



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
1650 ARCH STREET
PHILADELPHIA, PENNSYLVANIA 19103-2004

OPR

05 March 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,¹ NAP-2024-00776-103

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. Wetland 1, non-jurisdictional
 - ii. Wetland 2, jurisdictional, Section 404
 - iii. Wetland 4, jurisdictional, Section 404
 - iv. Wetland 5, non-jurisdictional
 - v. Wetland 6, jurisdictional, Section 404
 - vi. Wetland 7, jurisdictional, Section 404
 - vii. Wetland 8, jurisdictional, Section 404
 - viii. Snows Branch (Waterbody A), jurisdictional, Section 404
 - ix. Waterbody B, jurisdictional, Section 404
 - x. Waterbody D, jurisdictional, Section 404

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023)

- 3. REVIEW AREA. The review area includes approximately 67.08 acres located east of US13, north of Twin Willows Road, Smyrna, Kent County, Delaware at latitude 39.256567, longitude -75.58252. The site is identified as Kent County Tax Parcel 1-00-02800-02-5000-00001. A site visit was conducted on December 6, 2024. The goal of the site visit was to assess the wetlands within the review area to confirm the

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

presence of a continuous surface connection, or lack thereof. Specifically, Wetland 1, 5, and 6, were the aquatic resources that required field assessments. Data that was collected from the site visit includes non-hydric soils separating Wetland 1 and 5 from Snows Branch, and observing Waterbody D provides a direct surface connection from Wetland 6 to Snows Branch. Additional observations from the site visit include Wetland 7 displaying an off-site direct surface connection to Snows Branch by a drainage feature that could be observed from within the review area.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. Leipsic River. The Leipsic River is influenced by the ebb and flow of the tide.
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. Snows Branch (Waterbody A) flows through the review area, originating in the northwest corner of the property and flowing out of the northeast corner of the property. Snows Branch flows into the Leipsic River approximately 1.75 miles downstream.
6. SECTION 10 JURISDICTIONAL WATERS⁵: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁶ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource,

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁶ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
- b. The Territorial Seas (a)(1)(ii): N/A
- c. Interstate Waters (a)(1)(iii): N/A
- d. Impoundments (a)(2): N/A
- e. Tributaries (a)(3):
 - a. Snows Branch (Waterbody A) is a 2243 linear foot perennial tributary that originates to the west of the property and continues off the property to the east. Field observations from the USACE site visit showed a lack of standing water in the western portions of Snows Branch (Waterbody A). However, a failing culvert was found (approximately flag A153A) which could have impacted flow. There was standing water within Snows Branch (Waterbody A) downstream of the culvert. During the site visit the area was experiencing drier than normal conditions as shown on the Antecedent Precipitation Tool. Images within the Wetland Delineation Report are representative of what this water feature typically looks like. The tributary has a defined bed, bank, an ordinary high water mark, and contained flowing water as shown in the Wetland Delineation Report. Review of USGS topographic maps show Snows Branch (Waterbody A) as a blue line stream. Additionally, historic aerial imagery shows Snows Branch (Waterbody A) containing standing or flowing water. Per the agencies' interpretation of relatively permanent tributaries, this tributary meets the relatively permanent standard due to having flowing or standing water year-round or continuously during certain times of the year.
 - b. Waterbody B is a 518 linear foot intermittent tributary that originates within the review area and terminates into Snows Branch (Waterbody A). Waterbody B carries flow from Wetland 2 into Snows Branch (Waterbody A). During the site visit the area was experiencing drier than normal conditions as shown on the Antecedent Precipitation Tool. The tributary has a defined bed, bank, an ordinary high water mark, and contained flowing water as shown in the Wetland Delineation Report. Waterbody B can be observed using Lidar mapping. Per the agencies' interpretation of relatively permanent tributaries, this tributary meets the relatively

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

permanent standard due to having flowing or standing water year-round or continuously during certain times of the year.

- c. Waterbody D is a 1831 linear foot intermittent tributary that originates within the review area and terminates into Wetland 4. Waterbody D carries flow from Wetland 6 into Wetland 4, and then Snows Branch (Waterbody A). During the site visit the area was experiencing drier than normal conditions as shown on the Antecedent Precipitation Tool. Field observations include deep cut banks. The tributary has a defined bed, bank, an ordinary high water mark, and contained flowing water as shown in the Wetland Delineation Report. Waterbody D can be observed using Lidar mapping, and aerial imagery. Within the Wetland Delineation Report, Waterbody D is mislabeled under the photo section as 'Waterbody C'. Per the agencies' interpretation of relatively permanent tributaries, this tributary meets the relatively permanent standard due to having flowing or standing water year-round or continuously during certain times of the year.
- f. Adjacent Wetlands (a)(4):
 - a. Wetland 2 is a 0.85 acre forested non-tidal wetland entirely within the review area. Wetland 2 directly abuts Snows Branch (Waterbody A), an (a)(3) tributary, establishing a continuous surface connection. Additionally, Waterbody B originates within Wetland 2 and flows into Snows Branch (Waterbody A) further exhibiting a continuous surface connection. Wetland 2 has a continuous surface connection to an (a)(3) tributary, thereby meeting the definition of an (a)(4) adjacent wetland.
 - b. Wetland 4 is a 0.32 acre forested non-tidal wetland within the review area. Wetland 4 continues outside the review area to the east. Wetland 4 directly abuts Snows Branch (Waterbody A), an (a)(3) tributary, establishing a continuous surface connection. Wetland 4 has a continuous surface connection to an (a)(3) tributary, thereby meeting the definition of an (a)(4) adjacent wetland.
 - c. Wetland 6 is a 0.83 acre forested non-tidal wetland entirely within the review area. Wetland 6 has a direct surface connection to Waterbody D, which then flows into Wetland 4, which directly abuts Snows Branch (Waterbody A). In the factual context of Wetland 6, Waterbody D serves as a physical connection to Wetland 4 which directly abuts Snows Branch (Waterbody A) thereby meeting the definition of an (a)(4) adjacent wetland. This determination is consistent with USACE Headquarters implementing field memo "Memorandum on LRB-2023-00451".

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

- d. Wetland 7 is a 1.58 acre forested non-tidal wetland within the review area. Wetland 7 continues outside the review area to the east. During the site visit on December 6, 2024, it was observed that Wetland 7 drains into Snows Branch (Waterbody A) through an off-site drainage feature. This drainage feature is a well-defined drainage channel approximately 95 linear feet from Wetland 7 to Snows Branch (Waterbody A). This was measured using the USACE National Regulatory Viewer utilizing aerial imagery. This direct surface connection was verified in the field and using Lidar and aerial imagery. See “Section 10 OTHER SUPPORTING INFORMATION” for additional information regarding the area of Snows Branch (Waterbody A) that is directly connected to Wetland 7. The draft approved JD indicates that water flows from Wetland 7 through an approximately 95-foot long well-defined drainage channel that connects with Snows Branch (Waterbody A). Wetland 7 has a continuous surface connection to an (a)(3) tributary, thereby meeting the definition of an (a)(4) adjacent wetland. In the factual context of Wetland 7, the observed off-site drainage feature is a relatively short feature that serves as a physical connection that meets the continuous surface connection, thereby meeting the definition of an (a)(4) adjacent wetland. This determination is consistent with USACE Headquarters implementing field memos “Memorandum on NAP-2023-01223, POH-2023-00187, LRB-2023-00451, and NWK-2024-00392”.
- e. Wetland 8 is a 0.41 acre forested non-tidal wetland within the review area. Wetland 8 continues outside the review area to the east. During the site visit on December 6, 2024, it was observed that Wetland 8 drains into Snows Branch (Waterbody A) through an off-site drainage feature. This drainage feature is a well-defined drainage channel approximately 461 linear feet from Wetland 8 to Snows Branch (Waterbody A). This was measured using the USACE National Regulatory Viewer utilizing aerial imagery. See “Section 10 OTHER SUPPORTING INFORMATION” for additional information regarding the area of Snows Branch (Waterbody A) that is directly connected to Wetland 8. The draft approved JD indicates that water flows from Wetland 8 through an approximately 461-foot long well-defined drainage channel that connects with Snows Branch (Waterbody A). Wetland 8 has a continuous surface connection to an (a)(3) tributary, thereby meeting the definition of an (a)(4) adjacent wetland. In the factual context of Wetland 8, the observed off-site drainage feature is a relatively short feature that serves as a physical connection that meets the continuous surface connection, thereby meeting the definition of an (a)(4) adjacent wetland. This determination is consistent

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

with USACE Headquarters implementing field memo “Memorandum on NAP-2023-01223, POH-2023-00187, LRB-2023-00451, and NWK-2024-00392”.

g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁷ N/A

b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

a. Wetland 1 is a 0.85 acre forested non-tidal wetland that is entirely within the review area. This wetland lacks a continuous surface connection to any other aquatic resources, leaving it geographically separated. Because Wetland 1 does not have a continuous surface connection to an (a)(1) through (a)(3) waters it does not meet the definition of an (a)(4) adjacent wetland.

b. Wetland 5 is a 0.26 acre forested non-tidal wetland that is entirely within the review area. This wetland lacks a continuous surface connection to any other aquatic resources, leaving it geographically separated. Because Wetland 5 does not have a continuous surface connection to an (a)(1) through (a)(3) waters it does not meet the definition of an (a)(4) adjacent wetland.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

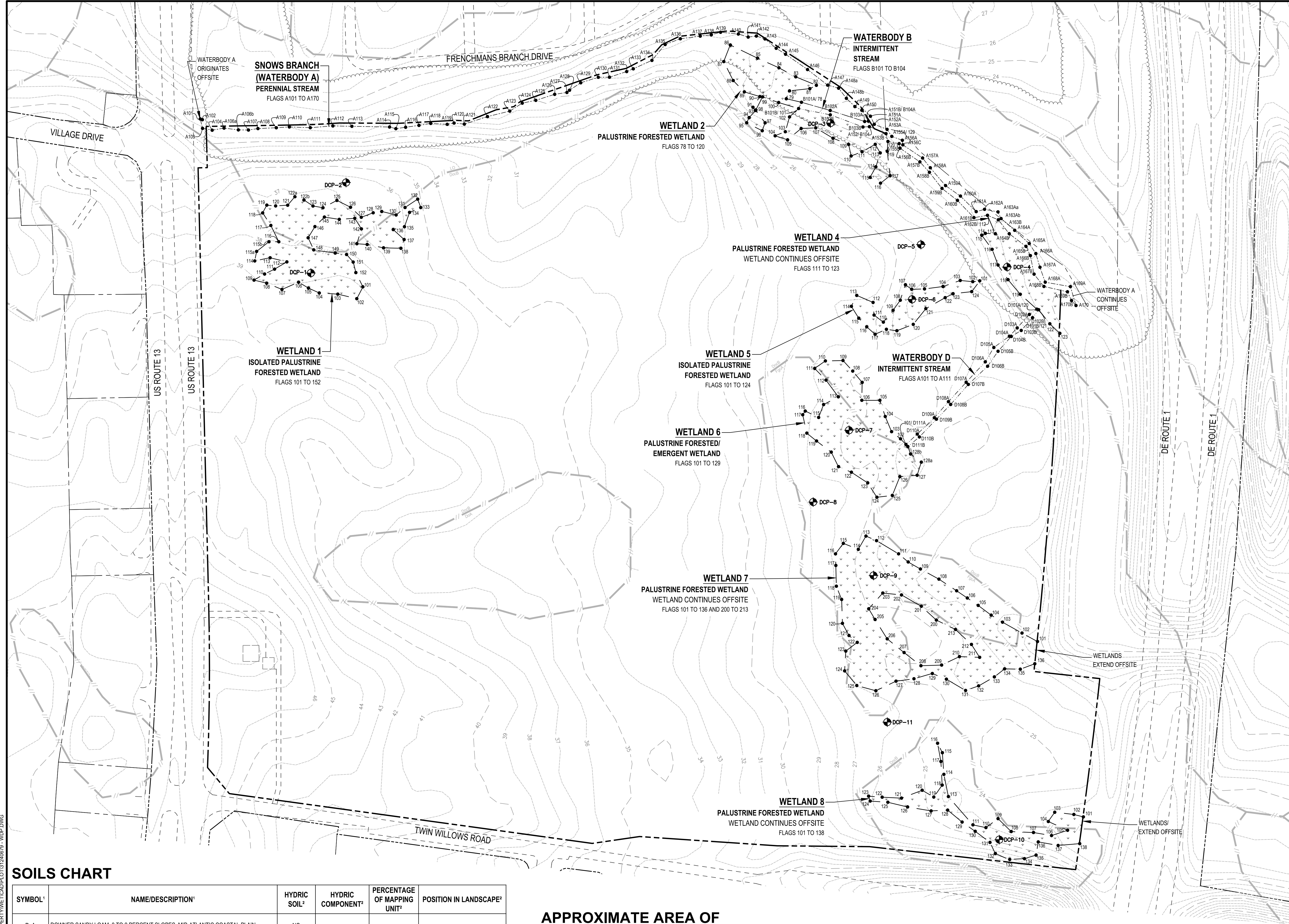
a. USACE site visit on December 6, 2024.

⁷ 88 FR 3004 (January 18, 2023)

OPR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2024-00776-103

- b. Wetland Delineation Plans titled “Wetland Delineation Plan Ellery Property”; prepared by Geo-Technology Associates, Incorporated; dated June 12, 2023; revised December 10, 2024; 3 sheets.
 - c. Wetland Delineation Report titled “Wetland Delineation Report Ellery Property Kent County, Delaware”; prepared by Geo-Technology Associates, Incorporated; dated June 3, 2024.
 - d. Flow Path Map titled “2024-00776_Flowpath” created from the Wetland Delineation Plans.
 - e. Wetland 7 & 8 Offsite Connection images created from USACE National Regulatory Viewer.
10. OTHER SUPPORTING INFORMATION. USACE Headquarters implementing field memos “Memorandum on NAP-2023-01223”, “Memorandum on POH-2023-00187”, “Memorandum on NWK-2024-00392” and “Memorandum on LRB-2023-00451”.
- Directly to the east outside of the review area, Snows Branch (Waterbody A) contains an in-line impoundment as shown by the ponded water and water control structure visible on the west site of SR 1 and on aerial imagery. Although this portion of Snows Branch (Waterbody A) is outside of the review area, it should be noted that Wetland 7 and Wetland 8 have well defined drainage channels that flow into this in-line impoundment.
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR’s structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



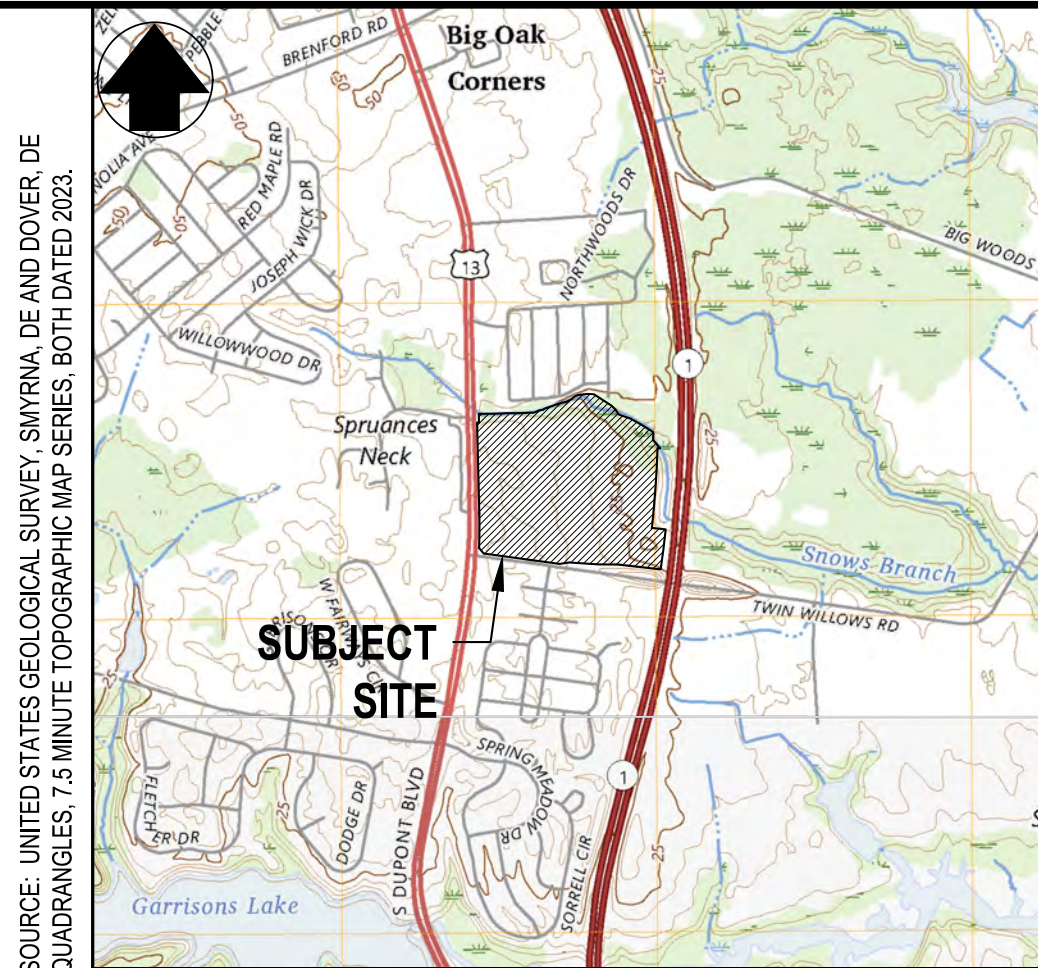
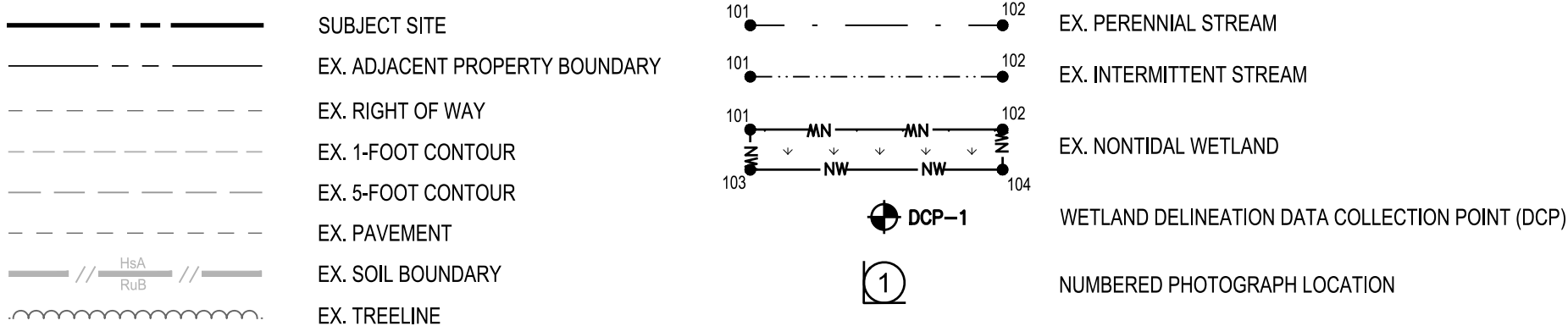
SOILS CHART

SYMBOL ¹	NAME/DESCRIPTION ¹	HYDRIC SOIL ²	HYDRIC COMPONENT ²	PERCENTAGE OF MAPPING UNIT ²	POSITION IN LANDSCAPE ²
Doa	DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	NO	-	-	-
Docb	DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	NO	-	-	-
FgcA	FALLSINGTON LOAMS, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	YES	FALLSINGTON, UNDRAINED	38	FLATS
			FALLSINGTON, DRAINED	37	
			OTHELLO	6	
LO	LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED	YES	LONGMARSH	43	FLOODPLAINS
			INDIANTOWN	37	FLOODPLAINS
			ZEKIAH	10	FLOODPLAINS
			MANAHAWKIN	5	FLOODPLAINS, SWAMPS

1. UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE, KENT COUNTY, DELAWARE, SOIL SURVEY DATA VERSION 20, DATED SEPTEMBER 12, 2023.
2. HYDRIC SOILS INFORMATION AVAILABLE FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE SOIL DATA ACCESS HYDRIC SOILS LIST, ACCESSED MAY 19, 2024.

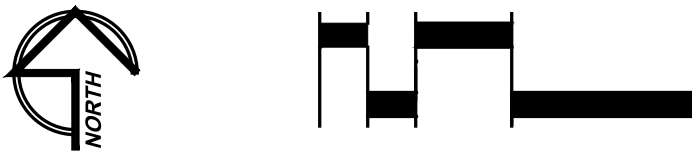
APPROXIMATE AREA OF WETLANDS/ WATERBODIES

WETLAND	APPROXIMATE AREA
WETLAND 1	36,883 SF (0.85 AC)
WETLAND 2	25,450 SF (0.58 AC)
WETLAND 4	14,106 SF (0.32 AC)
WETLAND 5	11,470 SF (0.26 AC)
WETLAND 6	36,117 SF (0.83 AC)
WETLAND 7	69,797 SF (1.58 AC)
WETLAND 8	17,653 SF (0.41 AC)
TOTAL WETLAND AREA	210,658 SF (4.84 AC)
WATERBODY SNOWS BRANCH (WATERBODY A)	17,360 SF (0.40 AC)
WATERBODY B	1,768 SF (0.04 AC)
WATERBODY D	3,219 SF (0.07 AC)
	APPROXIMATE LENGTH
	2,243 LINEAR FEET
	518 LINEAR FEET
	1,831 LINEAR FEET



SOURCE: UNITED STATES GEOLOGICAL SURVEY, SMYRNA, DE AND DOVER, DE
QUADRANGLES: 7.5 MINUTE TOPOGRAPHIC MAP SERIES, BOTH DATED 2023.

- LOCATION: EAST OF SOUTH DUPONT BOULEVARD (US ROUTE 13)
NORTH OF TWIN WILLOWS ROAD IN THE SMYRNA
AREA OF KENT COUNTY, DELAWARE.
- PLAN PREPARED FOR: K. HOVANIAN DELAWARE DIVISION, INC.
2409 SOUTH DUPONT BOULEVARD, SUITE G.
SMYRNA, DELAWARE 19977
ATTN: MR. JONATHAN CONTANT
- PLAN PREPARED BY: GEO-TECHNOLOGY ASSOCIATES, INC. (GTA)
3445-A BOX HILL CORPORATE CENTER DRIVE
ABINGDON, MARYLAND 21009
ATTN: MR. CAMERON LINGER
- AREA OF REVIEW: 67.08± ACRES
- AN EXISTING CONDITIONS BASE SHOWN HEREON WAS PROVIDED BY MORRIS & RITCHIE ASSOCIATES,
INC. (MRA).
- THE SUBJECT SITE IS IDENTIFIED AS KENT COUNTY TAX PARCEL 1-00-02800-02-5000-00001.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP
(FIRM) NUMBER 10005C0263L, EFFECTIVE MARCH 20, 2016, THE SUBJECT SITE IS NOT LOCATED WITHIN
THE LIMITS OF THE 100-YEAR FLOODPLAIN.
- A WETLAND DELINEATION OF THE SUBJECT SITE WAS PERFORMED BY GTA IN APRIL 2024. WETLAND
FLAG LOCATIONS WERE SURVEY LOCATED BY MRA IN JUNE 2024.
- AS A RESULT OF THE REVIEW OF THE SITE, IT IS GTA'S PROFESSIONAL OPINION THAT THERE ARE
JURISDICTIONAL "WATERS OF THE U.S.," INCLUDING WETLANDS, PRESENT WITHIN THE SUBJECT SITE.
IN GTA'S PROFESSIONAL OPINION, THE WETLANDS PRESENT WITHIN THE SUBJECT SITE HAVE A
CONTINUOUS SURFACE CONNECTION TO "WATERS OF THE U.S.," THEREFORE, SHOULD BE
CONSIDERED FEDERALLY JURISDICTIONAL. IN GTA'S PROFESSIONAL OPINION, WETLAND 1 AND
WETLAND 5 ARE GEOGRAPHICALLY ISOLATED AND SHOULD NOT BE CONSIDERED
FEDERALLY-JURISDICTIONAL WETLANDS.
- GTA'S CONCLUSIONS REGARDING THIS SITE HAVE BEEN BASED ON OBSERVATIONS OF EXISTING
CONDITIONS, PROFESSIONAL EXPERIENCE, AND GENERALLY ACCEPTED PROFESSIONAL
ENVIRONMENTAL PRACTICE UNDER SIMILAR CIRCUMSTANCES. SEASONAL VEGETATION CYCLES AND
FLUCTUATIONS IN PRECIPITATION OR WEATHER CONDITIONS CAN RESULT IN DIFFERENCES IN THE
PERCEPTION OF HYDROLOGIC CONDITIONS AND THE PRESENCE OF PREDOMINANTLY HYDROPHYTIC
VEGETATION, WHICH CAN ALTER GTA'S EVALUATION OF WETLANDS/WATERWAYS.
- IT IS IMPORTANT TO NOTE THAT THIS EVALUATION IS GTA'S PROFESSIONAL OPINION, ONLY.
DECISIONS REGARDING THE OFFICIAL JURISDICTIONAL STATUS OF WETLANDS/WATERWAYS ARE
MADE BY FEDERAL, STATE, AND/OR LOCAL REGULATORY AGENCIES.
- THIS PLAN WAS PREPARED BY GTA FOR THE SOLE AND EXCLUSIVE USE OF K. HOVANIAN DELAWARE
DIVISION, INC. ANY REPRODUCTION OF THIS PLAN BY ANY OTHER PERSON WITHOUT THE EXPRESSED
WRITTEN PERMISSION OF GTA AND K. HOVANIAN DELAWARE DIVISION, INC. IS UNAUTHORIZED, AND
SUCH USE IS AT SOLE RISK OF THE USER.



3445-A BOX HILL CORPORATE CENTER DRIVE
ABINGDON, MARYLAND 21009
410-515-9446
FAX: 410-515-4895
WWW.GTAENG.COM

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REVISIONS:

2024-12-10 ADDED METES AND BOUNDS FOR WETLANDS AND WATERBODIES

FLAG	D102A	TO	D103A	THENCE (2) South 42°05'29" West, 39.59 feet to a point of non-tangency;
FLAG	D103A	TO	D104A	THENCE (3) South 43°11'30" West, 24.94 feet to a point of non-tangency;
FLAG	D104A	TO	D105A	THENCE (4) South 54°04'05" West, 41.72 feet to a point of non-tangency;
FLAG	D105A	TO	D106A	THENCE (5) South 30°46'05" West, 36.29 feet to a point of non-tangency;
FLAG	D106A	TO	D107A	THENCE (6) South 43°05'50" West, 60.93 feet to a point of non-tangency;
FLAG	D107A	TO	D108A	THENCE (7) South 42°27'18" West, 57.52 feet to a point of non-tangency;
FLAG	D108A	TO	D109A	THENCE (8) South 41°13'43" West, 46.66 feet to a point of non-tangency;
FLAG	D109A	TO	D110A	THENCE (9) South 46°13'19" West, 51.43 feet to a point of non-tangency;
FLAG	D110A	TO	101/D111A	THENCE (10) South 47°24'41" West, 33.39 feet;

WATERBODY DB

FLAG	D101B/121	TO	D102B	THENCE (1) South 37°15'18" West, 21.79 feet to a point of non-tangency;
FLAG	D102B	TO	D103B	THENCE (2) South 41°32'55" West, 37.31 feet to a point of non-tangency;
FLAG	D103B	TO	D104B	THENCE (3) South 58°57'11" West, 25.20 feet to a point of non-tangency;
FLAG	D104B	TO	D105B	THENCE (4) South 41°47'06" West, 43.33 feet to a point of non-tangency;
FLAG	D105B	TO	D106B	THENCE (5) South 34°52'27" West, 39.71 feet to a point of non-tangency;
FLAG	D106B	TO	D107B	THENCE (6) South 46°39'29" West, 57.74 feet to a point of non-tangency;
FLAG	D107B	TO	D108B	THENCE (7) South 41°25'37" West, 58.32 feet to a point of non-tangency;
FLAG	D108B	TO	D109B	THENCE (8) South 43°57'37" West, 44.69 feet to a point of non-tangency;
FLAG	D109B	TO	D110B	THENCE (9) South 43°49'27" West, 53.54 feet to a point of non-tangency;
FLAG	D110B	TO	D111B	THENCE (10) South 50°10'51" West, 32.71 feet;

FLAG	A138	TO	A139	THENCE (38) North 74°25'29" East, 20.82 feet to a point of non-tangency;
FLAG	A139	TO	A140	THENCE (39) South 84°23'32" East, 38.55 feet to a point of non-tangency;
FLAG	A140	TO	A141	THENCE (40) South 72°49'29" East, 22.96 feet to a point of non-tangency;
FLAG	A141	TO	A142	THENCE (41) North 82°36'59" East, 17.98 feet to a point of non-tangency;
FLAG	A142	TO	A143	THENCE (42) South 71°17'56" East, 19.81 feet to a point of non-tangency;
FLAG	A143	TO	A144	THENCE (43) South 50°10'34" East, 31.91 feet to a point of non-tangency;
FLAG	A144	TO	A145	THENCE (44) South 57°35'46" East, 24.18 feet to a point of non-tangency;
FLAG	A145	TO	A146	THENCE (45) South 55°05'07" East, 57.97 feet to a point of non-tangency;
FLAG	A146	TO	A147	THENCE (46) South 52°13'00" East, 55.54 feet to a point of non-tangency;
FLAG	A147	TO	A148a	THENCE (47) South 74°31'37" East, 24.88 feet to a point of non-tangency;
FLAG	A148a	TO	A148b	THENCE (48) South 37°26'51" East, 28.08 feet to a point of non-tangency;
FLAG	A148b	TO	A149	THENCE (49) South 45°58'13" East, 25.85 feet to a point of non-tangency;
FLAG	A149	TO	A150	THENCE (50) South 62°02'59" East, 16.84 feet to a point of non-tangency;
FLAG	A150	TO	A151B/B104A	THENCE (51) South 31°12'17" East, 27.99 feet to a point of non-tangency;
FLAG	A151B/B104A	TO	A152/B104	THENCE (52) South 11°03'31" East, 12.07 feet to a point of non-tangency;
FLAG	A152/B104	TO	A153B	THENCE (53) South 67°03'33" East, 39.20 feet to a point of non-tangency;
FLAG	A153B	TO	A154B	THENCE (54) South 13°23'31" East, 17.45 feet to a point of non-tangency;
FLAG	A154B	TO	A155B	THENCE (55) South 78°51'08" East, 25.02 feet to a point of non-tangency;
FLAG	A155B	TO	A156B	THENCE (56) South 10°26'21" East, 10.07 feet to a point of non-tangency;
FLAG	A156B	TO	A157B	THENCE (57) South 55°27'27" East, 52.42 feet to a point of non-tangency;
FLAG	A157B	TO	A158B	THENCE (58) South 42°31'32" East, 30.81 feet to a point of non-tangency;
FLAG	A158B	TO	A159B	THENCE (59) South 37°51'44" East, 44.55 feet to a point of non-tangency;
FLAG	A159B	TO	A160B	THENCE (60) South 52°15'20" East, 42.70 feet to a point of non-tangency;
FLAG	A160B	TO	A161B	THENCE (61) South 43°39'42" East, 52.20 feet to a point of non-tangency;
FLAG	A161B	TO	A162B/112	THENCE (62) North 79°53'14" East, 29.87 feet to a point of non-tangency;
FLAG	A162B/112	TO	A163B	THENCE (63) South 67°27'58" East, 25.72 feet to a point of non-tangency;
FLAG	A163B	TO	A164B	THENCE (64) South 37°59'34" East, 38.64 feet to a point of non-tangency;
FLAG	A164B	TO	A165B	THENCE (65) South 52°57'44" East, 45.67 feet to a point of non-tangency;
FLAG	A165B	TO	A166B	THENCE (66) South 25°21'16" East, 22.52 feet to a point of non-tangency;
FLAG	A166B	TO	A167B	THENCE (67) South 11°08'21" East, 40.88 feet to a point of non-tangency;
FLAG	A167B	TO	A168B	THENCE (68) South 38°41'53" East, 34.42 feet to a point of non-tangency;
FLAG	A168B	TO	A169B	THENCE (69) South 77°11'52" East, 52.72 feet to a point of non-tangency;
FLAG	A169B	TO	A170B	THENCE (70) South 24°40'02" East, 21.11 feet;

