

# Wetlands Delineation Fact Sheet

## *Recent History and Current Status*

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### Introduction

Wetlands are defined in a variety of ways, yet virtually every definition includes some mention of inundated or saturated soils and certain types of vegetation. Wetland delineation is the process of determining wetland boundaries on the ground. A delineation method, usually articulated in a manual, describes how a person determines if an area exhibits the hydrologic, vegetation and soil characteristics associated with wetlands. Since wetlands are highly variable based on factors such as topography, geomorphology, precipitation patterns, degree of human disturbance, etc., a delineation manual also includes guidance on how to deal with atypical or difficult to identify wetlands.

It is important to understand that a delineation method is used to determine the boundaries of wetlands using technical criteria. While a delineation manual is generally used to determine jurisdiction for regulatory purposes, there are many cases where an area may meet the required wetland criteria in a delineation manual and yet is determined to be exempt from a particular regulation. For example, an area in agricultural production may meet all of the criteria required to be called a wetland and yet not be regulated because on-going agricultural activities are generally exempt from regulation. However, this same area may be regulated if the land use is changed to a non-agricultural use.

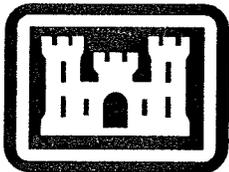
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### History

The issue of how to identify and delineate wetlands has been a topic of debate for years. Prior to 1986 there was no comprehensive methodology for making wetland calls and agency staff primarily used vegetation to determine wetland boundaries. A method for identifying wetlands, contained in the National Food Security Act Manual (NFSAM), was developed by the Soil Conservation Service (SCS) for delineating wetlands on agricultural lands in order to implement provisions of the 1985 Food Security Act. In 1987 the Corps of Engineers (Corps), and in 1988, the Environmental Protection Agency (EPA) released slightly different versions of a manual that relied on three parameters - vegetation, soils, and hydrology - for wetland boundary determinations. The Department of Ecology used the EPA version in most cases but did not formally adopt it as policy. As a result of extensive field-testing of the 1987 Corps and EPA manuals, a revised manual, the 1989 manual, was agreed to by all four federal agencies, including the U.S. Fish and Wildlife Service.

The federal agencies were required to use the 1989 manual although it was not adopted by rule. Ecology and other state agencies used the 1989 for making all wetland calls in vegetated wetlands. (Non-vegetated wetlands are determined based solely on soils and hydrology.) Since 1989, research and field testing have been conducted nationwide in order to improve on the 1989 manual.

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## History- continued

In 1991, in response to concerns that the 1989 manual was resulting in too many areas being defined as wetland and consequently regulated, President Bush's Council on Competitiveness began a review of wetland delineation issues. Major revisions to the 1989 manual were proposed in August, 1991 and were to have gone in effect in October, 1991 following a period of public comment. Public concern about the proposed revisions led to several extensions of the comment period. The EPA responded to public comment by withdrawing the proposed manual. In 1992 Congress appropriated funds and commissioned the National Academy of Science (NAS) to study the wetland delineation issue and report back to Congress by the fall of 1994.

In the meantime, Congress passed a bill which stated that the Corps of Engineers could not use any funds to implement the 1989 manual in their Clean Water Act activities. Thus, the Corps returned to using the 1987 Corps delineation manual.

In August of 1993, President Clinton released a wetlands policy initiative which dealt with wetlands delineation in two ways. First, it stated that the administration supported the continued use of the 1987 manual by federal agencies until the NAS completes its study. The administration also designated the Soil Conservation Service as the lead federal agency for delineating wetlands on agricultural lands and for any participants in USDA farm programs.

Thus, in 1994 the SCS began making wetland jurisdictional determinations for both the Food Security Act (which they have done since 1985) and the Clean Water Act. They use the NFSAM for delineating wetlands on lands in agricultural production and use the 1987 manual for delineating wetlands on non-agricultural lands owned by USDA program participants.

In May, 1994 the Corps and EPA released regional guidance on applying the 1987 manual in Washington state. This regional guidance was issued by the federal agencies to *clarify* certain language in the 1987 manual. *It did not amend the 1987 manual.*

Because the 1987 manual was the first attempt in the nation to write down the process of identifying wetland boundaries there was ambiguity in some of the language and procedures outlined in the manual. Since that time we have learned a lot more about the process of identifying wetland boundaries. In addition, the 1987 manual was written largely by wetland experts from the southeastern United States and therefore, does not adequately take into account some of the unique wetland situations that occur in other parts of the country. In the May 1994 regional guidance, the federal agencies have attempted to clarify how best to apply the 1987 manual in Washington state.

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## Current Status

Several recent changes have occurred at the state level. In March, 1995 the Interagency Wetlands Review Board, which includes representatives from state agencies regulating or impacting wetlands, made an administrative decision to switch from using the 1989 federal delineation manual to the 1987 Corps of Engineers delineation manual (with the May, 1994 regional guidance). This change was made to provide greater consistency between the federal and state regulatory programs and to address a recommendation by the State Wetland Integration Strategy report that all regulatory agencies use the same manual. At that point, those local governments using the 1989 manual were encouraged to change to the 1987 manual as well.

Also, in June 1995, the State Legislature passed ESB 5776 which includes a provision requiring the Department of Ecology to adopt a wetlands delineation manual that "*is consistent with the 1987 manual.*" Ecology will begin rule-making in late-1995 with final adoption of the state delineation manual anticipated by mid-to-late 1996. At that point, local governments will be required (also by ESB 5776) to use the state manual for implementing their local wetland regulations. Ecology anticipates adopting the 1987 manual with the 1994 regional guidance, pending public input.

Finally, the National Academy of Science report on wetlands was issued in May 1995. This long awaited study concluded that the basic approach used in both the 1987 and 1989 manuals was sound and recommended that the federal agencies adopt a new manual that draws from the best parts of the two manuals. Federal agency action on the NAS recommendations is on hold, pending reauthorization of the Clean Water Act. Summaries of the NAS report are available from the Dept. of Ecology and EPA.

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## For More Information

For more information on wetlands delineation contact the agencies shown on front. For additional copies of this fact sheet, call (206) 407-7472. For special accommodation needs, call the Department of Ecology at (206) 407-6006 (TDD).