



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli II  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** David A. Johnson, Director  
Department of Conservation and Recreation

**FROM:** Elizabeth A. Andrews  
Senior Assistant Attorney General

**DATE:** October 31, 2011

**RE:** “Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs and Services” Regulations, 4 VAC 5-36

---

I have reviewed the final revisions to the above-referenced regulations.

It is my opinion as agency counsel that DCR has the statutory authority to promulgate these regulations. In addition, because these regulations establish the prices or rates which DCR charges the public, it is further my opinion that these revisions are exempt from the provisions of Article 2 of the Administrative Process Act, §§ 2.2-4000 *et seq.* of the Code of Virginia, pursuant to § 2.2-4006(A)(1) thereof.

If I may be of further assistance, please advise.

cc: David C. Dowling