



APPLICATION FOR TRANSFER OF OYSTER PLANTING GROUND

For VMRC Use Only:
 Date: _____ District _____
 Transfer No: _____
 From: _____ To: _____

LEASE INFORMATION

Lease Number: _____ Plat Number: _____

CURRENT LEASEHOLDER INFORMATION

Leaseholder Names (Print)	Applicant Signatures	Date	Authorization (Check One)
1.			<input type="checkbox"/> Lessee <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Executor <input type="checkbox"/> Beneficiary <input type="checkbox"/> Administrator <input type="checkbox"/> All Heirs
2.			<input type="checkbox"/> Lessee <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Executor <input type="checkbox"/> Beneficiary <input type="checkbox"/> Administrator <input type="checkbox"/> All Heirs
3.			<input type="checkbox"/> Lessee <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Executor <input type="checkbox"/> Beneficiary <input type="checkbox"/> Administrator <input type="checkbox"/> All Heirs
4.			<input type="checkbox"/> Lessee <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Executor <input type="checkbox"/> Beneficiary <input type="checkbox"/> Administrator <input type="checkbox"/> All 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: _____
Billing Number VMRC-ID FEIN

New Applicant Names (Print)	New Applicant Signatures	Date
Primary 1.		
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 #: _____

 Chief or Director, Engineering/Surveying Dept. Date

CURRENT LEASEHOLDER USE QUESTIONNAIRE

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? Yes No

Amount of Shell Year(s)

2. Was there any planting of spat and/or seed oysters/clams during the current lease term? Yes No Uncertain

Amount of Seed Year(s) Amount of Spat Year(s)

3. Were there on-bottom aquaculture structures placed on the lease during the current lease term? Yes No

Number of Structures

4. Was there oyster or clam harvest during the current lease term? Yes No

Clams _____ Bu. No. Oysters _____ Bu. No.

5. Was the lease used for any other purpose? No Yes – Explain _____

NEW LEASEHOLDER USE QUESTIONNAIRE

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? Yes No

- **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.**

2. Will there be clam cultivation using traditional harvest or seed planting methods? Yes No

- With Protective Nets? Yes No

3. 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