit Activity which occurs wholly in another state (interstate consistency activities identified in DCMP's Policy document)

III. Detailed Project Description (attach additional sheets if necessary):

See attached.

IV. General Analysis of Coastal Effects (attach additional sheets if necessary):

See attached.

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):

Policy 5.1: Wetlands Management

See attached.

Policy 5.2: Beach Management

See attached.

Policy 5.3: Coastal Waters Management (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

See attached.

Policy 5.4: Subaqueous Land and Coastal Strip Management

See attached.

Policy 5.5: Public Lands Management

See attached.

Policy 5.6: Natural Lands Management

See attached.

Policy 5.7: Flood Hazard Areas Management

See attached.

Policy 5.8: Port of Wilmington

See attached.

Policy 5.9: Woodlands and Agricultural Lands Management

See attached.

Policy 5.10: Historic and Cultural Areas Management

See attached.

Policy 5.11: Living Resources

See attached.

Policy 5.12 Mineral Resources Management

See attached.

Policy 5.13: State Owned Coastal Recreation and Conservation

See attached.

Policy 5.14: Public Trust Doctrine

See attached.

Policy 5.15: Energy Facilities

See attached.

Policy 5.16: Public Investment

See attached.

Policy 5.17: Recreation and Tourism

See attached.

Policy 5.18: National Defense and Aerospace Facilities

See attached.

Policy 5.19: Transportation Facilities

See attached.

Policy 5.20: Air Quality Management

See attached.

Policy 5.21: Water Supply Management

See attached.

Policy 5.22: Waste Disposal Management

See attached.

Policy 5.23: Development

See attached.

Policy 5.24: Pollution Prevention

See attached.

Policy 5.25: Coastal Management Coordination

See attached.

VI. JPP and RAS Review (Check all that apply):

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

- JPP RAS None

*If yes, provide the date of the meeting(s): _____

VII. Statement of Certification/Determination and Signature (Check one and sign below):

FEDERAL AGENCY CONSISTENCY DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

FEDERAL AGENCY NEGATIVE DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION. Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:	TJ Austin		<small>Digitally signed by TJ Austin DN: C=US, E=TJAustin@centuryeng.com, CN=TJ Austin Date: 2022.03.16 16:19:52-04'00'</small>	
Printed Name:	TJ Austin	Date:	3/16/2022	

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES <i>[attach comments]</i>	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	

**Coastal Zone Management
Federal Consistency
Support Document
for
T201609002 I-95 and SR 896 Interchange**

Prepared for:
Delaware Department of Transportation
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Prepared by:
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March 2022

Permit Support Document and Pre-Construction Notification

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Appendix B: Coastal Strip Map

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Appendix D: Wetland Impacts Map

Appendix E: Individual Permit—Permit Support Document for T201609002 I 95 and SR 896 Interchange

Note: The full appendices are too large for web presentation. They can be accessed, by appointment, at the offices of the Delaware Coastal Management Program. Please call 302-739-9283 for more information.

Section III. Detailed Project Description and Federal Permit/License Application

Project Location

The I-95 and SR 896 Interchange project is located in northwestern New Castle County, Delaware approximately 2.53-miles south of Newark, Delaware. The project is located in largely existing right-of-way. No physical street address exists for the project. Location (Vicinity), Aerial Imagery, USGS Topographic Quadrangle (with latitude and longitude), and HUC Maps can be found in Appendix A. The second component of the project is the creation of a wetland mitigation site known as Weston Mitigation Site. Weston Mitigation Site is located 3.44-miles north of Middletown Delaware. No physical address exists for the project location. The property is accessed from Summit Bridge Road. Location (Vicinity), Aerial Imagery, USGS Topographic Quadrangle (with latitude and longitude), and HUC Maps can be found in Appendix A.

Project Description

Project Purpose, Need, and Intended Use:

The purpose, need, and intended use for the project are as follows:

The project is to improve the safety and traffic operations of the I-95 and SR 896 interchange to maintain mobility for local and through traffic, while not adversely affecting the operational performance of the I-95 Newark Toll Plaza. The project needs are as follows:

- **Traffic Operations—Capacity and Level of Service (LOS):** Long queues have been observed along southbound I-95 just north of the ramps to northbound and southbound SR 896 respectively during the PM peak hours. They have also been observed during the weekday morning peak period along northbound SR 896 and the ramp to northbound I-95. It was found that there are overall LOS deficiencies currently existing at the interchange during the weekday AM and PM peak hours. LOS analysis for the 2040 no build alternative showed a LOS F for the AM and PM conditions. These results indicated the need for a change in current roadway conditions.
- **Safety:** From September 2013 to August 2016, a total of 405 crashes were reported in the study area, including two fatalities. The annual increase in the number of crashes for the I-95 and SR 896 interchange is approximately 7% per year. The

combination of geometrically deficient design, increasing traffic volumes, and driver error are contributing factors to the total number of crashes within the interchange area. Most crashes within the interchange area are front to rear, which is indicative of a congested roadway as vehicles travel too close together and drivers do not maintain enough space to stop safely. Fixed object crashes were also observed, which is indicative of drivers failing to adequately observe the roadway geometry and adjusting their speed accordingly. This data supported the need to improve safety within the area.

Project Narrative:

Project Features:

The project proposes to reconfigure the existing I-95 and SR 896 interchange to a double flyover interchange with new and realigned/widened ramps. As part of this reconfiguration the following ramps are proposed to be constructed:

- A diverging ramp allowing vehicles traveling on southbound I-95 to access northbound SR 896 (Ramp A) and a flyover ramp (Ramp C) to southbound SR 896.
- A flyover ramp (Ramp D) allowing vehicles traveling southbound on SR 896 to access northbound I-95.
- A converging ramp onto I-95 southbound for vehicles traveling along SR 896 northbound (Ramp G) and for vehicles traveling along SR 896 southbound (Ramp F).
- A ramp (Ramp J) allowing vehicles traveling northbound on SR896 to access northbound I-95 located at the southeast quadrant of the interchange.
- A ramp (Ramp H) allowing vehicles traveling on northbound I-95 to access northbound and southbound SR 896.

Additional activities include the reconstruction of the I-95 and SR 896 roadways approaching the interchange, the addition of a third travel lane along a portion of SR 896 southbound, stormwater and drainage improvements/additions, addition of a new and replacement of existing guardrail, and addition of retaining walls to construct the new ramps. The proposed third lane along SR 896 southbound will require the replacement of concrete barrier walls, a new mast arm signal pole at the northwest corner of the intersection of Old Baltimore Pike and SR 896, and relocated traffic signal conduits and junction boxes. Furthermore, to accommodate the reconfigured ramps, six new bridges,

four bridge widenings, and two bridge rehabilitations are proposed. Ramp D will require the construction of four new bridges, two of which will carry ramp traffic over the Christina River. Ramps A and C will require the construction of two new bridges, one of which will carry ramp traffic over the Christina River. The two existing I-95 northbound and southbound bridges located east of the SR 896 bridges (including the merge for Ramp J onto I-95 northbound) will be rehabilitated with a new deck overlay, joint replacements, and upgraded concrete barriers. The I-95 northbound and southbound bridges over the Norfolk Southern Railway and Chapel Street (SR72), both of which are located east of the interchange, are proposed to be widened for the proposed ramp merge and diverge. Additionally, the existing ramp bridge carrying SR 896 southbound over the Christina River and onto I-95 southbound will be removed.

Furthermore, a 12-foot-wide shared use hot mix path is proposed from approximately 185 south of Old Baltimore Pike to Welsh Tract Road. From south of the interchange, the path will be constructed adjacent to SR 896 southbound and will travel north to connect to the proposed flyover Ramp D. The path will travel north along Ramp D and will continue adjacent to SR896 southbound, north of the interchange until ending at Welsh Tract Road.

An approximate 5.48-acre wetland mitigation site (Weston Mitigation Site) will be constructed as compensatory mitigation for unavoidable impacts to Waters of the United States.

Activities will be permitted through an Individual Permit with the USACE for impacts to Waters of the United States and through DNREC-WLSL for impacts to Subaqueous Lands and Water Quality Certification.

Section IV. General Analysis of Coastal Effects

This activity is believed to be consistent with the policies of the Delaware Coastal Management Program. As outlined in Section V, the overall coastal effects for this project are minimal. Notable impact to polices outlined are to freshwater wetlands, forested lands, and historical/archaeological resources within or adjacent to the project. The impacts to freshwater wetland sand waters will be compensated through offsite wetland creation at ratios meeting or exceeding impacts at the project site. Impacts to forested lands will be compensated through replanting and at a higher ratio for impacts to specimen trees that

may be impacted in State Natural Areas. Impacts to Historical and Archaeological Resources will be coordinated through avoidance where possible and through memorandums of agreement with all consulting parties. Water Quality, Stormwater Management, Waste Management, and Hazardous Materials will be managed through NPDES and implementation of Delaware Erosion and Stormwater Control Policies.

Impacts to Air Quality and Agricultural lands are minimal. The project is not a development, waste disposal facility, or industrial facility. Overall, the project is aligned with the DCMP policies that promote the policies of Transportation, Public Investment, and Recreation and Tourism. Impacts associated with the project will be permitted and approved through the designated agency before implementation of the project.

Section V. Detailed Analysis of Consistency with DCMP Enforceable Policies

5.1 Wetlands Management

Permanent loss of Waters of the U.S. is calculated as 3.1434-acres. The project will mitigate this loss through offsite wetland creation. Compensation ratios are proposed as a 1:1 ratio for palustrine emergent wetlands, 1:1 ratio for riverine stream channel, and 2:1 ratio for palustrine forested impacts. As such, a minimum of 4.5135-acres of forested wetland creation is proposed.

Impacts to Waters of the U.S. have been minimized to the greatest extent practical while achieving the project goals. Bridges with pier structures will be utilized over the Christina River to minimize fill within the streambed and floodplain wetlands. Retaining walls will be utilized throughout the project to reduce the footprint of ramp approaches bordering wetlands and streams. There is no feasible alternative to locate the interchange to a new location. Many of the systems within the project limits have been previously manipulated through various interchange configurations; in the current state, many of these jurisdictional features are acting as road runoff/ stormwater conveyances for the existing interchange. Examples include maintained swales, hardened channels, and in-line stormwater retention ponds. Even though Alternative 1 proves to be the most impactful, the project is minimized by utilizing existing right-of-way and leaving better functioning, intact systems undisturbed outside of the existing right-of-way. No wetlands jurisdictional

to the State of Delaware will be impacted by the project. Wetland impacts will be permitted and compensated through the USACE Individual Permit.

Proposed activities will be permitted and authorized before work within wetlands. No dredging operations through wetlands are proposed.

5.2 Beach Management

Due to the project location, no adverse effects are anticipated.

5.3 Coastal Waters Management

The project anticipates no negative impacts to coastal waters. There are no water dependent uses for the project. The project will follow permits and regulations of Delaware Erosion and Sediment Control Standards during construction to limit contaminants that may impair water quality or affect aquatic life and wildlife. Public and industrial water supply or primary contact recreation will remain unaffected by the project. No impacts to secondary contact recreation is anticipated. Agricultural water supply will remain unaffected by the project. No ERES waters are located where work will occur.

There are no instream water uses. Water quality will not be substantially degraded; the project is proposed to improve water quality through stormwater management practices and through the implementation of the compensatory wetland mitigation. Cold water fish is not designated through this segment of the Christina River. No known high quality waters such as waters of National parks or wildlife refuges occur in the vicinity of the project. Thermal altering discharges are not expected. Industrial, municipal, and other human-induced substances will be remedied through Delaware Erosion and Sediment Control Standards. Effluent discharges will be below the maximum allowable thresholds. Proper permits will be secured before any discharge of pollutants, withdraw of groundwater, and construction within the highway corridor.

Well construction and borings will be under a licensed contractor. Project will not exceed post-development peaks identified by 5.3.1.35.1. Marinas are not a component of the project.

5.4 Subaqueous Lands and Coastal Strip Management

Project does not lie within the Coastal Strip.

5.5 Public Lands Management

The project will protect and preserve any adjacent public lands to the maximum extent practical.

5.6 Natural Areas Management

Adjacent Natural Areas will be protected to the maximum extent practical. Impacts to specimen trees within adjacent Natural Areas will be compensated through tree mitigation as directed by DNREC-SCRIP.

5.7 Flood Hazard Areas Management

The project will comply with local and Federal flood regulations.

5.8 Port of Wilmington

Due to the nature and location, no adverse effects to the Port of Wilmington are anticipated.

5.9 Woodlands and Agricultural Lands

Forested land impacted by the project will be compensated through tree mitigation. No agricultural lands are preserved to the maximum extent practical. No Tax Ditches are impacted by the project.

5.10 Historic and Cultural Areas Management

The project has been surveyed for historical, archaeological, and cultural resources and coordinated through Delaware State Historical Preservation Office by professional consultants. Any disruptions or impacts to resources will be through a Memorandum of Agreement between the applicant and consulting parties.

5.11 Living Resources

The project will not impact ebb and flow. Habitat value for possible rare or endangered plants and animals was determined unaffected by DNREC-SHPO and USFWS or will be mitigated through preventative measures. Other impacts to Habitat Value have been reduced to the maximum extent practical or is offset through compensatory wetland mitigation and tree mitigation. Fish and Wildlife as well as Nongame and Endangered

Species will not be adversely affected by the project; preventative measures to protect or mitigate those resources will be implanted by the project.

5.12 Mineral Resource Management

The project does not involve the extraction of mineral resources.

5.13 State Owned Coastal Recreation and Conservation

Following construction of the wetland mitigation site and forest mitigation, the resources will be protected.

5.14 Public Trust Doctrine

The project will not permanently restrict the rights of navigation and fishery or effect properties between the high and low water marks.

5.15 Energy Facilities

The project does not meet any regulations outlined by Energy Facilities.

5.16 Public Investment

State and Federal funding for this project will be secured following procedures and regulations of the funding. The project aims to maintain and improve safety of the existing highway system. The project does not include private development or public housing.

5.17 Recreation and Tourism

The project will provide a pedestrian and alternative transportation link to recreational resource through a dedicated transportation way across I-95.

5.18 National Defense and Aerospace Facilities

The project will not affect National Defense and Aerospace Facilities.

5.19 Transportation Facilities

The project does not affect the Port of Wilmington or water-based transfer of oil, petroleum, or their by-products onshore. The project improves a nationally connected transportation system. Alternative transportation methods have been incorporated into the project. Railroad network will not be significantly impacted by the project.

5.20 Air Quality Management

The project is not an expanded highway project that will have a significant increase in the number of diesel vehicles. The project did not require a hot spot analysis. Temporary elevations from construction will be within the acceptable thresholds. Incendiary operations or open burning is not a project component. Industrial activities are not a project component.

5.21 Water Supply Management

Water allocation will remain unaffected by the project. Any surface withdraws required by the project will not interfere with other permitted withdraws; fish and wildlife will be protected through preventative measures. Adequate flow will be maintained to protect downstream waters, fish, or other wildlife. Intrusion of saline waters is not applicable.

Constructed wells will be permitted and installed by a licensed contractor and follow any regulations or guidance set forth by DNREC. The project does not involve a public water supply system. No well installations are within a municipality boundary. No injections to underground water sources.

5.22 Waste Disposal Management

No sewage disposal systems construction or alterations are proposed with this project. No land treatment of wastes is associated with this project. Disposal of solid wastes created by this project (i.e. portable toilets) will be properly disposed of. No landfill, sanitary, industrial waste, or transfer facilities are planned with this project.

Any hazardous waste encountered or created by the project will be generated, stored, transported, treated, or disposed of will be reported to DNREC. Any encountered hazardous substance will be promptly contained and removed following regulations and guidance. Underground storage tanks encountered will follow regulations set forth by 5.22.6.

5.23 Development

Project is not a development. The project will provide improved traffic circulation to established urban centers. The project will not substantially alter commercial or industrial locating guidelines.

5.24 Pollution Prevention

Waste will be reduced as much as possible through minimization and reuse where possible. Project is not industrial in nature and will not be a substantial waste producer.

5.25 Coastal Management Coordination

Other applicable agencies have been notified and have had the opportunity to review and comment on the proposed activities.