



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	145
VAC Chapter Number:	30
Regulation Title:	Certified Professional Wetland Delineator Regulations
Action Title:	Promulgating
Date:	May 15, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

Chapter 784 of the Acts of the 2002 General Assembly, which was a result of Senate Bill 61 (“The Bill”), created a regulatory program to certify professional wetland delineators. The Bill assigned the regulatory program to the Virginia Board for Professional Soil Scientists; changed the Board’s name to the Virginia Board for Professional Soil Scientists and Wetland Professionals; and changed the Board’s membership to reflect the new program. The Bill assigned the administration and support of the certified professional wetland delineators program to the Department of Professional and Occupational Regulation.

The new board comes into effect on July 1, 2002 and is mandated, pursuant to the Bill, to adopt final regulations on or before July 1, 2004. This will be the first set of regulations for certified professional wetland delineators. There are no existing regulations to amend.

The NOIRA will solicit public comment on all areas of possible regulation with emphasis on the following areas:

1) Definitions of terms to be used in the regulations; 2) Entry standards for those seeking to practice as a certified professional wetland delineators; 3) Renewal and reinstatement standards for regulants; 4) Standards of practice and conduct; and 5) Grounds for disciplinary action against regulants.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The Board's authority to promulgate regulations for certified professional wetland delineators may be found in § 54.1-201 and § 54.1-2203 of the Code of Virginia. The provisions of § 54.1-2203 shall become effective on July 1, 2004. These two sections of the Code mandate the Board to promulgate regulations for the certification of professional wetland delineators concerning qualifications of applicants, examination of applicants and the proper conduct of certified professional wetland delineators.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

These regulations are necessary to implement Chapter 784 of the Acts of the 2002 General Assembly, which was a result of Senate Bill 61, and to create the regulatory program therein mandated to protect the health, welfare and safety of the public when dealing with persons practicing as a certified professional wetland delineator.

The following issues will be addressed as the regulations are developed:

- 1) Definitions of terms to be used in the regulations;
- 2) Entry standards for those seeking to practice as a certified professional wetland delineators;
- 3) Renewal and reinstatement standards for regulants;
- 4) Standards of practice and conduct; and
- 5) Grounds for disciplinary action against regulants.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

This is the initial regulation promulgation activity. Chapter 784 of the Acts of the 2002 General Assembly and the current Code of Virginia mandate the creation of these regulations.

No alternative have been identified to evaluate.

The Department of Professional and Occupational Regulation and the Virginia Board for Professional Soil Scientists and Wetland Professionals will carefully weigh all information coming into its possession as these regulations are being created with the objective of developing regulations which intrude as little as possible into the conduct of commerce by the regulated community and have the least adverse impact on the public.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No impact on families in Virginia has been identified as resulting from the proposed regulations.