

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 28.2-601 and 28.2-625 of the Code of Virginia, relating to*
3 *oyster-planting grounds; fees.*

4
5 Approved

[S 899]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 28.2-601 and 28.2-625 of the Code of Virginia are amended and reenacted as follows:**

8 **§ 28.2-601. Riparian assignments; entitlements; obligations.**

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

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

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

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

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

21 4. The application shall be accompanied by a transfer fee of ~~five dollars~~ \$100.

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

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

26 **§ 28.2-625. Transfer or assignment.**

27 A person holding an existing lease of oyster-planting ground may transfer or assign all or any part of
28 the lease to another under the following conditions and provisions:

29 1. The transfer or assignment may be made only to a resident of the Commonwealth, or a firm or
30 corporation authorized by Virginia laws to occupy and hold oyster-planting ground.

31 2. The application for transfer or assignment shall be in the form prescribed by the Commissioner
32 and shall be filed with the Commission.

33 3. The Commissioner shall require a new survey if no survey exists of the exact parcel or parcels of
34 grounds to be transferred or assigned.

35 4. The cost of any new surveys required under this section shall be borne by the person making the
36 transfer, and the cost and fees shall be the same as for surveys made by the Commissioner.

37 5. The application shall be accompanied by the transfer fee of \$300 for each lease less than five
38 acres, \$500 for each lease of five to 25 acres, and \$1,000 for each lease greater than 25 acres.

39 6. The Commissioner shall record in his office the application for transfer or assignment with any
40 correction or new plat he deems necessary only if the Commissioner believes that the transfer or
41 assignment is in the public interest ~~after considering the factors in subsection A of § 28.2-1205 and the~~
42 ~~public benefits and impacts of shellfish aquaculture.~~ No lease shall be transferred if the leaseholder has
43 been denied renewal under § 28.2-613.

44 7. The transfer or assignment shall constitute a new lease of the tract or parcel assigned and any
45 ground remaining under the old lease.

ENROLLED

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