U.S. Army Corps of Engineers (USACE)

NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)

For use of this form, see 33 CFR 330; the proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003 Expires: 08-31-2023

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.
Principal Purpose	Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.
Routine Uses	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.
Disclosure	Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (*see sample drawings and/or instructions*) and be submitted to the district engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (*agent is not required*)
First - Eric Middle - Last - Schwab	First - Robert Middle - Clayton Last - Greer
Company - Schwab VIII, LLC	Company - Ten Bears Environmental Associates Co.
Company Title - President	E-mail Address - clay@tenbears.us
E-mail Address - eschwab@remedia.global	
6. APPLICANT'S ADDRESS	**9. AGENT'S ADDRESS**
Address- 503 Capitol Trail	Address- 1080 South Chapel Street
City - Newark State - DE Zip - 19719 Country - USA	City - Newark State - DE Zip - 19702 Country - USA
7. APPLICANT'S PHONE NOs. with AREA CODE	**10. AGENT'S PHONE NOs. with AREA CODE**
a. Residence b. Business c. Fax d. Mobile (302) 690-3911	a. Residence b. Business (302) 684-5080 c. Fax (302) 684-5081 d. Mobile

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Ten Bears Environmnetal Associates to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.

Eric J Schwab — SIGNATURE OF APPLICANT

May 7, 2025 — DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME or TITLE (*see instructions*)

NWP 46 - Culvert Extension at 509 Capitol Trail

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

13. NAME OF WATERBODY, IF KNOWN (*if applicable*)
Unnamed ditch acting as tributary to White Clay Creek

14. PROPOSED ACTIVITY STREET ADDRESS (*if applicable*)
509 Capitol Trail

15. LOCATION OF PROPOSED ACTIVITY (*see instructions*)

Latitude	°N	Longitude	°W
39.41'29.80"		75.43'42.2"	

City: Newark State: DE Zip: 19711

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (*see instructions*)

State Tax Parcel ID: 1801000002

Municipality: Newark

Section | Township | Range

17. DIRECTIONS TO THE SITE
From USACE Dover Office: Right on Mckee Road / Scarborough Road, take ramp onto DE-1 N, continue on DE-1 N for approx.40 miles into Newark, take exit 165A onto Delaware Turnpike / I-95 S, immediately take exit 3 onto Christiana Road / DE-273 W, follow DE-273 W for approx. 1.5 miles and turn right on Bala Road, then take an immediate left onto Red Mill Road, follow Red Mill Road for approx. 1.5 miles and turn left onto Capitol Trail / DE-2, subject property is on your right in approx. 1.1 miles.

18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE
NWP 46

19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY (*see instructions*)
A man-made drainage ditch originating with a roadway culvert, which eventually discharges to White Clay Creek off site to the north, currently begins near the center of the subject parcel. As part of proposed redevelopment of the property into an apartment complex, the applicant proposes filling in an approximately 0.06 acre (±2,700 square-foot) portion of the beginning of the drainage ditch and re-routing the current culvert system to the 100-year flood plain boundary located near the eastern boundary of the subject parcel.

20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (*see instructions*)
Extending the culvert system will not affect more than a ±0.06-acre portion of the drainage ditch once permitted. Any other areas of interest will remain untouched and precautions will be taken to limit impact of the proposed construction acitivities. Re-routing the culvert will lengthen and meander the flow path and reduce the slope, and therefore flow velocity. Applicant will add energy-dissipating rip-rap at the discharge location. The above will serve to mitigate scour and associated erosion currently occurring, including subsidence above / surrounding the buried portions of the piping.

21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (*Describe the reason or purpose of the project, see instructions*)
Redevelopment of the property as an apartment complex is anticipated and an extension of the current culvert system is proposed as part of the redevelopment plan. As part of this process, the applicant proposes filling in an approximately 0.06 acre portion of the drainage ditch up to the 100-year flood plain boundary. The purpose is to move the existing culvert outlet and associated beginning of the man-made ditch north towards the flood plain boundary to facilitate construction in the area, as well as re-route, lengthen, and meander the roadway culvert to reduce flow velocity and mitigate ongoing erosion.

22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY (*see instructions*)

Acres	Linear Feet	Cubic Yards Dredged or Discharged
0.06		400

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.

23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. (*see instructions*)
N/A

24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity.
N/A

25. Is any portion of the nationwide permit activity already complete? ☐ Yes ☒ No If Yes, describe the completed work:

26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (*see instructions*)

According to USFWS's IPaC, potential endangered species include the tri-colored bat (Perimyotis subflavus) and monarch butterfly (Danaus plexippus). However, no critical habitats were found at the project location. Additionally, State of Delaware Division of Fish & Wildlife (DFW) and USFWS were contacted and provided additional information (see attached). Since the project is in the vicinity of the White Clay Creek National Wild and Scenic Rivers system, DFW suggested contacting the National Park Services to determine whether they need to be involved, their response is attached.

27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (*see instructions*)

According to Delaware Historical & Cultural Affairs - Cultural and Historical Resources Information System (CHRIS), there are no documented historic resources that would be affected by the proposed activity. The Delaware Historical & Cultural Affairs office was contacted on April 29, 2025 and again on May 22, 2025 and has not responded (see attached). This documentation will be provided as soon as we are sent the results.

28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river":

N/A

29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project? ☐ Yes ☐ No N/A

If "yes", please provide the date your request was submitted to the Corps district:

30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (*see instructions*)

N/A

31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Eric J Schwab	May 7, 2025		5-8-2025
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

Instructions for Preparing a

Department of the Army

Nationwide Permit (NWP) Pre-Construction Notification (PCN)

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the e - mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant's Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g.,a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands When Pre-Construction Notification is Required. Paragraph (c) of NWP general condition 23 requires compensatory mitigation at a minimum one - for - one replacement ratio will be required for all wetland losses that exceed 1/10 - acre and require pre - construction notification, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity - specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre, or provide an explanation of why the district engineer should not require wetland compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a “study river” under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit http://www.rivers.gov/.

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

Block 30. Other Information Required For Nationwide Permit Pre-Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

* NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
* NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
* NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre - project conditions.
* NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre - construction notification.
* NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
* NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
* NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
* NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre - construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

Block 31. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross - Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross - section). While illustrations need not be professional (many small, private project illustrations are prepared by
hand), they should be clear, accurate, and contain all necessary information.

ADDITIONAL INFORMATION AND REQUIREMENTS

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.

Wetland Delineation Report

WETLAND DELINEATION

509 & 515 CAPITOL TRAIL
NEWARK, NEW CASTLE COUNTY,
DELAWARE

Prepared for:

Schwab VIII, LLC
ATTN: Mr. Eric Schwab
503 Capitol Trail
Newark, Delaware 19719

Prepared by:
Ten Bears Environmental Associates Co.
1080 S. Chapel St. Suite 200
Newark, Delaware 19702

April 3, 2025
TBE Project No. 25-2582.A

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FIGURES

Figure 1 Site Location Sketch
Figure 2 U.S. Fish and Wildlife Service Mapped Wetlands
Figure 3 Wetland Flagging Sketch

APPENDICES

Appendix A Flood Zone Mapping
Appendix B Historical Aerial Photographs
Appendix C Site Photographs
Appendix D Data Point Sheet

I. INTRODUCTION

Ten Bears Environmental Associates Co. (TBE) has completed a Wetland Delineation of the Property (referred to herein as "Property" or "Site") located at 509 and 515 Capitol Trail, Newark, Delaware. TBE completed the delineation on behalf of Schwab VIII, LLC. The purpose was to estimate the boundaries of regulated wetlands on the Property. The assessment was performed in general accordance with the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), and associated guidance letters. The delineation included cataloguing plant species, identifying hydric soils, evaluating site hydrology, and reviewing environmental regulatory and geographic information pertaining to the Property and nearby lands.

This report documents the findings of the delineation. The following sections summarize the general site characteristics, wetland delineation methods, delineation results, and our conclusions and recommendations.

II. GENERAL SITE CHARACTERISTICS

TBE reviewed selected mapping and visually reviewed the Property for general characteristics that may be pertinent to a wetlands evaluation. The following summarizes our findings regarding observed site conditions, surface topography and site drainage, flooding potential, soils, and mapped wetlands.

A. SITE DESCRIPTION

The approximately 4.8-acre Site (New Castle County, Delaware tax parcel nos. 1801000002, 1801000003, 1801000004, and 1801000005) is located at 509 and 515 Capitol Trail, Newark, Delaware. **Figure 1** depicts the approximate site location on an applicable New Castle County topographic map. The Site is largely comprised of woodlands with two buildings located in the south of the Site.

The Property is also improved with a drainage ditch originating with a roadway culvert located on parcel No. 1801000002, which discharges to White Clay Creek off site to the north. The ditch banks are steep and narrow with little to no meander, suggesting it was excavated to receive the culverted roadway drainage. Also, the approximately 36-inch pipe discharges at approximately 3 feet below grade to the approximately 6-foot-deep ditch, indicating original construction with a shallower dry ditch, with subsequent scour erosion to the current condition.

B. SURFACE TOPOGRAPHY AND SITE DRAINAGE

Based on a review of the U.S. Geological Survey (USGS) topographic map[(1)] and New Castle County parcel view internet site, estimated surface elevations within the Property are between 54 and 78 feet. The ground surface generally slopes to the north towards White Clay Creek **(Figure 2)**. Based on the largely undeveloped condition of the Site, the majority of stormwater likely absorbs into the ground. Surface topography indicates that excess stormwater runoff on the

Site would flow north to northeast towards White Clay Creek. Groundwater flow typically follows topographic trends, absent man-made influences, indicating flow to the north to northeast towards White Clay Creek. A small portion of the Site near the center drains to the ditch, which suggests the original condition would not have supported a natural stream.

C. FLOOD ZONES

TBE reviewed mapping information available from the Federal Emergency Management Agency's (FEMA's) Internet site on March 3, 2025 (FEMA Map Panel 10003C0130L, January 22, 2020) which indicated that 1-percent and 0.2-percent annual chance (100-year and 500-year) flood zones along White Clay Creek extend onto the northern portions of the property. **Appendix A** includes the map.

D. SOILS

Ten Bears reviewed the online U.S. Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey for general soil conditions at the Property. Soils at the Property are described as 61.4 percent Delanco Codorus-Hatboro complex, 0 to 8 percent slopes (DcB) and 38.6 percent Elsinboro Delanco-Urban land complex, 0 to 8 percent slopes (ErB). DcB and ErB soils are non-hydric soils typically found on stream terraces and are described as moderately well drained and well drained respectively, unlikely to support wetlands.

E. WETLANDS

TBE reviewed the U.S. Fish & Wildlife Service's Wetlands Mapper and the State of Delaware, Department of Natural Resources and Environmental Control's (DNREC's) "Environmental Navigator" on March 12, 2025 to evaluate the presence of mapped wetland areas at the Site. Mapped riverine wetlands are depicted offsite along White Clay Creek, but do not extend onto the Subject Site (**Figure 3**).

F. HISTORICAL AERIAL PHOTOGRAPHS

TBE reviewed historical aerial photographs provided by Envirosite Corporation (**Appendix B**) to further evaluate the character of the apparent man-made drainage ditch. The earliest photograph from 1937 shows a somewhat vague erosional feature in the agricultural field at the site apparently associated with piping under Capitol Trail. A similar feature extends south across Capitol Trail near the current location of Elm Avenue. On the 1951 aerial, this feature is not visible immediately north of Capitol Trail, appears to originate near the current ditch location at the approximate limit of the 100-year floodplain and extends in a relatively distinct straight line to the north. The Property appears as open meadow throughout these photos (1937 to 1952). Though blurry, the 1954 aerial shows disturbance near the road on the south side of the property. The site appears to gradually overgrow over subsequent years, obscuring the location of the ditch.

Based on our review, the current ditch appears to originate as an erosion feature associated with culverted drainage under Old Capitol Trail. The culvert is then extended northward into

the property to the current location between 1937 and 1951. Based on the more distinct and linear appearance, the ditch likely was excavated between the 1937 and 1951 aerials.

III. WETLAND DELINEATION METHODS

A "Routine Level" wetland delineation was performed for the Site on March 13th and March 18, 2025. The purpose of the delineation was to identify wetlands potentially subject to regulation by Section 404 of the Clean Water Act (CWA). The delineation was performed in general accordance with the "Three Parameter" approach outlined in the 1987 Army Corps of Engineers Wetland Delineation Manual, the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), and associated guidance letters.

The United States Army Corps of Engineers (USACE) criteria for identification of wetlands requires the presence of each of the following three wetland indicators for a "positive" wetland delineation: hydric soils, hydrology, and dominant hydrophytic vegetation. TBE personnel evaluated these indicators at selected locations, identified as "Data Points," by performing a hand-augered boring to review soil conditions and hydrology, and visually reviewing surrounding vegetation.

Vegetation communities were characterized through a five-strata approach, considering trees, saplings, shrubs, woody vines, and herbaceous species. Visual estimates of the number of species for each stratum were obtained within a radius of 30 feet. The wetland indicator status of each species was obtained from the 1988 National List of Plant Species that Occur in Wetlands: Northeast (Region 1).

The soil parameter was evaluated by performing a soil boring at each Data Point location. A representative soil profile of at least approximately 24 inches was taken from the soil boring to characterize and identify the presence or absence of hydric soil indicators, as described in the 2010 Field Indicators of Hydric Soils in the United States (Version 7.0), published by The United States Department of Agriculture and the Natural Resources Conservation Service.

Each sampling point was evaluated for the presence of primary characteristics of hydrology by visual observation of inundation, saturation to within 12 inches of the surface, and drainage patterns. Evaluated secondary indicators included, but were not necessarily limited to, oxidized rhizospheres in the upper 12 inches of the soil profile and visible drainage patterns.

The wetland boundary was estimated and marked with consecutively numbered pink flagging bearing the words "Wetland Delineation.

IV. DELINEATION RESULTS

The results of the delineation did not identify regulated wetlands at the Site. As a conservative measure, TBE flagged the apparent non-jurisdictional constructed ditch along the mean high-water line as potential 'Waters of the United States' (WOTUS), pending review. **Figure 3** depicts the approximate field delineated extent of the bank of the ditch and the Data Point locations. Photographs taken during the delineation are provided in **Appendix C**. See **Appendix D** for Data Forms documenting observed conditions at the Data Point locations. No datapoint was taken within the presumed wetland area due to lack of vegetation and rocky soil in the ditch bottom.

Waters of the United States (WOTUS) are defined as bodies of water subject to federal regulation by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps Engineers. This includes traditional navigable waters, interstate waters, territorial seas, impoundments, tributaries, adjacent wetlands, and other waters with a significant nexus to regulated waters.

A. UPLANDS

Data Point 1 (DP-1) and Data Point 2 (DP-2) were performed in apparent upland areas adjacent to the drainage swale. These points did not meet the criteria to be considered wetlands. The following describes conditions represented by the Data Points. Due to the absence of one or more of the three wetland parameters evaluated, these areas are considered uplands / non-wetlands.

1. VEGETATION

Other than lawn grass, species observed at the DP-1 and DP-2 locations consisted of but were not necessarily limited to: White Oak (*Quercus alba*), Eastern White Pine (*Pinus strobus*), Sycamore (*Platanus occidentalis*), Tulip Tree (*Liriodendron tulipifera*), Sugar Maple (*Acer saccharinum*), Willow Oak (*Quercus phellos*), St. Andrew's Cross (*Hypericum hypericoides*), Lesser celandine (*Ficaria verna*), Multiflora Rose (*Rosa multiflora*), Ivy (*Hedera helix*).

Dominant vegetation at the DP-1 and DP-2 locations are not considered hydrophytic, based on prevalence indeces of 3.8 and 3.5, respectively.

2. HYDROLOGY

No indications of groundwater or saturated soils within 12 inches of the ground surface were observed at DP-1 and DP-2. Drainage patterns associated with the constructed ditch were observed in the general area of the Datapoint locations.

3. NON-HYDRIC SOILS

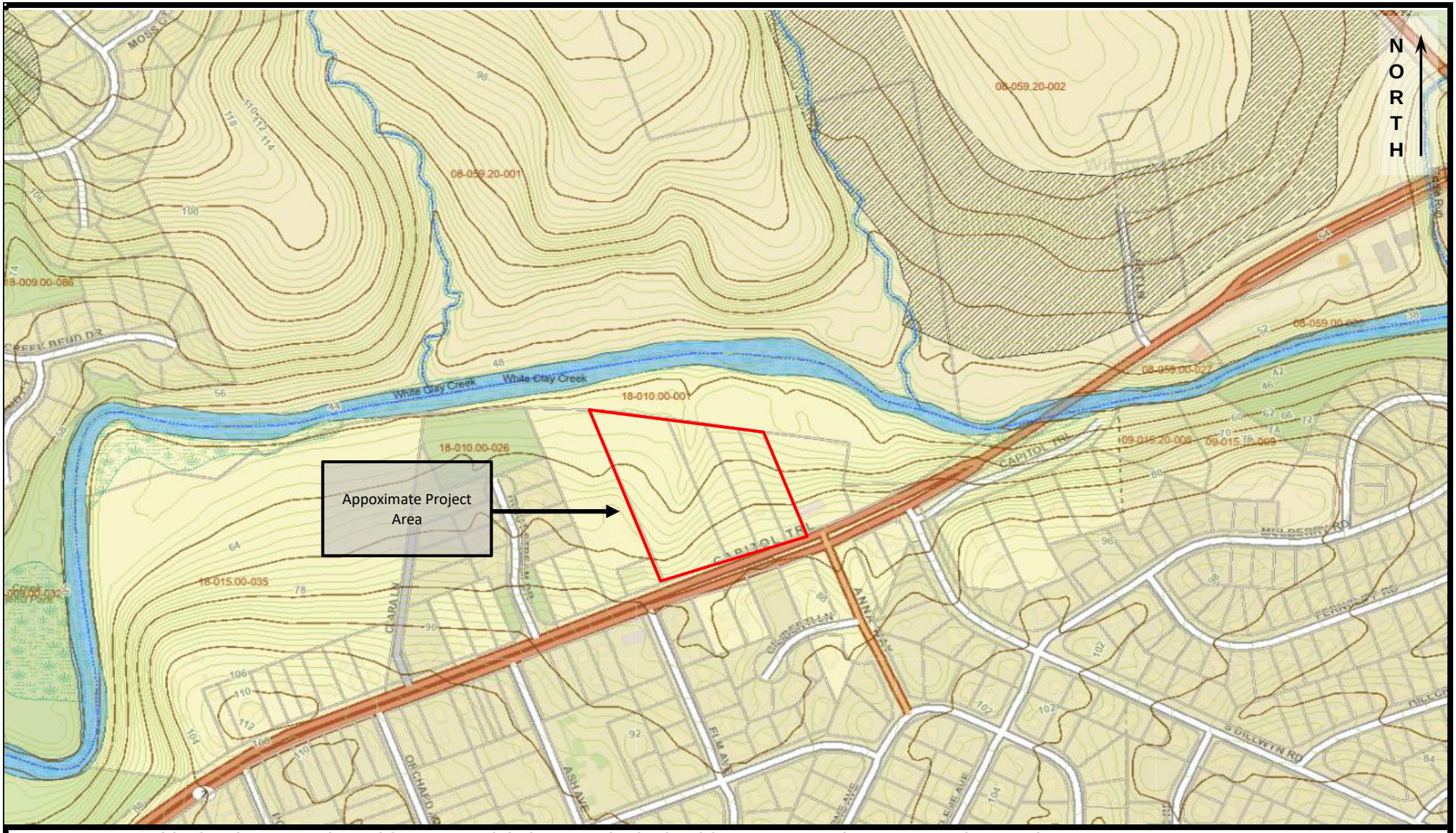
Soils at the DP-1 and DP-2 locations were relatively consistent. They were characterized as a brown (Munsell Colors 10YR 4/3) loam from 0 to 12 – 15 inches below the ground surface (bgs), underlain by a brown (10YR 4/4) loam from 12-15 to the termination depth of approximately 25 inches bgs. These soils are not considered hydric.

V. CONCLUSIONS AND RECOMMENDATIONS

TBE completed a Wetland Delineation of 509 and 515 Capitol Trail, Newark, New Castle County, Delaware. The results of the field investigation identified no apparent regulated wetlands at the Site. No mapped wetlands or hydric soils were identified and the drainage area associated with the ditch does not appear sufficient to support a stream. As such, drainage ditch is an apparent man-made feature in uplands. However, as a conservative measure, TBE flagged potential Waters of the United States (WOTUS) in the areas below the mean-high water line of the ditch. Prior to future site development activities, TBE recommends engaging a surveyor to field locate the flags for inclusion on plan submissions to regulatory agencies. Although in our opinion the existing feature likely is unregulated, should future development plans involve encroaching on or within 100 feet of the identified areas, TBE recommends submitting a Jurisdictional Determination or permit application with the United States Army Corps of Engineers – Philadelphia District, prior to beginning land disturbing activities near the identified resources.

This report is based on Ten Bears Environmental Associates Co.'s professional opinion regarding wetland / non-wetland conditions observed during the field investigation at the Site and our interpretation of the observed site conditions, maps, and regulatory information. The observations, conclusions, and recommendations presented in this report are based solely on conditions encountered at the time of the investigation effort. Final authority as to the accuracy of this delineation and jurisdictional status of waters of the United States rests with the Philadelphia District, U.S. Army Corps of Engineers (USACE) and / or the State of Delaware Department of Natural Resources and Environmental Control, Division of Water Resources, Wetlands and Waterways Section. It may be prudent to request a jurisdictional determination from the USACE prior to encroaching on wetlands identified herein or those mapped on the national wetland inventory map.

FIGURES



Notes: Notes: This drawing was adapted from an aerial photograph obtained from New Castle County Web App Viewer

Ten Bears Environmental

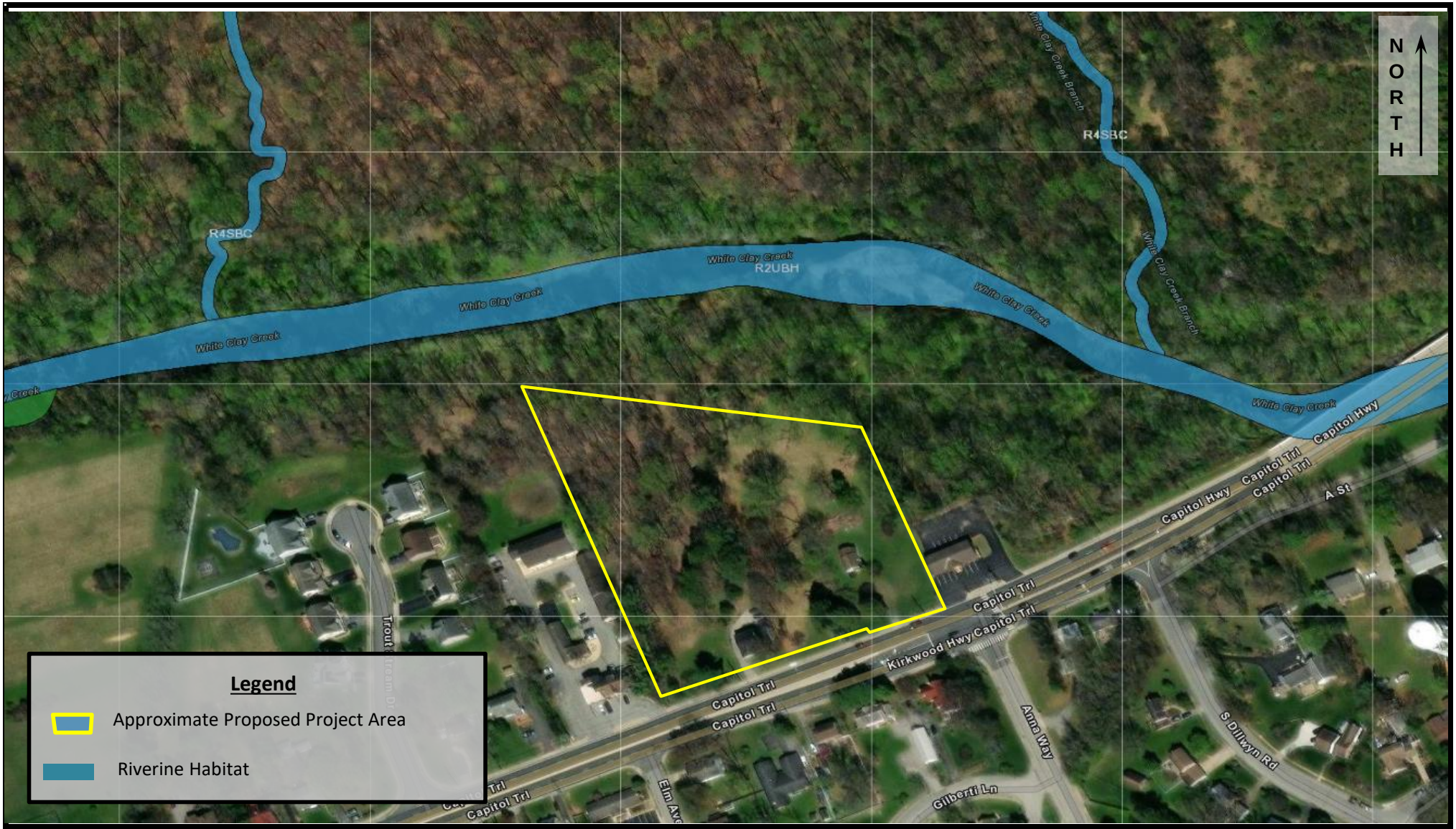
Ten Bears Environmental Associates, Co.
1080 S. Chapel St., Suite 200
Newark, Delaware 19702
Phone: (302) 731-8633

FIGURE 1 - LOCATION SKETCH

CAPITOL TRAIL

509 & 515 CAPITOL TRAIL
NEWARK, NEW CASTLE COUNTY, DELAWARE

DATE:	3/18/2025	JOB NUMBER:	24-2582.A
DRAWN BY:	RJJ	SCALE:	NTS
CHECKED BY:	RCG	FIGURE NO:	2
FILE NO:	24-2582.A.FIGS	SHEET	1 OF 1



Notes: This drawing was adapted from an aerial photograph obtained from the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory Mapper
The depicted wetlands and riverine habitat are as mapped by the USFWS NWI Mapper

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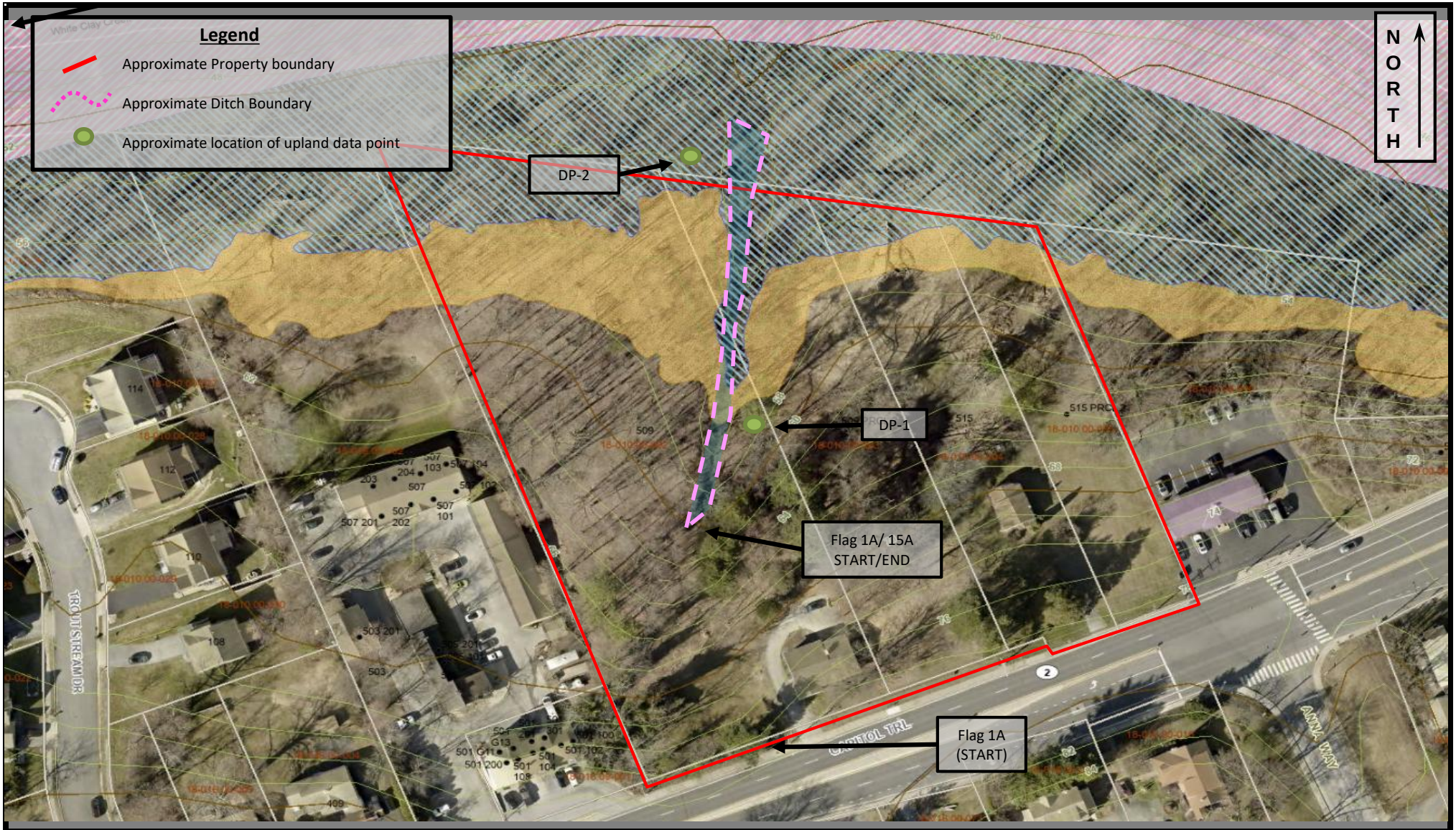
FIGURE 2 - USFWS MAPPED WETLANDS

CAPITOL TRAIL

509 & 515 CAPITOL TRAIL
NEWARK, NEW CASTLE COUNTY, DELAWARE

DATE:	3/18/2025	JOB NUMBER:	24-2582.A
DRAWN BY:	RJJ	SCALE:	NTS
CHECKED BY:	RCG	FIGURE NO:	2
FILE NO:	24-2582.A.FIGS	SHEET	1 OF 1



Notes: This drawing was adapted from an aerial photograph obtained from New Castle County Web App Viewer
The wetland boundary and data point locations are approximate and not based on a professional land survey. The boundary is based on the findings of TBE's March 19, 2025 field delineation.

FIGURE 3 - WETLAND FLAGGING SKETCH

CAPITOL TRAIL

509 & 515 CAPITOL TRAIL

NEWARK, NEW CASTLE COUNTY, DELAWARE

Ten Bears Environmental

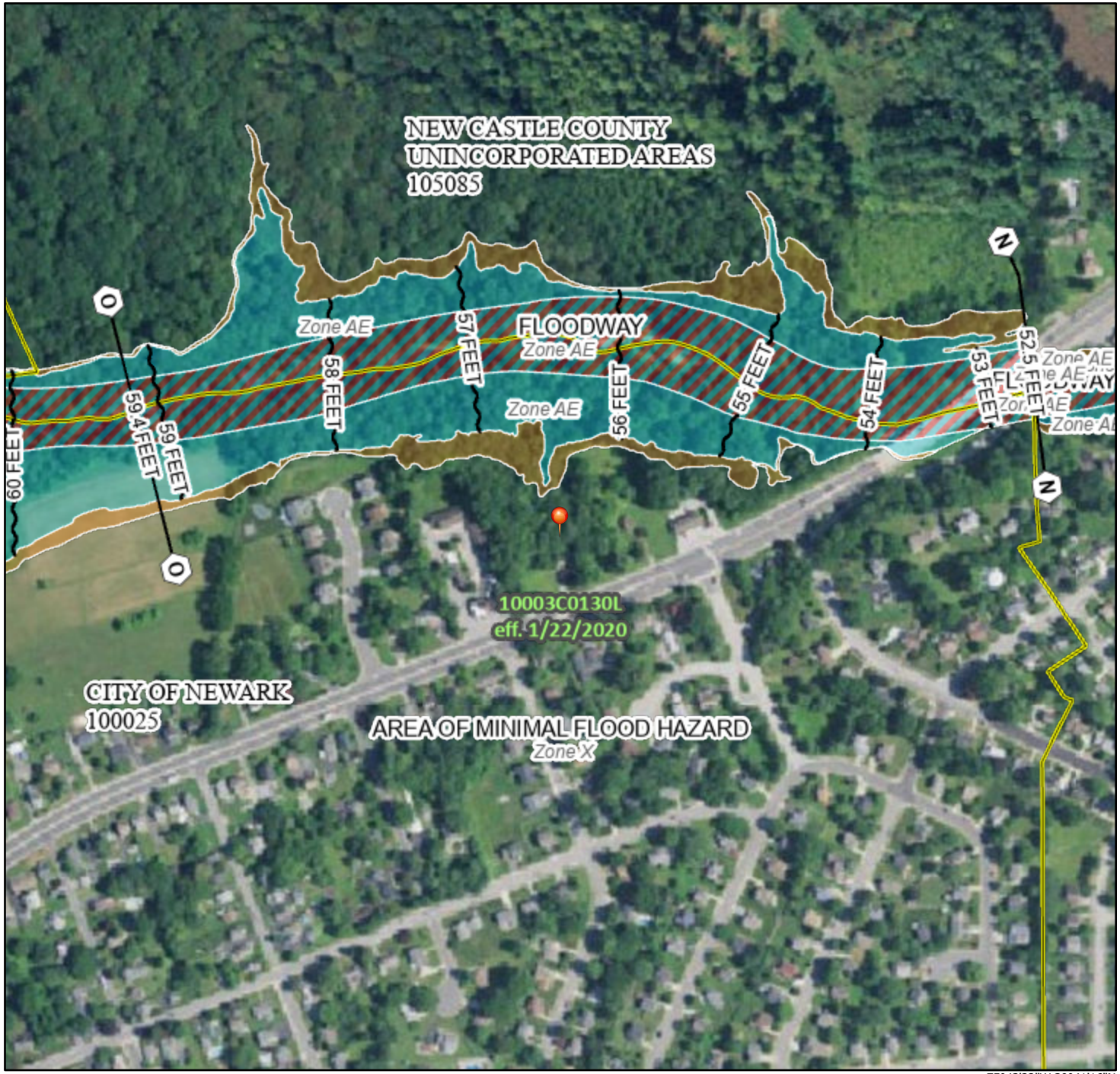
Ten Bears Environmental Associates, Co.
1080 S. Chapel St., Suite 200
Newark, Delaware 19702
Phone: (302) 731-8633

DATE:	3/18/2025	JOB NUMBER:	25-2582.A
DRAWN BY:	RJJ	SCALE:	NTS
CHECKED BY:	RCG	FIGURE NO:	1
FILE NO:	25-2582.A	SHEET	1 OF 1

National Flood Hazard Layer FIRMette

FEMA

75°44'W 39°41'43"N



75°43'22"W 39°41'16"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 — Cross Sections with 1% Annual Chance
- 17.5 — Water Surface Elevation
- Coastal Transect
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/26/2025 at 3:59 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

APPENDIX B

HISTORICAL AERIAL PHOTOGRAPHS

Historical Aerial Photo Report | 2025

Order Number: 106584
Report Generated: 03/26/2025

Project Name: 509 & 515 Capitol Trail
Project Number: 25-2582.A

Capitol Trail
509 Capitol Trl
Newark, DE, 19711

Contact us at:
(866) 211-2028
envirositecorp.com

Historical Aerial Photo Report 2025

Envirosite's Historical Aerial Photo Report is designed to assist in evaluating a subject property resulting from past activities. Envirosite's Historical Aerial Photo Report includes a search of available historical aerial photographs, dating back to the 1930s, or earliest available photographs.

ENVIROSITE SEARCHED SOURCES

SUBJECT PROPERTY:

Capitol Trail
509 Capitol Trl
Newark, DE, 19711

YEAR:	***SCALE:***	***SOURCE:***
1937	1" = 500'	USDA
1951	1" = 500'	USGS
1952	1" = 500'	USGS
1954	1" = 500'	USDA
1959	1" = 1,000'	USGS
1961	1" = 500'	USDA
1968	1" = 500'	USDA
1970	1" = 500'	USGS
1972	1" = 500'	USGS
1973	1" = 1,000'	USGS
1975	1" = 1,000'	USGS
1976	1" = 1,000'	USGS
1982	1" = 1,000'	NHAP
1983	1" = 1,000'	NHAP
1987	1" = 1,000'	USGS
1989	1" = 500'	USGS
1992	1" = 500'	DOQ
1997	1" = 500'	USDA
1998	1" = 1,000'	NAPP
2002	1" = 500'	USDA
2004	1" = 500'	NAIP
2006	1" = 500'	NAIP
2007	1" = 500'	USDA
2009	1" = 500'	NAIP
2011	1" = 500'	NAIP
2013	1" = 500'	NAIP
2015	1" = 500'	NAIP
2017	1" = 500'	NAIP
2018	1" = 500'	NAIP
2021	1" = 500'	NAIP
2023	1" = 500'	NAIP

FLIGHT YEAR:
1937

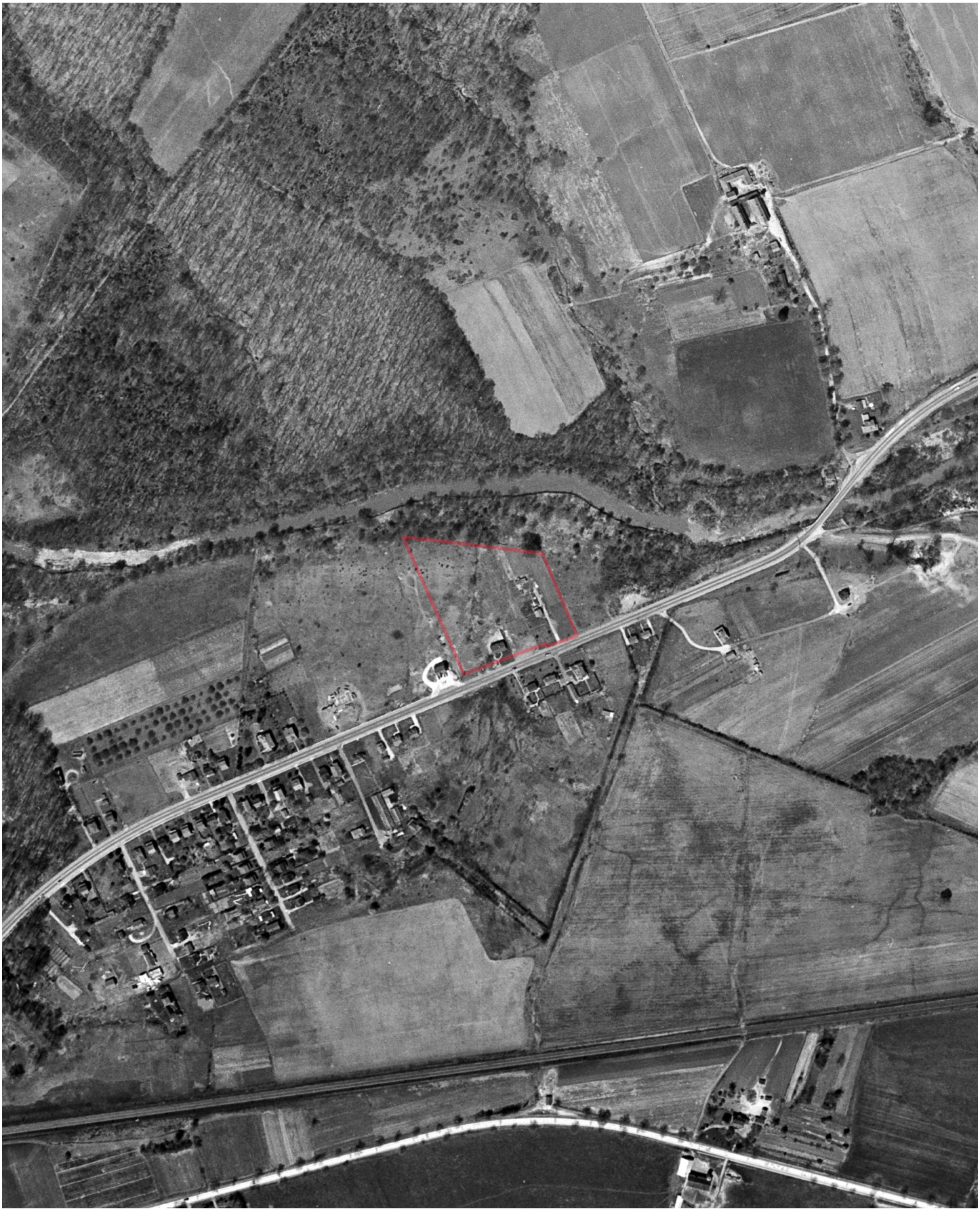
N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1951

N
W E
S

Scale: 1" = 500'



FLIGHT YEAR:
1952

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1954

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1959

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1961

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1968

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1970

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1972

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1973

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1975

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1976

Subject Cannot Be Centered

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1982

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1983

Best Quality Available

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1987

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
1989

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1992

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1997

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
1998

N
W E
S

Scale: 1" = 1,000'

FLIGHT YEAR:
2002

N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
2004

N
W E
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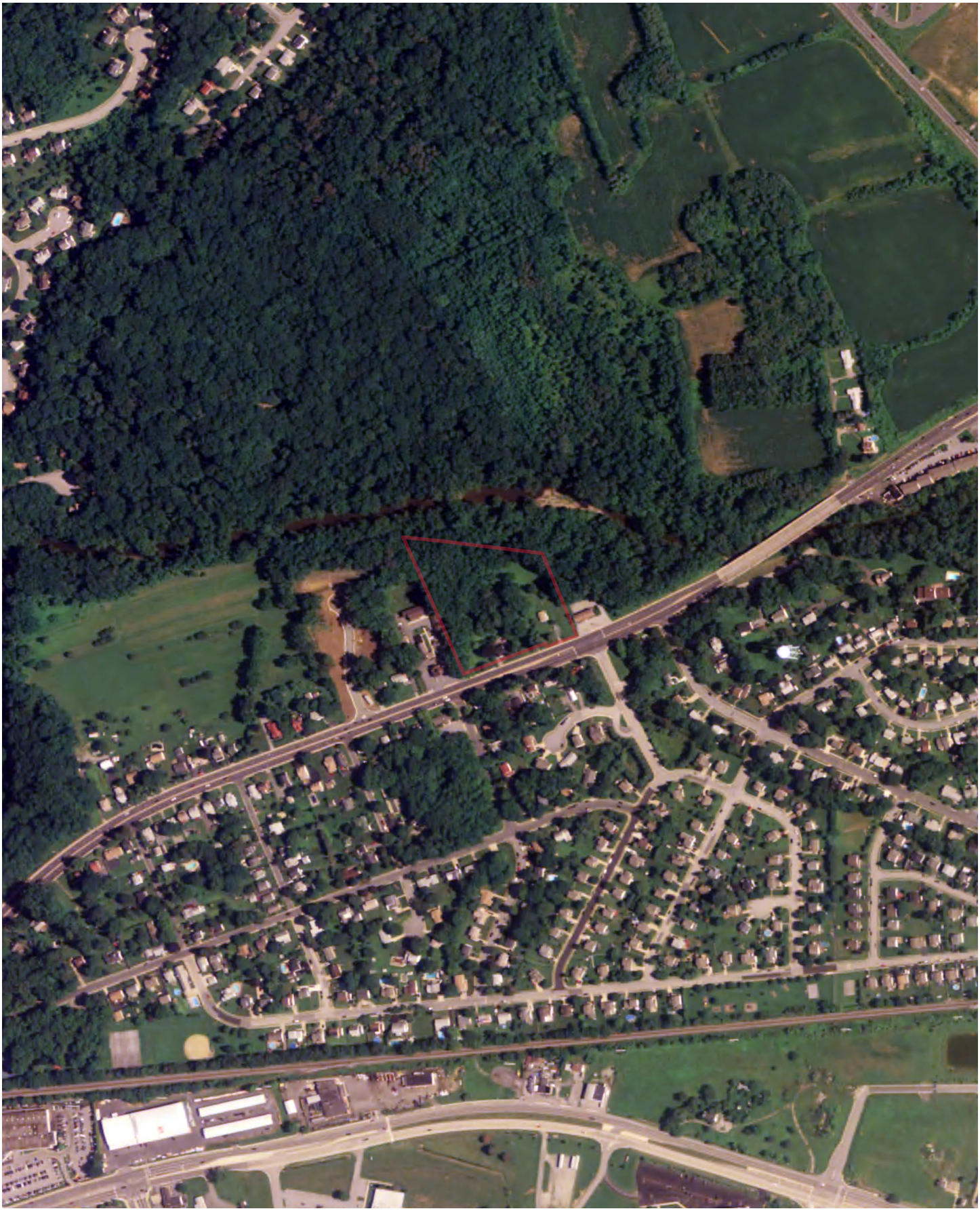
Scale: 1" = 500'

FLIGHT YEAR:
2006

N
W E
S

Scale: 1" = 500'



FLIGHT YEAR:
2007

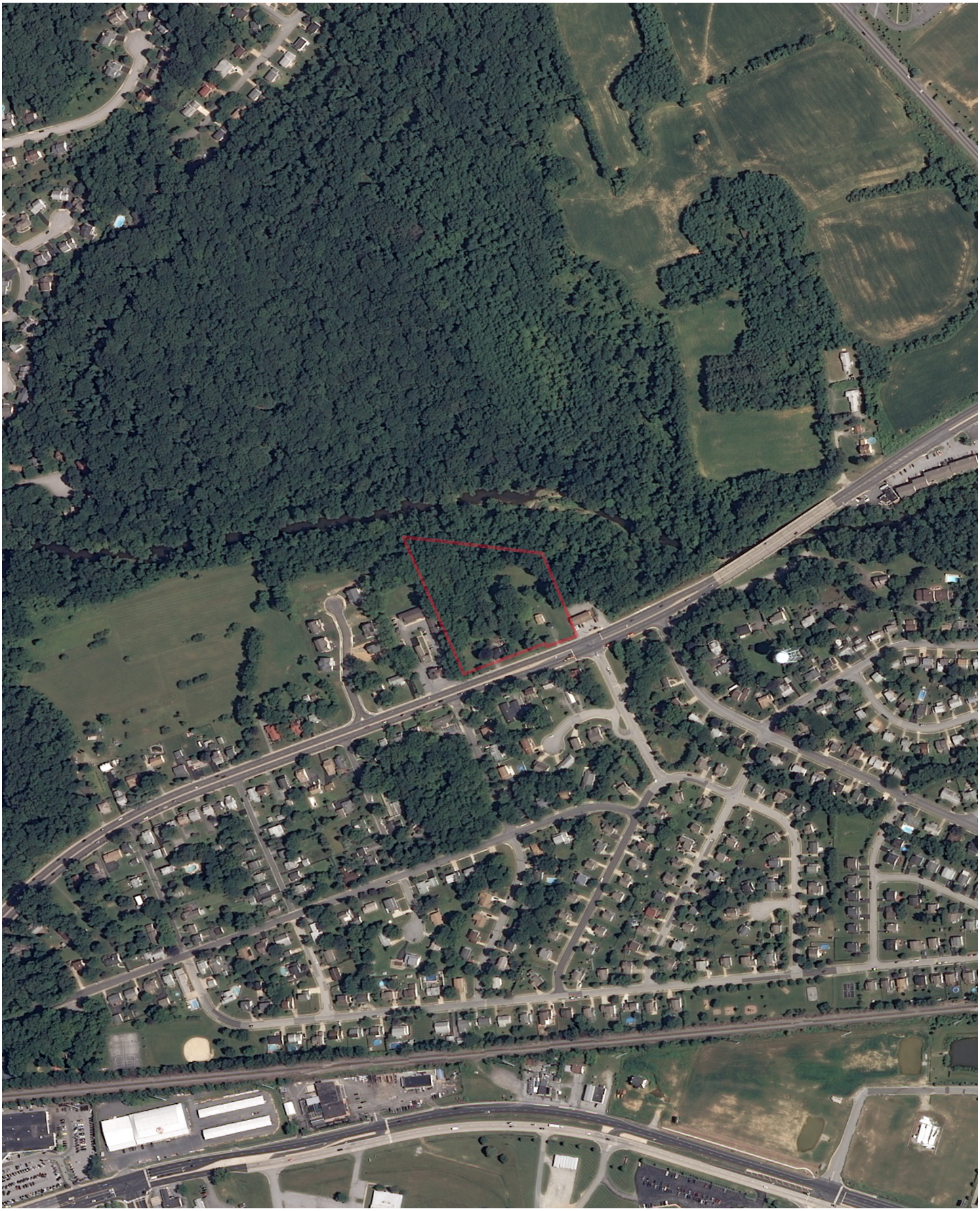
N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
2009

N
W E
S

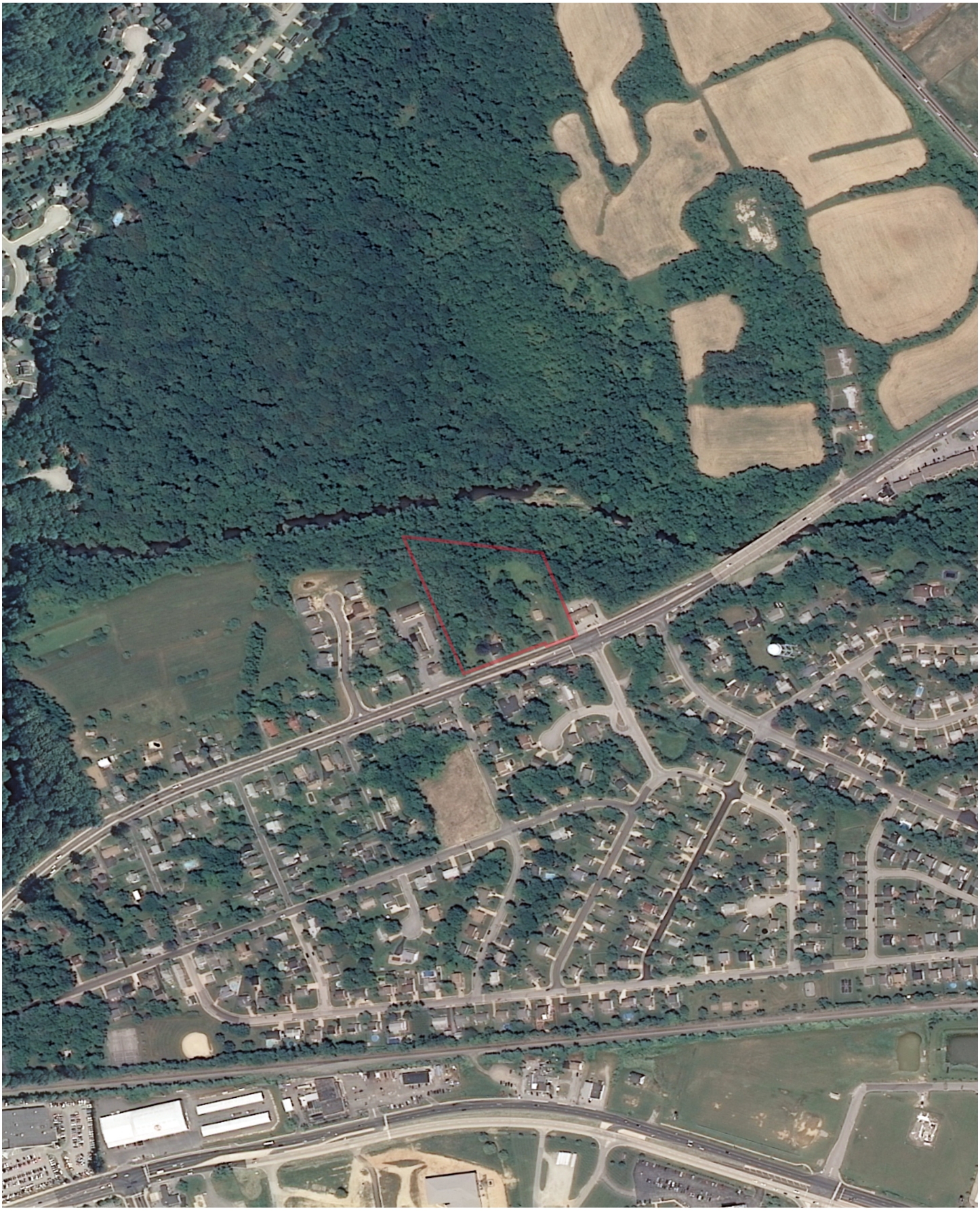
Scale: 1" = 500'



FLIGHT YEAR:
2011

N
W E
S

Scale: 1" = 500'



FLIGHT YEAR:
2013

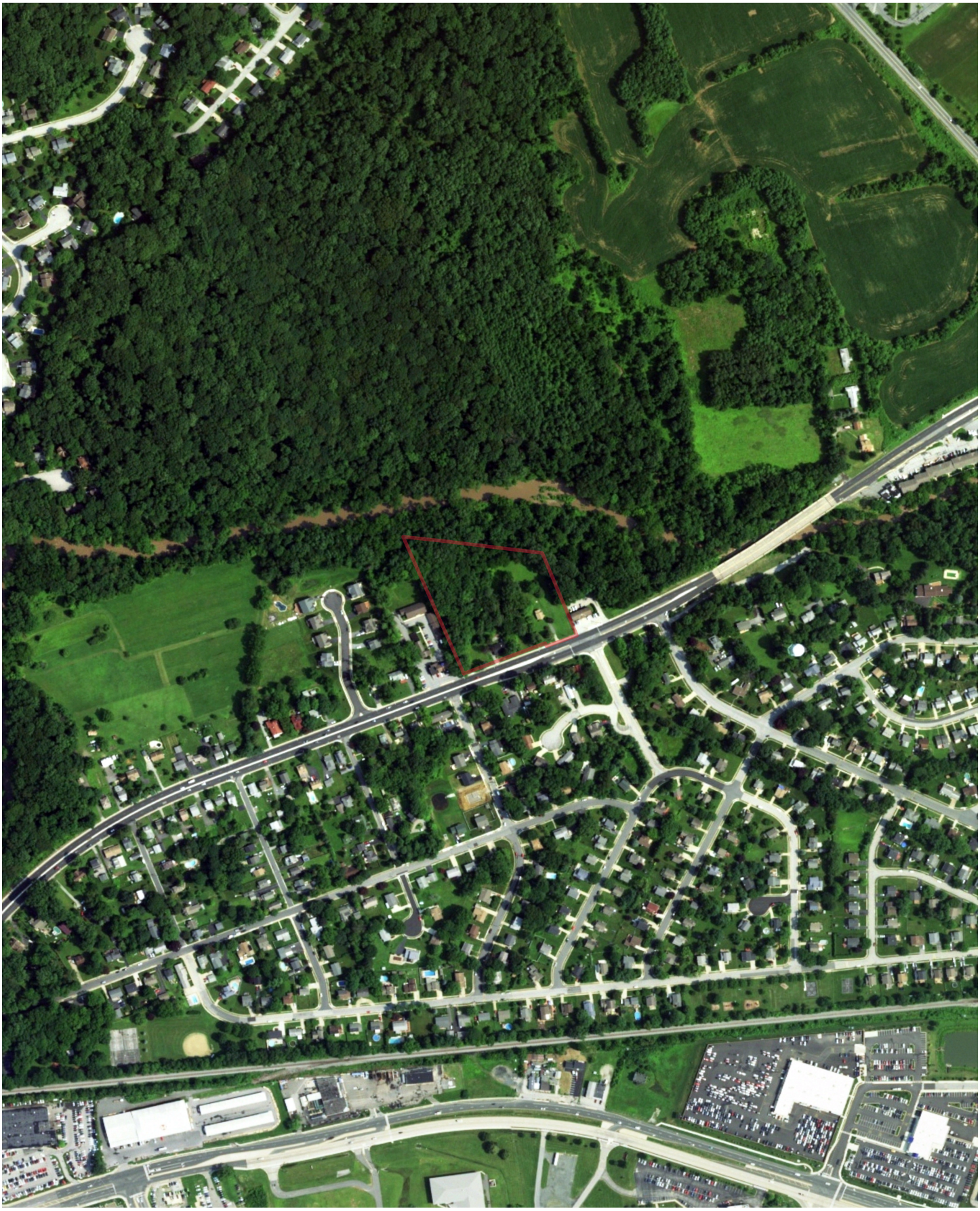
N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
2015

N
W E
S

Scale: 1" = 500'



FLIGHT YEAR:
2017

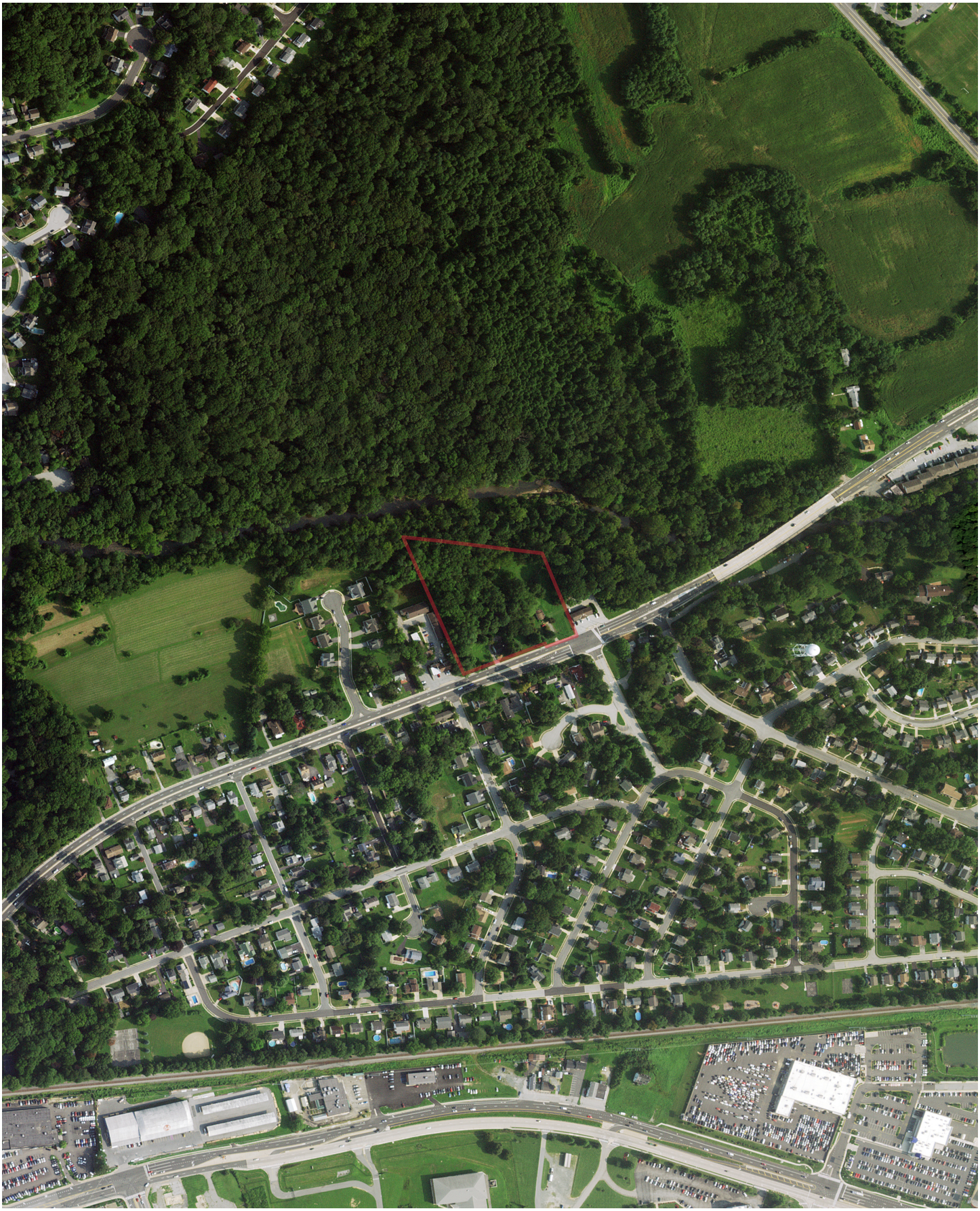
N
W E
S

Scale: 1" = 500'

FLIGHT YEAR:
2018

N
W E
S

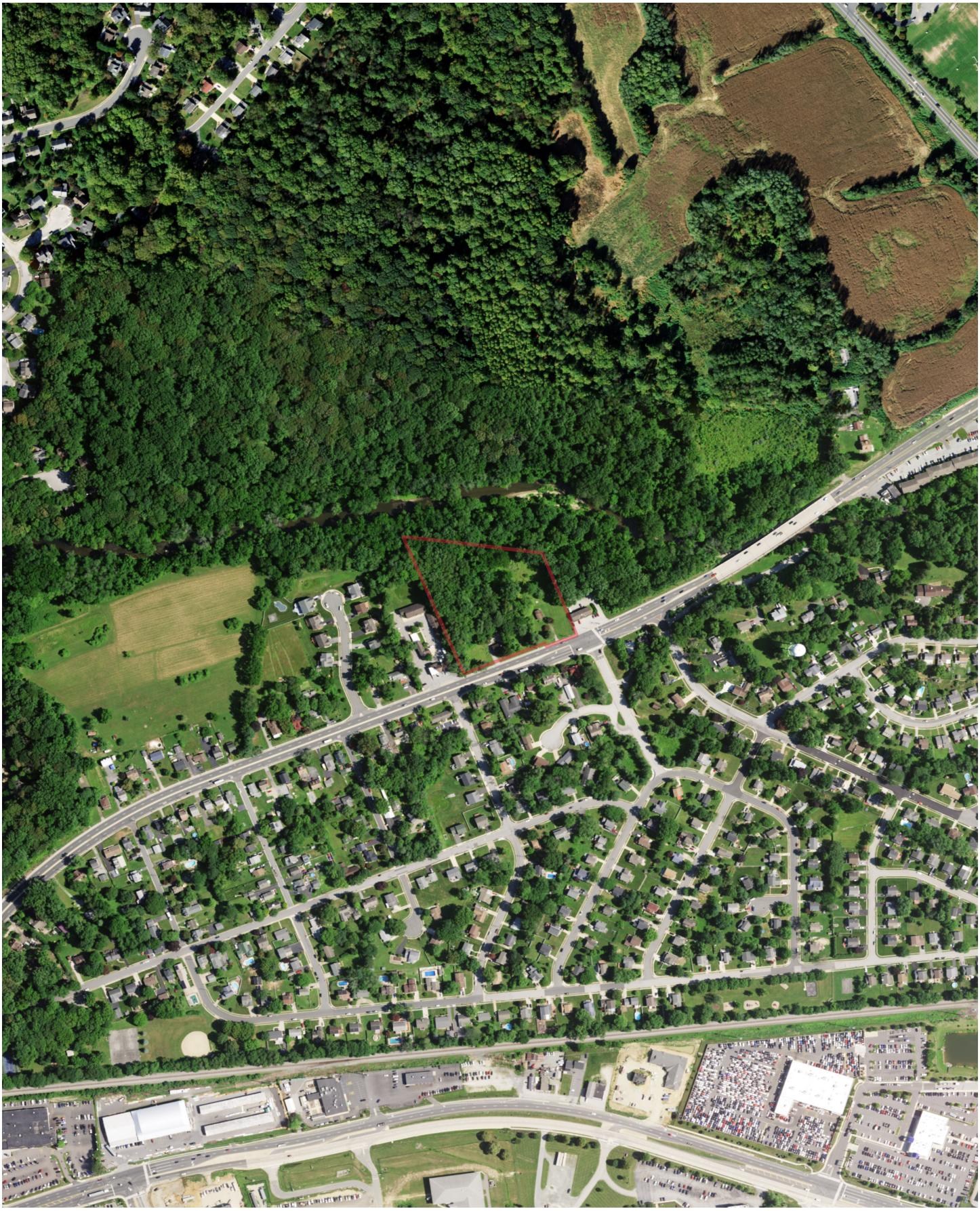
Scale: 1" = 500'



FLIGHT YEAR:
2021

N
W E
S

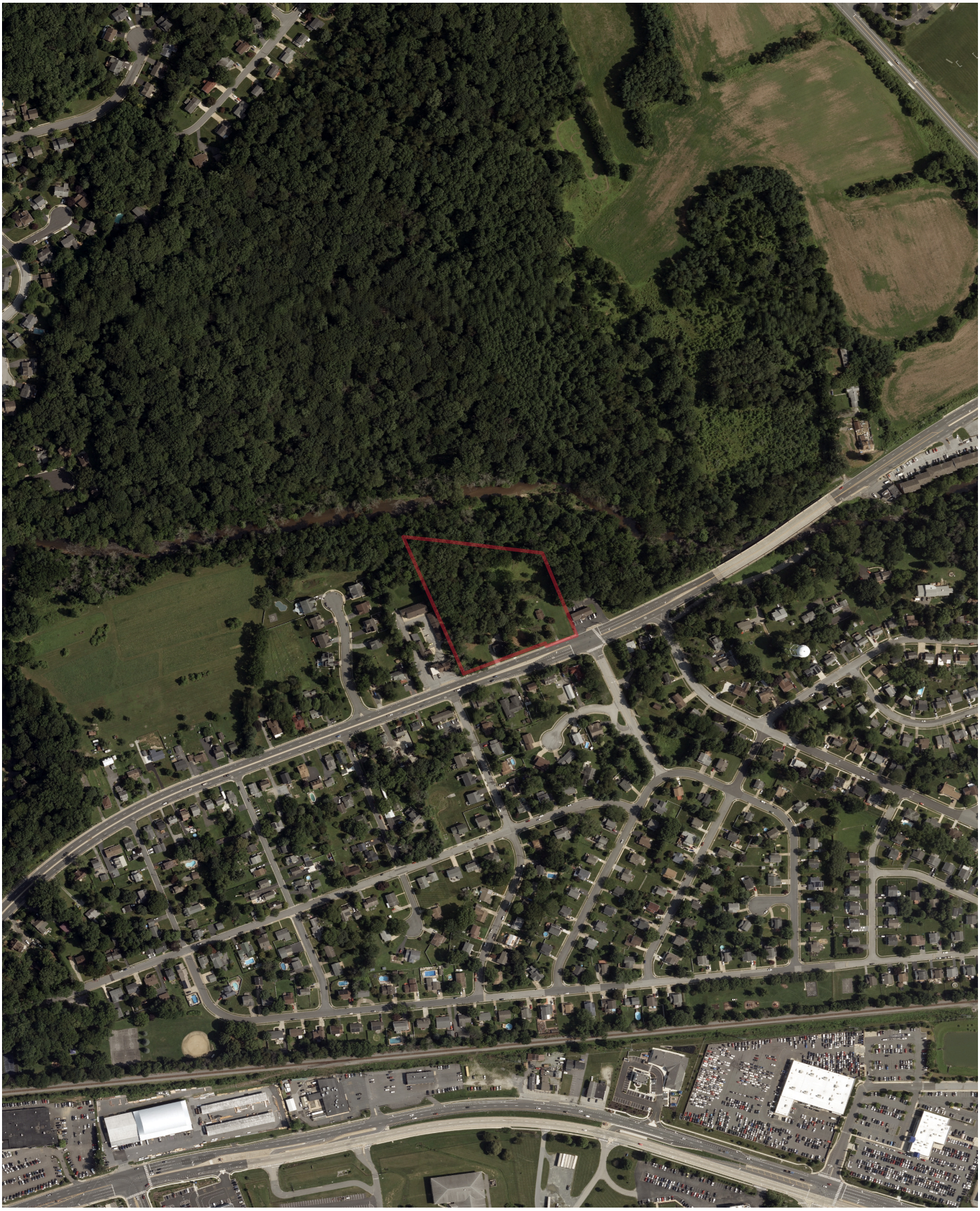
Scale: 1" = 500'



FLIGHT YEAR:
2023

N
W E
S

Scale: 1" = 500'



APPENDIX C

SITE PHOTOGRAPHS

Photograph 1 – General view Data Point 1 facing North

Photograph 2 – General View of DP-2, facing Northeast

Photograph 3 – Bank of White Clay Creek. Off Site

Photograph 4 – General view Site, facing southwest towards Capitol Trail

Photograph 5 – 36-inch Culvert

Photograph 5 – Close-up of Culvert

APPENDIX D

DATA POINT SHEETS

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Eastern Mountains and Piedmont Region
See ERDC/EL TR-12-9; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 509 Capitol Trail City/County: Newark Sampling Date: 3/18/2025
Applicant/Owner: Schwab VIII, LLC State: DE Sampling Point: DP1
Investigator(s): R. Josefowski Section, Township, Range:
Landform (hillside, terrace, etc.): Local relief (concave, convex, none): Slope (%):
Subregion (LRR or MLRA): LRR S Lat: 39°41'31.0"N Long: 75°43'41.7"W Datum: NAVD88
Soil Map Unit Name: DcB NWI classification: n/a
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No (If no, explain in Remarks.)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes x No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	No X	**Is the Sampled Area within a Wetland?** **Yes** **No** X
Hydric Soil Present?	Yes	No X	
Wetland Hydrology Present?	Yes	No X	

Remarks:
DP-1 taken adjacent to drainage drainage swale on property within a mapped floodplain area.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- x Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes	No x	Depth (inches):
Water Table Present?	Yes	No x	Depth (inches):
Saturation Present? (includes capillary fringe)	Yes	No x	Depth (inches):

Wetland Hydrology Present? **Yes** **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Drainage pattern

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP1

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2. *Quercus alba*	30	Yes	FACU
3. *Pinus strobus*	40	Yes	FACU
4. *Platanus occidentalis*	10	No	FACW
5.			
6.			
7.			
	80	=Total Cover	
50% of total cover: 40		20% of total cover: 16	

Sapling/Shrub Stratum (Plot size: 30)			
1. *Acer saccharinum*	15	Yes	FACU
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
	15	=Total Cover	
50% of total cover: 8		20% of total cover: 3	

Herb Stratum (Plot size: 30)			
1. *Hypericum hypericoides*	15	Yes	FACU
2. *Rosa multiflora*	25	Yes	FACU
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	40	=Total Cover	
50% of total cover: 20		20% of total cover: 8	

Woody Vine Stratum (Plot size: 30)			
1. *Hedera helix*	10	Yes	FACU
2.			
3.			
4.			
5.			
	10	=Total Cover	
50% of total cover: 5		20% of total cover: 2	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	10	x 2 =	20
FAC species	0	x 3 =	0
FACU species	135	x 4 =	540
UPL species	0	x 5 =	0
Column Totals:	145 (A)		560 (B)

Prevalence Index = B/A = 3.86

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? **Yes** ___ **No** X

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: DP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-12	10YR 4/3	100					Loamy/Clayey	
12-25	10YR 4/4	100					Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10) **(LRR N)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(MLRA 147, 148)**
- ___ Thin Dark Surface (S9) **(MLRA 147, 148)**
- ___ Loamy Mucky Mineral (F1) **(MLRA 136)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Iron-Manganese Masses (F12) **(LRR N, MLRA 136)**
- ___ Umbric Surface (F13) **(MLRA 122, 136)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 148)**
- ___ Red Parent Material (F21) **(MLRA 127, 147, 148)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(MLRA 147)**
- ___ Coast Prairie Redox (A16) **(MLRA 147, 148)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 136, 147)**
- ___ Red Parent Material (F21) **(outside MLRA 127, 147, 148)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Eastern Mountains and Piedmont Region
See ERDC/EL TR-12-9; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 509 Capitol Trail City/County: Newark Sampling Date: 3/18/2025
Applicant/Owner: Schwab VIII, LLC State: DE Sampling Point: DP2
Investigator(s): R. Josefowski Section, Township, Range:
Landform (hillside, terrace, etc.): Local relief (concave, convex, none): Slope (%):
Subregion (LRR or MLRA): LRR S Lat: 39°41'32.6"N Long: 75°43'42.7"W Datum: NAVD88
Soil Map Unit Name: DcB NWI classification: n/a
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No (If no, explain in Remarks.)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes x No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	No X	**Is the Sampled Area within a Wetland?** **Yes** **No** X
Hydric Soil Present?	Yes	No X	
Wetland Hydrology Present?	Yes	No X	

Remarks:
DP-1 taken adjacent to drainage drainage swale directly north of property within a mapped floodplain area.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- x Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes	No x	Depth (inches):
Water Table Present?	Yes	No x	Depth (inches):
Saturation Present? (includes capillary fringe)	Yes	No x	Depth (inches):

Wetland Hydrology Present? **Yes** **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Drainage pattern

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP2

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2. *Quercus alba*	30	Yes	FACU
3. *Liriodendron tulipifera*	50	Yes	FACU
4. *Platanus occidentalis*	10	No	FACW
5. *Quercus phellos*	15	No	FAC
6.			
7.			
	105	=Total Cover	
50% of total cover: 53		20% of total cover:	21

Sapling/Shrub Stratum (Plot size: 30)			
1. *Ilex opaca*	10	Yes	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
	10	=Total Cover	
50% of total cover: 5		20% of total cover:	2

Herb Stratum (Plot size: 30)			
1. *Ficaria verna*	60	Yes	FAC
2. *Rosa multiflora*	40	Yes	FACU
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100	=Total Cover	
50% of total cover: 50		20% of total cover:	20

Woody Vine Stratum (Plot size: 30)			
1. *Hedera helix*	5	Yes	FACU
2.			
3.			
4.			
5.			
	5	=Total Cover	
50% of total cover: 3		20% of total cover:	1

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33.3% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	10	x 2 =	20
FAC species	85	x 3 =	255
FACU species	125	x 4 =	500
UPL species	0	x 5 =	0
Column Totals:	220 (A)		775 (B)

Prevalence Index = B/A = 3.52

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? **Yes** ___ **No** X

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: DP2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-15	10YR 4/3	100					Loamy/Clayey	
15-25	10YR 4/4	100					Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10) **(LRR N)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(MLRA 147, 148)**
- ___ Thin Dark Surface (S9) **(MLRA 147, 148)**
- ___ Loamy Mucky Mineral (F1) **(MLRA 136)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Iron-Manganese Masses (F12) **(LRR N, MLRA 136)**
- ___ Umbric Surface (F13) **(MLRA 122, 136)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 148)**
- ___ Red Parent Material (F21) **(MLRA 127, 147, 148)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(MLRA 147)**
- ___ Coast Prairie Redox (A16) **(MLRA 147, 148)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 136, 147)**
- ___ Red Parent Material (F21) **(outside MLRA 127, 147, 148)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

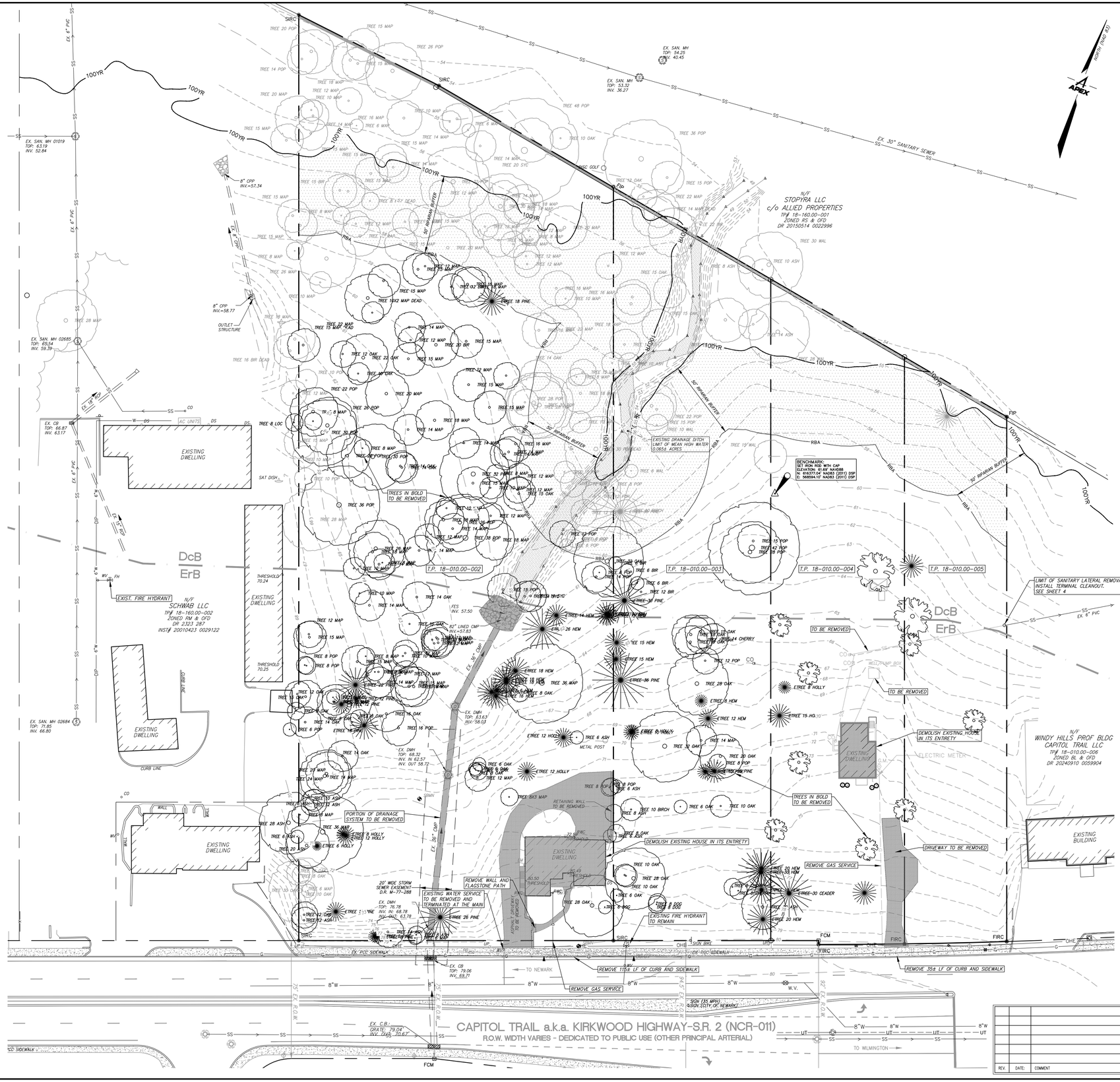
Hydric Soil Present? **Yes** ___ **No** X

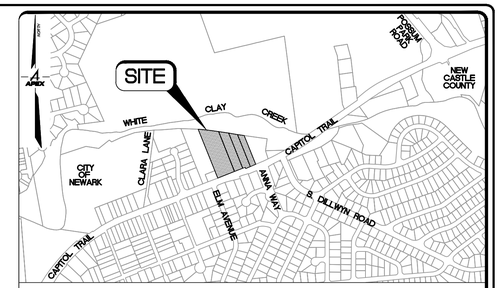
Remarks:

Site Plan Drawing

LEGEND

- PROPERTY LINE
- CENTERLINE
- IRON PIPE (IPS)
- IRON PIPE (IPF)
- CONCRETE MONUMENT (CMF)
- DRILL HOLE FOUND (DHF)
- SURVEY NAIL FOUND (NF)
- WETLANDS (WL)
- 100-YEAR FLOOD LINE (100YR)
- CONTOUR (53)
- SPOT ELEVATION (x50.00)
- COMBINATION STORM/SANITARY SEWER MANHOLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER (SS)
- CLEAN-OUT (CO)
- DRAINAGE PIPE w/ SIZE & TYPE (15" RCP)
- CATCH BASIN
- DRAINAGE MANHOLE
- DOWNSPOUT (DS)
- FIRE HYDRANT (FH)
- WATER VALVE (WV)
- WATER METER (WM)
- FIRE DEPARTMENT CONNECTION (FDC)
- WATER LINE W/SIZE (6"W)
- ELECTRIC LINE (OVERHEAD) (OHE)
- ELECTRIC LINE (UNDERGROUND) (UE)
- COMMUNICATIONS LINE (CABLE, FIBER OPTIC, OTHER) (COM)
- UNKNOWN (UNDERGROUND) (UNK)
- UTILITY POLE w/ GUY WIRE (UP)
- ELECTRIC BOX (EB)
- ELECTRIC METER (EM)
- LIGHT POLE (LP)
- ELECTRIC MANHOLE
- TELEPHONE BOX (TB)
- COMMUNICATION MANHOLE
- GAS METER (GM)
- GAS SERVICE (GS)
- GAS VALVE (GV)
- GAS VENT (GVENT)
- GAS LINE (G)
- GAS MANHOLE
- FENCE
- EVERGREEN TREE W/SIZE
- DECIDUOUS TREE W/SIZE
- DECIDUOUS TREE MULTIPLE TRUNKS W/SIZE (TXS)
- WOODS LINE
- STREAM
- CURB & GUTTER
- CONCRETE SIDEWALK, SLAB, PAVEMENT
- IMPERVIOUS PAVEMENT
- STONE PAVERS
- TRUNCATED DOMES
- RIPRAP
- STRUCTURE/BUILDING
- SOIL BORING (SB)
- TEST PIT (TP)
- MONITORING WELL (MW)
- SIGN
- TRAFFIC SIGNAL (TSP)
- BUILDING COLUMNS (PB)
- PARKING STALL COUNT (12)
- SOIL BOUNDARY AND TYPE (MtB)





LOCATION MAP SCALE 1"= 800'

SITE DATA

1. TAX PARCEL NUMBERS: 18-010.00-002, 18-010.00-003, 18-010.00-004 AND 18-010.00-005
2. PROPERTY OWNERS:
   SCHWAB VIII LLC, 501 CAPITOL TRAIL, SUITE G11, NEWARK, DE 19711 (TP 18-010.00-002 AND -003)
   ALL PURPOSE LLC-CAPITOL TRAIL SERIES, 913 BRANCH ROAD, NEWARK, DE 19711 (TP 18-010.00-004 AND -005)
3. PROPERTY ADDRESSES: 509 AND 515 CAPITOL TRAIL NEWARK, DE 19711
4. SITE AREA: EXISTING 4.79± ACRES
   2.46± ACRES (TP 18-010.00-002)
   1.03± ACRES (TP 18-010.00-003)
   0.77± ACRES (TP 18-010.00-004)
   0.53± ACRES (TP 18-010.00-005)
5. SOURCES OF TITLE: 20220225 0023538 AND 20170814 0041054
6. ZONING/USE: 'RS' AND 'OFD'
7. WATER SUPPLY: CITY OF NEWARK – WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE STATE DIVISION OF PUBLIC HEALTH.
8. SEWER: CITY OF NEWARK SANITARY SEWER – SEWERAGE IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK DEPARTMENT OF PUBLIC WORKS AND THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
9. DATUM / BENCHMARK: NAVD 88 –RV17 (VERTICAL)
   NAD 83 (2011) DSP–CORS (HORIZANTAL)
10. DATE OF SURVEY: 2021 BY BECKER MORGAN GROUP
    UPDATED 2/8/2024 BY APEX ENGINEERING INCORPORATED
11. CRITICAL NATURAL AREA: NO PORTION OF THIS SITE IS WITHIN A CRITICAL NATURAL AREA.
12. FLOODPLAIN: A PORTION OF THIS SITE IS WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FLOOD INSURANCE RATE MAP #10003C0113OL DATED 1/22/2020.
13. WETLANDS: A WETLAND INVESTIGATION WAS CONDUCTED FOR THIS SITE AND NO WETLANDS WERE FOUND TO EXIST ON THIS SITE. SEE WETLAND DELINEATION REPORT PREPARED BY TEN BEARS ENVIRONMENTAL ASSOCIATES, CO. DATED MARCH 26, 2025.

PR#25-___-___

EXISTING CONDITIONS AND DEMOLITION PLAN

RALPH'S HAUS

CITY OF NEWARK NEW CASTLE COUNTY DELAWARE

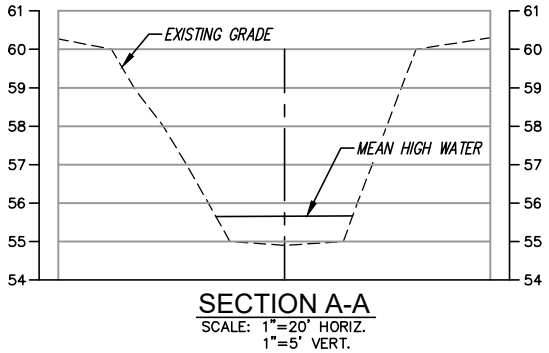
APEX ENGINEERING INCORPORATED
27 W. MARKET STREET NEWPORT, DELAWARE 19804
(302) 994-1900 (302) 994-9099 FAX

30 15 0 30 60 90

SCALE:	DATE:	SHEET NO.
1" = 30'	5/21/2025	3
SURVEYED BY: JS/KP	DRAWN BY: FEL/JV	OF 9
MICROFILM NO.	CHECKED BY: SGD	
PROJECT / FILE NUMBER 21209000PLOT-RECORD		REVISION

REV.	DATE:	COMMENT	CHECKED

PATH:U:\APEX DRAWINGS\2021
SAVED:5/22/2025 12:59 PM PLOTTED:5/22/2025 1:01 PM



SECTION A-A
SCALE: 1"=20' HORIZ.
1"=5' VERT.

APEX ENGINEERING INCORPORATED
27 W. MARKET STREET NEWPORT, DELAWARE 19804
(302) 994-1900 (302) 994-9099 FAX

EXISTING CHANNEL SECTION OF PROPOSED FILL AREA FOR 509 CAPITOL TRAIL

CITY OF NEWARK NEW CASTLE COUNTY DELAWARE

SCALE: 1"= 20'	DATE: 5/22/2025	SHEET NO. 1	
SURVEYED BY:	DRAWN BY: JV	OF 1	
	CHECKED BY: SGD		
PROJECT / FILE NUMBER 21209000XBASE		REVISION	

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE	
	CENTERLINE	
IPS	IRON PIPE	IPS
IPF	IRON PIPE	PF
CMF	CONCRETE MONUMENT	CMS
DHF	DRILL HOLE FOUND	DHS
NF	SURVEY NAIL	NS
WL	WETLANDS BOUNDARY	N/A
100YR	100-YEAR FLOOD LINE	N/A
N/A	LIMIT OF DISTURBANCE	LOD
RBA	RIPARIAN BUFFER	N/A
x50.00	SPOT ELEVATION	50.0
	SANITARY SEWER MANHOLE	
SS	SANITARY SEWER	SS
CO	CLEAN-OUT	CO
12" RCP	DRAINAGE PIPE w/ SIZE & TYPE	P-1
	CATCH BASIN	CB#1
	DRAINAGE MANHOLE	
DS	DOWNSPOUT	DS
FH	FIRE HYDRANT	FH
WV	WATER VALVE	WV
WM	WATER METER	WM
FDC	FIRE DEPARTMENT CONNECTION	FDC
6"W	WATER LINE W/SIZE	6"W
OHE	ELECTRIC LINE (OVERHEAD)	OHE
UE	ELECTRIC LINE (UNDERGROUND)	UE
UP	UTILITY POLE w/ GUY WIRE	UP
EB	ELECTRIC BOX	EB
EM	ELECTRIC METER	EM
LP	LIGHT POLE	LP
	ELECTRIC MANHOLE	
TB	TELEPHONE BOX	TB
	TELEPHONE MANHOLE	
COM	COMMUNICATIONS LINE (CABLE, FIBER OPTIC, OTHER)	COM
GM	GAS METER	GM
GV	GAS VALVE	GV
GVENT	GAS VENT	GVENT
G	GAS LINE	G
	GAS MANHOLE	
x	FENCE	x
	EVERGREEN TREE	SEE LANDSCAPE PLAN IF APPLICABLE
	DECIDUOUS TREE	SEE LANDSCAPE PLAN IF APPLICABLE
	WOODS LINE	
	STREAM	N/A
	CURB & GUTTER	
	CONCRETE SIDEWALK, SLAB, PAVEMENT	
N/A	IMPERVIOUS PAVEMENT (MILL AND OVERLAY)	
	IMPERVIOUS PAVEMENT (FULL DEPTH)	
	STRUCTURE/BUILDING	
SB	SOIL BORING	N/A
TP	TEST PIT	N/A
	SIGN	N/A
12	PARKING STALL COUNT	12
	TRUNCATED DOMES	

PR#25-___-___

GRADING PLAN

RALPH'S HAUS

CITY OF NEWARK NEW CASTLE COUNTY DELAWARE

APEX ENGINEERING INCORPORATED

27 W. MARKET STREET NEWPORT, DELAWARE 19804
(302) 994-1900 (302) 994-9099 FAX

30 15 0 30 60 90

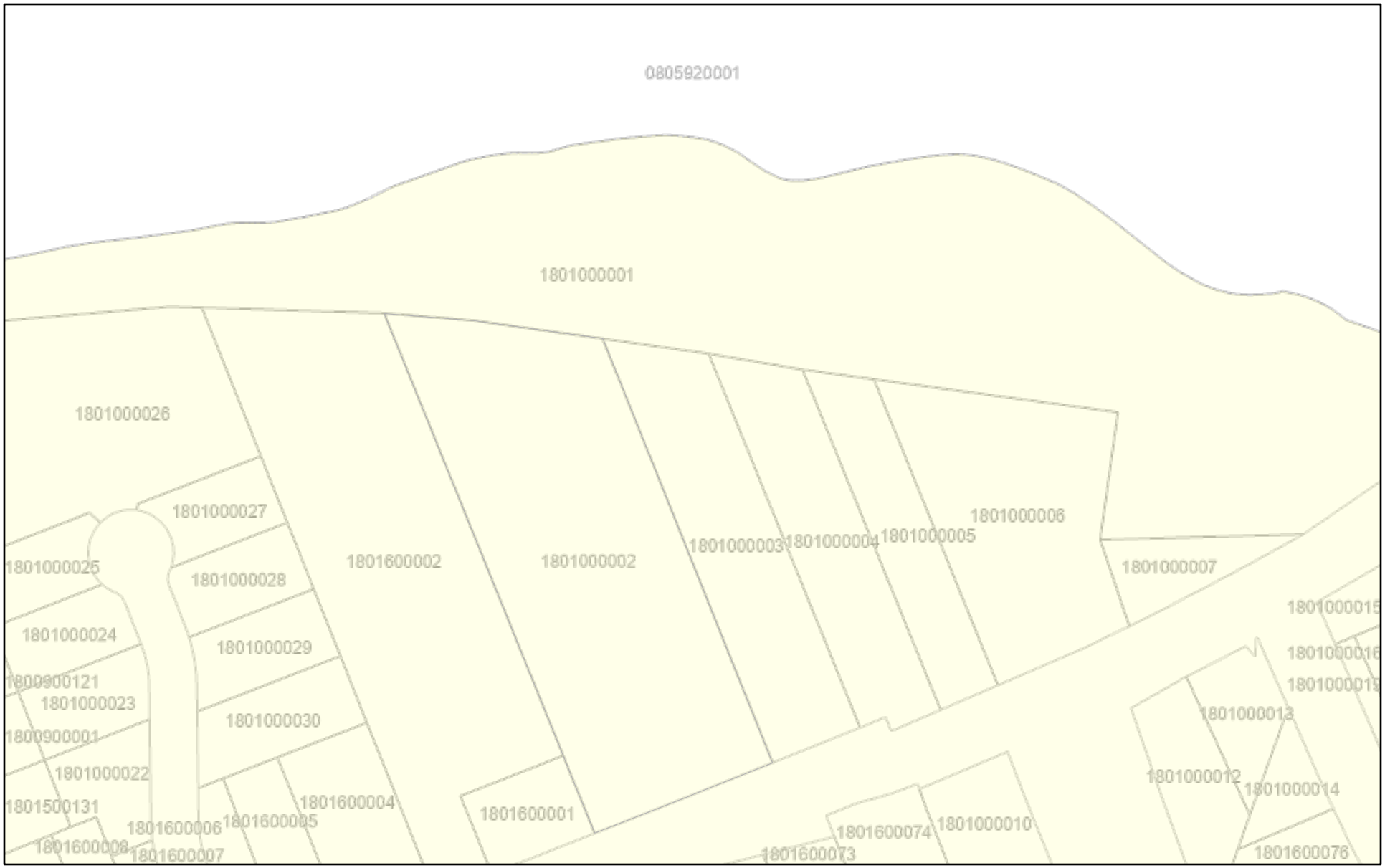
SCALE:	DATE:	SHEET NO.
1" = 30'	5/21/2025	5
SURVEYED BY: JS/KP	DRAWN BY: JV	OF 9
MICROFILM NO.	CHECKED BY: SGD	
PROJECT / FILE NUMBER: 21209000PLOT-RECORD		REVISION

REV.	DATE:	COMMENT	CHECKED

PATH: U:\APEX DRAWINGS\2021\
SAVED: 5/22/2025 1:10 PM PLOTTED: 5/22/2025 1:11 PM

Delaware Historical & Cultural Affairs
Desktop Review (CHRIS) & Email Correspondence

National Register-listed Properties (Basemap - USGS National Map)



April 29, 2025

DE_Boundaries - Municipalities

State Parcels

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.09 km

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography

Alex Moore

From: Alex Moore
Sent: Thursday, May 22, 2025 12:16 PM
To: Carr, Sarah (DOS)
Subject: RE: 509 Capitol Trail, Newark, DE
Attachments: DHCA request letter.pdf

Hi Sarah,

The U.S. Army Corps of Engineers Philadelphia District has requested your response as part of the permitting process described in my last email. Please confirm receipt of this email and let me know when I can expect your response.

Thank you,

Alex V. Moore
Geoscientist / Senior Environmental Scientist

Ten Bears Environmental Associates Co.
606 Federal Street, Milton, DE 19968
Office: (302) 684-5080

From: Alex Moore
Sent: Tuesday, April 29, 2025 3:19 PM
To: Carr, Sarah (DOS) <Sarah.Carr@delaware.gov>
Cc: Clay Greer <clay@tenbears.us>
Subject: 509 Capitol Trail, Newark, DE

Good Afternoon,

We are requesting documentation indicating whether the redevelopment project proposed at 509 Capitol Trail in Newark, Delaware is located on a parcel listed or eligible for listing on the National Register of Historic Places, see attached. This request was required by USACE, as part of a NWP request.

Please confirm receipt of this email and let us know when we can expect the requested documentation.

Thank you,

Alex V. Moore

Geoscientist / Senior Environmental Scientist

Ten Bears Environmental Associates Co.
606 Federal Street, Milton, DE 19968
Office: (302) 684-5080

State Natural Heritage Site

OR

National Estuarine Research Reserve

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

DIRECTOR'S OFFICE

PHONE
(302) 739-9910

May 15, 2025

Alex Moore
Ten Bears Environmental
606 Federal Street
Milton, DE 19968

Re: TBE 2025 Culvert Extension at 509 Capitol Trail Center Tax Parcel #1801000002

Dear Alex:

Thank you for contacting the Division of Fish and Wildlife (DFW) Species Conservation and Research Program about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

State Natural Heritage Site
A review of our database indicates that there are currently no records of state-rare or federally-listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the U.S. Army Corps of Engineers (USACE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the USACE for activities on this property.

Delaware Ecological Network
Habitat on this parcel has been identified as ecologically important by the Delaware Ecological Network (DEN) and is classified as a corridor. The DEN, although non-regulatory, is a statewide conservation network developed using GIS and field collected datasets that help to identify and prioritize ecologically important areas for natural resource protection. The DEN includes ecologically important areas such as forests, wetlands, streams, habitat that supports rare species and areas of especially high quality. The DEN includes the following key elements: 1) Core areas – which contain relatively intact natural ecosystems, and provide high-quality habitat for native plants and animals, 2) Hubs – which are slightly fragmented aggregations of core areas with contiguous natural cover and 3) Corridors – which link core areas together, allowing wildlife movement and seed and pollen transfer between them. The DEN can be accessed

through First Map: Delaware Ecological Network 2.0 | Delaware Ecological Network 2.0 | State of Delaware (arcgis.com). We recommend that this DEN designated area be protected to the fullest extent possible.

White Clay Creek Wild and Scenic River
This project is within or near the area designated as the White Clay Creek National Wild and Scenic River as administered by the National Park Service (NPS). The Wild and Scenic Rivers Act states that designated rivers possess outstandingly remarkable natural, cultural, and other values; that they are to be preserved in free-flowing condition; and that they and their immediate environments are to be protected. The White Clay Creek watershed was designated into the National Wild & Scenic Rivers system because of its exceptional hydro-geologic, botanic, fish and wildlife, and historical resources. The watershed is one of only a few relatively intact and ecologically functioning river systems remaining in the highly congested and developed corridor linking Philadelphia, Pennsylvania with Newark, Delaware. Please contact Sarah Bursky (617-981-0466 or Sarah_Bursky@nps.gov), Natural Resource Specialist/Rivers Manager at NPS, to determine whether or not your project needs to be reviewed by the NPS.

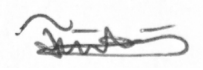
Fisheries
After reviewing the project description, it does not appear that any waterways will be impacted; therefore, there are no fisheries concerns at present.

The DFW does not have fish community data for the project location. However, it is unlikely that habitat occurs in the project site that would support anadromous fish species. No time of year restrictions or other measures are requested for these species or for resident gamefish species.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,



Faith Garcia
Environmental Review Coordinator
Phone: (302) 735-8665
Cell: (302) 443-3812
Email: christinefaith.garcia@delaware.gov
89 Kings Highway
Dover, DE 19901

(See invoice on next page)

INVOICE - PAYMENT DUE

It is our policy to charge a fee for this environmental review service. This letter constitutes an invoice for $35.00 ($35.00/hour for a minimum of one hour). Please make your check payable to "Delaware Division of Fish and Wildlife" and submit to:

DE Division of Fish and Wildlife
97 Commerce Way, Suite 106
Dover, DE 19904
ATTN: DFW Fiscal

In order for us to properly process your payment, you must reference "TBE 2025 Culvert Extension at 509 Capitol Trail**" on your check.**

cc: DFW Fiscal; Code to 72900

Alex Moore

From: Bursky, Sarah M <Sarah_Bursky@nps.gov>
Sent: Monday, May 19, 2025 3:09 PM
To: Alex Moore
Subject: Re: [EXTERNAL] Culvert Extension at 509 Capitol Trail

Thank you, Alex. NPS does not need to review or comment further as part of your process.

Sarah

Sarah Bursky
Natural Resource Specialist, Rivers Manager
Wild and Scenic Rivers Program, Interior Region 1
1234 Market St, Philadelphia PA 19107
Lenapehokink, homelands of the Lenape
cell (617) 981-0466

PARTNERSHIP
WILD & SCENIC RIVERS

www.nps.gov/pwsr

From: Alex Moore <alex@tenbears.us>
Sent: Friday, May 16, 2025 4:15 PM
To: Bursky, Sarah M <Sarah_Bursky@nps.gov>
Subject: RE: [EXTERNAL] Culvert Extension at 509 Capitol Trail

Hi Sarah,

The roadway culvert outlet is currently near the center of the subject parcel and that is where the referenced drainage ditch begins. This ditch heads in a northern direction all the way to White Clay Creek several hundred feet offsite to the north. The proposed plan is to re-route the underground culvert piping coming from Capitol Trail to slow down the water flow for erosion issues, as well as move the new culvert outlet up to the 100-year flood plain boundary . The water flow will go right back into the referenced ditch, just farther north (see red rectangle below).

Alex V. Moore
Geoscientist / Senior Environmental Scientist

Ten Bears Environmental Associates Co.
606 Federal Street, Milton, DE 19968
Office: (302) 684-5080

Ten Bears Environmental

From: Bursky, Sarah M <Sarah_Bursky@nps.gov>
Sent: Friday, May 16, 2025 2:03 PM

To: Alex Moore <alex@tenbears.us>
Subject: Re: [EXTERNAL] Culvert Extension at 509 Capitol Trail

Alex,

Thank you for the consultation.
So am I understanding that you're rerouting the drainage from the culvert to empty across the floodplain? What is at the boundary of the 100-year floodplain to disperse the water? I want to be make sure I'm clear on water flow... where it is being redirected. We'd be more focused on that as part of the project than filling the ditch itself. If it's going into a wetland, we would rely on state permissions/permits for that. If it's going into a tributary, that would include us under Wild and Scenic Rivers.
Any photos would help. Can you also send me coordinates for the ditch, to take a look?

Thanks,
Sarah

Sarah Bursky
Natural Resource Specialist, Rivers Manager
Wild and Scenic Rivers Program, Interior Region 1
1234 Market St, Philadelphia PA 19107
Lenapehokink, homelands of the Lenape
cell (617) 981-0466

PARTNERSHIP
WILD & SCENIC RIVERS

www.nps.gov/pwsr

From: Alex Moore <alex@tenbears.us>
Sent: Thursday, May 15, 2025 8:48 AM
To: Bursky, Sarah M <Sarah_Bursky@nps.gov>
Subject: [EXTERNAL] Culvert Extension at 509 Capitol Trail

Hi Sarah,

After speaking with Delaware Fish and Wildlife they suggested contacting you to determine whether or not this project needs to be reviewed by NPS. The proposed redevelopment at 509 Capitol Trail in Newark, Delaware (New Castle County, Delaware tax parcel no. 1801000002) will include filling in a small portion of a man-made drainage ditch associated with the current roadway culvert, and extending / rerouting the culvert system to the 100-year flood plain boundary in an effort to reduce existing ditch

erosion. The drainage ditch eventually drains to White Clay Creek approximately 350 to 400 feet north of the property, but the proposed project is not actually in the vicinity of White Clay Creek (see attached).

Looking forward to hearing from you.

Alex V. Moore
Geoscientist / Senior Environmental Scientist

Ten Bears Environmental Associates Co.
606 Federal Street, Milton, DE 19968
Office: (302) 684-5080

USFWS Endangered Species Act

Alex Moore

From: CBFO Project Review, FW5 <cbfoprojectreview@fws.gov>
Sent: Tuesday, May 6, 2025 3:56 PM
To: Alex Moore
Cc: Clay Greer
Subject: Re: [EXTERNAL] Project Review Request - 509 Capitol Trail, Newark, DE

Hi Alex-

Thank you for sending this project for review. For your official species list, two proposed species were on the list, tricolored bat (proposed as endangered) and monarch butterfly (proposed as threatened with a 4d rule).

The U.S. Fish and Wildlife Service has reviewed your project submittal form dated April 29, 2025. The ESA does not require conferencing on species proposed to be listed unless the action is likely to jeopardize the continued existence of the species. Our assessment is that the proposed action is not likely to jeopardize the proposed endangered tricolored bat (*Perimyotis subflavus*) or the proposed threatened monarch butterfly (*Danaus plexippus*).

If possible, as a voluntary conservation measure for the tricolored bat, we recommend avoiding tree clearing from May 15 to July 31. No further consultation is required at this time. However, if either of these species are listed under the ESA before this project is completed, please contact the USFWS to reinitiate consultation for this project.

Thank you,

Kathleen

From: Alex Moore <alex@tenbears.us>
Sent: Tuesday, April 29, 2025 3:23 PM
To: CBFO Project Review, FW5 <cbfoprojectreview@fws.gov>
Cc: Clay Greer <clay@tenbears.us>
Subject: [EXTERNAL] Project Review Request - 509 Capitol Trail, Newark, DE

Good Afternoon,

The attached letter describes the proposed project at 509 Capitol Trail in Newark, Delaware. We are looking to verify compliance with NWP general condition 18, as our client is requesting a NWP from USACE.

Please confirm receipt of this email and let us know when we can expect the requested information.

Thank you,

Alex V. Moore
Geoscientist / Senior Environmental Scientist

Ten Bears Environmental Associates Co.
606 Federal Street, Milton, DE 19968
Office: (302) 684-5080