

# BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

## MEETING MINUTES

The Board for Professional Soil Scientists and Wetland Professionals met on July 14, 2004, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia, with the following members present:

Nancy G. Barker  
Alice Coles (arrived at 10:40 a.m.)  
W. Lee Daniels  
David L. Davis  
Carl D. Peacock, Jr.  
William F. Sledjeski

Board member Donald Young was not present at the meeting.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director  
Karen W. O'Neal, Deputy Director of Regulatory Programs  
Nick A. Christner, Deputy Director of Compliance and Investigations  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Sharon Sweet, Director of Education and Examinations  
Trisha L. Henshaw, Administrative Assistant

No representative from the Office of the Attorney General was present.

Finding a quorum of the Board present, Mr. Sledjeski, Chair, called the meeting to order at 10:11 a.m.

### Call to Order

Mr. Daniels moved to approve the agenda as amended. Mr. Peacock seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Peacock, and Sledjeski.

### Approval of Agenda

Nancy Barker was introduced as the newest member of the Board. Ms. Barker, who replaced Ms. Jennings on the Board, is a wetland delineator.

### Introduction of New Board Member and Staff

Mr. Courtney also introduced Nick A. Christner as the new Deputy Director of Compliance and Investigations.

Mr. Davis moved to approve the minutes from the April 14, 2004,

### Approval of Minutes

Board meeting. Mr. Peacock seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Peacock, and Sledjeski.

Thaddeus Kraska asked the Board if there will be information pertaining to the content areas for the wetland delineators examination provided to the candidates. Mr. Courtney confirmed that a Candidate Information Bulletin was being prepared that includes content areas and references.

**Public Comment**

The Board members were provided with a comment received during the public comment period for the proposed regulations for amended fees for the professional soil scientists program. Mr. Davis moved to adopt the draft response to the public comment as prepared by staff as the Board's response. Mr. Daniels seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Peacock, and Sledjeski.

**Review Public Comment for Amended Soil Scientists Fees**

The Board members were provided with a draft of the final regulations for amended fees for the professional soil scientists certification program. Mr. Daniels moved to adopt the regulations regarding amended fees for the soil scientists program as final. Mr. Peacock seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Peacock, and Sledjeski. Mr. Courtney explained that there will be a 30-day comment period, and the regulations will become effective on the first day of the month after the public comment period ends.

**Adoption of Final Regulations for Amended Fees for Soil Scientists**

The Board reviewed and discussed Chapter 22 of Title 54.1 of the *Code of Virginia* pertaining to certified professional wetland delineators. The Board discussed several changes that should be considered in the statute. After discussion, Mr. Davis moved to support a legislative amendment to § 54.1-2206.2.B of the *Code of Virginia* by waiving the requirement for a reference from and supervision by a professional wetland delineator for the first six years of the program (the waiver is currently for the first two years of the program). Ms. Barker seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Peacock, and Sledjeski.

**Review Chapter 22 of Title 54.1 of the Code of Virginia**

Ms. Coles arrived at the meeting at 10:40 a.m.

**Arrival of Ms. Coles**

Sharon Sweet spoke to the Board regarding the status of the wetland delineator examination. Ms. Sweet provided a copy of the Candidate Information Bulletin for the examination to the Board, and provided

**Update on Status of Wetland Delineator Examination**

background information regarding the examination development process. Further, Ms. Sweet provided information regarding the examination administration process, including scoring, diagnostic reports, and examination dates. The examinations will typically be administered in February and August of each year, with the first examination being administered in November 2004.

At the request of Mr. Daniels, the Board members discussed what constitutes an approved course of instruction in state and federal wetland delineation methods, as required in 18 VAC 145-30-60.B of the Board's regulations. After discussion, the Board agreed that the applicant must provide sufficient proof that the course meets the requirements as stated in this regulation.

**Discussion of Wetland  
Delineator Applications**

Mr. Daniels moved to adopt the following resolution of service for Ms. Jennings:

**Adoption of Resolution**

**Ann F. Jennings**

WHEREAS, Ann F. Jennings did faithfully and diligently serve as a member of the Board for Professional Soil Scientists and Wetland Professionals from 2002 to 2004;

WHEREAS, Ann F. Jennings did devote generously of her time, talent and leadership to the Board;

WHEREAS, Ann F. Jennings 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 and Wetland Professionals 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 and Wetland Professionals this fourteenth day of July 2004, that Ann F. Jennings be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

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

Mr. Davis seconded the motion which was unanimously approved by members: Barker, Coles, Daniels, Davis, Peacock, and Sledjeski.

The Board members were provided with the Board financial statements for May 2004 for informational purposes.

**Review Financial Statements**

Mr. Peacock moved to nominate Mr. Daniels for the position of Chair of the Board through June 30, 2005. Mr. Sledjeski seconded the motion which was unanimously approved by members: Barker, Coles, Daniels, Davis, Peacock, and Sledjeski.

**Election of Officers**

Mr. Peacock moved to nominate Mr. Davis as Vice-Chair of the Board through June 30, 2005. Mr. Daniels seconded the motion which was unanimously approved by members: Barker, Coles, Daniels, Davis, Peacock, and Sledjeski.

The Board members were provided with a letter from Ms. Jennings expressing her appreciation to the Board and staff.

**Other Business**

The Board members were asked to bring their calendars to the next meeting so that 2005 meeting dates could be set. Ms. Barker stated she had a conflict with the October 14, 2004, Board meeting date. After discussion, the Board members agreed by consensus to move the meeting date to October 13, 2004.

The Board members were provided with a press release prepared by the Department to announce the new wetland delineator program.

Mr. Sledjeski thanked the Board and staff for all of their work during his tenure on the Board.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest**

There being no further business, the meeting was adjourned at 11:28 a.m.

**Adjournment**

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W. Lee Daniels, Chair

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Louise Fontaine Ware, Secretary

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