



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Darrell W. Kuntz, III
Assistant Attorney General

TO: Lisa McGee, Policy and Planning Director for DCR

DATE: 10/30/2025

RE: Certification of Periodic Review Findings – 4VAC5-11 *et seq.*

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Department of Conservation and Recreation has conducted a periodic review of 4 Va. Admin. Code § 5-11 *et seq.*, and is not proposing any modifications to these regulations at this time. Since DCR is not proposing to make any changes to these regulations, no further review is required by the Office of Attorney General at this time.

DCR has the authority to “prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law” pursuant to Va. Code § 10.1-104(A)(4). DCR therefore had the authority to create the regulations set forth at 4VAC5-11 and would have the authority to modify same if it so chose. However, no such action is being recommended at this time and no further review is required by OAG.

This regulatory action is therefore certified.