

**FINAL
OVERSIGHT AND EVALUATION
REPORT**

**NORTH CENTRAL WETLANDS
CONSERVATION INITIATIVE
(NCWCI) – COMBINED REPORT
SPRING 2012**

March 18, 2013

Confidential



**NATURAL RESOURCES CONSERVATION SERVICE
Oversight and Evaluation Staff
Office of the Regional Conservationists**

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United States Department of Agriculture
Natural Resources Conservation Service

NCWCI Combined Report Spring 2012

HIGHLIGHTS

Why Oversight and Evaluation Did This Study

Evaluate the wetland determination processes and procedures used in the North Central Wetlands Conservation Initiative to assure that determinations are being made consistently and in accordance with policy.

What Oversight and Evaluation Found

1. JAA and Training – JAA deficiencies were found in 3 of the 4 states with a combined success rate score of 54% (for the 3 states). Inadequate training was found in 2 out of the 4 states with a combined success rate of 19.5%.
2. Wetland Determinations Methods – In 3 of 4 states wetland determinations did not have adequate numbering sites/sampling points; precipitation data source was not used and/or noted, and evidence of pre-1985 drainage was not noted.
3. Offsite Methods – Inadequate documentation on the unique definition for hydric soils, hydrophytic vegetation, & wetland hydrology (3 of 4 states) and the 3 wetland diagnostic factors were not assessed independently &/or remote dates sources for each factor cited (2 of 4 states).
4. Onsite Methods – When the sampling unit was over 5-ac the variance was not used/cited (3 of 4 states); representative observation points were not identified on the base map (3 out of 4 states) and when a soil probe was used the reason was not cited/explained (3 of 4 states).
5. Appeal Process – Policy is not being followed on all levels of the appeals process in all 4 states which includes the following: appeals letters, reconsideration visits, adverse decision not elevated to the STC within time allowed, appeal rights, etc.
6. Reviewer did not agree with Determinations – One of the most important questions in the whole checklist is #14 - Did the Reviewer agree with the assigned wetland conservation label? This Finding was an issue in 3 of the 4 states with a combined score for those states of 61%.

(b) (5)

MEASURE SUMMARY					
Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable					
Measures (Expected Performance)	Success Rate				
	IA	MN	ND	SD	COMBINED
JAA and Training	32%	68%	85%	64%	61%
Wetland Determination Request (Admin)	82%	85%	98%	79%	86%
Wetland Determination Methods (including labels)	69%	64%	84%	73%	73%
Offsite Methods - all Level 1 Determinations and Level 1 portion of Level 3 Determinations		16%	25%	20%	19%
Onsite Methods (inspection necessary) - Level 2-3 and Onsite Determination Required	83%	82%	31%	67%	48%
Appeals	56%	47%	41%	67%	53%
Reviewer Agreed with Determinations	75%	53%	66%	83%	74%

MEASURE SUMMARY	
Success Rate =	100%
	99% - 90%
	89% - 80%
	79% - 70%
	69% - 0%
	Not Applicable

NOTE: A Finding was written when the combined scores ranged from 0 to 84%.

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Purpose

Evaluate the wetland determination processes and procedures used within the North Central Wetlands Conservation Initiative (NCWCI) to assure that determinations are being made consistently and in accordance with policy.

Background

The NCWCI is a four-state initiative aimed at reducing the backlog of certified wetland determinations in the Prairie Pothole Region. Included in the NCWCI proposal is a request for additional Conservation Technical Assistance (CTA) funding. A two-phased review has been proposed to assure this funding is appropriately spent:

Phase I has been completed and consisted of a quick response review conducted to analyze wetland determination procedures in the Prairie Pothole Region (final report was completed March 3, 2011).

Phase II is being implemented and will include a series of state reports that outline progress being made in the initiative.

Objectives

The objective is to achieve consistent application of policy in certified wetland determination (CWD) procedures within the NCWCI.

Scope

The scope of this project is the Prairie Pothole Region composed of the states of Iowa, Minnesota, North Dakota and South Dakota.

Methodology

Phase II includes the review of 8 determinations made using onsite wetland determination methods (two in each state) and 160 reviews of CWD's that used offsite methods. Each review of onsite methods will consist of 10 sites (samples). Samples were randomly selected from a list of recent determinations provided by the States and confirmed to meet the need of this review. The checklist consists of 107 questions and includes detailed information of the offsite and onsite wetland determination process. Onsite wetland determination samples were reviewed in the spring/summer of 2012 with the second round to be scheduled for the 3rd and 4th quarter of 2013 for a total of 20 samples per state. Upon completion of 10 reviews of onsite determinations in each state, a report is written and an exit conference conducted with the State Conservationist, the State wetland conservation compliance (WC) point of contact (POC) and other staff. The results from a total of 8 reviews of onsite determinations will be presented in a final report.

Upon completion of each FY review (total of 40 onsite determinations for 2012 and 40 sites for 2013), a report will be generated. A conference call will be held with the Regional Conservationist, State Conservationists and POCs to review the overall report. The final report will be written after all states within the Prairie Pothole Region have had a minimum of two onsite reviews.

In addition, a report on the results of the offsite methods will be written after approximately 160 offsite determinations have been reviewed and a final report will be generated when all 320 offsite samples have been reviewed.

After all of the onsite and offsite reports have been completed, an overall report entitled “Phase II – Consistency” will be written. An exit conference with the Regional Conservationist, the four State Conservationists and the POCs will be conducted to discuss the report.

Paul Sweeney, completed the reviews for South Dakota, Iowa and Minnesota, with Lee Davis, and Jim Gertsma completing the North Dakota review. Each state had a total of ten sites reviewed for a total of 40 sites overall. Samples were randomly selected from a list of recent determinations provided by the States and confirmed to meet the need of this review.

Results of the Study

The results of the review are shown in Appendix 1 and 2.

FINDINGS

Finding 1 – Job Approval Authority and Training

Agency experts have not consistently received adequate training as required. Individuals completing the offsite determinations do not consistently have the appropriate job approval authority (JAA). The Agency is at risk of being in an indefensible position in wetland certification disputes and appeals.

(b) (5)

(b) (5)

Finding 2 – Wetland Determinations Methods (including labels)

The State Offsite Methods and State Mapping Conventions (SOSM/SMC) did not utilize the three-factor approach. Additionally, required steps were not consistently applied (i.e. acres of project area on base map, numbering sites/sampling points, appropriate precipitation data sources, evidence and documentation of pre-1985 drainage, and slide review data sheet). SOSM/SMC should separate the three steps to the FSA wetland determination process (Step 1: Wetland ID; Step 2: Assigning a WC Label; Step 3: Determination of Size). The Agency is at risk of being in an indefensible position in wetland certification disputes and appeals.

(b) (5)

(b) (5)

Finding 3 – Offsite Determinations (all Level 1 Determinations and Offsite portion of Level 3 Determinations)

The methods currently utilized for offsite determinations are inadequate. The Agency is at risk of being in an indefensible position in wetland certification disputes and appeals.

(b) (5)

Finding 4 – Onsite Methods (onsite inspection necessary – Level 2-3)

Agency experts are not consistently applying the approved protocols when conducting onsite determinations. The Agency is at risk of being in an indefensible position in wetland

certification disputes and appeals.

(b) (5)

Finding 5 – Appeal Process

The appeals process is not consistently being carried out according to policy. The Agency is at risk of being in an indefensible position in wetland certification disputes and appeals.

(b) (5)

(b) (5)

Finding 6 – Reviewer did not agree with Determinations

Commonly, the reviewer did not agree with certified wetland determinations. It was apparent that quality assurance and oversight was occurring minimally (3 out of 4 states). The Agency is at risk of being in an indefensible position in wetland certification disputes and appeals.

(b) (5)

(b) (5)

(b) (5)

Appendix 1: Measure Summary (Combined)

MEASURE SUMMARY					
Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable					
Measures (Expected Performance)	Success Rate				
	IA	MN	ND	SD	COMBINED
JAA and Training	32%	68%	85%	64%	61%
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Appeals	56%	47%	41%	67%	53%
Reviewer Agreed with Determinations	75%	53%	66%	83%	74%

MEASURE SUMMARY	
Success Rate =	100%
	99% - 90%
	89% - 80%
	79% - 70%
	69% - 0%
	Not Applicable

NOTE: A Finding was written when the combined scores ranged from 0 to 84%.

NCWCI - Spring 2012

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
JAA and Training		32%	68%	85%	64%	61%
1	The Designated Conservationist responsible for wetland determinations attended the Phase 2 Wetland Delineation Training.	100%	9%	30%	100%	59%
2	The individual completing the offsite determination work had the appropriate Job Approval Authority.	25%	82%	100%	50%	71%
3	The individual completing the onsite determination work had the appropriate Job Approval Authority.	0%		80%	50%	43%
4	The individual completing the Certified Wetland Determination had the appropriate Job Approval Authority.	0%	91%	100%	100%	75%
5	There was a State job-approval list.	100%	27%	100%	100%	80%
12	The person assigning the label had job approval authority.	0%	100%	100%	50%	63%
29	The 2nd tier staff had job approval authority on the state roster.	0%	100%		0%	33%
Wetland Determination Request (Admin)		82%	85%	98%	79%	86%
6.1	The wetland determination request was initiated on the proper form.	100%	100%	100%	100%	100%
6.2	The wetland determination request was signed by FSA.	100%	100%	100%	100%	100%
6.3	The wetland determination request was dated.	100%	100%	100%	100%	100%
7	If the request was on the AD-1026, box 10A, 10B or 10C was checked "yes".	100%	100%	100%	100%	100%
8	There was a county log of AD-1026 request or an access database.	100%	91%	100%	100%	98%
9	The request was entered on the county log or an access database.	100%	91%	100%	100%	98%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
15	The 026(e) was completed correctly and completely.	90%	55%	80%	50%	68%
16	The CPA-026(e) was signed by the Designated Conservationist.	78%	55%	100%	100%	83%
17	A copy of 026(e) was provided to the producer/landowner.	90%	91%	100%	100%	95%
18	A copy of the 026(e) was provided to Farm Service Agency (FSA).	90%	73%	100%	100%	90%
19	The size and location of each area was identified.	38%	80%	100%	0%	57%
20	The identification on the project map was carried over to the certified wetland determination map.	0%	82%	100%	0%	49%
Wetland Determination Methods (including labels)		69%	64%	84%	73%	73%
10	The target date of 1985 was considered in the selection of the remote data sources and it was reflective of the conditions prior to 1885.	80%	100%	100%	100%	95%
11	The SOSM/SOM separated the wetland ID process (based on normal circumstances) from the determination of exemption (based on specific dates within 7CFR12.5(b)).	0%	18%	71%	100%	45%
13	The SOSM/SOM were used in the assignment of the proper Wetland Conservation (WC) label.	100%	73%	100%	100%	91%
32	A modification/justification of the standard wetland ID methods was made, per paragraph 23 of the Corps Manual and Section A – Introduction; Corps Manual as provided by NRCS policy the FSA Procedures (5-5).		100%	0%	100%	81%
33	If yes, the purpose of the modification was explained as required in paragraph 23.		100%			100%
34	A base map was developed for the determination.	100%	82%	100%	100%	95%
35	The base map was by Tract per regulations (either Field per national policy or resulting from request for determination on 569).	100%	73%	100%	100%	93%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
36	The numbering of sites and sampling points was appropriate. i.e. FSA Field Number/Sampling Unit Number (e.g. 1,S1,A)	0%	60%	100%	0%	42%
37	The acres of the project area (entire project size) were placed on the base map per policy.	20%	27%	70%	0%	29%
38	The FSA Variance (5-9) was followed (identify drainage prior to 1985 or post 1985 drainage).	100%	91%	100%	80%	93%
39	An appropriate precipitation data source was used for the pre-1985 remote data source.	63%	100%	50%	20%	59%
40	The precipitation data source was noted and appropriate for the "current" remote data source.	0%	82%	100%	60%	61%
42	Evidence of pre-1985 drainage was documented.	63%	44%	100%	67%	66%
43	If 'yes', the drained conditions (considered the new normal circumstances) were considered in the wetland identification decision for each factor.	100%	60%	100%	75%	84%
44	If drainage was noted after 1985, it was documented.	50%	0%	100%	100%	73%
45	The data sources considered were consistent with what is provided in the Corps Manual (items a - j in paragraph 54) and if so were the items considered noted on the COE forms.	100%	82%	63%	70%	79%
46	A remote source (slide review) data-sheet was included and complete.	100%	45%	100%	40%	68%
47	The facts support the decision on data sources used.	100%	44%	80%	100%	81%
48	The FSA Variance (5-11) was followed.	100%	89%	100%	100%	97%
49	The three-level approach was considered by the agency expert (Designated Conservationist).		9%	70%		38%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
Offsite Methods - all Level 1 Determinations and Level 1 portion of Level 3 Determinations			16%	25%	20%	19%
50	If 'yes' for Level 1 determination, each of the three wetland diagnostic factors were assessed independently and remote data sources for each factor were cited.		0%	60%		19%
51	If 'yes' for Level 1 determination, State Offsite Methods or State Mapping Conventions were used for one or more of the factors and they were applied appropriately.		0%	67%	100%	54%
52	The agency expert did document that he/she considered the unique definition of hydrophytic vegetation provided in the Food Security Act (FSA).		0%	0%	0%	0%
53	If variance (5-41) related to the veg. reference site was used, it was cited on the data sheet.					
55	The agency expert documented that he/she considered the unique definition of hydric soils provided in the FSA.		18%	0%	0%	7%
56	If the process provided for in 7 CFR 12.31 and repeated in the FSA Variance (5-18) was used, it was used correctly and cited.		38%		0%	17%
58	The agency expert documented that he/she considered the unique definition of wetland hydrology provided in the FSA Procedures (no set days of inundation or saturation).		40%	0%	0%	15%
60	The decisions were based on the data sources providing in the Corps Manual (Steps 4-8 of Section B – Preliminary Data Gathering and Synthesis) or SMC/SOSM.					
61	NRCS followed the 7-step procedures in paragraph 64, pg. 46 of the COE Manual.					
62	This 7-step procedure was cited or supported by documentation.					
Onsite Methods (inspection necessary) - Level 2-3 and Onsite Determination Required		83%	82%	31%	67%	48%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
64	The agency expert properly followed the three steps.	90%		80%	100%	90%
65	If the sampling unit was over 5-acres, this variance was used and cited.	0%		0%	0%	0%
67	The decision was made at the diagnostic factor scale (using the 3-factor approach).	100%		88%	100%	96%
69	If an atypical situation was determined to occur for vegetation the methods were (par. 73; pages 74-77) applied appropriately and documented in the remarks section of COE form.	100%		0%		80%
70	Chapter 5 was used appropriately (can only be used for one of the three factors).	100%		0%		80%
71	The Normal Environmental Conditions (NEC) decision was made at the diagnostic factor scale.	100%		50%	100%	82%
73	If problem area methods (Section G of the Corps Manual) were used, they were applied appropriately.			0%		0%
74	Chapter 5 of the supplements were also used appropriately.			0%		0%
75	Were the representative observation point(s) identified on the base map.	13%		60%	0%	25%
77	When variance (5-48) was used, it was applied correctly.			0%		0%
78	The sampling methods for vegetation (Basal areas, height, percent cover...) from the Corps Manual (standard method) were used, and if so, applied properly.	100%		44%		50%
79	The plot size and shape from Chapter 2 of the appropriate supplement was used (alternative method) and the reason documented in the notes.			40%	100%	80%
80	The plot size and shape was modified per the flexibility provisions in par. 23.	100%		33%		50%
81	The 50/20 rule was applied correctly.	100%		25%	100%	77%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
82	The indicator was applied correctly from Chapter 2.	100%		13%	100%	73%
83	The possibility of a false positive or false negative was considered in context with the unique FSA definition of hydrophytic vegetation and normal circumstances PRIOR to rendering a decision on this factor and documented.	100%		20%	0%	36%
85	Variance (5-62) was used and correctly applied.			0%		0%
86	The location of the hydrology indicator observed was different than the representative observation point & the location of the hydrology indicator identified on the base map.			0%		0%
87	The Corps indicators were applied correctly from Regional Supplements Chapter 4.	100%		60%	100%	86%
88	The flexibility provisions (par. 23) were utilized and documented as required.			0%		0%
89	Prior to decision making for the hydrology factor, the possibility of a false positive or false negative was considered in context with the unique FSA definition of wetland hydrology and normal circumstances and documented in notes.			20%		20%
92	If atypical, methods were in the atypical situation for soils (par. 74 COE Manual; pg. 77 – 79) and/or Chapter 5 was used appropriately and cited.	100%			0%	33%
93	If a soil probe was used, par. 23 COE Manual was cited and the reason explained.	0%		0%	0%	0%
94	If field indicators were used, they were applied correctly.	100%		60%	100%	86%
96	The wetland identification decision was based on normal circumstances and not 1985 conditions.			50%	100%	75%
97	The adjacent wetland sampling units within the project were joined into a single wetland identification map based on the boundaries of the original sampling units identified on the base map.	100%		75%	100%	93%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
41	FSA Normal Circumstances, related to disturbance, were considered and documented as required in (3-1 thru 3-5).	100%	82%	80%	78%	84%
Appeals		56%	47%	41%	67%	53%
21	The "NFSAM FSA Wetland ID Procedures" was cited in transmittal letter regarding wetland identification (step 1).	0%	18%	40%	100%	39%
22	The 7 CFR 12.5(b) was cited regarding labels (step 2).	0%	55%	30%	100%	46%
23	The Clean Water Act (CWA) paragraph was included.	100%	82%	60%	100%	85%
24	The appeal process followed 7 CFR 614.	0%	50%	0%	100%	29%
25	The reconsideration visit was conducted in the field.	100%	50%	0%	100%	43%
26	The reconsideration was conducted by the original decision-maker (designated conservationist that issued the original 026).	100%	0%	100%	100%	71%
27	The adverse decision was elevated to the STC within 15 days of the site visit.	0%	0%	0%	0%	0%
28	The 2nd tier process (STC level) provided for an independent review (different than the original NRCS staff decision maker).	100%	50%		0%	50%
30	Appeal rights to NAD or FSA were provided with the final determination letter.	100%	67%	100%	0%	67%
31	If appealed to FSA, another site visit was conducted per 7CFR 614.		100%			100%
Reviewer Agreed with Determinations		75%	53%	66%	83%	74%
14	The reviewer agreed with the assigned Wetland Conservation (WC) label based on CFR 12.5(b) and the NFSAM.	75%	27%	80%	100%	69%
54	Data that was collected during the review is consistent with the original data sheets.		0%	71%	100%	79%
57	The facts support the decision for hydric soils.		100%	86%	100%	95%

MEASURE SUMMARY

Success Rate = 100% 99% -90% 89% -80% 79% -70% 69% -0% Not Applicable

Measures (Expected Performance)		Success Rate				
		IA	MN	ND	SD	COMBINED
59	The facts support the decision for wetland hydrology.		83%	71%	100%	87%
63	The field review did (quality assurance) support the decision for each of the three factors.					
66	The site visit associated with the QAR supports the numbers & locations of the sampling units used in the determination.	88%		90%	100%	93%
68	The facts support the decision to use or not use Atypical Situations.	100%		70%	100%	89%
72	The facts support the decision to use or not use Problem Area methods.	100%		70%	100%	89%
76	The facts support the number and location of representative observation point(s) used in the determination.	13%		38%	0%	15%
84	The reviewer agreed with the hydrophytic vegetation decision (reviewer must consider NC and the FSA definition of hydrophytic vegetation).	100%		60%	100%	86%
90	The facts support the decision on wetland hydrology (reviewer must consider the NC and the FSA definition of wetland hydrology of hydrophytic vegetation).	0%		30%	0%	11%
91	The hydrophytic soils factor was considered and followed according to policy.	100%		60%	100%	86%
95	The facts support the decision on hydric soil decision based on the FSA unique mandate of (1) a predominance and (2) the FSA definition of a hydric soil.	100%		70%	100%	90%

NOTE: MN did not complete any onsite determinations. The State determined offsite reviews were adequate to complete determinations. COE Forms were not completed and prevented completion of approximately half of the review questions.

Appendix 3: References

FOR OFFSITE REVIEW (LEVEL 1) ANSWER ONLY THE QUESTIONS IN GREEN		
I.		ADMINISTRATIVE REVIEW
1		Did the Designated Conservationist attend the Phase 2 Wetland Delineation Training?
2		Did the individual completing the offsite determination work have the appropriate Job Approval Authority?
		NFSAM 514.1 B(1)
3		Did the individual completing the onsite determination work have the appropriate Job Approval Authority?
		"
4		Did the individual completing the Certified Wetland Determination have the appropriate Job Approval Authority?
		"
5		Was there a State job-approval roster?
		NFSAM 514.1 B(2)
6		Was the wetland determination request:
	6.1	Initiated on the proper form?
		514.1A(2)
	6.2	Signed by FSA?
		FSA Handbook 6CP (revision 4) Highly Erodible Land & Wetland Provisions, Parag 357 B Section 3 (pgs 3-123)
	6.3	Dated?
		"
7		If the request was on the AD-1026, were any of the boxes (10A, 10B or 10C) checked "yes"?
		FSA Handbook 6CP (revision 4) Highly Erodible Land & Wetland Provisions, Parag 356 B (pgs 3-121)
8		Was there a county log of AD-1026 request or access database?
9		Was the request entered on county log or access database?
		Labels
10		Was the target date of 1985 considered in the selection of the remote data sources reflective of conditons prior to 1985?
		NFSAM Circular 6, Part 527, Parg 5-9
11		Did the SOSM (or offsite methods used) separate the wetland ID process (based on normal circumstances) from the determination of exemption (based on specific dates within 7CFR12.5(b)).
		NFSAM 514.7

11.1	Did the remote data sources used target the time period in question?	NFSAM 514.7
12	Did the person assigning the label have job approval authority?	NFSAM 514.1 B(1)
13	Were state off-site methods (or state mapping conventions) used in the assignment of the proper Wetland Conservation (WC) label?	Needed for SOSM template
14	Does the reviewer agree with the assigned WC label based on CFR 12.5(b) and the NFSAM?	7 CFR 12.5(B) & NFSAM 12.2 & 12.5(B)
	CPA-026 & Transmittal Letter	
15	Was the 026(e) completed correctly and completely?	
16	Was the CPA-026(e) signed by Designated Conservationist?	
17	Was a copy of 026(e) provided to the producer/landowner?	NFSAM 514.1 E(2)
18	Was a copy of the 026(e) provided to FSA?	"
19	Was the size and location of each area identified?	"
20	Was the identification on the base map carried over to the certified wetland determination map?	"
21	Was the "NFSAM FSA Wetland ID Procedures" cited in transmittal letter regarding wetland identification (step 1)?	7CFR 614.6(B)(2)
22	Was 7 CFR 12.2 & 12.5(b) cited regarding labels (step 2)?	"
23	Was the Clean Water Act paragraph included?	NFSAM 514.1 (G)
	Appeals	
24	Did the appeal process follow 7 CFR 614?	7CFR 614.7 & 614.8
25	Was the reconsideration visit conducted in the field?	7CFR 614.7 A(1)
26	Was the reconsideration conducted by the original decision-maker (designated conservatonist that issued the original 026)?	7CFR 614.7 B
27	Was the adverse decision elevated to the STC within 15 days of the site visit.	7 CFR 614.7 B

28	Did the 2 nd tier process (STC level) provide for an independent review (different than the original NRCS staff decision maker)?	7 CFR 614 pgs 282.41
29	Did the 2 nd tier staff have job approval authority on the state roster?	NFSAM 514.1 B (1)
30	Were appeal rights to NAD or FSA provided with the final determination letter?	7 CFR 614.8 B (1) & (2)
31	If appealed to FSA, was another site visit conducted per 7CFR 614?	7CFR 614.10 (B) (3)
B	WETLAND DETERMINATION METHODS	
	Section A - Introduction	
32	Was a modification/justification of the standard wetland ID methods made, per paragraph 23 of the Corps Manual and Section A – Introduction; Corps Manual as is provided by NRCS policy the FSA Procedures (5-5)?	COE Manual, Parg 23, Part 1 & Circular 6 (5-5)
33	If yes, was the purpose of the modification explained as required in paragraph 23?	COE Manual, Parg 23, Part 1
	Section B - Preliminary Data Gathering and Synthesis	
34	Was a base map developed for the determination?	COE Manual, Section D, Subject 1, Step 1 (Offsite) & Section 1 Subset 2 Step 17 (Onsite)
35	Was the base map by the Tract per regulations either Field per national policy or resulting from request for determination on 569)?	7 CFR 12.30, C (1)
36	Was the numbering of sites and sampling points appropriate? i.e. FSA Field Number/Sampling Unit Number (e.g. 1,S1,A)	Circular 6 (2-12)
37	Were the acres of the project area (entire project size) placed on the base map per policy?	COE, Section B, Step 2
38	Was the FSA Variance (5-9) followed? (identify drainage prior to 1985 or post 1985 drainage)	Circular 6 (5-9)
39	Was an appropriate precipitation data source used for the pre-1985 remote data source?	Circular 6 (5-9)
40	Was the precipitation data source noted and appropriate for the “current” remote data source?	”
41	Were FSA Normal Circumstances, related to disturbance, considered and documented as required in (3-1 thru 3-5)?	Circular 6 (3-1 thru 3-5)

42	Was the evidence of pre-1985 drainage documented?	"
43	If 'yes', were the drained conditions (considered the new normal circumstances) considered in the wetland identification decision for each factor?	Circular 6 (2-10) & (3-5)
44	If drainage was noted after 1985, was it documented?	Circular 6 (5-9)
45	Were the data sources considered consistent with what is provided in the Corps Manual (items a - j in paragraph 54) and if so were the items considered noted on the COE forms?	COE Preliminary Data, Part 4, Section B, Parg 54
46	Was a remote source (slide review) data-sheet included and completed?	COE, Section B, Steps 4, 6, & 8
47	Do the facts support the decision on data sources used?	
	Section C: Selection of Method	
48	Was the FSA Variance (5-11) followed?	Circular 6 (5-11)
49	Was the three-level approach considered by the agency expert (Designated Conservationist)?	National COE data form insufficient for proper documentation
	Section D - Routine Determinations	
50	If this is a Level 1 determination, were each of the three wetland diagnostic factors assessed independently and remote data sources for each factor cited?	NFSAM 514.3 A & Circular 6 (3-1) & (4-4)
51	If this is a Level 3 determination, were State Offsite Methods or State Mapping Conventions used for one or more of the factors and if so were they applied appropriately?	Circular 6 (5-17)
	For ALL Level 1 & Level 3 determinations and the Level 1 (offsite) portion of the Level 3 determinations:	
	Vegetation	
52	Did the agency expert document that he/she considered the unique definition of hydrophytic vegetation provided in the Food Security Act?	Circular 6 (5-47)
53	If variance (5-41) related to the veg. reference site was used, was it cited on the data sheet?	Circular 6, (5-41)

54	Are data that was collected during the review consistent with the original data sheets?	
		Soils
55	Did the agency expert document that he/she considered the unique definition of hydric soils provided in the FSA?	Circular 6 (5-55)
56	If the process provided for in 7 CFR 12.31 and repeated in the FSA Variance (5-18) was used, was it correctly and cited?	Circular 6 (5-18) & 7 CFR 12.31
57	Do the facts support the decision for hydric soils?	
		Hydrology
58	Did the agency expert document that he/she considered the unique definition of wetland hydrology provided in the FSA Procedures (no set days of inundation or saturation)?	Circular 6 (5-59)
59	Do the facts support the decision for wetland hydrology?	
	If the Corps off-site methods were used for one or more of the factors, rather than NRCS state off-site methods:	
60	Were the decisions based on the data sources providing in the Corps Manual (Steps 4-8 of Section B – Preliminary Data Gathering and Synthesis)?	COE Section B, Steps 4-8
61	Did NRCS follow the 7-step procedures in paragraph 64, pg 46 of the COE Manual?	COE, Parg 64
62	Was this 7-step procedure cited or supported by documentation?	"
63	Do the facts support the decision for each of the three factors?	
	Subsection 2 – Onsite Inspection Necessary (Level 2 and Level 3 determinations) (Either all or part onsite)	
64	Did the agency expert properly follow the three steps?	COE, Part 4, Subsect 2, Steps 1-17
65	If the sampling unit is over 5-acres, was this variance used and cited?	Circular 6 (5-21)
66	Did the site visit associated with the QAR support the numbers & locatons of the sampling units?	Circular 6 (2-12) & COE Part 4, Subset 2, Step 4)
67	Was the decision made at the diagnostic factor scale?	Circular 6 (2-5), (4-3) & (4-4)

68	Do the facts support the decision to use or not use Atypical Situations?	COE, Part 4, Subset F & Section D, Subset 2, Step 2
	Vegetation	
69	If an atypical situation was determined to occur for vegetation were the methods (par. 73; pages 74-77) applied appropriately and documented in the remarks section of COE form?	COE, Section F, Subsect1, Pgs 74-77
70	Was Chapter 5 used appropriately (can only be used for one of the three factors).	Regional Supplements, Chapter 5
71	Was the Normal Environmental Conditions (NEC) decision made at the diagnostic factor scale?	Circular 6 (2-11), (4-3) & COE, Part 4, Subsect 2, Step 5
72	Do the facts support the decision to use or not use Problem Area methods?	COE, Section G, Part 4, Subsect 2, Step 5
73	If problem area methods (Section G of the Corps Manual) were used, were they applied appropriately?	COE, Section G
74	Was Chapter 5 of the supplements also used appropriately?	Regional Supplements, Chapter 5
75	Were the representative observation point(s) identified on the base map?	COE, Part 4, Subsect 2, Step 6
76	Do the facts support the number and location of representative observation point(s)?	"
77	If variance (5-48) was used, was it applied correctly	Circular 6 (5-48)
78	Was the sampling methods for vegetation (Basal areas, height, percent cover...) from the Corps Manual (routine method) used, and if so, was it applied properly?	COE, Part 4, Subsection 2, Step 7
79	Was the plot size and shape from Chapter 2 of the appropriate supplement used (alternative method) and was the reason documented in the notes?	Regional Supplements, Chapter2
80	Was the plot size and shape modified per the flexibility provisions in par. 23?	COE, Part 1, Parg 23
81	Was the 50/20 rule applied correctly?	Regional Supplement, Chapter 2
82	Were the indicators applied correctly from Chapter 2?	"

83	Was the possibility of a false positive or false negative considered in context with the unique FSA definition of hydrophytic vegetation and normal circumstances PRIOR to rendering a decision on this factor and was it documented?	Circular 6 (5-47)
84	Did the facts support the hydrophytic vegetation & normal circumstances decision?	Regional Supplements, Chapter 2 & Circular 6 (5-47)
	Wetland Hydrology	
85	Was this variance (5-62) used and applied correctly?	Circular 6 (5-62)
86	If the location of the hydrology indicator observed is different than the representative observation point was the location of the hydrology indicator identified on the base map?	COE, Part4, Subsect 2, Steps 6 & 10
87	Were the Corps indicators applied correctly from Regional Supplements Chapter 4?	Regional Supplements, Chapter 4
88	Were the flexibility provisions (par. 23) utilized and if so was documentation provided as required?	COE, Parag 23, Section A
89	Prior to decision making for the hydrology factor, was the possibility of a false positive or false negative considered in context with the unique FSA definition of wetland hydrology and normal circumstances documented in notes?	Circular 6, (5-59) & (5-62)
90	Do the facts support the decision on wetland hydrology (reviewer must consider NC and the FSA definition of wetland hydrology of hydrophytic vegetation)?	
	Hydric Soils	
91	Was the hydric soils factor considered and followed according to policy?	COE, Part 4, Section D, Subsect 1, Step 4 & Subsect 2, Step 12 & Circular 6 (5-49) & 5-55)
92	If atypical, were the methods in the atypical situation for soils (par. 74 COE Manual; pg. 77 – 79) and/or was Chapter 5 used appropriately and cited?	COE, Section D, Subsection 2, Step 2 & Section F, Pgs 77-79
93	If a soil probe was used, was par. 23 COE Manual cited and the reason explained?	COE, Parg 23 & COE, Secton D, Subsect 2, Step 13
94	If field indicators were used, were they applied correctly?	Regional Supplement , Chapter 3

95		Do the facts support the decision on hydric soil decision based on the FSA unique mandate of (1) a predominance and (2) the FSA definition of a hydric soil?	Circular 6 (5-54) & (5-55)
96		Was the wetland identification decision based on normal circumstances and not 1985 conditions?	Circular 6 (2-10) (2-11) (2-15) & (3-1 thru 3-5)
97		Were the adjacent wetland sampling units within the project joined into a single wetland identification map based on the boundaries of the original sampling units identified on the base map?	COE, Section D, Subsection 1, Step 7 & Subsect 2, Step 17