DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

April 13, 2026

Eastern Virginia Regulatory Section
NAO-2026- 00081 / VMRC#26- V0055 (Tributary to Lake Rudee)

Jonathan Wetherington /
Shadowlawn Associates, LLC
625 Innovation Dr, Suite 103,
Chesapeake, VA 23320

Dear Jonathan Wetherington:

This is regarding your Department of the Army permit application number NAO-2026- 00081 (VMRC#26- V0055) to impact approximately 0.089-acres of wetlands to construction of a storm water outlet for an upland underground BMP and condominium complex. The wetland impacts, for the condominium complex, entail filling in 3737 SF of PUB, 91.7 SF of PEM and 20 SF of E2EM2 wetlands within a 1.59-acre project area identified as the limits of disturbance (LD). The 36" pipe and culvert BMP outfall, located outside 1.59-acre project area, entail the placement of 18" deep rip-rap toe, installed over filter fabric impacting up to 19 SF E2EM1 and 12 SF E2SB3. The purpose of the project is for commercial development to provide more available housing to the public. The work will occur at 1001 Virginia Ave, Virginia Beach, Virginia. These impacts are detailed on the enclosed drawings entitled "PROPOSED DEVELOPMENT," Figures 3 and 4, prepared and submitted on behalf of the applicant by MSA, P.C., revision dated March 23, 2026, and date stamped as received by this office on April 10, 2026.

A delineation of waters, including wetlands, was included with your permit application. This permit verification letter is not confirmation of the submitted wetland delineation. During our review of the proposed impacts, we only examined the delineation of the waters, including wetlands, within the impact areas.

Your proposed work as outlined above satisfies the criteria contained in the Corps Nationwide Permit (s) 7 and18, attached. Certain Corps Nationwide Permits were published in the January 8, 2026, Federal Register notice (91 FR 768) and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.

This nationwide permit verification is contingent upon the following project specific conditions:

SPECIAL CONDITIONS:

No tree removal may take place between December 15th to February 15th and April 15th to July 30th of any given year to protect the endangered species Northern Long-eared Bat (Myotis septentrionalis) and proposed endangered species Tricolored Bat (Pipistrellus subflavus).

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

If you suspect that your project may result in purposeful take of migratory birds, contact the U.S. Fish and Wildlife Service Migratory Bird Program at PermitsR5MB@fws.gov. If you are interested in voluntarily reducing impacts to migratory birds and their habitats, please consult https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php for conservation measures.

Provided the project specific condition(s) (above), Regional Conditions, and the Nationwide Permit General Conditions (enclosed) are met, an individual Department of the Army Permit will not be required. To assist in your compliance with NWP General Condition #30, enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required compensatory mitigation.

A permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification may not be valid until you obtain their approval, if necessary. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

This verification is valid until the Nationwide Permit is modified, reissued, or revoked. This Nationwide Permit(s) 7 and 18 are scheduled to be modified, reissued, or revoked prior to March 15, 2031.

It is incumbent upon you to remain informed of changes to the Nationwide Permits. We will issue a public notice when the Nationwide Permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months

from the date of the modification or revocation of the Nationwide Permit to complete the activity under the present terms and conditions of this Nationwide Permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific conditions listed in this letter continue to remain in effect after the Nationwide Permit verification expires unless the district engineer removes those conditions. Activities completed under the authorization of a Nationwide Permit which was in effect at the time the activity was completed continue to be authorized by that Nationwide Permit.

In granting an authorization pursuant to this permit, we relied on the information and data provided by the permittee. If we determine that this information is false or incomplete, we may suspend or revoke, in whole or in part, this authorization and institute appropriate legal proceeding.

If you have additional questions or concerns about this permit authorization, please contact the office by telephone at (757) 585-8928 or by email at Tamberlain.Jacobs@usace.army.mil.

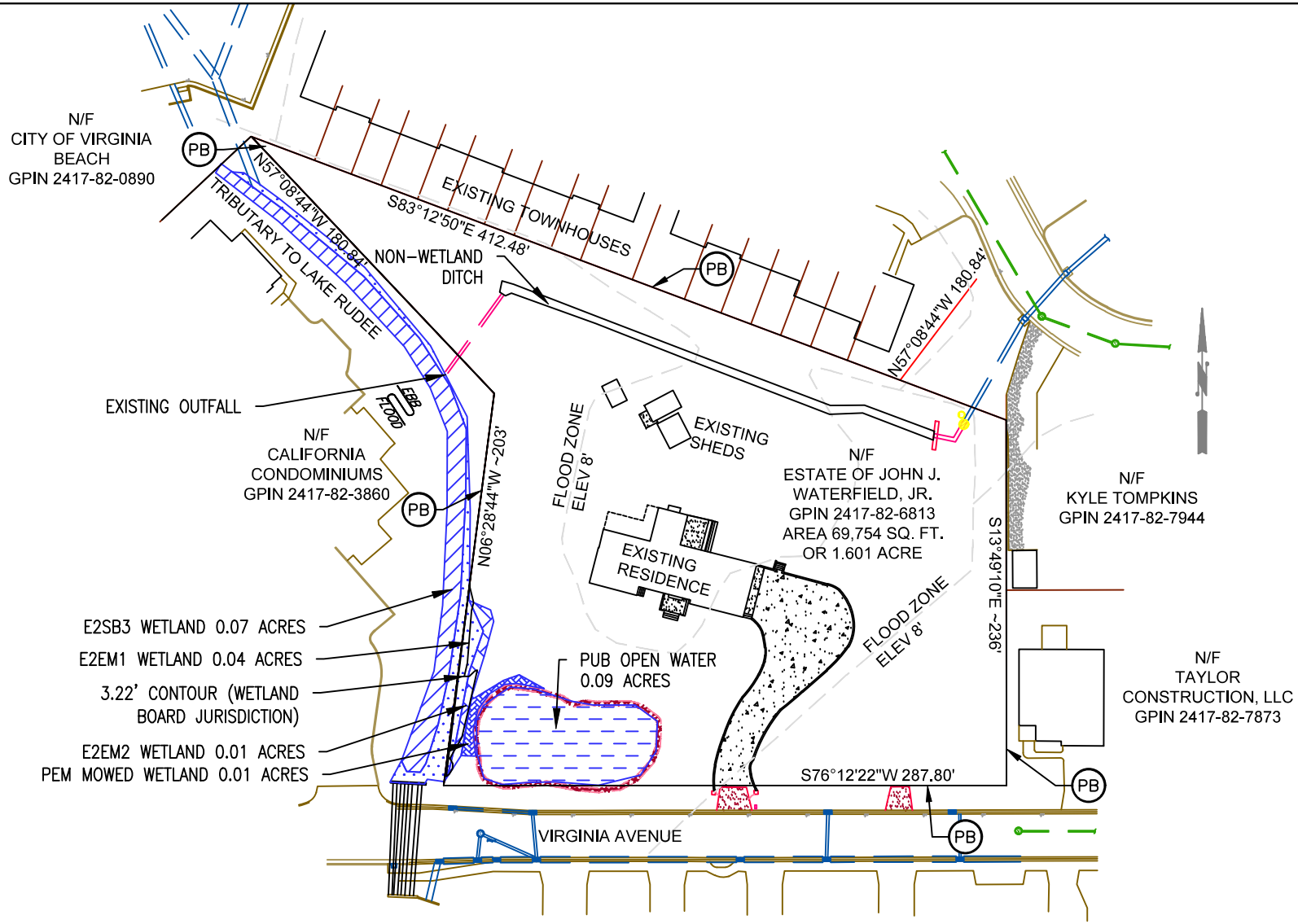
Sincerely,

Tamberlain Jacobs
Eastern Virginia Regulatory Section

Enclosure(s)

cc:
Agent
Virginia Marine Resources Commission
Virginia Beach Wetlands Board
Department of Environmental Quality

revision received by USACE NAO TJJ 4/10/2026



EXISTING CONDITIONS

DESIGNED BY: M. GADDY
JPA EDIT BY: BRO

0' 40' 80' 160'
1" = 80'

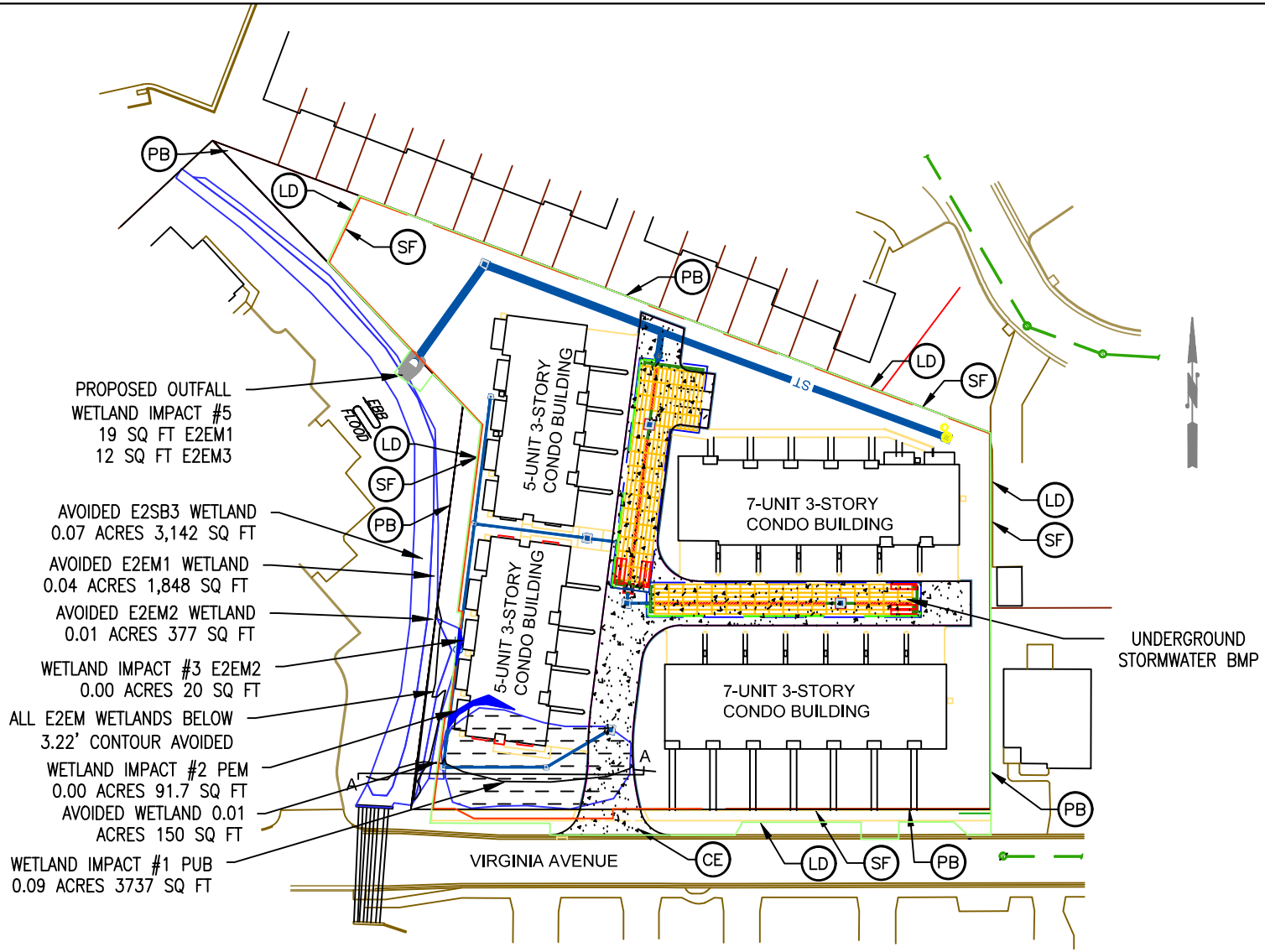
LEGEND

- (CE) CONSTRUCTION ENTRANCE
- (SF) SILT FENCE
- (LD) LIMIT OF DISTURBANCE
- (PB) PROJECT SITE BOUNDARY

MSA
ENGINEERS | SCIENTISTS | SURVEYORS
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462
757.490.9264 | MSAONLINE.COM

MSA # 25074
DATE: 03/23/26
SHEET 2 OF 6

revision received by USACE NAO TJJ 4/10/2026



PROPOSED DEVELOPMENT

DESIGNED BY: M. GADDY
JPA EDIT BY: BRO

0' 40' 80' 160'
1" = 80'

LEGEND

- CE CONSTRUCTION ENTRANCE
- SF SILT FENCE
- LD LIMIT OF DISTURBANCE
- PB PROJECT SITE BOUNDARY

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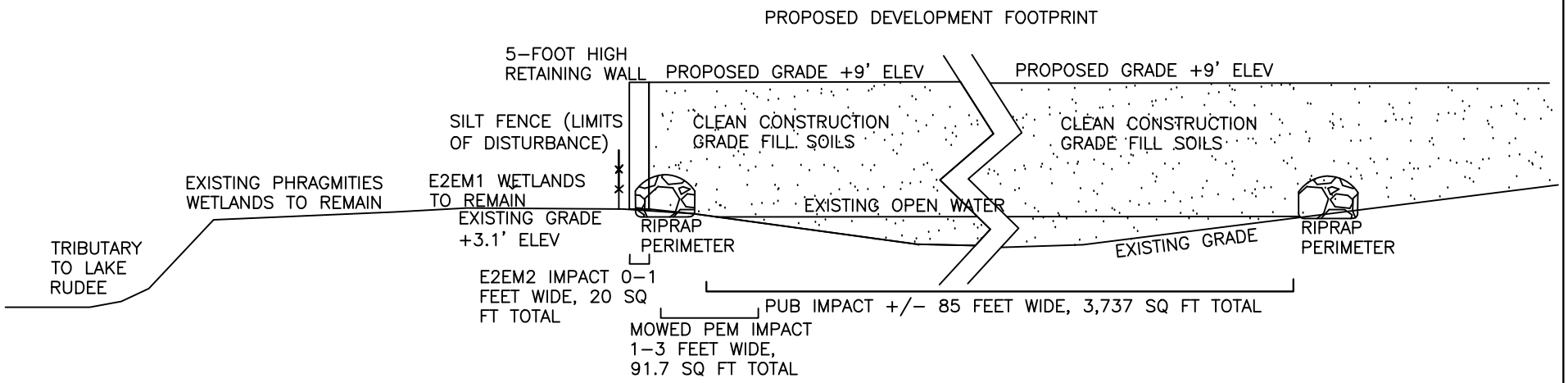
SHEET 3 OF 6

revision received by USACE NAO TJJ 4/10/2026



CROSS SECTION

DESIGNED BY: M. GADDY
JPA EDIT BY: BRO

0' 4' 8' 16'
1" = 8'

LEGEND

- CE CONSTRUCTION ENTRANCE
- SF SILT FENCE
- LD LIMIT OF DISTURBANCE
- PB PROJECT SITE BOUNDARY

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MSA # 25074
DATE: 03/23/26
SHEET 4 OF 6

Nationwide Permit 18 – *Minor Discharges*
Effective Date: March 15, 2026 / Expiration Date: March 15, 2031
Authority: Section 10 and 404

Minor Discharges. Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

(a) The quantity of discharged dredged or fill material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

(b) The discharge of dredged or fill material will not cause the loss of more than 1/10acre of waters of the United States; and

(c) The discharge of dredged or fill material is not placed for the purpose of a stream diversion.

***Notification:* The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the discharge of dredged or fill material or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge of dredged or fill material is in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)**

REGIONAL CONDITIONS:

For the full version of the Regional Conditions, applicable Section 401 Water Quality Certification (WQC) determination and Coastal Zone Management Act (CZMA) consistency determination, see the Norfolk District Regulatory website (https://www.nao.usace.army.mil/Missions/Regulatory-Branch/Regulatory-Permits/).

Regional Conditions applicable to NWP 18:

RC 1. Waters Containing Submerged Aquatic Vegetation (SAV) Beds:

This condition applies to: NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 45, 48, 52, 53, 54, 55, 57, 58 and 60.

A pre-construction notification (PCN) is required if work will occur in areas that contain submerged aquatic vegetation (SAV). Information about SAV habitat can be found at the Virginia Institute of Marine Science's website: http://mobjack.vims.edu/sav/savwabmap/. Additional avoidance and minimization measures, such as relocating, realigning, or extending a structure or time-of-year restrictions (TOYR), may be required to avoid or reduce impacts to SAV habitat.

RC 2. Anadromous Fish Use Areas:

Authorizations associated with the NWPs shall not adversely affect spawning habitat or a migratory pathway for anadromous fish. Areas of anadromous fish use are indicated on the Virginia Department of Wildlife Resources (DWR) information system at https://services.dwr.virginia.gov/fwis/. If a project is located within an area documented as an anadromous fish use area (confirmed or potential), all in-stream work is prohibited from occurring between February 15 through June 30 of any given year or other time of year restriction (TOYR) specified by NOAA Fisheries Service. Should the Norfolk District determine that the work is minimal and no TOYR is needed, the District will initiate consultation with NOAA Fisheries Service for their concurrence. A TOYR is not required for dredging activities in the Elizabeth River upstream of the Mid-Town Tunnel on the main-stem and the West Norfolk Bridge (Route 164, Western Freeway) on the Western Branch of the Elizabeth River due to the lack of suitable upstream spawning habitat.

RC 3. Designated Critical Resource Waters, including NOAA-Managed Marine Sanctuaries and National Estuarine Research Reserves:

A PCN is required for work under NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38 and 54 in the Mallows Bay-Potomac River National Marine Sanctuary and the Chesapeake Bay National Estuarine Research Reserve in Virginia. The Chesapeake Bay National Estuarine Research Reserve within the York River includes Sweet Hall Marsh, Taskinas Creek, Catlett Islands, and Goodwin Islands. More information can be found at the following websites: https://sanctuaries.noaa.gov/mallows-potomac/ and http://www.vims.edu/cbnerr/.

NWPs 7, 12, 14, 16, 17, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 cannot be used to authorize the discharge of dredged or fill material in the Mallows Bay-Potomac River National Marine Sanctuary and the Chesapeake Bay National Estuarine Research Reserve in Virginia.

RC 4. Federally Listed Threatened or Endangered Species and Designated Critical Habitat for Non-Federal Permittees

For ALL NWPs, a PCN is required for any project that may affect a federally listed threatened or endangered species or designated critical habitat. The U.S. Fish and Wildlife Service (Service) has developed an online system that allows users to find information about sensitive resources that may occur within the vicinity of a proposed project. This system named "Information, Planning and Conservation System" (IPaC), is located at http://ecos.fws.gov/ipac/. The applicant may use IPaC to determine if any federally listed threatened or endangered species or designated critical habitat may be affected by their proposed project. If your Official Species List from IPaC identifies any federally listed threatened or endangered species, you are required to submit a PCN for the proposed activity. If you are unsure about whether your project will impact federally listed threatened or endangered species, please submit a PCN, so the Norfolk District may review the action. Further information about the Virginia Field Office "Project Review Process" may be found at https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process.

Additional consultation may also be required with NOAA Fisheries Service, Protected Resources Division, for listed species or critical habitat under their jurisdiction, including sea turtles, marine mammals, shortnose sturgeon, and Atlantic sturgeon. For additional information about species under their jurisdiction in Virginia, please see https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region.

RC 5. Invasive Species

Plant species listed in the most current Virginia Department of Conservation and Recreation's (DCR) Invasive Alien Plant List shall not be used for re-vegetation for activities authorized by any NWP. The list of invasive plants in Virginia is found at https://www.dcr.virginia.gov/natural-heritage/invsppdflist. Regional native species for re-vegetation may be found in DCR's Native Plants for Conservation, Restoration and Landscaping brochures for the coastal, piedmont and mountain regions (available at http://www.dcr.virginia.gov/natural-heritage/nativeplants#brochure) and the DCR native plant finder (available at https://www.dcr.virginia.gov/natural-heritage/native-plants-finder).

RC 6. Countersinking Pipes and Culverts

This condition applies to NWPs 3, 7, 12, 14, 17, 18, 23, 25, 27, 29, 32, 33, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 57, 58, and 60.