

January 7, 2009

Norfolk District, Army Corps of Engineers
Attn: CENAO-REG
803 Front Street
Norfolk, VA 23510-1096

RE: Tate Terrace Realty Investors, Inc.
NAO-2006-8285 (VMRC 06-V2601)

To Whom It May Concern:

Thank you for the opportunity to comment on Tate Terrace Realty Investors, Inc application #NAO-2006-8285 (VMRC 06-V2601), the proposed Indigo Dunes development on Pleasure House Point in the City of Virginia Beach. These comments represent the position of Lynnhaven River NOW and our membership.

Lynnhaven River NOW is a non-profit, 501-C(3), organization established in 2002 and dedicated to protecting and substantially improving water quality in the Lynnhaven River for the benefit of current and future generations. To preserve and enhance the river's health, we work (1) to protect and restore valuable habitats such as riparian buffers, wetlands and oyster reefs that filter polluted runoff and improve water quality for the river and its marine life; (2) to identify and reduce the sources of nutrients, sediment, bacteria and chemicals entering the Lynnhaven River; and (3) to raise citizen awareness of the river's problems and engage the community in the restoration effort.

While we applaud many of the low impact and storm water features of this plan, we can not accept the filling of 1.37 acres of tidal vegetated wetlands, 1.21 acres of nontidal vegetated wetlands, 2.44 acres of open waters and .77 acres of tidal non-vegetated wetlands. Within our highly developed watershed, each fraction of an acre of existing wetland is extremely valuable. As reported by the City of Virginia Beach, during the past three years (2005-2007), in our 64 square mile watershed, there was a total of 1.25 acres of permitted wetland loss. This one project represents more than twice that amount. During 2007, the total permitted wetland loss in our watershed was .25 acres. This one project would be impacting thirteen times that area.

In the interest of the Lynnhaven River's health, we endorse the City's Outdoors Plan (2000 update) in its recommendation to preserve Pleasure House Pont as open space, on which the report places, "Top Priority". Open space provides critical ecological benefits to the Lynnhaven River, such as water filtration, pollutant removal, water percolation and habitat provision. Open space would also provide valuable public access to the river, giving citizens of Virginia Beach the opportunity to appreciate the Lynnhaven River and feel invested in the river's health and its future.

As stewards of the Lynnhaven River, we strongly support the existing wetland and Chesapeake Bay Preservation Area regulations that are in place to protect the health of the river. Therefore, we believe that any development that is proposed within the Lynnhaven River's watershed, including the proposed Indigo Dunes project, must avoid impact to wetlands and to the existing buffer (100' minimum) that falls within the Chesapeake Bay Preservation Area.

In addition, as recommended by the Governor's Commission on Climate Change, (Final Report, December, 2008), effects of climate change and sea level rise on the vulnerability of this property to flooding should be considered before a permit is issued.

It is not our organization's practice to comment on individual development projects with the Lynnhaven River's watershed. However, the size, vulnerable nature of the particular property, and possible impact of development of this site are unique within our watershed. If a permit is issued for this site, we must advocate for a development plan that avoids impacts to all wetlands, open water and the existing 100' buffer.

Thank you for consideration of our position and for your assistance in helping to protect the health of the Lynnhaven River. We can be reached at (757) 962-5398 if additional comment is necessary.

Sincerely,

Karen W. Forget
Executive Director