



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

TO: Conrad Spangler, Director  
Department of Mines, Minerals and Energy ("DMME or Department")

FROM: Sharon M.B. Pigeon  
Senior Assistant Attorney General II

DATE: May 22, 2013

RE: DMME Proposed Regulations 4 VAC 25-31

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I have reviewed the referenced draft, as attached, and as proposed by the Director of DMME, the Department and their Division of Mineral Mining (collectively "the agency"). These revisions are proposed as a result of periodic review to keep the regulations current, accurate and clear. The proposed amendments will facilitate the use of electronic permitting, clarify existing definitions and requirements, remove or update obsolete and duplicative items, and add the use of irrevocable letters of credit for use as performance bonds.

The agency has the authority to enact these proposed regulatory revisions pursuant to Va. Code §§ 45.1-161.3, 45.1-180.3.

Based on that review, it is my view that the proposal is consistent with state law, does not conflict with federal law and is constitutional.

If you require anything more, please advise.

c.c. Michael Skiffington