



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

REPLY TO

April 27, 2012

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application
No. 2012-00264

Mr. Roberto Reniero
c/o Mr. John Eureka
Nestle R&D Center, Inc.
5750 Harper Road
Solon, Ohio 44139

Dear Mr. Reniero:

I have reviewed the aquatic resource delineation map submitted on your behalf for a parcel located south of Cannon Road and west of U.S. Route 422, in the City of Solon, Cuyahoga County, Ohio (Sheets 1 and 2 of 2). The subject parcel is currently proposed as the location of a new product technology facility for Nestle.

I evaluated the submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD). Preliminary JDs are non-binding written indications that there may be waters of the United States on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 08-02, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination from this office. If an approved jurisdictional determination is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my

Regulatory Branch

SUBJECT: Jurisdictional Determination for Department of the Army Application No. 2012-00264

evaluation of your file. If you do not respond within fifteen days of this letter, I will assume you no longer wish to pursue the jurisdictional determination and will withdraw your application.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expiration dates." However, I strongly recommend that the boundaries of waters of the United States be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, this determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. 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.

Questions pertaining to this matter should be directed to me at (716)-879-4436, by writing to the following address: U.S. Army Corps of Engineers, 1100 Graham Road Circle, Stow, Ohio 44224 or by e-mail at: john.e.reinier@usace.army.mil

Sincerely,

John Reinier
Biologist

Enclosures

