



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Richard Selikoff  
K. Hovanian Orlando Division

Published: March 6, 2025  
Expires: April 7, 2025

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**Jacksonville District  
Permit Application No. SAJ-2024-003756 (SP-JRP)**

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). The purpose of this public notice is to solicit comments from the public regarding the work 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 [Josh.R.Pelletier@usace.army.mil](mailto:Josh.R.Pelletier@usace.army.mil).

**APPLICANT:** Richard Selikoff  
K. Hovanian Orlando Division  
2301 Lucien Way, Suite 260  
Maitland, Florida 32751

**AGENT:** Stephen Butler  
Bio-Tech Consulting  
3025 East South Street  
Orlando, Florida 32803

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Johns Lake. The project site is located on the southwest side of Tilden Road, east of SR 429 and west of Winter Garden Vineland Road; within Section 10, Township 23 South, Range 27; at Latitude 28.502461 and Longitude -81.60283; in Winter Garden, Orange County, Florida.

**EXISTING CONDITIONS:** The project site totals 30.19 acres and is currently undeveloped, consisting of three (5) land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The upland land use type/vegetative community on the site is classified as Improved Pasture (211) and Nurseries (240). The on-site wetland/surface water land use types/vegetative communities on the site are classified as Streams and Waterways (510), Wetland Forested Mixed (630), and Freshwater Marsh (641). The property contains approximately 15.18 acres of wetlands/surface waters.

## **PROJECT PURPOSE:**

**Basic:** Residential Development

**Overall:** The applicant's stated purpose is to create a residential subdivision as well as associated infrastructure and stormwater ponds.

**PROPOSED WORK:** The applicant requests authorization to fill .87 acres of waters associated with the construction of residential development, roads and stormwater ponds.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: "As observed by District staff, both SW 1 and SW3 are historically wetland excavated ditches/flow-ways that direct surface water flow from the adjacent property to the west, through the property and under the main access road via culvert, and eventually north towards Lake Yarbo. Both systems are dominated by nuisance and exotic species and provide minimal ecological value other than a maintained hydrologic connection between offsite wetlands. Compensatory mitigation for the loss of function provided by the proposed wetland impacts, the Applicant proposes the purchase of 0.41 State UMAM mitigation credits from an appropriate mitigation bank. The purchase of mitigation bank credits provides for better long-term ecological benefits than preserving wetlands on-site."

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to purchase .41 federal UMAM mitigation credits from an appropriate mitigation bank.

## **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, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the [U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as

well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Eastern indigo snake (*Drymarchon corais couperi*): potential impacts to the Eastern indigo snake were evaluated using the Eastern Indigo Snake Programmatic Effect Determination Key. Use of the 2013 USFWS Eastern Indigo Snake key resulted in the not likely to adversely affect the snake due to the project not resulting in the removal of more than 25 acres of Xeric Habitat or more than 25 active or inactive gopher tortoise burrows. This determination is partially based on the project being conditioned for use of the Service's Standard Protection Measures for The Eastern Indigo Snake during site preparation and project construction to include the inspection and excavation of all gopher tortoise burrows prior to construction, posting signage 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.

Wood Stork (*Mycteria americana*): The proposed activity is within the Colony Core Foraging Area (CFA) of several wood stork colonies. The wood stork is listed as threatened by the USFWS. This species utilizes various wetland habitats for foraging and nesting. Although wood storks were not observed during the various field reviews, suitable habitat (forested wetlands) occur onsite. The CFA for active wood stork colonies within south Florida is defined as a circular area with an 18.6-mile radius from the colony. For projects that occur within the CFA of a known wood stork colony, any impacts to suitable foraging habitat may require habitat compensation. Mitigation involves the creation of suitable foraging habitat of similar type and hydroperiod as the areas that are impacted and can often be satisfied through appropriate wetland mitigation. All impacts to onsite wetland habitat will be offset using mitigation credits purchased from a mitigation bank within the same watershed. No wetland impacts are anticipated as a result of the project and therefore there will be no effect on the wood stork.

Bald Eagle (*Haliaeetus leucocephalus*): The bald eagle was delisted by USFWS and FWC in August 2007 as a result of positive recovery of the species. Although the bald eagle was delisted, it continues to be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Site reviews did not identify any bald eagle nests on the project site, but there are two active bald eagle nests (OR966 and OR97D) approximately within 1 mile of the project site. These bald eagle nests are located more than 660-foot from the project boundary, so based on the National Bald Eagle Management Guidelines they have no potential to affect development of the project.

Gopher Tortoise (*Gopherus polyphemus*): was surveyed for the existence of gopher tortoises using pedestrian transects. The survey covered approximately 100% of the

suitable habitat present within the subject site boundaries. Although no gopher tortoise burrows were observed during the cursory wildlife survey. The gopher tortoise is a state-listed, threatened species of reptile that occupies nearly all upland community types throughout the state of Florida. Gopher tortoises, their eggs, and their burrows are protected from harm or harassment. Any gopher tortoise burrows that have the potential to be impacted as a result of land clearing, construction, or other disturbance must be relocated out of harm's way to an approved offsite recipient site. A future survey will be completed at least 90 days prior to construction to ensure that no burrows or gopher tortoises are located on the site. Any gopher tortoise relocation activities will be permitted through the Florida Fish and Wildlife Conservation Commission (FWC).

Sand Skink (*Neoseps reynoldsi*): The subject site falls within the Sand Skink Consultation Area for the United States Fish and Wildlife Service (USFWS). The sand skink is listed as "Threatened" by the USFWS. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. All properties within the limits of this consultation area that are located at elevations greater than 80' and contain suitable (moderate-to-well drained) soils are believed by USFWS to be areas of potential sand skink habitat. The results of the pedestrian survey during the environmental assessment in January 2021 showed no evidence (i.e., sinusoidal tracks) that indicate the presence of the sand skinks onsite. The site is within the USFWS Sand Skink Consultation Area and the entire site is above the 80-foot above sea level requirement. However, none of the soils types found across the subject property provide for suitable sand skink habitat (excessively drained, well-drained, and moderately well-drained sandy soils). All of the soils types found to exist across the subject property consist of poorly-drained soils. For this reason, a formal coverboard survey for the sand skink would not be required by the USFWS or another agency to determine if any sand skinks utilize any portions of the project site.

Florida Scrub-Jay (*Aphelocoma coerulescens*): No Florida Scrub-Jays were observed within the subject site during the wildlife survey conducted by BTC. As there is no suitable habitat for this species within the limits of the site, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if Florida Scrub-Jays are utilizing any portions of the site.

Everglade Snail Kite (*Rostrhamus sociabilis*): The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as "Endangered" by the USFWS. Although a portion of the project site contains wetlands/surface waters, no Everglade Snail Kites were observed within the site during the wildlife survey. While the site does contain wetlands, there is no suitable habitat for this species within the limits of the site. As such, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Everglade Snail Kites utilize any portions of the project site.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. The Corps has determined that the proposed action would not have no effect on EFH or Federally managed fisheries within the Johns Lake basin and no further coordination is required.

**NAVIGATION:** The proposed structure or 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 of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the St. Johns River Water Management District and is being reviewed under application number 211982-1.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from South Florida Water Management District. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

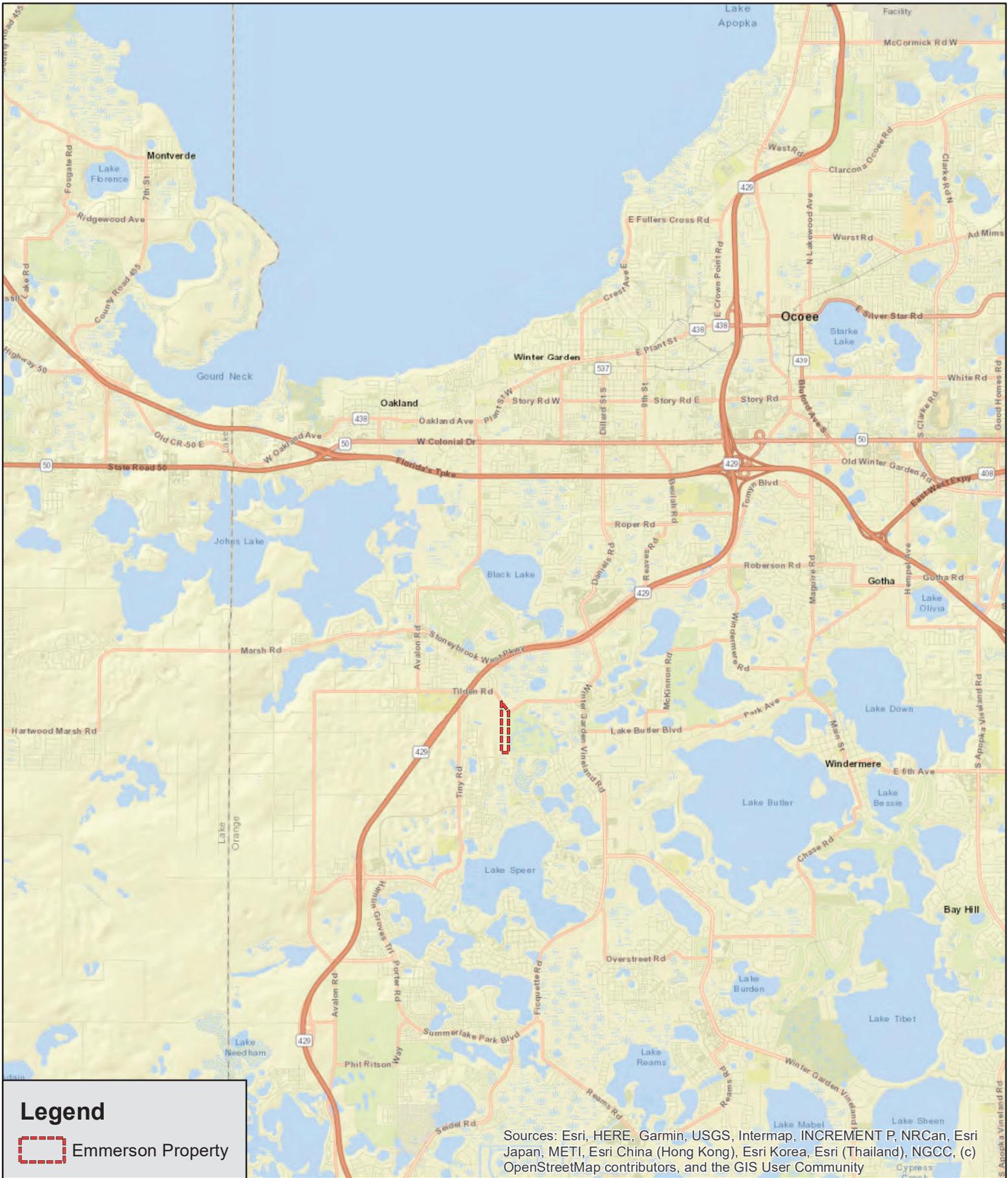
**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

**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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Josh Pelletier at [Josh.R.Pelletier@usace.army.mil](mailto:Josh.R.Pelletier@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Josh Pelletier, 2407 W. 5th Street Washington, North Carolina 27889. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

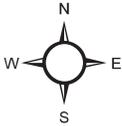


**Legend**

 Emmerson Property

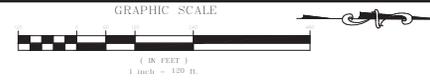
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Emmerson Property  
 Orange County, Florida  
 Figure 1  
 Location Map



1.5  Miles

Project #: 938-05  
 Produced By: JDH  
 Date: 6/24/2022



**G L SUMMITT**  
ENGINEERING INC.

Office: Lake Mary  
3667 Simonton Place  
Lake Mary, Florida 32746  
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fax: 407-592-7650  
www.GLScg.com

**SCMS, LLC**  
2204 Hempel Road  
Gotha, FL 34736  
407-973-6919

Tilden Road Property  
Subdivision  
Winter Garden, Florida

Planned Unit  
Development Request

**Wetland Impact  
Plan**

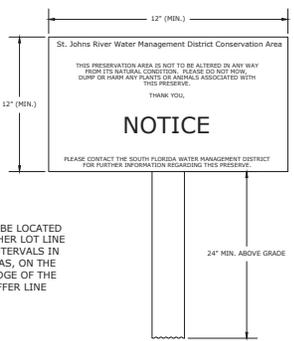
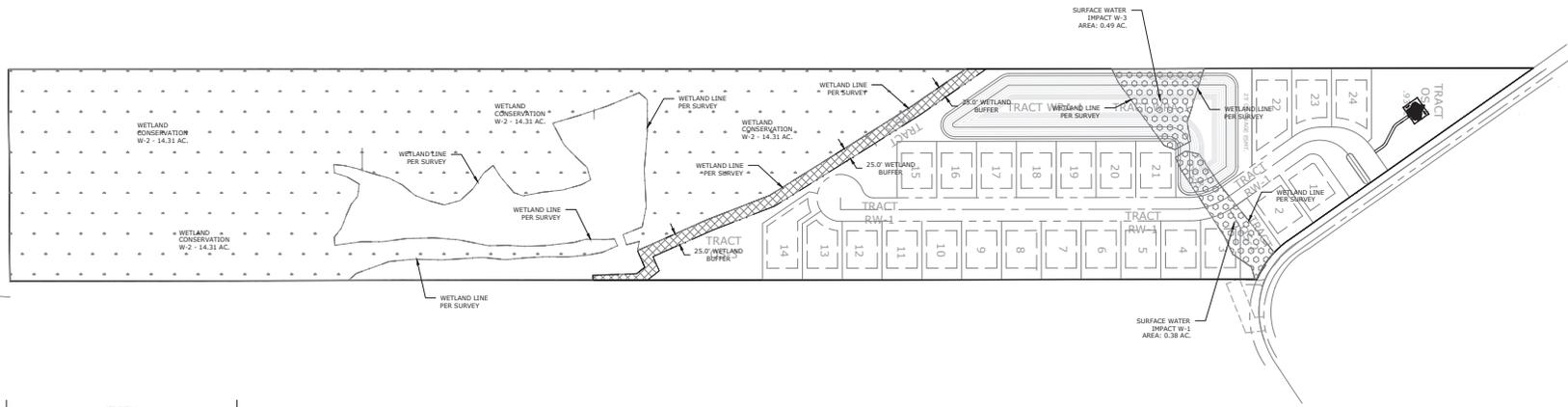
Please not valid unless Signed,  
Dated and Sealed below.

\_\_\_\_\_  
GEOFFREY L. SUMMITT, P. E.  
Date: JUNE 17, 2025  
Certificate of Authorization #296645

**Revisions**

No.	DATE	DESCRIPTION
1	06/17/25	ISSUED FOR PERMITTING
2	06/17/25	REVISED PER PERMITS COMMENTS
3	06/17/25	REVISED PER PERMITS COMMENTS
4	06/17/25	REVISED PER PERMITS COMMENTS
5	06/17/25	REVISED PER PERMITS COMMENTS
6	06/17/25	REVISED PER PERMITS COMMENTS
7	06/17/25	REVISED PER PERMITS COMMENTS
8	06/17/25	REVISED PER PERMITS COMMENTS
9	06/17/25	REVISED PER PERMITS COMMENTS
10	06/17/25	REVISED PER PERMITS COMMENTS

SHEET NUMBER  
**WIOF 8**



SIGNS SHALL BE LOCATED ON EVERY OTHER LOT LINE AND AT 50' INTERVALS IN COMMON AREAS, ON THE LANDWARD EDGE OF THE WETLAND/BUFFER LINE

**CONSERVATION HATCH LEGEND**

- WETLAND CONSERVATION AREA
- WETLAND IMPACT AREA
- SURFACE WATER IMPACT AREA
- SECONDARY BUFFER AREA

**WETLAND SITE DATA:**

Gross Land Area:	30.32 acres
Wetland Area:	15.18 acres
Proposed Wetland Impact Area:	0.87 acres
Proposed Secondary Buffer Area:	0.53 acres

**AA CONSERVATION AREA SIGNAGE**  
N.T.S.