



**Billing Code 4333–15**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[Docket No. FWS–R4–ES–2020–0088; FXES11130400000EA–123–FF04EF1000]**

**Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Florida Scrub-Jay, Volusia 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 Freedom Construction USA, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed Florida scrub-jay, a bird species, incidental to construction in Volusia 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*]**.

**ADDRESSES: *Obtaining Documents:*** You may obtain copies of the documents online in Docket No. FWS–R4–ES–2020–0088 at <http://www.regulations.gov>.

***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:

- *Online:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2020–0088.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2020–0088; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

**FOR FURTHER INFORMATION CONTACT:** Erin M. Gawera, by telephone at (904) 731–3121 or via email at [erin\\_gawera@fws.gov](mailto: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, announce receipt of an application from Freedom Construction USA, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed Florida scrub-jay (*Aphelocoma coerulescens*), a bird species, incidental to the construction of multi-family homes (project) in Volusia 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 (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**

Freedom Construction USA, LLC requests a 5-year ITP to take Florida scrub-jays through the conversion of approximately 0.17 acres of occupied Florida scrub-jay foraging and sheltering habitat incidental to the construction of multi-family homes located on a 0.64-acre parcel in Sections 13 and 14, Township 18 South, and Range 31 East, in Volusia County, Florida. The applicant proposes to mitigate for take of the Florida scrub-jays by the contribution of \$5,180.58 to the Florida Scrub-Jay Conservation Fund administered by The Nature Conservancy. The Service would require the applicant to make this contribution prior to engaging in activities associated with the project.

### **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 measure, would individually and cumulatively have a minor or negligible effect on Florida scrub-jays 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 result in significant cumulative effects to environmental values or resources over time.

### **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 preceding 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 TE76013D-0 to Freedom Construction USA, LLC.

### **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.

**Jay Herrington,**  
*Field Supervisor,*  
*Jacksonville Field Office.*