

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,  
WETLAND PROFESSIONALS and GEOLOGISTS MEETING  
January 19, 2024  
10:00 a.m. – Board Room 2 – 2<sup>nd</sup> Floor  
Department of Professional & Occupational Regulation  
9960 Mayland Drive  
Richmond, Virginia 23233  
(804) 367-8514**

1. Call to Order
2. Emergency Evacuation Procedures
3. Announcements
4. Approval of Agenda
5. Approval of Minutes:
  - September 26, 2023, Full Board Meeting Minutes
6. Public Comment Period\*
7. Soil Scientists & Wetland Delineators
  - i. Mid-Atlantic Groundwater Conference- Nov 15 & 16 – Emailed October 12, 2023
  - ii. Muck to Money: Digging into Dairies, Soils, and Policy- Emailed November 29, 2023
  - iii. Field Notes: Vol. 31, No. 11- December 7, 2023- Emailed December 7, 2023
8. Geologists
  - i. Mid-Atlantic Groundwater Conference- Nov 15 & 16 – Emailed October 12, 2023
  - ii. ASBOG 2023 Administrator’s Workshop, Annual Meeting, Field Trip and COE Workshop
  - iii. Muck to Money: Digging into Dairies, Soils, and Policy- Emailed November 29, 2023
  - iv. Field Notes: Vol. 31, No. 11- December 7, 2023- Emailed December 7, 2023
9. Regulatory Review Update
  - Geology Information Sheet
  - Geology 18 VAC-40-83 Revisions
  - Periodic Review of Regulations (Geologists/Soil Scientists/Wetland Delineators)
  - Wetlands General Review
  - Fee Adjustments
10. PSSWPG Guidance Document

11. Examination Director Report
12. Executive Director Report
13. Soil Scientist OSE Exemption Update
14. A Day in the Life of a Geologist
15. Universal Licensing Recognition Approved Applications
16. Statement of Economic Interest
17. Licensed and Certified Population
18. Financial Statements
19. Other Business
20. Conflict of Interest / Travel Vouchers
21. Adjourn

**NEXT MEETING SCHEDULED FOR March 4, 2024**

Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

\*Five minute public comment, per person, with the exception of any open disciplinary or application files. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

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- **Call to Order**
- **Emergency Evacuation**
- **Announcements**

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BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS and  
GEOLOGISTS MEETING MINUTES

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on September 26, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

**Citizens**

Bennette Burks  
Robin Jones

**Geologists**

Shannon George  
Matt Heller  
Michael Lawless  
Drew Thomas

**Soil Scientists**

Larry Giannasi  
David Hall  
Alexis Jones

**Wetland Delineators**

Robin Bedenbaugh  
Justin Brown

Doug DeBerry and Molly Parker were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Demetrios Melis, Director  
Kishore Thota, Chief Deputy Director  
Steve Kirschner, LRPD Deputy Director  
Kathleen (Kate) R. Nobsch, Executive Director  
Bonnie Davis, Regulatory Operations Administrator  
Joseph Haughwout, Regulatory Affairs Manager

Josh Laws, Assistant Attorney General, was present from the office of the Attorney General.

Mr. Thomas, Chair, called the meeting to order at 10:01 a.m.

**Call to Order**

Mr. Thomas and Ms. Nobsch advised the Board of the emergency evacuation procedures.

**Emergency  
Evacuation**

Mr. Thomas introduced and welcomed Shannon George, Certified Professional Geologist. She will be replacing Ted Dean. Each of the board members introduced themselves.

**Announcements**

Director Melis stated Governor Youngkin has asked him to serve as Commissioner of the Virginia Employment Commission effective Monday, October 2. He also stated that Governor Youngkin appointed Kishore Thota as Director of DPOR. Ms. Nobsch wished success to Director Melis and looks forward to working with Mr. Thota as Director of DPOR.

Mr. Hall arrived at 10:04 a.m.

**Arrival of Board Member**

Mr. Giannasi moved to approve the agenda. Ms. A. Jones seconded the motion, which was unanimously approved by members: Bedenbaugh, Brown, Burks, George, Giannasi, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

**Approval of Agenda**

Mr. Lawless moved to approve the minutes of the June 27, 2023 Board Meeting. Mr. Burks seconded the motion, which was approved by members: Bedenbaugh, Brown, Burks, George, Giannasi, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

**Approval of Minutes**

There was no public comment.

**Public Comment Period**

Mr. Thomas read the following resolution for consideration by the Board.

RESOLUTION TO

**Resolution for David Spears**

Warren Dean

WHEREAS, Warren Dean, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists from 2018 to 2023;

WHEREAS, Warren Dean, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Warren Dean, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional Soil Scientists, Wetland Professionals, and Geologists this 26<sup>th</sup> day of September 2023, that Warren Dean, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

The Board members agreed to the resolution by consensus.

Ms. Nosbisch stated the soil scientist update items were provided for informational purposes.

**Soil Scientists Update**

Ms. Nosbisch stated the wetland professional update items were provided for informational purposes.

**Wetland Professionals Update**

Ms. Nosbisch stated the geologist update items were provided for informational purposes.

**Geologists Update**

Ms. Davis informed the Board that public comment for Periodic Regulatory Review ended August 21, 2023, and there were three comments for Soil Scientists, 38 comments for Wetland Delineators, and 65 comments for Geologists. Mr. Bedenbaugh moved to retain the current regulations as is. Mr. Hall seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, George, Giannasi, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

**Regulatory Review Update**

Ms. Davis informed the Board that the NOIRA for the Soil Scientists is at the Governor's office for review. The NOIRA for the Wetland Delineators has been approved by the Governor and will be published in the Virginia Register on October 23 with public comment ending on November 22, 2023. The NOIRA for the Geologists is at the Secretary of Labor's office.

Ms. Nosbisch stated DPOR's Exam Director, Greg Emerson, will be contacting the Wetland Delineator Board members to review and provide an updated Wetland Delineator Exam. She thanked them in advance for their diligence.

**Wetland Delineator Exam Review**

At the last meeting, the Board determined staff would review and approve Geologist-in-Training (GIT) applications. The staff has reviewed and approved eleven GIT applications since July 1, 2023.

**Geologist-in-Training Approved Applications**

Ms. A. Jones moved to approve the 2024 meeting dates of March 4, June 11, September 4, and December 2. Mr. Brown seconded the motion, which was unanimously approved by members: Bedenbaugh, Brown, Burks, George, Giannasi, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

**2024 Meeting Dates**

Mr. Thomas reviewed the licensee counts as of September 1, 2023: Soil Scientists – 77; Wetland Delineators – 122; Geologists – 959.

**Licensed and Certified Population**

Ms. Nosbisch informed the Board that the financial statements were included for informational purposes.

**Financial Statements**

Mr. Hall requested an update on the on the exemption for soil scientists in the onsite soil evaluator regulations that was discussed at the June 27, 2019 Board meeting. Mr. Giannasi stated the onsite soil evaluator (OSE) license requirement is burdensome to the licensed soil scientists. Licensed onsite soil evaluators can design a wastewater system, but a licensed soil scientist cannot unless the regulant is also a licensed OSE. Ms. Nosbisch stated that if the requirement is in statute, then a bill must be submitted in General Assembly to change the statute. Director Melis stated that staff will determine if the requirement is in statute or regulation and communicate the process that needs to take place to allow a soil scientist to design a wastewater system. Ms. Nosbisch stated the next Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (WWWOSSP) meeting is on October 24, 2023. Ms. Nosbisch will communicate the next steps to the Soil Scientist Board members.

**Other Business**

Conflict of Interest forms and travel vouchers were completed by all board members present.

**Conflict of Interest Forms/Travel Vouchers**

Steve Kirschner arrived at 10:23 a.m.

**Arrival of Staff**

All Board Members present attended the Conflict of Interest Act Training webinar.

**Conflict of Interest Act Training**

There being no further business, the meeting was adjourned at 10:56 a.m.

**Adjournment**

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R. Drew Thomas, Chair

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Kishore S. Thota, Secretary

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# ➤ **Public Comment**

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- **Soil Scientists & Wetland Delineators**

- **Mid-Atlantic Groundwater Conference- Nov 15 & 16 – Emailed October 12, 2023**
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## **Geologists**

- **Mid-Atlantic Groundwater Conference- Nov 15 & 16 – Emailed October 12, 2023**
- **ASBOG 2023 Administrator’s Workshop, Annual Meeting, Field Trip and COE Workshop**
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- **Regulatory Review Update**
  - **Wetlands General Review**
  - **Fee Adjustments**

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## Board for Professional Soil Scientists, Wetland Professionals, and Geologists INFORMATION SHEET

Applications not completed in accordance with these instructions will be returned to the applicant. Completed application packages should include the following:

- The \$90.00 application fee.
- A completed *Certification & Reinstatement Application (28CERT)*.
- A certified Certification of Regulant Status/Certification of Licensure/Letter of Good Standing from each state in which you have held a Geology license/certification/registration. Certifications/letters may be mailed to the Board for Geology directly from the states (if applicable).
- Official college/university transcripts verifying the degrees and education listed on the *Certification & Reinstatement Application (28CERT)*.
- Transcripts may be mailed directly from the school to the board office at the address listed above.
- Completed *Geological Work Experience Log(s) (28EXP)*.

*You are responsible for requesting all necessary certifications, letters and transcripts.*

### ***Policy Core Requirements:***

At least 12 semester hours in 4 of the 7 identified core courses or the equivalent are required for course work or a degree core to be considered a geologic degree or a related geological science degree. If the course title on the transcript does not convey to the Board that the course meets the definition, then it is incumbent upon the applicant to supply the course description from a catalog that will enable the Board to verify that the "core" course meets the accepted definition.

### ***Stratigraphy Course***

A course on rock strata. It is concerned not only with the original succession and age relations of rock strata, but also with their form, distribution, lithologic composition, fossil content, geophysical, and geochemical properties. It involves all characteristics and attributes of rocks *as strata*, and their interpretation in terms of environment or mode of origin, and geologic history. All classes of rocks, consolidated or unconsolidated, fall within the general scope of stratigraphy.

### ***Structural Geology Course***

A course that deals with the form, arrangement, and internal structure of the rocks, and especially with the description, representation, and analysis of *structures*, chiefly on a moderate to small scale.

### ***Mineralogy Course***

A course concerning the study of minerals: formation, occurrence, properties, composition, and classification.

### ***Paleontology Course***

A course concerning life in past geologic time, based on fossil plants and animals and including phylogeny, their relationship to existing plants, animals, and environments, and the chronology of the Earth's history.

Petrology Course

A course that encompasses the origin, occurrence, structure, and history of rocks, especially igneous and metamorphic rocks.

Geomorphology Course

A course that encompasses the general configuration of the Earth's surface; specifically the study of the classification, description, nature, origin, and development of present landforms and their relationships to underlying structures, and of the history of geologic changes as recorded by these surface features.

Field Geology Course

A course that emphasizes the use of basic field equipment and learning how to create, read and interpret geologic maps. It involves mapping in the field, collection and interpretation of field data, and compilation and reporting of the data.

WHERE QUESTIONS ARISE AS TO THE ACCEPTABILITY OF ANY COURSE LISTED ON THE APPLICANT'S TRANSCRIPTS, IT IS THE APPLICANT'S RESPONSIBILITY TO DEMONSTRATE COURSE EQUIVALENCY.

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~~C. Each applicant shall successfully pass an appropriate examination approved by the board and designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.~~

**Historical Notes:**

*Derived from VR335-01-2 § 2.1, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.*

**~~18VAC145-40-80. Waiver of examination.~~**

~~The board may waive the examination requirement for any applicant who makes written application, otherwise meets the requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia and also meets one of the following conditions:~~

- ~~2. Provides evidence of at least 12 years of geological work that includes the geological work as specified in 18VAC145-40-70; or~~
- ~~3. Provides evidence of an unexpired certificate of registration, certification or license to engage in the practice of geology issued on the basis of comparable requirements by a proper authority of a state, territory or possession of the United States or the District of Columbia.~~

**Historical Notes:**

*Derived from VR335-01-2 § 2.2, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.*

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**18VAC145-40-83. Qualifications for the Fundamentals of Geology (FG) examination.**

The board may approve applicants to sit for the Fundamentals of Geology (FG) examination without having met the experience requirements of ~~18VAC145-40-705.1-2208.2.B.3~~. The applicant shall submit an application on forms provided by the board, pay the fee established in 18VAC145-40-20, and satisfy one of the following requirements:

1. Hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering, or a related geological science and provide an official college transcript that demonstrates satisfactory completion of the degree program.
2. Hold a baccalaureate or higher degree from an accredited college or university ~~with a major other than geology, engineering geology, geological engineering, or a related geological science~~ and have satisfactorily

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least 30 semester hours (or the equivalent) of geological science courses, including, but not limited to, the following subjects:

- a. Stratigraphy;
- b. Structural geology;
- c. Mineralogy;
- d. Paleontology;
- e. Petrology;
- f. Geomorphology; and
- g. Field geology.

~~At least 12 of the 30 semester hours of geological science courses must have been completed in four of the seven subjects listed in this subsection.~~ The applicant shall provide an official college transcript and written documentation that demonstrates the ~~courses satisfactorily completed are~~ courses satisfactorily completed by the applicant are equivalent geological science courses equivalent to those required by this section.

3. Be enrolled in an undergraduate geology, engineering geology, geological engineering, or a related geological science curriculum of at least four years at an accredited college or university and be within 12 months of completing undergraduate degree requirements. The applicant shall provide an official college transcript that demonstrates satisfactory completion of course work.
4. Be enrolled in a graduate geology, engineering geology, geological engineering, or a related geological science curriculum at an accredited college or university and be within six months of completing graduate degree requirements. The applicant shall provide an official college transcript that demonstrates satisfactory completion of course work.

**Historical Notes:**

*Derived from Virginia Register Volume 29, Issue 5, eff. January 1, 2013.*

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**18VAC145-40-85. Qualifications for Geologist-in-Training (GIT) designation.**

- A. To be eligible to obtain the GIT designation, each applicant shall:

1. ~~Make application on forms provided by the board;~~
2. Be of ethical character;

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**Virginia Board for PSSWPG Periodic Review**  
**Public Comments received during the public comment period**  
**July 31, 2023 through August 21, 2023**

<b>Soil Scientists</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
CommentID: 218399  Sabrina Heltzel / VAPSS Secretary	This regulation should be retained in its current form. I have no issues with how the regulations are written or applied.	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.
CommentID: 218725  John Galbraith / Va Tech	Please retain these regulations as written. They are functional and necessary to preserve the high quality standards for soils work in the Commonwealth.	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.
CommentID: 219508  Emily Salkind/ Balzer and Associates, Inc.	I am writing in support of retaining the LPSS in its current form.  As a member of the Virginia Association of Professional Soil	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.

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Scientists, I recognize that the Professional Soil Scientist license protects the public welfare and encourages all qualified soil scientists to participate in licensure. Our goals are to:

Advance the professional interests of soil science.

Promote the liaison and exchange of information between soil scientists and other disciplines.

Promote high standards of education and training in soil science.

Enhance public awareness and appreciation of the profession.

Establish and maintain high standards of ethical conduct in all professional matters.

As such we encourage and request the Board recommend maintaining the license for professional soil scientists.

Soil Scientists characterize and interpret soils for many various land uses. USDA-NRCS published soil survey reports prepared by soil scientists, among others, form the basis of many investigations and designs for all types of projects important to the Commonwealth. Building foundation integrity depends upon identification of stable soil, agricultural productivity depends upon identifying soil types that can grow food and fiber. Soil scientists are also trained in many aspects of surveying, engineering, agronomy, building construction, chemistry, physics, microbiology and geology because they all relate to the use and management of our soil resources and the protection of

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human health and our soil and water resources within the Commonwealth of Virginia. Professional soil scientists continue their training in soils and the application of various lands uses to soils as a way to garner a livelihood and to better guide sound management of this important natural resource.

Professional soil scientists recognize that soils are natural bodies on the earth's surface, and that the environmentally responsible utilization of this natural non-renewable resource is of utmost importance to the Commonwealth. They are also trained to recognize the strengths and weaknesses of published soil surveys- a trait not shared by many other disciplines.

As licensees, our clients- including state and federal agencies know the persons being hired for a project are fully trained and tested in the field of soil science with expectations that the product of our work will meet the standards of other licensed professionals and protect the health of the Commonwealth of Virginia.

Thank you for your consideration of these comments.

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## Wetland Professionals

Commenter	Comment	Agency response
<p>CommentID: 218726</p> <p>John Galbraith, Va Tech</p>	<p>The Certified Wetlands Delineator regulations are fair and very necessary to maintain professional standards in wetland delineation in the Commonwealth. It is important to protect our wetlands, and delineating them is a critical skill that requires much training and high standards. It has been beneficial to us in the past, and should be preserved as is.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID: 219071</p> <p>R. Harold Jones, PWS Emeritus, ODU, Sigma Environmental Services, Inc</p>	<p>Certified Wetland Delineators provide a very important role in protecting regulated wetlands within the Commonwealth by utilizing their specialized training, skills and professionalism to provide wetland delineations that are scientifically based, accurate and reproduceable. Property owners, clients, the citizens of the Commonwealth and our wetland resources all benefit from the work completed by Certified Wetland Delineators.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID: 219421</p> <p>Daniel 'Eli' Wright, PWD, PWS</p>	<p>I am a Professional Wetland Delineator (PWD) [# 3402000183] in good standing. I hold a M.S. degree in Environmental Science from Christopher Newport University (2015) where my thesis research focused on wetland bank creation/ecology in Virginia. Since my graduate work, I have been employed in the Commonwealth as an Environmental Scientist with the majority of my job responsibilities focused on the practice of wetland delineation and compliance with state and federal wetland regulations within Virginia. I have been actively involved with the Board of the Virginia Association of Wetland Professionals (VAWP) since 2018 and I am a current VAWP Executive Officer serving as the Immediate Past President. I am also a certified Professional Wetlands Scientist (PWS) [# 3196] through the Society of Wetland Scientists (SWS) Professional Certification Program.</p> <p>I strongly support the continued regulation of the Professional Wetland Delineator Certification Regulations [18VAC 145-30] (PWD Regulations). Furthermore, I believe the PWD Regulations should be strengthened to better protect public health and the economic performance of the Commonwealth, and to further minimize impact on small businesses within the Commonwealth.</p> <p>The PWD Regulations currently focus on certifying the skills of an individual to perform a wetland delineation in accordance with state and federal law through relevant education and/or experience. Per the Code of Virginia § 54.1-2200, 'wetland delineation' is defined as "delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types" and the "Practice of wetland delineation" is defined as "the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.”

For a PWD, competency in the practice of wetland delineation must also be demonstrated through passing a written exam that focuses on concepts specifically related to Virginia including a deep understating of federal supplements that specifically cover Virginia geography (including Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region [Version 2.0] and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region [Version 2.0]) as well as knowledge of Hydric Soils, Hydrophytic Vegetation, Wetland Hydrology, Atypical and Problematic Situations, Tidal and Non-tidal concepts, and synthesis of real world application and problem solving. No other certification (including the Society of Wetland Scientist Professional Wetland Scientist [PWS] Certification) certify these specific and key professional skills and/or competencies in wetland delineations. (For additional information see the 2007 Association of Wetland Managers review article entitled “State Wetland Delineator Certification Programs”).

The PWS has previously been incorrectly characterized as an equivalent certification to the Virginia PWD certification (See the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification [RD690]). The PWS is an international certification program which can be obtained based on educational and experiential backgrounds in a wide variety of fields/specialties related to the assessment/management of wetlands anywhere in the world. There is no examination and/or test of subject matter competency required to obtain a PWS certification. PWS certification does not require specific knowledge, skill, or experience in the practice of wetland delineation (although some certified PWSs may possess these attributes). As an international certification, a PWS does not need any specialized knowledge of wetland regulations, practices, or delineation methods in the United States in order to be certified. Nor does the PWS require any knowledge of Virginia regulations/policies.

The SWS Professional Certification Program website states the certification is “broad in scope and is intended to provide international recognition as a practicing professional in wetland science” and describes the qualifying experiences for PWS Certification in their Standing Rules under §18(b):

“...Relevant experience may be gained while working in the private (e.g., consulting, industry, non-profit), public

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	<p>(e.g., local, state, federal government), and/or academic sectors....</p> <p>Examples of qualifying experience include:</p> <ol style="list-style-type: none"> <li>1. Engaging in research that includes field or laboratory observation, analysis of data, and preparation of a publication for recognized journals and/or published reports to private/public clients,</li> <li>2. Directing a research project with supervisory responsibility over several technicians,</li> <li>3. Serving as a leader or assistant leader on wetland-related projects requiring independent judgment and action,</li> <li>4. Teaching a college course or equivalent in wetlands science,</li> <li>5. Working as a wetlands specialist, scientist, or manager in the public (local, state, or federal agency) or private (industry, consultant, developer) sector,</li> <li>6. Directing a state-wide or district-wide wetlands program, conducting wetland restoration projects, wetland program planning, or conducting wetland delineations or evaluations.”</li> </ol> <p>As indicated above there are multiple pathways to obtaining a PWS certification. Most of these pathways do not require specialized knowledge/experience in wetland delineation. Furthermore, the PWS certification is not intended to supersede or replace other certifications. The PWS website specifically states this in their Program Overview: “The Society of Wetland Scientists Professional Certification Program should complement and greatly augment similar national, federal, state, provincial, and local programs.”</p> <p>As detailed above, the PWS certification does not require demonstrated skills in wetland delineation and no national program exists that certifies individual competencies in the practices of wetland delineation. Even if a national program existed in the future, it is unlikely such a certification could provide the required assurances to consumers, as Virginia has a state-level wetland program with unique regulatory requirements. A prime example include the definition of tidal wetlands under VMRC regulations (§ 28.2-1300) which provides a definition of tidal vegetated and non-vegetated wetlands that is distinctly different than any other national definition for the determination of jurisdictional wetland boundaries. In addition, the Virginia Water Protection (VWP) permit program regulates State Surfaces Waters as defined in § 62.1-44.3, which provided a broader definition</p>	
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	<p>of regulated wetlands then covered by federal law/regulation, including the Clean Water Act/Water of the US.</p> <p>In addition, there have been multiple iterations, legal challenges, and court ruling at the federal level in changes to its definitions of Waters of the US (including wetlands) in recent years, including the recent Sackett vs. EPA decision. Each of these changes in federal definitions have highlighted differences between Virginia's regulatory wetland programs and federal programs, such that many states regulated wetlands are not considered regulated features by the federal government.</p> <p>The importance of trained, professionals in delineating Virginia wetlands and waters has recently been reaffirmed by the establishment of a new Virginia State Waters Delineation Certification Program through the Virginia Department of Environmental Quality (DEQ). This certification recognizes that the PWD certification is critical to assuring reliable and consistent identification of State Surface Waters. Holding a PWD certification is a prerequisite to becoming a Virginia State Waters Delineator (VSWD). A certified PWD provides assurance of minimum competencies required to demonstrate to DEQ that a professional can conduct a State Surface Water Delineation for expedited DEQ by review.</p> <p>Therefore, individuals conducting delineations in Virginia should have a specific and documented understand of the limits of the Virginia's wetland programs and understand the differences between State Surface Waters (which includes all wetlands) and the current federal definitions of Waters of the US. An accurate wetland delineation is critical in preventing harm, as identifying the limits of wetlands and waters within a site is the foundation in making permit decisions and avoiding, minimizing, and reducing impacts to these resources. If an inaccurate delineation is conducted, significant delays and problems can result in permitting and development, resulting in significant economic losses. As part of the VSWD program, DEQ also states that it encourages its VWP Permit staff to obtain the VSWD certification to ensure regulators also have the skills and training to identify state surface waters accurately and consistently. As a PWD certification is a prerequisite for obtaining a VSWD, DEQ therefore acknowledges the value of the PWD certification for its own staff in accurately implementing and enforcing regulations designed to protect State Surface Waters. Virginians would be harmed if the PWD certification does not continue to provide consumers assurances of competencies for the practice of Wetland Delineation under the PWD certification.</p>	
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Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. There are many wetland professionals that are small businesses employees and/or owners. Costs and burdens associated with litigations resulting from wetland delineation work performed by unqualified individuals can result in harm to these small business. Possibly worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs.

The establishment of the DEQ VSWD certification program, which relies on and requires a PWD as a prerequisite, allows a certified practitioner to assume professional responsibility for the accuracy of field delineations and that the information submitted to DEQ for review is complete. One benefit of the VSWD certification is that DEQ will prioritize State Surface Water Delineations (SSWD) reviews by a certified individual ahead of other SSWD requests. Per DEQ, "this prioritization acknowledges professional expertise of the VSWD and allows DEQ to rely on the accuracy and completeness of an SSWD. With accurate and complete information, DEQ can approve SSWDs faster, which will also increase the efficiency of VWP permit issuances." Therefore, removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

The practice of not accurately identifying wetlands can also affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.

Based on the information outlined above, not only should DPOR continue its PWD certification program, but I believe regulations surrounding delineation in Virginia be strengthened.

Suggestions include:

1. Inclusion of a Continuing Education/training component requirement to ensure PWDs keep up to date on regulatory changes and practices in wetland delineations. The VSWD Certification Program reiterates the needed for a continuing education component to surface water delineation certification in Virginia. The regulations associated with the

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PWD certification program should be modified to reflect the need for professionals to maintain specialized wetland delineation knowledge of revised/updated regulations and/or practices. A required continuing education is a keystone of many professional certifications/license. Without this component, the regulated public may be subject to PWDs who offer delineation services without knowledge of current regulations/practices, thus introducing potential harm to the regulated public and/or resulting in delays in permit processing. Regulations/guidance defining regulated wetlands/waters change consistently and frequently, thereby necessitating continuing education/training to be a competent wetland delineator.

2. Inclusion of a field practicum and/or verification of previously conducted delineations. This could be accomplished through requiring applicants to submit records detailing that they have successfully conducted wetland delineations in Virginia through the confirmation of linework via a U.S. Army Corps of Engineers (USACE) Jurisdictional Determination and/or a DEQ State Surface Waters Determination (SSWD) to ensure delineation consistent with state and federal regulations AND/OR the inclusion of a field-based component to the PWD examination process. Currently, a PWD can successfully apply to become a PWD without submitting proof that they have prepared a delineation that has been reviewed/approved by any authoritative agency.

3. Establish a committee/review panel to consider the need to elevate the PWD certification to a professional license, rather than a voluntary certification program. Elevating the PWD program to a licensure may be beneficial to further protect the Surface Waters of the Commonwealth while providing economic benefits as outlined in the comments above. A PWD Licensure could provide additional assurances to the regulated public and regulators that information submitted by a PWD can be relied on as complete and accurate. A licensure program could lead to further alleviation in regulatory burdens associated with SSWD reviews and/or application materials, thereby saving time and money of permittees and the Commonwealth, while making Virginia more attractive to economic investment opportunities.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR/BPOR to acknowledge the value of the PWD and recommend the continuation and expansion of the Virginia Professional Wetland Delineator program.

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<p>CommentID 219425</p> <p>David Mergen, City of Chesapeake</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia’s Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>1) The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager’s 2007 State Wetland Delineator Certification Programs article describes that “wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application.”</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p> <p>2) The occupation’s work has inherent qualities that distinguish it from other occupations.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
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Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

3) The public needs and will benefit from state assurances of competency.

The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, affecting the quality of drinking water supplies, and generating revenue from Eco-tourism.

In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

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4) The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.

Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.

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<p>CommentID 219434</p> <p>John Brooks</p>	<p>The PWD program was instituted in the wake of the U.S. Army Corps of Engineers (USACE) abandoning their accrediting program. The void left uncertainty in the development and regulatory industries as to both the understanding of developers on the process of correctly delineating and permitting waters of the United States (WOTUS)(i.e. wetlands, streams , etc.) and providing more surety with regard to protecting the waters of the United States and other associated resources. The PWD program was instituted to fill that void. In similar fashion history is repeating itself with the recent Supreme Court of the U.S. ruling, where federal limits of jurisdiction wetlands were changed. Again another gap in the protection of wetlands in the Commonwealth, where the USACE stopped issuing jurisdictional determination and permitting was drastically slowed. The Virginia Department of Environmental Quality (VDEQ) filled the gap with its trust of those with PWDs and issuing a guidance letter providing a process whereby a PWD could obtain confirmation of the limits WOTUS through VDEQ and providing permitting options through the VDEQ permitting process. This effort to provide regulatory certainty would not have been possible without the PWD certification and VDEQ's trust and understanding of the expertise of the PWD practitioners. The ramifications of regulatory uncertainty has far reaching and unintended consequences for Virginia's economy, the protection of wetlands, and the many associated resources and benefits that these resources provide to Commonwealth.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219446</p> <p>Ben Rosner, Wetland Studies and Solutions, Inc.</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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and fill permits. An inaccurate delineation can delay a permit application.”

Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.

The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

The occupation’s work has inherent qualities that distinguish it from other occupations.

Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

The public needs and will benefit from state assurances of competency.

The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of

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	<p>competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.</p> <p>Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.</p> <p>In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.</p> <p>The public is not protected by other means.</p> <p>No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent</p>	
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	<p>national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p> <p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219448</p> <p>Mike Blake, PWD, Rappahannock Environmental Group</p>	<p>I'm writing to express my strong support for retaining the Professional Wetland Delineator (PWD) certification. Virginia has been one of the leading states to develop and implement this type of certification in an industry that lacks a national standard for completing this work. I implore you to KEEP this certification for the following reasons:</p> <p>1 – Due to the lack of a national certification, it separates those professionals who have demonstrated that they have the education and experience to provide these services to the general public, from those who do not. I have witnessed other “professionals” who lack this certification submit incorrect delineations that do not follow the Army Corps of Engineer’s guidance. Without the PWD certification, which is intended to provide a standard that the general public and regulatory agencies can rely on, it will be much more difficult to distinguish between those who have demonstrated a history of professionalism versus those who are unqualified to provide this highly technical</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>work. The result of these errors can include impacts to valuable environmental resources and state waters. Work of poor quality can also create a burden on the Department of Environmental Quality who are already understaffed.</p> <p>2 – The only national certification (the Professional Wetland Scientist certification) is not specific to wetland delineations. In fact, there are many PWS certified professionals who have never completed a wetland delineation in their career. These are two very different certifications and should not be considered equal. Failure to retain the PWD certification provides no standard for this type of work.</p> <p>3 – The laws and regulations pertaining to wetland and Waters of the US delineations and permitting is getting more and more complicated. Most recently we are seeing the growing divide between the federal regulations and those of the State of Virginia. These are highly technical laws that require a certain level of expertise to provide guidance to the general public. It is the State's responsibility, through DPOR regulations, to ensure that the general public are protected from those who are unqualified to perform certain services. The PWD certification provides a clear distinction between those who have the experience to understand these regulations, and thus provide professional guidance to the general public, and those who do not.</p> <p>In closing I ask that you KEEP the PWD certification.</p>	
<p>CommentID 219449</p> <p>Thaddeus Kraska, PWS, PWD - Townes Site Engineering, PC</p>	<p>I STONGLY SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. As one of the first Professional Wetland Delineator (PWDs) in the Commonwealth (PWD# 3402000004), I take great pride in this program and in the quality work my fellow PWDs perform across the state. While I am also a certified Professional Wetlands Scientist (PWS) [# 3043] through the Society of Wetland Scientist's (SWS) Professional Certification Program, it is the Virginia's PWD certification which I am most proud. It expresses my skill set as a wetland delineator and gives my clients comfort that the work my staff and I perform is of the highest quality.</p> <p>Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."

Worse, an inaccurate delineation, or poor understanding of Virginia regulations, can not only be costly to the permittee, but ultimately increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that all development projects, including key infrastructure projects, are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

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The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes the PWD certification as a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

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The public needs and will benefit from state assurances of competency.

The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water

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Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands and waters affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.

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<p>CommentID 219455</p> <p>Jennifer Favela (Wetland Studies and Solutions, Inc.)</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

The occupation's work has inherent qualities that distinguish it from other occupations.

Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

The public needs and will benefit from state assurances of competency.

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boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

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In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the RWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties."

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	<p>In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p> <p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219480</p> <p>Sean Sipple, Coastal Resources Inc.</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."

Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

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<p>CommentID 219482 John C. Douglass</p>	<p>The Virginia PWD regulations are invaluable for the protection of our state's wetlands, the development and accreditation of our community and the Virginia Association of Wetland Professionals, and the trust and confidence of the residents and industries served by certified professionals. I strongly support retaining these regulations.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219493</p> <p>Matt Neely, PWD, Timmons Group</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
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DRAFT AGENDA  
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 DRAFT AGENDA

The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.

The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

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<p>CommentID 219495</p> <p>Alexi Weber, PWS, PWD, CE, Wetland Studies and Solutions, Inc.</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p> <p>The occupation's work has inherent qualities that distinguish it from other occupations.</p> <p>Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.</p> <p>The public needs and will benefit from state assurances of competency.</p> <p>The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.</p> <p>Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate</p>	
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<p>CommentID 219496</p> <p>Alison Robinson, WSSI</p>	<p>I wholeheartedly support the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form.</p> <p>Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p> <p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219497</p> <p>Allison Austin, Virginia Waters and Wetlands, Inc.</p>	<p>The PWD certification is necessary in Virginia to assist consultants in providing quality support for clients in Virginia. In addition, the PWD stamp provides a measure of assurance to local entities, and COE/DEQ, that the report was completed by someone with adequate training and resources and that the data within the documents can be assured to be correct. Especially, with all the changes on a Federal level regarding wetland regulations, it is imperative that the state maintain the licensure.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219501</p> <p>Reid Anderson, MS, PWS, Timmons Group</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
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identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

The occupation's work has inherent qualities that distinguish it from other occupations.

Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

The public needs and will benefit from state assurances of competency.

The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, affecting the quality of drinking water supplies, and generating revenue from Eco-tourism.

In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the

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	<p>Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.</p> <p>The public is not protected by other means.</p> <p>No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p> <p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public</p>	
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	<p>from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219502  Jennifer Van Houten, Davey Mitigation</p>	<p>I support the continued regulation of Certified Professional Wetland Delineator (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated. The PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD certification and recommend the continuation of the Virginia PWD Certification</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219504  Robin Bedenbaugh</p>	<p>During the last Periodic and Small Business Impact Review in 2020, the Professional Wetland Delineator Certification Program was proposed for elimination by the Board for Professional and Occupational Regulation. At that time, it was clearly demonstrated that the PWD certification program satisfied all 4 criteria required for an occupation to be regulated (Section 54.1-100). 1) The unregulated practice of the occupation can harm public health, safety, and welfare. 2) The occupation's work has inherent qualities that distinguish it from other occupations. 3) The</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>public will benefit from state assurances of competency. and 4) The public is not protected by other means.</p> <p>The PWD certification is again under Periodic Review and still meets all the required elements for the occupation to be regulated as was demonstrated in 2020, however, it has become even more important for ensuring timely permitting for projects in the Commonwealth. Due to the recent changes in federal wetlands and waters regulation resulting from the Sackett vs. EPA Supreme Court decision, the U.S. Army Corps of Engineers currently is declining to issue Approved Jurisdictional Confirmations for projects, which has thrown regulatory permitting timelines in the Commonwealth into chaos. Currently there are no assurances of expedient reviews of permit applications in the Commonwealth. To keep wetland permitting moving forward, the VDEQ is implementing its new Virginia State Waters delineator (VSWD) Certification Program, which requires that a VSWD have a PWD Certification in addition to a stream identification and assessment certification. The VDEQ has recently announced that wetland and stream delineations performed by a certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. It will now be even more critical to retain the PWD certification program in order to provide more certainty and timely reviews in the state project permitting review process.</p>	
<p>CommentID 219505</p> <p>Emily Salkind, LPSS, PWD, Balzer and Associates, Inc.</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100).</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.

The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

The occupation's work has inherent qualities that distinguish it from other occupations.

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The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic

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investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.

In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in

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	<p>federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p> <p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219506 Emily Drahos, WRA</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100).</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.

The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

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The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

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In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in

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	<p>federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p>	
<p>CommentID 219509 Kelsey Gray, RES</p>	<p>I would like to express my support for the continuation the PWD program in its current form. This certification protects the Commonwealth and its citizens, and satisfies the 4 criteria required for an occupation to be regulated.</p> <p>First, unregulated practice of the occupation results in permitting issues and lawsuits, but more importantly, the unnecessary destruction of the Commonwealth's natural resources. The work of delineating wetlands require proficiency in botany, soil science, hydrology, and regulations- this distinguishes it from other occupations which do not require such in-depth knowledge on a wide range of topics. The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.</p> <p>I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219511 Tim Kellerman</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the four criteria required for an occupation to be regulated (§54.1-100). It is also important to note that in order to obtain the DEQ's Virginia State Waters Delineation (VSWD) Certification, an applicant must already possess a PWD's certification.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219512</p> <p>James Hatcher, VDOT</p>	<p>The PWD certification is crucial in Virginia to ensure delineations and permitting for projects in Virginia are completed accurately and on time. The PWD certification assures the COE, DEQ, and local wetland boards that the delineation was completed by someone with adequate training and resources and that the data within the documents is correct. With all the changes on a federal level forthcoming, it is imperative that the state maintain the licensure.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219514</p> <p>Ryan Ward, AllStar Ecology LLC</p>	<p>The PWD certification is Virginia should be an example that other states can follow that gives professionals a goal to work to in their careers. The certification helps ensure the public and the regulating agencies that the delineation work is being completed by professionals and with a degree of integrity.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219515</p> <p>Jillian Moore, TNT Environmental Inc.</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form.</p> <p>To often have I had to redelineate wetlands, at the extensive cost of applicants/builders as too many unexperienced 'professionals' fail to adequately delineate. With the continual changes in policy over the past several years, it is even more imperative to have a true certified professional working on behalf of both the Commonwealth and its citizens.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219516</p> <p>Paul Pitera, PWD, RES, LLC</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p> <p>The occupation's work has inherent qualities that distinguish it from other occupations.</p> <p>Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.</p> <p>The public needs and will benefit from state assurances of competency.</p> <p>The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.</p> <p>Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.</p>	
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In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States. Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.

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	<p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219517 Lauren Conner, InterAgency, Inc.</p>	<p>I strongly support the Professional Wetland Delineator (PWD) Certification program as it provides high standards for professionals completing wetland delineations. This is a measure of dependability for professionals as well as Clients for private companies. In addition, the Virginia State Surface Waters Delineator (VSWD) certification program recently initiated by DEQ depends up on the PWD certification and will provide accuracy and efficiency for state surface water reviews. This will benefit the economy as well as the environment. Keeping high standards of practice benefits all parties and is essential for the Commonwealth.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219526</p>	<p>Virginia has the oldest, active wetland delineator certification in the USA and the only such certification that requires proficiency in botany, soils science, hydrology and federal and Virginia regulations. This occupation is interdisciplinary and as such no other occupation requires these proficiencies and there is not a federal wetland delineator certification or equivalent. While the US Army Corps had a certification program, it ceased many years ago and the Corps has indicated they do not have the funding to reinstate this program.</p> <p>The recent Sackett Supreme Court Case (May 2023) has reduced federal jurisdiction of wetlands, making Virginia's program more important, and thus a separate state certification more relevant and important. Additionally, the Virginia DEQ is now implementing, as a consequence of the Sackett case, a State Surface Waters Delineation program, and requires certified wetland delineator as a prerequisite. As such the wetland certification is a literal building block to other state recognized proficiencies. This new program is a direct result of the Sackett Case, illustrating the success of the Virginia Certified Wetland Delineator program.</p> <p>I have seen first hand, and have worked on resolving violations in Virginia that result, in part, on faulty delineations by those not certified. Other poorly performed delineations, if not caught by regulatory agencies harm Virginia's natural resources and generate an interest by some to avoid doing a delineation correctly. Poorly performed delineations can also add additional delays and costs to unsuspecting applicants who rely on those persons that are not adequately trained and certified, only to learn of the deficiencies when a federal or state agency staff identifies errors in the field. revising a delineation normally also requires new surveying and engineering thus adding considerable cost, delay and risk to applicant and end users (home buyers, industrial users, and for public projects, tax dollar loss and public benefits delayed).</p> <p>No other certification program provides assurance of the competency in the practice of wetland delineation and regulations in Virginia. Universities and Colleges do not teach a comprehensive program aimed at this unique profession. I have hired well over 100 people, and know the time and expense needed to properly train personnel to perform this service well, which often takes years of training and experience, even after these employees graduate from many of Virginia's finest institutions, as well as other universities. The Society of Wetland Professionals, while providing a Certification for Professional Wetland Scientists, does not focus its certification on the regulatory program and regulatory requirements of a wetland delineation to be</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
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	<p>relied on under both the Federal Clean Water Act and the Virginia Water Protection Program (VWPP). I know this because I am a "Senior Professional Wetland Scientist" via the SWS, which requires being certified for over 10 years.</p> <p>In short, if beauticians need to be tested and licensed in Virginia, then the craft of wetland delineation; which is tied to both state and federal regulations, independent review by both federal and state regulators and constantly evolving science, requires a State certification program.</p> <p>Should this program be jeopardized by its potential removal from state certification, I ask for a public hearing and would testify in favor of continuing this program.</p>	
<p>CommentID 219550 Becky Wilk</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Managers' 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

The occupation's work has inherent qualities that distinguish it from other occupations.

Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

The public needs and will benefit from state assurances of competency.

The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.

In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at

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the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

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<p>CommentID 219563</p> <p>Amy M. Connelly, PWS, PWD, LEED AP Wetland Studies and Solutions, Inc.</p>	<p>I strongly SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Managers' 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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quality of drinking water supplies, and negatively impacting Eco-tourism.

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<p>CommentID 219568</p> <p>Robert Wright, Sr. PWS, PWD, CNRP, WSSI</p>	<p>I am submitting these comments in STRONG SUPPORT of the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation Board (BDPOR).</p> <p>The continued certification of Professional Wetland Delineators by BDPOR is necessary to protect the citizens of Virginia who must rely on professional ecologists and scientists for specialty services that are demanded by the regulatory maze for conservation and development interests.</p> <p>There is a fundamental misunderstanding by BDPOR regulators and other governmental officials of the necessity of this licensed practice. It is very clear that BDPOR has erroneously concluded that the PWD licensure does not satisfy all occupational criteria for regulation by the Commonwealth of Virginia via State Code Section 54.1-100. Indeed, all FOUR criteria are met:</p> <p>The unregulated practice of the occupation can harm public health, safety, or welfare</p> <p>Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by undertrained and underqualified persons resulting in unresolved permitting scenarios, extra and unnecessary expenses, project delays, and superfluous meetings, additional hearings, and (especially in northern Virginia), litigation against regulatory authorities and the individuals who performed the botched delineation work. The PWD program provides the public in general who need these specialty services with state-licensed, market-vetted, and qualified professionals. This regulatory licensure process ensures reducing risk to individuals, organizations, municipalities, and corporations from harm caused by improper wetland</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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delineation work. This comes at a time when federal regulations have significantly changed twice since 2020 and the State's reaction to those changes are in a catch-up flux state at present. Regulations are rapidly changing wetland delineation reporting requirements and permitting nuance including the establishment of the recent DEQ Virginia State Waters Delineation Certification Program, which relies on the PWD certification as a prerequisite for becoming a certified Virginia State Waters Delineator (VSWD).

Trained PWDs steer clear of product uncertainty because they have a vested interest through licensure maintenance to keep up with the regulations most affecting the practice of wetland delineation and regulatory application of the delineations. This further protects the public. Unlicensed persons without the PWD certification have no such interests to aspire towards or to maintain.

The occupation's work has inherent qualities that distinguish it from other occupations

The practice of wetland delineation requires technical expertise and knowledge in botany, earth and soil science, hydrology, limnology, microbiology, all of which is interwoven into a federal, state, and locality wetland regulatory constructs and permitting framework to include the Commonwealth's Chesapeake Bay Protection Act and Stormwater Management regulations. No other occupation which brings to bear applied ecology in active practice requires proficiencies in all these disciplines.

The public need and benefit from state assurances of competency

The public's need for wetland, stream, and regulatory buffer delineation services requires well-trained, qualified professionals to reduce the risk from the harm and chaos caused by inaccurate delineation practice. The benefits minimize the economic impact on small businesses in a manner consistent with the applicable law and carries out the regulations in a clearly written and easily understandable manner. There are no other certification programs which can provide assurances of competency in the practice of wetland delineation in Virginia. The BDPOR should review the National Association of Wetland Managers' article entitled State Wetland Delineator Certification Programs prior to providing final comment on the legislative report. Virginia's PWD program is the oldest and arguably the best of its kind in the United States.

To date, some regulatory authorities have asserted that the Virginia PWD Certification is "unnecessary" as there is an "equivalent" national certification program (i.e.

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the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists). Legislative reports have stated this national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within Virginia. The PWS certification has differing step-ups, and qualification criteria. More importantly, it is not Virginia-specific in focus or application for delineation services in particular, evidence alone which is counter to any claim of equivalency.

The PWS is an international certification program. It can be obtained based on a wider range of educational and/or experiential backgrounds in any specialties related to wetland ecology, management, or regulation, and is not focused on delineation. Education and experience can be obtained anywhere in the world and therefore does not require any knowledge of U.S. regulatory wetland constructs. The PWS certification also does not require knowledge of wetland communities specific to Virginia or the Mid-Atlantic region and does not require experience or education in the practice of wetland delineations and requires no examination of technical field proficiencies. BDPOR should make a full comparative review of the PWS and PWD certification requirements.

The public is not protected by other means

The work performed by a PWD ensures that the work is performed by a person with the proper and verified qualifications. The licensed PWD is bound to perform delineation work under stringent ethical and professional standards. There are no other protections for the public from the improper practice of establishment of wetland boundaries through field delineation.

In conclusion, the PWD certification is necessary to protect the Commonwealth of Virginia and its organizations, municipalities, and individuals from inaccurate delineations, regulatory gaffes, and costly strategy mistakes for development and conservation entities by ensuring protection of wetland resources. There are no other certification programs that can provide assurances of competency to perform this work or these specialty delineation services in Virginia. BDPOR should re-acknowledge the value of the PWD by retaining it as a licensed profession through continued regulation of the Virginia Professional Wetland Delineator Certification.

I thank you for your consideration of these comments submitted in support of Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia and the

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	<p>state regulations Governing Certified Professional Wetland Delineators [18 VAC 145 ? 30].</p>	
<p>CommentID 219584</p> <p>James Parker, New Leaf Mitigation LLC</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia’s Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager’s 2007 State Wetland Delineator Certification Programs article describes that “wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application.”</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program though the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>The occupation's work has inherent qualities that distinguish it from other occupations.</p> <p>Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.</p> <p>The public needs and will benefit from state assurances of competency.</p> <p>The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.</p> <p>Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, affecting the quality of drinking water supplies, and generating revenue from Eco-tourism.</p> <p>In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty</p>	
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	<p>work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219586</p> <p>Austin Ziletti, Clearwater Ventures LLC</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia’s Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>1) The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager’s 2007 State Wetland Delineator Certification Programs article describes that “wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application.”</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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2) The occupation's work has inherent qualities that distinguish it from other occupations.

Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

3) The public needs and will benefit from state assurances of competency.

The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.

In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD

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certification will be critical to providing more certainty and timely reviews in the state project permit review process.

4) The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties. In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.

Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects

the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification

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	<p>programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219587</p> <p>Greg Kouri, Clearwater Ventures LLC</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.</p> <p>The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.</p> <p>The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>certification is a prerequisite to the State Waters Delineator Certification.</p> <p>The occupation's work has inherent qualities that distinguish it from other occupations.</p> <p>Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.</p> <p>The public needs and will benefit from state assurances of competency.</p> <p>The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.</p> <p>Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.</p> <p>In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP)</p>	
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tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

The public is not protected by other means.

No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.

Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in

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	<p>development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>CommentID 219597</p> <p>Michael Rolband, Director, Department of Environmental Quality</p>	<p>The Department of Professional and Occupational Regulation (DPOR) recently published notice of its periodic review of 18 VAC 145-30, Regulations Governing Certified Professional Wetland Delineators (PWD). The Department of Environmental Quality (DEQ) strongly supports that this regulation be retained for the numerous reasons described below.</p> <p>On May 25, 2023, the United States Supreme Court issued its decision in the case titled Sackett v. Environmental Protection Agency (Sackett). The opinion reduces the number of wetland acres that are protected under the federal Clean Water Act (CWA). One of the immediate implementation issues associated with this decision is whether permit applications and wetland jurisdictional determinations will be processed by the U.S. Army Corps of Engineers (Corps) in a timely, predictable, and consistent manner see DEQ Memo to Stakeholders.</p> <p>Also on May 25, 2023, independent from the Sackett decision, the Norfolk District of the Corps published a notice of its intended prioritization of jurisdictional determinations and confirmations of delineations of aquatic resources. The Corps' public notice can be found at:  <a href="https://www.nao.usace.army.mil/Media/Public-Notices/Article/3492545/notification-to-the-public-of-changes-to-the-districts-regulatory-program-pract/">https://www.nao.usace.army.mil/Media/Public-Notices/Article/3492545/notification-to-the-public-of-changes-to-the-districts-regulatory-program-pract/</a>.</p> <p>Historically, DEQ has relied on the Corps to perform and/or confirm the field delineation of wetlands in Virginia. DEQ does not have the staff or resources to undertake this important work. In fact, DEQ has estimated that we will need thirty (30) additional staff at a cost of four million dollars (\$4 million) to replace the Corps efforts. Given that these resources are not available, DEQ has recently initiated a program that relies on the use of professional wetland delineators. As described in the DEQ Memo to Stakeholders above, DEQ has developed protocols for State Surface Water Determinations (SSWD). When a SSWD request is submitted by a PWD using the required forms, DEQ will strive to review the SSWD request within 30 days. This will create an efficient infrastructure for the implementation of federal and state wetlands protection and permitting.</p> <p>In addition to the critical role that PWDs serve in the state permitting process, certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety, or welfare.</p> <p>Inaccurate delineations or poor understanding of Virginia regulations can not only be costly to the permittee, but it also increases the onus of DEQ regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and increases the regulatory burden on permit applicants.</p> <p>The importance of trained professionals in wetland delineation has recently been reaffirmed by the establishment of DEQ's new Virginia State Waters Delineator (VSWD) Certification Program. (See DEQ News, Vol. 2, No. 10.) This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p> <p>The occupation's work has inherent qualities that distinguish it from other occupations.</p> <p>Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.</p> <p>The public needs and will benefit from state assurances of competency.</p> <p>The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.</p>	
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DRAFT AGENDA

	<p>The public is not protected by other means.</p> <p>No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation. The PWD and PWS certifications are NOT substantially similar, and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. Given that DEQ's new State Surface Water Determination process recognizes the critical importance of the professional wetland delineator designation, DEQ strongly recommends that 18 VAC 145-30, Regulations Governing Certified Professional Wetland Delineators, be retained.</p>	
<p>CommentID 219667</p> <p>Mark Headly, PWD, PWS Emeritus Wetland Studies and Solutions, Inc (Retired)</p>	<p>I strongly support the continued regulation of Certified Professional Wetland Delineators (PWD) by Virginia's Department of Professional and Occupational Regulation (DPOR). Certification of PWDs is necessary to protect the Commonwealth and its citizens and it continues to meet the criteria for an occupation to be regulated as discussed below.</p> <p>1) The unregulated practice of the occupation can harm public health, safety or welfare. Prior to the PWD certification, and indeed, even today delineations performed today by unqualified individuals, are not necessarily accurate. This can add costs and time delays to the permittee and puts additional strain on the already limited resources of the reviewing agencies.</p> <p>2) The occupation's work has inherent qualifications that distinguish it from other occupations. The PWD certification is the only program in the nation that requires proficiency in botany, soil science, and hydrology, as well as federal and Virginia regulations. There is no federal delineator certification or equivalent certification.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

Materials contained herein are preliminary and are not to be construed as official board position. Draft Agency Proposed topics for discussion

	<p>3) The public needs and will benefit from State assurances of competency. The public needs and will benefit from State assurances of competency, in particular because Virginia regulates certain aquatic and wetland features that are not regulated by the US Army Corps of Engineers (COE) as waters of the United States. In fact, the COE does not have the staff to perform detailed reviews of the waters and wetlands that they do regulate. Further, the Virginia Department of Environmental Quality (DEQ) has initiated their new Virginia State Waters Delineator (VSWD) certification program for stream assessment and identification and a prerequisite to the VSWD certification is having a PWD.</p> <p>4) The public is not protected by other means. No other certification program provides assurances of competency in the practice of wetland delineation in Virginia. There is no federal certification program or equivalent. The Society of Wetland Scientists (SWS) International Professional Wetland Scientist (PWS) certification does not require any specific proficiency in wetland delineation or regulation.</p> <p>In summary, the PWD certification is necessary in Virginia as it protects the public from inadequate delineations, avoids costly errors in project development, reduces the workload for federal and state regulators and assures protection of wetland resources as well as the economy of Virginia. There is no other certification that provides assurances of competency and I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia PWD Certification.</p>	
<p>CommentID 219686</p> <p>W. Michael Lane PWD #056, PWS #185</p> <p>Lane Environmental Consultants</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Faulty wetland delineations:</p> <ul style="list-style-type: none"> <li>Have delayed permit processing and issuance (Pre-PWD Cert).</li> <li>Have resulted in lawsuits against regulatory authorities (Pre-PWD Cert).</li> <li>Would increase workload of permitting agencies, state or otherwise.</li> </ul>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Would increase regulatory burden on/cost to permit applicants, whether general public, municipality or state agency; and hence, delay key infrastructure projects.</p> <p>Would decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers.</p> <p>May negatively affect the protection of key water resources within the Commonwealth, such as drinking water supplies.</p> <p>May negatively impact Eco-tourism.</p> <p>Would undermine the newly- established Virginia State Waters Delineator (VSWD)* Certification Program by the Virginia Department of Environmental Quality (VDEQ); which was created to expedite the permitting process. PWD Certification is the foundation of this program.</p> <p>The occupation's work has inherent qualities that distinguish it from other occupations.</p> <p>Delineation of Wetlands is the critical first step is upholding significant portions of Local, State and Federal Environmental Law and Regulation.</p> <p>Delineation of Wetlands is KEY to permitting programs pursuant to such law and regulation.</p> <p>Virginia's PWD Cert is the oldest, active wetland delineator certification in the United States.</p> <p>It is the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations: No other occupation requires these proficiencies.</p> <p>There is no federal wetland delineator certification or other equivalent certification.</p> <p>The public needs and will benefit from state assurances of competency.</p> <p>The public needs and will benefit from state assurances of competency provided by PWD Cert.</p> <p>State and Federal Regulations differ in many respects, especially in RE recent US Supreme Court Decisions;** therefore, a program designed for application in Virginia is essential to provide the desired efficiencies for the public.</p> <p>PWD Cert is the only program which can provide assurances of competency in the practice of wetland</p>	
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	<p>delineation and regulatory interpretation and permitting in Virginia.</p> <p>The PWD Cert Program helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule; reducing their permitting burden, undue costs and delays.</p> <p>The PWD Cert Program facilitates protection of critical environmental resources as well.</p> <p>The public is not protected by other means.</p> <p>There is NO federal wetland delineator certification or equivalent.</p> <p>No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia.</p> <p>The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification is NOT substantially similar to the Virginia PWD Cert, and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth. The PWS program does NOT require any specific proficiency related to wetland delineation or regulation, or even require knowledge about wetlands in the United States. ***</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p> <p>* The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.</p>	
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	<p>** Recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, have thrown permitting timelines into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.</p> <p>*** The 2020 Joint Legislative Audit and Review Commission (JLARC) Report erroneously asserted that an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists) provides the same level of assurance to consumers and the public, and incorrectly concluded that the PWD certification is unnecessary. Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs.</p>	
<p>CommentID 219697 Justin Brown, PWD, PWS</p>	<p>I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1-100):</p> <p>1) The unregulated practice of the occupation can harm public health, safety or welfare.</p> <p>Prior to the PWD certification, instances of delineations performed in Virginia by unqualified individuals resulted in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the work. The Association of State Wetland Manager's 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application."</p> <p>Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Removing and/or reducing the scope of the Professional Wetland Delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants.

The practice of not accurately identifying wetlands can affect the protection of water resources within the Commonwealth, resulting in the unregulated loss of wetlands, thus decreasing water quality, effecting the quality of drinking water supplies, and negatively impacting Eco-tourism.

The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new Virginia State Waters Delineator (VSWD) Certification Program through the Virginia Department of Environmental Quality (VDEQ). This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the State Waters Delineator Certification.

2) The occupation's work has inherent qualities that distinguish it from other occupations.

Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification.

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The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.

Using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate

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	<p>unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism.</p> <p>In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett vs. EPA Case, permitting timelines have been thrown into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which requires that a VSWD have a PWD certification in addition to a stream identification and assessment certification. The DEQ has announced that wetland and stream delineations performed by certified VSWD will be provided expedited 30-day review under the Permitting Enhancement and Evaluation Platform (PEEP) tracking program, while wetland and stream delineations performed by non-VSWD certified practitioners will not have any assurances of this expedient review. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.</p> <p>4) The public is not protected by other means</p> <p>No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The Society of Wetland Scientists (SWS) international Professional Wetland Scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! Per the PWS certification application website, the SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." In a previous review of the PWD certification, the 2020 Joint Legislative Audit and Review Commission (JLARC) Report evaluation of the need for continued regulation of the PWD certification (RD690) incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever conducting a wetland delineation, without any familiarity in federal wetland delineation guidance/requirements, and/or without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided</p>	
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	<p>through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation.</p> <p>Please review the 2007 Association of Wetland Managers article entitled State Wetland Delineator Certification Programs. There have been past assertions that the PWS national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth.</p> <p>In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.</p>	
<p>Avi M. Sareen, PWD</p>	<p>I am writing in SUPPORT of continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). As a current PWD, I purposely allowed my Professional Wetland Scientist (PWS) certification lapse as it provided little to no value once I obtained my PWD from the Commonwealth. The PWS seal is not recognized by any of the local governments for the purposes of signing/sealing plans for Resource Protection Area (RPA) delineations. The reason for this is simple, it is a certification based solely on years of experience and does not require any proof of professional knowledge or how to properly delineate wetlands and Waters. Further, the PWS does not assure competency of wetland delineations, rather, it provides documentation of baseline academic completion and years of experience. My company, TNT Environmental, Inc. assisted the Commonwealth in updating the PWD exam several years ago, so we know firsthand that this certification is valuable for the field as it has specific competency and knowledge requirements specific for performing wetland delineations in Virginia. These competencies in botany, soil science, hydrology, and federal and Virginia regulations are not required by any other certification, and the two certifications are therefore NOT equivalent. The PWD certification provides a much greater assurance of expertise, and allows greater opportunity for professional development for delineators, and added protection/assurance for clients that they will receive accurate delineations from experienced delineators. The certification of Professional Wetland</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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Delineators is necessary to protect the Commonwealth and its citizens. Furthermore, the profession satisfies each of 4 criteria identified as being required for an occupation to be regulated (§54.1-100): 1. The unregulated practice of the occupation can harm public health, safety or welfare. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals who performed the bad work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. With the risk of state and federally imposed fines and potential criminal punishment, the regulation of this profession is paramount. The Association of State Wetland Managers 2007 State Wetland Delineator Certification Programs article describes that "wetland delineations are generally required for dredge and fill permits. An inaccurate delineation can delay a permit application." Worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. BPOR is seeking to reduce the overall number of regulations, but removing the professional wetland delineator certification will increase the likelihood that key infrastructure projects are delayed which decrease the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers and INCREASES the regulatory burden on permit applicants, thereby increasing taxpayer spend and costly delays. 2. The occupation's work has inherent qualities that distinguish it from other occupations. Virginia has the oldest, active wetland delineator certification in the United States and the only such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations. No other occupation requires these proficiencies, and there is not a federal wetland delineator certification or equivalent certification. 3. The public needs and will benefit from state assurances of competency. The public needing delineation services require qualified professionals to reduce the risk and harms which can be caused by improper delineation work. The public needs and will benefit from state assurances of competency because Virginia regulates and requires permits for impacts within wetland and surface water boundaries currently unregulated at the Federal level. The U.S. Army Corps of Engineers does not confirm the boundaries or permit impacts to isolated wetlands or ephemeral streams. There are no certification programs aside from the PWD which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia. It is recommended that BPOR review the Association of Wetland Managers article entitled State Wetland Delineator Certification Programs prior to providing final comment on

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the JLARC report. The JLARC Report asserts that the PWD Certification is unnecessary as there is an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists). The Report states this national certification provides the same level of assurance to consumers and the public. The PWD and PWS certifications are NOT substantially similar and the PWS certification does NOT provide Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth. The PWS is an international certification program. It can be obtained based on a wide range of educational and/or experiential backgrounds in any specialties related to wetland ecology, management, or regulation. Education and experience can be obtained anywhere in the world and therefore does not require any knowledge of U.S. regulatory frameworks surrounding wetlands. The PWS certification does not require knowledge of wetland communities specific to the Mid- Atlantic or Virginia, does not require experience or education in the practice of wetland delineations, and requires no examination of proficiencies. I would strongly encourage BPOR to make a full comparative review of the PWS and PWD certification requirements prior to providing final comment on the JLARC report. Finally, using a certified PWD reduces the risk and harms which can be caused by improper delineation and poor regulatory applications and helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule. It reduces their permitting burden and reduces undue costs and delays. Accurately identifying wetlands affects the protection of water resources within the Commonwealth, helps mitigate unregulated loss of wetlands, and helps to maintain water quality, effecting the quality of drinking water supplies, and generating revenue from Eco-tourism. 4. The public is not protected by other means. No other certification program provides assurances of competency in the practice of wetland delineation and regulations in Virginia. There is not a federal wetland delineator certification or equivalent. The work performed by a PWD ensures that the work is performed by a person with the proper qualifications, AND that the PWD is bound to perform the work under stringent ethical and professional standards. As detailed below, there are no other protections for the public from the improper practice of wetland delineation. The Society of Wetland Scientists (SWS) international professional wetland scientist (PWS) certification does not require any specific proficiency related to wetland delineation or regulation. It doesn't even require knowledge about wetlands in the United States! The SWS Professional Certification Program "recognizes that Professional Wetland Scientists will have an extremely broad range of technical specialties." The JLARC Report incorrectly asserts that the PWD certification is unnecessary as there is an equivalent national certification

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	<p>program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists); that the PWS certification provides the same level of assurance to consumers and the public. It does not. One can receive the PWS designation without ever reading the Army Corps wetland delineation manual or regional supplement, without having performed any wetland delineations, and without familiarity with application of the Clean Water Act or Virginia-specific regulations. The PWS certification does not provide the Virginia regulated public assurance that their project will receive an accurate delineation or be guided through the Virginia and Federal regulatory process appropriately because they are not a requirement to receive the PWS designation. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia to protect its citizens from unprofessional delineations, costly errors in development, and to ensure protection of wetland resources. Rather than seeking to potentially eliminate this certification, DPOR should push to make a PWD a requirement for anyone practicing wetlands delineation in the Commonwealth of Virginia, just like it has for other professional certifications such as PEs. The growing complexity of this professional practice, coupled with continual regulatory change, simply begs for a mandatory PWD program with continuing education requirements. There are no other certification programs that can provide assurances of competency to perform this work. I hope that DPOR acknowledges the value of the PWD and I recommend the continued regulation of the Virginia Professional Wetland Delineator Certification.</p>	
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## Geologists

Commenter	Comment	Agency Response
<p>CommentID: 218180</p> <p>Noah Fleischer, ECS Mid-Atlantic, LLC</p>	<p>I am writing to you as a private citizen and geologist in Virginia who has not yet earned my official licensure. I will be taking the Fundamentals of Geology exam in October to earn my GIT. I am writing because I strongly believe in the licensure and regulation of licensure in Virginia and the process involved in licensing Geologists in the commonwealth.</p> <p>Most people are unaware of the work geologists do, and I wanted to familiarize you with the kind of work that I do specifically. Much like engineers, who are required to obtain licensure before being able to stamp an engineering report, geologists are required to do the same at the current time. The reason being is that our work directly affects the public safety, welfare of the public and the interests of the public on a daily basis. Much of the work I do personally has these broad effects because it pertains to the development and infrastructure that the citizens of Virginia and other states use daily. I am currently working on a roadway expansion project where my expertise is used to log the soils and rock beneath the roadway. It is essential to do this correctly because the engineered design of the roadway is directly impacted, which directly impacts public safety.</p> <p>Another essential component of my work is rock slope stability analysis. To complete these analyses, I undertake in geological mapping of a steep rock slope to map the discontinuities on the slope to determine the risk of failure. If failure occurs, human lives, infrastructure and buildings beneath the rock slope are at grave risk of irreparable damage. It is essential to have the expertise of a licensed professional examine these slopes and stamp the projects after completion to ensure that a regulated professional has done the work correctly and properly.</p> <p>The regulated licensure of geologists is essential to the public safety and welfare of the citizens of Virginia. It ensures the success of businesses by reducing liability as well as providing a legal certification for the employees to lean on when completing relevant work. It also ensures that geologists understand the fundamental methods and topics in our field which are absolutely crucial to complete our work correctly.</p> <p>Overall, I strongly believe in the licensure program Virginia has for geologists. I believe firmly that it must remain in place to help ensure the public safety and welfare of our citizens, as well as the many businesses who hire geologists and the businesses</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	whose welfare is affected by geological work on a daily basis.	
<p>CommentID 218181</p> <p>Christina Sullivan</p>	<p>My name is Christina Sullivan, and I have been a geologist for close to 15 years, and I currently do not hold a P.G. license in the state of Virginia. I do hold a Bachelor and Master's degree in Geology, as well as an MBA. My 15 years of experience includes experience in underground coal mining, coal mine permitting, underground gold mining, surface gold mining, and aggregates. I have lived in four different states across those 15 years and have held multiple positions from a Geologist I to Senior Geologist. In all my time as a geologist, I was never once mandated to obtain a P.G. license. The research that I have done on the Virginia licensing program has shown me that obtaining licensure not only requires a significant time commitment, but a financial commitment as well. I do not believe that every employed geologist would be able to make those time and financial commitments. Personally, I know several geologists that have tried to pass the exam numerous times and have failed; even after spending money on outside study resources. Those geologists are still gainfully employed and doing great work for the states, industries, and communities that they live and work in.</p> <p>It is my opinion, that the geologist licensing in Virginia remain voluntary, and not mandated or repealed. There are certain industries that geologists work in, that do require licensures such as working as an engineering geologist, construction geologist, and environmental engineering geologist. Virginia already has very strict licensure requirements in other industries (i.e. mental health) that make employment difficult - I know this because my husband works in the Psychology field for the state. I do not want to see Geology thrust into that same strict licensure as it will cause companies to lose valuable employees, and employees to possibly lose their livelihoods.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218183</p> <p>Thomas A. Herbert, PhD, PG</p>	<p>I have my Virginia geology license, certificate #2475. I am licensed in ten states, and I am very familiarly with professional licensing for geologists. I was the first chairman of the Florida PG Board in 1987 and have more than 56 years of experience in many fields of geoscience.</p> <p>We need professional geologists of high standing and regard to provide answers to questions that impact health, safety, and welfare of our citizens and neighbors. Professional licenses are part of the answer.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Licensing of our profession provides critical answers to questions posed by living on this planet.</p> <p>Do not move backward.....move forward with more integration of professional geology with engineering and other disciplines.</p>	
<p>CommentID 21898</p> <p>Phyllis V. Buff, CPG,</p>	<p>I am a retired professional Geologist, Certified in the Commonwealth of Virginia since 1984. (#2801000470) I was employed by the Mitre Corp. (VA), PEPCO and the Maryland Department of the Environment. All hired me after I received VA Certification. I also worked for Geotechnical Engineers and for a company as a hydrogeologist for development and remediation of contaminated public water wells. Because of my field experience, State review work and Certification in Virginia, I was registered also in Delaware. The Mitre Corp. requires experienced Geologists for their government contracts, military and non- military. A geologist, an earth scientist, typically has 4 or more years of college study and 7 to 10 years of experience prior to the VA examination. Geologists work for State and Federal government, Geotechnical Engineering companies and are self- employed for specialized work.</p> <p>In my opinion, the purpose of certification is for two main reasons: to ensure a high level of expertise on projects affecting the public welfare and to disallow a conflict of interest.</p> <p>We need experience and expertise, because in earth science, for example, land, surface water, ground water, underground foundation issues are not evident, visible, "black and white" and contain unknowns. The analysis of test results is necessary. Also, with more expertise, less funds are expended, and less time is wasted when working on new development, flood and slide, building foundation failures and remediation of contaminated soils and waters and other projects.</p> <p>The existing rules and regulations do not allow a certified professional geologist from having a conflict of interest. We work in behalf of the health and welfare of the public. A Geologist might be pressured to provide approval or a recommendation favorable to his/her employer or other entity. FTthere is a code of ethics that a CPG must follow in order to remain certified. (The Code of Regulations for Geologists,</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Outlines Standards of Practice/ Conduct and Competence)</p> <p>I recommend that the regulations should be amended to make licensure of Geologists mandatory.</p>	
<p>CommentID 218212</p> <p>R. Drew Thomas, C.P.G.</p>	<p>I am writing this as a private citizen of the Commonwealth of Virginia and a 31-year practicing geologist. I am in favor of amending the statutes that created the certification of Geologists in Virginia to make licensure mandatory and linking geologists' services to the support of public welfare and the safeguarding of life, health, property, and the environment. Furthermore, I am in favor of adding a continuing education requirement for continued licensure.</p> <p>Geologists in Virginia are commonly employed in the energy, water resources, infrastructure, and mineral resource sectors. As such, some of the common tasks that we perform include.</p> <p>Prepare water supply studies for public and private water supplies.</p> <p>Complete highway rock slope stability evaluations for roadway safety.</p> <p>Perform geologic and geophysical surveys to locate and mitigate active karst conditions beneath the Commonwealth's infrastructure.</p> <p>Prepare mine safety studies to extract mineral resources safely and effectively.</p> <p>Prepare dam and bridge foundation studies to support engineering design.</p> <p>Evaluate mineral and aggregate resources to construct the Commonwealth's infrastructure.</p> <p>Assess and reclaim abandoned mine lands to revitalize Virginia's natural resources.</p> <p>Position and monitor landfills to manage Virginia's solid waste the to protect groundwater resources.</p> <p>Assess and clean-up contaminated groundwater and soil to protect human health and the environment.</p> <p>Assess, clean-up, and redevelop brownfields to spur economic growth.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Respond to natural hazards and provide consultation aimed at mitigating the hazards identified.</p> <p>It is important that the individuals that serve in these roles are properly trained and have demonstrated minimum competency. Verifying minimum competency through examination is one key role of the Board for Professional Soil Scientists, Wetlands Specialists, and Geologists. Ensuring that geologic services are provided by competent geologists protects the environment and safeguards the life, health, and property of all Virginians.</p>	
<p>CommentID 218215</p> <p>Alberto A. Gutierrez</p>	<p>It is critical to the protection of the citizens of Virginia that a rigorous program be maintained to assure the quality of the services that geologists provide to the public. The current voluntary program should be strengthened to be required and allow the grandfathering of the participants in good standing in that program. The protection that upholding the minimum standards of professional conduct in the execution of geological investigations and projects insure that the individuals who are conducting the work are qualified and meet the standards of the profession.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID</p> <p>Brian J. Olson P.Geo. C.E.G</p>	<p>As a registered geologist in 4 Canadian Provinces and 5 US States, including VA, I would like to express support for 18VAC145-40, particularly Part III Sections 90-150 Standards of Practice and Conduct. It appears relatively consistent with similar statutes in other states and provinces that have recognized, given the current state of climate, the professions importance in collaboration with registered civil engineers in competently mitigating the impact of natural geologic hazards to our life, health, property and built environment. However, geologic licensure is currently voluntary if I understand correctly? The can say that the wording of Chapter 40, particularly Part III (Sections 90-150), appears inconsistent with that of a "voluntary" program.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218219</p> <p>Michael Brown</p>	<p>As a licensed geologist in Virginia since 1997, I support the continuation of the licensure program in the voluntary form. Having licensed geologist is important in maintaining a higher degree of qualified individuals who work in areas of public importance. Having been in the environmental consulting practice for over 30 years, it is important to have qualified individuals in charge of projects involving such important tasks as site assessments and contaminant fate and transport modeling.</p> <p>I hope that the Department will continue the program to insure the public is well served.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218221</p> <p>Barry Franz, Gemini Engineering LLC</p>	<p>I am writing this comment as a private citizen with more than 40 years' experience as a practicing geologist. I have had my Virginia geology license, certificate #2801000222 since 1984, my first license as a Professional Geologist. I am licensed in four states which I work in regularly. I also have offered expert witness testimony in multiple states dealing with various aspects of geosciences from landslides to ground water impacts.</p> <p>It is imperative that we have Professional Geologists of high standing held to professional and ethical standards to provide answers to questions from clients and the public that impact the health, safety, and welfare of our clients and the public at large. Professional licenses are a crucial part of the answer.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>I further suggest that continuing education requirements be made part of the continuing licensure.</p> <p>When looking for new hires at the 8+ years' experience level, if they are not registered as a Professional Geologist, frankly I have a challenging time taking them seriously as a consultant in the geological sciences. I actively encourage and mentor my younger staff into obtaining their license as soon as they are able in the states they currently work in. Within the past 2 years, I have had 3 young geologists who have obtained their registration as a Professional Geologist in Missouri, Indiana, and Kentucky. I have a fourth geologist who will sit for his exam in October of this year.</p> <p>It is important that we have geologists that are properly trained and demonstrate a minimum level of competency. I implore the politicians of Virginia to not move backward by eliminating this licensing program, but to move forward and require all geologists offering services to the public in Virginia be licensed. Only then can we protect the environment and safeguard the health and property of the citizens of Virginia.</p>	
<p>CommentID 218249</p> <p>Laura Cook, PG</p>	<p>I am writing to express my support for continued licensure of geologists in the Commonwealth of Virginia. While our society depends on the ability of our elected officials to make prudent decisions regarding what laws are needed for protection of society and which are unnecessarily burdensome, I am writing this in hopes that my professional and personal knowledge gained over the course of my 25 year career may be helpful in this process.</p> <p>I am a Virginia PG (exam-certified in 2005) and have focused much of my work on contaminant hydrogeology, the study of how toxic chemicals move through the subsurface, where they will migrate, and how to treat them to eliminate human and ecological health risks. In recent years, I have spent a significant amount of time supporting drinking water sites impacted by Per- and Polyfluoroalkyl Substances (PFAS). In cases where there are releases of PFAS in fire fighting foam or other chemicals that may impact surrounding drinking water supplies, it is the role of the hydrogeologist/PG to assess what wells/reservoirs may be impacted by contaminated groundwater and how to address the contaminated media and exposure. Poor or uninformed decision making may result in prolonged exposure to toxins. While the licensing process does not wholly prevent poor decision-making, it is a deterrent. To date, PFAS investigations have been focused on manufacturing facilities for these</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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chemicals and Department of Defense sites. However, EPA has issued draft maximum contaminant levels for some PFAS and a draft CERCLA hazardous substances designation. If these are finalized, addressing PFAS in many Virginia communities will be a high-profile issue and our Virginia citizens deserve highly qualified professionals to help them. I believe it would be very unfortunate timing to eliminate a safeguard intended to ensure professional qualifications right now.

On a related note, I would like to share a personal story of an even that occurred in Berlin, NJ, a town adjacent to the town in which my parents live. New Jersey does not license geologists, though there is a site remediation professional license there for geologists remediating contaminated properties. A number of years ago, the Town of Berlin, NJ drilled and operated a drinking water supply well with the help of a consulting/engineering firm. The well was properly permitted. It is my understanding the well was screened in an unconfined aquifer (the surficial aquifer is very thick and has high hydraulic conductivity in this part of NJ due to coarse clean sands). The well was pumped at ~500 gpm. Within a short time after the well became operational, private wells in adjacent neighborhoods went dry and needed to be redrilled deeper due to drawdown from this municipal well. Nearby streams and a wetland where a federally listed threatened species (*Helonias bullata*, swamp pink) grows also dried up. Because the well was pulling water from the wetland, the water quality was terrible. There were high metals and sulfide resulting in taste and odor complaints from Berlin residents. The New Jersey Department of Environmental Protection got involved. Residents from the town and those with private wells in adjacent communities were outraged. Environmentalists were outraged. Eventually, the well was turned off, but the story was a lose-lose-lose for everyone. The town spent money that didn't benefit residents, the residents were all angry, the state was burdened, and the environment was damaged. Every licensed geologist I know in Virginia would have performed appropriate aquifer testing including drawdown assessment/radius of influence assessment prior to operating such a well or would at least know to find someone else who could do those things. Perhaps I just keep good company. Perhaps there are mistakes like this being made by PGs in Virginia I don't see, and maybe licensure doesn't prevent such egregious errors, but I personally think licensing here in Virginia does improve quality of work. It is an added layer of accountability to protect our citizens. Virginians deserve to be protected by their government on issues which are not common knowledge to most

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	<p>people. I hope my elected officials will afford Virginians those protections.</p>	
<p>CommentID 218252</p> <p>Anonymous</p>	<p>I support the continuation of the licensure program for geologists.</p> <p>Having licensed geologists is important in maintaining a high degree of qualified individuals who work in areas of public importance. This is the same as licensing for professional engineers, soil scientists, and surveyors and serves to support public welfare and the safeguarding of life, health, property, and the environment.</p> <p>I support amending the regulation to make licensure of geologists a mandatory program and that the statutory language doing so should link our profession to public welfare and the safeguarding of life, health, property, and the environment.</p> <p>I hope that the Department will continue and/or amend the geologist license program to insure the public is well served.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218253</p> <p>Dan Centofanti</p>	<p>Support of Continuation of Geologist Licensure</p> <p>I apologize, my comments submitted this morning were no meant to be listed as anonymous.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218254</p> <p>Montgomery S. Bennett, P.G., RSM Haley &amp; Aldrich, Inc.</p>	<p>I am writing this as a citizen of the Commonwealth of Virginia and a 25+-year practicing Certified Professional Geologist. I am in favor of amending the statutes that created the certification of Geologists in Virginia to make licensure mandatory and linking geologists' services to the support of public welfare and the safeguarding of life, health, property, and the environment. Furthermore, I am in favor of adding a continuing education requirement for continued licensure.</p> <p>Geologists in Virginia are commonly employed in the energy, water resources, infrastructure, and mineral resource sectors. As such, some of the common tasks that we perform include:</p> <p>Prepare water supply studies for public and private water supplies.</p> <p>Assess, clean-up, and redevelop brownfields to spur economic growth.</p> <p>Complete highway rock slope stability evaluations for roadway safety.</p> <p>Prepare dam and bridge foundation studies to support engineering design.</p> <p>Prepare mine safety studies to extract mineral resources safely and effectively.</p> <p>Position and monitor landfills to manage Virginia's solid waste the to protect groundwater resources.</p> <p>Perform geologic and geophysical surveys to locate and mitigate active karst conditions beneath the Commonwealth's infrastructure.</p> <p>Evaluate mineral and aggregate resources to construct the Commonwealth's infrastructure.</p> <p>Assess and reclaim abandoned mine lands to revitalize Virginia's natural resources.</p> <p>Assess and clean-up contaminated groundwater and soil to protect human health and the environment.</p> <p>Respond to natural hazards and provide consultation aimed at mitigating the hazards identified.</p> <p>It is important that the individuals that serve in these roles are properly trained and have demonstrated minimum competency. Just like engineers, verifying</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
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	<p>minimum competency through examination is one key role of the Board for Professional Soil Scientists, Wetlands Specialists, and Geologists. Ensuring that geologic services are provided by competent geologists protects the environment and safeguards the life, health, and property of all Virginians.</p>	
<p>CommentID 218260</p> <p>Anonymous</p>	<p>I am a Virginia licensed Professional Geologist with over a decade's experience working in environmental remediation and geotechnical engineering. Concerning design engineering for construction, geologists have very specific education, training, and understanding of the earth's subsurface which even geotechnical engineers do not traditionally possess.</p> <p>Often in engineering design, when a geologist's specific expertise is required, it is because unusual and costly (or even dangerous) site conditions have been encountered such as sinkholes, contaminated soil/groundwater, rock slope stability, etc. Geologists frequently provide expertise that other professions cannot offer to ensure smart and cost-effective design decisions are made and that public safety is protected.</p> <p>Licensure of geologists ensures individuals practicing geology have adequate education and are strongly incentivized to never provide services or recommendations for anything they are not experts in. This is particularly important as the practice of geology spans numerous disciplines from mining, hydrogeology, geophysics, environmental science, to engineering geology. Unqualified consultants might be willing to step outside the bounds of professional expertise if the accountability of the geology profession is decreased by the loss of licensure.</p> <p>Geologists are involved in numerous critical public sector works - from ensuring public and private groundwater supply is available in rural counties to ensuring rock face walls adjacent to major urban highways do not collapse or that dams do not fail. It would be ill-advised to do anything that reduces the regulation of geologists. Virginia does not allow engineers or surveyors to practice without licensure due to concerns regarding public safety; why allow geologists to practice without licensure when so many of their roles are also critical to maintaining public safety and infrastructure?</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218265</p> <p>James Emery-Emery &amp; Garrett Groundwater</p>	<p>I write this not because I enjoy paying fees to be a Professional Geologist or that I enjoy having to do additional training and study to enhance my education/knowledge of geological and hydrogeological subject matters, but because it is a technical and moral responsibility of the profession we practice. This applies to all facets of the professional</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>Investigations a Division of GZA</p>	<p>geologist (whether it be geotechnical, mining, environmental, or water related). For example, in my world as a hydrogeologist, I/we need to stay current on the various emerging contaminants (e.g., PFAS compounds, arsenic, lead, 1,4 dioxane etc.) that adversely impair our drinking water supplies or environment. What we do and the decisions we make impacts the safety of the public who most often have no idea what can harm them or improve their lives. Becoming a certified professional Geologist sets the bar high for being qualified to do our work. This is very similar to a lawyer's certification passing the bar exam, or a doctor passing his medical exams and getting medical training (through residency) before becoming a certified doctor. In some way the impacts that a professional geologist can have on society exceed that of a doctor and /or lawyer who often practice their crafts/skills on only single individuals. The PG's (and PE's) most often practice their skills in ways that impact entire communities, towns, and cities. One decision that a PG makes can impact 100,000's of people's lives. This is not something that should ever be accomplished by a non-certified individual. I believe that the state of Virginia would be making a grave mistake if they lowered the qualification of individuals practicing in these professional and critically important fields.</p>	
<p>CommentID 218268</p> <p>Amanda L. Reynolds, P.G.</p>	<p>I am writing this as a private citizen of the Commonwealth of Virginia and a 13-year practicing geologist (VA 2801002355). I strongly support amending the statutes that created the certification of Geologists in Virginia to make licensure mandatory and linking geologists' services to the support of public welfare and the safeguarding of life, health, property, and the environment. Additionally, I support adding a continuing education requirement for continued licensure.</p> <p>Geologists in Virginia are commonly employed in the energy, water resources, infrastructure, and mineral resource sectors. As such, some of the common tasks that we perform include:</p> <ul style="list-style-type: none"> <li>Prepare water supply studies for public and private water supplies.</li> <li>Complete highway rock slope stability evaluations for roadway safety.</li> <li>Perform geologic and geophysical surveys to locate and mitigate active karst conditions beneath the Commonwealth's infrastructure.</li> </ul>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Prepare mine safety studies to extract mineral resources safely and effectively.</p> <p>Prepare dam and bridge foundation studies to support engineering design.</p> <p>Evaluate mineral and aggregate resources to construct the Commonwealth's infrastructure.</p> <p>Assess and reclaim abandoned mine lands to revitalize Virginia's natural resources.</p> <p>Position and monitor landfills to manage Virginia's solid waste the to protect groundwater resources.</p> <p>Assess and clean-up contaminated groundwater and soil to protect human health and the environment.</p> <p>Assess, clean-up, and redevelop brownfields to spur economic growth.</p> <p>Respond to natural hazards and provide consultation aimed at mitigating the hazards identified.</p> <p>It is important that the individuals that serve in these roles are properly trained and have demonstrated minimum competency. Verifying minimum competency through examination is one key role of the Board for Professional Soil Scientists, Wetlands Specialists, and Geologists. Ensuring that geologic services are provided by competent geologists protects the environment and safeguards the life, health, and property of all Virginians.</p>	
<p>CommentID 218273</p> <p>Ronn Beebe</p>	<p>I support the continuation of a mandatory licensure program for geologists practicing in the Commonwealth.</p> <p>It is imperative to have qualified licensed geologists performing work on complex projects along side professional engineers, soil scientists, and surveyors to safeguard life, health, property, and the environment.</p> <p>The regulation should make licensure of geologists a mandatory program and that the statutory language doing so should link our profession to public welfare and the safeguarding of life, health, property, and the environment.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218298</p> <p>Nick Bass, CPG, PE</p>	<p>I would strongly recommend keeping licensed geologist in the state of Virginia. First and foremost, I believe Virginia has unique and vastly varying landmass types and rock types, making for a state in need of people who can differentiate them for public safety and use. Second of all, the public, and private businesses, or developers are able to search the DPOR database for licensed individuals for any reason pertaining to anything commercial, industrial, to residential consultation where they need an experts opinion. You get rid of that, and I'm afraid that people could be doped or scammed by people who have no business offering geologic advice. I do request that geologists remain licensed professionals in the state of Virginia.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218312</p> <p>THOMAS HOUSTON</p>	<p>As a registered Geologist and small business owner. The review of this profession is critical to those who deal in earth science. We provide a service to the public in areas that the federal and state regulates. The professional qualifications of this field are worthy of regulation.</p> <p>As a last comment I wonder if the DPOR personnel are subject to review as to qualifications and ability to discern issues dealing with so many professional regulations?</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218316</p> <p>Steven R. Edlavitch</p>	<p>In my twenty years of experience, I have found that professional licensed geologists in the Commonwealth of Virginia provide critical assurance to the public in terms of human health and environmental protection. It is my opinion that the statute that created the voluntary Geologist certification program in Virginia should be amended to make licensure of Geologists a mandatory program and that the statutory language doing so should link our profession to public welfare and the safeguarding of life, health, property, and the environment.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218328</p> <p>Bill DiGuseppi, Jacobs Engineering</p>	<p>I have been a PG in Virginia and other states for over 30 years and wanted to express my opinion that Professional Geologist licensure is an important aspect to doing work safely and professionally in the earth sciences, both in Virginia and elsewhere. I work for the world's leading engineering firm and we employ 1,000's of geologists to perform our geotechnical, geological engineering, and hydrogeological work. In hiring, promotions, proposals, and project assignments, we look to state professional licensure as an indicator of a candidate attaining a certain level of expertise in the field of geology. Not having VA geologist get licensure would handicap their ability to get jobs and perform rewarding and valuable work. In some (but not all) aspects of our work, state PG stamps are required, and also send a signal to our clients that we are using qualified staff. And even though I'm no longer living in Virginia, I maintain my PG certification because that state is where I took the PG test and achieved my first licensure. I have subsequently used that VA PG licensure to get PGs/LGs/RGs in a dozen other states that accepted the VA PG test results through comity/reciprocity. If VA abandoned the program, it is highly likely other states, who deem a PG important</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>and valuable, would no longer accept my VA PG, requiring me to retake the PG exam.</p> <p>Overall, PG certification provides the public, facility owners and state and federal regulators an assurance that the work is being done properly and professionally, to safeguard property and both human and environmental health. Please do not do away with this important program.</p>	
<p>CommentID 218333</p> <p>Anthony W. Creech, P.G.</p>	<p>I obtained certification as a professional geologist in Virginia in 1993 (2801000943). When I was in the private sector I performed a variety of geology related services including groundwater monitoring at landfills and other regulated properties, groundwater supply studies, and groundwater withdrawal permit applications. The regulated community relies on certification as a means to ensure that the professionals they hire are in fact capable and qualified to provide services for which geologic knowledge is necessary. Further, certification provides employers with the means to evaluate the qualifications and skills of geologists being interviewed for positions which include the practice of geology.</p> <p>Since 2017 I have worked in the Office of Environmental Health Services at the Virginia Department of Health, specifically in the private well and onsite sewage system arena. I, along with geologists working at DEQ and other agencies, have been called upon by the General Assembly and the Governor's office to provide expertise regarding "hot-button" issues pertaining to private wells, state waters, public health, and the environment. Recent issues include:</p> <ul style="list-style-type: none"> <li>Potential uranium mining</li> <li>Potential gold mining</li> <li>Coal ash pond closure</li> <li>Pipelines</li> <li>Wastewater infrastructure</li> <li>Groundwater injection</li> <li>PFAS and other emerging contaminants</li> </ul> <p>In such cases, knowledge and understanding of geology is a necessary asset for efforts to determine whether an issue should be regulated, to draft regulations, and to represent the interests of the</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Commonwealth in public outreach and other communication.</p> <p>I believe that 18VAC145-40 is critical to ensure that the practice of geology in Virginia is protective of public health, safety, and welfare and a strong factor in the economical performance of important governmental functions. Therefore, these regulations be retained.</p>	
<p>CommentID 218338</p> <p>Michelle Wharton</p>	<p>Geologists provide an essential service to human health and the environment. Their role includes determining appropriate levels of clean up of contaminated sites for redevelopment, as well as risk management to users to obtain a comfort level for contaminated site reuse. This is a safe way to keep contaminated sites profitable/economical. The current voluntary program should change to making licensure of geologists mandatory.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218371</p> <p>Andrew R. (Drew) Shontz, P.G./ ECS Mid-Atlantic, LLC</p>	<p>I am writing this as a private citizen of the Commonwealth of Virginia and a 16-year practicing geologist (VA 2801001589). I strongly support amending the statutes that created the certification of Geologists in Virginia to make licensure mandatory and linking geologists' services to the support of public welfare and the safeguarding of life, health, property, and the environment. Additionally, I support adding a continuing education requirement for continued licensure, similar to other states I have licensure in.</p> <p>Geologists are commonly employed in the engineering, energy, water resources, infrastructure, and mineral resource sectors. It is important that the individuals that serve in these roles are properly trained and have demonstrated minimum competency in order to practice. Verifying minimum competency through examination is one key role of the Board for</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Professional Soil Scientists, Wetlands Specialists, and Geologists. Ensuring that geologic services are provided by competent geologists protects the environment and safeguards the life, health, and property of all Virginians.</p>	
<p>CommentID 218462</p> <p>Steven P. Pond, P.G.</p>	<p>I am a native resident Virginian and a Virginia certified practicing geologist. It is with concern for citizens of the Old Dominion and the future practice of the geological profession within her boundaries that I submit to you the following:</p> <p>The Commonwealth bears the responsibility for any reduction in regulatory requirements pursuant to Executive Order No. 19 signed into law by governor Youngkin on June 30, 2022. There are many great elements to the Order, and while the intent of the Order is certainly welcomed and needed, any reduction in regulatory requirements specifically related to the practice of geology within the Commonwealth would be a disservice her citizens and those geologists currently certified by her.</p> <p>There is, and has existed, the need to instead strengthen those regulatory requirements related to the practice of geology within the Commonwealth. This need is primarily predicated on the highly specialized and technical nature of the work geologists do related to public health, safety and welfare. Virginia is the 12th most populous state in the US yet 35th in land size. In my 31 years of practicing geology within the Commonwealth well over 2 million new residents have arrived, and with that more needs related to housing, infrastructure, support facilities, natural resources, water supply, power, waste disposal and the like. All of these geologists perform services for and are critical to the success of. This trend shows no sign of slowing down in the foreseeable future. The Commonwealth's landscape is one of reducing resources and open land space, and increasing dense urban and suburban hardscapes which collectively increase technical complexities and challenges to the practice while balancing impacts to the environment. As a result, the nature of the work geologists do is becoming even more important, driving the need for increased talent.</p> <p>The majority of the Commonwealth's citizens, legislators included, do not understand exactly what geologists do on a daily basis, nor do they understand the important role geologists play in ensuring public health, safety and welfare. For this reason, there exists the explicit need for increasing education and</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>awareness concerning the profession. It is not hard to understand why deregulation of practice of geology could be viewed by some as an acceptable contributor to the governor's EO-19 mandate of a 25% reduction in regulatory requirements.</p> <p>The Commonwealth's use of the National Association of State Boards of Geology (ASBOG) testing for certification of geologists is an appropriate standard to demonstrate a minimum level of competency and should be maintained within Virginia Administrative Code (VAC). It is important to note that the similar American Institute of Professional Geologists (AIPG) professional geologist certification does not require testing to demonstrate minimum competency of geologists certified by that Institute. AIPG certification does not equal the Commonwealth's certification of geologists, and is often mistaken to. Also, the Commonwealth's use of ASBOG testing affords particular ease of reciprocity for practicing certified, licensed and registered geologists among the 32 ASBOG member states. Deregulation of the practice would most certainly cause undue hardships for geologists once certified by the Commonwealth seeking reciprocity elsewhere.</p> <p>Now therefor, in consideration of the above existing conditions, I urge you to properly discharge the duty of your position and the responsibility entrusted to you by the Commonwealth by seeing to it that those statues within the VAC under your influence or authority are, at minimum, kept intact as current, or arguably strengthened in the near future to include provisions related to continuing education requirements and mandatory licensure (not voluntary certification) related to the practice of geology within the Old Dominion. This would be consistent with the precedent set by similar existing statutes pertaining to other regulated professions within the Commonwealth where highly specialized professional technical expertise is being applied to work, and the products of work, that so directly impact the public health, safety and welfare our citizens are entitled to under law.</p>	
<p>CommentID 218477</p> <p>Eric Bruce Rehboldt, P.E., C.P.G.</p>	<p>I strongly support the current regulation within the VAC to require certification of those who apply the principles of Geology to the daily lives of Virginians! This regulatory requirement has been long-standing and key to protect the public health, safety, and welfare to those that depend on the judgement and experience of Professional Geologists who work every day to support the design and construction of our built environment. Other professionals in the design, construction and mining industries rely on the judgement, experience, and recommendations of Professional Geologists to develop the facilities,</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>structures, and water systems that Virginians depend on daily. As a Certified Professional Geologist and registered Professional Engineer in the Commonwealth of Virginia, I strongly support maintaining the current regulation requiring certification of Professional Geologists to practice within the Commonwealth.</p>	
<p>CommentID 218481</p> <p>Bryant Mountjoy, PG</p>	<p>If any changes are to be made to the current regulations, they should be to mandate licensure for practicing geologists in Virginia. Geologists routinely make decisions critical to the health and safety of the population, including work on public water supply systems, assessment and remediation of hazardous sites, and natural hazards such as flooding and landslides. Geologists frequently work alongside engineers (who have mandatory licensure) on these types of projects, who rely on information provided by the geologists.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218581</p> <p>John T. Popp, CPG</p>	<p>Although retired, I am and have been a Certified Professional Geologist with the Commonwealth of Virginia since the CPG designation was enacted. Please consider my opinion about the importance of the professional services Geologists provide in support of public welfare and the safeguarding of life, health, property and natural resources, and the environment. I feel the statute that created the voluntary Geologist certification should be amended to make licensure of Geologists a mandatory program and that the statutory language doing so should link our profession to public welfare and the safeguarding of life, health, property and natural resources, and the environment.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218591</p> <p>Joshua Holloman</p>	<p>As a practicing Licensed and Certified Professional Geologist in both Virginia and North Carolina for 25 years, I am in favor of continuing certification in Virginia. Additionally, I favor amending the statutes for the certification of Geologists in Virginia to make it a licensure and mandatory for providing professional geological services. Qualified geologists are important for protecting public safety and health, environmental quality, energy development, infrastructure design, water supplies, natural hazard mitigation and prevention, and many other aspects of everyday life. Furthermore, I am in favor of adding an annual continuing education requirement for continued licensure as other states require.</p> <p>There is an old saying taught in many university geology classes .... "If it isn't grown, then it is mined from the earth". Geological science is an integral part of every aspect of our lives and cannot be separated from our continued existence. From the Stone Age to the Nuclear Age, geological knowledge was applied. And it will be a continued need for the Renewable Age coming.</p> <p>Geologists working in these fields must be properly educated and trained with proven competence. Licensure through examination is the most common means to verify competency.</p> <p>In order to protect Virginians, I support Geologist Licensure.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218638</p> <p>Krista J. Tetrick, PG, PWS</p>	<p>I am writing to express my support for the licensure of Professional Geologists in Virginia. As a licensed professional geologist, I can assure you that the process to gain licensure is not easy.</p> <p>Currently regulations state that an individual applying for professional geologist licensure must work under a licensed PG for at least seven years. In addition to the work and PG oversight requirement, applicants must pass not one, but two tests. The first tests the applicant's fundamental knowledge of geology, ie,</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>what we were taught in the classroom. The second tests the applicant's professional knowledge, ie, what we have learned on the job. These tests do not focus on a specific area of geology, but rather a broad range of knowledge is needed to pass.</p> <p>There is a reason applicants are recommended to begin studying months before the exams. The wide variety of topics potentially covered requires a significant time investment to successfully review the knowledge base gained in school and in the workplace. And most applicants complete this extensive study on their personal time. As a geologist, this is a major career achievement.</p> <p>All of this means that there is a level of competence and professionalism assumed with an individual whom has earned their PG. Cheapening our profession is not only personally offensive, it would open the door for the potential of less competent work in our industry, with the potential to create situations dangerous to the public.</p>	
<p>CommentID 218663</p> <p>Bruce Mills</p>	<p>Professional Geologists serve the public and society by applying their knowledge toward the responsible use and management of the earth's resources. This is true whether they are employed by a government agency or a private firm.</p> <p>To have qualified individuals whose work and knowledge involves the practice in the field of Geology is important, in many ways, to the wellbeing of the general public in the Commonwealth of Virginia. I will cite several examples of where this is true: in the field of mineral exploration and management Virginia Energy - Geology and Mineral Resources - Mineral Resources; consultation related to earth events such as the 5.8 earthquake in Mineral, Virginia on August 23, 2011; the prevention and/or remediation of rock slides, which are periodic and reoccurring throughout the Piedmont and mountainous regions in Virginia; contributions to environmental studies of groundwater resources and pollution. All of these examples involve areas of critical importance to the wellbeing and safety of the citizens of the Commonwealth. We must have QUALIFIED individuals who know how to investigate the aforementioned, and who will study and provide answers to questions and solutions to problems that are earth related. We must have qualified individuals in whom we can have confidence.</p> <p>In numerous ways, the certification/registration/licensing of geologists is a means of contributing to the economy of Virginia. A number of Virginia universities have excellent geology programs that educate in-state and out-of-state</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>students who aspire to gain certification/ registration/ license as a Professional Geologist. Additionally, according to the U.S. Bureau of Labor Statistics, individuals who have professional registration are more engaged in the work force and achieve higher earnings (thus providing more tax contribution) than those not having professional registration Professional certifications and occupational licenses: evidence from the Current Population Survey : Monthly Labor Review: U.S. Bureau of Labor Statistics (bls.gov).</p> <p>Professional Geologist certification/registration/licensing adds to the status of the Commonwealth in that it shows that we have high standards in our expectations of those who are practicing in this discipline. I believe the National Society of Professional Engineers puts it well when they say, in part, "Licensed engineers also achieve an enhanced status in the eyes of the public, which equates the engineer with professionals licensed in other fields.</p> <p>Licensure is an indicator of dedication to integrity, hard work, and creativity, and an assurance that the individual engineer has passed at least a minimum screen of competence. Of course, licensure is just a starting point for professional growth and development, and participation in professional activities is part of the ongoing activities of a true professional." Advantages of Licensure   National Society of Professional Engineers (nspe.org). These statements apply to Professional Geologists, as well.</p> <p>As a former state employee, I have seen that the government in our Commonwealth has made many efforts to keep Virginia high on the list of states that provide for the safety, prosperity, and advancement of its citizens. Let us move forward with maintaining high standards for those who practice in the field of geology.</p>	
<p>CommentID 218676</p> <p>Mike Lawless</p>	<p>I am writing this as a private citizen of Virginia and a 37-year practicing geologist certified in Virginia since 1994. I am in favor of requiring licensure in Virginia based on the need for geologic services to be provided by credentialed professionals whose role it is to protect public welfare and safeguard life, health, property and the environment.</p> <p>Many of the most significant issues facing society today require the input of qualified geologists including reliable energy supplies, locating and extracting mineral resources, assessing and cleaning up environmental contamination, and maintaining potable water supplies.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>I am fully in support of DPOR continuing to certify professional geologists.</p>	
<p>CommentID 218684</p> <p>Brian Bruckno</p>	<p>As a practicing Licensed Professional Geologist in Virginia, and having worked in both private and public sector fields in a number of states and industries, I strongly support continuing certification in Virginia. I also recommend making licensure mandatory for providing professional geological services. Geologists provide essential services protecting public safety and health, including ensuring adequate and safe water supplies, safe wastewater and solid waste treatment, evaluation of and protection from geohazards, ensuring sustainability and resiliency in the use of natural resources, and in numerous other areas. I also support continuing education requirements for continued licensure, as other states require, and as Virginia does in other vital licensed occupations.</p> <p>Licensure of geologists in Virginia, and in all other states where it is required (the large majority require it, and a few of those that do not regulate these services under other, similar or overlapping licenses) is rigorous and demanding, requiring education, experience under the supervision of a licensed geologist, and successful passage of two challenging exams. The reason Virginia and other states have instituted these rigorous requirements is that they acknowledge the importance of geologists in protecting public safety and health. Allowing licensure to lapse would result in inevitable hazard to public safety and health by very real measures. While it is important to periodically reassess the value of licensure in certain fields, few of them have as direct importance to the public as the licensure of geologists.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218685</p> <p>Andrew Owens, PG</p>	<p>I am writing in support of maintaining the regulation of the practice of geology in the Commonwealth of Virginia. While I appreciate taking opportunities to reduce regulation when it will not cause public harm, the practice of geology, including developing dam strategies, blasting plans, remediation of contaminated soil and groundwater, as well as many more infrastructure concerns, is exactly the wrong area to deregulate.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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Below, I will briefly provide information regarding why licensure of geology is important to protect the public including health, safety, environment, and fiscal considerations and why it is important for Geology to be licensed as a unique profession.

#### Public Protection through Licensure

The ASBOG® Fundamentals of Geology Examination is a requirement for a person to become a Certified Professional Geologist in the Commonwealth of Virginia and to offer geologic services to the public in the other 30 States that register geologists by examination. Pass-fail analyses of the Fundamentals of Geology Examination indicate that nearly 50 percent of the applicants who take the examination lack the knowledge and experience to practice geology at a minimum competency level.

Much of today's geological practice affects the health, safety and welfare of the public, the environment, and the economy and feasibility of engineered works. Thus, the public deserves to be protected.

Unqualified geologists, who are employed in jobs that affect the public, place an undue risk on the health, safety and welfare of that public. The risks include:

The possibility of an error that will cause a loss of life or property

The higher costs of supervision

The costs of repeating incorrect and incomplete work

Lower cost/benefit ratios brought about by an inability to do efficient work

The registration examinations used by State Boards of Geology (including Virginia) to complete an applicant's registration are carefully developed and designed by ASBOG® and routinely updated to reflect changes in the profession. The initial step in developing an examination is to carry out a task analysis. The task analysis is based on a survey of registered geologists to determine:

The amount of time spent on a specific task;

The importance of the task in protecting the public; and

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The extent of competence required for an entry level geologist at the time of initial licensure.

The results of these three independent responses are used to determine the relative significance of each content area on the Geology Examinations as a requirement for a person to become a Licensed Professional Geologist. Pass-fail analyses of the Fundamentals of Geology and Practice of Geology Examinations indicate that nearly 50 percent of the applicants who take the examination are unqualified to practice geology. Further evaluation of the results from decades of testing results indicates that those not passing the ASBOG® examination(s) lack the required knowledge and/or experience to offer geologic services to the public in a manner that would protect the health, safety, and welfare of the public, the environment and/or the economy.

Additionally, the results of the task analysis are used to determine the relative significance of the tasks that are performed by geologists and used to set the blueprint for each of the ASBOG® examinations – one for the Fundamentals of Geology and one for the Practice of Geology. If constructing geologic maps is the most significant task, then the examination will have more questions on constructing geologic maps. If, on the other hand, a task is determined to be the least significant task, it may be dropped from the examination all together. The blueprint developed based on the task analysis is the template for the examination and ensures that it represents the current practice of the profession.

Subject Matter Experts who represent the full spectrum of the profession are brought together to write and review questions for the examination. These experts prepare questions in their field that other experts will review and approve. The criteria for a question include:

Does it have only one answer?

Is it related to a blueprint task?

Is it related to public protection (health, safety, environment, and fiscal)?

Is the question clear and direct?

Is it written at the entry level?

Is it free of trickery?

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	<p>Does it avoid assessing trivia?</p> <p>If the question passes each of these criteria it will be approved for the examination database. Prior to and after a question has been used on an examination it is reviewed and evaluated by the subject matter experts from each of the States where registration by examination is required. The first step in the evaluation of each examination is to require these experts to take the examination. The experts, working as a committee, review each examination question to determine:</p> <p>The correct answer,</p> <p>That there is only one correct answer, and</p> <p>That the question meets the criteria listed above.</p> <p>If the question passes review, the experts assign a difficulty score to the question. The score for each question is combined to determine the degree of difficulty of the examination, which is then compared with the minimum level of competence required for a person to practice geology before the public to ensure that every administration of an ASBOG® examination meets this requirement.</p> <p>Importance of the Licensure of Geology as a Profession</p> <p>Geologists make use of their special knowledge for the benefit of the public. from the obvious, e.g., exploration and development of mineral resources plus development of water resources to the less obvious, e.g., evaluating the stability of foundations for buildings, dams, bridges and roadways, plus many others. Few other professions affect the public more than geology, especially through collaboration with the construction and engineering professions. "Civilization exists by geological consent, subject to change without notice," a popular saying with much merit.</p> <p>Why register geologists?</p> <p>The application of geologic knowledge and experience are integral to many actions involving public health, safety, and welfare (including financial). Professional geologists working with others can determine and apply sound geologic knowledge and procedures that will serve to avoid endangerment of the public or the environment.</p>	
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	<p>How will the public be protected?</p> <p>First, no one may be represented as a Professional/Registered Geologist unless registered by the State in which they practice. Second, State registration boards are typically granted the authority to monitor and enforce the registration laws, thus ensuring the practice of geology in a competent manner by Professional Geologists within that State.</p> <p>Who can become registered as a geologist?</p> <p>Currently, in Virginia, individuals who have a college degree in geology and five years of geological work experience can initially qualify for registration. In addition, the successful completion of two four-hour long examinations to demonstrate minimum competence in both the fundamentals and the practice of geology.</p> <p>Registration assures that qualified and reputable individuals provide accurate geologic information to the public. Examples of the practice areas covered by registration include the following:</p> <ul style="list-style-type: none"> <li>geologic mapping</li> <li>groundwater resource and development protection</li> <li>mineral-resource evaluation</li> <li>oil and gas development</li> <li>safe oil, gas, water, or mineral drilling</li> <li>accurate and reliable information to government agencies for public use</li> <li>environmental geology issues</li> <li>land surface stability</li> <li>solid waste siting</li> <li>toxic, nuclear, and hazardous waste disposal siting</li> <li>contaminated soil investigations and remediation</li> <li>groundwater investigations</li> <li>mined-land reclamation</li> </ul>	
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	<p>acid mine drainage suppression and remediation</p> <p>dam and impoundment construction</p> <p>highway, roadway, and bridge construction</p> <p>Some people note that geology sounds a lot like engineering. So, what's the difference?</p> <p>Geologists are trained to consider the entire physical environment, the materials that compose it (rocks, soils, and water) and the dynamic physical and geochemical processes that drive it. Engineers are more concerned with facility design including material and structural properties along with construction and constructability considerations.</p> <p>Geologists and engineers generally work together making sure that all natural and man-made influences are considered in a project or setting.</p> <p>Why don't geologists register as engineers?</p> <p>Geologists have education and professional experience that is specifically directed toward investigating and using the earthen materials that affect the public or natural spaces. No other profession has comparable education and professional experience.</p> <p>Why not hire engineers to certify geologists' work?</p> <p>For public protection, persons can only certify geological work for which they were trained in the fundamental geologic principles and have the necessary experience. Geologists are trained and have experience in geologic interpretation of earthen materials; engineers are trained and have experience in designing and building. These are two distinctly different professions. However, because of the close relations between those who interpret and those who design and build, geologists and engineers must work together in a collaborative fashion.</p> <p>How do they work together?</p> <p>Geologists interpret, engineers design and build. Geologists investigate earth materials and processes and advise how to compensate for those conditions to assure safety. Engineers take this information, and working with geologists and others, determine how to</p>	
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	<p>design and build safe structures in a cost-effective manner.</p> <p>In closing, I think you will agree that the continued regulation of the practice of geology is vital to the protection of public health for all citizens of the Commonwealth of Virginia.</p>	
<p>CommentID 218755</p> <p>Ron A James, CPG, CEM</p>	<p>I am writing this as a private citizen of the Commonwealth of Virginia and a 30-year practicing Geologist in good standing within the Commonwealth of Virginia, Florida, Georgia, Kentucky, Alabama and Louisiana and a Certified Environmental Manager (CEM) for the Commonwealth of Nevada. I am highly in favor of requiring licensure in the Commonwealth of Virginia (state of my birth) based on the need for geologic services to be provided by credentialed professionals whose role it is to protect human public health, welfare, property and the environment.</p> <p>Many of the most significant issues facing our society and state today require the input of qualified Certified Geologists including reliable energy supplies, assessing environmental integrity, contamination remediation and potable water supplies.</p> <p>I am fulling in support of the DPOR continuing to certify Professional Geologists in the Commonwealth of Virginia.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218759</p> <p>Brent Johnson P.G., P.E./Koontz Bryant Johnson Williams Inc.</p>	<p>I support the change of the current certification process into a mandatory licensure process for the practice of geology in Virginia. The work reviewed and performed on a daily basis by geologists is many times directly related to the public health and welfare of Virginia citizens. Work involving drinking water quality, pollution control, protection for vital groundwater and surface water resources effects all Virginia residents and should be controlled to ensure properly qualified professionals are completing these evaluations.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218760</p> <p>Kristopher McCandless</p>	<p>I have been both consulting geologist and state regulator, so have witnessed first hand the importance of staying abreast of the latest developments in the environmental geology, hydrogeology, and engineering geology fields of practice to best serve the Commonwealth of Virginia and humanity in general. As with any specialized field of practice, passing certain tests for licensure, e.g. doctors, lawyers, engineers, geologists, soil scientists, or wetlands specialists, the level of service is assured and the confidence in that individual can be relied upon.</p> <p>It is my opinion that the statute that created the voluntary Geologist certification program in Virginia should be amended to make licensure of Geologists a mandatory program and that the statutory language doing so should link our profession to public welfare and the safeguarding of life, health, property, and the environment. The decisions made for finding potable water sources, free of contaminants or the remediation of that groundwater and surface waters should be made a professional geologist.</p> <p>Virginia has had this licensure program at least since the 1990s and thus Virginians have benefitted from having PGs review and sign documents characterizing the varied rock and soil types unique to Virginia, and understanding the fracturing and structure of bedrock through which most of our groundwater flows.</p> <p>Keep Geology Licensure in Virginia; do not abolish or eradicate this beneficial program.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218763</p> <p>Eric Seavey</p>	<p>I support the continuation of the licensure program for geologists.</p> <p>Having licensed geologists is important in maintaining a high degree of qualified individuals who work in areas of public importance. This is the same as licensing for professional engineers, soil scientists, and surveyors and serves to support public welfare and the safeguarding of life, health, property, and the environment.</p> <p>I support amending the regulation to make licensure of geologists a mandatory program and that the statutory language doing so should link our profession</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>to public welfare and the safeguarding of life, health, property, and the environment.</p> <p>I hope that the Department will continue and/or amend the geologist license program to insure the public is well served.</p>	
<p>CommentID 218774</p> <p>Michael G. Jones, PG</p>	<p>As a Professional Geologist in Virginia (PG # 887) and other surrounding States, I believe that the public benefit of licensing Geologists practicing geologic work in Virginia is protective of the Citizens of the State of Virginia.</p> <p>Geologist licensure is overseen by a Regulatory Board which is protective of the public and maintains regulations to keep practitioners responsible for work in the State of Virginia. The Regulatory Board oversees the testing and licensure and maintains a process for citizens who have a legitimate complaint against a practitioner to seek resolution within the rules. Geologist Licensing and supervision by the Board over the practitioners is a protection for the Citizens of Virginia, and it would be a disservice to disrupt the PG Licensure Program.</p> <p>I have been a Professional Geologist doing projects in Virginia for over 30 years and take the obligation to protect the citizens of Virginia very seriously. The Public Benefit of Virginia Geologist Licensure is greater than the cost for the licensure program, and the Virginia Professional Licensure Program should be maintained.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218785</p> <p>Daniel P Jackson</p>	<p>It is with respect that I urge your careful consideration of and support for continuing the licensing of geologists in VA.</p> <p>Daily, we provide services of critical importance not only to the public but also to local, municipal, and state government officials and leaders in multiple industries, including, but not limited to, water and wastewater, commercial and residential real estate, hard and soft-rock mining, forestry, environmental and energy, agriculture/viticulture, ground/air/rail transportation, construction, and recreation/tourism. Questionable work by unprepared, unlicensed, ill-trained, and uneducated practitioners could jeopardize public welfare and the safeguarding of life, health, property, and the environment. In addition, the</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>outcomes of shoddy work could have significant financial impacts on Virginia's residents, tourists, employers, and employees.</p> <p>Kindly amend the regulation to make VA geologist licensure a mandatory requirement.</p>	
<p>CommentID 218810</p> <p>Sue Young</p>	<p>I strongly support licensing geologists. I have worked in both private and public sectors and think that having licensed geologists is important for protecting public, private, and environmental issues.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218813</p> <p>G. V. Burbach, PhD, PG</p>	<p>As a registered professional geologist in Virginia (and 3 other states) with more than 30 years of professional experience, I strongly support the mandatory registration of geologists providing services in the public or private sectors. The strict education, experience, and ethical requirements that accompany professional registration are a safeguard for the citizens, businesses, and local governments of Virginia who rely on geologists for a variety of services and professional advice. Professional registration of geologists helps protect the health and safety of people and the environment.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 218837</p> <p>Shannon George</p>	<p>Consider renaming the board to "the Board for Professional Geologists, Soil Scientists, and Wetlands Professionals" which lists geologists first. Geologists should be listed first because we are, by far, the majority profession within the board.</p> <p>Review the Regulations for the Geology Certification Program Chapter: [18 VAC 145 ? 40].</p> <p>Consider updating the definition of the "Practice of Geology" to contain more modern language more in line with the current standard language.</p> <p>Update rules/regs to include "geoscientists" in addition to geologists. Updating the rule to include geoscientists broadens access to the profession while maintaining the competency requirements needed to protect the public. Compare to model law published for the practice of geology, and regulations from states that have recently implemented a professional geologist/geoscientist licensure program, such as Tennessee, Texas, and Louisiana.</p> <p>Educational and experience must include be an adequate knowledge of understanding the subsurface. Must be able to pass the Fundamentals and Practice of Geology examinations published by the National Association of State Boards of Geology (ASBOG) as a requirement for certification/licensure, which is consistent among the 32 states with certification/licensure programs for geologists.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 218862</p> <p>Sarah Stinger</p>	<p>Virginia Certified Professional Geologists (PGs) serve a vital function in many fields, including in my field of groundwater contamination investigation/remediation.</p> <p>PGs with a working knowledge of Virginia geology are critical to public safety because PGs have the unique skill set to evaluate geologic conditions conducive (or conversely dangerous) for road cuts, tunnels, excavations, dams, etc) and can mitigate property damage/injury related to karst features such as sinkholes.</p> <p>With our recent understanding of the high toxicity of per- and poly-fluorinated alkyl substances (PFAS) and their high mobility in groundwater, the need is clear for</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Virginia Certified PGs to be involved in environmental assessments to protect groundwater sources used for drinking water supplied to Virginia residents and businesses. The fact is, most Professional Engineers do not have the background and experience to technically evaluate the complexities of contaminant fate and transport to be protective of groundwater aquifers.</p> <p>The Virginia Department of Environmental Quality employs many Virginia Certified PGs. And Virginia stands out as an early leader in the formation of the well-regarded Association of State Boards of Geology who now administers the national PG exam through states like Virginia.</p> <p>While Virginia unfortunately is among some states that have a voluntary PG program (voluntary meaning persons practicing geology in Virginia are NOT required to hold a Virginia Certified PG license), state licensure of PGs provides individuals, businesses and regulators assurances that the person practicing in the many fields of geology (hydrogeology, mining geology, engineering geology, geochemistry, geophysics, etc.) have a baseline of necessary training and experience.</p> <p>And having served on the Virginia Board for Geology for 8 years, I know the program is self-funded such that it represents no additional cost to Virginia taxpayers. And being a voluntary program, it represents zero negative impact on commerce, except perhaps to entities who would selfishly benefit (financially or politically) from elimination of the program.</p> <p>For these reasons, there exists no reasonable rationale to eliminate the self-funded, voluntary Virginia Certified PG program.</p>	
<p>CommentID 219092</p> <p>Matthew F. Holbrook, CPG/ St. John Properties, Inc.</p>	<p>I am writing to you to express my strong support for the Commonwealth's Certified Professional Geologist program. I serve as Regional Partner for St. John Properties where I oversee our portfolio of more than 1,500,000 square feet of commercial real estate in Virginia and a development pipeline of another 1,500,000 square feet to be built in the next few years. I am also on the Executive Committee for Loudoun County, VA's Economic Development Advisory Commission. St. John Properties is one of the largest and most respected privately-held commercial real estate firms in the Mid-Atlantic. Several years ago we were recognized as the National Developer of the Year by our premier industry organization, NAIOP, and the U.S. Green Building Association holds us as one of the Nation's</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Top 5 developers/owners of LEED-certified buildings, LEED being the main U.S. designation for environmentally sustainable buildings. Upon completion of our buildings, we lease them to a wide variety of businesses that provide the Commonwealth with substantial new tax base, jobs, economic diversity, and small business opportunities. We hold Virginia's Certified Professional Geologist (CPG) certification in high regard and it is widely recognized as a respected industry credential similar to being a Certified Public Accountant or Professional Engineer. The CPG designation can only be obtained through accomplishment in study, relevant experience, and a rigorous board examination. It is a mark of expertise and credibility that is respected by fellow developers, lenders, investors, and insurers. Their confidence in the CPG designation encourages confidence in more investment into Virginia which promotes statewide economic development. As we develop our projects, we rely heavily on professionals with Virginia's CPG certification including all geotechnical and environmental matters. The certification tells us that these professionals understand Virginia's unique geology and environment, and that they have the expertise to guide us toward delivering projects that are high-quality, safe, and environmentally sustainable.</p> <p>I understand the value of this certification better than most because I am Virginia CPG. After obtaining a university degree in Geology and several years of relevant work experience, I obtained my CPG certification more than 20 years ago. Although my career has evolved into leading a commercial real estate company, I attribute my success and that of my firm to the teams of professionals including Certified Professional Geologists. I respect and appreciate efforts to streamline government and eliminate unnecessary/unfair bureaucracy that limits business. I encourage close evaluation of other licensure/certification programs in Virginia that have limited impacts on public health, life, property, or the environment. But the CPG certification is not one of those and its place in protecting our health, safety, property, and environment cannot be overstated. For these reasons, I implore you to protect Virginia's CPG certification as a valuable contributor to what make the Commonwealth great.</p>	
<p>Comment ID 219178 Andrew Harrison, PG, Schnabel Engineering</p>	<p>As a professional geologist with 30+ years of experience in Virginia, I can say from experience that unlicensed and unqualified people practicing geology can have significant negative consequences. Maintaining and even expanding a professional geologist certification will be a benefit to the citizens of the Commonwealth.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219183</p> <p>David Berry, PG</p>	<p>I've been a Virginia PG for over 20 years and have been responsible for environmental investigation and remediation projects throughout Virginia and the Mid-Atlantic region during my career. Many of these projects have required a comprehensive understanding of a site's subsurface geology in order to characterize the impacts posed by a contaminant release, the associated risks to human health and the environment, and the appropriate remedies to mitigate risks and restore a site to productive use. Pursuit/maintenance of a PG license is a demonstration that an individual is committed to the study of geology, the application of scientific principles to societal challenges, being accountable to the public, and to the betterment of outcomes for those served. While my experience has been focused primarily on environmental impacts, the need to understand site geology is also paramount when evaluating geologic conditions for infrastructure development. Contributions from Certified Professional Geologists ensure that our infrastructure and environment are safe, protected, and preserved for the benefit of all. The potential impact and cost of unqualified professionals practicing geology far outweighs any perceived benefit associated with elimination/minimization of the PG licensure program. I therefore support Virginia's current voluntary Certified Professional Geologist licensure program and would support an expanded requirement for a PG license with demonstrated continuing education to practice Geology in Virginia.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219294</p>	<p>PG Support Letter sent to Senators Jan. 2023</p> <p>Dear Senators,</p>	<p>Thank you for your comments regarding whether this regulation should be repealed,</p>

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<p>Martin J. Woodard, PhD PG PE</p>	<p>Recently I was made aware of the introduced legislation to eliminate the license and/or certification requirements for Geologists as well as other professions. I am a professional geologist as well as a professional engineer residing in the Commonwealth of Virginia. I am against this proposal.</p> <p>The role of a professional geologist and the expertise they alone have is extremely important to the health, safety, and welfare of the public. Much of our infrastructure such as roads, bridges, rail lines, are built with the need to understand what these structures will be built upon. The professional geologist is uniquely qualified to understand these foundations and convey what is needed to construct or live with them. Other professions such as simply a professional engineer do not have this background.</p> <p>Other areas such as pipeline construction, quarry operations, mining (including coal mining), heavily utilize the tools that a professional geologist has in which no other profession trains.</p> <p>I do not understand the desire to de-regulate this occupations especially that of the professional geologist. I request that this proposed legislation be abandoned.</p> <p>Sincerely,</p> <p>Dr. Martin J. Woodard, PhD PG PE</p> <p>RESPONSE:</p> <p>Dear Dr. Woodard,</p> <p>Thank you for writing to me to express your concerns over Senate Bill 1480 - a bill that would have repealed certain provisions of the Code related to the regulation of geologists, landscape architects, interior designers, residential building energy analysts, backflow prevention device workers, auctioneers, boxing, wrestling, and martial arts events.</p> <p>I heard from many of the people, like you, that would have been negatively impacted by this proposal and shared your concerns with the legislation. The bill was referred to the Senate General Laws and Technology Committee, of which I am a member. You will be pleased to know that my Senate colleagues and I voted to Pass by Indefinitely (PBI) by a vote of 14-1, killing the legislation.</p> <p>I appreciate your advocacy on this issue. Your voice is vital to this legislative process, and I hope you will not hesitate to reach out in the future.</p>	<p>amended, or retained in its current form.</p>
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	<p> kindest regards,</p> <p>Jennifer</p> <p>--</p> <p>Senator Jennifer Boysko          Senate of Virginia, District 33          1-703-437-0086 District Office          1-804-698-7533; Room E 513 Pocahontas Building          Chief of Staff Karen Harrison          COS cell 703-401-0428          jenniferboysko.com</p>	
<p>CommentID 219296</p> <p>Eric Wollmann</p>	<p>As a practicing Certified Professional Geologist in Virginia, I strongly support continuing the certification process in Virginia. I also recommend making licensure mandatory for providing professional geological services. Geologists provide an essential service in both private and public sectors. The work we do protects public safety, supports infrastructure, and ensures the sustainability of our natural resources. These are essential services that require a complex skill set and knowledge base to execute properly.</p> <p>Maintaining the rigorous standards associated with certification in Virginia ensures that only those with the necessary qualifications can perform these essential services. Allowing certifications to lapse would reduce the standard of care being paid to the important aspects of public safety, infrastructure, and sustainability that professional geologists are responsible for.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219311</p> <p>Ashley Lunsford, PG</p>	<p>As a practicing professional geologist in the Commonwealth of Virginia I strongly support maintaining the Geologist certification program and amending the statutes to make licensure mandatory. Virginia geologists play a role that is vital to the safeguarding of life, health, property, and the environment, providing essential services to the public that require specific expertise. As such, I believe it is important to continue verification of minimum competency through examination. This "minimum competency" is not trivial, especially when viewed in the context of infrastructure design and the protection of natural resources. The decisions of a licensed professional geologist can have wide ranging impacts, and I feel it would be irresponsible to lessen the standard we are currently held to.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219324</p> <p>Robin E. Reed, PG</p>	<p>I have been a professionally certified geologist in the Commonwealth of Virginia since 2002 and I am a former two-term member of the Virginia Board for Professional Soil Scientists, Wetland Professionals and Geologists. In my 32-year career as a practicing geologist, I have worked almost exclusively on projects related to infrastructure development and/or improvement. These projects have included new dam construction, dam safety/improvements, transportation projects, power and energy transmission, building construction, groundwater resources, abandoned mine assessment and mitigation, and environmental quality related to soil and groundwater and waste disposal.</p> <p>Our Commonwealth spans across five physiographic provinces, each of which is characterized by its own unique set of geologic features, and each of which is prone to a variety of different geohazards and/or engineering challenges related to development. Some of these geohazards include coastal erosion, landslides, earthquakes, karst processes (sinkholes and caves), mine subsidence, and acid producing soils. These geohazards can impact construction of buildings, and roads and bridges, development and protection of groundwater resources, dam safety, and power and energy transmission.</p> <p>Conveniently and easily constructable areas with access to major transportation corridors and supporting infrastructure (water, power, waste disposal, housing, etc.) are generally already developed. What remains is often located in geotechnically challenging areas with limited infrastructure and resources. Future infrastructure development, and maintenance and expansion of existing facilities, requires the specialized, and technical knowledge and experience of qualified geologists who can recognize and characterize the geological challenges and hazards associated with development in these challenging areas.</p> <p>I understand Governor Youngkin's agenda to make Virginia a small government, business friendly state by deregulating certain professions that are not protective of the public health and safety, but I firmly believe geology is not a profession that should be deregulated. If anything, it should be codified in the Commonwealth of Virginia. If you want more business development in the state, you need technically qualified, licensed geologists working with engineers to overcome the numerous geohazards that have the potential to impact that development, and consequently the public health, safety and welfare. Certified Professional Geologists have specific geologic training and experience necessary to assess the impacts of geology on development and the associated infrastructure. Additionally, engineers typically do not have the specialized education, experience or the geological knowledge required to assess the availability and quality of resources needed to support development of the state's infrastructure (e.g., stone/aggregate, groundwater availability and quality, energy/fuel sources, etc.).</p> <p>On February 1, 2023, my employer supported me in attending the Senate committee meeting to express my opposition to Senate Bill 1480, which was passed by indefinitely at that time. During the presentation of the bill to the committee, Senator Stuart stated that as part of the argument for abolishing licensure of geologists in the</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
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	<p>Commonwealth of Virginia, professional licensure could be obtained through the American Institute of Professional Geologists (AIPG). However, please note that AIPG does <b>NOT</b> require minimum competency testing and as such, it should not be considered as an alternative to the Commonwealth of Virginia's licensure program. Licensure in Virginia requires educational and work experience, and successful completion of a two-part MINIMUM COMPETENCY examination that is administered by the National Association of State Boards of Geology (ASBOG). Many of the projects I have worked on REQUIRE the services of a professionally licensed geologist, namely Virginia Department of Transportation, US Army Corps of Engineers, and Natural Resource Conservation Service projects. AIPG certification is not an accepted alternative to work on these projects.</p> <p>I strongly urge you to reconsider elimination of the current regulations governing the professional licensure of geologists in our Commonwealth as geologists are an integral part of protecting the public health, safety and welfare.</p>	
<p>CommentID 219361</p> <p>Kenny Megginson (Schnabel Engineering)</p>	<p>I am Kenny Megginson. I have been with Schnabel Engineering for two decades. I've been a Certified Professional Geologist for over 15 years. Upon receiving my certification, my responsibilities within the firm grew and expanded. The Virginia Professional Geological Certification, which I proudly share with other great people in this State, embodies not only a respected benchmark of attained skill and trusted ability earned through years of academics, training, and field work, but an acknowledged responsibility by the State for the individual who holds the certification to uphold the covenant to practice a high standard of care for our friends, families, and fellow citizens who unknowingly rely so heavily upon our services. We geologists, along with engineers who we work with so closely on a daily basis, rely on our invaluable experience and knowledge to assess challenges and collectively work towards the solutions to vital infrastructure projects including dams, bridges, and roadway improvement projects that help keep Virginia moving forward. As geologists we also work on important environmental projects to protect water bodies so as our beloved Chesapeake Bay so future generations can enjoy what we take for granted today. Deregulation of professional licensure of geologists in this State removes that desire for this benchmark and depreciates the covenant. Please preserve the professional geological certification in this State - not only for my vested personal interests but for the citizens you have been appointed to protect.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219402</p> <p>Guy Rawls</p>	<p>My name is Guy Rawls, a recent graduate from JMU's geology program. I am currently working in a geology firm with Schnabel Engineering, which has allowed me to further my practice. After working in my field for 3 years I am working on obtaining my Virginia Professional Geologist License.</p> <p>The PG is vital to development and the environment. It allows professionals to review many things with the subsurface that can result in failures in construction or environmental disasters. The construction of the St. Francis Dam is an excellent example of the problems could occur without proper geologic insight. In 1928 the foundation of the dam had become unstable due to improper soil characteristics. This led to movement of the dam, cracks in the concrete, and eventually the dam failed killing nearly five hundred people.</p> <p>Please consider the preservation of the PG License in Virginia and help keep people safe.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219442</p> <p>E. Randolph McFarland</p>	<p>I am a life-long citizen of Virginia, a graduate of JMU, and a geologist for over 40 years. My career has been devoted toward exploring and developing Virginia's groundwater to meet the critical water demands of our Commonwealth. During most of this period I have held Virginia certification as a Professional Geologist.</p> <p>Geologists provide numerous critical services in support of public welfare and the safeguarding of life, health, property, and the environment. Moreover, State certification of geologists is recognized nationwide as crucial to maintaining the integrity of the profession. Certification insures that the highest standards are achieved in addressing many diverse needs of society.</p> <p>The Commonwealth of Virginia should maintain its certification of our highly valued Professional Geologists.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219499</p> <p>Zack Oremland, PG</p>	<p>I was disappointed to hear that the Certified Professional Geologist license administered by DPOR was possibly going to be cancelled again. Professional geologists in Virginia play a vital role in many different industries, not the least of which includes our freshwater supply. The expertise geologists provide are important to the life, health, property and environment of all Virginians.</p> <p>I have been a licensed geologist for 12 years, including 9 in Virginia. Having originally obtained my license across the country, I recognize how important state certification is to the integrity of the profession and the safety of those relying on it.</p> <p>From infrastructure like roads and bridges, mining, groundwater, natural hazards, and again fresh water, geologists play a crucial role and we must maintain the standards of the people performing those roles. Deregulation of the professional would have direct</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>detrimental affects to the well-being of Virginians.</p> <p>I request you keep the certification in place.</p>	
<p>CommentID 219507</p> <p>David Cleland, PG</p>	<p>As a Virginia Certified Professional Geologist (1999 to present), I have worked for the Naval Facilities Engineering Systems Command (NAVFAC) over twenty years. Key positions within the NAVFAC Environmental Business Line (Engineer, Geologist, Hydrogeologist, Architect, Geophysicist) require professional registration by independent outside organizations to demonstrate the competency and highest ethical standards to Supported Commands, regulators, and the general public. Professional credentials prove commitment to rigorous application of academic accomplishment, practical experience, the discipline to demonstrate knowledge by passing a proctored exam, and adherence to a strict code of ethics.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219510</p> <p>Jason Early, PG - Stantec</p>	<p>As in many other states across the U.S., Virginia's Professional Geologist Certification is critical in protecting public health and safety throughout the Commonwealth. Virginia Certified Professional Geologists (CPGs) provide expert support on a variety of infrastructure, human health and safety, and environmental projects and issues including but not limited to siting and development of safe and clean sources of drinking water, management and sustainability of water resources, assessment and cleanup of soil and groundwater contaminated by historic industrial and agricultural activities, and identification and mitigation of geological hazards such as slopes and soils for building foundations. Without the continued support and maintenance of the Professional Geologist Certification, Virginia citizens, municipalities, and businesses cannot be assured that the Geologists they hire are bound by the strong professional, technical, and ethical standards that come with this certification. To eliminate the CPG in Virginia would be a huge mistake and one that would certainly cost the citizens of the Commonwealth financially not to mention the potential impacts to public health, safety, and the environment.</p> <p>Thank you for your attention to this matter, and for doing the right thing in protecting and preserving</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Virginia's Professional Geologist Certification for now and for future generations of Virginia's citizens and the Commonwealth's unparalleled natural resources.</p>	
<p>CommentID 219518</p> <p>James F Bernard</p>	<p>I am a practicing Licensed Professional Geologist in Virginia having worked in the Environmental Geology and Industrial Hygeine industries for the past 36 years as a regulator in the VADEQ and as a private consultant. I now operate my own business. I assisted in the research and authoring of Former Governor Bob McDonnell's "Uraninum Mining In Virgina" report which included PG's from eight states and the NRC. I strongly support continuing PG certification in Virginia. I also recommend making licensure mandatory for providing certain professional geological services. Geologists provide essential services protecting public safety and health including:</p> <ul style="list-style-type: none"> <li>Solid Wate Landfill Construction/Monitoring and Regulation</li> <li>Groundwater Regulation and Protection</li> <li>Groundwater Usage and the Assured Continued use of Groundwater.</li> <li>Underground Storage Tank Monitoring and Regulation</li> <li>Green Energy including Solar and Wind</li> <li>Real Estate Transactions</li> <li>Brownfield's</li> <li>CO2 Sequestration</li> <li>Pipeline Installation</li> <li>Building Foundation Research</li> <li>Mapping, Zoning, Road Building, Dam Construction &amp; Safety</li> <li>Earthquake Research</li> <li>Unexploded Ordinance Exploration</li> <li>BRAC - very important in Virginia!</li> <li>PFOA's</li> <li>PCB's</li> <li>The next new toxin! - Just to name a few.</li> </ul> <p>Professional Geologists licensure in in Virginia is difficult and demanding, requiring extensive education, experience under the supervision of a licensed geologist, and successful passage of two challenging exams. Virginia originally instituted these requirements as an acknowledgement of the importance of Geologist's role in protecting Health &amp; Safety &amp; the Environment. Allowing this licensure to lapse would result in an inevitable hazard to the public and to industry in general.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>Virginia requires licensure for asbestos, radon &amp; lead sampling and the Board wants to remove requirements for drinking water/groundwater safety, characterization of toxins in the groundwater, dam and bridge safety, mining safety and many other issues our vibrant economy have posed.</p>	
<p>CommentID 219523</p> <p>John W. S. Davis, Jr GP</p>	<p>It is very important to have the practicing geologist in VA (and any other state) to be certified by the State governing body to ensure all rules and regulations are followed.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219523</p> <p>Craig LaCosse</p>	<p>The PG licensure and certification should remain regulated in Virginia. The licensure is required for submittal of certain documents for the DEQ and I would rather see a PG familiar with the geology of Virginia submit the document than a PE or Environmental Scientist who has not had the experience and education regarding the local geology. I think getting rid of the licensure requirements will lead to more problems down the road.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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<p>CommentID 219524</p> <p>John Voorhees, PG</p>	<p>Establishing minimum requirements for competency and ethics for those working in the applied geosciences is a well established policy adopted by the majority of states in the U.S., including Virginia, for good and obvious reasons: geologists are vital to construction, property development, and management of natural resources with critical positive impacts to human health, the environment, and economy.</p> <p>While the importance of certification and licensing requirements is best understood as essential for public safety, I will also highlight it's importance and benefit in controlling and reducing costs of construction and development. Sustainable groundwater use and development, identification of hazards and remediation of legacy impacts from prior land use, and appropriate characterization of geologic engineering hazards are a few of the many aspects of land development and infrastructure projects where geologists provide expertise that reduces delays and cost overruns and mitigates potential unanticipated impacts. Establishing competency, training, and ethical standards for practitioners does not increase costs to the public or private sector, it significantly reduces them. Removing certification requirements erodes public safety while creating a greater potential for increased construction and development costs and delays.</p> <p>Please continue to require certification of professional geologists in Virginia through DPOR.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219579</p> <p>Anonymous</p>	<p>I am writing as a private citizen of the Commonwealth of Virginia and as a practicing Geologist with an active license in Virginia and North Carolina. I support keeping the Geologist Certification Program in the current Code of Virginia. I support amending the regulations to make the certification a mandatory requirement when providing services that have a direct impact on public health, safety, welfare, and property. I believe it would be beneficial to have continuing education obligations comparable to other states with a similar certification program. To be competitive with other states who provide geological services to the public and private industry, it is necessary to have a professional licensure in-place to demonstrate competency and accountability.</p> <p>Industry and the public seek certified and qualified practitioners when looking for geological services, including, but not limited to, public/private water well installation, contaminant investigations, site development, environmental due diligence, geotechnical services, mineral resource exploration/development, consulting, energy studies/services, and geologic hazard assessments, among other services.</p> <p>Having worked in private industry and within state government, I can attest to the importance of having a professional certification for not only demonstrating competence within the field of Geology, but also to</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	<p>provide services that help steer decisions that protect property and public health and deliver sound environmental stewardship of resources. This certification ensures practicing geologists are held to the same standards, provide reliable result-oriented services, and have a robust commitment to ethical practice of the profession.</p>	
<p>CommentID 219580</p> <p>Geologist in Virginia</p>	<p>I am a professional geologist and work as an economic geologist in Virginia. I am writing in favor of amending the statutes that created the certification of Geologists in Virginia to make licensure mandatory and adding a continuing education requirement for continued licensure.</p> <p>Geologists in Virginia work to better understand natural hazards, energy, mineral and water resources, and work alongside engineers on infrastructure projects. As such, some of the common tasks that we perform include.</p> <p>Assess the environmental impact of construction or mining and develop strategies to minimize negative effects on surface and groundwater resources. Produce detailed geological maps that provide valuable information about the distribution, type, and age of rocks and geological features found on the Earth's surface. These maps serve as essential tools for geologists, environmental scientists, land-use planners, and engineers among others. Specialize in the study and assessment of natural hazards, through mapping, monitoring, and data collection to help advise on the impact of various natural hazards, such as earthquakes, landslides, floods, and sink holes. Explore and evaluate mineral deposits, helping mining companies locate and extract valuable resources like metals, minerals, and fossil fuels. Work on construction projects, assessing geological conditions to ensure safe and stable building sites.</p> <p>It is vital that the individuals that serve in these roles are properly trained and have demonstrated a baseline understanding of complex geological problems. Verifying minimum competency through examination is one key role of the Board for Professional Soil Scientists, Wetlands Specialists, and Geologists. Ensuring that geologic services are provided by competent geologists protects safeguards the life, health, and property of all Virginians.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>CommentID 219600</p> <p>Yonathan Admassu, James Madison University</p>	<p>I am writing this in support of making licensure for professional geologist mandatory in Virginia. I am associate professor of geology at James Madison University. My specialty is applied geology studying the use of geology for environmental protection and geologic hazard mitigation. A professional licensure for a geologist will ensure that the professional is qualified and accountable to undertake geological work. A geologist is often tasked with studying the quality of surface/ ground water and safety of transport infrastructure due to geologic hazards based on sound geological knowledge. Virginia being geologically</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

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	diverse and complex, requires highly well trained and experienced geologists who should demonstrate their qualification through professional licensure. I urge the Virginia national assembly to take the matter seriously and make professional licensure mandatory for geologists practicing in the commonwealth. It would like to remind the assembly that neighboring states such as Pennsylvania, North Carolina, and Tennessee certify professional geologists.	
CommentID 219602  Haywood Wigglesworth	While being a Certified Professional Geologist has not provided me with any extra income personally in the job I held before I retired, I feel it has inspired me to always make sure I know what I'm talking about when weighing in on something. There are a number of problems like groundwater flow, shoreline erosion, land subsidence and wellhead protection where input from someone who can apply Geologic principals to the situation can help craft a better solution. For example, I feel it is possible to "over-engineer" a solution to a problem like shoreline erosion to the point where the result is not a true solution to the problem. In my volunteer job I often notice the wrong solution to erosion in aerial photos when I'm using the photos for something entirely unrelated. Certification provides a way to assure useful information is being brought into a discussion.	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.

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# Action: General Review of Regulations Governing Certified Professional Wetland Delineators [6299 / 10096]

Commenter	Title	Comment	Agency Response
<p>Jennifer</p> <p>CommentID:220491</p>	<p>PWD</p>	<p>In regard to the Professional Wetland Delineator (PWD) requirement changes which include the removal of the wetland delineation course requirements, removal of applicable education and degree requirements, less delineation experience, and those who are certified in another state automatically will receive a PWD in Virginia.</p> <p>As an active wetland scientist and in my professional opinion, the current requirements necessary for this PWD certification ensure the integrity and quality of wetland delineations by requiring individuals to receive the necessary wetland course training, having a wetland- related background, and state-specific experience. All of these requirements are the building blocks that are imperative prior to sitting for the actual exam. Additionally, these requirements filter and remove non-qualified individuals who would otherwise likely not pass the rigorous exam due to lack of training, as well as experience.</p> <p>I am in support of maintaining the current qualifications and requirements necessary to obtain a PWD certification.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulations.</p>
<p>Ben Rosner, PWD</p> <p>CommentID:220658</p>	<p>Continued Support of these Regulations</p>	<p>I am offering comment in support of this regulation. The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/20/23 12:56 pm</p>
<p>Brian Owen, PWD, VSWD</p> <p>CommentID:220661</p>	<p>Maintaining the integrity of the PWD</p>	<p>As a holder of a PWD certification, it greatly worries me that it is being considered to reduce the thresholds of qualification for acquiring a PWD.</p> <p>The current educational, training, and experiential components of the CPWD regulation are critical to demonstrating the competence of the holder of such a license to perform reliable and consistent identification of State Surface Waters. Reducing the certification requirements for CPWDs will allow minimally qualified persons to acquire this license, cheapening its value, and ultimately negating its purpose. Please keep the educational, experience and qualification requirements in their current form to maintain the strength and value of this certification.</p>	<p>11/20/23 2:16 pm</p>

<p>Alexi Weber, PWS, PWD, CE, VSWD</p> <p>CommentID:220662</p>	<p>In support of retaining current regulatory framework for the PWD Certification</p>	<p>As a wetland science and certified Professional Wetland Delineator, I am in support of retaining the current regulatory framework for the PWD Certification. The applicable degree, applicable semester hours, thorough 32 or 40-hour delineation training, proof of delineations within both the Eastern Mountains and Piedmont and Coastal Plain of Virginia, and references are extremely important items a delineator must be able to provide in order to qualify to sit for the PWD exam. The PWD program was initially put in place to protect the public from incorrect delineations that led to lawsuits, issues with wetland permits, etc. Rolling back the requirements of this certification will lead to the same issues we faced prior to the implementation of the PWD certification. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/20/23 4:20 pm</p>
<p>Matt Brooks</p> <p>CommentID:220666</p>	<p>Not broken don't fix</p>	<p>The current certification program and regulations are fair and assure only qualified individuals can become certified. The proposed changes would weaken the program and the weight and meaning of the certification, reducing "PWD" to just another acronym after one's name.</p>	<p>11/21/23 8:19 am</p>
<p>Nick Romano PWS, CPWD, VSWD</p> <p>CommentID:220667</p>	<p>Support of Current Regulations for CPWD</p>	<p>I am a CPWD and support retaining the current regulations surrounding this certification. All the requirements for this certification are necessary for assuring that the delineations are being conducted correctly and consistent with the USACE and DEQ manuals and guidance. If these requirements are removed it opens up the more risk for incorrect delineations which can lead to project delays and lawsuits and in turn wastes time and funds of government employees. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/21/23 8:29 am</p>
<p>Allison Austin, MS. PWD, PWS, VSWD</p> <p>CommentID:220668</p>	<p>Retaining Active Standards for the PWD</p>	<p>This comment is in support of retaining the current professional standards required to obtain a Professional Wetland Delineator credential. Reducing training, experience, course work and other requirements leads to potentially invalidating the entire program. The standards were enacted after careful review by a board of scientists. Do not change them.</p>	<p>11/21/23 8:36 am</p>

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<p>Robert Wright, Sr. Assoc Reg. Specialist, WSSI</p> <p>CommentID:220669</p>	<p>The Integrity of the Virginia PWD Process &amp; Program</p>	<p>Increasing pressure is being exerted to irreparably alter the existing Virginia PWD process and program. The new Universal License Recognition legislation as being applied in this action is not an answer to ensure fair and appropriate professional licensure and changes to licenses that come with a huge amount of responsibility and liability (i.e., wetland delineation) are not being appreciated nor recognized for the applied science application that has been successful to date without regulatory tinkering. A licensed person from another state (very few of those programs) cannot simply waltz into VA and take up their craft without experience and boots on the ground here. The existing program requirements are not onerous or even contentious. The current educational, training and experiential parts of the PWD regulations are critical to assure reliability to the regulated public, and to remain full consistent with the DEQ's new State Surface Waters requirements that align 100% with the PWD. The Board must reject these proposed changes to protect professionals who operate in 9 VAC 25-210 and the ever-changing federal Clean Water Act. The current proposal does NOT reduce risks in proportion to the added existing benefits of a demonstrably successful regulatory licensure system in VA. The proposed action does nothing but reduce quality control and increase risks. I urge you all to reject proposed changes.</p>	<p>11/21/23 8:46 am</p>
<p>Amy M. Connelly, Wetland Studies and Solutions, Inc.</p> <p>CommentID:220670</p>	<p>Continued support for the of the Professional Wetland Delineator (PWD) certification program</p>	<p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/21/23 8:49 am</p>
<p>Caroline Odell, WPIT</p> <p>CommentID:220672</p>	<p>Maintaining integrity</p>	<p>I strongly disagree with the decision to remove the requirements for PWD. The requirements serve as a crucial foundation, ensuring that individuals delineating wetlands possess the necessary knowledge and skills. Educational requirements not only enhance the accuracy of assessment but also contribute to the integrity of the profession. We must prioritize a well-educated, well trained, and well qualified workforce.</p> <p>The requirements remove non-qualified individuals who would otherwise likely not pass the rigorous exam due to lack of training and experience. Upholding these standards is essential for minimizing liability and maintaining the integrity of the profession.</p> <p>I am in support of maintaining the current qualifications and requirements necessary to obtain a PWD certification.</p>	<p>11/21/23 8:59 am</p>



Thaddeus Kraska,  
PWD, PWS,  
VSWD (Townes Site  
Engineering)

CommentID:220673

I Do Not  
Support  
proposed  
changes to  
PWD  
educational  
requirements  
for applicants.

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

Virginia has one of the oldest, active wetland delineator certifications in the United States and the *only* such certification that requires proficiency in botany, soil science, and hydrology, as well as an understanding of Federal and Virginia regulations/methodologies. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the 87 Manual, regional supplements and subsequent guidance documents. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting", these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form. In light of the recent changes in federal regulation resulting from Supreme Court Decision in the Sackett Case, the U.S Army Corps of Engineers is limiting its jurisdiction to certain Waters of the U.S. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new State Surface Waters Determination (SSWD) certification program, which requires that an SSWD have a PWD certification and a stream identification and assessment certification. The proposed elimination of key educational requirements threatens to undermine the quality of state delineations and this new VDEQ program designed to capture wetland/stream systems that the federal government can no longer protect.

11/21/23 9:03 am

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In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Emily Drahos, PWS,  
PWD, CE, VSWD  
(WRA)

CommentID:220674

Strong  
support for  
PWD

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.

11/21/23 9:17 am

DRAFT AGENDA FOR DISCUSSION  
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<p>Tsavage</p> <p>CommentID:220676</p>	<p>18VAC145 proposed changes, please don't</p>	<p>Revisions to the existing prerequisites as set forth in the amended changes would dismantle the purpose of having a PWD program in the first place. If anything, the existing prerequisites are subpar. Further, other states have varying degrees of professionalism in this field and knowledge in western or midwestern wetlands does not translate to competence in the mid-Atlantic. States have significant differences in the scope of their regulatory authority. A practitioner must need focus on a geographic area for years to become a competent delineator.</p> <p>Extending imaginary expertise to those working in other regions of the country simply because it is expedient for larger corporations or entities is sure to degrade the quality of the current practice. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. This will certainly increase in frequency. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form or require an even more stringent admission process.</p>	<p>11/21/23 9:21 am</p>
<p>Lauren Conner, PWS, PWD, VSWD, InterAgency</p> <p>CommentID:220678</p>	<p>Retain Current Regulatory Framework for PWD Certification</p>	<p>I am writing to express my concern over the removal/alteration of the current regulatory requirements for the PWD Certification. Specifically, the proposal to remove the educational requirements of the 32-hour wetland delineation course and the semester hours in relevant biological, physical and quantitative science coursework. This educational background is the foundation of the professional knowledge and development essential for a professional wetland delineator. The PWD certification provides a benefit to the public by setting a high standard for professionalism in this field. Stripping requirements that would ensure a knowledgeable professional would not benefit public agencies or private clients who rely on the expertise of the consultant that they have hired for their project.</p> <p>Please reconsider these proposed changes.</p>	<p>11/21/23 9:37 am</p>
<p>R. Scott Byrd, NiSource/Columbia Gas of Virginia, PWD, VSWD</p> <p>CommentID:220679</p>	<p>Retain the current regulatory framework of the Professional Wetland Delineator Certification</p>	<p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/21/23 9:59 am</p>

<p>Tyler Brown (Townes Site Engineering)</p> <p>CommentID:220680</p>	<p>Support for Retaining Current PWD Requirements</p>	<p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/21/23 10:06 am</p>
<p>Emily Salkind, LPSS, PWD, VSWD (Balzer and Associates, Inc.)</p> <p>CommentID:220681</p>	<p>Retain the current regulatory framework of the Professional Wetland Delineator Certification [18VAC</p>	<p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p> <p>Additionally, VA DEQ has implemented the VSWD Certification with the prerequisite of being a CPWD to obtain. To remove the education, training, and supervision/references requirements from the CPWD would negatively affect not only the strength of the PWD program but also the VSWD program which relies on it. These certifications and the strength of them, based on the education, training, and supervision/references demonstrating adequate expertise, are honored in expedited processing of stream and wetland permitting state-wide within the DEQ VWP Program. The removal of these requirements would negatively affect both the effective processing of permit requests and the quality of work offered to the development community and citizens of the Commonwealth.</p>	<p>11/21/23 10:15 am</p>

Materials contained in this agency action are for discussion purposes only and are not to be relied upon for official board position

<p>Ralph Tuck II, PWD CommentID:220684</p>	<p>Retain the Current Regulatory Framework of the PWD Certification</p>	<p>The existing education, training, and supervision/references requirements for the Professional Wetland Delineator certification were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/21/23 11:39 am</p>
<p>Lexi Balzer CommentID:220685</p>	<p>Current certification requirements are appropriate</p>	<p>I believe that reducing the certification requirements for CPWDs would negatively impact the quality of wetland delineations leading to inferior wetland permits, compensatory mitigation, and site development in the Commonwealth. The current certification requirements are the appropriate level of effort to assure reliable and consistent identification of wetland and waters. Any reduction in requirements would be an injustice.</p>	<p>11/21/23 11:49 am</p>
<p>Joe Wilson, Wilson Ecological Consulting, LLC CommentID:220686</p>	<p>Concern over suggested</p>	<p>After reading over the suggested changes to the VA Professional Wetland Delineator (PWD) certification program, I have some concerns. My biggest concerns are the proposed education and experience requirement changes and removing the requirement that one reference be a certified PWD. I would hate to see these proposed changes adopted because it would result in watering-down the expertise of people doing wetland work in Virginia. I do not support any revisions that would make it easier for someone to become a certified PWD and I believe the current education, experience, and professional recommendation requirements should remain.</p>	<p>11/21/23 12:36 pm</p>
<p>Brooke Runnion CommentID:220689</p>	<p>Maintaining Integrity and Current Regulatory Framework of PWD Certification</p>	<p>I do not support proposed changes to the CPWD regulations. The current educational and experience requirements for PWD certification are necessary to maintain integrity and accuracy of wetland delineation in Virginia.</p> <p>Reducing education, training, and experiential requirements would negatively affect the quality of delineations, permits, compensatory mitigation, and site development, and would likely lead to delays in these processes. A high level of experience and familiarity with the region is needed now more than ever, to keep up with the constantly changing regulatory environment that we currently face.</p> <p>The current components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained. A reduction in requirements would ultimately remove the value of this certification.</p>	<p>11/21/23 2:27 pm</p>

<p>Taryn Payne, PWS CommentID:220690</p>	<p>Maintain Integrity of the PWD program</p>	<p>As a Professional Wetland Scientist, I am in support of retaining the current regulatory framework for the PWD Certification. The existing education, training, and supervision/references requirements were put in place as they are critical to high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries.</p> <p>The PWD program was initially put in place to protect the public from incorrect delineations that led to lawsuits, issues with wetland permits, etc. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/21/23 2:45 pm</p>
<p>Anna Gardner, WPIT CommentID:220691</p>	<p>This will take away the integrity of the certification</p>	<p>Removing these parameters will allow anyone to be able to acquire this certification easily and without much wetland knowledge. This will cause harm to wetlands in Virginia because people are not required to become experts on the topic first. It will cause the certification to be meaningless and unusable because those who will have the certification will not be qualified. Many have worked hard in the past and have become experts in the field to gain this certification and those requirements should not change.</p>	<p>11/21/23 2:47 pm</p>
<p>Mike CommentID:220693</p>	<p>Not in Favor of the Proposed Changes of the PWD Certification</p>	<p>I am in support of the current PWD program requirements and believe the proposed changes could have an overall negative effect on the industry in Virginia. Education for a grasp of fundamental concepts, 32-hour training for learning appropriate application of the '87 Manual and Regional Supplements, and field experience for honing best professional judgement are the pillars of what constitutes a successful wetland delineator. Wetland delineation experience does not necessarily transfer between regions, highlighted by the development of the Regional Supplements to the 87' Manual for specific situations unique to those areas. The exam covers concepts reflecting that, and experience in wetland delineating between regions should not be interpreted as 1:1. Therefore, the PWD certification program should not be subject to Universal License Recognition.</p> <p>The professional community in Virginia is strong and builds its integrity on the collective knowledge that has been gained through years of experience practicing in the field as well as navigating changes in the regulations and interpretations over jurisdiction of our aquatic resources. Removing the requirement to be endorsed by a current PWD holder and changes to the Standards of Practice and Code of Conduct could further threaten the integrity of the program. The existing education, experience, and supervision/references requirements put in place as is ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries and should be maintained in the current form. Thank you.</p>	<p>11/21/23 4:17 pm</p>

Materials contained herein are proposed for discussion and are not to be considered for official board position

<p>Mike Blake, PWD, Rappahannock Environmental Group</p> <p>CommentID:220701</p>	<p>Reject the proposed changes to the PWD certification</p>	<p>I'm writing to urge you to reject the proposed changes to the PWD certification. As many others have and will convey, these proposed changes gut the intent and purpose behind the PWD certification. By removing and/or modifying the training, education, and experience requirements, this opens the door for unqualified individuals to obtain a certification that citizens, localities, and businesses across the Commonwealth have come to rely on for professional, and highly technical, guidance related to wetland and surface water protection. If these changes were to be made, valuable environmental resources would be at risk of being inaccurately mapped and impacted due to the lack of professional understanding by those that are "certified" to perform the work.</p> <p>There are very few states that offer this type of certification. As such, Virginia has been and continues to be a leader within the United States with respect to environmental protection. Many other states look to Virginia as a model for effective, common-sense regulations that protect environmental resources. The PWD certification is one of those tools that the State of Virginia has used to protect these resources. This certification protects unaware citizens, government entities, and businesses, who rely on professionals to provide highly technical services to protect their land and their interests. The PWD certification communicates to these individuals and companies a level of understanding and professionalism that gives them a peace of mind that they are in good hands and will be protected. I have personally witnessed uncertified, unskilled "environmental professionals" provide guidance and services that have resulted in impacts to streams and wetlands that could have been avoided had the owner used a professional with a PWD certification. These mistakes resulted in unnecessary impacts to wetlands and streams, thousands of dollars spent to fix the mistake, and countless hours of time spent by DEQ staff to address the violation and mitigate for it. By lowering the standards required to obtain the PWD certification, I can guarantee that more of these types of situations will occur. In addition, it will cause additional strain on the already limited resources of DEQ and the Corps of Engineers. It is imperative that the current education, training, and experience requirements for PWD certification REMAIN.</p>	<p>11/22/23 7:31 am</p>
<p>Robin Bedenbaugh, MS, PWD, VSWD</p> <p>CommentID:220704</p>	<p>Strongly disagree with the majority of the proposed changes to the PWD certification regulations</p>	<p>I am providing the following comments on behalf of myself as a certified Virginia PWD but also as a Board member of the Virginia Association of Wetland Professionals where I have been serving as the Chair of the Wetland Delineator Certification Committee for the past 21 years.</p> <p>I strongly disagree with the majority of the proposed changes. I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that an applicant must show to demonstrate their experience be 3 years, while the current PWD certification requires 4 years of experience. I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency, but since we are required to be consistent with the ULR legislation's number of years of experience, I see no recourse other than to change the number of years' experience required for the PWD certification to lower it from 4 years to 3 years. However, that is where the changes should end.</p> <p>The practice of wetland delineation is a unique discipline that requires expertise in three different fields of science (hydrology, soil science, and botany). Additionally, it requires extensive knowledge in wetland regulation and wetland law.</p>	<p>11/22/23 4:27 pm</p>

These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive on out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

The existing education, training, and supervision/references requirements were put in place to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing substandard work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

Kevin Du Bois,  
PWS, PWD, CFM,  
SCMNRP  
CommentID:220705

The Current  
Regulatory  
Framework  
for PWD  
Certification  
Safeguards  
the Public and  
the Resource

The existing education, training, and supervision/reference requirements were put in place to curb formerly common unscientifically-supportable delineations, subsequent erroneous engineering and design and false sworn public testimony. The requirements were put in place to ensure high quality and accurate delineations with proper application of scientific criteria for determining wetland boundaries. The existing PWD program provides the public with a way to identify rigorously trained and qualified professionals to make important decisions that impact public property, private land valuation, wetland restoration and protection, shoreline protection, wildlife habitat, climate resilience and carbon sequestration gains or losses. I support and believe it is crucial to maintain the existing educational, training and experiential components of the CPWD regulation for assuring reliable and consistent

11/22/23 4:50 pm

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identification of State Surface Waters and request that they be maintained in their current form.

Stacy Armentrout,  
WSSI  
CommentID:220718

Support for  
VCPWD  
Program  
Regulations  
as Currently  
Prescribed

As proposed, there is significant risk to the general public in reducing regulations surrounding the Virginia Professional Wetland Delineator certification. While Virginia is one of a handful of states to offer voluntary certification under such a program, the purpose and intent is to provide safeguards to the public who use the services of environmental professionals. The program, again while voluntary, is intended to certify the competency of individuals in the profession by requiring relevant education, 4+ years of active experience, and thorough understanding of state regulation and federal guidance vetted by third-party examination. The current program also requires sign-off by other PWDs for the application. While the risk to the public in terms of health and safety is likely minimal, there is significant risk incurred by persons with financial interests in property or project planning (think VDOT, NAVFAC, etc.) that is in the hands of delineators as part of routine due diligence. If an untrained delineator is doing delineations in unfamiliar territory, wetlands/upland boundaries can be incorrectly flagged resulting in increased or reduced property values and/or project costs. This affects development and progress in the Commonwealth. I personally have experience going behind delineators brought in by firms from other states who could not delineate properly in Virginia due to unfamiliarity with our land and our regulations. This has led to significant costs incurred by landowners and project proponents who had to spend additional money on project planning or acquisitions that could have been averted by vetting the certifications of individuals.

I am understanding that EO 19 requires reduction of regulation by 25% based on a scoring system as I am working through this process for two other licensing regulations on DPOR committees. I recommend leaving

this regulation substantially intact; however, from personal experience I recommend one change. A supervisor whom is also a PWD should be able to verify work experience AND complete a recommendation which meets the PWD requirements. In its current version, a supervisor cannot verify experience and complete a recommendation form. My experience, due to many years working for small firms, resulted in a delayed ability to apply for PWD certification as I did not work with enough PWDs who knew my experience.

While (somewhat) voluntary in nature, new DEQ requirements resulting from federal Supreme Court decisions affecting federal actions on wetland delineations are now in effect. The DEQ's VSWD certification REQUIRES a individual to have a PWD certification. Due to ongoing flux at the federal level it is more important now than ever for wetland delineators to be vetted to understand the requirements of state and federal law, and provide DEQ to best information possible to ensure success at the state level when it comes to streamlining workflow and process for the agency.

11/29/23 9:04 am

Materials contained in this document are proposed for discussion and are not to be considered for final board position

<p>Jennifer Feese CommentID:220719</p>	<p>Maintaining the Current PWD Requirements</p>	<p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high-quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>11/29/23 9:18 am</p>
<p>KTH, PWD, PWS CommentID:220723</p>	<p>Reject the proposed changes to the PWD certification</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances. The 32-hour delineation courses are a staple of a wetland delineator's development. The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs.</p>	<p>12/5/23 8:56 am</p>
<p>T. Shelton PWS, PWD, VSWD CommentID:220724</p>	<p>Not In Support of Changes to PWD</p>	<p>I do not support the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD). The recently approved changes to the Universal License Recognition (ULR) mandates that the number of years of experience that a PWD applicant possess is three years. Since the number of years of experience has been shortened, it is essential to maintain the education and field experience of the PWD requirements. A lot goes into performing an accurate delineation. Our clients are trusting our work. The current PWD represents to clients that we have the knowledge and experience to accurately apply the USACE 87 manual, regional supplements and subsequent guidance documents. I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements, the 32- hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the PWD certification.</p>	<p>12/5/23 10:30 am</p>

Materials contained in this document are proposed for discussion and are not to be considered for official board position

Jennifer Van Houten, Davey Mitigation	Not in support	<p>I do not support the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). The Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. The "years of experience" change should end. The skills needed to effectively delineate wetlands cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. The PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of the program is highly dependent on the qualifications of individuals that are certified PWDs. There are no other certification programs that can provide assurances of competency to perform this work. I urge the DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWD's of applicants and of the Virginia Professional Wetland Delineator Certification. Thank you for your consideration of these comments.</p>	12/6/23 10:08 am
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DRAFT AGENDA PREPARED FOR DISCUSSION  
 Materials contained in this agenda are for discussion purposes only and are not to be construed as regulatory or official board position  
 DRAFT AGENDA

David Mergen

CommentID:220728

Certified Professional Wetland Delineators (PWD)

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.

Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation

12/6/23 12:52 pm

Materials contained in this agenda are proposed topics for discussion and are not to be considered official board position

work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class.

Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy.

The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Materials contained in this document are for discussion purposes for discussion  
And are not to be construed as representing official board position

Molly Bertsch, PWD,  
VSWD

CommentID:220729

CPWD  
Proposed  
Changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately,

12/6/23 1:10 pm

DRAFT REGULATIONS FOR DISCUSSION  
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wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States REEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Avi Sareen, PWD - TNT Environmental, Inc.

CommentID:220734

Strong opposition to proposed changes

**I DO NOT** SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

As a certified Professional Wetland Delineator, I am in unwaivering support of retaining the current regulatory framework for the PWD Certification. The applicable degree, semester hours, thorough 32 or 40-hour delineation training, proof of delineations within both the Eastern Mountains and Piedmont and Coastal Plain of Virginia, and references are extremely important items a wetland delineator must be able to provide in order to qualify to sit for the PWD exam. The PWD program was initially put in place to protect the public from incorrect delineations that led to lawsuits, issues with wetland permits, etc. Rolling back the requirements of this certification will lead to the same issues we faced prior to the implementation of the PWD certification. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.

12/7/23 9:37 pm

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The variety of landscapes we encounter require a large base of professional knowledge, experience and exposure which cannot be obtained in 3 years. Because of this, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency.

The education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the 1987 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification

Alison Robinson,  
WSSI

Not In  
Support of  
Proposed  
Changes

I do not support the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).  
I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. This certification requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the

12/8/23 7:18 am

CommentID:220741



requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because region specific wetland delineation training classes are widely available throughout the country. 32 to 40 hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions and professional mentorship. The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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<p>Matt Neely, Timmons Group</p>	<p>PWD Certification</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).</p> <p>While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.</p> <p>Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.</p> <p>Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.</p> <p>As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.</p> <p>These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.</p> <p>In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.</p> <p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true</p>	<p>12/8/23 7:18 am</p>
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CommentID:220742

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engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Karen Dodson, WSSI

Not in support of proposed changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

12/8/23 7:56 am

CommentID:220746

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot

be gained in three years without additional background education and training.

Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25- 210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances. In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work.

Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must

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possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

David A. Dellapenna, PWS, PWD, VSWD - RES  
CommentID:220747

Opposition to Changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.

Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements, and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp

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of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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<p>James Hatcher, VDOT</p> <p>CommentID:220748</p>	<p>Potential Changes to the PWD Regulation</p>	<p>As a Professional Wetland Delineator, I strongly support retaining the current regulatory framework for the PWD Certification. The existing education, training, and supervision/references requirements were put in place as they are crucial to high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality wetland delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the Virginia PWD certification, there were occurrences of delineations being performed by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with qualified professionals, reducing the risk and harm which can be caused by faulty delineation work. Reducing the certification requirements for PWDs will negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in Virginia as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of wetlands and waters and should be maintained in their current form.</p>	<p>12/8/23 8:00 am</p>
<p>Juliana Kestner, Rappahannock Environmental Group</p> <p>CommentID:220749</p>	<p>Opposition to the Proposed Changes to the PWD Certification</p>	<p>I stand <b>firmly opposed</b> to the recent proposals by the Virginia Department of Professional and Occupational Regulation (DPOR) to modify the regulations governing Certified Professional Wetland Delineators (PWD). Despite understanding that the Universal License Recognition (ULR) legislation necessitates a three-year experience requirement for PWD applicants, I maintain that this duration is insufficient for acquiring the necessary expertise in this field. This mandatory alignment with ULR's stipulated experience timeframe should be the sole adjustment made.</p> <p>Virginia boasts a prestigious and longstanding wetland delineator certification, unique in its comprehensive requirements of expertise in botany, soil science, and hydrology, coupled with a thorough knowledge of both Federal and Virginia-specific regulations and legal frameworks. These disciplines are complex and distinct, demanding a diverse skill set to integrate and apply them effectively in daily operations. Such proficiency cannot be cultivated in a mere three years without prior educational and training foundations. With the reduction in required experience years to three, it becomes even more crucial to uphold the prerequisites of a degree in natural or environmental sciences and the completion of a basic wetland delineation training course. The educational criteria for qualifying for the exam should reflect a foundational understanding of critical aspects for accurate wetland delineation as outlined in the '87 Manual, regional supplements, and related guidance documents. These are integral to the Virginia Water Protection Program Regulations, specifically 9VAC25-210-10 and 9VAC25-210-45, hence the current minimum course hour requirements for PWD applicants. A fundamental level of education is essential for correctly identifying field features under normal and unusual conditions.</p> <p>Beyond undergraduate and associate degrees, which establish a scientific baseline, 32-hour delineation courses are crucial for a wetland delineator's growth. Offered in regional settings, these courses provide opportunities for practical skill testing, understanding both Routine and Comprehensive delineation methods, and handling challenging field conditions.</p> <p>The existing requirements for education, training, and supervised experience are vital for ensuring high-quality delineations and</p>	<p>12/8/23 8:22 am</p>

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correct application of criteria in demarcating jurisdictional wetland boundaries. Before the implementation of PWD certification, Virginia experienced issues with unqualified individuals conducting delineations, leading to permitting problems and legal disputes. The PWD program assures a pool of qualified professionals for delineation services, mitigating the risks and damages from improper delineation.

Lowering the PWD certification standards could adversely affect the quality of delineations, impacting wetland permits, compensatory mitigation, accurate engineering plans, and overall site development in Virginia. The educational, training, and experience components of the PWD regulation, except for the adjusted three-year experience requirement, should remain as they are to ensure reliable and consistent identification of State Surface Waters.

With recent federal changes in wetland regulation, the Virginia Department of Environmental Quality (DEQ) must now assert its jurisdiction over State Surface Waters. The DEQ, constrained by staffing and budget, cannot conduct field jurisdictional determinations, which could severely impact permitting processes in Virginia. To prevent delays, the DEQ introduced the State Surface Waters Delineator certification, requiring the PWD certification and completion of a stream identification class. This new certification ensures a 30-day review under the State's PEEP system for delineations led by certified individuals, while work by non-certified individuals won't have such assurances. If the PWD certification standards are significantly diluted, as suggested in the NOIRA, it could jeopardize the VSWD certification and impact permitting timelines.

In summary, the PWD certification is vital for Virginia, safeguarding against subpar delineations, preventing development errors, reducing regulatory backlogs, and protecting wetland resources and the state's economy. The program's effectiveness hinges on the credentials of certified PWDs, unmatched by any other certification in assuring competency. I urge the DPOR to recognize the importance of the PWD and to maintain the existing educational standards, including course hours, the 32-hour delineation course, mentorship, and oversight by current PWDs for the Virginia Professional Wetland Delineator Certification.

I appreciate your consideration of these perspectives.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD

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certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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<p>Tim Davis</p> <p>CommentID:220750</p>	<p>I do not support changes to the VWD Cert Program</p>	<p>The start of this program nearly 2 decades ago put in place a rigorous requirement for testing and experience to ensure competency in understanding the complexities of performing wetland delineations across the widely varying ecosystems in Virginia. If the requirements for certification are removed, it flies in the face of those individuals who worked hard as gaining the field experience under excellent mentors and passing a difficult test covering multiple scientific topics to obtain certification. Furthermore, a certification program claiming "professional" status means nothing if a person is certified with little to no experience. We would not ask our doctors, accountants, surveyors, or any other profession to do the same.</p>	<p>12/8/23 8:30 am</p>
<p>Becky</p> <p>CommentID:220751</p>	<p>Do not support proposed changes to PWD</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).</p> <p>While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.</p> <p>As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.</p> <p>In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.</p>	<p>12/8/23 8:45 am</p>

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The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class.

Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy.

The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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Tom Houston, PWD  
Townes Site  
Engineering

CPWD

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

12/8/23 8:47 am

CommentID:220752

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

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engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

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I SUPPORT the continued regulation of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR) in its current form. Certification of PWDs is necessary to protect the Commonwealth and its citizens and continues to satisfy the 4 criteria required for an occupation to be regulated (§54.1- 100):

1. **The unregulated practice of the occupation can harm public health, safety or welfare.**

Faulty wetland delineations:

- **Have delayed** permit processing and issuance (Pre-PWD Cert).
- **Have resulted** in lawsuits against regulatory authorities (Pre-PWD Cert).
- **Would increase** workload of permitting agencies, state or otherwise.
- **Would increase** regulatory burden on/cost to permit applicants, whether general public, municipality or state agency; and hence, delay key infrastructure projects.
- **Would decrease** the attractiveness of Virginia to investors in key sectors like energy, transportation, utilities, and data centers.
- **May negatively affect** the protection of key water resources within the Commonwealth, such as drinking water supplies.
- **May negatively impact** Eco-tourism.

2. **Would undermine the newly- established Virginia State Waters Delineator (VSWD)\* Certification**

- **Program** by the Virginia Department of Environmental Quality (VDEQ), which was created to expedite the permitting process. PWD Certification is the foundation of this program. **The occupation's work has inherent qualities that distinguish it from other occupations. Delineation of Wetlands** is the critical first step is upholding significant portions of Local, State and Federal Environmental Law and Regulation.
- **Delineation of Wetlands** is **KEY** to permitting programs pursuant to such law and regulation.
- Virginia's PWD Cert is the oldest, active wetland delineator certification in the United States.
- It is the **only** such certification that requires proficiency in botany, soil science, hydrology, and federal and Virginia regulations: **No other occupation requires these proficiencies.**
- There is **no** federal wetland delineator certification or other equivalent certification.

3. **The public needs and will benefit from state assurances of competency.**

- The public needs and will benefit from state assurances of competency provided by PWD Cert.
- State and Federal Regulations differ in many respects, especially in RE recent **US Supreme Court Decisions,\*\*** therefore, a program designed for application in Virginia is essential to provide the desired efficiencies for the public.
- **PWD Cert is the only program** which can provide assurances of competency in the practice of wetland delineation and regulatory interpretation and permitting in Virginia.
- The PWD Cert Program helps assure potential Virginia economic investors that their projects can move through the permitting process on schedule; reducing their permitting burden, undue costs and delays.
- The PWD Cert Program facilitates protection of critical environmental resources as well.

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4. **The public is not protected by other means.**

- There is **NO** federal wetland delineator certification or equivalent.
- **No other certification program** provides assurances of competency in the practice of wetland delineation and regulations in Virginia.
- The **Society of Wetland Scientists (SWS)** international **Professional Wetland Scientist (PWS)** certification is **NOT** substantially similar to the **Virginia PWD Cert**, and the PWS certification **does NOT provide** Virginia consumers with the same assurances in certifying the competencies of an individual in the practice of wetland delineations within the Commonwealth. The PWS program does **NOT** require any specific proficiency related to wetland delineation or regulation, or even require knowledge about wetlands in the **United States.**\*\*\*

In conclusion, the **PWD certification is necessary for the Commonwealth of Virginia** because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. There are no other certification programs that can provide assurances of competency to perform this work. **I urge DPOR to acknowledge the value of the PWD and recommend the continuation of the Virginia Professional Wetland Delineator Certification.**

Thank you for your consideration of these comments.  
W. Michael Lane (PWD #056, PWS #185)  
Lane Environmental Consultants

\* The importance of trained professionals in delineation has recently been reaffirmed at the state level by the establishment of the new **Virginia State Waters Delineator (VSWD) Certification Program** through the **Virginia Department of Environmental Quality (VDEQ)**. This new certification recognizes that the PWD certification is a critical component to assuring reliable and consistent identification of State Surface Waters, as holding a PWD certification is a prerequisite to the **State Waters Delineator Certification**.

\*\* Recent changes in federal regulation resulting from Supreme Court Decision in the **Sackett vs. EPA Case**, have thrown permitting timelines into limbo, with the U.S Army Corps of Engineers temporarily declining to provide Approved Jurisdictional Determinations of wetland delineations. To keep wetland permitting moving forward at the state level, the VDEQ has begun implementing its new Virginia State Waters Delineator (VSWD) Certification program, which **requires that a VSWD have a PWD certification** in addition to a stream identification and assessment certification. Keeping the PWD certification will be critical to providing more certainty and timely reviews in the state project permit review process.

\*\*\* The 2020 Joint Legislative Audit and Review Commission (JLARC) Report **erroneously asserted** that an equivalent national certification program (i.e. the Professional Wetland Scientist [PWS] certification through the Society of Wetland Scientists) provides the same level of assurance to consumers and the public, and **incorrectly concluded** that the PWD certification is unnecessary.

Please review the 2007 Association of Wetland Managers article entitled *State Wetland Delineator Certification Programs*.

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Janelle Bernosky

PWD

CommentID:220755

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

12/8/23 9:07 am

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

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can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

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Nick Tudor

PWD

CommentID:220757

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

12/8/23 9:12 am

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Sandy L. Tice Jr. CommentID:220760	PWD	I DO STRONGLY SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).	12/8/23 9:32 am
Anonymous CommentID:220761	Support Change	I DO STRONGLY SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).	12/8/23 9:43 am

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<p>Anonymous CommentID:220763</p>	<p>Do Not Support Proposed Changes</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).</p> <p>While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.</p> <p>Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.</p> <p>Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.</p> <p>As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.</p> <p>In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.</p> <p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true</p>	<p>12/8/23 10:07 am</p>
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<p>James E. Irre, Passage Creek Environmental</p> <p>CommentID:22 0765</p>	<p>PWD regulations change</p>	<p>Please do not make the proposed changes as they will render the PWD certification obsolete and no longer of any value to the regulated public. People rely on this certification to be able to identify those who have the experience and expertise to correctly delineate surface waters subject to federal/state regulation on their affected properties in accordance with current regulations. If you make the proposed changes there will be a sudden rush of applicants looking for this certification, many of whom will not have relevant experience and educational backgrounds for this field. These changes will result in my 33 years of experience in this field moot and will make me a less valuable member of certified PWD's that serve the regulated public. DEQ and the USACE can expect to see an increase in violations resulting from those who are not qualified, and who mis-identify conditions associated with correct delineation of jurisdictional surface waters. The most important aspect of these delineations is the ability to properly identify vegetation at all times of the year. Winter identification of vegetation can be especially difficult due to the absence of many of the characteristics visible during the growing season. Engineers, Landscape Architects, and others without relevant backgrounds should not be granted PWD status. Their introduction into this profession will hurt the business model of qualified and practicing PWD's, making our services less valuable.</p>	<p>12/8/23 10:13 am</p>
<p>Kenny Presgraves, PWD, VSWD; Stantec</p> <p>CommentID:220766</p>	<p>Proposed PWD Regulations</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.</p> <p>As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.</p> <p>These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25- 210-10 and 9VAC25-210-45. This is why currently there are minimum</p>	<p>12/8/23 10:17 am</p>

course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form. Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the

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John H. Brooks, III,  
PWD, CERP, PWS

CommentID:220769

I DO NOT SUPPORT the proposed changes to the regulations of CPWD proposed by DPOR

**I DO NOT SUPPORT** the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

As a certified Professional Wetland Delineator since the inception of the program, I have witnessed the pre and post results from the implementation of the certification. The community (regulators, developers, practioners, and academia) have voiced their support and need for the program and

certification during each DPOR review cycle. Yet, time and time again, DPOR wants to eliminate, weaken, or alter a program and certification that benefits the Commonwealth of Virginia (Commonwealth) and its citizens. To what end the removal or alteration of the current framework of the PWD certification benefits the Commonwealth or its citizens, I am not certain; however, I stand in unwavering support of retaining the current regulatory framework for the PWD Certification.

The applicable degree, semester hours, thorough 32 or 40-hour delineation training, proof of delineations within both the Eastern Mountains and Piedmont and Coastal Plain of Virginia, and references are extremely important items a wetland delineator must be able to provide in order to qualify to sit for the PWD exam. The PWD program was originally instituted to

protect the public from incorrect delineations that led to lawsuits, issues during permitting of impacts to wetlands, claims of avoidance, etc. and has been a great benefit to the Commonwealth and its citizens. A reduction in the requirements of this certification will lead to the same critical issues that were prevalent prior to the implementation of the PWD certification. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.

Wetland scientists encounter a variety of wetland types, geologies, soils, landscapes and land alterations, which requires many years to gain the professional knowledge, experience and exposure to allow one to identify and properly delineate these very complex systems. This knowledge cannot be acquired in

3 years. As such, I strongly disagree that 3 years of experience criteria is sufficient to demonstrate a PWD's competency. Much like other certifications and licenses, a five-year criterion of working with another certified or licensed individual of the same license or certification is required, and that should be the standard for all. This promotes competency and supports the long-term goals of the program, which benefits the Commonwealth of Virginia and citizens.

Furthermore, and with the cycle of changing regulations, laws, court cases, the science, etc., wetland delineators and practioners must keep abreast of these changes as well as the many current and past laws, regulations, and guidance that frame idea of what is a wetland and allow the delineator to perform the basic functions of a delineation of wetlands and other waters of the U.S. Thus is the reasoning and requirement for a standard of educational achievement and course work for all that are required to qualify for the PWD certification. The requirements only pertain to the applicants' base knowledge and necessary achievements, which are needed to perform the function and purpose of the PWD certification. The basis of these requirements is functionally governed by the following state and federal laws, regulations,

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and guidance: Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45, Virginia Wetlands Act, the Clean Water Act sections 401 and 404, USACOE Regulations 32 CFR 320, Rivers and Harbors Act (Section 10), USACE '87 Manual, Regional Supplements for Eastern Mountain and Piedmont and Coastal Plain.

The minimum course hour requirements for PWD applicants are only the minimum level of education that is required to gain a minimum level of competency and begin to grasp the concepts and correctly identify features (topography, soils, hydrology, altered hydrology, red parent material soils, other problematic soils, etc.) in the field under all possible conditions and circumstances (normal, atypical circumstances, altered, etc). Anything less would not provide the basis for a PWD to perform the duties needed and thus erode the benefit and confidence of those needing the service or required to review and approved work completed by a PWD and not being beneficial to the Commonwealth and its citizens.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured

30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

As an example of the level of importance of the PWD program, the Director of VDEQ, Mike Rolband is a PWD. If the person at highest level of VDEQ sees benefit and value in the certification that should speak volumes as to the value of the program.

I urge DPOR to acknowledge the value of the PWD by retaining the existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs for applicants and of the Virginia Professional Wetland Delineator Certification. Furthermore, I challenge DPOR to review past comments on other changes proposed to the program, and to elevate the PWD program to licensure, as the PWD program is just as important to the Commonwealth and its citizens; and requires the same level of education and training to perform as other licensed programs governed by DPOR.

In conclusion, I assert that the PWD program is of vital importance for the Commonwealth, as it provides critical protections for the public and the natural resources across the Commonwealth. Tidal and non-tidal wetlands are critical for the protection and sustainability of the Commonwealth, as they have many functions and values (flood storage, sinks for heavy metals, water quality, habitat for many species to include multiple rare threatened or endangered species, shoreline protection, rearing habitat for many harvested fish and shell fish, etc...), whereby if wetlands are not properly identified in the field the resource and its many benefits cannot be properly protected. The current and potential elevation of the program

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protects the Commonwealth and citizens from many of the issues that plagued the Commonwealth prior to the program: inadequate delineations, costly errors in development, development delays and additional costs, permitting backlog for regulators, to list as few. More over the program ensures protection of vital tidal and non-tidal wetland resources and ecosystems and the Virginia economy that relies on these resources. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work as this program is as specialized and requires higher education and additional training that are required of other licenses in the Commonwealth (PE, LS, etc.). In fact, I would go further to say that the PWD certification should become a license as it is just as important to the Commonwealth and its citizens as other professional licenses under DPOR's purview.

<p>Ben Leatherland, PWD (Hurt &amp; Proffitt Engineering)  CommentID:220770</p>	<p>Proposed PWD Certification Changes</p>	<p>The current PWD education, experience, and testing requirements provide sufficient verification of a wetland scientist's ability to accurately identify and field-delineate wetlands. With periodic "Waters of the US" changes due to changes in federal and state administrations, such expertise is valuable to the regulated community and helps ensure protection of these important natural resources. An unfortunate reality is that wetland scientists working for small firms may be at a disadvantage if no other PWD's are employed by the same firms. We in the regulated community should take the initiative to better mentor newer/younger scientists from companies other than our own. I understand the need to reduce experience requirements to three years, and believe that this should not have a significant negative impact to the quality and value of the PWD program, as long as the majority of an applicant's actual workload during those years remains wetland-specific. I am not in favor of other changes to the current PWD certification program. Thank you for this opportunity to provide comments.</p>	<p>12/8/23 10:34 am</p>
<p>Douglas A. DeBerry, PhD, PWD  CommentID:220771</p>	<p>STRONGLY OPPOSE proposed changes to the PWD regulations</p>	<p>I STRONGLY OPPOSE the proposed changes to the Professional Wetland Delineator (PWD) certification regulations. I am a licensed PWD and have been an active participant in the development of the program since its inception. Many of my colleagues have already commented on the importance of the PWD certification to the Commonwealth (to which I categorically concur), so I will focus specifically on the qualifications aspect of the program.</p> <p>Of the current application requirements, the most important and relevant factor that the program has to adjudicate professional qualifications is the experience requirement. The reason for this is that the practice of wetland delineation is <b>decidedly experiential</b> – it is not a discipline that one can successfully and competently engage in without time spent “in the field.” The interdisciplinary nature of the practice requires that delineators be proficient in multiple domains of science, for example, ecology, hydrologic processes, botany, soil science and geology, and atmospheric sciences to name a few. One would be hard-pressed to find another profession within the DPOR certification portfolio that engages so many different disciplines toward a common occupational objective. When viewed through the lens of wetland delineation practice, exercising these overlapping proficiencies becomes an extremely nuanced enterprise because the conditions change from site to site. Put simply: there is no substitute for field experience in wetland delineation, and the PWD certification program has no other way to validate a delineator's level of preparedness than to observe a minimum standard of multiple years in the field. Removing this</p>	<p>12/8/23 10:36 am</p>

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requirement will severely diminish the PWD program. As noted above, the interdisciplinary nature of wetland delineation demands that practitioners develop proficiency in several different fields. While it is unrealistic to expect a PWD applicant to hold degrees in each one of these disciplines, having a degree in at least one related field ensures that an applicant has engaged in a course of study that sets a pedagogical foundation for the acquisition of new knowledge. In other words, a qualified wetland delineator has to *know how to learn*, and the PWD certification program has no other way to evaluate this aspect of an applicant's background than the education requirement. As with the experience requirement, removing the education requirement will weaken the program.

On the last point, I'll just mention that the current 32- hour professional development course requirement serves an important function in that it ensures that a PWD applicant has had at least one *structured experience* where all facets of the practice have been **synthesized**.

In my experience, this serves to galvanize wetland delineators to continue sharpening their skills and, at a minimum, it bears witness to the fact that applicants have been exposed to a delineation-specific curriculum. This requirement should remain in the regulations: continuing education requirements represent a standard-of-practice for many other types of professional certifications, and by comparison the PWD requirement is minor – especially given the large benefit it provides to the program. On behalf of my colleagues in the profession, I want to thank DPOR for the hard work being done on a day-to-day basis to ensure that Virginia's professionals are qualified to do good work in the Commonwealth. We have the best wetland delineators in the country, and the PWD program has been one of the most important factors in maintaining that standard. I encourage DPOR to continue that institution of excellence by rejecting and/or modifying the proposed changes to the PWD regulations. With respect to wetland delineation, we are a truly a model for all other states – let's keep that tradition intact.

Alanna Burket, WPIT  
CommentID:220772

Opposition to proposed changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental

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sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25- 210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and

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permitting timelines in Virginia could be seriously impacted. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Sandy Tice/Balzer and Associates, Inc.

Clarity

Please consider any previous comments a typo. My opinion most closely reflects the ideas outlined here:

12/8/23 11:08 am

CommentID:220773

**"Commenter:** Ben Leatherland, PWD (Hurt & Proffitt Engineering)

**Proposed PWD Certification Changes**

The current PWD education, experience, and testing requirements provide sufficient verification of a wetland scientist's ability to accurately identify and field-delineate wetlands. With periodic "Waters of the US" changes due to changes in federal and state administrations, such expertise is valuable to the regulated community and helps ensure protection of these important natural resources. An unfortunate reality is that wetland scientists working for small firms may be at a disadvantage if no other PWD's are employed by the same firms. We in the regulated community should take the initiative to better mentor newer/younger scientists from companies other than our own. *I understand the need to reduce experience requirements to three years, and believe that this should not have a significant negative impact to the quality and value of the PWD program, as long as the majority of an applicant's actual workload during those years remains wetland-specific.* I am not in favor of other changes to the current PWD certification program. Thank you for this opportunity to provide comments.

CommentID: 220770" Thank you, Ben.

Sophie Swartzendruber, PWS, ISA-CA

Strong opposition to proposed changes to the PWD regulations

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science,

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CommentID:220775

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and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.

Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

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Lindsey Freeman  
 CommentID:220776

PWD  
 Proposed  
 Changes

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As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements

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Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class.

Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy.

The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide

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assurances of competency to perform this work.  
I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Dan Cox  
CommentID:220777

Oppose PWD changes

12/8/23 11:18 am

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure

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high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class.

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In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy.

The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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<p>Sandra Williams, PWS</p> <p>CommentID:220778</p>	<p>Strongly OPPOSE proposed changes to the PWD regulations</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). In fact, I am STRONGLY OPPOSED to the proposed changes!</p> <p>While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.</p> <p>Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.</p> <p>In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.</p> <p>The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and</p>	<p>12/8/23 11:24 am</p>
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ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form. The Virginia Association of Wetland Professionals worked closely with DPOR when defining the regulation requirements and these requirements have become even more important as changes at the federal level have been enacted. Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. *To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual **obtain the PWD certification and have taken and passed a stream identification class.*** Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. **If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.** In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work. Urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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Ben Crumrine

CommentID:220779

PWD  
Regulation  
Changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

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Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

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wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

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Paul Pitera, PWD,  
VSWD

Opposing  
changes to  
PWD  
regulations

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

12/8/23 11:25 am

CommentID:220780

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

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PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

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Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy.

The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Amy Conley

CommentID:220781

PWD  
Changes

The strength of the PWD certification is that it is not an easy certification to get without taking the test, references, having the experience and technical training. It does vary from the Professional Wetland Scientist (PWS) which is a nationally recognized certification through SWS. The PWS does not require a test on the subject, only experience, training and references. There are many PWS that may work with wetlands or study them but do not conduct wetland delineations. The PWD is geared specifically toward professionals who regularly complete wetland delineations. The test is important for the certification because it makes sure the professional knows wetland regulations and delineation concepts thoroughly. The changes to the years of experience to get the PWD is concerning. As a wetland professional who has trained multiple people how to delineate from them coming to us with no experience, it takes years to get the concepts of wetland delineation and be able to apply them correctly. This is especially true in Tidewater Area of Virginia where the delineations are marginal and difficult. A certified individual should have enough experience to make difficult calls on their

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own. In the same regard, the specific course work in college and training requirements changes weaken the certification allowing people without the proper training to apply for the certification. Professional references are important to make sure certified individuals are knowledgeable and professional. The State of Virginia wetland program recently introduced the Virginia State Waters Delineator program (VSWD). When getting confirmations from the State (SSWD), VSWD holders get some advantages such as review within 30 days and less sites having site visits.

The State is relying on people with this license to keep their confirmation process moving smoothly. A PWD certification is a prerequisite to the VSWD. Weakening the PWD certification also weakens the VSWD certification. With the State's limited staff to review every SSWD request, they are depending on competent wetland professionals to be conducting accurate wetland delineations. Please reconsider prerequisites changes for the PWD certification.

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Ben Virts  
 CommentID:220783

Proposed  
 PWD  
 Regulations  
 Revision  
 Comment

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

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a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

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<p>Jamie Hudson CommentID:220785</p>	<p>Opposed to changes</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate</p>	<p>12/8/23 11:53 am</p>
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their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances. In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions. The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

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Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification. Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work. I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements

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for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

Kyle Zinn, Wetland Studies & Solution  
CommentID:220787

Oppose changes to the PWD certification

I am currently ready to take my PWD exam here in February and would oppose these changes to the certification program. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. . Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. I personally would not have been ready nor would I have thought that I was ready to take/become a PWD in VA at 3 years. Coming from starting my career in PA, OH, and WV; VA has a very different regime to it. I have never delineated a state that requires more hands-on knowledge to delineate correctly than this state. Many different soil types and different terrains throughout the state. THIS is why the PWD certification program must be kept at the current parameters that it is. PLEASE do not undermine this incredible certification program.

12/8/23 12:42 pm

Warren Gray, PWS, PWD, LPF  
(Whitman, Requardt and Associates, LLP)  
CommentID:220790

Continued Support for Current PWD Program Regulations

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

I understand the recently passed Universal License Recognition legislation specifies that prospective applicants for PWD have three (3) years of experience; understand that this is inadequate to sufficiently gain experience and demonstrate competency as a PWD in all disciplines necessary to perform delineations (soil science, hydrology, botany, geology).

While numerous other states (New England and elsewhere) have similar wetland scientist and delineator certification programs; Virginia was one of the first to recognize the need for such a program and the importance of technical competency and experience gained from working in Virginia's varied biological communities; developing botanical, soil science, and hydrology skills; and developing an understanding of Federal and Virginia regulations/methodologies and law.

Botany, soil science, and hydrology are technical fields that professionals often specialize in because of their complexities and regional/ local knowledge requirements. The learning requirements for individuals practicing during their quires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic

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wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These basic requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45 and therefore minimum course hour requirements for PWD applicants.

In addition to undergraduate and associate degrees, the 32-hour delineation courses are basic to entry level scientist's introduction to and understanding of the basic delineation techniques. These courses are usually offered in regions around the US and enable students to receive formal training in Routine and Comprehensive delineation methods and difficult or atypical delineations.

The existing education, training, and supervision/references requirements were included to confirm the individual's skills are consistent with preparing quality, technically correct, and complete delineations. Prior to the PWD certification program, delineations in Virginia were often performed by inexperienced and unqualified individuals that resulted in wasted time, resources, and funds by reviewing agencies and businesses seeking permits. The PWD program provides the public with verified, highly skilled, and ethical professionals dedicated to performing accurate delineations consistent with regulations and standards in Virginia.

Relaxing certification requirements for PWDs may result in more poor-quality delineations, permit delays, additional compensatory mitigation costs, and negative impacts to business in the Commonwealth. The current educational, training, and experiential components of the PWD regulation are critical to ensuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to three (3) years for consistency with the ULR; the regulations should be retained in their current form and intent.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification requiring individuals obtain the PWD certification prior to completing a field class and exam. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system.

Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and experience requirements that PWDs are expected to have under the certification program. If the PWD certification requirements are minimized as proposed in the NOIRA, then the assumptions and expectations used by DEQ of applicants for VSWD certification would be affected and require a consistency review by said agency.

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In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from poor quality delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications, skills, and ethics of individuals that are certified/licensed as PWDs. There are no other certification programs that provide assurances of competency to perform this work.

Phil Bailey  
 CommentID:220793

Opposition to  
 Proposed  
 Changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25- 210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

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The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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Meggan Sellers

CommentID:220805

I DO NOT SUPPORT the proposed changes

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of

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the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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<p>Environmental Professional</p> <p>CommentID:220806</p>	<p>Support for Keeping PWD Certification with One Amendment</p>	<p>I support maintaining high standards for PWD certification to promote exceptionalism in the profession. The only change to the certification process I support changing would be the elimination of the requirement that one of the three required references for certification be from an individual whom has already obtained the PWD certification.</p> <p>Currently, I am preparing for the PWD exam scheduled for fall 2024. However, securing a PWD reference has proven challenging. My organization has clients who are P.E.'s and P.G.'s, willing to vouch the skills and abilities of not only myself, but others with my company in preparing JD's and 404/VWPP permits over the last 20+ years. Unfortunately, this doesn't align with the current requirements. PWDs appear to be scarce in our region (Wytheville, VA, and west).</p> <p>My company's primary work location is in far southwest Virginia, specifically Abingdon/Bristol, with many clients situated in the Cumberland Plateau where streams, rather than wetlands, are the primary concern. It is my opinion that due to the focus on streams in our region, DEQ never promoted the PWD in our part of the state until 2023.</p> <p>While I fully intend on obtaining my PWD certification and upholding high professional standards, I have concerns about the existing PWD reference requirement acting as a barrier to entry, especially in my company's rural part of the state.</p>	<p>12/8/23 3:37 pm</p>
<p>Lance DeBord, Artemis Consulting Services, LLC</p> <p>CommentID:220808</p>	<p>Comments on proposed PWD changes</p>	<p>Generally, I support maintaining high standards for PWD certification to promote exceptionalism in the profession. However, there is one change I would support, likely influenced by my location in the Commonwealth. I support eliminating PWD as one of the three required references for certification.</p> <p>Currently, we are preparing for our PWD exam scheduled for fall 2024. However, securing a PWD reference has proven challenging. We have clients who are P.E.'s and P.G.'s, willing to vouch for our skills and abilities in preparing JD's and 404/VWPPs over the last 20+ years. Unfortunately, this doesn't align with the current requirements. PWDs appear to be scarce in our region (Wytheville, VA and west).</p> <p>Our location is in far southwest Virginia, specifically Abingdon/Bristol, with many clients in the Cumberland Plateau where streams, rather than wetlands, are the primary concern. It is my opinion that due to the focus on streams in our region, DEQ never promoted the PWD in our area until 2023. While we are keen on becoming PWDs and upholding high professional standards, we have concerns about the reference requirements acting as a barrier to entry, especially in our rural part of the Commonwealth, where existing certified PWDs appear to be few.</p>	<p>12/8/23 3:39 pm</p>

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Joe Felton

CommentID:220809

Strong Support for existing PWD Process.

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR). While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end. Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country. As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances. In addition to undergraduate and associate degrees that provide a base line for scientists, 32- hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions. The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of

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Jason Beeler

CommentID:220810

Oppose  
Changes

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

12/8/23 3:50 pm

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents. These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could

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negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class.

Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States REEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

<p>Anonymous CommentID:220811</p>	<p>Doesn't matter to me either way</p>	<p>Doesn't matter to me either way, the industry will continue to remain the same.</p>	<p>12/8/23 3:50 pm</p>
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<p>Environmental Professional</p> <p>CommentID:220812</p>	<p>Changes to the certification won't change anything</p>	<p>Seeing other commenters talking about how the PWD program protects the public from bad delineations yet, in my experience most delineations are completed by people without the PWD and less than 3 years experience in the field. These are often not field verified by those with a PWD either. So as it currently stands, the PWD is not protecting the public from anything.</p> <p>The new changes will not protect the public from poor work either. As the state cannot require delineations to be submitted by a PWD (only make the permitting process faster), tons of delineations will be submitted by non- certified delineators and will be approved by DEQ because DEQ does not have reviewers with strong backgrounds in wetland delineation.</p> <p>The PWD is a great concept and I wish it would actually mean something. But unless having a PWD is required to submit a delineation for review, all it will ever be is a fancy title that holds no real power behind it.</p> <p>Also DEQ needs people with stronger wetland backgrounds before they can judge the work of others.</p>	<p>12/8/23 3:55 pm</p>
<p>Professional</p> <p>CommentID:220815</p>	<p>In agreement with the previous comment</p>	<p>"Seeing other commenters talking about how the PWD program protects the public from bad delineations yet, in my experience most delineations are completed by people without the PWD and less than 3 years experience in the field. These are often not field verified by those with a PWD either. So as it currently stands, the PWD is not protecting the public from anything.</p> <p>The new changes will not protect the public from poor work either. As the state cannot require delineations to be submitted by a PWD (only make the permitting process faster), tons of delineations will be submitted by non- certified delineators and will be approved by DEQ because DEQ does not have reviewers with strong backgrounds in wetland delineation.</p> <p>The PWD is a great concept and I wish it would actually mean something. But unless having a PWD is required to submit a delineation for review, all it will ever be is a fancy title that holds no real power behind it.</p> <p>Also DEQ needs people with stronger wetland backgrounds before they can judge the work of others. "</p>	<p>12/8/23 4:05 pm</p>
<p>Joseph Fiorello, Stafford County Development Services</p> <p>CommentID:220816</p>	<p>Opposed to Regulations governing CPWD education and other certification requirements</p>	<p>I will say it again and AGAIN!! There are only a few local governments that have a certified wetland scientist on staff. Stafford County is the only one I know of that does because I'm it. We, local governments, rely on the expertise of the CPWD to correctly and efficiently report and permit environmental conditions of a property slated for development. This means we need CPWDs to be competent, knowledgeable, experienced, accountable, responsible, and versatile. Reducing the experience and education levels required to be a CPWD will put all local governments' development services in jeopardy and may even cause delays in the design plan review process because of incompetence, inadequate reporting, lack of skill and exposure. The local governments who are currently understaffed cannot afford this risk. I stand firm with my colleagues with the following statement.</p> <p>I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).</p> <p>While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate</p>	<p>12/8/23 4:22 pm</p>



their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training. Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25-210-10 and 9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

The existing education, training, and supervision/references requirements were put in place as they are essential to ensure high quality delineations with proper application of criteria in determining jurisdictional wetland boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing delinquent work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harm which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform

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jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

John P. Connelly,  
Wetland Studies and  
Solutions, Inc.

CommentID:220817

Continued support for the of the Professional Wetland Delineator (PWD) certification program

I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency. I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law. Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.

Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

As such, education requirements to qualify for the exam should showcase the applicants' base knowledge of the key aspects necessary to accurately conduct wetland delineations in accordance with the '87 Manual, regional supplements and subsequent guidance documents.

These base requirements are tied to Virginia Water Protection Program Regulations - specifically 9VAC25- 210-10 and

12/8/23 4:26 pm

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9VAC25-210-45. This is why currently there are minimum course hour requirements for PWD applicants. A base level of education should be required to grasp the concepts and correctly identify features in the field under both normal and atypical circumstances.

In addition to undergraduate and associate degrees that provide a base line for scientists, 32-hour delineation courses are a staple of a wetland delineator's development. Outside of a "work setting," these courses are typically run in regional settings, allowing students a first chance to test their skills, get a full grasp of both Routine and Comprehensive delineation methods, as well as exposure to some challenging field conditions.

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Chelsea Thomas /  
Townes Site  
Engineering

CommentID:220820

I do not  
support the  
changes

As a recent applicant for my PWD, I DO NOT SUPPORT the proposed changes to the regulations of Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia's Department of Professional and Occupational Regulation (DPOR).

While I recognize that the recently passed Universal License Recognition legislation mandates that the number of years of experience that a PWD applicant must show to demonstrate their experience be 3 years, I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency.

I see no recourse, since we are required to be consistent with the ULR legislation's number of years of experience, but that is where the "years of experience" change should end.

Virginia has one of the oldest, active wetland delineator certifications in the United States and the only such certification that requires proficiency in botany, soil science, and hydrology, as well as an extensive understanding of Federal and Virginia regulations/methodologies and law.

Botany, soil science, and hydrology are in fact disciplines professionals can individually practice. No other occupation requires such a diverse set of skills to understand the relationship between three distinct fields of study and apply them on a daily basis. These skills cannot be gained in three years without additional background education and training.

Now that the number of years of experience required must be reduced to 3 years, it becomes critical that the requirements for a degree in a natural or environmental science remain in place and the requirement for having taken a basic wetland delineation training course be left in the regulations. This should not be viewed as being more restrictive of out of state applicants because college degrees in environmental sciences and wetland delineation training classes are widely available throughout the country.

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the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and, with the exception of changing the number of years of experience required to 3 years to be consistent with the ULR legislation, should be maintained to the maximum extent possible in their current form.

Lastly, with recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted. In conclusion, the PWD certification is necessary for the Commonwealth of Virginia because it protects the public from inadequate delineations, avoids costly errors in development, reduces permitting backlog for regulators, and ensures protection of wetland resources and the Virginia economy. The integrity of this program is highly dependent on the qualifications of individuals that are certified as PWDs. There are no other certification programs that can provide assurances of competency to perform this work.

I urge DPOR to acknowledge the value of the PWD and recommend the retention of existing educational requirements for course hours, the 32-hour delineation course, mentorship, and oversight by existing PWDs of applicants and of the Virginia Professional Wetland Delineator Certification.

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<p>Edward</p> <p>CommentID:220821</p>	<p>PWD Changes</p>	<p>Generally, we support maintaining high standards for PWD certification to promote exceptionalism in the profession. However, there's one change we would support, likely influenced by our location in the state. We support eliminating PWD as one of the three required references for certification.</p> <p>Currently, we are preparing for our PWD exam scheduled for fall 2024. However, securing a PWD reference has proven challenging. We have clients who are P.E.'s and P.G.'s, willing to vouch for our skills and abilities in preparing JD's and 404/WPPP permits over the last 20+ years. Unfortunately, this doesn't align with the current requirements. PWDs appear to be scarce in our region (Wytheville, VA, and west).</p> <p>Our location is in far southwest Virginia, specifically Abingdon/Bristol, with many clients situated in the Cumberland Plateau where streams, rather than wetlands, are the primary concern. It is my opinion that due to the focus on streams in our region, DEQ never promoted the PWD in our part of the state until 2023. While we are keen on becoming PWDs and upholding high professional standards, we have concerns about the reference requirement acting as a barrier to entry, especially in our rural part of the state.</p>	<p>12/8/23 5:19 pm</p>
<p>Tiffany Tweedy</p> <p>CommentID:220823</p>	<p>Continued support of the existing Certified Professional Wetland Delineators program</p>	<p>I am one of the few and the proud, that is a Certified Professional Wetland Delineator in the Commonwealth of VA. I have been certified for over 13 years but have been in the industry for over 25 years. I have performed delineations in VA, NC, and SC. I work and live in the Commonwealth and obtained this certification to put a higher standard/value in my profession and my area of expertise. I was hopeful this certification would be elevated to be a federal or state requirement. This certification took years of field experience, training, and it was extremely hard passing the DPOR exam.</p> <p>The comments regarding the industry not changing are very valid. It is true that wetland delineations do not have to be performed and submitted by a CPWD to be approved by the US Army Corps of Engineers or the Virginia Department of VADEQ. What this certification does for the individual (as a professional delineator), is it puts a value and a level of trust with state and federal agencies who are reviewing their work. This is the first step that may impact project development and the budget (if mitigation is required). This certified individual has proven/shown they have the experience, expertise, and the knowledge and are held to a high standard. They show the agencies they are trustworthy and knowledgeable in their profession. Their work is less likely to be scrutinized and depending on the complexity of project, they may get this project through the permitting process faster because of their reputation as a wetland professional.</p> <p>So, while the industry may not change, for me, it is a valuable certification to hold in the Commonwealth of VA. For me, removing or reducing the requirements for anyone to obtain this certification without the current requirements or effort belittles our profession. We are seen as "a necessary evil", not as valuable as an Engineer, Surveyor, Realtor, or an Architect and in our industry. Reducing certification requirements is not the approach to take when we've work so hard to try to elevate our worth in this profession. Do not reduce the certification requirements.</p>	<p>12/8/23 5:44 pm</p>

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<p>Lee Mallonee CommentID:220825</p>	<p>PWD qualifications</p>	<p>I began delineating wetlands in 1988 and still perform delineations which are reviewed and approved by the COE. In my 35+ years of working as a wetlands consultant I have been asked several times to go behind other consultants to review their work. There have been many instances where the wetland boundary flagged in the field was incredibly inaccurate. Subsequent COE review confirmed that fact.</p> <p>To reduce the minimum requirements for certification as a professional wetland delineator would be a disservice to the regulated community. In my opinion working with a certified wetland professional in the field is the best way for a beginner to learn.</p> <p>A person who takes a few classes and begins doing delineations is doing a disservice to the client. Consultant fees are not inexpensive and for a landowner to incur the expense of a delineation that is inaccurate is bad business. I have had clients tell me that their consultant had to re-delineate a site two or three times before the COE would approve the flagged wetland boundary.</p> <p>The best way to protect the public interest is to maintain the requirements as written.</p>	<p>12/8/23 6:13 pm</p>
<p>G Arnold CommentID:220833</p>	<p>Oppose proposed changes</p>	<p>Proposed changes to the regulations of Certified Professional Wetland Delineators will not benefit the public. The skills used to competently perform wetland delineations over a spectrum of field sites with diverse physiography are not gained in three brief years of exposure; competence in this field develops with many years of technical field experience, training and</p> <p>collaboration. Additionally, the Virginia State Waters Delineator certification is predicated on the technical competency and experience assured by the current PWD standards and will be jeopardized by weakening of those standards. I urge DPOR to acknowledge the value and reasons for the current PWD standards and to uphold the current requirements for this professional certification.</p>	<p>12/8/23 7:19 pm</p>

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 DRAFT AGENDA

<p>Mark Headly, Wetland Studies and Solutions, Inc (Retired)</p> <p>CommentID:220849</p>	<p>Do Not Support Changes in Education Requirements</p>	<p>I do not support the proposed reduction in education requirements for certification as a Professional Wetland Delineator (PWD). Neither do I support the reduction in the years experience required, but as that has been done legislatively, it makes no sense to reduce the education requirements as well. I support keeping the requirements for a degree in natural or environmental science as well as successfully completing a 32-hour course in wetland delineation. The practice of wetland delineation requires knowledge of plants, soils and hydrology and how they are applied in the delineation process. The 32-hour course in delineation methods is an essential component of one's training and development as a competent practitioner. Further, with recent changes to the jurisdictional reach of the federal government, the Virginia Department of Environmental Quality (DEQ) has taken on a greater role in the regulation of the State's waters, including wetlands. DEQ has instituted a new State Surface Waters Delineator certification, which requires a PWD certification before one can take and pass a class in stream identification. Individuals who have obtained both are granted the new DEQ certification and delineations performed by those Virginia State Waters Delineators are assured an expedited review in the DEQ permitting process.</p> <p>As a long time PWD, and a recent SSWD, I urge DPOR to acknowledge the value of the PWD and recommend the retention of the existing educational requirements and course hours.</p>	<p>12/8/23 10:19 pm</p>
<p>Justin Brown, PWS, PWD, VSWD</p> <p>CommentID:220857</p>	<p>Oppose any proposed changes that reduce the credibility of the PWD certification</p>	<p>I do not support any proposed changes that will negatively impact the credibility of the PWD certification. I support the inclusion of a requirement to demonstrate the completion of coursework in wetland delineation methodology.</p> <p>Additionally, just based on the documents provided in the NOIRA, it is difficult to understand the full impact of the proposed changes on the program. I would like to request additional documentation to highlight the portions of the regulation that are proposed to be removed and do not have comparable language in the statute as well as documentation to highlight portions of the regulation that are proposed to be removed and do have comparable language in the statute along with that statute language. I would also like to request additional time to consider the proposed changes.</p>	<p>12/8/23 11:33 pm</p>

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<p>Taylor Sprenkle</p> <p>CommentID:220860</p>	<p>I DO NOT SUPPORT the proposed PWD regulatory changes</p>	<p>I DO NOT SUPPORT the proposed changes to the regulations for Certified Professional Wetland Delineators (PWD) by the Commonwealth of Virginia’s Department of Professional and Occupational Regulation (DPOR). The existing educational, training, and experience requirements were put in place to ensure high- quality, accurate wetland delineations. A wetland delineation is often conducted as a first step in the due diligence process because this critical information determines how much land is available for development, the price of that land, the types of permits that would be required, and the length of time required to obtain those permits. In my over 20 years as an environmental consultant working for both public and private sector clients and on projects of various scopes and degrees of complexity, there has been one common refrain from the folks who build Virginia’ infrastructure: the need for a predictable, low-risk environmental permitting process. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against regulatory authorities, individuals performing the delinquent work, and the contractors and builders who were ultimately liable for permit compliance. Getting this wrong can have significant economic impacts and is not good for growing Virginia’s economy. The PWD program provides the regulated public with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for PWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the PWD regulation are critical to assuring reliable and consistent identification of State Surface Waters and should be maintained in their current form.</p>	<p>12/8/23 11:56 pm</p>
<p>Daniel "Eli" Wright, MS, PWD, VSWD, PWS/ Dramby Environmental Consulting</p> <p>CommentID:220861</p>	<p>Maintain Integrity of PWD</p>	<p>I am providing the following comments as a certified Virginia Professional Wetland Delineator, a Board member and past president of the Virginia Association of Wetland Professionals, a Society of Wetland Scientists Professional Wetland Scientists, a graduate of the Chistopher Newport University were I obtained a Master’s Degree in Environmental Science with a focus on Virginia wetlands, and as an active wetland professional in Virginia operating in a management role for an environmental consulting woman owned, small business (certified SWaM) headquartered in Richmond, Virginia.</p> <p>The Board for Professional Soil Scientists, Wetland Professionals, and Geologists (Board) intends to consider amending 18VAC145-30, Regulations Governing Certified Professional Wetland Delineators. A Notice of Intended Regulatory Action has been published in the Virginia Register of Regulations in VOL. 40 ISS. 5 (OCTOBER 23, 2023) with a comment extension provided in VOL. 40 ISS. 8 (DECEMBER 04, 2023). Per the Notice of Intended Regulatory Action (NOIRA) Agency Background Document published on Virginia TownHall dated 8/22/2023 (modified 9/26/2023).</p> <p>During its review of the regulations, the Board is expected to consider several changes to the regulations. The Board has developed a preliminary draft text which outlines changes contemplated. I have outlined these contemplated changes and provide the following comments:</p> <p>PART I – GENERAL (18VAC145-30-10):</p> <ul style="list-style-type: none"> <li>• Definitions – Revising the definitions of “tidal wetlands” and “nontidal wetlands” to update the meaning of these terms. <ul style="list-style-type: none"> <li>• I support the proposed draft text under this section.</li> </ul> </li> </ul>	<p>12/8/23 11:57 pm</p>

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The proposed revisions provide clarify and regulatory consistency.

PART II – ENTRY (18VAC145-30-20 et seq.):

- Qualifications for Certification (18VAC145-30-20): Revising the section to clarify that an applicant for certification must pass a Board-approved examination.

- I support the proposed draft text under this section.

- The proposed revisions provide clarify and regulatory consistency.

- Qualification for Examination (18VAC145-30-40): Removing provisions that restate education and experience criteria for certification provided for in § 54.1-2206.2 of the Code of Virginia.

- I strongly disagree with the removal of these

- provisions. The NOIRA Agency Background Document states that the preliminary draft text contemplates changes to the Code of Virginia. It is my understanding, and the understanding of many in the PWD community, that the recently passed Universal License Recognition (ULR) legislation mandates that the number of years of experience that an applicant must show to demonstrate their experience be 3 years, while the current PWD certification requires 4 years of experience. It appears that the Board is contemplating removing the education and experience criteria from the DPOR regulations in anticipation of the ULR legislation that may occur. I strongly disagree that 3 years of experience is sufficient to demonstrate a PWD's competency, but since we are required to be consistent with the ULR legislation's number of years of experience, I see no recourse other than to change the number of years' experience required for the PWD certification to lower it from 4 years to 3 years. f implementation of a maximum of three-year experiential criteria required, an alternative the Board should consider is the incorporation of a field practicum into the CPWD certification requirements, to appropriate assess the capabilities of applicants that would serve in place of the experiential criteria. Incorporating a field practicum as part of the CPWD exam may be the most viable option to maintain the integrity of the certification in light of the Universal License Recognition legislation. The Virginia Code (§ 54.1-2206.2) contemplates and allows for a field practicum to be incorporated part of the PWD certification examination, therefore, it should be within the Board's authority to consider incorporation of a field practicum into DPOR's regulations. Objections to administration a field practicum (such as cost, test locations, field proctors, etc.) can be overcome, as is evidenced other such field practicum programs, such as the New Hampshire Certified Wetland Scientist which incorporates both a written and field examination as part of their certification programs. I request the Board contemplate incorporating a field exam/practicum as part of the certification if experiential level must be cut due to other regulations and request an Advisory Panel of professionals and academics be established to develop a framework for the field practicum.

- At a minimum, I'd suggest 18VAC145-30-40 reference the education and experience criteria at § 54.1-2206.2 to clarify that these education and experience criteria are required prior to examination, rather than deleting the entire section from the DPOR regulations.

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• Qualification for Examination (18VAC145-30-40): Removing provisions that one of the three written references be from a certified professional wetland delineator.

This proposed change is outlined in the preliminary draft text, but was not noted in the NOIRA Agency Background Document 'Substance' section. I strongly oppose the removal of this provision. The existing supervision/reference requirements, including references by current CPWDs, were put in place as they are essential to ensure high-quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. The PWD program provides the public needing delineation services with qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the reference requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth. Virginia has a unique wetland systems with specific regulatory requirements. Having a CPWD as a reference helps to ensure that applicants have been trained/mentored by someone with demonstrated experience in the nuances of Virginia wetlands.

• Qualifying Experience in Wetland Delineation (18VAC145-30-50): Revising provisions regarding acceptable qualifying experience for certification. Increasing the minimum requirement for delineations of nontidal wetlands.

I support the proposed draft text under this section.

• The proposed revisions provide clarity and regulatory consistency. Increasing the minimum requirement for delineations of nontidal wetlands by individuals seeking to qualify pursuant to subdivision 3 of § 54.1-2206.2 from 6 to 18 (of the 30 delineation) is beneficial to demonstrate adequate experience, as tidal delineations are largely based on elevations and many not require the same skills set/basis of knowledge as non-tidal delineations.

• Course Requirements (18VAC145-30-60): Revising provisions for minimum education to:

◦ Remove the requirement for a minimum number of semester hours in biological, physical, and quantitative sciences;

I strongly disagree with these proposed changes. As stated by others in this public forum, the interdisciplinary nature of the practice requires that delineators be proficient in multiple domains of science, for example, ecology, hydrologic processes, botany, soil science and geology, and atmospheric sciences. One would be hard-pressed to find another profession within the DPOR certification portfolio that engages so many different disciplines toward a common occupational objective. When viewed through the lens of wetland delineation practice, exercising these overlapping proficiencies becomes an extremely nuanced enterprise because the conditions change from site to site. The minimum credit hours within the current regulations are necessary to ensure that applicants have the educational background required to appropriately analysis and synthesis data required in a wetland delineation. The interdisciplinary nature of wetland delineation demands that practitioners develop proficiency in several different fields. While it is unrealistic to expect a PWD applicant to hold degrees in each one of these disciplines, having

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a degree in at least one related field ensures that an applicant has engaged in a course of study that sets a pedagogical foundation for the acquisition of new knowledge. In other words, a qualified wetland delineator has to know how to learn, and the PWD certification program has no other way to evaluate this aspect of an applicant's background than the current education requirement. As with the experience requirement, removing these education requirements (specific degrees, minimum semester hours, etc.) will weaken the program.

o Provide that a bachelor's degree or graduate degree that contains coursework in biological, physical, and quantitative sciences is acceptable; and

- I support the proposed draft text under this section.
- Coursework at the bachelor or graduate degree levels should both be sufficient at providing adequate educational experiences.

Remove the requirement for an applicant to take a minimum 32-hour course in state and federal wetland delineation methods. The Board is considering repeal of completion of a course of at least 32 hours in state and federal wetland delineation methods. The Board has also requested this requirement be repealed in statute. This change requires a statutory change that has been requested. If the statute is modified, the Board will proceed with the change. If it is not modified by the deadline to file proposed language, the revision will be pulled from the proposed regulation.

- I strongly oppose the removal of the 32-hour course in wetland delineation methods. I reiterate Dr. Doug Deberry's comment: The current 32-hour professional development course requirement serves an important function in that it ensures that a PWD applicant has had at least one structured experience where all facets of the practice have been synthesized. In my experience, this serves to galvanize wetland delineators to continue sharpening their skills and, at a minimum, it bears witness to the fact that applicants have been exposed to a delineation-specific curriculum. This requirement should remain in the regulations.

- Examination (18VAC145-30-70): Removing provisions that require an applicant to submit a completed application and payment of application fee at least 90 days prior to the examination for certification.

- I do not oppose the proposed draft text under this section.

- Waiver from Examination (18VAC145-30-80): – Repealing this section which restates an examination waiver provided for in § 54.1-2206 of the Code of Virginia, and which outlines a “grandfathering” provision that is no longer applicable.

- I do not oppose the proposed draft text under this section.

#### Part IV – STANDARDS OF PRACTICE AND CONDUCT (18VAC145-30-140):

- Removing a requirement that a certificate holder provide notification to an employer or client when the certificate holder's professional judgement is overruled.

- I strongly oppose the removal of the standard of conduct that PWDs notify employers or clients when their judgement is overruled. Removing this provision can significantly harm applicant/developers and the Commonwealth. Individuals who employ CPWD should expect to receive the true evaluation of a property. If there are differences in options or if a CPWD is overruled by a less experienced supervisor, the property owner could be given misleading/incorrect

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information. CPWDs should be required to notify invested parties in such situations to ensure the integrity of the certification.

- Removing a requirement that a certificate holder sign and date all plans, drawing, blueprints, surveys, reports, and other documents prepared, reviewed, or approved by the certificate holder. Removing a requirement that a certificate holder indicate on such documents that the documents were prepared, reviewed, or approved by the certificate holder and include the certificate holder's number I oppose the removal of this provision.

Additional comments:

The existing education, training, and supervision/references requirements were put in place to ensure high quality delineations with proper application of criteria in determining wetland jurisdictional boundaries. Prior to the PWD certification, there were occurrences of delineations being performed in Virginia by unqualified individuals, resulting in permitting issues and lawsuits against both the regulatory authorities and the individuals performing substandard work. The PWD program provides the public needing delineation services with a pool of qualified professionals, helping to reduce the risk and harms which can be caused by improper delineation work. Reducing the certification requirements for CPWDs could negatively impact the quality of delineations and ultimately, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development in the Commonwealth as a whole. The current educational, training, and experiential components of the CPWD regulation are critical to assuring reliable and consistent identification of State Surface Waters. There are many wetland professionals that are small businesses employees and/or owners. Costs and burdens associated with litigations resulting from wetland delineation work performed by unqualified individuals can result in harm to these small business. Possibly worse, an inaccurate delineation or poor understanding of Virginia regulations can not only be costly to the permittee, it increases the onus of regulators with limited staff and time increasing permit issuance backlogs. Therefore, maintaining the integrity of the CPWD regulations is essential.

With recent changes to wetland regulation by the federal government, the Virginia DEQ must now step in and assert its jurisdiction of Surface Waters of the State. Because the DEQ does not have the staff or budget to perform jurisdictional determinations in the field, the permitting of projects in Virginia was going to be very negatively impacted. To allow permitting to proceed without unnecessary delays, the DEQ instituted a new State Surface Waters Delineator certification that requires that an individual obtain the PWD certification and have taken and passed a stream identification class. Individuals who have obtained both are granted the new DEQ certification and delineations led or performed by those VSWD's are assured 30-day review under the States PEEP system. Delineation work performed by non-certified individuals will receive no assurances of timely permitting review. The VSWD certification was based on the current knowledge, skills, and abilities that PWDs must possess. If the PWD certification requirements are watered down significantly as proposed in the NOIRA, then it could jeopardize the VSWD certification, and permitting timelines in Virginia could be seriously impacted.

I implore the Board to review all comments and review and incorporate suggestions before moving to the proposed stage, even though various reviews have already been completed based on the preliminary draft text (including Secretary of Labor, ORM Review, and Governor Review). This NOIRA has

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produced much public input/involvement and believe the response received warrants reconsideration of the current preliminary text. Changes at this stage will help to make the proposed stage more beneficial for all parties. I also request a public meeting to be held at all future stages of this regulatory revision to allow of full participation.

Finally, I would like to thank DPOR for exerting the public comment period on this Notice of Intended Regulatory Action, to allow participants additional time to comment around the holidays and year end.

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# Guidance Document

To: Regulants & Other Members of the Public  
From: Virginia Board for Professional Soil Scientists, Wetland Professionals, and Geologists  
Date: 9/1/16  
Re: Wetland Professionals' Scope of Practice

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## Purpose

It has been brought to the Board's attention that there may be Wetland Professionals performing boundary surveys. The purpose of this document is to clarify the Wetland Professionals' scope of practice. Wetland surveys as described in 18VAC145-30-40 may be performed by a certified Wetland Professional however, a boundary survey must be performed by a licensed Virginia Land Surveyor regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA).

Surveys, under 18VAC145-30-40 in the regulations for Wetland Professionals, refers to wetland surveys and not land boundary surveys. Regulations governing boundary surveys can be found in section 18VAC10-20-370 of the APELSCIDLA regulations which addresses minimum requirements and procedures for licensed land surveyors to perform boundary surveys.

§54.1-400. The "practice of land surveying" states in part, "...includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external "land boundaries..."

§54.1-2200. "Practice of wetland delineation" states in part, "...the delineation of wetlands by accepted principles and methods including, but not limited to, observations, investigation, and consultation on soil, vegetation, and hydrologic parameters, and preparations of wetland delineations, descriptions, reports, and interpretive drawings." It does not give Wetland Professionals the ability to perform boundary surveys.

## Summary

The excerpts from Virginia statutes and Board regulations are provided above for your convenience to help you locate the text that establishes the Board's authority. To conclude the information above, the following summaries of this document are provided:

1. Wetland Professionals do not have the authority to do boundary surveys.
2. Boundary surveys must be performed, signed, and sealed by a licensed Land Surveyors as established in the APELSCIDLA Board's regulations.

- **Examination Director Report**
- **Executive Director Report**
- **Soil Scientist OSE Exemption Update**
- **A Day in the Life of a Geologist**
- **Statement of Economic Interest**

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- **ULR Approved Applications**
  - **10 Staff Approved Applications since 12/1/23**
    - **Geologists- 7**
    - **Soil Scientists- 1**
    - **Wetland Delineators- 2**

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# Licensed and Certified Population

As of December 1, 2023

Soil Scientists	79
Wetland Delineators	122
Geologists	859

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Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Board for Professional Soil Scientists, Wetland Professionals, and Geologists  
954180**

2022-2024 Biennium

November 2023

	November 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - November 2021	July 2022 - November 2023
<b>Cash/Revenue Balance Brought Forward</b>			16,455
<b>Revenues</b>	2,235	81,880	83,155
<b>Cumulative Revenues</b>			99,610
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	1,877	18,847	30,266
<b>Board Administration</b>	1,525	24,653	24,471
<b>Administration of Exams</b>	250	4,023	1,622
<b>Enforcement</b>	0	14	13
<b>Legal Services</b>	0	50	68
<b>Information Systems</b>	916	17,672	15,404
<b>Facilities and Support Services</b>	301	7,263	5,888
<b>Agency Administration</b>	1,143	11,254	17,141
<b>Other / Transfers</b>	0	0	(15)
<b>Total Expenses</b>	6,013	83,776	94,858
<b>Transfer To/(From) Cash Reserves</b>	0	0	(26,591)
<b>Ending Cash/Revenue Balance</b>			31,343

<b>Cash Reserve Beginning Balance</b>	18,064	0	44,655
<b>Change in Cash Reserve</b>	0	0	(26,591)
<b>Cash Reserve Ending Balance</b>	18,064	0	18,064

<b>Number of Regulators</b>	
Current Month	1,147
Previous Biennium-to-Date	1,138

**Department of Professional and Occupational Regulation**  
**Supporting Statement of Year-to-Date Activity**  
**Board for Professional Soil Scientists, Wetland Professionals and Geologists - 954180**  
**Fiscal Year 2024**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																Amount	%	
<b>Board Expenditures</b>	7,071	4,682	868	1,927	1,877	0	0	0	0	0	0	0	16,424	27,073	10,649	39,067	-11,994	-44.3%
<b>Board Administration</b>	1,556	1,514	2,016	715	1,525	0	0	0	0	0	0	0	7,326	24,763	17,437	15,194	9,569	38.6%
<b>Administration of Exams</b>	223	262	372	124	250	0	0	0	0	0	0	0	1,231	3,424	2,193	2,612	812	23.7%
<b>Enforcement</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Legal Services</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	68	68	0	68	100.0%
<b>Information Systems</b>	675	1,590	1,148	806	916	0	0	0	0	0	0	0	5,136	13,916	8,779	11,863	2,052	14.7%
<b>Facilities / Support Svcs</b>	438	739	584	286	301	0	0	0	0	0	0	0	2,348	8,145	5,797	5,424	2,722	33.4%
<b>Agency Administration</b>	1,059	1,149	1,637	553	1,143	0	0	0	0	0	0	0	5,542	15,243	9,701	11,858	3,386	22.2%
<b>Other / Transfers</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Charges</b>	<b>11,023</b>	<b>9,937</b>	<b>6,624</b>	<b>4,411</b>	<b>6,013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38,008</b>	<b>92,632</b>	<b>54,624</b>	<b>86,018</b>	<b>6,614</b>	<b>7.1%</b>

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- **Other Business**
- **Conflict of Interest Forms /  
Travel Vouchers**
- **Adjourn**

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