

Minimum Standards for Providers of Conservation Technical Assistance Associated with Conservation Planning that Includes Wetland Identification/NFSAM Determination and/or Mitigation/Restoration

(a) General

Maine NRCS will require individuals who provide technical assistance related to wetland identification, NFSAM determinations and/or wetland mitigation/restoration to participants in USDA programs that NRCS has been assigned technical responsibility to earn Maine NRCS certification by meeting the following qualifications and criteria:

NRCS technical assistance for wetlands includes the identification of wetlands for conservation compliance purposes and development of wetland mitigation/restoration proposals. Individuals who provide technical assistance plans for wetland mitigation or enhancement must be a NRCS Certified Conservation Planner or base the project on a conservation plan developed by a Certified Conservation Planner.

NRCS Engineering Job Approval or a signature and stamp by professional engineer licensed in the State of Maine are required for the engineering components of wetland restoration/mitigation plans.

(1) Minimum training requirement for all wetland identification/NFSAM determination

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| 1. Wetland Plant Identification | USFWS Eagle Hill Seminar |
| 2. Hydric Soils for Wetland Delineation | NRCS NEDC 000022 |
| 3. Hydrology Tools for Wetland Restoration and Determinations or | NRCS NEDC 000025 |
| 4. Introduction to Digital Remote Sensing | NRCS NEDC 000028 |
| 5. Wetland Delineation: National Food Security Act (NFSAM) On-site Methods | NRCS NEDC 000254 |

The NRCS State Resource Conservationist or State Soil Scientist may waive a training requirement based on equivalent training or demonstrated competency.

(2) Minimum training requirement for wetland mitigation/restoration planning activities.

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| 1. Wetland Restoration and Enhancement | NRCS NEDC 000081 |
| 2. All other requirements in (1) above. | |

(b) National Food Security Act Manual Wetland Identification and Determination Certification

(1) ME NRCS Abbreviated NFSAM Wetland Identification/Determination Certification Process Performance Documentation Requirements

Applicants with three or more years of wetland identification experience may submit an application for a waiver to any portion of the formal training listed in (a) (1) to the State Soil Scientist for review. This application should outline the knowledge, skills, and experiences of the applicant, including documentation as appropriate. The NRCS State Soil Scientist or designee shall review the documentation submitted which may include an evaluation of the applicants credentials. The NRCS State Soil Scientist shall grant certification or provide a written summary of additional documentation necessary to earn Maine NRCS Wetland Identification Certification or refer the applicant to the formal certification process.

(2) ME NRCS Formal NFSAM Wetland Identification/Determination Certification Process Demonstrated Performance Requirements

Applicants must complete a minimum of two whole tract wetland determinations under the guidance of a Maine NRCS certified National Food Security Act Manual (NFSAM) Wetland Identification and Determination Planner. To receive certification, the applicant must independently document the presence or absence on the site of; hydric soils, wetland vegetation (or use a similar reference site as appropriate) and wetland hydrology using the NRCS NFSAM Wetland Identification Procedures. Documentation submitted for review by a Maine certified NFSAM Wetland Identification and Determination Planner shall include; a completed NRCS-CPA-32W (01/09/98), Wetland Documentation Record - Remotely Sensed Data Summary, a DRAFT wetland map using NRCS NFSAM symbols and field notes documenting presence or absence of hydric soils, wetland vegetation (common and taxonomic plant name) and other applicable wetland hydrology data. The candidate will be certified when the determination accurately identifies the wetlands by NFSAM types and the quality of documentation contains all of the information necessary for a level one appeal of the wetland determination.

The NRCS State Soil Scientist or designee shall review the documentation provided and either recommend certification of the applicant to the State Conservationist or document the deficiencies in wetland determination based on the NFSAM and ME Supplements to the NFSAM. To complete the certification process, the NRCS State Soil Scientist or designee shall define with the applicant a training strategy to address remaining deficiencies in the wetland determination. This process may reoccur as necessary until the applicant is able to earn certification as a Wetland Identification and Determination Planner.

(c) Wetland Restoration/Mitigation Planning Certification

(1) ME NRCS Abbreviated Wetland Restoration/Mitigation Certification Process Performance Documentation Requirements

Applicants with three years wetland restoration/mitigation planning experience may submit two samples of wetland restoration/mitigations to the NRCS State Resource Conservationist for review. The NRCS State Resource Conservationist or designee shall review the documentation submitted and may require a field inspection of the site to evaluate wetland restoration/mitigation planning. Additional review of the design and installation of the

engineered components of the wetland restoration/mitigation by someone with NRCS Engineering Job Approval Agricultural Engineering Practitioner Certification or a Maine engineering license may be required. The NRCS State Resource Conservationist may grant certification or, provide a written summary of additional documentation necessary to earn NRCS Wetland Restoration/Mitigation Certification or refer the applicant to the formal certification process. Upon review of the additional documentation, the State Resource Conservationist shall approve or deny in writing the applicants request for "Abbreviated" Wetland Mitigation/Restoration Certification.

(2) ME NRCS Formal Wetland Restoration/Mitigation Certification Process Performance Demonstration Requirements

Applicants must participate in the development and implementation of a minimum of two wetland restoration/mitigation plans. Successful applicants will demonstrate the ability to independently identify sites with restoration potential, develop wetland restoration strategies including development of preliminary engineering alternatives in consultation with an engineer (if the individual does not possess Engineering Job Approval) and develop an initial habitat restoration plan for the surrounding area. Alternatives developed during the planning process shall demonstrate an awareness of regulations impacting wetland restoration/mitigation and ability to match wetland restoration techniques to the limitations of the site.

A Maine NRCS Certified Wetland Restoration/Mitigation Planner or State Biologist shall review the documentation provided, the sites being planned and the planner's interaction with the planning decision maker, regulators and partners. The reviewer may recommend certification of the applicant or document deficiencies in the wetland mitigation/restoration plan based on the NFSAM and ME Supplements to the NFSAM or an applicant's lack of project coordination and communication skills. To complete the certification process, the NRCS State Resource Conservationist or designee shall define with the applicant a training strategy to address remaining deficiencies in order to earn certification in wetland restoration/mitigation. This process may reoccur as necessary until the applicant is able to earn certification as a wetland mitigation/restoration planner.

(d) Continuing Education and Minimum Planning Activity Requirements

Maine NRCS certified Wetland Identification/Determination Planners and/or Wetland Restoration/Mitigation Planners must complete a minimum of six hours of continuing education per calendar year beginning the calendar year after certification is achieved. The coursework shall directly apply to wetland identification, delineation, restoration, and management. A minimum of three of the six hours training shall be technical in nature and be related to the science and/or engineering of wetland identification or mitigation/restoration.

NRCS employees will document continuing education on in their Individual Development Plan (IDP) and shall review the IDP with their supervisor annually during the final performance review for each fiscal year. Maine NRCS certified planners not employed by the agency shall submit documentation of continuing education, after approval by their supervisor (as appropriate), to the NRCS State Resource Conservationist by the end of each calendar year. Documentation of continuing education for all Maine NRCS certified Wetland Identification/Determination Planners and/or Wetland Restoration/Mitigation Planners will be reviewed by the NRCS State Resource Conservationist or designee and approved hours entered into the roster of Job-Approval Authority as per NFSAM, part 514.1b.

To retain Maine NRCS certification, a Wetland Restoration/Mitigation Planner must complete a minimum of one wetland restoration/mitigation plan or detailed plan review per three-year certification period. A certified NFSAM Wetland Identification/Determination Planners must complete a minimum of 2 whole tract wetland determinations or three detailed determination reviews per three-year certification period.

(e) Quality Assurance

The NRCS State Resource Conservationist will establish a database to ensure that a minimum of one wetland restoration/mitigation plan for Certified Wetland Restoration/Mitigation Planner or 1 whole tract wetland determination for a Maine NRCS Certified NFSAM Wetland Identification/Determination planners is reviewed a minimum of once every three years. Wetland identification/determination quality assurance will be conducted by the State Soil Scientist. Wetland restoration/mitigation quality assurance will be conducted by the State Resource Conservationist.

Within six weeks of notification of selection for quality review, the certified individual shall submit a copy of a wetland mitigation/restoration plan or a whole tract wetland determination (as appropriate) along with all supporting documentation for review to the appropriate Maine NRCS reviewing official. An individual may also submit documentation that a wetland mitigation/restoration plan or a whole tract wetland determination (as appropriate) prepared by them has been quality reviewed as a part of the ongoing NRCS area office quality assurance process within the current three-year certification period.

To complete the quality assurance process, the reviewer shall evaluate the quality of the plan based on the NRCS Quality Assurance Guide sheets and the certification requirements in ME 180-GM Part 409.13(a), (b) and (c). The reviewer shall forward the results of the quality review along with their recommendation for approval or denial of recertification to the NRCS State Conservationist. The NRCS State Conservationist shall review the recommendation and documentation provided by the reviewer and approves or deny in writing the applicants request for recertification. The NRCS State Conservationist may request additional documentation from the applicant or reviewer before finalizing the decision.

Certified Wetland Planners who fail a quality review shall lose their certification (ME 180-GM Part 409.16). The planner and planner's supervisor where appropriate, shall be informed in writing of the decision to revoke certification. A formal training plan to regain certification will be developed for the planner by a Maine NRCS Certified Wetland Planner and approved by the NRCS State Resource Conservationist. The planner shall regain certification upon successful completion of the training plan.

f) Maine NRCS Wetland Identification/NFSAM Determination and/or Wetland Mitigation/Restoration Planner Recertification

Maine Wetland Identification/Wetland Restoration/Mitigation Planner Certification is granted for a three-year period. Individuals who have earned Maine NRCS Wetland Identification/Wetland Restoration/Mitigation Planner certification will be required to apply for recertification within six months of receipt of renewal notification. The application for recertification will include, as a minimum, evidence that a Wetland Determination and/or Wetland Restoration/Mitigation Plan developed by them has been quality assured during the current three-year certification period

(ME GM-180 Part 409.13(e)), or submit examples of wetland mitigation/restoration projects completed by them within the current certification period.

Prior to recertification, the applicant's status as a Maine Certified Wetland Identification/Wetland Restoration/Mitigation Planner will be confirmed, including verifying conformance with ME GM-180 Part 409.13(d) Continuing Education and Minimum Planning Activity Requirements.

Recertification applicants determined not to have maintained their Maine NRCS Wetland Identification/Wetland Restoration/Mitigation Certification during the prior three-year certification period shall reapply for certification under ME GM-180 Part 409.13(a).