



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

January 3, 2024

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2023-00425-103
Swann Property SX
Center coordinates (38.456355°, -75.141527°)



Dear [REDACTED]:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on May 23, 2023 for a determination of Federal jurisdiction by this office. The site associated with your request is located south of Lighthouse Road, and west of Line Road in Selbyville, Sussex County, Delaware. Tax Parcels 533-18.00-56.00 and 533-18.00-63.00.

The findings of this AJD are documented in the **enclosed** AJD Form. The findings are also depicted on the **enclosed** plan(s) identified as "Wetland Delineation Plan Swann Property Sussex County, Delaware"; prepared by Geo-Technology Associates, Incorporated; dated May 11, 2023; revised October 30, 2023 & November 20, 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.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination 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 a 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
[REDACTED]

If you have any questions regarding this matter, please contact James A. Colligan at 302-518-9480 or James.A.Colligan@usace.army.mil.

Sincerely,

[REDACTED]
Chief, Application Section I

Enclosures

cc:
Wetlands and Waterways Section, DDNREC
Sussex County Conservation District
Wetlands Branch, USEPA Region III

