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Proposed Regulation Agency Background Document

Agency name	Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC145-30
VAC Chapter title(s)	Regulations Governing Certified Professional Wetland Delineators
Action title	General Review of Regulations Governing Certified Professional Wetland Delineators
Date this document prepared	September 25, 2024 (revised October 30, 2024)

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Professional Soil Scientists, Wetland Professionals, and Geologists (“the Board”) proposes to amend the Regulations Governing Certified Professional Wetland Delineators to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation complements current Virginia law and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the public health, safety, and welfare.

This action proposes changes to (i) the definitions section; (ii) provisions for qualification for certification, including qualifying experience and education; (iii) provisions for the reinstatement of certificates; and (iv) standards of practice and conduct.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“DPOR” means Department of Professional and Occupational Regulation.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

This regulatory change is not the result of a mandate.

The initial impetus for this action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

During review of the regulation, the Board identified certain requirements as overly burdensome to regulants and unnecessary for the protection of the health, safety, and welfare of the public. The Board seeks to make amendments to remove these requirements while retaining requirements that ensure minimum competency and continue to provide protection to the public.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The promulgating agency is Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

Section 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the

purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The General Assembly has charged the Board with the responsibility for regulating those who practice or offer to practice as a wetland professional by providing that such individuals may voluntarily obtain certification from the Board as a certified professional wetland delineator as evidence of qualification to engage in this occupation. Individuals that meet the requirements of certification are authorized to represent themselves to the public as certified professional wetland delineators. The regulation ensures that individuals who are certified have met the minimum standards, including education, experience, and examination, established by the General Assembly and the Board to practice wetland delineation.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

As the proposed regulation was developed, the Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the certification program. The proposed amendments to the regulation reflect the Board’s consideration in eliminating current requirements that the Board does not deem necessary to protect the public health, safety, and welfare, or to effectively administer the certification program.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The Board proposes the following substantive changes to the regulation:

1. Revising the definitions of “tidal wetlands” and “nontidal wetlands” in section -10 to update and clarify the meaning of these terms.
2. Revise the provisions of section -20 to specify that an applicant pass the Board-approved examination and to provide that the Board will waive the examination requirement for those who meet the requirements of applicable statute.
3. Revise the provisions of section -40 to (i) remove education and experience provisions that are currently provided for in statute; and (ii) change provisions related to the submission of letters of reference for certification.
4. Revise the qualifying experience provisions in section -50 to increase the minimum number of nontidal wetland delineations that an applicant must have inspected, reviewed, or confirmed if seeking to qualify based on experience in inspecting, reviewing, and confirming delineations.

5. Revise the qualifying education provisions in section -60 to (i) provide that acceptable education may include a graduate degree; and (ii) remove the minimum number of required semester hours in biology, physical, and quantitative sciences as criteria for acceptable degree coursework.
6. Revise the provisions of section -70 to remove the requirement that an application for certification be received by the Board at least 90 days prior to the certification examination.
7. Repeal of the examination waiver provisions in section -80 as the provisions of this section are not necessary to be in the regulation.
8. Revise the provisions of section -120 to (i) increase the timeframe for reinstatement of an expired certificate from one (1) year to two (2) years; and (ii) remove a provision that the Board may require examination or reexamination of an individual who is reinstating a certificate.
9. Revise the standards of practice and conduct in section -140 to remove standards that are not necessary to protect the public health, safety, and welfare.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantages to the public and regulated community include providing clarification to provisions of the regulations, ensuring the regulations complement Virginia law and reflect current agency procedures, and reducing regulatory burdens by removing requirements that are not necessary to protect the health, safety, and welfare of the public.

There are no identifiable disadvantages to the public or the Commonwealth. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected by the regulatory change.

Localities Particularly Affected

No localities are particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Per Executive Order, the Wetland Professionals section of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists conducted a general regulatory review of the Regulations Governing Certified Professional Wetland Delineators. The regulation provides for the voluntary certification of professional wetland delineators. This action proposes changes to (i) the definitions section; (ii) provisions for qualification for certification, including qualifying experience and education; (iii) provisions for the reinstatement of certificates; and (iv) standards of practice and conduct. There is no direct economic or fiscal impact to other state agencies.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.	There are no savings and no changes to costs, fees, or revenues of DPOR resulting from this regulatory change.
<i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There are no savings and no changes to costs, fees, or revenues of other state agencies resulting from this regulatory change.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no savings and no changes to costs, fees, or revenues of localities resulting from this
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	regulatory change.
Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No entities should be negatively affected by this change. The change better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	As of September 9, 2024, there are 147 certified wetland delineators in Virginia. Wetland Delineator certifications are issued to individuals, not business entities, however, many certified wetland delineators are likely to be owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No projected cost for this regulatory change for individuals, businesses, or other entities.
Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Professional wetland delineator certificates are issued to individuals. However, individuals who are certificated may be owners or employees of business entities that may fall within the meaning of “small

business” as defined in § 2.2-4007.1 of the Code of Virginia. No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Professional wetland delineator certifications are issued to individuals. However, individuals who are certificated may be owners or employees of business entities that may fall within the meaning of “small business” as defined in § 2.2-4007.1 of the Code of Virginia.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for individuals to voluntarily receive certification as a professional wetland delineator and minimum standards to assure continued competency to hold a certificate.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the certification program covered by this regulation provide that certification is voluntary and does not prohibit the practice of wetland delineation and provide no exemption for small businesses. Therefore, there are no such exemptions in the proposed change.

Review of this regulation was initiated based on Executive Directive Number One (2022). Amendments to the regulation proposed under this action are intended to reduce regulatory burdens imposed upon certificate holders. There are no other alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the goals of this regulatory action.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the

length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is not being used to conduct a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency Response
220491 Jennifer	The commenter noted that the current requirements are the building blocks that are imperative prior to sitting for the actual exam; supports maintaining the current qualifications and requirements.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220658 Ben Rosner, PWD	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220661 Brian Owen, PWD, VSWD	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220662 Alexi Weber, PWS, PWD, CE, VSWD	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220666 Matt Brooks	The commenter supports the current educational, training, and experiential components and wishes them to be retained.	The Board thanks the commenter and will consider this comment prior to the

		adoption of the proposed regulation.
220667 Nick Romano PWS, CPWD, VSWD	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220668 Allison Austin, MS. PWD, PWS, VSWD	The commenter supports maintaining the current qualifications and requirements.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220669 Robert Wright, Sr. Assoc Reg. Specialist, WSSI	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220670 Amy M. Connelly, Wetland Studies and Solutions, Inc.	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220672 Caroline Odell, WPIT	The commenter supports maintaining the current qualifications and requirements.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220673 Thaddeus Kraska, PWD, PWS, VSWD (Townes Site Engineering)	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.

<p>220674 Emily Drahos, PWS, PWD, CE, VSWD (WRA)</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220676 tsavage</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220678 Lauren Conner, PWS, PWD, VSWD, InterAgency</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220679 R. Scott Byrd, NiSource/Columbia Gas of Virginia, PWD. VSWD</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220680 Tyler Brown (Townes Site Engineering)</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220681 Emily Salkind, LPSS, PWD, VSWD (Balzer and Associates, Inc.)</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

<p>220684 Ralph Tuck II, PWD</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220685 Lexi Balzer</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220686 Joe Wilson, Wilson Ecological Consulting, LLC</p>	<p>The commenter does not support the proposed education and experience requirement changes and removing the requirement that one reference be a certified PWD due to the fact that it would result in watering-down the expertise of people doing wetland work in Virginia.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220689 Brooke Runnion</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220690 Taryn Payne, PWS</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220691 Anna Gardner, WPIT</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220693 Mike</p>	<p>The commenter noted that 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; and requests maintaining of the current requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

<p>220701 Mike Blake, PWD, Rappahannock Environmental Group</p>	<p>The commenter noted that if changes are made to the current regulations, 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>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220704 Robin Bedenbaugh, MS, PWD, VSWD</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220705 Kevin Du Bois, PWS, PWD, CFM, SCMNRP</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220718 Stacy Armentrout, WSSI</p>	<p>The commenter noted that a supervisor who is also a PWD should be able to verify work experience AND complete a recommendation which meets the PWD requirements; otherwise maintain the other regulations as written.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220719 Jennifer Feese</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220723 KTH, PWD, PWS</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220724 T. Shelton PWS, PWD, VSWD</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

<p>220727 Jennifer Van Houten, Davey Mitigation</p>	<p>The commenter noted that if 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 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.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220728 David Mergen</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220729 Molly Bertsch, PWD, VSWD</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220734 Avi Sareen, PWD - TNT Environmental, Inc.</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220741 Alison Robinson, WSSI</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

<p>220742 Matt Neely, Timmons Group</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220746 Karen Dodson, WSSI</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220747 David A. Dellapenna, PWS, PWD, VSWD - RES</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220748 James Hatcher, VDOT</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220749 Juliana Kestner, Rappahannock Environmental Group</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220750 Tim Davis</p>	<p>The commenter supports maintaining the current qualifications and requirements.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

220751 Becky	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220752 Tom Houston, PWD Townes Site Engineering	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220754 W. Michael Lane	The commenter noted 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 and requests maintaining the current regulations.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220755 Janelle Bernosky	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220757 Nick Tudor	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220760 Sandy L. Tice Jr.	The commenter supports the proposed changes to the regulations.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220761 Anonymous	The commenter supports the proposed changes to the regulations.	The Board thanks the commenter and will consider this comment prior to the

		adoption of the proposed regulation.
220763 Anonymous	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220765 James E. Irre, Passage Creek Environmental	The commenter noted 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 commenter requests that no changes be made to the existing regulations.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220766 Kenny Presgraves, PWD, VSWD; Stantec	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220769 John H. Brooks, III, PWD, CERP, PWS	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220770 Ben Leatherland, PWD (Hurt & Proffitt Engineering)	The commenter noted he understands the need to reduce experience requirements to three years and believes 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, but the commenter is not in favor of other changes to the current PWD certification program.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.

<p>220771 Douglas A. DeBerry, PhD, PWD</p>	<p>The commenter noted that 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 and supports maintaining the current regulations.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220772 Alanna Burket, WPIT</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220773 Sandy Tice/Balzer and Associates, Inc.</p>	<p>The commenter noted he understands the need to reduce experience requirements to three years and believes 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, but the commenter is not in favor of other changes to the current PWD certification program.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220775 Sophie Swartzendruber, PWS, ISA-CA</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220776 Lindsey Freeman</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220777 Dan Cox</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

<p>220778 Sandra Williams, PWS</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220779 Ben Crumrine</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220780 Paul Pitera, PWD, VSWD</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220781 Amy Conley</p>	<p>The commenter noted 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. The commenter requests maintaining the current regulations.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220783 Ben Virts</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220785 Jamie Hudson</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

220786 Josh Mace	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220787 Kyle Zinn, Wetland Studies & Solution	The commenter supports the current educational, training, and experiential components and wishes them to be retained.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220790 Warren Gray, PWS, PWD, LPF (Whitman, Requardt and Associates, LLP)	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220793 Phil Bailey	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220805 Meggan Sellers	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220806 Environmental Professional	The commenter supports the change eliminating the requirement that one of three references be a certified PWD otherwise the comment wishes the board to retain the current regulations.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220808 Lance DeBord, Artemis Consulting Services, LLC	The commenter supports the change eliminating the requirement that one of three references be a certified PWD otherwise the comment wishes the board to retain the current regulations.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.

220809 Joe Felton	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220810 Jason Beeler	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220811 Anonymous	The commenter noted the changes do not matter.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220812 Environmental Professional	The commenter noted that 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.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220815 Professional	The commenter noted that 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.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220816 Joseph Fiorello, Stafford County Development Services	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
220817 John P. Connelly, Wetland Studies and Solutions, Inc.	The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.

<p>220820 Chelsea Thomas / Townes Site Engineering</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220821 Edward</p>	<p>The commenter supports the change eliminating the requirement that one of three references be a certified PWD otherwise the comment wishes the board to retain the current regulations.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220823 Tiffany Tweedy</p>	<p>The commenter supports the current educational, training, and experiential components and wishes them to be retained.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220825 Lee Mallonee</p>	<p>The commenter supports the current educational, training, and experiential components and wishes them to be retained.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220833 G Arnold</p>	<p>The commenter supports the current educational, training, and experiential components and wishes them to be retained.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220849 Mark Headly, Wetland Studies and Solutions, Inc (Retired)</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220857 Justin Brown, PWS, PWD, VSWD</p>	<p>The commenter supports the current educational, training, and experiential components and wishes them to be retained. The commenter 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>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

<p>220860 Taylor Sprenkle</p>	<p>The commenter noted that reducing the certification requirements could negatively impact the quality of delineations, wetland permits, compensatory mitigation, accurate/true engineering plans, and site development; supports the current educational, training, and experiential components of the CPWD regulation which are critical to assuring reliable and consistent identification of State Surface Waters.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
<p>220861 Daniel "Eli" Wright, MS, PWD, VSWD, PWS/ Dramby Environmental Consulting</p>	<p>The commenter requested that 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. The commenter strongly opposes the removal of the standard of conduct that PWDs notify employers or clients when their judgement is overruled. The commenter requests a public meeting to be held at all future stages of this regulatory revision to allow of full participation.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Kate Nosbisch
 Executive Director
 9960 Mayland Drive
 Perimeter Center, Suite 400
 Richmond, VA 23233
 BPSSandWP@dpor.virginia.gov
 (866) 465-6206 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
30-10	N/A	<p>Incorporates by reference definitions from Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.</p> <p>Provides definitions that are necessary to make the regulation clear and understandable and provides definitions for other specific terms used in the regulation.</p>	<p>The definition of “tidal wetlands” is revised to mean those wetlands subject to the jurisdiction of Chapter 13 of Title 28.2 of the Code of Virginia.</p> <p>The definition of “nontidal wetlands” is revised to mean all other wetlands, as that term is defined in § 62.1-44.3 of the Code of Virginia except those subject to the jurisdiction of Chapter 13 of Title 28.2 of the Code of Virginia.</p> <p>The change is intended to update and clarify the meaning of these terms.</p>
30-20	N/A	<p>This section provides that applicants for certification as a wetland delineator must meet the requirements specified in Chapter 22 of Title 54.1 of the Code of Virginia and in the regulation.</p> <p>The applicable provisions of the Code of Virginia require that an applicant for certification:</p> <ul style="list-style-type: none"> • Be 18 years of age or older; • Be of good moral character; 	<p>The section is revised to specify that an applicant pass the Board-approved examination.</p> <p>The section is revised to provide that the Board will waive the examination requirement for applicants who meet the requirements of § 54.1-2206 B of the Code of Virginia.</p> <p>A minor stylistic change is made.</p>

		<ul style="list-style-type: none"> • Successfully complete educational and experiential requirements established in the Code of Virginia and in the regulation; • Achieve a score acceptable to the Board on an examination; and • Provide three written references from wetland professionals, including at least one from a certified professional wetland delineator. 	
30-30	N/A	<p>This section provides that the date the application and fee are received in the Board's office will determine if the application has been received by the established deadline.</p> <p>The deadline referenced by the section is established in section -70, which provides that an application must be received by the Board's office at least 90 days prior to the examination.</p>	A clarifying wordsmithing change is made.
30-40	N/A	<p>This section establishes the qualifications for examination.</p> <p>The section provides that an applicant must provide three (3) written references from wetland professionals, including at least one from a certified professional wetland delineator. References must be on a Board-provided form. Individuals who provide references must not be related to the applicant and must have known the applicant for at least one year.</p> <p>Individuals who provide references cannot also verify experience, including research or teaching experience.</p>	<p>The section is revised to streamline its provisions by specifying that applicants must provide documentation of meeting education and experience requirements and three written references as provided for in § 54.1-2206.2 of the Code of Virginia.</p> <p>The specific education and experience criteria currently provided for in the section are removed because the education and experience qualifications for certification are specified in § 54.1-2206.2 of the Code of Virginia.</p> <p>Similarly, the provisions in the section regarding letters of reference are revised to remove the requirement the references be from wetland professionals, including at least one reference from a certified professional wetland delineator. This requirement is specified in § 54.1-2206.2 of the Code of Virginia.</p>

		<p>The section also provides for education and experience qualifications for examination. Applicants must meet one of the following criteria:</p> <ul style="list-style-type: none"> • (i) Hold a bachelor's degree from an accredited institution of higher education in a wetland science, biology, biological engineering, civil and environmental engineering , ecology, soil science, geology, hydrology, or any similar biological, physical, natural science or environmental engineering curriculum approved by the Board; (ii) have successfully completed a course of instruction in state and federal wetland delineation methods approved by the Board; and (iii) have four (4) years of qualifying experience in wetland delineation. • Have a record of at least six (6) years of experience in wetland delineation. • Have a record of at least four (4) years of experience in wetland science research or as a teacher of wetlands curriculum in an accredited institution of higher education. <p>Qualifying experience must meet requirements specified in section -50 and the quality of the experience must demonstrate to the Board that the applicant is competent to practice as a certified wetland delineator.</p>	<p>The section is also revised to remove the requirement that references be on a Board-approved form.</p>
30-50	N/A	<p>This section provides for qualifying experience in wetland delineation.</p>	<p>The qualifying experience requirements for those seeking to qualify based on inspection, review, or confirmation of</p>

		<p>For applicants applying based on experience in wetland delineation, the experience must be as a wetland professional and may include either:</p> <ul style="list-style-type: none"> • Preparation of at least 10 delineations, which must be no more than 10 years old at the time of receipt by the Board, delineating wetlands in accordance with applicable state and federal regulations that include proper identification of vegetation, soil, and hydrology indicators. At least six (6) of the 10 delineations must be for nontidal wetlands; or • The inspection, review, or confirmation of at least 30 delineations as an employee of a federal, state, or local government body that is authorized to review or approve such delineations, which must be no more than 10 years old at the time of receipt by the Board, delineating wetlands in accordance with applicable state and federal regulations that include the proper identification of vegetation, soil, and hydrology indicators. Experience must include performance of field verifications of a portion of those wetlands that were inspected, reviewed, or confirmed. At least six (6) of the 30 delineations must be for nontidal wetlands. <p>For applicants applying based on experience in</p>	<p>delineations are revised to provide that a minimum of 18 of the 30 delineations must be for nontidal wetlands. This change increases the stringency of the current requirement.</p> <p>The Board determined that the current requirement for experience in delineation of nontidal wetlands for did not provide sufficient demonstration of competency in nontidal wetland delineations.</p> <p>Under the current regulation, individuals attempting to qualify based on experience on preparing delineations are required to have 60% of their experience based on delineations of nontidal wetlands. However, for individuals attempting to qualify based on inspection, review, or confirmation of delineations only 20% of the required experience must be based on delineations of nontidal wetlands. The change would ensure that the proportion of experience in nontidal delineations is 60%.</p> <p>Other technical and clarifying wordsmithing changes are made.</p>
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		<p>wetland science research or teaching a wetlands curriculum:</p> <ul style="list-style-type: none"> • Experience as a wetland researcher must include preparation of a minimum of three (3) field studies focused on wetland delineation practice and issues, which includes proper identification of vegetation, soil, and hydrology indicators; and • Experience as a teacher of wetlands curriculum must have been acquired in an accredited institution of higher education as a field or laboratory instructor or quarter or semester length classes for a minimum of six (6) semester hours (or equivalent) within the past 10 years prior to receipt of the application by the Board. The curriculum must have included the proper identification of vegetation, soil, and hydrology indicators. 	
30-60	N/A	<p>This section provides for qualifying education requirements for individuals seeking to qualify for certification based on holding a bachelor's degree and completing a course of instruction in state and federal wetland delineation methods.</p> <p>A qualifying bachelor's degree must contain:</p> <ul style="list-style-type: none"> • Fifteen (15) semester hours (or equivalent) in biological sciences; 	<p>The section is revised to provide that acceptable education may include a graduate degree. The change is anticipated to allow more individuals to qualify for certification.</p> <p>The section is revised to remove the minimum required semester hours in biology, physical, and quantitative sciences as criteria for acceptable degree coursework.</p> <p>Other technical and clarifying changes are made.</p>

		<ul style="list-style-type: none"> • Fifteen (15) semester hours (or equivalent) in physical sciences; and • Six (6) semester hours in quantitative sciences. <p>A qualifying course of instruction in state and federal wetland delineation methods must be (i) a minimum of 32 hours; (ii) include proper identification of vegetation, soil, and hydrology indicators; and (iii) have a field component.</p>	
30-70	N/A	<p>This section provides for examinations for certification.</p> <p>The section provides that once approved by the Board, an applicant is eligible for the Board-approved examination.</p> <p>An applicant must meet all eligibility requirements as of the date the completely documented application and fee are received by the Board. The application and fee must be received by the Board at least 90 days prior to the examination.</p> <p>A candidate that is approved to take an examination must do so within one (1) year of the date of approval or must submit a new application and fee. An applicant that does not pass the examination within the one-year timeframe following date of approval must submit a new application and fee in order to take the examination.</p> <p>An applicant that is unable to take the examination at the time scheduled must notify DPOR in writing prior to the date of the examination. Such candidate will be rescheduled for the next examination without an additional fee. Failure to</p>	<p>The section is revised to remove the requirement that the application and fee be received by the Board at least 90 days prior to the examination.</p> <p>The change is intended to conform the regulation to agency practice. Currently, applicants for whom an application is received within the 90 days prior to an examination date are allowed to take the examination on the scheduled date instead of being required to wait for the next examination date.</p> <p>Clarifying wordsmithing changes are made.</p>

		<p>notify DPOR will result in forfeiture of the fee.</p> <p>The section also provides that candidates will be notified of passing or failing the examination.</p>	
30-80	N/A	<p>This section provides for waivers from the examination for certification.</p> <p>The section provides for the granting of a certification without examination for the following:</p> <ul style="list-style-type: none"> • Applicants that (i) hold an unexpired professional wetland delineator certificate, or an equivalent based on requirements that are equivalent to those for certification in Virginia, by a regulatory body of another jurisdiction; or (ii) have been previously certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993. Such applicants must not be, or must not have been, the subject of any disciplinary proceeding before the issuing regulatory body, and the issuing regulatory body must recognize certificates issued by the Board. • Applicants who submit a complete application so that it was received by the Board on or before June 30, 2006, and are found to be qualified under the applicable provisions of the Code of Virginia, provided all other requirements in Chapter 22 of Title 54.1 of the Code of Virginia, and the Board's regulation are satisfied. 	<p>This section is being repealed.</p> <p>The examination exemption provisions applicable to applicants who hold a certification issued by another jurisdiction or the U.S. Army Corps of Engineers are in statute (see § 54.1-2206(B) of the Code of Virginia.)</p> <p>The examination exemption provisions applicable to applicants who apply to the Board prior to June 30, 2006, are no longer necessary.</p>

<p>30-120</p>	<p>N/A</p>	<p>This section provides for reinstatement of certificates.</p> <p>The section provides that if the certificate renewal fee and late renewal fee are not received by DPOR within 180 days following the expiration date noted on the certificate, the certificate holder will no longer be considered a certificate holder and will be required to apply for certificate reinstatement.</p> <p>The applicant for reinstatement must meet current eligibility standards for certification as a Virginia certified professional wetland delineator. The Board may require examination or reexamination.</p> <p>The fee for reinstatement includes the regular renewal fee plus the reinstatement fee.</p> <p>The section further provides that if the reinstatement application and fee are not received by DPOR within one (1) year following the expiration date noted on the certificate, the applicant must apply as a new applicant and must meet all current entry requirements.</p>	<p>The section is revised to remove the provision that the Board may require examination or reexamination. The entry requirements for certification, including the requirement for examination, are established by statute.</p> <p>The timeframe for reinstatement of an expired certificate is increased from one (1) year to two (2) years before an individual must obtain a new certificate. This change reduces the stringency of the current requirement.</p>
<p>30-140</p>	<p>N/A</p>	<p>This section provides for the standards practice and conduct for Virginia certified professional wetland delineators.</p> <p>The section provides that a certified professional wetland delineator is prohibited from:</p> <ul style="list-style-type: none"> • Submitting any false statements, making any misrepresentations; or failing to disclose facts requested concerning 	<p>The section is revised to remove the requirement that a certificate holder notify a client or employer and appropriate regulatory agency if the certificate holder's professional judgment is overruled and not adhered to when advising parties of any circumstances of a substantial threat to the public health, safety, or welfare.</p> <p>The section is also revised to remove the requirement that a certificate holder sign and date documents prepared or reviewed and approved by the certificate holder; and indicate on all such</p>

		<p>any application for certification or recertification.</p> <ul style="list-style-type: none"> • Engaging in any fraud, deceit, or misrepresentation in advertising, in soliciting, or in providing professional services. • Knowingly signing plans, drawings, blueprints, surveys, reports, specifications, maps, or other documents not prepared or reviewed and approved by the certificate holder; • Knowingly representing a client or employer on a project on which the certificate holder represents or has represented another client or employer without making full disclosure to the client or employer; • Knowingly misrepresenting factual information in expressing a professional opinion; • Utilizing the design, drawings, specifications, or work of another regulant to complete or replicate any work without the written consent of the person or organization that owns the designs, drawings, specifications, or work. <p>The section also provides that a certified professional wetland delineator must:</p> <ul style="list-style-type: none"> • Express a professional opinion only when it is founded on adequate knowledge of established facts at issue and is based on a background of technical competence in the subject matter; 	<p>documents that prepared or reviewed and approved that the certificate holder is a Virginia certified professional wetland delineator, along with their certificate number.</p> <p>The Board determined these standards were not necessary to protect the public health, safety, and welfare.</p>
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		<ul style="list-style-type: none"> • Immediately notify the client or employer and the appropriate regulatory agency if the certificate holder's professional judgment is overruled and not adhered to when advising appropriate parties of any circumstances of a substantial threat to the public health, safety, and welfare; • Exercise reasonable care when rendering professional services and apply the technical knowledge, skill, and terminology ordinarily applied by practicing wetland professionals; and • Sign and date all plans, drawings, blueprints, surveys, reports, specifications, maps, or other documents prepared or reviewed and approved by the certificate holder; and indicate on all such documents that prepared or reviewed and approved that the certificate holder is a Virginia certified professional wetland delineator, along with their certificate number. 	
30-160	N/A	This section requires that a certificate holder keep DPOR informed of the certificate holder's current mailing address. Changes of address must be reported to DPOR within 30 calendar days of the change.	A stylistic change is made to remove a gendered term.