

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on March 4, 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

Geologists

Shannon George
Matt Heller
Michael Lawless
R. Drew Thomas

Soil Scientists

Alexis Jones
David Hall

Wetland Delineators

Robin Bedenbaugh
Justin Brown
Doug DeBerry

Members absent from the meeting with regrets:

Soil Scientists

Larry Gianassi

Citizens

Steven Yob

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.

James Flaherty, Assistant Attorney General, was present from the Office of the Attorney General.

Members of the audience:

W. L. Daniels- Soil Scientist, Virginia Tech

Elijah Wright- Wetland Delineator, Virginia Association of Wetland Professionals

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

Call to Order

Mr. Thomas advised the Board of the emergency evacuation procedures.

Emergency
Evacuation

Mr. Kirschner arrived at 10:03 a.m.

Arrival of DPOR
Staff

Mr. Lawless moved to approve the agenda as amended. Ms. A. Jones seconded the motion, which was unanimously approved by members: Bedenbaugh, Brown, Burks, DeBerry, George, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

Approval of
Agenda

Mr. Bedenbaugh moved to approve the minutes of the January 19, 2024, board meeting with amendments. Mr. Hall seconded the motion, which was approved by members: Bedenbaugh, Brown, Burks, DeBerry, George, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

Approval of
Minutes

Mr. Emerson arrived at 10:18 a.m.

Arrival of DPOR
Staff

Dr. Daniels, a Soil Scientist, former board member, and writer of the original exam, expressed his concerns to the Board regarding the Soil Science Society of America (SSSA) National Exam. Dr. Daniels explained to the Board how challenging the Fundamentals and Professional exams were as he had to take the exam due to the expiration of his Virginia license. Dr. Daniels stated to the Board that there were questions on the exam that were not answerable and that he had to utilize the three hours given to take the exam. Dr. Daniels requested the Board to contact SSSA to express his concerns about the exams as the interest in being a soil scientist is at a decline as they do not want to take the exam.

Public Comment
Period

Mr. Wright, a certified Wetland Delineator, expressed his concerns to the Board regarding the proposed changes for Wetland Delineators. Mr. Wright expressed to the Board that the regulatory process seems complicated and confusing to the public. Mr. Wright encouraged the Board to take a cautious approach in making regulatory revisions at this time as there are multiple and potentially conflicting revisions being made to the Professional Wetland Delineator certification program at both the legislative and regulatory levels. Mr. Wright also requested the Board that any vote to progress regulatory revisions that may be proposed be deferred until the next scheduled Board meeting and a full review of proposed regulatory changes and implications of legislative changes. Mr. Wright volunteered to participate in any board or regulatory review meetings to give insight and recommendations.

Ms. Davis presented to the Board the Soil Scientists' regulations that have been reverted to the original language. After a long discussion, Mr. Lawless moved to authorize staff to file the proposed language and to retain as is. Mr. DeBerry seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas

Regulatory Review Update

Ms. Davis presented to the Board the Wetland Professionals' regulations that have been reverted to the original language. After a long discussion, Mr. DeBerry moved to authorize staff to file the proposed language and to retain as is. Mr. Burks seconded the motion which was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas

Ms. Davis informed the Board that there has been no changes to the Geology regulations at this time.

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. Nosbisch presented to the Board that an email inquiry from a geologist regarding regulations regarding the application process for permitting of residential water supply wells in the state of Virginia. After a brief discussion, Mr. Lawless moved to start a dialogue with the Virginia Department of Health regarding the regulations and construction permit for private wells. Ms. George seconded the motion was unanimously approved by: Bedenbaugh, Brown, Burks, DeBerry, George, Hall, Heller, A. Jones, R. Jones, Lawless, and Thomas.

Ms. Nosbisch stated this will be revisited at the June 11, 2024, board meeting.

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.

Examination Director Report

Ms. Nosbisch informed the Board that the Executive Director Report was provided for informational purposes.

Executive Director Report

Mr. Thomas shared a brief “A Day in the Life of a Geologist” oral presentation to the Board and DPOR staff.

A Day in the Life of a Geologist

The licensee counts as of February 1, 2024: Soil Scientists – 81; Wetland Delineators – 123; Geologists – 869.

Licensed and Certified Population

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

Financial Statements

Ms. Sayegh addressed the Board with a General Assembly update. House Bill 1182, a proposal to make changes to Virginia’s voluntary Professional Wetland Delineator Certification to align the statute with the Universal Licensing, was amended in the House in the nature of a substitute. The substitute bill is a result of collaboration with various stakeholders and wetlands advocacy groups to reach a compromise, with most statutory changes included in the original bill being restored and reducing the years of experience required to become a wetland delineator from four years to three years. The bill passed the House and Senate unanimously.

Other Business

Ms. Sayegh informed the Board that House Bill 287/Senate Bill 184, which modernizes the definition of the practice of geology to ensure that the actual duties and tasks of geologists are accurately presented and adds the definition of geological mapping to the code, has passed both chambers and will be sent to Governor’s desk for signage.

Ms. Nobsch informed the Board that Board Member Training Conference is scheduled for October 10, 2024, to October 11, 2024 at Great Wolf Lodge in Williamsburg, VA.

The Board took a recess from 12:10 p.m. to 12:20 p.m.

Recess

Director Thota and Deputy Director Wolford exited the meeting at 12:10 p.m.

Departure of DPOR Staff

Mr. Kirschner presented to the Board a presentation on the regulatory process.

Regulatory Training

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

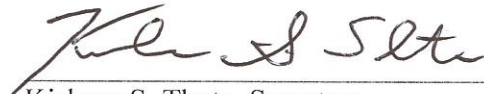
Conflict of Interest Forms/Travel Vouchers

There being no further business, the meeting was adjourned at 12:52 p.m.

Adjourn



R. Drew Thomas, 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: R. Drew Thomas
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting March 4, 2024
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

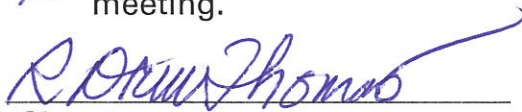
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3.4.24

Date

**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 March 4, 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.

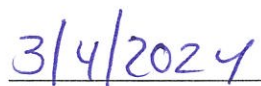
or

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: Alexis E. Jones
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting March 4, 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:

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

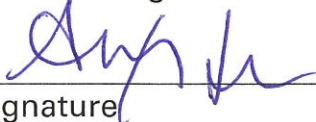
or

I did not participate in the transaction.

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

Signature

Date



3/4/2024

**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 March 4, 2024

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

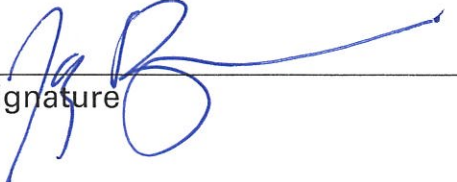
Nature of Personal Interest Affected by Transaction:

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

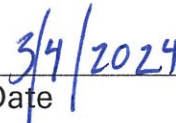
- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or**
- I did not participate in the transaction.

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

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

N/A

Nature of Personal Interest Affected by Transaction:

N/A

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

N/A

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

or

I did not participate in the transaction.

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

Bennette S. Burks.

Signature

3/4/2024

Date

**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 March 4, 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: David Hall
- 2. Title: Board Member
- 3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
- 4. Meeting/IFF Date: Board Meeting March 4, 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:

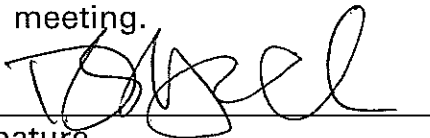
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

3/4/24

**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/IGT Date: Board Meeting March 4, 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.

Robin I. Bedenbaugh
Signature

March 4, 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 March 4, 2024

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

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- or**
- I did not participate in the transaction.

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



Signature

3/4/24

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 March 4, 2024

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

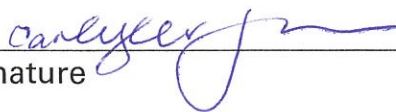
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6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date

3/4/24

**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 March 4, 2024

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

Nature of Personal Interest Affected by Transaction:

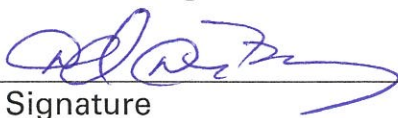
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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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


Signature

3-4-24
Date