



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

December 13, 2023

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2023-00049-85  
Whitetail Run Delmar SX  
Center coordinates (38.46548°N, 75.545492 °W)



Dear [REDACTED]:

This Approved Jurisdictional Determination (AJD) is provided in response to your request for a determination of federal jurisdiction by this office. The site associated with your request is located at Tax Map Parcel 532-21.00-3.00, southeast of Old Stage Road in Delmar, Sussex County, Delaware.

The findings of this AJD are documented in the **enclosed** MFR (Memorandum for Record) Form. The findings are also depicted on the **enclosed** plan(s) identified as WETLAND DELINEATION PLAN WHITETAIL RUN SUSSEX COUNTY, DELAWARE, prepared by Geo-Technology Associates, Incorporated, dated November 22, 2022 and revised on November 6, 2023, 1 sheet.

A Department of the Army permit is required for work or structures in "navigable waters of the United States" pursuant to Section 10 the Rivers and Harbors Act (RHA) of 1899 and the discharge of dredged or fill material into "waters of the United States" pursuant to Section 404 of the Clean Water Act (CWA). Any proposal to perform these activities within areas of federal jurisdiction requires prior approval by this office.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five (5) years. This AJD 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 this AJD 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.

You may request an administrative appeal of this AJD if you do not accept this determination. **Enclosed** you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. Should you wish to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office within 60 days of the date on the form. Additionally, for the appeal to be accepted, the Corps must determine that it is complete and that it meets the criteria for appeal under 33 CFR Part 331.5. The form should be submitted to [REDACTED]. If you do not have the means to submit this form electronically, you may send it by mail to the Division office at:

US Army Corps of Engineers North Atlantic Division  
Attn: Andrew Dangler (CENAD-PD-OR)

[REDACTED]

If you have any questions regarding this matter, please contact [REDACTED]

Sincerely,

[REDACTED]  
Chief, Applications Section I

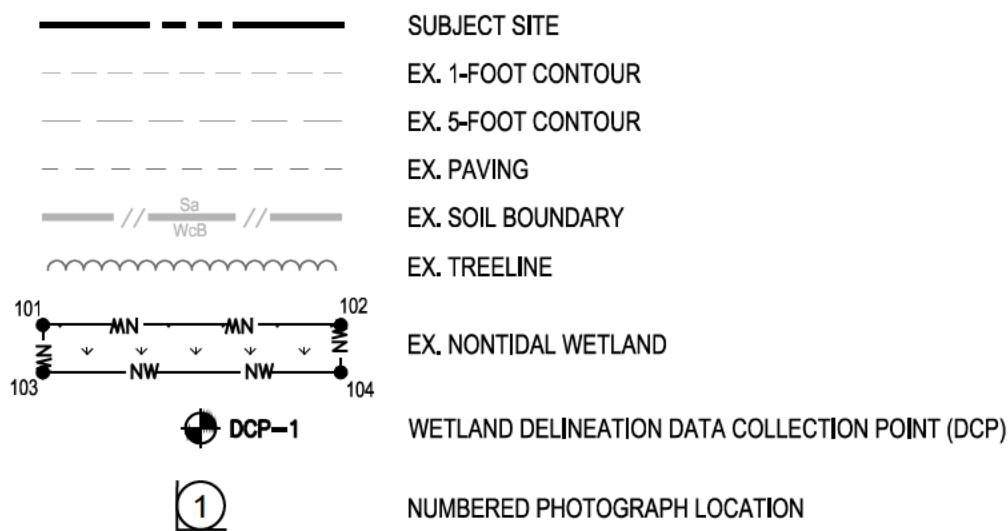
Enclosure(s)

cc:

[REDACTED], Geo-Technology Associates, Incorporated  
Wetlands and Waterways Section, DDNREC  
Sussex Conservation District  
Wetlands Branch, USEPA Region 3



LEGEND

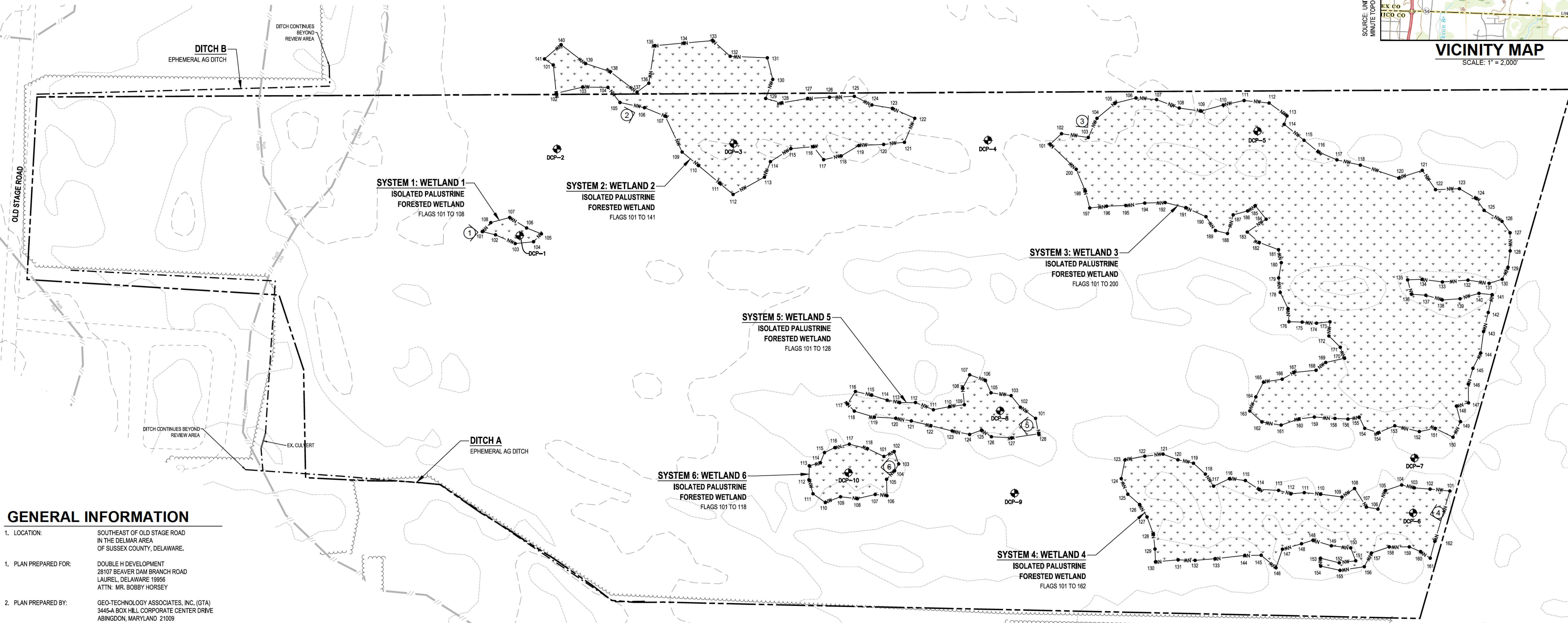
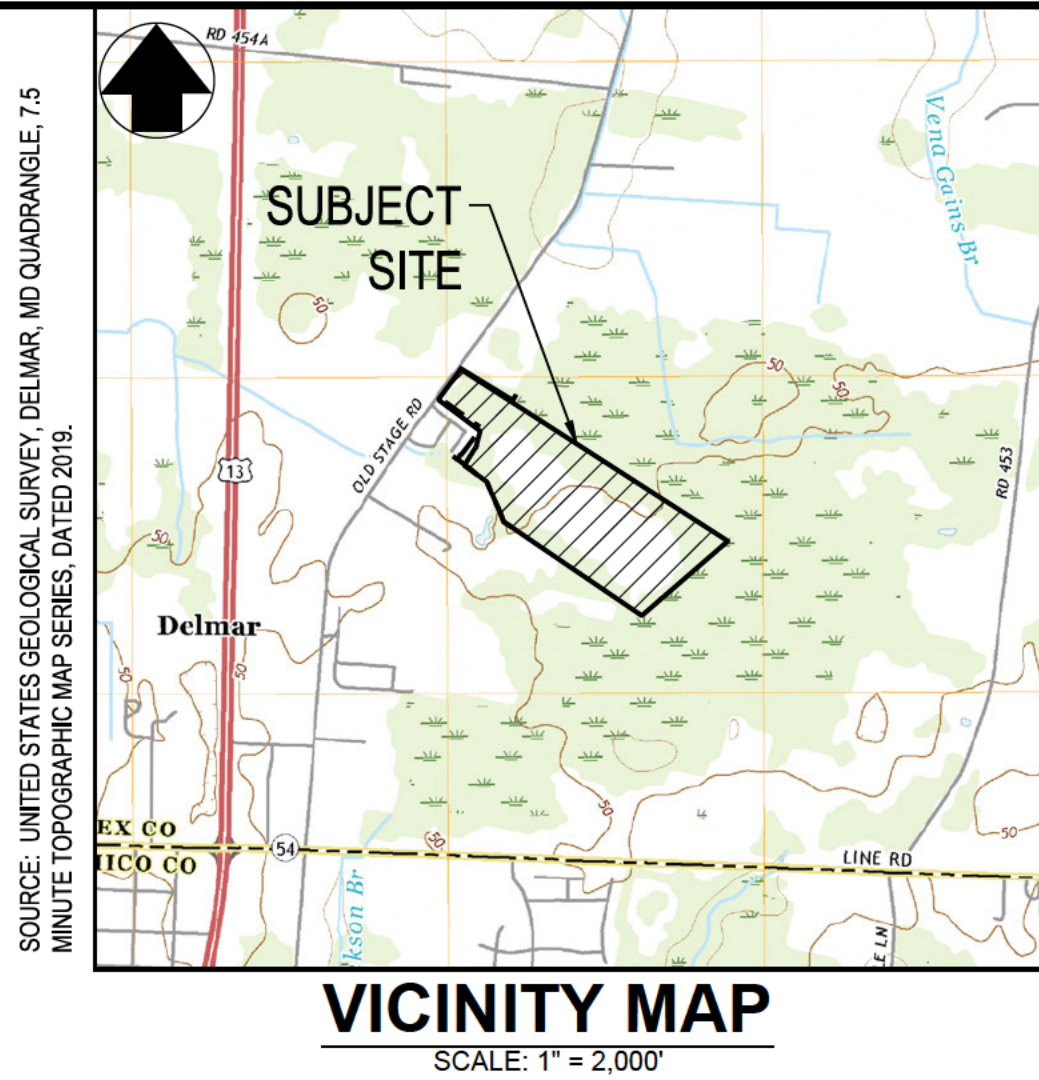


SOILS CHART

SYMBOL <sup>1</sup>	NAME/DESCRIPTION <sup>1</sup>	HYDRIC SOIL <sup>2</sup>	HYDRIC COMPONENT <sup>2</sup>	PERCENTAGE OF MAPPING UNIT <sup>2</sup>	POSITION IN LANDSCAPE <sup>2</sup>
FaA	FALLSINGTON SANDY LOAMS, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	YES	FALLSINGTON, UNDRAINED	48	FLATS
			FALLSINGTON, DRAINED	27	FLATS
			OTHELLO	8	FLATS
KpA	KEYPORT SILT LOAM, 0 TO 2 PERCENT SLOPES	YES	LENNI, DRAINED	5	FLATS
			LENNI, DRAINED	50	FLATS
LhA	LENNI SILT LOAM, 0 TO 2 PERCENT SLOPES	YES	LENNI, UNDRAINED	30	FLATS
			CORSICA	5	DEPRESSIONS
PpA	PEPPERBOX LOAMY SAND, 0 TO 2 PERCENT SLOPES	NO	-	-	-

1. UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE, SUSSEX COUNTY, DELAWARE, SOIL SURVEY DATA VERSION 23, DATED SEPTEMBER 14, 2022.

2. HYDRIC SOILS INFORMATION AVAILABLE FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE SOIL DATA ACCESS HYDRIC SOILS LIST, ACCESSED NOVEMBER 8, 2022.

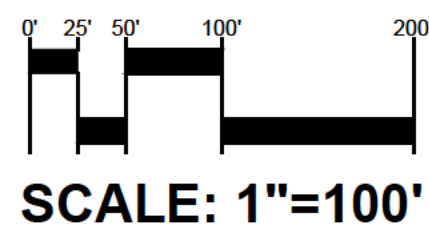


GENERAL INFORMATION

- LOCATION: SOUTHEAST OF OLD STAGE ROAD IN THE DELMAR AREA OF SUSSEX COUNTY, DELAWARE.
- PLAN PREPARED FOR: DOUBLE H DEVELOPMENT  
28107 BEAVER DAM BRANCH ROAD  
LAUREL, DELAWARE 19956  
ATTN: MR. BOBBY HORSEY
- PLAN PREPARED BY: GEO-TECHNOLOGY ASSOCIATES, INC. (GTA)  
3445-A BOX HILL CORPORATE CENTER DRIVE  
ABINGDON, MARYLAND 21009  
ATTN: MR. MATTHEW JENNETTE
- AREA OF REVIEW: 68.49± ACRES
- TOPOGRAPHIC INFORMATION AND PAVEMENT LIMITS WERE OBTAINED FROM SUSSEX COUNTY GIS APPLICATIONS.
- THE SUBJECT SITE IS IDENTIFIED AS SUSSEX COUNTY TAX PARCEL 532-21.00-3.00.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0560L, EFFECTIVE MARCH 20, 2018, THE SUBJECT SITE IS NOT LOCATED WITHIN THE LIMITS OF THE 100-YEAR FLOODPLAIN.
- SOILS SHOWN ON THIS PLAN WERE ADAPTED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE'S WEB SOIL SURVEY, ACCESSED ON NOVEMBER 8, 2022, AVAILABLE ONLINE AT <HTTP://WWW.MD.NRCS.USDA.GOV/TECHNICAL/SOILS.HTML>.
- WETLAND DELINEATION OF THE SUBJECT SITE WAS PERFORMED BY GTA IN AUGUST 2022. WETLAND FLAG LOCATIONS WITHIN THE SUBJECT SITE WERE SURVEY LOCATED BY SOLUTIONS IPREM IN OCTOBER 2022.
- AS A RESULT OF THE REVIEW OF THE SITE, IT IS GTA'S PROFESSIONAL OPINION THAT THERE ARE NO JURISDICTIONAL "WATERS OF THE U.S.", INCLUDING WETLANDS, PRESENT WITHIN THE SUBJECT SITE. IN GTA'S PROFESSIONAL OPINION, ALL OF THE WETLANDS PRESENT WITHIN THE SUBJECT SITE ARE ISOLATED NONTIDAL WETLANDS AND, THEREFORE, SHOULD NOT BE CONSIDERED STATE OR FEDERAL JURISDICTIONAL.
- 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 DOUBLE H DEVELOPMENT. ANY REPRODUCTION OF THIS PLAN BY ANY OTHER PERSON WITHOUT THE EXPRESSED WRITTEN PERMISSION OF GTA AND DOUBLE H DEVELOPMENT IS UNAUTHORIZED, AND SUCH USE IS AT SOLE RISK OF THE USER.

APPROXIMATE AREA OF WETLANDS

WETLAND	APPROXIMATE AREA
WETLAND 1	3,901 SF (0.09 AC)
WETLAND 2	71,587 SF (1.64 AC)
WETLAND 3	334,627 SF (7.68 AC)
WETLAND 4	99,750 SF (2.29 AC)
WETLAND 5	24,390 SF (0.56 AC)
WETLAND 6	17,362 SF (0.40 AC)
TOTAL WETLAND AREA	551,597 SF (12.66 AC)



**GEO-TECHNOLOGY ASSOCIATES, INC.**  
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS  
3445-A BOX HILL CORPORATE CENTER DRIVE  
ABINGDON, MARYLAND 21009  
410-515-9446  
FAX: 410-515-4895  
WWW.GTAENG.COM  
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WETLAND DELINEATION PLAN  
WHITETAIL RUN

SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO:
11/06/2023	REVISED PER 10/30/2023 AND 11/02/2023 E-MAIL COMMENTS FROM USACE	312107788x1
		SCALE: 1"=100'
		DATE: NOVEMBER 22, 2022
		DRAWN BY: CEL
		DESIGN BY:
		REVIEW BY: MAJ/TAS
		SHEET: 1 OF 1