

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
APPLICATION FOR REASSIGNMENT OF OYSTER PLANTING GROUND

(Instructions on reverse side)

March 22, 2019

NAME:

ADDRESS:

LEASE NO.:

BILLING#:

ACREAGE.:

PLAT#:

MAP#:

DISTRICT:

Leaseholder:

LEASE DATE:

Additional Names on Lease(s):

WATERBODY:

***NOTE: \$150 FEE MUST ACCOMPANY THIS FORM**

RENEWAL DATE:

I/We above-named lessee(s), a resident of the State of Virginia, hereby apply for reassignment of oyster planting ground described above, pursuant to the Code of Virginia.

(IF LEASE IS IN NAME OF MULTIPLE PERSONS, **ALL MUST SIGN AND ALL SIGNATURES BE NOTARIZED**)

Lessee(s) Signature

I, _____ certify that _____ signed the above.

(Notary Public / Marine Police Officer)

City/County	State	Commission Expires	Signature	Date
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The above described oyster ground is hereby reassigned, pursuant to the Code of Virginia, Section 28.2-613 for a period of ten (10) years from the renewal date above.

Director or Chief Engineer

INDICATE THE EFFORT YOU HAVE MADE, WITHIN THE PAST 10 YEARS, TO PLANT AND/OR PROPAGATE OYSTERS AND/OR CLAMS. PLEASE SHOW THE APPROXIMATE PERCENTAGE OF THE LEASE USED AND ANSWER THE SECOND SECTION WITH ANY RELEVANT PLANTING OR HARVEST AMOUNTS. DESCRIBE ANY OTHER EFFORT, BENEFICIAL USE, OR REASONS FOR NO SIGNIFICANT PRODUCTION. *****YOU MUST SUBMIT THE \$150.00 FEE WITH THIS COMPLETED FORM.** FOR MORE INFORMATION SEE REVERSE SIDE OF FORM.

PERCENT OF THE LEASE USED: 100% 75% 50% 25% 0%

PLANTING/HARVEST EFFORT MADE DURING THE PAST 10 YEARS:

BUSHELS OR NUMBER OF SEED PLANTED: How many? _____ In What Year(s)? _____

BUSHELS OF SHELL OR CULTCH PLANTED: How many? _____ In What Year(s)? _____

BUSHELS OR NUMBER OF OYSTERS HARVESTED: How many? _____ In What Year(s)? _____

NUMBER OF CLAMS HARVESTED: How many? _____ In What Year(s)? _____

EXPLAIN ADDITIONAL EFFORT OR REASON FOR NO SIGNIFICANT PRODUCTION:

INFORMATION FOR RENEWING OYSTER PLANTING GROUND LEASES

All leases are granted for a 10-year period. The Code of Virginia Section 28.2-613 requirements as amended in 2019 and effective as of 2-28-2019 are:

...The Commission shall not renew or extend an assignment where there has been no significant production of oysters or clams, no reasonable plantings of oysters, clams or cultch or no significant oyster or clam aquaculture operation, during any portion of the 10-year period immediately prior to the application for renewal, unless the Commission finds that there was good cause for failure to produce or plant oysters, clams or cultch or finds that the assignment is directly related to and beneficial to the production of oysterplanting grounds immediately adjacent to the assignment. In determining whether there was good cause for the failure to produce or plant oysters, clams or cultch, in addition to other factors, the Commission shall decide whether the renewal is in the public interest considering the factors in subsection A of 28.2-1205, the prevalence of the diseases MSX and Dermo, the public benefits and impacts of shellfish aquaculture, and whether the oyster-planting ground has traditionally produced commercial quantities of oysters and clams.

Having a lease in a condemned area is not a valid reason for not having planted and/or propagated oysters.

In order for you to maintain your lease(s), you are required to fill in the information on the front of this form and return it **prior** to the renewal date shown.

TEN YEAR LEASE RENEWAL REVIEW FEE IS \$150.00. Include payment with the completed form.

***** YOU MUST RETURN THIS FORM NO LATER THAN THE RENEWAL DATE ON PAGE 1. FAILURE TO RETURN THE APPLICATION FOR REASSIGNMENT OF OYSTER GROUND PLANTING GROUND FORM, WITH THE \$150.00 FEE, BY THE RENEWAL DATE WILL RESULT IN DENIAL OF THE LEASE RENEWAL.**

Additionally, if the requirements of the Code of Virginia, 28.2-613, as shown above are not met, the lease will NOT be reassigned and will revert to the Commonwealth and become available for leasing to others.

Denial of lease renewal is considered a Commission decision pursuant to the Code of Virginia 28.2-216 which states: Any person whose rights, duties, or privileges, including matters relating to licenses, shellfish planting grounds, or fish stands, have been or may be affected by any action or inaction by the Commission or Commissioner without a formal hearing may demand in writing a formal hearing of his complaint.

Return this form to VMRC, Engineering/Surveying Department, 380 Fenwick Road, Fort Monroe, VA 23651 or by email to ben.stagg@mrc.virginia.gov. If you have any questions regarding this matter, please do not hesitate to call this office at (757) 247-2225.

Revised 7-30-2019