



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

WW-20-0006

DOCUMENT TITLE

Assured Delineation Program Infraction Prioritization

PROGRAM/BUREAU

Waterways

STATUTORY AUTHORITY OR LEGAL CITATION

ss. 281.36 and 23.321, Wis. Stats.

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

4/27/2020

DATE FINALIZED

5/25/2020

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'Michael C. ...'.

5/19/20

Signature

Date

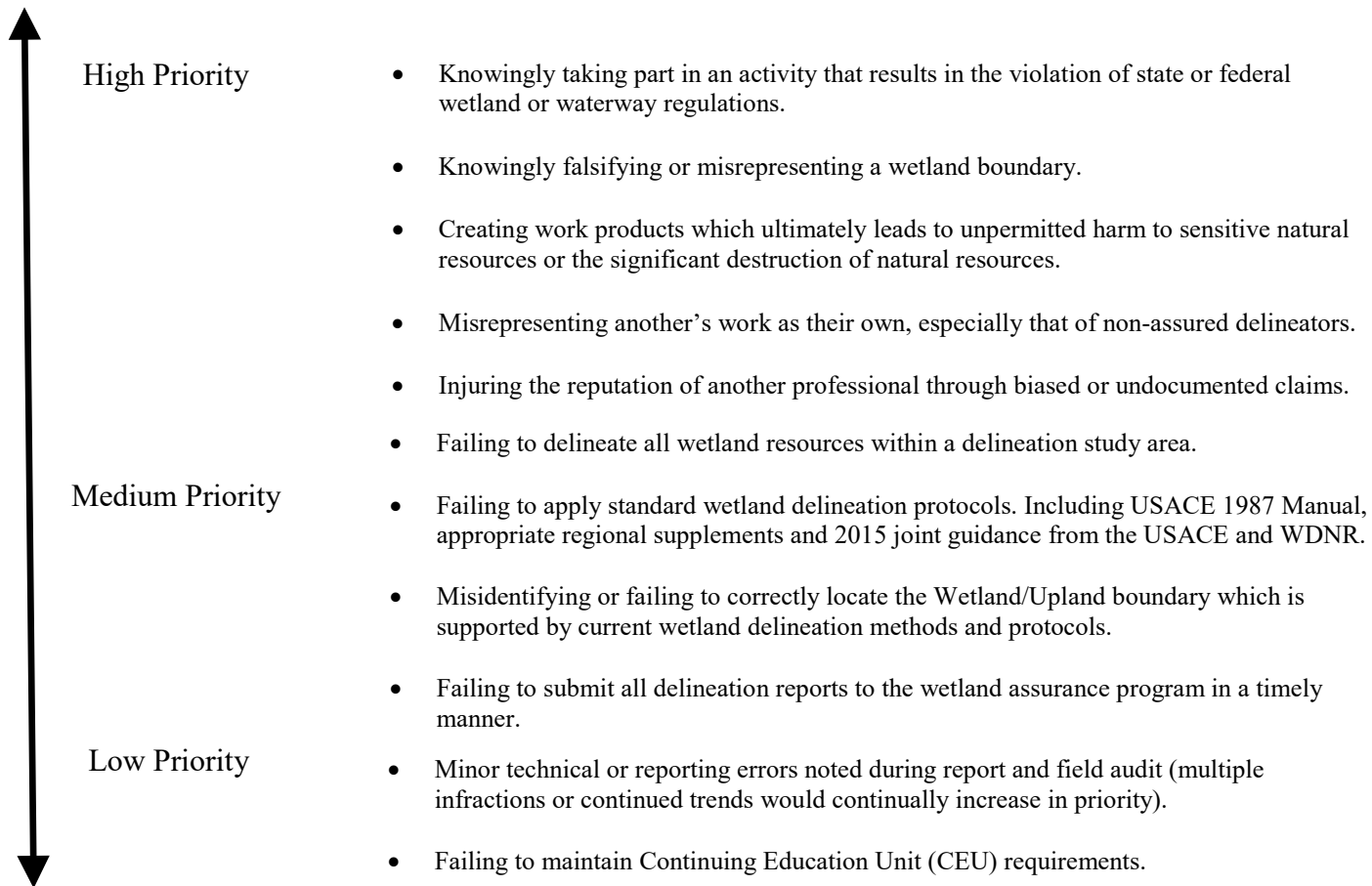
Assured Delineator Infraction Prioritization and Procedures

Introduction

The purpose of this document is to support consistent prioritization and responsiveness to issues associated with the Wisconsin DNR Assured Delineator Program. This document is intended to facilitate the discussion in differentiating the level of potential severity of an infraction as related to the “Wisconsin Department of Natural Resources- Assured Delineator Participation Agreement” and probable outcomes from said infraction(s).

Background

The Wetland Identification Team created a priority spectrum that outlines high, medium and low priority assured delineator program infractions.



High priority infractions have a significant impact on the integrity, quality, and proper protocol associated with being in the program and delineating wetlands. They require swift response. High priority infractions are those that impact life, sensitive natural resources, health, and/or property, as a result of the delineation issues/infractions. The high priority infractions are also those that are found to be in direct violation of the code of ethics (moral and ethical standards) of the program.

High priority infractions will involve the Section Chief and/or Wetland Team Coordinator, the Wetland Identification Team Coordinator (and support staff), and the Assured Wetland Delineator. High priority infractions will result in notification to the delineator and the opportunity to discuss the issue. These kinds of infractions should or could result in revocation or suspension of DNR assurance status for the wetland delineator.

STRATEGIES:

1. Initial complaint or concern is received by DNR from external source and/or DNR Annual Audit is conducted.
2. Wetland Delineation report review by Wetland ID Specialist(s) per review process for assured wetland delineation reports. Document specific concerns or errors in the delineation report and report to the wetland identification coordinator.
3. Contact assured delineator to discuss delineation reporting concerns and set up a meeting to discuss the report itself, or to complete an onsite review if necessary.

POSSIBLE OUTCOMES:

1. Written notice/communication about infractions, errors, or reporting documentation that will be immediately improved upon or implemented moving forward. Non-suspension from the program.
2. Written notice/communication about infraction, errors, or reporting documentation for which immediate correction is applicable or appropriate. Revoke assurance status 6-months to allow for confirmation review to allow in field feedback from DNR Identification Staff to document corrective actions have been taken to alleviate/remove the infraction.
3. Written notice/communication about infraction, errors, or reporting documentation for which immediate revocation of assurance status/recognition is warranted.

Medium priority infractions have impact on the integrity, quality, and proper protocol associated with being in the program and delineating wetlands. They require response but not necessarily a swift one. They often do not have a direct life, sensitive natural resource, health, and/or property risk associated with the assured delineators work. They are not generally in the DNR permit process. These are generally wetland reporting errors and a wetland boundary/figure that is not supported the delineation report.

Medium priority infractions may involve the Section Chief and/or Wetland Team Coordinator, the Wetland Identification Team Coordinator (and support staff), and the Assured Wetland Delineator. Medium priority infractions will result in notification to the assured delineator and the opportunity to discuss the issue. These kinds of infractions could result in revocation or temporary suspension of DNR assurance status for the wetland delineator.

STRATEGIES:

1. Initial complaint or concern is received by DNR from external sources and/or DNR Annual Audit is conducted.
2. Wetland Delineation report review by Wetland ID Specialist(s) per review process for assured wetland delineation reports. Document specific concerns or errors in the delineation report and report those the wetland identification coordinator.
3. Contact assured delineator to discuss delineation reporting concerns and set up a meeting to discuss the report itself, or to complete an onsite review if necessary.

POSSIBLE OUTCOMES:

1. Written notice/communication about infractions, errors, or reporting documentation that will be immediately improved upon or implemented moving forward. Non-suspension from the program if corrective actions are taken.
2. Written notice/communication about infraction, errors, or reporting documentation for which immediate correction is not applicable or appropriate. Revoke assurance status 6-months to allow for confirmation review to allow in field feedback from DNR Identification Staff to document corrective actions have been taken to alleviate/remove the infraction.
3. When repeat infractions continue to be noted and recorded by Wetland Identification Staff, removal from the program may be necessary.

Low priority infractions have lesser impact on the integrity, quality, and proper protocol associated with being in the program and delineating wetlands and are followed up as time allows by Wetland Identification Staff. Low priority infractions can generally be tracked and handled by Wetland Identification Staff. These infractions are often small reporting errors in report reviews, administrative or procedural infractions.

STRATEGIES:

1. Initial complaint or concern is received by DNR from external sources and/or DNR Annual Audit is conducted.
2. Wetland Delineation report review by Wetland ID Specialist(s) per review process for assured wetland delineation reports. Document specific concerns or errors in the delineation report and report those the wetland identification coordinator.
3. Contact assured delineator to discuss delineation reporting concerns and set up a meeting to discuss the report itself, or to complete an onsite review if necessary.

POSSIBLE OUTCOMES:

1. Written notice/communication about infractions, errors, or reporting documentation that will be immediately improved upon or implemented moving forward. Non-suspension from the program if corrective actions are taken.
2. Written notice/communication about infraction, errors, or reporting documentation for which immediate correction is not applicable or appropriate. A grace period of 6-months to allow delineator to be in compliance before suspension of assurance status for an additional 6-months to allow for confirmation review in-field feedback from DNR Identification Staff to document corrective actions have been taken to alleviate/remove the infraction.
3. When repeat infractions continue to be noted and recorded by Wetland Identification Staff, removal from the program may be necessary.