



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

December 7, 2011

Regulatory Branch

SUBJECT: Department of the Army Application No. 2011-01330

Mr. Ross Farro
Premier Development Partners, LLC
5301 Grant Avenue
Cleveland, Ohio 44125

Dear Mr. Farro:

I have reviewed the wetland delineation map you submitted for an approximately 20-acre parcel located at 24700 Miles Road, in the City of Bedford Heights, Cuyahoga County, Ohio.

I am hereby verifying the Federal wetland boundaries as shown on the attached wetland delineation map. This verification will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new wetland delineation will be required if a project has not been completed on this property and additional impacts are proposed for waters of the United States. Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Based upon my review of the submitted delineation and on-site observations, I have determined that four wetlands, Wetlands D (0.004 acres), E (0.025 acres), F (0.033 acres), and N (0.638 acre), totaling 0.70 acres, on the subject parcel are part of a surface water tributary system to a navigable water of the United States as noted on the attached Jurisdictional Determination form. Therefore, these wetlands are regulated under Section 404 of the Clean Water Act. Department of the Army authorization is required if you propose a discharge of dredged or fill material in these areas.

In addition, I have determined that there is no clear surface water connection or ecological continuum between six wetlands, Wetlands A (3.670 acres), B (0.060 acres), C (0.431 acres), G (0.113 acres), H (0.122 acres), and I (0.023 acres), totaling 4.419 acres, on the subject parcel and

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a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate, and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

I encourage you to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

Finally, this letter contains an approved jurisdictional determination for the subject parcel. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Regulatory Review Officer
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10032
Cincinnati, OH 45202-3222
Phone: 513-684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **February 7, 2012**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

A copy of this letter has been sent to the Ohio Environmental Protection Agency, and to Mr. Patrick Duncan (RP Environmental, LLC).

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Questions pertaining to this matter should be directed to me by calling (716) 879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: keith.c.sendziak@usace.army.mil

Sincerely,



Keith C. Sendziak
Biologist

Enclosures



