



REGISTRAR OF REGULATIONS

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## COMMONWEALTH of VIRGINIA

*Department of Health*  
**DIVISION OF SHELLFISH SANITATION**

109 Governor Street, Room 614-B  
Richmond, VA 23219

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### **NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 053-222, BENNETT CREEK**

**EFFECTIVE 26 AUGUST 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 053-222, Bennett Creek," effective 29 March 2011, is cancelled effective 26 August 2011.
2. Condemned Shellfish Area Number 053-222, shown as Sections A through E, is established effective 26 August 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 § 28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Bennett Creek, Condemned Shellfish Number 053-222, 26 August 2011" which is part of this notice.
3. Seasonally Condemned Shellfish Number 053-222, shown as Section M1, is established effective 26 August 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in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded.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 this area 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 this area are shown on the map titled "Bennett Creek, Condemned Shellfish Number 053-222, 26 August 2011" which is 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 053-222**

- A. The condemned area shall include that portion of Roberts Creek and its tributaries upstream of a line drawn from latitude / longitude map coordinate (37°09'24.3", -76°23'40.7") to map coordinate (37°09'21.2", -76°23'36.8").
- B. The condemned area shall include that portion of Lyons Creek and its tributaries upstream of a line drawn from latitude / longitude map coordinate (37°09'02.3", -76°22'52.8") to map coordinate (37°08'59.9", -76°22'46.8").



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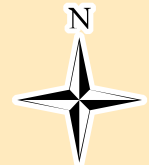
[www.vdh.virginia.gov/shellfish](http://www.vdh.virginia.gov/shellfish)



- C. The condemned area shall include all of White House Cove and its tributaries upstream of a line drawn from latitude / longitude map coordinate (37°08'49.3", -76°22'26.5") to map coordinate (37°08'43.2", -76°22'17.7").
- D. The condemned area shall include all of Floyds Bay and its tributaries upstream of a line drawn from latitude / longitude map coordinate (37°08'27.8", -76°22'07.2") to map coordinate (37°08'25.1", -76°22'03.9").
- E. The condemned area shall include that portion of Bennett Creek and its tributaries upstream of a line drawn from latitude/longitude map coordinate (37°08'21.3", -76°21'58.1") to map coordinate (37°08'24.7", -76°21'52.6").
- M1. The seasonally condemned area shall include that portion of Bennett Creek upstream of a line drawn from latitude/longitude map coordinate (37°08'52.4", -76°22'26.6") to map coordinate (37°08'50.6", -76°22'17.4"); but excluding the area defined as Section C; and downstream of a line drawn from latitude / longitude map coordinate (37°08'41.3", -76°22'18.9") to map coordinate (37°08'41.2", -76°22'11.5").

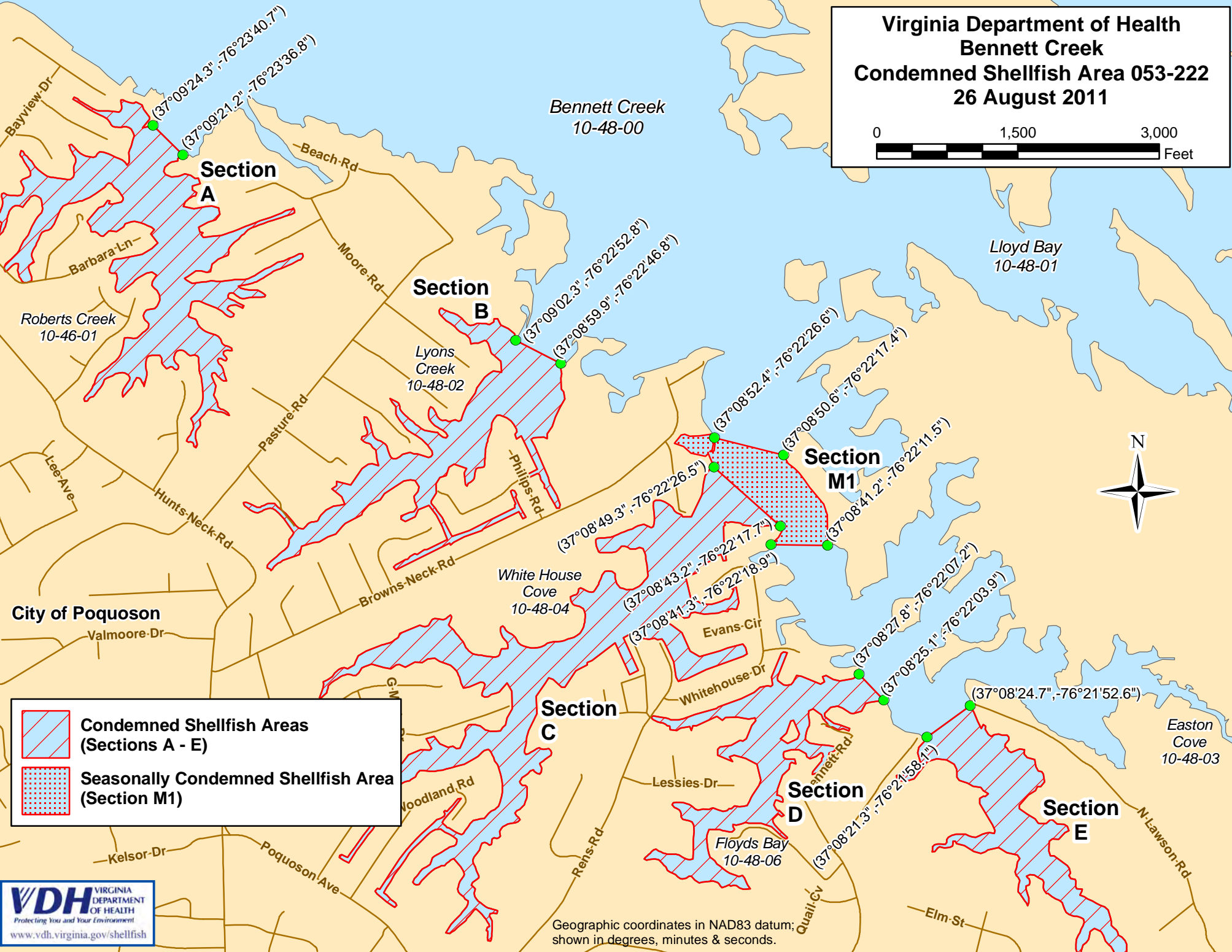
Recommended by: RE Cooney  
Director, Division of Shellfish Sanitation

Ordered by: Karen Spuff 8/16/11  
State Health Commissioner Date

**Virginia Department of Health  
Bennett Creek  
Condemned Shellfish Area 053-222  
26 August 2011**



-  **Condemned Shellfish Areas (Sections A - E)**
-  **Seasonally Condemned Shellfish Area (Section M1)**



Geographic coordinates in NAD83 datum; shown in degrees, minutes & seconds.