

MEMORANDUM

FROM: Gray O'Dwyer
Assistant Attorney General

DATE: September 28, 2020

RE: Proposed Fast-track Regulations - 4 Va. Admin. Code §§ 50-20 *et seq.*

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

It is my view that the Virginia Soil and Water Conservation Board ("Board") has the authority to promulgate these proposed amendments to its regulations in 4 Va. Admin. Code §§ 50-20 *et seq.*

It is also my view that the Virginia Administrative Process Act, Code §§ 2.2-4000 *et seq.*, applies here. Further, as the Board is employing the fast-track rule making process set forth in § 2.2-4012.1, adopting these amendments through this process is subject to there being no more objections than provided for in § 2.2-4012.1 of the Code of Virginia.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.