



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: George P. Willis, Director
Department of Mines, Minerals and Energy (“DMME” or “Department”)

FROM: Sharon M.B. Pigeon
Sr. Assistant Attorney General

DATE: February 27, 2008

RE: DMME Proposed Regulation Amending § 4 VAC 25-130-150-90.

I have reviewed the referenced legislative draft, as attached, and as proposed by the Division of Gas and Oil (“DGO”) within the Department of Mines, Minerals and Energy (“DMME”). This amendment is proposed in order to codify DGO’s use of the State Plane Coordinate System of 1983 instead of the Virginia Coordinate System of 1927, which is required under the existing version of this regulation. This proposed amendment will bring the DGO regulation into alignment with the current surveying and mapping practices in Virginia and should be of benefit to industry, the public and the Commonwealth.

Based on this review, it is my opinion that the proposal is consistent with State law, does not conflict with federal law and is constitutional. The Department is authorized to enact this proposed regulation pursuant to Va. Code §§ 45.1-161.3, 45.1-361.4, and 45.1-361.2. Further, this proposed amendment is for a noncontroversial change and is, therefore, appropriate for fast-track rulemaking pursuant to VA Code § 2.2-4012.1.

If you require anything more, please advise.

c.c. David Spears