

The Obligate



MAINE
ASSOCIATION OF
WETLAND
SCIENTISTS

P.O. Box 202
Yarmouth, Maine 04096

April 1995

The Newsletter of the Maine Association of Wetland Scientists

Vol. 5 No. 1

President's Message

May - American wetlands month:

- MAWS Executive Committee meets to provide comment to:
 - NATURAL RESOURCE COMMITTEE where "regulated streams should be solid blue lines on USGS maps," and LD 88-regulated wetlands should be "inundated to an average depth of 6 inches for 21 consecutive days during growing season" or an Act to be presented to abolish NRPA Permit by Rule are contemplated;
 - CORPS OF ENGINEERS regarding the PNs on the General Permit and the WDCP;
- MAWS members relied on for scientific and technical input to Regulatory, Assessment, Mitigation, Public Information, and Education Work Groups of the Legislative Wetland Task Force to develop a Wetland Conservation Plan for Maine;
- Westbrook's mitigation bank TIF;
- another look at certifying wetland delineators; and
- the 16th Annual Society of Wetland Scientists Meeting May 28-June 2, 1995 at the Royal Sonesta Hotel, Cambridge,

Massachusetts where MAWS leads a May 31 field trip to Saco Heath and coast of Maine wetlands.

What it's all about? Bad free-form poetry, a revival of the beat generation? Wetlands rap? The latest wisdom on those blue labels of bottles of Dr. Bonner's soap? The point: there's a lot going on now with wetlands, just as the weather is calling us to get out there in the field away from the phones. More things to be attributed back to 11/8/94? In part, definitely, and as it turns out, it's a real important time for wetland scientists to be involved. That basic law of physics—conservation of energy, where every action has an equal and opposite reaction—seems to be out there in a big way so that wetland scientists can play an important role in helping to moderate things in these dynamic times.

There's more inside and more to be discussed at the May 10 meeting at Colby College. Hope to see you there.

Respectfully,
Cole Peters

1995 Officers Elected

Vox obligata has once again reigned with the election/re-election/rearrangement of the 1995 Executive Committee at the MAWS Annual Meeting on February 22 in Augusta. Do these names sound familiar:

Betsey Day, President-Elect
David Cowan, Secretary
Alan Burnell, Treasurer
Hugh Durgin, Ethics Committee Chair
Don Witherill, Legislative Committee Chair
Don Phillips, Membership Committee Chair

In accordance with the by-laws, Colen Peters has advanced from President-Elect to President, and former President John Lortie has retired to the distinguished office of Member-at-Large.

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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Spring peeper illustration reprinted from *The Amphibians and Reptiles of Maine*, Maine Agricultural Experiment Station, 1992.

MAWS Annual Meeting Minutes

February 22, 1995

Maine State Grange, Augusta

3-8 p.m.

Afternoon program: Linda Gregory, COA graduate and botanist for Acadia National Park, spoke on the exotic plant management program at the park with a focus on *Lythrum salicaria* (purple loosestrife). Mechanical control seen as counterproductive (can increase resprouting), and biological control may have promise, but generates eco-ethical questions. Intensive chemical control of loosestrife using Rodeo has resulted in a substantial decrease in stem numbers at 6 of the 7 monitoring stations since 1989. Water level change resulting from beaver activity is a complicating factor in efforts to control the species and is seen as the cause of recent stem increases at the seventh station. Acadia will be hosting a Loosestrife "summit" this summer and have invited various experts to help assess various control methods and their effectiveness.

Jackie Sartoris of the State Planning Office briefly recapped and updated her presentation of November 16, 1995 on the Maine Wetlands Conservation Plan. The goal is to complete the plan by May 1996. Work group members will receive a report recently submitted to the legislature. An interim report is available addressing the question of Section 404 assumption by the state. She noted that the Corps' issuance of their February 21 PN on proposed revision of the Programmatic General Permit has frustrated the evaluation of 404 assumption. SPO would like help from MAWS on the education and outreach work group so more people know why wetlands are important.

Business meeting called to order 4:50 p.m. by J. Lortie.

1. A reminder was given that if you want to be certified as a wetland scientist by SWS under the grandfathering provisions, applications are due July 1, 1995 and require a bit of effort to complete.

2. Update on federal Wetland Delineation Certification Program: Lortie spoke with K. Kochenbach of Corps on February 22 and found things haven't changed much. It's still undergoing internal review, and a PN is expected winter 1995. There will be a 30-day comment period.

3. At least two Public Notices are out (DEP PBR revisions and Corps PGP reauthorization/revision) for which the Executive Committee (EC) recommends MAWS submit comments. Lortie reminded the membership that a policy was previously established by the membership authorizing the EC to comment on their behalf if there is no opportunity for a membership vote within the applicable comment period (Corps PN just handed out tonight). EC will contact as many members as possible to get their input.

4. J. Royte: MAWS is organizing a field trip (May 31) during the SWS spring meeting. The trip will go to Saco Heath and possibly some coastal areas and will include a lobster bake. The committee is still seeking assistance and ideas. C. Peters et al. have submitted an abstract to SWS for a poster on wetlands of Maine. Poster session/mixer is Thursday night, June 1.

5. D. Rocque: a) LD 88 - Act to Amend the Definition of Freshwater Wetland should be monitored by MAWS. b) Field Indicators for Identification of Hydric Soils in New England is due out in mid-April. It represents the culmination of a two-year effort by an interagency regional working group spearheaded by Peter Fletcher (NRCS). To be published by NEIWPC. Corps was involved and will accept use of indicators for soils criteria in delineations. The approach eliminates the need to determine drainage class. Dave briefly reviewed some of the differences between the existing Corps guidelines and the new indicators. Now NRCS is apparently initiating their own effort on the national level which may supersede the recently regional effort and is rumored to bring hydric boundaries even further downslope. It's not clear at this time how this will play out. c) A legislative hearing was recently held on the proposal to make Chesuncook the official state soil.

6. D. Rocque suggested that MAWS make its mailing list available to Peter Fletcher so that members will be able to receive the new soil indicators. It will be a 3 x 5", coated paper, 3-ring binder (EPA-funded). A motion was made and seconded to approve sending the mailing list to Fletcher. Motion passed.

7. The group that put together the soils indicators is hoping to include in the publication as having been "involved" in the process, the names of as many organizations as possible to indicate its wide acceptance. D. Rocque and W. Mahaney were the only MAWS members involved and did not involve the EC or membership in the process. There was discussion concerning whether or not this constituted MAWS involvement. A motion was made and seconded to omit MAWS from the list of entities involved. Motion passed.

8. J. Lortie brought up the issue that had been discussed at the last meeting to expand the term of officers to two years. It's a logistics problem for treasurer to only be in office for one year. It was noted that the president-elect/president/member-at-large sequence would be a 6-year commitment if terms were two years. The 3-year track insures continuity within the organization. It would be more difficult to get nominees for two-year positions. No motion to expand terms.

9. Committee Reports - *Ethics Committee*: Nothing to report. *Legislative Committee*: Chair not present. J. Lortie notes that there will be a lot of action in the next few weeks in legislation concerning wetlands. Please contact EC if interested in being involved in commenting process. *Membership Committee*: No report. *Program Committee*: No report.

10. Treasurer's Report - A. Burnell reported a balance of \$2,664.36 before dues collected today. Alan reviewed MAWS records and found that we've been sending newsletters to many people who haven't paid dues. Only 30-40 percent of Affiliate members have actually paid over the last few years. In 1994, only 46 percent of Active members paid their dues. As a result, expenses have exceeded revenue for the first time this year. Expenses were approximately \$1,800 last year and consisted primarily of meeting costs and mailings. It was suggested that a note be put on mailing labels of those who owe dues. Concern voiced that we may need more cash before SWS field trip expenses. Suggested we move membership meeting from June to May so it will be prior to SWS conference (May 28-June 2).

11. Election of Officers - Results: *President-Elect* - Betsey Day, *Secretary* - Dave Cowan, *Treasurer* - Alan Burnell, *Program* - Josh Royte, *Membership* - Don Philips, *Legislative* - Don Witherill, *Ethics* - Hugh Durgin.

Recessed for dinner and evening program at approximately 5:45 p.m.

Evening Program: Jay Clement reviewed the 2/21/95 public notice on the Corps' proposed Programmatic General Permit (PGP) which would eliminate Nationwide Permits in Maine in favor of a more broad-based General Permit, similar to Massachusetts and New Hampshire. The PGP would no longer be based on state jurisdiction and would cover both Section 10 and 404. There is no headwaters restriction. Jay went over the three categories: 1) Less than 5,000 s.f. of impact (404 waters only) is non-reporting, 2) 5,000 s.f. to 3 acres is a screening category, i.e., could be PGP or individual permit, depending on interagency review, 3) over 3 acres of impact goes to individual permit evaluation. Fifty-seven percent of last year's NWP's would have fallen into Category 1. The PGP must take effect no later than May 1, 1995 due to expiration of current SPGP.

Colen Peters reconvened business meeting at 7:40 p.m.

12. Discussion on whether MAWS should comment on PGP. Motion made and seconded to have MAWS submit comments. Motion passed.

13. Discussed need for membership meeting before SWS in lieu of June meeting. April 26 suggested.

14. C. Peters' presented proposal on Wetland Research Stipend (handout). Suggested \$300 based on a review of MAWS treasury balance over last 4 years. A motion was made to approve program as proposed and establish a committee to develop and administer. Motion amended to incorporate a 2-year review period for program. Motion seconded and passed.

Meeting adjourned at 7:55.

Submitted by Betsey Day

Thanks to BD for keeping minutes in my absence.

—Ed.

MAWS Executive Committee Meeting Minutes for February 22, 1995 Maine State Grange, Augusta 8:00-8:30 p.m.

Incoming President Colen Peters convened a brief meeting of the new Executive Committee to outline a schedule to address issues warranting immediate attention. An EC meeting was scheduled for March 8, 5:00 p.m. at Timson & Peters, Inc., Hallowell.

MAWS Executive Committee Meeting Minutes for March 8, 1995, Timson & Peters, Hallowell, 5:00-7:00 p.m.

1. Discussion on whether to submit written comments on the new Programmatic General Permit (PGP) proposed by the Corps. Consensus was reached not to submit further comments because MAWS has been actively participating in reviews of federal and state programs through the Maine Wetlands Task Force. MAWS comments are therefore already reflected in the proposed PGP.

2. Discussion on whether to submit written comments on MDEP's Permit-by-Rule Program. No comments to be submitted at this time. However, EC will monitor future developments including a possible legislative effort to eliminate the program.

3. Discussion on whether to comment on proposed legislation regarding the definition of streams and freshwater wetlands (LD88). EC resolved to draft written comments and present testimony at legislative hearing. Ad-hoc committee was formed consisting of J. Boyle, A. Burnell, B. Day, C. Peters, J. Royte, (and others?). Thrust of our comments is that definitions need to have a scientific basis, be objective, repeatable, and practical.

MAWS Organizing SWS Field Trip

MAWS members are organizing a field trip for attendees of the upcoming SWS Annual Meeting on Wednesday, May 31. The trip includes a morning tour of Saco Heath led by Nancy Sferra of the Nature Conservancy and Ron Davis of UMO, followed by a New England clambake and lobster lunch at the Wells Reserve's Laudholm Farm. The afternoon portion will include a tour of coastal wetlands in the Rachel Carson NWR. For information contact Matt Schweisberg (617) 565-4431 or Josh Royte at (207) 729-1199.

Opinion

by Peter Spear

The United States Army Corps of Engineers has, for the last several years, been actively pursuing an idea that affects many of us. The COE wishes to certify wetland delineators on a nationwide basis (Wetland Delineator Certification Program, WDCP). They have already conducted pilot programs in Washington, Maryland, and Florida. And, presumably, we are next.

The COE claims the program is not mandatory. Not yet. When was the last time a bureaucrat voluntarily gave up a guaranteed job-generating program? The WDCP will, at least, become a *de facto* list of "HAVES." Those with the certification will elevate its importance to prospective clients; those without will be closed out of potential work. Whether or not a federally sanctioned program is voluntary or not, it will become necessary as soon as a perceived difference exists between those in the club and those not. Which is, of course, the point of those in society that believe more government regulation is better for public health and welfare. The public must be protected from crooked or incompetent wetland delineators.

This proposal represents all that is wrong with big government today. I personally feel that regulating beauticians, attorneys, health care professionals, or others is a states rights issue. The federal government doesn't certify or register foresters, doctors, etc. What business is it of theirs, frankly, whether someone meets their artificially created qualifications? The marketplace will do a more equitable and efficient job of weeding out bad practitioners. If a state wishes to certify or license wetland delineators or if a group of professionals wishes to do that themselves, through peer review, that is their business and is to be encouraged.

Why do we need more bureaucracy? Most states in our region have their definitions or promulgated rules defining wetlands similar to, if not identical to, one of the federal government's various manuals. As scientists, we generally sit back and studiously examine a subject or proposal and assume that the scientific method will assure us that bad policy won't be implemented. I think, on the whole, we have been quiet on this issue of regulation far too long. I believe it is time to speak out and speak out forcibly and clearly to our elected representatives on a federal level that this bad idea of federal regulation of a free market should not only be shelved but should be discarded and formally so. Kill it now so there won't be a resurrection of it in revised form at some later date when funding becomes available. There is an active certification program underway by the Society of Wetland Scientists, and several state legislatures have introduced legislation to certify wetland delineators. I encourage you to write your opinions to the following individuals:

Senator William Cohen
P.O. Box 1938
Portland, ME 04104

Representative James Longley
4 Moulton Street
Portland, ME 04101

Senator Olympia Snow
3 Canal Plaza
Portland, ME 04101

Representative John Baldacci
P.O. Box 858
Bangor, ME 04402

I am considering starting a petition against COE certification of wetland delineators and would like to hear from others in the field.

*Peter W. Spear, CHEP, CEP, CWB
31A Fayette Street
Concord, NH 03301*

Opinions appearing in The Obligate do not necessarily reflect those of MAWS, its officers, or membership. Opposing views are welcome. — Ed.

WDCP Comments

MAWS submitted written comments on the Wetland Delineator Certification Program rules proposed by the Army Corps (Federal Register, Vol. 60, No. 49, March 14, 1995). MAWS' comments addressed six issues: 1) inclusion of state-certified wetland delineators, 2) use of name and certification number as proof of certification, 3) clarification of how to quantify the two-years experience prerequisite, 4) establishment of more flexible training mechanisms, 5) support for regionally-specific testing, and 6) substitution of continuing education/training for the periodic re-testing requirement. A complete copy of MAWS' comment letter is available upon request.

LD88 Testimony

President Colen Peters presented testimony before the state legislature concerning LD88, an act proposing revised definitions of state-regulated streams and freshwater wetlands. MAWS expressed concern that the proposed revisions were not scientifically based and were therefore not objective, repeatable, or practical. A copy of MAWS' comments concerning the 1991 proposed revisions to the Federal Manual was submitted in support of testimony.

MAWS to Present Poster at SWS 1995

MAWS will present a poster preliminarily entitled *Toward an Understanding of Maine's Wetlands* at the 1995 Society of Wetland Scientists Annual Meeting in Cambridge, Massachusetts from May 28-June 2. Co-authors are C. Peters, D. Cowan, and B. Day. The poster will feature examples of Maine wetlands, an overview of MAWS, mitigation/restoration efforts, and progress of the Wetlands Task Force. Membership input is encouraged.

Wetland Delineation and the "Practice of Pedology" Clause

Do soil interpretations made for the purposes of wetland delineation constitute the practice of pedology, which is restricted by state law to Maine Certified Soil Scientists? Come to the May 10 quarterly meeting in Waterville for the latest on this recurring issue.

May is National Wetlands Month

Here is a simple rundown on Wetlands Month.

Wetlands Month was created four years ago as part of a joint effort between the Turine Institute and the Environmental Protection Agency to increase the nation's awareness of wetlands. Every May, a myriad of groups around the country set up booths and arrange Wetlands Month talks, walks, and press releases. Governors dedicate wetland conservation lands, Senators talk about wetlands legislation... (well, maybe not this year), and local conservation groups put together projects to educate the public about the functions and values of wetlands. Maine joined in the celebration of Wetlands Month in 1992, when Bill LaFlamme called upon MAWS to work with the DEP to coordinate wetland talks and walks and to help staff a booth displayed at several of the larger shopping malls. Several wetland talks and hikes were organized around the state and a series of press releases made it into some state newspapers. This year there will be even more programs going on in the month of May and spread out from York to Aroostook County. MAWS members are helping by leading a number of wetland walks with a focus on the value of smaller, less "charismatic" wetlands that people encounter, often in their own backyards. All of the Wetlands Month events will be published in a pamphlet to be distributed to libraries, schools, and other municipal buildings around the state. There should be a series of press releases describing Wetlands Month events as well as addressing important wetland issues. If you are interested in leading a one- to two-hour wetland hike some morning or evening in the month of May, helping to staff the DEP booth, or giving an evening presentation on wetlands, please contact Bill LaFlamme at the Augusta DEP office (207) 287-7726.

The following is a partial list of the various activities, along with contact persons for the events:

May 6 in Falmouth: Vernal Pool Field Trip. Trip begins at 9:00 a.m. at 65 Falmouth Road. Contact Dale Brewer at 781-2001.

May 13 in Portland: Wetland walk in Fore River Sanctuary. Walk goes from 8:00 a.m. to 9:30 a.m. Meet at the end of Rowe Avenue. Reservations required. Participants will need knee boots. Contact Josh Royte at 846-1592.

May 13 in Wells: Wetlands Walk in Wells National Estuarine Reserve. Walk begins at 10:30 a.m. Contact John Whiting at 646-1555.

May 13 in Milford: Moonlight canoe trip into Sunhaze National Wildlife Refuge. Meet at 6:30 p.m. at Baker Brook crossing of County Road in Milford. Reservations required. Contact Mark Sweeney at 827-6138.

May 13 in Easton: Wetland Bird Walk at Francis Malcolm Institute. Walk goes from 3:00 to 5:00 p.m. Contact Rita Rogers at 488-5451.

May 17 in Bangor: Wetlands walk in Penjajawoc Bog. Reservations required. Contact Jim Beyer at 942-4570.

May 18 in Augusta: Presentation and discussion on wetlands, Lithgow Public Library 6:30 p.m. Contact Bill LaFlamme at

287-7726.

May 21 in Holden/Orrington: Wildflower and wetland walk of Maine Audubon's Fields Pond Sanctuary. Walk begins at 1:00 p.m. Contact Barbara Grunden at 537-2016.

May 24 in Hodgdon: Wetland walk in Hodgdon Wildlife Management Area. Meet at Hodgdon Methodist Church at 8:00 a.m. Reservations required. Contact Sally Rooney at 532-2148.

May 25 in Gray: Wetland tour and discussion of wetlands as wildlife habitat at Gray Game Farm and visitors center. Two sessions 9:30 a.m. and 10:30 a.m. Open to school classes (limit one class per session) and to a limited number of members of the public. Reservations required. Contact Denise or Lisa at 287-2871.

May 27 in Wells: Wetland Walk in Wells National Estuarine Reserve Walk begins at 10:30 p.m. Contact John Whiting at 646-1555.

May 27 in South Portland: Wetlands Display at the Maine Mall 10:00 a.m. to 5:00 p.m. Visit the display booth and receive free wetland publications and stickers. Contact Bill LaFlamme at 287-2111.

May 29 in Holden/Orrington: Frog Inventory in Wetlands at Maine Audubon's Fields Pond Sanctuary. Inventory begins at 1:00 p.m. Contact Judy Markowsky at 581-2900.

May 30 in Saco: Tour of the Saco Heath with the Nature Conservancy. Meet at 6:30 p.m. at Nature Conservancy parking lot, Route 112 Buxton Road, Saco. Limit 25 people. Contact Nancy Sferra at 490-4012.

May 31 at Baxter State Park: Evening Program on Wetlands. Meet at library porch on Daicey Pond at 6:30 p.m. Contact Jean Hoekwater at 723-9616.

Date at your convenience: Spring Adventures in Wetlands Tour of Marsh and Swamp (Orono area). \$3.00 per person. Field Pond Sanctuary Bird walks and canoe trips. Reservations required. Contact Judy Markowsky at 581-2900.

— Josh Royte



SPRING PEEPER
Pseudacris crucifer

Calendar of Events

MAWS

MAWS Quarterly Meeting

Wednesday, May 10, 1995

Arey Life Science Building, Colby College, Waterville
5:30-8:30 p.m.

Subject: Wetland delineation and the "practice of pedology" clause

Regional

Field Indicators for Identifying Hydric Soils within the New England Region, workshop and field day, May 4 and June 17, 1995, SSSNNE, NHACSS, NHAWS, and NHDES. For information call NHDES in Concord.

Forested Wetlands Mapping and Identification Workshop, May 4, 1995, Univ. of Maine, Orono. Call T.J. Bohan, (207) 581-2896, fax (207) 581-2858 or Chris Murdoch, (207) 581-2857.

NHAWS

For information write NHAWS, P.O. Box 4443, Manchester, NH 03108-4443.

National

SOCIETY OF WETLAND SCIENTISTS ANNUAL MEETING!

May 28 - June 2, 1995, Cambridge, MA

For more information, contact Doug Sparrow (401) 521-5980 or Mickey Marcus (413) 256-0202.

For more listings, see the SWS Quarterly Bulletin.

Professional Training Services

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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