



**Billing Code 4310–55**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS–R4–ES–2015–N114; FXES1112040000-156-FF04EF2000]**

**Endangered and Threatened Wildlife and Plants; Receipt of Application for Incidental Take Permit Renewal; Availability of Low-Effect Habitat Conservation Plan and Associated Documents; Charlotte County, FL**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comment/information.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) renewal application and a Habitat Conservation Plan (HCP). TAVCOR, LLC (applicant) requests renewal of ITP TE207151-1 under the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking

about 1.91 acres of feeding, breeding, and sheltering habitat used by the Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) incidental to land preparation and construction in Charlotte County, Florida. The applicant's HCP describes proposed minimization measures and completed mitigation measures to address the effects of development on the covered species.

**DATES:** We must receive your written comments on the ITP application and HCP on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, Attn: Permit number TE207151-2, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Landrum, South Florida Ecological Services Office (see **ADDRESSES**); telephone: 772-469-4304.

**SUPPLEMENTARY INFORMATION:**

## **Submitting Comments**

If you wish to comment on the ITP application or HCP, you may submit comments by any one of the following methods:

*E-mail:* Elizabeth\_Landrum@fws.gov. Use “Attn: Permit number TE207151–2” as your message subject line.

*Fax:* Elizabeth Landrum, 772–562–4288, Attn.: Permit number “TE207151–2.”

*U.S. mail:* Elizabeth Landrum, South Florida Ecological Services Field Office, Attn: Permit number “TE207151–2,” U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559.

*In-person drop-off:* You may drop off comments or request information during regular business hours at the above office address.

## **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comments that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

## **Applicant's Proposed Project**

We received an application from the applicant for renewal of an incidental take permit. The applicant requests a 5-year renewal of an ITP under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*). If we approve the renewal, the applicant anticipates taking a total of approximately 1.91 acres of scrub-jay breeding, feeding, and sheltering habitat, incidental to land preparation and construction in Section 9, Township 40S, Range 23E, Charlotte County, Florida. The applicant currently has neither a time frame for development, nor a specific site plan; however, development of this parcel would likely include construction of one or more structures, a parking area, and installation of associated utilities.

The applicant proposes to minimize impacts to scrub-jays by: (1) Using scrub oaks and other native plants in post-construction landscaping; (2) avoiding land clearing activities during the scrub-jay nesting season (March 1 to June 30); (3) avoiding planting trees that will be 30 feet in height or more when mature because they can be used as perches by predatory birds; and (4) refraining from keeping or feeding free-roaming cats. Mitigation for unavoidable impacts has been accomplished by the donation of 4.3 acres of suitable habitat to Charlotte County for scrub-jay conservation. The Service listed the scrub-jay as threatened in 1987 (June 3, 1987; 52 FR 20715), effective July 6, 1987.

## **Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's project, including the mitigation measures, will individually and cumulatively have a minor or

negligible effect on the species covered in the HCP. Therefore, renewal of the ITP is a “low-effect” action and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA) (40 CFR 1506.6), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). We base our preliminary determination that issuance of the ITP qualifies as a low-effect action on the following three criteria: (1) Implementation of the project would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the project would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the project, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. This preliminary determination may be revised based on our review of public comments that we receive in response to this notice.

### **Next Steps**

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to renew the ITP. If it is determined that the requirements of the

Act are met, the ITP will be renewed.

**Authority:**

We provide this notice under Section 10 of the Endangered Species Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: June 16, 2015.

Roxanna Hinzman,

Field Supervisor, South Florida Ecological Services Office.

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