



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Joseph H. Maroon, Director
Virginia Department of Conservation and Recreation

FROM: Elizabeth A. Andrews
Assistant Attorney General

DATE: August 28, 2008

RE: Amendments to SWCB Public Participation Procedures Regulations, 4 VAC 50-10 and 4 VAC 50-11

I have reviewed the above-referenced amendments which repeal the current Soil and Water Conservation Board (SWCB) Regulatory Public Participation Procedures and promulgate new Public Participation Guidelines. Based upon your agency's representations, it is my opinion that the SWCB has authority to promulgate the amendments to the above regulations based upon applicable law, including Chapter 321 of the 2008 Acts of Assembly, which mandated that state agencies with the authority to promulgate regulations must adopt model public participation guidelines by December 1, 2008.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.