



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

Matthew J. Strickler
Secretary of Natural Resources

5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
www.deq.virginia.gov

David K. Paylor
Director

Craig R. Nicol
Regional Director

June 20, 2018

Mr. Andrew Broyles
Ocean Park Civic League
P.O. Box 55385
Virginia Beach, Virginia 23471

RE: Proposed Permit Modification
VWP Individual Permit No. 12-1169
Lesner Bridge Replacement

Dear Mr. Broyles:

Thank you for your letter, dated May 24, 2018, regarding the Lesner Municipal Wharf (LMW) on Crab Creek. As you are aware, the LMW is authorized as a temporary structure in the above-referenced permit. The City has requested that DEQ approve a modification to this Virginia Water Protection (VWP) permit to allow the LMW to be maintained as a permanent structure.

As I believe you were advised by one of my staff, we have requested additional information to help us evaluate the City's proposal. Once we receive adequate information, please note that our review will be limited to the project's impacts to surface waters. If retaining the LMW will result in fewer impacts to surface waters than removing it, the proposal will qualify for a minor modification of the permit, a process that is not subject to public participation requirements. As such, the process would require no public comment period and no public hearing or meeting would be held.

Regarding your request to receive all project documents in a timely fashion; while we cannot automatically copy you on every submission as it is received, you are welcome to request a specific document or the entire project file through the Freedom of Information Act process.

In closing, let me say that I understand the concerns that you and other Ocean Park Civic League members have regarding potential future uses of this site. However, I ask that you remember that our VWP permits are essentially construction permits that govern the installation and/or removal of structures such as the LMW, not permissible uses of a structure once built. Those land use decisions are the clear responsibility of local government, in this case the City of

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Virginia Beach. We encourage the Ocean Park Civic League to continue to work with the City on issues outside our regulatory purview, such as land use and traffic.

If you have any additional questions or comments pertaining to this project, please feel free to contact Sheri Kattan by phone at (757) 518-2156 or by email at sheri.kattan@deq.virginia.gov.

Respectfully,

A handwritten signature in blue ink, appearing to read "Craig R. Nicol".

Craig R. Nicol
Regional Director

cc: Janet Weyland, Deputy Regional Director
Sheri Kattan, VWPP Project Manager