

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651**

APPLICATION FOR OYSTER PLANTING GROUND (Revised 8-22-2019)

Name(s): _____
(Complete pages 1 and 2 of application) (Please Print) (All Applicants must be Virginia residents or eligible business entities, See Code 28.2-604)

Responsible Applicant: _____ Birthdate: ____/____/____
(if multiple applicants)

911 Address: _____
Number Street City State Zip Code

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

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

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

Mailing Address for contact person: _____
Street or P.O. Box City State Zip Code

E-mail Address (for contact person) _____ Telephone: _____
Work/Cell Home

Ground is in the waters of _____, containing approximately _____ acres, in the City/County of _____, and described as follows (Please list any adjoining leases, Public Ground, proximity to mean low water, navigation channels, and any other nearby physical landmarks such as channel markers, land features, etc., if applicable, and existing submerged aquatic vegetation). Please provide a map. See pages 3 and 4 for additional instructions. see: https://webapps.mrc.virginia.gov/public/maps/chesapeakebay_map.php

Application must include non-refundable fee (see page 3 for fee schedule). I/we agree to promptly pay the newspaper for the required advertising. All applicant's are equally responsible to pay all fees for advertising, notification of adjacent leaseholders, notification of adjacent highland property owners, surveying, mapping, assigning, and recording as specified in the Code of Virginia, Title 28.2.

Do you presently lease oyster ground in this name? yes____ no____ Billing number is _____

Do you presently have a MRC ID #? yes____ no____ MRC ID # is _____

Federal Employer Identification Number (FEIN), if applicable: _____

Applicant's signature(s) (all must sign)

FOR OFFICE USE ONLY:

App. Number: _____ Billing Number: _____ Waterbody Number _____
Map Number _____ District Number _____ Assigned Surveyor _____
Latitude _____ Longitude _____

Chief or Director, Engineering/Surveying Dept. Date Law Enforcement Officer/Supervisor

The Code of Virginia requires that leased areas “be occupied for the purpose of planting or propagating oysters” (Chapter 6, 28.2-603). Shellfish lease applications will not be accepted for the sole purpose of attempting to exclude other legal uses of the area.

Please provide information requested below for evaluation of the lease application request:

1. Will the lease be used for traditional shelling of the bottom, cultivating existing shell resources or the placement of other cultch material? Yes ____ No ____

2. Will there be any planting of spat and/or seed oysters on bottom.

Yes ____ No ____ Uncertain____

3. Will there be the placement of structures on-bottom for shellfish production?

Yes ____ No ____

If yes will they exceed a height of 12-inches from the substrate?

Yes ____ No ____

(Any structures that extend more than 12-inches above the substrate, or that are marked with buoys or stakes, will require additional authorization from the Fisheries Management Division and/or any floating structures will require a subaqueous permit from the Habitat Management Division and are not defacto authorized on oyster lease grounds).

4. Will there be clam cultivation using traditional harvest or seed planting methods?

Yes ____ No ____ With protective nets Yes ____ No____

5. Are other uses proposed not included above?

Yes ____ No ____

If yes please explain: _____

Applicants Name(s) (Print)_____

Signature of Applicant(s) (All applicants must sign) Date

Signature of Applicant(s) (All applicants must sign) Date

FOR OFFICE USE ONLY: APPLICATION # _____

INSTRUCTIONS

Return the completed Application for Oyster Planting Ground with appropriate non-refundable fee (Checks or money orders are accepted and payable to the "Treasurer of Virginia". Mail to the address below:

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

THE FOLLOWING CHARGES ARE EFFECTIVE AS OF 2-27-2019

APPLICATION FEE: (NON-REFUNDABLE):	
REQUESTED ACREAGE 0.01-4.99 ACRES.....	\$300.00
REQUESTED ACREAGE 5.00-25.00 ACRES.....	\$500.00
REQUESTED ACREAGE 25.01-250.00 ACRES.....	\$1,000.00
ADVERTISING: SUBMITTED BY VMRC TO THE NEWSPAPER, BILLED DIRECTLY TO THE APPLICANT.....	COST VARIES
SURVEYING: VMRC SURVEY FEE.....	\$750.00
ADDITIONAL PLAT CHARGE: (if needed, per Plat).....	\$100.00
RENTAL AMOUNT: (PER ACRE/PER YEAR) (NO ANNUAL CHARGE FOR RIPARIAN LEASES).....	\$1.50
NOTIFICATION OF ADJOINING LEASEHOLDERS AND HIGHLAND PROPERTY OWNERS WITHIN 200' (per LETTER)....	\$5.60

Please note that pursuant to changes to the Code of Virginia, effective February 27, 2019 that all application requests are subject to compliance with all applicable provisions of law and whether in the judgement of the Commissioner the assignment is in the public interest. In making the determination for assignment the Commissioner shall consider (i) the factors set out in the Code of Virginia subsection A of 28-1205 and (ii) the public benefits and impacts of shellfish aquaculture. Also, pursuant to the Code of Virginia, 28.2-606, the application will be advertised in the local newspaper for two consecutive weeks. VMRC will submit the notice to the newspaper and they will bill you directly for the advertisement. **Contact the newspaper for charge amounts.** No lease can be assigned if the notice has not been run as required by the Code. All applications within 200 feet of highland property require notification of such property owners. All leaseholders adjacent to an application request must also be notified. The cost of these notifications, when required, (by either registered or certified mail) must be paid by the applicant(s) who will be billed accordingly based on the number of parties to be notified. Payment of such notifications is required even if the application lease is denied. All applicants agree to comply with all legal requirements pursuant to oyster ground leasing (including residency). The application will be given priority based upon the order that it is received by the Virginia Marine Resources Commission, Engineering/Surveying Department, but such priority may be impacted if the request is protested. If signing as a Power of Attorney, provide documentation; for Corporations, corporation affidavit may be required and/or proof that the corporation adheres to the Code of Virginia, 28.2-604.

Please provide a map from of your locality's tax map or GIS property map with the appropriate highland properties highlighted along with the name and address of each such property owner.

Please note that the application fee is non-refundable and you are encouraged to contact the Engineering/Surveying Department for a pre-application consultation before submitting an application for oyster planting ground lease.

If you are applying for a riparian oyster ground lease, you must have a minimum of 205 linear feet along the mean low water line and the name on the application must be shown exactly as on the highland deed. A plat and/or deed of your highland property are required to complete the survey. No advertisement is required for a riparian ground lease application.

Additional Information:

Applications: Description can be obtained from an Oyster Planting Ground map for an unassigned or vacant area (https://webapps.mrc.virginia.gov/public/maps/chesapeakebay_map.php) or contact the Engineering/Surveying Dept. for assistance).

Survey: After a 60-day Code mandated waiting period, a VMRC surveyor will complete the field survey and prepare a plat. A 30-day waiting period after the plat is approved is required, by Code, before the ground can be assigned. (If you wish to use a Virginia private licensed land surveyor, they must contact this office to insure the survey and plat meet VMRC standards). If the application is protested a public hearing may be required for full Commission action for approval.

Phone numbers: Program Support Technician: 757-247-2226
Draftsman/Cartographer: 757-247-2230