



STATE OF MAINE

Department of Environmental Protection

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JOHN R. McKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

November 14, 1990

Norm Kalloch
126 Papermill Road
Hampden, Maine 04444

Dear Norm:

I am responding to your letter of October 25th requesting DEP's policy as it relates to hydric soil determinations for wetlands delineations.

As you know, the issue of who is qualified to delineate wetlands has been hotly debated. The adoption of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands in the Department's Wetland Protection Rules (06-096 CMR 310) establishes three criteria for delineating wetlands: hydric soils, hydrophytic vegetation and wetland hydrology. While a number of people profess to be proficient in identifying the presence of the three criteria, few if any can be considered experts in all three disciplines (soils, botany, hydrology).

The multi-disciplinary approach to delineating wetlands has led many involved in wetlands management to recognize the need for a certification program. Such a program would require an individual to demonstrate some pre-determined level of proficiency in all three disciplines. However, until such a program is established, the need exists to allow delineation work to proceed.

The Department is not currently requiring that all wetlands delineation work be carried out by a certified soil scientist. In many instances, the presence of hydric soil conditions may be inferred based on vegetation, topography, and other indicators of wetland hydrology. In these situations, the Department may accept work carried out by an individual who has demonstrated expertise through education and experience related to these disciplines.

However, on some sites the determination of a wetland boundary will hinge on the presence of hydric soils due to the indeterminate nature of the other criteria. In such cases, the Department will require that the hydric soil boundary be determined by a certified soil scientist.

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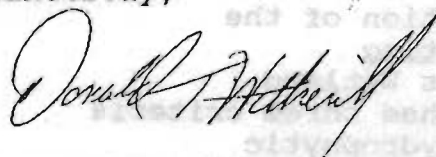
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Obviously, this puts pressure on those who are making wetland determinations, but are not soil scientists, to recognize their own limitations. Department staff have assisted, and will continue to assist consultants and landowners in determining where this threshold is crossed. Department field staff have been trained in making wetland determinations and frequently make use of soil scientists employed by the State in reviewing questionable sites.

I realize that the current situation will be less than ideal at least until such time as a certification program is established. However, due to the lack of resources, this Department does not have immediate plans to propose such a program to the legislature. Therefore, since life and business go on, we will continue to operate in the manner I have described above.

I appreciate your interest in this matter, and look forward to working with you further. If I can be of additional assistance, please let me know.

Sincerely,



Donald T. Witherill, Director
Division of Natural Resources
Bureau of Land Quality Control

copies provided:

- Andrews Tolman, State Board of Certification for Geologists and Soil Scientists
- Steve Pelletier, Maine Association of Wetland Scientists
- David Rocque, Soil & Water Conservation Commission
- Jay Clement, U.S. Army Corps of Engineers

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