



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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March 30, 2009

Hon. David K. Paylor, Director
Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

RE: Authority to Adopt Regulation for Protection of Eastern Shore Tidal
Waters for Clams and Oysters
Final Regulation, 9 VAC 25 - 260 - 275

Dear Director Paylor:

I have reviewed the above-referenced final regulation entitled "Protection of Eastern Shore Tidal Waters for Clams and Oysters." Based upon your agency's representations, it is my opinion the State Water Control Board has authority to adopt these provisions as a final regulation under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia*.

With kindest regards, I am

Sincerely,

A handwritten signature in cursive script, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General

C: Cindy Berndt