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SENATE BILL NO. 1145

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 8, 2017)

(Patron Prior to Substitute—Senator DeSteph)

A BILL to amend and reenact § 28.2-600 of the Code of Virginia, relating to riparian planting ground assignment eligibility.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-600 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-600. Riparian planting ground assignments; eligibility; fee.

A. Any owner of land bordering on a body of water in the oyster-growing area of ~~this the~~ Commonwealth whose shore front measures at least ~~205~~ 105 feet at the low-water mark, who has not had as much as one-half acre of ground already assigned him on the front, or whose lease has terminated and is not to be renewed, may apply for planting grounds to the Commissioner.

B. The Commissioner shall assign to him such ground wherever the owner may designate within his riparian waters, provided the ground does not encroach into an existing oyster-planting ground lease assigned under Article 2 (§ 28.2-603 et seq.) of this chapter. The fee for such assignment shall be \$1.50. Such ground shall not exceed one-half acre, and shall not be less than 105 feet wide along the shore, beginning at low-water mark, extending out not more than 210 feet, or to the middle of the channel or body of water, whichever is the shorter distance.

C. *Notwithstanding the provisions of subsections A and B, in the Lynnhaven River and its tributaries, the Commissioner shall only assign to an owner of land a riparian planting ground that the Commissioner, in his discretion, deems appropriate to encompass as much as one-half acre of ground. The Commissioner may consider assigning any area that the owner designates within his riparian waters. Upon the transfer of a lease, a ground shall be assigned only within an area deemed appropriate by the Commissioner to encompass as much as one-half acre of ground within the land owner's riparian waters.*

D. The grounds shall be surveyed, plotted, marked, assigned, and recorded as provided for assignments to persons in Article 2 (§ 28.2-603 et seq.) ~~of this chapter.~~

E. Any riparian assignment that was duly recorded in the clerk's office of the county or city where the grounds are located, or at the Commission office prior to July 1, 1986, shall continue in effect.