

Ohio Wetland Compliance Job Approval Policy

In order to meet the certification requirements for wetland determinations found in 7CFR12.30(c)(1), NRCS has implemented policy regarding the qualifications of employees performing certified wetland determinations; this policy is found in the National Food Security Act Manual 514.1(B). This policy states the general requirements that must be met by employees in terms of training, job approval authority and demonstrated proficiency. The policy requires that the State Conservationist is responsible for maintaining a roster of qualified individuals. The policy also refers to the implementation of quality control reviews.

Each NRCS employee authorized to make certified wetland determinations and carry out other activities associated with the wetland compliance provisions of the Food Security Act will be required to meet the requirements listed below in order to carry out that activity; they may perform only those activities for which they meet the requirements. Ohio NRCS has identified six types of certification needed for carrying out the wetland conservation provisions.

Wetland Job Approval Review and Certification Process

Each employee in Ohio wishing to be certified for a particular activity must demonstrate that they meet all requirements for that activity listed below. Each administrative area should have at least one staff that can certify employees for Agricultural Land Determination, Non-Agricultural Land Determination and Scope and Effect Evaluations. These may be area staff, wetland team leaders or selected field office staff. These persons should be able to certify employees in each of the sub-requirements found under the different activities. Certification for Functional Assessment, Minimal Effect and Mitigation will be done by the state office. Certification at the state office and overall leadership for wetland job approval is the responsibility of State Resource Conservationist.

Certifications made by the area office shall be submitted to the State Resource Conservationist at the state office; appropriate documentation that the requirements have been met shall be included. Certifications made at the state office will include appropriate documentation that the employee meets the requirements. A list of certified employees will be approved by the state conservationist and maintained at the state office. This list will be provided to each ASTC-FO.

Employees who have been certified to make wetland determinations by NRCS in other states may be certified by NRCS in Ohio if it is documented that that certification meets Ohio requirements. Employees from other states who have not been certified by other states but who have experience, appropriate training and/or demonstrated knowledge of the wetland determination procedures may use those for certification in Ohio.

It is the responsibility of the employee to maintain their certification as described below. Employees that fail to maintain their certification will be informed of this deficiency and will implement a plan to regain their certification. Recommendations for de-certification shall be sent to the State Resource Conservationist at the state office; the state conservationist will determine if the employee should be removed from the list of approved employees.

Certification Requirements

The following describes the six different certifications and the activities approved under each certification. The specific training and demonstrated skills and knowledge required for each certification are listed. Requirements for maintenance of each certification are described.

1. Agricultural Land Determination and Delineation Certification

Agricultural lands include fields that were put into crop or pasture production before December 23, 1985 and continue to be used for agricultural production. Also included in agricultural lands are small areas found among or adjacent to crop/pasture fields such as narrow fence rows or lanes; farmsteads or buildings (active or abandoned); constructed ditches or grassed waterways; railroad rights-of-way and similar disturbed areas where the disturbance existed prior to 1985.

Agricultural land determination certification allows the NRCS personnel to:

- a. Prepare certified wetland determinations and delineations for agricultural land (e.g. PC, FW, FWP, NW)
- b. Use both on-site and off-site methods in making these determinations

To achieve agricultural land determination certification, NRCS personnel must:

- a. Attend Ohio Training on Wetland Conservation provisions
- b. Attend Ohio training on making agricultural land determinations provided by NRCS State Office
- c. Demonstrate ability to identify hydric soils as determined by Area Resource Soil Scientist (achieved through OJT with soil scientists, hydric soils course or other appropriate training)
- d. Demonstrate ability to interpret aerial photography or other imagery for identification of wetland signatures as determined by Area Resource Soil Scientist (achieved through OJT, Ohio agricultural land determination training or other appropriate training)
- e. Successfully complete 2 wetland determinations that are reviewed by other NRCS staff with Job Approval Authority for agricultural land determinations (area or state office staff)

To maintain agricultural land determination certification, NRCS personnel must:

- a. Complete 5 agricultural land wetland determinations per year
- b. Successfully pass any quality reviews performed on their work
- c. Complete training/refresher on agricultural land determinations, as appropriate.

2. Non-Agricultural Land Determination and Delineation Certification

Non-agricultural lands include areas not cropped or pastured as of December 23, 1985; these may be in the same cover as found in 1985 or may have been altered since 1985. Also included in non-agricultural lands are fields that may have been farmed wetland or farmed wetland pasture but have since been abandoned. Non-agricultural land may also include areas adjacent to surrounded by crop fields that do not meet the descriptions found in agricultural land above; examples include ponds; wider fencerows or lanes; and disturbed areas where the timing of the disturbance is unknown.

Non-agricultural land determination certification allows the NRCS personnel to:

- a. Prepare certified wetland determinations and delineations for non-agricultural land (e.g. forested or non-cropped areas, conversions)
- b. Use both on-site and off-site methods in making these determinations, as appropriate

Nonagricultural land determination and delineations are certified at two levels: simple and complex.

Simple non-agricultural land determinations and delineations

- i. Small (generally less than 3 acres); have well defined boundaries; no manipulations, conversions or unusual conditions
- ii. Training requirement c. may be met by any of the training listed in below as well as Ohio basic wetland identification training

Complex non-agricultural land determinations and delineations

- i. Not meeting description of simple (above) including larger areas; intricate wetland-upland interspersions; hard-to-identify boundaries; sites that have been manipulated, altered or converted making field identification difficult
- ii. Training requirements may be met only by completion of COE Reg IV, NRCS Wetland Identification Procedures (NEDS course) or similar course

To achieve non-agricultural land determination certification, NRCS personnel must:

- a. Attend Ohio Training on Wetland Conservation provisions
- b. Complete NRCS Course Wetland Identification for Food Security Act Purposes – Phase 1: Basic Concepts
- c. Complete COE Reg IV, NRCS Wetland Identification for Food Security Act Purposes – Phase 2: Application or equivalent training
- d. Demonstrate ability to identify hydric soils as determined by Area Resource Soil Scientist (achieved through OJT with soil scientists, hydric soils course or other appropriate training)
- e. Demonstrate ability to interpret aerial photography or other imagery for identification of wetland signatures as determined by Area Resource Soil Scientist (achieved through OJT, Ohio agricultural land determination training or other appropriate training)
- f. Demonstrate ability to identify common plants during the growing season and woody plants in winter as determined by AO or SO staff with appropriate job approval authority
- g. Demonstrate ability to evaluate hydrology of sites through appropriate tools and/or use of hydrology indicators as determined by AO or SO staff with appropriate job approval authority
- h. Successfully complete 2 non-agricultural wetland determinations that are reviewed by other NRCS staff with Job Approval Authority for non-agricultural land determinations (area or state office staff)

To maintain non-agricultural land determination certification, NRCS personnel must:

- a. Complete 5 non-agricultural land wetland determinations per year
- b. Successfully pass any quality reviews performed on their work
- c. Complete training/refresher on non-agricultural land determinations, as appropriate.

Collaborative Wetland Determinations NRCS employees or other agency employees assisting NRCS who do not meet certification to complete non-agricultural wetland determinations

independently may assist in their completion in a collaborative effort. At a minimum at least one employee must be certified as competent in hydric soil identification (item c); at least one employee must be certified as competent in plant identification (item e); and at least one employee must be certified as competent in hydrology identification (item f). Although it is preferred that each employee have the appropriate training in the use of the 1987 COE Manual and supplements, employees not having this training but certified in either hydric soils, plants or hydrology may assist. However, at least one person must have successfully completed the appropriate training (item b); this person will be responsible for the accuracy of the determination.

3. Scope and Effect Evaluation Certification

Scope and Effect evaluation certification allows the NRCS personnel to:

- a. Complete hydrologic evaluations and document installed or planned hydrologic manipulations for wetland conservation purposes
- b. Use both on-site and off-site methods in making these determinations, as appropriate

To achieve scope and effect evaluation certification, NRCS personnel must:

- a. Complete Ohio NRCS-provided training on appropriate tools and methods for scope and effect evaluation
- b. Demonstrate ability to utilize appropriate procedures for scope and effect evaluation as determined by Area Engineer (achieved through OJT with engineers or other appropriate training)
- c. Successfully complete a scope and effect evaluations that is reviewed by other NRCS staff with Job Approval Authority for scope and effect evaluations (area or state office staff)

To maintain scope and effect evaluation certification, NRCS personnel must:

- a. Complete 2 scope and effect evaluations per year
- b. Complete training/refresher on scope and effect evaluations, as appropriate.

4. Functional Assessment Certification

Functional assessment certification allows the NRCS personnel to:

- a. Complete approved functional assessments used in determining mitigation and minimal effect exemptions

To achieve functional assessment certification, NRCS personnel must:

- a. Have training in use of functional assessment or equivalent methods approved for use in Ohio; this training is to be provided by Ohio NRCS SO staff
- b. Demonstrate an ability to perform approved functional assessment as certified by SO staff

To maintain functional assessment certification, NRCS personnel must:

- a. Complete 3 functional assessments per year
- b. Complete training/refresher on functional assessments, as appropriate.

5. Minimal Effect Certification

Minimal effect certification allows the NRCS personnel to:

- a. Evaluate wetland manipulations for consideration under the minimal effect exemption.
- b. Determine if minimal effect exemption is appropriate.
- c. Prepare and approve minimal affect plans or agreements, if needed.

To achieve functional assessment certification, NRCS personnel must:

- a. Have training in application of the minimal effect evaluation process; this training is to be provided by Ohio NRCS SO staff.
- b. Demonstrate an ability to apply the minimal effect exemption found in the NFSAM (certified by SO staff).
- c. Meet the Functional Assessment Certification criteria.

To maintain minimal effect certification, NRCS personnel must:

- a. Complete 3 minimal effect evaluations per year
- b. Complete training/refresher on minimal effect, as appropriate.

6. Mitigation Certification

Mitigation certification allows the NRCS personnel to:

- a. Evaluate wetland manipulations for consideration under the mitigation exemption and determine if mitigation is appropriate according to regulation and guidance.
- b. Explain mitigation requirements to participants.
- c. Develop mitigation plans, agreements and easement requirements as necessary
- d. Oversee and conduct certification of completion, monitoring and violation review of mitigation plans and agreements.

To achieve mitigation certification, NRCS personnel must:

- a. Have training in application of the mitigation process and requirements; this training is to be provided by Ohio NRCS SO staff.
- b. Demonstrate an ability to apply the mitigation procedures found in the NFSAM (certified by SO staff).
- c. Meet the Functional Assessment Certification criteria.

To maintain mitigation certification, NRCS personnel must:

- a. Complete 3 mitigation plans per year
- b. Complete training/refresher on mitigation, as appropriate.

NOTE: All mitigation plans or agreements will require review and approval by the SO before they can be signed and implemented.