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March 28, 2025

Delaware Department of Natural Resources and Environmental Control  
Division of Water, Wetlands and Subaqueous Lands Section  
89 Kings Highway  
Dover, Delaware 19901

Attn: Matt Jones

**Re: Ted Harvey Culvert Replacement and Levee Repair Project  
Wetlands and Subaqueous Lands Permit Application**

Dear Mr. Jones:

On behalf of Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Fish and Wildlife, please find the Wetlands and Subaqueous Lands Permit Application for the Ted Harvey Culvert Replacement and Levee Repair Project in Dover, DE.

The project will involve repairing 85 linear feet (LF) of levee and to replace a damaged culvert at the Ted Harvey Conservation Area. Repair work to the levee will require a minor modification to 85 LF of existing levee through construction of a 30 ft wide stability berm as shown on the attached drawings. All work associated with the culvert replacement will occur within the original project footprint and will have no impact to tidal wetlands or subaqueous lands.

The proposed stability berm will temporarily impact approximately 2,040 square feet of tidal wetlands during construction, however it will be vegetated with wetland species following construction to result in no net loss of tidal wetlands and function as a living shoreline. Therefore, the project team requests the project to be considered for a Statewide Activity Approval for Living Shoreline Stabilization.

Thank you for your review of the subject project. If there are further questions or concerns, please contact me directly at 410-500-5575 or [sborrell@moffattnichol.com](mailto:sborrell@moffattnichol.com).

Sincerely,  
MOFFATT & NICHOL

Stan Borrell, PE  
Coastal Engineer

Enclosures:

- Application Form
- Impact Drawings
- Existing Site Photographs
- Property Deed and Survey
- Appendix H – Fill
- Appendix J – Vegetative Stabilization
- Appendix M – Activities in State Wetlands

**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Permit Application Form**

**Section 1: Applicant Identification**

- DNREC Division of Fish and Wildlife
1. Applicant's Name: C/O James Joachimowski Telephone #: (302)-725-3638  
 Mailing Address: 1161 Airport Road Fax #: \_\_\_\_\_  
Milford, DE 19963 E-mail: james.joachimowski@delaware.gov
2. Consultant's Name: Stan Borrell Company Name: Moffatt & Nichol  
 Mailing Address: 2780 Lighthouse Point E Telephone #: (410)-500-5575  
Suite D Fax #: \_\_\_\_\_  
Baltimore, MD 21224 E-mail: sborrell@moffattnichol.com
3. Contractor's Name: \_\_\_\_\_ Company Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 \_\_\_\_\_ Fax #: \_\_\_\_\_  
 \_\_\_\_\_ E-mail: \_\_\_\_\_

**Section 2: Project Description**

4. Check those that apply:  
☐ New Project/addition to existing project? ☒ Repair/Replace existing structure? (If checked, must answer #16)

5. Project Purpose (attach additional sheets as necessary):

The purpose of the project is to repair 85 linear feet (LF) of levee and to replace a damaged culvert at the Ted Harvey Conservation Area in Dover, DE. Repair work to the levee will require a minor modification to 85 LF of existing levee through construction of a 30 ft wide stability berm as shown on the attached drawings. All work associated with the culvert replacement will occur within the original project footprint and will have no impact to tidal wetlands or subaqueous lands.

6. Check each Appendix that is enclosed with this application:

<input type="checkbox"/>	A. Boat Docking Facilities	<input type="checkbox"/>	G. Bulkheads	<input type="checkbox"/>	N. Preliminary Marina Checklist
<input type="checkbox"/>	B. Boat Ramps	<input checked="" type="checkbox"/>	H. Fill	<input type="checkbox"/>	O. Marinas
<input type="checkbox"/>	C. Road Crossings	<input type="checkbox"/>	I. Rip-Rap Sills and Revetments	<input type="checkbox"/>	P. Stormwater Management
<input type="checkbox"/>	D. Channel Modifications/Dams	<input checked="" type="checkbox"/>	J. Vegetative Stabilization	<input type="checkbox"/>	Q. Ponds and Impoundments
<input type="checkbox"/>	E. Utility Crossings	<input type="checkbox"/>	K. Jetties, Groins, Breakwaters	<input type="checkbox"/>	R. Maintenance Dredging
<input type="checkbox"/>	F. Intake or Outfall Structures	<input checked="" type="checkbox"/>	M. Activities in State Wetlands	<input type="checkbox"/>	S. New Dredging

**Section 3: Project Location**

7. Project Site Address: 2016 Kitts Hummock Road County: ☐ N.C. ☒ Kent ☐ Sussex  
Dover, DE 19901 Site owner name (if different from applicant): State of Delaware  
 Address of site owner: 89 Kings Highway  
Dover, DE 19901
8. Driving Directions: Take exit 91 off of DE-1 S for DE-9 towards Kitts Hummock/Little Creek. Take DE-9 0.2 miles and turn right onto Kitts Hummock Road for 2.0 miles. The project address will be on the right.  
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 2-00-00-10600-01-2301-00001 Subdivision Name: \_\_\_\_\_

<b>WSLS Use Only:</b>		<b>Permit #s:</b> _____		_____		_____		_____	
Type	SP <input type="checkbox"/>	SL <input type="checkbox"/>	SU <input type="checkbox"/>	WE <input type="checkbox"/>	WQ <input type="checkbox"/>	LA <input type="checkbox"/>	SA <input type="checkbox"/>	MP <input type="checkbox"/>	WA <input type="checkbox"/>
<b>Corps Permit:</b> SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		<b>Nationwide Permit #:</b> _____		<b>Individual Permit #</b> _____					
<b>Received Date:</b> _____		<b>Project Scientist:</b> _____							
<b>Fee Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		<b>Amt: \$</b> _____		<b>Receipt #:</b> _____					
<b>Public Notice #:</b> _____		<b>Public Notice Dates:</b> ON _____		<b>OFF</b> _____					

**Section 3: Project Location (Continued)**

10. Name of waterbody at Project Location: Saint Jones River waterbody is a tributary to: Delaware Bay

11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 335 ft

12. Is the project: ☒ On public subaqueous lands? ☐ On private subaqueous lands?\*

☒ In State-regulated wetlands? ☒ In Federally-regulated wetlands?

\*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: ☒ Agricultural ☐ Residential ☐ Commercial ☐ Industrial ☐ Other

**Section 4: Miscellaneous**

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):

See attached impact drawings and sheets.

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

See attached impact drawings and sheets.

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:

None

A. Have you had a State Jurisdictional Determination performed on the property? ☐ Yes ☒ No

B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? ☐ Yes ☒ No

\*If yes, what was the date of the meeting? \_\_\_\_\_

16. Are there existing structures or fill at the project site in subaqueous lands? ☒ Yes ☐ No

\*If yes, provide the permit and/or lease number(s):

WE - 386/15 SP - 385/15 SP/WE - 183/20

\*If no, were structures and/or fill in place prior to 1969? ☐ Yes ☐ No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

☐ No ☐ Pending ☒ Issued ☐ Denied Date: \_\_\_\_\_

Type of Permit: Nationwide Permit Federal Permit or ID #: NWP 3 - Maintenance

18. Have you applied for permits from other Sections within DNREC?

☒ No ☐ Pending ☐ Issued ☐ Denied Date: \_\_\_\_\_ Permit or ID #: \_\_\_\_\_

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: \_\_\_\_\_



**Section 5: Signature Page**

## 19. Agent Authorization:

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf ☐

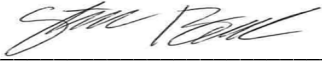
I wish to authorize an agent as indicated below ☒

DNREC Division of Fish and Wildlife  
I, C/O James Joachimowski, hereby designate and authorize Stan Borrell  
(Name of Applicant) (Name of Agent)  
to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: Stan Borrell Telephone #: (410)-500-5575  
Mailing Address: 2780 Lighthouse Point E, Suite D Fax #: \_\_\_\_\_  
Baltimore, MD 21224 E-mail: sborrell@moffatnichol.com

## 20. Agent's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

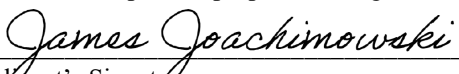
  
Agent's Signature

March 28, 2025

Date

## 21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

  
Applicant's Signature

March 28, 2025

Date

James Joachimowski

Print Name

## 22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Contractor's Name

Date

Print Name

## Adjacent Addresses

Map ID	Owner	Type	ID Number	Property Address	Mailing Address
1	DNREC	Owner	2-00-10600-01-2301-00001	2016 Kitts Hummock Road Dover, DE 19901	89 Kings Highway Dover, DE 19901
2	DNREC	Adjacent	8-00-11400-01-0200-00001	Bowers Beach Road Dover, DE 19901	89 Kings Highway Dover, DE 19901
3	Hebron-Coverdale, LLC	Adjacent	8-00-11300-02-1600-00001	Bay Road Dover, DE 19901	16423 John Rowland Parkway Milton, DE 19968
4	Delmarva Power & Light	Adjacent	2-00-10600-01-0200-00001	Kitts Hummock Road Dover, DE 19901	C/O Exelon Corporation PO Box 340014 Nashville, TN 37203
5	Fraternal Order of Police	Adjacent	2-00-10600-01-0300-00001	1584 Kitts Hummock Road Dover, DE 19901	1584 Kitts Hummock Road Dover, DE 19901
6	Jeffrey Jones	Adjacent	2-00-10600-01-0600-00001	Kitts Hummock Road Dover, DE 19901	2325 Kitts Hummock Road Dover, DE 19901
7	Maria Saenz-Weiss	Adjacent	2-00-10600-01-2300-00001	1818 Kitts Hummock Road Dover, DE 19901	7 Park Lane Dover, DE 19904
8	KCRM, LLC	Adjacent	2-00-10600-01-0900-00001	2572 Kitts Hummock Road Dover, DE 19901	1875 Windswept Circle Dover, DE 19901
9	Brian Thompson	Adjacent	2-00-09700-01-5100-00001	Kitts Hummock Road Dover, DE 19901	1197 Paris Kirby Road Milford, DE 19963
10	Peter McIntosh	Adjacent	2-00-10600-01-1000-00001	273 S Bay Drive Dover, DE 19901	16000 Frederick Road Woodbine, MD 21797
11	Michelle Roop	Adjacent	2-00-10600-01-1100-00001	283 S Bay Drive Dover, DE 19901	283 S Bay Drive Dover, DE 19901
12	Michael Carson	Adjacent	2-00-10600-01-1200-00001	289 S Bay Drive Dover, DE 19901	104 Queen Road Barnegat, NJ 08005
13	Patricia Saurman	Adjacent	2-00-10600-01-1300-00001	297 S Bay Drive Dover, DE 19901	297 S Bay Drive Dover, DE 19901
14	David Gorski	Adjacent	2-00-10600-01-1400-00001	307 S Bay Drive Dover, DE 19901	49 Mount Aire Farm Road Glen Mills, PA 19342
15	State of Delaware	Adjacent	2-00-10600-01-1500-00001	S Bay Drive Dover, DE 19901	89 Kings Highway Dover, DE 19901
16	Carol McFann	Adjacent	2-00-10600-01-1600-00001	325 S Bay Drive Dover, DE 19901	10595 Willow Grove Road Camden Wyoming, DE 19934
17	Steven Budzilowski	Adjacent	2-00-10600-01-1800-00001	347 S Bay Drive Dover, DE 19901	347 S Bay Drive Dover, DE 19901
18	Diane Connell	Adjacent	2-00-10600-01-1900-00001	359 S Bay Drive Dover, DE 19901	1604 Broad Street Perkasie, PA 18944

19	Jane Merovitz	Adjacent	2-00-10600-01-2100-00001	S Bay Drive Dover, DE 19901	126 Springfield Way Dover, DE 19904
20	DNREC	Adjacent	2-00-10600-01-2200-00001	S Bay Drive Dover, DE 19901	89 Kings Highway Dover, DE 19901

**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Appendix H - Fill**

**FILL**

Please make sure answers to all of the questions in this appendix correspond to information on the application drawings.

1. How many linear feet will the fill extend channelward of the:

- a. Tidal waters: mean high water line? 26 ft.  
mean low water line? 0 ft.
- b. Non-tidal waters: ordinary high water line? \_\_\_\_\_ ft.

2. What is the area of fill that will be located:

- a. on subaqueous land (channelward of mean high water) 1,707 sq. ft.
- b. on vegetated wetlands? 2,040 sq. ft.

3. What is the source of the fill?

- X Hauled in from upland sources: What is the source company/location/parcel number?  
\_\_\_\_\_ Obtained from dredged material: Complete Dredging Appendix.

4. What is the total volume of fill? 186 cubic yards

- a. What is the total fill per running foot of shoreline? 2.19 cubic yards

5. What method will be used to place the fill?

*Mechanical methods using equipment such as dump trucks, pushers, and bull dozers will be used to place and grade the fill.*

6. State the type and composition percentage of the fill material (e.g. sand 80%, silt 5%, clay 15%, etc.)

*At minimum, 85% of the fill will be sand or coarse aggregate and 15% will be fines (silt or clay).*

7. How will the fill be retained? Complete appropriate appendix.

*The fill will be placed at a 2:1 slope and will be vegetated. During construction, ESC measures such as a silt fence will be installed to prevent fill from entering the Saint Jones River.*

8. What type of vegetation or ground cover will be provided for the filled area(s) to prevent soil erosion and help keep sediment from reaching State waters?

*Native marsh plants such as *Spartina alterniflora* and *Spartina patens*.*

9. Describe the type(s) of structure(s) to be erected on the filled area (if any). Complete appropriate appendix.

*No structures will be erected on the fill area.*

**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Appendix J – Vegetative Stabilization**

**Vegetative Stabilization**

- Please make sure that all answers in this appendix correspond to information on the application drawing

## 1. Submit a brief description of the proposed activity

*The project is to repair 85 linear feet (LF) of levee at the Ted Harvey Conservation Area in Dover, DE. This repair work will require a minor modification to 85 LF of the existing levee through construction of a 30 ft wide stability berm as shown on the attached drawings.*

2. Is grading of bank and/or placement of fill part of this project? ☒ Yes ☐ No  
If yes complete Appendix H

## 3. Indicate the area of proposed planting that is channelward of the:

- a. Tidal Waters: mean high water line? 1,707 ft<sup>2</sup>  
mean low water line? 0 ft<sup>2</sup>
- b. Non-tidal waters: ordinary high water line? N/A ft<sup>2</sup>

## 4. What will the water depth of the plantings be relative to the: (provide the range if it varies)

- a. Tidal Waters: mean high water line? 0 - 1.7 f  
mean low water line? 0 ft
- b. Non-tidal waters: ordinary high water line? N/A ft

## 5. Provide the list of plant species that will be utilized.

*Spartina alterniflora and Spartina patens*

## 6. Describe the sequence of construction and planting.

*The stability berm will be constructed and then planted with wetland plants for stabilization.*

## 7. Describe the maintenance and monitoring plan for the vegetation.

*The applicant (DNREC) currently performs maintenance and monitoring of the existing levee and wildlife impoundment at the Ted Harvey Conservation Area. Maintenance and monitoring of the proposed stability berm and marsh plantings will be part of their present efforts.*

**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Appendix M – Activities in State Wetlands**



**ACTIVITIES IN STATE WETLANDS**

Please make sure that all answers in this appendix correspond to information on the application drawings.

1. Project description and explanation of need.

*The purpose of the project is to repair 85 linear feet (LF) of levee and to replace a damaged culvert at the Ted Harvey Conservation Area (THCA) in Dover, DE. Repair work to the levee will require a minor modification to 85 LF of existing levee through construction of a 30 ft wide stability berm as shown on the attached drawings. All work associated with the culvert replacement will occur within the original project footprint and will have no impact to tidal wetlands or subaqueous lands.*

2. What is area of impact for each activity in state wetlands?

Wetlands Walkways/Other Structures:

Length 85 ft. Width 27 ft.

# Piles \_\_\_\_\_ Height \_\_\_\_\_ ft. over marsh

3. What is volume of fill or excavated material involved in this project?

Fill 186 cubic yards

Excavation \_\_\_\_\_ cubic yards

4. Map number of state wetland map where project is located: DNR # 202

**ENVIRONMENTAL SUMMARY - PLEASE SUBMIT AN EVALUATION OF IMPACT OF THE PROPOSED ACTIVITY (ATTACH ADDITIONAL SHEETS AS NEEDED):**

5. State reasons that structures cannot feasibly be located on lands other than wetlands.

*The stability berm to repair the 85 LF of levee will only be effective if built on the riverside of the existing levee. No structures or work are proposed in wetlands for the culvert replacement.*

6. Detail temporary and permanent changes which would be caused by the proposed project and the impact of these changes on the project area and adjacent areas.

*Temporary changes include clearing of vegetation to place fill for the stability berm. After placement, the stability berm will be planted with native wetland species to replace any impacted wetlands. No impacts to wetlands are expected due to the culvert replacement.*

7. Describe alternatives to the proposed action which would reduce or avoid environmental damage.

*The proposed action practices the most avoidance and minimization of impacts to wetlands that will adequately repair the 85 LF of levee. Only other alternative would be to raise the 85 LF of levee back to design grade, however this would not provide longterm stability and could result in another slope failure in the future.*

8. Describe all measures to be taken during and after the completion of the proposed project to reduce detrimental effects.

*ESC measures, such as a silt fence, will be installed along the riverside of the project's LOD to prevent sediment from running off into the Saint Jones River. These measures will be maintained throughout the duration of construction. After construction, the stability berm will be stabilized with wetland vegetation and levee side slopes will be stabilized with vegetation in the area of culvert replacement.*

9. Describe all permanent environmental impacts which cannot be avoided.

*Permanent environmental impacts include placing 186 cubic yards of fill within 2,025 square feet of wetlands. However, this fill will be vegetated with wetland species at the end of construction resulting in no net loss of tidal wetlands.*

10. Submit detailed evaluation of impact of the proposed project on the following:

a. Value of tidal ebb and flow

- i. Production Value: carrying organic matter to adjacent estuaries and coastal waters which serve as breeding areas for certain animal species (especially fish and shellfish).
- ii. Value as a natural protective system of absorption of storm wave energy, flood waters, and heavy rainfall, thereby decreasing flood and erosion damage.
- iii. The prevention of silting in certain harbors and inlets thereby reducing dredging.
- iv. Removal and recycling of inorganic nutrients.
- v. Effect on the estuarine waters.

*The project will only have a minor affect on tidal wetlands during construction and will not cause major impacts to tidal wetland function. The placed fill will be stabilized by planting wetland vegetation after construction and therefore will not cause a net loss of tidal wetlands or adverse affects to water quality of the Saint Jones River. The project will repair a failed part of the existing levee that provides protection to the THCA from coastal storms and to repair a damaged culvert that functions to control the water level in conservation area for ecological benefits.*

b. Habitat Value

- i. Habitat for resident species of wildlife including furbearers, invertebrates, finfish.
- ii. Habitat for migratory wildlife species including waterfowl, wading birds, shorebirds, shorebirds, passerines, finfish, shrimp.
- iii. Rearing area, nesting area, breeding grounds for various species.
- iv. Habitat for rare or endangered plants.
- v. Presence of plants or animals known to be rare generally, or unique to the particular location.
- vi. Presence of plants or animals near the limits of their territorial range.
- vii. Presence of unique geological or wetland features.

*The THCA provides habitat for various species of waterfowl, migratory shorebirds, and other wildlife. These include American avocet, black skimmer, gull-billed tern, red knot, foxes, deer, ospreys, and deer. Plant species present at THCA include salt marsh species such as *Spartina alterniflora* and *Spartina patens*.*

c. Aesthetic Effect - Consideration of the aesthetic effect may include:

- i. Presence of plants or animals of a high visual quality.
- ii. The presence of an associated water body.
- iii. Wetland type of topographic diversity.

*The aesthetics of the project will match that of the THCA as the stability berm will be vegetated with wetland species after construction.*

d. Impact of Supporting Facilities

The supporting facilities to be considered include any public or private construction, whether or not the construction occurs in the wetlands, which would be required for construction or operation of the proposed wetlands activity, such as roads, sewage disposal facilities, electric lines, water supply systems, and schools. Effects shall be separately determined for the lands neighboring such facilities.

*No supporting facilities will be impacted due to the project.*

e. Effect on Neighboring Land Uses

- i. The effects of the proposed wetland activity on neighboring land use are to be considered whether or not the neighboring lands are wetlands.
- ii. The environmental, aesthetic and economic effects of the proposed wetlands activity on land uses neighboring the lands on which supporting facilities will be located may be considered.

*The project will not have impacts to neighboring land use.*

f. Federal, State, Regional, County and Municipal Comprehensive Plans.

Compliance of the proposed activities with the plans of the jurisdiction in which it is proposed to take place, and its impact on the plans of other affected jurisdictions.

*The project will comply with Nationwide Permit 3 from the US Army Corps of Engineers.*

g. Economic Impact

Economic Impact shall include a short and long-term evaluation of the following factors to the extent the effect is directly attributable to the proposed activity:

- i. Jobs created or lost and the net income effect of jobs.
- ii. Increases in revenues to or increases in expenditure by State, County and local governments (e.g., increased taxes from an increased tax base and increased expenditure for maintaining supporting facilities).
- iii. Increases or decreases in the value attributable to the wetland as a source of nutrients to finfish, crustacea and shellfish and as habitats of such species or other flora or fauna of significant actual or potential economic value.
- iv. Increases or decreases in the value of the land as a recreational area.
- v. Increases or decreases in the cost of flood control or expected flood damage which might be caused by the effect of the activity on the natural capacity of the wetland to reduce flood damage.
- vi. Increases or decreases the costs of maintaining navigable harbors and waterways which would result from altering the capacity of the wetlands to absorb silt.
- vii. The net economic effect, both public and private, or any contemplated supporting facilities.
- viii. The net economic effect, both public and private, of the proposed activity on neighboring land uses.

*The project will help maintain the THCA which supports a variety of outdoor and wildlife based recreational activities, therefore generating significant annual revenue for the State of Delaware. No adverse economic impacts will occur due to the project.*

**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Existing Site Photographs**





*Figure 1: Damaged culvert due to subsidence (1 of 2)*



*Figure 2: Damaged culvert due to subsidence (2 of 2)*





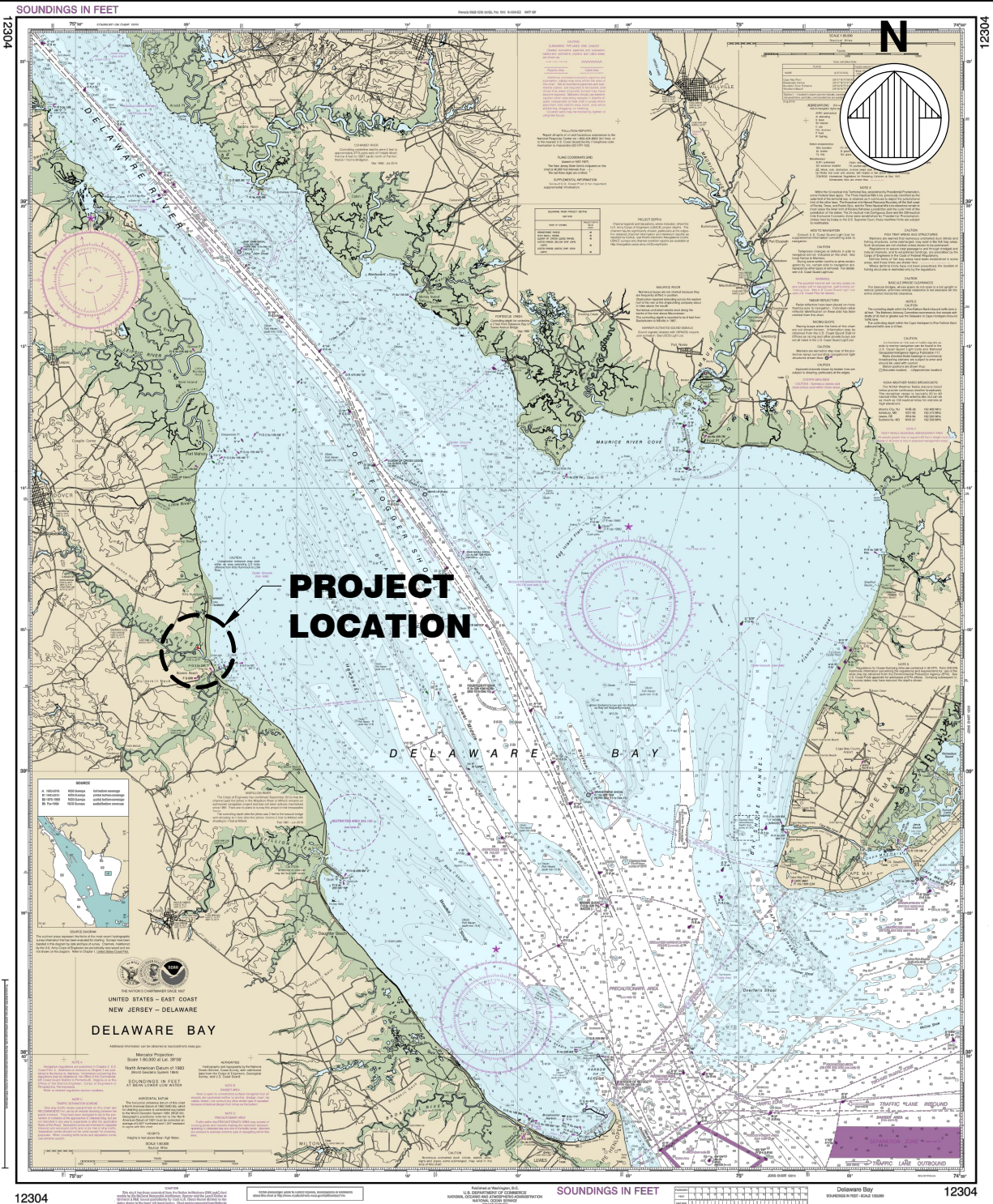
*Figure 3: Failed section of existing levee to be repaired*

**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Impact Drawings**





#### NOTES:

1. CONSTRUCT A STABILITY BERM TO REPAIR 85 LF OF EXISTING LEVEE AND REPLACE A DAMAGED CULVERT AT TED HARVEY CONSERVATION AREA.
2. PROPOSED STABILITY BERM WILL TEMPORARILY IMPACT 2,040 SF OF TIDAL WETLANDS AND REQUIRE 186 CY OF FILL.
3. PROPOSED STABILITY BERM WILL BE VEGETATED WITH WETLANDS SPECIES FOLLOWING CONSTRUCTION.
4. BACKGROUND WAS TAKEN FROM NOAA CHART 12304, 49TH ED., DEC, 2018.

#### APPLICATION BY:

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

#### AGENT/ENGINEER:



#### DNREC DIVISION OF FISH AND WILDLIFE TED HARVEY CULVERT REPLACEMENT AND LEVEE REPAIR

#### VICINITY MAP

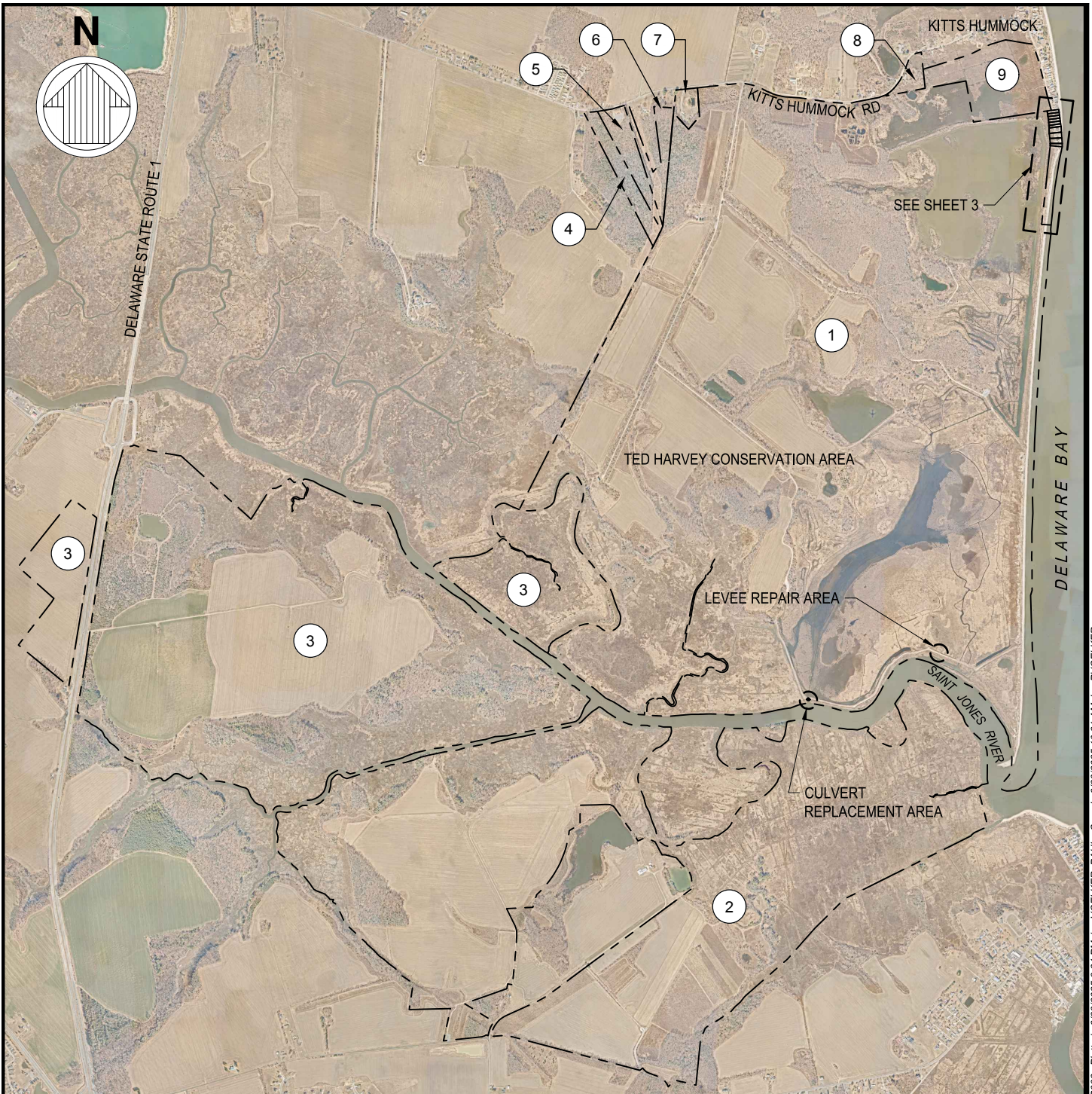
#### PROJECT LOCATION:

TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE

DATE: MARCH 28, 2025

SHEET 1 OF 9





**PROPERTY OWNER**

1 DNREC  
2016 KITTS HUMMOCK RD  
DOVER, DE 19901

**ADJACENT PROPERTIES**

2 DNREC  
BOWERS BEACH ROAD  
DOVER, DE 19901

3 HEBRON-COVERDALE, LLC  
BAY ROAD  
DOVER, DE 19901

4 DELMARVA POWER & LIGHT  
KITTS HUMMOCK RD  
DOVER, DE 19901

5 FRATERNAL ORDER OF POLICE  
1584 KITTS HUMMOCK RD  
DOVER, DE 19901

6 JEFFREY JONES  
KITTS HUMMOCK RD DOVER,  
DE 19901

7 MARIA SAENZ-WEISS  
1818 KITTS HUMMOCK RD  
DOVER, DE 19901

8 KCRM, LLC  
2572 KITTS HUMMOCK RD  
DOVER, DE 19901

9 BRIAN THOMPSON  
KITTS HUMMOCK RD  
DOVER, DE 19901

**APPLICATION BY:**

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

**AGENT/ENGINEER:**



**DNREC DIVISION OF FISH AND WILDLIFE  
TED HARVEY CULVERT REPLACEMENT  
AND LEVEE REPAIR**

**PLAN - LOCATION MAP AND ADJACENT  
PROPERTY OWNERS (1 OF 2)**

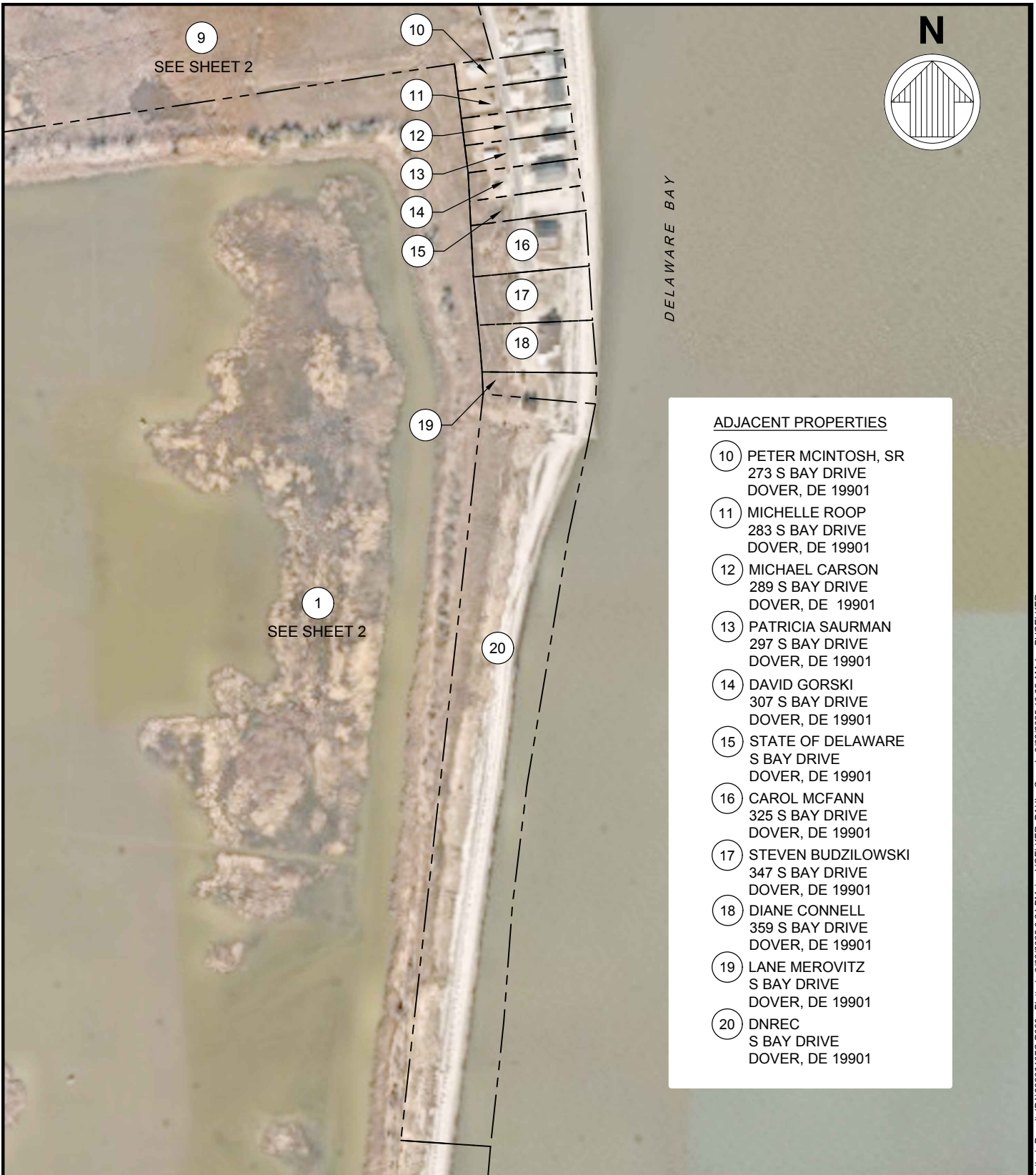
PROJECT LOCATION:  
TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE



SCALE: 1"=2500'

DATE: MARCH 28, 2025  
SHEET 2 OF 9





#### ADJACENT PROPERTIES

- 10 PETER MCINTOSH, SR  
273 S BAY DRIVE  
DOVER, DE 19901
- 11 MICHELLE ROOP  
283 S BAY DRIVE  
DOVER, DE 19901
- 12 MICHAEL CARSON  
289 S BAY DRIVE  
DOVER, DE 19901
- 13 PATRICIA SAURMAN  
297 S BAY DRIVE  
DOVER, DE 19901
- 14 DAVID GORSKI  
307 S BAY DRIVE  
DOVER, DE 19901
- 15 STATE OF DELAWARE  
S BAY DRIVE  
DOVER, DE 19901
- 16 CAROL MCFANN  
325 S BAY DRIVE  
DOVER, DE 19901
- 17 STEVEN BUDZILOWSKI  
347 S BAY DRIVE  
DOVER, DE 19901
- 18 DIANE CONNELL  
359 S BAY DRIVE  
DOVER, DE 19901
- 19 LANE MEROVITZ  
S BAY DRIVE  
DOVER, DE 19901
- 20 DNREC  
S BAY DRIVE  
DOVER, DE 19901

#### APPLICATION BY:

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

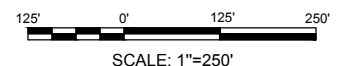
#### AGENT/ENGINEER:



#### DNREC DIVISION OF FISH AND WILDLIFE TED HARVEY CULVERT REPLACEMENT AND LEVEE REPAIR

#### PLAN - LOCATION MAP AND ADJACENT PROPERTY OWNERS (2 OF 2)

PROJECT LOCATION:  
TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE



DATE: MARCH 28, 2025  
SHEET 3 OF 9



**NOTES:**

1. TOPOGRAPHIC SURVEY WAS PERFORMED IN MAY-JUNE 2015.
2. SEE SHEET 5 FOR PROPOSED CONDITIONS OF LEVEE REPAIR.
3. SEE SHEET 6 FOR PROPOSED CONDITIONS FOR CULVERT REPLACEMENT.

**APPLICATION BY:**

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

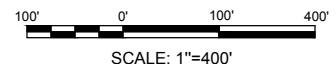
**AGENT/ENGINEER:**



DNREC DIVISION OF FISH AND WILDLIFE  
TED HARVEY CULVERT REPLACEMENT  
AND LEVEE REPAIR

**PLAN - EXISTING CONDITIONS**

PROJECT LOCATION:  
TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE



DATE: MARCH 28, 2025  
SHEET 4 OF 9





**LEGEND:**

---	LOD	LIMIT OF DISTURBANCE
---	SF	SILT FENCE
[ ]	SCE	STABILIZED CONSTRUCTION ENTRANCE

**NOTES:**

1. TOPOGRAPHIC SURVEY WAS PERFORMED BY DNREC IN NOVEMBER 2024.
2. LEVEE SIDE SLOPES SHALL BE STABILIZED WITH VEGETATION AT END OF CONSTRUCTION.
3. STABILITY BERM SHALL BE VEGETATED WITH WETLAND SPECIES.

**APPLICATION BY:**

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

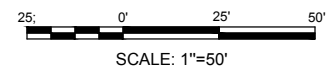
**AGENT/ENGINEER:**



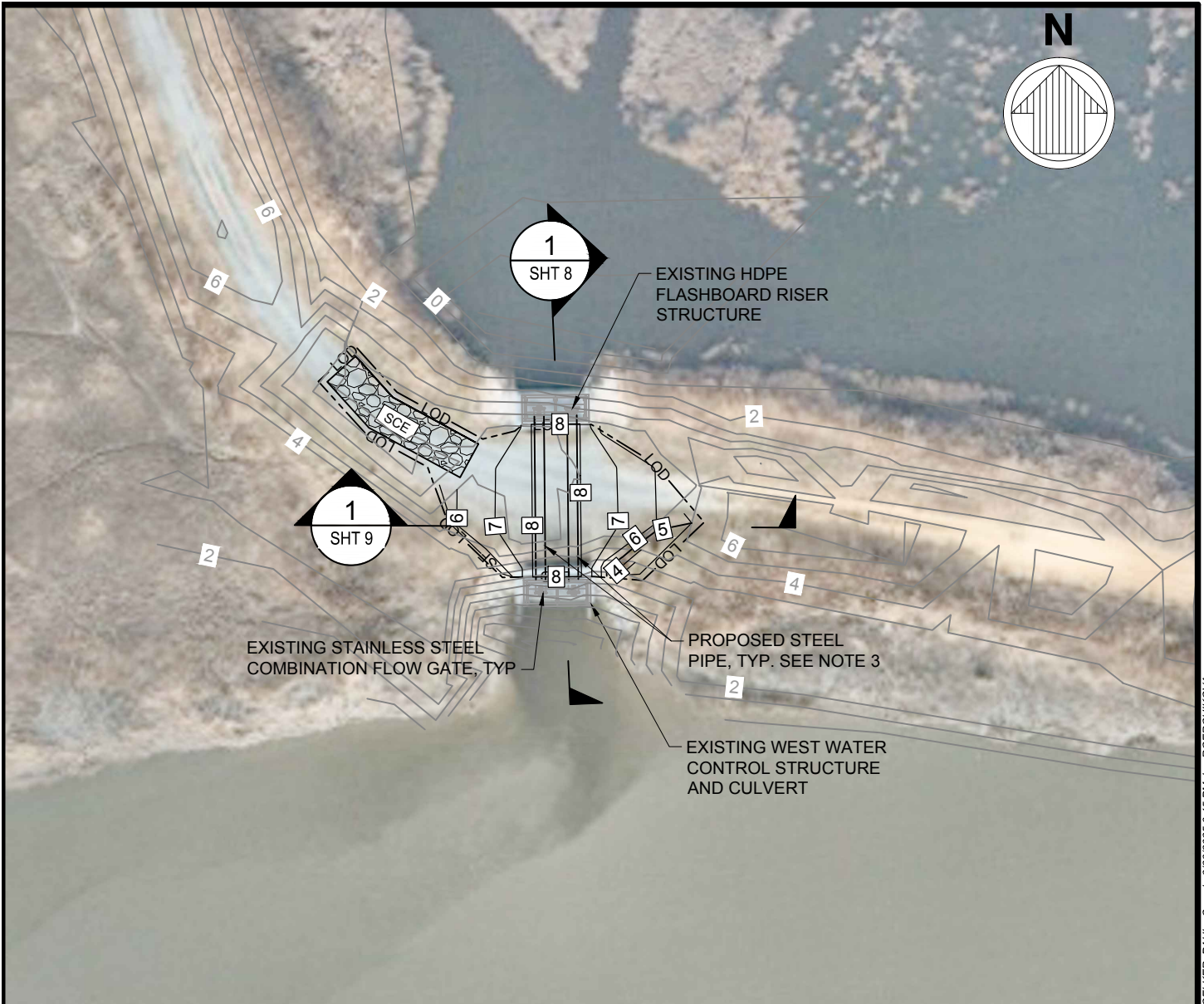
DNREC DIVISION OF FISH AND WILDLIFE  
TED HARVEY CULVERT REPLACEMENT  
AND LEVEE REPAIR

**PLAN - PROPOSED CONDITION -  
LEVEE REPAIR**

PROJECT LOCATION:  
TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE



DATE: MARCH 28, 2025  
SHEET 5 OF 9



**LEGEND:**

---	LOD	LIMIT OF DISTURBANCE
---	SF	SILT FENCE
[SCE]		STABILIZED CONSTRUCTION ENTRANCE

**NOTES:**

1. TOPOGRAPHIC SURVEY WAS PERFORMED BY DNREC IN OCTOBER 2024.
2. LEVEE CREST SHALL BE STABILIZED WITH NO. 57 STONE AND LEVEE SIDE SLOPES SHALL BE STABILIZED WITH VEGETATION AT END OF CONSTRUCTION.
3. NO IMPACTS TO TIDAL WETLANDS ARE EXPECTED AS PART OF THE CULVERT REPLACEMENT.

**APPLICATION BY:**

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

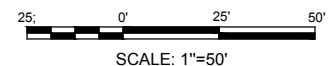
**AGENT/ENGINEER:**



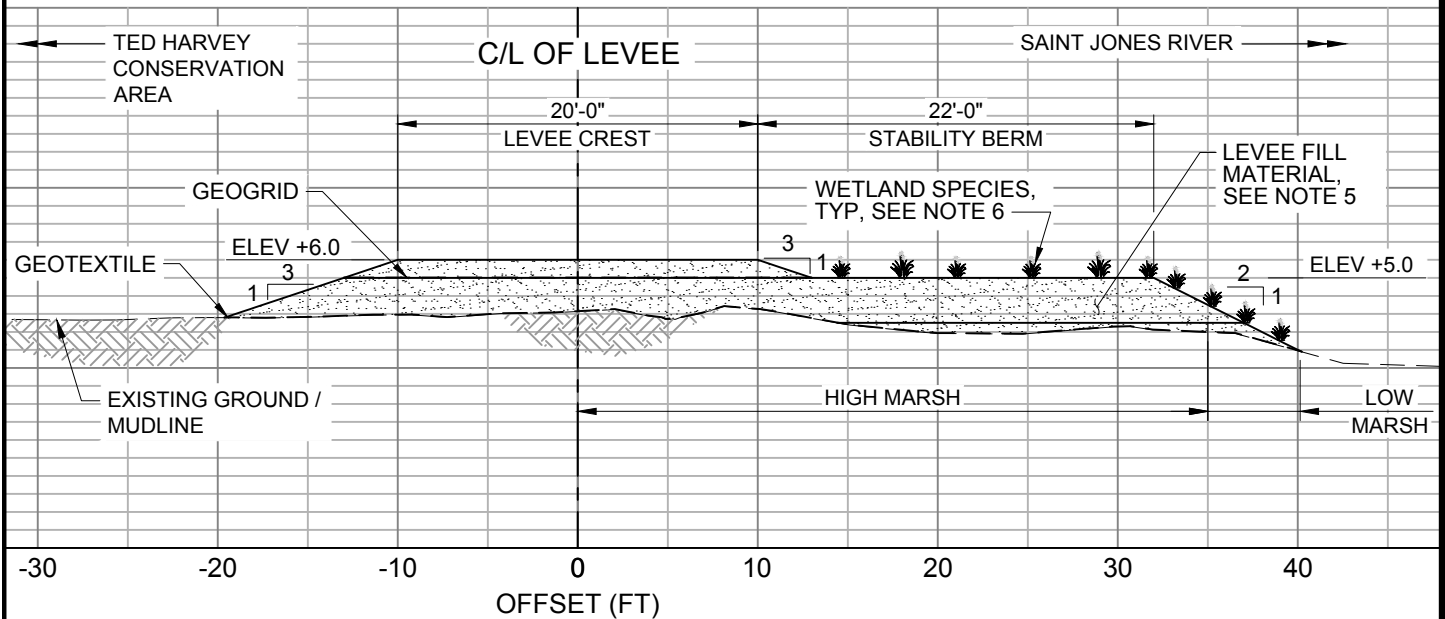
DNREC DIVISION OF FISH AND WILDLIFE  
TED HARVEY CULVERT REPLACEMENT  
AND LEVEE REPAIR

**PLAN - PROPOSED CONDITION -  
CULVERT REPLACEMENT**

PROJECT LOCATION:  
TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE



DATE: MARCH 28, 2025  
SHEET 6 OF 9



1  
SHT 5

## SECTION - LEVEE REPAIR

SCALE: 3/32" = 1'-0"

### NOTES:

1. STABILITY BERM IS TO REPAIR 85 LF OF EXISTING LEVEE.
2. PROPOSED STABILITY BERM WILL TEMPORARY IMPACT 2,040 SF OF TIDAL WETLANDS AND REQUIRE 186 CY OF FILL MATERIAL.
3. PROPOSED STABILITY BERM WILL BE VEGETATED WITH WETLAND SPECIES FOLLOWING CONSTRUCTION.
4. ELEVATIONS ARE RELATED TO NAVD88 AND HAVE UNITS IN FEET.
5. LEVEE FILL MATERIAL SHALL BE GRANULAR MATERIAL WITH FINES NOT TO EXCEED 30% PASSING.
6. WETLAND SPECIES SHALL BE SPARTINA ALTERNAFLORA AND SPARTINA PATENS.

### APPLICATION BY:

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

### AGENT/ENGINEER:

**moftatt & nichol**

DNREC DIVISION OF FISH AND WILDLIFE  
TED HARVEY CULVERT REPLACEMENT  
AND LEVEE REPAIR

## SECTION - STABILITY BERM

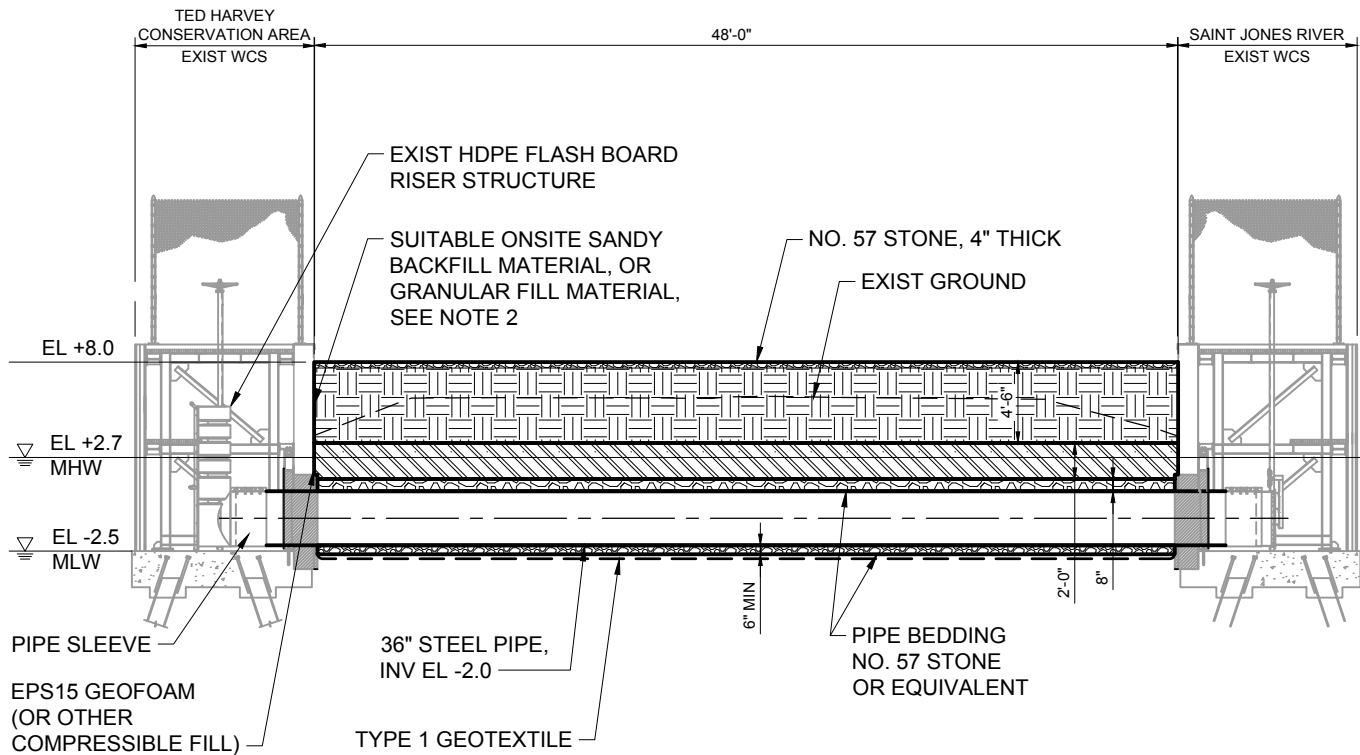
### PROJECT LOCATION:

TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE

8'-0" 0'-0" 4'-0" 8'-0"  
SCALE: 3/32"=1'-0"

DATE: MARCH 28, 2025

SHEET 7 OF 9



**1** **PROFILE - CULVERT REPLACEMENT**  
 SHT 6 SCALE: 3/32" = 1'-0"

**NOTES:**

1. PROPOSED STEEL PIPE SHALL BE INSTALLED FOLLOWING REMOVAL OF EXISTING HDPE PIPE BEDDING STONE.
2. ALL SUITABLE EXCAVATED MATERIAL SHOULD BE USED FOR BACKFILL PRIOR TO HAULING ADDITIONAL GRANULAR FILL MATERIAL FROM OFFSITE.
3. ELEVATIONS ARE RELATIVE TO NAVD88 AND HAVE UNITS IN FEET.

**APPLICATION BY:**

DNREC  
 1161 AIRPORT ROAD  
 MILFORD, DE 19963

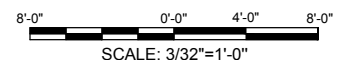
**AGENT/ENGINEER:**



DNREC DIVISION OF FISH AND WILDLIFE  
 TED HARVEY CULVERT REPLACEMENT  
 AND LEVEE REPAIR

**PROFILE - CULVERT  
 REPLACEMENT**

PROJECT LOCATION:  
 TED HARVEY WILDLIFE CONSERVATION AREA  
 DOVER, DELAWARE



DATE: MARCH 28, 2025  
 SHEET 8 OF 9

SUITABLE ONSITE SANDY  
BACKFILL MATERIAL OR  
GRANULAR FILL MATERIAL,  
SEE NOTE 2

EXISTING GROUND

PROPOSED GRADE

EL +8.0

EPS15 GEOFOAM (OR  
OTHER  
COMPRESSIBLE FILL)

36" STEEL PIPE, TYP

PIPE BEDDING NO. 57  
STONE OR EQUIVALENT

TYPE 1 GEOTEXTILE

EL -2.7

TOP OF TRENCH  
SUBGRADE

5'-0" MIN

15'-3" MIN

5'-0" MIN

NO. 57 STONE,  
4" THICK

EL +3.5

EL +1.5

10'-3 3/8"

1'-0" OVERLAP  
MIN, TYP

8"

INV EL -2.0,  
TYP

6" MIN

1  
SHT 6

## SECTION - CULVERT REPLACEMENT

SCALE: 1/4" = 1'-0"

### NOTES:

1. PROPOSED STEEL PIPE SHALL BE INSTALLED FOLLOWING REMOVAL OF EXISTING HDPE PIPE BEDDING STONE.
2. ALL SUITABLE EXCAVATED MATERIAL SHOULD BE USED FOR BACKFILL PRIOR TO HAULING ADDITIONAL GRANULAR FILL MATERIAL FROM OFFSITE.
3. ELEVATIONS ARE RELATIVE TO NAVD88 AND HAVE UNITS IN FEET.

### APPLICATION BY:

DNREC  
1161 AIRPORT ROAD  
MILFORD, DE 19963

### AGENT/ENGINEER:

**moftatt & nichol**

DNREC DIVISION OF FISH AND WILDLIFE  
TED HARVEY CULVERT REPLACEMENT  
AND LEVEE REPAIR

## SECTION - CULVERT REPLACEMENT

### PROJECT LOCATION:

TED HARVEY WILDLIFE CONSERVATION AREA  
DOVER, DELAWARE

2'-0" 0'-0" 2'-0" 4'-0"

SCALE: 1/4"=1'-0"

DATE: MARCH 28, 2025

SHEET 9 OF 9



**DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE**

**Ted Harvey Culvert Replacement  
and Levee Repair Project**

**Property Deed and Survey**

03454

BOOK N VOL 33 PAGE 23

DUPLICATE ORIGINAL - KENT COUNTY

THIS DEED, Made this 17<sup>th</sup> day of January in the year of our LORD one thousand nine hundred and seventy-nine,

BETWEEN, DELAWARE WILD LANDS, INC., a corporation of the State of Delaware, party of the first part,

AND

THE STATE OF DELAWARE, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two Million One Hundred Sixty-three Thousand Dollars (\$2,163,000.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part the following parcels of land situate in Kent and Sussex Counties, Delaware:

I. THE LOFLAND TRACT (Kent County): Identified as tax parcel #2619000 on the records of Kent County, located on South side of road, Dover - Kitts Hummock, containing approximately 2,021 acres and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of John Everett Lofland and Naomi B. Lofland, his wife, dated December 4, 1967, and recorded in Deed Record B, Volume 25, Page 80, and being more particularly therein described as 5 parcels by metes and bounds descriptions.

EXCEPTING, NEVERTHELESS, the parcels therein referred to as having been heretofore conveyed.

EXCEPTING, ALSO, the following described parcel of land to be conveyed to Richard Shorts:

ALL that certain lot, piece or parcel of land situated in East Dover Hundred, Kent County, State of Delaware; lying on the south side of County Road #68 between Kitts Hummock and County Road #352; being bounded on the north by County Road #68, on the east and south by other lands of Delaware Game & Fish, and on the west by lands now or late of Slaughter; and being more particularly described as follows to wit:

BEGINNING at a stone set in the south line of County Road #68 at a corner for this parcel and for lands now or late of Slaughter; said point of beginning being 0.95 miles from County Road #352; thence running from said point of beginning with the south line of County Road #68 North 87 deg. 53 min. East 340.00 feet to a pipe set at a corner for this parcel and for other lands of Delaware Game & Fish; thence running with other lands of Delaware Game & Fish on the following three courses: (1) South 2 deg. 6 min. East 494.88 feet to a pipe in the centerline of a ditch; thence (2) with the center of said ditch South 43 deg. 56 min. 41 sec. West 295.61 feet to a pipe set at the edge of woods; thence (3) with the edge of woods North 39 deg. 13 min. 45 sec. West 356.45 feet to a pipe set in line of lands now or late of Slaughter; thence running with lands now or late of Slaughter North 9 deg. 50 min. 44 sec. East 424.98 feet to the place of beginning; and containing 5.254 acres of land, be the same more or less.

II. THE ROBERTS TRACT (Kent County): Identified as tax parcels #'s 1936000, 1937000, 1938000 and 1939000 on the records of Kent County. Tract 1 located on South side of Canal in St. Jones Neck, containing approximately 10 acres, Tract 2 located North of but not adjacent to road, Lebanon - Barker's Landing, containing approximately 2.8 acres, Tract 3 located St. Jones Creek, containing approximately 144 acres marsh and highland and Tract 4 located St. Jones Neck, containing approximately 20 acres marshland, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of Edythe L. Short Roberts, widow, dated March 12, 1974 and recorded in Deed Record C, Volume 29, Page 64, and being more particularly therein described, together with the following easement or right-of-way:

"lying on the South or Southwest side of the Canal dug by the United States of America across lands of Robert Wilson, now deceased, for the purpose of straightening or shortening St. Jones River, and bounded on the East or Northeast by said Canal, on the South and West by old St. Jones River, now abandoned, and being surrounded by the said Old St. Jones River, now abandoned, and the Canal aforesaid, and be the contents what they may."

AND SUBJECT, NEVERTHELESS, to the easements and rights-of way as contained in the following 3 instruments:

1. The use of the 10 feet wide right of way set forth in the deed of John S. Farrow and wife to William T. Short, dated May 24, 1939 and recorded in Deed Rec. N, Vol. 15, Page 172, is in common with John S. Farrow and Margaret S. Farrow, their heirs and assigns.

2. Easement granted by Christian H. Zimmerman et ux to United States of America as contained in deed dated April 14, 1949 and recorded in Deed Rec. P, Vol. 18, Page 326, providing for installation of electric transmission lines, sewer right of way, and plant parallel to Route 357 from Route 113 to St. Jones River.

3. Right of Way of Route 357 conveyed by Mary S. Martin to The State of Delaware by deed dated May 9, 1932 and recorded in Deed Rec. E, Vol. 14, Page 280.

AND EXCEPTING thereout that portion of the above premises contained within the property conveyed unto the United States of America by deed of Robert Wilson dated November 5, 1884, and recorded in Deed Record Q, Vol. 6, Page 408 for the relocation of the St. Jones River.

III. PARCEL A - THE FITZGERALD TRACT (Sussex County): Identified as tax statement #2-30-3.00-1.00 on the records of Sussex County, located at Slaughter Neck, containing approximately 381.05 acres with improvement, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of Gene Wayne Fitzgerald and Jeanette K. Fitzgerald, his wife, dated September 10, 1974, and recorded in Deed Record 737, Page 84, as more particularly bounded and described therein.

PARCEL B - THE ANDERSON-STOKES TRACT (Sussex County): Identified as tax statement #2-30-1.00-4.00 on the records of Sussex County, located West beyond State Highway to Cedar Beach, containing approximately 161.60 acres, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of Anderson-Stokes, Inc. dated November 7, 1973, and recorded in Deed Record 721, Page 882, as more particularly bounded and described therein.

IV. THE PEPPER TRACT (Sussex County): Identified as tax statement #2-32-19.00-48.00 on the records of Sussex County, located near Matthew's Store, containing approximately 79 acres, and being the same lands conveyed to Delaware Wild Lands, Inc.

BOOK N VOL 33 PAGE 26

by deed of The Sussex Trust Company, a corporation of the State of Delaware, dated March 15, 1963, and recorded in Deed Record 560, Page 104, as more particularly bounded and described therein.

V. THE BUCKALOO TRACT (Kent County): Identified as tax parcels #1412000 and #1413000 on the records of Kent County, bounded on the North by St. Jones River, containing approximately 5 1/2 acres and 180.5 acres, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of Henry R. Buckaloo and Marcella D. Buckaloo, his wife, dated May 15, 1970, and recorded in Deed Record K, Volume 26, Page 50, as more particularly bounded and described therein.

TOGETHER with any and all rights, privileges, and benefits that might have been conveyed unto Clarence Webb, Jr. and Clara May Webb, his wife, by Hoey S. Farrow and Louise C. Farrow, his wife, in connection with the deed heretofore executed and recorded in Deed Record Book Z, Volume 16, Page 44.

AND EXCEPTING, NEVERTHELESS, therefrom lands conveyed unto Lister V. Hall, Jr. by deed of Clarence Webb and Clara May Webb, his wife, and recorded in Deed Record Y, Volume 21, Page 232, containing 4.99 acres more or less.

VI. PARCEL A - THE BAMBERGER TRACT (Kent County): Identified as tax parcel #1414000 on the records of Kent County, located on East side of Murderkill Creek, containing approximately 59 acres and 14 square perches, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of Frances S. Bamberger et al, dated , 1972, and recorded in Deed Record U, Volume 27, Page 378, and being more particularly therein described.

PARCEL B - THE ELFRETH TRACT (Kent County):

Identified as tax parcel #665000 on the records of Kent County, located North from Frederica - Thompsonville, containing approximately 569.3 acres, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of Leonard Elfreth, Successor Trustee, et al, dated March 12, 1970 and recorded in Deed Record H, Volume 26, Page 204, being more particularly described therein.

PARCEL C - THE PENUEL TRACT (Kent County):

Identified as tax parcel #666000 on the records of Kent County, located on North side of road from Frederica to Thompsonville, containing approximately 110.286 acres, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of O. Joseph Penuel and Susan C. Penuel, his wife, dated March 6, 1970, and recorded in Deed Record G, Volume 26, Page 57, being more particularly bounded and described therein, EXCEPTING, NEVERTHELESS, the 11 parcels therein excepted as being heretofore conveyed; and

EXCEPTING ALSO the property conveyed by O. Joseph Penuel et ux to Edwin Lee Bradley et ux, by deed dated May 19, 1966, and recorded in Deed Record L, Volume 24, Page 126; and

EXCEPTING ALSO the parcel conveyed by Delaware Wild Lands, Inc. to The State of Delaware for the use of Kent County by deed dated January 12, 1971, and recorded in Deed Record W, Volume 26, Page 115, and subject to a permanent easement and right of way in perpetuity to construct, maintain, and repair underground pipelines and/or mains for the purpose of conveying water and sewer across, through and under the lands thereafter described, together with the right of ingress and egress to and for said right of way to excavate and refill ditches, and/or trenches for the location of said pipelines and/or mains, and

the further right to remove trees, bushes, undergrowth, and other obstructions, including structures of all kinds, upon said right of way, that may, in any way, now or hereafter, in the opinion of party of the second part, interfere with the location, construction, and maintenance of said pipelines and/or mains, over and across the lands and premises therein described.

EXCEPTING ALSO the lands conveyed by deed of Delaware Wild Lands, Inc. to William A. Yonkers dated February 14, 1975, and recorded in Deed Record W, Volume 29, Page 96; and

EXCEPTING lands conveyed by Delaware Wild Lands, Inc. to Kent County by deed dated July 19, 1977, and recorded in Deed Record S, Volume 31, Page 361.

VII. THE LANG TRACT (Sussex County): Identified as tax statement #1-35-9.00-63.00 on the records of Sussex County, located West side Rt. 243, containing approximately 147.53 acres, and being the same lands conveyed to Delaware Wild Lands, Inc. by deed of W. Carlton Lang et al, dated February 25, 1972, and recorded in Deed Record 679, Page 928, and being more particularly therein described.

SUBJECT, NEVERTHELESS, to a 25 feet wide easement granted to the State Highway Department on the West side of County Road 243 by deed dated January 22, 1963, and recorded in Deed Record 647, Page 967.

SUBJECT, NEVERTHELESS, to the following restrictions which shall run with the land:

a. That the lands and premises hereinbefore described shall be used by the State of Delaware only as and for the purposes of conservation, for the preservation, protection and propagation of wildlife and waterfowl, and the preservation of lands

and marshes hereinbefore conveyed as open space in their natural state. Without limiting the generality of the foregoing terms, the words "conservation" and "natural state" as herein used shall mean that no building or structure of any kind shall be erected or placed upon the above described premises, except buildings and facilities necessary for conservation and for the propagation of fish, waterfowl and other forms of wildlife, and for the proper administration of lands hereinbefore described. Provided, however, that the use of the lands and marshes for insect control practices compatible with wildlife conservation and the reconstruction of historic sites, construction of public access facilities and other public facilities which do not detract or conflict with the use of these sites for a wildlife and waterfowl conservation area, shall not be deemed a breach of covenant.

b. The covenants, restrictions and conditions hereinbefore set forth may be enforced by Delaware Wild Lands, Inc., or by its successors and assigns, in law or equity, and the State of Delaware, or any agency thereof, or any successor or assign that hereinafter may have the ownership, custody, or possession of said lands and premises, in the acceptance of delivery of the deed to the aforesaid lands and premises, hereby waive the right of sovereign immunity in any suit or other action brought for the enforcement of the foregoing covenants and conditions.

AND, ALSO, The Delaware Wild Lands, Inc. does hereby confirm, grant, convey and forever quit-claim unto The State of Delaware all its right, title and interest of the Delaware Wild Lands, Inc. in and to all of the lands in East Dover Hundred, Kent County, Delaware, described in a certain Quit-Claim Deed of The American Anti-Vivisection Society, a corporation of the



BOOK N VOL 33 PAGE 30

Commonwealth of Pennsylvania, to the Delaware Wild Lands, Inc., dated November 28, 1967 and recorded in the office of the Recorder of Deeds in and for Kent County in Deed Record B, Volume 25, Page 84. Said described land being the area between the high water line of the Delaware Bay and the low water line of Delaware Bay and the land lying between the new channel of St. Jones River and the old line of St. Jones River.

IN WITNESS WHEREOF, the said DELAWARE WILD LANDS, INC., hath caused its name by William S. Potter, its Vice-President to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

DELAWARE WILD LANDS, INC.  
By: William S. Potter  
Vice-President

Attest: Edward W. Boock  
Secretary

Sealed and Delivered  
in the presence of:

Amuel Shahan

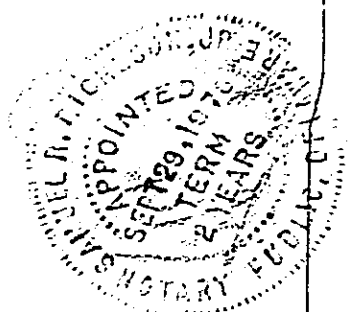
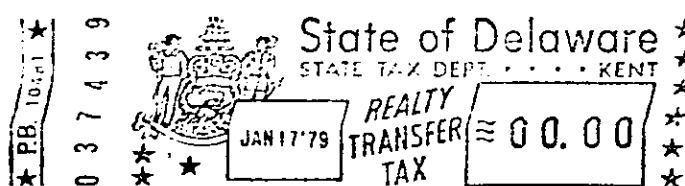
BOOK N VOL 33 PAGE 31

STATE OF DELAWARE X  
KENT COUNTY X SS.

BE IT REMEMBERED, That on this 17<sup>th</sup> day of January, A. D. 1979, personally came before me, the Subscriber, a Notary Public for the County and State aforesaid, William S. Potter, Vice-President of the DELAWARE WILD LANDS, INC., a corporation of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

GIVEN under my hand and seal of Office, the day and year aforesaid.

Samuel R. Richardson  
Notary Public



RECEIVED FOR RECORD

JAN 17 10 52 AM '79

ROBERT J. DONAWAY  
RECORDER OF DEEDS  
KENT COUNTY, DELAWARE

- 9 -



FOR NEW ALIGNMENT OF ST JONES  
RIVER SEE PLOT IN A-12-29

2021.0 ACRES ± TOTAL UPLAND,  
WOODLAND, & MARSHLAND

SURVEYED BY - CHARLES C. BROWN  
RE: SURVEY OF - DOVER - DEL  
DURING JULY 1957

