



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE
DISTRICT 701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

January 10, 2025

South Atlantic Division
Jacksonville District
North Permits Branch
Cocoa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2014-01559 (SP-PJR)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at paul.j.ruben@usace.army.mil.

APPLICANT: Clermont Investments LLC
Attn: Mr. Meghaj Reddy
7614 Clementine Way
Orlando, FL 32819

WATERWAY AND LOCATION: The project would affect aquatic resources associated with East Lake Tohopekaliga. The project site is located west of Conway Road Orlando, FL. 32812.

Directions to the site are as follows: From the Beachline Expressway (528) proceed to Conway Road. The project area is approximately 0.38 miles north of 528 on the west side of Conway Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.454297°
Longitude -81.333129°

PROJECT PURPOSE:

Basic: Commercial development.

Overall: Commercial lodging to support tourism in Orlando, Florida.

EXISTING CONDITIONS: The wetland system consists of a mixed forested freshwater system. The onsite vegetation consists of pond cypress (*Taxodium ascendens*), water oak (*Quercus nigra*), loblolly bay (*Gordonia lasianthus*), red maple (*Acer rubrum*), dahoon (*Ilex cassine*), wax myrtle (*Morella cerifera*), saw palmetto (*Serenoa repens*),

swamp fern (*Telmatoblechnum serrulatum*), and royal fern (*Osmunda spectabilis*). The existing area surrounding the proposed project consists of commercial development, roads and highways, and wetland mixed forested systems.

PROPOSED WORK: The applicant seeks authorization to discharge fill into a total of approximately 5.70 acres, including 2.98 acres of wetlands and 2.72 acres of surface waters.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

“Minimal upland exists onsite and unavoidable impacts to wetlands have been minimized to the greatest extent possible” An existing stormwater pond, that was previously constructed in wetlands, will be filled along with the minimal area of adjacent wetland needed to fit the proposed hotel/motel... Compensation for impacts will be mitigated for through the purchase of credits at an appropriate mitigation bank.”

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant has proposed to purchase credits from a Corps approved mitigation bank that serves the project area.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES:

The Corps has determined the proposed project may affect but is not likely to adversely affect the following species:

Eastern Indigo Snake (*Drymarchon corais couperi*): The Corps evaluated potential effects to this species using Eastern Indigo Snake Programmatic Determination Key (dated January 25, 2010; August 13, 2013 Addendum). Use of this key resulted in the sequential determination A>B>C>D= Not Likely to Adversely Affect (NLAA). Potential gopher tortoise burrows will be inspected and excavated prior to construction. Signage will be posted throughout the construction site, educating contractors on the

identification of the species, and measures that must be taken to avoid disturbance if one is encountered during site work. The Corps has U.S. Fish and Wildlife Service (USFWS) concurrence for the proposed activities through the use of the aforementioned determination key.

Wood Stork (*Mycteria americana*): The proposed activity is within Core Foraging Areas (CFA) of wood stork rookeries. The project area supports Suitable Foraging Habitat (SFH) for wood stork along the margins of open water, wetlands, and within ditches. The onsite SFH is capable of supporting concentrations of small fish, frogs, and other aquatic prey. The Corps utilized the Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, Jacksonville Ecological Services Field Office and State of Florida Effect Determination Key for The Wood Stork in Central and North Peninsular Florida, September 2008. Use of the key resulted in a sequence of A>B>C>D>E. General concurrence issued by the USFWS Jacksonville Ecological Services Field Office (JAFL) is required for a NLAA determination and will be initiated during the review period of the application.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 2.98 acres of mixed forested wetland that is not utilized by EFH. The proposed action will have no effect to EFH or Federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Cocoa Permits Section, 400 High Point Drive, Cocoa, Florida, 32926 within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Paul Ruben, in writing at the Cocoa Permits Section, 400 High Point Drive, Cocoa, Florida, 32926; by electronic mail at paul.j.ruben@usace.army.mil; or by telephone at (321) 504-3771 extension 0026.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

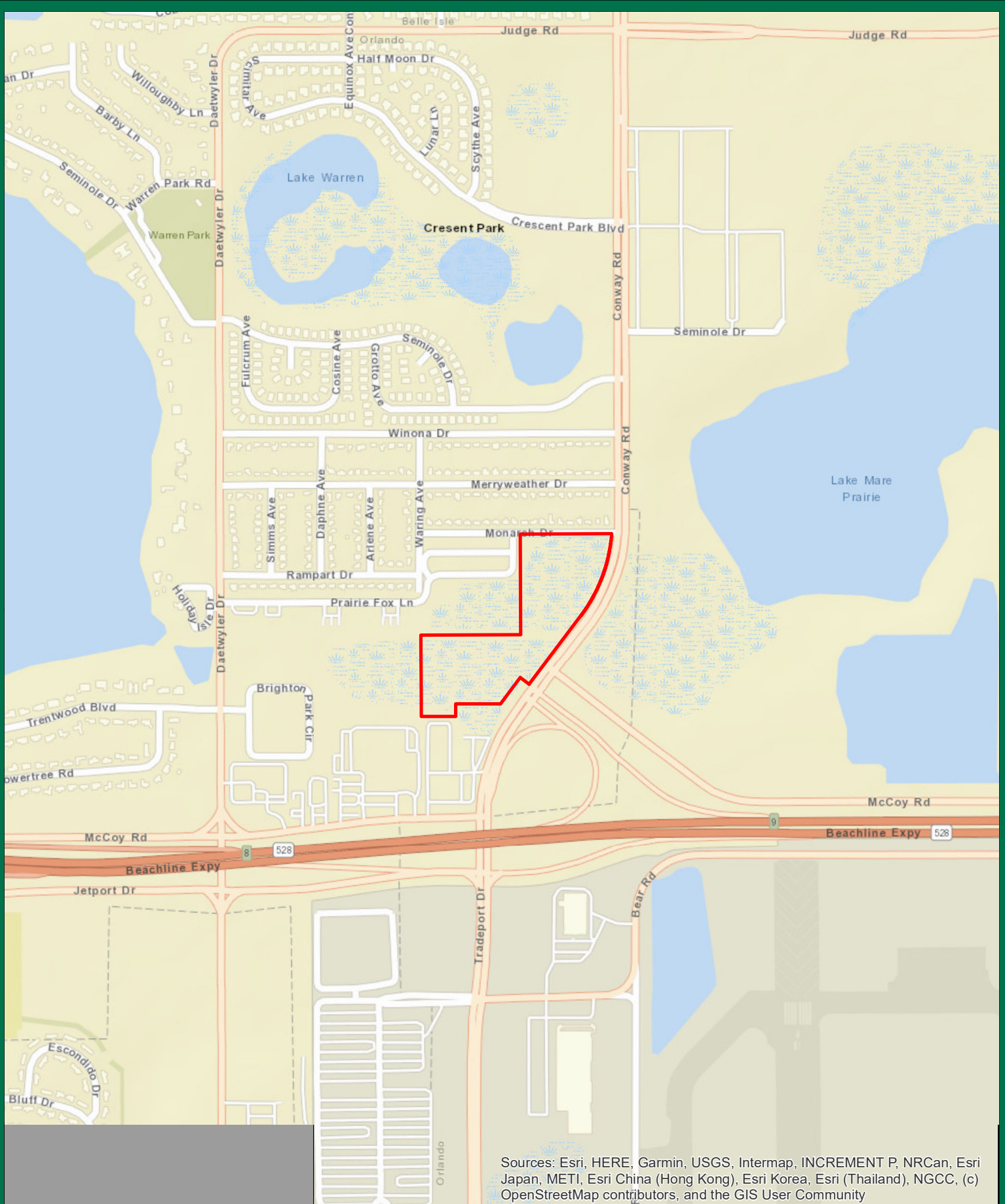
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the St. John's Water Management District.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

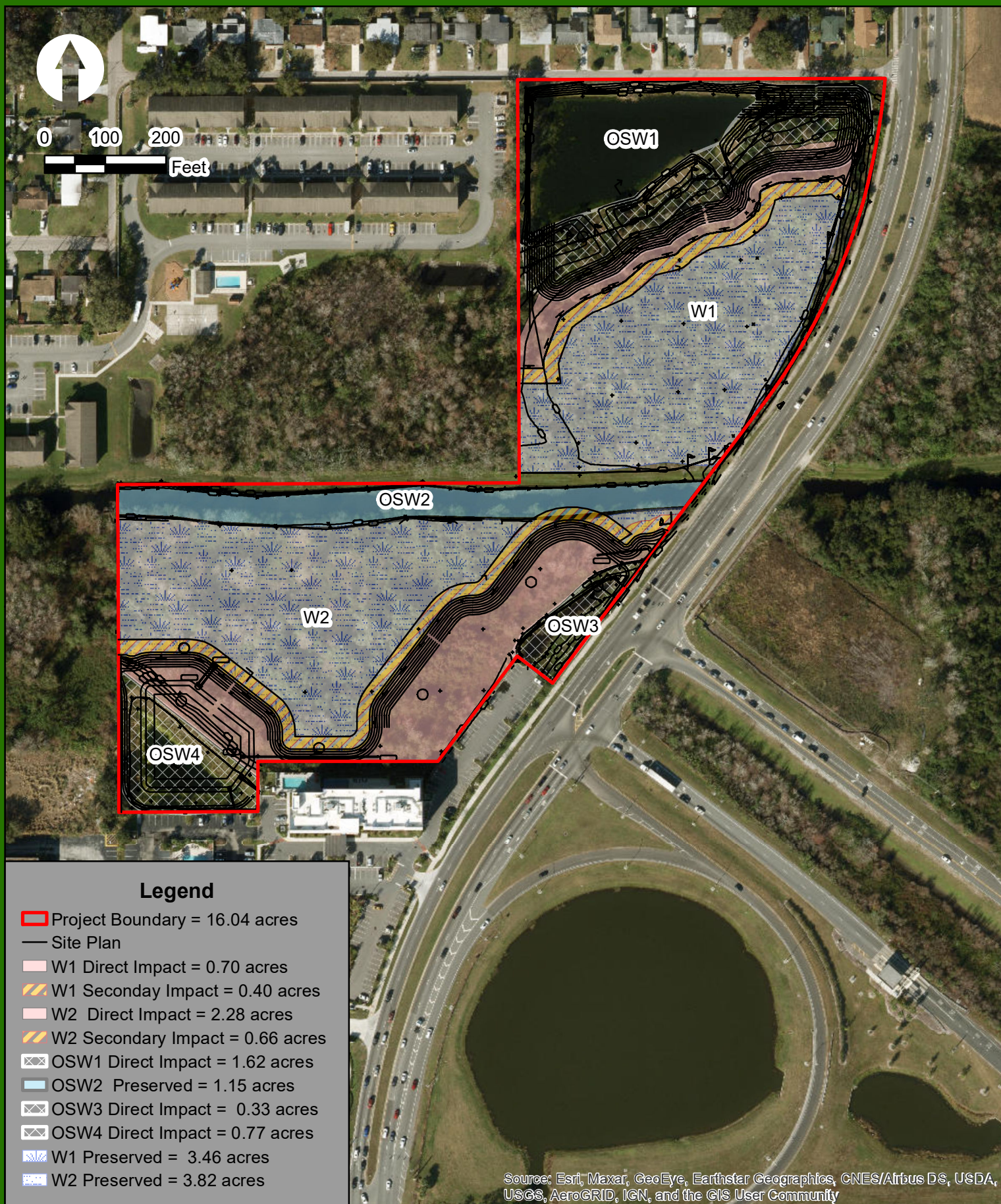
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



Austin Ecological Consultants, Inc.
805 Verona Street
Kissimmee, Florida 34741
407.935.0535

SAJ-2014-01559
Atwell Suites at Conway Road
Clermont Investments LLC
Location Map

Section 29 Township 23 Range 30
Lat 28.45407778
Long 81.33251944
Orange County, Florida



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SAJ-2014-01559
Atwell Suites at Conway Road
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Wetland and OSW Impact Map

Orange County

Cross Sections

