

VWP Individual Permit Number 06-2601

Effective Date: DRAFT

Expiration Date: DRAFT

VIRGINIA WATER PROTECTION PERMIT

ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner and in compliance with §401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

Permittee: Sandler at Indigo Bay, L.L.C.

Address: 448 Viking Drive, Suite 220

Virginia Beach, Virginia 23452

Attn: Mr. Nathan D. Benson, V.P.

Activity Location: The project is located south of Shore Drive and Marlin Bay Drive, north and east of Pleasure House Creek, and west of Crab Creek in Virginia Beach.

Activity Description: This permit authorizes permanent impacts to 0.46 acres of vegetated emergent tidal wetlands, 0.68 acres of non-vegetated tidal wetlands, 1.21 acres of emergent nontidal wetlands and 2.26 acres of tidal and nontidal open water for construction of a 1,063-unit mixed-use development and associated infrastructure including two stormwater retention facilities, a 21-acre public park, a 2,800 linear foot waterfront pathway, 15,000 square feet of flex commercial space, and a public kayak and canoe launch pier.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions and Part II - General Conditions.

Francis L. Daniel

Date

PUBLIC HEARING NOTICE

Purpose of notice: To seek public comment and announce a public hearing on the draft permit issuance of Virginia Water Protection Individual Permit 06-2601 that will authorize construction of the Indigo Dunes mixed-use development in wetlands and waters associated with Pleasure House Creek in Virginia Beach, Virginia.

Public comment period: For 30 days starting from the day after the notice appears in the newspaper, to 15 days following the date of the hearing. Public comments must be received 4:00 PM on June 24, 2008.

PUBLIC HEARING: DEQ Tidewater Regional Office at 5636 Southern Boulevard in Virginia Beach on June 9, 2008 at 7:30pm. The public is invited to hear an informal briefing of the project and permit preceding the hearing at 6:30pm, at which time questions are welcomed. This informal, pre-hearing brief is being held pursuant to Title 2.2, Chapter 40, Section 4019 (§ 2.2-4019) of the Code of Virginia.

Interpreter services for the deaf will be provided, if requested. Persons needing interpreter services for the deaf must notify Ms. Sheri Kattan at the address below no later than May 27, 2008.

PURPOSE OF HEARING: To obtain input from the public related to this project for DEQ to consider.

Permit Type: Virginia Water Protection Permit issued by the Department of Environmental Quality, under the authority of the State Water Control Board.

Name, address, and permit number of applicantS: Sandler at Indigo Bay, L.L.C.; 448 Viking Drive, Suite 220, Virginia Beach, Virginia 23452, Attn: Mr. Nathan D. Benson, V.P.; VWPP No. 06-2601.

Project description: Sandler at Indigo Bay, L.L.C. have applied for a VWP individual permit for the Indigo Dunes mixed-use development located south of Shore Drive and Marlin Bay Drive, north and east of Pleasure House Creek and west of Crab Creek. This development will consist of a 1,063 residential units and associated infrastructure including two stormwater retention facilities, a 21-acre public park, a 2,800 linear foot waterfront pathway, 15,000 square feet of flex commercial space, and a public kayak and canoe launch pier. In addition to treatment of on-site stormwater runoff, the permittee also proposes to treat an additional 25 acres of stormwater runoff from the adjacent Ocean Park development. The proposed development will result in impacts to 0.46 acres of vegetated tidal emergent wetlands, 0.68 acres of non-vegetated tidal wetlands, 1.21 acres of nontidal emergent wetlands, and 2.26 acres of open water (1.32 acres is nontidal and 0.94 acres is tidal). The activity proposed in the permit will affect Pleasure House Creek in the Lynnhaven River and Chesapeake Bay watersheds. A watershed is the land area drained by a river and its incoming streams. To compensate for impacts to 2.35 acres of wetlands and 0.75 acres of tidal open water, the applicant will create 6.18 acres of vegetated tidal emergent wetlands on site, landward of the existing tidal wetlands located along the property shoreline. DEQ's preliminary decision is to approve the permit.

How to comment: DEQ accepts written comments by e-mail, fax or postal mail. All comments must be in writing and be received by DEQ during the comment period. DEQ also accepts written and oral comments at public hearings. To make a statement at a public hearing, write your name on a sign-up sheet available before the hearing. You may sign up only for yourself. The time allowed for each statement is set by the hearing officer. Written comments must include: 1) The names, mailing addresses and telephone numbers of the person commenting and of all people represented by the citizen. 2) A complete, concise statement of the factual basis for the comments. The public may review the draft permit and application, by appointment, at the DEQ office named below.

Contact for public comments, document requests, and additional information: Name: Sheri Kattan, Project Manager; Virginia Dept. of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia, 23462; Phone – 757-518-2156; E-mail Address – sakattan@deq.virginia.gov; FAX – 757-518-2009.

Public Notice Verification Form

Complete this form for the documentation of publication of the Hearing Public Notice for VWP Individual Permit Number 06-2601. Please return original to: Sheri Kattan, Dept. of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, Virginia 23462.

PASTE PRINTED COPY OF NOTICE IN

THIS SPACE

I hereby certify that the notice attached hereto in the space above appeared in

on .

(Name of Paper) (Date)

(Signature)

(Title)

(Date)