

Screening Form for Low-Effect HCP Determinations

This screening form contains evaluations for construction of a residential development in Polk County, Florida.

I. Project Information

- A. **Project name:** Sterling Reserve
- B. **Affected species:** Sand skink (*Plestiodon reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*)
- C. **Project size:** ± 114.35 acres (ac)
- D. **Brief description including minimization and mitigation plans:**

Luxer Development, LLC (Applicant) proposes to construct a residential development on a 114.35-ac parcel (Project). The Project will consist of constructing townhouses, service roads, parking lots, green areas, storm water ponds, and utility infrastructure (e.g., electric, water, and sewer lines).

The entirety of the Project area is comprised of Improved Pastures (Florida Land Use, Cover and Forms Classification System 211), Unimproved Pastures (FLUCCS 212), Live Oak (FLUCCS 427), and Residential Low Density (FLUCCS 110). The Project area includes multiple parcels identified as Parcel No. 2832000000014000, 2832000000012020, 2832000000012010 and 282833000000034010, located at 8100 Watkins Road, Haines City within Sections 32 & 33, Township 28 South, Range 28 East in Polk County, Florida. The approximate coordinates to a central point within the Project parcel are Latitude 28.005936, Longitude -81.532178.

The Project site falls within the delineated consultation area for sand skinks and blue-tailed mole skinks (collectively referred to as skinks). The proposed Project site is higher than 82 feet National Geodetic Vertical Datum. The soil type within the Project area, as indicated on the NRCS Web Soil Survey (NRCS 2021), are suitable for skinks.

Site preparation and construction of the residential development will likely result in take of skinks, and will permanently alter about 13.69 ac of skink-occupied habitat.

The applicant proposes the purchase of 27.38 ac of conservation bank credits (in accordance with the Service's 2:1 mitigation ratio guidelines) from a Service-authorized conservation bank to satisfy mitigation requirements. Credits will be purchased no later than 30 days after ITP issuance. A purchase receipt will be provided to the Service.

The Applicant has opted to "assume presence" of both skink species and has applied to the Service for an incidental take permit (ITP) under section 10 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.) for take of skinks associated with the permanent alteration of about 13.69 ac of sand and blue-tailed mole skink habitat.

The Applicant requests an ITP duration of 5 years.

II. Does the Habitat Conservation Plan (HCP) fit the low-effect criteria in the HCP handbook?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitat covered under the HCP prior to implementation of the mitigation plan?

Yes. The skinks affected by the issuance of this permit are part of the population that typically occupies xeric uplands on the Lake Wales Ridge in central Florida. The loss of individuals associated with the proposed project is not expected to significantly reduce the likelihood of survival and recovery of this species. This finding is based on the existing level of protection afforded these species on public and private conservation lands. The protection and management of large parcels of skink habitat reduces risk to those populations.

It appears that skinks are still distributed throughout their historical range, although it is believed that their numbers have likely declined substantially because of habitat loss, fragmentation, and degradation. Turner et al. (2006) reported that development and agriculture have resulted in the loss of approximately 85 percent of the scrub and sandhill habitats on the Lake Wales Ridge, and what remains of these habitats (46,208 ac) contains high concentrations of imperiled species. Over the last 20 years, more than 21,498 ac (46.5 percent) of scrub and sandhill habitat on the Lake Wales Ridge have been acquired and protected.

Because of the small size of the impact, the permanent loss of about 13.69 ac of occupied skink habitat is likely to result in only minor or negligible impacts on these species range wide.

The Applicant's proposed mitigation of purchasing 27.38 ac of conservation bank credits from a Service-authorized conservation bank represents a biologically defensible compensation strategy for skinks.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan?

Yes. There may be a temporary decline in air quality and an increase in noise within the construction site, but these effects will be minor and for a short duration of time.

C. Would the impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, not result in cumulative effects to environmental values or resources which would be considered significant?

Yes. The impacts of this HCP together with other past, present, or future projects will not result in significant cumulative effects to environmental values or resources for two reasons. The first reason is that any development project impacting skink habitat with onsite wetlands will require both a county building permit and a permit from the U.S. Army Corps of Engineers (Corps), and therefore will require consultation with the Service under section 7 of the Act.

The second reason is if an applicant for a building permit or the permit issuing authority believes the proposed project could violate section 9 of the Act, but there is no Federal nexus requiring consultation with the Service, section 10 of the Act provides a mechanism for the Service to review and permit the incidental take of listed species. In order to obtain an incidental take permit, an applicant must prepare an HCP that describes how impacts to the species will be avoided, minimized, and mitigated for to the maximum extent practicable. To be acceptable to the Service, an HCP for a project affecting federally listed skinks would generally include the enhancement, restoration, or preservation of skink habitat.

III. Do any of the exceptions to the categorical exclusions apply to this HCP?

Would implementation of the HCP:

A. Have significant adverse effect on public health or safety?

No. Land clearing and construction is not expected to have adverse effects on public health or safety. Although there may be an increase in traffic due to project implementation, any adverse effect to the public should be minimal as a result of planning and local traffic signage. The Service has no reason to believe that the Applicant or contractors will not abide by all public health and safety laws as governed by all applicable Tribal, State and local jurisdictions.

B. Have adverse effects on such unique geographic characteristics as historical or cultural resources, park, recreation or refuge lands, wilderness area, wild or scenic rivers, sole or principal drinking water aquifers, prime farmland, wetlands, flood plains, or ecologically significant or critical areas, including those listed on the Department's National Registry of Natural Landmarks?

No adverse effects are anticipated on the above resources as a result of Project construction. A cultural and historical review of the site has found no unique historical or cultural resources in this location. Other features mentioned above do not exist on or adjacent to the site such as refuge and wilderness lands, wetlands or floodplains.

C. Have highly controversial environmental effects?

No, the Service does not anticipate this project will have any controversial environmental effects.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No, residential construction on small parcels such as this proposed site does not pose significant, unique, or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Incidental take permits are issued by the Service on a case-by-case basis pursuant to agency regulations. Each HCP is evaluated on its own merit prior to a Service decision regarding whether to issue an ITP. Therefore, the issuance of this ITP does not represent a decision in principle about future actions the Service may take.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. The Service expects impacts to environmental values and resources will be negligible due to the size of the project site.

G. Have adverse effects on properties listed or potentially eligible for listing on the National Register of Historic Places?

No. The review conducted by the State Historic Preservation Officer has resulted in the determination that the proposed project will have no adverse impact on sites either eligible for or listed on the National Register of Historic Places.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. As indicated above, the loss of individual skinks associated with the proposed project is not expected to significantly reduce the likelihood of survival and recovery of these species. The protection and management of large parcels of skink habitat reduces risk to those populations. The Applicant's proposed mitigation will likely result in a greater biological benefit to skinks than if the Project area were to remain in its current condition. The Service is not aware of the presence of any species that are proposed to be listed within the HCP planning area; therefore, we do not expect issuance of the ITP will have an adverse effect on proposed species. Similarly, since no critical habitat has been designated for skinks, none will be adversely affected.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. The Project and mitigation areas contain no wetlands or floodplains; therefore, none will be impacted.

J. Threaten to violate a Federal, State, local, tribal law or requirement imposed for the protection of the environment?

No. Issuance of the ITP and implementation of the associated HCP are not expected to violate any Federal, State, local, or tribal law or requirement governing environmental protection.