Well, the weather has been quite intriguing. Fall precipitation patterns were up above the long-term average for one month and below average the next. First there was hardly any snow in the mountains, and now we have tons, which is great news for enthusiasts of outdoor, winter recreation and salmon recovery adherents alike. Well, the weather has continued to be very interesting.

The rapid evolution of the Western Climate Initiative’s (WCI) consideration of a voluntary cap-and-trade program to reduce greenhouse gas emissions also has been interesting. For those of you who followed the recent United Nation’s meetings on climate change in Bali, we (the collective version) got a big kick in the butt. Many of you no doubt read or heard the dressing down our delegation received to the effect of get on board and help lead the effort to reduce greenhouse gases and climate change or get out of the way. What a poignant statement about our federal government’s embarrassing lack of leadership. Fortunately, a number of western governors are filling that void and actively participating in the WCI.

In fact, we all have the opportunity to help shape this process and here are a few reasons why we should. First and foremost, even though the voluntary cap-and-trade system that is being considered as part of the WCI may ultimately be replaced by a mandatory federal program (assuming the vacuum in Washington, D.C. is filled and Congress can get together), chances are they are not going to start from scratch. More likely, the WCI and other regional initiatives are going to be a model for a federal program. In addition, the WCI is being relied upon by at least some local governments (Seattle’s included) to provide the structure to fulfill greenhouse gas/global warming reduction mandates in the absence of a federal program.

The comment period for the various WCI options under consideration is open until February 1 (see http://www.westernclimateinitiative.org/WCI_Documents.cfm). Comments also are being accepted until January 22 on recommendations being made for Washington State’s recommendations (see http://www.ecy.wa.gov/climatechange/index.htm) on addressing climate change. And if that isn’t enough reason to get you going, the EU is considering linking the voluntary C exchange market now in place in the form of the Chicago Climate Exchange to their Emissions Trading Scheme or ETS as part of Phase 2.
It is all a bit overwhelming but if the aphorism of sink or swim was ever applicable to a situation, like it or not, we are living it. As Ralph like’s to note in his closing email salutation “if you are not part of the solution, you are part of the precipitate.” If you know of any influential, dynamic, informed and motivational speakers, please provide their names and contact information to Yvonne Vallette or me for consideration as presenters at our annual meeting in September.

For an excellent summary of the ins and outs of carbon markets and particularly suggestions to improve effectiveness, see the article Making Carbon Markets Work by David Victor and Danny Cullenward in the September volume of Scientific American. A version of this article is available at http://www.sciam.com/article.cfm?id=making-carbon-markets-wor&print=true. Their suggestions for strengthening a voluntary cap-and-trade program could be incorporated into ones comments on the draft documents noted above. Among the many other useful resources available to help you make informed decisions are the Union of Concerned Scientist’s website on global warming http://www.ucsusa.org/global_warming/ and the Intergovernmental Panel on Climate Change website http://www.ipcc.ch/.

Other News from the Board

Our chapter remains strong. Thank you to all of you who have renewed your memberships. We had 523 members as of January 15, 2008.

In addition to remaining one of the largest chapters, our financial footing is solid. Though the final numbers are not yet in, it looks like we made a tidy profit on our joint meeting with SERNW and would like to again thank all of you who had a hand in that meeting as well as those of you that attended. It is the exchange of ideas and information at these meetings that really makes our chapter among the strongest.

Management of the SWS organizations larger budget remains a challenge. News has recently surfaced that the International SWS meeting last June in Sacramento lost $20,000. The good news is that President Pat Megonigal is having the mid-year Executive Board meeting by teleconference, which will help to offset this loss. Mid-year Executive Board meetings have been the second biggest line item in the budget. If this experiment goes well, which it should, the amount budgeted to mid-year Executive Board meetings should be reduced dramatically in the future. If you have any concerns or ideas that you would like me to share, please let me know by February 1.

While we are on the subject of ideas, please submit yours for workshops. We really need to spend our money to continue to benefit our membership. As you have read before, there are monies available for us to sponsor your workshops. Our next chapter-sponsored workshop (Amphibian Identification and Monitoring) is slated for February 15, 2008. Please see the flyer in this newsletter for details. Also in this issue, you will find a ready to use form for idea submittal. It will be posted on the website soon for easy access and use. That’s all for this issue. Thanks for your attention.

Certification of Wetland and Soil Scientists in Washington

As many of you know, the Washington Department of Licensing (DOL) has recently completed a sunrise review of whether it is necessary for wetland and soil scientists to be certified in the state. The sunrise review was written by the DOL at the request of Representatives Woods and Hunt, the sponsors of the bill to provide an analysis of the need for such legislation. At the time of writing this article the DOL determined that certification is warranted. Although it is uncertain whether the DOL will recommend a practice act, a title act, or a combination of the two, we understand it will likely be a title act.

As has been articulated in past articles on this topic, there are several reasons for pursuing statewide certification of wetland and soil scientists. One of the most important is to ensure that people who are practicing as wetland and soil scientists have the qualifications to do so. Part of the proposed legislation will be provisions stipulating minimum education and experience requirements for wetland and soil scientists. Such minimum requirements will at least ensure that wetland and soil scientists are properly trained. In theory, this will help to ensure consistency and accuracy in the work of wetland and soil scientists. Legislation also will contain a process for holding wetland and soil scientists accountable for their work, similar to other professions. An independent review board will be established and responsible for reviewing and evaluating complaints and assessing whether or not appropriate protocols have been followed and support conclusions. Failure to follow appropriate protocols and make conclusions that are unsupported by the data could result in revocation of certification and related restriction of one’s ability to practice wetland or soil science within the state.
This legislative session will last 60 days and began on the 14th of January. We need your comments and support. If you are interested in providing testimony before one of the legislative committees, wish to be involved in this process, have questions or comments contact Lisa Palazzi at pacificrim@tss.net, Scott Luchessa at sluchessa@environcorp.com, or Jim Wiggins at wetlands@fidalgo.net.

**Regulatory Update**

*By Scott Luchessa, SWS PNW President*

Wetland regulations are continually changing and a challenge to follow at times. At the federal government level, recent case law is among the most important and difficult to follow. The two most recent cases from the U.S. Supreme Court that have had the biggest influence on wetland regulation are the 2001 case Solid Waste Agency of Northern Cook County (SWANCC) v. the U.S. Army Corps of Engineers (531 U.S. 159) and more recent 2006 decision in Rapanos v. the U.S. Army Corps of Engineers (Docket No. 04-1034). Many people wiser than me have suggested that these cases would result in a significant reduction in the reach of federal jurisdiction.

A full volume of our very own journal Wetlands (Volume 23(3) September 2003) was dedicated to interpretations and opinions about the implications of SWANCC and functions of isolated wetlands. A number of articles by various experts also appeared in the National Wetlands Newsletter, which is published by the Environmental Law Institute. Volume 21(2) March-April 2001 of the National Wetlands Newsletter focused on SWANCC and Volume 28(5) September-October 2006 provided a number of sometimes disparate positions on Rapanos. Rapanos, of course, was a split decision. Thus there are multiple opinions to consider.

The U.S. Army Corps of Engineers regulatory guidance resulting from Rapanos for making jurisdictional determinations on wetlands (i.e., significant nexus test for non-navigable wetlands) is complex and has led to an increased burden on resources that are already thinly spread. The best summary and guidance I have seen to date on Rapanos is the Environmental Law Institute’s (ELI) *The Clean Water Act Jurisdictional Handbook* 2007 edition, which is available online at on their website [http://www.elistore.org/reports_detail.asp?ID=11225](http://www.elistore.org/reports_detail.asp?ID=11225). The ELI handbook and information at the websites listed below will help determine federal government jurisdiction and associated policies and regulations. At the end of the day, it does not appear that there have been sharp reductions in the jurisdictional reach of the federal government, at least in the wetter climates of western Oregon and Washington west of the Cascades. Of course, there is also the matter of state and local government jurisdiction too. We’ll save that discussion for another issue. A few additional helpful resources and a summary of what you can expect to find at each:

- **The United States Supreme Court** – court decisions and much more [http://www.supremecourtus.gov/opinions/05slipopinion.html](http://www.supremecourtus.gov/opinions/05slipopinion.html)

**PNW Chapter Conference - Wetlands 2008: Wetlands and Global Climate Change**

Mark your calendars for this year’s chapter conference in Portland, Oregon on September 15-19th, 2008. This year’s chapter conference will be a joint conference between the Society of Wetland Scientists PNW Chapter and the Association of State Wetland Managers. Global climate change will be the primary topic with symposia to describe challenges, identify opportunities, and share cooperative strategies for protecting, restoring, and conserving wetlands in response to climate change. Watch the website for updates in the coming months!! [http://aswm.org/calendar/index.htm#symp](http://aswm.org/calendar/index.htm#symp)

**Want to be Included in the Consultant Directory?**

The SWS PNW chapter just posted a consultant list containing SWS members, their contact information, and their PWS or WPIT status on the chapter website. It is expected that some state and county governments who currently host a listing of consultants would instead, or in addition, post a link over to our SWS PNW website list. SWS cannot make any endorsement, nor are we currently able to do any policing of qualifications. We
will be updating the list quarterly. If you want to be included on the list, please email the contact information you’d like included to Jeff at: tranger0@yahoo.com.

### Calendar of Classes and Workshops

To better serve our members we have included a list of wetland related classes and workshops occurring in the Pacific Northwest. If you know of other organizations that offer classes please forward the weblink to leandra.cleveland@hdrinc.com.

Amphibian Identification and Monitoring Workshop: February 15, 2008 (Olympia) – SWS PNW Chapter

Wetland Mitigation, Construction and Installation: February 25-29, 2008 (Portland) – Portland State University EPP

Basic Wetland Delineation: March 10-14, 2008 (Portland) – Portland State University EPP

Regional Supplement Seminar: March 15, 2008 (Portland) – Wetland Training Institute, Inc.

Advanced Wetland Soils and Hydrology for Delineators: April 7-9, 2008 (Portland) – Portland State University EPP

Federal Wetland/Waters Regulatory Policy: April 15-18, 2008 (Seattle) – Wetland Training Institute, Inc.

Basic Wetland Delineation: April 21-25, 2008 (Portland) – Portland State University EPP

Advanced Geographical JDs post Rapanos and SWANCC: April 21-22, 2008 (Seattle) – Wetland Training Institute, Inc.

Wetland Plants of the Pacific Northwest: May 5-9, 2008 (Portland) – Portland State University EPP

Basic Wetland Delineation: May 12-18, 2008 (Arlington) – Wetland Training Institute, Inc.

Regional Supplement Seminar: May 20, 2008 (Arlington) – Wetland Training Institute, Inc.

Wetland Delineation Training: June 9-12, 2008 (Seattle) – Richard Chinn Environmental Training, Inc.

In addition, a hydric soils workshop is being planned for the latter part of April. It will be offered in the Olympia area and in Skagit County. It will be a two-day session, offered by Bob Thomas of WSDOT and Lisa Palazzi of Pacific Rim Soil & Water Inc. For further information contact Jim Wiggins at atsi@wetlands.net.

Spring Newsletter Deadline is April 15, 2008! Send your articles and announcements to Amy or Jeff.

www.sws.org/regional/pacificnw
Update your address books!

Society of Wetland Scientists, PNW Chapter
PO BOX 1311
Bellingham, Washington 98227

If you would like to be removed from our paper newsletter mailing list, please contact Jeff or Amy with your request. Current and past issues of this newsletter are available on our website www.sws.org/regional/pacificnw.

Have you moved? To ensure you receive each issue of Ooze News, please change your address at the national Society of Wetland Scientists website: www.sws.org. The PNW Chapter of SWS has a new website: www.sws.org/regional/pacificnw.