



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

January 17, 2024

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2023-01054-85
DeIDOT BR3-437 SX
Center coordinates (38.452715°N, 75.063629°W)



Dear Mr. Adams:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on October 16, 2023 for a determination of federal jurisdiction by this office. The site associated with your request is located along Fenwick Road/Lighthouse Road right-of-way in Fenwick Island, 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 BR 3-437 WATERS OF THE U.S. DELINEATION SUSSEX COUNTY, DELAWARE, prepared by Century Engineering, 3 pages.

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:

[REDACTED]

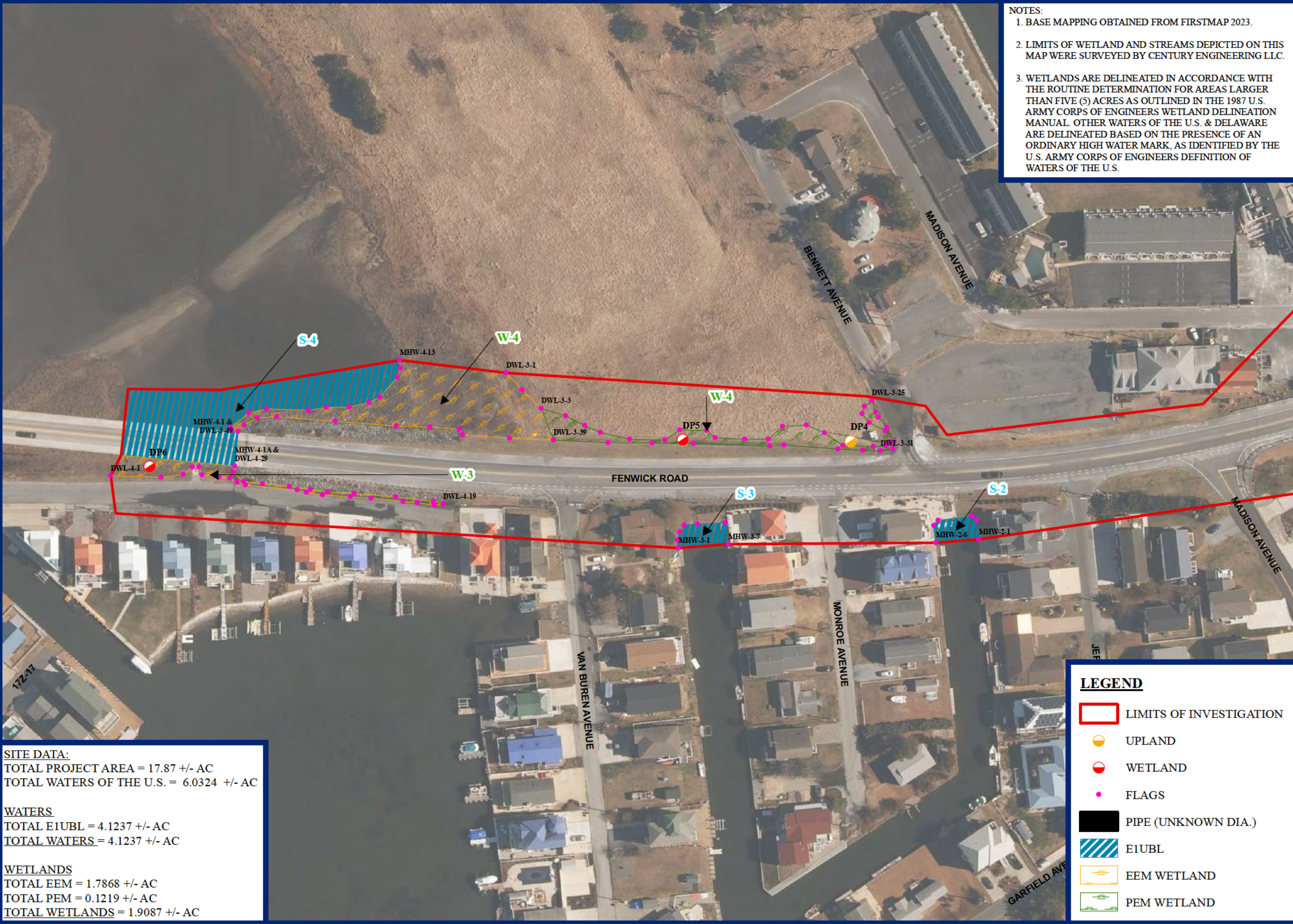
If you have any questions regarding this matter, please contact [REDACTED]

Sincerely,

[REDACTED]

Enclosure(s)

cc:
TJ Austin, Century Engineering
Wetlands and Waterways Section, DDNREC
Sussex Conservation District
Wetlands Branch, USEPA Region 3



- NOTES:
1. BASE MAPPING OBTAINED FROM FIRSTMAP 2023.
 2. LIMITS OF WETLAND AND STREAMS DEPICTED ON THIS MAP WERE SURVEYED BY CENTURY ENGINEERING LLC.
 3. WETLANDS ARE DELINEATED IN ACCORDANCE WITH THE ROUTINE DETERMINATION FOR AREAS LARGER THAN FIVE (5) ACRES AS OUTLINED IN THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL. OTHER WATERS OF THE U.S. & DELAWARE ARE DELINEATED BASED ON THE PRESENCE OF AN ORDINARY HIGH WATER MARK, AS IDENTIFIED BY THE U.S. ARMY CORPS OF ENGINEERS DEFINITION OF WATERS OF THE U.S.

SITE DATA:
TOTAL PROJECT AREA = 17.87 +/- AC
TOTAL WATERS OF THE U.S. = 6.0324 +/- AC

WATERS
TOTAL E1UBL = 4.1237 +/- AC
TOTAL WATERS = 4.1237 +/- AC

WETLANDS
TOTAL EEM = 1.7868 +/- AC
TOTAL PEM = 0.1219 +/- AC
TOTAL WETLANDS = 1.9087 +/- AC

- LEGEND**
- LIMITS OF INVESTIGATION
 - UPLAND
 - WETLAND
 - FLAGS
 - PIPE (UNKNOWN DIA.)
 - E1UBL
 - EEM WETLAND
 - PEM WETLAND

BR 3-437

WATERS OF THE U.S. DELINEATION

SUSSEX COUNTY, DELAWARE

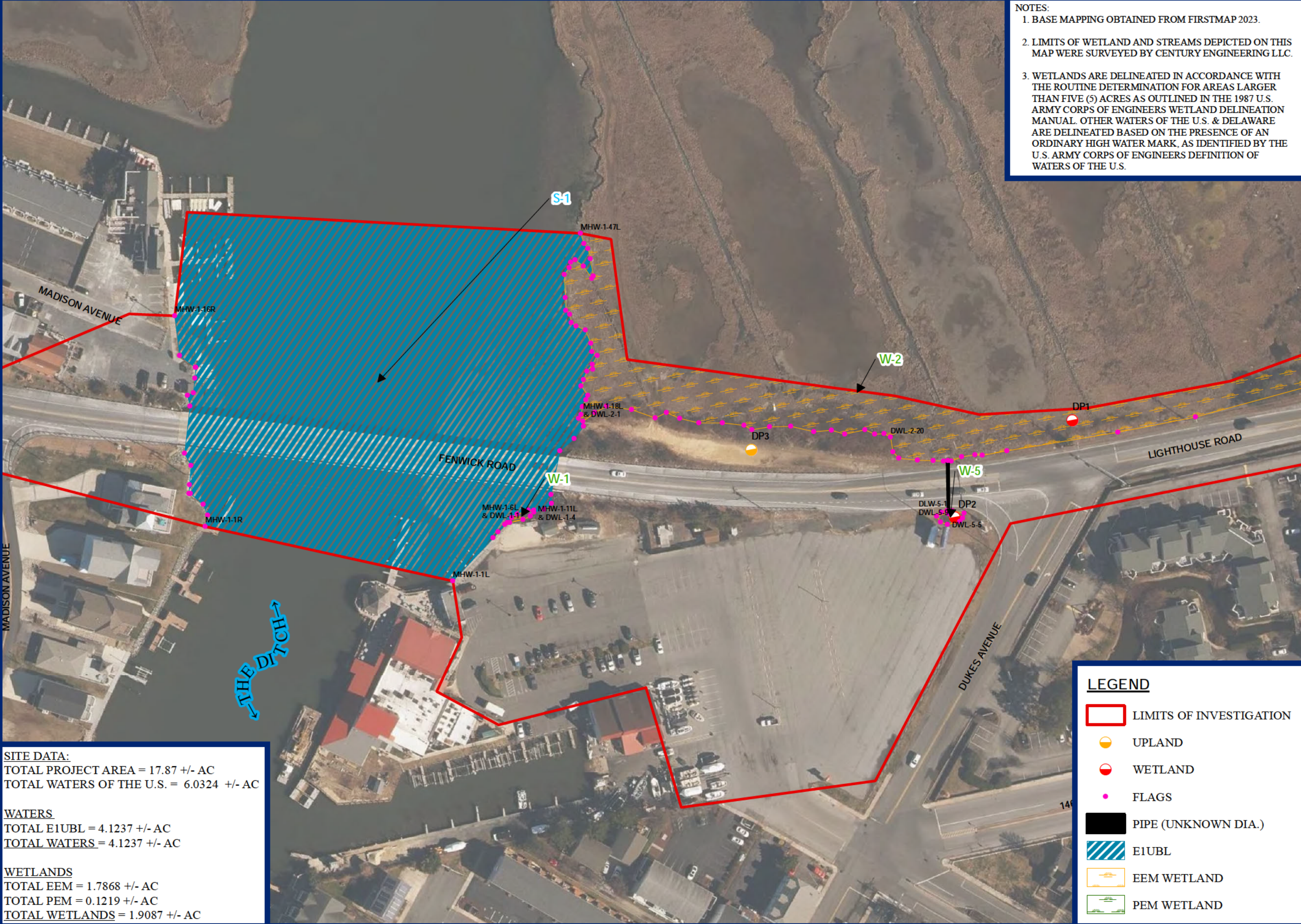
1 inch = 100 feet

Project Manager: AS

Drawn: TA

Job Number: 175025.04

Revisions: NONE



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CENTURY
ENGINEERING
A Kleinfelder Company

550 S Bay Road | Dover, DE 19901 | P: 302.734.9188

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WATERS OF THE U.S. DELINEATION

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- LEGEND**
- [Red outline] LIMITS OF INVESTIGATION
 - [Yellow circle] UPLAND
 - [Red circle] WETLAND
 - [Pink dot] FLAGS
 - [Black line] PIPE (UNKNOWN DIA.)
 - [Blue/white diagonal lines] E1UBL
 - [Orange wavy line] EEM WETLAND
 - [Green wavy line] PEM WETLAND

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