

MEMORANDUM

FROM: Paul Kugelman, Jr.
Senior Assistant Attorney General

DATE: March 21, 2017

RE: Proposed Fast-track Regulation - 4 Va. Admin. Code § 25-160-10 *et seq.*

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this email contains the legal analysis of the individual staff member providing it.

It is my view that the Department of Mines, Minerals and Energy (DMME) has the authority to promulgate these proposed amended regulations.

It is also my view that the Virginia Administrative Process Act, §§ 2.2-4000 to -4032, applies here. Further, as DMME is employing the fast-track rule making process set forth in § 2.2-4012.1, adopting these amendments through this process is subject to the limitations on objections as provided for in § 2.2-4012.1.

The foregoing conclusions are my own. They do not constitute an opinion, formal or informal, of the Attorney General.