

MEMORANDUM

TO: Stephen Walz, Director
Department of Mines, Minerals and Energy (“DMME” or “Department”)

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

DATE: March 6, 2009

RE: DMME Proposed Regulation Amending §§ 4 VAC 25-170-10, 4 VAC 25-170-30 and 4 VAC 25-170-40.

I have reviewed the referenced legislative draft, as attached, and as proposed by the Division of Gas and Oil (“DGO”) within the Department of Mines, Minerals and Energy (“DMME”). These regulatory amendments are proposed to correct and clarify the current technical language referring to “geothermal resource”, to bring consistency to data submission requirements for the Division of Gas & Oil, and to change the name of the “Virginia Soil and Water Conservation Board” to the “Virginia Department of Conservation & Recreation”. These proposed revisions and amendments should be of benefit to industry, the public and the Commonwealth.

Based on this review, it is my opinion that the proposal is consistent with State law, does not conflict with federal law and is constitutional. The Department is authorized to enact this proposed regulation pursuant to Va. Code §§ 45.1-161.3, 45.1-361.4 and 45.1-361.27.

If you require anything more, please advise.

c.c. David Spears