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Environmental Update

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USFWS Announces Listing Decision for Gopher Tortoise

Contact: Amelia Savage

On July 27, 2011, the United States Fish and Wildlife Service (USFWS) announced its 12-month finding on a petition to list the gopher tortoise in the eastern portion of its range. 76 Federal Register 45130. The USFWS found that listing of the gopher tortoise in the eastern portion of its range was warranted, but is currently precluded by higher priority actions. Thus, the gopher tortoise (eastern portion) is added to USFWS' list of candidate species, and when priorities allow, USFWS will develop a proposed rule to list the species. Until the species is listed, however, no additional land use or other restrictions will be imposed regarding the gopher tortoise in the eastern portion of its range. This USFWS decision has no impact on the Florida Fish and Wildlife Conservation Commission's requirements regarding the gopher tortoise.

FWC Announces New Division Director

Contact: Amelia Savage

On July 27, 2011, the Florida Fish and Wildlife Conservation Commission (FWC) announced Eric Sutton will be the new Division Director for the Division of Habitat and Species

Conservation. Sutton replaces Tim Breault, who retired from FWC and is now with the US Fish and Wildlife Service working with the Florida Landscape Conservation Cooperative.

Sutton previously served as Director for Land Resources with the Southwest Florida Water Management District. He holds zoology/wildlife degrees from Murray State University in Kentucky, the University of Kentucky, and the University of South Florida. Sutton will start his new position with FWC on September 2.

Scott Makes Appointments to NFWFMD Governing Board

Contact: Amelia Savage

On July 26, 2011, Angus “Gus” Andrews and Nicholas “Nick” Patronis were appointed to the Governing Board of the Northwest Florida Water Management District. Andrews is the owner of Andrews & Arnsdoff Realty, and he succeeds M. Timothy Norris. Patronis is the co-owner of Captain Anderson’s Restaurant and a tree farmer, and he succeeds Behzad Ghazvini. Their terms began on the date of appointment and end March 1, 2015. Senate confirmation is required for both.

EPA Delays Finalizing Ozone NAAQS

Contact: Joseph Brown

On July 26, 2011, EPA Administrator Jackson announced that a final rule on the reconsideration of the NAAQS health standard for ground level ozone will not be issued on July 29, 2011, the deadline previously proposed by the agency. Administrator Jackson did not provide a new specific deadline, but rather indicated that a final rule would be issued after the completion of interagency review led by the Office of Management and Budget. EPA’s July 29, 2011, deadline was self-imposed and not court ordered.

EPA is reconsidering the ozone NAAQS it revised in July 2008. In January 2010, EPA issued a proposed rule setting the Ozone NAAQS standard in line with Clean Air Scientific Advisory Committee recommendations (between 60 and 70 ppb), but has now repeatedly delayed issuance of a final rule. Related litigation pending in the U.S. Circuit Court of Appeals remains on hold pending EPA’s reconsideration.

EPA Begins Work to Expand TRI Reporting Program

**Contact: Mike Petrovich
Jake Cremer**

The U.S. Environmental Protection Agency (EPA) recently posted a regulatory update indicating it has begun work on a proposed rule expanding the Toxic Release Inventory (TRI) reporting program. EPA has authority to expand TRI reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The sectors affected by the proposed expansion are phosphate mining, iron ore mining, municipal waste incineration, industrial dry cleaning, petroleum bulk storage, and “steam-only” production from fossil fuels. The update predicted it would take more than a year to develop a proposed rule. HGS will monitor EPA’s progress in this matter and distribute updates as appropriate.