



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

**TO:** Clyde Cristman, Director  
Virginia Department of Conservation and Recreation

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

**DATE:** February 2, 2016

**RE:** Exempt action amending PMP values in dam safety regulations

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I have reviewed the above-referenced amendments to the regulations of the Virginia Soil and Water Conservation Board. It is my opinion that the Board has the statutory authority to adopt these amendments to the regulations pursuant to its basic law, including Va. Code § 10.1-605. Additionally, it is my opinion that this regulatory action is exempt from the Article 2 of the Administrative Process Act as necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.