



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Sam Sutton  
Sutton Properties Inc.

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Expires: March 27, 2025

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**Jacksonville District  
Permit Application No. SAJ-2024-04078(SP-BWS)**

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 [billy.w.standridge@usace.army.mil](mailto:billy.w.standridge@usace.army.mil).

**APPLICANT:** Sam Sutton  
Sutton Properties Inc.  
7201 1st Avenue South  
Saint Petersburg, Florida 33707

**AGENT:** Daniel Gough  
Bio-Tech Consulting LLC  
3025 East South Street  
Orlando, Florida 32803

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Big Sand Lake (HUC 0309010103). The project area is located southeast of the intersection of the Central Florida Greenway (417) and State Road 535 in Section 35, Township 24 South, Range 28 East; at Latitude 28.3481 and Longitude -81.4981; in Orlando, Orange County, Florida.

**EXISTING CONDITIONS:** The project area is undeveloped and totals approximately 11 acres. The site consists of three land types identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The site is comprised of Pine Flatwoods (411), Hydric Pine Flatwoods (625) and Streams and Waterways (510). The site contains 6.27 acres of wetlands/waters.

## **PROJECT PURPOSE:**

**Basic:** Commercial Development

**Overall:** The applicant's stated purpose is to construct a new commercial shopping center within the existing tourist/commercial corridor on State Road 535 between Orange and Osceola Counties.

**PROPOSED WORK:** The applicant requests authorization to fill 6.27 acres of wetlands for the construction of a commercial shopping center with associated parking and stormwater pond.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant stated that avoidance and minimization was impracticable due to the amount and configuration of wetlands within the property. All wetlands/waters within the property are proposed to be impacted.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to purchase federal wetland mitigation credits from an approved mitigation bank with a service area encompassing 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, 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 and 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:** The Corps has determined the proposed project may affect, but is not likely to adversely affect (MANLAA) the Eastern Indigo Snake. The Corps completed an evaluation of the proposal based upon review of the FWS South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Eastern

Indigo Snake (August 2017). Use of the Key for the Eastern Indigo Snake (EIS) resulted in the following sequential determination: A (Project is not located in open water or salt marsh) > B (Permit will be conditioned for use of the Service's most current guidance for Standard Protection Measures For The Eastern Indigo Snake (currently 2013) during site preparation and project construction) > C (The project will impact less than 25 acres of EIS habitat) > D (The project has known holes, cavities, active or inactive gopher tortoise burrows, or other underground refugia where a snake could be buried, trapped and /or injured) > E (Any permit will be conditioned such that all gopher tortoise burrows, active or inactive, will be excavated prior to site manipulation in the vicinity of the burrow).

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**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 the proposal would have no effect on any Essential Fish Habitat (EFH). Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 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:** The impacts associated with the proposed project were authorized by the South Florida Water Management District by Individual Environmental Resource Permit No. 48-108725-P. The authorization constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from the 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 not 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 March 27, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Billy Standridge at [billy.w.standridge@usace.army.mil](mailto:billy.w.standridge@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Billy Standridge, 2407 W. 5th Street Washington, North Carolina, 27889. Please refer to the permit application number in your comments.

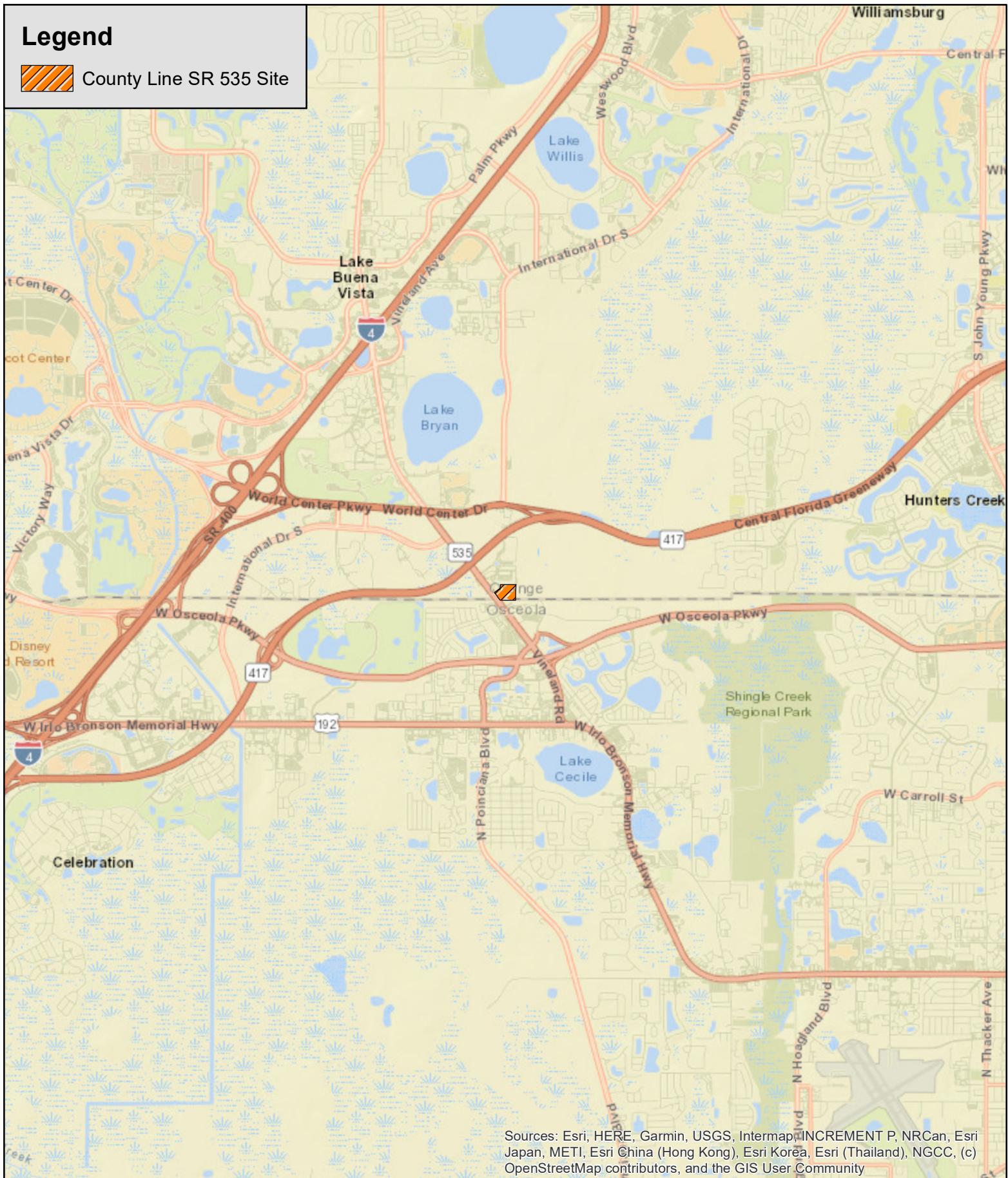
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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



## Legend



County Line SR 535 Site



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

