

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

JAN 09 2007

Regulatory Branch
Application Section I

SUBJECT: CENAP-OP-R-200300838-11 (JD)

RECEIVED

JAN 15 2007

RUMMEL, KLEPPER & KAHL, LLP

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

Dear Ms. Fulmer:

This is in regard to your submittal of a May 2006 addendum to the original jurisdictional determination prepared for the Delaware Turnpike Mainline Widening Project. The addendum addresses a 2.1 mile extension of the original project area northbound up to and including the I-95/I-495 Interchange.

We are hereby modifying the original Jurisdictional Determination prepared for the project to address the project area extension.

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 remains valid for a period of five (5) years from the date of issuance of the original jurisdictional determination for the project, January 5, 2005. 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.

In accordance with the U.S. Army Corps of Engineers Administrative Appeal Process, you may accept or appeal the approved jurisdiction determination. For further information in this regard, please refer to the Notification of Administrative Appeal Options and Process and Request for Appeal form (Enclosure 2).

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, Application Section I

SUBJECT PROPERTY: Delaware Turnpike (I-95) from the SR 1 Interchange to the Interstate 495 Interchange, New Castle County, Delaware.

SURVEY DESCRIPTION: Plans prepared by RK&K, dated May 2004, Wetland Delineation Keysheet and Sheets 1,2,4,6,7,8,9,10 and 11 of 11 last revised July 22, 2004, Sheet 3 of 11 last revised December 2, 2004, Sheet 5 of 11 last revised September 7, 2004, entitled: Delaware Turnpike (I-95), SR 1 Interchange to SR 141, Wetland Delineation Keysheet and Sheets 1 through 11 of 11.

AND

Plans prepared by RK&K, dated June 2006, last revised July 21, 2006, entitled: Delaware Turnpike Improvements, I-95 Mainline Widening (Extended Area from SR 141 to I-495), Sheets 1 through 10 of 10.

COMMENTS: Field views of the subject property were conducted by a representative of this office.

Enclosures

Copies Furnished without Enclosures:

DDNREC
New Castle County Planning Board
/Justin Reel
Rummel, Klepper & Kahl, LLP
81 Mosher Street
Baltimore, Maryland 21217