

UMAM

~~*Maryellen*~~

GROUP

Issue #1

Question: What are the shortcomings of the existing UMAM rule? Do the proposed UMAM revisions provide remedies for these shortcomings?

Issue #2

Ch. 373, F.S., establishes criteria that the UMAM rule must meet:

- The method shall be practicable for use within the timeframes provided in the permitting process.
- The method shall result in a consistent process for determining mitigation requirements.
- The method shall require the application of reasonable scientific judgment.
- The method shall account for different ecological communities in different areas of the state.

Question: Does the proposed UMAM rule meet the statutory requirements in Ch. 373?

Issue #3

- Ch. 120, F.S. requires that an agency adopting rules must choose the less costly alternative that substantially accomplishes statutory objectives.
- A proposed rule may be challenged as an invalid exercise of delegated legislative authority if it imposes regulatory costs which could be reduced by the adoption of a less costly alternative.
- The less costly alternative may include the alternative of not adopting any rule if the objectives of the law will be achieved by not adopting that rule.

Question: Compared to the existing UMAM rule, does the proposed UMAM rule represent the least costly alternative to meet statutory objectives?

Issue #4

- Ch. 373, F.S. provides that ERP rules may establish categories of permits or thresholds for minor impacts under which the use of the uniform mitigation assessment method will not be required.

Question: Is the proposed UMAM method more time intensive, particularly for small impacts? Should additional categories of minor impacts be established that do not require application of a more burdensome UMAM rule?

Issue #5

- Approximately 75 existing mitigation banks have been permitted with credits determined using the existing UMAM rule.

Question: How would adoption of a new UMAM rule affect existing mitigation banks and users of mitigation bank credits?

Issue #6

Question: Does the proposed new UMAM rule effectively quantify the value of habitat preservation? Does it change value of preservation compared to the current UMAM rule?

Issue #7

Question: Given the APA constraints on rule adoption, could the new UMAM worksheets be integrated into the process without adopting them as a new rule?

Issue #8

The Department is interested in comments concerning the eventual implementation of the scoring worksheets once they have been finalized.

- **Question:** Would computerized/automated scoring worksheets be the most effective approach as replacements for current UMAM scoring protocols and forms or would updated “traditional forms” be more advantageous?
- **Question:** Should the new worksheets be used as optional computerized tools, guidance or design aids to guide scoring procedures?

Comments/Questions:



John.Humphreys@dep.state.fl.us