Guidance for CNMI from the BECQ's Division of Coastal Resources Management

Wetland / Waters Delineation Report Contents

This guidance offers support for the application of the Bureau of Environmental and Coastal Quality Division of Coastal Resources Management's (DCRM) regulations and the Army Corps of Engineers' (USACE) requirements for wetland and other waters delineation reports using the 1987 ACE Delineation Manual, 2012 Regional Supplement for the Hawaii and Pacific Islands Region (Regional Supplement), and policy guidance for establishing the limit of other waters (33 CFR Part 328). For the purposes of wetland/waters delineation report review and verification by DCRM, a complete delineation report shall, at minimum, include the following components:

• **Clear identification of the site location and assessment area.** This is typically the property line for most projects, although linear projects such as roadways or utility lines are usually evaluated within a designated right-of-way or corridor width. Regardless of project type, the report must clearly identify the boundary of the area investigated on maps that are part of the report and provide a contextual map indicating site location.

• **Description of field conditions at the time of review.** When a field review is conducted, the report must include the date(s) of review, recent climatic conditions, and any other factors potentially influencing the interpretation of wetland/waters-related field characteristics.

• **Identification of who conducted the review and for whom the review was conducted.** The name(s) and phone number and/or email address of the primary author is required. Inclusion of names of all involved field surveyors is encouraged.

• **Purpose of the review.** This is important in determining the general approach and methods used for identifying and delineation wetlands and other aquatic resources on the site. Delineations are almost always conducted for the purpose of some type of regulatory compliance.

• **Methods.** The report should identify the specific methods, techniques, and data sources used to complete the delineation. The current version of the Manual and Regional Supplement describe a variety of different approaches and data sources that can be used depending on the site conditions and other circumstances. The report should discuss which methods and data sources were used and why. Where wetlands/waters have or are suspected to have a federal nexus, delineation determinations should be submitted to the Army Corps of Engineers' Guam Regional office and the DCRM office. Where wetlands are not believed to have a federal nexus, reports can be submitted directly to the DCRM permitting office. The DCRM may forward these reports to the USACE at its discretion.

For determinations of the boundaries of wetlands/waters (jurisdictional or non-jurisdictional), DCRM requires a report that at minimum: (1) outlines site hydrology and current conditions; and (2) maps proposed boundaries including justification regarding the basis used for this determination. DCRM staff will verify boundaries based on assessment of hydrology, vegetation, and soils. Demarcation of proposed boundary lines and soil test pits using flagging and GPS

referencing of the proposed delineation line is required. Attachment of geo-referenced photos to further support observations from the data sheets and conclusions of the report is encouraged.

For official confirmation of a delineation of waters of the U.S., including wetlands, by the Honolulu District, U.S. Army Corps of Engineers Regulatory Office, all delineations must be prepared in accordance with the current method required by the Corps (per the 1987 Corps of Engineers Wetland Delineation Manual and the current Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Hawaii and Pacific Islands Region) and use of the most current National Wetland Plant List (NWPL).

- 1987 USACE Wetland Delineation manual: https://el.erdc.dren.mil/elpubs/pdf/wlman87.pdf

- 2012 Regional Supplement: http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg_supp/HPI_regsupp_v2.pdf

- National Wetland Plant List: http://rsgisias.crrel.usace.army.mil/nwpl_static/index.html

The 2015 CNMI Rapid Assessment Methodology (RAM) may be used to assess the value / quality of delineated wetlands for local permitting and resource management purposes.

• **Mapping Resources.** The report should include readily available mapping products that provide clear and useful information related to wetlands and aquatic resources. The boundaries of the review area, north arrow, scale and legend must be identified on each map, which must also be at a scale allowing for identification of relevant information. At a minimum, the following figures must be included in the report (may be combined, as appropriate):

- Site location, with adequate detail to provide a reviewer directions to the site.
- Topography data from sources such as USGS quads, a topographic survey, and / or LiDAR data.
- NRCS Web Soil Survey (WSS) map.
- National Wetland Inventory (NWI), National Hydrographic Dataset (NHD), and/or any other available local inventory mapping, including storm sewer mapping.
- Recent aerial photography and historical imagery, if those data facilitate improved understanding of site conditions to support a complete delineation report.
- A final Delineation Figure, **overlaid on current aerial imagery or 1:200 or larger scale topographic map**, depicting the wetland size, and labeling the identified wetland or aquatic resources and sampling points referenced to corresponding data forms. All wetlands and aquatic resources should be shown on the final delineation figure regardless of their presumed jurisdictional status in relation to any regulatory program.

• **Data Forms for Wetlands.** For delineations involving onsite field assessment, supporting data forms from the current Regional Supplement are required. The data forms provide the supporting field documentation for report conclusions. These forms must be fully completed and correspond to sample point locations identified on one or more mapping resources in the report. Photographs of the sampling locations and overall site conditions can often provide further documentation of observed conditions. Locations of photographs must be referenced using GPS coordinates and/or

on a project boundary map showing the location of the camera and the direction the camera was oriented at the time of the photo. Soil pits and proposed delineation line must be flagged and numbered for agency verification purposes. Assessor(s) must provide a sufficient number of data points to adequately sample and represent the complexity of a site and the wetland edge(s).

• **Data Collection for Other Waters.** Unless specifically requested by DCRM or other regulatory agencies, data forms are not required for delineated nonwetland waters unless riverine wetlands are located waterward of the Ordinary High Water Mark(OHWM)/High Tide Line. Flagging in the field should be directly vertical of the OHWM in non-tidal areas and the High Tide Line in Tidal areas.

• **Results and Discussion.** Basic conclusions should be discussed and described in the report. This includes a physical description of the site in terms of vegetation, soils and hydrology. The report should describe wetlands, other aquatic resources and non-wetland/water areas in terms of their vegetation (plant community type), landscape position, hydrology, and soils with sufficient detail to describe site conditions. The report should also discuss the consistency of the delineation with the existing mapping resources. For example, if the field delineation fails to identify wetlands in mapped hydric soil areas, the report should discuss this inconsistency and possible reasons for it. The boundary of all areas having at least one positive indicator for each of the three wetland parameters and/or having an OHWM or High Tide Line should be shown on the final delineation figure.

• **Conclusions.** The delineator's opinion related to potential agency jurisdictional responsibilities and any other pertinent facts should be provided. If there are multiple, separate resources on the study site, a table identifying each with the delineator's opinion as to potential jurisdiction may be useful to support expeditious regulatory review.

Because no "federal nexus" is required for regulation of wetlands in CNMI, wetlands that may not fall under USACE jurisdiction depicted in the image at right may still be regulated at the local level.

Early coordination with the BECQ-DCRM office is encouraged to ensure submission of complete and timely review of wetland/waters reports. For more information, please visit crm.gov.mp/ or contact our office at (670) 664-8300.

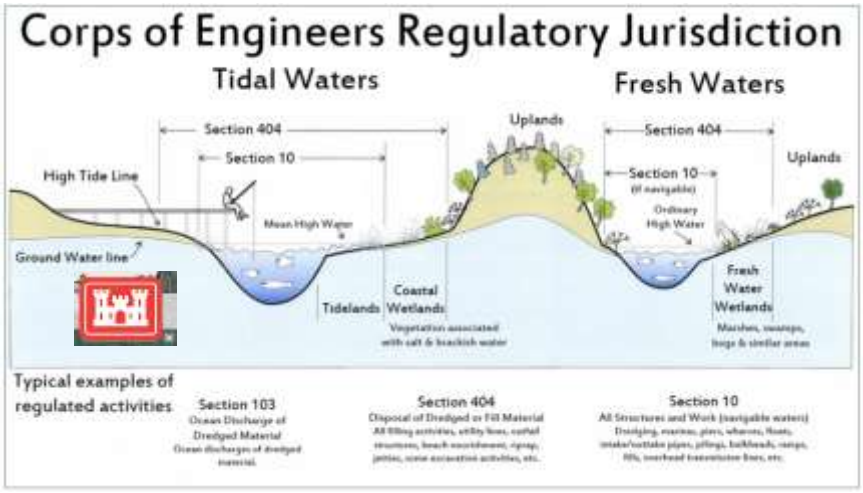

Figure courtesy of U.S. Army Corps of Engineers,
http://www.nwp.usace.army.mil/Missions/Regulatory/Jurisdiction.aspx

Glossary of Selected Terms

High tide line – The term *high tide line* means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm. See 33 CFR 328.3(c)(7), NMIAC **§** 15-10-020.

Ordinary high water mark – The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. See 33 CFR 328.3(c)(6).

Waters of the United States – See 33 CFR 328.3(a)

Wetlands – The term *wetlands* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries, and similar areas in the Northern Mariana Islands chain. See 33 CFR 328.3(c)(4) and NMIAC **§** 15-10-020.