Logo

Description automatically generated

For VMRC Use Only:

Date: District Transfer No:

From: To:

**APPLICATION FOR TRANSFER**

**OF OYSTER PLANTING GROUND**

**LEASE INFORMATION**

**Lease Number:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Plat Number:**\_\_\_\_\_\_\_\_\_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CURRENT LEASEHOLDER INFORMATION**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Leaseholder Names (Print) | Applicant Signatures | Date | Authorization (Check One) | |
|  |  |  | 󠄀Lessee󠄀Power of 󠄀Attorney󠄀Executor | 󠄀Beneficiary󠄀Administrator󠄀All Heirs |
| 2. |  |  | 󠄀Lessee󠄀Power of 󠄀Attorney󠄀Executor | 󠄀Beneficiary󠄀Administrator󠄀󠄀All Heirs |
| 3. |  |  | 󠄀Lessee󠄀Power of 󠄀Attorney󠄀Executor | 󠄀Beneficiary󠄀Administrator󠄀󠄀All Heirs |
| 4. |  |  | 󠄀Lessee󠄀Power of 󠄀Attorney󠄀Executor | 󠄀Beneficiary󠄀Administrator󠄀󠄀All Heirs |

**Is the Lessee Deceased?** 󠄀󠄀Yes **Date of Death:**\_\_\_\_\_\_ **Is there a will?** 󠄀󠄀No 󠄀󠄀Yes (If Yes, a copy is required)

**NEW LEASEHOLDER INFORMATION**

***All Applicants must be Virginia residents or eligible business entities, See Code §28.2-604***

**Primary Leaseholder Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Birthdate**:\_\_\_/\_\_\_\_/\_\_\_\_

**Mailing Address:** \_\_\_

Street or PO Box City State Zip

**911 Address:**

Street City State Zip

**E-mail Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Cell:**(\_\_\_\_)\_\_\_\_\_\_\_\_\_**Home:**(\_\_\_\_)\_\_\_\_\_\_\_\_\_\_

**Do you have any of the following in this name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

FEIN

VMRC-ID

Billing Number

|  |  |  |
| --- | --- | --- |
| New Applicant Names (Print) | New Applicant Signatures | Date |
| 1. Primary |  |  |
| 2. |  |  |
| 3. |  |  |
| 4. |  |  |

**CONTACT PERSON INFORMATION (If Applicable)**

**Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Affiliation: 󠄀** 󠄀󠄀Agent 󠄀 󠄀󠄀Power of Attorney 󠄀 󠄀󠄀Corporate Office 󠄀

**Mailing Address:** \_\_

Street or PO Box City State Zip

**E-mail Address:** **Cell:**(\_\_\_\_)\_\_\_\_\_\_\_\_\_**Home:**(\_\_\_\_)\_\_\_\_\_\_\_\_\_

**FOR OFFICE USE ONLY**

Lease Transfer: 󠄀 󠄀󠄀 Approved 󠄀 󠄀󠄀 Denied Reason for Denial:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ New Lease #:\_\_\_\_\_\_\_\_\_\_\_

Date

Chief or Director, Engineering/Surveying Dept.

**CURRENT LEASEHOLDER USE QUESTIONAIRE**

󠄀Yes 󠄀󠄀No

* 1. Was the lease used for traditional shelling of the bottom, cultivating existing shell resources or the placement of other cultch material within the current lease term?

Year(s)

Amount of Shell

󠄀Yes 󠄀󠄀No 󠄀 󠄀󠄀 Uncertain

* 1. Was there any planting of spat and/or seed oysters/clams during the current lease term?

Year(s)

Amount of Spat

Year(s)

Amount of Seed

󠄀Yes 󠄀󠄀No

* 1. Were there on-bottom aquaculture structures placed on the lease during the current lease term?

Number of Structures

󠄀Yes 󠄀󠄀No

* 1. Was there oyster or clam harvest during the current lease term?

Clams \_\_\_\_\_\_󠄀 󠄀󠄀Bu. 󠄀󠄀No.

Oysters \_\_\_\_\_\_󠄀 󠄀󠄀Bu. 󠄀󠄀No.

󠄀󠄀No 󠄀 󠄀󠄀Yes – Explain\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Was the lease used for any other purpose?

**NEW LEASEHOLDER USE QUESTIONAIRE**

󠄀Yes 󠄀󠄀No

1. 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?
* **Any floating structures or structures that extend more than 12-inches above the substrate, or that are marked with buoys or stakes, will require additional authorization from the Shellfish Management Division and are not authorized by this application.**

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

󠄀Yes 󠄀󠄀No

* With Protective Nets?

󠄀Yes 󠄀󠄀No

1. Are other uses proposed not included above?

󠄀󠄀No 󠄀 󠄀󠄀Yes – Explain\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**INSTRUCTIONS**

**Return the completed Application for Transfer of Oyster Planting Ground with appropriate non-refundable fee**

**(Checks or money orders are accepted and payable to the “Treasurer of Virginia”)**

*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**

**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 transfer of oyster planting ground lease.**

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

Riparian Lease………………………………………………………………………………………………………….$5.00

Rent for the lease for the current rent-year must be paid in full before the transfer is accepted.

**Modifications to Plats**

* 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.

**Signatures**

* 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 leaseholder’s 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).

**Riparians**

* 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).

**Agency Contacts**: Program Support: 757-247-2226