

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[Docket No. FWS-R4-ES-2024-0036;  
FXES11140400000-245-FF04EF4000]

**Receipt of Incidental Take Permit  
Application and Proposed Habitat  
Conservation Plan for the Sand Skink  
and Blue-Tailed Mole Skink; Osceola  
County, FL; Categorical Exclusion**

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

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

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce receipt of an application from the Toho Water Authority (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) incidental to the construction of the Westside Boulevard Extension in Osceola 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 Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also 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 April 29, 2024.

**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-2024-0036 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-2024-0036.

- **U.S. mail:** Public Comments

Processing, Attn: Docket No. FWS-R4-ES-2024-0036; U.S. Fish and Wildlife

Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

**FOR FURTHER INFORMATION CONTACT:** John Wrublik, by telephone at 772-226-8130 or via email at [john\\_wrublik@fws.gov](mailto:john_wrublik@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 the Toho Water Authority (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 the federally listed sand skink (*Neoseps reynoldsi*) and blue-tailed mole-skink (*Eumeces egregius lividus*) (skinks) incidental to the construction of the Westside Boulevard Extension in Osceola 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 proposed ITP qualifies as low effect, and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR part 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

**Proposed Project**

The applicant requests a 5-year ITP to take skinks via the conversion of approximately 9.2 acres (ac) of occupied nesting, foraging, and sheltering skink habitat incidental to the construction of the Westside Boulevard Extension within a 17-ac parcel at latitude 28.295591°, longitude -81.648670°, Osceola County, Florida. The applicant proposes to mitigate for take of the skinks by purchasing credits equivalent to 18.41 ac of skink-occupied habitat from a Service-approved conservation bank. The Service would require the applicant to purchase the credits within 30 days of the issuance of the permit and prior to engaging in any construction phase of the project.

**Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's project would individually and cumulatively have a minor or negligible effect on the skinks 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 individually or cumulatively would have a minor effect on the sand skink and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, 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) impacts that, when added together with the impacts of other past, present, and reasonably foreseeable actions, 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 PER 7310948 to the Toho Water Authority.

**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.

**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 (40 CFR parts 1500–1508 and 43 CFR part 46).

**Robert L. Carey,**

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

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**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

[Docket No. BOEM–2023–0056]

#### Notice of Availability of a Joint Record of Decision for the Proposed Sunrise Wind Farm Offshore New York, Massachusetts, and Rhode Island

**AGENCY:** Bureau of Ocean Energy Management, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce; National Park Service, Interior.

**ACTION:** Record of decision; notice of availability.

**SUMMARY:** The Bureau of Ocean Energy Management (BOEM) announces the availability of the joint record of decision (ROD) on the Final Environmental Impact Statement (EIS) for the construction and operations plan (COP) submitted by Sunrise Wind, LLC (Sunrise Wind) for its proposed Sunrise Wind Offshore Wind Farm Project (Project), offshore New York, Massachusetts, and Rhode Island. The joint ROD includes the Department of the Interior’s (DOI’s) decision regarding the COP, the National Park Service’s (NPS) decision regarding special use permits (SUPs) and a Right-of-Way (ROW) permit, and the National Marine Fisheries Service’s (NMFS) plans for decision, pending completion of all statutory processes, regarding Sunrise Wind’s requested Incidental Take Regulations (ITR) and an associated Letter of Authorization (LOA) under the Marine Mammal Protection Act (MMPA). NMFS has adopted the final EIS to support its decision of whether or not to promulgate the requested ITR under the MMPA. The NPS has adopted the final EIS to support its decision to issue a ROW permit and SUPs. The joint ROD concludes the National Environmental Policy Act process for each agency.

**ADDRESSES:** The joint ROD and associated information are available on BOEM’s website at <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind-activities>.

**FOR FURTHER INFORMATION CONTACT:** For information related to BOEM’s action,

contact Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (703) 787–1730, or [jessica.stromberg@boem.gov](mailto:jessica.stromberg@boem.gov). For information related to NMFS’ action, contact Katherine Renshaw, National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel, (302) 515–0324, or [katherine.renshaw@noaa.gov](mailto:katherine.renshaw@noaa.gov). For information related to NPS’ action, contact Kristin Andel, NPS Resource Planning and Compliance Program, (617) 564–7613, or [Kristin\\_Andel@nps.gov](mailto:Kristin_Andel@nps.gov).

**SUPPLEMENTARY INFORMATION:** Sunrise Wind seeks approval to construct, operate, and maintain the Project: a wind energy facility and the associated export cables on the Outer Continental Shelf (OCS) offshore New York, Massachusetts, and Rhode Island, and to construct a portion of the Project within NPS-administered waters and submerged lands within the Fire Island National Seashore. The Project would be developed within the range of design parameters outlined in the COP, subject to applicable mitigation measures.

A notice of availability for the final EIS was published in the **Federal Register** on December 15, 2023. On March 20, 2024, BOEM published an errata on its website that included certain edits to the North Atlantic right whale cumulative impact determination of the no action alternative in final EIS chapter 3. The errata also provide corrections for benthic resources in a no action alternative table in final EIS chapter 2. These corrections are neither substantive nor do they affect the analysis or conclusions in the final EIS.

The Project as proposed in the COP would include up to 94 wind turbine generators (WTGs) within 102 potential locations, 1 offshore converter station, inter-array cables linking the individual WTGs to the offshore substation, 1 offshore export cable, 1 onshore converter station, 1 fiber optic cable that runs through the conduit from Fire Island National Seashore (the Seashore) to the proposed wind farm, and onshore interconnection cables connecting to the existing electrical grid in New York. The WTGs, offshore substation, and inter-array cables would be located on the OCS approximately 16.4 nautical miles (nm) (18.9 statute miles[mi]) south of Martha’s Vineyard, Massachusetts, approximately 26.5 nm (30.5 mi) east of Montauk, New York, and 14.5 nm (16.7 mi) from Block Island, Rhode Island, within the area defined by Renewable Energy Lease OCS–A 0487 (Lease Area). The offshore export cables would be

buried below the seabed surface on the U.S. OCS and State of New York-owned submerged lands, including submerged lands where the United States holds an easement for use and occupancy for the purposes of the Seashore. The onshore export cables, substation, and grid connection would be located in Holbrook, New York. After carefully considering public comments on the draft EIS and the alternatives described and analyzed in the final EIS, DOI selected Alternative C–3b (84 WTGs within 87 potential locations), which combines elements of the “Habitat Impact Minimization Alternative” and the results of BOEM’s independent feasibility review. This combination is the preferred alternative identified in the final EIS. The anticipated mitigation, monitoring, and reporting requirements, which will be included in BOEM’s COP approval as terms and conditions, are included in the ROD, which is available at: <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind-activities>.

NMFS has adopted BOEM’s final EIS to support its decision of whether or not to promulgate the requested ITR and issue the associated LOA to Sunrise Wind. NMFS’ final decision of whether or not to promulgate the requested ITR and issue the LOA will be documented in a separate Decision Memorandum prepared in accordance with internal NMFS policy and procedures. The final ITR and a notice of issuance of the LOA, if issued, will be published in the **Federal Register**. The LOA would authorize Sunrise Wind to take small numbers of marine mammals incidental to Project construction and would set forth permissible methods of incidental taking, means of affecting the least practicable adverse impact on the species and their habitat, and requirements for monitoring and reporting. Pursuant to section 7 of the Endangered Species Act (ESA), NMFS issued a final Biological Opinion to BOEM on September 28, 2023, evaluating the effects of the proposed action on ESA-listed species. The proposed action in the Biological Opinion includes the associated permits, approvals, and authorizations that may be issued.

The NPS has adopted BOEM’s final EIS to support its decision to issue a ROW permit and two SUPs to Sunrise Wind. These permits would allow Sunrise Wind to access certain waters and submerged lands of the Seashore in order to connect to the onshore grid from inside Smith Point County Park, which is contained within the Seashore’s legislated boundaries, and carry out construction within the