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SENATE JOINT RESOLUTION NO. 330
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on January 28, 2011)

(Patron Prior to Substitute—Senator Northam)

Requesting the Virginia Institute of Marine Science and the Virginia Marine Resources Commission to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized. Report.

WHEREAS, the coastal bays and marshes on the seaside of Virginia's Eastern Shore provide economically and ecologically valuable resources to the citizens of the Commonwealth; and

WHEREAS, this area supports valuable public commercial and recreational harvests of natural shellfish stocks alongside a valuable private shellfish aquaculture industry; and

WHEREAS, the marine habitats in this region are extremely dynamic, often changing dramatically over a short period of time; and

WHEREAS, the general demarcation of areas available for public shellfish harvesting and private aquaculture, as well as sea grass, oyster, and scallop restoration, is based upon a survey completed in 1894; and

WHEREAS, this survey, referred to as the Baylor Survey, is the basis for the establishment of the natural oyster beds, rocks, and shoals of the Commonwealth; and

WHEREAS, Article XI, Section 3 of the Constitution of Virginia recognizes the importance of preserving these natural oyster beds in its statement that "(t)he natural oyster beds, rocks, and shoals in the waters of the Commonwealth shall not be leased, rented, or sold but shall be held in trust for the benefit of the people of the Commonwealth, subject to such regulations and restriction as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks, or shoals by surveys or otherwise"; and

WHEREAS, the original survey encompassed 204,453 acres of public oyster grounds, and an additional 46,596 acres have been created through legislative actions; and

WHEREAS, there has been a significant decline in the number of oysters in Virginia waters; at the same time encouraging prospects exist for the development of a vibrant commercial aquaculture industry; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Institute of Marine Science and the Virginia Marine Resources Commission be requested to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized. The joint study shall examine how these bottomlands can be utilized to (i) support the management and fishery of wild shellfish populations, (ii) promote sustainable shellfish aquaculture, (iii) enhance habitat restoration, and (iv) protect natural resources.

In conducting the study, the Virginia Institute of Marine Science and the Virginia Marine Resources Commission shall:

1. Consider data provided by the Virginia Institute of Marine Science and others on use suitability and user conflicts associated with the current designations;

2. Identify preferred options for making adjustments to the designation of public shellfish grounds; and

3. Make recommendations for legislative and regulatory actions required to implement a more flexible and effective management approach toward managing subaqueous bottomland on the seaside of the Eastern Shore.

The joint study shall include the participation of a commercial waterman, a commercial shellfish aquaculturist, a representative of the Virginia Seafood Council, and any private person or entity that owns more than 50 percent of the privately owned land area of the Eastern Shore barrier islands.

All agencies of the Commonwealth shall provide assistance to the Virginia Institute of Marine Science and the Virginia Marine Resources Commission for this joint study, upon request.

The Virginia Institute of Marine Science and the Virginia Marine Resources Commission shall complete their meetings by November 30, 2011, and the director of each agency shall jointly submit to the Governor and the General Assembly an executive summary and a report of the findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2012 Regular Session of the General Assembly and shall be posted on the General Assembly's website.