



REGISTRAR OF REGULATIONS  
11 FEB 10 PM 2:59

## COMMONWEALTH of VIRGINIA

Department of Health  
DIVISION OF SHELLFISH SANITATION  
109 Governor Street, Room 614-B  
Richmond, VA 23219

Ph: 804-864-7487  
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### NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 039-026, HORN HARBOR

EFFECTIVE 24 FEBRUARY 2011

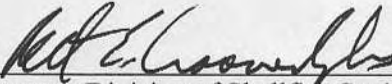
Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002; B.16 of the *Code of Virginia*:

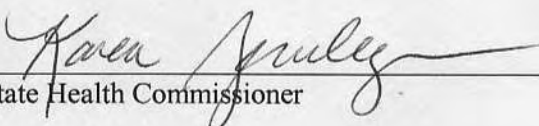
1. The "Notice and Description of Shellfish Area Condemnation Number 039-026, Horn Harbor," effective 25 February 2010, is cancelled effective 24 February 2011.
2. Condemned Shellfish Area Number 039-026, shown as Sections A, B and C, is established effective 24 February 2011. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Horn Harbor, Condemned Shellfish Area Number 039-026, 24 February 2011" which is part of this notice.
3. Seasonally Condemned Shellfish Area Number 039-026, shown as Sections M1 and M2, is hereby established effective 1 April 2011, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in §28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Horn Harbor, Condemned Shellfish Area Number 039-026, 24 February 2011" which is a part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

#### BOUNDARIES OF CONDEMNED AREA NUMBER 039-026

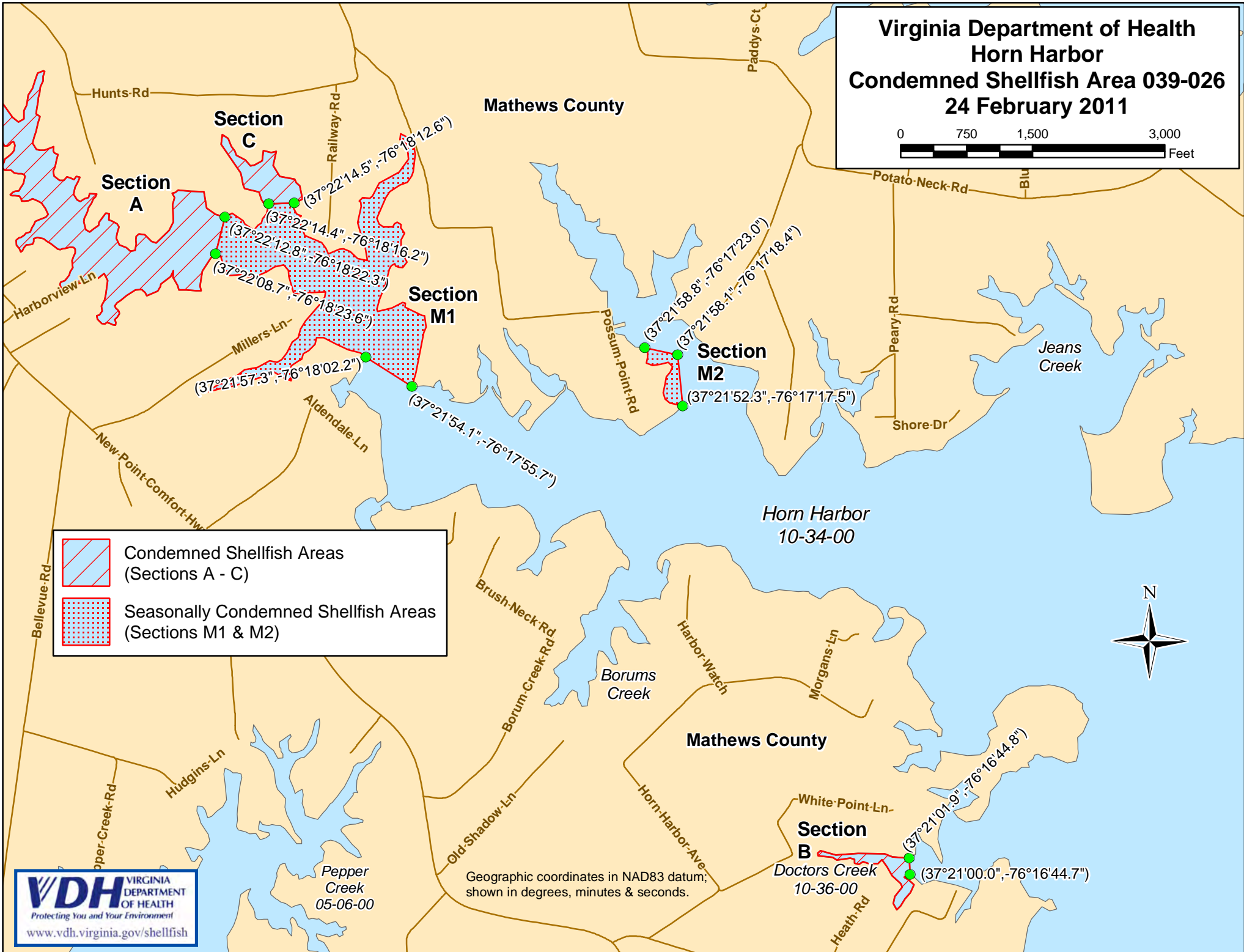
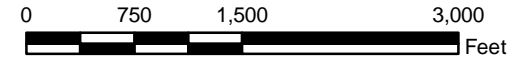
- A. The condemned area shall include that portion of Horn Harbor and its tributaries upstream of a line drawn between latitude/longitude map coordinate (37°22'12.8", -76°18'22.3") and map coordinate (37°22'08.7", -76°18'23.6").
- B. The condemned area shall include that portion of Doctors Creek and its tributaries upstream of a line drawn between latitude/longitude map coordinate (37°21'01.9", -76°16'44.8") and map coordinate (37°21'00.0", -76°16'44.7").


- C. The condemned area shall include all of the unnamed tributary of Horn Harbor upstream of a line drawn between latitude/longitude map coordinate (37°22'14.5",-76°18'12.6") and map coordinate (37°22'14.4",-76°18'16.2").
- M1. The seasonally condemned area shall include that portion of Horn Harbor upstream of a line drawn between latitude/longitude map coordinate (37°21'57.3",-76°18'02.2") and map coordinate (37°21'54.1",-76°17'55.7"); but excluding the areas defined as Sections A and C.
- M2. The seasonally condemned area shall include that portion of the unnamed tributary of Horn Harbor upstream of a line drawn between latitude/longitude map coordinate (37°21'58.8", -76°17'23.0"), map coordinate (37°21'58.1",-76°17'18.4"), and map coordinate (37°21'52.3", -76°17'17.5").


Recommended by:   
Director, Division of Shellfish Sanitation

Ordered by:  2/10/11  
State Health Commissioner Date

Virginia Department of Health  
 Horn Harbor  
 Condemned Shellfish Area 039-026  
 24 February 2011



 Condemned Shellfish Areas (Sections A - C)

 Seasonally Condemned Shellfish Areas (Sections M1 & M2)

