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

MAR 14 2006

RECEIVED
MAR 16 2006
RUMMEL, KLEPPER & KAHL

Regulatory Branch
Application Section I

SUBJECT: CENAP-OP-R-200500917-11 (JD)

Ms. Therese Fulmer
Delaware Department of Transportation
800 Bay Road
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.

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 me at (215) 656-5833 between the hours of 1:00 and 3:30 p.m. or write to the above address.

Sincerely,

Jacqueline Winkler
Biologist

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SUBJECT PROPERTY: Cathcart Property, north of I-95 and east of the Christina River, New Castle County, Delaware.
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SURVEY DESCRIPTION: Plans prepared by RK&K, dated February 2006, entitled: Delaware Turnpike (I-95) SR 1 to SR 141, Wetland Delineation Plan, Cathcart Property (Site 7), Sheet 12 of 13.
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COMMENTS: The subject property was field viewed by a representative of this office on May 11, 2005.

Enclosures

Copies Furnished:

✓1. Gregory O'Hare
Rummel, Klepper & Kahl, LLP
81 Mosher Street
Baltimore, MD 21217
2. DDNREC
3. New Castle County Planning Board
4. Single Copy File