



CITY OF POQUOSON

Office of the City Manager
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September 26, 2016

TO: City Council

FROM: City Manager

SUBJECT: Resolution Endorsing VMRC's Legislative Agenda re: Aquaculture Leases And Requesting The Designation Of Certain Shallow Waters As "Public Clamming Grounds"

At a recent off-site public meeting (work session) with Ben Stagg, Chief Engineer of VMRC for the Western area, an extensive overview and explanation of aquaculture activities and user conflicts was given and discussed with members of City Council. Several citizens attended the meeting and stayed afterwards to address some of their concerns with Mr. Stagg.

During the discussion Mr. Stagg cited several items that VMRC would be asking for the General Assembly to review and act upon. He indicated that Council support and endorsement of any or all recommendations for change would be helpful.

Attached therefore is a resolution expressing the City's support for legislative items being presented by VMRC to the General Assembly for consideration and change. In addition, the resolution also expresses Council support for the designation of the shallow waters at the confluence of the Poquoson River, Roberts Creek and Bennetts Creek as "public clamming grounds".

RESOLUTION NO. _____

**RESOLUTION ENDORSING THE VMRC's LEGISLATIVE AGENDA FOR
AQUACULTURE AND OTHER USES OF WATERWAYS, PRIVATE PROPERTY RIGHTS
AND IMPACTS AND DESIGNATING CERTAIN SHALLOW WATERS AS "PUBLIC
CLAMMING GROUNDS"**

WHEREAS, the Virginia Marine Resources Commission met on January 26, 2016 to discuss legislation pending before the General Assembly regarding aquaculture leases within the Lynnhaven River system; and

WHEREAS, as an outcome of the meeting a study group involving stakeholders was formed to meet and review this matter in order to make recommendations to address user conflicts associated with commercial use of leased oyster ground and the concerns of highland property owners and other users of the waterway; and

WHEREAS, it was noted that some of the recommendations would affect other areas of the State not just the Lynnhaven River system; and

WHEREAS, in July 2011 VMRC designated and proposed "as not appropriate for shellfish leasing" the shallow waters at the confluence of the Poquoson River, Roberts Creek and Bennetts Creek because of the wide variety of uses by the public, safety concerns about aquaculture structures and markers being displaced during Nor'Eastern and costal storms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the City of Poquoson does hereby support and endorse the following legislative agenda items recommended by VMRC:

- 1) That the power to require a use plan for new applications, transfers and renewal of leases be granted to the Commission.
- 2) That a riparian property owner who owns less than 250 feet of water frontage be able to obtain a riparian lease.
- 3) That the Code of Virginia be amended to address municipal channel dredging projects to proceed across riparian leases while still allowing the leaseholder to be properly compensated through negotiation or through arbitration.

Section 2: That City Council does hereby support the designation of the shallow waters at the confluence of the Poquoson River, Roberts Creek and Bennetts Creek as "public clamming grounds" as requested by the submission of a petition signed by thirty concerned citizens to the VMRC Engineering Department.

Section 3: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk