

A Plan for the Certification of Wetland Delineators in Minnesota

Senate File 83 (Chapter 382, Minnesota Laws of 2000) required the Board of Water and Soil Resources (BWSR), in consultation with the Minnesota Association of Professional Soil Scientists (MAPSS), the University of Minnesota (UM), and the Wetland Delineators Association (WDA) to submit a plan for a professional delineator certification program to the legislature by January 15, 2001.

Representatives of the aforementioned groups and individuals from state and federal agencies, local units of government and private consulting firms met several times during 2000. Staff from the BWSR chaired the meetings. The following text reflects the views of the participants and the process used to reach the recommendations which are at the end of this report.

Benefits of delineator certification

- A wetland delineator certification program would provide stability to the implementation of the Wetland Conservation Act and other wetland regulations by formally recognizing individuals uniquely qualified to perform wetland delineations.
- The regulatory process should be more efficient in that wetland delineation and typing determinations should be less frequently questioned.
- Consumers will be protected by knowing that delineations will be conducted by qualified persons operating under a code of ethics.
- The environment will be better served in that the jurisdictional boundaries of wetlands may be more precisely delineated.
- The practice of wetland delineation will be recognized as a distinct skill with economic value in the marketplace.
- Wetland delineators will have the responsibility to maintain and enhance their skills.

Comparison to other certification programs

Delineator certification programs of the U.S. Army Corps of Engineers and State of New Hampshire were reviewed. The Minnesota program for the certification of individuals involved with individual sewage treatment systems (ISTS) was also reviewed for its applicability to wetlands. This proposal reflects many aspects of those programs.

General nature of the proposed certification program

- With respect to all aspects of delineator certification, no distinction is made between public and private sector delineators.
- Certification will apply only to delineation. However, because wetland regulations often require that a wetland be classified by type (Circular 39 or Cowardin, et al.), it is expected that a certified wetland delineator be competent in wetland typing.
- Certification is required for practitioners from other states who delineate wetlands in Minnesota.

- A wetland delineator certification program would establish appropriate standards for education, experience, and performance for persons completing delineations.
- Delineator certification should become mandatory on July 1, 2004, after a three-year (voluntary) phase-in period. The effect of this is that, except for exempt persons or projects, after July 1, 2004, wetland delineations may be performed only by certified delineators.
- Exemptions: wetlands may be delineated without certification:
 - by individual landowners for projects on their property, and
 - for projects non-regulatory in nature such as wetland inventories.

Peer review committee

A code of conduct and ethics agreement must be developed as part of a compliance program. Compliance includes complaints, sanctions, probation, decertification, and the associated protocols and procedures, which will be developed during rulemaking. The BWSR will chair an enforcement/ethics committee with other members nominated by MAPSS, WDA, UM, and representatives of local units of government, private sector delineators, and state and federal agencies. This committee will also evaluate applications and associated documentation concerning training and experience.

Applicability to federal agencies and regulations

Endorsement of delineator certification will be sought from federal agencies by use of memoranda of agreement. The memoranda will address participation of federal staff in the planning and conduct of training and the applicability of delineator certification to federal regulations. The BWSR will assume responsibility for this task.

Implementation of delineator certification

Administrative tasks, including training, and budget estimates are provided in *Attachment A*. It must be noted that without funding a delineator certification program cannot be initiated. The parties to this report do not exist in sufficient numbers to make this program self-supporting. Regarding a location for the program, the BWSR office in St. Paul is the first choice. Other options discussed included contracting with a private vendor. The BWSR is a preferred location due to its involvement with many aspects of wetland management and regulation. Training is major component of delineator certification, both in terms of initial certification and continuing education. All parties agreed that a major effort should be made to develop a cadre of in-state trainers from among public and private sector professionals. In addition, the University of Minnesota was urged to add to its offerings a course applicable to wetland delineation.

Specific elements of certification

Education, training, and experience requirements are summarized in Attachment B. Considerable discussion occurred during the development of these elements. As written, they reflect a balance between stringent requirements which could exclude most

delineators currently practicing and minimal standards that would not screen out incompetent practitioners.

Enactment of the certification program

- The program would be authorized by legislation in 2001. That legislation would frame the basic principles, establish guidelines for the voluntary (phase I) program, and authorize the BWSR to make appropriate amendments to the rules of the Wetland Conservation Act.
- Rule amendments must be completed and in effect by July 1, 2004.

Recommendation

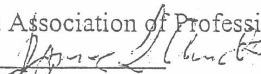
Finding that the establishment of a wetland delineator certification program is in the public interest and would further the management and protection of wetlands, it is the recommendation of the undersigned parties that legislation and an associated appropriation be pursued during the 2001 legislative session.

Signatures:

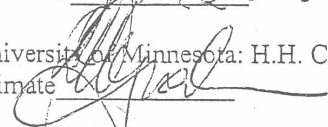
Board of Water and Soil Resources: Ron Harnack, Executive Director



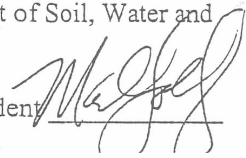
Minnesota Association of Professional Soil Scientists: Jim Arndt, President



University of Minnesota: H.H. Cheng; Head, Department of Soil, Water and Climate



Wetland Delineators Association: Mark Kjolhaug, President



Note: Letters of support and a list of meeting dates and attendees are attached

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Attachment A
BUDGET: Wetland Delineator Certification Program

	Estimated Annual Costs		
	Phase I (Prior to 7-01-2004)	Phase II (After 7-01-2004)	In-kind contributions
<ul style="list-style-type: none"> • Administrative <ul style="list-style-type: none"> ○ Record keeping ○ Enforcement <ul style="list-style-type: none"> - Complaints - Investigation • Collection of fees • Develop and administer exams 	<p><u>\$100,000</u></p> <ul style="list-style-type: none"> • \$75,000 professional staff (1 FTE) • \$25,000 clerical (0.5 FTE) 	\$75,000*	
<ul style="list-style-type: none"> • Training <ul style="list-style-type: none"> ○ Coordinate curriculum ○ Organize and arrange training 	\$50,000**	\$50,000**	\$50,000 (based on past contributions) <u>Sources:</u> <ul style="list-style-type: none"> • BWSR • DNR • U of M • Corps of Engineers • NRCS • USFWS

Assumptions:

- Potentially 500 people will seek to become certified prior to July 1, 2004 (Phase I). The number certified by that date will stay relatively constant thereafter (new certifications may be slightly more than those vacating their certification).
- The certification fee is proposed to be \$50.00 per calendar year.
- After July 1, 2004 (phase II), the extent to which certification fees can be considered annual revenue will be predictable. That is not true, however, before July 1, 2004 because the frequency of certification cannot be predicted. Consequently, certification fees are not budgeted as implementation revenue during Phase I. Certification fees collected during Phase I will be used for training and will subsidize participants share of training costs.

Notes:

*Certification fees are estimated to provide \$25,000 in annual revenue (500 * \$50.00).

**Participants also pay \$50,000, or ½ of total training costs. As stated under assumptions, revenue from certifications will be used to subsidize participants share of training costs.

Attachment B
SUMMARY OF WETLAND DELINEATOR
CERTIFICATION PROGRAM

ELEMENTS	PHASE I	PHASE II
Date	3 years in duration, beginning July 1, 2001	Beginning July 2, 2004
Voluntary Certification	Yes	
Mandatory Certification		Yes
Education and Training	One of the following needed plus experience before exam can be taken: <ul style="list-style-type: none"> • Broad coursework¹ <u>or</u> • A 4-5 day delineation course 	Both of the following plus experience ² needed before exam can be taken: <ul style="list-style-type: none"> • Broad coursework <u>and</u> • A 4-5 day delineation course or equivalent training
Experience	3 years (2 years with masters or PhD degree in a related field)	3 years (2 years with Masters or PhD degree in a related field)
Written Examination	Yes	Yes
Type of Examination	Basic	Comprehensive
Field Examination	No	No
Ethics Agreement	Yes	Yes
Compliance with sanctions and other enforcement actions	No	Yes
References	Yes (names only, letters not needed)	Yes (names only, letters not needed)
Continuing education required to maintain certification	Yes	Yes

Comments:

- Certification gained during phase I carries over to phase II
- Continuing education is defined as “*Pertinent seminars or training sessions totaling 8 or more hours in duration each calendar year.*”
- Experience is defined as “*Where wetland management, wetland regulation, wetland delineation or wetland ecology activities are among the primary duties of their employment. A person so employed for one year would have experience equaling one year.*”
- Practitioners from other states doing wetland delineations in Minnesota must also be certified.

¹ Coursework would include wetland specific courses and other classes drawn from physical or biological sciences and engineering.

² “In-training” status will be granted to persons lacking experience but who pass the exam(s). Persons with “in-training” status will be eligible for certification upon proof of experience.