DEPARTMENT OF THE ARMY

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

REPLY TO
ATTENTION OF

OCT 21 2008

Regulatory Branch
Applications Section I

SUBJECT: CENAP-OP-R-200300700-11

Ms. Terry Fulmer
Delaware Department of Transportation
800 South Bay Road
P.O. Box 778
Dover, Delaware 19903

Dear Ms. Fulmer:

Reference is made to Department of the Army permit CENAP-OP-R-200300700-11 dated February 26, 2007 authorizing you to perform work, including the discharge of dredged or fill material, in waters of the United States, including wetlands, to facilitate construction of the Delaware Turnpike (Interstate 95) Mainline/SR 1 Interchange Project within and adjacent to the Christina River, New Castle County, Delaware.

Further reference is made to Special Condition 27 of the above referenced permit. Special Condition 27 requires that "The permittee shall install permanent monuments identifying the boundaries of the approved compensatory mitigation site as shown on the plans referenced in Special Condition 22 above. The monuments shall be installed within 60 days of completion of the final grading of the mitigation site."

According to a letter from your consultant, RK&K, an existing fence has created a conflict with your ability to install Monuments 5 through 8 at the locations shown on the previously approved mitigation plans (Enclosure 1). RK&K has requested, on your behalf, the ability to modify the proposed location of the monuments to avoid the fence conflict (Enclosure 2).

This office has no objection to the proposed changes to the locations of Monuments 5 through 8 provided:

1. All work is performed in accordance with the protocol established in Enclosure 1 and consistent the monument location information provided in Enclosure 2.

2. All work identified in Steps 1 through 6 in Enclosure 1, including the re-recording of the revised conservation easement, shall be completed within 60 days of the date of this letter.

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RUMMEL, KLEPPER & KAHL, LLP

3. The permittee shall submit documents generated as a result of implementing Steps 3 and 4 identified in Enclosure 1 to this office for review and approval prior to re-recording the conservation easement with the revised exhibits.

If you should have any questions regarding this matter please contact Jacqueline Winkler of this office at (215) 656-5833.

Sincerely,

Frank J. Cianfrani
Chief, Regulatory Branch

Enclosures

Rummel,
Klepper
& Kahl, LLP

William K. Hellmann
Emeritus

David W. Wallace
Robert J. Halbert
Stephen G. Zentz
J. Michael Potter
Thomas E. Mohler
James A. Zito
Charles M. Easter, Jr.
Joseph A. Romanowski, Jr.
Michael L. Krupsaw
Lars E. Hill
J. Tommy Peacock, Jr.
Michael W. Myers
Martin C. Rodgers
Kenneth A. Goon
Richard J. Adams, Jr.
John A. d'Epagnier
Barbara J. Hoage
Christopher F. Wright
Owen L. Peery
Nancy R. Bergeron
Stuart A. Montgomery
David G. Vanscoy
Henry J. Bankard, Jr.
James F. Ridenour, Jr.
Robert J. Andryszak
Raymond M. Harbeson, Jr.
B. Keith Skinner
Karen B. Kahl
Seyed A. Saadat
John C. Moore
Sonya Y. Brown
Eric M. Klein
Todd E. Rousenberger
Donald P. Lauzon
Thomas M. Heil
Robert D. Ostermiller
Barry L. Brandt
Malachi M. Mills

81 Mosher Street
Baltimore, Maryland
21217-4250
Ph: 410-728-2900
Fax: 410-728-2992
www.rkk.com

September 5, 2008

Ms. Jackie Winkler
Department of the Army
Philadelphia District
Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Received
In Regulatory Branch
SEP - 9 2008
Philadelphia District
Corps of Engineers

Dear Ms. Winkler:

Reference is made to Department of the Army permit (CENAP-OP-R-200300700-11) dated February 26, 2007 for the Delaware Turnpike (I-95) Mainline/SR 1 Interchange project, Contract No. 25-090-01.

Special condition 27 requires the installation of permanent monuments as shown on the project plans identified as: Plans prepared by Rummel, Klepper & Kahl, LLP, dated October 2007, entitled "The State of Delaware Department of Transportation, Specifications and Construction Plans for Delaware Turnpike Improvements, I-95 Mainline Widening, Cathcart Mitigation Site", 12 Sheets (special condition 22, modified October 29, 2007). During location stakeout it was discovered that monuments 5 – 8 are in conflict with the Steel Liquidators existing fence and may be located partially on Steel Liquidators property. We request your approval to move the monuments to ensure they are located on DelDOT property. We propose the following steps to place the monuments and document the new monument locations.

1) DelDOT's Contractor under the direction of the Engineer shall install monuments 5 through 8 on DelDOT property in close proximity to locations originally specified on the plans.

2) DelDOT shall survey the final monument locations and provide the surveyed location information to RK&K.

3) RK&K shall revise Cathcart plan sheets 2, 3, and 10 to reflect the final monument locations.

Enclosure 1

4) RK&K shall revise Cathcart conservation easement exhibit A sheets 1 and 2 to reflect the final monument locations and add a note describing the changes.

5) DelDOT shall re-record the conservation easement with the revised exhibits.

6) The revised Cathcart plan sheets and conservation easement shall be provided to your office.

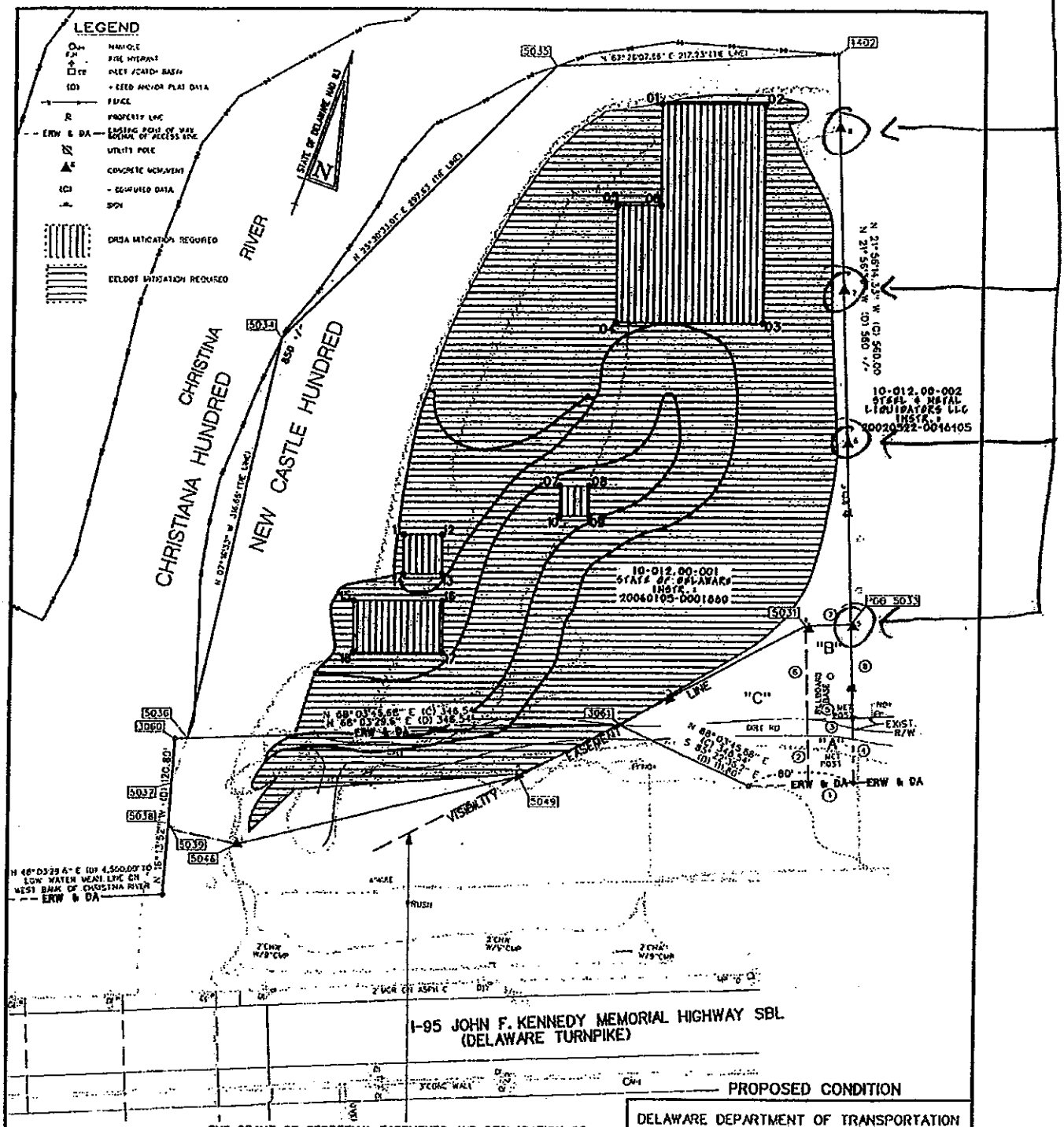
If you have any questions or require additional information, please call me at (410) 462-9348. Thank you for you time and continued cooperation.

Sincerely,
Rummel, Klepper and Kahl, LLP

Justin Reel
Project Scientist

cc: Darren O'Neil, DelDOT
Terry Fulmer, DelDOT
Javier Torrijos, DelDOT
Vincent Ruff, DelDOT
Nancy Bergeron, RK&K
Carey Webb, RK&K

Monuments to Be Moved



THE GRANT OF PERPETUAL EASEMENTS AND DECLARATION OF RESTRICTIONS, DATED JANUARY 2001 CONCERNING THE BILLBOARD LOCATED ON THE CATHCART PROPERTY, STATES: "NO STRUCTURE OR PLANTING SHALL BE PLACED OR MAINTAINED WITHIN THE AREA (SOUTH OF THE VISIBILITY EASEMENT LINE) THAT INTERFERES WITH THE VISIBILITY OF THE GRANTEE'S ADVERTISING SIGN FROM INTERSTATE 95 OR WHICH OBSTRUCTS, PARTIALLY OR ENTIRELY, THE VIEW OF THE GRANTEE'S ADVERTISING SIGN OR LESSENS THE ADVERTISING VALUE OF THE SIGN EASEMENT."

NOTE: SEE SHEET 2 OF 2 FOR METES AND BOUNDS

RK&K

RUMMEL, KLEPPER & KAHL, LLP
Consulting Engineers
81 Mosher Street Baltimore MD 21217-4250 PH.410-728-2900

REVISIONS			
NO.	DATE	DESCRIPTION	BY

DELAWARE DEPARTMENT OF TRANSPORTATION

EXHIBIT A

DRB & DELDOT MITIGATION REQUIREMENT

CATHCART CONSERVATION AREA

RUMMEL, KLEPPER & KAHL, LLP
CONSULTING ENGINEERS BALTIMORE, MARYLAND

DATE: JULY, 2007 | SCALE: 1" = 100' | SHEET NO.: 1 OF 2

Enclosure 2