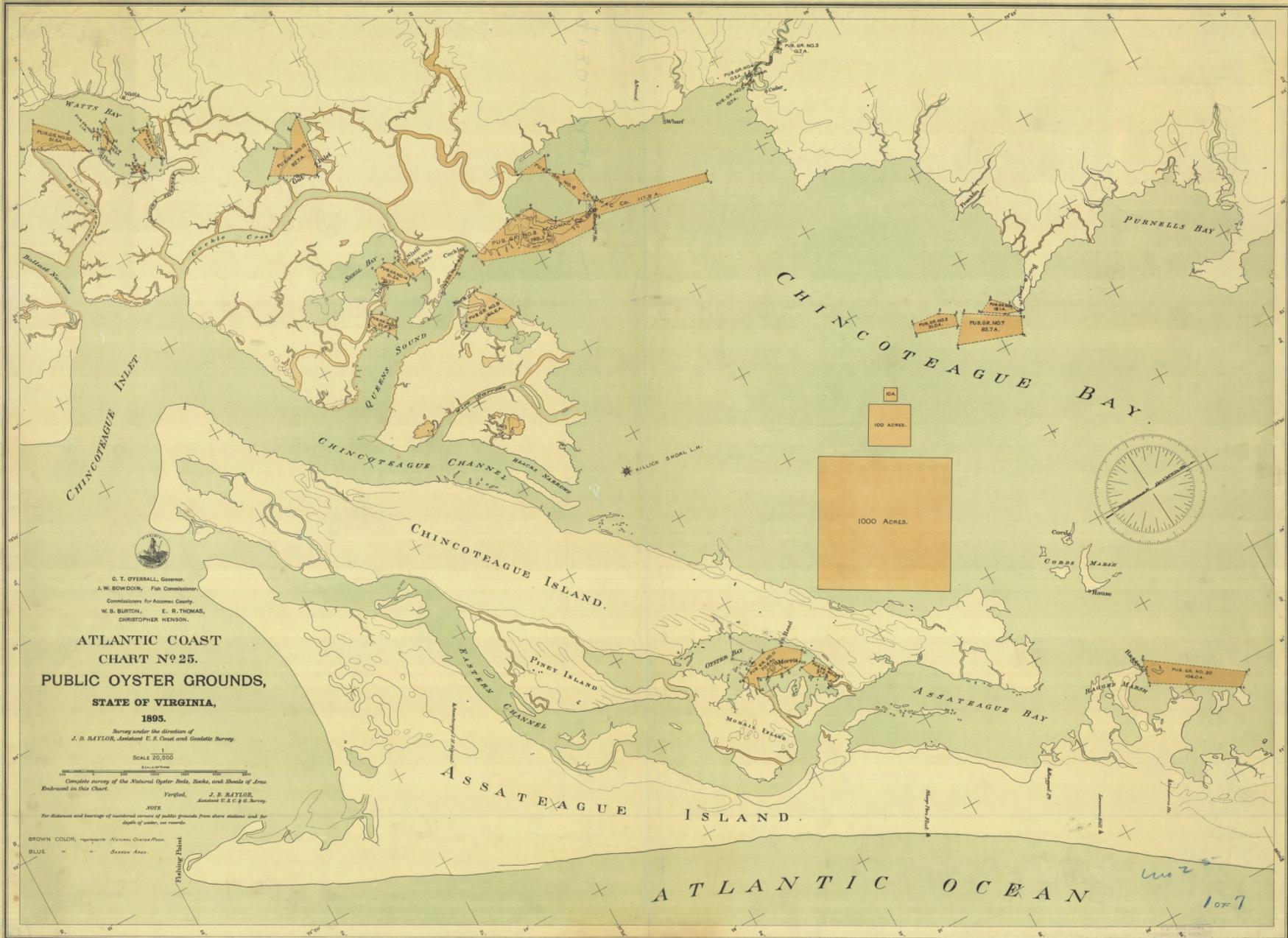


# DISCUSSION

Leased oyster ground found to be in Public Ground. Newly found Chincoteague colored Public Ground (Baylor) chart shows 17 leases in Public Ground and 3 applications for oyster ground



C. T. O'FERRALL, Governor.  
 J. W. BOWDOIN, Fish Commissioner.  
 Commissioners for Accomac County.  
 W. B. BURTON, E. R. THOMAS,  
 CHRISTOPHER HENSON.

**ATLANTIC COAST  
 CHART No. 25.  
 PUBLIC OYSTER GROUNDS,  
 STATE OF VIRGINIA,  
 1895.**

Survey under the direction of  
 J. D. BAYLOR, Assistant U. S. Coast and Geodetic Survey.

SCALE 20,000

Complete survey of the Natural Oyster Beds, Rocks, and Shells of Area  
 Embosomed in this Chart.

Verified, J. B. RAYLOR,  
 Assistant U. S. C. & G. S. Survey.

NOTE  
 For Bearings and bearings of meridional currents of public grounds from shore stations and for  
 depths of water, see remarks.

BROWN COLOR, represents Natural Oyster Beds.  
 BLUE " " " " Banks Area.

# Constitution of Virginia

## Article XI

### §3. Natural Oyster Beds

The natural beds, rocks, and shoals in the waters of the Commonwealth shall not be leased, rented, or sold but shall be held in trust for the benefit of the people of the Commonwealth, subject to such regulations and restriction as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks, or shoals by survey or otherwise.

## **§ 28.2-559. Removal of oysters planted by mistake.**

When, by any resurvey of oyster-planting ground or survey reestablishing the lines of the Baylor survey made under the direction of the Commission, it appears that any holder, by mistake of any employee of the Commission, has had assigned to him and included in the plat of his assignment any portion of the public oyster beds, rocks, or shoals, the holder shall file a petition with the Commission for permission to remove such oysters or shells from such ground. The Commission may allow the holder a reasonable time, not exceeding three years, within which to remove such oysters, their progeny and their shells.

## **28.1-101.3 Certain Historic Lines to be continued.**

When private leaseholders granted by the Marine Resources Commission or its predecessors appear to be within the Baylor survey as reestablished pursuant to §28.1-101 (now 28.2-553), if it shall be established to the reasonable satisfaction of the Commission, by petition duly filed prior to December 31, 1987, that the present or former leaseholders or their predecessors in title were granted the leaseholds in question in good faith more than twenty years previously and have made substantial improvements in such leasehold bottoms since that time, the Commission shall reestablish the lines of the Baylor survey along the survey lines between the private leaseholds and the public grounds of the Baylor survey as set forth on the surveys for the private leaseholds previously approved, and any notice to vacate such leaseholds shall be of no effect; however, such changed lines shall not result in private grounds being wholly surrounded by the Baylor survey grounds.

In reestablishing Baylor lines pursuant to this section, the Commission may adjust the boundaries to facilitate ease of protection of the public grounds, provided that such adjustment shall neither reduce nor enlarge the area of public ground, nor materially reduce or increase the value of the private grounds whose boundaries are being adjusted.

## **§ 28.2-553. Reestablishment of lines of Baylor survey; procedure; evidence of reestablished lines.**

The Commission may reestablish, relocate, and remark all lines of the Baylor survey which cannot be otherwise relocated because of the loss or destruction of previous marks. In reestablishing any such lines, the line surveyed by Fred E. Ruediger shall be followed wherever such line exists or was surveyed. Where no former line can be reestablished the Commission may establish a new line.

When such grounds or lines have been reestablished and relocated, the reestablishment and relocation shall be conclusive evidence in all courts of the Commonwealth that such grounds are public oyster rocks, beds, or shoals and that all grounds lying outside of such boundaries are rental grounds. Plats shall be made under the direction of the Commission showing the reestablishment of such lines, and shall be recorded in the appropriate clerk's office.

END