



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: George P. Willis, Director
Department of Mines, Minerals and Energy (“DMME” or “Department”)

FROM: Sharon M.B. Pigeon
Sr. Assistant Attorney General

DATE: November 20, 2007

RE: DMME Proposed Regulations Including Amendments to VA. ADMINISTRATIVE CODE
§§ 4 VAC 25-130-816.22, 4 VAC 25-130-816.43, 4 VAC 25-130-816.116, 4 VAC 25-130-
817.22, 4 VAC 25-130-817.43, 4 VAC 25-130-817.116, and 4 VAC 25-130-842.15

I have reviewed the referenced legislative draft, as attached, and as proposed by the Department’s Division of Mined Land Reclamation (“DMLR”). These amendments are primarily proposed in order to be consistent with federal regulations, to allow for more natural design of stream restoration channels as allowed under corresponding federal regulations, and to clarify time limits and requirements applicable to requests for review of decisions not to enforce or inspect. These proposed amendments all fall within the federal mandate that the State’s law be consistent with, and no less stringent than, the federal law.

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. The Department is authorized to enact these proposed regulations pursuant to VA. Code §§ 45.1-161.3, 45.1-230, and 45.1-242.

If you require anything more, please advise.

c.c. David Spears