

Figure 1. Map of Sussex County, Delaware showing site location, Lewes area.

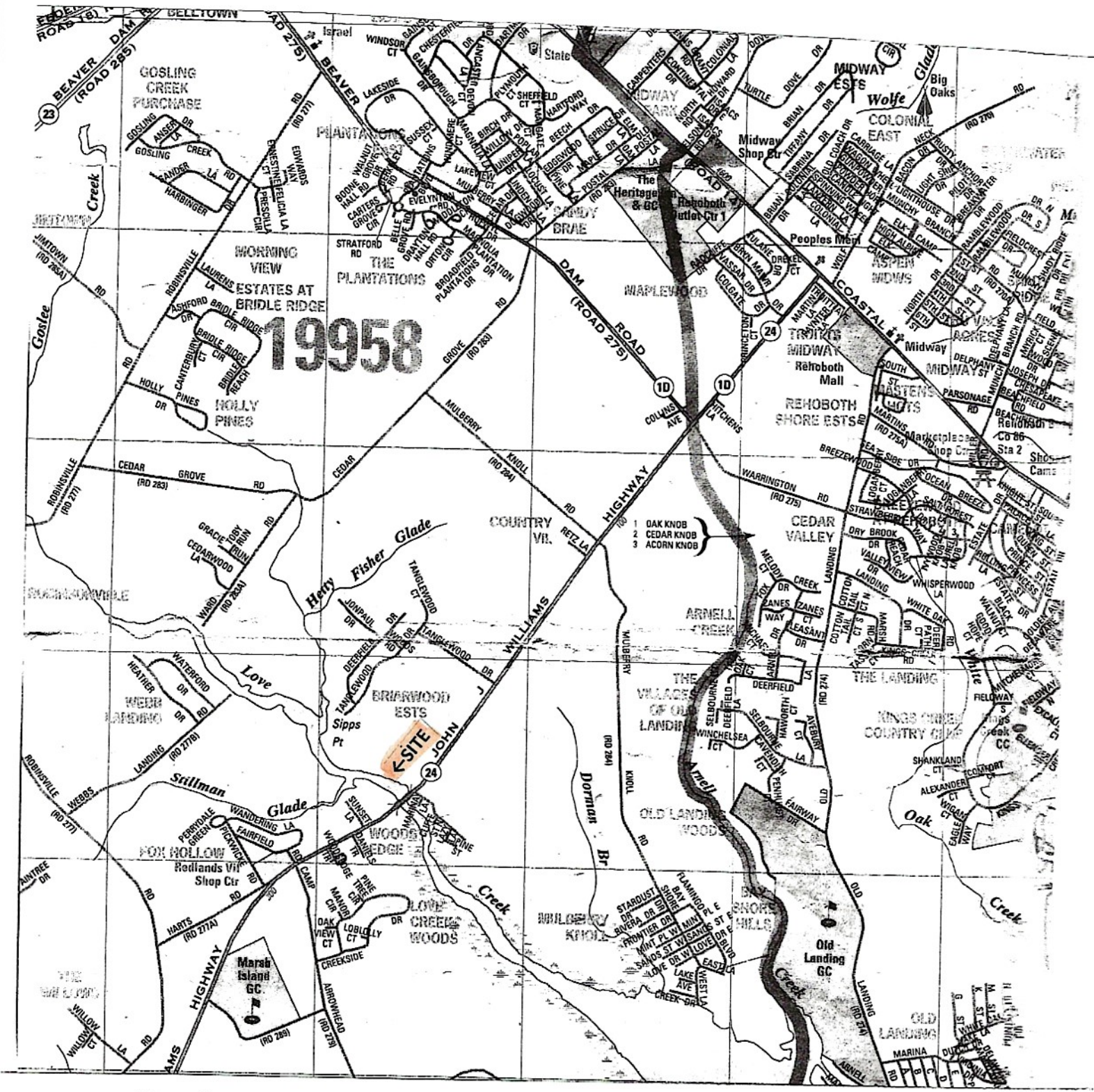


Figure 2. Map of showing site location, 17 Love Creek Pines Lane (off of Route 24, John J. Williams Highway), Lewes, Sussex County, Delaware. Directions to project site (from Dover, DE): SR-1 southbound toward beaches; Right onto Route 24 (John J. Williams Highway) westbound (at traffic signal at McDonald's); pass Briarwood Estates and Harts Landing (on right), then turn right onto Love Creek Pines Lane (before Love Creek Bridge). Site is vacant lot on left. Also see Figure 3.



Figure 3. Site location, Tax Map Parcel #3-34-18.00-17.00 (17 Love Creek Pines Lane, Lewes, Sussex County, Delaware).



Figure 4. Aerial photograph of site and vicinity, 17 Love Creek Pines Lane, Lewes, Sussex County, Delaware (Tax Map Parcel #3-34-18.00-17.00), adjacent to Love Creek (tributary of Rehoboth Bay). The site is a vacant parcel, 17,111 sq. ft. (0.39 acre) in size, with a walkway and pier adjacent to Love Creek.

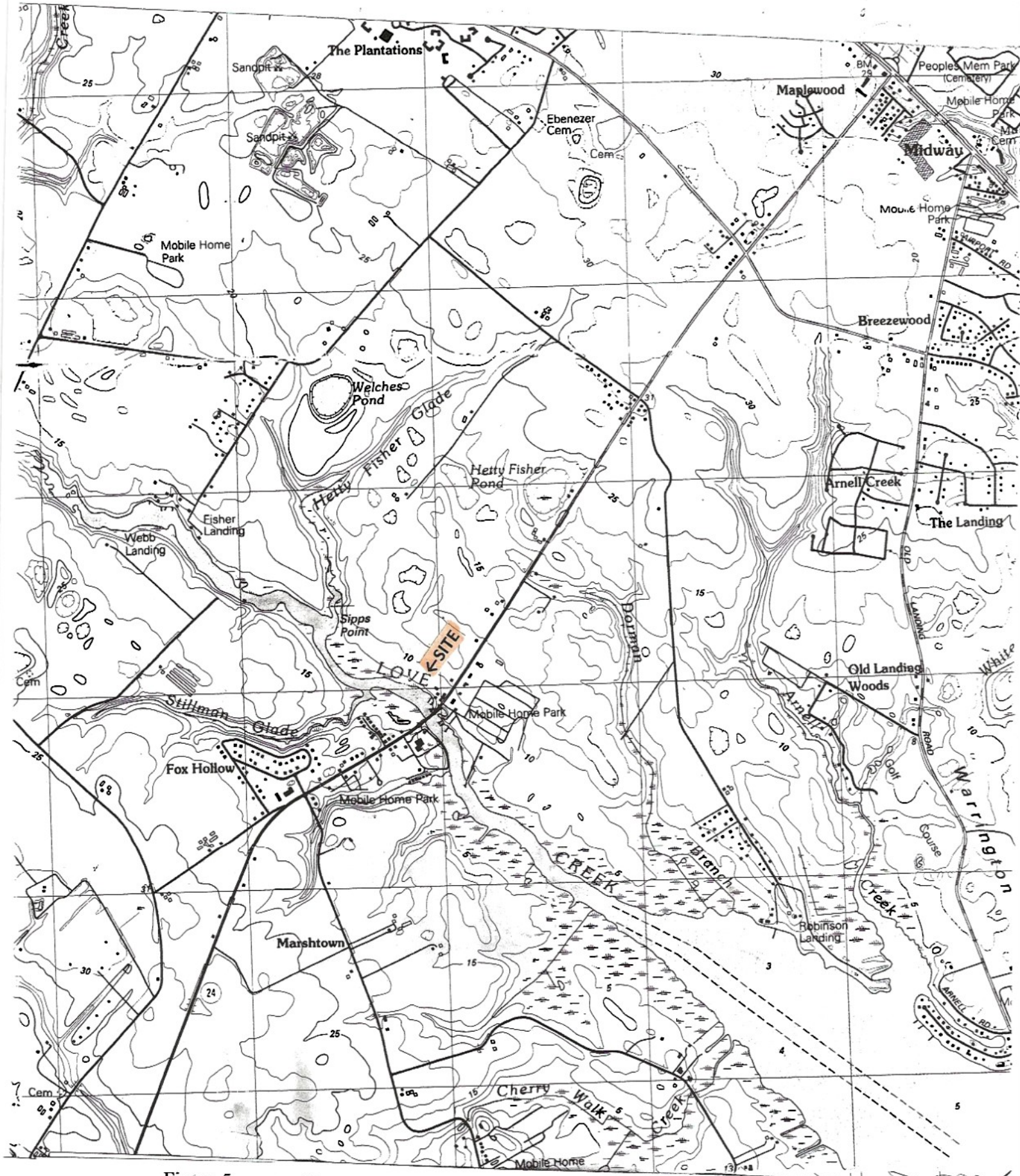


Figure 5.

Site location on USGS topographic map, Fairmount, Delaware quadrangle. Site is adjacent to Love Creek, a tributary of Rehoboth Bay. Scale: 1" = 2,000'.



Figure 6. Site location on the National Wetlands Inventory Map. Site is mapped uplands; wetlands adjacent to Love Creek are mapped E2EM1P (estuarine intertidal emergent, persistent, *Phragmites australis*, saltwater tidal, irregularly flooded). Love Creek is mapped E1UBL (estuarine subtidal, unconsolidated bottom, subtidal).



Figure 7. Site location of State of Delaware DNREC Wetland Map #084. Project site is mapped W (water); no DNREC-regulated wetlands mapped on site. Scale: 1" = 300'.



Figure 8. USDA Web Soil Survey of the site. Soils on site are mapped:

Br: Broadkill mucky peat, very frequently flooded, tidal

RoA: Rosedale loamy sand, 0 to 2 percent slopes

WHe1: Herring Creek mucky silt loam, 0 to 1 meter water depth (Love Creek)





Figure 9. Photograph of site, 17 Love Creek Pines Lane, Lewes, Sussex County, Delaware (Tax Map Parcel #334-18.00-17.00), showing Federal 404 *Phragmites australis*-dominated non-tidal wetlands adjacent to Love Creek (tributary of Rehoboth Bay). Applicants propose to install a retaining wall (landward of mean MHWL) and place backfill landward of structure, impacting 1,925 sq. ft. (0.044 acre) of non-tidal wetlands.

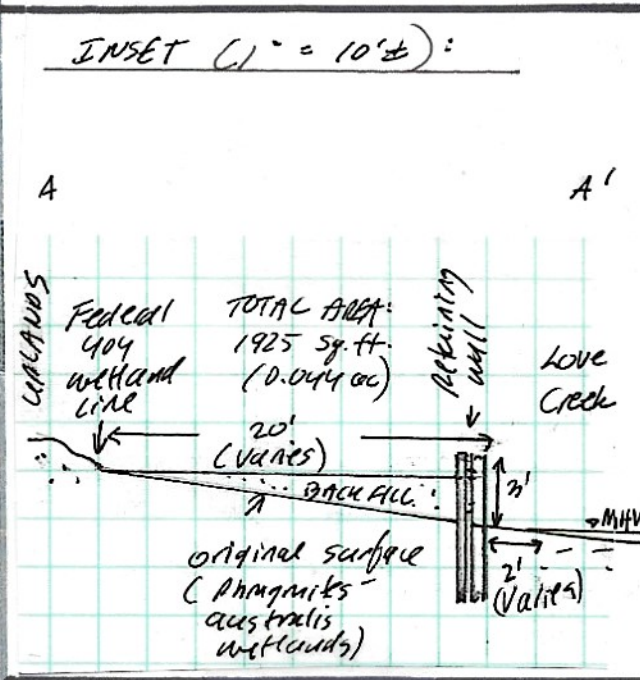
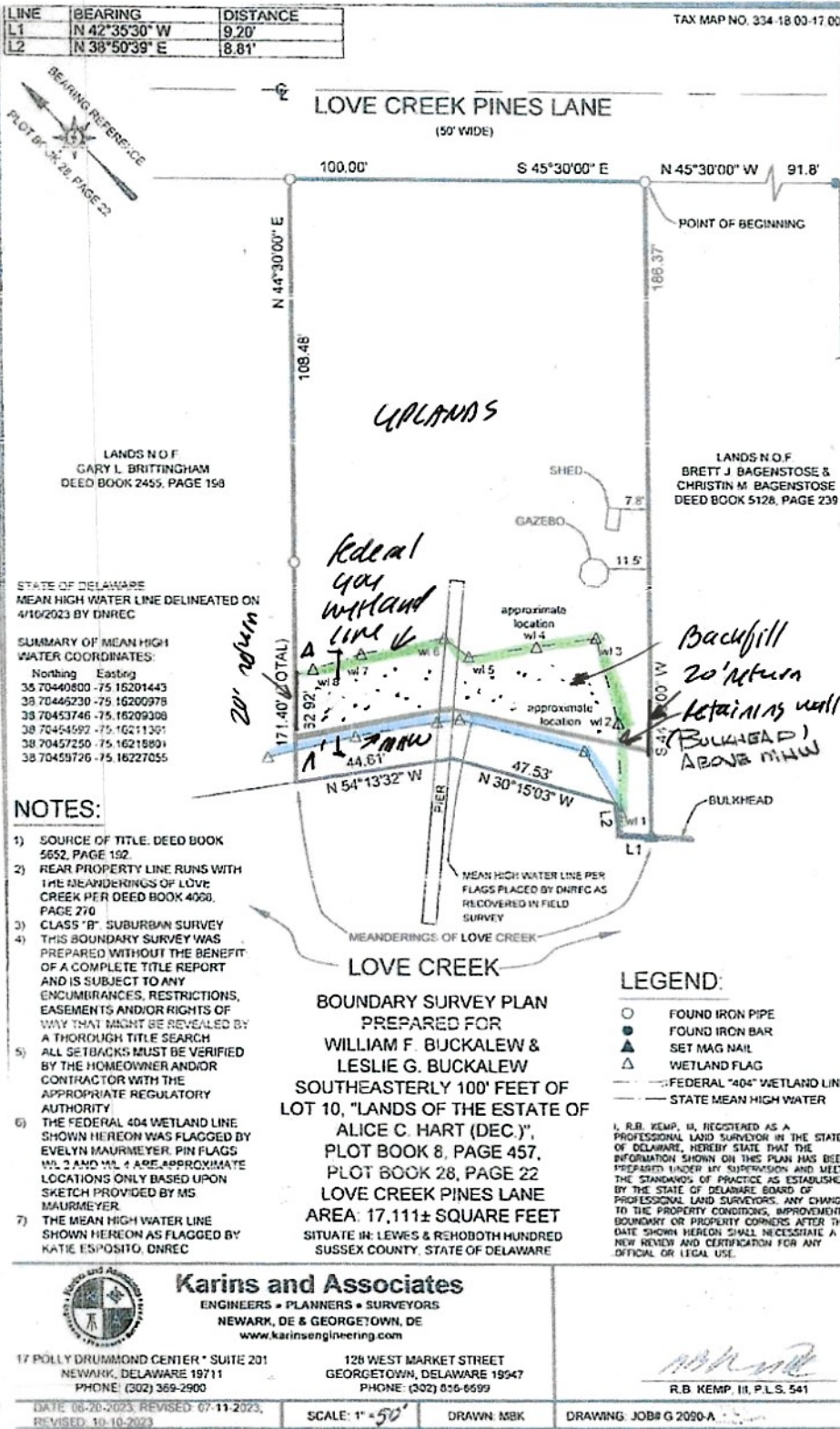


Figure 10. Survey (prepared by Karins and Associates) showing location of Federal 404 wetland line; mean high water line (MHWL) as delineated on site by DNREC Wetlands and Waterways Section; proposed retaining wall (and two 20' return walls); and 111 c.y. backfill. Project will impact 1,925 sq. ft. (0.044 acre) of Federal 404 *Phragmites australis*-dominated non-tidal wetlands adjacent to Love Creek (tributary of Rehoboth Bay). Scale: 1" = 50'±. Inset shows representative cross-section sketch.



STATE OF DELAWARE

DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROLDIVISION OF WATER  
RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901WETLANDS &  
Waterways SectionPHONE  
(302) 739-9943

May 26, 2023

William Buckalew  
1144 Elderon Drive  
Wilmington, DE 19808Jurisdictional Determination No.: JD-151/22  
RE: Mean High Water Jurisdictional Determination at 17 Love Creek Pines Lane,  
Lewes, DE 19958  
Tax Parcel #: 3-34-18.00-17.00

Dear Mr. Buckalew:

On April 10, 2023, the Wetlands and Waterways Section (WWS) completed a jurisdictional determination on the property located at the above referenced parcel in Lewes, DE. The purpose of this jurisdictional determination was to determine the extent of State jurisdiction under the Subaqueous Lands Act (7 Del. C., Chapter 72) and the "Regulations Governing the Use of Subaqueous Lands". The jurisdictional determination was requested in order to construct a retaining wall and backfill landward of the mean high water line.

During the site visit, the mean high water line adjacent to Love Creek was determined by examining field indicators at the site by Katie Esposito. Five (5) pink, wire flags were then placed along approximately 125 linear feet of shoreline at the mean high water line of the subject property at the following latitudinal and longitudinal coordinates (decimal degrees) contained in the enclosed table. All points were collected using a Global Positioning System (GPS) with sub-meter accuracy and an iPad loaded with ArcGIS Online and corrected using Real-time Kinematic positioning (RTK) to ensure an accuracy of 0-20 centimeters.

The enclosed table containing the GPS coordinates can be used to re-create the mean high water line in the event the flags are washed away or removed. It is also possible to hire a surveyor to survey the points delineated by the flags and transfer those points onto a property survey.

To conclude, the flags referenced in the enclosed table represent the positions of the mean high water line. Any construction activities conducted channelward of the mean high water line will require a permit from the WWS. Construction activities conducted landward of the depicted mean high water line are not within State jurisdiction under the Subaqueous Lands Act (7 Del. C., Chapter 72) and the "Regulations Governing the Use of Subaqueous Lands" and no permit is required from the WWS. We recommend that construction activities, such as, filling

or retaining walls take place at least 12 inches landward of the mean high water line to ensure that the activities do not encroach into jurisdictional areas. This letter does not exempt you from obtaining proper permits through the U.S. Army Corps of Engineers and other State or Government Agencies, as appropriate.

This jurisdictional determination is valid and can be relied upon for a period of three (3) years from the date of this letter.

If you have any questions or concerns about this determination, please feel free to call me at (302) 739-9943.

Sincerely,

*Katie Esposito*

Katie Esposito  
Environmental Scientist  
Wetlands and Waterways Section

CC: Matthew R. Jones, Section Manager, Wetlands and Waterways Section

Enclosures: Mean High Water Flag Locations Table



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DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

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89 KINGS HIGHWAY  
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WETLANDS &  
Waterways Section

PHONE  
(302) 739-9943

**William Buckalew Property**

17 Love Creek Pines Lane  
Lewes, DE 19958

**State of Delaware Mean High Water Line**  
**Delineated on April 10, 2023**

**Table No 1.: Summary of Mean High Water Line Coordinates.**

Collected Points	Latitude	Longitude
1	38.70459618	-75.16227146
2	38.70457276	-75.16218897
3	38.70454563	-75.16211371
4	38.70454508	-75.16207615
5	38.70446569	-75.16200638