



US Army Corps
of Engineers®
St. Paul District



Public Notice

PUBLIC NOTICE DATE:

NOV 04 2008

Midwest Regional Supplement to the Corps of Engineers Wetlands Delineation Manual (1987 Manual)

The U.S. Army Corps of Engineers, St. Paul District, and the Minnesota Board of Water and Soil Resources (BWSR), announce the publication and one-year trial implementation period of the Midwest Interim Regional Supplement (Supplement) to the *Corps of Engineers Wetlands Delineation Manual* (1987 Manual). This Supplement was developed by wetland delineation experts from state and Federal agencies and academia with experience within the Midwest region. It has been peer-reviewed by an independent panel of scientists and practitioners and made available for 90-day public comment period. This interim document will be tested for one year prior to finalization; the one year period will be effective 30 days from the date of this public notice. The Supplement will be field tested by interagency teams of state and Federal scientists to assess its clarity and ease of use, and to determine whether its use will result in any spatial changes in wetland delineation for Clean Water Act purposes. Comments on this supplement should be submitted to Jennifer McCarthy (CECW-CO), U.S. Army Corps of Engineers, 441 G Street, NW, Washington DC 20314-1000 or by email to: 1987Manual@usace.army.mil.

The 1987 Manual, this Supplement, including data forms, and field evaluation questionnaire, as well as the independent peer review report and response document, the environmental assessment/FONSI prepared under NEPA, and copies of public comments, are available on the Regulatory Homepage Website at: http://www.usace.army.mil/inet/functions/cw/cecwo/reg/reg_supp.htm

The BWSR has posted a PDF version of the Midwest Supplement, boundary map, and the new data form, on its website: <http://www.bwsr.state.mn.us/>

As noted on the BWSR website, the Midwest Supplement is the second of three to be implemented in Minnesota. Though wetland boundaries are not likely to differ between two supplements in transitional areas, or between supplements, one supplement may provide more detailed treatment of certain problem situations encountered on a site. The lists of wetland indicators presented in these regional supplements may also differ between adjoining regions or sub-regions. Climatic conditions and the physical and biological characteristics of landscapes do not change abruptly at the boundaries. In reality, regions and sub-regions often grade into one another in broad transition zones that may be tens or hundreds of miles wide. Nevertheless, for administrative convenience, the St. Paul District has coordinated with the BWSR to develop a map of the Minnesota portion of the Midwest Supplement that relies on township boundaries

as opposed to the irregular land resource region boundaries (Attachment A). For additional guidance, contact Steve Eggers at the St. Paul District (contact information is below) or BWSR wetland specialist. Contact information for BWSR is available on its website listed above.

Given their involvement in the implementation of the Minnesota Wetland Conservation Act, the local Soil and Water Conservation District should also be contacted for questions specific to individual projects.

Effective 30 days from the date of this public notice, the Midwest Supplement data forms and indicators must be used for any data collection for wetland delineations performed for the Clean Water Act (404) and the Minnesota Wetland Conservation Act (WCA). Field data collected for wetland delineations using the 1987 Manual prior to the effective date of this notice, but not yet submitted to the appropriate Corps District and WCA local government unit (LGU) for review and formal approval, will be grandfathered. Documentation must be submitted to the St. Paul District and WCA LGU that clearly shows that the field data was collected prior to 30 days from the date of this notice in order to qualify for this grandfather provision. Once this documentation and the field data have been reviewed and approved by the St. Paul District and WCA LGU, a written jurisdictional determination and/or wetland determination will be issued.

While we are confident the Supplement will improve the accuracy of wetland delineation in the Midwest, anyone performing a wetland delineation during this interim period using the Supplement who believes it has resulted in a significantly different boundary line than the 1987 Manual may also complete the delineation using the 1987 Manual and submit both delineations. Enough points to adequately describe the representative plant communities, soils, and hydrology of the site(s) and to clearly document the difference in boundaries between the two methods must be included. Data recorded on both the existing 1992 version of the 1987 Manual data forms and the new Supplement data forms, maps indicating the location of the field site and data collection points (upland and wetland), and a completed field evaluation questionnaire (Attachment B) for each delineation, must be submitted as part of the request to the St. Paul District. The St. Paul District, in consultation with the BWSR, will make the final determination based on analysis of all the submitted information. This information will also be used in evaluation and potential modification of the Midwest Supplement. Note: The field questionnaire is not to be used for day-to-day use. It is only to be used for comparing wetland boundaries determined by the Supplement versus the pre-Supplement 1987 Manual approach.

The following guidance is superseded by this Supplement, and is hereby rescinded by this public notice:

"Implementation of the 1987 Corps Wetland Delineation Manual," memorandum from John P. Elmore dated 27 August 1991.

"Questions & Answers on the 1987 Manual," memorandum from John F. Studt dated 7 October 1991.

"Clarification and Interpretation of the 1987 Manual," memorandum from Major General Arthur E. Williams dated 6 March 1992.

"Revisions to National Plant Lists," memorandum from Michael L. Davis dated 17 January 1996.

"NRCS Field Indicators of Hydric Soils," memorandum from John F. Studt dated 21 March 1997.

The St. Paul District contact for the regional supplements is Steve Eggers, Senior Ecologist, Regulatory Branch, (651) 290-5371 or steve.d.eggers@usace.army.mil . The BWSR contact is John Overland, BWSR Wetlands Specialist, (218) 825-6807 or john.overland@state.mn.us .



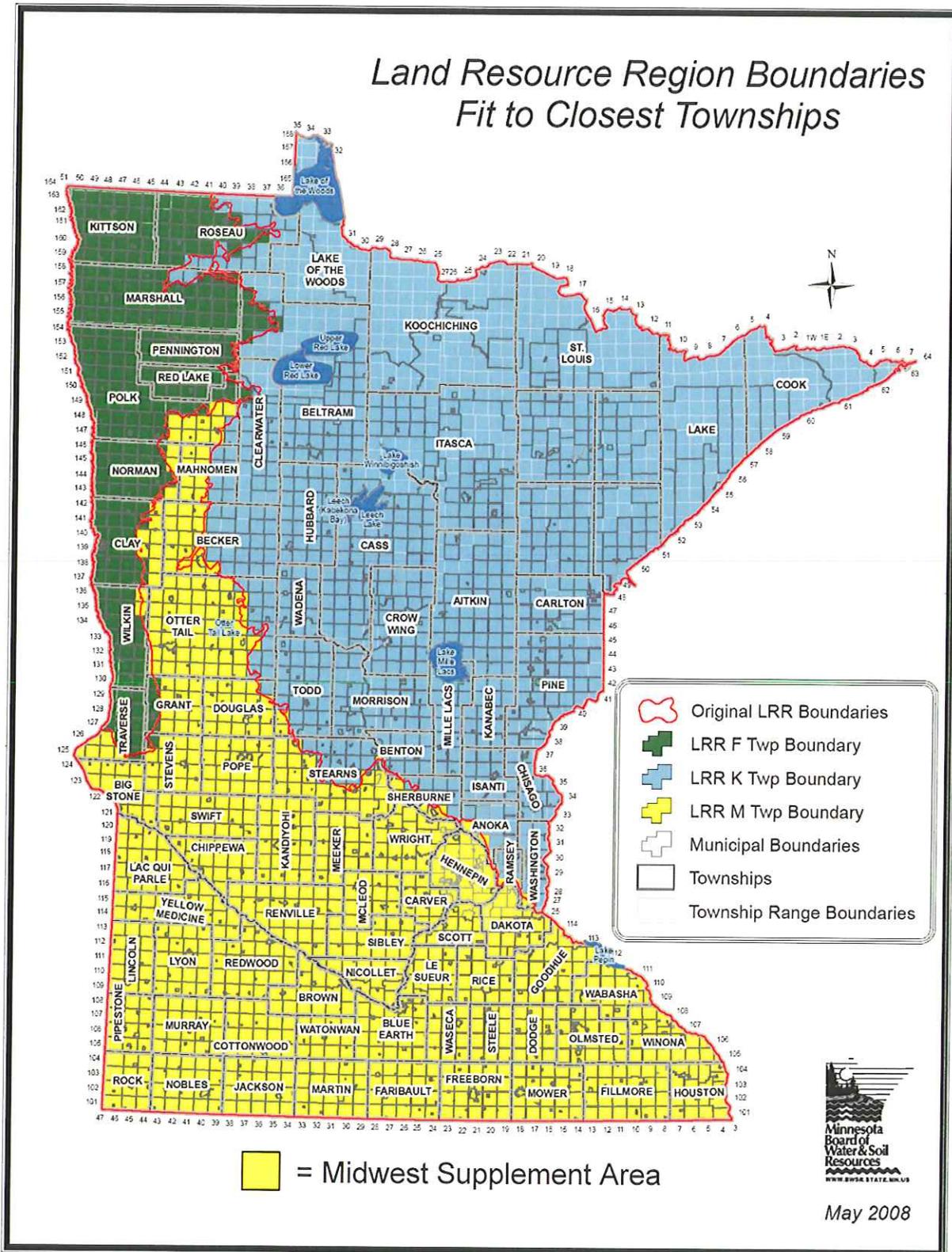
John Jaschke
Executive Director, BWSR



Robert J. Whiting
Chief, Regulatory Branch

ATTACHMENT A

Modified Boundaries of Supplements in Minnesota Using Township Boundaries



Attachment B

WETLAND DELINEATION FIELD EVALUATION QUESTIONNAIRE

-- This form only to be used for Supplement evaluation; not routine use --

This questionnaire should be completed for each boundary delineation performed. The assumption is that two communities were evaluated, one wetland (= "lower community") and one upland (= "upper community") so that a boundary between them could be identified. Fill in the blanks or check spaces as appropriate. Attach copies of the completed field data forms.

Site Name or Location _____ Date _____
Evaluator(s) _____ Affiliation(s) _____

General Site Characteristics

Is the site ___ typical or ___ problematic? *If problematic, explain:* _____

Wetland (lower community)

Ecological System: ___ Saline Tidal ___ Fresh Tidal ___ Fresh Nontidal ___ Saline Nontidal
Wetland Type: ___ Forested ___ Shrub ___ Emergent ___ Moss/Lichen ___ Farmed (hay or crop)
 ___ Other (specify _____)
HGM Class: ___ Depression ___ Riverine ___ Fringe ___ Slope ___ Flat
Vegetative Cover: ___ Dense ___ Evenly Mixed w/Nonvegetated ___ Sparse

Nonwetland (upper community)

Habitat Type: ___ Forest ___ Shrub ___ Meadow/Prairie ___ Moss/Lichen ___ Farmed
 ___ Other (specify: _____)

1. Was there a marked difference in the two plant communities? ___ Yes ___ No
2. Was there a gradual change in vegetation between the two communities creating a significant "transition zone" between? ___ Yes ___ No. If so, how wide was this transition zone? _____ feet
3. Was there an abrupt topographic change between the two communities? ___ Yes ___ No

Boundary Determination

Compare results from the two methods: (1) current practice using the 1987 Manual and guidance memos with current local interpretation, and (2) 1987 Manual with the draft Regional Supplement.

1. The wetland boundary was: ___ the same or ___ different.
2. If different, which method produced the boundary higher on the landscape?
 ___ Manual with current guidance or ___ Manual with Regional Supplement
3. What was the linear distance between the two boundaries? _____ feet
4. What type of indicator(s) were responsible for the difference in the boundaries?
 ___ Hydrophytic vegetation ___ Hydric soil ___ Wetland hydrology (*check all that apply*)

Assessment of the Indicators

Hydrophytic Vegetation

1. Did the lower community pass the current basic test for hydrophytic vegetation (i.e., >50% of the dominants had an indicator status of FAC or wetter, *excluding FAC-*)? Yes No
2. Would the lower community have passed the dominance test if "+" and "-" modifiers on indicator status ratings were not considered (i.e., if FAC- were considered to be FAC)?
 Yes No

3. What other indicators of hydrophytic vegetation were observed in the lower community?

a) List those from the Manual with current guidance: _____

b) List those from the Regional Supplement: _____

4. Was the vegetation in the lower community a problematic wetland community type?
 Yes No. *If so, briefly describe and explain how the problem was handled* _____

5. Did the upper community pass the current basic test for hydrophytic vegetation (i.e., >50% of the dominants had an indicator status of FAC or wetter, *excluding FAC-*)? Yes No

6. Would the upper community have passed the dominance test if "+" and "-" modifiers on indicator status ratings were not considered (i.e., if FAC- were considered to be FAC)?
 Yes No

7. What other indicators of hydrophytic vegetation were observed in the upper community?

a) List those from the Manual with current guidance: _____

b) List those from the Regional Supplement: _____

8. Did both methods reach the same conclusion regarding the presence of hydrophytic vegetation for the upper community? Yes No. *If not, briefly explain* _____

9. Were the hydrophytic vegetation indicators in the Regional Supplement clearly described and easy to apply? Yes No. *If not, briefly explain* _____

Hydric Soil

1. Did both methods find indicators of hydric soil in the lower community? ___Yes ___No

a) List those from the Manual with current guidance: _____

b) List those from the Regional Supplement: _____

2. Did the lower community contain a problematic hydric soil (i.e., one that lacked indicators)?
___Yes ___No. *If so, briefly describe the problem and explain how it was handled:* _____

3. Did both methods reach the same conclusion regarding the presence of hydric soil in the upper
community? ___Yes ___No. *If not, briefly explain* _____

a) List indicators from the Manual with current guidance: _____

b) List indicators from the Regional Supplement: _____

4. Were the hydric soil indicators in the Regional Supplement clearly described and easy to apply?
___Yes ___No. *If not, briefly explain* _____

Wetland Hydrology

1. Did both methods determine that wetland hydrology was present in the lower community?
(Requires 1 primary indicator or 2 secondary indicators.) ___Yes ___No

a) List indicators from the Manual with current guidance:

Primary: _____ Secondary: _____

b) List indicators from the Regional Supplement:

Primary: _____ Secondary: _____

2. Did the lower community contain a problematic wetland hydrology situation (i.e., one that lacked indicators)?

Yes No. *If so, briefly describe the problem and explain how it was handled:* _____

3. Did both methods reach the same conclusion regarding wetland hydrology for the upper community?

Yes No. *If not, briefly explain* _____

a) List indicators from the Manual with current guidance:

Primary: _____ Secondary: _____

b) List indicators from the Regional Supplement:

Primary: _____ Secondary: _____

4. Were the wetland hydrology indicators in the Regional Supplement clearly described and easy to apply? Yes No. *If not, briefly explain* _____

General Comments on the Regional Supplement

1. Were the indicators and procedures in the Supplement clear and easy to apply?

Yes No. *If not, how could they be improved?* _____

2. In your opinion, did the Regional Supplement make this wetland determination more defensible?

Yes No. *Briefly explain* _____

3. Based on your testing, do you want to recommend other indicators that should be considered for further evaluation? Yes No. *List by indicator type:* _____

4. Was the Regional Supplement's field data form complete, understandable, and easy to fill out? Yes No. *If not, how could it be improved?* _____

5. Any additional comments or suggestions? _____
