

For VMRC Use Only:

Date: _____ District _____

Transfer No: _____

From: _____ To: _____

Commonwealth of Virginia
MARINE RESOURCES COMMISSION
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

APPLICATION FOR TRANSFER OF OYSTER PLANTING GROUND

Please Print using Black Ink – For additional instructions see sheet # 2

All Current leaseholder(s) _____

I (We): _____

Name(s) of Current Leaseholders and/or Estates of Transferor(s) Please list only those parties transferring their interest in the lease(s) (Please Print)

Pursuant to the Code of Virginia and subject to the approval by the Chief Engineer, request to transfer

To: _____

Responsible Lessee: _____ Birthdate: ____/____/____ MRC ID# _____

(if multiple leaseholders)

911 Address: _____
Number _____ Street _____ City _____ State _____ Zip Code _____

Mailing Address _____
Number _____ Street _____ P.O. Box # _____ City _____ State _____ Zip Code _____

E-mail Address _____ Telephone: _____

Contact Person (if other than responsible lessee): _____ C/O or agent _____ OR if signing as: POA _____ Corporate Officer _____
(Check only one above)

Mailing address for contact person: _____
Number _____ Street _____ P.O. Box # _____ City _____ State _____ Zip Code _____

E-mail Address _____ Telephone: _____
Work/Cell _____ Home _____

Federal Employer Identification Number (FEIN), also known as Federal Tax Identification Number, if applicable: _____

Oyster planting ground lease number _____ plat number _____ *only one lease per transfer

Check Appropriate Authorization for your Signature:

All current and prospective leaseholders must sign (for deceased leaseholders either the beneficiary, representative, or all heirs must sign) and complete page 3. (See page 2 of this sheet for additional instructions).

____ Lessee(s) _____ Executor(s)
____ Power of Attorney(POA) _____ Administrator(s)
____ Beneficiary
____ All Heirs

Is Lessee deceased? Yes ____ date of death _____
If yes, please provide a copy of death certificate
If yes, is there a will? Yes ____ No ____
If yes, please provide a copy of the will, and if no, provide document of qualification of the personal representative

Signature	Date
Signature	Date
Signature	Date
Signature	Date

I, _____ certify that _____

_____ signed the above.

____ City/County _____ State _____ Commission Expires _____ Signature (Notary or MPO) _____ Date _____

FOR VMRC USE ONLY: Lease transfer approved _____ Lease transfer denied _____ Rationale for denial of transfer of lease and/or a portion of lease: _____

I hereby approve the above transfer(s) to be effective on _____, 20____

Director or Chief Engineer Engineering/Surveying Department

New Lease number _____

NOTE: PURSUANT TO THE CODE OF VIRGINIA 28.2-625, TRANSFER OF OYSTER PLANTING GROUND LEASES, WITH ANY CORRECTION OR NEW PLAT AS DEEMED NECESSARY BY THE COMMISSIONER, SHALL BE APPROVED ONLY IF THE COMMISSIONER BELIEVES THE TRANSFER AND ASSIGNMENT IS IN THE PUBLIC INTEREST AFTER CONSIDERING THE FACTORS IN THE CODE OF VIRGINIA, 28.2-1205 SUBSECTION A, AND THE PUBLIC BENEFITS AND IMPACTS OF SHELLFISH AQUACULTURE. NO LEASE SHALL BE TRANSFERRED IF THE LEASEHOLDER HAS BEEN DENIED RENEWAL UNDER PROVISIONS OF 28.2-613 THE CODE OF VIRGINIA.
COMPLETION OF PAGE THREE OF THIS TRANSFER FORM IS REQUIRED FOR NECESSARY REVIEW AS NOTED ABOVE.

PAYMENTS REQUIRED TO TRANSFER LEASE (*SEE NOTE BELOW FOR RIPARIAN GROUND TRANSFER FEE):

RENT FOR LEASE FOR THE CURRENT RENT YEAR MUST BE PAID.

TRANSFER APPLICATION FEE:	\$300.00 FOR EACH LEASE 0.01-4.99 ACRE IN SIZE	FEE NON-REFUNDABLE
	\$500.00 FOR EACH LEASE 5.00-25.00 ACRE IN SIZE	FEE NON-REFUNDABLE
	\$1,000.00 FOR EACH LEASE 25.01-250 ACRE IN SIZE	FEE NON-REFUNDABLE

If the rent for the current lease year has not been paid the transfer cannot be processed.

***NOTE:** RIPARIAN TRANSFER APPLICATION FEE IS \$5.00 FEE NON-REFUNDABLE

MAKE CHECKS PAYABLE TO "TREASURER OF VA" AND MAIL TO THE ADDRESS BELOW:

Virginia Marine Resources Commission (VMRC)
Attn: Engineering/Surveying Department
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

ALL CURRENT LEASEHOLDERS (OR THEIR REPRESENTATIVE) AND PROSPECTIVE APPLICANTS (OR THEIR REPRESENTATIVE) MUST SIGN THIS TRANSFER.

IF A POWER OF ATTORNEY SIGNS, SUBMIT A COPY OF THE DOCUMENTATION OF POWER OF ATTORNEY.

IF THE LEASEHOLDER IS DECEASED, ONE OF THE FOLLOWING MUST BE CHECKED ON THE FRONT TO DENOTE YOUR AUTHORIZATION TO SIGN: EXECUTOR(S), ADMINISTRATOR(S) OR ALL HEIRS OF THE ESTATE (FOR ALL HEIRS, NOTE THE SPECIAL CONDITIONS BELOW)

Please note that pursuant to the Code of Virginia (28.2-613), if a leaseholder died testate (with a will), the deceased person's interest can be transferred by the named beneficiary, at any time after the date of death of the leaseholder but within eighteen months of the date of death of the deceased leaseholder. If the leaseholder dies intestate (without a will), a personal representative (qualified by the local Clerk of Circuit Court) may transfer the interest within eighteen months of the date of death of the leaseholder. If there is no qualification on the leaseholders estate (meaning no one has qualified by the Clerk of the Circuit Court) within one year of the date of death, a transfer can then be executed by all of the lawful heirs within the next six months thereafter. To obtain any oyster ground lease (or interest therein) a person, persons, and/or corporation(s) must meet the legal requirements to hold oyster lease ground in the Commonwealth of Virginia (28.2-604).

*For riparian leases, the lease must be in the exact same name as the adjoining upland property. Transfer of the adjoining highland property shall require a transfer of the riparian assignment within eighteen months after the transfer of the highland ownership (28.2-601).

**IF YOU HAVE FURTHER QUESTIONS, CALL 757-247-2226 FOR APPLICATION ASSISTANCE
OR 757-247-2230 FOR MAPPING ASSISTANCE.**

Pursuant to 28.2-625, a lease transfer, with any correction or new plat deemed necessary by the Commissioner shall be approved only if the Commissioner believes the transfer or assignment is in the public interest after considering the factors in subsection A of the Code of Virginia 28.2-1205 and the public benefits and impacts of shellfish aquaculture.

Current leaseholder(s) please provide information related to use of lease during current lease term:

1. Has the current lease been used for traditional shelling of the bottom or to cultivate existing shell resources for the most recent assignment and/or prior renewal? Yes ____ No ____
If yes please provide amount of shells planted and in which years _____
Provide details concerning cultivation activities and in which years _____

2. Has there been any planting of spat or seed oysters/clams on-bottom during the current lease term?
Yes ____ No ____ Uncertain ____
If yes please provided amount of spat _____ seed _____
and/or provide in which years: spat _____ seed _____
3. Has the lease been used for placement of aquaculture structures on-bottom for shellfish production during the current lease term? Yes ____ No ____ Number of structures _____
4. Was there oyster or clam cultivation/harvest on bottom during the current lease term?
Oysters Yes ____ No ____ Bushels harvested _____ Number harvested _____
Clams Yes ____ No ____ Bushels harvested _____ Number harvested _____
5. Was the lease used for any other purpose? Yes ____ No ____
If yes please explain: _____

New leaseholder(s) requesting transfer must answer questions below:

1. Will the lease be used for on bottom traditional harvest, seed planting, shell or cultch planting? ____ Yes ____ No
2. Will the lease be used for on bottom structures not to exceed 12-inches in height?
____ Yes ____ No
3. Will the lease be used for on bottom structures more than 12-inches in height?
____ Yes ____ No
4. Will the lease be used for any other purpose and if so please explain?
____ Yes ____ No _____