

“PERTAINING TO GENERAL OYSTER PLANTING GROUND LEASE RENEWAL FEE”**CHAPTER 4 VAC 20-1350-10 ET SEQ.****PREAMBLE**

The chapter establishes the application procedures and fee for the renewal of general oyster planting ground leases. This chapter is promulgated pursuant to the authority contained in § 28.2-613 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4VAC20-1350-10 et seq., which was promulgated July 23, 2019, and made effective on October 1, 2019. The effective date of this chapter, as amended, is ~~October 1, 2019~~ April 1, 2024.

4 VAC 20-1350-10. Purpose.

The purpose of this chapter is to establish the application procedures and fee for the renewal of general oyster planting ground leases and time limits to request a formal hearing concerning any denial of such renewal.

4 VAC 20-1350-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“General oyster planting ground” means any lease granted for the propagation of oysters or clams as defined under § 28.2-603 of the Code of Virginia.

4 VAC 20-1350-30. General Oyster Planting Ground review form, fee and denial.

- A. Each leaseholder shall complete ~~the an~~ application ~~form~~ for renewal of general oyster planting ground prior to the expiration of each ten-year lease term. ~~The form shall be sent to the leaseholder by regular mail and certified mail approximately two months prior to the ten year lease renewal date.~~
- B. A nonrefundable fee for review of the renewal application, as authorized by § 28.2-613 of the Code of Virginia, shall be \$150 per lease. This fee shall be submitted with the completed

“PERTAINING TO GENERAL OYSTER PLANTING GROUND LEASE RENEWAL FEE”

CHAPTER 4 VAC 20-1350-10 ET SEQ.

~~form application~~, and ~~the completed form and fee~~ both must be received or postmarked on or before the current 10-year lease expiration date.

- C. The review for reassignment of a general oyster planting ground lease shall be conducted by the commissioner considering the requirements of § 28.2-613 of the Code of Virginia and all lease use or production requirements contained within either regulation or guidance as approved by the commission. Failure to meet use or production requirements or failure to return the completed ~~form~~ application and fee by the expiration date of the current ten-year term shall result in denial of the lease renewal.
- D. ~~Any~~ The commissioner’s decision to deny a lease renewal application shall be mailed by certified mail to the last known address for the applicant.

4 VAC 20-1350-40. Request for formal hearing of lease renewal denial.

Any request for a formal hearing, pursuant to § 28.2-216 of the Code of Virginia, to appeal a renewal application denied pursuant to this regulation must be received or postmarked no later than 60-days from the date that notice of the commissioner’s decision is received.

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-103 of the Code of Virginia and Acts of Assembly 2018, Chapter 449, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on March 26, 2024.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

“PERTAINING TO GENERAL OYSTER PLANTING GROUND LEASE RENEWAL FEE”

CHAPTER 4 VAC 20-1350-10 ET SEQ.

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2024.

Notary Public

DRAFT