



COMMONWEALTH of VIRGINIA

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

REGISTRAR OF REGULATIONS

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 040-085, PEPPER CREEK AND VICINITY

EFFECTIVE 21 SEPTEMBER 2010

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §9-6.14:4.1, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 040-085, Pepper Creek and Vicinity", effective 28 September 2009, is cancelled effective 21 September 2010.
2. Condemned Shellfish Area Number 040-085, shown as Sections A and B, is established effective 21 September 2010. 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 "Pepper Creek and Vicinity, Condemned Shellfish Area Number 040-085, 21 September 2010" which is a part of this notice.
3. Seasonally Condemned Shellfish Area Number 040-085 shown as Sections M1 and M2 is hereby established effective 21 September 2010 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in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded.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 "Pepper Creek and Vicinity, Condemned Shellfish Area Number 040-085, 21 September 2010" 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 040-085

- A. The condemned area shall include all of the middle tributary of Davis Creek upstream of a line drawn between latitude/longitude map coordinate (37°19'51.9",-76°17'52.8") and map coordinate (37°19'50.1",-76°17'50.7").
- B. The condemned area shall include that portion of the westernmost tributary of Davis Creek upstream of a line drawn between latitude/longitude map coordinate (37°19'59.0",-76°18'01.1") and map coordinate (37°19'58.4",-76°17'58.1").

VDH VIRGINIA
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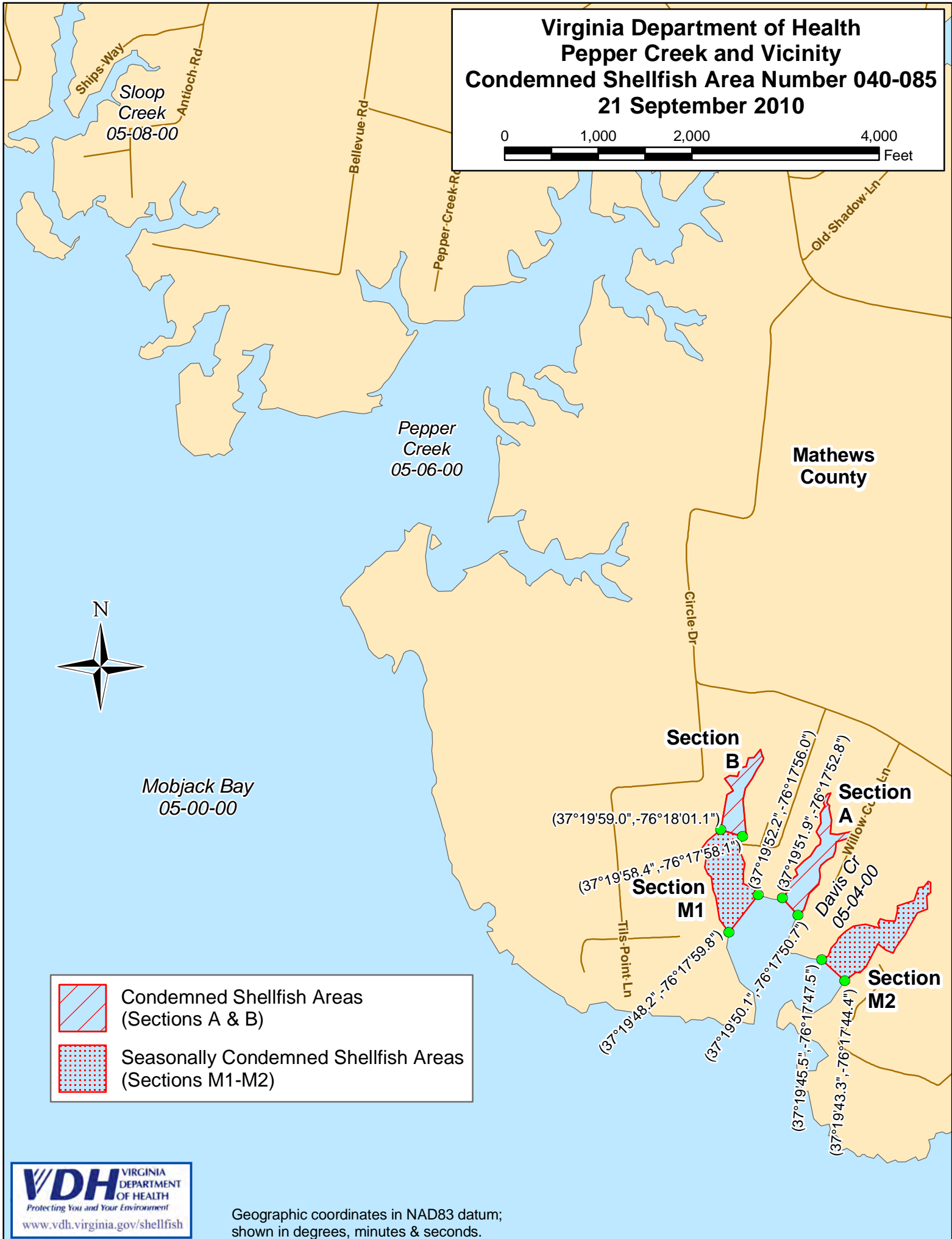
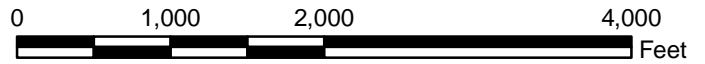
www.vdh.virginia.gov/shellfish



- M1. The seasonally condemned area shall that portion of the westernmost tributary of Davis Creek upstream of a line drawn between latitude/longitude map coordinate (37°19'48.2",-76°17'59.8") and map coordinate (37°19'52.2",-76°17'56.0"); but excluding the area defined as Section B.
- M2. The seasonally condemned area shall include all of the easternmost tributary of Davis Creek upstream of a line drawn between latitude/longitude map coordinate (37°19'45.5",-76°17'47.5") and map coordinate (37°19'43.3",-76°17'44.4").

Recommended by: W. L. Cronin
Director, Division of Shellfish Sanitation

Ordered by: Karen Dudley 2/2/10
State Health Commissioner Date

**Virginia Department of Health
Pepper Creek and Vicinity
Condemned Shellfish Area Number 040-085
21 September 2010**



	Condemned Shellfish Areas (Sections A & B)
	Seasonally Condemned Shellfish Areas (Sections M1-M2)