

*New Hampshire Association of Natural Resource Scientists
Post Office Box 110 * Concord, NH 03302-0110*



March 3, 2023

Carol McGuire, Chair
House Executive Departments and Administration (ED&A) Committee
NH State House
107 North Main Street
Concord, NH 03301

Re: House Bill 655, Sections 90 & 91

Dear Members of the House Executive Departments and Administration (ED&A) Committee:

The NH Association of Natural Resource Scientists (NHANRS) is a state-wide non-profit professional organization whose membership includes wetland scientists, soil scientists and wildlife biologists from the professional consulting community and from the state's academic and public sectors.

NHANRS President, Collis Adams, CWS, and Jay Aube, CWS, attended the ED&A work session on February 28 and provided comments on HB 655, specifically as it pertains to the Board of Natural Scientists (Sections 90 and 91). We would like to clarify a few issues that were discussed at that session and we offer the following information to the Committee:

1. Professional Wetland Scientist (PWS) versus Certified Wetland Scientist (CWS). There was inaccurate information provided regarding how the PWS and CWS are in relation to each other.

PWS

- The Society of Wetland Scientists (SWS) is a national organization that's focused on private, not-for-profit scientific and educational objectives related to wetland science. They developed the PWS program for certification of wetland scientists.
- The PWS certification relies solely on education and experience, and does not provide field testing nor a written test before issuance of certification.
- The PWS certification does not require applicants to be educated in regional wetland parameters.
- The PWS certification does not require applicants to be educated in state-specific or federal-specific regulations.
- The PWS certification has not been authorized by any state or federal agency and **does not serve as a national license or certification for wetland delineation or assessment.**
- The PWS certification process has no mechanism for discipline or accountability to maintaining professional standards, nor does it have the ability to facilitate revocation, if necessary.
- The PWS certification process is a completely separate, stand-alone process in relation to the New Hampshire CWS certification process. The PWS certification is NOT required to become a New Hampshire CWS.

CWS

- As defined by NH RSA 310-A:76, II-a: “A ‘Certified Wetland Scientist’ means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified:
 - to delineate wetland boundaries and to prepare wetland maps;
 - to classify wetlands;
 - to prepare wetland function and value assessments;
 - to design wetland mitigation;
 - to implement wetland mitigation;
 - to monitor wetlands functions and values; and
 - to prepare associated reports

all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or their successors, and who has been duly certified by the board.” (The “board” is referring to the Board of Natural Scientists).

These two certifications, the PWS and CWS, are not reciprocal.

2. Certification versus Licensing. There was a misunderstanding regarding whether or not wetland and soil scientists are certified, licensed or both in the State of New Hampshire.
 - The CWS and Certified Soil Scientists (CSS) certifications were initially developed in the 1990s. CWS was created to establish standards by which professional scientists would have a mechanism to verify education, field training and experience in order to assess and identify wetlands. CSS was created to do the same for soil mapping standards.
 - The CWS and CSS processes currently offer a pathway for wetland and soil scientists to obtain important and necessary continuing education units (CEUs) in the areas of science, technology and permitting that are constantly changing. Education opportunities ensure the CWS and CSS are up-to-date in industry standards and requirements.
 - During the legislative process of the certifications, the negotiations with other stakeholders required that this process become a certification and not a licensure in order for it to move forward. Currently, wetland and soil scientists are certified by the State of New Hampshire to work as CWS and CSS.
3. CWS Stamp. There was a proposal put forward by the New Hampshire Office of Professional Licensure and Certification (OPLC) to merge the CWS and CSS stamps into one universal stamp with other professional entities.
 - The requirement for a CWS stamp on plans and reports is the ultimate verification for regulatory authorities, clients and municipalities that the wetlands on site were accurately delineated and assessed, and that the data provided can be used for development and permitting requirements.
 - The requirement for a CSS stamp on plans and reports is the ultimate verification for regulatory authorities, clients and municipalities to identify and classify soil types on development sites for engineering purposes.

- The CWS and CSS stamps are required by the State of New Hampshire Department of Environmental Services (NHDES) and the majority of municipalities within the State of New Hampshire for these distinct purposes.
 - The CWS stamp is part of the base of information on subdivisions and site plans from which New Hampshire land use boards make informed decisions that protect public health and safety, property owners' rights, and our natural resources.
 - The CSS stamp is required as part of the NHDES Alteration of Terrain permit application requirements. This process requires a Site Specific Soil Map and report stamped by a CSS.
 - Stamping with a generic stamp will not allow the fulfillment of the purposes behind the CWS and CSS certifications, in order to accomplish the specific functions as described above, and may impact the trustworthiness of the data received by the state and municipality entities.
4. Discipline and revocation authority.
- The Board of Natural Scientists is the only entity in the State of New Hampshire that has the authority to take disciplinary or revocation action against a CWS or CSS certified professional.
 - The Board of Natural Scientists may, by its duly-established authority, address complaints and violations as they are put forth by the public, and can ultimately reprimand, suspend or remove the CWS or CSS from practice through a due process system of review.

We believe it is critically important to retain the certification process for CWS and CSS. We are open to merging the Board of Natural Scientists with another relevant board, provided at least one wetland and/or soil scientist is on that board. We are also open to the Board of Natural Scientists becoming an advisory board under the OPLC, provided the standards and criteria necessary for obtaining and maintaining these certifications remains.

We appreciate the opportunity to submit these comments and we are available for any additional questions or comments. Please contact Kimberly Peace (NHANRS Legislative Chair) at kpeace@hoyletanner.com or myself at collis.adams@comcast.net if you would like to discuss further.

Sincerely,

A handwritten signature in black ink that reads "CG Adams". The letters are cursive and somewhat stylized.

Collis Adams, CWS
NHANRS President

cc: Lindsey B. Courtney, OPLC Executive Director
Teresa Rosenberger, Bernstein Shur