

PROCEDURES FOR CHALLENGING RATINGS OF PLANT SPECIES ON THE NATIONAL WETLAND PLANT LIST

Introduction

In the United States, wetlands are regulated under Section 404 of the Clean Water Act (1972) and the Food Security Act (1985). Four Federal agencies—the U.S. Army Corp of Engineers (USACE), the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (FWS), and the Natural Resources Conservation Service (NRCS)—are responsible for determining the extent of wetland boundaries based on the presence of wetland hydrology, hydric soils, and hydrophytic vegetation. Hydrophytic vegetation determinations are based, in part, on the wetland ratings of plant species listed on the National Wetland Plant List (NWPL). Each species on the list has been assigned to one of five wetland rating categories based on its frequency of occurrence in wetlands.

In 2012, an extensive update of the National Wetland Plant List (NWPL) was finalized. During this process, the scientific nomenclature was updated, the definitions of the five wetland rating categories were revised (Lichvar and Gillrich 2011, Lichvar et al. 2012), and the wetland ratings of 8,149 plant species across 10 geographic regions in the U.S. and its territories were evaluated by wetland scientists, academic botanists, and the public.

As part of the update, the National Panel (NP) for the NWPL developed both short and long qualitative definitions for each category to assist in applying wetland ratings (Lichvar et al. 2012). The short version is as follows:

- **OBL** (Obligate Wetland Plants)—Almost always occur in wetlands.
- **FACW** (Facultative Wetland Plants)—Usually occur in wetlands, but may occur in non-wetlands.
- **FAC** (Facultative Plants)—Occur in wetlands and non-wetlands.
- **FACU** (Facultative Upland Plants)—Usually occur in non-wetlands, but may occur in wetlands.
- **UPL** (Upland Plants)—Almost never occur in wetlands.

The quantitative definitions of the five wetland rating categories have now been reserved for field testing of a species using scientific methods. These ratings represent the frequency with which a species is thought to occur in wetlands: OBL (>99%), FACW (67–98%), FAC (34–66%), FACU (1–33%) and UPL (<1%). In the absence of landscape-scale frequency data for each species, the ratings had previously been based on a review of the botanical literature and the field experience of wetland scientists and botanists.

Future Changes to the NWPL

The ongoing maintenance of the NWPL will include annual reviews. The Biota of North America Program (BONAP) will continue to provide annual updates of the nomenclature. Requests for changes in wetland ratings or additions to the list will be reviewed on a semi-annual basis. Such requests may be submitted to the National Panel during the periods of January 1 to March 31 and June 1 to August 31. The interim periods will allow time for the National Panel to determine if adequate information has been submitted and for the Regional Panels to evaluate the request. Any changes in wetland ratings during this process will be posted on the NWPL web site (rsgisias.crrel.usace.army.mil/NWPL/index.html), and the changes will become official with the next published version of the NWPL.

The three-stage process for requesting a change in the wetland indicator status or the addition of species to the NWPL is outlined below. Individuals or institutions may challenge or request a change to a plant species' wetland rating if they believe it is incorrect. This three-stage challenge process, which involves an exchange of information among the Requester, the National Technical Committee on Wetland Vegetation (NTCWV), and the National Panel (NP) and Regional Panels (RP) of the NWPL, is designed to increase our knowledge of wetland plant distribution and disseminate that information to all. In the first stage of each challenge, the Requester submits a recommendation and rationale with supporting documentation. If both the NP and RP agree with the Requester's suggested rating, the plant's wetland rating will be changed during the next annual update of the NWPL. If the NP does not agree with the Requester's recommendation, the Requester may continue the process by testing their recommendation with a field study. In Stage Two, Requesters submit a study proposal based on a study design template to be developed by the NTCWV. The NTCWV and the NP will work with the Requester to adjust these templates for a particular plant species or wetland type, including the appropriate spatial scale. Once the design is approved, Requesters may collect the data. In Stage Three, the Requester submits the data to the NP for analysis. Alternatively, the Requester may enter and analyze the data they collect using a pre-formatted spreadsheet. All data and results generated during a challenge to a species wetland rating will be posted on the NWPL web site. Ultimately, the NP will determine the change in indicator status and the spatial scale at which the change is warranted. Stage One of the process is further described below, followed by an outline of possible outcomes.

Stage One: Information Gathering/Literature Review

A. Description

During the first stage of a challenge to the NWPL, Requesters provide a brief summary of their rationale for recommending a change in the wetland rating of a plant species in a specific USACE region or subregion. Rationale statements should have a scientific foundation. If wetland frequency is thought to vary within a region or subregion based on geography, climate, elevation, etc., then that should be stated. For example, in the Atlantic and Gulf Coastal Plain Region, the wetland rating of a species might be considered problematic only on the Outer Coastal Plain. Requesters should also supply regionally specific information that supports their rationale statement. Documentation should represent a variety of sources and should describe the plant species' occurrence across the landscape, in wetlands and uplands. Delineation data alone may not be sufficient because they represent a single landscape position—the upland–wetland boundary. This particularly applies to species that are widely distributed or that exhibit broad habitat specificity. Sources that employ circular reasoning should not be used. For instance, current and past wetland ratings should not be used as evidence of a plant species' wetland frequency. Requesters may cite habitat descriptions from floras that include prior wetland ratings, but the prior rating should be omitted. For example, a habitat description such as “found in swamps and fens, FACW” provides useful information, but the prior FACW rating provides no new information and should be omitted.

B. Procedures

Supporting information is most efficiently presented as a table with several columns, such as source type, citation, location, habitat description, and associated plant species. Supporting documentation may include, but is not limited to, information from the following types of sources:

- 1) Regional or national floras
- 2) Links to or copies of relevant literature, such as journal articles, monographs, etc.
- 3) Summaries of data from unpublished studies
- 4) Herbarium records from the region
- 5) Field guides
- 6) Field observations with habitat notes regarding wetland characteristics and associated species
- 7) Photographs of the plant and its habitat
- 8) Delineation data.

Stage one challenge packages may be submitted to: National Panel of the NWPL, c/o Robert Lichvar, 72 Lyme Road, Hanover, NH 03755, or NWPL@usace.army.mil. The NP will review challenge packages and forward them to the appropriate RP for further evaluation. The RP will

review and validate the information submitted by Requesters and will evaluate the wetland rating of the plant species in question. Also, for common and possible controversial species, the appropriate Corps District may be asked to release a Public Notice requesting input on the species from other agencies and the public.

Possible Outcomes

- 1) If both the NP and the RP reach consensus and agree with the Requester's suggested rating, the plant's wetland rating will be changed during the next annual update of the NWPL. No further effort is necessary from the Requester.
- 2) If the RP reaches consensus but disagrees with the Requester's suggested rating, the RP's suggested wetland rating will be sent to the NP, which will either agree with or override the RP.
 - a) If the NP agrees with the RP rating and disagrees with the rating suggested by the Requester, the Requester may decide either:
 - i) Not to pursue the challenge any further, or
 - ii) To continue to challenge the rating by testing it with a field study.
 - b) If the NP disagrees with the RP and agrees with the rating suggested by the Requester, the indicator status will be changed, unless the NP feels that the information that was gathered during Stage One suggests that a field study is warranted.
- 3) If the RP does not reach consensus, the NP will examine the information, with two possible outcomes:
 - a) If the NP agrees with the rating suggested by the Requester, the indicator status will be changed during the next annual update of the NWPL.
 - b) If the NP disagrees with the rating suggested by the Requester, the Requester may decide either:
 - i) Not to pursue the challenge any further, or
 - ii) To continue to challenge the rating by testing it with a field study.

If a plant species' wetland rating is not resolved during Stage One and the Requester chooses to further challenge the rating by submitting a proposal for a field study, all expenses incurred during the field study are the responsibility of the Requester.