



Florida Department of Environmental Protection

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TO: Department Environmental Resource Permit (ERP) Program Administrators
Water Management District ERP Program Administrators
Delegated Local Program Administrators

FROM: Jeff Littlejohn, P.E. *JL*
Deputy Secretary for Regulatory Programs

DATE: June 15, 2011

SUBJECT: GUIDANCE MEMO ON INTERPRETING AND APPLYING THE
UNIFORM MITIGATION ASSESSMENT METHOD

This memo provides guidance on interpreting and applying key elements of the Uniform Mitigation Assessment Method (UMAM), set forth in rule 62-345, Florida Administrative Code (F.A.C.). Section 373.414(18), Florida Statutes (F.S.), mandates that the UMAM rule be applied to ensure uniform and consistent wetland impact and mitigation need evaluations across Florida. The purpose of this guidance is to improve consistency across all authorized agencies and local governments that use UMAM.

1. DEP's Role in Ensuring Uniform Interpretation and Application of UMAM

The Florida Department of Environmental Protection (DEP) will initiate continuing training and periodic written guidance for its own staff and those of the water management districts and authorized local governments, both to refine the understanding and skills of existing personnel and to ensure that new employees receive the training they need to be successful. Questions about interpretation or application of rule provisions should be directed to DEP. Comments, identification of implementation issues, ideas for consideration, and potential training opportunities are also welcome. Questions and other feedback should be directed to Connie Bersok.

2. Role of UMAM in Evaluating Mitigation Proposals

Except when evaluating mitigation bank applications, which must meet the criteria of 373.4136(1), F.S., the UMAM rule shall only be applied to mitigation assessment areas after determining that mitigation is appropriate to offset the values and functions of wetlands and surface waters to be adversely impacted by the proposed activity.

As provided in rule 62-345.300(3)(e), F.A.C., the functional gain for mitigation assessment areas is determined by applying the formulas in subsection 62-345.600(3), F.A.C. For mitigation bank permit applications, the UMAM rule incorporates the criteria of subsection 373.4136(4), F.S. Therefore, when determining the number of mitigation credits to award to a mitigation bank, the UMAM rule should be applied to that mitigation bank proposal exclusively; a separate evaluation, under subsection 373.4136(4), F.S., is unnecessary.

3. Submission and Review of Information Needed to Perform UMAM Assessments

As provided in rule 62-345.300(1), F.A.C., permit applicants shall submit the information needed to perform the required assessment, and may submit the qualitative characterization and quantitative assessment for each assessment area specified by the rule. The reviewing agency shall review that information and notify the applicant of any inadequacy in the information or application of the assessment method.

4. Conducting Qualitative Characterizations of Artificial Wetlands and Other Surface Waters or Altered Wetlands and Other Surface Waters

As provided in rule 62-345.400(1), F.A.C., when conducting qualitative characterization of artificial wetlands and other surface waters, such as borrow pits, ditches and canals, the native community type to which it is most analogous in function shall be used as a reference. For wetlands or other surface waters that have been altered from their native community type, the historic community type at that location shall be used as a reference, unless the alteration has been of such a degree and extent that a different native community type is now present and self sustaining.

5. Qualitative and Quantitative Assessments of Upland Mitigation Assessment Areas

As provided in rule 62-345.400(1)(g), F.A.C., when conducting the qualitative characterization of upland mitigation assessment areas, the characterization shall include functions that the upland assessment area provides to the fish and wildlife of the associated wetland or other surface waters. These functions shall be considered and accounted for when conducting the quantitative assessment for the upland assessment area for preservation, enhancement, or restoration. Any increase in these functions resulting from activities in an upland mitigation assessment area (e.g., increase in location and landscape support or community structure) shall be accounted for in the upland assessment area scoring.

6. Determining and Evaluating Preservation as Mitigation

Preservation as mitigation, as used in the UMAM rule, means the protection of important wetland, other surface water or upland ecosystems predominantly in their existing condition (and absent restoration, creation or enhancement) from adverse impacts by placing a conservation easement or other comparable land use restriction over the property or by

donation of fee simple interest in the property. Preservation may include a management plan for perpetual protection of the area, but will not include a mitigation plan for creation, restoration or enhancement of the assessment area. The preservation adjustment factor set forth in rule 62-345.500(3), F.A.C., applies exclusively to preservation as mitigation.

When assessing a preservation assessment area, the “without preservation” condition, as provided in rule 62-345.200(12), F.A.C., means the reasonably anticipated outcome at the assessment area assuming it is not preserved, including the reasonably anticipated loss of functions and values it provides.

When evaluating the considerations of the preservation adjustment factor specified in rule 62-345.500(3)(a), F.A.C., each consideration shall be evaluated and a value assigned according to its relative significance and applicability. Staff should attach the individual scores for each consideration to the Part II scoring sheet.

7. Location and Landscape Support Scoring

The location and landscape support scores, pursuant to rule 62-345.500, F.A.C., may change in the “with mitigation” or “with impact” condition in both upland and wetland assessment areas, regardless of the initial community structure or water environment scores. When scoring the location and landscape support parameter pursuant to rule 62-345.500(6)(a), F.A.C., all of the listed indicators for each category of scores, as applicable, shall be considered for the assessment area.

8. Evaluating a Mitigation Plan that Combines Preservation Mechanism with Creation, Restoration or Enhancement

When a mitigation plan for creation, restoration, or enhancement includes a preservation mechanism, such as a conservation easement, the “with mitigation” assessment of that creation, restoration, or enhancement shall consider - and the scores shall reflect - the benefits of that preservation mechanism. The benefits of that preservation mechanism shall not be scored separately.

cc: Mark Thomasson
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Water Management District Executive Directors