



# **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 DCR Public Participation Procedures Regulations, 4 VAC 5-10 & 4 VAC 5-11

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I have reviewed the above-referenced amendments which repeal the current Department of Conservation and Recreation (DCR) Regulatory Public Participation Procedures and promulgate new Public Participation Guidelines. Based upon your agency's representations, it is my opinion that DCR 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.