



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

REPLY TO
ATTENTION OF

August 1, 2012

Operations
Regulatory (2012-02976-ADJ)

Mr. Eric Thom
Continental 109/52 Fund LLC
W134 N8675 Executive Parkway
Menomonee Falls, Wisconsin 53051

Dear Mr. Thom,

This is in response to a wetland delineation submitted July 9, 2012, by Wetland & Waterway Consulting, LLC for a 90.39-acre site located on the northwest corner of the intersection of State Trunk Highway 45 and County Trunk Highway NN in the City of West Bend. The project site is located in Section 26, T. 11N, R. 19E, Washington County, Wisconsin.

We have reviewed the wetland delineation report you provided and concur that the wetland boundary on the property has been established in accordance with the Corps of Engineers Wetland Delineation Manual (1987 Manual) and the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral/Northeast Region and is adequate to establish the limits of Corps of Engineers Clean Water Act jurisdiction.


It is recommended that the delineated wetland boundary be surveyed and identified on any development plans prepared for this property.

Pursuant to Section 404 of the Clean Water Act, the Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill materials, including discharges associated with mechanical land clearing, in all waters of the United States, which includes most wetlands. In addition, the Corps regulates all work in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act.

Please note that work performed below the ordinary high water mark in waters of the United States, or the discharge of dredged or fill material into wetlands, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, contact Anthony Jernigan in our Waukesha field office at (262) 717-9544. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


for Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished (email):
Travis Schroeder, WDNR
Dave Meyer, Wetland & Waterway