



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Marissa J. Levine, M.D., M.P.H.
Commissioner, Virginia
Department of Health

FROM: Karri B. Atwood
Assistant Attorney General

DATE: June 27, 2014

RE: Amendments to the Marina Regulations, 12VAC5-570-10 et seq.

I have reviewed the above-referenced proposed revisions to the Marina and Boat Moorings Regulations, 12VAC5-570-10, et seq. The amendments are proposed to simplify regulatory requirements and address the need to modify the requirements for two facilities in particular: (1) marinas that serve owners who live aboard their boats, and (2) public boating access facilities (boat ramps) that receive heavy use.

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the subject revisions to the regulations pursuant to *Code of Virginia* § 32.1-12, § 32.1-164, and § 32.1-246. If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.