



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS–R4–ES–2025–0040; FXES11140400000–256–FF04EF4000]

### Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Threatened Scrub-Jay; Brevard 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 Melbourne Orlando International Airport (Taxiway A Rehabilitation Project) (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed scrub-jay incidental to a taxiway rehabilitation in Brevard 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 National Environmental Policy Act (NEPA), Department of Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. 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–2025–0040 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–2025–0040.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2025–0040; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

**FOR FURTHER INFORMATION CONTACT:** Erin Gawera, by U.S. mail (see **ADDRESSES**), by telephone 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 Fish and Wildlife Service (Service), announce receipt of an application from Melbourne Orlando International Airport (applicant) 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 federally listed threatened scrub-jays (*Aphelocoma coerulescens*) incidental to the construction and operation of a taxiway rehabilitation in Brevard County, Florida. We request public comment on the application, which includes the applicant’s habitat conservation plan (HCP), and on the Service’s preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), the Department of the Interior’s (DOI) NEPA regulations (43 CFR 46), and the DOI’s Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, which is available for public review.

## **Proposed Project**

The applicant requests a 5-year ITP to take scrub-jays via the conversion of approximately 1.75 acres (ac) of occupied nesting, foraging, and sheltering scrub-jay habitat incidental to the construction and operation of a taxiway rehabilitation on 40.27-ac, Parcel Number 27-37-29-00-250 in Section 37, Township 29 South, Range 27, Brevard County, Florida. The applicant proposes to mitigate for take of the scrub-jays through the contribution of \$100,380 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy. The Service would require the applicant to purchase the credits prior to engaging in any phase of the project.

## **Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's proposed project—including the construction for the taxiway rehabilitation and associated infrastructure—would individually and cumulatively have a minor effect on the scrub-jays and the human environment. 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 Departmental Manual. A low-effect incidental take permit is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) reasonably foreseeable effects that would not result in significant cumulative effects to the human environment.

## **Next Steps**

The Service will evaluate the application and the comments 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 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 PER17769784 to Melbourne Orlando International Airport (Taxiway A Rehabilitation Project).

### **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) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and its implementing regulations (43 CFR part 46).

**Jose Rivera,**

*Manager, Division of Environmental Review,  
Florida Ecological Services Field Office.*

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