

Ed Cronyn, PWS, M.S.E.S.
Group Manager/Senior Scientist, West Florida Sciences

ATKINS

75 years of design, engineering, and project management excellence

4030 W Boy Scout Rd, Tampa, FL 33607
Tel (813) 281 8354, cell (813) 215 0766
Ed.Cronyn@atkinsglobal.com

Post UMAM Workshop Comments (Received 7/2/13)

For Part I:

- Excellent idea to develop reference sites, which can really help with Part I as well as Part II. This was actually discussed during the original development of UMAM, with the concept of a “compendium of examples” to be developed by FDEP and WMDs collaboratively based on actual issued permits. The reference sites should include full descriptions (photos, description of observations, etc., like the UF/FDEP manual) of sites representing multiple scenarios (i.e., poor, moderate and high functioning reference systems). Having sufficient documentation/description of these sites will help to preserve this info, even if the sites themselves are subject to later development.
- Update Part I form to emphasize comparison to natural reference (to somewhat offset the bias of individual reviewer’s own experience and observations regarding what should/shouldn’t be considered the frame of reference)
- Continue to develop Webinar/other training, and make these materials readily accessible. The info on the FDEP UMAM website now is really outstanding and should be packaged up into a downloadable webinar (1 hour or less) that is accessible to agencies and consultants alike. This gets back to one of my major thoughts, that the most significant issues are related to differences in experience and training rather than to the wording in the rule.

Part II:

- Description of scoring options, as currently written, are based on language elsewhere in ERP rules. This includes specific allowance for flexibility for regional-specific ecosystems, rather than fully quantified measurements. I acknowledge this assumes and requires best professional judgment to determine which parameters are/aren’t important in consideration of wildlife effect, but to attempt to address this via re-writing the rule would be difficult/impossible and potentially deemed arbitrary and capricious. Some parameters could be quantified and be universally applicable to all systems, such as % exotic/invasive species, but many of the others cannot. Guidance docs are a more suitable response than re-writing the rule to add quantifiable measurements that may be suitable for some situations and systems but not others (for instance, how far beyond the site to examine location/landscape, presence of transitional/facultative vegetation, diversity of vegetation, etc. vary considerably in their effect on wildlife functions, depending on the particular type of system being evaluated, time of year, recent perturbations, etc.).

Overall:

- Continue to engage experts from WMDs and consultants, to assure broad, representative perspective
- Remain focused on wildlife functions (in other words, don't focus too much effort on developing quantitative specifications, keeping in mind that ERP wetland impact/mitigation rules are focused primarily on functions provided to wildlife). Instead consider guidance docs/compendium of examples (not rule language), with examples of where characteristics of the wetland and surrounding area do and don't affect wildlife, and the degree to which direct wildlife observation should/shouldn't substitute for general observation of habitat quality. This guidance can/should be supported with scientific literature citations, perhaps even sent out for peer review.
- Actively seek input from original UMAM team and other long-time UMAM'ers
- Tweak, don't reconstruct UMAM. There are very good reasons why UMAM is written the way it is, and despite shortcomings is well-recognized, utilized and relied upon by agency and consultant staff alike. Tweak/calibrate, rather than overhaul. One exception is seagrass and benthic habitat. This is an area where additional specification within the rule is necessary, and was acknowledged as a shortcoming even when UMAM was originally being drafted.
- One aspect of the UMAM rule, which is sometimes overlooked, is the explicit statement in 62-345.300 (1) that it is the applicant's responsibility to submit sufficient information, and the agency's responsibility to determine the appropriate score. Therefore, there should not be RAI comments requesting applicants to submit or revise scores. Instead, those type of RAI comments should be replaced with something like "We have determined the appropriate UMAM values are xxxx. To support this determination, see attached Part I and Part II forms. Please contact us if you wish to provide alternative scores and/or forms, but this is not necessary in order for the application to be considered complete." The benefit of this type of RAI comment is that it allows the applicant the opportunity to submit and discuss scores and forms, but does not require it in order to move forward with review and final agency action on the permit. This approach also requires the agency to give up-front guidance regarding UMAMs, rather than in an RAI later in the process, at which point it can be more difficult to resolve.