

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on January 19, 2024 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Members present for all or part of the meeting:

Citizens

Bennette Burks
Robin Jones
Steven Yob

Geologists

Shannon George
Matt Heller
Michael Lawless

Soil Scientists

Larry Giannasi
David Hall

Wetland Delineators

Robin Bedenbaugh
Justin Brown
Doug DeBerry

Members absent from the meeting:

Soil Scientists

Alexis Jones

Geologists

R. Drew Thomas

Staff present for all or part of the meeting were:

Kishore S. Thota, Director
Brian Wolford, Chief Deputy Director
Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Joseph Haughwout, Regulatory Affairs Manager
Ecila Williams, Administrative Coordinator
Greg Emerson, Executive Director- Examinations
Jennifer Sayegh- Policy and Legislative Affairs Manager

Grace Flores-Hughes, BPOR Liaison, was not present at the meeting with regrets.

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

Members of the audience:

Thaddues Kraska- Wetland Delineator, Director of Environmental Services Townes Site
Engineering, Secretary for the Virginia Association of Wetland Professionals
Elijah Wright- Wetland Delineator, Virginia Association of Wetland Professionals

Ms. Jones, Vice-Chair, called the meeting to order at 10:32 a.m.

Call to Order

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

**Emergency
Evacuation**

Mr. Brown arrived at 10:33 a.m.

**Arrival of Board
Member**

Ms. Nosbisch introduced Kishore S. Thota as the new Director, Brian Wolford as the new Chief Deputy Director of DPOR, Ms. Williams as the Administrative Coordinator, and Mr. Yob as the new Citizen member, replacing Molly Parker. Each of the board members introduced themselves.

Announcements

Mr. Lawless moved to approve the agenda with amendments. Mr. Bedenbaugh seconded the motion, which was unanimously approved by members: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

**Approval of
Agenda**

Mr. Burks moved to approve the minutes of the September 26, 2023, board meeting. Mr. Giannasi seconded the motion, which was approved by members: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

**Approval of
Minutes**

Mr. Kraska, a certified Wetland Delineator, expressed his concerns to the Board regarding the proposed changes to the educational requirements for Wetland Delineators. Mr. Kraska wants the Board to consider the retention of existing educational requirements and wants to be informed if a public hearing would be scheduled in the near future.

**Public Comment
Period**

Mr. Wright, a certified Wetland Delineator, expressed his concerns to the Board regarding the proposed changes for Wetland Delineators and requested clarifications surrounding public engagement process for the proposed changes. Mr. Wright encouraged the Board to fully consider the integrity and essential role of Wetland Delineators, have a panel of outside experts be involved in a full review of the proposed changes under the supervision of the Board, be made aware of any public hearings and have an outline of the remainder of regulatory review.

Kristen Shacochis-Brown emailed the Board on December 7, 2023, expressing her concerns about changing the requirements when it comes to obtaining a Wetland Delineator certification. Ms. Shacochis-Brown request the Board to not change the regulations and keep them strict.

Ms. Jones read the following resolution for consideration by the Board:

RESOLUTION TO

Molly Parker

**Resolution for
Molly Parker**

WHEREAS, Molly Parker, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists from 2015 to 2024;

WHEREAS, Molly Parker, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Molly Parker, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional Soil Scientists, Wetland Professionals, and Geologists this 19th day of January 2024, that Molly Parker, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

The Board members agreed to the resolution by consensus.

Ms. Sayegh addressed the Board with a General Assembly update, regarding House Bill 1182, a proposal to make changes to Virginia's voluntary Professional Wetland Delineator Certification to align the statute with the Universal Licensing Recognition (ULR) statute.

**General Assembly
Update**

Ms. Nosbisch stated the Board that they will be given a copy of the verbiage of House Bill 1182 at a later date.

Ms. Nosbisch stated the soil scientist update items were provided for informational purposes.

**Soil Scientists
Update**

Ms. Nosbisch stated the wetland professional update items were provided for informational purposes.

Wetland
Professionals
Update

Ms. Nosbisch stated the geologist update items were provided for informational purposes.

Geologists Update

Ms. Davis informed the Board that public comment for Periodic Regulatory Review was from July 31, 2023, to August 21, 2023, and there were three comments for Soil Scientists, 38 comments for Wetland Delineators, and 65 comments for Geologists. Mr. Bedenbaugh moved to approve the proposed responses to the public comments. Mr. Lawless seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

Regulatory Review
Update

Mr. Giannasi moved to retain the current regulations as is. Mr. Lawless seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

Ms. Davis informed the Board that the wish list for Soil Scientists of statute changes submitted to the Director's Office was not picked up by the agency and the statutes will remain as is. Ms. Davis stated that any regulations that were anticipated to change because of possible changes to statutes, now need to revert back to their original language. Mr. Gianassi moved to revert the regulations back to the current language. Mr. Lawless seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

Ms. Davis noted that public comment for the Soil Scientists General Regulatory Review was November 9, 2023 through January 3, 2024. No comments received.

Ms. Davis informed the Board that the wish list for Wetland Delineators of statute changes submitted to the Director's Office was not picked up by the agency and the statutes will remain as is. Ms. Davis stated that any regulations that were anticipated to change because of possible changes to statutes, now need to revert back to their original language. Mr. DeBerry moved to revert the regulations back to the original language. Mr. Bedenbaugh seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

Ms. Davis informed the Board that public comment for Wetland Professional General Regulatory Review was from October 23, 2023, to December 8, 2023, and there were 89 comments. Mr. Bedenbaugh moved to the approve the proposed responses to the public comments. Mr. Lawless seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry,

George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

Ms. Davis informed the Board that during the Geologist General Regulatory Review, the Board considered some changes to qualifications for certification, including removing language describing acceptable courses in geologic science and descriptions of work that are acceptable experience. During Executive Branch review, it was suggested that these provisions be reinserted. Mr. Lawless moved to reinsert the language describing acceptable courses and descriptions of acceptable experience. Ms. George seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob.

Ms. Davis requested the Board review the Geology Information Sheet for accuracy. The Board confirmed by consensus that the course descriptions on the Geology Information Sheet were accurate.

Ms. Davis informed the Board that there has been no movement at this time regarding fee adjustments and the NOIRA is at the Governor's Office.

Ms. Davis informed the Board that the Agency is currently revamping all guidance documents to determine if they need to be retained, amended or repealed. Ms. Davis stated to the Board that the PSSWPG Guidance Document for Wetland Professionals' Scope of Practice needed to be reviewed.

**PSSWPG
Guidance
Document**

After a brief discussion, Mr. DeBerry moved to retain the PSSWPG guidance document as is. Mr. Bedenbaugh seconded the motion and was approved by: Bedenbaugh, Burks, DeBerry, George, Giannasi, Hall, Heller, R. Jones, Lawless, and Yob. Mr. Brown denied the motion. The motion to retain the PSSWPG guidance document had passed.

Ms. Davis exited the meeting at 12:16 p.m.

**Departure of
DPOR Staff**

Mr. Emerson presented to the Board Professional Wetland Delineator Examination statistics, from 2018-2023, VA Geology statistics from March 2023 and October 2023, and Soil Scientists statistics for 2023 for informational purposes. Ms. George requested to see overall scores from other states and passing rates compared to paper exams and computer-based testing.

**Examination
Director Report**

The Board took a recess from 12:25 p.m. to 12:40 p.m.

Recess

Ms. Nosbisch stated the Executive Director Report will be a part of the agenda and was provided for informational purposes only.

**Executive Director
Report**

Ms. Nosbisch informed the Board that the topic of Soil Scientist performing the

Soil Scientist OSE

work of onsite evaluators by exemption was presented to the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (WWWOSSP) at its October 13, 2023 board meeting. The WWWOSSP Board stated that the exemption cannot be granted per their Board's regulations and would require legislative action.

Exemption Update

Mr. Wolford exited the meeting at 1:05 p.m.

Departure of DPOR Staff

Ms. Nosbich requested volunteers from the Board to present a short presentation into "A Day in the Life..." of their specific profession. Mr. Thomas will present at the March 4, 2024, meeting, Mr. Bedenbaugh at the June 11, 2024, meeting, and Mr. Hall at the September 4, 2024 meeting.

A Day in the Life...

Ms. Nosbisch shared a brief "A Day in the Life..." of an Executive Director that was prepared for internal team members.

The ULR approved application count as of December 1, 2023- Geologists- 7; Soil Scientists- 1; Wetland Delineators- 2

Universal Licensing Recognition Approved Applications

Ms. Nosbisch reminded the Board that Financial Statement Disclosures are due February 1, 2024.

Financial Disclosure Statements

The licensee counts as of December 1, 2023: Soil Scientists – 79; Wetland Delineators – 122; Geologists – 859.

Licensed and Certified Population

Ms. Nosbisch informed the Board that the financial statements were included for informational purposes.

Financial Statements

Ms. Nosbisch informed the Board about the Board Member Training Conference is tentatively scheduled for October 10, 2024 to October 11, 2024.

Other Business

Ms. Nosbisch reminded the Board the importance of regularly attending scheduled board meetings to ensure a quorum.

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 1:13 p.m.

Adjourn



Carlyle "Robin" Jones, Vice Chair



Kishore S. Thota, Secretary

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

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

1. Name: Justin T. Brown
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024

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

Nature of Personal Interest Affected by Transaction:


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

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

or

I did not participate in the transaction.

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



Signature

1/19/2024

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: David Hall
- 2. Title: Board Member
- 3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
- 4. Meeting/IFF Date: Board Meeting January 19, 2024

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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

Signature David Hall

Date 1/19/24

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

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

1. Name: Matt Heller
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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

Signature



Date



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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Robin Jones
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024

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

Nature of Personal Interest Affected by Transaction:

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

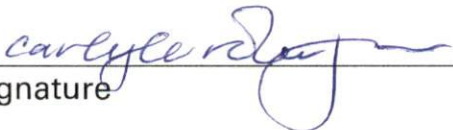
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

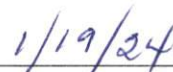
I did not participate in the transaction.

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

Signature



Date



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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Steven Yob
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024

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

none

Nature of Personal Interest Affected by Transaction:

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

professional engineers

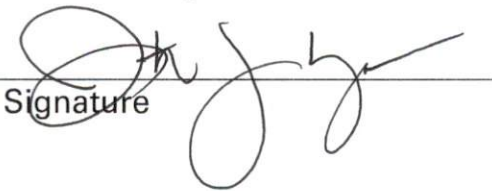
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

1/19/2024

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Doug DeBerry
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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


Signature

1-19-2024
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Bennette Burks
- 2. Title: Board Member
- 3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
- 4. Meeting/IFF Date: Board Meeting January 19, 2024

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

NONE

Nature of Personal Interest Affected by Transaction:

NONE

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

NONE

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

or

I did not participate in the transaction.

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

Bennette D. Burks,

Signature

1/19/2024

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Michael D. Lawless
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:


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

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

or

I did not participate in the transaction.

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



Signature

1/19/24

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Robin Bedenbaugh
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

or

I did not participate in the transaction.

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

Robin L. Bedenbaugh
Signature

1/19/24
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Larry Giannasi
- 2. Title: Board Member
- 3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
- 4. Meeting/IFF Date: Board Meeting January 19, 2024
- 5. I have a personal interest in the following transaction:

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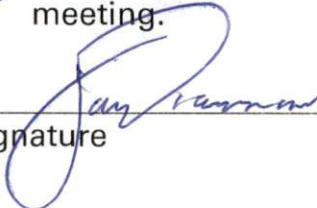
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

1-19-24

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Shannon George
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting January 19, 2024
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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

Shannon George
Signature

1/19/2024
Date