APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)	OMB APPROVAL NO. 0710-003

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, Searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States; the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Therese Fulmer, Delaware Dept.of Transportation	8. AUTHORIZED AGENT'S NAME & TITLE (an agent is not required) Laura Callens
6. APPLICANT'S ADDRESS 800 Bay Road, Box 778 Dover, DE 19901	9. AGENT'S ADDRESS 801 South Caroline Street Baltimore, MD 21231
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business 302-760-2095	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business 443-224-1633

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

_____ APPLICANT'S SIGNATURE

_____ DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

I-95 Newark Toll Plaza Highway Speed E-ZPass Lanes

13. NAME OF WATERBODY, IF KNOWN (if applicable) Unnamed tributary to Persimmon Run	14. PROJECT STREET ADDRESS (if applicable) N/A
15. LOCATION OF PROJECT New Castle (COUNTY) DE (STATE)	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

Along I-95 in Delaware from just south of Otts Chapel Road overpass to the SR896 (College Avenue) interchange.

17. DIRECTIONS TO THE SITE

Wetlands and streams are located along I-95 just off the shoulder within DelDOT right of way. Access to the unnamed tributary to Persimmon Run is via Dixie Line Road: From I-95, take I-896 North, take immediate left on Welsh Tract Road, go to the end, right on Otts Chapel Road, left on Dixie Lane Road. Tributary is in approximately 500 feet.

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18. NATURE OF ACTIVITY (Description of project, include all features)

See attached supplement

19. PROJECT PURPOSE (Describe the reason or purpose of the project, see instructions)

See attached supplement

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

Roadway slope tie-in grading and stormwater management. See attached supplement

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

Fill and Riprap. CY TBD

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)

0.175 acres of streams and wetlands to be filled. (0.143 acres will be mitigated in-kind on-site). (0.036 acres of Glenville mitigation site credits will be required). See attached supplement.

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES ○ NO ◉ IF YES, DESCRIBE THE WORK

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. WHOSE PROPERTY ADJOINS THE WATERBODY (If more than can be entered here, please attach a supplemental list)

See attached supplement.

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE, OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
DNREC	Subaqueous Lands	TBD	PENDING	PENDING	PENDING

* Would include but is not restricted to zoning, building and flood plain permits.

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and will fully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, facticious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

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CORP OF ENGINEERS
PERMIT AUTHORIZATION SUPPLEMENT, NWP # 23
Delaware Department of Transportation
I-95 Newark Toll Plaza Highway Speed E-ZPass Lanes
New Castle County, Delaware

BLOCK 18- Nature of Activity

The Delaware Department of Transportation (DelDOT) I-95 Toll Plaza Highway EZ Pass Lane project involves the conversion of the existing Newark barrier toll plaza to a facility that will include two barrier-separated, highway-speed E-ZPass lanes in each direction, seven northbound CASH lanes at the location of existing satellite plaza and seven southbound CASH lanes at the location of the existing main plaza. The project area lies completely within the I-95 corridor extending from the MD 279 Interchange in Maryland to the Delaware House Service Area in Delaware, for a length of 5.7 miles. The limits of the highway speed E-ZPass lanes extend from the Otts Chapel Road overpass to SR 896 (College Avenue) interchange. The roadway construction will be confined to these limits. The advance signing and conduit work will extend from the MD 279 Interchange in Maryland to the Delaware House Service Area in Delaware.

The project includes the following improvements:

- Construction in the median of two barrier-separated, highway-speed E-ZPass lanes in each direction using hot mix asphalt
- Construction of a highway speed toll gantry with E-ZPass equipment that will allow maintenance of overhead toll equipment to be done from above, without closing lanes
- Widening of the northbound approach to the CASH lanes to three (3) lanes
- Construction of stormwater management facilities
- Converting the existing piers of the Welsh Tract Road overpass to web walls
- Installing new signing and pavement marking
- Upgrading the lighting systems
- Retrofitting the existing northbound satellite plaza to provide seven (7) CASH lanes with overhead access for toll collectors (between lanes 5 and 6)
- Removal of Lanes 6-13 at the existing main plaza, leaving seven (7) southbound CASH lanes
- Construction of a reinforced concrete slab over the existing toll collector access tunnel within limits of highway speed E-Z Pass lanes
- Replacement of the five (5) northbound and seven (7) southbound toll booths to remain in service

Sequence of Construction:

Phase 1

The SR 896 SB ramp to I-95 SB will be closed for the duration of construction and traffic will be detoured. Install erosion and sediment control measures, clear and grub the site.

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Remove existing outside NB shoulder from sta. 226+50 to sta. 245+00. Remove existing outside I-95 NB shoulder, curb & gutter, and sidewalk from sta. 248+57 to sta. 250+99 and construct concrete pavement and curb & gutter. Remove existing I-95 SB outside shoulder from sta. 150+60 to sta. 192+85 and from sta. 1134+45 to sta. 1138+12. Install temporary pavement along the outside of I-95 SB from sta. 150+60 to sta. 162+16 and along the inside of I-95 SB from sta. 255+07 to sta. 263+00. Construct full depth pavement along the outside of I-95 SB from sta. 162+16 to sta. 192+85 and from sta. 1134+45 to sta. 1138+12. Construct full depth pavement along ramp from SR 896 SB to I-95 SB from sta. 400+00 to sta. 404+18. Excavate for and construct ditching and drainage system.

Phase 2

Install erosion and sediment control measures. Remove existing I-95 NB shoulder from sta. 200+00 to sta. 240+50 and SB shoulder from sta. 100+00 to sta. 134+73. Construct full depth pavement along inside of I-95 NB from sta. 200+00 to sta. 240+50 and along inside of I-95 SB from sta. 100+00 to sta. 134+73. Construct proposed concrete pavement along I-95 NB from sta. 248+34 to sta. 261+68. Construct proposed I-95 NB toll lanes, booths and gantry. Install temporary pavement along inside of I-95 SB from sta. 147+00 to sta. 152+30. Remove existing I-95 SB from sta. 152+30 to sta. 192+85 and I-95 NB from sta. 263+21 to sta. 294+00. Construct full depth pavement along I-95 SB from sta. 152+30 to 192+85 and along I-95 NB from sta. 263+21 to sta. 294+00. Install permanent concrete barriers adjacent to and within proposed full depth construction. Construct Welsh Tract Road Pier No. 3 concrete barrier and crashwall. Excavate for and construct ditching and drainage system.

Phase 3

Install erosion and sediment control measures. Remove existing I-95 NB inside from sta. 200+00 to 263+23 and SB inside from sta. 100+00 to sta. 144+50. Construct full depth pavement along inside of I-95 NB from sta. 200+00 to sta. 263+23 and along inside of I-95 SB from sta. 100+00 to sta. 144+50. Construct full depth concrete pavement along I-95 SB from sta. 151+22 to sta. 159+13. Construct full depth pavement along I-95 SB from sta. 159+13 to sta. 162+16. Install permanent concrete barriers adjacent to and within proposed full depth construction. Construct Welsh Tract Road Pier No. 2 concrete barrier and crashwall. Excavate for and construct ditching and drainage system.

Phase 4

Install erosion and sediment control measures. Construct full depth pavement along inside of I-95 SB from sta. 144+50 to sta. 152+30. Install permanent concrete barriers adjacent to and within proposed full depth construction. Grind and resurface I-95 NB and SB.

BLOCK 19- Project Purpose

The purpose of this project is to reduce plaza-related congestion and improve traffic operations, safety and functionality while considering environmental and community concerns in the project area. The need for the project is based on existing and projected

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traffic congestion, the need to efficiently accommodate the significant increase in E-ZPass users, the need to address the high accident locations on this portion of the Turnpike, and the need to replace or rehabilitate the existing northbound and southbound toll booths.

The anticipated start of construction is April 5, 2010. The anticipated completion of construction is July 1, 1011.

BLOCK 22- Surface Area in Acres of Wetlands or Other Waters Filled
*see attached Table of Regulated Permanent Impacts

Description of Impacts:

The wetlands and waters within the project area were delineated by Rummel & Kahl, LLP in January 2002, April 2002, September 2004, October 2004, February 2005, April 2005, and December 2005. Jurisdictional Determination meetings were conducted with the U.S. Army Corps of Engineers and Delaware Department of Natural Resources and Environmental Control on August 22, 2005, August 23, 2005, September 30, 2005, October 26, 2005, February 1, 2006, and February 8, 2006.

A pre-permitting application meeting was held on February 25, 2009 with representatives from the Delaware Department of Natural Resources and Environmental Control (DNREC), ACOE, and FHWA to discuss proposed project impacts (**see attached meeting minutes**). As a result of the meeting, ACOE indicated that a Nationwide Permit 23 – Categorical Exclusion would be authorized for this project. DNREC indicated a Subaqueous lands permit application will be required for impacts to DNREC jurisdictional streams. Both ACOE and DNREC agreed to the use of the DelDOT Glennville mitigation site for impacts to wetlands within the project area. DNREC and ACOE recommended riparian corridor enhancement for streams that have been relocated. USACE and DNREC (Wetlands and Subaqueous Land Section) also expressed concerns that efforts are made to maintain water quality and limit sediment discharge from stormwater management facilities within the project site.

In a letter dated March 10, 2009, DNREC, Division of Fish and Wildlife, Natural Heritage and Endangered Species, states that occurrences of rare, Spotted Salamander have been documented in the forest area south of Dixie Line Road (**see attached letter**). DNREC states that efforts should be made in the design process to minimize impacts south of Dixie Line Road and hence, to the Spotted Salamander population. DNREC further states that the proposed stormwater management facility that will drain into the stream that feeds the spotted salamander habitat area should be designed to minimize sedimentation in the downstream tributary and to ensure chemical runoff does not increase.

To address USACE and DNREC concerns, the main goal in this project's stormwater management design is to minimize water quality and quantity impacts to the tributary of

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Persimmon Run, while minimizing impacts to native vegetation. To minimize negative water quality impacts downstream of the proposed facility, emphasis was made in the design of the facility to maximize sediment deposition by providing a lengthened flow path through the facility while providing multiple permanent pools. A total of four (4) permanent pools have been incorporated into the facility including a sedimentation forebay. Permanent pools range in depth between 3 and 4 feet and are connected via 10-foot wide vegetated swales to provide additional water quality filtering (**see Landscaping Plan sheets 171 to 173 of 444**).

To address both the water quality extended detention requirement and the stormwater management quantity requirements, a riser structure has been designed to control discharge from the facility above the permanent pool level. An R-4 riprap plunge pool has been designed at the outfall, to dissipate energy and limit discharge velocities prior to outfalling into the tributary of Persimmon Run. Adequate landscaping will be provided for the BMP to enhance chemical and sediment filtering.

The anticipated impacts of the current design concept will require the replacement or restoration of nontidal waters of the US and nontidal wetlands. The impacts will require approximately 0.10 acres wetland mitigation and 0.078 acres of stream mitigation. Most of the wetland and stream impacts will be accounted for by adjacent in-kind replacement within DelDOT right-of-way on-site. The exception will be Impacts "W2" (775 sf of PEM), "W4" (57 sf of PEM), "W6" (145 sf of PSS requiring 2:1 mitigation = 290 sf), "O8" (30 sf), and "O9" (403 sf), which will must be mitigated by use of Glenville Mitigation Site credits (**see attached Supplemental Mitigation Site Search Memorandum**). The total amount of Glenville credits that will be required is 0.035 acres. Descriptions of the permanent impacts that can not be mitigated on site are listed below under Block 20: Reasons for Discharge.

BLOCK 20- Reasons for Discharge

Impact W2

Wetland impact, "W2", and adjacent temporary impacts "W1" and "W3", located at roughly Station 1039+00, LT. are required for the proposed construction of pipe P-102, draining runoff from the new high speed toll lanes to proposed BMP 1. Due to elevation and environmental constraints downstream of BMP 1, along with cover constraints due to the proposed micro-tunneling installation procedure of pipes beneath the I-95 mainline, the invert elevations of pipe P-102 cannot be adjusted to provide adequate clearance beneath the existing wetland. Thus, riprap must be placed above the installed pipe in the existing wetland to minimize the potential for erosion while maintaining adequate cover above the pipe. Riprap placement will result in a permanent impact (W2) totaling 775 square feet to the existing wetland. Temporary impacts to the existing wetland (W1, W3) totaling 1410 square feet will be required to both the north and south of the proposed pipe. The area of temporary impacts has been minimized to encompass only the area necessary to provide adequate space for installation and placement of maintenance of stream flow and sediment control devices to allow for the construction of P-102.

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Impact W4
Wetland impact "W4" results from the removal of the existing culvert headwall. The existing inlet that currently drains surface water from I-95 will no longer be viable. All proposed drainage from the existing roadway will be piped to the proposed stormwater management ponds. The headwall poses a safety threat if not removed. After the headwall is removed, grading will be required to tie into the proposed toe of slope.

Impact W6
Wetland impact "W6" is required to accommodate proposed toe of slope tie-in grading.

Impact O8
Stream impact "O8" is a result of pipe abandonment and toe of slope tie in grading. The existing inlet that currently drains surface water from I-95 will no longer be viable. All proposed drainage from the existing roadway will be piped to the proposed stormwater management ponds.

Impact O9
Stream impact "O9" is a result of pipe abandonment and toe of slope tie in grading. The existing inlet that currently drains surface water from I-95 will no longer be viable. All proposed drainage from the existing roadway will be piped to the proposed stormwater management ponds.

BLOCK 24- Addresses of adjoining property owners

PARCEL# 1100800030
STATE OF DELAWARE
P.O. BOX 778
DOVER, DE 19903

PARCEL# 1804500039
TRADITIONS AT FOREST CHASE LLC
222 SOUTH MANOA RD, SUITE 250
HAVERTOWN, PA 19083

PARCEL# 1804500036
THE CITY OF NEWARK
C/O HUGHES SISK & GLANCY
1700 W 14TH ST
WILMINGTON, DE 19806

PARCEL# 1804500031
NEW CASTLE COUNTY
GOVERNMENT CENTER
87 READS WAY

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NEW CASTLE, DE 19720

PARCEL# 1100900032
TRUSTEES OF WELESH
TRACT BAPTIST CHURCH
1 WELSH TRACT RD
NEWARK, DE 19711

PARCEL# 1101200003
FRANK E. ACIERNO
C/O APARTMENT COMMUNITIES
P.O. BOX 7189
WILMINGTON, DE 19803

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I-95 NEWARK TOLL PLAZA

DELDOT

August 17, 2009

Table of Regulated Section 404 CWA Permanent Impacts

EC Sheet No.	Identifier	PERMANENT REGULATED IMPACTS													
		Wetland Community			Mitigation	Total Wetland		Stream Community			Total Stream			Mitigation	C.Y. Fill
		PFO	PSS	PEM		Sq. Ft.	Acres	Perenn.	Intermit.	Ephem.	Sq. Ft.	L.F.	Acres		
1	W2	0	0	775	Glenville	775	0.018	0	0	0	0	0	0.000	-	N/A
2	W4	0	0	57	Glenville	57	0.001	0	0	0	0	0	0.000	-	N/A
3	-	0	0	0	-	0	0.000	0	0	0	0	0	0.000	-	N/A
4	W5	0	0	3,253	On-Site	3,253	0.075	0	0	0	0	0	0.000	-	N/A
5	O7	0	0	0	-	0	0.000	0	1,546	0	1,546	274	0.035	On-Site	TBD
	O8	0	0	0		0	0.000	0	30	0	30	10	0.001	Glenville	TBD
6	W6	0	145	0	Glenville	145	0.003	0	0	0	0	0	0.000	-	N/A
	O9	0	0	0	-	0	0.000	403	0	0	403	41	0.009	Glenville	TBD
	O10	0	0	0	-	0	0.000	0	124	0	124	200	0.003	On-Site	TBD
7	O11	0	0	0	-	0	0.000	0	1,116	0	1,116	328	0.026	On-Site	TBD
	O12	0	0	0	-	0	0.000	188	0	0	188	40	0.004	On-Site	TBD
8	-	0	0	0	-	0	0.000	0	0	0	0	0	0.000	-	N/A
Total		0	145	4,085		4,230	0.097	591	2,816	0	3,407	893	0.078	-	TBD

Table of Temporary Impacts

EC Sheet No.	Identifier	TEMPORARY REGULATED IMPACTS					
		Total Wetland		Stream			C.Y. Fill
		Sq. Ft.	Acres	Sq. Ft.	L.F.	Acres	
1	W1	751	0.017	710	0	0.016	N/A
	W2	659	0.015	0	0	0.000	N/A
	O1	0	0.000	301	229	0.007	TBD
	O2	0	0.000	312	38	0.007	TBD
	O3	0	0.000	97	15	0.002	TBD
2	-	0	0.000	0	0	0.000	N/A
3	O4	0	0.000	627	196	0.014	TBD
4	O5	0	0.000	83	24	0.002	TBD
5	O6	0	0.000	37	11	0.001	TBD
6	-	0	0.000	0	0	0.000	N/A
7	-	0	0.000	0	0	0.000	N/A
8	O13	0	0.000	728	188	0.017	TBD
Total	-	1,410	0.032	2,895	701	0.066	TBD

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WR&A
WHITMAN, REQUARDT AND ASSOCIATES, LLP
801 South Caroline Street
Baltimore, Maryland 21231

Engineers, Architects and Planners
Phone: (410) 235-3450
Fax: (410) 243-5716

MEMORANDUM

Date: August 17, 2009

To: Tom Hannan, WR&A

From: Laura Callens, WR&A

Subject: Delaware Department of Transportation
I-95 Newark Toll Plaza Highway Speed E-ZPass Lanes
Wetland Mitigation Site Search Analysis

On February 25, 2009 representatives from U.S. Army Corps of Engineers (Corps), Delaware Department of Natural Resources and Environmental Control (DNREC), Delaware Department of Transportation (DelDOT), Federal Highway Administration (FHWA), and Whitman, Requardt and Associates (WR&A) visited the I-95 Newark Toll Plaza Highway Speed E-ZPass Lanes project site to visit all impacted resources and potential areas for on-site enhancement. The proposed project will result in approximately 4,085 square feet (0.0934 acre) of permanent impacts to Palustrine Emergent Wetlands (PEM) and 145 square feet (0.0033 acre) of permanent impacts to Palustrine Scrub Shrub (PSS) requiring a total of 0.1038 acres of wetland mitigation. These calculations are based on a mitigation ratio for PEM of 1:1 and for PSS 2:1. Most of the permanent wetland and waters impacts will be replaced in-kind on-site. However, approximately 0.026 acres of wetland mitigation and 0.010 acres of stream mitigation can not be replaced in-kind, and will off-site mitigation. For additional on-site mitigation and enhancement opportunities, two areas received particular consideration: the areas near SW-896-B and SW-L.

The wetland area associated with resource SW-896 located in the SR 896 interchange was investigated to determine if any stream enhancement could occur within this area. The area was mowed at the time of the field meeting. According to Matt Bailey with DNREC the interchange was planted with native grasses by the University of Delaware. The area is periodically mowed to prevent woody shrubs/trees from establishing. Wetland SW-896-C and stream SW-896 were inspected to determine if stream enhancement could be met in this area. Ms. Winkler with USACE indicated that a 25 to 50 foot deed restriction on either side of the channel would be required. Based on this statement it was concluded that riparian buffer planting for the area is not ideal due to the current management protocol.

SW-L is a perennial channel located just west of the SR 896 interchange along the southbound lanes of I-95. Removal of the concrete in the channel and that partial enhancement credit to be given was suggested. However, the issue of restrictive easements for the stream enhancement was sighted as a reason to not pursue this idea.

Upon reviewing the I-95 right of way and the two particular sites, it was determined that additional on-site mitigation and enhancement opportunities were not feasible. Mitigation requirements of 0.035 acres (0.025 acres of wetland mitigation and 0.010 acres of stream mitigation) will be satisfied at the Glenville Mitigation Bank.

Laura Callens
Environmental Scientist

cc: Joy Ford, Carol Sullivan - DelDOT

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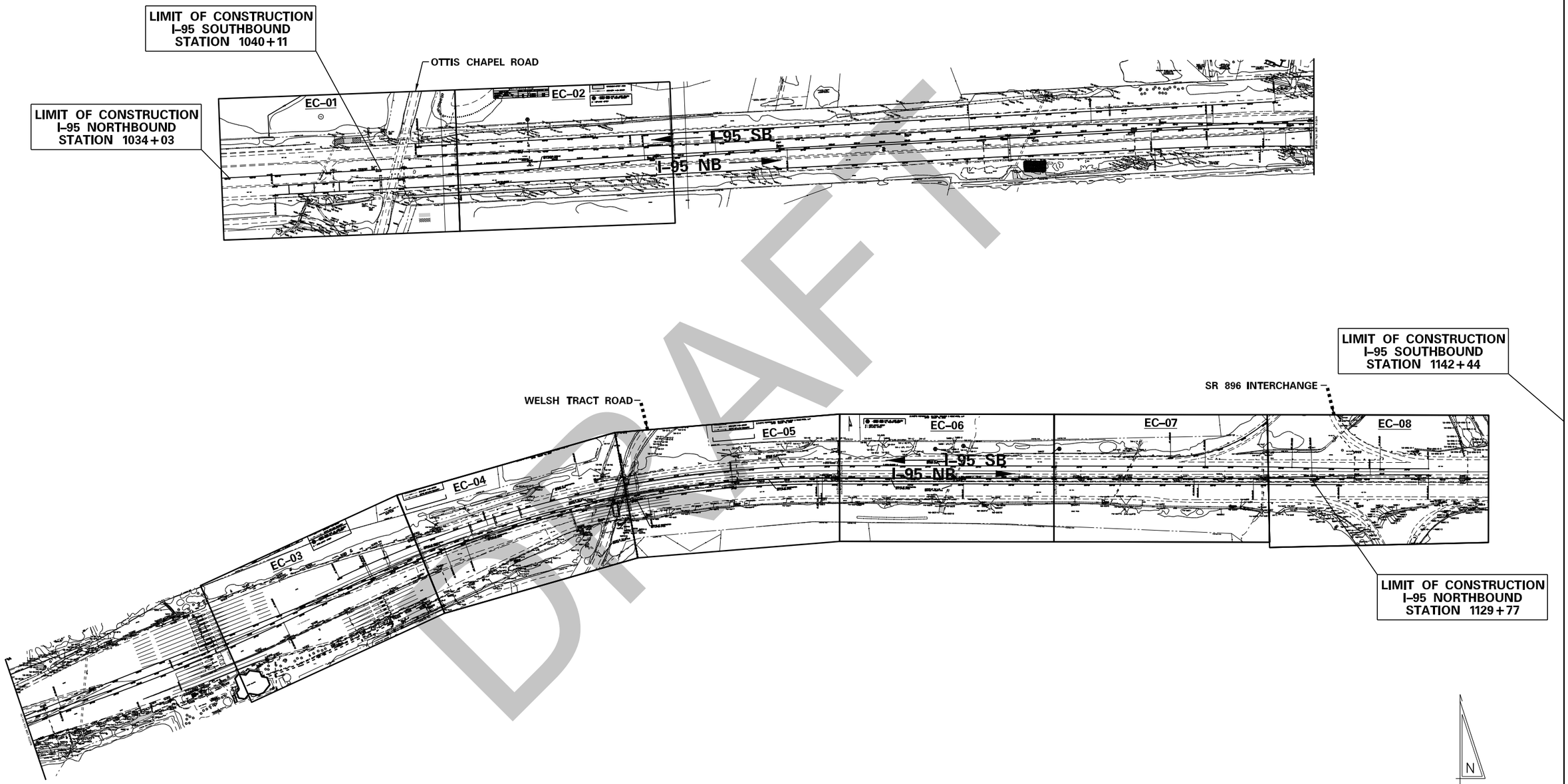

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DELAWARE DEPARTMENT OF TRANSPORTATION	ADDENDUMS / REVISIONS	SCALE 0 200 400 600 FEET	I-95 NEWARK TOLL PLAZA HIGHWAY SPEED E-ZPASS LANES	CONTRACT 29-090-02	BRIDGE NO.	ENVIRONMENTAL COMPLIANCE INDEX SHEET	SHEET NO. N/A
				COUNTY NEW CASTLE	DESIGNED BY: J.A.D.		TOTAL SHTS. 444
					CHECKED BY: B.J.R.		

ENVIRONMENTAL COMPLIANCE NOTES:

1. GENERAL NOTES:
   A. THE PURPOSE OF THESE ENVIRONMENTAL COMPLIANCE SHEETS IS TO IDENTIFY THOSE ITEMS ASSOCIATED WITH ENVIRONMENTAL COMPLIANCE. IMPACT CALCULATIONS ARE FOR AGENCY PERMIT REPORTING PURPOSES ONLY AND ARE NOT TO BE USED FOR BIDDING PURPOSES.

   B. IF A DEPARTURE FROM THE APPROVED PLANS (WHICH WOULD AFFECT ANY OF THE NATURAL AND/OR CULTURAL RESOURCE ISSUES) IS NECESSARY, THE ENVIRONMENTAL STUDIES SECTION SHOULD BE CONTACTED AT (302) 760-2264 TO ALLOW THE DEPARTMENT TO COORDINATE WITH THE APPROPRIATE AGENCIES FOR APPROVAL.

   C. USE OF THESE SHEETS DOES NOT ALLEVIATE THE CONTRACTOR'S RESPONSIBILITY TO COMPLY WITH ALL CONDITIONS SET FORTH IN THE ENVIRONMENTAL STATEMENT AND PERMITS.

2. NATURAL RESOURCE ISSUES:
   A. PERMIT REQUIREMENTS / APPROVALS*:

   CORPS OF ENGINEERS - NATIONWIDE PERMIT *23**

   DNREC - SUBAQEOUS LANDS PERMIT**

   NEW CASTLE COUNTY DEPT OF LAND USE - NONE (NO IMPACTS WITHIN THE 100-YEAR FEMA FLOODPLAIN)

   * - THE PERMITS/APPROVALS LISTED ARE THOSE REQUIRED FOR THIS PROJECT. THE ENVIRONMENTAL STUDIES SECTION IS RESPONSIBLE FOR COORDINATING/OBTAINING THESE PERMITS.

   ** - THE CONTRACTOR MUST ENSURE THAT THESE PERMITS/APPROVALS (COE, DNREC) ARE IN THEIR POSSESSION PRIOR TO THE BEGINNING OF CONSTRUCTION IN THE PERMITTED AREA(S) AND SHALL BE DISPLAYED ON-SITE DURING THE ENTIRE CONSTRUCTION PERIOD.

   B. CONSTRUCTION RESTRICTIONS:
   FISHERIES - NONE

   ENDANGERED SPECIES - A DOCUMENTED OCCURANCE OF THE RARE FOUR-TOED SALAMANDER (HEMIDACTYLIUM SCUTATUM) OCCURS ALONG MUDDY RUN JUST DOWNSTREAM OF THE PROJECT LIMITS. IN ORDER TO ADDRESS CORPS AND DNREC CONCERNS REGARDING THIS SALAMANDER, STORMWATER MANAGMENT HAS BEEN DESIGNED TO MINIMIZE WATER QUALITY AND QUANTITY IMPACTS, AND MIMINIZE SEDIMENTATION TO PERSIMMON RUN, THE STREAM THAT FLOWS INTO MUDDY RUN.

   MIGRATORY BIRDS - NONE

   C. PROTECTION OF RESOURCES:
   SILT FENCE OR CONSTRUCTION SAFETY FENCE SHALL BE USED ALONG THE LIMITS OF CONSTRUCTION IN ALL AREAS WHERE WATER/WETLANDS ARE BEING IMPACTS (AS SHOWN ON EC SHEETS), AND ALSO IN ANY AREA WHERE WATER/WETLANDS EXIST WITHIN 20 FEET OF THE LOC (AS SHOWN ON CONSTRUCTION PLANS). CONTRACTOR ACCESS BEYOND THE LOC IS STRICLY PROHIBITED.

   D. WETLANDS CREATION:

   DUE TO THE AMOUNT OF PERMANENT WETLANDS/WATERS IMPACTS (GREATER THAN 1/10 ACRE), COMPENSATORY MITIGATION, IN THE FORM OF ON-SITE IN-KIND REPLACEMENT AND WETLANDS CREATION AT THE GLENVILLE MITIGATION SITE, IS REQUIRED TO STATISFY THE CORPS OF ENGINEERS PERMIT. A TOTAL OF 0.075 ACRES WILL BE REPLACED ON-SITE AND 0.025 ACRES WILL BE DEDUCTED FROM THE BALANCE AVAILABLE AT THE GLENVILLE SITE.

3. CULTURAL RESOURCES ISSUES: NONE

NOTES:
1. WETLANDS DELINEATED BY RUMMEL, KLEPPER & KAHL, LLP IN JANUARY 2002, APRIL 2002, SEPTEMBER 2004, OCTOBER 2004, FEBRUARY 2005, APRIL 2005, AND DECEMBER 2005. JURISDICTIONAL DETERMINATION MEETINGS WERE CONDUCTED WITH THE U.S. ARMY CORPS OF ENGINEERS ON AUGUST 22, 2005; AUGUST 23, 2005; SEPTEMBER 30, 2005; OCTOBER 26, 2005; FEBRUARY 1, 2006; AND FEBRUARY 8, 2006.

2. SHEETS PREPARED BY: WHITMAN, REQUARDT & ASSOCIATES, LLP
   DATE: AUGUST 10, 2009

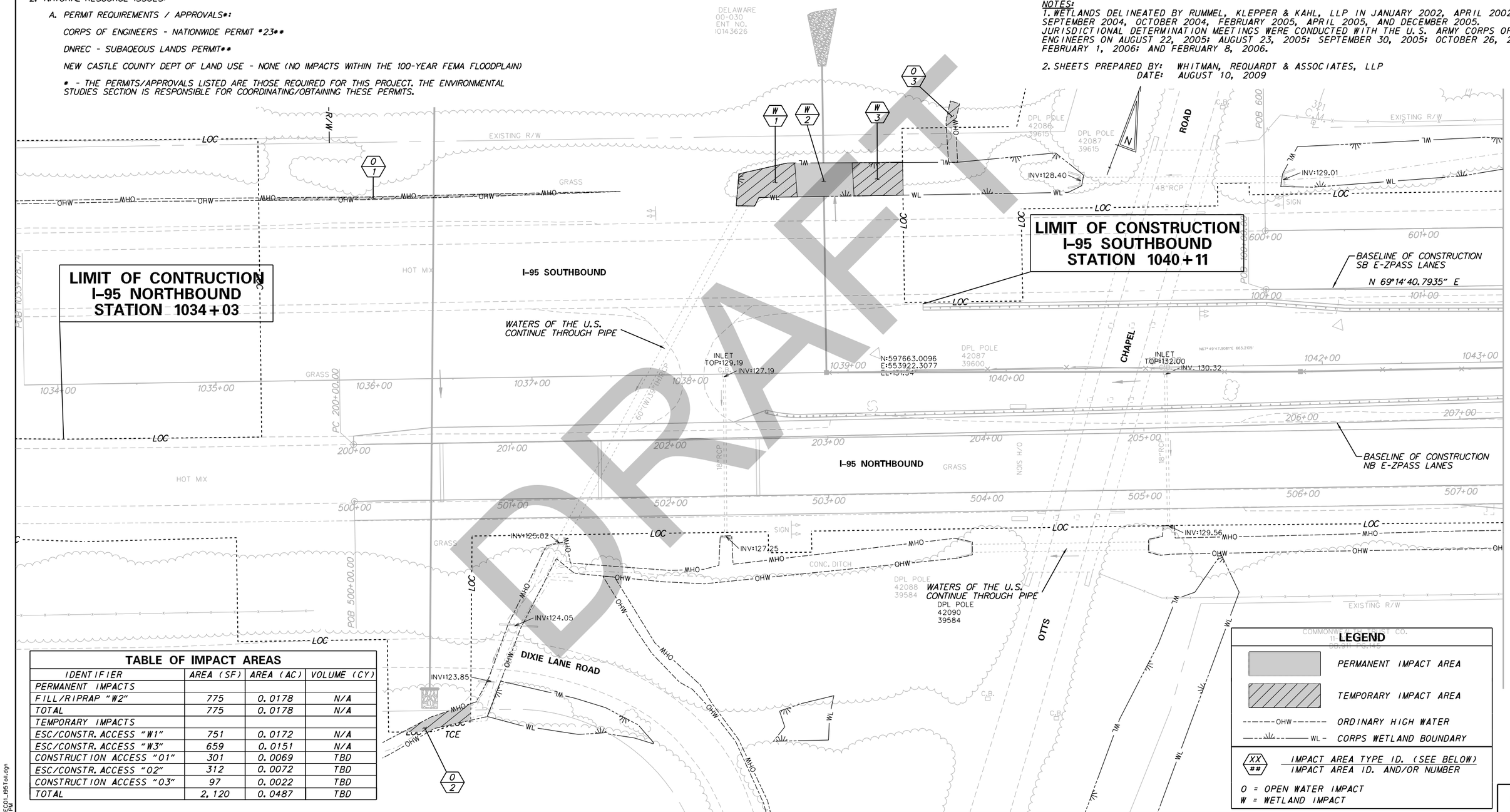

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TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
PERMANENT IMPACTS			
FILL/RIPRAP "W2"	775	0.0178	N/A
TOTAL	775	0.0178	N/A
TEMPORARY IMPACTS			
ESC/CONSTR. ACCESS "W1"	751	0.0172	N/A
ESC/CONSTR. ACCESS "W3"	659	0.0151	N/A
CONSTRUCTION ACCESS "01"	301	0.0069	TBD
ESC/CONSTR. ACCESS "02"	312	0.0072	TBD
CONSTRUCTION ACCESS "03"	97	0.0022	TBD
TOTAL	2,120	0.0487	TBD

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DELAWARE
DEPARTMENT OF TRANSPORTATION

ADDENDUMS / REVISIONS

SCALE
0 30 60 90
FEET

I-95 NEWARK TOLL PLAZA
HIGHWAY SPEED E-ZPASS LANES

CONTRACT	BRIDGE NO.	
29-090-02	DESIGNED BY: J.A.D.	
COUNTY		
NEW CASTLE	CHECKED BY: B.J.R.	

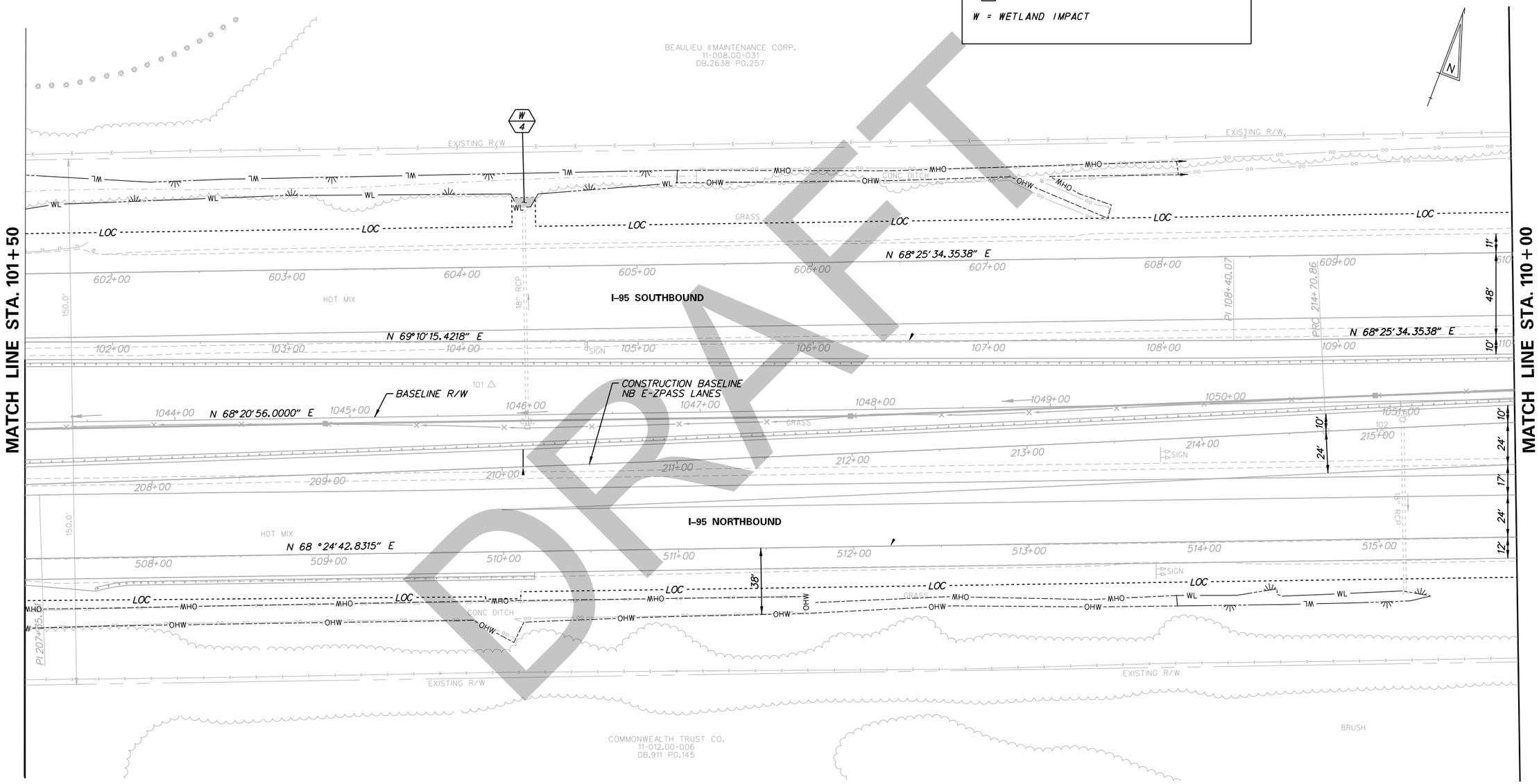
ENVIRONMENTAL COMPLIANCE

EC-01
SHEET NO.
114
TOTAL SHTS.
444

TABLE OF IMPACT AREAS			
IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
PERMANENT IMPACTS			
HEADWALL REMOVAL "W4"	57	0.0013	N/A
TOTAL	57	0.0013	N/A

LEGEND

- PERMANENT IMPACT AREA
- OHW — ORDINARY HIGH WATER
- WL — CORPS WETLAND BOUNDARY
- XX / ## — IMPACT AREA TYPE ID. (SEE BELOW) / IMPACT AREA ID. AND/OR NUMBER
- W = WETLAND IMPACT



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DELAWARE DEPARTMENT OF TRANSPORTATION

ADDENDUMS / REVISIONS

SCALE 0 30 60 90 FEET

I-95 NEWARK TOLL PLAZA HIGHWAY SPEED E-ZPASS LANES

CONTRACT	BRIDGE NO.	
29-090-02	DESIGNED BY: J.A.D.	
COUNTY	CHECKED BY: B.J.R.	
NEW CASTLE		

ENVIRONMENTAL COMPLIANCE

EC-02
SHEET NO.
115
TOTAL SHTS.
444

TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
TEMPORARY IMPACTS			
DUCT INSTALLATION "04"	627	0.0144	N/A
TOTAL	627	0.0144	N/A

LEGEND

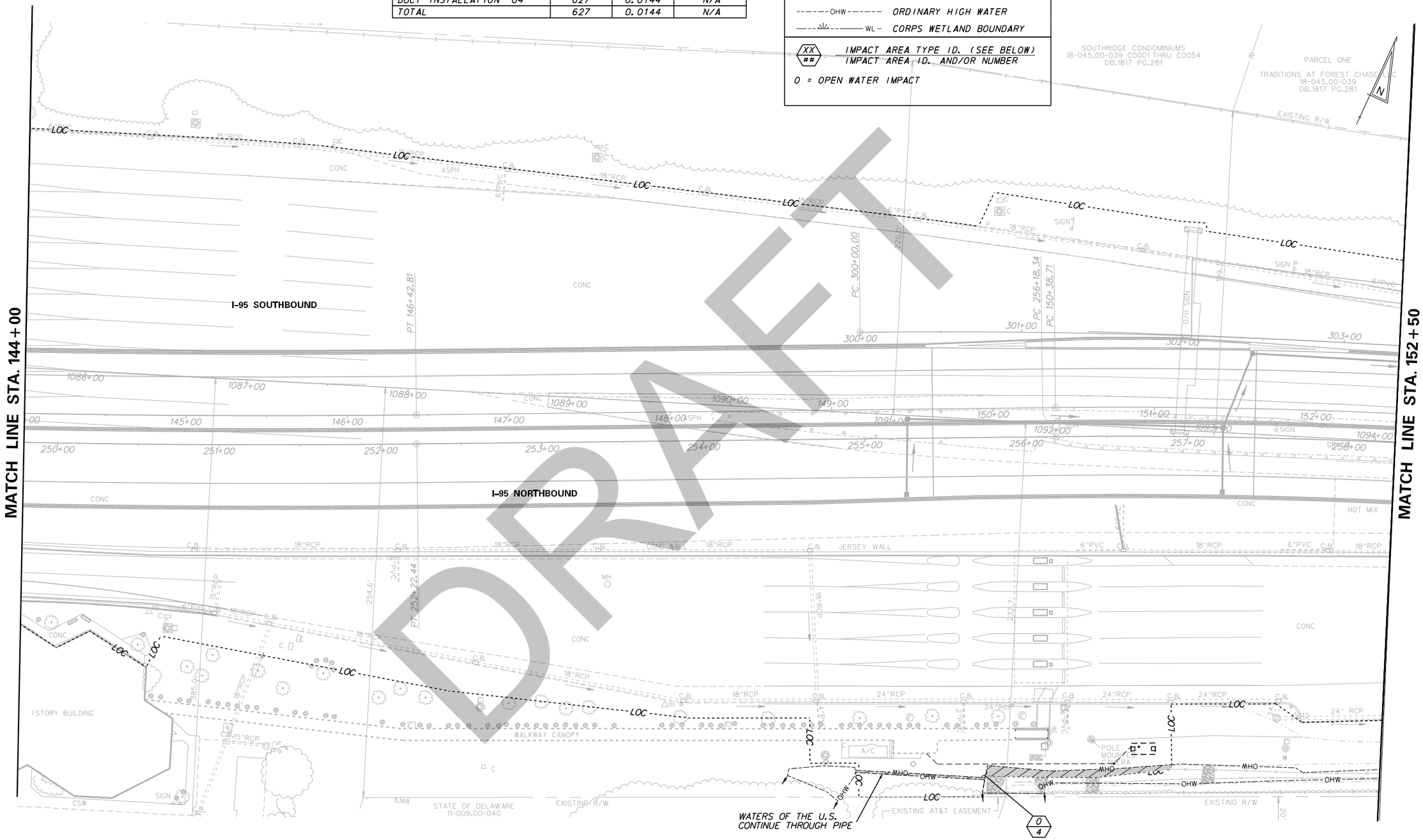
TEMPORARY IMPACT AREA

OHW — ORDINARY HIGH WATER

WL — CORPS WETLAND BOUNDARY

XX / ## — IMPACT AREA TYPE ID. (SEE BELOW) / IMPACT AREA ID. AND/OR NUMBER

O = OPEN WATER IMPACT



DELAWARE DEPARTMENT OF TRANSPORTATION	ADDENDUMS / REVISIONS	SCALE 0 30 60 90 FEET	I-95 NEWARK TOLL PLAZA HIGHWAY SPEED E-ZPASS LANES	CONTRACT 29-090-02	BRIDGE NO.	ENVIRONMENTAL COMPLIANCE	EC-03
				COUNTY NEW CASTLE	DESIGNED BY: J.A.D.		SHEET NO. 116
					CHECKED BY: B.J.R		TOTAL SHTS. 444

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LEGEND

	PERMANENT IMPACT AREA
	TEMPORARY IMPACT AREA
------OHW------	ORDINARY HIGH WATER
——WL——	CORPS WETLAND BOUNDARY
XX / ##	IMPACT AREA TYPE ID. (SEE BELOW) / IMPACT AREA ID. AND/OR NUMBER

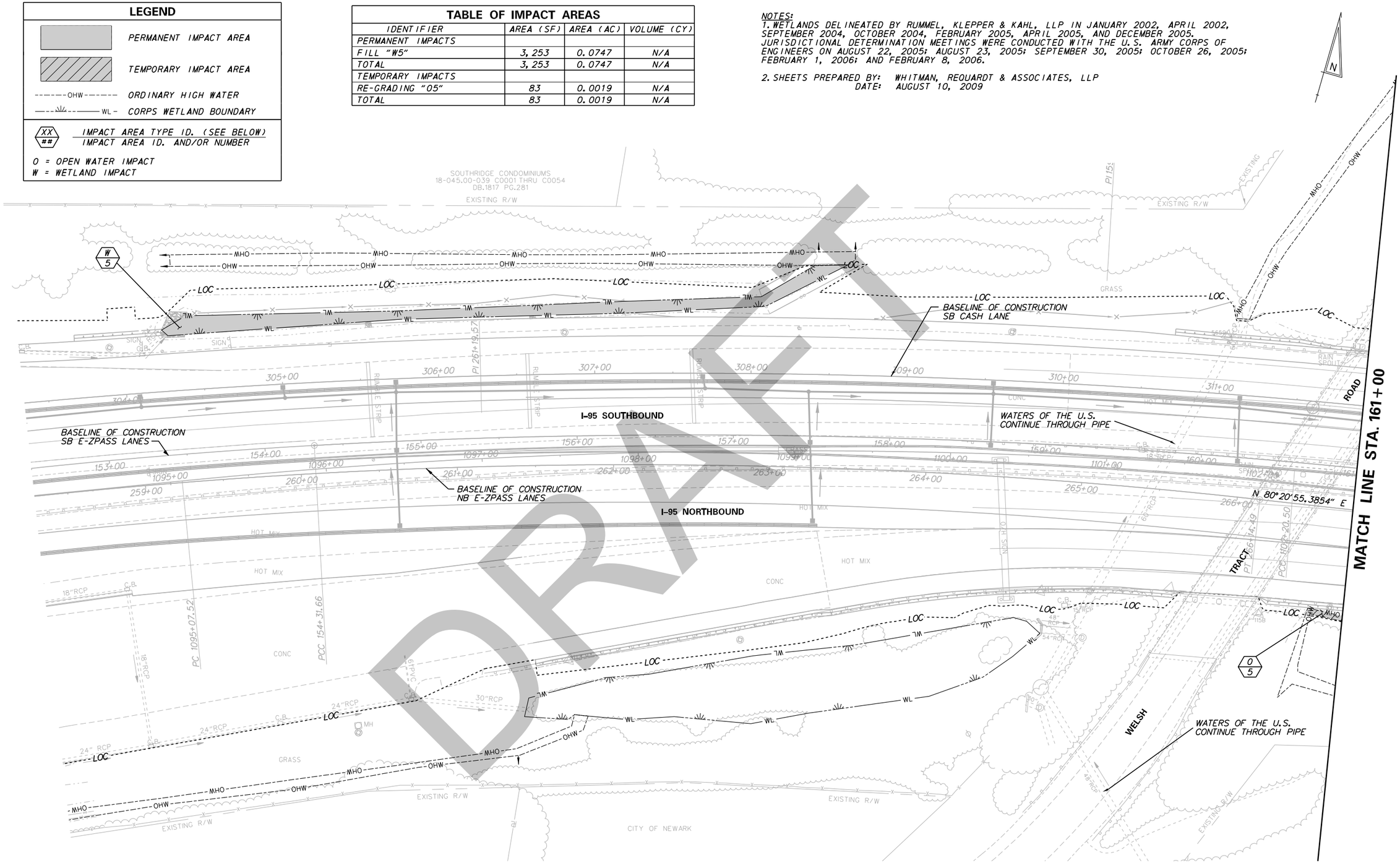
O = OPEN WATER IMPACT
W = WETLAND IMPACT

TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
PERMANENT IMPACTS			
FILL "W5"	3,253	0.0747	N/A
TOTAL	3,253	0.0747	N/A
TEMPORARY IMPACTS			
RE-GRADING "05"	83	0.0019	N/A
TOTAL	83	0.0019	N/A

NOTES:
1. WETLANDS DELINEATED BY RUMMEL, KLEPPER & KAHL, LLP IN JANUARY 2002, APRIL 2002, SEPTEMBER 2004, OCTOBER 2004, FEBRUARY 2005, APRIL 2005, AND DECEMBER 2005. JURISDICTIONAL DETERMINATION MEETINGS WERE CONDUCTED WITH THE U.S. ARMY CORPS OF ENGINEERS ON AUGUST 22, 2005; AUGUST 23, 2005; SEPTEMBER 30, 2005; OCTOBER 26, 2005; FEBRUARY 1, 2006; AND FEBRUARY 8, 2006.

2. SHEETS PREPARED BY: WHITMAN, REQUARDT & ASSOCIATES, LLP
DATE: AUGUST 10, 2009



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DELAWARE DEPARTMENT OF TRANSPORTATION

ADDENDUMS / REVISIONS

SCALE 0 30 60 90 FEET

I-95 NEWARK TOLL PLAZA
HIGHWAY SPEED E-ZPASS LANES

CONTRACT	BRIDGE NO.
29-090-02	DESIGNED BY: J.A.D.
COUNTY	
NEW CASTLE	CHECKED BY: B.J.R.

ENVIRONMENTAL COMPLIANCE

	EC-04
SHEET NO.	117
TOTAL SHTS.	444

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LEGEND

	PERMANENT IMPACT AREA
	TEMPORARY IMPACT AREA
------OHW------	ORDINARY HIGH WATER
——WL——	CORPS WETLAND BOUNDARY
XX / ##	IMPACT AREA TYPE ID. (SEE BELOW) / IMPACT AREA ID. AND/OR NUMBER

O = OPEN WATER IMPACT
W = WETLAND IMPACT

NOTES:
1. WETLANDS DELINEATED BY RUMMEL, KLEPPER & KAHL, LLP IN JANUARY 2002, APRIL 2002, SEPTEMBER 2004, OCTOBER 2004, FEBRUARY 2005, APRIL 2005, AND DECEMBER 2005. JURISDICTIONAL DETERMINATION MEETINGS WERE CONDUCTED WITH THE U.S. ARMY CORPS OF ENGINEERS ON AUGUST 22, 2005; AUGUST 23, 2005; SEPTEMBER 30, 2005; OCTOBER 26, 2005; FEBRUARY 1, 2006; AND FEBRUARY 8, 2006.

2. SHEETS PREPARED BY: WHITMAN, REQUARDT & ASSOCIATES, LLP
DATE: AUGUST 10, 2009

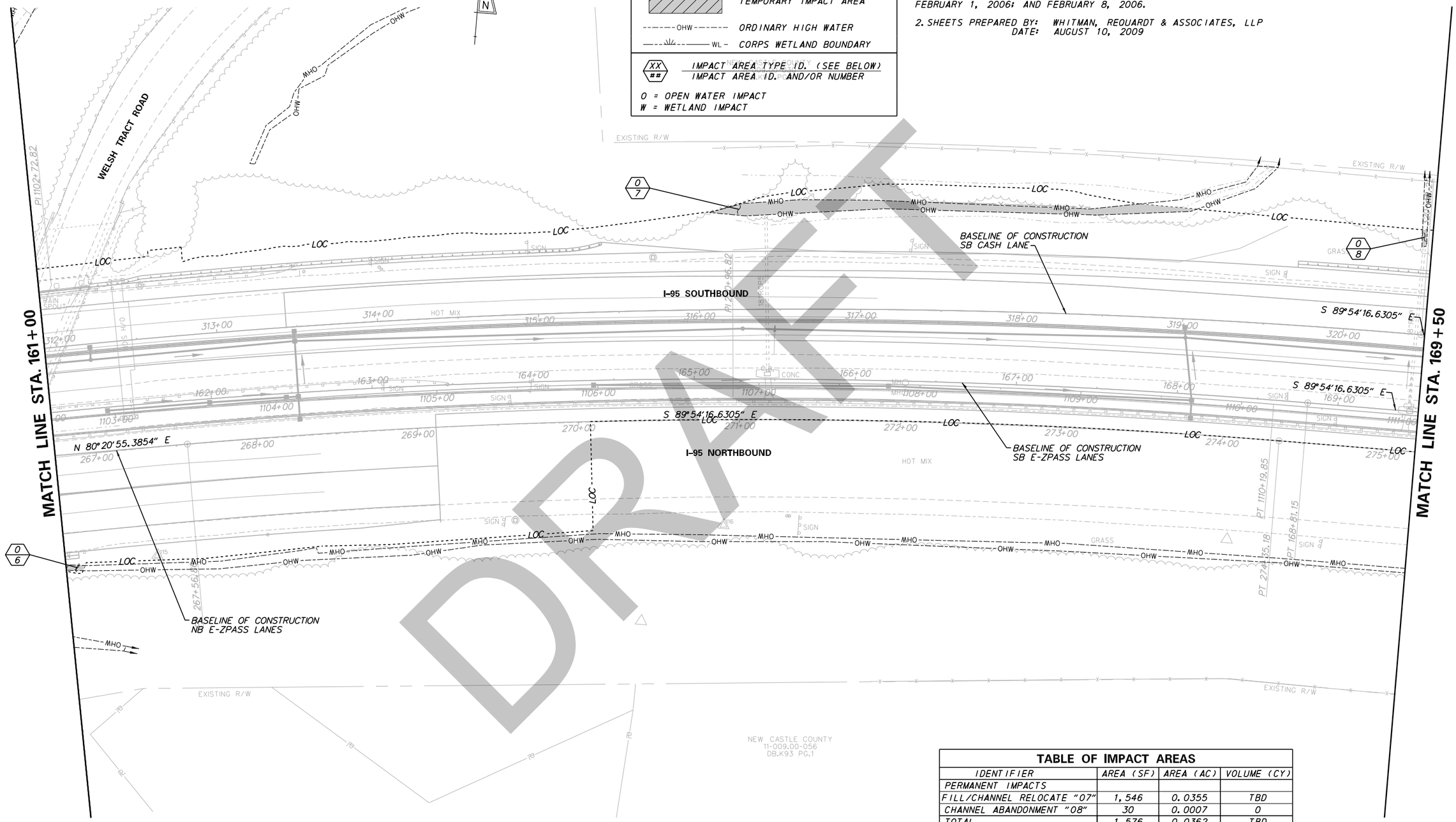

TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
PERMANENT IMPACTS			
FILL/CHANNEL RELOCATE "07"	1,546	0.0355	TBD
CHANNEL ABANDONMENT "08"	30	0.0007	0
TOTAL	1,576	0.0362	TBD
TEMPORARY IMPACTS			
RE-GRADING "06"	37	0.0008	N/A
TOTAL	37	0.0008	N/A

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DELAWARE DEPARTMENT OF TRANSPORTATION

ADDENDUMS / REVISIONS

SCALE 0 30 60 90 FEET

I-95 NEWARK TOLL PLAZA
HIGHWAY SPEED E-ZPASS LANES

CONTRACT	BRIDGE NO.	
29-090-02	DESIGNED BY: J.A.D.	
COUNTY		
NEW CASTLE	CHECKED BY: B.J.R.	

ENVIRONMENTAL COMPLIANCE

EC-05
SHEET NO. 118
TOTAL SHTS. 444

LEGEND

	PERMANENT IMPACT AREA
------OHW------	ORDINARY HIGH WATER
——WL——	CORPS WETLAND BOUNDARY
XX / ##	IMPACT AREA TYPE ID. (SEE BELOW) / IMPACT AREA ID. AND/OR NUMBER

O = OPEN WATER IMPACT
W = WETLAND IMPACT

NOTES:
1. WETLANDS DELINEATED BY RUMMEL, KLEPPER & KAHL, LLP IN JANUARY 2002, APRIL 2002, SEPTEMBER 2004, OCTOBER 2004, FEBRUARY 2005, APRIL 2005, AND DECEMBER 2005. JURISDICTIONAL DETERMINATION MEETINGS WERE CONDUCTED WITH THE U.S. ARMY CORPS OF ENGINEERS ON AUGUST 22, 2005; AUGUST 23, 2005; SEPTEMBER 30, 2005; OCTOBER 26, 2005; FEBRUARY 1, 2006; AND FEBRUARY 8, 2006.

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DATE: AUGUST 10, 2009

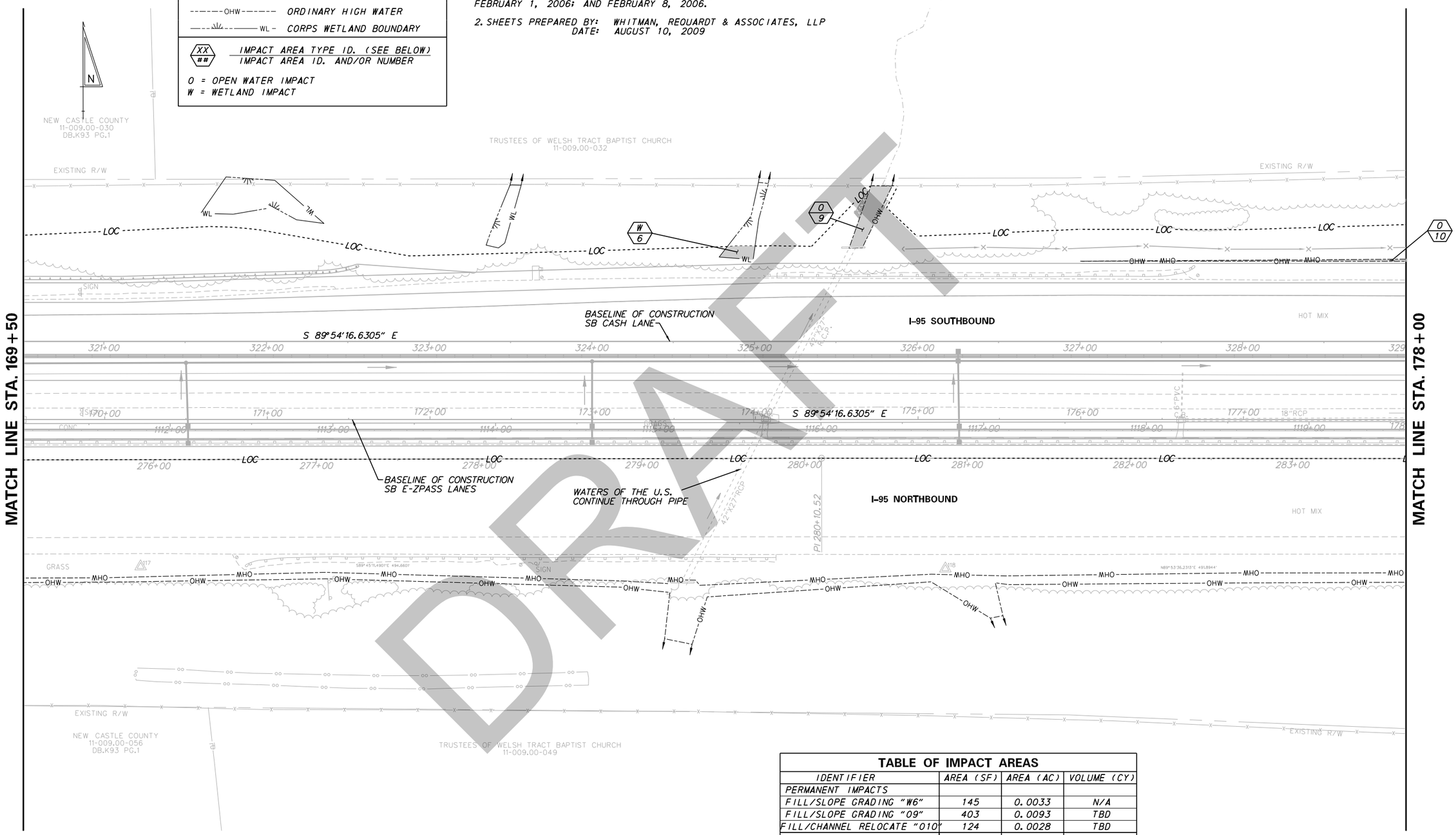

TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
PERMANENT IMPACTS			
FILL/SLOPE GRADING "W6"	145	0.0033	N/A
FILL/SLOPE GRADING "09"	403	0.0093	TBD
FILL/CHANNEL RELOCATE "010"	124	0.0028	TBD
TOTAL	672	0.0154	TBD

NOTES:
1. WETLANDS DELINEATED BY RUMMEL, KLEPPER & KAHL, LLP IN JANUARY 2002, APRIL 2002, SEPTEMBER 2004, OCTOBER 2004, FEBRUARY 2005, APRIL 2005, AND DECEMBER 2005. JURISDICTIONAL DETERMINATION MEETINGS WERE CONDUCTED WITH THE U.S. ARMY CORPS OF ENGINEERS ON AUGUST 22, 2005; AUGUST 23, 2005; SEPTEMBER 30, 2005; OCTOBER 26, 2005; FEBRUARY 1, 2006; AND FEBRUARY 8, 2006.

2. SHEETS PREPARED BY: WHITMAN, REQUARDT & ASSOCIATES, LLP
DATE: AUGUST 10, 2009

LEGEND

PERMANENT IMPACT AREA

------OHW------ ORDINARY HIGH WATER

XX / ## — IMPACT AREA TYPE ID. (SEE BELOW) / IMPACT AREA ID. AND/OR NUMBER

O = OPEN WATER IMPACT

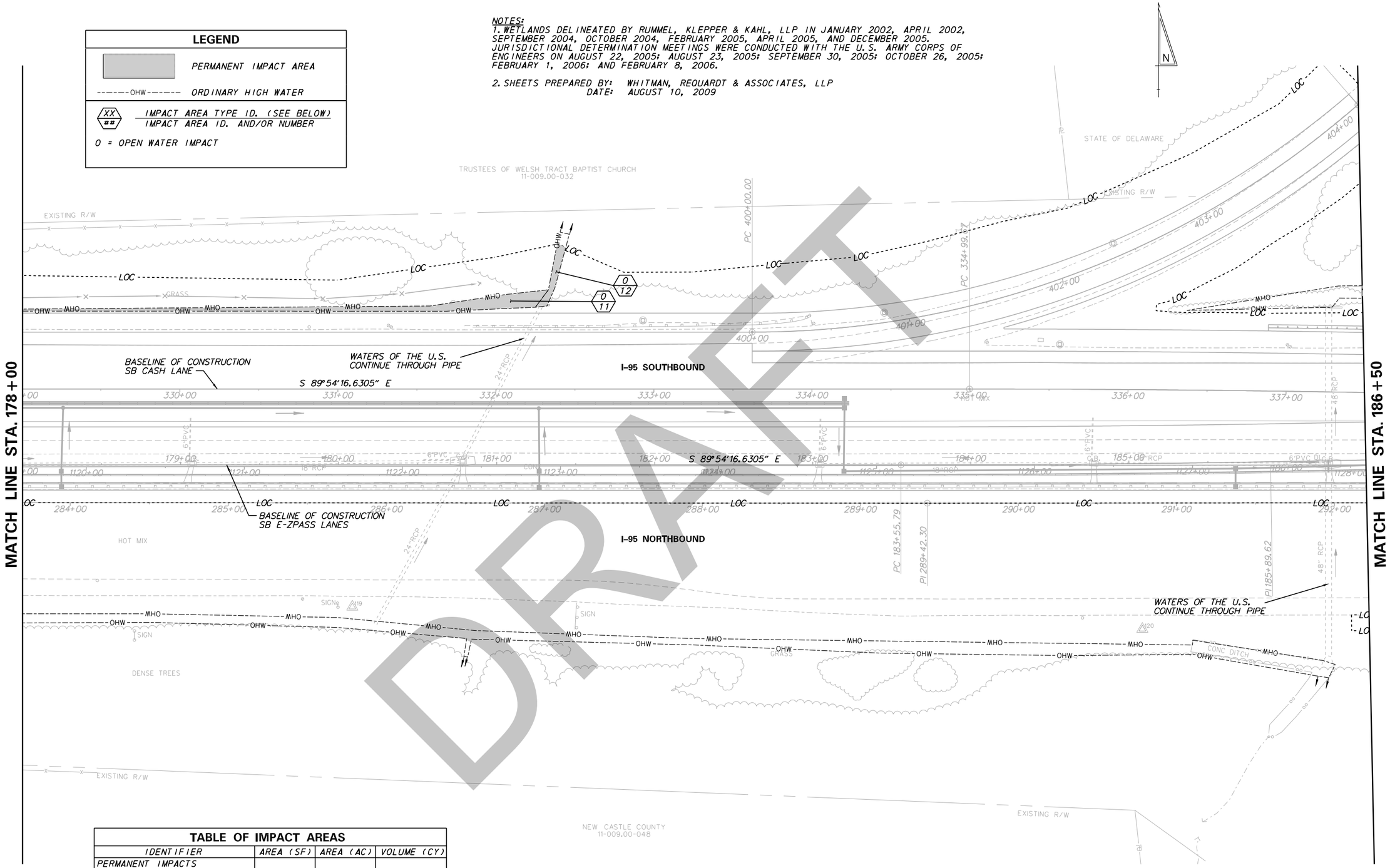

TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
PERMANENT IMPACTS			
CHANNEL RELOCATION "011"	1,116	0.0256	-
CHANNEL RELOCATION "012"	188	0.0043	-
TOTAL	1,304	0.0299	-

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DELAWARE
DEPARTMENT OF TRANSPORTATION

ADDENDUMS / REVISIONS

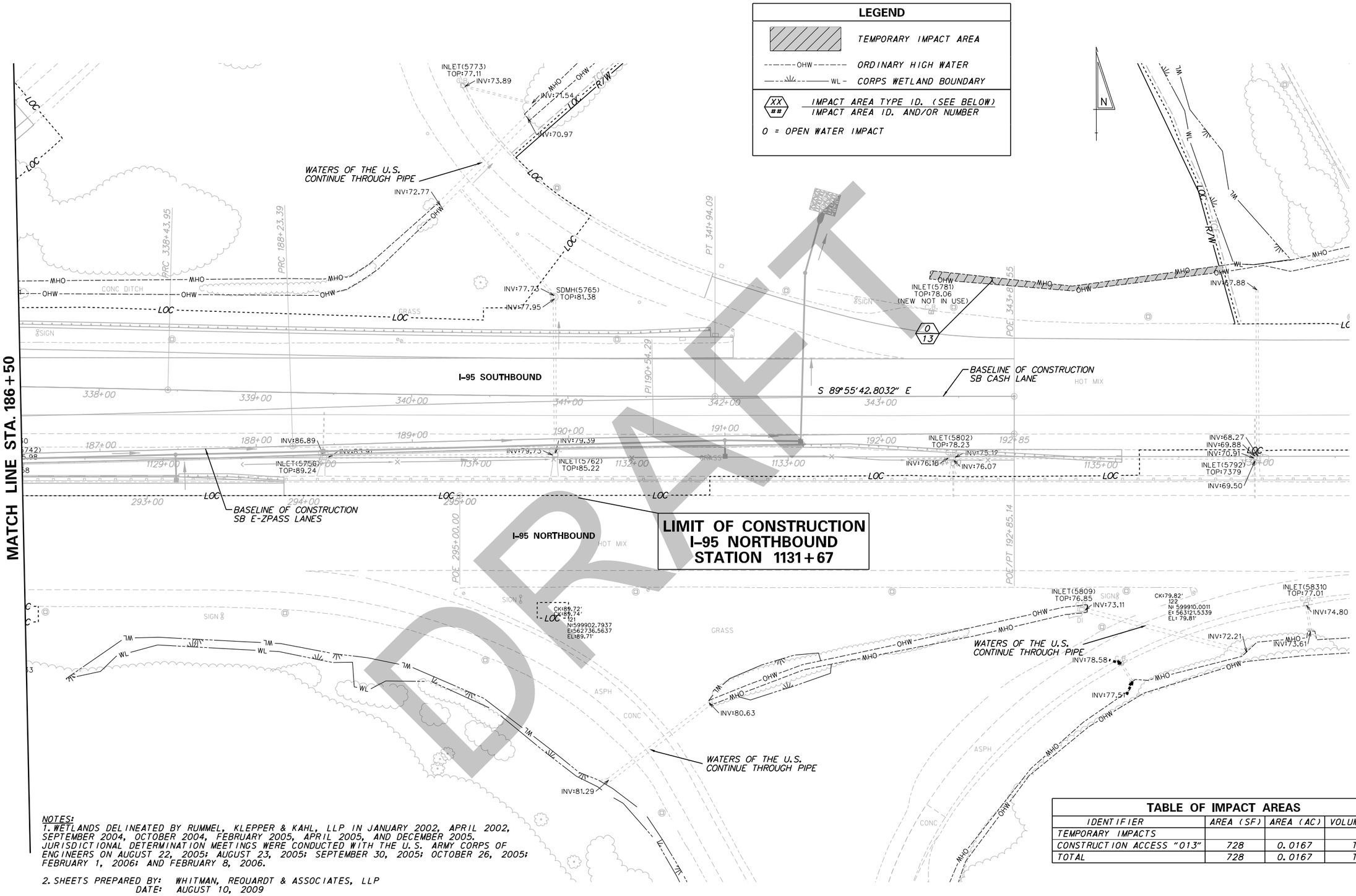
SCALE
0 30 60 90
FEET

I-95 NEWARK TOLL PLAZA
HIGHWAY SPEED E-ZPASS LANES

CONTRACT	BRIDGE NO.	
29-090-02	DESIGNED BY: J.A.D.	
COUNTY		
NEW CASTLE	CHECKED BY: B.J.R.	

ENVIRONMENTAL COMPLIANCE

EC-07
SHEET NO.
120
TOTAL SHTS.
444



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2. SHEETS PREPARED BY: WHITMAN, REQUARDT & ASSOCIATES, LLP
DATE: AUGUST 10, 2009

TABLE OF IMPACT AREAS

IDENTIFIER	AREA (SF)	AREA (AC)	VOLUME (CY)
TEMPORARY IMPACTS			
CONSTRUCTION ACCESS "013"	728	0.0167	TBD
TOTAL	728	0.0167	TBD

EC-08

DELAWARE DEPARTMENT OF TRANSPORTATION

ADDENDUMS / REVISIONS

SCALE 0 30 60 90 FEET

I-95 NEWARK TOLL PLAZA
HIGHWAY SPEED E-ZPASS LANES

CONTRACT 29-090-02
COUNTY NEW CASTLE
BRIDGE NO.
DESIGNED BY: J.A.D.
CHECKED BY: B.J.R.

ENVIRONMENTAL COMPLIANCE

SHEET NO. 121
TOTAL SHTS. 444

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STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
NATURAL HERITAGE & ENDANGERED SPECIES
4876 HAY POINT LANDING ROAD
SMYRNA, DELAWARE 19977
TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

March 10, 2009

Therese Fulmer
Delaware Department of Transportation
800 Bay Road
PO Box 778
Dover, DE 19903

Re: I – 95 Toll Plaza

Dear Ms. Fulmer:

Thank you for contacting the Natural Heritage and Endangered Species Program (NHESP) about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the expansion of the toll plaza on Interstate 95 (I95) just east of the Maryland Delaware border.

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 19. Please be advised that the ACOE will not process permits without adequate documentation from the Natural Heritage and Endangered Species Program. Therefore, this letter should be included with materials submitted to the ACOE.

Rare Salamanders
As noted in NHESP comments to DelDOT dated February 11, 2005, two species of rare salamander, the four-toed salamander (*Hemidactylium scutatum*) and the spotted salamander (*Ambystoma maculatum*), had been documented in the project area. The most recent design for the toll plaza, as presented during the DelDOT hosted site visit on February 25, 2009, has shifted impacts considerably from previous iterations.

If there is to be no work conducted east of the current toll plaza and south of the mown area of the northbound lanes of I95, there should be no impact on the four-toed salamander population.

According to the current design, there will be impacts beyond the mown area of the northbound lanes to the west of the current toll plaza. The forest south of Dixie Line Road in this area has been documented to host spotted salamander. Effort should be made to keep impacts from this project to the north of Dixie Line Road. The primary goal for protecting the spotted salamander population on this watershed is maintaining water quality and quantity. If it is determined that minor work to the south of Dixie Line Road (e.g. steambank stabilization) will help maintain water quality downstream from the project, then that work should be undertaken. Every effort should be made to minimize impact to native vegetation while this work is being conducted. It is anticipated that a stormwater management (SWM) feature will drain into the stream that feeds the spotted salamander habitat area. The SWM should be designed to minimize increases

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in sedimentation to the stream and should include measures (perhaps in the form of planted native vegetation) to ensure that chemical runoff does not increase into the stream as a result of this project.

Mature Forest
Much of the forest area adjacent to the southbound side of I95 is good quality, mature hardwood forest. Impacts from construction on wildlife habitat do not stop at a project's delineated limit of disturbance. When trees at the edge of a forest are removed, formerly protected trees are more exposed to the elements, more exposed to runoff from the construction site, may be more prone to disease and may be more likely to be felled during storm events. Additionally, invasive species will penetrate further into the forest area. Every effort should be made to minimize loss of forest along the edge of the project area in order to maintain as much of the mature forest as is possible.

Rare Plants
Comments from NHESP regarding this project were included in a letter regarding several aspects of work being planned for the I95 – I 295 area. This letter, dated August 26, 2002, mentions rare plants documented at the intersection of Route 896 and I95. These plants were observed beyond the northbound lanes of I95. If there is to be no work conducted east of the current toll plaza and south of the mown area of the northbound lanes of I95, there should be no impact on the rare plants in this area.

Enhancing Delaware's Highways
In April of 2005, DelDOT, in cooperation with the University of Delaware, published a manual entitled "Enhancing Delaware's Highways". The plantings and practices described in this manual may have been implemented within the cloverleaf on the northwest corner of the intersection of Route 896 and I95. The current project design for the toll plaza has a SWM feature planned for this area. Toll plaza designers should coordinate with the staff within DelDOT responsible for roadside plantings to determine if the SWM in question may impact any native plantings at this cloverleaf.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Feel free to get in touch with me if you have any questions or require additional information.

Sincerely,

Matthew Bailey

Matthew Bailey
Environmental Review Coordinator for DelDOT Projects
(302) 382-4151
(302) 653-3431 fax
Matthew.bailey@state.de.us

DRAFT

WR&A
WHITMAN, REQUARDT AND ASSOCIATES, LLP
801 South Caroline Street
Baltimore, Maryland 21231

Engineers, Architects and Planners
Phone: (410) 235-3450
Fax: (410) 243-5716

MEMORANDUM OF MEETING

Date: March 11, 2009

Date of Meeting: February 25, 2009

Time: 9:00 am

Location: DelDOT Canal District Office

Project: Contract Number 29-090-02
I-95 Newark Toll Plaza Highway E-ZPass Lanes
WR&A W.O.: 31636-003

Subject: Permitting Pre-Application Meeting

Attendees:

NAME	ORGANIZATION	PHONE
Darren O'Neil	DelDOT	302-760-2274
Terry Fulmer	DelDOT	302-760-2095
Ken Dunne	DelDOT	302-760-2130
Jacqueline Winkler	USACE	215-656-5833
Joanne Lee	DNREC	302-739-9943
Stephanie Pratt	FHWA	410-779-7160
Nick Blendy	FHWA	302-734-2966
Brian Riffel	WR&A	443-224-1621
Tennile Rubin	WR&A	443-224-1663
Laura Callens	WR&A	443-224-1633

A pre-application meeting was held on Wednesday February 25, 2009 with representatives from the Delaware Department of Transportation (DelDOT), Delaware Department of Natural Resources and Environmental Compliance (DNREC), US Army Corps of Engineers, Federal Highway Administration (FHWA), and Whitman, Requardt & Associates to discuss the I-95 Newark Toll Plaza Highway E-ZPass Lanes project. DelDOT is proposing the above mentioned project to be included in the State's Economic Recovery program. The purpose of the meeting was to discuss the proposed impacts to USACE and DNREC jurisdictional wetlands and streams. The following items were discussed during the I-95 Newark Toll Plaza Highway E-ZPass Lanes Permitting Pre-Application Meeting:

Baltimore, MD • Richmond, VA • Fairfax, VA • York, PA • Pittsburgh, PA • Wilmington, DE • Newport News, VA

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1. 2009 Design Revised Project Limits from 2005 EA FONSI

a. Project details:

1. The approximate project limits for the roadway construction are from just south of Otts Chapel Road to just north of the SR-896 Interchange.

2. The proposed project will provide two (2) highway speed E-ZPass lanes and seven (7) cash/E-ZPass lanes in each direction.

3. I-95 northbound - The two (2) barrier separated highway speed E-ZPass lanes will develop north of Otts Chapel Road overpass and continue beyond the northbound cash plaza. Before the Welsh Tract Road overpass, the two (2) highway speed E-ZPass lanes and seven (7) cash/E-ZPass lanes will tie into the existing four (4) northbound travel lanes. There is no widening of the roadway to the outside in the northbound direction.

4. I-95 southbound - The two (2) barrier separated highway speed E-ZPass lanes will develop at the SR896 interchange and continue beyond the southbound cash plaza. Before the Otts Chapel Road overpass, the two (2) highway speed E-ZPass lanes and seven (7) cash/E-ZPass lanes will tie into the existing three (3) southbound travel lanes. This work will include widening to the outside of the existing roadway near from SR896 to the southbound toll plaza. This is the only stretch of the proposed project that will include widening to the outside.

5. With the current 2009 design the Otts Chapel Road and the Welsh Tract overpasses will not be reconstructed as with the design proposed in the 2005 Environmental Assessment (EA).

6. The current 2009 design proposes the addition of two SWM facilities. One will be constructed with the SR 896 loop ramp and the other just west of Otts Chapel Road on the southbound side of I-95.

b. Benefits of project (briefly discussed):

1. Reduce driver confusion approaching plazas

2. Reduce the high rate of accidents at the plaza

3. Reduce the user delay experienced at the plaza

c. Reason for project design change from 2005:

1. The project has been reduced significantly because of the available funding.

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2. Also, the future of highway tolling is to move towards "cashless collection" by the year 2020. Therefore it is not fiscally or environmentally responsible to reconstruct the entire toll plaza now, knowing the majority of the facility will no longer be needed in the near future.

2. Change in Impacts from 2005 FONSI vs 2009 Design

a. Overall project impacts have been reduced from the 2005 FONSI to the 2009 design.

b. 2009 Wetland and Stream Impact Roll Maps- Each DNREC and USACE jurisdictional wetland and stream impacts were discussed (following south to north along I-95):

1. **NW-BL** is a perennial channel with 1,339 sf (184 lf) of impacts due to the outfall from the SWM pond on the southbound side of I-95.

    a. USACE and DNREC both expressed concern over the quantity of impacts to NW-BL and requested that the design in this area be revisited and impacts reduced to the most practical extent. It was also requested that impacts be further broken down between temporary and permanent.

    b. DNREC further requested that the permit submittal include hydraulic analysis of the predicted base flows and storm event flows through the culvert and the proposed associated stormwater management pond.

2. **NW-T** is an emergent wetland with 377 sq ft. of impacts also related to the outfall from the SWM on the southbound side of I-95.

    a. USACE and DNREC requested that that the design in this area be revisited and impacts reduced to the most practical extent and that impacts be further broken down between temporary and permanent.

3. **SW-D** is an ephemeral channel with 545 sf of impacts due to the required staging area for construction of the project in combination with the construction of the SWM facility.

4. **SW-CB** is an intermittent channel with 97 sf of impacts due to SWM pond construction.

    a. USACE and DNREC requested the permit submittal document flow of hydrology from the proposed stormwater management pond.

5. **SW-BC** is an emergent wetland with 2,353 sf of impacts due to roadway widening and roadway ditch construction. SW-BC will be reconstructed and replaced as a flat bottom ditch.

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a. USACE indicated that the goal for reducing impacts to the surrounding area associated with the relocation of the roadway ditch should be to maintain the habitat area nearby by not removing any of the existing trees.

6. **SW-N** is perennial channel with 85 sf of impacts due to culvert lengthening. This existing channel is concrete lined.

7. **SW-H** is an intermittent channel with 1,546 sf of impacts due to roadway widening and sideslope grading. A reconfiguration of SW-H will be required.

8. **SW-I** is an intermittent channel with 35 sf of impacts this outfall will be eliminated and will no longer receive stormwater runoff from the median.

9. **SW-J** is a scrub/shrub wetland with 84 sf of impacts due to roadway widening and sideslope re-grading.

10. **SW-BB** is an emergent/scrub/shrub wetland with 145 sf of impacts due to roadway widening and sideslope re-grading

11. **SW-K** is a perennial stream with 206 sf of impacts due to roadway widening and sideslope re-grading.

12. **SW-AZ** is an intermittent channel with 1,244 sf of impacts due to roadway widening and sideslope re-grading. The channel is partially concrete lined.

13. **SW-L** is a perennial channel with 138 sf of impacts related to culvert lengthening.

14. **SW-896-B** is an intermittent channel with 277 sf of impacts due to providing maintenance access to the proposed SWM facility within the 896 interchange.

    a. USACE suggested that the stormwater management facility proposed near SW-896-B be designed to minimize impacts to the streams and surrounding area.
    b. USACE suggested that the stormwater management facility proposed near SW-896-B be designed to include wildlife habitat. DelDOT discussed the safety issues related to providing wildlife along an Interstate facility.

3. NEPA Re-Evaluation Documentation

a. Due to the reduction of the scope of the project from 2005 to 2009 design, the NEPA document for the 2009 design will be a Categorical Exclusion (CE).

b. Section 106 for the project limits has been cleared under the 2005 EA. Documentation of the Section 106 Clearance will be included with the nationwide permit.

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c. The proposed project does not pose an air quality concern and has been documented in the CE.

d. The proposed project does not pose any noise impacts and has been documented in the CE.

e. The proposed project does not pose any Right-of-Way impacts and has been documented in the CE.

f. Submission of the CE to the FHWA will occur within the next few weeks. WR&A is awaiting comments from DelDOT.

4. Permitting Requirements

a. USACE – A Nationwide 23 will be submitted for this project. USACE has requested that the permit submittal include what type of Categorical Exclusion approval was requested of FHWA.

b. DNREC Subaqueous Lands Permit exemption - DNREC will evaluate whether the SB186 exemption Section 4b (maintenance, reconstruction, and retrofitting) applies to this project. Concern whether the impacts to **NW-BL** meet the definition of retrofit is of issue. If a DNREC Subaqueous Lands permit is required, DNREC will work with DelDOT to insure efficient permit review and approval.

5. Mitigation Requirements

a. USACE and DNREC will require mitigation for impacts. The mitigation can be a combination of creation and enhancement. Riparian corridor enhancement is suggested for streams that have been relocated.

b. The Glenville Mitigation Site has wetland credits available. However, the mitigation site is a fluvial wetland and there may be no stream credits available. USACE and DNREC suggested looking for on-site enhancement opportunities.

6. Stormwater Management

a. DNREC indicated that they would like to see stormwater management facilities built in a more creative way than the standard stormwater management pond.

b. USACE indicated that during the 2005, JD the (non-impacted) wetland and streams of SW-896 were observed to be a very nice system that provided butterfly habitat. USACE indicated that buffer enhancement as part of the stormwater management design in this area may be an opportunity to meet on-site stream enhancement criteria. DelDOT stated that the SWM pond will be designed to meet regulatory standards. DelDOT stated that enhancing the area for wildlife habitat is not recommended due to the location within a highway interchange.

DRAFT

It should be noted that initially the proposed project was to be advertised as a design-build contract. A portion of the meeting was used to discuss process and protocol of the permitting process as it relates to design-build since both DNREC and USACE have had no previous involvement in this type of contract. However, after the meeting was adjourned it was determined by DelDOT and FHWA that the project would be a design-bid-build contract and follow the second phase of the Economic Recovery package. All discussions pertaining to the design-build aspect of the project have not been included in the above memorandum as it is no longer relevant.

A field meeting was held after the above meeting adjourned. A separate memorandum of minutes has been prepared.

The above is a memorandum of understanding between the parties regarding the topics discussed and the decisions reached. Any participants desiring to add to, or otherwise amend the minutes, are requested to put their comments in writing to the writer within seven (7) days; otherwise, the minutes will stand as written.

Tennile Rubin

Enclosures

cc: Drew Boyce, DelDOT
Tom Hannan, WR&A
Attendees

DRAFT

WR&A
WHITMAN, REQUARDT AND ASSOCIATES, LLP
801 South Caroline Street
Baltimore, Maryland 21231

Engineers, Architects and Planners
Phone: (410) 235-3450
Fax: (410) 243-5716

MEMORANDUM OF MEETING

Date: March 11, 2009

Date of Meeting: February 25, 2009

Time: 12:30 pm

Location: I-95 Project Study Area

Project: Contract Number 29-090-02
I-95 Newark Toll Plaza Highway E-ZPass Lanes
WR&A W.O.: 31636-003

Subject: Permitting Pre-Application Field Meeting

Attendees:

NAME	ORGANIZATION	PHONE
Ken Dunne	DelDOT	302-760-2130
Jacqueline Winkler	USACE	215-656-5833
Joanne Lee	DNREC	302-739-9943
Matt Bailey	DNREC	302-382-4151
Stephanie Pratt	FHWA	410-779-7160
Brian Riffel	WR&A	443-224-1621
Tennile Rubin	WR&A	443-224-1663
Laura Callens	WR&A	443-224-1633

DRAFT

The following items were discussed during the I-95 Newark Toll Plaza Highway E-ZPass Lanes Permitting Pre-Application Field Meeting that followed the pre-application meeting at the DelDOT Canal District Office:

1. Resource Impact Areas: Each resource impact area was reviewed and discussed in the field (listed east to west).

a. **SW-896-B**. The wetland area associated with resource SW-896 located in the SR 896 interchange was investigated to determine if any stream enhancement could occur within this area. The area was mowed at the time of the field meeting. According to Matt Bailey with DNREC the interchange was planted with native grasses by the University of

Delaware. The area is periodically mowed to prevent woody shrubs/trees from establishing. Wetland SW-896-C and stream SW-896 were inspected to determine if stream enhancement could be met in this area. Ms. Winkler with USACE indicated that a 25 to 50 foot deed restriction on either side of the channel would be required. Based on this statement it was concluded that riparian buffer planting for the area is not ideal due to the current management protocol.

b. **SW-L**. USACE suggested removal of the concrete in the channel and that partial enhancement credit may be given. However, there is still the issue of restrictive easements for the stream enhancement.
c. **SW-AZ**. DNREC requested that the LOC be tightened within this area to keep the impacts minimal. USACE requested that tree clearing be avoided where possible.
d. **SW-K**. To reduce impact to SW-K, WR&A will look into building the headwall higher rather than further out into the channel.
e. **SW-BB**. USACE requested that tree clearing be avoided where possible.
f. **SW-J.** USACE requested that tree clearing be avoided where possible.
g. **SW-I**. WR&A indicated that as a result of the stormwater management design impacts to SW-I will permanent as it will no longer receive stormwater flow from the median. USACE requested that tree clearing as a result of construction be avoided where possible. DNREC formally identified per the field review that SW-I is no longer DNREC jurisdictional.
h. **SW-H.** USACE requested that tree clearing be avoided where possible.
i. **SW-N.** DNREC requested that impacts to this resource be minimized. USACE requested that tree clearing be avoided where possible.
j. **SW-BC**. The concrete slab below this wetland will be removed. After construction this area will still received overland flow from the seven cash/E-ZPass lanes. The stormwater flow from the median will be removed and treated off site. USACE requested that tree clearing be avoided where possible.
k. **SW-BE.** USACE requested that tree clearing be avoided where possible.
l. **NW-BL**. Any impact to this area may affect the spotted salamander downstream. USACE and DNREC requested that during design attempts be made to limit sediment discharge into the stream. WR&A felt the alternate designs may reduce the impacts to the wetlands and waters that are currently shown. DNREC and USACE were also concerned that the proposed SWM outfall would lead to higher flow rates and cause erosion downstream. WR&A indicated that hydraulic analysis of the stormwater outfall would be conducted and the required stabilization of the channel would be constructed. The USACE also requested that every attempt must be made to minimize the impacts related to the pipe jacking pits that will be required in this area.

The above is a memorandum of understanding between the parties regarding the topics discussed and the decisions reached. Any participants desiring to add to, or otherwise amend the minutes, are requested to put their comments in writing to the writer within seven (7) days; otherwise, the minutes will stand as written.

Tennile Rubin

DRAFT

Enclosures

cc: Drew Boyce, DelDOT
Tom Hannan, WR&A
Attendees

DRAFT

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

JUN 12 2007 RECEIVED

JUN 14 2007

RUMMEL, KLEPPER & KAHL, LLP

Regulatory Branch
Application Section I

SUBJECT: CENAP-OP-R-200300839-11 (JD)
Delaware Turnpike (I-95) Toll Plaza Project

Ms. Therese M. Fulmer
Delaware Department of Transportation
P.O. Box 778
Dover, Delaware 19903

Dear Ms. Fulmer:

The plans identified on the following page depict the extent of Federal jurisdiction on the subject property. The basis of our determination of jurisdiction is also provided (Enclosure 1).

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Any proposal to perform the above activities within the area of Federal jurisdiction requires the prior approval of this office.

This letter is valid for a period of five (5) years. However, this wetland determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the jurisdictional determination at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form (Enclosure 2). If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

DRAFT

James W. Haggerty
Regulatory Appeals Review Officer
North Atlantic Division, U.S. Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by AUG 10 2007.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

If you should have any questions regarding this matter, please contact Jacqueline Winkler at (215) 656-5833 between the hours of 1:00 and 3:30 p.m. or write to the above address.

Sincerely,

William H. Jenkins
Chief, Applications Section I

****
SUBJECT PROPERTY: Proposed Delaware Turnpike (I-95) Toll Plaza Project Boundaries, New Castle County, Delaware and Cecil County, Maryland.
****
SURVEY DESCRIPTION: Plans prepared by RK&K, dated June 2006, unrevised, entitled: Delaware Turnpike (I-95) Toll Plaza Wetland Delineation, Sheets 1 through 20 of 20.
****
COMMENTS: This wetland delineation was field verified by a Representative of this office.

Enclosures

Copies Furnished:

1. Greg O'Hare
   RK&K
   81 Mosher Street
   Baltimore, Maryland 21217-4250

DRAFT

RUMMEL, KLEPPER & KAHL, LLP

81 MOSHER STREET
BALTIMORE, MARYLAND 21217-4250
(410) 728-2900
(410) 728-2834 (FAX)

LETTER OF TRANSMITTAL

DATE:	March 29, 2006
JOB NO:	103-059
PROJECT:	Delaware Turnpike
	Newark Toll Plaza

TO: **DNREC**
Division of Water Resources
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE. 19901

ATTENTION: **Joanne Haughey**

IN-HOUSE CIRCULATION:
WKH/file 103-059
JTR
RM

WE ARE SENDING YOU:

- [ ] Tax Maps
- [ ] Shop Drawings
- [x] Copy of Letter
- [ ] Specifications
- [ ] Prints
- [ ] Change Order
- [x] Plans
- [ ] Other _____ _____

VIA:

- [x] US Mail
- [ ] Messenger
- [ ] Overnight _____
- [ ] FAX (_____)

Total Pages _____

COPIES	DWG NO	DESCRIPTION
2	1-14	Revised Delaware Turnpike Toll Plaza March 2006 DNREC Jurisdictional Wetlands Plans
1		Final JD Memorandum of Field Meeting

THESE ARE TRANSMITTED as checked below:

- [x] For approval
- [ ] For your use
- [x] As requested
- [ ] For review and comment
- [ ] Approved
- [ ] Approved as noted
- [ ] Disapproved
- [ ] _____
- [ ] Please acknowledge receipt of this material
- [ ] Acknowledgement of receipt not required

REMARKS: Hi Joanne,
Attached for your approval are the updated Toll Plaza JD plans and the Memorandum of Field Meeting from our final JD. The updated JD plans reflect all changes discussed at our February 3, 2006 Final JD Field Review. If the JD plans meet your approval, please send a JD letter referencing these plans. Please contact me with any questions or requests for additional information. Thanks, Greg.

COPY TO: Terry Fulmer, DelDOT
*Darren O'Neill, DelDOT

SIGNED: _____
Gregory O'Hare, P.F.
Project Scientist

*Transmittal Sheet Only

If enclosures are not as noted, kindly notify us at once.

DRAFT

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

JUN 12 2007

RECEIVED
JUN 14 2007
RUMMEL, KLEPPER & KAHL, LLP

Regulatory Branch
Application Section I

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Delaware Turnpike (I-95) Toll Plaza Project

Ms. Therese M. Fulmer
Delaware Department of Transportation
P.O. Box 778
Dover, Delaware 19903

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DRAFT

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Regulatory Appeals Review Officer
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Fort Hamilton Military Community
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Sincerely,

William H. Jenkins
Chief, Applications Section I

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****
COMMENTS: This wetland delineation was field verified by a Representative of this office.

Enclosures

Copies Furnished:

1. Greg O'Hare
RK&K
81 Mosher Street
Baltimore, Maryland 21217-4250

DRAFT

Memorandum of Field Meeting

Date: March 15, 2006

To: Joanne Haughey (DNREC)

From: Greg O'Hare (RK&K)

CC: DelDOT: Terry Fulmer, Darren O'Neill and
RK&K: Bill Hellmann/File, Rick Maddox, & Justin Reel

Subject: Final Jurisdictional Determination Field Review

Reference: I-95 Newark Toll Plaza Improvements
RK&K Project # 103-059

A final jurisdictional determination (JD) field review of subaqueous lands was conducted February 3, 2006 within the expanded study area for the above referenced project. Those in attendance were:

Joanne Haughey	**DNREC**
Greg O'Hare	**RK&K**

Summary

A field review of additional potentially jurisdictional subaqueous lands was conducted within the expanded study area shown on the March 2006 DNREC Jurisdictional Wetland Plan Sheets 3-6, 9-10, 12, and 14. It was determined that four (4) existing jurisdictional subaqueous lands should be expanded and that five (5) additional jurisdictional subaqueous lands and (5) non-jurisdictional areas were present within the expanded project area. In addition, the jurisdictional status of a potential subaqueous lands feature (ephemeral channel), which is located along the west side of Otts Chapel Road just south of Welsh Tract Road, was determined to be non-jurisdictional pending further review of the New Castle County Soil Survey and USGS Quad mapping. The enclosed March 2006 DNREC Jurisdictional Wetland Plans reflect all changes discussed during our meeting. Should anyone have any corrections to these minutes, please contact Greg O'Hare at 410-728-2900 extension 1165 as soon as possible.

Action Items

- ✓ Submit revised final wetland report and plans to DNREC for review and approval. **(RK&K)**

DRAFT

- ✓ Review New Castle County Soil Survey and USGS Quad mapping to determine if the potential subaqueous lands feature (ephemeral channel) located along the west side of Otts Chapel Road just south of Welsh Tract Road is non-jurisdictional. **(RK&K & DNREC)** *Upon review of the soil survey and USGS Quad mapping, this area was determined to be non-jurisdictional.*

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