



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** David Johnson, Director  
Department of Conservation and Recreation

**FROM:** Matthew L. Gooch  
Assistant Attorney General

**DATE:** January 2, 2014

**RE:** Nutrient Management Training and Certification Regulations,  
4VAC5-15-150, fast-track action (golf courses).

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I have reviewed the above-referenced regulatory action posted on the Virginia Regulatory Town Hall on December 29, 2013. It is my opinion that the Soil and Water Conservation Board has the authority to adopt this amendment to the regulations based upon applicable law, including Article 1 of Chapter 1 of Title 10.1 of the Code of Virginia, and specifically, Code § 10.1-104.5.

The amended regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the amended regulation. If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.