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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](mailto: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](mailto: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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