5.0 Conservation, Preservation and Protection of Resources

This chapter of the Corridor Management Plan (CMP) details the existing intrinsic resource management, context sensitive solutions (CSS), and protection techniques already established and implemented by DelDOT, the adjoining counties and municipal governments through which the HTURB corridor traverses, as well as techniques administered by private entities operating within the State of Delaware. The ultimate preservation and protection efforts reside within the policies of the local governments within proximity to the HTURB corridor.

National Scenic Byway CMP Point #3

A strategy for maintaining and enhancing each of those intrinsic qualities.

The intent of this chapter is to highlight the strength of existing preservation techniques and provide a summary of options the HTURB Steering Committee and other Stakeholders can utilize and build upon to maintain and enhance the intrinsic qualities and resources of the HTURB corridor. The preservation and protection techniques focused upon in this chapter pertain to the core resource categories of the HTURB – scenic, natural, and historic resource preservation, as well as those policies specific to enhancing the corridor's unique story. When development is proposed it is critical that these referenced plans and policies be reviewed and applied, as applicable, in an effort to preserve the intrinsic qualities of the Byway. In addition, these policies and plans can be utilized to enhance existing development along the Byway.

National Scenic Byway CMP Point #5

A strategy of how existing development might be enhanced and new development accommodated to preserve the intrinsic qualities of your Byway.

5.1 County and Municipality Policies and Plans

The following section provides a summary review of county and municipality codes, policies, and plans that are supportive of the HTURB CMP and its associated Vision, Goals, Strategies and Action Plan.

5.1.1 New Castle County

This section will outline the supportive policies and plans of New Castle County.

5.1.1.1 Land Use

New Castle County has established an array of broad goals and strategies that will benefit the implementation and sustainability of the HTURB CMP and associated elements (i.e., Corridor Vision, Goals, Action Plan, etc.) New Castle County also has in place many policies that complement the inherent intent of the overall CMP, which is to enhance the corridor's resource, provide economic development opportunities for the communities along the Byway, and to share the corridor story with Byway travelers. Approximately 60% of the HTURB corridor is contained within New Castle County limits. As such, the preservation and protection techniques utilized within the County have the potential to affect a significant part of

the corridor. The **New Castle County Future Land Use and Design Element of the County's Future Development Plan** contains a strong preservation and protection vision with goals, objectives, and strategies that directly benefit the establishment of this CMP.

New Castle County has developed strategies to focus and enhance redevelopment efforts to accommodate future growth while stemming sprawl, preserving rural areas from growth pressures, and curbing the decay of older suburb areas. The County created a Redevelopment Office to provide a link between the County government, the Delaware Economic Development Office (DEDO), and efforts of the business community. Through the effort of meeting this goal, the County has amended its Code to remove regulatory barriers to redevelopment and provide incentives. This program has seen great success. Between 2002 and 2007, 32 redevelopment plans had been implemented, three (3) of which apply to the redevelopment of brownfields, and add over a million square feet of non-residential space to existing communities, which has translated to more jobs, an increase in local revenues, and all within already developed areas.

Under Goal 1, the County seeks to "designate those locations appropriate for growth and the densities best suited to meet present and future needs". In addition, the County has the focus of preserving "the unique character of existing communities." Through the establishment of Hometown Overlay Districts, the County has provided unincorporated communities within its jurisdiction an opportunity to create localized development and redevelopment plans that preserve the character of, and define their communities. Along the HTURB, Centreville Village and the North St. Georges Historic District have utilized the Hometown Overlay District option to create Community Development Plans that codify the character of these unique communities.

Objective 5 state that the County seeks to "support infill and growth in the Existing Community Areas that is consistent with the surrounding character and existing zoning." The **Existing Community Areas** are developed areas surrounding the denser population centers of Wilmington, Newark, and New Castle.

Objective 15 of the plan seeks to "expand the use of the overlay zoning districts to permit flexible options for preserving and enhancing areas within New Castle County that have a unique character (such as Marshallton, Christiana, Yorklyn, Port Penn, etc.) threatened by conventional suburban development." This objective is directly in-line with the Vision of the HTURB CMP.

Objectives 8 and 9 state that the County seeks to minimize new development in the Low-Density Residential Area and in the Resource and Rural Preservation Area, respectively. The County has identified the Low-Density Residential Area as an area suitable for future growth when population and employment growth justify the extension of the public sewer system, but that the extension of infrastructure these areas for conservation and resource protection.

The **Resource and Rural Preservation Area** is comprised of a larger percentage of the County's farming industry, as well as the County's pastoral landscapes and wildlife habitats. Through the County's efforts to preserve agricultural lands, the County has established

Purchase of Development Rights (PDR) program that had preserved over 940 acres of farmland through the acquisition of permanent preservation easements to prevent future changes in use beyond agriculture. Not only has this program preserved land for agricultural purposes, but has also preserved open space and scenic vistas through its application. These strategies could be very successful in the protection and preservation of intrinsic and historic resources throughout the entire HTURB corridor. The Low-Density Residential Area and Resource and Rural Preservation Area have been designated as density transfer sending areas to protect their agricultural value, rural landscape, and natural resources, and valuable habitat.

Additionally, the County has instituted a **community planning process** that links planning professionals with local communities to provide planning expertise at a local level, efforts to educate and involve communities in the planning process, and initiatives to shorten the review time of development proposals to improve the quality of projects early in the review process before plans become more detailed. Through this policy initiative, New Castle County has also established processes by which developers, planners, government agencies, and its citizens can communicate about a planning decision and, thereby, ensure development projects meet and enhance the goals of the community.

5.1.1.2 Natural Resource Protection

Goal 1 of the New Castle County Natural Resources and Open Space section states that the County is focused on preserving and enhancing "…the quality and variety of the county's natural and environmental resources (water, land, flora, fauna and habitats)." The County has taken the initiative to provide for natural resource protection through its Open Space Preservation Program and strengthen water quality and quantity standards implemented through a planning process, called *Environment First.* Environment First requires all new subdivision projects to provide open space linkages, implement best management practices (BMPs) for stormwater management, enhance water quality and quantity control, and protect critical habitats. In addition to the land use tools detailed above, the Environment First program has resulted in the preservation of over 1,300 acres of land within a five (5) year time frame. Additionally, through the subdivision process and direct acquisition projects, the County has sought to enhance its parks system to provide both passive and active recreation opportunities to meet Goal 2 of the Natural Resources and Open Space section that states that the County is seeking to "provide a coordinated open space network that links natural, historic and agricultural resources, public and private open spaces, and parkland."

5.1.1.3 Historic Preservation

The Historic Resources Section of the **County's Future Development Plan** describes the County's focused efforts to protect New Castle County's Historic Resources. The County considers "…the preservation of historic property resources to be a significant responsibility" and "…in the public's interest to protect and encourage the preservation of structures, objects, and sites that reflect our shared heritage." As such, all development and demolition plans are reviewed by historic preservation planners to ensure that no historic resources are going to be affected or eliminated by the proposed development.

The County has an established Historic Review Board, consisting of a group of nine (9) citizen volunteers that review all permit requests for potential impacts to historic properties or

features. To inform property owners, as well as the Historic Review Board of the standards of rehabilitation, the County has published the ***New Castle County Historic and Cultural Resource Design Guidelines* (2006).** The Guidelines assist the Historic Review Board in making clear and predictable decisions when assessing historic properties.

The County has also created Historic Zoning Overlay Districts. Alterations to Historic Zoning Overlay Districts are also reviewed by the Historic Review Board to ensure historic resources are preserved. During its review, the Historic Review Board has the option to recommend that the subject area be a candidate for a Historic Zoning Overlay District. The Historic Review Board also provides public education on the importance of historic preservation.

Goal 1 codified in the Historic Resources Section of the County's Future Development Plan states that the County seeks to "preserve the county's significant historic and prehistoric resources for the benefit of current and future residents" by broadening the County's Unified Development Code to include historic landscapes and contexts, as well as historic properties. The County also has the objective to preserve ten (10) "…endangered historic properties per year." These goals are directly beneficial to the HTURB corridor as a whole to protect and preserve the contexts and landscapes of this significant historic corridor, as well as historic properties that define the character of the corridor.

Most beneficial to the HTURB is the County's goal to "protect and preserve New Castle County's unique, cultural and historic roadways through actively seeking to establish Scenic Byways." The Plan notes that scenic corridor plans have been completed for the Kennett Pike, Philadelphia Pike, Route 9, and Red Clay/Brandywine areas, and that these plans represent a first step in implementing a policy for preservation of our Scenic Byways.

5.1.2 City of Wilmington

The **City of Wilmington's Comprehensive** Plan contains elements for thirteen (13) distinct neighborhood analysis areas. Each element contains regularly updated analyses of each neighborhood analysis area and recommendations on zoning and land use. The City also has many planning initiatives for specific focus areas, such as annexation policy initiatives, Downtown Wilmington Initiatives, Housing Initiatives, Transportation Initiatives, and Waterfront Development Initiatives, to name a few.

5.1.2.1 Natural Resource Preservation

Under the broad goal of improving the quality of life, and directly related to the HTURB CMP, the City seeks to "implement transportation projects and services that are consistent with the region's air quality and improvement programs". The City intends to preserve its natural, historical, and cultural resources by "coordinating transportation and land use planning in the region with the preservation of open space and farmland and to protect environmentally sensitive areas", as well as using "environmentally sensitive and context sensitive design that protects natural, historic, and aesthetic features in the development of all projects." In support of this goal, the City's Plan states that it will continue to support the work of private groups focused on natural resource preservation, mitigation and restoration efforts, and environmental planning initiatives within the City. Such groups, who are potential partners of the Byway,

include the Wilmington Beautification Commission, Wilmington Tree Commission working group, and the Delaware Center for Horticulture.

The City's Comprehensive Plan also directs support to regional municipalities and communities by prioritizing investments that enhance and redevelop its existing municipalities and communities, and implementing transportation projects that recognize and enhance the intrinsic qualities of municipalities and communities. The Wilmington Comprehensive Plan also establishes the goal to "plan and invest to promote the attractiveness of the region", and sets three (3) strategies to meet that goal. Of those strategies, the City states that it will "plan to meet the transportation and information needs of tourists and recreational travelers…" This objective will be a critical task for the implementation of the HTURB CMP.

5.1.2.2 Historic Preservation

The City of Wilmington also has strategies to implement historic preservation efforts. Through the establishment of a Historic Preservation Program, the City implements measures to appropriately redevelop, preserve, and reuse historic resources within the City. The Historic Preservation Program also works with the development and management of designated National Register and City Historic District properties. The Historic Preservation Program informs land use and development planning decisions within the City by providing historic resources data; provides technical assistance to the public and to government offices about historic preservation issues; identifies and develops resource protection strategies; develops public awareness for historic preservation issues; promotes historic preservation; and assists the Division of Historical & Cultural Affairs (DHCA) by reviewing direct federal activities and federally funding activities that may have an impact on historic resources.

As mentioned above, the City has 12 historic districts, the boundaries of which (in most cases) align with districts listed on the National Register of Historic Places (as noted in the City's Comprehensive Plan). The districts highlight the foundations and developmental history of Wilmington. The City has 13 historic overlay zoning districts and forty-nine (49) individual properties listed on the National Register of Historic Places.

The City's commitment to protecting and improving the intrinsic qualities of its municipalities and communities; preserving its historic and intrinsic resources; and working to improve the travelers' experience through Wilmington are directly supportive of the HTURB CMP Vision.

5.1.3 City of New Castle

The City of New Castle has a long, rich history with roots established over four (4) centuries ago. Planning, development, and preservation activities within the City of New Castle are overseen by several focus-area commissions that provide their expertise depending on the matter at hand. The Planning Commission reviews development plans, as well as prepares the City's Comprehensive Plan. The City's Tree Commission oversees the maintenance of street trees and park plantings. The Historic District/Area Commission reviews changes made to structures within the City's historic district. In addition to the commissions noted above, the City also has a trusteeship overseeing the New Castle Common. This group oversees a non-profit organization originally confirmed by William Penn in1762 that manages land and open

space, as well as manages income derived from investments and rental properties held in trust for the benefit of the citizens of New Castle.

5.1.3.1 Land Use

To support its goal of encouraging walkable communities, fostering communal activities and security within neighborhoods, the City of New Castle supports compact, mixed-use development, redevelopment, brownfield and infill development. The City's Plan identifies areas for redevelopment, as well as a vacant lands analysis, and details a cohesive vision for their redevelopment. The City also had community design goals and objective to enhance the City's sense of place and character such landscaping guidelines and the creation of gateways to the City.

5.1.3.2 Historic Preservation

The City of New Castle has a defined historic district. The City's Plan also seeks to develop strategies to protect properties located outside the historic district, as well as to enhance development standards within the historic district. The HTURB travels through the historic district and will coordinate all efforts and implementation goals with the appropriate entities recognizing the important and possibilities within this district.

5.1.3.3 *Natural Resource Preservation*

Located on the banks of the Delaware River, the City of New Castle possesses many environmentally sensitive areas. The City's Plan seeks to preserve water quality of the Delaware River, as well as the surrounding watersheds, and to prevent the loss of water carrying capacity of the surrounding floodplains by managing development practices. The Plan also has the goal of conserving State Resource Areas through the strategy of developing overlay zoning ordinances, environmental performance standards, and design standards for protecting environmentally sensitive areas.

5.1.4 Delaware City

Located on the banks of the Delaware River and adjacent to two (2) historic forts, Delaware City offers enrichment to the traveler's experience. Delaware City has a National Register historic district through which the HTURB passes. In direct support of the Vision of the HTURB CMP, the Delaware City Comprehensive Plan focuses on community goals, such as incorporating economic-development efforts with historic preservation and preserving Delaware City's heritage. The City also seeks to manage growth and provide for open space for active and passive recreation, as well as to provide a sense of place, protect outlying areas from premature growth, and preserve open space by defining and preserving a distinct boundary around the city through a planned buffer or greenbelt. To protect the City's rich heritage, the City as a seven member Historic Preservation Commission charged with administering and reviewing the City's historic preservation guidelines and regulations. To maintain the sense of place and support the preservation of historic resources, the City also provided funding for façade improvements in the historic district.

5.1.5 Middletown

Located in southern New Castle County, the **Town of Middletown's Comprehensive Plan** (2005) states that the Town reflects upon the growth pressures experienced by that area, and

responds to the changes through new policies and protection standards. The Plan notes that the Town doubled in population between 2001 and 2005 and has responded to the pressures intense growth has placed on the Town. In light of this growth and as a general principle, the Town is focused on preserving and enhancing its historic, small-town character through community design, preservation of historic resources, architectural standards, and building best management practices. The Town also seeks to preserve open space and agricultural lands through its development process and cooperative and intergovernmental relationship with New Castle County. Towards this end, the Plan notes the Town coordinates with the County to focus agricultural uses around its own municipal limits to encourage agriculture, as well as to provide a defined edge to the Town and an enhanced sense of community character. The Town also actively encourages infill and redevelopment that is context sensitive and supportive of community character.

5.1.6 Kent County

The southern extent of the HTURB traverses through Kent County; a county that, like New Castle County, has an active plan, ***Building Communities (2007),*** that seeks to strike a balance between the creation and preservation of communities, preservation of the County's rural character and agriculture industry, and the provision of sufficient infrastructure and services to its population.

The County's Plan states that the County has not always been prepared to accommodate the growth experienced and adequately provide the necessary infrastructure. The most current Plan seeks to correct any deficiencies and build towards sustainable communities.

The main goals addressed in the Plan are:

- *Building on community centers*
- *Provision of adequate infrastructure and public services*
- *Protection of natural resources*
- *Protection of rural character*
- *Protection of historic places*
- *Encouraging mixed uses where appropriate*
- *Preservation of areas for economic development*
- *Discourage sprawl development*

The County's first growth management acts were to create **Growth Overlay Zones** (1996, amended 2002) within a buffer of sanitary service areas, and then to adopt a Transfer of Development Rights (TDR) program (2004) that allows transfers of densities from outside the Growth Overlay Zones to transfer up to seven (7) units per acre into the Growth Overlay Zones. The County has also been delineated with prioritized sending and receiving areas for density transfers to direct growth to areas deemed more appropriate for growth and development. And, to enhance the sense of community and further direct growth to preserve open space and the rural character of the County, the Plan outlines community design characteristics that address the appearance of buildings as well as the site design of development.

The benefits of the County's zoned development approach are apparent by comparing the existing and future land use maps that depict urban development situated around the major cities and towns of the County, and the remaining land being classified as agricultural and low-density development (which allows lower densities of development within the Growth Overlay Zones). The benefits of the County's detailed policies and recommendations for development have also apparent success in the creation of distinct communities.

Some specific land use initiatives from Kent County's Plan that aim to implement the County's goals, and do aid in the Vision of the HTURB CMP, include:

- *Revise Chapter 205 (Zoning) and Chapter 187 (Subdivision and Land Development) ordinances to incorporate performance standards addressing site design and architectural elements rather than rely exclusively on prescriptive requirements.*
- *Incorporate an architectural review requirement in the Regional Planning Commission review and approval process including the submission of proposed building elevations.*
- *Revise Chapter 205 (Zoning) and Chapter 187 (Subdivision and Land Development) ordinances to expand the existing Transfer of Development Rights development design criteria to other development types within the County*
- *Enact ordinances that support the documentation, protection and/or preservation of important cultural and historic resources within the County*

5.1.6.1 Natural Resource Protection

In the pursuit of protecting and enhancing the natural resources, the County has prescriptive measures for ensuring that development does not occur at the expense of the environment. The County allows minimal clearing of woodland forests outside the Growth Overlay Zones, while allowing a higher percentage of clearing (not generally exceeding 50%) within the Zones. The County also has requirements for planting trees outside the Growth Overlay Zones to serve as mitigation for trees lost from development within the Zones. And, the County has a process for evaluating green infrastructure; an ordinance to protect water quality by reducing allowable impervious surface and treating stormwater for impurities; and an initiative to develop a greenway and blueway system.

Among many other policy initiatives, some select environmental initiatives from Kent County's Plan implement the County's goals include:

- *Prohibit Community Wastewater Systems outside of the Growth Zone Overlay and establish conditional use requirements for such systems within the Growth Zone Overlay*
- *Develop standards for source water protection including excellent recharge areas and wellhead protection areas to ensure an ongoing adequate supply of drinking water*
- *In adopting a Source Water Protection Ordinance, reduce the amount of allowable impervious surface coverage in excellent groundwater recharge areas*
- *Work with the recently completed Kent County Rapid Assessment of Green Infrastructure plan to begin developing a greenway system plan for Kent County and explore the use of waterways and other open space for bicycle and pedestrian interconnections, kayak trails, and nature walks within new developments*
- *Proactively revise the Growth Zone Overlay boundary to follow natural and man-made boundaries*

- *Provide sewer service within the Growth Zone Overlay that may facilitate infill development within existing developed areas and the redevelopment of brownfields, abandoned and underutilized properties*
- *Utilize the passive open space provisions of the Subdivision and Land Development regulations to require re-introduction of wildlife habitats and upland forests*
- *Utilize the Wildlife Action Plan, Green Infrastructure, and Source Water Protection maps produced by DNREC in conjunction with LESA scores in ranking properties for County agricultural land preservation funding*
- *Work with the agricultural community and other relevant entities to develop a public/private partnership for the purpose of promoting agricultural uses and the TDR program*

5.1.6.2 Historic Preservation

In its pursuit of preserving the County's cultural and historic resources, the County includes a policy to establish a Historic Preservation Commission. The County also has a policy to obtain the Certified Local Government status under the National Park Service within four (4) years of the writing of the Plan. Additionally, the following County policies further protect and promote the historic and cultural resources of the County:

- *Encourage heritage tourism by publicizing historic resources and cultural activities within the County*
- *Integrate greenway corridors and trails into new communities linking parks and cultural and historic sites to residential areas, schools, work sites, and shopping areas. Promote the recreational, ecological, social, health, and transportation aspects of pathways*

5.1.7 Smyrna

The **Town of Smyrna's Comprehensive Plan** (updated 2009) contains policies that are very complementary to the focus and the Vision of the HTURB CMP. The Plan contains policies dedicated to the preservation of open space and agricultural resources, through the use of a greenbelt system, and historic resources, while also planning for the Town's economic vitality. The Town is seeking to grow in a sustainable manner through establishing design principles that encourage small-scale, cluster-development. The Town also seeks to enhance its historic assets by adopted a Historic Preservation Ordinance, which includes the development of design guidelines and review processes for the Historic Preservation Overlay District. All of these efforts will greatly aid in the long-term success and implementation of the HTURB CMP and its associated Vision, Goals and Strategies.

5.1.8 Dover

The Town of Dover's Comprehensive Plan, the ***2008 Dover Comprehensive Plan: From the People-For the People*** **(2008**), notes Dover's role as a dominant center of employment, commerce, and cultural activities in Central Delaware. Encompassing over 23 square miles, the Town seeks to preserve a small-town feel through defined landscaping requirements, the preservation of open space, and its defined historic districts. The Town's established goals are very complimentary to the establishment of the HTURB. The Town seeks to protect the natural environment through improving watershed quality and encouraging green development. The Town also plans for the preservation of historic resources through the provision of incentives for historic preservation and public education. The Town also supports the ethic

carried by the other cities and towns along the HTURB corridor in that it seeks to preserve open space and agricultural lands.

Dover, also containing a National Register historic district, has an active Historic District Commission. This Commission has developed the Town of Dover Historic Preservation Ordinance and regularly reviews applications for alterations and zoning issues related to historic district properties. These resources can be utilized to secure preservation assistance for HTURB resources.

5.1.9 Camden

The Town of Camden, as with many of the other towns and cities along the HTURB, is focused on maintaining and enhancing its small-town character, and protecting and conserving its natural resources and systems. The Town also seeks to preserve and enhance areas with historic, cultural, and scenic value. The Town utilizes overlay zoning to preserve its historic districts. Within this overlay, the Town has established guidelines for the preservation of existing historic properties as well as to ensure that new construction adheres to the feel and character of the area. The Town also utilizes smart growth principles, streetscaping, and land use controls in its efforts to enhance community character and vibrancy.

5.2 Resource Management Agencies and Related Programs

5.2.1 State Planning Efforts

5.2.1.1 Delaware Office of State Planning and Coordination

The ***"Delaware Strategies for State Policies and Spending"*** document, produced by the Delaware Office of State Planning and Coordination, is a planning document "used to guide State agency operating and capital budget requests." The document provides policies to be used as guidelines, for the state government "to make appropriate, cost effective investments in all areas of the State in order to promote efficient development patterns, protect agriculture and open space, and discourage sprawl."

The document has two (2) main goals, to ensure that:

- State spending promotes quality, efficient, and compact growth
- State policies foster order growth and resource protection, not degradation

"Delaware Strategies for State Policies and Spending" is the implementation document for the "Livable Delaware Program". Initiated in 1999, the program has five (5) main goals, most relevant to the protection of the HTURB is the promotion of compact development and protection of open space.

5.2.1.2 Division of Historical & Cultural Affairs (DHCA)

The Delaware DHCA identifies historic places, assists interested parties list historic places in the National Register of Historic Places, helps federal, state, and local agencies protect historic places and in preservation planning; and works toward educating the public on protecting historic places and in appropriate reuse of historic properties. The DHCA works closely with the efforts of Preservation Delaware, Inc., Delaware's statewide non-profit organization for

historic preservation (noted in more detail in section 5.2.2). The DHCA also works with federal agencies and their clients, as well as solicits input from members of the community, to proactively identify historic properties that may be eligible for listing in the National Register of Historic Places. The DHCA evaluates the integrity (an evaluation of the visual appearance of a property) and its historic significance.

The Delaware DHCA administers the following federal and state regulations with the mission of protecting historic and archaeological resources of the State of Delaware:

- Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 – National Historic Preservation Act)
- Delaware Code: Title 7, Chapter 53: Archaeological Resources in the State (75 Del. Laws, c. 153, § 2.)
- Delaware Code: Title 7, Chapter 54: Unmarked Human Burials and Human Skeletal Remains (66 Del. Laws, c. 38, § 1; 75 Del. Laws, c. 153, §§ 4, 5.)
- Delaware Code: Title 11, Chapter 5, Subchapter VII, Subpart 1333: Trading in human remains and Associated Funerary Objects (70 Del. Laws, c. 50, § 1.)

Under Section 106 of the National Historic Preservation Act of 1966, federal agencies are required to evaluate the potential effects of any federal undertaking or federally permitted activities on historic properties. Under Section 106, federal agencies are required to seek local input on the potential impact of a project on historic properties before they can proceed with the proposed action. The Delaware DHCA helps federal agencies and their clients understand and implement the regulations under Section 106. In this regard, the Delaware DHCA ensures the respective federal agency (such as the Federal Highways Administration, the US Army Corps of Engineers, the Department of Housing and Urban Development, or the US Department of Agriculture) have the contact information for the appropriate local governments, organizations, and community groups to notify of upcoming planned projects. The Delaware DHCA also solicits citizen input during the Section 106 process to ensure local experts and historians are included in preservation and protection efforts.

The Delaware DHCA administers Title 7, Chapter 53 of the Delaware state code, which provides for the definition and protection of archaeological resources in or on lands of the state. Title 7, Chapter 54 of the Delaware state code is also administered by the Delaware DHCA, wherein the Delaware DHCA provides for the protection of unmarked human burials and skeletal remains, recognizing them as part of the historic record. Taking protection efforts a step further, the Delaware DHCA administers Title 11, Chapter 5, Subchapter VII, Subpart 1333 of the Delaware Code, which makes the trading in human remains and associated funerary objects a class B misdemeanor.

5.2.1.3 Delaware Department of Transportation (DelDOT) Archaeology and Historic Preservation Office

The DelDOT Archaeology and Historic Preservation Office works with the Delaware DHCA, other interested preservation groups, and the public to help identify historic and archaeological resources and determine a potential project's effect on them. If an impact is determined, DelDOT and the parties involved develop a plan to avoid or minimize impacts to them. If an impact will occur, DelDOT will enter into a Memorandum of Agreement (MOA) with the

parties involved and the federal Advisory Council on Historic Preservation. The MOA is a legally binding document that outlines the measures to which DelDOT will be held to mitigate impacts to historic structures.

5.2.2 Preservation Delaware, Inc.

Preservation Delaware, Inc. (PDI) a statewide non-profit organization that is focused on preserving historically and architecturally significant resources in the state. PDI supports the efforts of Delaware's local governments by providing data and information, as well as individual property owners seeking to preserve or rehabilitate historic structures. It is a counterpart to the National Trust for Historic Preservation, which provides leadership, education and advocacy to preserve and protect historic places and revitalize communities.

5.2.3 The Delaware Historic Preservation Tax Credit Program

The Delaware Department of State's Division of Historical and Cultural Affairs administers the Delaware Historic Preservation Tax Credit Program is a $30 million tax credit program, made available at $3 million annual increments over ten (10) years, that assists in preserving and rehabilitating historic buildings throughout Delaware. Established in 2001, this program has generated over $79 million in private investment to rehabilitate 25 historic buildings. The program allocates tax credits based upon a percentage of the intended outcome of rehabilitation. Applicants can earn up to 20% of the rehabilitation costs for income-producing buildings; 30% for owner-occupied, residential buildings; and an additional 10% for low-income housing projects. The success of this program is a positive sign that similar programs, or the continuation of this particular program, would greatly benefit historic preservation efforts in the State of Delaware and, specifically, along the HTURB.

5.2.4 Preservation Revolving Fund

The **Delaware Preservation Fund, Inc. (DPF)** is a program supporting historic preservation efforts by administering a rehabilitation grant program, a low interest loan program, and an easement program through various funding sources, including the State of Delaware, the Longwood Foundation, and the Welfare Foundation. Through the program, owners of eligible historically significant structures can receive short-term, low interest loans to rehabilitate or stabilize their historic property. The loans are available to corporations, partnerships, individuals and non-profit organizations.

5.2.5 Other Byway Corridor Management Plans (CMP)

The HTURB will benefit from its proximity to several other scenic and historic Byways, as well as the Corridor Management Plans codifying their establishment. The HTURB corridor is within close proximity to three (3) existing Delaware Byways: the Route 9 Coastal Heritage Scenic Byway, the Red Clay Valley Scenic Byway, and the Brandywine Valley National Scenic Byway. In addition to the Byways listed, the Maryland Harriet Tubman Underground Railroad Byway meets with the Delaware HTURB at the Maryland/Delaware border near Sandtown. Coordination and partnership with the Maryland HTURB (and future HTURB designations that may occur in other states) will be critical to the success of this Byway.

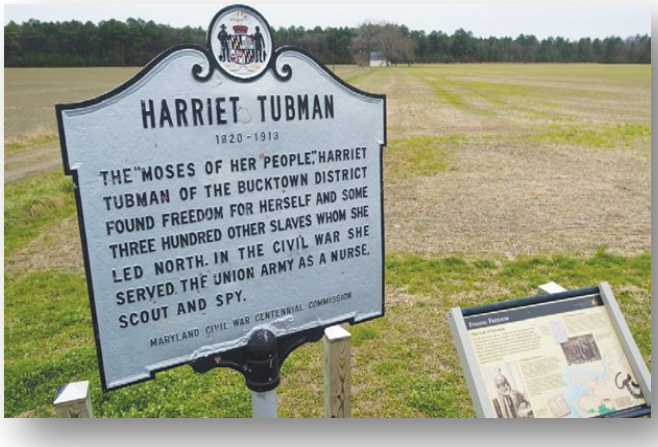
Given the relative small population of enslaved people in Delaware, the stories of most Underground Railroad activities begin outside of Delaware. Harriet Tubman's missions to

rescue family and friends began in Maryland, specifically in Dorchester and Caroline counties. And, the escapes of hundreds of other freedom seekers from the great Choptank River region where Harriet Tubman was born and raised originated there. The stories of their flights to freedom did not end at the Maryland border, where the Maryland HTURB currently concludes. For Tubman and many others, this state line still meant that scores of miles kept them from physical freedom and many dangers lay ahead, before they reached safety in Pennsylvania. Freedom seekers struggled their way through Delaware, hoping to reach help and a secure passage to Pennsylvania and beyond to New York and Canada, accepting and getting assistance from many agents along the way.

The Maryland HTURB has recently signed a memorandum of understanding with the Delaware HTURB to share its copyrighted logo and branding designs, to allow for a seamless and coordinated experience for travelers. The protection techniques codified in these plans will work in concert with those established in the HTURB CMP and provide support for the vision of the counties and communities through which the HTURB traverses that will support its future implementation.

Delaware HTURB meets the Maryland HTURB at the Maryland/Delaware state line at the western terminus of the Delaware HTURB. The two (2) Byways share important cultural and historical themes, including the history of slavery, abolition, faith, family, community, and self-determination. Both corridors will coordinate and work together to accomplish a unified mission of sharing the corridor story for each Byway.

Several stories along the Maryland HTURB continue to real places and landscapes in Delaware. The visitor will be able to follow the course of entire escape missions, from the place of enslavement, to safe houses and sites of danger, to much-hoped-for freedom across the Delaware line into Pennsylvania. It is hoped that in the future, Pennsylvania and New York will begin their own resource studies to determine the possibility of extending the HTURB through their states, featuring stories of Harriet Tubman and the thousands of other freedom seekers and their helpers along the many paths of the real Underground Railroad.



5.2.6 Delaware Historical Society

The **Delaware Historical Society** is a Network to Freedom site engaged in state-wide historical documentation and research, including Underground Railroad related materials. This institution also assists with the preservation of Civil War documents. Today, the Society operates several venues, a large museum in Wilmington, and the historic Read House and

Gardens in New Castle. The Society also participates in joint marketing efforts with the Delaware Tourism Office, the Brandywine Museums and Gardens Alliance, and the Greater Wilmington Convention and Visitors Bureau. Of the venues the Society operates, the Society operates a library and research center that is open, by appointment, to members of the public to research the library's collections, which include history of the Underground Railroad, genealogy, and cartography. The Society also owns and operates the Delaware History Museum, which houses rotating exhibit halls showing costumes, children's toys, and folk art; the Wilmington Old Town Hall; and the Wilmington Square - a collection of buildings, relocated from other parts of downtown for their preservation.

5.3 Federal Preservation Outreach Efforts

5.3.1 National Register of Historic Places



The **National Register of Historic Places** is a program authorized by the National Historic Preservation Act of 1966 (36 CFR 60), which provides for an official listing of the nation's historic places deemed worthy of preservation. Under the jurisdiction of the National Park Service, the National Register of Historic Places is a program aimed at coordinating and supporting public and private efforts to identify, evaluate, and protect national historic and archeological resources. This program provides outreach and education on the importance of preservation, what should be considered eligible for preservation, and methods by which to preserve these properties. The National Register of Historic Places also assists historic properties receive preservation benefits and incentives. Designation also provides owners of designated properties networking opportunities with other historic property owners, tours of historic districts, and interaction with preservationist through conferences, workshops, and preservation organizations.

5.3.2 America's Great Outdoor (AG) Initiative

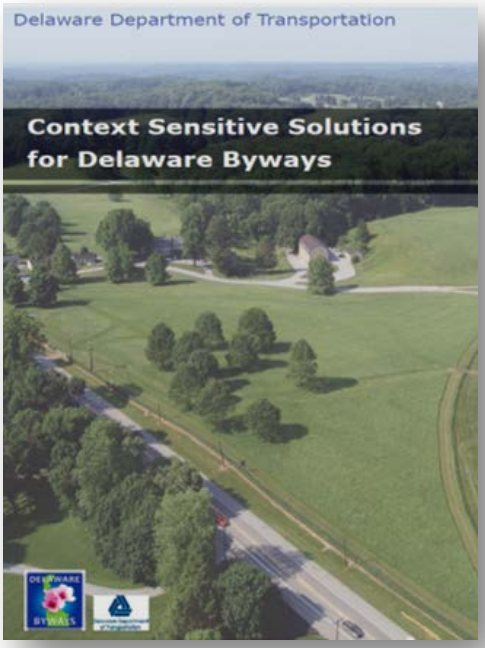
On Tuesday, May 29, 2012 the Delaware Bayshore Initiative was launched – part of President Obama's America's Great Outdoors (AGO) Initiative to develop a 21st Century conservation and recreation agenda to support a healthy, active population, conserve wildlife and working lands, and create travel, tourism and outdoor-recreation jobs across the country.

The Delaware Bayshore Initiative is a partnership among the Delaware Department of Natural Resources and Environmental Control (DNREC), Delaware's Congressional Delegation, the Department of the Interior, including the U.S, Fish and Wildlife Service, non-governmental organizations, and bayshore communities. The Initiative will reinforce existing partnerships to conserve the region's ecological integrity, increase recreational opportunities, and expand the tourism-based economy. (www.doi.gov May 29, 2012)

5.3.3 National Historic Landmark Designation

National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, fewer than 2,500 historic places bear this national distinction. Working with citizens throughout the nation, the National Historic Landmarks Program draws upon the expertise of National Park Service staff who work to nominate new landmarks and provide assistance to existing landmarks.

5.4 Context Sensitive Solutions (CSS)



Context sensitive solutions (CSS) is a collaborative, interdisciplinary approach that involves all stakeholders in providing a transportation facility that fits its setting. It is an approach that leads to preserving and enhancing scenic, aesthetic, historic, community, and environmental resources, while improving or maintaining safety, mobility, and infrastructure conditions. (FHWA, 2012)

In 2011 the Delaware Byways program developed a ***Context Sensitive Solutions for Delaware Byways*** manual. The manual was developed to provide guidance to DelDOT designers and consultants during the "planning, design, construction, and operation and maintenance of projects on Delaware Byways. Before any project along a Byway begins, large or small, whether new construction or maintenance, landscape or utility work, it is vital that all participants become familiar with and acquire a broad understanding of the Byway. This includes Byway's associated intrinsic qualities and any pertinent documents, including but not limited to the Corridor Management Plans prepared for individual Byways and the context sensitive solutions discussed therein." (Context Sensitive Solutions for Delaware Byways, 2011)

One publication that may be referred to is the *Context Sensitive Solutions for Delaware Byways* manual. This manual is a practical and user-friendly manual that can be referenced when design elements are planned to be altered along the HTURB. DelDOT can be engaged and the CSS manual can be followed to ensure aesthetically pleasing and Byway traveler friendly design.

There are other CSS related resources available and many can be found at http://deldot.gov/information/pubs_forms.

5.5 Minimizing Intrusions

A Scenic Byway has the potential to draw visitors from all over the world. Promotion and marketing of the Byway usually takes place at a national or international level and visitors start travelling and experiencing the Byway. One concern that needs to be addressed is the minimization of intrusions that the visitor may cause and that the visitor may experience along the Byway as a result of the growth in visitation and traffic. This CMP presents many concepts and implementation techniques (see the Action Plan chapter) that can provide methods to reduce the visitor's intrusions. Many tools, policies and programs are already in place to minimize intrusions as noted in the description of existing policies that support the Byway vision and goals. In addition, this section (Conservation, Preservation and Protection of Resources) has provided references to many plans and policies that can be utilized to aid in the minimization of visitor intrusion and impact to the communities and associated intrinsic resources.

National Scenic Byway CMP Point #9

A listing and discussion of efforts to minimize anomalous intrusions on the visitor's experience of the byway.

Some of the regular corridor surveys or assessments that can be utilized to measure the presence or impact of visitor intrusions are as follows:

- Photo logging of key resources on a regular interval
- Community surveys to elicit comments and feedback from the public
- Hospitality visits and surveys
- Corridor Impressions Survey (CIS) conducted at regular intervals
- Community Open House or Workshop used to gather input and feedback
- Site specific quality assessments utilizing GIS mapping, high-definition video, GPS tools for specific amenity locations, and photo library
- Social media or website submission of comments and concerns from the public