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Dated: March 1, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-ES-2017-N175; FXES111304000
00EA-123-FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plan for the Sand Skink, Orange County, FL

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability; request
for comments.

SUMMARY: We, the U.S. Fish and
Wildlife Service (Service), have received
an application for an incidental take
permit (ITP) under the Endangered
Species Act of 1973, as amended. DR
Horton, Inc. (applicant), is requesting a
5-year ITP for take of the federally listed
sand skink. We request public
comments on the permit application
and accompanying proposed habitat
conservation plan as well as on our
preliminary determination that the plan
qualifies as low effect under the
National Environmental Policy Act. To
make this determination, we used our
environmental action statement and
low-effect screening form, which are
also available for review.

DATES: To ensure consideration, please
send your written comments by April 9,
2018.

ADDRESSES: You may submit written
comments and request copies of the
application, HCP, environmental action
statement, or low-effect screening form
by any one of the following methods:

Email: northflorida@fws.gov. Use
“Attn: Permit number TE59070C-0” as
your subject line.

Fax: Field Supervisor, (904) 731-
3191, “Attn: Permit number
TE59070C-0.”

U.S. mail: Field Supervisor,
Jacksonville Ecological Services Field
Office, Attn: Permit number
TE59070C-0, U.S. Fish and Wildlife
Service, 7915 Baymeadows Way, Suite
200, Jacksonville, FL 32256.

In-person: You may deliver comments
during regular business hours at the

office address listed above under *U.S.
mail*. You may inspect the application,
HCP, environmental action statement, or
low-effect screening form by
appointment during normal business
hours at the same address.

FOR FURTHER INFORMATION CONTACT: Erin
M. Gawera, telephone: (904) 731-3121;
email: erin_gawera@fws.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Endangered Species
Act (16 U.S.C. 1531 *et seq.*; ESA) and
our implementing regulations in the
Code of Federal Regulations (CFR) at 50
CFR part 17 prohibit the “take” of fish
or wildlife species listed as endangered
or threatened. Take of listed fish or
wildlife is defined under the ESA as “to
harass, harm, pursue, hunt, shoot,
wound, kill, trap, capture, or collect, or
to attempt to engage in any such
conduct” (16 U.S.C. 1532(19)).
However, under limited circumstances,
we issue permits to authorize incidental
take—*i.e.*, take that is incidental to, and
not the purpose of, the carrying out of
an otherwise lawful activity.

Regulations governing incidental take
permits for endangered and threatened
species are at 50 CFR 17.22 and 17.32,
respectively. The ESA’s take
prohibitions do not apply to federally
listed plants on private lands unless
such take would violate State law. In
addition to meeting other criteria, the
take authorized by an incidental take
permit must not jeopardize the
existence of federally listed fish,
wildlife, or plants.

Applicant’s Proposal

DR Horton, Inc., is requesting an
incidental take permit (ITP) to take sand
skink (*Neoseps reynoldsi*) through the
permanent destruction of approximately
2.8 acres (ac) of occupied foraging and
sheltering habitat incidental to the
widening of Avalon Road (CR 545) in
Orange County, Florida. The 60.4-ac
habitat conservation plan (HCP) project
site is located on Avalon Road, starting
at the intersection of Schofield Road
and Avalon Road and ending
approximately 4.0 miles north of U.S.
192, within sections 5, 8, 17, and 32,
Townships 23 and 24 South, Range 27
East in Orange County. The project
activities include the clearing,
infrastructure building, and landscaping
associated with road widening. The
sand skink will likely be subjected to
take in the form of injury, mortality,
and/or loss of habitat. Applicant
proposes to mitigate for the take of the
species by purchasing 5.6 mitigation
credits within the Lake Wales Ridge

Conservation Bank or another Service-
approved sand skink conservation bank.

Our Preliminary Determination

We have determined that the
applicant’s proposed plan, including the
proposed mitigation and minimization
measures, would have minor or
negligible effects on the covered species
and the environment so as to be “low
effect” and qualify for categorical
exclusion under the National
Environmental Policy Act (NEPA), as
provided by 43 CFR 46.205 and 46.210.
A low-effect HCP is one involving (1)
minor or negligible effects on federally
listed or candidate species and their
habitats, and (2) minor or negligible
effects on other environmental values or
resources.

Next Steps

We will evaluate the HCP and
comments we receive to determine
whether the ITP application meets the
requirements of section 10(a) of the
ESA. We will also conduct an intra-
Service consultation to evaluate take of
the sand skink in accordance with
section 7 of the ESA. We will use the
results of the consultation, in
combination with the above findings, in
our analysis of whether or not to issue
the ITP. If the requirements are met, we
will issue ITP number TE59070C-0 to
the applicant.

Public Comments

If you wish to comment on the permit
application, HCP, or associated
documents, you may submit comments
by any one of the methods listed in
ADDRESSES.

Public Availability of Comments

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

Authority: We provide this notice under
section 10 of the ESA and NEPA regulation
40 CFR 1506.6.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office,
Southeast Region.

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