

MEMORANDUM

TO: Ryan Brown
Director
Department of Wildlife Resources

FROM: Kelci A. Block
Assistant Attorney General 

DATE: November 2, 2022

RE: Proposed Amendment to Regulation

It is my opinion that the Department of Wildlife Resources has authority to promulgate the amendments to the following regulations:

4 VAC 15-370-45 – Invasive Species Prevention

4 VAC 15-390-85 – Operators to give right of way and reduce speed

4 VAC 15-430-20, 160, 170, 180, 190 & 200 – Watercraft: Safety Equipment Requirements

4 VAC 15-440-20 – Lifesaving Equipment Required

4 VAC 15-330-150 – Special Provisions Applicable to Trout Fishing

4 VAC 15-320-25, 60 & 9998 – Fish: Fishing Generally

4 VAC 15-20-50, 200 & 9999 – Definitions and Miscellaneous: In General

The Department's authority is found under Va. Code § 29.1-103, 501, 502, and 701. It is further my opinion that the regulations are exempt from the provisions of the Virginia Administrative Process Act pursuant to § 2.2-4002(A)(3) and 29.1-701(E) of the Code of Virginia.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General. If I may be of further assistance, please do not hesitate to contact me.