



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

October 17, 2023

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2023-00324-85
H & K Shiloh Church Road SX
Center coordinates (38.580699°N,75.476902°W)



Dear Mr. [REDACTED]:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on September 11, 2023 for a determination of federal jurisdiction by this office. The site associated with your request is located on approximately 309 acres on tax map parcel 232-8.00-44.01 on the north side of Shiloh Church Road in Millsboro, Sussex County, Delaware. The findings of this AJD are documented in the **enclosed** documents.

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], Regulatory Program Manager, at [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: [REDACTED] (CENAD-PD-OR)
Fort Hamilton Military Community
301 John Warren Avenue, First Floor
Brooklyn, NY 11252-6700

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

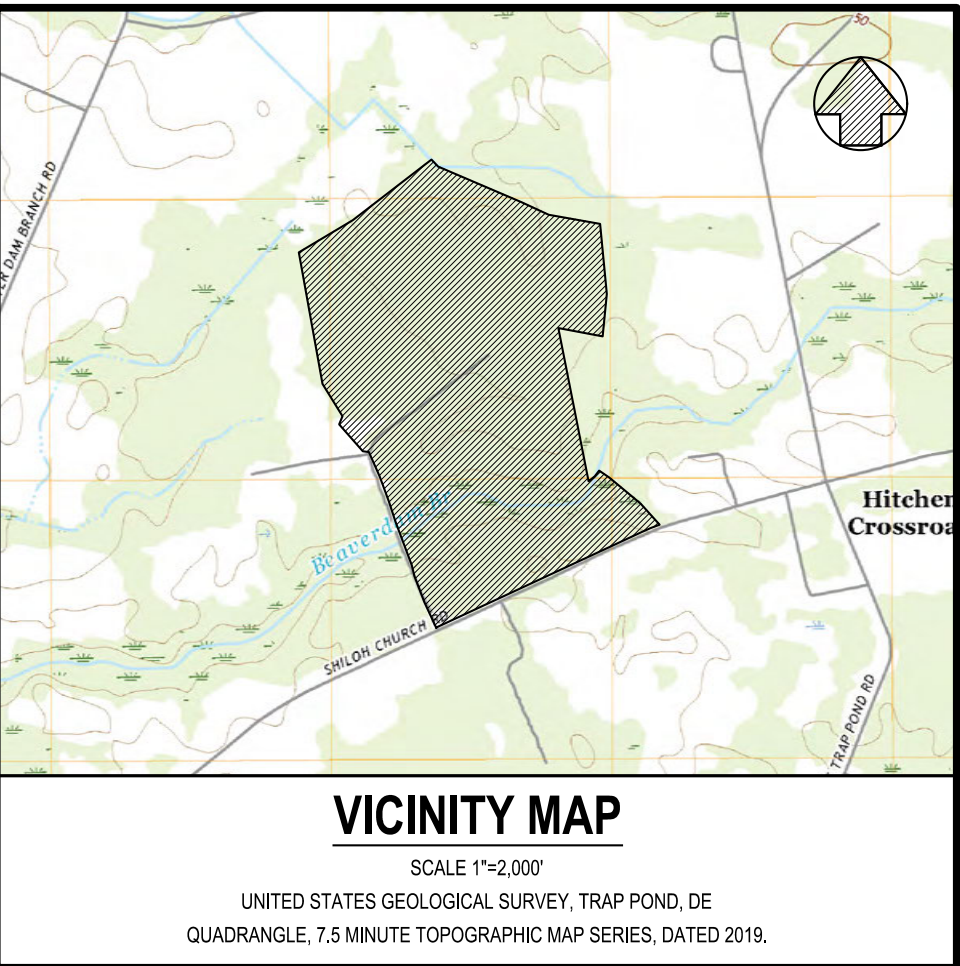
Sincerely,

[REDACTED]
Chief, Application Section I

Enclosures

cc:

[REDACTED]
Wetlands and Waterways Section, DDNREC
Sussex Conservation District
Wetlands Branch, USEPA Region 3



REDACTED

REDACTED

AREA OF WETLANDS

WETLAND	APPROXIMATE AREA
WETLAND 1	25,843 SF (0.6 ACRES)
WETLAND 2	2,806 SF (0.06 ACRES)
WETLAND 3	8,701 SF (0.2 ACRES)
WETLAND 4	749,782 SF (17.2 ACRES)
TOTAL WETLANDS	787,132 SF (18.1 ACRES)

3. AREA OF REVIEW: 308.6 ACRES
4. THE SUBJECT SITE BOUNDARY AND ADJACENT PROPERTY BOUNDARIES SHOWN HEREON WERE PROVIDED BY SOLUTIONS' IPM, LLC. EXISTING TOPOGRAPHICAL INFORMATION SHOWN HEREON WAS PROVIDED BY THE DELAWARE GEOLOGICAL SURVEY.
5. THERE ARE NO AREAS OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 100-YEAR FLOODPLAIN WITHIN THE SUBJECT SITE PER FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 100500404L, EFFECTIVE JUNE 20, 2018.
6. THE SUBJECT SITE GENERALLY DRAINS TOWARD BEAVERDAM BRANCH AND NORTH TOWARD AN UNNAMED TRIBUTARY OF DUKES DITCH.
7. A WETLAND DELINEATION OF THE SUBJECT SITE WAS PERFORMED BY GTA IN NOVEMBER 2022. WETLAND FLAG LOCATIONS WITHIN THE SUBJECT SITE WERE SURVEY LOCATED BY SOLUTIONS IPM, LLC IN JANUARY 2023.
8. AS A RESULT OF THE REVIEW OF THE SUBJECT SITE, IT IS GTA'S PROFESSIONAL OPINION THAT THERE ARE JURISDICTIONAL WETLANDS AND WATERBODIES WITHIN THE SUBJECT SITE.
9. GTA'S CONCLUSIONS REGARDING THIS SITE HAVE BEEN BASED ON OBSERVATIONS OF EXISTING CONDITIONS, PROFESSIONAL EXPERIENCE, AND GENERALLY ACCEPTED PROFESSIONAL ENVIRONMENTAL PRACTICES 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/ WATERBODIES.
10. IT IS IMPORTANT TO NOTE THAT THIS EVALUATION IS IN GTA'S PROFESSIONAL OPINION ONLY. DECISIONS REGARDING THE OFFICIAL JURISDICTIONAL STATUS OF WETLANDS/WATERBODIES ARE MADE BY FEDERAL, STATE, AND/OR LOCAL REGULATORY AGENCIES.
11. THIS PLAN WAS PREPARED BY GTA FOR THE SOLE AND EXCLUSIVE USE OF H&K GROUP, INC. ANY REPRODUCTION OF THIS PLAN BY ANY OTHER PERSON WITHOUT THE EXPRESSED WRITTEN PERMISSION OF GTA AND H&K GROUP, INC. IS UNAUTHORIZED, AND SUCH USE IS AT THE SOLE RISK OF THE USER.

LEGEND

- SUBJECT SITE
- ADJACENT PROPERTY BOUNDARY
- EX 1-FOOT CONTOUR
- APPROX. TREELINE
- EX SOIL BOUNDARY
- EX INTERMITTENT STREAM (WITH NUMBERED FLAG LOCATIONS)
- EX PERENNIAL STREAM (WITH NUMBERED FLAG LOCATIONS)
- EX NONTIDAL WETLAND (WITH NUMBERED FLAG LOCATIONS)
- WETLAND DELINEATION DATA COLLECTION POINT (DCP)
- NUMBERED PHOTOGRAPH LOCATION



REDACTED

REDACTED

WETLAND DELINEATION PLAN

SHILOH CHURCH ROAD

PROPERTY

SUSSEX COUNTY, DELAWARE

REVISIONS:

JOB NO: 3122222

SCALE: 1"=100'

DATE: FEBRUARY 6, 2023

DRAWN BY: BMS

DESIGN BY:

REVIEW BY: MAJAS

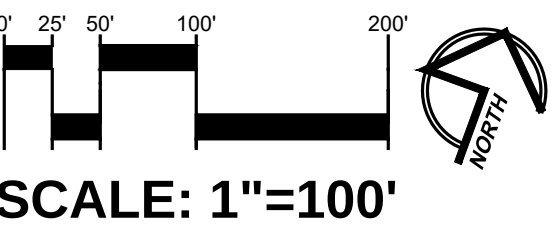
SHEET: 1 OF 2

MATCHLINE - SEE SHEET 2

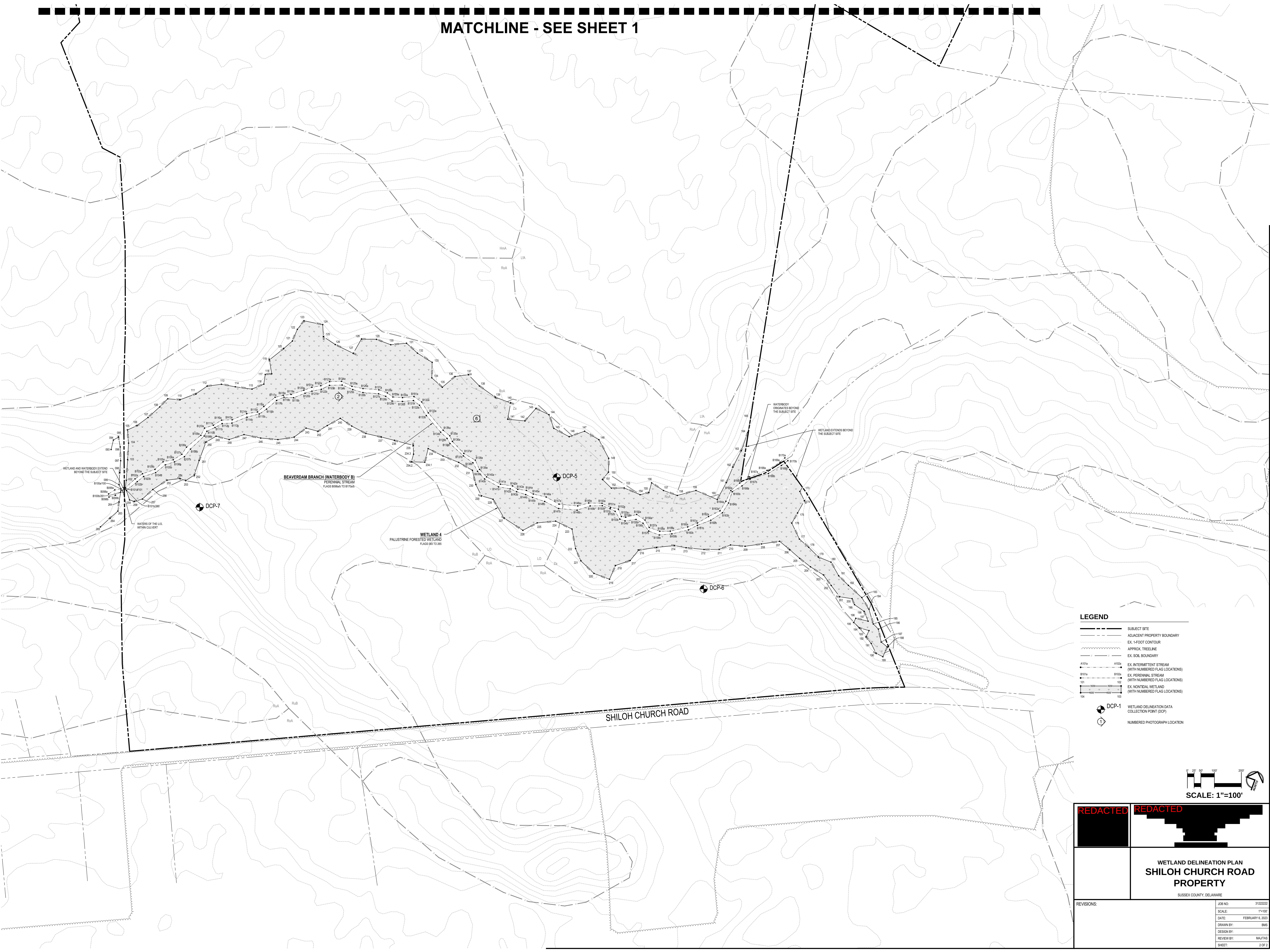
MATCHLINE - SEE SHEET 1

LEGEND

- SUBJECT SITE
- ADJACENT PROPERTY BOUNDARY
- EX 1/4 FOOT CONTOUR
- APPROX TREELINE
- EX SOIL BOUNDARY
- EX INTERMITTENT STREAM (WITH NUMBERED FLAG LOCATIONS)
- EX PERENNIAL STREAM (WITH NUMBERED FLAG LOCATIONS)
- EX NORTHEAST WETLAND (WITH NUMBERED FLAG LOCATIONS)
- WETLAND DELINEATION DATA COLLECTION POINT (DCP)
- NUMBERED PHOTOGRAPH LOCATION



REDACTED	REDACTED
WETLAND DELINEATION PLAN SHILOH CHURCH ROAD PROPERTY SUSSEX COUNTY, DELAWARE	
REVISIONS:	JOB NO: 3122223 SCALE: 1"=100' DATE: FEBRUARY 6, 2023 DRAWN BY: BMS DESIGN BY: MAUTAS REVIEW BY: MAUTAS SHEET: 2 OF 2



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