



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2012-N290; FXES11120400000-134-FF04EF2000]

### Endangered and Threatened Wildlife and Plants; Receipt of an Application for an Incidental Take Permit; Availability of Proposed Low-Effect Habitat Conservation Plan; Polk County, FL

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comment/information.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) application and a Habitat Conservation Plan (HCP). Palmetto Lake Hamilton-Highway 17, LLC (the applicant) requests an ITP under the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking about 1.71 acres of sand skink (Neopseps reynoldsi) and bluetail mole skink (Eumeces egregius lividus) (skinks) foraging, breeding, and sheltering habitat incidental to land preparation and construction of a Dollar General Store, including a storm water retention area and parking lot, in Polk County, Florida

(project). The applicant's HCP describes the mitigation and minimization measures proposed to address the effects of the project on the skinks.

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

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, Attn: Permit number TE92046A-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Landrum, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: 772-469 - 4304.

**SUPPLEMENTARY INFORMATION:**

**Submitting Comments**

If you wish to comment on the ITP application and HCP, you may submit comments by any one of the following methods:

*E-mail:* Elizabeth\_Landrum@fws.gov. Use Attn: Permit number “TE92046A–0” as your message subject line.

*Fax:* Elizabeth Landrum, 772–562 –4288, Attn.: Permit number “TE92046A–0.”

*U.S. mail:* Elizabeth Landrum, South Florida Ecological Services Field Office, Attn: Permit number “TE92046A–0”, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559.

*In-person drop-off:* You may drop off information during regular business hours at the above office address.

### **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comments, 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.

### **Applicant’s Proposed Project**

We received an application from Palmetto Lake Hamilton–Highway 17, LLC (the applicant) for an incidental take permit along with a proposed habitat conservation plan. The applicant requests a 2-year permit under section 10(a)(1)(B) of the Act (87 Stat. 884; 16 U.S.C. 1531 *et seq.*). If we approve the permit, the applicant anticipates taking a total of approximately 1.71 acres (0.69 hectares (ha)) of sand and blue-tailed mole skink breeding, feeding, and

sheltering habitat incidental to land preparation and construction of a Dollar General Store, including a storm water retention area and parking lot, in Polk County, Florida. Construction activities associated with the Dollar General Store will take place within Section 21, Township 28S, Range 27E, Polk County, Florida.

The applicant proposes to mitigate for impacts by purchasing approximately 3.42 mitigation bank credits at the Scrub Conservation Bank in Highlands County, Florida, a Bank within the service area of skinks. The Service listed this species as threatened in 1987 (January 21, 1987; 52 FR 2242). The listing became effective December 7, 1987.

### **Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's project, including the mitigation measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, issuance of the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). We base our preliminary determination that issuance of the ITP qualifies as a low-effect action on the following three criteria: (1) Implementation of the project would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the project would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the project, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be

considered significant. This preliminary determination may be revised based on our review of public comments that we receive in response to this notice.

### **Next Steps**

The Service will evaluate the HCP and comments submitted thereon to determine whether the applications meet the requirements of section 10(a) of the Act. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP. If it is determined that the requirements of the Act are met, the ITP will be issued.

**Authority**

We provide this notice under Section 10 of the Endangered Species Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

**Dated: January 15, 2013.**

**Larry Williams,**

Field Supervisor, South Florida Ecological Services Office.

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