



COMMONWEALTH of VIRGINIA

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

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

EFFECTIVE 15 MAY 2024

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 15 May 2023, is cancelled effective 15 May 2024.
2. Condemned Shellfish Area Number 053-222, shown as Sections A through D, is hereby established effective 15 May 2024. 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 Area Number 053-222, 15 May 2024" which is part of this notice.
3. Condemned Shellfish Area Number 053-222, shown as Sections C12 and C13, is hereby established effective 15 May 2024. Pursuant to § 28.2-808(3) of the Code of Virginia, such conditional condemnation is predicated upon predictable pollution events arising from excess rainfall. This area shall be placed in the closed status at 12:01 a.m. the day following a 24-hour rainfall event of greater than a total of 1 inch in the Poquoson River. The source of the data indicating the total 24-hour rainfall will be the National Oceanic and Atmospheric Administration's Multisensor Precipitation Estimator for latitude / longitude coordinate (37.14032266, -76.42870872 decimal degrees), or (37° 8' 25.2", -76° 25' 43.4" degrees, minutes, and seconds). The time interval used to measure the 24-hour rainfall event will be the 24-hour period ending at 8:00 p.m. on the day prior to the effective date of the closed status. The closed status of the conditionally approved area shall remain in effect for 10 calendar days, and shall revert to the open status at 12:01 a.m. on the 11th calendar day from the effective date of the closed status. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose while in the closed status, 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 maps titled "Bennett Creek Condemned Shellfish Area Number 053-222, 15 May 2024" 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 between latitude / longitude map coordinate (37°09'24.3", -76°23'40.7") and 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 between latitude / longitude map coordinate (37°08'57.2", -76°22'57.8") and map coordinate (37°08'54.4", -76°22'55.1").
- C. The condemned area shall include that portion of Bennett Creek and its tributaries upstream of a line drawn between latitude/longitude map coordinate (37°08'52.4", -76°22'26.6") and map coordinate (37°08'50.6", -76°22'17.4"); and downstream of a second line drawn between map coordinate (37°08'41.3", -76°22'18.9") and map coordinate (37°08'41.2", -76°22'11.5").
- D. The condemned area shall include that portion of Floyds Bay and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°08'20.8", -76°22'21.8") and map coordinate (37°08'19.5", -76°22'16.8").
- C12. The conditionally approved area shall include that portion of Bennett Creek and its tributaries upstream of a line drawn between latitude/longitude map coordinate (37°08'41.3", -76°22'18.9") and map coordinate (37°08'41.2", -76°22'11.5"); but excludes the area defined as Section D.
- C13. The conditionally approved area shall include that portion of Lyons Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°09'10.7", -76°22'46.3") and map coordinate (37°09'01.9", -76°22'28.2"); but excludes the area defined as Section B.

Recommended by:

DocuSigned by:



Director, Division of Shellfish Safety

Ordered by:

DocuSigned by:



Director, Office of Environmental Health Services

4/18/2024 | 5:31:11 PM EDT

Date

Virginia Department of Health
Bennett Creek
Condemned Shellfish Area Number 053-222
15 May 2024

