



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

Issue Date: September 14, 2010

Corps of Engineers Eastern Mountains & Piedmont Regional Supplement to the 1987 Wetland Delineation Manual

The U.S. Army Corps of Engineers, New York District, announces the publication and one-year trial implementation period of the Eastern Mountains & Piedmont Interim Regional Supplement (supplement) to the 1987 Wetland Delineation Manual (1987 Manual). This supplement was developed by wetland delineation experts from state and Federal agencies and academia with experience within this part of the country. 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 Karen Mulligan (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, 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/CECW/Pages/reg_supp.aspx. The testing protocol and questionnaire are attached to this public notice.

The following guidance is superseded by this Supplement, and is hereby rescinded by this public notice: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. Studd dated 21 March 1997.

Region and subregion boundaries are depicted in these documents as sharp lines. However, climatic conditions and the physical and biological characteristics of landscapes do not change abruptly at the boundaries. In reality, regions and subregions often grade into one another in broad transition zones that may be tens or hundreds of miles wide. The lists of wetland indicators presented in these regional supplements may differ between adjoining regions or subregions. In transitional areas, investigators must use experience and good judgment to select the supplement and indicators that are appropriate to the site based on its physical and biological characteristics. Wetland boundaries are not likely to differ between two supplements in transitional areas, but one supplement may provide more detailed treatment of certain problem situations encountered on the site.

If in doubt about which supplement to use in a transitional area, apply both supplements and compare the results. For additional guidance, contact the appropriate Corps of Engineers District Regulatory Office. Contact information for District regulatory offices is available at the Corps Headquarters web site http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx

Effective 30 days from the date of this public notice, the supplement data forms and indicators must be used for any data collection for wetland delineations. 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 for review and formal approval will be grandfathered. Documentation must be submitted to the appropriate Corps District which clearly shows 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 appropriate Corps District, a written jurisdictional determination will be issued.

While we are confident the supplement will improve the accuracy of wetland delineation in the Eastern Mountains & Piedmont, 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 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 for each delineation must be submitted as part of the jurisdictional determination request to the appropriate Corps District Office. The District 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 supplement.

Questions on this in the New York District may be directed to Christine Delorier at (518) 266-6354.

A handwritten signature in black ink that reads "Richard L. Tomer". The signature is written in a cursive style with a large, prominent initial "R".

Richard L. Tomer
Chief, Regulatory Branch

Attachments

Field Testing Protocol

Eastern Mountains and Piedmont Regional Supplement

Organization of field testing teams:

District Offices of the Corps of Engineers in the Eastern Mountains and Piedmont Region (see the list of District coordinators at the end of this document) will coordinate and oversee the field testing of the draft Regional Supplement. Field testing will be done in cooperation with regional NRCS, EPA, FWS, and other interested federal and state agencies and universities.

Field teams will consist of available interagency experts, with the constraint that each team must include an experienced botanist and a soil scientist to ensure the accuracy and reliability of the basic data.

If needed, the District coordinator will provide team members with an introduction to the Regional Supplement and will explain any new or unfamiliar indicators as necessary to avoid confusion over interpretation of the indicators.

Site Selection:

Testing teams should focus on areas where permitting activity is high. There is no need to sample remote areas unless convenient opportunities arise.

Sample a number of typical wetland sites in each District or subregion, plus a selection of available "problem" situations. Problem situations should include, if possible, areas with unusual plant communities or soil types that may lack indicators, requiring use of Chapter 5 (Difficult Wetland Situations in the Eastern Mountains and Piedmont Region) to make the wetland determination.

Approach:

The basic testing approach is to document at least 2 sampling points at each field site, one point in the wetland and one point in the adjacent upland, and determine the location of the wetland boundary between them. The team should collaborate to make the determination and documentation as accurate as possible. Follow these general steps:

1. Document each sampling point based on existing practice (i.e., 1987 Manual with existing guidance memos and existing local interpretation). For each point, completely fill out the old (1992) wetland determination data form. Locate the wetland boundary based on current practice.

2. Document each point using the new (Regional Supplement) data form. Locate the wetland boundary based on indicators and guidance given in the Regional Supplement.
3. If the two wetland boundaries are different, measure the distance between them.
4. Fill out the attached questionnaire (one copy per field site) to help explain any differences seen in the two methods.
5. For each field site sampled, submit the following items to the appropriate District coordinator:
 - a. Completed 1992 and Regional Supplement data forms for each sampling point
 - b. Sketch map of the site with sampling points, wetland boundaries, and any other important features indicated
 - c. One copy of the Field Evaluation Questionnaire
 - d. Optional brief report as necessary to explain test results

List of Corps District Coordinators in the Eastern Mountains and Piedmont Region:

Charles Allred, U.S. Army Engineer District, Vicksburg, MS, 601-631-5546
Rodney Christensen, U.S. Army Engineer Kansas City District, Warsaw, MO, 816-389-3979
James (Randy) Clark, U.S. Army Engineer District, Memphis, TN, 901-544-0735
Andrew Commer, U.S. Army Engineer District, Tulsa, OK, 918-669-7616
Christine Delorier, U.S. Army Engineer District, New York, NY, 518-266-6354
Casey Ehorn, U.S. Army Engineer District, Mobile, AL, 205-290-9096
Thomas Fischer, U.S. Army Engineer District, Savannah, GA, 229-430-8566
Scott Hans, U.S. Army Engineer District, Pittsburgh, PA, 412-395-7154
Michael Hayduk, U.S. Army Engineer District, Philadelphia, PA, 215-656-5822
Amanda Jones, U.S. Army Engineer Wilmington District, Asheville, NC, 828-271-7980 x231
Joseph Kassler, U.S. Army Engineer District, Buffalo, NY, 716-879-4432
Kathleen Kuná, U.S. Army Engineer District, Nashville, TN, 615-369-7506
Keith McMullen, U.S. Army Engineer District, St. Louis, MO, 314-331-8582
Les Parker, U.S. Army Engineer District, Charleston, SC, 803-253-3904
Lee Pittman, U.S. Army Engineer District, Huntington, WV, 304-399-5210
Frank Plewa, U.S. Army Engineer District, Baltimore, MD, 717-249-2522
Tim Scott, U.S. Army Engineer District, Little Rock, AR, 501-324-5295
Ron Stouffer, U.S. Army Engineer Norfolk District, Dumfries, VA, 703-221-6967
Sam Werner, U.S. Army Engineer District, Louisville, KY, 812-853-5631

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. Did the lower community pass the "dominance test" in the Regional Supplement (i.e., >50% of the dominants were FAC or wetter, *counting FAC- as 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. Did the upper community pass the "dominance test" in the Regional Supplement (i.e., >50% of the dominants were FAC or wetter, *counting FAC- as 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* _____

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? _____
