

Re-evaluation Guidance for Section 3 - Changes in Applicable Law or Regulation

September 2025

The purpose of this guidance is to facilitate the preparation of quality Re-evaluation Forms. This guidance is applicable to Florida Department of Transportation (FDOT) District and consultant preparers and Quality Control (QC) reviewers of Re-evaluations.

The preparer will complete Section 3 titled “Changes in Applicable Law or Regulation” of the Re-evaluation form in compliance with the requirements set forth in Part 1, Chapter 13 (Re-evaluations) of the [Project Development and Environment \(PD&E\) Manual](#). Section 3 is to include changes in federal or state laws, rules, regulations, or guidance that require consideration since the date of the original Environmental Document or subsequent Re-evaluation(s).

Following is a list of regulatory changes and guidance that have been noted in Re-evaluations prepared in SWEPT since 2025, but is not intended to be all inclusive. This list is to assist with identifying information to include in this section depending on the date the change(s) were implemented. If the original Environmental Document or subsequent Re-evaluation was completed before the new regulation/guidance was enacted, then the current Re-evaluation will need to consider the applicable changes. Changes in regulations/guidance that have been superseded with newer changes are kept on this list for reference but are shaded in gray. For situations where multiple changes in a given regulation/guidance have occurred since the last re-evaluation, include the most recent update in Section 3 of the Re-evaluation Form.

Contents

2025	4
2024	7
2023	10
2022	15
2021	18
2020	19
2019	21
2018	22
2017	26
2016	30
2015	33
2014	34
2013	38
2012	40
2011	42
2010	44
2009	45
2008	46
2007	48
2006	50
2004	51
2003	52
2001	53

1999	54
1998	55
1996	56

2025

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
3/24/2025	Permits	EPA USACE	33 CFR Part 328: Waters of the United States 40 CFR Part 120: Waters of the United States 90 FR 13428 Docket No. EPA-HQ-OW-2025-0093; FRL-12683-01-OW https://www.federalregister.gov/d/2025-04649	<p>Recommended Language: The US Environmental Protection Agency (EPA) and the US Army Corps of Engineers (USACE) issued a notice announcing an interest in stakeholder perspectives regarding the definition of “waters of the United States (WOTUS)” to be consistent with the 2023 Supreme Court Decision <i>Sackett v. Environmental Protection Agency</i>. This announcement was published in the Federal Register [90 FR 13428] on March 24, 2025.</p> <p>Note to Preparer: This is a placeholder for the anticipated final rule. Pending the recommendations received during this engagement and the interpretation of the ruling, the definition of “WOTUS” is likely to be updated from its current definition. Review any wetlands assessed during the initial PD&E study and confirm whether they still meet the jurisdictional definition of WOTUS.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
3/21/2025	Natural: Species	NMFS	<p>50 CFR Parts 223 and 224: Threatened and Endangered Marine and Anadromous Species</p> <p>89 FR 101993</p> <p>Docket No. 241112-0291; RTID 0648-XR126</p> <p>https://www.federalregister.gov/d/2024-29082</p> <p>90 FR 9691</p> <p>Docket No. 250212-0015 -0291; RTID 0648-XR126</p> <p>https://www.federalregister.gov/2025-02728</p>	<p>Recommended Language: The National Marine Fisheries Service (NMFS) changed the status of pillar coral (<i>Dendrogyra cylindrus</i>) from threatened to endangered under the Endangered Species Act (ESA). This rule was published in the Federal Register [89 FR 101993] on December 17, 2024, effective February 18, 2025. The effective date was subsequently delayed to March 21, 2025, as published in 90 FR 9691 on February 18, 2025.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as threatened.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
3/12/2025	Permits	EPA USACE	USACE and EPA WOTUS Memorandum	<p>Recommended Language: On March 12, 2015, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) issued a joint memorandum on March 12, 2025 to clarify the implementation of the Clean Water Act (CWA) with respect to the 2023 Supreme Court Decision <i>Sackett v. Environmental Protection Agency</i>. The guidance provides a two-part test for determining CWA jurisdiction over adjacent wetlands. 1) the water must be a “water of the United States (WOTUS)” which generally means traditional navigable waters or relatively permanent body of water connected to a navigable water”; 2) the wetland must have a continuous surface connection to a requisite covered water making it difficult to determine where the water ends and wetland begins.</p> <p>Note to Preparer: Review any wetlands assessed during the initial PD&E study and confirm whether the wetlands would still be considered jurisdictional from a “continuous surface connection” standpoint or if they would be considered isolated.</p>
1/14/2025	Natural: Species	FWS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>90 FR 3131</p> <p>Docket No. FWS-R4-ES-2024-0050; FXES1111090FEDR-256-FF09E21000</p> <p>RIN 1018-BH60</p> <p>https://www.federalregister.gov/d/2025-00467</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) proposed to replace the currently listed-threatened West Indian manatee (<i>Trichechus manatus</i>) with two subspecies, the Florida manatee (<i>Trichechus manatus latirostris</i>) and the Antillean manatee (<i>Trichechus manatus manatus</i>), under the Endangered Species Act (ESA). FWS proposed to list the Florida manatee as threatened under the ESA. This proposed rule was published in the Federal Register [90 FR 3131] on January 14, 2025.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as the West Indian manatee, but has since been proposed to be listed as the Florida manatee, a subspecies.</p>

2024

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/25/2024	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 89 FR 85294 Docket No. FWS-R4-ES-2019-0018; FXES1113090FEDR-223-FF09E22000 RIN 1018-BE09 https://www.federalregister.gov/d/2024-23786	<p>Recommended Language: The US Fish and Wildlife Service (FWS) downlisted the red-cockaded woodpecker (<i>Dryobates</i> (= <i>Picoides</i>) <i>borealis</i>) from endangered to threatened under the Endangered Species Act (ESA). FWS corrected the scientific name to <i>Dryobates borealis</i> as <i>Picoides borealis</i> is not the currently accepted name. This final rule was published in the Federal Register [89 FR 85294] on October 25, 2024, effective November 25, 2024.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA.</p>
6/5/2024	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2024 Florida Bonneted Bat Consultation Guidelines FWS 2019 Florida Bonneted Bat Consultation Guidelines FWS	<p>Recommended Language: The US Fish and Wildlife Service (FWS) revised the 2019 Florida Bonneted Bat Consultation Guidelines. Revisions included updates to the consultation key, survey methods, best management practices and a key for critical habitat designated in April 2024.</p>
4/12/2024	Natural: Species	FWS	50 CFR Parts 13 and 22: General Permit Procedures and Eagle Permits 89 FR 9920 Docket No. FWS-HQ-MB-2020-0023; FF09M30000-234-FXMB12320900000 RIN 1018-BE70 https://www.federalregister.gov/d/2024-02182	<p>Recommended Language: The US Fish and Wildlife Service (FWS) issued a Final Rule revising the regulations for the issuance of permits for eagle incidental take and eagle nest take. The revised regulations include a new system of general permits in addition to the specific-permit situations the Service has authorized in the past. This final rule was published in the Federal Register [89 FR 9920] on February 12, 2024, effective April 12, 2024.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
4/8/2024	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 89 FR 16624 Docket No. FWS-R4-ES-2019-0106; FXES1111090FEDR-245-FF09E21000 RIN 1018-BE10 https://www.federalregister.gov/d/2024-04053	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Florida bonneted bat (<i>Eumops floridanus</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [89 FR 16624] on March 7, 2024, effective April 8, 2024.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), critical habitat was only proposed for this species under the ESA.</p> <p>or</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>
3/15/2024	Natural: Species	NMFS	50 CFR Part 223: Threatened Marine and Anadromous Species 89 FR 11208 Docket No. 240208-0042; RTID 0648-XR071 https://www.federalregister.gov/d/2024-02966	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the queen conch (<i>Aliger gigas</i>, formerly known as <i>Strombus gigas</i>) as a threatened species under the Endangered Species Act (ESA). No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [89 FR 11208] on February 14, 2024, effective March 15, 2024.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
2/15/2024	Permits	FDEP	State 404 Program FDEP	<p>Recommended Language: A federal court issued an order divesting the Florida Department of Environmental Protection (FDEP) of its authority to issue State 404 Program permits and all activity under the State 404 Program is paused until further notice. This order was issued on February 15, 2024.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
2/1/2024	Natural: Species	NMFS	50 CFR Parts 223 and 226: Threatened Marine and Anadromous Species and Designated Critical Habitat 89 FR 126 Docket No. 231219-0312 RIN 0648-BL53 https://www.federalregister.gov/d/2023-28483	<p>Recommended Language: The National Marine Fisheries Service (NMFS) designated critical habitat for the Nassau Grouper (<i>Epinephelus striatus</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [89 FR 126] on January 2, 2024, effective February 1, 2024.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the Endangered Species Act (ESA).</p>
1/29/2024	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 88 FR 89611 Docket No. FWS-R4-ES-2018-0043; FF09E21000 FXES1111090FEDR245 RIN 1018-BD13 https://www.federalregister.gov/d/2023-28456	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the black-capped petrel (<i>Pterodroma hasitata</i>) as an endangered species under the Endangered Species Act (ESA). This final rule was published in the Federal Register [88 FR 89611] on December 28, 2023, effective January 29, 2024.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
1/22/2024	Natural: Species	NMFS	50 CFR Part 223: Threatened Marine and Anadromous Fish 88 FR 81351 Docket No. 23116-0271; RTID 0648-XR131 https://www.federalregister.gov/d/2023-25822	<p>Recommended Language: The National Marine Fisheries Service (NMFS) revised the scientific name of the giant manta ray from <i>Manta birostris</i> to <i>Mobula birostris</i>. This name change does not affect the listing status of this species under the Endangered Species Act (ESA). This final rule was published in the Federal Register [88 FR 81351] on November 22, 2023, effective January 22, 2024.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as <i>Manta birostris</i> under the ESA.</p>

2023

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/2023	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants FWS Sand Skink and Blue-tailed Mole Skink Species Conservation and Consultation Guide FWS	Recommended Language: In December 2023, the US Fish and Wildlife Service (FWS) updated the Sand Skink and Blue-tailed Mole Skink Species Conservation and Consultation Guide. This guide captured scientific name changes for both species: sand skink (<i>Plestiodon [Neoseps] reynoldsi</i>) and blue-tailed mole skink (<i>Plestiodon [Eumeces] egregius lividus</i>).
11/16/2023	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 88 FR 71644 Docket No. FF08E22000 FXES111309FEDR234 RIN 1018-BC98 https://www.federalregister.gov/d/2023-22377	Recommended Language: The US Fish and Wildlife Service (FWS) removed (delisted) 21 species from the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA) due to extinction. Only one species, the Bachman’s warbler (<i>Vermivora bachmanii</i> – endangered) is found in Florida. This final rule was published in the Federal Register [86 FR 71644] on October 17, 2023, effective November 16, 2023. At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA. but has since been delisted.

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9/8/2023	Permits	USACE, EPA	<p>33 CFR Part 328: Definition of Waters of the United States</p> <p>40 CFR Part 120: Definition of Waters of the United States</p> <p>88 FR 61964</p> <p>Docket No. [EPA-HQ-OW-2023-0346; FRL-11132-01-OW]</p> <p>RIN 2040-AG32</p> <p>https://www.federalregister.gov/d/2023-18929</p> <p>Amendments to the 2023 Rule EPA</p>	<p>Recommended Language: The Environmental Protection Agency (EPA) and the Department of Defense, US Army Corps of Engineers (USACE) conformed the definition of “waters of the United States” to a 2023 Supreme Court Decision. This rule amends provisions of the current definitions that are invalid under the Supreme Court’s 2023 interpretation of the Clean Water Act. This final rule was published in the Federal Register [88 FR 61964] and effective on September 8, 2023.</p>
9/8/2023	Natural: Species	NMFS	<p>50 CFR Parts 223 and 226: Threatened Marine and Anadromous Species and Designated Critical Habitat</p> <p>88 FR 54026</p> <p>Docket No. 230726-0177</p> <p>RIN 0648-BG26</p> <p>https://www.federalregister.gov/d/2023-16556</p>	<p>Recommended Language: The National Marine Fisheries Service (NMFS) designated critical habitat for five Caribbean coral species, boulder star coral (<i>Orbicella franksi</i>), lobed star coral, (<i>Orbicella annularis</i>), mountainous star coral (<i>Orbicella faveolata</i>), pillar coral (<i>Dendrogyra cylindrus</i>), and rough cactus coral (<i>Mycetophyllia ferox</i>), under the Endangered Species Act (ESA). This final rule was published in the Federal Register [88 FR 54026] on August 9, 2023, effective September 8, 2023.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for these species (include applicable species) under the ESA.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
8/30/2023	Natural: Species	FWS	<p>50 CFR Parts 10, 17, and 21: General Provisions, Endangered and Threatened Wildlife and Plants, and Migratory Bird Permits</p> <p>88 FR 49310</p> <p>Docket No. FWS-HQ-MB-2022-0036; FXMB12320900000//234//FF09M30000</p> <p>RIN 1018-BG04</p> <p>https://www.federalregister.gov/d/2023-15551</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) revised the list of birds protected by the Migratory Bird Treaty Act (MBTA). Notable changes for the Florida Department of Transportation (FDOT) include a name change for the Audubon’s crested caracara (Florida distinct population segment) from <i>Polyborus plancus audubonii</i> to <i>Caracara plancus audubonii</i> and the addition of the dark-billed cuckoo (<i>Coccyzus melacoryphus</i>). This final rule was published in the Federal Register [88 FR 49310] on July 31, 2023, effective August 30, 2023.</p>
7/28/2023	Natural: Species	FWS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>88 FR 41835</p> <p>Docket No. FWS-R4-2021-0036; FF09E22000 FXES11130900000234</p> <p>RIN 1018-BE57</p> <p>https://www.federalregister.gov/d/2023-12982</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) removed (delisted) the Okaloosa darter (<i>Etheostoma okaloosae</i> – threatened) from the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). This final rule was published in the Federal Register [88 FR 41835] on June 28, 2023, effective July 28, 2023.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date) this species was listed as threatened under the ESA but has since been delisted.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
6/22/2023	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 88 FR 33194 Docket No. FWS-R4-ES-2021-0053; FF09E21000 FXES11110900000234 RIN 1018-BF38 https://www.federalregister.gov/d/2023-10077	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Miami tiger beetle (<i>Cicindelidia floridana</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register on May 23, 2023, effective June 22, 2023.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>
5/15/2023	Permits	FWS	88 FR 31000 Docket No. FWS-HQ-ES-2021-0014; FF09E30000 FXES11140900000234 RIN 1018-ZA07; 1018-ZA08 RIN 1018-ZA07; 1018-ZA08 https://www.federalregister.gov/d/2023-10341	<p>Recommended Language: The US Fish and Wildlife Service (FWS) announced the revised Mitigation Policy and the Endangered Species Act (ESA) Compensatory Mitigation Policy. The revised Mitigation Policy establishes fundamental mitigation principles and provides a framework to achieve no net loss of resources from proposed actions. The ESA Compensatory Mitigation Policy adopts the mitigation principles established in the Mitigation Policy to establish compensatory mitigation standards and provide guidance for the application of compensatory mitigation through implementation of the ESA. This notice of final policies was published in the Federal Register [88 FR 31000] and effective on May 15, 2023.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
1/23/2023	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 87 FR 78582 Docket No. FWS-R4-ES-2019-0068; FF09E21000 FXES1111090FEDR234 RIN 1018-BE12 https://www.federalregister.gov/d/2022-27089	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Florida bristle fern (<i>Trichomanes punctatum</i> ssp. <i>floridanum</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [87 FR 78582] on December 22, 2022, effective January 23, 2023.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>

2022

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/1/2022	Natural: Species	FWC	FAC Rule 68A-27.003 Florida's Endangered and Threatened Species FWC Imperiled Species Management Plan FWC	<p>The striped newt (<i>Notophthalmus perstriatus</i>) was added to the list of Florida's Endangered and Threatened Species. The status of this species was amended from not listed to state threatened as reflected in the December 2022 amendment to the Imperiled Species Management Plan (ISMP).</p> <p>At the time of the (insert "original PD&E study" or "prior NEPA re-evaluation"), (insert date), this species was not state listed.</p>
11/15/2022	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 87 FR 68381 Docket No. FWS-HQ-ES-2022-0111; FF09E22000 FXES11130900000201 RIN 1018-BG87 https://www.federalregister.gov/d/2022-24741	<p>Recommended Language: The US Fish and Wildlife Service (FWS) amended the List of Endangered and Threatened Plants by removing (delisting) Johnson's seagrass (<i>Halophila johnsonii</i> – threatened). This amendment is based on a previously published determination by the National Marine Fisheries Service (NMFS) which has jurisdiction for this species. This final rule was published in the Federal Register [87 FR 68381] on November 15, 2022, effective November 15, 2022.</p> <p>At the time of the (insert "original PD&E study" or "prior NEPA re-evaluation"), (insert date), this species was listed as threatened under the Endangered Species Act (ESA) but has since been delisted.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/12/2022	Natural: Species	FWS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>87 FR 61834</p> <p>Docket No. FWS-R4-ES-2009-0029; FF09E21000 FXES1111090FEDR223</p> <p>https://www.federalregister.gov/d/2022-21659</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) announced findings on the status of the gopher tortoise (<i>Gopherus polyphemus</i>) population under the Endangered Species Act (ESA). FWS found that listing the gopher tortoise as an Endangered or a Threatened species range wide is not warranted. Additionally, the eastern portion of this species range (including Florida) meets the criteria of a separate distinct population segment but listing the eastern distinct population segment is not warranted at this time. This species will be withdrawn as a candidate species for listing. This notification of findings was published in the Federal Register [87 FR 61834] on October 12, 2022.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was considered a candidate species under the ESA.</p>
5/16/2022	Natural: Species	NMFS	<p>50 CFR Parts 223 and 226: Threatened Marine and Anadromous Species and Designated Critical Habitat</p> <p>87 FR 22137</p> <p>Docket No. 220408-0090; RTID 0648-XR119</p> <p>https://www.federalregister.gov/d/2022-08029</p>	<p>Recommended Language: The National Marine Fisheries Service (NMFS) removed (delisted) Johnson’s seagrass (<i>Halophila johnsonii</i> – threatened) from the Federal List of Threatened and Endangered Species and removed the critical habitat designation for this species. This rule is based on genetic data that demonstrates Johnson’s seagrass is not a unique taxon but a clone of an Indo-Pacific species, <i>Halophila ovalis</i>. Therefore, this species does not qualify for listing under the Endangered Species Act (ESA). This final rule was published in the Federal Register [87 FR 22137] on April 14, 2022, effective May 16, 2022.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as threatened and critical habitat was designated under the ESA but has since been delisted.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
2/4/2022	Natural: Species	FWS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>87 FR 546</p> <p>Docket No. FWS-R4-ES-2017-0061; FWS-R4-ES-2020-0137; FF09E2100 FXES111090FEDR223</p> <p>RIN 1018-BC14; 1018-BD50</p> <p>https://www.federalregister.gov/d/2021-27519</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the Panama city crayfish (<i>Procambarus econfinae</i>), as threatened under the Endangered Species Act (ESA). Additionally, critical habitat for this species was designated. This final rule was published in the Federal Register [87 FR 546] on January 5, 2022, effective February 4, 2022.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed and no critical habitat was designated for this species under the ESA.</p>

2021

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/22/2021	Natural: Species	NMFS	50 CFR Part 224: Endangered Marine and Anadromous Species 86 FR 47022 Docket No. 210817-0163; RITD 0648-XR117 https://www.federalregister.gov/d/2021-17985	<p>Recommended Language: The National Marine Fisheries Service (NMFS) revised the taxonomy and common name of the Bryde’s Whale – Gulf of Mexico Subspecies (<i>Balaenoptera edeni</i>) to Rice’s whale (<i>Balaenoptera ricei</i>). This final rule was published in the Federal Register [86 FR 47022] on August 23, 2021, effective October 22, 2021.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as the Byrde’s whale under the Endangered Species Act (ESA).</p>
8/2/2021	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 86 FR 34979 Docket No. FWS-R4-ES-2019-0059; FF09E21000 FXES11110900000212 RIN 1018-BD09 https://www.federalregister.gov/d/2021-13800	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Suwannee moccasinshell (<i>Medionidus walkeri</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [86 FR 34979] on July 1, 2021, effective August 2, 2021.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>

2020

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/22/2020	Permits	EPA USACE FDEP	85 FR 83553 Docket No. EPA-HQ-OW-2018-0640; FRL-10018-92-Region 4 https://www.federalregister.gov/d/2020-28232	Recommended Language: The US Environmental Protection Agency (EPA) approved the State Section 404 program, which gave 404 permitting authority to the Florida Department of Environmental Protection (FDEP) for projects within “assumed waters”. The US Army Corps of Engineers (USACE) will retain jurisdiction and 404 permitting authority for “retained waters” (navigable waters, tidal water bodies and wetlands within 300 feet of these waters). This program is regulated under Chapter 62-331 FAC and approved in accordance with 40 CFR 233. This authorization was published in the Federal Register [85 FR 83553] and effective on December 22, 2020.
11/16/2020	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 85 FR 65241 Docket No. FWS-R2-ES-2018-0029; FF09E22000 FXES11130900000201 RIN 1018-BD46 https://www.federalregister.gov/d/2020-19810	Recommended Language: The US Fish and Wildlife Service (FWS) downlisted the American burying beetle (<i>Nicrophorus americanus</i>) from endangered to threatened under the Endangered Species Act (ESA). This final rule was published in the Federal Register [85 FR 65241] on October 15, 2020, effective November 16, 2020. At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA.

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/9/2020	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 85 FR 63764 Docket No. FWS-R4-ES-2018-0057; FF09E21000 FXES11110900000201 RIN 1018-BD21 https://www.federalregister.gov/d/2020-19661	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the eastern black rail (<i>Laterallus jamaicensis jamaicensis</i>) as threatened under the Endangered Species Act (ESA) with an accompanying section 4(d) rule. No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [85 FR 63764] on October 8, 2020, effective November 9, 2020.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
6/22/2020	Permits	EPA USACE	40 CFR Parts 110, 112, 116, 117, 120, 122, 230, 232, 300, 302, and 401 33 CFR Part 328: Waters of the United States 85 FR 22250 Docket No. EPA-HQ-OW-2018-0149; FRL-10004-88-OW RIN 2040-AF75 https://www.federalregister.gov/d/2020-02500	<p>Recommended Language: The US Environmental Protection Agency (EPA) and the US Army Corps of Engineers (USACE) published the Navigable Waters Protection Rule in the Federal Register to finalize a revised definition of waters of the United States (WOTUS) under the Clean Water Act. This new rule clarified the definition of WOTUS to include four simple categories of jurisdictional waters and provided clear exclusions for many water features that traditionally have not been regulated. This final rule was published in the Federal Register [85 FR 22250] on April 21, 2020, effective June 22, 2020.</p> <p>This rule (did/did not) change the wetland and surface water impacts associated with this project as evaluated in the (insert “original PD&E study” or “prior NEPA re-evaluation”) (insert date).</p>
1/8/2020	Natural: Species	FDACS	FAC Rule 5B-40.0055 FAC Rule 5B-40.0055	<p>Recommended Language: On January 8, 2020, the Florida Department of Agricultural and Consumer Services (FDACS) updated the list of regulated plants which provides an official list of state and federally listed plant species that occur in Florida.</p> <p>As a result, (insert species) have been evaluated/removed from evaluation for this project.</p>

2019

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/8/2019	Natural: Species	FWS	50 CFR 17: Endangered and Threatened Wildlife and Plants 84 FR 54436 Docket No. FWS-R3-ES-2018-0005; FXES1113090000 RIN 1018-BC01 https://www.federalregister.gov/d/2019-22096	<p>Recommended Language: The US Fish and Wildlife Service (FWS) removed (delisted) the Kirtland's warbler (<i>Setophaga kirtlandii</i> – endangered) from the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). This final rule was published in the Federal Register [84 FR 54436] on October 9, 2019, effective November 8, 2019.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA but has since been delisted.</p>
5/15/2019	Natural: Species	NMFS	50 CFR Part 224: Endangered Marine and Anadromous Species 84 FR 15446 Docket No. 141216999-8702-02 RIN 0648-XD669 https://www.federalregister.gov/d/2019-06917	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the Gulf of Mexico Bryde's whale subspecies (<i>Balaenoptera edeni</i>), as endangered under the Endangered Species Act (ESA). This final rule was published in the Federal Register on April 15, 2019, effective May 15, 2019.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
5/13/2019	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2019 Manatee Key 2013 Manatee Key	<p>Recommended Language: In May 2019, the US Fish and Wildlife Service (FWS) revised the consultation key for the manatee to address requirements for clamshell dredging, impact hammer driven piles and/or sheet piles and incorporate a list of counties with approved Manatee Protection Plans.</p>

2018

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/23/2018	Natural: Species	FWC	FAC Rule 68A-27.003 Florida's Endangered and Threatened Species FWC Imperiled Species Management Plan FWC	<p>Recommended Language: On December 23, 2018, the Florida Fish and Wildlife Conservation Commission (FWC) finalized the following status changes for state listed species proposed in the 2011 imperiled species management system. These changes are reflected in the 2018 amendment to the ISMP.</p> <p>Four species were removed as species of special concern: Harlequin darter (<i>Etheostoma histrio</i>), Osprey (<i>Pandion haliaetus</i>) – Monroe County population, Homosassa shrew (<i>Sorex longirostris eionis</i>), and Sherman's fox squirrel (<i>Sciurus niger</i>).</p> <p>At the time of the (insert "original PD&E study" or "prior NEPA re-evaluation"), (insert date), the following species (include applicable species) were listed as species of special concern but have since been removed.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/23/2018	Natural: Species	FWC	FAC Rule 68A-27.003 Florida's Endangered and Threatened Species FWC Imperiled Species Management Plan FWC	<p>Recommended Language: On December 23, 2018, the Florida Fish and Wildlife Conservation Commission (FWC) finalized the following status changes for state listed species proposed in the 2011 imperiled species management system. These changes are reflected in the 2018 amendment to the ISMP.</p> <p>The alligator snapping turtle was taxonomically reclassified into three subspecies (Alligator snapping turtle – <i>Macrochelys temminckii</i>, Apalachicola alligator snapping turtle – <i>Macrochelys apalachicola</i>, and Suwanee alligator snapping turtle – <i>Macrochelys suwanniensis</i>). The alligator snapping turtle and the Apalachicola alligator snapping turtle were removed as species of special concern and the Suwanee alligator snapping turtle was listed as a state threatened species.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the alligator snapping turtle was listed as species of special concern but has since been removed.</p> <p>or</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the Apalachicola alligator snapping turtle did not exist taxonomically.</p> <p>or</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the Suwanee alligator snapping turtle did not exist taxonomically and was not state listed.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/23/2018	Natural: Species	FWC	FAC Rule 68A-27.003 Florida's Endangered and Threatened Species FWC Imperiled Species Management Plan FWC	<p>Recommended Language: On December 23, 2018, the Florida Fish and Wildlife Conservation Commission (FWC) finalized the following status changes for state listed species proposed in the 2011 imperiled species management system. These changes are reflected in the 2018 amendment to the ISMP.</p> <p>Four species had changes in their scientific names: Short tailed snake (<i>Stilosoma extenuatum</i> to <i>Lampropeltis extenuate</i>), Bluetail mole skink (<i>Eumeces egregius lividus</i> to <i>Plestiodon egregius lividus</i>), Florida Keys mole skink (<i>Eumeces egregius egregius</i> to <i>Plestiodon egregius egregius</i>), and Sand skink (<i>Neoseps reynoldsi</i> to <i>Plestiodon reynoldsi</i>).</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were listed as (include applicable original scientific names) but have since been renamed (include applicable updated scientific names).</p>
12/19/2018	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 83 FR 65127 Docket No. 4500090022 Docket No. (striped newt) FWS-R4-ES-2018-0065 https://www.federalregister.gov/d/2018-27467	<p>Recommended Language: The US Fish and Wildlife Service (FWS) 12-month findings on a petition to list 13 species as endangered or threatened under the Endangered Species Act (ESA). The striped newt was removed as a candidate species. This notification of petition findings reviews was published in the Federal Register [83 FR 65127] on December 19, 2018.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the striped newt species (include applicable species) was a candidate species for listing under the ESA.</p>
6/2018	Permits	FDEP	FAC Rule 62-330: Environmental Resource Permitting	<p>Recommended Language: The State of Florida revised the 2013 Statewide Environmental Resource Permitting (SWERP) Rule and modifications in SWERP II became effective June 2018.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
3/1/2018	Natural: Species	NMFS	50 CFR Part 223: Threatened Marine and Anadromous Species 83 FR 4153 Docket No. Docket No. 151110999-7999-03 RIN 0648-XE314 https://www.federalregister.gov/d/2018-01682	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the oceanic whitetip shark (<i>Carcharinus longimanus</i>) as a threatened species under the Endangered Species Act (ESA). No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [83 FR 4153] on January 30, 2018, effective March 1, 2018.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
2/21/2018	Natural: Species	NMFS	50 CFR Part 223: Threatened Marine and Anadromous Species 83 FR 2916 Docket No. 160105011-7999-03 RIN 0648-XE390 https://www.federalregister.gov/d/2018-01031	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the giant manta ray (<i>Manta birostris</i>) as a threatened species under the Endangered Species Act (ESA). No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [83 FR 2916] on January 22, 2018, effective February 21, 2018.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>

2017

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/6/2017	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 82 FR 46691 Docket No. FWS-R4-ES-2016-0090; 4500030113 RIN 1018-BB48 https://www.federalregister.gov/d/2017-21617	<p>Recommended Language: The United States Fish and Wildlife Service (FWS) listed four plant species from south Florida. One species, Florida prairie-clover (<i>Dalea carthagenensis</i> var. <i>floridana</i>) was listed as endangered and three species, Everglades bully (<i>Sideroxylon reclinatum</i> ssp. <i>austrofloridense</i>), Florida pineland crabgrass (<i>Digitaria pauciflora</i>), and pineland sandmat (<i>Chamaesyce deltoidea</i> ssp. <i>pinetorum</i>) were listed as threatened under the Endangered Species Act (ESA). No critical habitat was proposed or designated for these species. This final rule was published in the Federal Register [82 FR 46691] on October 6, 2017, effective November 6, 2017.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA.</p>
9/18/2017	Natural: Species	NMFS	50 CFR Part 226: Designated Critical Habitat 82 FR 39160 Docket No. 150818735-7452-02 RIN 0648-BF28 https://www.federalregister.gov/d/2017-17207	<p>Recommended Language: The National Marine Fisheries Service (NMFS) designated critical habitat for the South Atlantic distinct population segment of the Atlantic sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [82 FR 39160] on August 17, 2017, effective September 18, 2017.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>
8/1/2017	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2017 Eastern Indigo Snake Consultation Key for South Florida FWS	<p>Recommended Language: On August 1, 2017, the US Fish and Wildlife Service (FWS) revised the consultation key for the eastern indigo snake in south Florida (originally published in 2007). The update is the most recent update for counties overseen by the South Florida Ecological Services Field Office.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
5/5/2017	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 82 FR 16668 Docket No. FWS-R4-ES-2015-0178; FXES11130900000-178-FF09E42000 RIN 1018–AY84 https://www.federalregister.gov/d/2017-06657	<p>Recommended Language: The US Fish and Wildlife Service (FWS) downlisted the West Indian manatee (<i>Trichechus manatus</i>) from endangered to threatened under the Endangered Species Act (ESA). This final rule was published in the Federal Register [82 FR 16668] on April 5, 2017, effective May 5, 2017.</p> <p>At the time (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA.</p>
2/8/2017	Permits	FDEP	FAC Rule 62-25: Regulations of Stormwater Discharge FAC Rule 62-25: Regulations of Stormwater Discharge	<p>Recommended Language: Florida Administrative Code (FAC) Rule 17-25 was repealed on February 8, 2017 and FAC Rule 62-25: Regulations of Stormwater Discharge was published and effective February 8, 2017.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
1/11/2017	Natural: Species	FWC	68A-27.003 Florida's Endangered and Threatened Species FWC Imperiled Species Management Plan FWC	<p>Recommended Language: On January 11, 2017, the Florida Fish and Wildlife Conservation Commission (FWC) finalized the following status changes for state listed species proposed in the 2011 imperiled species management system. These changes were finalized after FWC approved Florida’s Imperiled Species Management Plan (ISMP) in November 2016.</p> <p>15 species were removed from state listing: eastern chipmunk (<i>Tamias striatus</i>), Florida mouse (<i>Podomys floridanus</i>), brown pelican (<i>Pelecanus occidentalis</i>), limpkin (<i>Aramus guarauna</i>), snowy egret (<i>Egretta thula</i>), white ibis (<i>Eudocimus albus</i>), peninsula ribbon snake (<i>Thamnophis sauritus sackerii</i>) – Lower Keys population, red rat snake (<i>Pantherophis guttatus</i>) – Lower Keys population, striped mud turtle (<i>Kinosternon baurii</i>) – Lower Keys population, Suwannee cooter (<i>Pseudemys concinna suwanniensis</i>), gopher frog (<i>Lithobates capito</i>), Pine Barrens tree frog (<i>Hyla andersonii</i>), Lake Eustis pupfish (<i>Cyprinodon variegatus hubbsi</i>), mangrove rivulus (<i>Kryptolebias marmoratus</i>), and Florida tree snail (<i>Liguus fasciatus</i>).</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were state listed but are no longer on Florida’s Endangered and Threatened Species List.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
1/11/2017	Natural: Species	FWC	<p>68A-27.003</p> <p>Florida's Endangered and Threatened Species FWC</p> <p>Imperiled Species Management Plan FWC</p>	<p>Recommended Language: On January 11, 2017, the Florida Fish and Wildlife Conservation Commission (FWC) finalized the following status changes for state listed species proposed in the 2011 imperiled species management system. These changes were finalized after FWC approved Florida’s Imperiled Species Management Plan (ISMP) in November 2016.</p> <p>23 species changed from species of special concern to state threatened species: Sherman’s short-tailed shrew (<i>Blarina shermani</i>), Sanibel rice rat (<i>Oryzomys palustris sanibeli</i>), little blue heron (<i>Egretta caerulea</i>), tricolored heron (<i>Egretta tricolor</i>), reddish egret (<i>Egretta rufescens</i>), roseate spoonbill (<i>Platalea ajaja</i>), American oystercatcher (<i>Haematopus palliatus</i>), black skimmer (<i>Rynchops niger</i>), Florida burrowing owl (<i>Athene cunicularia floridana</i>), Marian’s marsh wren (<i>Cistothorus palustris marianae</i>), Worthington’s Marsh wren (<i>Cistothorus palustris griseus</i>), Scott’s seaside sparrow (<i>Ammodramus maritimus peninsulae</i>), Wakulla seaside sparrow (<i>Ammodramus maritimus juncicola</i>), Barbour’s map turtle (<i>Graptemys barbouri</i>), Florida Keys mole skink (<i>Plestiodon egregius egregius</i>), Florida pine snake (<i>Pituophis melanoleucus mugitus</i>), Georgia blind salamander (<i>Eurycea wallacei</i>), Florida bog frog (<i>Lithobates okaloosae</i>), bluenose shiner (<i>Pteronotropis welaka</i>), saltmarsh top minnow (<i>Fundulus jenkinsi</i>), Southern tessellated darter (<i>Etheostoma olmstedii maculaticeps</i>), Santa Fe crayfish (<i>Procambarus erythrops</i>), and Black Creek crayfish (<i>Procambarus pictus</i>).</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were listed as species of special concern but have since been state listed.</p>

2016

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/7/2016	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 81 FR 69417 Docket No. FWS-R4-ES-2015-0142; 4500030113 RIN 1018-BB09 https://www.federalregister.gov/d/2016-24138	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the Suwannee moccasinshell (<i>Medionidus walkeri</i>) as threatened under the Endangered Species Act (ESA). No critical habitat was designated for this species. This final rule was published in the Federal Register [81 FR 69417] on October 6, 2016, effective November 7, 2016.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
11/4/2016	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 81 FR 68985 Docket No. FWS-R4-ES-2015-0164; 4500030113 RIN 1018-BA16 https://www.federalregister.gov/d/2016-23945	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the Miami tiger beetle (<i>Cicindelidia floridana</i>) as endangered under the Endangered Species Act (ESA). No critical habitat was designated for this species. This final rule was published in the Federal Register [81 FR 68985] on October 5, 2016, effective November 4, 2016.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p> <p>or</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was proposed for listing under the ESA.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/31/2016	Natural: Species	FWS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>81 FR 66842</p> <p>Docket No. FWS-R4-ES-2015-0137; 4500030113</p> <p>RIN 1018-AZ95</p> <p>https://www.federalregister.gov/d/2016-23546</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed four plant species from south Florida. Three species, Big Pine partridge pea (<i>Chamaecrista lineata</i> var. <i>keyensis</i>), wedge spurge (<i>Chamaesyce deltoidea</i> ssp. <i>serpyllum</i>), and sand flax (<i>Linum arenicola</i>) were listed as endangered and one species, Blodgett’s silverbush (<i>Argythamnia blodgettii</i>) was listed as threatened under the Endangered Species Act (ESA). No critical habitat was proposed or designated for these species. This final rule was published in the Federal Register [81 FR 66842] on September 29, 2016, effective October 31, 2016.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA.</p>
5/6/2016	Natural: Species	FWS NMFS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>50 CFR Parts 223 and 224: Threatened and Endangered Marine and Anadromous Species</p> <p>81 FR 20058</p> <p>Docket No. 120425024-6232-06</p> <p>RIN 0648-XB089</p> <p>https://www.federalregister.gov/d/2016-07587</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) listed 11 distinct population segments of the green sea turtle (<i>Chelonia mydas</i>) under the Endangered Species Act (ESA). The North Atlantic distinct population segment, which includes Florida, was listed as threatened. No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [81 FR 20058] on April 6, 2016, effective May 6, 2016.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the Florida population of this species was listed as endangered under the ESA.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
2/26/2016	Natural: Species	NMFS	50 CFR Part 226: Designated Critical Habitat 81 FR 4838 Docket No. 100217099-5999-03 RIN 0648-AY54 https://www.federalregister.gov/d/2016-01633	<p>Recommended Language: The National Marine Fisheries Service designated new critical habitat to replace existing critical habitat for the northern right whale (<i>Eubalaena glacialis</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [81 FR 4838] on January 27, 2016, effective February 26, 2016.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the project did not fall within proposed or existing designated critical habitat for this species under the ESA.</p>
2/22/2016	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 81 FR 3866 Docket No. FWS-R4-ES-2014-0057; 4500030113 RIN 1018-AZ92 https://www.federalregister.gov/d/2016-01141	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for Florida semaphore cactus (<i>Consolea corallicola</i>) and aboriginal prickly-apple (<i>Harrisia aboriginum</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [81 FR 3866] on January 22, 2016, effective February 22, 2016.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for the following species (include applicable species) under the ESA.</p>

2015

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
9/16/2015	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 80 FR 49846 Docket No. FWS-R4-ES-2013-0108; 4500030114 RIN 1018-AZ64 https://www.federalregister.gov/d/2015-19533	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for Florida Brickell-bush (<i>Brickellia mosieri</i>) and Carter’s small-flowered flax (<i>Linum carteri</i> var. <i>carteri</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [80 FR 49846] on August 17, 2015, effective September 16, 2015.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for the following species (include applicable species) under the ESA.</p>
1/12/2015	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 73706 Docket No. FWS-R5-ES-2013-0097; 4500030113] RIN 1018-AY17 https://www.federalregister.gov/d/2014-28338	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the rufa red knot (<i>Calidris canutus rufa</i>) as threatened under the Endangered Species Act (ESA). No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [79 FR 73706] on December 11, 2014, effective January 12, 2015.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p> <p>or</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was proposed for listing under the ESA.</p>

2014

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/10/2014	Natural: Species	NMFS	50 CFR Parts 223: Threatened Marine and Anadromous Species 79 FR 53852 Docket No. 0911231415-4826-04 RIN 0648-XT12 https://www.federalregister.gov/d/2014-20814	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed 20 reef-building coral species as threatened under the Endangered Species Act (ESA). Five of the species, boulder star coral (<i>Orbicella franksi</i>), lobed star coral (<i>Orbicella annularis</i>), mountainous star coral (<i>Orbicella faveolata</i>), pillar coral (<i>Dendrogyra cylindrus</i>), and rough cactus coral (<i>Mycetophyllia ferox</i>) occur in the Caribbean. No critical habitat was proposed or designated for these species. This proposed rule was published in the Federal Register [79 FR 53852] on September 10, 2014, effective October 10, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), these species (include applicable species) were not listed under the ESA.</p>
10/6/2014	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 52567 Docket No. FWS-R4-ES-2013-0033; 4500030113 RIN 1018-AZ15 https://www.federalregister.gov/d/2014-21110	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed two plant species from Miami-Dade County. Both species, Florida Brickell-bush (<i>Brickellia mosieri</i>) and Carter’s small-flowered flax (<i>Linum carteri</i> var. <i>carteri</i>) were listed as endangered under the Endangered Species Act (ESA). No critical habitat was proposed or designated for these species. This final rule was published in the Federal Register [79 FR 52567] on September 4, 2014, effective October 6, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
9/11/2014	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 47180 Docket No. FWS-R4-ES-2013-0031; 4500030114 RIN 1018-AZ59 https://www.federalregister.gov/d/2014-18611	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Florida leafwing butterfly (<i>Anaea troglodyta floridalis</i>) and Bartram’s scrub-hairstreak (<i>Strymon acis bartrami</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [79 FR 47180] on August 12, 2014, effective September 11, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for the following species (include applicable species) under the ESA.</p>
9/11/2014	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 47222 Docket No. FWS-R4-ES-2013-0084; 4500030113 RIN 1018-AZ08 https://www.federalregister.gov/d/2014-18614	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the Florida leafwing butterfly (<i>Anaea troglodyta floridalis</i>) and Bartram’s scrub-hairstreak (<i>Strymon acis bartrami</i>) as endangered under the Endangered Species Act (ESA). This final rule was published in the Federal Register [79 FR 47222] on August 12, 2014, effective September 11, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA.</p>
8/11/2014	Natural: Species	NMFS	50 CFR Part 226: Designated Critical Habitat 79 FR 39856 Docket No. 130513467-4401-02 RIN 0648-BD27 https://www.federalregister.gov/d/2014-15748	<p>Recommended Language: The National Marine Fisheries Service (NMFS) designated critical habitat for the Northwest Atlantic Ocean distinct population segment of the loggerhead sea turtle (<i>Caretta caretta</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [79 FR 39856] on July 10, 2014, effective August 11, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
8/11/2014	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 39756 Docket No. FWS-R4-ES-2012-0103; 4500030114 RIN 1018-AY71 https://www.federalregister.gov/d/2014-15725	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Northwest Atlantic Ocean distinct population segment of the loggerhead sea turtle (<i>Caretta caretta</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [79 FR 39756] on July 10, 2014, effective August 11, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>
7/30/2014	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 37078 Docket No. FWS-R4-ES-2012-0020; FXES11130900000C2-134-FF09E32000 RIN 1018-AX60 https://www.federalregister.gov/d/2014-14761	<p>Recommended Language: The US Fish and Wildlife Service (FWS) downlisted the United States breeding population of the wood stork (<i>Mycteria americana</i>) from endangered to threatened under the Endangered Species Act (ESA). Additionally, the breeding population in Florida was established as a distinct population segment. This final rule was published in the Federal Register [79 FR 37078] on June 30, 2014, effective July 30, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA.</p>
2/14/2014	Physical	FHWA	N/A	<p>Recommended Language: The Federal Highway Administration (FHWA) developed updated guidance on Air Quality since the Clean Air Act Amendments of 1990. These updates have been effective in the Florida Department of Transportation (FDOT) PD&E Manual since February 14, 2014.</p> <p>The (insert “original PD&E study” or “prior NEPA re-evaluation”) was completed prior to the FHWA guidance updates on February 14, 2014.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
2/7/2014	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 79 FR 1552 Docket No. FWS-R4-ES-2013-0029; 4500030113] RIN 1018-AZ51 https://www.federalregister.gov/d/2013-31576	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for Cape sable thoroughwort (<i>Chromolaena frustrata</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [79 FR 1552] on January 8, 2014, effective February 7, 2014.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>

2013

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/2013	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants	Recommended Language: The US Fish and Wildlife Service (FWS) published the Florida Bonneted Bat Consultation Guidelines to assist with effect determinations for this species.
11/15/2013	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 78 FR 63796 Docket No. FWS-ES-R4-2012-0076; 4500030113 RIN 1018-AY08 https://www.federalregister.gov/d/2013-24177	Recommended Language: The United States Fish and Wildlife Service (FWS) listed three plant species from south Florida. All three species, Cape sable thoroughwort (<i>Chromolaena frustrata</i>), Florida semaphore cactus (<i>Consolea corallicola</i>) and aboriginal prickly-apple (<i>Harrisia aboriginum</i>) were listed as endangered under the Endangered Species Act (ESA). This final rule was published in the Federal Register [78 FR 63796] on October 24, 2013, effective November 25, 2013. At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA.
11/1/2013	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 78 FR 61004 Docket No. FWS-R4-ES-2012-0078; 4500030113 RIN 1018-AY15 https://www.federalregister.gov/d/2013-23401	Recommended Language: The US Fish and Wildlife Service (FWS) listed the Florida bonneted bat (<i>Eumops floridanus</i>) as endangered under the Endangered Species Act (ESA). No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [78 FR 61004] on October 2, 2013, effective November 1, 2013. At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/1/2013	Permits	FDEP	FAC Rule 62-330: Environmental Resource Permitting	Recommended Language: The Florida Department of Environmental Protection coordinated with the five water management districts (WMDs) to streamline the stormwater permitting rules and regulations. The Statewide Environmental Resource Permitting (SWERP) Florida Administrative Code (FAC) Rule 62-330: Environmental Resource Permitting, was adopted in October 2013. This rule unified Environmental Resource Permit (ERP) rules for the state and revised, incorporated, or repealed Water Management Rules. Previous FACs and WMD rules were implemented in FAC Rule 62-330.
8/13/2013	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2013 Eastern Indigo Snake Consultation Key for North Florida FWS	Recommended Language: On August 13, 2013, the US Fish and Wildlife Service (FWS) revised the consultation key for the eastern indigo snake in north Florida (originally published 2008). The update is the most recent update for counties overseen by the North Florida Ecological Services Field Office.
5/22/2013	Natural: Species	FWS	50 CFR 17: Endangered and Threatened Wildlife and Plants Piping Plover Programmatic Biological Opinion FWS	Recommended Language: The US Fish and Wildlife Service (FWS) published the Programmatic Piping Plover Biological Opinion for shore protection activities on May 22, 2013.
5/1/2013	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2013 Wood Stork Consultation Key for the Florida Panhandle FWS 2013 Eastern Indigo Snake Consultation Key for the Florida Panhandle FWS	Recommended Language: On May 1, 2013, the US Fish and Wildlife Service (FWS) approved the use of the wood stork and eastern indigo snake consultation keys for counties in the Florida panhandle overseen by the Panama City Ecological Services Field Office. The wood stork keys were originally published for use in central and north peninsular Florida (2008) and south Florida (2010). The eastern indigo snake key was originally published for use in south Florida (2007) and was revised for use in north Florida (2008).

2012

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/9/2012	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 77 FR 61664 Docket No. FWS-R4-ES-2011-0050; 4500030113 RIN 1018-AW92 https://www.federalregister.gov/d/2012-24161	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed seven Gulf coast mussels that occur within Florida. FWS listed the Choctaw bean (<i>Villosa choctawensis</i>), ebony roundshell (<i>Fusconaia rotulata</i>), and southern kidneyshell (<i>Ptychobranchus jonesi</i>) as endangered and the fuzzy pigtoe (<i>Pleurobema strodeanum</i>), narrow pigtoe (<i>Fusconaia escambia</i>), southern sandshell (<i>Hamiota australis</i>), and tapered pigtoe (<i>Fusconaia burkei</i>) as threatened under the Endangered Species Act (ESA). This final rule was published in the Federal Register [77 FR 61664] on October 10, 2012, effective November 9, 2012.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA and no critical habitat was designated for these species.</p>
8/23/2012	Natural: Species	FWC	FAC Rule 68A-4.009 FAC Rule 68A-4.009	<p>Recommended Language: On August 23, 2012, the Florida Fish and Wildlife Conservation Commission (FWC) removed the Florida black bear (<i>Ursus americanus floridanus</i>) from state listing. This species is still protected and managed by the FWC pursuant to the Florida Black Bear Conservation Rule 68A-4.009, Florida Administrative Code (FAC).</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was state listed as threatened.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
4/6/2012	Natural: Species	FWS	50 CFR 17: Endangered and Threatened Wildlife and Plants 77 FR 20948 Docket No. FWS-R4-ES-2011-0043; 4500030113 RIN 1018-AX83 https://www.federalregister.gov/d/2012-8088	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed the Miami blue butterfly (<i>Cyclargus thomasi bethunebakeri</i>) as endangered under the Endangered Species Act (ESA). No critical habitat was designated for this species. This final rule was published in the Federal Register [77 FR 20948] and effective on April 6, 2012.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>
4/6/2012	Natural: Species	NMFS	50 CFR Part 224: Endangered Marine and Anadromous Species 77 FR 5914 Docket No. 090219208-1762-02 RIN 0648-XN50 https://www.federalregister.gov/d/2012-1950	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the South Atlantic distinct population segment of the Atlantic sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) as endangered under the Endangered Species Act (ESA). This final rule was published in the Federal Register [77 FR 5914] on February 6, 2012, effective April 6, 2012.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was a candidate species for listing under the ESA.</p>

2011

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/24/2011	Natural: Species	FWS NMFS	<p>50 CFR Part 17: Endangered and Threatened Wildlife and Plants</p> <p>50 CFR Parts 223 and 224: Threatened and Endangered Marine and Anadromous Species</p> <p>76 FR 58868</p> <p>Docket No. 100104003-1068-02</p> <p>RIN 0648-AY49</p> <p>https://www.federalregister.gov/d/2011-23960</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) listed nine distinct population segments of the loggerhead sea turtle (<i>Caretta caretta</i>) under the Endangered Species Act (ESA). The Northwest Atlantic Ocean distinct population segment, which includes Florida, was listed as threatened. No critical habitat was proposed or designated for this species. This final rule was published in the Federal Register [76 FR 58868] on September 22, 2011, effective October 24, 2011.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as threatened under the ESA but no distinct population segments were designated.</p>
9/2011	Natural: Species	FWS	<p>50 CFR 17: Endangered and Threatened Wildlife and Plants</p> <p>2011 Eastern Indigo Snake Survey Protocol FWS</p>	<p>Recommended Language: The US Fish and Wildlife Service (FWS) published the Survey Protocol for the Eastern Indigo Snake in North and Central Florida.</p>
7/13/2011	Physical	FHWA	<p>23 CFR Part 772: Procedures for Abatement of Highway Traffic Noise and Construction Noise</p> <p>75 FR 39834</p> <p>Federal Register: Procedures for Abatement of Highway Traffic Noise and Construction Noise</p> <p>23 CFR Part 772</p>	<p>Recommended Language: The Federal Highway Administration (FHWA) amended the 1995 noise regulations. 23 CFR 772: Procedures for Abatement of Highway Traffic Noise and Construction Noise was updated and the Highway Traffic Noise: Analysis and Abatement Guidance was published. This update established standards for abatement of highway traffic and noise, identified noise sensitive land uses not previously analyzed, and eliminated the use of Traffic Noise Model Lookup Tables to predict noise levels. This final rule was published on July 13, 2010, effective July 13, 2011.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
4/4/2011	Natural: Species	FWS	50 CFR 17: Endangered and Threatened Wildlife and Plants Skink Survey Protocol, 2011	Recommended Language: The US Fish and Wildlife Service (FWS) published Sand Skink and Blue-tailed Mole Skink Survey Protocols which updated the consultation requirements and provided field protocol guidance for these species. The species range and habitat criteria were also updated for the sand skink (<i>Plestiodon reynoldsi</i>) and blue-tailed mole skink (<i>Plestiodon egregius lividus</i>).
3/21/2011	Natural: Species	FWS	50 CFR 17: Endangered and Threatened Wildlife and Plants 2011 Manatee Biological Opinion FWS 2011 Standard Conditions for In-Water Work FWS	Recommended Language: The US Fish and Wildlife Service (FWS) published the Programmatic Biological Opinion for the manatee, including Standard Conditions for In-Water Work, and revised the consultation key originally developed in 1992.

2010

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
5/18/2010	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2010 Wood Stork Consultation Key for South Florida FWS	Recommended Language: The US Fish and Wildlife Service (FWS) revised and published the South Florida Wood Stork Consultation Key for counties overseen by the South Florida Ecological Services Field Offices on May 18, 2010.
2010	Natural: Species	FDACS	Endangered, Threatened and Commercially Exploited Plants of Florida FDACS	Recommended Language: The state listing status of the incised groove-bur (<i>Agrimonia incisa</i>) from endangered to threatened in 2010. At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was state listed as endangered but has since been downlisted to threatened.

2009

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
10/2/2009	Natural: Species	NMFS	50 CFR Part 226: Designated Critical Habitat 74 FR 45353 Docket No. 070717355-91122-2 RIN 0648-AV74 https://www.federalregister.gov/d/E9-21186	<p>Recommended Language: The National Marine Fisheries Service (NMFS) designated critical habitat for the smalltooth sawfish (<i>Pristis pectinata</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [74 FR 45353] on September 2, 2009, effective October 2, 2009.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>
3/12/2009	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 74 FR 6700 Docket No. Docket No. FWS-R4-ES-2008-0082; MO 9921050083-B2 RIN 1018-AU85 https://www.federalregister.gov/d/E9-2403	<p>Recommended Language: The US Fish and Wildlife Service (FWS) finalized the rule to change the listing of the flatwoods salamander (<i>Ambystoma cingulatum</i>) as two distinct species, the frosted flatwoods salamander (<i>Ambystoma cingulatum</i>) and the reticulated flatwoods salamander (<i>Ambystoma bishopi</i>). The frosted flatwoods salamander retained its listing as threatened and the reticulated flatwoods salamander was listed as endangered under the Endangered Species Act (ESA). Additionally, critical habitat for these species was designated under the ESA. This final rule was published in the Federal Register [74 FR 6700] on February 10, 2009, effective March 12, 2009.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), these two distinct species were listed as one species (flatwoods salamander), which was listed as threatened and no critical habitat was designated under the ESA.</p>

2008

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/26/2008	Natural: Species	NMFS	50 CFR Parts 223 and 226: Threatened and Marine Anadromous Species and Designated Critical Habitat 73 FR 72210 Docket No. 070801431-81370-02 RIN 0648-AV35 https://www.federalregister.gov/d/E8-27748	<p>Recommended Language: The National Marine Fisheries Service (NMFS) designated critical habitat for elkhorn coral (<i>Acropora palmata</i>) and staghorn coral (<i>Acropora cervicornis</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [73 FR 72210] on November 26, 2008, effective December 26, 2008.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for the following species (insert applicable species) under the ESA.</p>
9/2008	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 2008 Wood Stork Consultation Key for Central and North Florida FWS	<p>Recommended Language: The US Fish and Wildlife Service (FWS) published the Wood Stork Consultation Key for Central and North Peninsular Florida in September 2008 for counties overseen by the Jacksonville Ecological Services Field Office.</p>
6/9/2008	Permits	USACE EPA	33 CFR Part 325 and 332: Applications for Permits and Compensatory Mitigation for Losses of Aquatic Resources 40 CFR Part 230: Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredge or Fill Material 73 FR 19594 Docket No. EPA-HQ-OW-2006-0020; FRL-8545-4 RIN 0710-AA55 https://www.federalregister.gov/d/E8-6918	<p>Recommended Language: The US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA) issued regulations governing compensatory mitigation for activities authorized by permits issued by USACE. These regulations established performance standards and criteria for permittee-responsible compensatory mitigation, mitigation banks and in-lieu programs to improve the quality and success of compensatory mitigation associated with projects authorized by the USACE. This final rule was published in the Federal Register [73 FR 19594] on April 10, 2008, effective June 9, 2008.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
4/2008	Natural: Species	FWC	FAC Rule 68A-27.003 FAC Rule 68A-27.003	Recommended Language: The Florida Fish and Wildlife Conservation Commission (FWC) published the Gopher Tortoise Permitting Guidelines.

2007

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
12/17/2007	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 72 FR 64286 Docket No. N/A RIN 1018-AU87 https://www.federalregister.gov/d/07-5551	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for the Chipola slabshell (<i>Elliptio chipolaensis</i>), fat threeridge (<i>Amblema neislerii</i>), Gulf moccasinshell (<i>Medionidus penicillatus</i>), Ochlockonee moccasinshell (<i>Medionidus simpsonianus</i>) oval pigtoe (<i>Pleurobema pyriforme</i>), purple bankclimber (<i>Elliptioideus sloatianus</i>), and shinyrayed pocketbook (<i>Lampsilis subangulata</i>), under the Endangered Species Act (ESA). This final rule was published in the Federal Register [72 FR 64286] on November 15, 2007, effective December 17, 2007.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for the following species (include applicable species) under the ESA.</p>
12/6/2007	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 72 FR 62736 Docket No. N/A RIN 1018-AV79 https://www.federalregister.gov/d/07-5460	<p>Recommended Language: The US Fish and Wildlife Service (FWS) revised the limits of Cape Sable seaside sparrow (<i>Ammodramus maritimus mirabilis</i>) critical habitat designated under the Endangered Species Act (ESA). This final rule was published in the Federal Register [72 FR 62736] on November 6, 2007, effective December 6, 2007.</p> <p>The project (insert: “is” or “is no longer”) within the limits of designated Cape Sable seaside sparrow critical habitat.</p>

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
8/8/07	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 72 FR 37346 Docket No. Docket No. N/A RIN 1018-AF21 https://www.federalregister.gov/d/07-4302	<p>Recommended Language: The US Fish and Wildlife Service (FWS) removed (delisted) the bald eagle (<i>Haliaeetus leucocephalus</i> – endangered) from the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). This final rule was published in the Federal Register [72 FR 37346] on July 9, 2007, effective August 8, 2007.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the ESA but has since been delisted. This species is still protected under the Bald and Golden Eagle Protection Act (16 USC 668) and Migratory Bird Treaty Act (16 USC 703-712).</p>
2007	Natural: Species	FWC	FAC Rule 68A-27.003 FAC 68A-27.003 Gopher Tortoise Management Plan (Effective April 2025)	<p>Recommended Language: The Florida Fish and Wildlife Conservation Commission (FWC) reclassified the gopher tortoise from a species of special concern to a state threatened species and published the Gopher Tortoise Management Plan.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was a species of special concern but has since been reclassified as state threatened.</p>

2006

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
11/13/2006	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 71 FR 60238 Docket No. N/A RIN 1018-T90 https://www.federalregister.gov/d/06-8481	<p>Recommended Language: The US Fish and Wildlife Service (FWS) revised critical habitat for the Perdido Key beach mouse (<i>Peromyscus polionotus trissyllepsis</i>), Choctawhatchee beach mouse (<i>Peromyscus polionotus allophrys</i>) and designated critical habitat for the St. Andrew beach mouse (<i>Peromyscus polionotus peninsularis</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [71 FR 60238] on October 12, 2006, effective November 13, 2006.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for the St. Andrew beach mouse under the ESA and the project did not fall within existing designated critical habitat for the Perdido Key or Choctawhatchee beach mouse.</p>
6/8/2006	Natural: Species	NMFS	50 CFR Part 223: Threatened Marine and Anadromous Species 71 FR 26852 Docket No. 050304058-6116-03; I.D. No. 060204C RIN No. 0648-XB29 https://www.federalregister.gov/d/06-4321	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the elkhorn coral (<i>Acropora palmata</i>) and staghorn coral (<i>Acropora cervicornis</i>) as threatened under the Endangered Species Act (ESA). No critical habitat was proposed or designated for these species. This final rule was published in the Federal Register [71 FR 26852] on May 9, 2006, effective June 8, 2006.</p> <p>At the time of original PD&E study, (insert date), the following species (include applicable species) were not listed under the ESA.</p>

2004

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
4/22/2004	Natural: Species	FDACS	FAC Rule 5B-40.0055 FAC 5B-40.0055	Recommended Language: The Florida Department of Agricultural and Consumer Services (FDACS) published a regulated plant list that provides an official list of state and federally listed plant species that occur in Florida.
2/2/2004	Permits	N/A	FAC Rule 62-345 FAC 62-345 FS 373.414	Recommended Language: The Uniform Mitigation Assessment Method (UMAM), adopted under Chapter 62-345, FAC and as per 373.414 (18), FS, is applicable to projects permitted after February 2, 2004 for determining mitigation requirements based on the functional analysis.

2003

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
5/1/2003	Natural: Species	NMFS	50 CFR Part 224: Endangered Marine and Anadromous Species 68 FR 15674 Docket No. 000303059-3034-03; I.D. No. 021700B RIN No. 0648-XA49 https://www.federalregister.gov/d/03-7786	<p>Recommended Language: The National Marine Fisheries Service (NMFS) listed the United States distinct population segment of the smalltooth sawfish (<i>Pristis pectinata</i>) as endangered under the Endangered Species Act (ESA). This final rule was published in the Federal Register [68 FR 15674] on April 1, 2003, effective May 1, 2003.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was not listed under the ESA.</p>

2001

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
8/9/2001	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 66 FR 36038 Docket No. N/A RIN 1018-AG13 https://www.federalregister.gov/d/01-16905	<p>Recommended Language: The US Fish and Wildlife Service (FWS) designated critical habitat for wintering piping plovers (<i>Charadrius melodus</i>) under the Endangered Species Act (ESA). This final rule was published in the Federal Register [66 FR 36038] on July 10, 2001, effective August 9, 2001.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), no critical habitat was designated for this species under the ESA.</p>

1999

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
8/25/1999	Natural: Species	FWS	50 CFR Part 17: Endangered and Threatened Wildlife and Plants 64 FR 46542 Docket No. Docket No. N/A RIN 1018-AF04 https://www.fws.gov/sites/default/files/federal_register_document/99-21959.pdf	<p>Recommended Language: The US Fish and Wildlife Service (FWS) removed (delisted) the American peregrine falcon (<i>Falco peregrinus anatum</i>) from the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). This final rule was published in the Federal Register [64 FR 46542] and effective on August 25, 1999.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), this species was listed as endangered under the Endangered Species Act (ESA) but has since been delisted. This species is still protected under the Migratory Bird Treaty Act (16 USC 703-712).</p>

1998

Date enacted	Topic	Agency	Regulation/Guidance	Example Text
4/15/1998	Natural: Species	FWS	50 CFR 17 Part 17: 50 CFR Part 17: Endangered and Threatened Wildlife and Plants 63 FR 12664 Docket No. N/A RIN 1018–AC63 https://www.govinfo.gov/content/pkg/FR-1998-03-16/pdf/98-6493.pdf	<p>Recommended Language: The US Fish and Wildlife Service (FWS) listed seven freshwater mussels that occur within Florida. FWS listed the fat threeridge (<i>Amblema neislerii</i>), Gulf moccasinshell (<i>Medionidus penicillatus</i>), Ochlockonee moccasinshell (<i>Medionidus simpsonianus</i>), oval pigtoe (<i>Pleurobema pyriforme</i>), and shinyrayed pocketbook (<i>Lampsilis subangulata</i>) as endangered and the Chipola slabshell (<i>Elliptio chipolaensis</i>) and purple bankclimber (<i>Elliptoideus sloatianus</i>) as threatened under the Endangered Species Act (ESA). No critical habitat was designated for these species. This final rule was published in the Federal Register [63 FR 12664] on March 16, 1998, effective April 15, 1998.</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), the following species (include applicable species) were not listed under the ESA.</p>

1996

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10/11/1996	Natural	NMFS	Magnuson-Stevens Act https://www.fisheries.noaa.gov/topic/laws-policies/magnuson-stevens-act Public Law 104-297, 1996	<p>Recommended Language: Essential Fish Habitat (EFH) was defined by the US Congress in the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).</p> <p>At the time of the (insert “original PD&E study” or “prior NEPA re-evaluation”), (insert date), EFH was not defined, nor regulated as such.</p>