



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Jason S. Miyares  
Attorney General

202 North 9th Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8946 TDD

## MEMORANDUM

**To:** Kathleen R. Nosbisch, Executive Director  
Board for Professional Soil Scientists, Wetland Professionals, and Geologists  
Department of Professional and Occupational Regulation

**From:** Joshua E. Laws  
Senior Assistant Attorney General

**Date:** August 9, 2023

**Subject:** Letter of Assurance for Periodic Review of Regulations – Regulations Governing Certified Professional Wetland Delineators found at 18 VAC 145-30

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Pursuant to the *Code of Virginia* and Executive Order 19 (2022), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Professional Soil Scientists, Wetland Professionals, and Geologists regulation referenced above. In my view, as counsel to the Board for Professional Soil Scientists, Wetland Professionals, and Geologists, these regulations may be promulgated pursuant to Title 54.1 of the *Code of Virginia*. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they 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 proposed regulations.