
From: Rolband, Michael (DEQ) <Michael.Rolband@deq.virginia.gov>
Sent: Thursday, July 31, 2025 12:21 PM
To: Brown, Ryan (DWR)
Subject: Re: DWR Comments to Corps regarding DEQ's proposed In Lieu Fee

Thanks for talking earlier - and being willing to help.

Mike Rolband
Director, DEQ

From: Brown, Ryan (DWR) <Ryan.Brown@dwr.virginia.gov>
Sent: Thursday, July 31, 2025 9:10 AM
To: Rolband, Michael (DEQ) <Michael.Rolband@deq.virginia.gov>
Subject: RE: DWR Comments to Corps regarding DEQ's proposed In Lieu Fee

Thanks for letting me know, Mike. I was not aware that these were being submitted.



Ryan Brown
Executive Director
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Virginia Department of Wildlife Resources
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From: Rolband, Michael (DEQ) <Michael.Rolband@deq.virginia.gov>
Sent: Wednesday, July 30, 2025 6:43 PM
To: Brown, Ryan (DWR) <Ryan.Brown@dwr.virginia.gov>
Cc: Rolband, Michael (DEQ) <Michael.Rolband@deq.virginia.gov>
Subject: DWR Comments to Corps regarding DEQ's proposed In Lieu Fee

Ryan,

DWR submitted the attached comments to the United States Army Corps of Engineers (USACE) on our proposed In-lieu Fee (ILF) Prospectus. DEQ is required by [§ 62.1-44.15:23.1. Wetland and Stream Replacement Fund established](#) to establish this program and has been under significant pressure from the regulated

community and General Assembly members to get this done. At least one of the DWR comments is inconsistent with the requirements of the code section. Specifically, the comment opposes including preservation as mitigation although the code section specifically includes preservation.

The current budget funded DEQ's efforts to develop this ILF - hopefully to prevent the delays to economic development across the state caused by shortages of mitigation. This problem has been well documented for years and summarized in DEQ's 2022 report required by the House Ag Committee in 2022. You may be interested in the coalition of support's letter attached.

DWR staff participate in the Interagency Review Team (IRT) which advises USACE and DEQ on wetland permits, mitigation banks, and establishment of ILF programs. We understand that DWR staff will express their professional opinions during IRT meetings, but filing public comments that oppose the requirements of state law is not productive.

I am sending this to you, so you are aware of the problem.

Sincerely,

Mike



Michael S. Rolband, PE, PWD, PWS Emeritus

Director

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