

HOUSE JOINT RESOLUTION NO. 660

Requesting the Virginia Delegation to the Chesapeake Bay Commission to study issues relating to the uses of state-owned bottomlands and the water column, including leases for aquaculture operations and submerged aquatic vegetation restoration.

Agreed to by the House of Delegates, February 7, 1999
 Agreed to by the Senate, February 18, 1999

WHEREAS, pursuant to House Joint Resolution No. 283 (1998), the Virginia Delegation to the Chesapeake Bay Commission undertook a study regarding potential impacts on submerged aquatic vegetation from certain fishing activities and aquaculture; and

WHEREAS, as a result of that study, issues surfaced regarding the use of state-owned bottomland and the adequacy of the leasing system of state-owned bottomland to accommodate intensive shellfish culture operation; and

WHEREAS, issues have been raised by the aquaculture industry and others regarding the adequacy of existing laws governing leases for the use of state-owned bottomland to address the particular needs of their industry; and

WHEREAS, a committee convened by the Marine Resources Commission pursuant to House Joint Resolution No. 449 (1995) and reporting in House Document 15 (1996) identified a series of issues related to leasing including, but not limited to, reducing the size of individual leases, increasing the annual rent, decreasing the duration of leases, strengthening the "proof of use" requirement, defining the necessity of a "water column" lease for certain types of activities, and developing a lease classification system that differentiates between intended uses; and

WHEREAS, traditional uses of leased areas should continue; and

WHEREAS, issues related to submerged aquatic vegetation restoration are linked to other on-bottomland uses in shallow water areas with good water quality; and

WHEREAS, current Marine Resources Commission guidance for granting leases seeks to avoid impacts on submerged aquatic vegetation but does not address areas where submerged aquatic vegetation might be restored on leased grounds; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Delegation to the Chesapeake Bay Commission be requested to study issues relating to the uses of state-owned bottomlands and the water column, including leases for aquaculture operations and submerged aquatic vegetation restoration. The Virginia Delegation to the Chesapeake Bay Commission is requested to study the following issues:

1. Changes needed in the Code of Virginia to better accommodate leasing for intensive aquaculture operations after consideration of issues raised in House Document 15, among others;
2. Development of criteria which the Marine Resources Commission would use to identify areas on state-owned bottomland, not included in the Baylor survey, where leases would be granted for intensive aquaculture operations; and
3. Changes needed in the Code of Virginia to allow the Marine Resources Commission to designate submerged aquatic vegetation restoration areas as components of leases contingent on the development of criteria, including geographic criteria, to identify areas likely to support submerged aquatic vegetation regrowth and restoration.

The Virginia Delegation to the Chesapeake Bay Commission shall consult with representatives of the shellfish aquaculture industry, holders of leases, and other interested persons. The Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Office of the Attorney General, the Office of the Secretary of Natural Resources, the Department of Agriculture and Consumer Services, and all other agencies of the Commonwealth shall provide support for the work of the Virginia Delegation to the Chesapeake Bay Commission, upon request.

The Delegation shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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