



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 21-JUL-2021  
ORM Number: NAP-2020-00565  
Associated JDs: N/A  
Review Area Location<sup>1</sup>: Slaughter Beach Lot 45  
State/Territory: DE City: County/Parish/Borough: Sussex County  
Center Coordinates of Review Area: Latitude 38.928841 Longitude -75.316426

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2020-00565 PEM	0.134 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: Wetlands Delineation & Site survey Plan last revised 7-19-21.  
This information is sufficient for purposes of this AJD.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: JD sketch on imagery dated 3-30-21.
- Corps Site visit(s) conducted on:
- Previous Jurisdictional Determinations
- Antecedent Precipitation Tool:
- USDA NRCS Soil Survey:
- USFWS NWI maps:
- USGS topographic maps:

**Other data sources used to aid in this determination:**

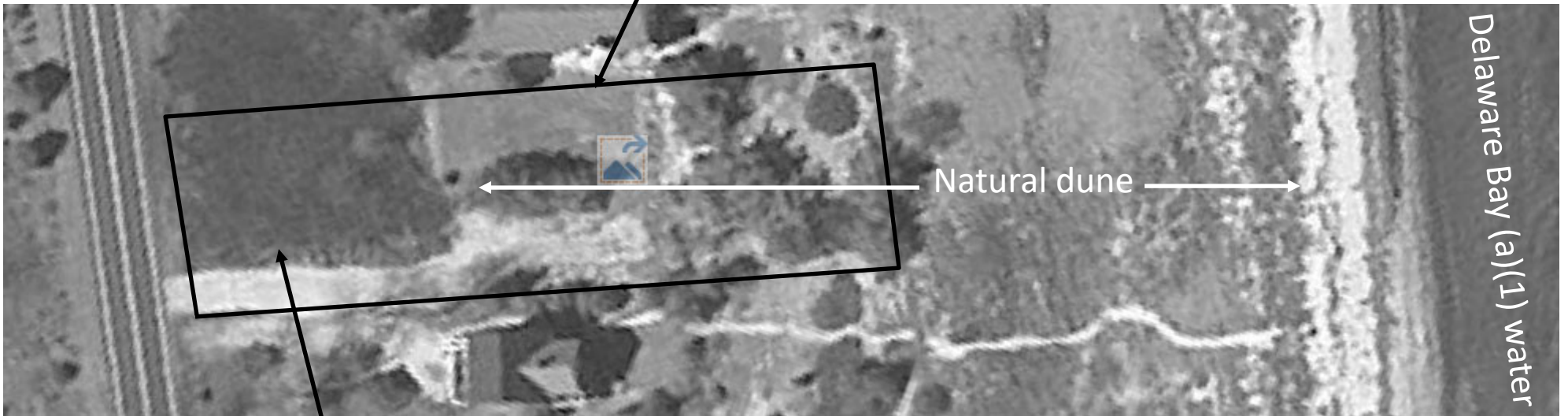

- B. Typical year assessment(s):** N/A.
- C. Additional comments to support AJD:** N/A.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.  
<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.  
<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.  
<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.  
<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

# 2020-00565 JD sketch



Approx. property line



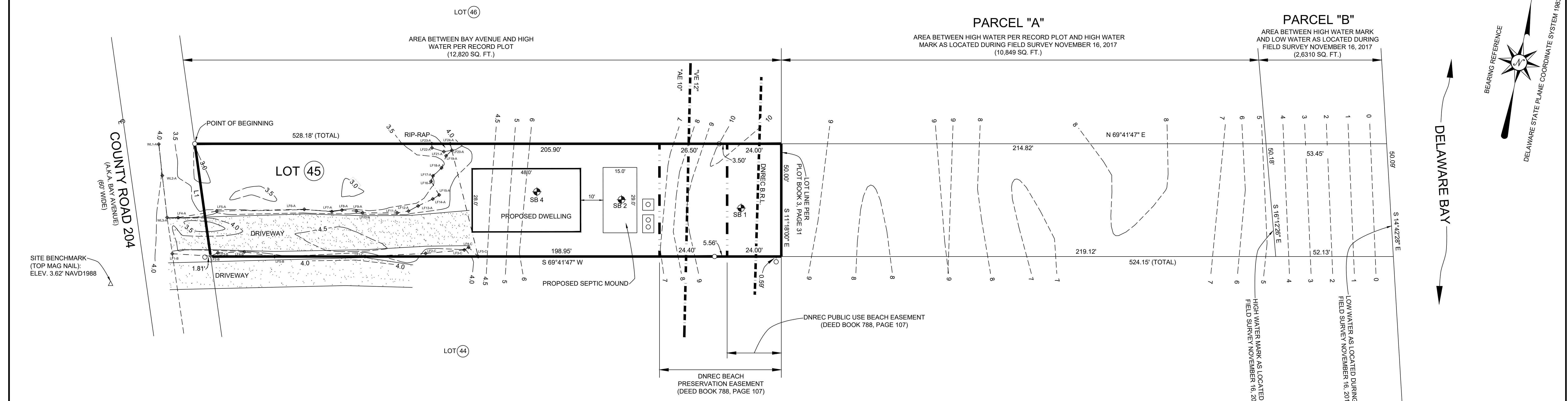
Natural dune

Delaware Bay (a)(1) water

Subject wetland (partially filled)  
see plan for delineation

Subject wetland is an (a)(4) water (Adjacent wetlands)

LINE	BEARING	DISTANCE
L1	N 28°16'24" W	50.49'

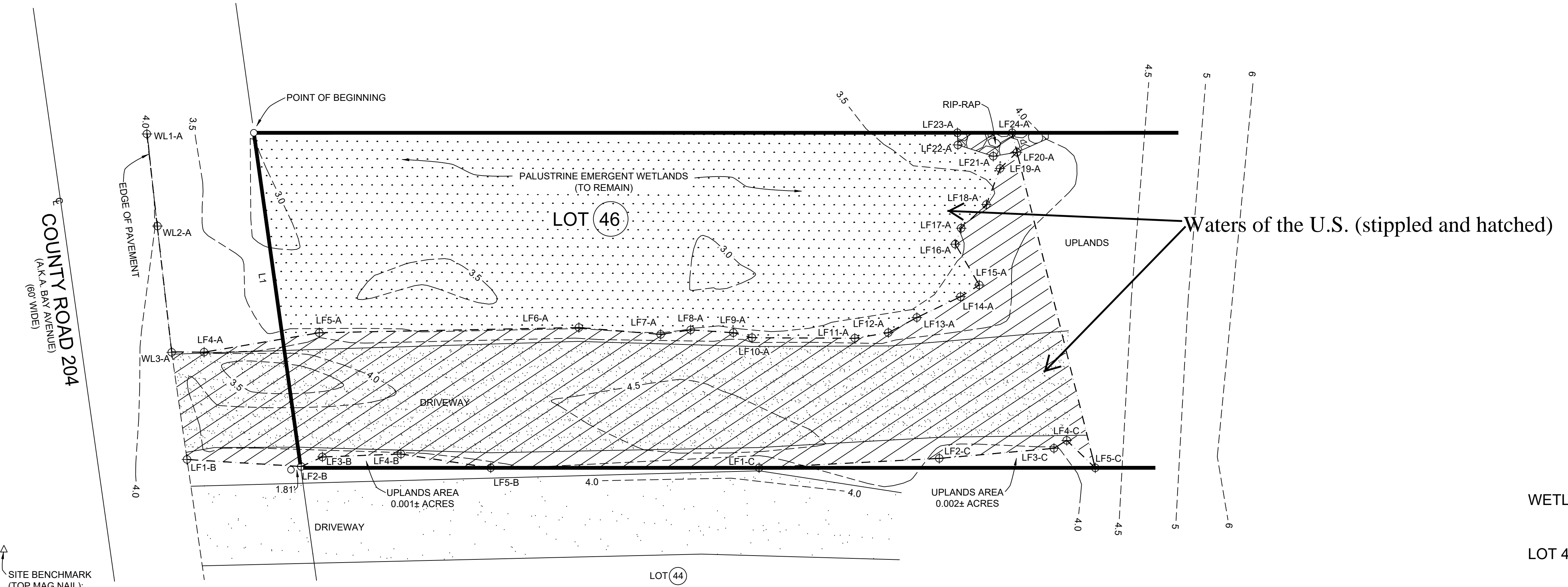


**WETLAND POINTS**

Point	North	East
WL1-A	338291.85	684643.87
WL2-A	338279.33	684650.17
WL3-A	338262.63	684658.62
LF4-A	338264.26	684663.18
LF5-A	338272.94	684678.30
LF6-A	338287.13	684714.38
LF7-A	338290.10	684726.17
LF8-A	338292.58	684730.14
LF9-A	338294.40	684736.26
LF10-A	338294.67	684739.14
LF11-A	338299.91	684753.56
LF12-A	338302.43	684757.96
LF13-A	338306.02	684761.16
LF14-A	338311.20	684766.21
LF15-A	338313.82	684768.23
LF16-A	338318.29	684782.75
LF17-A	338320.83	684782.74
LF18-A	338325.45	684765.05
LF19-A	338331.21	684765.10
LF20-A	338334.36	684766.63
LF21-A	338243.28	685037.38
LF22-A	338242.79	685026.29
LF23-A	338246.14	685024.93
LF24-A	338251.81	685040.26
LF1-B	338248.36	684868.35
LF2-B	338253.29	684882.70
LF3-B	338255.73	684885.17
LF4-B	338260.20	684896.01
LF5-B	338262.92	684709.29
LF1-C	338276.82	684746.86
LF2-C	338287.47	684771.60
LF3-C	338294.82	684787.13
LF4-C	338296.60	684788.51
LF5-C	338294.23	684793.91

**AREA TABLE**

- TOTAL PARCEL AREA: 0.294± ACRES
- TOTAL UPLANDS: 0.161± ACRES
- TOTAL WETLANDS: 0.134± ACRES
- TOTAL WETLANDS FILLED: 0.066± ACRES
  - WITHIN SUBJECT PARCEL: 0.059± ACRES
    - DRIVEWAY: 0.059± ACRES
    - RIP-RAP ENCROACHMENT: 0.001± ACRES
  - WITHIN RIGHT-OF-WAY: 0.007± ACRES
- TOTAL VOLUME OF FILLED WETLANDS: 61.5± CUBIC YARDS
  - WITHIN SUBJECT PARCEL: 58.1± CUBIC YARDS
  - WITHIN RIGHT-OF-WAY: 3.4± CUBIC YARDS
- TOTAL WETLANDS TO REMAIN: 0.075± ACRES



**WETLANDS DELINEATION & SITE SURVEY PLAN**  
PREPARED FOR  
DENNIS E. YOUNG  
LOT 45, CEDAR BEACH, PLOT BOOK 3, PAGE 31  
(A.K.A. 595 BAY AVENUE)  
TAX PARCEL No. 3-30-9.00-38.00  
SURVEY CLASSIFICATION: SUBURBAN  
AREA: 12,820± SQUARE FEET  
SITUATE IN: TOWN OF SLAUGHTER BEACH, CEDAR CREEK HUNDRED  
SUSSEX COUNTY, STATE OF DELAWARE

**NOTES:**

- SOURCE OF TITLE: DEED BOOK 5054, PAGE 281
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- THE FLOOD BOUNDARY LINE SHOWN HEREON IS PLOTTED BY GRAPHIC SCALING FROM THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10005C0065-K, EFFECTIVE DATE: MARCH 16, 2015
- VERTICAL DATUM: NAVD 1988

**WETLAND DELINEATION CERTIFICATION STATEMENT:**

I, KENNETH W. REDINGER, CERTIFY THAT THIS PROPERTY HAS BEEN EVALUATED IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH REGULATORY GUIDANCE DOCUMENTS ISSUED OCTOBER 7, 1991 AND MARCH 6, 1992, THE U.S. SUPREME COURT DECISION IN THE SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. THE U.S. ARMY CORPS OF ENGINEERS (JANUARY 9, 2001), MEMORANDUM OF CLEAN WATER ACT JURISDICTION FOLLOWING THE U.S. SUPREME COURT DECISION IN RAPANOS V. UNITED STATES (DECEMBER 2, 2008), AND PRACTICES FOR DOCUMENTING JURISDICTION UNDER SECTION 404 OF THE CLEAN WATER ACT AND SECTIONS 8 & 10 OF THE RIVERS & HARBORS ACT OF 1989 (RGL 07-01). THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS WATERS OF THE UNITED STATES/WETLAND BOUNDARIES WITHIN THE SUBJECT PROPERTY.

KENNETH W. REDINGER DATE

**SURVEYOR'S STATEMENT:**

I, R.B. KEMP, III, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

R.B. KEMP, III, P.L.S. 541

**LEGEND:**

○	FOUND IRON PIPE
●	FOUND IRON BAR
SB 2	SOIL BORING
LF1-B	WETLAND FLAG
---	EXISTING CONTOUR & ELEVATION
---	FLOOD BOUNDARY
---	WETLANDS BOUNDARY
▨	FILLED WETLANDS AREA
...	PALUSTRINE EMERGENT WETLANDS

**Karins and Associates**  
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DATE: 06-04-2021; REVISED: 07-19-2021 SCALE: 1"=20' SHEET 1 OF 1 PLAN NO. G1207-D