

CWG Review 1: Spring 2015

Tier 1 Information:

1. Management Action

S-108 Revise/create UMAM (Uniform Mitigation Assessment Method) for coral reef environments to improve application of this rule to coastal ecosystems, to provide more consistent/accurate calculations, and to ensure ecological functions are maintained.

2. Intended Result (Output/Outcome)

What is the end product/result of this management action?

- This action will result in more consistent and accurate mitigation calculations by various regulatory agencies and stakeholder groups; additionally, the UMAM process will be more transparent to the public and data on UMAM calculations for permitted projects will be more readily available for review by regulatory agencies.

3. Duration of Activity

Is this a discrete action or a recurring activity? Explain.

- This action is a discrete activity. The revision of UMAM involves a rulemaking process. If new information becomes available and additional revisions to the rule are needed at a later date after the current rule-making effort has been completed, then the rule-making process would have to be reinitiated; this is not expected to occur again soon.

4. Justification

What issue or problem will this management action address? Explain.

- The UMAM rule that is currently used for coastal ecosystems was designed for freshwater wetlands; lack of consistency in application of this rule and resulting differences in calculations between regulatory agencies and other stakeholders that use this rule has been identified as a problem. The rule revision will generate a worksheet developed specifically for coastal ecosystems and a guidance document will be prepared to facilitate the application of this new UMAM worksheet for coastal ecosystems, including coral reef, hardbottom and associated habitats such as seagrass.

5. Potential Pros

What are the potential advantages associated with this management action?

- This action will result in more consistent and accurate mitigation calculations by various regulatory agencies and stakeholder groups, ensuring that functions provided by coastal ecosystems are maintained. UMAM rule will be more appropriate for coastal ecosystems. The new UMAM worksheet will include specific questions that address each of the attributes of natural communities that are required to be considered per the UMAM rule; currently, it is possible for regulators to complete a UMAM assessment without considering all of the attributes that are listed within the rule.

6. Potential Cons

What are the potential disadvantages associated with this management action?

- There will be learning-curve for users adjusting to the new UMAM rule, and training will be required to bring everyone up-to-speed. Regulatory agencies will need to invest time into development, testing, training, implementation, and enforcement of the new rule.

- New mitigation rules may impact this RMA –Federal regulatory permits must pursue mitigation banking first before they can pursue in kind projects. This mitigation banking should be ‘on site’, however, currently the federal definition of ‘on site’ is within the watershed and the SEFL watershed is all 5 counties.
 - Need to get EPA to recognize the newly established coral reef Inlet Contributing Areas (ICAs) so that the federal government is required to mitigate for projects in the same county/area as the impact.

7. Location

County/Counties: Miami-Dade, Broward, Palm Beach, Martin, Other?

- This management action is intended to be applied statewide, including all counties in the SEFCRI region.

Relevant Habitats: Coral reef, seagrass, watershed, etc.?

- This management action would be relevant to all habitat types, but it is most applicable to hardbottom, coral reefs, and submerged aquatic vegetation.

Specific Location: City, site name, coordinates, etc.?

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8. Extent

Area, number, etc.

- This management action is large-scale and long-term.

9. Is this action spatial in nature?

- No
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Tier 2 Information:

WHY?

1. Strategic Goals & Objectives to be Achieved

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#).

- FL Priorities Goal C4 Obj 4 – Improve consistency and level of enforcement of current rules and regulations.
- MICCI Issue 1 Goal – Protect coral systems from impacts associated with projects in and around the reef tracts of southeast Florida.
 - Obj 1 – Review, revise, implement and enforce existing regulations which protect coral reefs, inclusive of funding issues and resources. Increase effectiveness of permit conditions to protect coral communities and increase efficiency of regulatory review.
- MICCI Issue 2 Goal – Change coastal construction practices in ways that protect marine and estuarine habitats.
- MICCI Issue 3 Goal - Develop and implement marine and estuarine habitat restoration.

- Obj 3 – Evaluate and promote environmentally appropriate artificial reef construction that does not adversely affect natural marine habitats.
- Other Strategic Management Goals A4 Obj 3 – Create consistent standards and best management practices for restoration and compensatory mitigation projects across the entire Florida Reef Tract and Ecosystem to be implemented by responsible parties within one year.

2. Current Status

Is this activity currently underway, or are there planned actions related to this recommendation in southeast Florida? If so, what are they, and what is their status.

- Yes, FDEP is currently revising UMAM for coastal ecosystems. A worksheet for hardbottom and coral habitats is being developed. A workgroup of stakeholders from various regulatory agencies and other interested parties, including local governments and monitoring firms, has been asked to review the worksheet and provide comments. Comments will be used to amend the worksheet to ensure optimal functionality prior to the distribution of a draft rule. Once a rule is drafted, it will be made available for public comment. Constructive feedback received from the public can be used to further refine rule language and worksheets at that time.

3. Intended Benefits (Outcomes)

What potential environmental benefits or positive impacts might this management action have?

- This action will result in more consistent and accurate mitigation calculations by various regulatory agencies and stakeholder groups, ensuring that functions provided by coastal ecosystems are maintained. UMAM rule will be more appropriate for coastal ecosystems. The UMAM process will be more transparent to the public and data on UMAM calculations for permitted projects will be more readily available for review by regulatory agencies. The use of a worksheet with specific questions will hopefully facilitate conversations between regulatory agencies and applicants and enable UMAM discussions for projects to be more constructive; instead of debating whether the water environment is a 7 or an 8, discussions can focus on specific attributes of the assessment area that are related to its ecological functions. In addition to the worksheet, the Department aims to develop a guidance document, which should provide instructions for assessing time-lag and risk for marine ecosystems to ensure that these parameters are appropriately and consistently applied in UMAM to correctly calculate the amount of mitigation needed to compensate for impacts.

What potential social/economic benefits or positive impacts might this management action have?

- Revision of the UMAM rule may result in a more efficient process (after an initial learning curve); the process may allow for a better understanding of calculations by the public which may lead to a more positive perception of UMAM in general.

What is the likely duration of these benefits - short term or long-lasting? Explain.

- Benefits are expected to be long-term because mitigation activities have long-term consequences and projects are on-going.

4. Indirect Costs (Outcomes)

What potential negative environmental impacts might this action have?

- None

What potential negative social/economic impacts might this action have?

- There will be learning-curve for users adjusting to the new UMAM rule, and training will be required to bring everyone up-to-speed. Regulatory agencies will need to invest time into development, testing, training, implementation, and enforcement of the new rule.

What is the likely duration of these negative impacts - short term or long-lasting? Explain.

- Any negative impacts are expected to be short-term.

5. Risk

What is the threat of adverse environmental, social, or economic effects arising from not implementing this action?

- The UMAM rule that is currently used for coastal ecosystems was designed for freshwater wetlands; lack of consistency in application of this rule and resulting differences in calculations between regulatory agencies and other stakeholders that use this rule has been identified as a problem. Inaccuracy and inconsistency in mitigation calculations may compromise the maintenance of ecosystem functions provided by coastal habitats.

6. Relevant Supporting Data

What existing science supports this recommendation? (Provide citations)

- 62-345, F.A.C. is the Rule which governs UMAM, as well as 373.414., F.S.
- The ecosystem services group referred to is "A Community on Ecosystem Services (ACES)"
<http://www.conference.ifas.ufl.edu/aces/>
- They created a guidebook "NESP's guidebook"
<https://nicholasinstitute.duke.edu/focal-areas/online-guidebook#.VdH1p7VRHIW>
- They have generated some BMPs
<https://nicholasinstitute.duke.edu/ecosystem/publications/best-practices-integrating-ecosystem-services-federal-decision-making#.VdH2C7VRHIU>

7. Information Gaps

What uncertainties or information gaps still exist?

- Additional information regarding the best way(s) to structure a quantitative worksheet in order to capture the ecological functions of assessment areas would improve this UMAM revision process.
- Additional information regarding how to capture the functional loss associated with various types of coastal construction projects and the functional gain provided by different types of mitigation activities would inform the UMAM revision process.

WHEN?

8. Anticipated Timeframe for Implementation

How long will this recommendation take to implement?

- It is expected to take between 0 - 2 years to implement this action because FDEP has already begun drafting revised worksheets and has been collaborating with a workgroup of stakeholders to ensure that the draft rule will be well-received once implemented.

9. Linkage to Other Proposed Management Actions

Is this activity linked to other proposed management recommendations?

- Yes

If so, which ones, and how are they linked? (e.g., is this activity a necessary step for other management actions to be completed?)

- This management action is linked to recommended management actions that pertain to coastal construction and mitigation activities, including MICCI N-117: “N-117: Revise reef mitigation process for permitted and non-permitted activities.”

Does this activity conflict with other existing or proposed management actions?

- No

WHO?

10. Lead Agency or Organization for Implementation

What agency or organization currently has/would have authority? Refer to the [Agencies and Actions Reference Guide](#).

- Florida Department of Environmental Protection has the rule-making authority to implement this action.

11. Other Agencies or Organizations

Are there any other agencies or organizations that may also support implementation? Explain.

- Yes, local regulatory agencies, including the water management districts are involved in the implementation of this rule revision.

12. Key Stakeholders

Identify those stakeholders most greatly impacted by this management action, including those from whom you might expect a high level of support or opposition. Explain.

- Any stakeholders involved in coastal construction activities (including permittees and regulatory agencies) will be greatly affected by this management action.

HOW?

13. Feasibility

Is there appropriate political will to support this? Explain.

- Yes, the UMAM rule is currently under revision by FDEP staff, and it is expected that there is political will to support the rule revision.

What are the potential technical challenges to implementing this action? Has it been done elsewhere?

- There will be learning-curve for users adjusting to the new UMAM rule, and training will be required to bring everyone up-to-speed. Regulatory agencies will need to invest time into development, testing, training, implementation, and enforcement of the new rule.

14. Legislative Considerations

Does the recommendation conflict with or actively support existing local, state, or federal laws or regulations? Explain.

- This action does not conflict with any laws or regulations.

15. Permitting Requirements

Will any permits be required to implement this action? Explain.

- No, but permit requirements can be used to implement this action. Once adopted, UMAM is required

by Statute.

16. Estimated Direct Costs

Approximately how much will this action likely cost? (Consider one-time direct costs, annual costs, and staff time, including enforcement.)

- Very little as it is being completed in house. It is expected that the new UMAM worksheet will be made available on a web-based platform; there may be some costs associated with building and maintaining this website and managing / analyzing UMAM data.

Will costs associated with this activity be one-time or recurring?

- In general a one-time effort with discrete milestones, much staff time is involved, when considering staff Rule development process, and indefinitely working with new Rule. Regulatory agencies will need to invest time and money in order to revise the UMAM rule and to develop a guidance document and provide training to facilitate implementation of the revised rule.

17. Enforcement

Does this require enforcement effort?

- Yes

Provide an explanation if available.

- Enforcement can be involved once the new Rule is adopted, as use of UMAM is required by statute for permitting.

18. Potential Funding Sources

Identify potential funding organizations/grant opportunities, etc.

- FDEP

19. Measurable Outcomes/Success Criteria/Milestones

How will the success of this recommendation be measured? How will you know when the intended result is achieved?

- The consistency of UMAM scores between regulatory agencies and groups of individuals can be measured; success will have been achieved when mitigation acreage calculations are comparable to the previous UMAM and the consistency of scores between users has improved. Additionally, the new web-based user interface for UMAM will allow for better data management, will make the UMAM process more transparent, and will make UMAM data more readily available and easier to query / analyze.

SEFCRI/TAC Targeted Questions:

1. **TAC** - Is the recommendation likely to achieve the intended result? Explain.

Tier 1 – #2 (Intended Result - Output/Outcome)

- Yes, in order to more appropriately account for ecosystem services a revised UMAM would help. Once a mitigation activity / project has been deemed appropriate, then regulatory staff run UMAM to calculate the acreage of mitigation that is required to offset impacts.

2. **TAC** - Is the recommendation sufficient to address the identified issue or problem? Explain.

Tier 1 – #4 (Justification)

- Yes

3. **TAC** - Is the recommendation technically achievable from a science or management perspective? Explain.

Tier 2 – #8 (Anticipated Timeframe for Implementation) and Tier 2 - #13 (Feasibility)

- It's worth pursuing however there is no real feedback to define success of mitigation –how can this be incorporated into the project itself.

4. **SEFCRI Team, PPT & Other Advisors** - Has this been done (by SEFCRI, other agencies or organizations in the SEFCRI region)? Explain.

Tier 2 – #2 (Current Status)

- Yes it is underway

5. **SEFCRI Team, PPT & Other Advisors** - Is this recommendation a research or monitoring project? (Recommendations should be turn-dirt management actions, not the step you take before a management action). Explain.

- No

6. **SEFCRI Team, PPT & Other Advisors** - If either of the following applies to this management action, provide feedback on which information submitted by the Community Working Groups may be more appropriate, or if entries should be merged. Explain.

- There are different viewpoints for an individual management action (i.e. two working group members provided separate information, as indicated by a '/' marking between them).
- Information submitted for this and other draft management actions is sufficiently similar that they might be considered the same.

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7. **SEFCRI Team, PPT & Other Advisors** - Non-agency Question: Is the recommendation technically achievable from your stakeholder perspective? If not, do you have suggestions that would allow this to become technically achievable from your stakeholder perspective? Explain.

Tier 1 - #5 (Potential Pros), Tier 1 - #6 (Potential Cons), Tier 2 - #3 (Intended Benefits), Tier 2 - #4 (Indirect Costs) and Tier 2 - #12 (Key Stakeholders)

8. **SEFCRI Team, PPT & Other Advisors** - Agency Question: Is the recommendation technically achievable from a management perspective? If not, do you have suggestions that would allow this to become technically achievable from your agency's management perspective? Explain.

Tier 2 – #10 (Lead Agency or Organization for Implementation) and Tier 2 - #11 (Other Agencies or Organizations)