DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service


Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink, Orange County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Lennar Homes (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed sand skink incidental to construction in Orange County, Florida. We request public comment on the application, which includes the applicant’s proposed habitat conservation plan (HCP), and the Service’s preliminary determination that this HCP qualifies as “low effect,” categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening
form, both of which are also available for public review.

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


Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by any of the following methods:


FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, by telephone at (904) 731–3121 or via email at erin_gawera@fws.gov. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Lennar Homes for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et
The applicant requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi*) incidental to the construction of a housing development (project) in Orange County, Florida. We request public comment on the application, which includes the applicant’s proposed habitat conservation plan (HCP), and on the Service’s preliminary determination that this HCP qualifies as “low effect,” categorically excluded, under the National Environmental Policy Act (NEPA; 42 U.S.C. 4231 et seq.). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for public review.

**Project**

The applicant requests a 5-year ITP to take sand skinks incidental through the conversion of approximately 3.5 acres of occupied sand skink foraging and sheltering habitat incidental to the construction of a housing development located on a 139.71-acre parcel in Section 18, Township 24 South, Range 27 East, Orange County, Florida, identified by Parcel ID number 07–24–27–0000–00–009. The applicant proposes to mitigate for take of the sand skinks by the purchase of 7 credits from Lake Wales Ridge Conservation Bank or another Service-approved conservation bank. The Service would require the applicant to purchase the credits prior to engaging in activities associated with the project on the parcel.

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you
may request that we withhold your personal identifying information, we cannot guarantee
that we will be able to do so.

**Our Preliminary Determination**

The Service has made a preliminary determination that the applicant’s project,
including land clearing, infrastructure building, landscaping, and the proposed mitigation
measures, would individually and cumulatively have a minor or negligible effect on sand
skinks and the environment. Therefore, we have preliminarily concluded that the ITP for
this project would qualify for categorical exclusion and the HCP is low effect under our
NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect HCP is one that would
result in (1) minor or negligible effects on federally listed, proposed, and candidate
species and their habitats; (2) minor or negligible effects on other environmental values
or resources; and, (3) impacts that, when considered together with the impacts of other
past, present, and reasonably foreseeable similarly situated projects, would not over time
result in significant cumulative effects to environmental values or resources.

**Next Steps**

The Service will evaluate the application and the comments received to determine
whether to issue the requested permit. We will also conduct an intra-Service consultation
pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After
considering the above findings, we will determine whether the permit issuance criteria of
section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number
TE 62777D–0 to Lennar Homes.

**Authority**

The Service provides this notice under section 10(c) (16 U.S.C. 1539(c)) of the
ESA and NEPA regulation 40 CFR 1506.6.

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Jay Herrington,
Field Supervisor,
Jacksonville Field Office.

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