

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

OPR May 31, 2024

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-2008-00631-103

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. SUMMARY OF CONCLUSIONS.

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.

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- 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. WATERBODY A (ALMS HOUSE DITCH), jurisdictional, Section 404
 - ii. WATERBODY C, jurisdictional, Section 404
- iii. WATERBODY D, jurisdictional, Section 404
- iv. WETLAND 1, jurisdictional, Section 404
- v. WETLAND 2, jurisdictional, Section 404
- vi. SWALE A, non-jurisdictional, (b)(8) exclusion
- vii. SWALE B, non-jurisdictional, (b)(8) exclusion
- viii. SWALE C, non-jurisdictional, (b)(8) exclusion
- ix. DITCH B, non-jurisdictional, (b)(3) exclusion

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 subject site encompasses approximately 96.11 acres and is located west of DuPont Boulevard (US Route 113) and east of Parker Road in the Georgetown area of Sussex County, Delaware (38.671563, -75.391018). The subject site is identified as Sussex County Tax Parcels 135-19.00-64.00 and 65.00. A previous JD was completed in 2008 where jurisdiction was taken over wetlands and relatively permanent waters within the site.

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- 4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. Indian River Bay. The Indian River Bay is influenced by the ebb and flow of the tide, additionally it has been historically used for transportation. Following the flow path of McGee Ditch, the Indian River Bay is approximately 9.1 miles (48,212 ft) downstream.
- 5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. WATERBODY A (ALMS HOUSE DITCH) flows into Stockley Branch, which flows into Cow Bridge Branch, Which flows into the Millsboro Pond, which flows into the Indian River Bay. WATERBODY D flows into McGee Ditch, which flows into Eli Walls Ditch, which flows into Morris Mill Pond, which flows into Cow Bridge Branch, Which flows into the Millsboro Pond, which flows into the Indian River Bay. Following the flow path of McGee Ditch, the Indian River Bay is approximately 9.1 miles (48,212 ft) 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, including how that limit was determined, and incorporate relevant references used.

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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.

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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. WATERBODY A (ALMS HOUSE DITCH) is a 1305 linear foot intermittent tributary. This feature originates offsite to the west and continues offsite to the east. As shown in the photolog (DATASOURCE E) it was holding water during the site visit, contained a defined bed and bank, and had an OHWM. Additionally, it exhibited a weak flow of water. These are features of an at least intermittent stream.
 - b. WATERBODY C is a 1245 linear foot intermittent tributary. At the time of the site visit, there was some water observed within WATERBODY C. It mainly serves as a drainage feature of WETLAND 2 and likely was dug for the purpose of drainage or formed due to runoff. It connects to WATERBODY D downstream with a physical hydrologic connection. The closer the stream came to WATERBODY D the clearer features such as an OHWM and bed and bank became. From the observed flow into WATERBODY D, the OHWM, bed and bank, and serving as drainage to WETLAND 2, WATERBODY C has at least intermittent stream characteristics, and is relatively permanent.
 - c. WATERBODY D is a 530 linear foot intermittent tributary. This feature runs along the northern portion of the property and continues off site to the east. An OHWM and bed and bank were observed within this feature. It was holding water and had a weak flow to the east. It is fed from WATERBODY C and WETLAND 2. From the observed factors this stream is at least intermittent and is relatively permanent.
- f. Adjacent Wetlands (a)(4):
 - a. WETLAND 1 is a 0.82 acre wetland that directly abuts an (a)(3) tributary (WATERBODY A [ALMS HOUSE DITCH]). The physical connection was

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outside the review area, however there were observed outlets from WETLAND 1 into WATERBODY A on site as shown in the delineation report. WETLAND 1 directly drains into WATERBODY A (ALMS HOUSE DITCH) via a direct natural hydrologic connection off site.

- b. WETLAND 2 is a 9.75 acre wetland that encompasses WATERBODY C, and drains into WATERBODY D on its northern most portion.
- 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
 - a. SWALE A (b)(8) is a 635 linear ft drainage swale that historically was an agricultural ditch. However, over the years and lack of maintenance has caused this feature to lose its bed and bank. Additionally, it did not exhibit an OHWM. This feature is linear in nature, only drains uplands, and only holds water in response to rain events. It drains into WATERBODY A (ALMS HOUSE DITCH).
 - b. SWALE B (b)(8) is a 674 linear ft drainage swale that historically was an agricultural ditch. However, over the years and lack of maintenance has caused this feature to lose its bed and bank. Additionally, it did not exhibit an OHWM. This feature is linear in nature, only drains uplands, and only holds water in response to rain events. It drains into WATERBODY A (ALMS HOUSE DITCH)
 - c. SWALE C (b)(8) is a 531 linear ft drainage swale that historically was an agricultural ditch. However, over the years and lack of maintenance has caused this feature to lose its bed and bank. Additionally, it did not exhibit an OHWM. This feature is linear in nature, only drains uplands, and only holds water in response to rain events. It drains into Ditch B.

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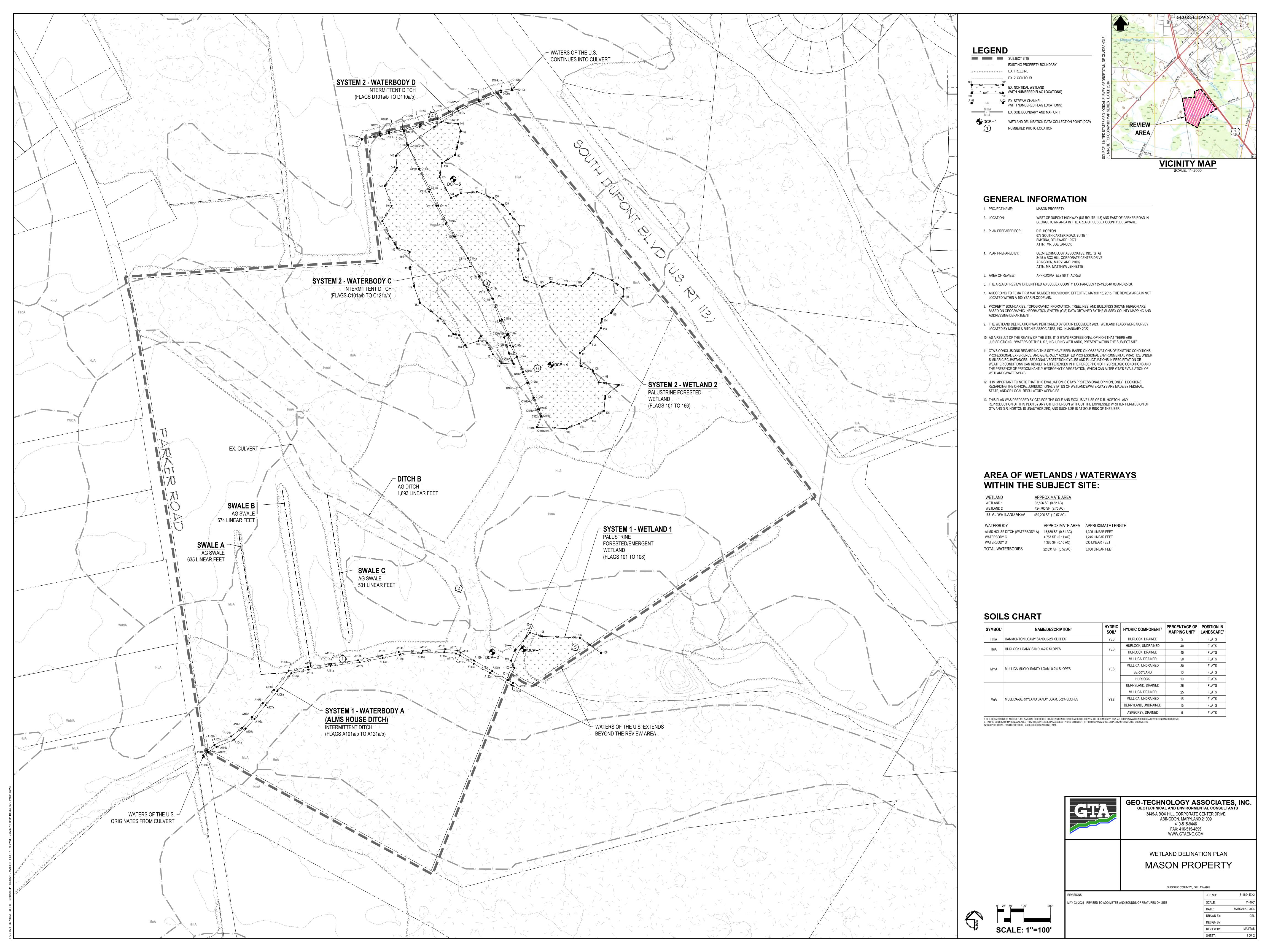
⁷ 88 FR 3004 (January 18, 2023)

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- d. DITCH B (b)(3) is an 1893 linear ft agricultural ditch. This ditch originates on the adjacent property directly east of the site and terminates into WATERBODY A. During the delineation it did not hold water as shown on the delineation report (DATA SOURCE b). However, during the site visit some standing water in low points. This was only in a few areas of the entire ditch, with most of the ditch not holding water. This can be seen in photos 1 and 2 of the field visit photo log (DATA SOURCE e) prepared by USACE. Historically this feature was dug to assist with drainage from the adjacent agricultural field. It was dug in uplands and drains only uplands. It does not exhibit a continuous OHWM and only flows in response to rain events. From the observed factors on site DITCH B is non-relatively permanent and meets the (b)(3) exclusion. It was created on the edge of the wooded area on the northern portion of the property to accept drainage from the agricultural fields. It drains into WATERBODY A (ALMS HOUSE DITCH).
- 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). N/A
- 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 field visit on May 14, 2024.
 - Wetland Delineation Report titled "Wetland Delineation Report Mason Property Sussex County, Delaware"; prepared by Geo-Technology Associates, Incorporated; dated March 20, 2024.
 - c. Wetland Delineation Plan titled "Wetland Delineation Plan Mason Property Sussex County, Delaware"; prepared by Geo-Technology Associates, incorporated; dated March 20, 2024; revised May 23, 2024; 2 sheets.
 - d. Flow Path Map, created by USACE utilizing DATA SOURCE (c), dated May 31, 2024.
 - e. USACE field visit photolog.
- 10. OTHER SUPPORTING INFORMATION. N/A

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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.



WATERBODY Aa METES AND BOUNDS

A101a TO A102a THENCE (1) North 42°10'45" East, 23.97 feet to a point of non-tangency; A102a TO A103a THENCE (2) North 59°00'31" East, 38.49 feet to a point of non-tangency; A103a TO A104a THENCE (3) North 67°51'10" East, 71.85 feet to a point of non-tangency; A104a TO A105a THENCE (4) North 46°00'56" East, 58.17 feet to a point of non-tangency; A105a TO A106a THENCE (5) North 42°11'51" East, 51.36 feet to a point of non-tangency; A106a TO A107a THENCE (6) North 39°02'32" East, 66.36 feet to a point of non-tangency; A107a TO A108a THENCE (7) North 39°57'34" East, 69.25 feet to a point of non-tangency; A108a TO A109a THENCE (8) North 37°53'27" East, 85.97 feet to a point of non-tangency; A109a TO A110a THENCE (9) North 77°57'28" East, 65.23 feet to a point of non-tangency; A110a TO A111a THENCE (10) North 80°19'36" East, 85.35 feet to a point of non-tangency; A111a TO A112a THENCE (11) North 83°16'14" East, 111.24 feet to a point of non-tangency; A112A TO A113a THENCE (12) North 79°08'40" East, 88.16 feet to a point of non-tangency; A113a TO A114a THENCE (13) North 78°50'38" East, 65.70 feet to a point of non-tangency; A114a TO A115a THENCE (14) North 85°24'56" East, 82.86 feet to a point of non-tangency; A115a TO A116a THENCE (15) North 88°20'57" East, 86.15 feet to a point of non-tangency; A116a TO A117a THENCE (16) South 83°28'56" East, 44.39 feet to a point of non-tangency; A117a TO A118a THENCE (17) South 65°27'56" East, 16.24 feet to a point of non-tangency; A118a TO A119a THENCE (18) South 58°37'29" East, 60.90 feet to a point of non-tangency; A119a TO A120a THENCE (19) South 60°50'54" East, 70.80 feet to a point of non-tangency; A120a TO A121a THENCE (20) South 60°44'50" East, 92.15 feet;

WATERBODY Ca METES AND BOUNDS

C101a TO C102a THENCE (1) North 19°35'59" East, 44.83 feet to a point of non-tangency; C102a TO C103a THENCE (2) North 19°50'45" West, 28.56 feet to a point of non-tangency; C103a TO C104a THENCE (3) North 23°40'19" West, 47.87 feet to a point of non-tangency; C104a TO C105a THENCE (4) North 20°29'29" West, 61.20 feet to a point of non-tangency; C105a TO C106a THENCE (5) North 25°18'16" West, 43.75 feet to a point of non-tangency; C106a TO C107a THENCE (6) North 22°28'17" West, 63.27 feet to a point of non-tangency; C107a TO C108a THENCE (7) North 21°10'05" West, 40.23 feet to a point of non-tangency; C108a TO C109a THENCE (8) North 22°24'01" West, 51.19 feet to a point of non-tangency; C109a TO C110a THENCE (9) North 22°33'10" West, 58.51 feet to a point of non-tangency; C110a TO C111a THENCE (10) North 23°06'55" West, 86.33 feet to a point of non-tangency; C111a TO C112a THENCE (11) North 30°01'40" West, 40.29 feet to a point of non-tangency; C112a TO C113a THENCE (12) North 31°11'42" West, 59.14 feet to a point of non-tangency; C113a TO C114a THENCE (13) North 32°52'46" West, 80.27 feet to a point of non-tangency; C114a TO C115a THENCE (14) North 30°44'28" West, 96.36 feet to a point of non-tangency; C115a TO C116a THENCE (15) North 31°14'29" West, 62.09 feet to a point of non-tangency; C116a TO C117a THENCE (16) North 26°36'07" West, 70.86 feet to a point of non-tangency; C117a TO C118a THENCE (17) North 26°46'46" West, 67.96 feet to a point of non-tangency; C118a TO C119a THENCE (18) North 26°39'26" West, 88.72 feet to a point of non-tangency; C119a TO C120a THENCE (19) North 26°24'16" West, 98.63 feet to a point of non-tangency; C120a TO C121a THENCE (20) North 12°54'43" West, 55.49 feet;

WATERBODY Da METES AND BOUNDS

D101a TO D102a THENCE (1) North 78°15'25" East, 70.59 feet to a point of non-tangency; D102a TO D103a THENCE (2) North 76°43'05" East, 35.01 feet to a point of non-tangency; D103a TO D104a THENCE (3) North 79°51'59" East, 56.18 feet to a point of non-tangency; D104a TO C121a THENCE (4) North 88°05'35" East, 2.64 feet to a point of non-tangency; C121a TO D105a THENCE (5) North 74°44'42" East, 59.30 feet to a point of non-tangency; D105a TO D106a THENCE (6) North 77°05'20" East, 84.41 feet to a point of non-tangency; D106a TO D107a THENCE (7) North 56°35'49" East, 77.19 feet to a point of non-tangency; D107a TO D108a THENCE (8) North 66°17'10" East, 84.91 feet to a point of non-tangency; D108a TO D109a THENCE (9) North 67°24'17" East, 90.54 feet to a point of non-tangency; D109a TO D110a | THENCE (10) North 79°35'30" East, 43.21 feet;

WATERBODY Aa METES AND BOUNDS

A101b TO A102b THENCE (1) North 37°33'46" East, 24.06 feet to a point of non-tangency; A102b TO A103b THENCE (2) North 54°12'35" East, 34.44 feet to a point of non-tangency; A103b TO A104b THENCE (3) North 62°56'31" East, 70.73 feet to a point of non-tangency; A104b TO A105b THENCE (4) North 52°19'47" East, 52.79 feet to a point of non-tangency; A105b TO A106b THENCE (5) North 42°19'09" East, 55.33 feet to a point of non-tangency; A106b TO A107b THENCE (6) North 37°39'43" East, 66.67 feet to a point of non-tangency; A107b TO A108b THENCE (7) North 40°15'51" East, 65.48 feet to a point of non-tangency; A108b TO A109b THENCE (8) North 37°30'32" East, 90.62 feet to a point of non-tangency; A109b TO A110b THENCE (9) North 78°49'55" East, 74.79 feet to a point of non-tangency; A110b TO A111b THENCE (10) North 82°10'31" East, 88.60 feet to a point of non-tangency; A111b TO A112b THENCE (11) North 82°32'37" East, 102.31 feet to a point of non-tangency; A112b TO A113b THENCE (12) North 78°35'19" East, 92.30 feet to a point of non-tangency; A113b TO A114b THENCE (13) North 78°05'13" East, 64.34 feet to a point of non-tangency; A114b TO A115b THENCE (14) North 87°01'44" East, 90.49 feet to a point of non-tangency; A115b TO A116b THENCE (15) North 86°39'00" East, 86.63 feet to a point of non-tangency;

WATERBODY Cb METES AND BOUNDS

A116b TO A117b THENCE (16) South 84°31'02" East, 45.86 feet to a point of non-tangency;

A117b TO A118b THENCE (17) South 56°12'17" East, 13.76 feet to a point of non-tangency;

A118b TO A119b THENCE (18) South 59°24'16" East, 59.62 feet to a point of non-tangency;

A119b TO A120b THENCE (19) South 59°54'58" East, 79.03 feet to a point of non-tangency;

A120b TO A121b THENCE (20) South 60°20'38" East, 90.16 feet;

C101b TO C102b THENCE (1) North 21°51'58" East, 42.49 feet to a point of non-tangency; C102b TO C103b THENCE (2) North 23°37'10" West, 29.42 feet to a point of non-tangency; C103b TO C104b THENCE (3) North 20°20'36" West, 46.57 feet to a point of non-tangency; C104b TO C105b THENCE (4) North 22°14'10" West, 61.22 feet to a point of non-tangency; C105b TO C106b THENCE (5) North 24°12'08" West, 43.42 feet to a point of non-tangency; C106b TO C107b THENCE (6) North 20°38'04" West, 62.77 feet to a point of non-tangency; C107b TO C108b THENCE (7) North 29°39'27" West, 49.47 feet to a point of non-tangency; C108b TO C109b THENCE (8) North 16°41'29" West, 40.70 feet to a point of non-tangency; C109b TO C110b THENCE (9) North 26°20'29" West, 61.18 feet to a point of non-tangency; C110b TO C111b THENCE (10) North 19°09'12" West, 88.61 feet to a point of non-tangency; C111b TO C112b THENCE (11) North 29°06'49" West, 35.88 feet to a point of non-tangency; C112b TO C113b THENCE (12) North 32°24'13" West, 60.84 feet to a point of non-tangency; C113b TO C114b THENCE (13) North 31°16'25" West, 81.97 feet to a point of non-tangency; C114b TO C115b THENCE (14) North 32°33'29" West, 97.36 feet to a point of non-tangency; C115b TO C116b THENCE (15) North 32°56'10" West, 56.96 feet to a point of non-tangency; C116b TO C117b THENCE (16) North 27°26'57" West, 76.55 feet to a point of non-tangency; C117b TO C118b THENCE (17) North 27°00'43" West, 60.45 feet to a point of non-tangency; C118b TO C119b THENCE (18) North 24°30'02" West, 93.36 feet to a point of non-tangency; C119b TO C120b THENCE (19) North 25°20'08" West, 102.25 feet to a point of non-tangency; C120b TO C121b THENCE (20) North 13°51'35" West, 53.53 feet;

WATERBODY Db METES AND BOUNDS

D101b TO D102b THENCE (1) North 74°52'03" East, 71.33 feet to a point of non-tangency; D102b TO D103b THENCE (2) North 77°54'45" East, 35.36 feet to a point of non-tangency; D103b TO D104b THENCE (3) North 78°59'05" East, 52.98 feet to a point of non-tangency; D104b TO D105b THENCE (4) North 74°55'17" East, 68.21 feet to a point of non-tangency; D105b TO D106b THENCE (5) North 72°19'17" East, 69.07 feet to a point of non-tangency; D106b TO D107b THENCE (6) North 62°44'59" East, 85.31 feet to a point of non-tangency; D107b TO D108b THENCE (7) North 67°36'22" East, 86.18 feet to a point of non-tangency; D108b TO D109b THENCE (8) North 66°46'32" East, 91.50 feet to a point of non-tangency; D109b TO D110b | THENCE (9) North 81°58'06" East, 40.63 feet;

WETLAND 1 METES AND BOUNDS

	101 TO 102	THENCE (1) North 28°50'50" East, 51.85 feet to a point of non-tangency;
	102 TO 103	THENCE (2) North 25°24'51" West, 30.95 feet to a point of non-tangency;
	103 TO 104	THENCE (3) North 23°04'00" East, 41.33 feet to a point of non-tangency;
	104 TO 105	THENCE (4) North 39°22'23" East, 87.70 feet to a point of non-tangency;
	105 TO 106	THENCE (5) South 73°14'40" East, 49.55 feet to a point of non-tangency;
	106 TO 107	THENCE (6) South 87°41'11" East, 140.86 feet to a point of non-tangency;
	107 TO 108	THENCE (7) South 54°36'18" East, 98.61 feet;

WETLAND 2 EAST METES AND BOUNDS

101 TO 102	THENCE (1) South 87°36'03" East, 109.77 feet to a point of non-tangency;
102 TO 103	THENCE (2) North 68°15'55" East, 50.44 feet to a point of non-tangency;
103 TO 104	THENCE (3) North 64°37'55" East, 51.60 feet to a point of non-tangency;
104 TO 105	THENCE (4) North 60°48'47" East, 54.56 feet to a point of non-tangency;
105 TO 106	THENCE (5) North 5°04'59" East, 56.38 feet to a point of non-tangency;
106 TO 107	THENCE (6) North 50°23'05" East, 66.19 feet to a point of non-tangency;
107 TO 108	THENCE (7) North 82°58'15" West, 76.91 feet to a point of non-tangency;
108 TO 109	THENCE (8) North 26°05'26" West, 50.61 feet to a point of non-tangency;
109 TO 110	THENCE (9) North 70°20'12" West, 46.84 feet to a point of non-tangency;
110 TO 111	THENCE (10) North 5°51'53" West, 49.23 feet to a point of non-tangency;
111 TO 112	THENCE (11) North 46°58'32" East, 55.12 feet to a point of non-tangency;
112 TO 113	THENCE (12) North 35°08'24" East, 69.75 feet to a point of non-tangency;
113 TO 114	THENCE (13) North 5°48'14" East, 35.15 feet to a point of non-tangency;
114 TO 115	THENCE (14) North 56°55'09" East, 41.52 feet to a point of non-tangency;
115 TO 116	THENCE (15) North 36°12'58" East, 77.71 feet to a point of non-tangency;
116 TO 117	THENCE (16) North 1°48'36" East, 27.23 feet to a point of non-tangency;
117 TO 118	THENCE (17) North 52°22'04" West, 54.72 feet to a point of non-tangency;
118 TO 119	THENCE (18) North 67°41'10" West, 76.61 feet to a point of non-tangency;
119 TO 120	THENCE (19) South 41°47'51" West, 67.49 feet to a point of non-tangency;
120 TO 121	THENCE (20) North 87°01'35" West, 57.64 feet to a point of non-tangency;
121 TO 122	THENCE (21) North 78°17'09" West, 59.55 feet to a point of non-tangency;
122 TO 123	THENCE (22) South 62°15'22" West, 36.95 feet to a point of non-tangency;
123 TO 124	THENCE (23) North 69°32'08" West, 72.67 feet to a point of non-tangency;
124 TO 125	THENCE (24) North 16°08'27" West, 80.84 feet to a point of non-tangency;
125 TO 126	THENCE (25) North 2°42'05" East, 57.29 feet to a point of non-tangency;
126 TO 127	THENCE (26) North 2°11'11" East, 69.35 feet to a point of non-tangency;
127 TO 128	THENCE (27) North 38°51'45" West, 58.32 feet to a point of non-tangency;
128 TO 129	THENCE (28) North 37°17'50" West, 42.93 feet to a point of non-tangency;
129 TO 130	THENCE (29) North 55°30'16" West, 43.71 feet to a point of non-tangency;
130 TO 131	THENCE (30) North 68°54'41" West, 67.80 feet to a point of non-tangency;
131 TO 132	THENCE (31) South 84°16'52" West, 60.24 feet to a point of non-tangency;
132 TO 134	THENCE (32) South 65°20'35" West, 41.34 feet to a point of non-tangency;
134 TO 135	THENCE (33) North 28°45'55" West, 88.98 feet to a point of non-tangency;
135 TO 136	THENCE (34) North 9°35'58" East, 54.36 feet to a point of non-tangency;
136 TO 137	THENCE (35) North 58°22'47" East, 57.93 feet to a point of non-tangency;
137 TO 138	THENCE (36) North 14°17'08" East, 49.17 feet to a point of non-tangency;
138 TO 139	THENCE (37) North 12°33'07" East, 43.01 feet to a point of non-tangency;
139 TO 140	THENCE (38) North 18°48'31" West, 29.77 feet to a point of non-tangency;
140 TO 141	THENCE (39) North 83°00'04" West, 63.46 feet to a point of non-tangency;
141 TO 142	THENCE (40) South 55°07'56" West, 154.90 feet;

WETLAND 2 WEST METES AND BOUNDS 142 TO 143 THENCE (1) South 48°41'24" West, 59.28 feet to a point of non-tangency;

142 10 143	THE NOE (1) Code 40 41 24 West, 55.25 lect to a point of hori-tangency,
143 TO 144	THENCE (2) South 5°13'35" East, 45.21 feet to a point of non-tangency;
144 TO 145	THENCE (3) South 33°38'19" West, 84.11 feet to a point of non-tangency;
145 TO 146	THENCE (4) South 19°36'29" East, 78.23 feet to a point of non-tangency;
146 TO 147	THENCE (5) South 30°50'57" West, 68.04 feet to a point of non-tangency;
147 TO 148	THENCE (6) South 26°34'52" East, 65.47 feet to a point of non-tangency;
148 TO 149	THENCE (7) South 32°18'32" East, 50.22 feet to a point of non-tangency;
149 TO 150	THENCE (8) South 71°06'51" East, 49.75 feet to a point of non-tangency;
150 TO 151	THENCE (9) South 1°58'48" East, 57.74 feet to a point of non-tangency;
151 TO 152	THENCE (10) South 11°31'47" East, 72.41 feet to a point of non-tangency;
152 TO 153	THENCE (11) South 19°11'02" East, 67.01 feet to a point of non-tangency;
153 TO 155	THENCE (12) South 52°44'29" East, 97.54 feet to a point of non-tangency;
155 TO 156	THENCE (13) South 39°50'36" East, 75.96 feet to a point of non-tangency;
156 TO 157	THENCE (14) South 77°11'43" East, 22.44 feet to a point of non-tangency;
157 TO 158	THENCE (15) South 31°01'00" East, 44.07 feet to a point of non-tangency;
158 TO 159	THENCE (16) North 72°18'01" East, 53.26 feet to a point of non-tangency;
159 TO 160	THENCE (17) North 26°41'44" East, 20.01 feet to a point of non-tangency;
160 TO 160	THENCE (18) South 42°55'13" East, 33.55 feet to a point of non-tangency;
160 TO 161	THENCE (19) South 27°16'26" East, 50.02 feet to a point of non-tangency;
161 TO 162	THENCE (20) South 44°14'18" East, 46.62 feet to a point of non-tangency;
162 TO 163	THENCE (21) South 86°39'54" East, 46.14 feet to a point of non-tangency;
163 TO 164	THENCE (22) North 24°10'57" West, 45.26 feet to a point of non-tangency;
164 TO 165	THENCE (23) North 16°34'56" West, 62.33 feet to a point of non-tangency;
165 TO 166	THENCE (24) North 55°00'48" East, 13.88 feet;



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

> WETLAND DELINATION PLAN MASON PROPERTY

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SUSSEX COUNTY, DELAWARE

MARCH 20, 2024

MAY 23, 2024 - REVISED TO ADD METES AND BOUNDS OF FEATURES ON SITE