APPLICATION FOR TRANSFER

OF OYSTER PLANTING GROUND

Information updated January 2025

INSTRUCTIONS

- Ensure that the annual lease ground rent is paid for all leases to be transferred.
- **Complete the Application for Transfer of Oyster Planting Ground in its entirety.**
- Submit the **application** along with the appropriate **non-refundable fee** to VMRC at the address below (Checks or money orders should be made payable to the "Treasurer of Virginia")

Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651
Attn: Engineering/Surveying

THE FOLLOWING CHARGES ARE EFFECTIVE AS OF 02-27-2019

Please note that the application fee is **non-refundable.** You may contact the Engineering/Surveying Department for a pre-application consultation before submitting an application.

Requested Acreage	**Application Fee**
0.01-4.99	$300
5.00-25.00	$500
25.01-250.00	$1,000
Riparian Lease	$5

ADDITIONAL INFORMATION

Modifications to Plats: Pursuant to the Code of Virginia 28.2-625, transfer of oyster planting ground leases, with any correction or new plat as deemed necessary by the Commissioner, shall be approved **only** if the Commissioner believes the transfer and assignment is in the public interest after considering the factors in the Code of Virginia, 28.2-1205 Subsection A, **and** the public benefits and impacts of shellfish aquaculture. No lease shall be transferred if the leaseholder has been denied renewal under provisions of 28.2-613 the Code of Virginia

Signatures: All **current leaseholders** (or their representative) and **prospective applicants** (or their representative) must sign the application. If a **power of attorney** signs, submit a copy of the power of attorney documentation. ***If a leaseholder is deceased***, one of the following must be checked on the front to denote authorization to sign: Executor(s), Administrator(s), All heirs of the estate

Please note that pursuant to the Code of Virginia (28.2-613):

- If a leaseholder died **testate** (with a will), the deceased person's interest can be transferred by the named beneficiary, at any time after the date of death of the leaseholder but **within eighteen months** of the date of death of the deceased leaseholder.
- If the leaseholder dies **intestate** (without a will), a personal representative (qualified by the local Clerk of Circuit Court) may transfer the interest **within eighteen months** of the date of death of the leaseholder.
- If there is no qualification on the leaseholder's estate (no one has qualified by the Clerk of the Circuit Court) within one year of the date of death, a transfer can then be executed by all of the lawful heirs within the next six months thereafter. To obtain any oyster ground lease (or interest therein) a person, persons, and/or corporation(s) must meet the legal requirements to hold oyster lease ground in the Commonwealth of Virginia (28.2-604).

Riparians: For riparian leases, the lease must be in the exact same name as the adjoining upland property. Transfer of the adjoining highland property shall require a transfer of the riparian assignment **within eighteen months** after the transfer of the highland ownership (28.2-601).

VMRC
Virginia Marine Resources Commission

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LEASE AREA INFORMATION

Lease Number:		**Plat File Number:**	
Acreage:		**Waterbody:**	

CURRENT LEASEHOLDER INFORMATION

Print Leaseholder Name(s)	**Authorization** *(check one)*	
1.	**Lessee** **Power of Attorney** **Executor**	**Beneficiary** **Administrator** **All Heirs**
2.	**Lessee** **Power of Attorney** **Executor**	**Beneficiary** **Administrator** **All Heirs**
3.	**Lessee** **Power of Attorney** **Executor**	**Beneficiary** **Administrator** **All Heirs**

Current Leaseholder Questionnaire		
Are any leaseholders deceased?	☐ Yes ☐ No	*If a lessee is deceased, a copy of the death certificate as well as a copy of the will must be submitted with this form*

Please enter the following information regarding the efforts that were made on this lease during the current lease term:

Spat, shell, and/or seed planted (*bu*):		Oysters/Clams harvested (*bu*):	
Method shellfish cultivated:	☐ On the bottom of leased ground ☐ In on-bottom structures		
Explain any other uses of the ground in the current lease period:			

NEW LEASEHOLDER INFORMATION

New *Primary* Leaseholder Information		Enter existing billing number for new leaseholder (if applicable):	
Name:		Date of Birth:	
Email Address:		Phone No.:	
Mailing Address:		**MRCID** (if applicable):	
911 Address:			
New *Additional* Leaseholder Information			
Name:		Date of Birth:	
Email Address:		Phone No.:	
Mailing Address:		**MRCID** (if applicable):	
New *Additional* Leaseholder Information			
Name:		Date of Birth:	
Email Address:		Phone No.:	
Mailing Address:		**MRCID** (if applicable):	

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Contact Person **Information** (*if contact person is not a leaseholder*)			
Name:		Affiliation:	☐ Agent
Email Address:			☐ Power of Attorney
Phone No.:			☐ Corporate Office
Mailing Address:			

Please enter the following information regarding the efforts that the new leaseholders plan to make on this lease during the next lease term:

Planned method of shellfish cultivation:	☐ Loose on the bottom substrate of the leased area
	☐ In structures secured to the bottom (*less than 12 inches above substrate)*
	☐ In protective nets
	☐ In floating structures (*more than 12 inches above substrate*)
	Any floating structures that extend more than 12 inches above the substrate (or that are marked by bouys or stakes) will require additional authorization from VMRC and are <u>not authorized by this application</u>.
Explain any other proposed uses:	

<u>REQUEST TO TRANSFER</u>

I/We the current leasholders request that my/our leasehold outlined above be transferred to the individual(s) listed as new leaseholder(s).

_____ _____

(*current leaseholder signature*) (*date*)

_____ _____

(*current leaseholder signature*) (*date*)

_____ _____

(*current leaseholder signature*) (*date*)

I/We the new leasholder(s) agree that the leasehold outline above will be transferred into my/our name and I/we will be responsible for all items required to maintain lease.

_____ _____

(*new leaseholder signature*) (*date*)

_____ _____

(*new leaseholder signature*) (*date*)

_____ _____

(*new leaseholder signature*) (*date*)

<u>FOR OFFICE USE ONLY</u>

Lease Transfer:	From:		To:	Transfer Number:	
	☐ Approved		☐ Denied	New Lease #:	

_____ _____

(*Engineering/Surveying Chief*) (*Date*)