

18105794D

HOUSE BILL NO. 584

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 31, 2018)

(Patron Prior to Substitute—Delegate Bloxom)

A BILL to amend and reenact §§ 28.2-600 and 28.2-601 of the Code of Virginia, relating to oyster-planting ground; Lynnhaven River.

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-600 and 28.2-601 of the Code of Virginia are 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 feet 105 feet or more at the low-water mark; and who has not had as much as one-half one-quarter acre of ground already assigned him on the front, or whose lease has terminated and is not to be renewed, within his riparian waters may apply for up to one-quarter acre of planting grounds to the Commissioner. Any such owner whose shore front measures 205 feet or more at the low-water mark and who has not had as much as one-half acre of ground already assigned him within his riparian waters may apply for up to one-half acre of planting grounds to the Commissioner.

B. The Commissioner shall assign to him the owner of land, pursuant to subsection A, 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. In the Lynnhaven River and its tributaries, the Commissioner shall assign such ground or any portion of such ground only when the assignment is in the public interest. The fee for such assignment shall be \$1.50. Such ground shall not exceed one-half acre, and the recording fee for such assignment shall be \$12. No assignment of as much as one-quarter acre shall be less than 52 feet wide along the shore, beginning at low-water mark, and no assignment of more than one-quarter acre shall not be less than 105 feet wide along the shore, beginning at low-water mark, extending out. Such assignments shall extend not more than 210 feet from the low-water mark, or to the middle edge of the channel or the middle of the body of water, whichever is the shorter distance.

C. 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. 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.

§ 28.2-601. Riparian assignments; entitlements; obligations.

The riparian leaseholder shall have the exclusive right to the use of such ground for planting or gathering oysters and clams.

The assignment made pursuant to § 28.2-600 shall pass with the transfer of the adjacent highland to the subsequent owner of highland and cannot be held separated from the highland. A transfer of highland ownership shall require a transfer of the riparian assignment within eighteen 18 months after the transfer of the highland ownership under the following conditions:

1. The application for transfer shall be in the form prescribed by the Commission and shall be filed with the Commissioner.

2. The Commissioner shall require a new survey if there is not a survey of the exact parcel or parcels of grounds to be transferred.

3. For grounds in the Lynnhaven River and its tributaries, the Commissioner shall approve an application for transfer only if the transfer is in the public interest.

4. The cost of any new surveys required under this section shall be borne by the person making the transfer, and the cost and fees shall be the same as for surveys of general oyster-planting ground.

4. 5. The application shall be accompanied by a transfer fee of five dollars.

5. 6. The Commissioner shall return the approved application for transfer and plat with any correction to the applicant. A copy of the transfer and plat shall be recorded at the Commissioner's office.

6. 7. If no application for transfer is received by the Commissioner within eighteen 18 months after the transfer of the highland ownership, the riparian assignment shall become vacant and open to assignment.