

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS
MEETING MINUTES**

The Board for Professional Soil Scientists and Wetland Professionals met on January 10, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Nancy Barker
Douglas S. Davis
Charles E. Nelson
H. Thomas Saxton
Angela C. Whitehead

Board members Robert B. Atkinson and Angie Hall were not present at the meeting.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen R. Nobsch, Executive Director
Marian Brooks, Board Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant

Liz Myers, Assistant Attorney General, was present for the meeting.

Finding a quorum of the Board present, Ms. Barker, Chair, called the meeting to order at 10:04 a.m.

Call to Order

Ms. Barker advised the Board of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Nelson moved to approve the agenda. Mr. Davis seconded the motion which was unanimously approved by members: Barker, Davis, Nelson, Saxton and Whitehead.

Approval of Agenda

Ms. Barker welcomed and introduced Ms. Liz Myers, Assistant Attorney General. Ms. Myers was in attendance as board counsel, Joshua Lief, was unable to attend.

**Introduction of Liz
Myers, Assistant
Attorney General**

Mr. Saxton moved to approve the minutes from the following meeting:

Approval of Minutes

- October 12, 2011, Board Meeting

Mr. Davis seconded the motion which was unanimously approved by members: Barker, Davis, Nelson, Saxton and Whitehead.

Public Comment Period – There were no comments made to the Board.

Public Comment Period

Mr. Dixon explained that he was implementing the Director's Report to keep Boards informed of agency activities and issues. Mr. Dixon discussed the Governor's Reform Commission initiatives and budget cut proposals and the affect they would have on the Professional Soil Scientist and Wetland Professionals Board. In particular, the Board could possibly be merged with the Geology Board. Mr. Dixon did not have any information on board seat allocation if the boards merge.

Director's Report

Mr. Dixon reported on Executive Order #3, which will eliminate as much out-of-state travel as possible, unless critical to the mission of the Board. Mr. Dixon informed the Board that all out-of-state travel requests must be approved by the Secretary's office. He also reminded the Board that, as appointees of the governor, they cannot speak on behalf of the Board in response to the legislative recommendations. Board members may speak as a member of the public.

Mr. Dixon reported that the second release of the EAGLES licensing database was complete with few issues.

Ms. Nosbisch reported that Jeff Waite, Budget Director, affirmed the Board could absorb the \$2,000 annual cost of the Council of Soil Scientist Examiners (CSSE) National Soil Scientist exam. Ms. Nosbisch stated the Board would need to make the decision to use the national exam before finalizing the regulations.

Discussion of Soil Scientist Exam

Board members were provided copies of the draft regulations. Ms. Nosbisch informed the Board that the only changes that have been made to the regulations are the ones including certification to licensure for soil scientists. Discussion was held on the continuing education provision that has been included in statute for soil scientists. Board members felt that eight (8) hours per year was too constrained and discussed the possibility of changing the statute to read sixteen (16) hours per two year renewal period, but realized this would take a change in statute. Ms. Nosbisch stated that a finalized draft of the regulations will be presented at the April 19, 2012, board meeting.

Regulatory Update

Ms. Nosbisch informed the Board that there was one comment made during the public comment period of the Periodic Regulatory Review. The Board reviewed the draft response. Mr. Nelson moved to approve the response drafted by staff. Ms. Whitehead seconded the motion which was unanimously approved by members: Barker, Davis, Nelson, Saxton and Whitehead. Ms. Whitehead moved to file a TH-07 and no further action will be taken on the regulations. Mr. Davis seconded the motion which was unanimously approved by members: Barker, Davis, Nelson, Saxton and Whitehead.

Periodic Regulatory Review

Discussion was held on the use of a Professional Wetland Delineator seal. Board members expressed concern over the use of a seal, in that, the public may perceive a sealed delineation as correct, even though there can be discrepancies in the delineation. 18VAC145-30-140.9 states that a Professional Wetland Delineator must provide their certificate number, date and signature on all delineations. Mr. Saxton moved to have the minutes reflect that, a licensee must adhere to the requirements of 18VAC145-30-140.9, and that a licensee may include a seal if the requirements are met, as there is nothing in the regulations prohibiting the use of a seal. Mr. Davis seconded the motion which was unanimously approved by members: Barker, Davis, Nelson, Saxton and Whitehead.

Discussion of Professional Wetland Delineator Seal

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

Review of Financial Statements


Mr. Kevin Seaford, President, Virginia Association of Professional Soil Scientists (VAPSS), was present to address the Board regarding the CSSE national exam for Soil Scientists. Mr. Seaford stated that VAPSS supports the use of the national exam as it is updated annually and would help licensees with reciprocity in other states.

Other Business

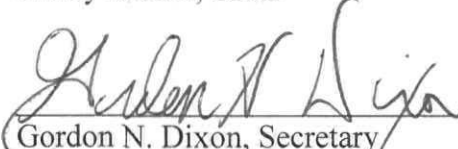
Discussion was held on the legislative process required to affect change in statutory language.

There being no further business, the meeting was adjourned at 10:59 a.m.

Adjournment



Nancy Barker, Chair



Gordon N. Dixon, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Tom Saxton
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting January 10, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

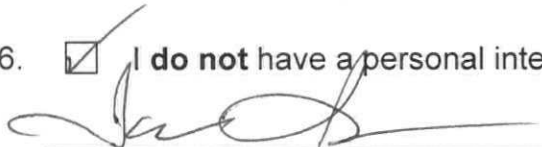
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

1-10-12

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Angela C. Whitehead
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting January 10, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Angela Whitehead
Signature

1/10/12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Nancy G. Barker
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting January 10, 2012

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Nancy G. Barker
Signature

1/10/2012
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Charles E. Nelson
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting January 10, 2012

5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction:

NONE

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Charles E. Nelson
Signature

1-10-12
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Douglas S. Davis
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting January 10, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

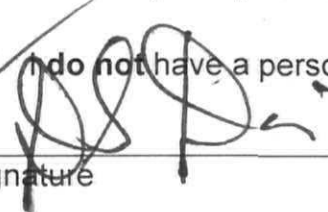
or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature

Date



10 Jan 12