



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS–R4–ES–2025–1760; FXES11140400000-267-FF04EF4000]

### Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for Sand Skink and Blue-tailed Mole Skink; Polk County, FL; Categorical Exclusion

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

**ACTION:** Notice of availability; request for comments and information.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce receipt of an application from CEMEX Construction Materials Florida, LLC (Lake Wales Sand Mine Expansion) (applicant) for an incidental take permit (ITP) under the Endangered Species Act (ESA). The applicant requests the ITP to take the federally listed threatened sand skink and blue-tailed mole skink (skinks) incidental to the construction of a sand mine expansion in an existing mine site in Polk 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 the proposed permitting action may be eligible for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA), the Department of the Interior’s (DOI) NEPA regulations, and the DOI Departmental Manual (DM). To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, which is available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

**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:* The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection

online in Docket No. FWS–R4–ES–2025–1760 at <https://www.regulations.gov>.

*Submitting Comments:* If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2025–1760.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2025–1760; U.S. Fish and Wildlife Service, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

**FOR FURTHER INFORMATION CONTACT:** Erin Gawera, Jacksonville Ecological Services Field Office, by phone at 904-404-2464 or via email at [erin\\_gawera@fws.gov](mailto:erin_gawera@fws.gov).

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from CEMEX Construction Materials Florida, LLC (Lake Wales Sand Mine Expansion) (applicant) for an 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 threatened sand skinks (*Neopseps* (= *Plestiodon*) *reynoldsi*) and blue-tailed mole skinks (*Eumeces egregius lividus*) (skinks) incidental to the construction of a sand mine expansion and the associated clearing and infrastructure in Polk County, Florida.

We request public comment on the application, which includes the applicant's HCP, and on the Service's preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to National Environmental Policy Act (NEPA; 42

U.S.C. 4321 et seq.), the Department of the Interior's (DOI) NEPA regulations (43 CFR part 46), and the DOI's DM (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, both of which are available for public review.

### **Proposed Project**

The applicant requests a 20-year ITP to take skinks via the conversion of approximately 7.9 acres (ac) of occupied nesting, foraging, and sheltering skink habitat incidental to the construction and operation of a sand mine expansion on 48.2 ac within a 342.00-ac mine site, on Parcel # 283011000000030000 in Section 11 Township 30 South, Range 28 East, Polk County, Florida.

The applicant proposes to mitigate for take of the skinks by purchasing credits equivalent to 15.8 ac of skink-occupied habitat within a Service-approved skink conservation bank. The Service would require the applicant to purchase the credits prior to engaging in each phase of the project.

### **Our Preliminary Determination**

The Service has made a preliminary determination that reasonably foreseeable effects of the applicant's proposed project, including the construction of a sand mine expansion and the associated clearing and infrastructure, would have a minor effect on skinks and the human environment and that extraordinary circumstances in 43 CFR 46.215 do not apply. Reasonably foreseeable effects encompass effects of implementation of the action including effects of the action in addition to other past, present, and reasonably foreseeable future effects.

Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that may qualify for application of a categorical exclusion (516 DM 8.5(C)(2)), pursuant to NEPA, the DOI's NEPA regulations, and the DOI DM. A low-effect ITP is one that would result in (1) negligible

or minor individual or cumulative effects on species covered in the HCP; (2) no significant effect on the human environment; and (3) reasonably foreseeable effects that would not result in significant effects to the human environment.

### **Next Steps**

The Service will evaluate the application and the comments to determine whether to issue the requested ITP. 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 and other matters, 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 PER25313000 to CEMEX Construction Materials Florida, LLC (Lake Wales Sand Mine Expansion).

### **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. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, 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**

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.32), the

National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the DOI's implementing regulations (43 CFR part 46).

**Jose Rivera,**

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*Florida Ecological Services Field Office.*

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