WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

For Subaqueous Lands, Wetlands, Marina and 401 Water Quality Certification Projects

State of Delaware
Department of Natural Resources and Environmental Control
Division of Water

Wetlands and Subaqueous Lands Section

APPLICATION FOR APPROVAL OF
SUBAQUEOUS LANDS, WETLANDS, MARINA
AND WATER QUALITY CERTIFICATION PROJECTS

Last Revised on: March 28, 2017

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Application Instructions:

1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.

2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.

3. All applications must have an original signature page and proof of ownership or permitted land use agreement.

4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

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

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1.	Tax Parcel Information:	New Castle County	(302) 395-5400
		Kent County	(302) 736-2010
		Sussex County	(302) 855-7878
2.	Recorder of Deeds:	New Castle County	(302) 571-7550
		Kent County	(302) 744-2314
		Sussex County	(302) 855-7785

3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: http://www.nap.usace.army.mil/Missions/Regulatory.aspx.

4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

✓ Yes	BASIC APPLICATION
✓ Yes	SIGNATURE PAGE (Page 3)
✓ Yes	APPLICABLE APPENDICES
✓ Yes	SCALED PLAN VIEW
✓ Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
✓ Yes	VICINITY MAP
✓ Yes	COPY OF THE PROPERTY DEED & SURVEY
✓ Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
✓ Yes	APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE (Separate checks made payable to the State of Delaware)

Submit 3 complete copies of the application packet to:

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

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

Section 1: Applicant Identification

1. Applicant's Name: DNREC DIVISION OF FISH AND WILDLIFE C/O AMANDA DELAYO
   Mailing Address: 89 KINGS HIGHWAY, DOVER, DE 19901
   Telephone #: (302) 739-9974
   Fax #:
   E-mail: amanda.delayo@delaware.gov

2. Consultant's Name: STAN BORRELL, PE
   Mailing Address: 2780 LIGHTHOUSE POINT EAST, SUITE D, BALTIMORE, MD 21224
   Company Name: MOFFATT & NICHOL
   Telephone #: (410) 500-5575
   Fax #:
   E-mail: sborrell@moffattnichol.com

3. Contractor's Name:
   Mailing Address:
   Company Name:
   Telephone #:
   Fax #:
   E-mail:

TBD

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):
Project purpose includes removing existing concrete rubble and debris along the shoreline and replacing with an engineered revetment for shoreline stabilization. The project also includes placing sand fill, primarily in the uplands, to restore and enhance migratory shorebird habitat in alignment with the Grant Agreement.

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

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

Section 3: Project Location

7. Project Site Address: 2992 LIGHTHOUSE RD, MILFORD, DE 19963
   County: ☐ N.C. ☐ Kent ☑ Sussex
   Site owner name (if different from applicant):
   Address of site owner: 89 KINGS HIGHWAY, DOVER, DE 19901

8. Driving Directions: TAKE DE-1 S AND DE-36 E TO LIGHTHOUSE RD IN SUSSEX COUNTY. FOLLOW LIGHTHOUSE RD TO END OF ROAD FOR PROJECT SITE. SEE SHEET 1 OF PERMIT DRAWINGS.
(Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: 330-5.00-7.00, 330-5.00-7.04, 330-5.00-8.00 and 330-5.00-9.00
   Subdivision Name:

WSLS Use Only: **Permit #s:** _____ _____ _____ _____

Type **SP** ☐ **SL** ☐ **SU** ☐ **WE** ☐ **WQ** ☐ **LA** ☐ **SA** ☐ **MP** ☐ **WA** ☐

Corps Permit: SPGP 18 ☐ **20** ☐ **Nationwide Permit #:** _____ **Individual Permit #**_____
Received Date: _____ **Project Scientist:** _____
Fee Received? Yes ☐ **No** ☐ **Amt: $**_____ **Receipt #:** _____
Public Notice #: _____ **Public Notice Dates: ON** _____ **OFF**_____

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: MISPILLION RIVER waterbody is a tributary to: DELAWARE BAY

11. Is the waterbody: ☑ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 520 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:
N/A
(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 SHEET 2 OF PERMIT DRAWINGS

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 SHEET 2 OF PERMIT DRAWINGS

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:
Amanda Delayo (DNREC) Michael Yost (USACE)
Julie Molina (DNREC)

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):
N/A

*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 13, NWP 18, NWP 27

18. Have you applied for permits from other Sections within DNREC?
☐ No ☑ Pending ☐ Issued ☐ Denied Date: 9/14/2026 Permit or ID #: Sediment & Stormwater

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

Other: N/A

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 X

I, AMANDA DELAYO, hereby designate and authorize STAN BORRELL, PE
(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: AMANDA DELAYO
Mailing Address: OUTREACH, LICENSING,AND GRANTS MANAGEMENT SECTION
89 KINGS HIGHWAY, DOVER, DE 19901
Telephone #: (302) 739-9974
Fax #:
E-mail: amanda.delayo@delaware.gov

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 Date: September 29, 2026

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 Date: September 29, 2026

AMANDA DELAYO
Print Name

22. Contractor's Signature:

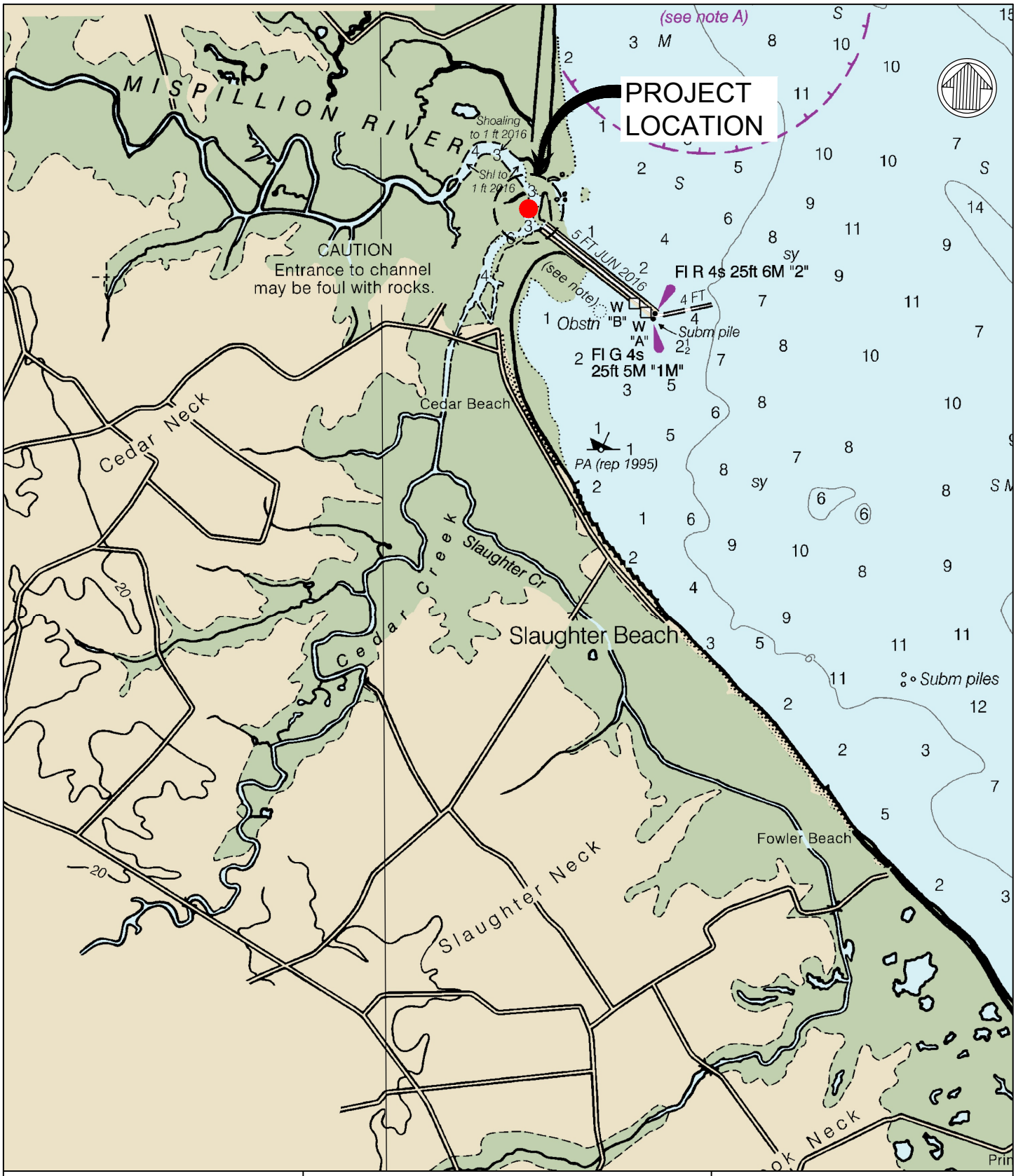
I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request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

TBD

Contractor's Name Date

Print Name

PERMIT DRAWINGS



APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

PLAN - VICINITY MAP

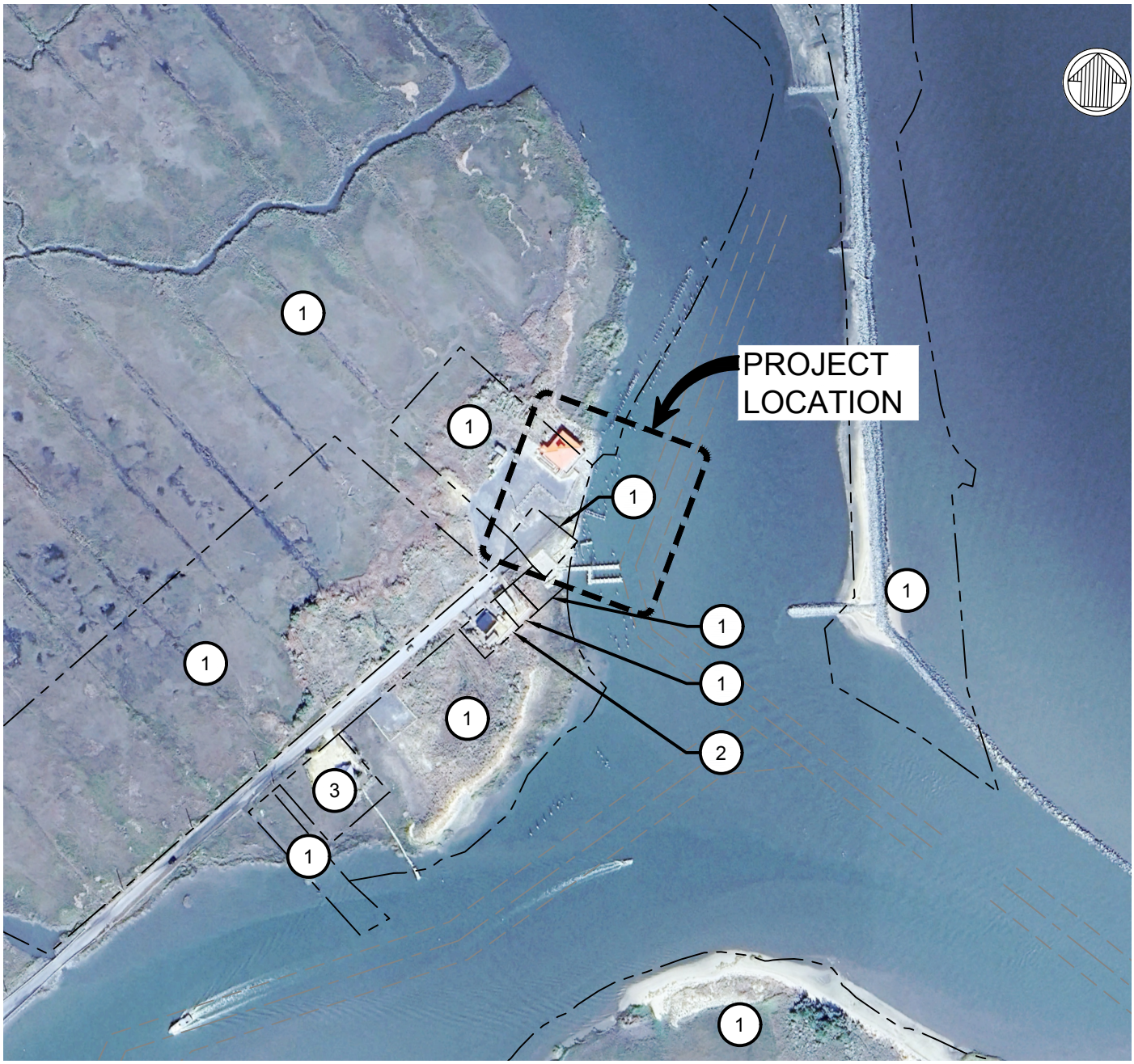
PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

2500' 0' 2500' 5000'
SCALE: 1"=5000'

DATE: 10/02/2026

SHEET 1 OF 14

File: P:\BA\232901-00_Parent_OPP0052923\232901-06\20 CADD_Active_Permit\SHEETS\P001 ; Plotted: 10/2/2026 3:56 PM by MCCONNELL, RYAN ; Saved: 8/27/2026 9:49 AM by RMCCONNELL



PROPERTY OWNER:

1 DELAWARE STATE OF
DIVISION OF WILDLIFE
89 KINGS HWY
DOVER DE 19901

ADJACENT OWNERS:

1 DELAWARE STATE OF
DIVISION OF WILDLIFE
89 KINGS HWY
DOVER DE 19901

2 RICHARD A SCLESSMAN
BRAD LEE SCLESSMANE
422 LOUISA ST
WILLIAMSPORT PA 17701

3 LU XIANGLIN
3055 LIGHTHOUSE RD
MILFORD DE 19963

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE
PROTECTION PROJECT

PLAN - LOCATION SITE MAP

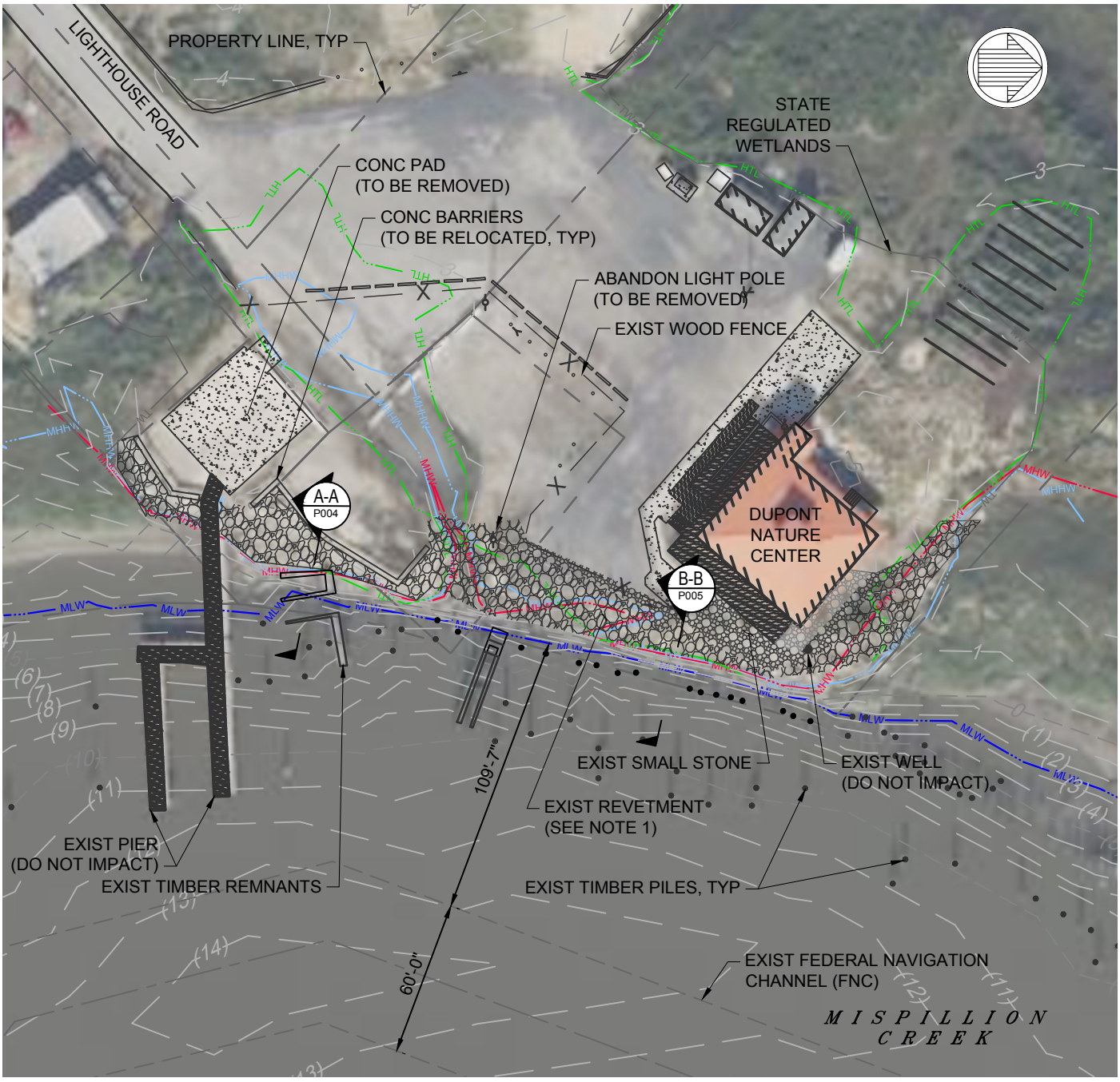
PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

100' 0' 100' 200'
SCALE: 1"=200'

DATE: 10/02/2026

SHEET 2 OF 14

File: P:\BA\232901-00_Parent_OPP005292\232901-06\20 CADD_Active_Permit\SHEETS\P002 ; Plotted: 10/2/2026 3:56 PM by MCCONNELL, RYAN ; Saved: 9/3/2026 1:57 PM by RMCCONNELL



TIDAL DATUM	ELEVATION (FT)
HTL	+2.90
MHHW	+2.60
MHW	+2.30
NAVD88	0
MLW	-2.59

NOTES:

1. EXISTING REVETMENT CONSISTS OF CONCRETE RUBBLE, GABION BASKETS, CINDER BLOCKS, AND OTHER DEBRIS.
2. TOPOGRAPHIC AND HYDROGRAPHIC SURVEY PERFORMED BY MORRIS & RITCHIE ASSOCIATES IN JUNE 2023, DECEMBER 2023, AND MARCH 2026.
3. ELEVATIONS ARE RELATIVE TO NAVD88.

LEGEND

- EXISTING MAJOR TOPOGRAPHIC CONTOUR
- EXISTING MINOR TOPOGRAPHIC CONTOUR
- MLW — EXISTING MLW
- MHW — EXISTING MHW
- MHHW — EXISTING MHHW
- HTL — EXISTING HTL
- TW — TIDAL WETLANDS

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

PLAN - EXISTING CONDITIONS

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

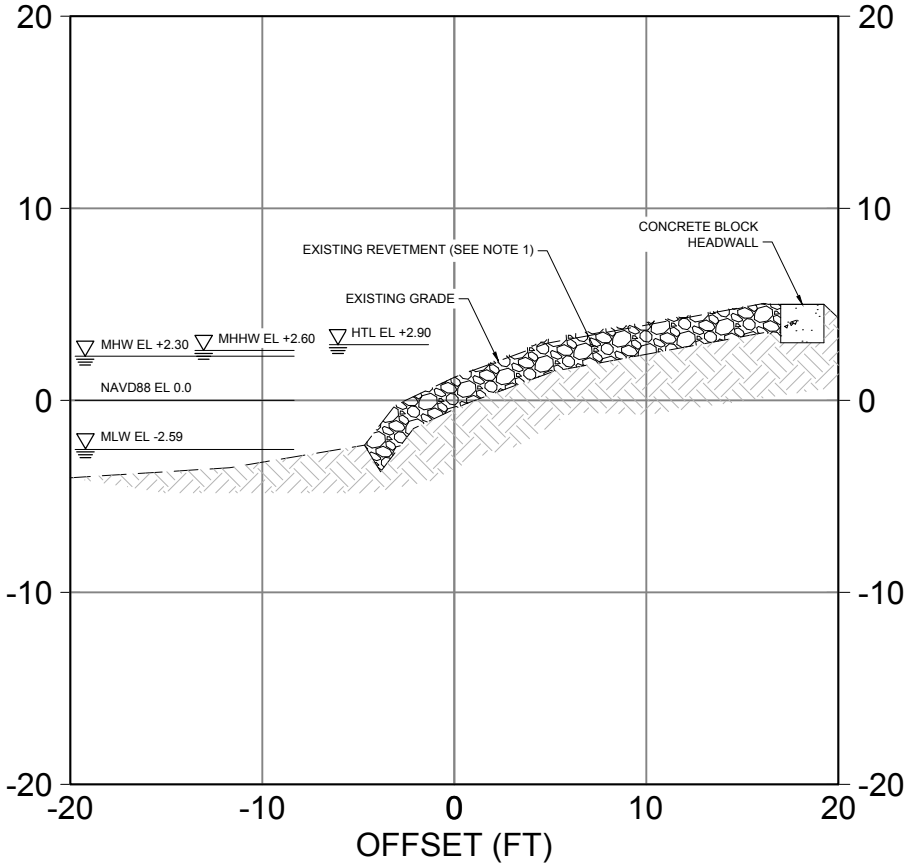
60' 0' 30' 60'
SCALE: 1"=60'

DATE: 10/02/2026

SHEET 3 OF 14

File: P:\BA\232901-00_Parent_OPP\00529\232901-06\20 CADD_Active_Permit\SHEET\SIP003 ; Plotted: 10/2/2026 3:56 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 3:55 PM by RMCCONNELL

SECTION A-A



A-A / P003 SECTION - EXISTING REVETMENT (1 OF 2)
SCALE: 1"='10

NOTE:

1. EXISTING REVETMENT CONSISTS OF CONCRETE RUBBLE, GABION BASKETS, CYINDER BLOCKS, AND OTHER DEBRIS.

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

SECTION - EXISTING REVETMENT, TYP (1 OF 2)

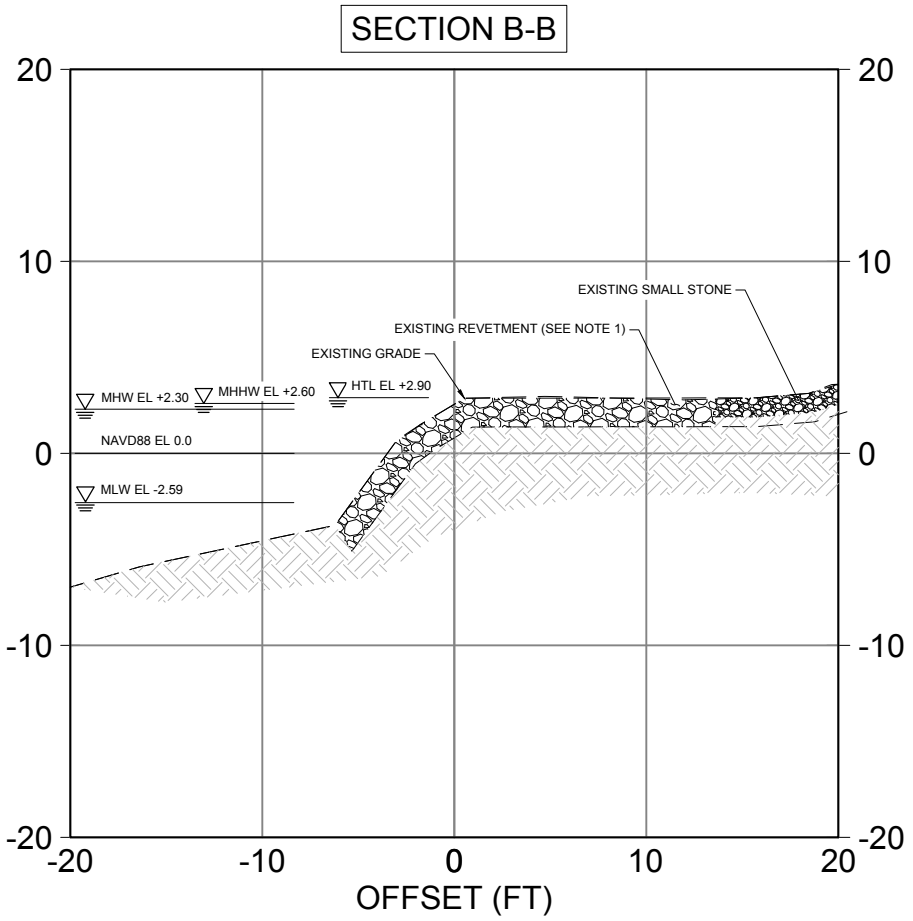
PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

5' 0' 5' 10'
SCALE: 1"=10'

DATE: 10/02/2026

SHEET 4 OF 14

File: P:\BA\232901-00_Parent_OPP\005292\232901-0620 CADD_Active_Permit\SHEETS\P004 ; Plotted: 10/2/2026 3:57 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 2:30 PM by RMCCONNELL



B-B P003 SECTION - EXISTING REVETMENT (2 OF 2)
SCALE: 1"='10

NOTE:

1. EXISTING REVETMENT CONSISTS OF CONCRETE RUBBLE, GABION BASKETS, CYINDER BLOCKS, AND OTHER DEBRIS.

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

SECTION - EXISTING REVETMENT, TYP (2 OF 2)

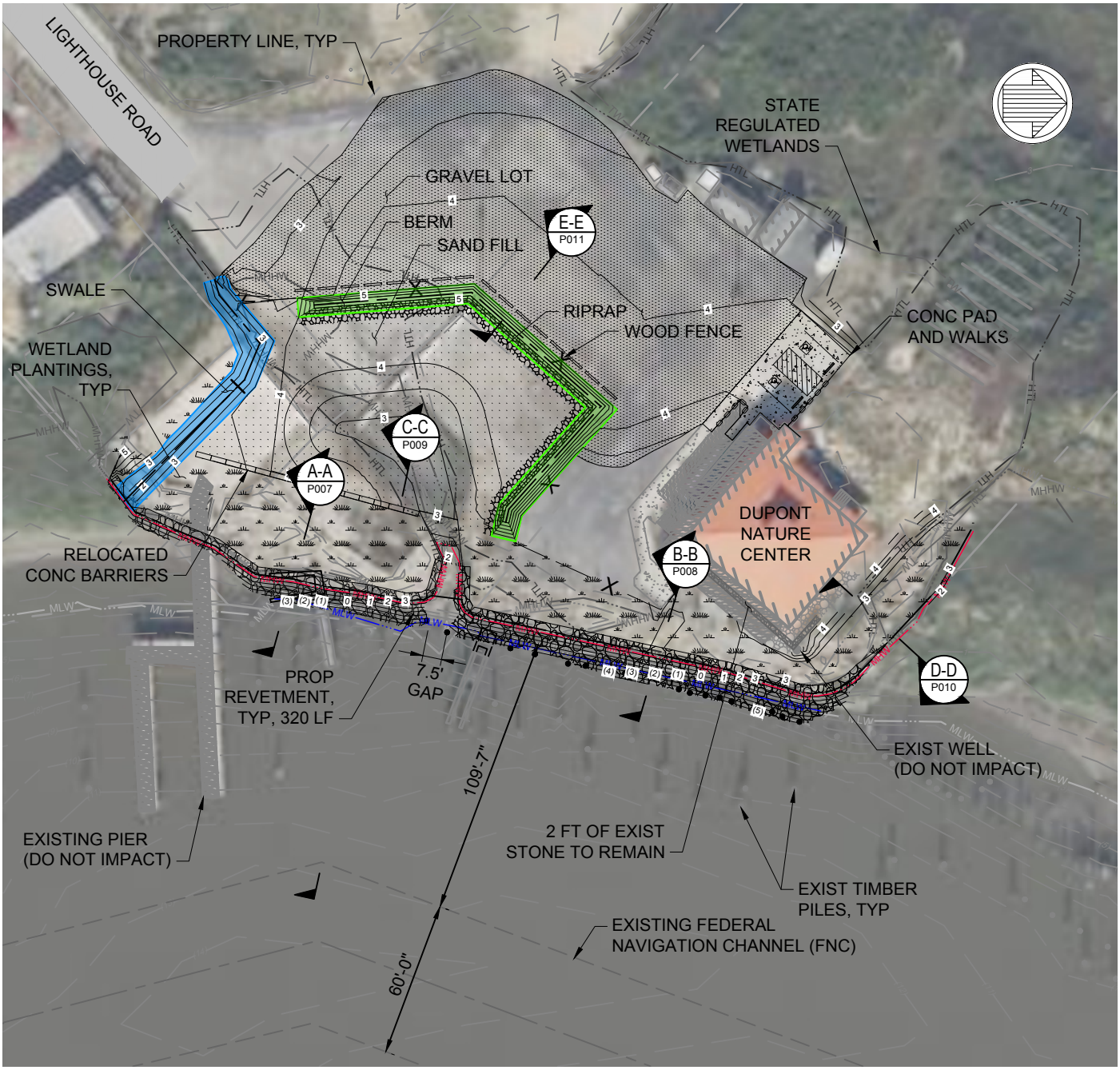
PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

5' 0' 5' 10'
SCALE: 1"=10'

DATE: 10/02/2026

SHEET 5 OF 14

File: P:\BA\232901-00_Parent_OPP\00529\232901-0620 CADD_Active_Permit\SHEETS\P005 ; Plotted: 10/2/2026 3:57 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 2:33 PM by RMCCONNELL



NOTES:

1. TIMBER PILES AND REMNANTS WITHIN REVETMENT FOOTPRINT TO BE CUT AT MUDLINE AND REMOVED.
2. EXISTING REVETMENT TO BE REMOVED AND REPLACED.
3. APPROXIMATELY 8,300 SF OF HIGH MARSH AND 8,000 SF OF SANDY HABITAT CREATED.

LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MLW
- PROPOSED MHW
- EXISTING HTL
- EXISTING MHHW
- EXISTING MHW
- EXISTING MLW
- PROPOSED GRAVEL
- PROPOSED SAND FILL
- PROPOSED LANDSIDE BERM
- PROPOSED SWALE
- PROPOSED WETLAND PLANTING
- PROPOSED REVETMENT/RIPRAP
- TW — TIDAL WETLANDS

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

PLAN - PROPOSED CONDITIONS

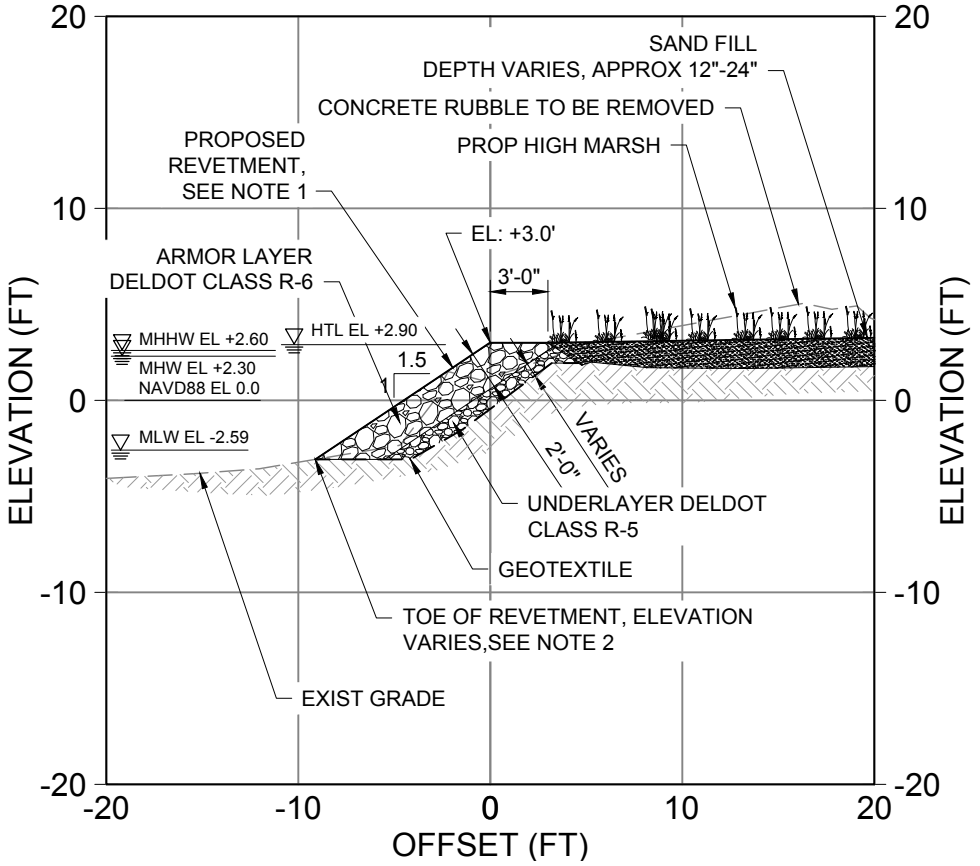
PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

60' 0' 30' 60'
SCALE: 1"=60'

DATE: 10/02/2026

SHEET 6 OF 14

File: P:\BA\1232901-00_Parent_OPP00529\1232901-06\20 CADD_Active_Permit\SHEET\SIP006 ; Plotted: 10/2/2026 3:57 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 2:36 PM by RMCCONNELL



A-A (P006) SECTION - PROPOSED REVETMENT (1 OF 2)
SCALE: 1"='10

NOTES:

1. CONCRETE RUBBLE, GABION BASKETS , AND OTHER DEBRIS TO BE REMOVED FROM EXISTING REVETMENT AND DISPOSED OFFSITE. SMALL ROCK ONSITE TO BE USED AS UNDERLAYER.
2. STONE PLACED AT EDGE OF STRUCTURE TOE SHALL BE FROM THE UPPER END OF THE STONE GRADATION > 200 LBS. GRADE LINES AND TOLERANCE SHALL NOT APPLY TO THE EDGE STONE.

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

SECTION - PROPOSED REVETMENT, TYP (1 OF 2)

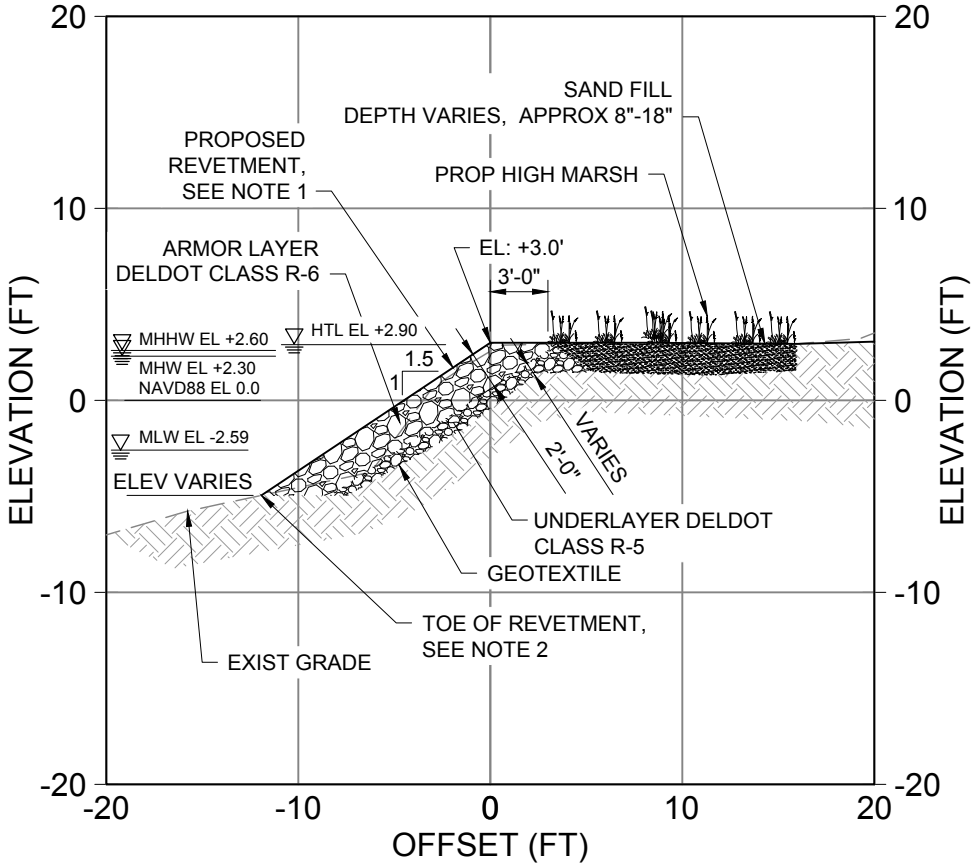
PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

10' 5' 5' 10'
SCALE: 1"=10'

DATE: 10/02/2026

SHEET 7 OF 14

File: P:\BA\232901-00_Parent_OPP005292\232901-0620 CADD_Active_Permit\SHEETS\P007 ; Plotted: 10/2/2026 3:58 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 3:35 PM by RMCCONNELL



B-B (P006) SECTION - PROPOSED REVETMENT (2 OF 2)
SCALE: 1"='10

NOTES:

1. CONCRETE RUBBLE, GABION BASKETS , AND OTHER DEBRIS TO BE REMOVED FROM EXISTING REVETMENT AND DISPOSED OFFSITE. SMALL ROCK ONSITE TO BE USED AS UNDERLAYER.
2. STONE PLACED AT EDGE OF STRUCTURE TOE SHALL BE FROM THE UPPER END OF THE STONE GRADATION > 200 LBS. GRADE LINES AND TOLERANCE SHALL NOT APPLY TO THE EDGE STONE.

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

SECTION - PROPOSED REVETMENT, TYP (2 OF 2)

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

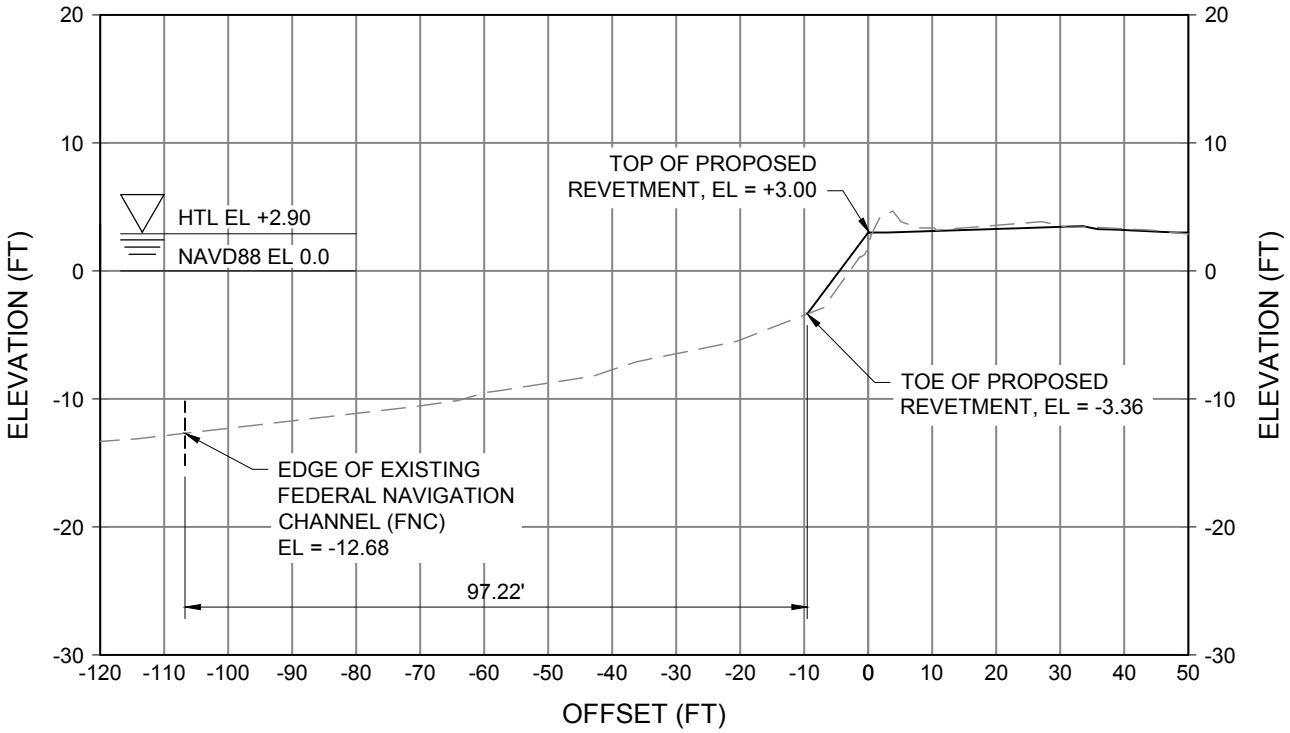
5' 0' 5' 10'
SCALE: 1"=10'

DATE: 10/02/2026

SHEET 8 OF 14

File: P:\BA\232901-00_Parent_OPP\005292\232901-06\20 CADD_Active_Permit\SHEETS\P008 ; Plotted: 10/2/2026 3:58 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 3:38 PM by RMCCONNELL

SECTION C-C



C-C (P006) SECTION - FNC TO PROPOSED REVETMENT
HORIZ. SCALE: 1"=30', VERT. SCALE: 1"=15'

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

SECTION - FNC TO PROPOSED REVETMENT

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

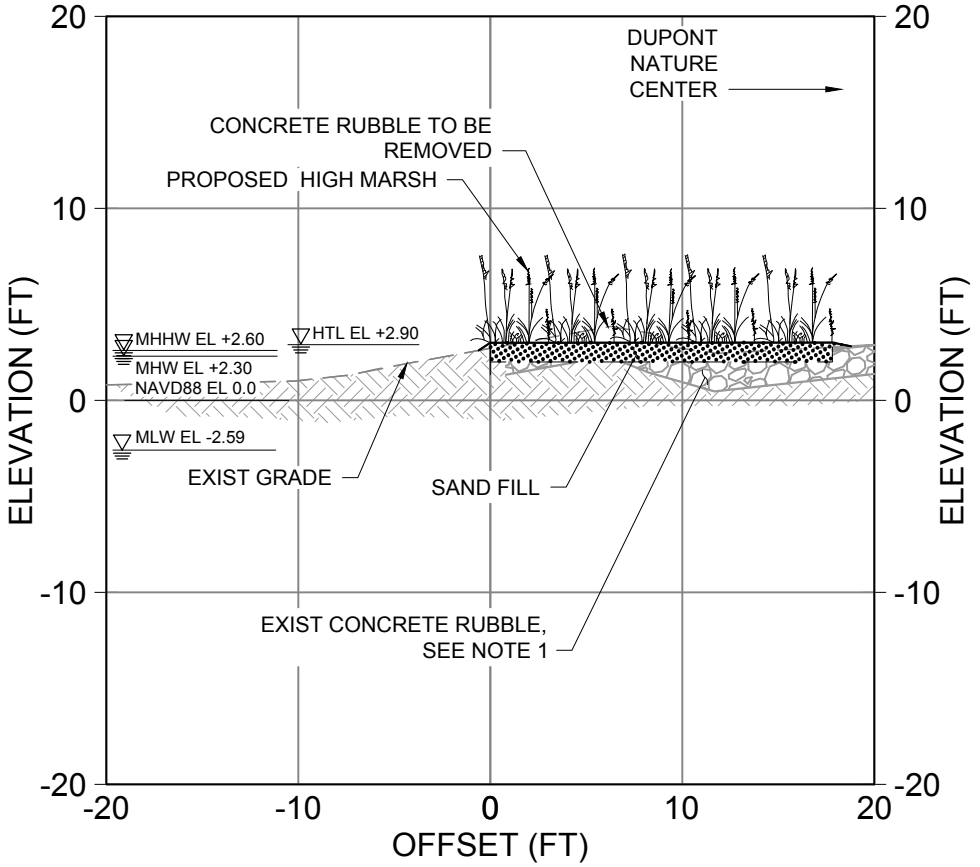
30' 0' 30' 60'
SCALE: 1"=30'
15' 0' 15' 30'
SCALE: 1"=15'

DATE: 10/02/2026

SHEET 9 OF 14

File: P:\BA\232901-00_Parent_OPP0052921232901-06\20 CADD_Active_Permit\SHEETS\P008B ; Plotted: 10/2/2026 3:58 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 3:42 PM by RMCCONNELL

SECTION D-D



D-D / P006 SECTION - BURIED RUBBLE AND MARSH PLANTINGS
SCALE: 1"='10

NOTE:

1. CONCRETE RUBBLE UP TO EL +2.0 SHALL BE LEFT IN PLACE. ANY CONCRETE RUBBLE ABOVE EL +2.0 SHALL BE REMOVED AND FILLED FOR PLANTINGS.

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE
PROTECTION PROJECT

SECTION - PROPOSED FILL

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

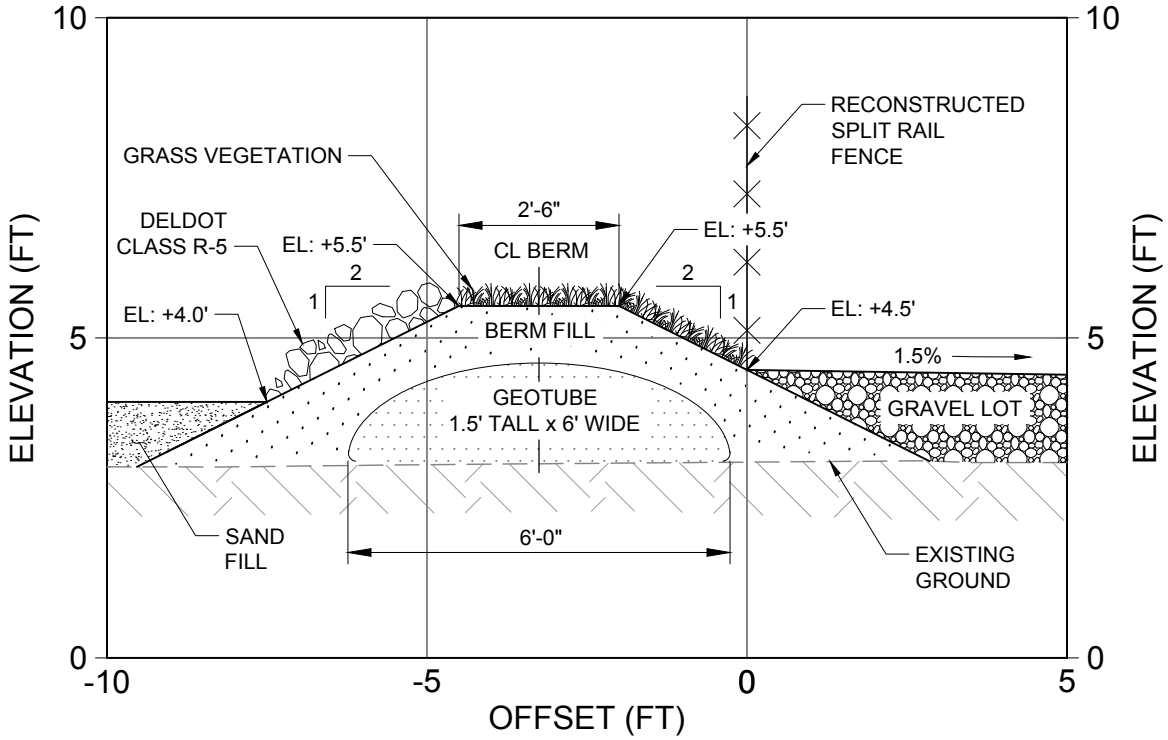
5' 0' 5' 10'
SCALE: 1"=10'

DATE: 10/02/2026

SHEET 10 OF 14

File: P:\BA\232901-00_Parent_OPP\005292\232901-06\20 CADD_Active_Permit\SHEETS\P009 ; Plotted: 10/2/2026 3:58 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 3:47 PM by RMCCONNELL

SECTION E-E



E-E / P006 SECTION - BERM
SCALE: 1"=3'-0"

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

SECTION - PROPOSED EARTH BERM AND SWALE

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

3' 0' 3' 6'
SCALE: 1"=3'-0"

DATE: 10/02/2026

SHEET 11 OF 14

File: P:\BA\232901-00_Parent_OPP\00529\232901-06\20 CADD_Active_Permit\SHEETS\P010 ; Plotted: 10/2/2026 3:59 PM by MCCONNELL, RYAN ; Saved: 9/22/2026 9:17 AM by RMCCONNELL

IMPACT TABLE - CHANNELWARD OF MLW

IMPACT ID	ACTIVITY	IMPACT	AREA (SF)	AVG. LENGTH (FT)	AVG WIDTH (FT)	CUT VOLUME (CY)	FILL VOLUME (CY)
A	CONCRETE RUBBLE AND DEBRIS REMOVAL	PERMANENT	442	170	2	25	-
B	REVETMENT CONSTRUCTION	PERMANENT	1035	205	5	-	115
C	TIMBER PILES AND REMNANTS REMOVAL (CUT AT MUDLINE)	PERMANENT	150	-	-	-	-

IMPACT TABLE - CHANNELWARD OF MHW

IMPACT ID	ACTIVITY	IMPACT	AREA (SF)	AVG. LENGTH (FT)	AVG WIDTH (FT)	CUT VOLUME (CY)	FILL VOLUME (CY)
A	CONCRETE RUBBLE AND DEBRIS REMOVAL	PERMANENT	2300	310	7	129	-
B	REVETMENT CONSTRUCTION	PERMANENT	3070	310	9	-	341
D	WETLAND PLANTINGS	PERMANENT	400	100	4.0	-	13
E	SAND FILL PLACEMENT	PERMANENT	20	3	6.7	-	1

IMPACT TABLE - CHANNELWARD OF MHHW

IMPACT ID	ACTIVITY	IMPACT	AREA (SF)	AVG. LENGTH (FT)	AVG WIDTH (FT)	CUT VOLUME (CY)	FILL VOLUME (CY)
A	CONCRETE RUBBLE AND DEBRIS REMOVAL	PERMANENT	3130	310	10	174	-
B	REVETMENT CONSTRUCTION	PERMANENT	3175	310	10	-	353
D	WETLAND PLANTINGS	PERMANENT	1750	145	12.1	22	18
E	SAND FILL PLACEMENT	PERMANENT	1505	40	37.6	-	57
F	BERM CONSTRUCTION	PERMANENT	185	30	6.2	-	12
G	GRAVEL PLACEMENT	PERMNENT	200	35	5.7	-	6
H	SWALE CONSTRUCTION	PERMANENT	55	6	9.2	2	-

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

IMPACT TABLE

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

DATE: 10/02/2026

SHEET 12 OF 14

File: P:\BA\232901-00_Parent_OPP005292\232901-0620 CADD_Active_Permit\SHEETS\P011B ; Plotted: 10/2/2026 3:59 PM by MCCONNELL, RYAN ; Saved: 9/29/2026 4:40 PM by RMCCONNELL



LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING MLW
- EXISTING MHW
- EXISTING MHHW
- TIDAL WETLANDS
- PROPOSED GRAVEL
- PROPOSED SAND FILL
- PROPOSED WETLAND
- PROPOSED RIPRAP

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

PLAN - IMPACTS

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

60' 0' 30' 60'
SCALE: 1"=60'

DATE: 10/02/2026

SHEET 13 OF 14

File: P:\BA\1232901-00_Parent_OPP0052921232901-06120 CADD_Active_Permit\SHEETS\P012B ; Plotted: 10/2/2026 3:59 PM by MCCONNELL, RYAN ; Saved: 10/2/2026 3:55 PM by RMCCONNELL



1 P014 FACING NORTH FROM EXISTING PIER
SCALE: N.T.S



2 P014 FACING NORTH FROM CONCRETE PAD
SCALE: N.T.S



3 P014 FACING SOUTH FROM AROUND SECTION B-B
SCALE: N.T.S



4 P014 FACING SOUTH FROM AROUND INLET
SCALE: N.T.S



5 P014 FACING WEST OF SECTION C-C
SCALE: N.T.S

APPLICATION BY:
DNREC
DIVISION OF FISH AND WILDLIFE
89 KINGS HIGHWAY
DOVER, DE 19901

AGENT/ENGINEER:
moffatt & nichol

MISPILLION INLET SHORELINE PROTECTION PROJECT

PHOTOS - EXISTING CONDITIONS

PROJECT LOCATION:
2992 LIGHTHOUSE RD
MILFORD, DELAWARE

DATE: 10/02/2026

SHEET 14 OF 14

File: P:\BA\232901-00_Parent_OPP\00529\232901-0620 CADD_Active_Permit\SHEETS\P011 ; Plotted: 10/2/2026 3:59 PM by MCCONNELL, RYAN ; Saved: 9/23/2026 3:47 PM by RMCCONNELL

PROPERTY DEEDS

4512

BOOK 741 PAGE 146

THIS DEED, made this 18th day of November, in the year of our Lord one thousand nine hundred and seventy- four (1974),

BETWEEN, THE STATE OF DELAWARE, party of the first part,

A N D

THE STATE OF DELAWARE, for the use of the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of THIRTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS ($38,400.00) current and 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, its successors and assigns,

ALL those two certain pieces, parcels or tracts of land situate in Cedar Creek Hundred, Sussex County, Delaware, and being more particularly described as follows, to-wit:

No. 1 BEGINNING at a point on the north bank of Cedar Canal, opposite where the Irish Canal enters into Cedar Creek, at a ditch which was the old Little Mispillion River; thence with the bank of Cedar Creek and Mispillion River N. 68° E., 200', N. 78 1/2° E., 200', N. 67° E., 400', N. 74 1/2° E., 200', S. 87 1/2° E., 93', S. 75° E., 200', S. 63 1/4° E., 214', this point being approximately the high water line of Delaware Bay; thence with high water line of the Bay S. 31 1/4° W., 400', N. 89° W., 200', S. 40° W., 300', S. 36° W., 400', S. 15° W. 100', S. 28° W., 200', S. 25° W., 300', S. 54 1/2° W., 100', S. 50 3/4° W., 200' to a stake, a corner for lands now or formerly of Leslie Gooden; this point being where the Little Mispillion River entered the Bay; thence with Gooden S. 83 1/4° W., 483' to a stake, N. 62° W., 186' to a stake, S. 67° W., 783' in part with an old ditch near Cedar Canal, to a stake at south bank of Cedar Canal; thence with south bank of Cedar Canal N. 35° 25' E., a distance of 2050' more or less to the point of the beginning, containing 48.2 acres of land more or less.

No. 2 BEGINNING at a point in line of LAND NOW OR FORMERLY OF JOHN T. FITZGERALD at a corner for OTHER LANDS OF THE SELTHRIDGE TRACT. Said point being located N. 54° 35' W., 436.73' from a point in the center of COUNTY ROAD #203 leading to MISPILLION LIGHT at the Northerly edge of a bridge over the IRISH CANAL. Thence from said point of beginning, with land of the aforesaid FITZGERALD:

1. N. 54° 35' W., 840.27' to a point, corner for LANDS NOW OR FORMERLY OF CHARLES FITZGERALD. Thence by same;

2. N. 18° 10' W., 1060.00' to a point in the Easterly side of the MISPILLION RIVER. Thence by same and with its various meanderings by the following eleven (11) courses and distances of survey tie lines along or near the River's edge.

3. N. 47° 25' E., 1000.00' to a point;

4. N. 47° 25' E., 800.00' to a point;

5. S. 62° 45' E., 1100.00' to a point;

6. S. 45° E., 200.00' to a point;

7. S. 20° E., 200.00' to a point;

8. S. 30° E., 200.00' to a point;

9. S. 40° E., 400.00' to a point;

10. S. 45° E., 185.00' to a point;

11. S. 13° 30' E., 72.00' to a point;

12. S. 2° 30' W., 65.00' to a point;

13. S. 34° W., 803.00' to a point in line of land reputed to be NOW OR FORMERLY OF CHARLES H. FITZWATER. Thence by the same the following five (5) courses and distances;

14. S. 39° 14' E., 350.20' to a point;

15. S. 50° 46' W., 209.55' to a point;

16. S. 39° 14' E., 314.91' to a point;

17. N. 47° 39' E., 75.15' to a point;

18. S. 42° 21' E., 67.40' to a point in the center of the aforesaid COUNTY ROAD #203. Thence by same;

19. S. 57° 57' W., 154.92' to a point, a corner for OTHER LANDS OF THE SELTHRIDGE TRACT. Thence by the same the following two (2) courses and distances;

20. N. 39° 14' W., 406.58' to a point;

21. S. 57° 57' W., 1246.10' to the point and place of beginning; CONTAINING 114.7 Acres more or less.

BEING a part of the lands known as the Selthridge Tract that escheated to the State of Delaware under and by virtue of, Chapter 11, Title 12 of the Delaware Code, as follows: on April 8, 1960, a jury of inquest in accordance with § 1103 was summoned to consider whether the last known owner of the Selthridge Tract had died without heirs or any known kindred who could inherit and hold his estate; on that same date, the jury of inquest found, upon sworn testimony, that the Selthridge Tract had escheated to

the State of Delaware; by order dated May 5, 1960, Alexander R. Abrahams, then Escheator of the State of Delaware, adjudged and decreed that the land known as the Selthridge Tract had escheated to the State of Delaware; Elwood R. Rust, Prothonotary of Sussex County, on December 11, 1973, pursuant to § 1114, certified that no claim had been made to the Selthridge Tract within seven years from the date of the return of the inquisition concerning the same; by order dated May 14, 1974, John E. Malarkey, Escheator of the State of Delaware, ordered, pursuant to § 1114, that the Selthridge Tract be sold at public auction, as four separate parcels, upon like public notice as required by law for the sale of lands under execution process; a sale of a portion of the Selthridge Tract was held on June 27, 1974, and the above described parcels were sold to the party of the second part, it being the highest and best bidder therefor; John E. Malarkey, Escheator of the State of Delaware, pursuant to § 1115, thereafter certified the results of the June 27, 1974, escheat sale to the Governor of the State of Delaware, who, pursuant to the same section, filed such certification in the Office of the Secretary of State, together with a receipt from the Secretary of Finance for the price of the lands.

IN WITNESS WHEREOF, the party of the first part has caused the hand of Sherman W. Tribbitt, Governor of the State of Delaware, and the Great Seal of the State of Delaware, to be hereunto set and affixed, the day and year first above written.

Sealed and Delivered
In the Presence of:

THE STATE OF DELAWARE

By: _____
Sherman W. Tribbitt, Governor

Attest: _____
Robert H. Reed, Secretary of State

STATE OF DELAWARE)
: SS.
KENT COUNTY)

BOOK 741 PAGE 149

BE IT REMEMBERED, That on this 18th day of November, in the year of our Lord one thousand nine hundred and seventy-four, personally came before me the subscriber, a Notary Public of the State of Delaware, SHERMAN W. TRIBBITT, Governor of the State of Delaware, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the State of Delaware.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

P.B. 104 0 4 8 3 4 2

State of Delaware
STATE TAX DEPT. • • • SUSSEX
DEC 18'74 REALTY TRANSFER TAX ≈ 00.00

Ruth Ann Walker
Notary Public

RUTH ANN WALKER NOTARY PUBLIC APPOINTED JUNE 21, 1973 FOR TWO YEARS DELAWARE

RECEIVED
JAMES H. BAXTER JR.
DEC 18 9 20 AM '74
RECORDER OF DEEDS
SUSSEX COUNTY

PURCHASER'S REPORT MADE
THIS 20th DAY OF December 1974
ASSESSMENT DIVISION OF SUSSEX COUNTY
MILDRED E. SAVAGE

Document# 2021000006814 BK: 5401 PG: 204
Recorder of Deeds, Scott Dailey On 2/2/2021 at 8:26:04 AM Sussex County, DE
Consideration: $0.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

(2)

TAX MAP #: 3-30 5.00 7.04 & 3-30 5.00 8.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
30 E. Pine Street
Georgetown, DE 19947
File No. TS19066/KWM

THIS DEED, made this January 29, 2021,

- BETWEEN -

THE CONSERVATION FUND, A NON-PROFIT CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MARYLAND, of 1655 North Fort Myer Drive, Suite 1300, Arlington, VA 22209, party of the first part,

- AND -

THE STATE OF DELAWARE, ACTING BY AND THROUGH THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF FISH AND WILDLIFE, of End of Route 203, Milford, DE 19963, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR ($1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

PARCEL 3-30 5.00 7.04

ALL that certain piece, parcel and tract of land lying and being situate in Cedar Creek Hundred, Sussex County and State of Delaware, and being more particularly described according to a survey performed by Foresight Services, Professional Land Surveyor, dated December 21, 2020, and more particularly described as follows to wit:

BEGINNING at point on the southerly right-of-way line of Lighthouse Road (50' R/W); said point being situate easterly of the right-of-way line of Cedar Beach Road a distance of 1 mile, more or less; thence with the right-of-way line of Lighthouse Road North 47°-46'-38" East a distance of 48.99 feet to a "PK" nail set; thence with lands of Charles R. Auman Jr., now or formerly, the following two courses and distances: 1) South

Document# 2021000006814 BK: 5401 PG: 205
Recorder of Deeds, Scott Dailey On 2/2/2021 at 8:26:04 AM Sussex County, DE
Doc Surcharge Paid

48°-21'-42" East a distance of 30.60 feet to a point; 2) North 41°-56'-56" East a distance of 74.11 feet to a point; thence with the Mispillion River the following two courses and distances: 1) South 15°-32'-53" West a distance of 32.72 feet to a point; 2) South 00°-18'-44" West a distance of 48.72 feet to a point; thence with lands of State of Delaware Department of Natural Resources & Environmental Control South 48°-00'-35" West a distance of 66.75 feet to an iron pipe found; thence with lands of State of Delaware DNREC Division of Fish & Wildlife North 41°-04'-15" West a distance of 76.01 feet home to the point and place of beginning, passing over an iron rod found 75.00 feet from aforesaid iron pipe, said to contain 5,805 Square Feet of land, be the same more or less.

PARCEL 3-30 5.00 8.00

ALL that certain piece, parcel and tract of land lying and being situate in Cedar Creek Hundred, Sussex County and State of Delaware, and being more particularly described according to a survey performed by Foresight Services, Professional Land Surveyor, dated December 21, 2020, and more particularly described as follows to wit:

BEGINNING at a "PK" nail set on the southerly right-of-way line of Lighthouse Road (50' R/W); said "PK" nail being situate easterly of the right-of-way line of Cedar Beach Road a distance of 1 mile, more or less; thence with the right-of-way line of Lighthouse Road and lands of State of Delaware DNREC Division of Fish & Wildlife, now or formerly, North 48°-21'-42" West a distance of 73.95 feet to a concrete monument found; thence with lands of State of Delaware, now or formerly, the following two courses and distances: 1) North 38°-35'-18" East a distance of 75.31 feet to a concrete monument found; 2) South 51°-17'-02" East a distance of 109.14 feet to a point; thence with the Mispillion River South 41°-56'-56" West a distance of 6.82 feet to a point; thence with lands of Charles R. Auman Jr. the following two courses and distances: 1) South 41°-56'-56" West a distance of 74.11feet to a point; 2) North 48°-21'-42" West a distance of 30.60 feet home to the point and place of beginning said to contain 8,334 Square Feet of land, be the same more or less.

BEING the same lands conveyed to The Conservation Fund, a non-profit corporation organized under the laws of the State of Maryland from Charles R. Auman, Jr., by Deed dated January 20th 2021 recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on February 2nd, 2021 in Deed Book 5401, Page 200

The Property has been acquired in part with funding received by the State of Delaware, Division of Fish and Wildlife from Grant Agreement Number F18AP0057 dated April 23, 2018 between the U.S. Fish and Wildlife Service (hereinafter SERVICE) and the Division of Fish & Wildlife (hereinafter DIVISION). All present and future use of this property are and shall remain subject to the terms and conditions described in the Notice of Grant Agreement, attached hereto as Exhibit "A" and recorded herewith, and to the other administrative requirements of the applicable grant funding program of the Service.

Document# 2021000006814 BK: 5401 PG: 206
Recorder of Deeds, Scott Dailey On 2/2/2021 at 8:26:04 AM Sussex County, DE
Doc Surcharge Paid

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said The Conservation Fund, a non-profit corporation, organized and existing under the laws of the State of Maryland has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

THE CONSERVATION FUND, A NON-PROFIT CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MARYLAND

Rick Bingham
Witness

By: Jodi R. O'Day (SEAL)
Jodi R. O'Day, Assistant Secretary/Deputy General Counsel

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 29th day of January, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Jodi R. O'Day, Assistant Secretary/Deputy General Counsel of The Conservation Fund, a non-profit corporation, organized and existing under the laws of the State of Maryland, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said corporation; that the signature of the Vice President/Deputy General Counsel is in her own proper handwriting and the seal affixed is the common and corporate seal of said corporation.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Amelia M. Grant
Notary Public

AMELIA M. GRANT NOTARY PUBLIC My Commission Expires 01-29-2024 ANNE ARUNDEL COUNTY, MD

My Commission Expires: 01/29/2024

TUNNELL & RAYSOR, P.A.
Georgetown, Delaware

Document# 2021000006814 BK: 5401 PG: 207
Recorder of Deeds, Scott Dailey On 2/2/2021 at 8:26:04 AM Sussex County, DE
Doc Surcharge Paid

EXHIBIT A

NOTICE OF GRANT AGREEMENT

The State of Delaware, Department of Natural Resources and Environmental Control, **Division of Fish & Wildlife** (Division) and its successors and assigns acknowledge that the above described property, as more fully appears on Boundary Survey Plans by Foresight Services. (Drawing No. 330-5.00-8.00 and 330-5.00-7.04 dated April 20, 2020), hereinafter the "Property", is being acquired in part with funds received from the Cooperative Endangered Species Conservation Fund administered by the U.S. Fish and Wildlife Service and its successors and assigns (Service), and that the Property described is subject to all the terms and conditions of Grant Agreement Number **F18AP00057** (Grant Agreement) dated April 23, 2018. A copy of the Grant Agreement is kept on file at the offices of the Service, 300 Westgate Center Drive, Hadley, MA 01035-9589 and at the offices of the Division, 89 Kings Highway, Dover, DE 19901.

The Division acknowledges that the Property which is the subject of this Grant Agreement is being acquired for the approved purpose of permanent protection, management and enhancement of habitat for Red Knots (*Calidris canutus rufa*), other migratory shorebirds, beach-nesting birds, and spawning horseshoe crabs and to improve habitat connectivity and to allow for fish- and wildlife-associated educational and recreational uses that are compatible with protection of Red Knots, other migratory birds, beach-nesting birds, and spawning horseshoe crabs. The acquisition will expand the existing Mispillion Harbor Reserve. The Division further acknowledges that the Property will be used for the long-term conservation of said lands and wildlife dependent thereon. The Division acknowledges there will be no discrimination on the real property acquired or on any project constructed under the grant award. The Division hereby acknowledges that the Property will be used and will continue to be used for the approved purposes for which it is acquired and that the Property may not be conveyed or encumbered, in whole or in part, to any other party or for any other use, whatsoever, without the written consent of the Regional Director of the U.S. Fish and Wildlife Service.

If the Division loses control of the Property, control must be fully restored to the Division or the subject property must be replaced, within three years, with like property of equal value at current market prices and equal benefits. Further, if the Property is used for activities that interfere with accomplishments of approved purposes, the violating activities must cease and any resulting adverse effects must be remedied.

If the Division determines that the Property is no longer needed or useful for its original purposes, and the Service concurs, the Division may, with the prior consent of the Service, either (1) acquire title to another parcel of real property of equal value that serves the same approved purposes as the original property and to manage the newly acquired real property for the same purpose specified in the original Grant Agreement, or (2) repay the Service, in cash, the proportionate federal share of the current fair market value of the subject property, whichever is higher, or (3) as a last resort, transfer the subject property to the Service or to a third-party designated or approved by the Service.

The Division, as Grant Recipient, hereby confirms its obligations and responsibilities with regards to the acquired Property pursuant to the terms and conditions associated with the Grant Agreement.

[Execution Page to Follow]

Document# 2021000006814 BK: 5401 PG: 208
Recorder of Deeds, Scott Dailey On 2/2/2021 at 8:26:04 AM Sussex County, DE
Doc Surcharge Paid

IN WITNESS WHEREOF, the Delaware Division of Fish & Wildlife has set its hand and seal this 28th day of January, 2021.

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE

DAVID E. SAVEIKIS
DIRECTOR

State of Delaware

County of Kent

On this 28th day of January 2021, before me personally appeared DAVID E. SAVEIKIS, to me personally known, who, being by me duly sworn, did say personally and under his authority as Director that this is his free act and deed and the free act and deed of the Delaware Division of Fish & Wildlife.

DANIELLE R. PATONE
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES Sept. 25, 2021

Notary Public

25401 BK02979 PG001

TAX MAP #3-30 5.00 9.00

Prepared by:
Tunnell & Raysor, P.A.
30 E. Pine Street
Georgetown, DE
File No. TS15113LAB

THIS DEED, made this 13th day of May, 2004, between **Cedar Creek Group, LLC, Merritt Burke, IV, by Merritt Burke, III, Attorney in Fact, by Power of Attorney, attached hereto and made a part hereof, as "Exhibit A", Laurence L. Burke, Thompson A. Burke**, and **Christopher M. Burke**, of **401 Rehoboth Avenue, Rehoboth Beach, DE 19971,** parties of the first part,

-AND-

State of Delaware, of **89 Kings Highway, Dover, DE 19901**, party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR ($1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and assigns, the following-described lands, situate, lying and being in **Sussex County**, State of Delaware:

ALL that certain piece, parcel and lot of land, lying and being situate in Cedar Creek Hundred, Sussex County and the State of Delaware, fronting on the Mispillion River, adjoining lands now or formerly of the State of Delaware and of the United States of America, being more particularly described in accordance with a recent survey by Charles D. Murphy, Jr., Professional Land Surveyor, dated February 23, 1990, as follows, to wit:

BEGINNING at an iron pipe at the northwesterly corner for lands of the United States of America, on line for lands of the State of Delaware and distant South 52 degrees 18 minutes 34 seconds West, 58.97 feet from the center of the Mispillion River Light Tower, thence proceeding with said lands of the State of Delaware North 48 degrees 04 minutes 00 seconds, West 314.87 feet to a found concrete monument; thence continuing with lands of the State of Delaware the following two (2) courses and distances: 1) North 41 degrees 58 minutes 36 seconds, East 209.49 feet to a found concrete

Consideration: 90.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00

counter Date: 05/14/2004

monument and 2) South 48 degrees 04 minutes 00 seconds, East 341.75 feet to a point at the back of an existing dock on the westerly side of the Mispillion River; thence running with said dock the following three (3) courses and distances: 1) South 15 degrees 24 minutes 12 seconds, West 79.18 feet, 2) North 77 degrees 07 minutes 36 seconds, West 1.79 feet and 3) South 13 degrees 31 minutes 47 seconds, West 65.37 feet to a corner for lands of the United States of America; thence running with said lands of the United States of America, North 51 degrees 11 minutes 00 seconds, West 95.98 feet to a found iron pipe, and finally, continuing with said lands of the United States of America, South 38 degrees 57 minutes 40 seconds, West 75.17 feet to the place of beginning, containing 1.6906 acres of land, more or less.

BEING THE SAME LAND CONVEYED BY THE FOLLOWING DEEDS:

BEING the same lands conveyed unto Cedar Creek Group, LLC, by Deed of Galen W. Stauffer and Eileen D. Stauffer, dated September 15, 2001, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, in Deed Book 2661, page 313.

BEING a **22% Interest** of the lands conveyed unto Christopher M. Burke, by Deed of Cedar Creek Group, LLC, dated April 14, 2004, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 2965, page 147.

BEING a **22% Interest** of the lands conveyed unto Thompson A. Burke, by Deed of Cedar Creek Group, LLC, dated April 14, 2004 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 2965, page 145.

BEING a **22% Interest** of the lands conveyed unto Laurence L. Burke, by Deed of Cedar Creek Group, LLC, dated April 14, 2004, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 2965, page 143.

BEING a **22% Interest** of the lands conveyed unto Merritt Burke, IV, by Deed of Cedar Creek Group, LLC, dated April 14, 2004, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 2965, page 141.

THE REMAINING **12% INTEREST** WAS RETAINED BY CEDAR CREEK GROUP, LLC.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said Cedar Creek Group, LLC hath caused its name by Merritt Burke, III, to be hereunto set, the day and year first above written.

CEDAR CREEK GROUP, LLC

_____(SEAL)
Merritt Burke, III MEMBER

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

The foregoing Deed was acknowledged before me this May 13th, 2004, by Merritt Burke, III, Member, of Cedar Creek Group, LLC, on behalf of the LLC.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

_____
Notary Public
Printed Name: _____
My commission expires _____

HAROLD W. T. PURNELL II
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3

IN WITNESS WHEREOF, the parties of the first part have set their hands and seals the day and year first above written.

_____ BY PAL (SEAL)
Merritt Burke, IV,
by Merritt Burke, III
Attorney in Fact

_____ (SEAL)
Laurence L. Burke

_____ (SEAL)
Thompson A. Burke

_____ (SEAL)
Christopher M. Burke

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBER, that on May 13th, 2004, personally came before me, the subscriber, Merritt Burke, IV, by Merritt Burke III, Attorney in Fact, Laurence L. Burke, Thompson A. Burke and Christopher M. Burke, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

_____
Notary Public
Printed Name: _____
My commission expires _____

Return to:
State of Delaware
89 Kings Highway
Dover, Delaware 19901

HAROLD W. T. PURNELL II
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)(3)

Exhibit A

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, **MERRITT BURKE IV,** of Lewes, Delaware, party of the first part, hereby make, constitute, and appoint my father, **MERRITT BURKE, III**, of Lewes, Delaware, party of the second part, my true and lawful attorney to act in, manage, and conduct all my affairs, and for that purpose in my name and on my behalf to do and execute all or any of the following acts, deeds, and things, that is to say:

1. To ask, demand, sue for, recover, and receive all sums of money, debts, dues, goods, wares, merchandise, chattels, effects and things of whatsoever nature or description which now are or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways, or means whosoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases or other discharges for the same respectively as he shall think fit or be advised.

2. To settle any account or reckoning whatsoever wherein I now am or at any time hereafter shall be in anywise interested or concerned with any person whomsoever, and to pay or receive the balance thereof as the case may require.

3. To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security or by virtue of any mortgage and on receipt of the full amount secured thereby to execute a good and sufficient release or other discharge of such mortgage by deed or otherwise.

4. To compound with or make allowances to any person for or in respect to any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me, and

to take and receive any composition or dividend thereof or thereupon, and to give releases or other discharges for the whole of such debts or demands, or to settle, compromise, or submit to arbitration every such debt or demand and every other right, matter and thing due to or concerning me as my attorney shall think best, and for that purpose to enter into and execute and deliver such bonds of arbitration or other instruments as my attorney may deem advisable in the premises.

5. To commence, prosecute, discontinue, or defend all actions or legal proceedings touching my estate or any part thereof, or touching any matter in which I or my estate may be in anywise concerned.

6. To enter into and upon all and singular my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure any buildings thereon.

7. To contract with any person for leasing for such periods, at such rents, and subject to such conditions as my attorney shall see fit, all or any of my said real estate, and any such person to let into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupier thereof, and to receive and recover from all tenants and occupiers thereof or of any part thereof all rents, arrears or rent, and sums of money which now are or shall hereafter become due and payable in respect thereof, and also on nonpayment thereof or of any part thereof to take all necessary or proper means and proceedings for determining the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

8. To sell, either at public or private sale, or exchange any part or parts of my real estate or personal property for such consideration and upon such terms as my attorney shall think

fit, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as my attorney shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration.

9. To deposit any moneys which may come to his hands as such attorney with any bank or banker or other person either in my or our own names, and any of such money or any other money to which I am entitled which now is or shall be so deposited to withdraw, and either employ as he shall think fit in the payment of any debts, or interest, payable to me, or taxes assessments, insurance, and expenses due and payable or to become due and payable on account of my real and personal estate, or in or about any of the purposes herein mentioned, or otherwise for my use and benefit, or to invest in my or our own names in any stocks, shares, bonds, securities, or other property, real or personal, as he may think proper and to receive and give receipts for any income, dividend, or other proceeds arising from such investments or insurance, and all and any such investments or insurance or other investments or insurance to vary or dispose of for my use and benefit as he may think fit.

10. To borrow any sum or sums of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, and other instruments which may be necessary or proper.

11. To engage, employ, and dismiss any agents, clerks, servants, or other persons in and about the performance of these presents as my attorney shall think fit.

12. To vote at the meeting of stockholders or other meetings of any corporation or company, or otherwise to act as my attorney or proxy in respect of any stocks, shares, or other instruments now or hereafter held by me therein, and for that purpose to execute any proxies or

other instruments.

13. To execute any powers and any duties vested in me, whether solely or jointly, with any other or others as executor, administrator, or trustee or in any other fiduciary capacity, so far as such power or duty is capable of being validly delegated.

14. For all or any of the purposes of these presents to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds, or other instruments whatsoever and to draw, accept, make, endorse, discount, or otherwise deal with any bills of exchange, checks, promissory notes, or other commercial or mercantile instruments.

15. To pay the necessary sums to meet my ordinary household expenses, and also in the discretion of my attorney to pay such charitable subscriptions as I have been in the habit of paying.

16. To have access to any safety deposit box contracted for by me and to remove from or add to the contents of said box any stock, bonds, deeds or other documents or items of personal property as deemed fit or advised.

17. To buy or sell any obligations of the United States government including Treasury bills, notes, bonds (including Series E, H, EE, HH and others) as well as securities of the U.S. government agencies, municipalities, states, local governments and possessions of the United States.

18. In general to do all other acts, deeds, matters, and things whatsoever in or about my estate, property, and affairs, or to concur with persons jointly interested with myself therein in doing all acts, deeds, matters, and things herein, either particularly or generally described as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

19. To substitute and appoint in his place and stead one or more attorney or attorneys to

exercise for me as my attorney or attorneys any or all of the powers and authorities hereby conferred; and to revoke any such appointment from time to time, and to substitute or appoint any other or others in the place of such attorney or attorneys as he, the said **MERRITT BURKE, III.** shall from time to time think fit.

20. And I, the said **MERRITT BURKE, IV**, hereby ratify and confirm and promise at all times to ratify and confirm all and whatsoever my attorney, whether the said **MERRITT BURKE, III.**, or any attorney by either hereunder substituted shall lawfully do or cause to be done in and about the premises by virtue of these presents, including anything which shall be done between the revocation of these presents by my death or in any other manner and notice of such revocation reaching my attorney; and I hereby declare that as against me and all persons claiming under me everything which my attorney shall do or cause to be done in pursuance hereof after such revocation as aforesaid shall be valid and effectual in favor of any person claiming the benefit thereof who before the doing thereof shall not have had notice of such revocation.

21. THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY SUBSEQUENT DISABILITY OR INCAPACITY.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal this 19th, day of July, A.D. 2001.

WITNESS

Merritt Burke IV

MERRITT BURKE IV

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 14th day of July, 20 01, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, **MERRITT BURKE IV**, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Elaine M Marcuto
Notary Public

Commission Expires: 2/16/02

RECORDER OF DEEDS
JOHN F. BRADY
04 MAY 14 PM 3:33
SUSSEX COUNTY
DOC. SURCHARGE PAID

LS

Received
MAY 17 2004
ASSESSMENT DIVISION
OF SUSSEX CTY

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? 10 ft.
      mean low water line? 0 ft.
   b. Non-tidal waters: ordinary high water line? N/A ft.

2. What is the area of fill that will be located:
   a. on subaqueous land (channelward of mean high water) 420 sq. ft.
   b. on vegetated wetlands? 0 sq. ft.

3. What is the source of the fill?
   ✓ 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? 14 cubic yards *(BELOW MHW)*
   a. What is the total fill per running foot of shoreline? 0.14 cubic yards

5. What method will be used to place the fill?
   FILL WILL BE PLACED MECHANICALLY. FILL WILL BE HAULED IN BY TRUCK AND SPREAD WITH A DOZER.

6. State the type and composition percentage of the fill material (e.g. sand 80%, silt 5%, clay 15%, etc.)
   FILL MATERIAL SHALL BE COMPOSED OF: SAND 80%, SILT 15%, CLAY 5%

7. How will the fill be retained? Complete appropriate appendix.
   A COARSE SAND FILL GRADATION WILL BE SPECIFIED TO PREVENT SIGNIFCANT EROSION. WETLAND PLANTINGS AND REVETMENT CONSTRUCTION WATERWARD OF FILL AREA WILL DISSIPATE SIGNIFICANT WAVE ENERGY MINIMIZING SEDIMENT TRANSPORT. THE EARTHEN BERM WILL PREVENT TRANSPORT OF FILL MATERIAL INTO THE EXISTING PARKING LOT.

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?
   AREAS WHERE FEASIBLE WILL BE VEGETATED WITH WETLAND PLANTINGS. FILL PLACEMENT WILL BE GRADED TO HAVE GRADUAL SLOPE TRANSITIONS.

9. Describe the type(s) of structure(s) to be erected on the filled area (if any). Complete appropriate appendix.
   NO STRUCTURE WILL BE CONSTRUCTED ON THE SAND FILL AREA.

APPENDIX I

RIPRAP, SILLS, AND REVETMENTS

Rip-Rap Sills and Revetments

Please respond to each question. Questions left blank may result in the application being returned as incomplete. In addition, the answers to all of the questions in this Appendix must correspond accurately to the information on the plan and section view drawings for the project.

1. Will the project be:
   _____ New Construction (un-stabilized shoreline)
   ✓ Repair or Replacement of an Existing Rip-Rap Structure or Rubble
   _____ Repair or Replacement of an Existing Bulkhead
   (If repair or replacement, submit photographs of the entire existing structure).

2. How many linear feet of shoreline are proposed to be stabilized? 310 FT

3. Is the project a: ✓ Standard rip-rap revetment ___ Free-standing sill

4. Describe the existing shoreline:
   EXISTING REVETMENT HAS A CREST HEIGHT AT APPROX. EL +3 AND THE EXISITNG REVETMENT COMPOSES OF CONCRETE RUBBLE, GABION BASKETS , AND OTHER DEBRIS.

5. What is the total number of cubic yards of rip-rap that will be used? 415 CY
   A-A SECTION: 155 CY
   B-B SECTION: 260 CY

6. What is the number of cubic yards of rip-rap per running foot of shoreline? Total: 1.3 CY/FT* Net: 0.7 CY/FT*
   (See page 4 for a guide to calculating total cubic yards and cubic yards per running foot).

**The total volume per running foot of riprap placed is 1.3 cy/ft, however 0.6 cy/ft of existing rubble and debris will be removed form the shoreline and replaced with the proposed riprap. Therefore, the net volume per running foot of placed material is 0.7 cy/ft.*

7. What will be the average weight of the stone used for the:
   Armor stone: 200 LBS Core stone: 70 LBS
   [If material other than stone, such as prefab geo-grid or other similar product is proposed, please describe here and include photographs or a brochure. The Department strongly discourages the use of broken concrete, cinderblocks or other materials that are less dense than stone, more apt to move off site due to currents or wave action, and/or are not aesthetically pleasing or in keeping with the natural environment.]
   Describe:
   THE PROPOSED REVETMENT SHALL CONSIST OF A CORE STONE LAYER THAT MEETS DELDOT R-5 STONE GRADATION REQUIREMENTS AND A 2FT THICK LAYER OF ARMOR STONE THAT MEETS DELDOT R-6 SPECIFICATIONS.

8. For Standard Revetments answer A–F, below: (for Sill projects, skip to Question #9)

A. How many linear feet will the structure extend channelward of:

Mean High Water: 10.7 FT Mean Low Water: 3.3 FT

Ordinary High Water: NA (for non-tidal waters)

B. How many square feet of the structure will be located:

Channelward of Mean High Water: 3,070 SF Channelward of Mean Low Water: 1,032 SF

Channelward of Ordinary High Water: NA (for non-tidal waters)

On vegetated wetlands: 0

C. Will the revetment be backfilled? ✓ Yes ___ No

If yes, complete Appendix H and include it in your application.

D. Will filter cloth be used behind the rip-rap structure? ✓ Yes ___ No

E. What is the average slope of the existing bank? 1:1

F. What is the proposed slope of the rip-rap revetment? 1:1.5

(See page 3 for a guide to calculating slopes).

9. Sill Projects:

A. What is the base width of the proposed structure: _____

B. What is the top width of the proposed structure: _____

C. How many square feet of the structure will be located:

Channelward of Mean High Water: _____ Channelward of Mean Low Water: _____

Channelward of Ordinary High Water: _____ (for non-tidal waters)

On vegetated wetlands: _____

D. What will be the average height of the structure: _____

E. How much of the structure (in inches) will extend vertically above:

N/A

Mean High Water: _____ Ordinary High Water: _____ (for non-tidal waters)

F. Are breaks or notches proposed in the sill to allow for greater flushing? ___ Yes___ No

G. Will fill material be placed behind the sill? ___ Yes ___ No If yes, complete appropriate appendix.

H. Will wetland vegetation be planted behind the sill? ___ Yes ___ No

If yes, complete Appendix H and include it in your application.

10. Construction Techniques (Complete for both Revetment and Sill Projects):

A. Will any dredging be required? ___ Yes ✔ No

If yes, please include appropriate dredging Appendix with your application).

B. Please describe the sequence of construction and any techniques that will be utilized to minimize adverse impacts on the aquatic environment, and to preserve existing vegetation (particularly woody vegetation) along the shoreline:

ALL WORK TO BE PERFORMED SHALL BE PERFORMED FROM THE LANDSIDE. ALL ACCESS TO THE REVETMENT WILL BE THROUGH THE EXISTING PARKING LOT WITH ALL CONSTRUCTION VEHICLES SHALL NOT HEAVILY TRAFFIC EXISITNG VEGETATION UNLESS ABSOLUTELY NECESSARY.

A LOADER AND AN EXCAVATOR WILL BEGIN BY REMOVING ANY CONCRETE RUBBLE, GABION BASKETS , AND OTHER DEBRIS TO BE REMOVED FROM EXISTING REVETMENT AND DISPOSED OFFSITE. DISPOSAL MATERIAL SHALL BE STOCKPILED IN A NON VEGETATED AREA DURING CONSTRUCTION. A TURBIDIDTY CURTAIN SHALL BE INSTALLED WITHIN THE LIMIT OF WORK.

CALCULATIONS

RUN = Base width of the structure (in feet) RISE = Vertical height of the structure (in feet)

I. How to calculate total cubic yards:

0.5 * RUN * RISE * Linear feet of shoreline stabilized/27 = Total Cubic Yards

II. How to calculate cubic yards per running foot of shoreline:

Total # Cubic Yards/ Linear feet of shoreline = Cubic yards per running foot

III. How to calculate slope: Slope = RUN/RISE

EXAMPLE:

If we propose to stabilize 100 linear feet of shoreline with a rip-rap revetment that has a basewidth of 6 feet and a height of 3 feet:

0.5 * 6 * 3 * 100/27 = 33.33 Total Cubic Yards

II. 33.33/ 100= 0.333 Cubic Yards per running foot

III. 6/3= Slope of 2

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

PROJECT PURPOSE INCLUDES REWORKING EXISITING REVETMENT BY REMOVING EXISTING CONCRETE AND OTHER DEBRIS OF REVETMENT AND REPLACING WITH RIPRAP FOR WAVE PROTECTION. PROJECT ALSO INCLUDES SAND FILL PLACEMENT FOR SHOREBIRD HABITAT, WETLAND PLANTINGS FOR ECOLOGICAL ENHANCEMENT, EARTHEN BERM CONSTRUCTION FOR SAND FILL RETENTION, AND GRAVEL PLACEMENT TO RAISE THE EXISTING PARKING TO MINIMIZE NUISSANCE FLOODING.

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? 400 ft^2
      mean low water line? 0 ft^2
   b. Non-tidal waters: ordinary high water line? N/A ft^2

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 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 PATENS (SALT HAY MARSH) AND SOLIDAGO SEMPERVIRENS (SEASIDE GOLDENROD).

6. Describe the sequence of construction and planting.

1. REMOVE AND SAFELY DISPOSE EXISTING CONCRETE AND OTHER DEBRIS AND REMOVE SMALLER STONE AT AREAS DESIGNATED FOR WETLAND PLANTINGS AS SHOWN IN THE PERMIT DRAWINGS.
2. UPON COMPLETION OF REOWRKING EXISTING REVETMENT WITH DELDOT R-6 STONE AND PLACEMENT OF SAND FILL AS SHOWN ON THE PERMIT DRAWINGS, PLANT WETLANDS PLANTINGS.
4. PERFORM UPLAND CONSTRUCTION ACTIVITIES INCLUDING BERM AND PARKING LOT IMPROVEMENTS WITHOUT DISTURBING AREAS WITH WETLAND PLANTINGS.

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

THE DUPONT NATURE CENTER (DNC) IS STAFFED WITH AN ON-SITE MANAGER OF THE NATURE CENTER. THE DNC STAFF WILL PERFORM ROUTINE MONITORING AND MAINTENANCE OF THE VEGETATION TO PROMOTE HEALTHY GROWTH OF THE WETLAND PLANTINGS.

2780 Lighthouse Point E, Suite D
Baltimore, MD 21224
410.563.7300
moffattnichol.com

October 28, 2026

ATTN: Faith Garcia
DNREC, Division of Fish and Wildlife
89 Kings Highway
Dover, DE 19901

RE: Mispillion Inlet Shoreline Enhancement Project – Comment Responses

Dear Ms. Garcia:

Thank you for providing comments and feedback regarding the Mispillion Inlet Shoreline Enhancement Project that was received by the project team on October 21, 2026 and is included as Attachment A. This letter is to serve as the response from the project team and to address concerns with the project design as discussed during the meeting held on October 27, 2026. We are reviewing structural design details to identify and address potential entrapment hazards for terrapins and horseshoe crabs and the feasibility of improving the Red Knot roosting habitat. We would like to formally request consideration of the current time of year restrictions recommended from March 1st to April 15th. The proposed elements of the project are shown in Figure 1 to assist with the project team's response to comments.

Riprap Revetment

An approximately 300 LF riprap revetment has been proposed to replace concrete rubble, bricks, degraded gabion baskets, and other debris that is currently present along the shoreline at the Dupont Nature Center. A primary goal of the project is to maintain adequate shoreline stabilization, particularly during storm events, while also improving the visual aesthetics of the shoreline for visitors. The shoreline must be stabilized to prevent severe bank erosion and potential damage to the Dupont Nature Center.

During the design development phase of the project, other shoreline stabilization measures and alternatives were evaluated to meet the project goals mentioned above. These alternatives included traditional living shorelines, low crested offshore sills, and terminal groins. However, a hydrographic survey done along and immediately offshore of the project area's shoreline shows relatively steep mudline slopes and water depths of 10' – 15' where a living shoreline would need to be constructed. The deep water depth resulted in a large structure footprint and require significantly more in-water filling and timber pile removal than what is required for the proposed revetment.

The project team is aware the Mispillion Inlet is important habitat for oysters and believes that recruitment of subtidal and intertidal oysters will occur along the toe of the revetment. The use of oyster balls, or similar products, would not provide sufficient shoreline stabilization during storm events due to the deep water depths and steep mudlines slopes discussed above.

Additionally, the project team is aware that a Federal Navigation Channel maintained by the US Army Corps of Engineers (USACE) is located approximately 100 ft from the existing shoreline and that the construction of any new in-water structures may require a Section 408 review. The project team has discussed the proposed revetment with USACE and has been notified that a Section 408 review is not required due to minimal seaward encroachment.

While it is understood by the project team that a riprap revetment is not the preferred approach, we believe that it will result in the least amount of environmental impact when compared to other alternatives due to the constraints mentioned above as well as achieve project goals.

High Marsh Plantings

High marsh is proposed here due to the planting elevation of +3' NAVD88 while also accounting for sea-level rise (SLR) throughout the project design life. Low marsh is typically planted in the intertidal zone (between MLW and MHW) which is not feasible based on existing ground elevations where the high marsh is proposed. The project team believes that planting low marsh in the proposed high marsh areas would not be initially successful due to the lack of daily tidal inundation. Near the end of the project design life (i.e., 2045 – 2050), fringe low marsh may be feasible based on SLR projections. The proposed high marsh should be routinely monitored throughout the project life to maintain plant survival.

Pocket Beach Habitat

The project team is aware that Mispillion Inlet is vital habitat for horseshoe crabs and migratory shorebirds. A pocket beach in the uplands has been proposed as part of the project to provide roosting habitat for migratory shorebirds. An earthen berm will be constructed behind the pocket beach for containment purposes and to prevent sand from transporting into the adjacent parking lot.

The project team thanks you again for your time and involvement in reviewing the Mispillion Inlet Shoreline Enhancement Project. Please let us know if our justifications sufficiently address your concerns. If you have any other questions or comments, please contact Stan Borrell, PE at sborrell@moffattnichol.com or (410)-500-5575.

Very truly yours,

Moffatt & Nichol
Stan Borrell, PE
Coastal Engineer



Figure 1: Project location and proposed features

ATTACHMENT A

SPECIES CONSERVATION AND RESEARCH PROGRAM – REVIEW COMMENTS

DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

89 Kings Highway
Dover, DE 19901
302-739-9000
dnrec.delaware.gov

October 21, 2026

Stan Borrell
Moffat & Nichol
2780 Lighthouse Point East, Suite D
Baltimore, MD 21224

Re: M&N 2026 Mispillion Inlet Shoreline Enhancement

Dear Stan:

Thank you for contacting the Species Conservation and Research Program (SCRP) 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

Because rare species are present, this project is within a State Natural Heritage Site. State Natural Heritage Sites are identified as "Designated Critical Resource Waters" by the U.S. Army Corps of Engineers (USACE), and as such are subject to the restrictions and limitations imposed through 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.

Project Design Concerns and Recommendations

The Division of Fish and Wildlife has concerns about the design of the project in relationship to ecosystem function and public education. In particular, the use of a riprap revetement, while effective to reduce erosion and protect shorelines, is not a favored practice for habitat creation or the conservation of oysters, horseshoe crabs, or migratory shorebirds. We encourage and recommend consideration of solutions like oyster reef balls to strengthen the shoreline while adding habitat value that would also align conservation missions. Oysters thrive in Mispillion and are a powerful source of shoreline protection, and they are preferable to a straight revetement. We request that the applicant consult Delaware's Living Shoreline Committee in consideration of a more

oyster-centric design that is better both for public optics and functionality. Additionally, in consideration of the habitat they currently provide, we recommend that the removal of timber piles be limited to the absolute minimum necessary for the completion of the project as currently proposed.

Although tidal high marsh is of high conservation need, the creation of a small patch of high marsh at this location seems unlikely to add much value. We recommend that a small patch of low marsh would be more useful in a small space. Alternatively, a small pocket beach in this area would be useful to birds and horseshoe crabs, and serve as an excellent educational tool while displaying the ecological value of the area in a more tangible spot to visitors.

The Mispillion Harbor is the single most important site within the Delaware Bay system supporting both spawning horseshoe crabs and the migratory shorebirds, like the federally threatened red knot. Any restoration project within the harbor should consider both positive and negative impacts to all resources, especially those that directly affect the annual spring crab spawning and shorebird migration. We strongly recommend that alternative creative solutions be considered at this location that will directly benefit the resources that depend on this system. Such alternative solutions may be more feasible on state-managed lands here than in most places and provide high value related to both public education and habitat in this critical environment.

American Oystercatcher

We have records of American oystercatchers (*Haematopus palliates)* breeding at this site. To avoid impact to these species all work should be conducted outside of the breeding season (**March 15th – September 15th**). For more information, please contact our Environmental Review team (DNREC_EnvReview@delaware.gov).

Migratory Shorebirds

Mispillion provides critically important habitat for migratory shorebirds, including the federally listed threatened red knot (*Calidris canutus rufa*). Red knot and other migrating shorebirds stop in Delaware to acquire food resources, including horseshoe crab eggs, and gain weight to optimize their body condition before completing their migration to Arctic nesting grounds. To avoid interrupting red knot activity during this critical stage of their migration, we recommend a time-of-year restriction of project activities between **April 15th to June 7th**. Note that because federally listed threatened red knots may be affected, Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) may be

necessary. For more information, please contact our Environmental Review team (DNREC_EnvReview@delaware.gov).

Diamondback Terrapin

This project will probably not have any long-term impacts to diamondback terrapins. However, short term impacts from construction could include impeding nesting females from nesting, destroying nests and hatchlings, or keeping hatchlings from emerging from nests. Although there is no legislation to protect terrapin nesting habitat, the following measures could be considered to protect nesting habitat and ensure the continuation of this species in Delaware:

- Avoid impacting open, sandy areas and sandy areas with sparse vegetation. Female terrapins typically construct nests and lay eggs above the high-tide line, therefore, if feasible, spoil should be deposited below this area.
- Female terrapins typically emerge from the water between mid-May to mid-July to lay their eggs. If the proposed work is to extend into the nesting season place secure opaque fencing around the work area to exclude nesting females.
- Because most shoreline stabilization techniques make it difficult for terrapins to reach nesting areas, we also recommend using natural (e.g., native vegetation) techniques to stabilize shorelines when possible.

Fisheries

American Eel

The Mispillion River is used by large numbers of American eel (*Anguilla rostrata*). We request that in-stream work not take place from **March 1st to May 15th** to allow upstream passage of elvers (young eels).

Anadromous Species

The Mispillion River provides spawning habitat for anadromous species including blueback herring (*Alosa aestivalis)*, alewife (*Alosa pseudoharengus)*, and white perch (*Morone americana)*. Alewife and blueback herring, often collectively referred to as 'river herring', are listed by the National Marine Fisheries Service as a Species of Concern. These species are also important to both commercial and recreational fisheries and form an important forage base for other animal species. We request a time-of-year restriction

be put in place on in-water work activities. In-water work should not take place from **March 1st to June 30th**.

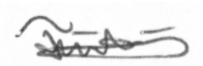
Horseshoe Crab

The project site is a known high-density spawning area for horseshoe crabs. Work should not be conducted from **April 15th to August 30th** to ensure that this species is not impacted. We further encourage beach renourishment be performed in a manner that maintains the existing slope to that which naturally exists, as well as the use of sand of similar grain size to that which naturally exists. The fisheries management plan for horseshoe crab also recommends that borrow areas for beach nourishment be located such that they avoid adverse impacts to essential juvenile habitat (nearshore, shallow water, subtidal flats).

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