

## Background

Section 9 of the ESA prohibits the “take” of fish and wildlife species federally listed as endangered without special exemption. Federal regulations promulgated under section 4(d) of the ESA may also prohibit take of fish and wildlife species federally listed as threatened. Take of the coastal California gnatcatcher (the only threatened animal species covered by the HCP) is prohibited by regulation.

“Take” of federally listed fish or wildlife is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or attempt to engage in such conduct (16 U.S.C. 1538). “Harm” includes significant habitat modification

or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). Under limited circumstances, we may issue permits to authorize take that is incidental to and not the purpose of otherwise lawful activities.

## Habitat Conservation Plan Covered Activities

The Service’s proposed action is to issue ITPs to the applicants consistent with the Upper Santa Ana River Wash HCP. The HCP covers two types of activities in the Upper Santa Ana River Wash Plan project area:

- Activities related to the operations and maintenance of existing facilities or

land uses already in operation in the Wash, covering an area totaling 166.9 acres; and

- Expansion or enhancement of facilities planned for the Wash area, totaling 634.1 acres.

## Habitat Conservation Plan Covered Species

The proposed ITPs would cover five species. Incidental take authorization would be provided under the ITPs for the wildlife species; the plant species are included in recognition of the conservation measures provided under the HCP and to provide No Surprises assurances to the applicants for the covered plants under 50 CFR 17.22(b)(5). The applicant’s HCP includes the following species:

Species	Federal listing status
Coastal California gnatcatcher ( <i>Poliophtila californica californica</i> ) .....	Threatened.
San Bernardino kangaroo rat ( <i>Dipodomys merriami parvus</i> ) .....	Endangered.
Cactus wren ( <i>Campylorhynchus brunneicapillus</i> ) .....	Not listed.
Santa Ana River woolly-star ( <i>Eriastrum densifolium</i> ssp. <i>sanctorum</i> ) .....	Endangered.
Slender-horned spineflower ( <i>Dodecahema leptoceras</i> ) .....	Endangered.

The HCP proposes conservation measures considered necessary to minimize and mitigate, to the maximum extent practicable, the impacts of the incidental taking of covered species in the HCP.

## National Environmental Policy Act Compliance

The EIS/SEIR addresses the Federal and local actions associated with the proposed issuance of the ITPs and implementation of the HCP and covered activities. We published a notice of intent to prepare a draft EIS/SEIR in the **Federal Register** on March 3, 2015 (80 FR 11463), and we published the notice of availability of the draft EIS/SEIR on December 9, 2019 (84 FR 67292), which included a 45-day public comment period.

The EIS/SEIR analyzes three alternatives: The *No Action Alternative*, the *Proposed Action Alternative*, and *Action Alternative 1*. The Service has identified the *Proposed Action Alternative* as the preferred alternative. We received 13 comment letters on the draft EIS/SEIR and the proposed HCP. A response to each comment received in these letters has been included in the final EIS/SEIR. Minor revisions to the final EIS/SEIR or to the final HCP have been made to address the comments received on the draft documents. The descriptions and analysis of the three alternatives analyzed in the final EIS/SEIR generally remain the same as presented in the draft EIS/SEIR.

## EPA’s Role in the EIS Process

In addition to this notice, the EPA is publishing a notice in the **Federal Register** announcing this EIS, as required under section 309 of the Clean Air Act. The publication date of EPA’s notice of availability is the official beginning of the public comment period. EPA’s notices are published on Fridays.

EPA serves as the repository (EIS database) for EISs prepared by Federal agencies. All EISs must be filed with EPA. You may search for EPA comments on EISs, along with EISs themselves, at <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

## Public Review

Any comments we receive will become part of the decision record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be

made available for public disclosure in their entirety.

## Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and NEPA (42 U.S.C. 4321 *et seq.*) and NEPA implementing regulations (40 CFR 1506.6).

**Michael Fris,**

*Assistant Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service, Sacramento, California.*

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**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS–R4–ES–2020–0034; FXES1113040000EA–123–FF04EF1000]

### 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 June 15, 2020.

**ADDRESSES:**

*Obtaining Documents:* You may obtain copies of the documents online in Docket No. FWS-R4-ES-2020-0034 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-2020-0034.

- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-R4-ES-2020-0034; 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 (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 seq.*). 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.

**Jay Herrington,**

*Field Supervisor, Jacksonville Field Office.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[Docket No. FWS-R4-ES-2020-0037; FXES1113040000EA-123-FF04EF1000]

**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 VK Avalon Groves LLC (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 June 15, 2020.

**ADDRESSES:**

*Obtaining Documents:* You may obtain copies of the documents online in Docket No. FWS-R4-ES-2020-0037 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