

Proposed Wetland Delineator Regulations

Agency Response to Economic Impact Analysis Performed by the Virginia Department of Planning and Budget:

Disagree - §§ 54.1-2203 and 54.1-2206.1 (effective July 1, 2004) of the *Code of Virginia* require the regulations for the professional wetland delineator certification program to be in place by July 1, 2004. The Department of Planning and Budget (DPB) did not approve the proposed regulations for this program due to concerns with the underlying statutes of the program. The content of the statutes is established by the General Assembly and not the Board; the proposed regulations the Board has adopted are, therefore, constrained by what the statutes permit. Almost all of the entry standards are specified by statute (Chapter 22 of Title 54.1) so the Board has very little discretion in crafting the entry standards. There is one issue that DPB notes in the EIA regarding experience via "inspection, review or confirmation" in proposed regulation 18 VAC 145-30-50.2 which we agree that the provisions of this regulation should be revised and we will raise this issue with the Board when they consider final regulations. All other issues raised in the EIA are statutorily mandated.