



March 5, 2018

Ms. Scharlene Floyd
U.S. Army Corps of Engineers
803 Front Street
Norfolk, VA 23510-1096

Ms. Sherri Kattan
Department of Environmental Quality
5636 Southern Blvd.
Virginia Beach, VA 23462

**Re: Permit Modification #5 – Permanent Wharf
Lesner Bridge Replacement Project, Virginia Beach, VA
NAO 2007-3405, VWP Permit 12-1169, MAP Job # 11111**

Dear Mmes. Floyd and Kattan,

On behalf of the City of Virginia Beach (City), we are requesting an extension and modification of the referenced U.S. Army Corps of Engineers (COE) and Department of Environmental Quality (DEQ) permits.

As you know, bridge construction is scheduled for completion in September 2018. Since the COE permit expires on May 13, 2018, the City requests an extension of the COE permit until July 2019. The DEQ granted an extension of its permit on December 6, 2017 which is valid through March 11, 2019. Thus, an extension for the DEQ permit is not being requested at this time.

Meanwhile, both the COE and DEQ permits were initially conditioned such that the wharf necessary for the bridge construction would be temporary. During the permit discussion and negotiations in 2013, the City advised the regulatory agencies of its intent to eventually request a permit modification to allow the wharf to remain as a permanent municipal asset. Nonetheless, in the interest of securing environmental clearances for the bridge construction, the City accepted the temporary designation of the bulkhead as a condition of the COE and DEQ authorization.

The City envisions and anticipates many important uses and benefits for the wharf as a permanent asset. Among the key benefits would be: providing moorage for Corps' contracted dredges and attendant equipment during their periodic contract maintenance dredging of the Lynnhaven Inlet

federal channel, as well as providing moorage for Corps-owned dredges such as the dredge *Currituck*, during their periodic missions to the inlet. Additionally, a permanent wharf in this location would facilitate the City's maintenance dredging of Crab Creek and Long Creek channels and future Lesner Bridge and fender maintenance and/or emergency efforts. Further, such a wharf would enable oyster reef construction or restoration by groups such as the Chesapeake Bay Foundation (CBF) and Lynnhaven River Now (LRN), as well as the partnership between the Corps and the City for the Lynnhaven River Basin Ecosystem Restoration project.

In addition to the above outlined benefits, the wharf could potentially serve as a dredged material transfer station for the City's Neighborhood Dredging program for projects located in the immediate vicinity. It is understood that such projects would require individual permits and full agency and public interest review.

The City has been and is continuing to actively reach out to the community on this issue, beginning with briefing the City Council on January 23rd, which was broadcast live and is available on VBGov.com for viewing. In addition, the City briefed the Bayside Advisory Committee on February 15th and addressed comments from the public, and briefed the Shore Drive Community Coalition on February 26th at their general membership meeting. Further, a briefing for the Ocean Park Civic League on this topic is scheduled for March 8th. The City intends to continue this outreach effort by responding to any further requests for community briefings.

Lastly, the City believes the soon to be vacated construction staging and sand stockpile area currently protected by the wharf is an extremely valuable environmental amenity and asset to the City and its nearby residents. Once the Lesner Bridge construction concludes later this year, the aforementioned staging and sand stockpile area would offer many environmental opportunities for wetlands enhancement, dune restoration, riparian buffer establishment, beach access and walkovers, sand fencing, trails, park signage, etc. Together, the City and the environmental groups such as CBF and LRN could collaborate in establishing a highly valuable and sustainable resource.

Based on the foregoing, the City strongly advocates and respectfully requests the following modification to the relevant COE and DEQ permit condition:

“Following completion of bridge construction the wharf will remain in place as a permanent structure and maintained and operated in accordance with all other applicable local, state and federal laws.”

Pursuant to the existing permit, the City will adhere to all other conditions including special clearances, relevant surveys – bridge and bathymetric, and inspections – fender system and lighting. These will be performed by the City or its contractor during construction or post-construction and submitted to your office for the completion of the administrative record.

We trust the enclosed request for the permit extension and amendment is acceptable. Please advise if you desire additional data or wish to meet and discuss. We appreciate your timely assistance and look forward to working with you on the completion of this project.

Respectfully,

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