

MEMORANDUM

By Interagency Mail

To: Board of Agriculture and Consumer Services
c/o Roy Seward, Secretary

From: William A. Diamond
Assistant Attorney General

Date: November 14, 2003

Subject: Statement of Legal Authority to Amend Endangered Plant and Insect Species
Regulations; 2 VAC 5-320

I have reviewed the revised proposed amendments to the above-referenced regulations of the Board of Agriculture and Consumer Services that Larry Redford sent to me on November 12, 2003.

Assistant Attorney General John B. Purcell, Jr., former counsel to the Board, provided a letter of assurance to the Board, with respect to the original proposed amendments, on February 21, 2001. I have relied upon the aforesaid letter of assurance and have reviewed only the changes made subsequent to its issuance.

In my view as counsel to the Board, the Board of Agriculture and Consumer Services may promulgate these regulations under the authority granted the Board under §§ 3.1-1025 of the Code of Virginia. The proposed regulations do not conflict with state or federal law.