



# The Obligate

Maine Association of  
Wetland Scientists

82 Main Street • Yarmouth, Maine 04096

February 1996

Vol. 5 No. 3

## President's Message

What to say? What to do? Adieu, Adieu or achoo, achoo. At the risk of sounding bombastic, it seems like there's supposed to be some kind of theme to these Messages. You know, the first Message of a new President is to identify goals and promote enthusiasm for the new term. Later ones announce events or convey the progress and status of things. The last is a recap of the above—kind of like those years in review tapes at the end of December by local TV news teams. So...

It was a very diverse and active year for MAWS and its members: testimony to the Legislature as to why the definition of wetland is fine the way it is and why streams shouldn't be limited to blue lines on USGS maps. Involvement in National Wetlands Month activities. Informing an international audience about Maine's wetlands at the SWS conference in Boston by presenting papers, leading field trips, hosting booths, and organizing the fund raising auction. Contributing to Maine's Wetland Conservation Plan by being actively involved at monthly meetings of the Assessment, Inventory, Mitigation, and Regulatory Work Groups. Convening another MAWS/MAPSS workshop on the new *Field Indicators for Identifying Hydric Soils*. Questioning, helping to clarify, understanding, informing others about and

applying new changes in both state and federal regulations of Maine's wetlands.

Many, perhaps most, of these topics will carry over to the new Executive Committee, and in retrospect some of these topics were initiated by or were not foreign to earlier Executive committees. Wetland half empty-stagnant, it feels like there has been little or slow progress; wetland half full-complex issues to be addressed by a loose-knit, diverse group that has lots of other commitments, and meets infrequently but wants to be sparked by and a spark to involvement with this diverse ecosystem called a wetland.

What to say—Thanks for the opportunity to play a role in all of the above over the last year.

What to do—Be more active in MAWS over the next year under the leadership of incoming President Betsey Day.

Adieu, Adieu, Respectfully submitted—Cole Peters

Respectfully,  
Cole Peters

## Election of 1996 Executive Committee

MAWS' annual election of Officers will be held during the Annual Meeting at the Augusta Grange on February 28, 1996 (see inside for details). Officers for the 1996 Executive Committee will be elected by majority vote of the Active Members present and paid for 1996 (that's \$25, folks!). MAWS' Nominating Committee, once again Chaired by Betsey Day, has designated the following slate of candidates. As always, nominations from the floor are welcome at the time of the election.

**NOTE: THIS IS NOT A BALLOT - PLEASE DO NOT MAIL!**

<i>President-Elect:</i>	Rob Bryan, Maine Audubon Society
<i>Secretary:</i>	Don Phillips, S.W. Cole Engineering
<i>Treasurer:</i>	David Marceau, Marceau Environmental
<i>Program Committee:</i>	Scott Fletcher, Northrop, Devine & Tarbell
<i>Membership Committee:</i>	Jennifer West, Normandeau Associates
<i>Legislative Committee:</i>	Richard Bostwick, Maine Department of Transportation
<i>Ethics Committee:</i>	Steve Pelletier, Woodlot Alternatives

### 1995 Executive Committee

Colen R. Peters, President  
Betsey Day, President-Elect  
David P. Cowan, Secretary  
Alan Burnell, Treasurer  
John P. Lortie, Member-at-Large

### 1995 Standing Committee Chairs

Ethics: Hugh Durgin  
Legislative: Don Witherill  
Membership: Don Phillips  
Program: Josh Royte

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## MAWS Executive Committee Proposes Resolution

At the November 8 MAWS meeting at Colby College, the attending membership decided it was time to establish closure on a long-recurring issue: who, in our collective opinion, is qualified to delineate wetlands in Maine? Toward this end, the Executive Committee has drafted the following resolution.

The wording of the minimum qualifications is based on qualifications that were drafted jointly by MAWS and MAPSS over the last year or so, specifically to address soils interpretations as they pertain to wetland delineation. The qualifications proposed here are naturally much broader in scope to encompass all three delineation parameters.

### **Draft Resolution Regarding Minimum Qualifications for Practicing Wetland Delineators in Maine**

*WHEREAS, wetlands are important ecological resources, the protection of which is in the best interest of the people of the State of Maine, and*

*WHEREAS, local, state and federal land use regulations require the delineation of wetland boundaries for the purposes of establishing limits of jurisdiction, and*

*WHEREAS, the locations of wetland boundaries can be of economic importance to landowners, and*

*WHEREAS, the delineation of wetlands for the purposes of determining jurisdiction is a science that requires technical proficiency in the multiple disciplines of botany, soils, and hydrology, and*

*WHEREAS, the Maine Department of Environmental Protection Chapter 310 (Wetland Rules) and Chapter 460 (An Act to Streamline Permit Procedures for Freshwater Wetlands in the State), require that wetland assessments be conducted by a "qualified individual," and a "knowledgeable professional experienced in wetland science," respectively, and*

*WHEREAS, broadly accepted criteria do not presently exist for recognizing a "qualified individual" or "knowledgeable professional..." in wetland delineation,*

*THEREFORE, be it resolved that the Maine Association of Wetland Scientists (MAWS)*

*recommends the following minimum qualifications for persons professionally engaging in the practice of wetland delineation in the State of Maine:*

*A. Certification under the U.S. Army Corps of Engineers Wetland Delineator Certification Program (WDCP) when it is established in Maine; or* *Frank Smith*

*B. A combination of education and work experience which has led to proficiency in the interpretation of vegetation, soils, and hydrology parameters as required for the sound application of the 1987 Corps of Engineers Wetland Delineation Manual (the Manual), its revisions, supplements, and replacements, including Field Indicators for Identifying Hydric Soils in New England (NEIWPC 1995). Education and experience may include a combination of relevant college-level courses; professional training courses, workshops, and seminars; and professional experience under the direct supervision and guidance of a certified, licensed, or otherwise recognized professional having demonstrated proficiency in wetland delineation.*

*Is there another category? - followed a delineation of incomplete hydrology*

As presently drafted the resolution does not provide for certification of delineators, nor is any formal review proposed for judging individuals' qualifications. The intent is mainly to let MAWS' position be known. On the other hand, it does provide guidance for an individual or outside entity that is interested in judging qualifications.

Questions that came up in developing this draft, and that members may want to ponder, include:

- Should key terms in the resolution be further defined? Examples include: *proficiency* (in interpretation), *relevant* (college courses, etc.), *sound* (application of the Manual), *certified, licensed* (to do what?), *otherwise recognized professional* (this was a big one!), and *demonstrated* (proficiency).
- Should any of these terms be deleted?
- Who, if anyone, will judge whether these qualifications have been met by a practicing professional?

Discussion of the draft resolution is expected at the Annual Business Meeting on February 28.

# New Law Passed to Streamline Freshwater Wetlands Permitting in Maine

Don Witherill

When it comes to land use regulation, no topic has been subject of more vigorous debate than freshwater wetlands. There are actually a couple of points people generally do agree on. One is that valuable wetlands do exist which are in need of protection. Another is that the current regulatory programs at the federal, state and sometimes local levels are very confusing, and in need of reform. Beyond these points, however, there has been little common ground.

At least, that had been the case until recently when the Legislature enacted and Governor King signed into law, "An Act to Streamline Permit Procedures in the State of Maine" (P.L. 1995 Chapter 460). This law came about after a year of deliberation by a work group consisting of state and federal agency staff and representatives from business and environmental interest groups. The Legislature had tasked the Maine Department of Environmental Protection and Maine State Planning Office with evaluating the feasibility of applying to the U.S. Environmental Protection Agency to take over the federal wetlands regulatory program under Section 404 of the Clean Water Act. The idea was to simplify the permit process by creating "one stop shopping" for applicants. The work group was set up to oversee the evaluation, and to develop recommendations on how the program should change. What the work group came up with, which was enacted by the Legislature, falls short of actually taking over the federal wetlands program, but it does open the door for one stop permitting.

The new law, which took effect on September 29, 1995, brings Maine's program into line with the federal program. By itself, the change does not establish one stop permitting, since action is also needed by the U.S. Army Corps of Engineers and the other federal review agencies (EPA and U.S. Fish and Wildlife Service). These agencies, however, have been at the table and have joined in the agreement to set up a coordinated program.

The significant points of the law include the following:

- Maine will drop the 10 acre size requirement for freshwater wetlands in the Natural Resources Protection Act so that the state and federal programs will be consistent in regards to wetland jurisdiction. The level of review required will be based on the *size of the alteration of the wetland*, rather than the *size of the wetland itself*.
- Maine will establish a tiered review process that provides an expedited, 30 day review process for projects having less than 15,000 sq. ft. of wetland impact (Tier 1) and 60 days for projects having between 15,000 sq. ft. and 1 acre of impact (Tier 2), unless significant wetland functions would be affected. Projects not qualifying for Tiers 1 or 2 because of significant wetland functions include activities occurring:

1. within 250 feet of coastal wetlands or great ponds;
2. within 25 feet of a river, stream or brook;
3. in wetlands containing at least 20,000 sq. ft. of open water

or marsh vegetation;

4. in floodplain wetlands;
  5. in wetlands containing significant wildlife habitat as defined, and in some cases, identified in the law; or
  6. in peatlands.
- Projects having less than 4,300 sq. ft. of wetland impact will be exempt from any permit requirements, unless the affected area of wetland is in a Shoreland Zone.
  - The existing exemption for forest management activities, including associated road construction or maintenance, will not change. This exemption, which has some restrictions, is part of the Natural Resources Protection Act.
  - The current exemption in state law for agricultural activities will be modified to mirror the federal exemption, and will apply to "normal farming activities such as clearing of vegetation for agricultural purposes if the land topography is not altered, plowing, seeding, cultivating, minor drainage and harvesting, construction or maintenance of livestock ponds or irrigation ditches, maintenance of drainage ditches and construction or maintenance of farm roads."
  - Activities adjacent to a freshwater wetland will no longer need a permit unless the wetland consists of, or contains either peatlands, or at least 20,000 square feet of open water or marsh vegetation.
  - The definition of significant wildlife habitat will be amended to include significant vernal pools as defined and identified by the Department of Inland Fisheries and Wildlife.
  - DEP and the Corps will adopt a joint wetland permit application form that will only have to be filed with the DEP regardless of project size.
  - DEP will coordinate with the federal agencies to screen and review applications. The federal agencies will still be involved in the review of wetland projects, and may still place restrictions on, or deny an application. They will not, however, require separate applications, and for Tier 1 and Tier 2 projects, they will act within the state's review period.
  - The DEP will periodically report to the Maine Legislature on the overall success of the program with recommendations for any changes that would achieve further streamlining of the program.

The new law will not resolve all questions and concerns over wetlands regulation. In particular, the issue of how wetlands should be defined and delineated is still being debated at the federal level. However, the changes will certainly lead to a simpler and more efficient program, and should provide protection to most of our significant freshwater wetlands.

## Update Your Library!

Betsy Day

*Wetland Functions and Values; A Descriptive Approach* (11/95, NEDEP-360-1-30a). This is a "Highway Methodology" workbook supplement developed by the New England Division of the Corps to provide guidance on how to identify wetland functions and values. Though developed for regional guidance it has, according to Frank Smigelski of the New England Division Office in Waltham, MA, been endorsed by Corps Headquarters in Washington and circulated to other Corps Divisions. The methodology is not mandatory. Copies are available from the Corps in Waltham...

*Checklist of Vascular Plants of Maine*, Josselyn Botanical Society, 3rd Revision. Maine Bulletin 13. Maine Agr. Exp. Sta. Bull. 844. Available free of charge by writing to: Maine Agriculture and Forestry Experiment Station 5782 Winslow Hall University of Maine Orono, ME 04469

*Proceedings, Riparian Buffer Zones Conference*, Society of Soil Scientists of Southern New England (SSSSNE), November 21-22, 1994, 57 pp., P.L.M. Veneman, ed. Includes extended abstracts of the conference's 20 presentations. Available for \$10, prepaid, from: SSSSNE, P.O. Box 258, Storrs, CT 06268, or call Edward Sautter at 860-429-3902.

*Final Guidance Document on Mitigation Banking*, 11/28/95. Joint effort by EPA, the Corps, USFWS, USDA AND NMFS. Available from the Corps New England Division, Waltham, MA.

## Maine Audubon Manuals in the Making

Rob Bryan

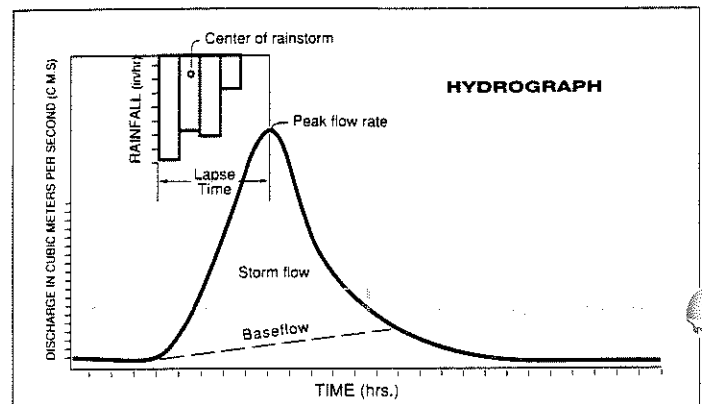
Maine Audubon has two projects of interest to MAWS members. The first is to adapt the vernal pool identification and mapping manuals used in New Hampshire and Massachusetts for use in Maine. We are also working with MDIFW to determine the best methods for locating vernal pools. Our second wetland project is to adapt the new Hampshire Coastal Wetland Assessment Method for use in Maine. This manual will be used by local conservation commissioners and planners to evaluate and manage coastal wetlands. For more information call Rob Bryan at (207)781-6180 x235.

## Forested Wetlands Publication Available

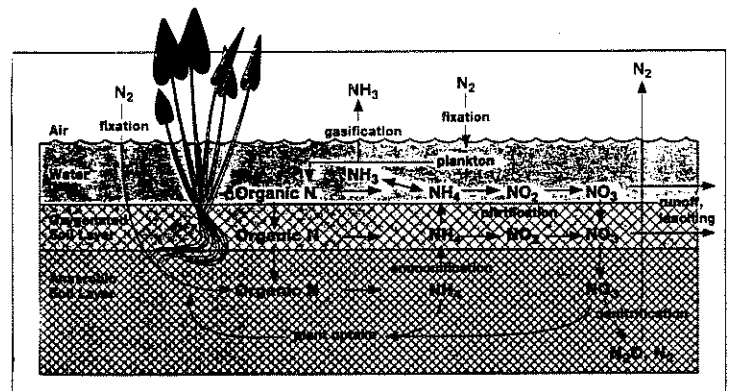
Scott Fletcher

**Forested Wetlands: Functions, Benefits and the Use of Best Management Practices** is an excellent publication by the U.S. Forest Service that provides an understanding of some of the functions and societal values of forested wetlands and also provides an array of Best Management Practices to be considered in the protection of wetland functions during forest management operations. A good and useful reference for wetland ecologists, foresters and anyone interested in forested wetlands. Available free from USDA Forest Service, Northeastern Area, 100 Matsonford Road, 5 Radnor Corp Ctr Ste 200, Radnor, PA 19087-4585.

From *Forested Wetlands: Functions, Benefits, and the Use of Best Management Practices*



▲ A hydrograph shows the volume and timing of flows at a given point in a watershed.



▲ Nitrogen cycling in wetlands progresses more rapidly where there is a thin oxygenated soil layer present.

## Rolodex Alert!

We have a new address: MAWS  
82 Main Street  
Yarmouth, ME 04096

## MAWS Business

### MINUTES: MAWS Executive Committee, Waterville Pizza Hut, November 8, 1995

Present: D. Cowan, B. Day, J. Lortie, C. Peters, D. Phillips, P. Tischbein

Item 1. Date of Annual Meeting set for February 28, 1996. J. Lortie will suggest that J. Royte (Program Chair) try to arrange for use of the Augusta Grange in keeping with tradition.

Item 2. Discussion of 1996 program ideas. Several topics suggested for development, including:

- Report on progress/results of Maine Wetlands Conservation Plan
- Presentation on designation of Significant Wildlife Habitats, e.g., shorebird/wading bird areas, deer wintering areas, vernal pools
- Wetland mitigation workshop
- CWA reauthorization
- Chapter 460
- Hydrogeomorphic approach for wetland assessment
- All-day workshop with presentation of a variety of topics

One or more of these will be incorporated into the upcoming annual meeting.

Meeting adjourned 6:20 p.m., Committee proceeded to Membership Meeting.

### MINUTES: MAWS Membership, Colby College, Waterville, November 8, 1995

Present: D. Brewer, J. Clement, D. Cowan, M. Cuomo, B. Day, J. Lortie, C. Peters, D. Phillips, P. Tischbein, D. Witherill

President C. Peters called to order at 6:50 p.m.

Item 1. D. Witherill (Maine DEP) presented a status report on the new state wetland regulatory program implemented September 29, 1995.

- Don circulated hand-outs summarizing new program - additional copies available from DEP.
- First month had 25 Tier I and 1 Tier II applications. This was lighter than DEP had anticipated.
- 42 screened by Corps in first month, only a few (5-6) kicked out for further review.
- DEP is finding a need to clarify to applicants that projects must still avoid and minimize wetland impacts. Judging the adequacy of avoidance/minimization efforts requires consideration of project purpose and analysis of alternatives. This can present difficulties if, for example, an applicant is only applying to demonstrate fair market value for the purposes of a real estate transaction.

Item 2. D. Witherill discussed proposed upcoming changes to the Chapter 310 Wetland Rules.

- Latest draft combines streams and wetlands and eliminates

Classes I, II, III. Replace with, (1) Wetlands of Special Significance (loosely corresponds to Classes I and II), and (2) Streams and Brooks of Special Significance (corresponds to A, AA, significant wildlife habitat, cold water fisheries, etc.).

- Will recommend 1987 Army Corps Manual until resolved on the Federal level.
- Considering "in-lieu fee" program as mitigation for projects that are small, state-regulated only, at option of applicant.
- Hope to address other problems with mitigation program as well, e.g.:
  - location of compensation - is nearby always best?
  - order of preference - presently restoration, enhancement, preservation, creation - need to recognize that preference may vary by function and location - need to find a way to increase flexibility.
  - move away from establishing fixed ratios.
- Schedule - expect draft to go through Regulatory Work Group and be ready for public comment sometime in February.

Item 3. D. Witherill discussed possible EPA grant for DEP to conduct a pilot study to identify compensatory mitigation priorities in selected town(s).

- Focus on towns having good GIS databases - Brewer and Westbrook have expressed interest.
- ID/evaluate for planning purposes:
  - where is town steering development?
  - where are best wetland resources?
  - where are best opportunities (i.e., greatest overall ecological benefits) for wetland mitigation?
- Separate but related effort by State Planning Office (Jackie Sartoris) to develop statewide wetland prioritization plan for preservation/acquisition - EPA 104b(3) grant funding.

Item 4. D. Witherill discussed possible revisions to the Site Location Of Development program.

- Expecting a report from working groups to the legislative natural resource committee soon.
- A tiered process may be introduced that separates projects as "big" (full review required), mid-level review only, and no review. The latter category may include residential subdivisions, the justification being that they would receive local review (!).
- DEP Division of Watershed Management (Don's group) would like to see statewide mandatory stormwater management regs triggered at a threshold of 20K sq. ft. of impervious area. This is much lower than the present 3 acre threshold.

Item 5. D. Witherill discussed progress of the Productivity Realization Task Force re: DEP.

- Efforts to ID opportunities to reorganize are presently affecting DEP's ability to stay on track with their day-to-day work.
- DEP's new Deputy Commissioner, Erica Morgan (formerly MA Energy Dept.), working on reorganization plan.

## MAWS Business

- Target: 15% cutbacks.
- Likely to involve DEP losing (sharing) support staff.
- Will LURC and/or subsurface disposal program remain separate or be merged with DEP?
- Trend is toward greater regional focus.

Item 6. J. Clement (Army Corps, Maine Field Office) presented an status report on the new federal wetland General Permit program implemented in Maine September 29, 1995.

- Jay circulated hand-outs - additional copies are available from Corps field office.
- GP replaces NWP Program in Maine.
- Jay reviewed 3-tier system, lower threshold during first year may be increased.
- Application to DEP only, DEP copies COE.
- Reasons for "kick-outs" - requests for further review - so far related to need for site visit (USFWS), or zoning questions.
- Most (though not all) activities that come under DEP Permit-by-Rule are non-reporting.
- Corps has not relinquished any authority with implementation of the GP.
- Q - Any long-term cumulative impact concerns? A - Mike Sheehan has been working on a GIS database - logging UTM coords. for projects - would appreciate Lat/Long or UTM's with applications. Maine project office relying mostly on their collective memories.
- Most applicants are receiving written approval from the Corps as the result of screening process.
- Brief discussion among members regarding accuracy and acceptibility of area determinations using GPS technology. Question not fully resolved although for now it appears that the agencies are relying on the good word of professional consultants.

Item 7. J. Clement provided update on Army Corps Wetland Delineator Certification Program.

- Final rule expected early 1996, implementation by fall '96.
- Requirements: (1) 36-hour training course using Corps training package, (2) generic (non-regional) written test, (3) regional field test. Items 2 and 3 administered by Corps.
- Initially 4 tests per year, fewer later.
- Must pass with 80% grade.
- Certification remains optional although it would allow for an expedited application review.
- Still some talk about grandfathering provisions.
- Questions regarding who will be qualified to teach. Draft rules say anyone can self-train before final rules come out.
- Jay's suggestion - individuals who have completed training using Corps materials may want to document in writing to Mike Sheehan in Waltham in case it becomes a consideration for grandfathering purposes.

Item 8. J. Clement discussed a possible appeal process presently being considered for 404 permit process.

- Goal is to reduce litigation load.
- Time frame for program similar to that of certification (see above).
- Two general categories: (1) permit denials/permit

conditions, and (2) jurisdictional determinations.

- For permits, appeal to Division Engineer, review will be by a Review Officer (new position) who will either recommend accepting staff's recommendation or return to staff for reconsideration. No second appeal. Time limits would apply. Must be done before going to court.
- For JD's, 2-step process possible. First, review by field-qualified specialist on staff. Second, review by a Division Engineer-appointed officer with necessary expertise. Sounds like a new position that may run into funding obstacles.

Item 9. J. Clement commented on several miscellaneous wetland issues:

- CWA reauthorization - speculation rampant, no solid news.
- Delineation Manual - NAS report supported methods of '87 manual with a few minor exceptions. Issue appears to have fallen to a fairly low priority. No change in wetland definition currently proposed. Mike Sheehan remains best regional source 617-647-8696.
- Corps New England sanctions use of *Field Indicators for Identifying Hydric Soils in New England* for jurisdictional delineations. A new data form has been developed for use with the '87 manual that incorporates the new soils criteria.
- No change in mitigation policy, preservation remains lowest preference. Nothing they can do for now but they are listening and trying to keep their options open.
- New England's SPGP's are attracting national interest (positive).
- Maine Field Office updating their list of practicing wetland delineators that they provide to prospective applicants. MAWS (Cole Peters) will submit copy of our 1993 draft directory.

Item 10. C. Peters provided update on "practice of pedology" issue.

- Draft minimum qualifications for mapping hydric soils for the purposes of wetland delineation were developed in a joint process with MAWS and MAPSS. Presently in MAPSS court to seek approval of their membership.
- MAPSS did not reach closure at their Annual Meeting on October 11.
- MAWS discussion followed regarding how we can bring to issue to closure internally. Agreement that, as a short-term goal, MAWS ought to suggest minimum criteria for "qualified professional" (re:Chapter 310 Rules) to DEP. Long-term goal would be to obtain exemption under the law similar to site evaluators, however the issue lacks the political clout necessary to stir legislative action. (Gosh, you'd think a guy with a name like Newt would take a little more interest in wetland issues...).
- Executive Committee will take up the development of minimum criteria at their next meeting. Meeting set for 12/6, 5 p.m., T&P in Hallowell.

Meeting adjourned 9:15 p.m.

Respectfully submitted,  
Dave Cowan, Secretary

# Federal Agencies Issue Guidance on Wetland Mitigation Banks

(Reprinted from: Washburn, Briscoe & McCarthy Newsletter, January 12, 1996)

Wetland mitigation banking—an often endorsed, but seldom implemented idea—received a boost recently when five federal agencies issued guidance on how to establish and operate mitigation banks. Environmentalists have expressed concern that the new guidance might ease the tight restrictions on filling wetlands—even though the agencies have affirmed that the "guidance does not change the substantive requirements" of the law. Landowners have generally endorsed the guidance, while observing that it remains to be seen whether, in practice, the federal agencies can agree on all the particulars needed to establish and operate specific banks.

In the new guidance, the Corps, Environmental Protection Agency, Natural Resources Conservation Service, Fish and Wildlife Service, and National Marine Fisheries Service define mitigation banking to mean "the restoration, creation, enhancement and, in exceptional circumstances, preservation of wetlands and/or other aquatic resources expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources." Under the guidance, all banks will need a "banking instrument" describing the physical and legal characteristics of the bank and how it will be established and operated. The banking instrument will be negotiated and signed by the bank sponsor and concurring federal, state, and local agencies represented on a "mitigation bank review team." The guidance contemplates that this team generally will act by consensus, but confirms that the Corps has the authority to make final decisions concerning banks when agreement cannot be reached. In addition to setting

up the bank, the team will also review annual monitoring reports prepared by the bank sponsor; if a bank is not working right, the Corps, in consultation with the team and the sponsor, will decide on remedial measures that might be needed.

The guidance repeats the agencies' longstanding preference for on-site mitigation, but acknowledges that this preference "should not preclude the use of a mitigation bank when there is no practicable opportunity for on-site compensation, or when use of a bank is environmentally preferable to on-site compensation." The guidance also states that banks may be sited on public as well as private lands. In past years, some agencies have balked at allowing mitigation on public lands for the impacts of private projects.

Under the guidance, the number of "credits" in a bank "should generally be commensurate with the level of aquatic functions attained at the bank at the time of [withdrawal of credits]." The agencies realistically recognize, though, that many banks would never get started if the sponsors had to expend sizeable sums buying land and restoring, creating, or enhancing wetlands and then wait, perhaps years, for wetland functions to increase before selling any credits. Accordingly, the agencies acknowledge that, "it is generally appropriate in cases where there is adequate financial assurance, and where the likelihood of the bank succeeding is high, to allow debiting of a percentage of the total credits projected for the bank at maturity."

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## A Current Affair?

D. Cowan

A recent rumor of a *patented wetland design* sent this reporter on the investigative trail. I was plagued by questions: "Could a wetland design really be patented?" "Who would do such a thing?" "As a designer of wetland mitigation projects, could I inadvertently violate a patent?" "And what about God, should She be calling Her lawyer?" After a few phone calls and probing questions I finally had my answers: "yes," "USDA- NRCS," "probably not," and "maybe, but only if Alfonse D'Amato finds out."

That's right, the NRCS has patented their nutrient and sediment control system for agricultural runoff—the same system that was developed largely on the basis of pilot studies conducted right here in Maine. Also named on the

patent is MAWS member and NRCS biologist Bob Wengrzynek. Is Bob preparing to retire on the royalties, you wonder? "Not likely," says the budding innovator, "unless the design finds its way into network marketing." According to Bob, the intent is preemptive. "This patent will keep our design in the public domain where it legitimately belongs." Use of the design for publicly funded projects is virtually unrestricted. Private users are asked to pay a nominal charge. For patent rights information contact the Agricultural Research Service, Office of Technology Transfer at 301-504-5989, reference patent #5,174,897. Call Bob Wengrzynek at NRCS in Old Town (207-866-7249) for information and technical specifications regarding the nutrient control system.

## U.S. EPA's Wetlands Information Hotline

EPA's Wetlands Information Hotline is a toll-free telephone service that responds to requests for information about the values and functions of wetlands and options for their protection. The Hotline also acts as a point of contact for the Wetlands Division within EPA's Office of Wetlands, Oceans and Watersheds (OWOW) to provide a wide range of information on wetlands protection efforts involving EPA and other organizations. In addition, the Hotline uses an extensive contact list to direct callers to appropriate regulatory agencies or additional sources of information when necessary. The Hotline also provides information on the availability of wetlands related documents and accepts requests for certain wetlands publications. The Hotline is operated by Labat-Anderson Incorporated under contract to EPA.

**Hours of Operation:** Operates M-F, excluding holidays, 9:00 a.m. to 5:30 p.m., EST.

**Telephone Numbers:** Within the U.S.: 1-800-832-7828, International: (703)525-0985 or (703)525-0986.

**Staffing:** The Hotline is staffed by Information Specialists whose backgrounds include biology, geology, engineering and environmental science.

## WDCP Update Betsey Day

The Army Corps of Engineers Wetland Delineator Certification Program (WDCP) is expected to become final in the next month or so. According to S. Collinson of Corps Headquarters in Washington, testing will be available within a month or so after finalization. Once up and running, it is expected to take a good six months before certified delineators will enjoy the benefits of the expedited permit review process.

### Position Announcement

#### Environmental Professional/Wetland Scientist

Position requires experience in wetland delineation, wetland function and value assessment and wetland mitigation design. Working knowledge of land use and wetland regulatory programs in Maine, Massachusetts, and/or New Hampshire, familiarity with the NEPA and the preparation of EAs and EISs required. Familiarity with federal NPDES regulations and Sections 404 and 401 of the CWA desirable. Must have a minimum of six years directly related experience and B.S. in environmental science or related field. Strong preference will be given to individuals with airport experience. Opening exists in our Portland, Maine office.

Please send or fax (207) 775-6434 resume to:

**Dufresne-Henry, Inc.**, 22 Free Street, Portland, ME 04101. Attn: Kathleen Miller, Sr. Environmental Analyst.

**Sale! Sale! Sale! Sale! Sale! Sale! Sale! Sale! Sale! Sale! Sale! Sale!**

### 16th Annual

Society of  
Wetland Scientists  
Meeting



## Meeting Shirts

<b>Green Polo knit shirt</b>	<b>was \$20</b>	<b>now \$15</b>
<b>Short sleeved, beige</b>	<b>was \$10</b>	<b>now \$7</b>
<b>Short sleeved, white</b>	<b>was \$10</b>	<b>now \$7</b>
<b>Long sleeved, beige</b>	<b>was \$15</b>	<b>now \$11</b>

Sizes while they last are medium, large, extra-large, and extra-extra large; price includes shipping and handling

### ORDER FORM

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

	Size	Quantity	Unit Cost	Cost
Green polo	___	___	@ \$15/ea	Total ___
Short sl, beige	___	___	@ \$7/ea	Total ___
Short sl, white	___	___	@ \$7/ea	Total ___
Long sl, beige	___	___	@ \$11/ea	Total ___
				<b>Grand Total</b> ___

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# Calendar of Events

## MAWS

### MAWS 1996 Annual Meeting

Wednesday, February 28, 1996

#### Program:

- 8:30 Coffee and Dues Payment  
9:00 "Maine's Wetland Rules & Regulation:  
Recent & Upcoming Revisions"  
Don Witherell, Maine DEP  
10:00 Break  
10:15 "Significant Wildlife Habitat Mapping Efforts:  
An Update"  
Mark Stadler, MDIFW  
11:30 Business Meeting/Election of Officers  
12:15 Lunch (provided)\*  
1:00 Business Meeting extension (if needed)  
1:30 "Maine's Wetland Conservation Plan: A  
Progress Report"  
Jackie Sartoris, Maine SPO  
2:30 Break  
2:45 "Understanding the HGM Assessment Method"  
Speaker TBA Gary Gosselink  
4:00 Adjourn

\* The day's events and refreshments are free of charge, but please confirm your attendance by calling either Betsy Day (207/846-3598) or Cole Peters (207/623-0053) so we will know how much food to have on hand.

### 1996 Quarterly Meeting Dates (tentative)

#### Wednesday, May 1

The Corps' Descriptive Assessment Method  
(a.k.a. Nashua Method)

#### Saturday, July 13

Grasses & Sedges Workshop  
(Dennis Magree, Normandeau Associates)

#### Wednesday, October 23

Topic to be announced

## Regional

### Vernal Pool/Mini-Conference

Maine Audubon will be hosting a vernal pool mini-conference on Friday, March 22 from 1:00-4:00 p.m. The latest research on vernal pool ecology and management will be presented in Audubon's new visitor center at Gisland Farm in Falmouth. To register contact Linda Horniak-Grieve at (207) 781-2330.

## NHAWS

**6th Annual Membership Meeting and Conference** - February 10, 1996, 8:30-4:00 at the New England Center in Durham, NH. Full-day conference titled Wetland Mitigation - A New England Perspective. For more information, contact Lori Sommer at (603) 271-2147.

## National and Beyond

**Second International Symposium on the Biology of Sphagnum**, July 11-13, 1996 at Laval University, Quebec City, Canada. Contact Dr. Line Rochefort, Phytologie, FSAA, Laval University, Quebec, Canada G1K 7P4; Fax (418) 656-7856; e-mail LROC@vm1.ulaval.ca

**Society of Wetland Scientists 17th Annual Meeting** - "From Small Streams to Big Rivers." June 9-14, 1996, Kansas City, MO. For more information contact Tom Taylor (913) 551-7226 or obtain a recent SWS Bulletin.

**7th International Waterfowl Symposium**, February 4-6, 1996, Memphis, TN. Contact Dr. Mickey Heitmeyer, Institute for Wetland and Waterfowl Research, Ducks Unlimited, Inc., One Waterfowl Way, Memphis, TN 38120; Fax (901) 758-3850.

For more listings, see the SWS Quarterly Bulletin.

## Professional Training Opportunities

**Wetland Ecology Course** - University of Southern Maine, Gorham. Course text is *Wetlands* (Mitsch and Gosselink). Meets Tuesday and Thursday mornings. For info call 780-5390.

**Eagle Hill Field Seminars** - 1996 course list available - 546-2821.

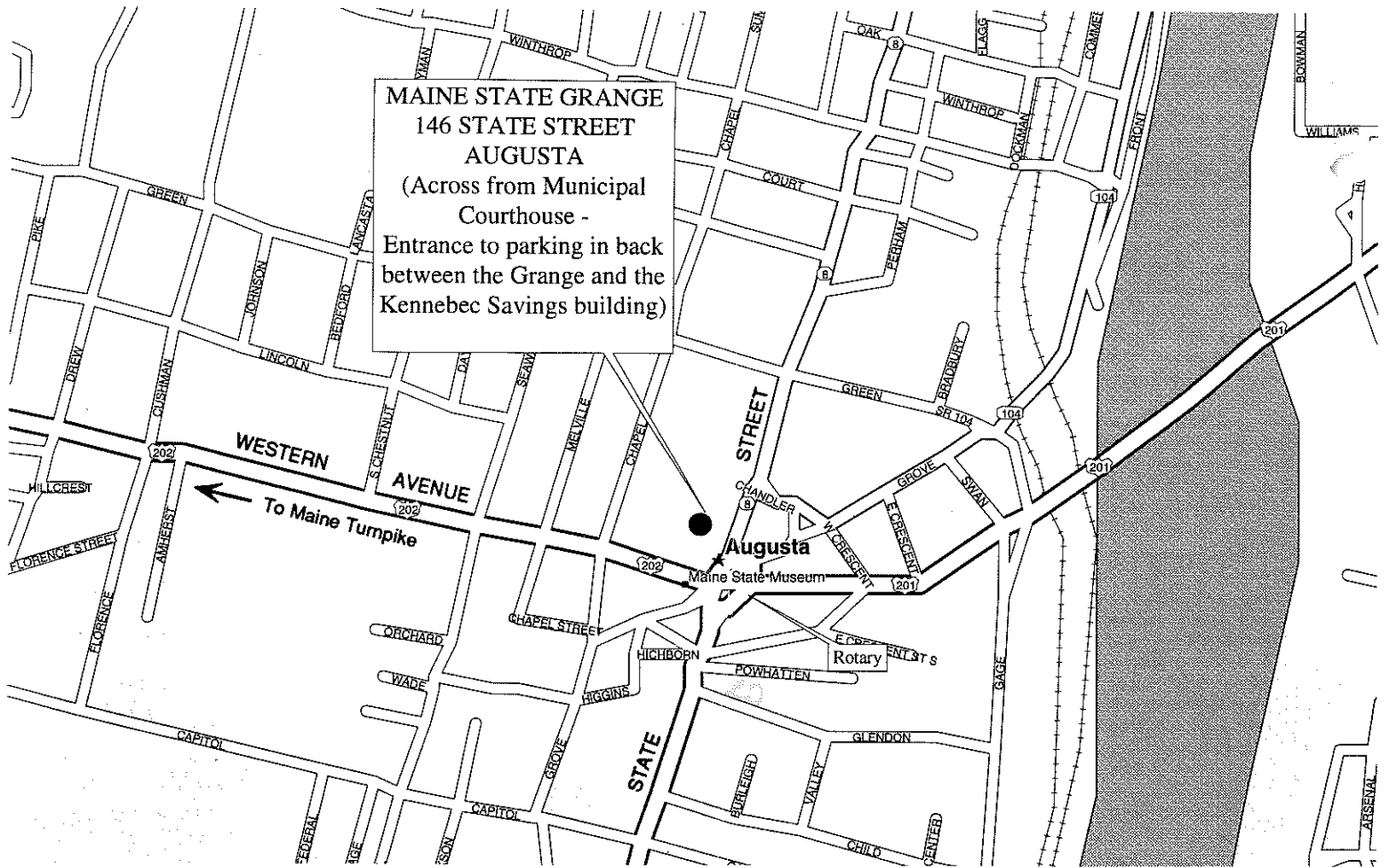
**Institute for Wetland & Environmental Education & Research (IWEER)**, P.O. Box 331, Sherborne, MA 01770-0331.

**The State University of New Jersey - Rutgers, Cook College Office of Continuing Professional Education**, P.O. Box 231, New Brunswick, NJ 08903-0231.

**Environmental Concern, Inc.**, P.O. Box P, St. Michaels, MD 21663, (410) 745-9620.

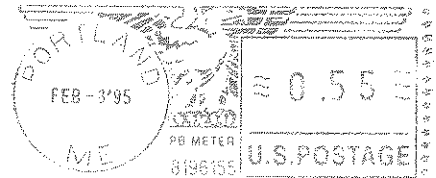
**Wetland Training Institute**, P.O. Box 1022, Poolesville, MD 20737-0099, (301) 972-8112.

**National Wetland Science Training Cooperative**, 221 First Avenue West, Suite 415, Seattle, WA 98119, (206) 283-0673.



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Wetland Scientists**

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