



# Natural Scientist Public Meeting Minutes

Natural Scientists Board  
Aug 23, 2023 at 9:00 AM EDT  
@ 7 eagle Square, Concord NH

## Attendance

### Present:

Members: Christopher Albert, Gregory Howard, Damon Burt, Abigail Fopiano, James Long, James Roberg

### Absent:

Members: Rahkiya Medley, Chris Senko

#### I. Call to Order –

9:07

#### II. Approval of Public Minutes of the July 26, 2023 meeting –

##### Motion:

Motion to approve minutes.

Motion moved by Abigail Fopiano and motion seconded by Gregory Howard. The motion passed unanimously.

#### III. Licensure

##### A. Applications to review for the wetland written exam:

###### 1. David Jeffery

David believes that all documentation has been submitted and has asked the Board to review his application. He has asked for detailed feedback on what is needed if it is discovered that he is missing documentation.

I've been travelling for the last couple of weeks, so I hadn't had time to really look into this until today. Now that I've had a second look at your email, I am a little confused. The two methods you list are both methods of doing what is called a functional assessment - which I included in my application (your email of July 27 says that you confirmed that they received this). Initially I thought you meant that I was supposed to do a wetland delineation using a different standard than the US Army Corps method.

The Comparative Evaluation of Nontidal Wetlands in New Hampshire, Published March 1991 is the "NH Method" of doing a functional assessment, which is the standard I used in the one I included in my application. So that requirement was met as far as I can tell.

Can you please find out exactly what the board of Natural Scientists thinks was missing from my application? If there was something missing from the functional assessment

itself, please let me know specifically what it was. At this point it is obviously too late to take the July exam, but I intend to reapply so that I can sit for the next exam. In order to do so I need to know what specifically it was that my application was missing, so that I can correct it going forward.

I did reach out to Chris Albert on the Natural Scientists board, but his response was just that I needed to coordinate with your office.

Please let me know - thanks for your time.

David Jeffery

**Motion:**

To have Damon Burt provide detailed information as to missing documentation.

Motion moved by Gregory Howard and motion seconded by James Long.  
Motion passed unanimously.

**Motion:**

Motion to assign Damon Burt to address Mr. Jeffery's comments and concerns.

Motion moved by Gregory Howard and motion seconded by James Long.  
The motion passes unanimously.

IV. New Business

A. Accepting Articles for Continuing Education- Cooperdock

Soil 403.03 Continuing Education Hours. Continuing education hours shall be credited as follows:

- (a) A maximum of 2 continuing education hours shall apply to activity on a state or national board of licensure;
- (b) Courses/programs awarded one or more college semester credit hours, with a passing grade where grades are issued, shall equal 15 continuing education hours per credit hour based on course credit established by the college or university;
- (c) Courses/programs awarded one or more college quarter hours, with a passing grade where grades are issued, shall equal 10 continuing education hours per credit hour based on course credit established by the college or university;
- (d) Courses or programs awarded one or more continuing education units by the course sponsor, with a passing grade where grades are issued, shall equal 10 continuing education hours per continuing education unit;
- (e) Credit shall be awarded for one hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or

conferences for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings shall earn continuing education credit for the actual time of each program;

(f) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn continuing education credit at twice that of participants. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty;

(g) Each professional journal, published paper, or published soil or wetland science textbook pursuant to Soil 403.02 shall equal 8 continuing education hours;

(h) Active participation in professional or technical societies shall equal one continuing education hour and shall require that a certified soil or wetland scientist serve as an officer and/or actively participate in a committee of the organization. Continuing education hours shall not be earned until each year of service is completed and shall be limited to 2 continuing education hours per organization;

(i) Field trips organized and run by professional and/or technical societies or in conjunction with meetings, conventions, or conferences shall be awarded one continuing education hour for each hour of duration, up to 8 continuing education hours per day.

(j) Two hours of self-directed learning activity through the use of audio or video tapes shall equal one continuing education hour;

(k) Training apprentice soil or apprentice wetland scientists shall equal 3 continuing education units per year; and

(l) Continuing education hours shall not be recognized for any repeat program attended or completed.

**Motion:**

Motion to deny the articles as continuing education and ask the licensee for additional information.

Motion moved by Gregory Howard and motion seconded by Christopher Albert. The motion passes with Abigail Fopiano opposed.

V. Results of the July 28, 2023 Written exams

Results have been received.

VI. Rules Review and Other Legislative Topics

A. Hearing Soil 300 9:30 AM (Presenters: Tina Kelley)

At 9:30 hours a public hearing was held for comments related to rule changes. Kimberly Peace of The New Hampshire Association of Natural Resource Scientists, provided comments on the proposed rule changes.

## Application Form Change

To add a check box for 302.04 (c) One of the delineation plans shall include a complete assessment of functions and values using either the method for the Comparative Evaluation of Nontidal Wetlands in New Hampshire, published March 1991 or US Army Corps of Engineers, Highway Methodology Workbook Supplement, published September 2009, for candidates pursuant to RSA 310-A:84, II-a (a);

Also changing the application to not show a fee and instead refer to OPLC Rules.

**I. The form shall identify a board member who is available and able to work with a rulemaking coordinator to assist with rulemaking.**

### **Motion:**

Motion to move forward with the application change and to assign Damon Burt as the contact person for the rulemaking coordinator.

Motion moved by Gregory Howard and motion seconded by Christopher Albert.

The motion passes unanimously.

## VII. Non-Public Session

Non-public session, conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, *Lodge v. Knowlton*, (1978), and the Board's executive and deliberative privileges.

At 10:01 by Roll Call vote the Board voted to conduct a Non-Public Session.

## VIII. Resume Public Session

At 11:26 by roll call vote the Board voted to resume the public session.

## IX. Seal the Minutes of the Non-Public Session

Minutes of the non-public session are sealed to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

### **Motion:**

Motion to seal the non-public minutes.

Motion moved by Gregory Howard and motion seconded by James Long. Motion passes unanimously.

## X. Exam Dates

A. Field Exams – September 22, 2023 (Wetland & Soil)

XI. Next Meeting – Wednesday October 11, 2023 at 9:00 am.

XII. Adjournment

**Motion:**

Motion to adjourn.

Motion moved by James Long and motion seconded by Abigail Fopiano. Motion passes unanimously.