

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,
WETLAND PROFESSIONALS and GEOLOGISTS MEETING
(PSSWPG)**

**Monday, March 9, 2026 – 10:00 a.m.
2nd Floor – Board Room 2**

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233**

Mission: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

- a. Emergency Evacuation Procedures
- b. Determination of Quorum

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- a. PSSWPG Board Meeting, December 2, 2025

IV. WELCOME AND INTRODUCTIONS

V. PUBLIC COMMENT PERIOD *FIVE MINUTE PUBLIC COMMENT, PER PERSON*

VI. COMMUNICATION

- a. Email from Thaddeus Kraska, VAWP

VII. EDUCATION

- a. Examination Updates
 - i. Examination Statistics (Overall)

VIII. NEW BUSINESS

- a. Executive Director's Update
- b. Regulatory Update
 - i. General Regulatory Review Update
 - ii. HB 1835 Amendment Update
 - iii. Guidance Document 6029 Amendment
- c. General Assembly Update
- d. Remote Meeting Attendance by Board Members Policy

IX. OTHER BUSINESS

- a. Clarification of ULR License Scope of Practice from October 16, 2025
- b. DEQ - Clarification Regarding Inspection Requirements for Wastewater
- c. Soil Scientists Update
- d. Wetland Professionals Update
- e. Geologists Update
- f. Licensed Population
- g. Board Member Training
- h. Election of Officers

X. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER

IX. ADJOURNMENT

NEXT MEETING SCHEDULED FOR **WEDNESDAY, JUNE 3, 2026**

- ❖ Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.
- ❖ Five-minute public comment, per person, with the exception of any open disciplinary or application file.
- ❖ Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation or official board position.
DRAFT AGENDA

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on December 2, 2025, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Members present for all or part of the meeting:

Citizens

Cayman Lowe
Steven Yob

Geologists

Ernest Beasley
Matt Heller
Shannon Lukens
John Pollard

Soil Scientists

Jay Conta
Alexis Jones
Richard Michniak

Wetland Delineators

Justin Brown
Emily Drahos

Staff present for all or part of the meeting were:

Jeb Wilkinson, Director
Steve Kirschner, LRPD Director
Kate Nobsch, Executive Director
Ecila Williams, Licensing Operations Administrator
Dayon Jones, Administrative Coordinator
Greg Emerson, Executive Director - Examinations

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

Enid Candelaria-Vega, BPOR Liaison, and Joe Haughwout, Regulatory Affairs Manager, were not present at the meeting with regrets.

Members of the audience:

Robin Bedenbaugh, *Virginia Association of Wetland Professionals*
Thaddeus Kraska, *Virginia Association of Wetland Professionals*
Elijah Wright, *Virginia Association of Wetland Professionals*

Mr. Brown, Chair, called the meeting to order at 10:00 a.m.

Call to Order

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

**Emergency
Evacuation**

Ms. Jones moved to approve the agenda with the addition of Board Member Training as Item VI. Mr. Conta seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Approval of Agenda

Ms. Lukens requested that the minutes be amended to reflect her last name being changed from George to Lukens. Mr. Yob moved to approve the PSSWPG Board Meeting, September 16, 2025, minutes as amended. Ms. Jones seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Approval of Minutes

Mr. Conta moved to approve the Wetland Delineator Section Meeting, October 16, 2025 minutes. Mr. Beasley seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Elijah Wright addressed the Board with concerns regarding the interpretation of the “jurisprudential exam” under the URL process and the issuance of Professional Wetland Delineator (PWD) certifications based on out-of-state credentials that may not meet Virginia’s statutory requirements.

Public Comment Period

Robin Bedenbaugh addressed the Board and stated that the New Hampshire wetland certification program is not comparable to Virginia’s Professional Wetland Delineator requirements. He also noted concerns about URL certifications issued without proper alignment to Virginia’s scope of practice.

Thaddeus Kraska addressed the Board and expressed concern that significant differences between Virginia’s wetland and soil conditions and those in other states may result in applicants lacking sufficient competency through the URL pathway.

The Board received and reviewed an email from Eli Wright, Virginia Association of Wetland Professionals, dated October 28, 2025, for informational purposes.

Communication

The Board proceeded to discuss jurisprudence examination regarding Wetland Professionals.

Examinations Update

At 10:57 a.m., Ms. Drahos moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, as permitted by § 2.2-3711.A.8 of the Code of Virginia. Mr. Yob seconded the motion

Closed Meeting

which was unanimously approved by: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

At 11:29 a.m., Mr. Yob moved to adjourn the closed meeting and to immediately reconvene in open meeting. Ms. Jones seconded the motion which was unanimously approved by roll call vote: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

After a discussion, Mr. Yob made a motion to determine that the Professional Wetland Delineator examination does not qualify as a jurisprudence examination under Virginia law. Ms. Jones seconded the motion, which was unanimously approved by: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob. **Examinations Update (Cont.)**

Ms. Nosbisch addressed the board regarding outsourcing the Wetland Professionals examination due to the lack of an in-house psychometrician and the associated cost of exam validation. Mr. Kirschner reviewed the Request for Proposal (RFP) process, noting that outsourcing would provide professional support and regular exam maintenance.

Mr. Emerson addressed the Board on how contracted vendors monitor exam performance, identify problematic questions, and conduct interim reviews as needed. The Board received clarification on the role of subject matter experts and psychometric analysis in maintaining exam validity.

Ms. Jones moved to approve staff to move forward with outsourcing examinations for the Wetland Professional exam. Ms. Drahos seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Ms. Nosbisch stated the Executive Director Report was provided for informational purposes only. **Executive Director Report**

Ms. Nosbisch advised the Board of an update on the completion of all General Regulatory Reviews required under regulatory reduction initiatives. The Professional Soil Scientists regulations went into effect on October 1, 2025, and the Wetland Professional and Geologists regulations went into effect on November 1, 2025. The Application Review Matrix Guidance Document approved at the previous meeting is now open for public comment on Town Hall and will close on December 31, 2025, and will take effect January 1, 2026. **Regulatory Update**

Ms. Nobsch updated the Board regarding concerns previously raised about national pass rates for the Soil Science Society of America (SSSA) examination. Ms. Nobsch had a productive discussion with SSSA representatives, who acknowledged the issue and are working on improvements. Ms. Nobsch noted that national pass rates mirror Virginia's results and that SSSA is seeking volunteers to assist with exam development.

Soil Scientists Update

Ms. Nobsch reported that a virtual meeting was held on November 19 with Mr. Wright, Mr. Kraska and Mr. Bedenbaugh and staff to discuss questions relating to the URL process and concerns raised at previous meetings.

Wetland Professionals Update

Ms. Nobsch updated the Board on outreach and examination education. Ms. Williams provided a presentation virtually to Geology majors attending James Madison University on the Geologist-in-Training and Geology examination process, which was well received. Mr. Pollard provided a report from attending the National Association of State Boards of Geology (ASBOG) Annual Meeting and Workshop, including insights into psychometric evaluation, exam development, and field workshops. Several Board members noted the value of psychometric guidance in maintaining exam integrity.

Geologists Update

Mr. Brown informed the board of the licensee counts as of November 1, 2025: Soil Scientists – 76; Wetland Delineators – 152; Geologists – 879.

License and Certified Population

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

Conflict of Interest Forms/Travel Vouchers

There being no further business, the meeting was adjourned at 12:00 p.m.

Adjourn

Justin T. Brown, Chair

James "Jeb" Wilkinson, Secretary


VAWP ULR/PWD Briefing Packet + Wetland Section pre-meeting Requests

From Ted Kraska <tkraska@cctownes.com>

Date Mon 2/2/2026 10:07 AM

To Professional Soil Scientists, Wetland Professionals, and Geologists (PSSWPG) board <psswpg@dpor.virginia.gov>

Cc Nosbisch, Kate (DPOR) <kate.nosbisch@dpor.virginia.gov>; DPOR: Complaint Analysis (DPOR) <complaintanalysis@dpor.virginia.gov>; Robin Bedenbaugh <rbedenbaugh@res.us>; Eli Wright <ewright@w3env.com>

 1 attachment (4 MB)

ULR-PWD_BoardBriefingMemo_VAWP_Package_20260202.pdf;

Hi Director Nosbisch and DPOR staff,

On behalf of the Virginia Association of Wetland Professionals (VAWP), attached is a draft briefing memorandum and supporting attachments regarding Universal License Recognition (ULR) implementation for the Professional Wetland Delineator (PWD) credential. This packet is intended to support the Board's scheduled February 17, 2026, meeting and to assist Board members (including newly appointed members) with a shared factual background, a clear record of prior Board actions, and a concise list of outstanding policy/administrative questions for discussion.

Consistent with prior correspondence, this submittal is process- and policy-focused. It does not request enforcement action and does not allege misconduct or regulatory violations by any individual.

Request 1 – Agenda packet inclusion

VAWP respectfully requests that DPOR include this briefing packet in the February 17 agenda materials for Board member review in advance of the meeting or otherwise distribute it to Board members as part of the pre-meeting packet. We believe this will help keep discussion efficient and grounded in the public record, particularly as the Board considers how “similar scope of practice” determinations under ? 54.1-205 align with current implementation practices.

Request 2 – Pre-meeting with Wetland Section

In addition, VAWP respectfully requests DPOR's assistance in convening a brief meeting (or call) with the current Wetland Section Board members prior to the February 17, 2026, full Board meeting. The purpose would be to provide a short, factual walkthrough of the materials, answer questions on the record sources (including the DEQ FOIA record released on December 3, 2025), and ensure Wetland Section members have adequate context before the item is discussed at the full Board meeting.

If helpful, VAWP can make representatives available at DPOR's convenience prior to February 17, 2026. Thank you for your consideration and for your assistance with facilitating a clear and orderly Board-level discussion.

Kind regards,

On behalf of the Virginia Association of Wetland Professionals (VAWP)

Thaddeus J. Kraska, PWS, PWD

Senior Associate - Director of Environmental Services

Townes Site Engineering

[1 Park West Circle](#)

[Suite 108](#)

[Midlothian, VA 23114](#)

(804) 748-9011 ext 255

(804) 944-1934 cell

tkraska@cctownes.com

Briefing Memorandum

Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463

February 2, 2026

Prepared for: Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Prepared by: Virginia Association of Wetland Professionals (VAWP) Certifications Committee
Submitted to: psswpg@dpor.virginia.gov
Cc: kate.nosbisch@dpor.virginia.gov; ComplaintAnalysis@dpor.virginia.gov

Subject: Universal License Recognition (ULR) and Professional Wetland Delineator (PWD) Certifications – Background, Board Actions, and Outstanding Policy Questions

I. Purpose

This memorandum provides a comprehensive factual briefing regarding the implementation of Universal License Recognition (ULR) as applied to the Professional Wetland Delineator (PWD) credential, the Board's actions to date, and issues identified through Board records, DPOR communications, and public records requests.

The intent is to ensure that all Board members, including those recently appointed, share a common understanding of:

- The statutory framework governing ULR and Board responsibility for “similar scope of practice” determinations;
- The timeline by which ULR-related PWD applications and certifications were administratively approved;
- The sequence and substance of Board and Wetland Section actions addressing equivalency;
- The relationship between PWD credentialing and downstream regulatory reliance (including DEQ programs); and
- The policy and administrative questions that remain unresolved following the Board's December 2, 2025 actions.

This briefing does not request enforcement action against any individual regulant and is focused solely on policy clarity, public protection, and program integrity.

II. Background: Universal License Recognition in Virginia

A. Legislative Framework

Universal License Recognition (ULR) became effective July 1, 2023, following enactment by the Virginia General Assembly. ULR was designed to facilitate workforce mobility by allowing individuals licensed or certified in other states to obtain equivalent credentials in Virginia, provided specific statutory conditions are met.

A central statutory requirement of ULR is that the reliance on out-of-state credential be in a profession or occupation with a “**similar scope of practice**,” as determined by the applicable Virginia regulatory board (§ 54.1-205, Code of Virginia).

The statute does not define “similar scope of practice,” explicitly leaving that determination to the judgment of each **regulatory board**, based on the nature of the profession and its public protection responsibilities.

III. Application of ULR to the PWD Program

A. PWD Credential Characteristics

The Professional Wetland Delineator credential presents unique considerations under ULR because:

- Wetland delineation relies heavily on Virginia-specific soils, hydrology, vegetation, and physiographic conditions (specifically Virginias Coastal Plain, Piedmont/Mountains, and tidal wetlands);
- PWD determinations directly affect the identification and regulation of state and federal surface waters;
- PWD certification is a **prerequisite for eligibility** for the Virginia Department of Environmental Quality’s State Surface Water Delineation (SSWD/VSWD) program; and
- PWD credentials are relied upon by DEQ, local governments, and regulated entities/applicants as a proxy for technical competence.

As a result, determinations regarding “similar scope of practice” for out-of-state wetland credentials carry heightened implications for environmental protection, regulatory consistency, and public confidence.

IV. Board Awareness & Administrative Implementation

A. Board Awareness (2023–2024)

Review of Board agendas and minutes from March 2023 through early 2025 shows that:

- The Board was informed of the passage and effective date of ULR in 2023;
- ULR was initially presented as a statutory change being implemented administratively by DPOR;
- Early staff updates to the Board referred to “ULR-approved applications,” without identifying the originating state credentials or describing scope-of-practice analysis;
- Board members were not offered the opportunity to review individual ULR applications for PWD certification; and
- No formal Board action was taken during this period to evaluate or determine equivalency of out-of-state wetland delineation programs.

B. Administrative ULR Approvals

According to DPOR records reflected in Board updates and subsequent FOIA materials, DPOR administratively approved four PWD credentials under ULR prior to any Board equivalency determinations, including:

- Two PWDs based on Minnesota credentials (August and September 2023);
- One PWD based on New Hampshire credentials (March 2024); and
- One PWD based on North Carolina credentials (July 2024).

‘Administrative approval’ refers to DPOR staff application approval and certification issuance actions reflected in staff updates and public-record materials; it does not imply Board review of individual applications. These approvals occurred without documented Board review of whether the originating programs met the statutory requirement of “similar scope of practice.”

V. Issue Identified and Board Engagement (May–October 2025)

A. VAWP Raising Concerns (May 2025)

In May 2025, VAWP formally raised concerns during public comments to the full Board regarding:

- Whether certain out-of-state wetland credentials being used for ULR approvals were substantively similar to Virginia’s PWD program; and
- Whether administrative approvals were occurring without sufficient Board-level policy determinations.

These concerns prompted Board members to request further discussion and clarification.

B. Wetland Section Special Meeting (October 16, 2025)

In response, the Wetland Section convened a special meeting on October 16, 2025, specifically to evaluate equivalency of out-of-state wetland delineation programs.

At that meeting:

- DPOR staff presented only three states for review: Minnesota, Wisconsin, and New Hampshire;
- DPOR staff acknowledged that they were not aware of any other states with potentially equivalent wetland delineator credentials;
- DPOR staff emphasized that § 54.1-205 places responsibility for “similar scope of practice” determinations with the Board, not staff.

Following substantive discussion, the Wetland Section determined:

- Minnesota does not have a similar scope of practice to Virginia’s PWD program;
- Wisconsin does not have a similar scope of practice to Virginia’s PWD program; and
- New Hampshire does have a similar scope of practice.

These determinations were documented in the Wetland Section minutes and transmitted to the full Board as recommendations.

VI. Full Board Action (December 2, 2025)

At the December 2, 2025 PSSWPG Board meeting:

- The Board voted to approve the October 16, 2025 Wetland Section meeting minutes and the recommendations contained therein;
- By doing so, the Board adopted the Wetland Section’s “similar scope of practice” determinations for ULR eligibility.

However:

- The Board did not vote to rescind, review, or otherwise address previously issued ULR-based PWD certifications; and
- The initial draft minutes posted to the Virginia Town Hall did not explicitly restate the scope determinations, prompting subsequent clarification requests by VAWP.

VII. VAWP Complaint and DPOR Response

A. Complaint Scope

On December 4, 2025, VAWP submitted a formal complaint to DPOR requesting review of administratively issued PWD certifications under ULR. The complaint focused on process and eligibility, not misconduct and sought clarity regarding alignment between Board policy and administrative implementation.

DPOR responded that complaint enforcement action requires a named regulant and alleged violation, and therefore the matter was treated as a policy issue rather than an investigation. DPOR response indicated the determinations should be pulled forward for further Board discussion rather than treated as closed administrative history.

VIII. Case Studies Illustrating Programmatic Impact

A. North Carolina Credential and Board Appointment

A PWD certified under ULR by DPOR via reciprocity from North Carolina was appointed to the PSSWPG Board in 2024. Subsequent findings and records review determined that:

- North Carolina does not have a wetland delineator certification program comparable to Virginia's;
- The individual was appointed to the PSSWPG Board Wetland Section during the period of ULR implementation and before Board review of similar scopes of practice; and
- The individual's PWD credential was later surrendered, and the Board seat vacated following the October 16, 2025 special Wetland Section meeting. This vacancy occurred prior to the end of the regular term.

This sequence underscored the governance and credibility implications of unresolved equivalency determinations.

B. DEQ SSWD & FOIA Findings

Public records obtained from DEQ show that:

- One approved PWD applied for and obtained a DEQ Virginia Surface Water Delineator (VSWD) credential based on administratively approved ULR PWD application with reciprocity from Minnesota
- Between the time this individual was certified as a PWD but before they applied for the VSWD, DEQ conducted confirmation site visits and required substantial revision and site-level corrections to two State Surface Water Determination (SSWD) requests submitted by the individual
- After the individual obtained SSWD certification (which relies on PWD status), DEQ review posture shifted toward desktop-level review and reliance only (consistent with their internal policies); and
- No DEQ site visits occurred after SSWD certification was granted.

These findings highlight the credential dependency between PWD and SSWD and reinforce the importance of initial Board determinations, which serve as the basis for other state agencies policies and procedures.

IX. Current Concerns and Open Administrative Questions

Based on preceding, VAWP suggests the PSSWPG Board consider addressing the following on the record:

1. Confirm and restate Board determinations

- Reaffirm that Minnesota and Wisconsin do not have, and New Hampshire does have, a similar scope of practice.
- Confirm that no other states are currently known to have potentially equivalent wetland delineation credentials.

2. Clarify the scope of the December 2, 2025 vote

- Clearly distinguish adoption of policy determinations from any action (or inaction) regarding previously issued credentials.

3. Request a DPOR Implementation and Policy report

Ask staff to provide, for the record, a factual summary of:

- Number of ULR-based PWD certifications issued, and now active, by state credential/program;
- Issuance dates relative to the Board determinations;
- Authority relied upon for pre-determination approvals;
- Controls are now in place to ensure ULR implementation alignment with Board determinations.

4. **Define options for addressing pre-determination credentials**
 - Identify lawful, non-disciplinary pathways (if any) to resolve discrepancies without alleging misconduct.
5. **Exam / qualification pathway clarity**
 - For ULR-based PWD applicants, clarify (for the record) whether applicants are being granted the Virginia credential without sitting for the Virginia examination, or whether ULR applicants are being screened for eligibility to sit for the exam consistent with Virginia requirements, and describe what role (if any) the Board has in reviewing or confirming that screening.
6. **Consider interim interagency communication**
 - Consider whether any interim communication is appropriate to agencies and local programs that rely on PWD credentials (for example, DEQ SSWD/VSWD and CBPA localities), while policy alignment is clarified.
7. **Revisit New Hampshire Program Equivalency**
 - Based on public comment raised at the December 2, 2025 meeting, consider whether New Hampshire's program is sufficiently similar in scope of practice given Virginia-specific conditions and regulation surrounding the definition of Wetland Delineation and the Practice of Wetland Delineation.

X. Attachments

To support Board review, the following attachments are provided:

1. **ULR Statutory Excerpt (§ 54.1-205)**
2. **Summary Timeline of ULR PWD Implementation**
3. **October 16, 2025 Wetland Section Meeting Minutes**
4. **December 2, 2025 Board Meeting Minutes (draft and revised)**
5. **VAWP Complaint Letter & DPOR Response (Dec 2025 – Jan 2026)**
6. **DEQ SSWD FOIA Case Study**

This briefing is submitted respectfully and in good faith. It is intended to ensure credentialing accuracy, protect the public, and maintain the integrity of Virginia's wetland delineation and surface water delineation programs.

Thank you for your time and attention. We are available to provide additional information or documentation as needed.

Respectfully submitted,

The Virginia Association of Wetland Professionals



Thaddeus J. Kraska, PWD, PWS, VSWD
President



Robin Bedenbaugh, PWD, VSWD
Certifications Committee Chair

Attachment 1
ULR Statutory Excerpt (§ 54.1-205)

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DRAFT AGENDA

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

Chapter 2. General Provisions

§ 54.1-205. Universal license recognition

A. For purposes of this section,

"Another state" or "other state" means any state, territory, possession, or jurisdiction of the United States.

"Neighboring state" means the District of Columbia, Maryland, North Carolina, Kentucky, Tennessee, or West Virginia.

B. Except as provided in subsection D, the regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:

1. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;
2. The individual has held the professional or occupational license or government certification in the other state for at least three years;
3. The board in the other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;
4. There are no pending investigations or unresolved complaints against the individual, and the board in the other state holds the individual in good standing;
5. The individual does not have a disqualifying criminal record as determined by the board in the Commonwealth in accordance with § 54.1-204;
6. No board in another state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and
7. The individual pays all applicable fees.

C. Except as provided in subsection D, the regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize work experience in another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:

1. The individual worked in another state that does not use a professional or occupational license or government certification to regulate a profession or occupation, but the Commonwealth uses a professional or occupational license or government certification to regulate a profession or occupation with a similar scope of practice, as determined by the board;

2. The individual has worked in the profession or occupation for at least three years;
3. The individual passes any examination required by the board of applicants for licensure or certification; and
4. The individual satisfies the conditions outlined in subdivisions B 5, 6, and 7.

D. The Real Estate Appraiser Board, the Real Estate Board, the Board for Waste Management Facility Operators, and the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall, upon application by an individual, and without examination, immediately recognize the licenses or certificates issued by a neighboring state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:

1. The individual holds a current and valid professional or occupational license or government certification in a neighboring state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;
2. There are no pending investigations or unresolved complaints against the individual, and the other state holds the individual in good standing;
3. The individual does not have a disqualifying criminal record as determined by the board in accordance with § 54.1-204;and
4. No other state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public.

E. The regulatory boards within the Department of Professional and Occupational Regulation may require an individual seeking a professional or occupational licensure or government certification pursuant to this section to pass a jurisprudential examination specific to relevant state laws and administrative rules that regulate such profession or occupation if such an examination is required of other applicants for the same license or certification.

F. This section shall not apply to any professional services, as defined in § 2.2-4301.

2023, cc. 2, 3;2024, c. 157.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Attachment 2
Summary Timeline of ULR PWD Implementation

DRAFT AGENDA
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DRAFT AGENDA

Timeline of ULR PWD Implementation and Board for Professional Soil Scientists, Wetland Professionals, and Geologists Actions
March 2023-February 2026

Date	Event Category	Primary Actor	Secondary Actor	Event Description	Relevance Notes
3/28/2023	Board Meeting	PSSWPG Board	DPOR (staff briefing)	Board received an initial briefing that ULR legislation would take effect July 1, 2023; members requested follow-up discussion at a later meeting.	Initial Board awareness; no PWD-specific equivalency determinations recorded.
5/23/2023	Wetland Section Meeting	PSSWPG Wetland Section	DPOR (staff)	Wetland Section discussed ULR during a regulation review; staff indicated a process was being developed to verify ULR eligibility requirements (including experience).	Early discussion; process development noted.
6/27/2023	Board Meeting	PSSWPG Board	DPOR (staff briefing)	Board received informational material on ULR and its July 1, 2023 effective date.	Minutes do not reflect PWD-specific scope-of-practice or equivalency determinations.
7/1/2023	Legislation	Virginia General Assembly	DPOR	Universal License Recognition (ULR) becomes effective; DPOR begins implementation across applicable boards.	Triggers Board responsibility to determine "similar scope of practice" under § 54.1-205.
8/25/2023	Administrative Approval (ULR)	DPOR	Out-of-state PWD applicant (based on Minnesota credential)	DPOR administratively approved a ULR-based PWD credential (Minnesota #1).	Issued prior to Board equivalency determinations.
9/5/2023	Administrative Approval (ULR)	DPOR	Out-of-state PWD applicant (based on Minnesota credential)	DPOR administratively approved a ULR-based PWD credential (Minnesota #2).	Issued prior to Board equivalency determinations.
9/26/2023	Board Meeting	PSSWPG Board	DPOR (staff)	Board meeting materials did not include a PWD-specific discussion of ULR approvals; staff provided general licensure/certification counts.	No ULR/PWD determinations reflected in minutes despite prior administrative approvals.
1/19/2024	Board Meeting	PSSWPG Board	DPOR (staff)	Staff reported two ULR PWD applications approved as of 12/1/2023. The Board reviewed the 9/1/2016 wetland scope-of-practice guidance and voted to retain it (only included boundary-survey limitation discussion).	ULR discussed as application approvals; Board did not adopt PWD equivalency determinations at this meeting.
3/4/2024	Board Meeting	PSSWPG Board	DPOR (staff)	Staff repeated the prior update that two ULR PWD applications were approved as of 12/1/2023.	Continued reporting of application approvals; no PWD equivalency determinations recorded.
3/20/2024	Administrative Approval (ULR)	DPOR	Out-of-state PWD applicant (based on New Hampshire credential)	DPOR administratively approved a ULR-based PWD credential (New Hampshire).	Issued prior to Board equivalency determinations.
6/11/2024	Board Meeting	PSSWPG Board	DPOR (staff)	Staff reported three ULR PWD applications approved as of 5/23/2024.	Continued reporting of application approvals; no PWD equivalency determinations recorded.
7/1/2024	Administrative Approval (ULR)	DPOR	Out-of-state PWD applicant (North Carolina credential)	DPOR administratively approved a ULR-based PWD credential (North Carolina).	Issued prior to Board equivalency determinations.
9/4/2024	Board Meeting	PSSWPG Board	DPOR (staff)	Staff reported four ULR PWD applications approved as of 8/27/2024.	Continued reporting of application approvals; no PWD equivalency determinations recorded.
10/4/2024	Board Appointment	Governor's Office	Wetland Section member appointment	Governor's Office announced a Wetland Section Board appointment of the North Carolina ULR PWD.	Board appointment of a ULR PWD prior to the Board's program-level equivalency determinations.
12/2/2024	Board Meeting	PSSWPG Board	DPOR (staff)	Staff reported five ULR PWD applications approved as of 11/22/2024.	Later staff updates reported different totals; may reflect data reconciliation.
5/14/2025	Board Meeting	PSSWPG Board	DPOR / VAWP (public comment)	VAWP raised process and eligibility concerns regarding ULR-based PWD credentials during public comment. A Board member requested continued discussion at a future meeting. Staff reported four ULR PWD applications approved as of 5/1/2025.	Initiated focused Board discussion; staff-reported totals differed from the December 2024 update.
7/11/2025	Board Appointment	Governor's Office	Wetland Section member appointment	Governor's Office announced a Wetland Section Board appointment (replacement).	Second Wetland Section membership changed during ongoing ULR discussions.
8/1/2025 [Date Approximate]	Board Appointment	Governor's Office	Board member appointments (Soil Scientist; Geologist)	Governor's Office announced additional Board member appointments, replacing departing members.	Board composition changed during key ULR policy development.
9/16/2025	Board Meeting	PSSWPG Board	DPOR (staff)	DPOR staff provided an overview of ULR-related PWD items and indicated a follow-up discussion with wetland stakeholders would occur before the December 2, 2025 meeting. Staff reported four ULR PWD applications approved as of 9/1/2025.	Sets stage for Wetland Section equivalency review.

Date	Event Category	Primary Actor	Secondary Actor	Event Description	Relevance Notes
10/16/2025	Wetland Section Meeting	PSSWPG Wetland Section	DPOR (staff)	Wetland Section reviewed ULR equivalency for out-of-state wetland delineator programs. The Section determined Minnesota and Wisconsin are not similar in scope, and New Hampshire is similar. Staff stated the Board is responsible for the "similar scope of practice" determination under § 54.1-205 and presented these three states for review.	First formal program-level equivalency determinations for ULR/PWD.
11/19/2025	DPOR Staff Meeting	DPOR	VAWP	VAWP and DPOR staff held an informational discussion regarding ULR implementation for PWD certifications; no formal action was taken.	Pre-meeting coordination and issue identification.
12/2/2025	Board Meeting	PSSWPG Board	DPOR (staff)	Board approved the October 16, 2025 Wetland Section meeting minutes and recommendations, thereby adopting the Section's Minnesota/Wisconsin/New Hampshire equivalency determinations. No separate Board action was taken regarding previously issued ULR-based PWD credentials; staff noted the determinations could be revisited in the future.	Board adopts equivalency determinations; implementation questions remain.
12/3/2025 [Date Approximate]	Board Roster Update	DPOR (public website)	PSSWPG Board roster	DPOR's public Board roster reflected the Wetland Section seat listed as vacant (previously filled by North Carolina ULR PWD).	Administrative roster change noted; not reflected as a formal Board agenda item.
12/4/2025	Complaint Submission	VAWP	DPOR (Complaint Analysis)	VAWP submitted a process-focused complaint requesting review of administratively issued ULR-based PWD credentials.	Focused on process and eligibility; no allegation of individual misconduct.
12/17/2025	Minutes Clarification Request	VAWP	DPOR / PSSWPG Board	VAWP requested that the December 2, 2025 minutes clearly state the Board's adoption of the October 16, 2025 Wetland Section equivalency determinations.	Seeks clear and accurate public record of Board action.
1/16/2026	Board Appointment	Governor's Office	Wetland Section member appointment	Governor's Office announced an appointment to fill the Wetland Section vacancy.	Adds third new Wetland Section member during ULR developments.
1/20/2026	Complaint Response	DPOR	VAWP	DPOR responded that enforcement matters require a named regulant and an alleged violation, and distinguished Board policy determinations from enforcement action. DPOR indicated the information should be brought back before the Board for discussion.	Clarifies procedural boundaries and suggests Board-level policy discussion.
2/17/2026 [Scheduled]	Board Meeting	PSSWPG Board	DPOR / Public meeting	Scheduled Board meeting with an anticipated opportunity to discuss ULR/PWD determinations, record clarity, and implementation alignment.	Opportunity for policy direction and record clarification.

Note: Information summarized here was compiled from public records (including public meeting materials and public websites), public records requests, and communications provided to VAWP members.



Attachment 3
October 16, 2025 Wetland Section Meeting Minutes

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position.
DRAFT AGENDA

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

The Wetland Delineator Section of the Board for Professional Soil Scientists, Wetland Professionals and Geologists met on October 16, 2025, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Wetland Delineators

Justin Brown
Emily Drahos
Nathan Khun

Staff present for all or part of the meeting were:

Jeb Wilkinson, Director
Steve Kirschner, LRPD Director
Kate Nobsch, Executive Director
Joe Haughwout, Regulatory Affairs Manager
Ecila Williams, Licensing Operations Administrator
Jhustyna McBride-Dunn, Regulatory Operations Administrator
Davon Jones, Administrative Coordinator
Bianca Mountford, Licensing Specialist
Angelena Gismondi, Special Assistant to the Director

Valentine Southall, Assistant Attorney General, was present from the office of the Attorney General.

Josh Laws, Assistant Attorney General, was not present from the office of the Attorney General with regret.

Members of the audience:

Robin Bedenbaugh, *Virginia Association of Wetland Professionals*
Thaddeus Kraskat, *Townes Site Engineering*
Elijah Wright, *Virginia Association of Wetland Professionals*

Mr. Brown called the meeting to order at 10:01 a.m.

Call to Order

Mr. Brown and Ms. Nobsch advised the Committee of the emergency evacuation procedures.

Emergency Evacuation

Mr. Khun moved to approve the agenda. Ms. Drahos seconded the motion, which was unanimously approved by members: Brown, Drahos and Khun.

Approval of Agenda

Mr. Bedenbaugh, Virginia Association of Wetland Professionals Certification Committee Chair, expressed his concerns with the current approval process for approval of Universal License Recognition (ULR). Mr. Bedenbaugh informed the committee that he thinks New Hampshire’s program qualifies as a certification; however, the region is not comparable to Virginia.

Public Comment
Period

Mr. Krasko addressed the Board stating that all ULR applicants should pass Virginia’s exam to ensure competencies due to ecological and regional differences between Virginia and other states, and the cost of inadequate delineations.

Mr. Wright addressed the Committee recommending Board review of ULR applications. Mr. Wright informed that the Virginia Association of Wetland Professionals (VAWP) can help with “similar scope of practice” compared to other states. Mr. Wright stated that the ULR statute indicated that a jurisprudence exam may be required in order to seek licensure and notated the rise in exam applicants since August 2023 indicates that maintaining exam rigor is need to protect the program’s integrity.

Mr. Kirschner provided an overview of ULR, enacted July 1, 2023, as an additional licensure pathway intended to reduce barriers while maintaining public protection. Mr. Kirschner emphasized the Board’s responsibility to determine which out-of-state programs meet “similar scope of practice”, that is in 54.1-205 Code of Virginia.

Universal
Licensing
Recognition (ULR)

The Section discussed the comparison of three out-of-state wetland requirements.

After a discussion, Mr. Kuhn moved that the Wisconsin’s Professional Assurance Initiative: Wetland Delineation, should be recognized as having similar scope of practice to Virginia’s. Ms. Drahos seconded the motion, which was unanimously denied by members: Brown, Drahos, and Kuhn.

Ms. Drahos moved that the Minnesota Wetland Professional Certification Program Plan be recognized as not having a similar scope of practice to Virginia’s. Mr. Kuhn seconded the motion, which was unanimously approved by members: Brown, Drahos, and Kuhn.

Ms. Drahos moved that Wetland Scientist Certification from Board of Natural Scientists in New Hampshire be recognized as having similar scope of practice to Virginia’s. Mr. Kuhn seconded the motion, which was unanimously approved by members: Brown, Drahos, and Kuhn.

Ms. Nosbisch informed the Committee that the Wetland Exam will need to be reviewed next year, and test vendor PSI is offering to assist with reviewing the exam and the assistance from the Section will be needed. Ms. Nosbisch will give more information at the next board meeting.

Exam Update

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

**Conflict of Interest
Forms/Travel
Vouchers**

There being no further business, the meeting was adjourned at 12:04 p.m.

Adjourn

Justin T. Brown, Committee Chair

James B. "Jeb" Wilkinson, Jr., Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for a session
And are not to be construed as regulation or official board position
DRAFT AGENDA



Attachment 4
December 2, 2025 Board Meeting Minutes (draft and revised)

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position.
DRAFT AGENDA

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on December 2, 2025, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Members present for all or part of the meeting:

Citizens

Cayman Lowe

Steven Yob

Geologists

Ernest Beasley

Matt Heller

Shannon Lukens

John Pollard

Soil Scientists

Jay Conta

Alexis Jones

Richard Michniak

Wetland Delineators

Justin Brown

Emily Drahos

Staff present for all or part of the meeting were:

Jeb Wilkinson, Director

Steve Kirschner, LRPD Director

Kate Nosbisch, Executive Director

Ecila Williams, Licensing Operations Administrator

Dayon Jones, Administrative Coordinator

Greg Emerson, Executive Director - Examinations

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

Enid Candelaria-Vega, BPOR Liaison, and Joe Haughwout, Regulatory Affairs Manager, were not present at the meeting with regrets.

Members of the audience:

Robin Bedenbaugh, *Virginia Association of Wetland Professionals*

Thaddeus Kraska, *Virginia Association of Wetland Professionals*

Elijah Wright, *Virginia Association of Wetland Professionals*

Mr. Brown, Chair, called the meeting to order at 10:00 a.m.

Call to Order

Mr. Brown and Ms. Nosbisch advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Jones moved to approve the agenda with the addition of Board Member Training as Item VI. Mr. Conta seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Approval of Agenda

Ms. Lukens requested that the minutes be amended to reflect her last name being changed from George to Lukens. Mr. Yob moved to approve the PSSWPG Board Meeting, September 16, 2025, minutes as amended. Ms. Jones seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Approval of Minutes

Mr. Conta moved to approve the Wetland Delineator Section Meeting, October 16, 2025 minutes. Mr. Beasley seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Elijah Wright addressed the Board with concerns regarding the interpretation of the “jurisprudential exam” under the URL process and the issuance of Professional Wetland Delineator (PWD) certifications based on out-of-state credentials that may not meet Virginia’s statutory requirements.

Public Comment Period

Robin Bedenbaugh addressed the Board and stated that the New Hampshire wetland certification program is not comparable to Virginia’s Professional Wetland Delineator requirements. He also noted concerns about URL certifications issued without proper alignment to Virginia’s scope of practice.

Thaddeus Kraska addressed the Board and expressed concern that significant differences between Virginia’s wetland and soil conditions and those in other states may result in applicants lacking sufficient competency through the URL pathway.

The Board received and reviewed an email from Eli Wright, Virginia Association of Wetland Professionals, dated October 28, 2025, for informational purposes.

Communication

The Board proceeded to discuss jurisprudence examination regarding Wetland Professionals.

Examinations Update

At 10:57 a.m., Ms. Drahos moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, as permitted by § 2.2-3711.A.8 of the Code of Virginia. Mr. Yob seconded the motion

Closed Meeting

which was unanimously approved by: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

At 11:29 a.m., Mr. Yob moved to adjourn the closed meeting and to immediately reconvene in open meeting. Ms. Jones seconded the motion which was unanimously approved by roll call vote: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

After a discussion, Mr. Yob made a motion to determine that the Professional Wetland Delineator examination does not qualify as a jurisprudence examination under Virginia law. Ms. Jones seconded the motion, which was unanimously approved by: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob. **Examinations Update (Cont.)**

Ms. Nosbisch addressed the board regarding outsourcing the Wetland Professionals examination due to the lack of an in-house psychometrician and the associated cost of exam validation. Mr. Kirschner reviewed the Request for Proposal (RFP) process, noting that outsourcing would provide professional support and regular exam maintenance.

Mr. Emerson addressed the Board on how contracted vendors monitor exam performance, identify problematic questions, and conduct interim reviews as needed. The Board received clarification on the role of subject matter experts and psychometric analysis in maintaining exam validity.

Ms. Jones moved to approve staff to move forward with outsourcing examinations for the Wetland Professional exam. Ms. Drahos seconded the motion, which was unanimously approved by members: Beasley, Brown, Conta, Drahos, Heller, Jones, Lowe, Lukens, Michniak, Pollard and Yob.

Ms. Nosbisch provided an update for informational purposes.

Ms. Nosbisch stated the Executive Director Report was provided for informational purposes only. **Executive Director Report**

Ms. Nosbisch advised the Board of an update on the completion of all General Regulatory Reviews required under regulatory reduction initiatives. The Professional Soil Scientists regulations went into effect on October 1, 2025, and the Wetland Professional and Geologists regulations went into effect on November 1, 2025. The Application Review Matrix Guidance Document approved at the previous meeting is now open for public comment on Town Hall and will close on December 31, 2025, and will take effect January 1, 2026. **Regulatory Update**

Ms. Nobsch updated the Board regarding concerns previously raised about national pass rates for the Soil Science Society of America (SSSA) examination. Ms. Nobsch had a productive discussion with SSSA representatives, who acknowledged the issue and are working on improvements. Ms. Nobsch noted that national pass rates mirror Virginia's results and that SSSA is seeking volunteers to assist with exam development.

Soil Scientists Update

Ms. Nobsch reported that a virtual meeting was held on November 19 with Mr. Wright, Mr. Kraska and Mr. Bedenbaugh and staff to discuss questions relating to the URL process and concerns raised at previous meetings.

Wetland Professionals Update

Ms. Nobsch updated the Board on outreach and examination education. Ms. Williams provided a presentation virtually to Geology majors attending James Madison University on the Geologist-in-Training and Geology examination process, which was well received. Mr. Pollard provided a report from attending the National Association of State Boards of Geology (ASBOG) Annual Meeting and Workshop, including insights into psychometric evaluation, exam development, and field workshops. Several Board members noted the value of psychometric guidance in maintaining exam integrity.

Geologists Update

Mr. Brown informed the board of the licensee counts as of November 1, 2025: Soil Scientists – 76; Wetland Delineators – 152; Geologists – 879.

License and Certified Population

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

Conflict of Interest Forms/Travel Vouchers

There being no further business, the meeting was adjourned at 12:00 p.m.

Adjourn

Justin T. Brown, Chair

James "Jeb" Wilkinson, Secretary



Attachment 5
VAWP Complaint Letter & DPOR Response
(Dec 2025 – Jan 2026)

DRAFT AGENDA
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And are not to be construed as representation or official board position.
DRAFT AGENDA

December 4, 2025

Compliance and Investigations Division
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463

Submitted to: ComplaintAnalysis@dpor.virginia.gov

Cc: kate.nosbisch@dpor.virginia.gov; psswpg@dpor.virginia.gov

Subject: *Request for Review of Administratively Issued PWD Certifications Under Universal License Recognition (ULR)*

To the Department of Professional and Occupational Regulation Compliance and Investigations Division and the Board for Professional Soil Scientists, Wetland Professionals, and Geologists:

We respectfully submit this formal complaint requesting review of several Professional Wetland Delineator (PWD) certifications issued under Universal License Recognition (ULR). These certifications may not meet the statutory requirement for “similar scope of practice” under § 54.1-205 of the Code of Virginia.

This complaint does not allege misconduct by any certificate holder. It concerns potential administrative errors in the issuance of certifications based on out-of-state credentials that the Board has now formally determined do not meet Virginia’s equivalency requirements.

Background

On December 2, 2025, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists (BPSSWPG) voted on the Wetland Section’s recommendations regarding out-of-state wetland delineator certifications for ULR eligibility. The Board’s official determinations were:

- Minnesota – Not a similar scope of practice
- Wisconsin – Not a similar scope of practice
- New Hampshire – Is a similar scope of practice

These decisions now represent the Board’s authoritative interpretation of “similar scope of practice” for purposes of § 54.1-205.

During the October 16, 2025, Wetland Section meeting, DPOR staff also stated they were not aware of any delineator certification programs beyond Minnesota, Wisconsin, and New Hampshire. DPOR staff have since clarified that North Carolina has no delineator certification program at all.

FOIA records provided on November 14, 2025, show that ULR PWD certifications were administratively issued to:

- Two applicants from Minnesota – now determined not to have a similar scope of practice
- One applicant from North Carolina – where no delineator certification program exists

(FOIA records did not identify any ULR PWD approvals from Wisconsin)

If these certifications were issued based on credentials that do not meet the statutory requirement, they may have been issued in error.

Basis of Concern

I. ULR-Issued PWDs Are Already Triggering Downstream Regulatory Actions

Under the Virginia DEQ Virginia Surface Water Delineator (VSWD) program, a PWD is the required prerequisite for VSWD certification. DEQ expressly states that:

...DEQ will prioritize State Surface Waters Delineation (SSWD) reviews by a certified individual ahead of other SSWD requests. This prioritization acknowledges the professional expertise of the VSWD and allows DEQ to rely on the accuracy and completeness of an SSWD.

Furthermore, DEQ further states that most SSWDs submitted by VSWDs are verified through desktop-only review:

In most cases, DEQ staff will verify SSWDs by reviewing reports, maps, and other documentation submitted by VSWDs, verifying the submitted information with available online and print resources at the desktop level, then issuing a written determination for the SSWD findings.

Critically, SSWDs are not merely informational. An SSWD may be used directly as the jurisdictional basis for Virginia Water Protection (VWP) permitting, including:

- General VWP Permits authorizing impacts up to 2 acres of state surface waters and 1,500 linear feet of stream, and
- The forthcoming SPGP-RCIR, for which DEQ and USACE have indicated an SSWD or a PJD may be used for permitting.

Additionally, when an Approved Jurisdictional Determination (AJD) is obtained for a site or project, DEQ requires an SSWD for state permitting because the agency presumes state surface waters are present even if they are not federally jurisdictional.

Thus, potentially ineligible PWDs obtaining VSWD certification has direct consequences on state permitting decisions, not only on desktop review processes.

DEQ's public CATS and PEEP databases show that at least one ULR PWD whose underlying credential is from Minnesota (a state the Board has now determined does not share a similar scope of practice) has already been issued a VSWD certification. At least one SSWD request from this individual's company is currently under active DEQ review with an expected DEQ decision later this month.

Thus, DEQ is currently processing (and may issue) jurisdictional determinations based on PWD credentials that the Board has now determined should not have qualified for reciprocity under § 54.1-205. This presents immediate regulatory, environmental, and public-trust risks.

II. Local Government Programs Depend on PWD Credentials

Several Commonwealth localities rely on PWD credentials for Chesapeake Bay Preservation Act (CBPA) compliance. Examples include:

- Spotsylvania County Code of Ordinances Sec. 6A, identifies state recognized wetland delineators as one class of professionals who are allowed by the County to sign off Water Quality Impact Assessments for CBPA compliance.
- Stafford County's Department of Zoning and Planning requires a WQIA application to include a perennial flow determination completed and signed by a qualified professional, which only includes state certified Wetland delineators, in addition to licensed professional engineers, soil scientists, or geologists.

Other localities have similar requirements, though the list is not centrally maintained. ULR-issued PWDs may therefore already be representing themselves as qualified professionals in local permitting despite possibly not meeting Virginia's statutory requirements.

III. Governance Risk: Potential for Improper Board Appointments

DPOR records indicate that one ULR-issued PWD—based on purported credentials from North Carolina, where no certification program exists—was previously appointed to the Wetland Section of the BPSSWPG. This seat is now vacant per DPOR's website.

This underscores structural governance risk. If ULR-issued PWDs remain unreviewed and uncorrected, the Governor's Office could once again appoint someone to this open seat whose certification does not meet Virginia's requirements. With a new administration taking office in January 2026, the public interest risk is now heightened.

Ensuring credential accuracy now is essential to prevent future appointments that could undermine the Board's operations and public confidence.

Requested Actions

We respectfully request that DPOR take the following actions:

- A. Conduct a formal review of all PWD certifications issued under ULR from:
 - 1. Minnesota
 - 2. Wisconsin
 - 3. North Carolina (no delineator credential exists)
- B. Determine whether certifications were issued in compliance with § 54.1-205, and that DPOR formally verify, for each affected individual:
 - 1. The credential submitted for ULR
 - 2. Whether it represents a "similar scope of practice" under the Board's December 2 determinations
 - 3. Whether continued PWD certification is statutorily permissible
- C. For any ULR-issued PWD that does not meet statutory requirements, take corrective action pursuant to DPOR authority under § 54.1-201 and related statutes.

- D. Consider interim protective measures, if appropriate, for any certifications under review where continued practice could affect:
1. DEQ State Surface Water Determinations
 2. State/Local permitting programs
 3. Public confidence in wetland and surface-water regulatory programs

This complaint is submitted respectfully and in good faith. It is intended to ensure credentialing accuracy, protect the public, and maintain the integrity of Virginia's wetland delineation and surface water delineation programs, as well as the federal and state permit programs, including, but not limited to, the Virginia Water Protection Program.

Thank you for your time and attention. We are available to provide additional information or documentation as needed.

Respectfully submitted,

Sincerely,

The Virginia Association of Wetland Professionals



Thaddeus J. Kraska, PWD, PWS, VSWD
President



Robin Bedenbaugh, PWD, VSWD
Certifications Committee Chair

From: Nosbisch, Kate (DPOR) <kate.Nosbisch@dpor.virginia.gov>
Sent: Tuesday, January 20, 2026 4:01 PM
To: Ted Kraska; Professional Soil Scientists, Wetland Professionals, and Geologists (PSSWPG) board
Cc: DPOR: Complaint Analysis (DPOR); Robin Bedenbaugh; Eli Wright
Subject: Re: Request to Clarify Draft Minutes – December 2, 2025 BPSSWPG Board Vote on Wetland Section "Similar Scope of Practice" Determinations

Hi Ted,

Again, my apologies for the delay in response. As we discussed today, we agree with you regarding pulling the information out of the draft minutes as approved and putting it before the Board.

The Board voted that Minnesota and Wisconsin do not have a similar scope of practice to Virginia, however, they did not vote to rescind those licenses.

The complaint you and Robin filed with our Compliant Analysis Division was turned over to me as there wasn't a regulant named in the complaint and no suggestion of wrong-doing by a regulant. A complaint has to name a regulant and include what you think they may be in violation of.

Finally, you mentioned one specific individual who may be in violation of the regulations. You can file a complaint naming this individual and what regs you may think he is in violation of to the Complaint Analysis Division. There is a form on the website to submit complaints to DPOR. You can find it at [File a Complaint | Virginia Department of Professional and Occupational Regulation](#) on our website.

If you need anything further between now and the PSSWPG Board meeting on February 17th, please let me know.

Most sincerely,
Kate

Kate Nosbisch (she/her/hers)

Kathleen R. Nosbisch, Hon. AIA Virginia

Executive Director

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA)

[APELSCIDLA Centennial Book 1920-2020](#)

Athlete Agent Registration Program

Auctioneers Board

Board for Branch Pilots

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Boxing, Martial Arts and Professional Wrestling Advisory Board

SERVICE START TO FINISH



9960 Mayland Dr.

Suite 400

Richmond, VA 23233

804-367-8514

866-465-6206 fax

Governmental email is generally subject to disclosure pursuant to the Virginia Freedom of Information Act. However, if you have received this message in error, please notify the Sender and delete the message as well as all attachments.

From: Ted Kraska <tkraska@cctownes.com>

Sent: Wednesday, December 17, 2025 11:22 AM

To: Professional Soil Scientists, Wetland Professionals, and Geologists (PSSWPG) board <psswpg@dpor.virginia.gov>; Nosbisch, Kate (DPOR) <kate.nosbisch@dpor.virginia.gov>

Cc: DPOR: Complaint Analysis (DPOR) <complaintanalysis@dpor.virginia.gov>; Robin Bedenbaugh <rbedenbaugh@res.us>; Eli Wright <ewright@w3env.com>

Subject: Request to Clarify Draft Minutes – December 2, 2025 BPSSWPG Board Vote on Wetland Section “Similar Scope of Practice” Determinations

Good afternoon Director Nosbisch and DPOR staff,

On behalf of the Virginia Association of Wetland Professionals (VAWP), I am writing to request a clarification to the draft meeting minutes for the BPSSWPG Board meeting held on December 2, 2025 (Meeting ID 39983), as posted on the Virginia Regulatory Town Hall. In reviewing the draft minutes, it appears the record does not clearly reflect the Board’s action adopting the Wetland Section’s “similar scope of practice” determinations for out-of-state wetland delineator certifications considered under Universal License Recognition (ULR).

At the December 2 meeting, it is our understanding that the Board made and approved a motion to approve the October 16, 2025, Wetland Section meeting minutes **and the recommendations contained within those minutes**. Those recommendations included the Wetland Section’s determinations that:

- Minnesota does not have a similar scope of practice to Virginia’s PWD program;
- Wisconsin does not have a similar scope of practice to Virginia’s PWD program; and
- New Hampshire does have a similar scope of practice to Virginia’s PWD program.

Because these determinations have direct implications for credentialing decisions under § 54.1-205, and for the public's understanding of the Board's official position, VAWP respectfully requests that the final minutes reflect this Board action clearly and explicitly (for example, by stating that the Board voted to approve the October 16 Wetland Section minutes and the recommendations contained therein, including the above determinations).

Separately, and related to the above, VAWP submitted a formal complaint on December 4, 2025, requesting review of administratively issued PWD certifications under ULR. We would appreciate confirmation that the complaint has been received and logged, and, if available, the assigned case number and/or point of contact within the Compliance and Investigations Division. I've re-attached a copy of our letter to this email.

Thank you for your time and assistance in ensuring the meeting record accurately reflects the Board's actions.

Kind regards,

Thaddeus J. Kraska, PWS, PWD

Senior Associate - Director of Environmental Services

Townes Site Engineering

1 Park West Circle

Suite 108

Midlothian, VA 23114

(804) 748-9011 ext 255

(804) 944-1934 cell

tkraska@cctownes.com



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position.
DRAFT AGENDA



**Attachment 6
DEQ SSWD FOIA Case Study**

DRAFT AGENDA
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And are not to be construed as regulation or official board position.
DRAFT AGENDA

DEQ FOIA Case Study Summary

De-identified summary of SSWD/VSWD submissions associated with an administratively issued ULR-based PWD (Minnesota-based)

Records basis (DEQ FOIA): This attachment is based on documents released by the Virginia Department of Environmental Quality (DEQ) in response to Public Records Request #25-4957, as released to the requester on December 3, 2025. The released set includes SSWD determination letters, application correspondence, additional-information requests/responses, and select delineation reports/maps (where present).

Scope and limitations: This attachment summarizes select information contained in the released DEQ FOIA record associated with one de-identified ULR-based PWD certificate holder (“ULR PWD Minnesota #2”) and six State Surface Water Determination (SSWD) requests submitted under that credential and its subsequent VSWD certification. This summary is provided for Board policy and program-integrity discussion only. It does not evaluate field conditions, does not assess compliance with DEQ or DPOR requirements, and does not allege misconduct or regulatory violations by any individual. Where the record is silent (e.g., regarding field visits), this attachment reports only what is documented in the released materials. Project information is presented using aliases and certain details are redacted to protect privacy.

Narrative summary of findings (as reflected in the released FOIA record)

- **Timing and volume:** The FOIA record reflects that the submitter obtained a Virginia PWD via ULR on September 5, 2023 and submitted multiple SSWD requests beginning in late 2023.
- **Early DEQ field verification:** Explicit documentation of DEQ field site visits is present for two early SSWD requests dated December 12, 2023. In both cases, the record reflects DEQ-directed revisions to mapped wetlands and/or streams prior to SSWD issuance.
- **Revision outcomes:** For the two projects with documented DEQ site visits, the revised delineations reflect additional aquatic resources relative to earlier submittals, including added wetland acreage and, in one case, additional stream length (as quantified in the project-level table below).
- **Post-VSWD period:** The FOIA record reviewed does not include documentation of DEQ field site visits after the submitter’s VSWD certification date (April 8, 2025). Subsequent DEQ actions reflected in the record are consistent with desktop review and requests for additional information.
- **Record-management note:** The released materials included certain documents labeled under one project file number that appear to pertain to a different project; those items were excluded from this summary.

Project-level summary and relevant dates (from the released FOIA record)

Project Alias	Date SSWD Requested	Status	DEQ Confirmation Field Visit	Record notes
<i>9/5/2023 - DPOR Administratively Issues PWD to individual based on Minnesota reciprocity</i>				
Project 1	11/29/2023	Issued 12/28/2023	No	Record indicates no aquatic features identified; no DEQ field visit documented. FOIA file includes determination letter; delineation report/map not included.
Project 2	11/29/2023	Issued 2/28/2024	Yes	DEQ field visit documented; revised delineation incorporated DEQ recommendations. Revised report indicates approx. +1.38 acres wetlands added.
Project 3	11/29/2023	Issued 2/28/2024	Yes	DEQ field visit documented; revised delineation incorporated DEQ recommendations. Revised report indicates approx. +3.04 acres wetlands and +3,440 LF stream added.
Project 4	2/5/2024	Issued 4/19/2024	No	No DEQ field visit documented; record references prior DEQ history and possible earlier SSWD issued for the site, possibly reducing the need for site visits.
<i>4/8/2025 - DEQ issues VSWD to individual, based on Minnesota-based ULR PWD</i>				
Project 5	7/20/2025	Issued 9/8/2025	No	No DEQ field visit documented; record reflects administrative RFIs and updated submittals. Record reflects 0.09 acres wetlands and 1,080 LF stream mapped.
Project 6	7/24/2025	In progress	Not documented	No SSWD issued to date in record; DEQ awaiting additional response from certificate holder. Record reflects administrative RFIs/follow-up correspondence.

Notes: Acreage and linear-foot figures are as stated in FOIA materials and are rounded. "DEQ Confirmation Field Visit" indicates explicit documentation within the FOIA record reviewed.

Record caveats and limitations

- Project 1: FOIA materials reviewed include the SSWD determination letter; delineation report and map products were not included in the file provided.
- Project 4: No DEQ field visit is documented; the DEQ project record number indicated prior DEQ site history. A later modification expanded the study area without changing mapped aquatic features.
- Projects 5 & 6: The record reflects administrative requests for information and follow-up correspondence; no DEQ field visit documentation was identified.

Field-verified revision detail (projects with documented DEQ site visits)

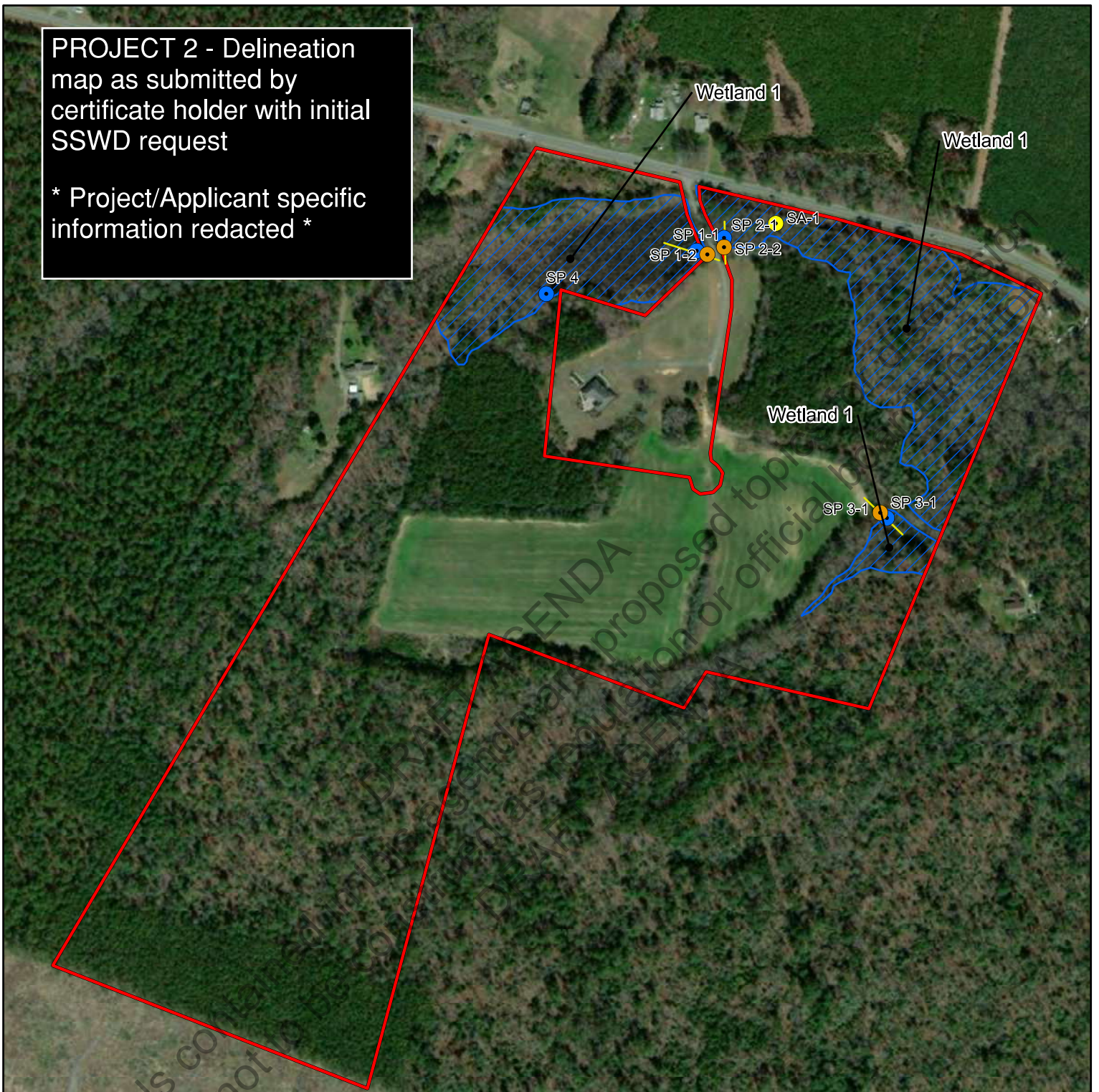
The FOIA record contains explicit documentation of DEQ field visits for two projects. The summaries below highlight the review sequence and extent of mapped-resource changes described in the record, followed by the delineation mapping and revisions obtained from FOIA records. Maps have been annotated and redacted to protect project/applicant privacy.

Project 2	
Request	11/29/2023
DEQ field visit	12/12/2023 (documented)
Issued	2/28/2024
Initial	Initial delineation products were submitted prior to DEQ field review; subsequent revisions incorporated DEQ recommendations made during the 12/12/2023 site visit.
Revisions	Revised products reflect an expanded wetland corridor and inclusion of a small headwater pond area that was not mapped in the initial products. Revised report indicates approximately +1.38 acres of wetlands were added.
Submittal correspondence (as summarized)	Revised report submitted after the DEQ field visit; later revisions included administrative corrections to acreage totals.

Project 3	
Request	11/29/2023
DEQ field visit	12/12/2023 (documented)
Issued	2/28/2024
Additional field work	2024-01-12 (additional site visit and delineation noted in revised report).
Initial	Initial delineation products quantified limited surface waters; DEQ requested re-mapping of fringe wetlands along drainageways within/adjacent to the study area.
Revisions	Revised products increased mapped aquatic resources. Revised report indicates approximately +3.04 acres of wetlands and +3,440 LF of stream were added relative to earlier products.
Submittal correspondence (as summarized)	Resubmittal correspondence noted the revised mapping differed materially after additional field work along channels and drainageways.

PROJECT 2 - Delineation map as submitted by certificate holder with initial SSWD request

* Project/Applicant specific information redacted *



Aquatic Features Table

Wetland/Waterway ID	Latitude	Longitude	Cowardin Classification	Length (feet)	Area (acres)
Wetland 1	[REDACTED]	[REDACTED]	PUBFh/PEMA/PFO6A	1,850 feet	13.74 acres

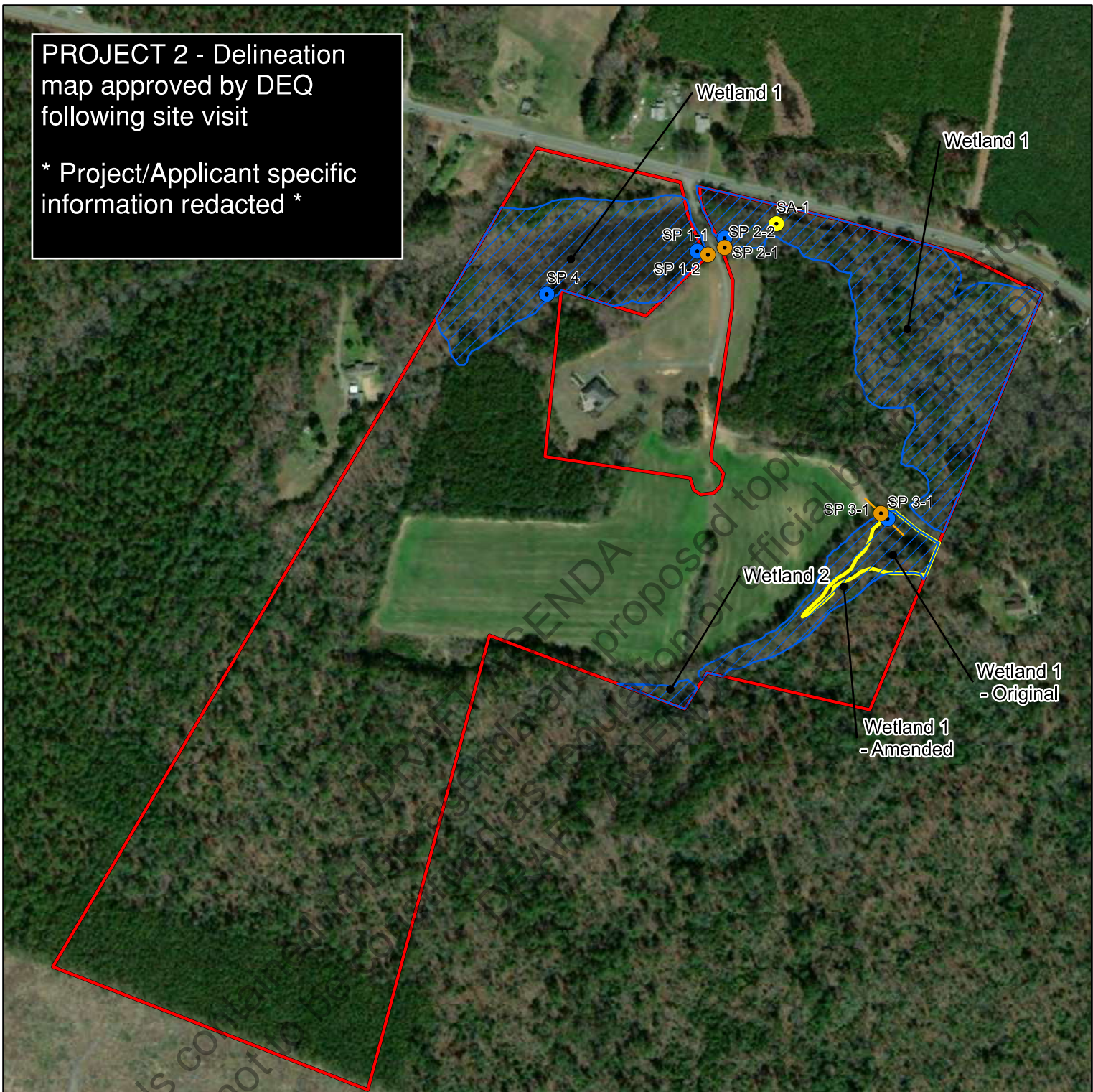
: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Map 5. Wetland Delineation Map

	<ul style="list-style-type: none"> Study Area Waterway Delineated Wetland 	<ul style="list-style-type: none"> Stream Assessment Point Wetland Sampling Point - Upland Wetland Sampling Point - Wetland Wetland Transect 	
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PROJECT 2 - Delineation map approved by DEQ following site visit

* Project/Applicant specific information redacted *



Aquatic Features Table

Wetland/Waterway ID	Latitude	Longitude	Cowardin Classification	Length (feet)	Area (acres)
Wetland 1	[REDACTED]	[REDACTED]	PUBFm/PEMA/PFO6A	1,850 feet	14.92 acres
Wetland 2	[REDACTED]	[REDACTED]	PFO6C		0.2 acres

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Map 5. Wetland Delineation Map - Amended Dec. 18, 2023

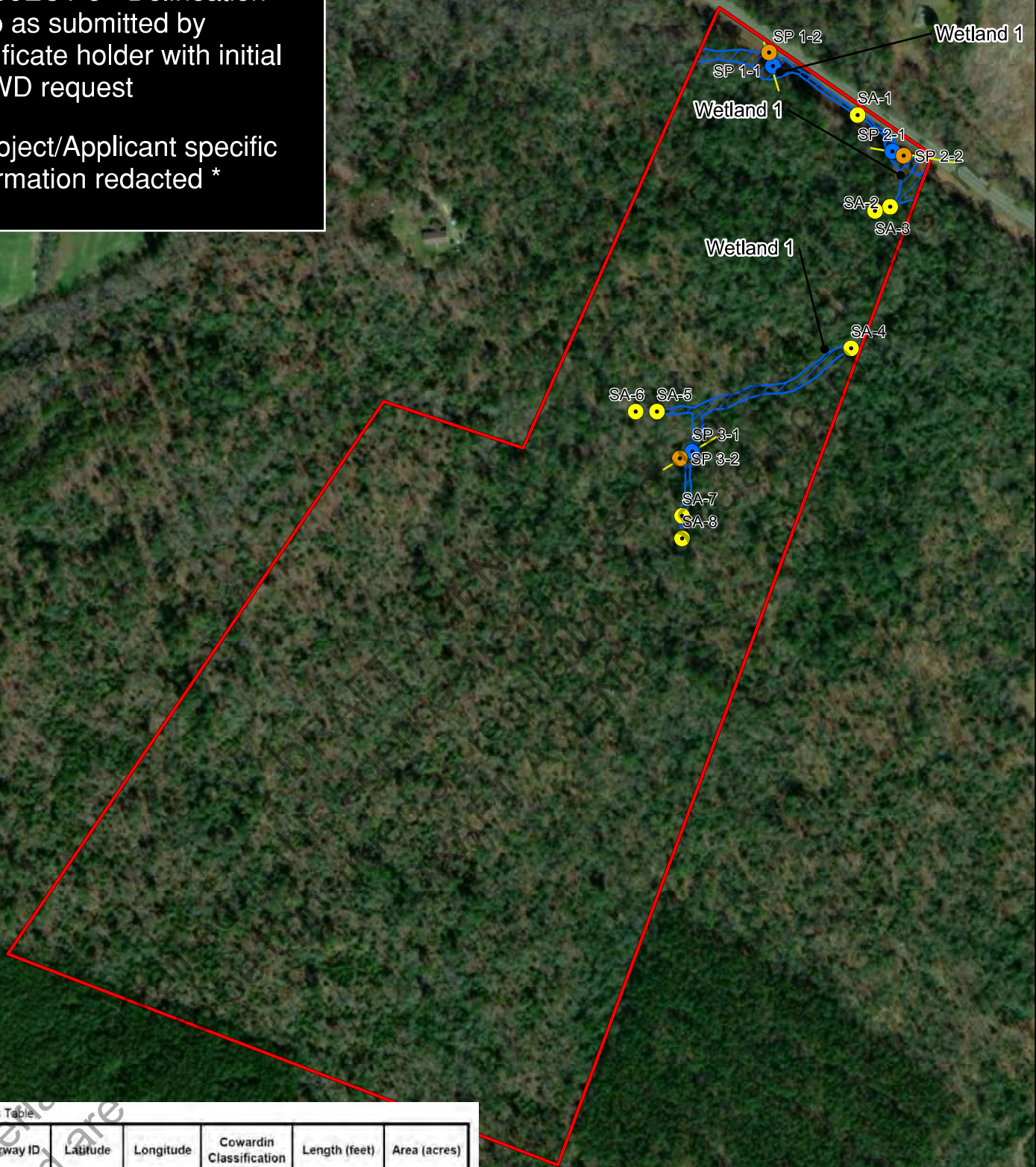
[REDACTED]	Study Area	Stream Assessment Point	
	Delineated Wetland - Original	Wetland Sampling Point - Upland	
[REDACTED]	Delineated Wetland - Amended	Wetland Sampling Point - Wetland	Wetland Transect
	Waterway		

Amended Dec. 18, 2023

0 130 260 520 Feet

PROJECT 3 - Delineation map as submitted by certificate holder with initial SSWD request

* Project/Applicant specific information redacted *



Aquatic Features Table

Wetland/Waterway ID	Latitude	Longitude	Cowardin Classification	Length (feet)	Area (acres)
Wetland 1			R4SB5	1,496 feet	0.83acres

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

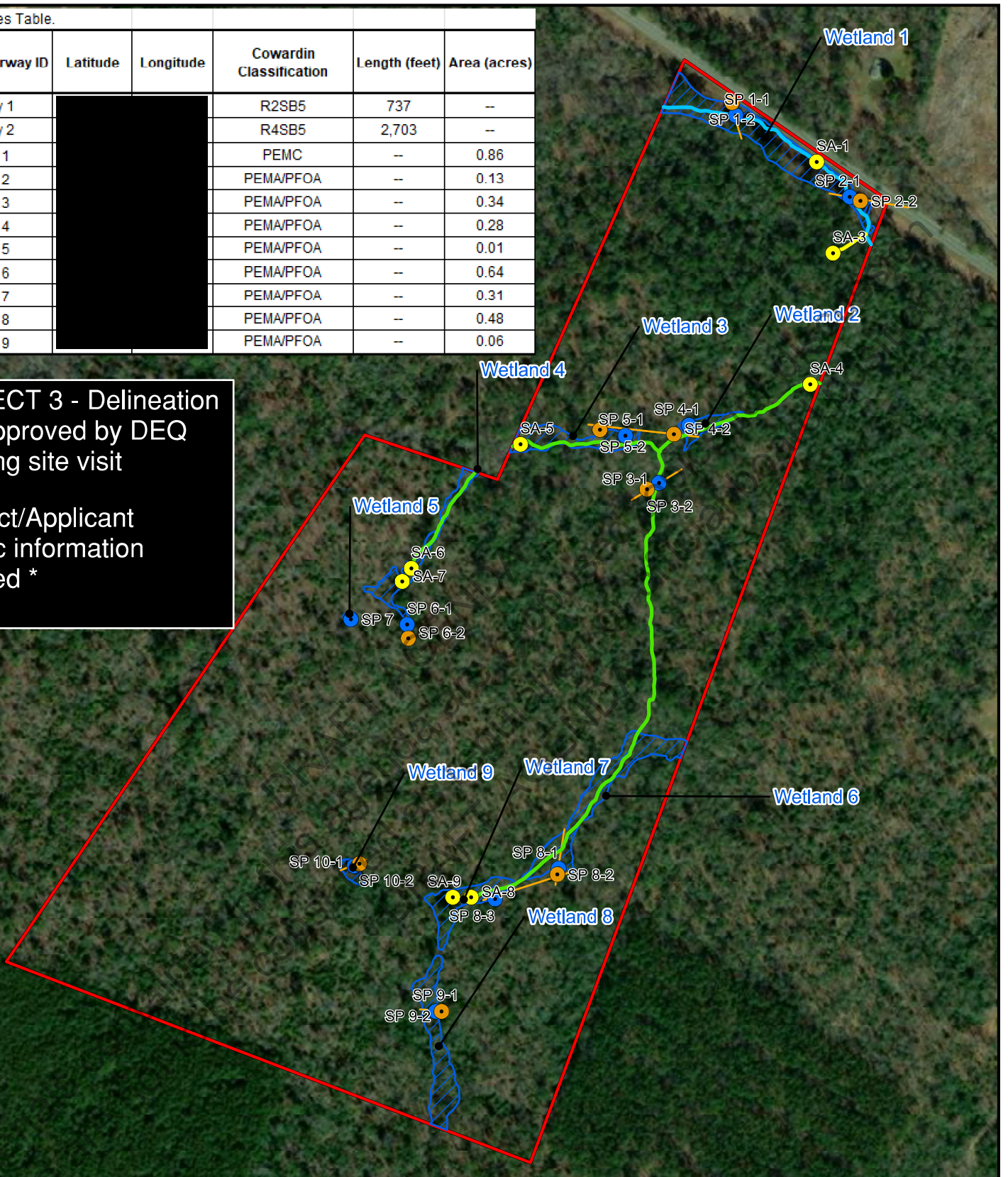
Map 5. Wetland Delineation Map

	<ul style="list-style-type: none"> Study Area Waterway Delineated Wetland 	<ul style="list-style-type: none"> Stream Assessment Point Wetland Sampling Point - Upland Wetland Sampling Point - Wetland Wetland Transect 	
--	--	---	--

Aquatic Features Table.					
Wetland/Waterway ID	Latitude	Longitude	Cowardin Classification	Length (feet)	Area (acres)
Waterway 1			R2SB5	737	--
Waterway 2			R4SB5	2,703	--
Wetland 1			PEMC	--	0.86
Wetland 2			PEMA/PFOA	--	0.13
Wetland 3			PEMA/PFOA	--	0.34
Wetland 4			PEMA/PFOA	--	0.28
Wetland 5			PEMA/PFOA	--	0.01
Wetland 6			PEMA/PFOA	--	0.64
Wetland 7			PEMA/PFOA	--	0.31
Wetland 8			PEMA/PFOA	--	0.48
Wetland 9			PEMA/PFOA	--	0.06

PROJECT 3 - Delineation map approved by DEQ following site visit

* Project/Applicant specific information redacted *



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

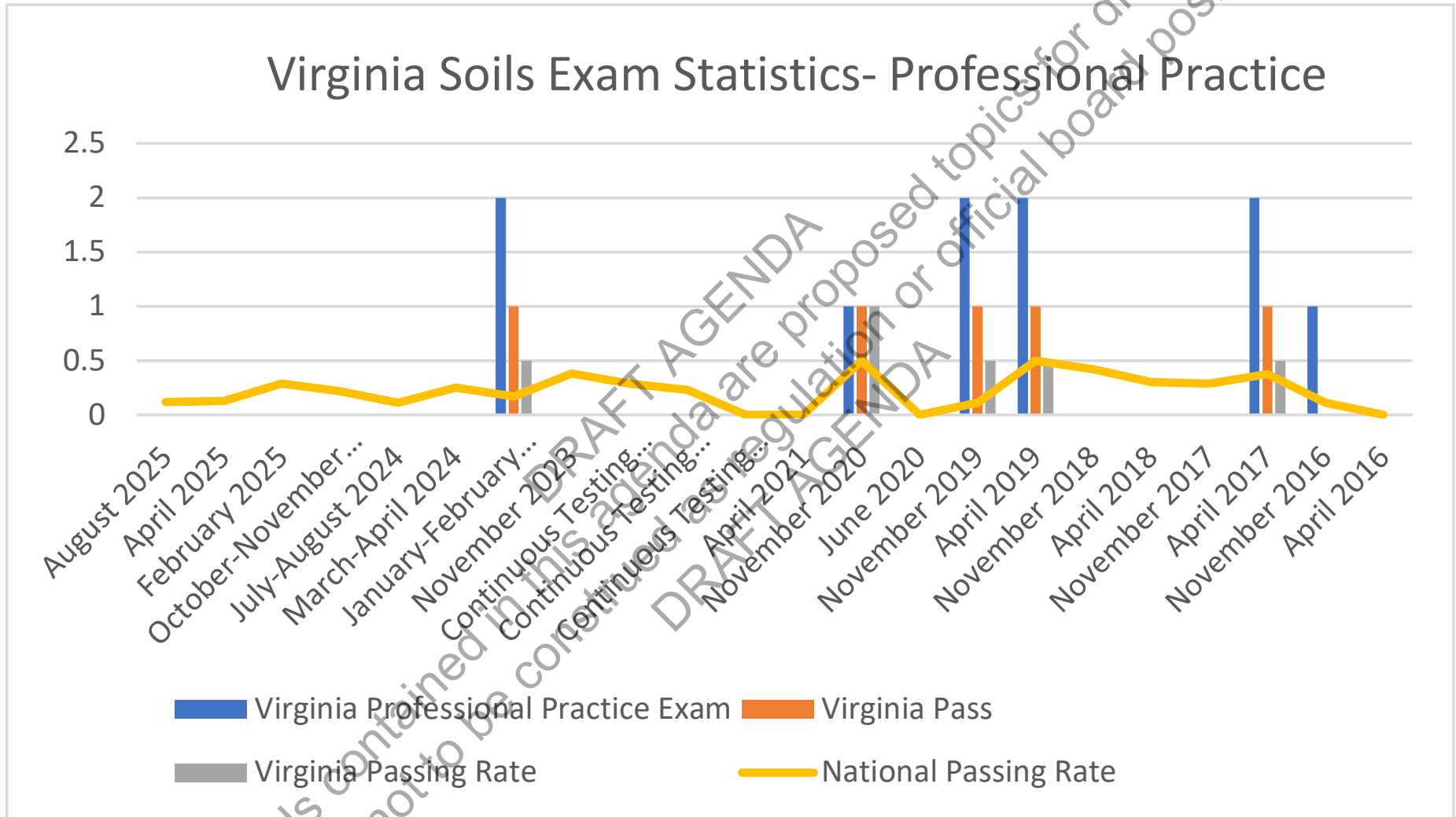
Map 6. Wetland Delineation Map - Amended Jan 24, 2024

Amended Jan. 24, 2024

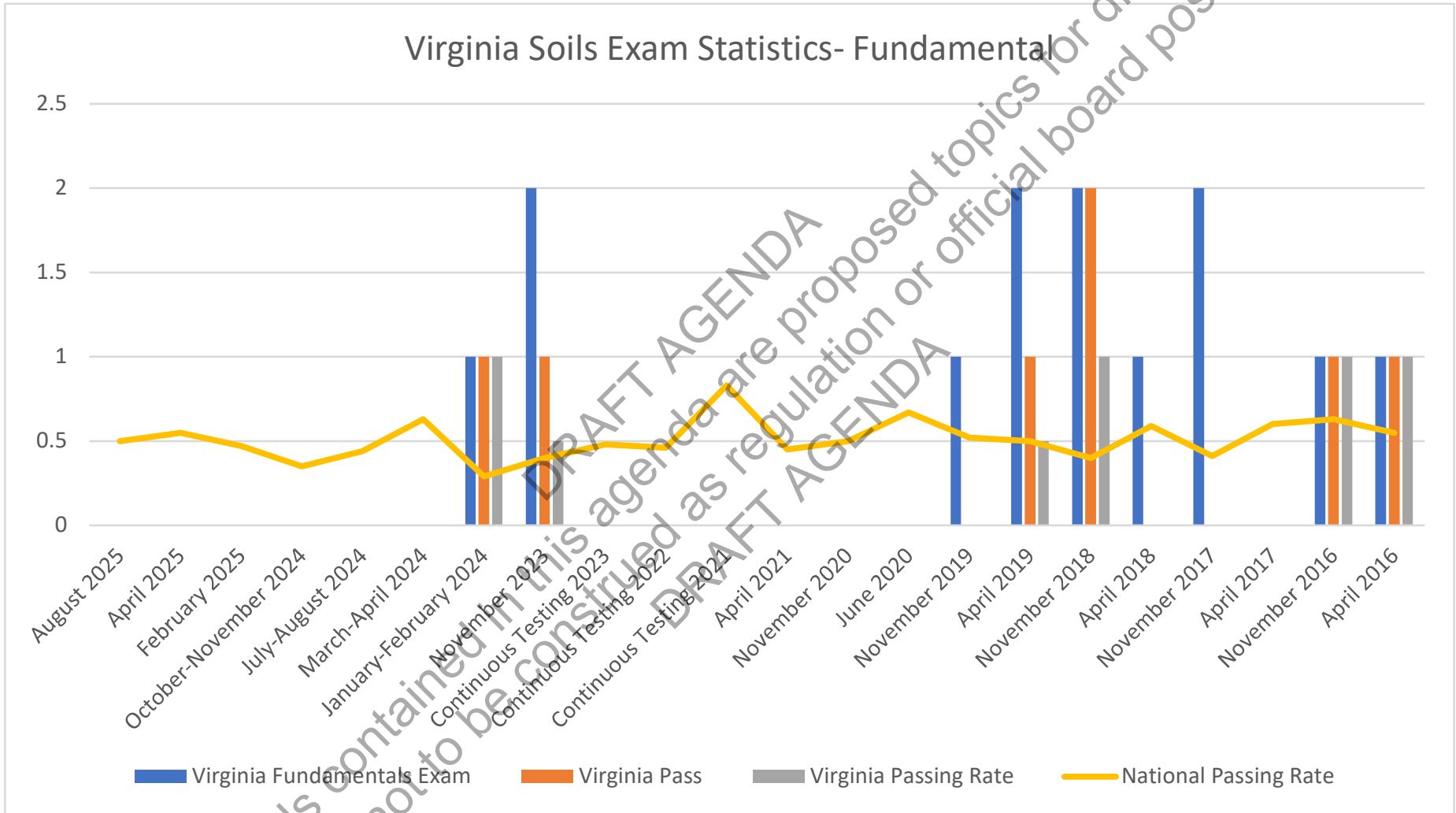
Study Area	Stream Assessment Point
Delineated Wetland - Amended	Wetland Sampling Point - Upland
Ephemeral Waterway	Wetland Sampling Point - Wetland
Intermittent Waterway	Wetland Transect
Perennial Waterway	

A north arrow is located in the top right corner. Below it is a graphic scale bar showing distances in feet: 0, 105, 210, and 420 feet. The scale bar is labeled '14,270 Feet' at the bottom.

Virginia Soils Exam Statistics- Professional Practice



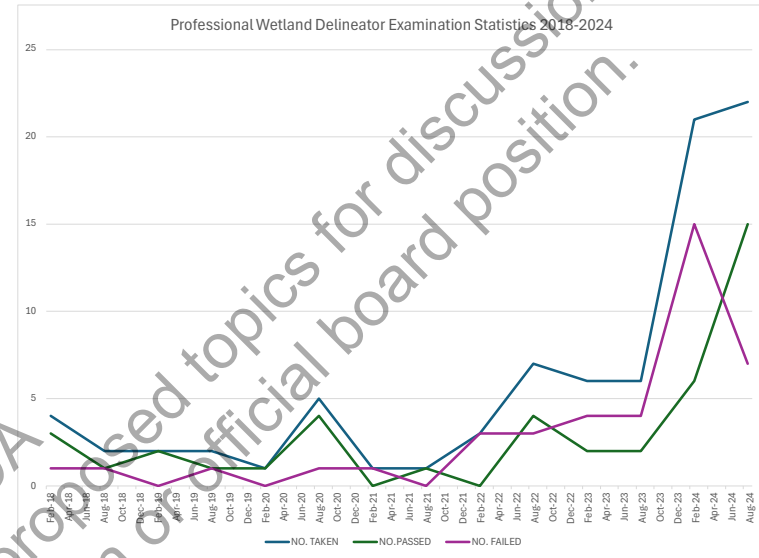
****No change since 12/02/2025 PSSWPG Board Meeting**



****No change since 12/02/2025 PSSWPG Board Meeting**

PROFESSIONAL WETLAND DELINEATOR EXAMINATION STATISTICS REPORT 2018 THROUGH 2024

YEAR	NO. TAKEN	NO. PASSED	NO. FAILED	PASS %	1ST PASS	REP PASS	1ST FAIL	REP FAIL
Feb-18	4	3	1	75.00%	1	2	1	0
Aug-18	2	1	1	50.00%	1	0	1	0
Feb-19	2	2	0	100.00%	1	1	0	0
Aug-19	2	1	1	50.00%	1	0	1	0
Feb-20	1	1	0	100.00%	1	0	0	0
Aug-20	5	4	1	80.00%	4	0	1	0
Feb-21	1	0	1	0	0	0	0	1
Aug-21	1	1	0	100.00%	1	0	0	0
Feb-22	3	0	3	0	0	0	3	0
Aug-22	7	4	3	57.14%	3	1	1	2
Feb-23	6	2	4	33.33%	1	1	2	2
Aug-23	6	2	4	33.33%	0	2	4	0
Feb-24	21	6	15	28.57%	2	4	13	2
Aug-24	22	15	7	68.18%	5	10	4	3
TOTAL	83	42	41	50.60%				



The Wetland Delineator exam is administered twice per year, February and August. Below are stats from February 7, 2025 and August 1, 2025 exams. The exam dates for 2026 are February 6th and August 7th.

YEAR	NO. TAKEN	NO. PASSED	NO. FAILED	PASS %	1ST PASS	REP PASS	1ST FAIL	REP FAIL
Feb-25	10	3	7	30.00%	2	1	3	4
25-Aug	12	8	4	66.66%	4	4	2	2

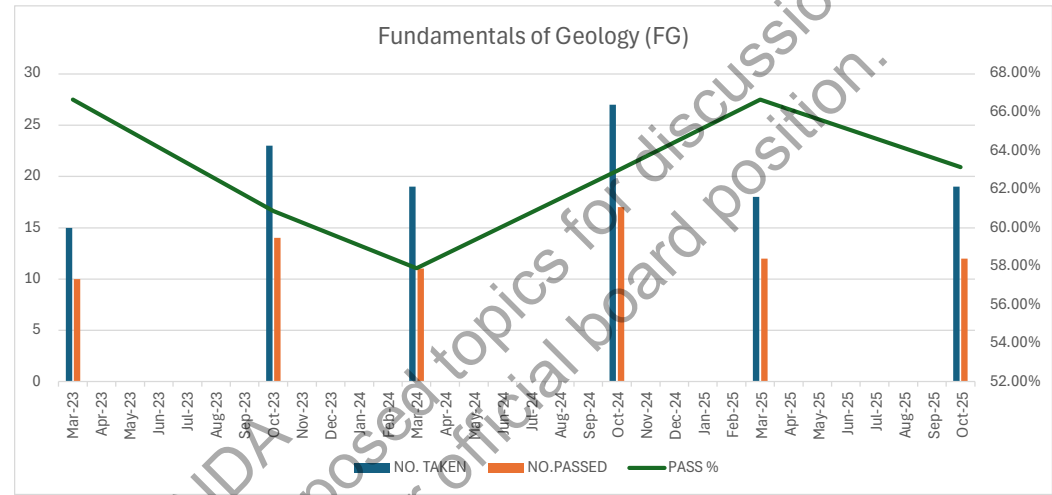


****No change since 12/02/2025 PSSWPG Board Meeting**

VA Geology Statistics

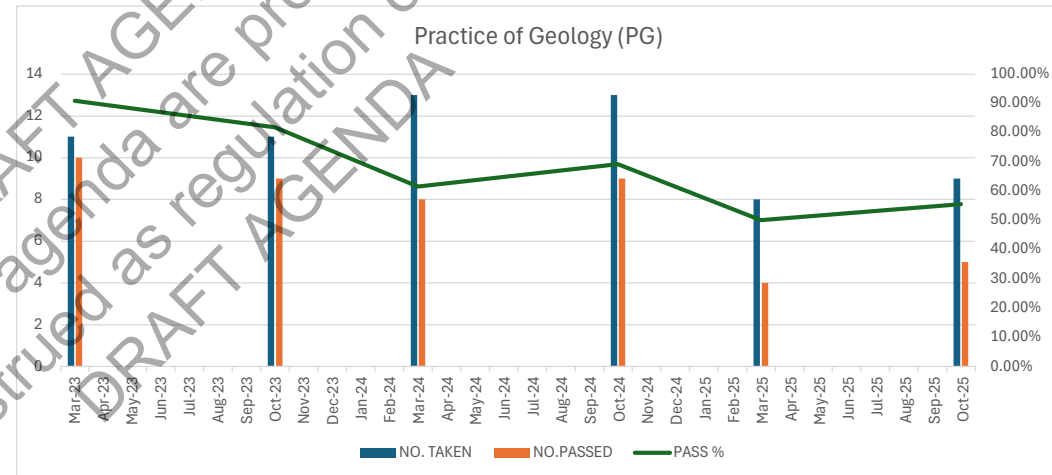
Fundamentals of Geology (FG)

YEAR	NO. TAKEN	NO. PASSED	PASS %
Mar-23	15	10	66.67%
Oct-23	23	14	60.87%
Mar-24	19	11	57.89%
Oct-24	27	17	62.96%
Mar-25	18	12	66.67%
Oct-25	19	12	63.16%
TOTAL	121	76	



Practice of Geology (PG)

YEAR	NO. TAKEN	NO. PASSED	PASS %
Mar-23	11	10	90.91%
Oct-23	11	9	81.82%
Mar-24	13	8	61.54%
Oct-24	13	9	69.23%
Mar-25	8	4	50.00%
Oct-25	9	5	55.56%
TOTAL	65	45	



****No change since 12/02/2025 PSSWPG Board Meeting**



To: PSSWPG Board
From: Kate Nosbisch, Executive Director
Subject: Executive Director Update
Date: February 17, 2026

Data for the last five years of the Board’s activities has been provided.

Application Statistics

The table below provides the number of applications approved for the PSSWPG Board per calendar year (January 1 – December 31) since 2020.

Applications Approved						
Year	2025*	2024**	2023**	2022**	2021**	2020**
App Numbers	124	143	127	111	100	90

*As of 12/31/2025

**Includes GIT, Geologist by Waiver, Wetland Delineator Re-Exam Requests, and Exam Eligible Applicants

Applications Approved by Profession 2025*			
Profession	Soil Scientists	Wetland Professionals	Geologists**
App Numbers	7	21	94

*As of 12/31/2025

**Includes GIT Exam Eligibility, Geologist Exam Eligibility, and Geologist by Waiver

ULR Applications Approved by Profession			
Profession	Soil Scientists	Wetland Professionals	Geologists
App Numbers	4	4	42

*As of 12/31/2025

Call Center Statistics

**** The Call Center Statistics consists of APELSCIDLA, PSSWPG, Auctioneers, and Branch Pilots**

The Board’s call center has answered a total of **7,307** phone calls between January 1, 2025, to December 31, 2025.

**Reduced call center hours began April 16, 2025, with the call center opening at 8:30 am and closing at 5:00 pm, Monday, Tuesday, Thursday, and Friday. Wednesdays the call center opens from 12:00 pm to 2:00 pm. The reduction in call center hours allows our staff to process applications more effectively. On June 24, 2025, call center hours on Tuesdays and Wednesdays open from 12:00 pm to 2:00 pm.

Email Statistics

The table below outlines the number of emails received through the Board’s email address per calendar year (Jan 1-Dec 31)

	Email Count					
Year	2025*	2024	2023	2022	2021	2020
# of Emails**	1,269	815	918	644	482	319

*As of 12/31/2025

**Includes Geology, BPSSWP, and PSSWPG Emails.

Board Case Statistics

Since 2018, The Board has adjudicated 2 cases.

No new cases to date

Stakeholder Engagement & Outreach

Guidance Document

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

Purpose

It has been brought to the Board's attention that there may be Wetland Professionals performing boundary surveys. The purpose of this document is to clarify the Wetland Professionals' scope of practice. Wetland surveys as described in ~~18VAC145-30-40~~ ~~18VAC145-30-140~~ may be performed by a certified Wetland Professional however, a boundary survey must be performed by a licensed Virginia Land Surveyor regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA).

Surveys, under ~~18VAC145-30-40~~ ~~18VAC145-30-140~~ in the regulations for Wetland Professionals, refers to wetland surveys and not land boundary surveys. Regulations governing boundary surveys can be found in section 18VAC10-20-370 of the APELSCIDLA regulations which addresses minimum requirements and procedures for licensed land surveyors to perform boundary surveys.

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

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

Summary

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

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

RE: FOIA Requirements around Electronic Participation in DPOR Meetings

From Eli Wright <ewright@w3env.com>

Date Tue 2/3/2026 2:18 PM

To Kirschner, Steve (DPOR) <Steve.Kirschner@dpor.virginia.gov>

Cc Professional Soil Scientists, Wetland Professionals, and Geologists (PSSWPG) board <psswpg@dpor.virginia.gov>

Hi Steve,

Thank you again for the helpful summary you provided after the subcommittee meeting regarding FOIA requirements around electronic participation in DPOR meetings.

I wanted to share an updated perspective after looking further into DPOR quorum requirements across other composite boards (i.e., boards representing multiple professions/regulating activities). In that review, it appears all composite boards (besides the two boards addressed by HB1176) set quorum as either (a) a simple “majority” of members, or (b) a fixed number of members, without requiring a specific minimum number from each represented profession to be present. In that context, the PSSWPG Board’s current “two per profession plus one citizen” quorum structure appears relatively unique.

Given the Board’s ongoing challenges meeting quorum, and the broader DPOR context above, VAWP’s view is that the HB1176 adjustment to a “one per profession” quorum for regular board business may be a workable operational solution, provided we can take a parallel step to preserve breadth of representation in deliberations.

With that in mind, the practical follow-up I would like to suggest is for PSSWPG to consider adopting a Remote Participation Policy pursuant to § 2.2-3708.3. I understand (and appreciate your clarification) that:

- PSSWPG cannot hold fully virtual meetings in non-emergency circumstances, and
- remote participation generally will not count toward quorum except in limited disability/caregiver situations.

However, § 2.2-3708.3 still allows remote participation under the distance/personal matter categories if the Board adopts a policy. Even if those remote members do not count toward quorum, having a mechanism for them to participate would materially increase the likelihood that more of the intended perspectives (academic, regulatory, and private practice) are present when the Board deliberates, especially when last-minute conflicts arise.

Would DPOR be willing to place “Remote Participation Policy per § 2.2-3708.3” on the agenda for the next PSSWPG Board meeting (or otherwise help facilitate the Board’s consideration of their options in adopting such a policy)? If DPOR has a template policy (for example, the approach used by Barbers and Cosmetology), anything you can share to streamline the Board’s consideration would be appreciated.

Thanks again, and I appreciate your time and guidance.

Eli Wright, PWS, PWD, VSWD
President / Sr. Environmental Scientist
W3 Environmental Solutions, LLC
d: 804.874.5679 | c: 727.560.9896
ewright@w3env.com | www.w3env.com

From: Kirschner, Steve (DPOR) <Steve.Kirschner@dpor.virginia.gov>
Sent: Thursday, January 29, 2026 8:00 PM
To: Eli Wright <ewright@w3env.com>
Subject: FOIA Requirements around Electronic Participation in DPOR Meetings

Hi Eli,

It was good seeing you today. Glad to hear you didn't run into any serious problems in the storm. Below are some notes on the FOIA limitations we have on electronic/virtual participation in board meetings.

General Public: FOIA ([2.2-3707](#) & 3708.3) generally allows for and encourages boards to use electronic access for the public and electronic participation of the public during normal public comment periods. DPOR does not have optimal technology to facilitate meaningful participation by the public (we only have speaker phones and laptops for electronic participation), and so we do not generally have a 'broadcast' or other electronic participation option. Some boards will allow individuals to call into the meeting during public comment or the specific respondent in cases when their case is called, though this is uncommon.

Virtual Board Meetings: These are covered in two sections, one for [declared states of emergency](#) (rare) and the other for all other times, [2.2-3708.3](#). DPOR is precluded from fully virtual meetings during non-emergency circumstances under 3708.3.C

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings...

However, the Section B of 3708.3 allows circumstances for individual board members to participate remotely. The general requirements are 1) the board adopt a policy governing this and 2) the remotely participating member meets one of four different qualifiers. The first two qualifiers deal with disability of the member and disability of a family member (disability is defined). These sections (3708.3.B.1&2) specifically say that in these circumstances, the virtual participant counts toward the physically assembled quorum. The second two are a distance allowance and an allowance for 'personal matters.' These two categories do not give permission for these members to count towards quorum.

So if the board adopted a policy and a member participated remotely due to their own or a family member's disability, we could count them towards the quorum. However, if the remote participation was due to distance or any other 'personal matter,' they could not count towards quorum.

To my best recollection, only one of our DPOR boards has adopted a remote participation policy (Barbers and Cosmetology), but they have only used it, via speakerphone, during a regulatory committee, not a full board meeting. Most of our board member absences involve members traveling out-of-state or last minute illnesses/car troubles. I don't have a good sense of how many might fall under the 'disability' category, but anecdotally I would guess a small amount.

I don't recall the PSSWPG board ever discussing remote participation. I'll check with Kate to see if she knows whether it has been considered.

Let me know if you have any questions.

Regards,

Steve

Stephen Kirschner
Director
Licensing and Regulatory Programs Division

Department of Professional and Occupational Regulation
(804) 367-2960 phone
(804) 533-8116 cell

Virginia Department of Professional and Occupational Regulation
9960 Mayland Drive, Ste. 400, Richmond, VA 23233
Visit us on the web @ www.dpor.virginia.gov

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DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position.
DRAFT AGENDA

COMMON INTEREST COMMUNITY BOARD

POLICY: Remote Meeting Attendance by Board Members

Effective Date: June 05, 2025

- I. PURPOSE:** The purpose of this policy is to document the requirements for individual members of the Common Interest Community Board to participate in meetings using electronic communications pursuant to subsection B of § 2.2-3708.3 of the Code of Virginia, including an approval process for such remote participation.
- II. POLICY STATEMENT:** Individual members of the Common Interest Community Board who are unable to attend a meeting in person, due to a temporary or permanent disability, medical condition, a principal residence more than 60 miles from the meeting location, or personal matter that prevents physical attendance, may participate remotely by electronic communication means as permitted by § 2.2-3708.3.
- III. APPLICABILITY:** This Board policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at meeting.

This policy is applicable to all Board meetings, including meetings conducted by any committees formed by the Board.

IV. GENERAL PROVISIONS:

A. REQUIREMENTS

1. If a personal matter, disability, distance, or medical condition prevents in-person attendance, the individual member requesting to participate remotely must notify the Board Chair through the Board Executive Director no fewer than seven (7) days prior to the scheduled meeting.
2. An individual member's remote participation due to a personal matter is limited by law to two meetings each calendar year.
3. Whenever an individual member is approved by the Board to participate from a remote location, the law requires a quorum of the Board to be physically assembled at the primary meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary meeting location.
4. The meeting minutes must reflect the member's remote location and the reason preventing physical attendance (either the fact of disability, medical condition, distance, or the nature of the personal matter with specificity).

B. APPROVAL PROCESS

1. An individual member's remote participation is approved unless such participation would violate this Board policy or the provisions of the Virginia Freedom of Information Act (FOIA).
2. If an individual member's participation from a remote location is challenged, the Board will vote whether to allow such participation.
3. If the Board votes to disapprove of a member's remote participation because such participation would violate this policy or FOIA, such disapproval will be recorded in the meeting minutes with specificity.
4. Requests must be submitted in writing directly to the Board no fewer than seven (7) days prior to the scheduled meeting, except in cases of extenuating circumstances.
5. In accordance with § 2.2-3707.D.3 of the Code of Virginia, notice of meetings must be posted no fewer than three working days in advance. Therefore, any requests received within three (3) working days of the scheduled meeting will not be approved.

The following is an excerpt from **October 16, 2025, Wetlands Delineator Section Meeting** approved on December 2, 2025, at the PSSWPG Board Meeting and can be found on Virginia Townhall Website:

Mr. Kirschner provided an overview of ULR, enacted July 1, 2023, as an additional licensure pathway intended to reduce barriers while maintaining public protection. Mr. Kirschner emphasized the Board’s responsibility to determine which out-of-state programs meet “similar scope of practice”, that is in 54.1-205 Code of Virginia.

**Universal
Licensing
Recognition (ULR)**

The Section discussed the comparison of three out-of-state wetland requirements.

After a discussion, Mr. Kuhn moved that the Wisconsin’s Professional Assurance Initiative: Wetland Delineation, should be recognized as having similar scope of practice to Virginia’s. Ms. Drahos seconded the motion, which was unanimously denied by members: Brown, Drahos, and Kuhn.

Ms. Drahos moved that the Minnesota Wetland Professional Certification Program Plan be recognized as not having a similar scope of practice to Virginia’s. Mr. Kuhn seconded the motion, which was unanimously approved by members: Brown, Drahos, and Kuhn.

Ms. Drahos moved that Wetland Scientist Certification from Board of Natural Scientists in New Hampshire be recognized as having similar scope of practice to Virginia’s. Mr. Kuhn seconded the motion, which was unanimously approved by members: Brown, Drahos, and Kuhn.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

December 30, 2025

VIA POSTAL AND ELECTRONIC MAIL

Mr. Richard S. Tyler, President
c/o Ms. Rebecca L. Golden, Chief Financial Officer
Virginia Society of Professional Engineers
910 Kent Dr.
Ruther Glen, VA 22546
Becky.Golden@GWRegion.org

Subject: Clarification Regarding Inspection Requirements for Wastewater Projects

Dear Mr. Tyler,

Thank you for your letter regarding local ordinances requiring third-party inspections by licensed professional engineers.

To clarify:

- If VSPE is referring to inspections of septic field construction, the Virginia Department of Environmental Quality (DEQ) defers to the Virginia Department of Health (VDH), which has regulatory responsibility for onsite sewage systems under Title 32.1, Chapter 6 of the Code of Virginia (§ 32.1-163 et seq.) and the Sewage Handling and Disposal Regulations (12VAC5-610). These provisions govern permitting, construction, and inspection of onsite sewage systems.
- If VSPE is referring to other wastewater facilities regulated by DEQ, we concur with your position that the Professional Engineer who designed the project is permitted to inspect the construction and operation of that facility, provided the inspection is within their area of competency and complies with all applicable codes and regulations. DEQ's authority for these facilities derives from Title 62.1 of the Code of Virginia, including the State Water Control Law and the Virginia Pollutant Discharge Elimination System (VPDES) permitting program (§ 62.1-44.15 et seq.).

Both agencies share the goal of protecting public health and the environment. While DEQ supports local governments in safeguarding their communities, we encourage consistency with state law to avoid unnecessary burdens on citizens and businesses. If there is a specific situation that warrants discussion, we welcome the opportunity to discuss potential solutions.

We appreciate VSPE's commitment to professional standards and remain available to participate in further discussions with VSPE, VDH, and other stakeholders to promote clarity and uniformity in regulatory practices.

Please feel free to contact my office if you would like to schedule a meeting.

Sincerely,



Mike Rolband
Director
Virginia Department of Environmental Quality
1111 East Main St., Suite 1400
Richmond, VA 23219
(804) 698-4020
Michael.Rolband@deq.virginia.gov

CC: (via email)

Dr. Karen Shelton, State Health Commissioner, VDH (Karen.Shelton@vdh.virginia.gov)
Sarah Brooks, Director of Business & Financial Services, Virginia Economic Development Partnership (sbrooks@vedp.org)
Kathleen Nosbisch, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
(Kate.Nosbisch@dpor.virginia.gov)

PSSWPG Regulant Population (2020–2025)

Year	Professional Geologists	Professional Soil Scientists	Professional Wetland Delineators	Total
2020	928	91	116	1,135
2021	897	77	117	1,091
2022	930	82	119	1,131
2023	860	79	122	1,061
2024	930	81	145	1,156
2025	901	75	152	1,128

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position.
 DRAFT AGENDA

PSSWPG Licensed Population Report (2020–2025)

Key Insights:

- Wetland Delineators grew steadily: 116 → 152.
- Professional Geologists fluctuated, ending at 901.
- Soil Scientists declined overall: 91 → 75.
- Total licensed population per year:
2020: 1,135; 2021: 1,091; 2022: 1,131; 2023: 1,061; 2024: 1,156; 2025: 1,128.

Year	Total Licensed Population
2020	1135
2021	1091
2022	1131
2023	1061
2024	1156
2025	1128

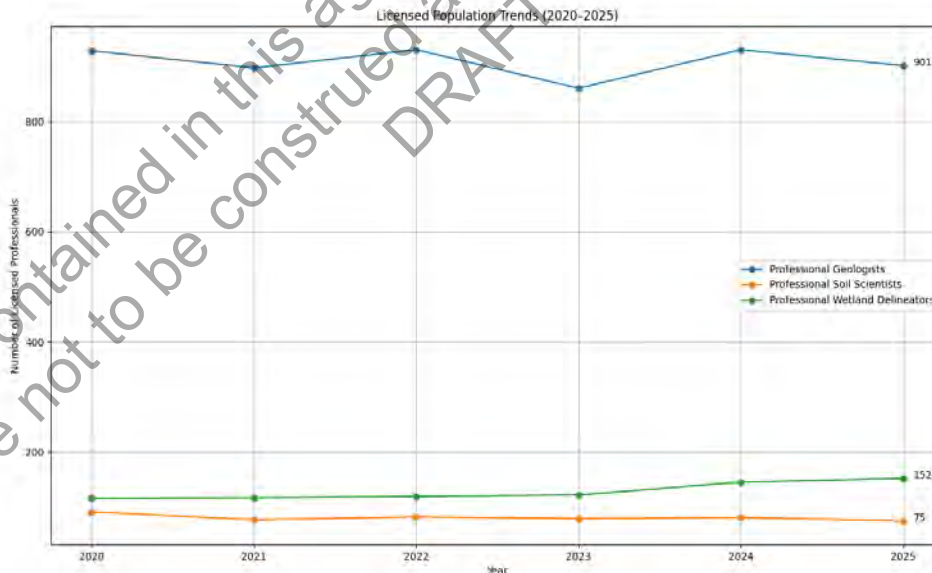


Figure 1: Trends for Geologists, Soil Scientists, and Wetland Delineators (2020–2025)

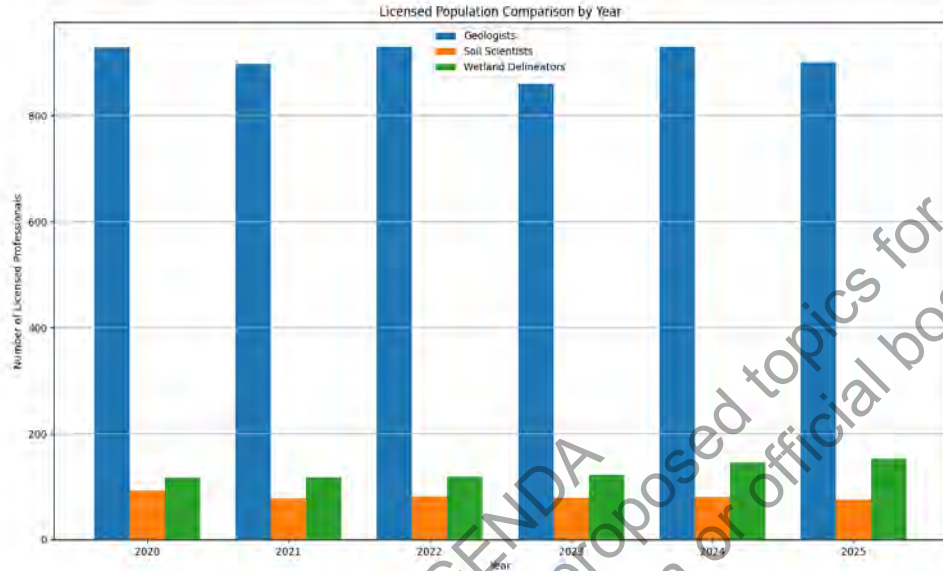


Figure 2: Yearly Comparison of Licensed Professions

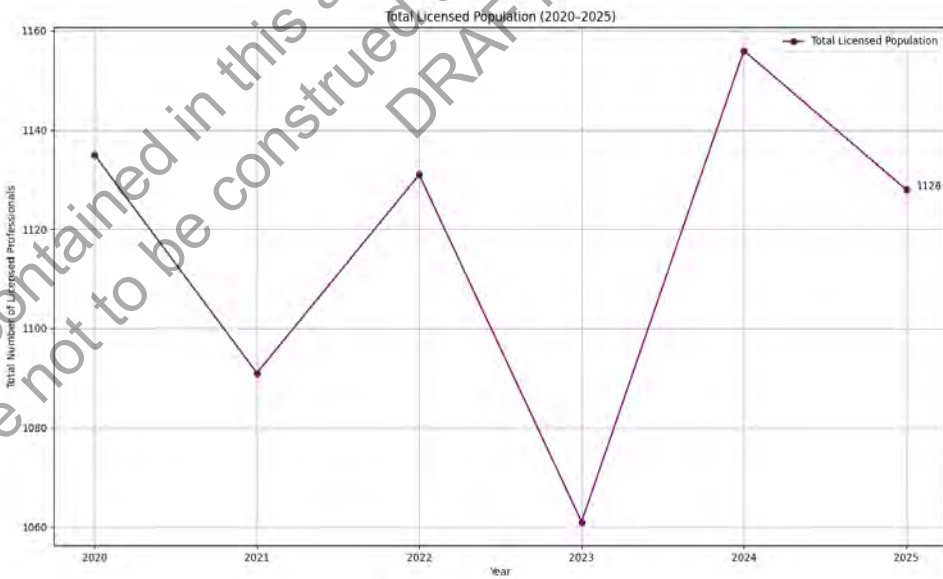


Figure 3: Total Licensed Population per Year



2026

Celebrating PSSWPG Professions Day/Week

Professional Soil Scientists

- World Soils Day:
December 5, 2026

Geologists

- Geologists Day:
April 5, 2026
- Earth Science Week:
October 12-18, 2026

Wetland Professionals

- World Wetlands Day:
February 2, 2026