# **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

**High Priority** 

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

	wetland or waterway regulations.
	• Knowingly falsifying or misrepresenting a wetland boundary.
	<ul> <li>Creating work products which ultimately leads to unpermitted harm to sensitive natural resources or the significant destruction of natural resources.</li> </ul>
	• Misrepresenting another's work as their own, especially that of non-assured delineators.
Medium Priority	• Injuring the reputation of another professional through biased or undocumented claims.
	• Failing to delineate all wetland resources within a delineation study area.
	<ul> <li>Failing to apply standard wetland delineation protocols. Including USACE 1987 Manual, appropriate regional supplements and 2015 joint guidance from the USACE and WDNR.</li> </ul>
	<ul> <li>Misidentifying or failing to correctly locate the Wetland/Upland boundary which is supported by current wetland delineation methods and protocols.</li> </ul>

Low Priority

manner.

Failing to submit all delineation reports to the wetland assurance program in a timely

Knowingly taking part in an activity that results in the violation of state or federal

- Minor technical or reporting errors noted during report and field audit (multiple infractions or continued trends would continually increase in priority).
- Failing to maintain Continuing Education Unit (CEU) requirements.

<u>High priority infractions</u> 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.

<u>Low priority infractions</u> 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.