



August 18, 2008

Mr. Michael Lossner
Integrated Construction Services, LLC
2 Penns Way, Ste. 405
New Castle, De 19720

RE: PLUS 2008-07-04; Providence Creek Academy Charter School

Dear Mr. Lossner:

Thank you for meeting with State agency planners on July 23, 2008 to discuss the proposed plans for the Providence Creek Academy Charter School located at 355 West Duck Creek Road within the Town of Clayton.

According to the information received, you are seeking approval for a 79,400 sq. ft. addition to the existing school. This addition will consist of three separate buildings to include a 24,250 sq. ft. addition to the elementary school, a 14,050 sq. ft. addition to the middle school and a core building totaling 41,100 sq. ft.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Clayton is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office*

notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.

State Strategies/Project Location

- This project is located in Investment Levels 2 and 3 according to the *Strategies for State Policies and Spending*. This site is also located in the Town of Clayton. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the relevant Town codes and ordinances.

Natural and Cultural Resources

- The PLUS applicant answered “no” to Question 27 that asks if the development falls within any wellhead or excellent ground-water recharge potential areas. A portion of the project does fall within an excellent recharge area. The developer on the PLUS application form states that the proposed development would change the total impervious cover from 0% to approximately 20.15%. The Water Supply Section recommends that that portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. It appears that the amount of impervious cover within the northern excellent ground-water recharge potential area exceeds 20% (see map).
- Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.
- The Drainage Program would like the engineer and the school to consider a created wetland to filter stormwater before it is released into Providence Creek. A created wetland can be utilized as part of a science/environment curriculum.
- Based on the previous manufacturing and industrial use of the proposed project site, which involved the use of hazardous substances, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. In addition, should a

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Levels 2 and 3 according to the *Strategies for State Policies and Spending*. This site is also located in the Town of Clayton. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the relevant Town codes and ordinances.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Providence Creek Academy Charter School seeks to expand their existing campus of 55,000 square feet on 22 acres by 24,600 square feet and 11 acres. The land is located on the north side of downtown Clayton, and more specifically on the north side of Duck Creek Road (Kent Road 453). Access would be by way of the existing driveway, located between Washington Street and Highland Avenue.

The school has received our Letter of No Objection regarding recordation of their site plan and their engineer has submitted an entrance plan for review and approval. DelDOT recommends that they continue to coordinate with the project manager for Kent County, Mr. Brad Herb, through the completion of that process. Mr. Herb may be reached at (302) 266-9600.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Soils

According to the Kent County soil survey update, Reybold, Downer, Sassafras (B-slopes with 2-5% slopes, and D-slopes with 10-15% slopes), Pineyneck, and Longmarsh. Reybold, Downer, Sassafras, and Pineyneck are well-drained upland soils that, generally, have few limitations for development. However, the Sassafras soil mapping units with slopes of 10-15% (D-slopes) has severe limitations for development and should be avoided. Longmarsh is a very poorly drained wetland associated (hydic) floodplain soil that has severe limitations for development and should also be avoided.

Wetlands

According to the Statewide Wetland Mapping Project (SWMP) mapping, palustrine riparian wetlands bound much of the northern boundary of subject parcel. Palustrine wetlands were also mapped over much of the southernmost portion of the parcel.

The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on

the property. This determination can only be made by contacting the Division of Water Resources' Wetlands and Subaqueous Lands Section at 302/739-9943 and consulting the State's official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC's Wetlands Section.

In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 Del.C. Chapter 72) and the Regulations Governing the Use of Subaqueous Lands. Ponds connected to other waters are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. Please contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland-associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-specific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE, or "the Corps") manual is only acceptable basis for making a jurisdictional wetland determination for nontidal wetlands in Delaware. The applicant is forewarned that the Corps views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for making such delineations. To ensure compliance with said Corps regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the Corps be given the opportunity to officially approve the completed delineation. In circumstances where the applicant or applicant's consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, the Corps must be contacted to evaluate and assess the jurisdictional validity of such a delineation. The final jurisdictional authority for making isolated wetlands determinations rests with the Corps; they can be reached by phone at 736-9763.

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882), an adequately sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

Impervious Cover

The applicant estimates this project's post-construction surface imperviousness to reach about 20 percent. However, given the scope and density of this project (i.e., as viewed from the conceptual project layout) this estimate is likely a significant underestimate. Moreover, since a building structure is currently occupying this parcel, the initial surface imperviousness figure may be higher than reported on the PLUS application form.

When calculating surface imperviousness, it is important to include all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, open-water stormwater management structures/ponds, and roads) in the calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts. Consequently, the applicant should recalculate this project's surface imperviousness (both pre and post-construction) with all of the above-mentioned forms of surface imperviousness included. Failure to do so will significantly understate this project's true environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of this project's most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

Also, please consider building an outdoor classroom that includes pervious pavement and a green roof. Information is available from greenroofs.com, The Center for Green Roofs at Penn State and the Delaware and Philadelphia Centers for Horticulture. For additional information about using on-site resources for the education of your students, we encourage you to contact Steve Williams or Tom Barthelme at 302-739-9921.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Smyrna River watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Smyrna River watershed, a post-development TMDL reduction level of 40% will be required for nitrogen and phosphorus. Additionally, a TMDL reduction level of 75% will be required for bacteria.

TMDL compliance through the PCS

As stated above, TMDLs for nitrogen and phosphorus have been promulgated through regulation for the Smyrna River watershed. The TMDL calls for a 40% reduction in nitrogen and phosphorus, while a TMDL reduction of 75% will be required for bacteria; both nutrient and bacteria reductions must be from baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria to meet the TMDL requirements. Additional nutrient reductions may be possible through the implementation of BMPs such as wider vegetated buffers along watercourses/wetlands, increasing the amount of passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state that water will be provided to the project by a Public Utility. Our records indicate that the project is not located in an area where public water service is available. Any public water utility providing water to the site must first obtain a Certificate of Public Convenience and Necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-736-7547. Should an on-site Public/Miscellaneous Public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area, and it must also be located at least 150 feet from the outermost boundaries of the project. . The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there is a Groundwater Management Zone B on the western part of Hanover Foods located within 1000 feet of the proposed project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Water Resource Protection Areas

The Water Supply Section, Ground-Water Protection Branch (GPB) has determined that the project is within a wellhead protection area for Hanover Foods and two excellent ground-water recharge areas for Kent County (see following map and attached map). There is no proposed development within the wellhead protection area. The development is restricted to the excellent ground-water recharge area in the northern portion of the parcel.

The project falls within the municipal boundaries of the Town of Clayton. To our knowledge, Clayton does not have a source water protection ordinance in place to address wellhead and excellent ground-water recharge areas.

Wellhead protection areas are the surface and subsurface areas adjacent to public water supply wells where contamination could, if released, travel to the well. Land use activities or impervious cover on wellhead protection areas may adversely affect the quality and quantity of drinking water in these areas.

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category is an “indicator of how fast contaminants will move and how much water may become contaminated” (Andres, 2004, pg 1). Land-use activities or impervious cover on areas of excellent groundwater recharge potential may adversely affect the quality and quantity of ground water in these areas.

The PLUS applicant answered “no” to Question 27 that asks if the development falls within any wellhead or excellent ground-water recharge potential areas. A portion of the project does fall within an excellent recharge area. The developer on the PLUS application form states that the proposed development would change the total impervious cover from 0% to approximately 20.15%. The Water Supply Section recommends that that portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. It appears that the amount of impervious cover within the northern excellent ground-water recharge potential area exceeds 20% (see map).

The Water Supply Section further recommends that if impervious cover exceeds 20% but is less than 50% of that portion of the parcel within an area of excellent recharge methods for augmenting ground-water recharge need be employed. However, the development should not exceed 50% regardless. It appears that the proposed construction exceeds 50% (see map). A water balance calculation will be necessary to determine the quantity of clean water necessary to be recharged via a recharge basin (Kauffman, 2005). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated

increases in storm water) and protect the quality and quantity of ground water and surface water supplies (DNREC, 2005).

Recommendations:

- Relocate the proposed buildings to an area outside the excellent ground-water recharge area and/or wellhead protection areas.

OR

- Reduce impervious cover to less than 20% for the portion of the development within the area of excellent recharge.

OR

- If the resulting impervious cover is greater than 20% but less than 50% perform an environmental assessment report, including a Climate Budget, as outlined in the Delaware Ground-Water Recharge Design manual at:

http://www.wr.udel.edu/swaphome/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf

In addition, because the wellhead protection area is the source of public drinking water and the excellent ground-water recharge area so readily affects the underlying aquifer, the storage of hazardous substances or wastes should not be allowed within these areas unless specific approval is obtained from the relevant state, federal, or local program.

References

Andres, A. Scott, 2004, *Ground-Water Recharge Potential Mapping in Kent and Sussex Counties*, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.

<http://www.udel.edu/dgs/Publications/pubform.html#investigations>

Kauffman, G.J., Wozniak, S.L., and Vonck, K.J., 2005, *Delaware Ground-Water Recharge Design Manual*: Newark, DE, Water Resources Agency, University of Delaware, p. 31.

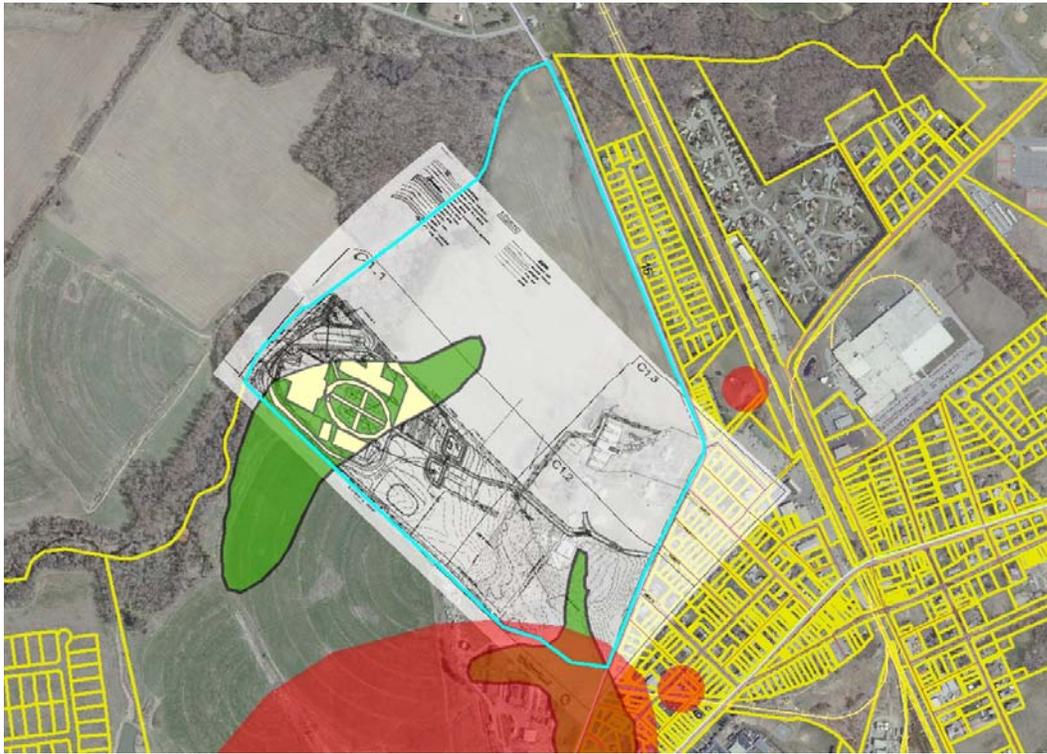
Listed as: “Supplement 1 – Groundwater Recharge Design Methodology”

<http://www.wr.udel.edu/swaphome/Publications/SWPguidancemanual.html>

Thornthwaite, C. W. and Mather, J. R., 1957, Instructions and Tables for Computing Potential Evapotranspiration and the Water Balance: Drexel Institute of Technology, Laboratory of Climatology, Volume x, Number 3

Map of Providence Creek Academy Charter School (PLUS 2008-07-04)

The green area is excellent ground-water recharge potential area. The red area is the wellhead protection area for Hanover Foods. The site plan is overlain on the parcel. The impervious cover is shown in yellow.



Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The applicant has been in contact with the Kent Conservation District, and a stormwater management plan has been approved and a permit has been issued. For more information please contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

Drainage

The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project. The Drainage Program

requests that the engineer check Providence Creek for function and blockages prior to the construction.

The Drainage Program would like the engineer and the school to consider a created wetland to filter stormwater before it is released into Providence Creek. A created wetland can be utilized as part of a science/environment curriculum.

Floodplains

A portion of this property lies within FEMA's Special Flood Hazard Area. It was difficult to determine from the site plan whether any construction is located in the floodplain. It is recommended that development be kept away from the floodplain to minimize the risk to the school buildings and also so that any runoff from this lot would not affect downstream properties.

Wildlife Habitat

Cumulative impacts to water quality and wildlife habitat loss are a concern along this stream system. Aerial photographs indicate that land bordering this creek has been largely cleared for agriculture and/or development. Only narrow vegetative buffers are left intact along most of the length of this stream.

To protect wetland wildlife habitat and water quality, we recommend an upland buffer of at 100 feet or greater be left in tact between any structures/infrastructure and the edge of the stream and any associated wetlands. Upland buffers along wetlands provide critical breeding habitat for wetland dependent species and provide a travel corridor for wildlife which often travel along water courses. If the existing vegetative buffer is less than 100 feet in width, we recommend plantings of native species to a width of 100 feet or greater.

Nuisance Waterfowl

Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the property owner/land manager will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Recommendation:

1. Exclusion is one of the most effective methods at deterring geese. Completely fencing the pond at the edge (even one foot high) may be feasible. Even though geese can fly over the fence, if they constantly have to fly between land and water the area is less desirable. If fencing is not a desired option, we recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds. When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond. The vegetation also blocks the ability to easily move between land and water.

At this time, It is not recommended that you use monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the property owner/land manager.

Underground Storage Tanks

There is one active LUST site located near the proposed project and one inactive LUST site located directly on the property:

St. Joseph's School (On the property)
Facility ID: 1-000586
Project: K0303027

Clements Supply Company
Facility ID: 1-000055
Project: K8803030

No environmental impact is expected from the above inactive LUST site. However, should any underground storage tanks or petroleum contaminated soil be discovered by any person during construction, the Tank Management Branch (TMB) at (302) 395-2500 and the DNREC Emergency Response Hotline at (800) 662-8802 must be notified within 24 hours.

Should any unanticipated contamination be encountered, PVC pipe materials would have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Site Investigation and Restoration

Only one Site Investigation & Restoration Branch (SIRB) site was found within a half mile radius of the proposed site: Delcote/ Eastwind (DE-0290) is located 0.17 miles east of the proposed site.

Delcote/ Eastwind produced rain gear for the US military while Khem-Cote, a division of Delaware Eastwind produced the chemical coating for the gear. Delaware Eastwind was a small quantity hazardous waste generator with a valid EPA identification number. In September of 2003, Delcote/ Eastwind received a No Further Action (NFA) designation.

Based on the previous manufacturing and industrial use of the proposed project site, which involved the use of hazardous substances, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

This Agency has no objection to this request. Their records indicate that the project has already been submitted to our office for review and approval.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Delaware Department of Agriculture has no objections to the proposed project. The project is located within the Town of Clayton and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 and 3 areas.

The State would like to make the school aware of the numerous educational programs opportunities offered by the Department. These programs include modules on: forestry, entomology, agriculture, geology, hydrology, and many other subjects. The websites below provide information on the programs.

<http://dda.delaware.gov/education/index.shtml>

<http://dda.delaware.gov/forestry/index.shtml>

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Leyland Cypress

Ash Trees

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Department of Education – Contact: John Marinucci 735-4055

The DOE supports locating school facilities on parcels with existing or reasonable access to civil infrastructure to include but not limited to:

- Roads, pedestrian walkways and shared use paths
- Waste water/sewerage and domestic water
- Electric, and telecommunications
- Storm water drainage and conveyance

School sites with public water and sewer utilities or access to public water and sewer utilities are recommended by DOE over sites requiring on-site facilities. Because it is located in close proximity to the current school, this school site appears to offer access to civil utilities commensurate with the current school.

1. The DOE supports the State Strategies for Policies and Spending. When considering school facility locations, the DOE considers proximity and access to basic support services as a high priority.

The school location under consideration is in close proximity to the existing school, as such, basic support service levels upon school completion will be similar to current support service levels.

2. The DOE supports locating school facilities strategically within the geographic region and/or community the facility is intended to serve in order to:
 - Encourage non-student pedestrian access to the school facility in an effort to reduce vehicle miles traveled to the extent practical
 - Encourage student pedestrian access to the school facility, in order to contain the school's life-cycle operating costs associated with student transportation, as practicable
 - Create education campuses by co-locating educational facilities and services in an effort to reduce life-cycle costs as a result of the co-located schools sharing common spaces, facilities and services.

The school location under consideration appears to be located geographically within the community it is intended to serve.

3. As a result, the DOE supports this site as a future school site for the Providence Creek Academy. DOE has been involved in the school site plan and building design/layout.
4. Because the Providence Creek Academy is a Delaware Charter School as approved under the Delaware Charter School law, the requirements of 29 Del. C. § 7525 regarding Department of Education approval for the Use or Acquisition of Lands for School Construction do not apply.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



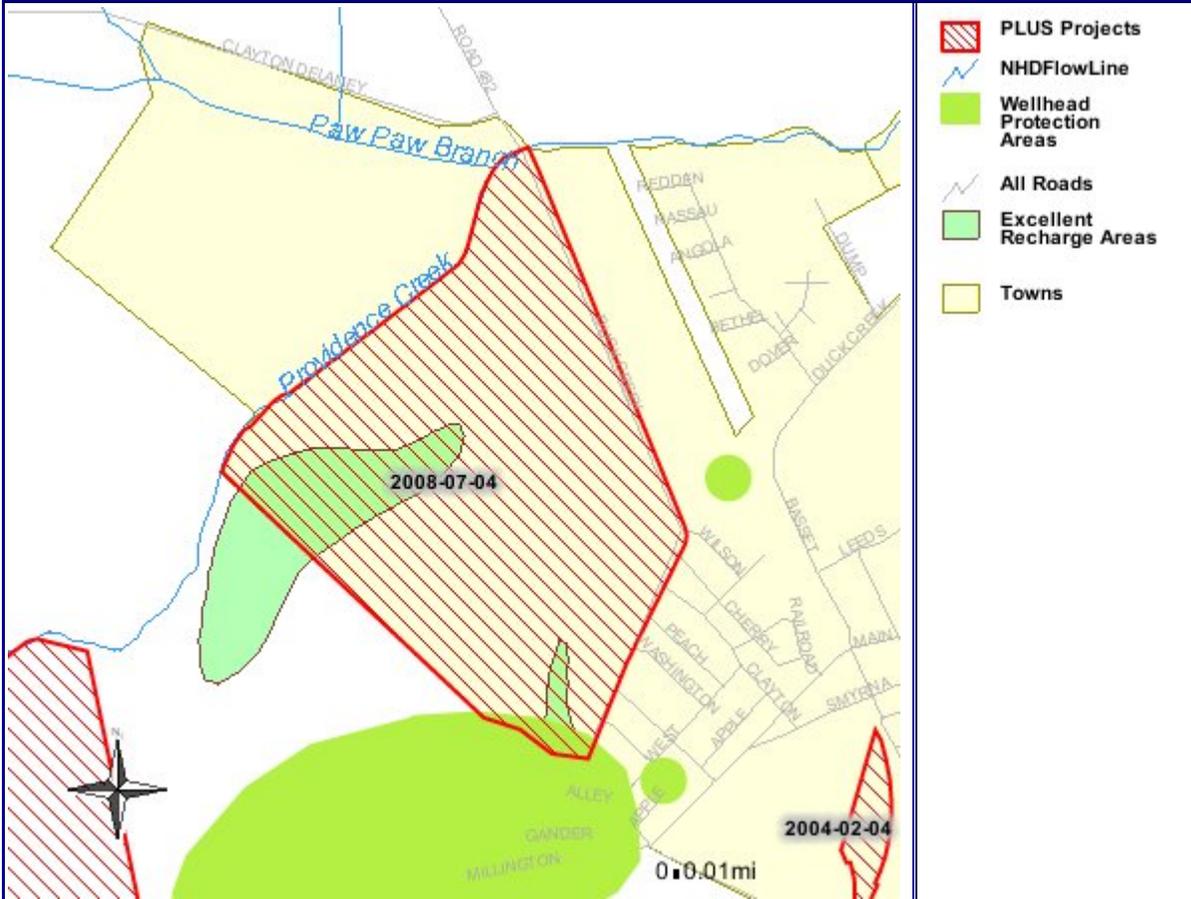
Constance C. Holland, AICP
Director

CC: Town of Clayton



Providence Creek Academy

2008-07-04



This map was produced by the Delaware Department of Natural Resources and Environmental Control.

