EMERGENCY REGULATION

NOTICE OF ESTABLISHMENT AND DESCRIPTION OF SHELLFISH AREA CONdemnation NUMBER 054-021K, BACK RIVER

EFFECTIVE 28 DECEMBER 2018 THROUGH 11 JANUARY 2019

1. The “Notice and Description of Shellfish Area Condemnation Number 054-021K, Back River”, effective 21 December, 2018, is cancelled effective 28 December, 2018.

2. Pursuant to § 28.2-809, § 32.1-13, § 32.1-20 and § 2.2-4002 B.16, and § 2.2-4028 of the Code of Virginia, an emergency closure on the Back River is hereby established. It shall be unlawful for any person, firm, or corporation to take shellfish from this area 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 “Back River, Emergency Condemned Shellfish Area Number 054-021K, 28 December 2018” which is a part of this notice.

3. Because the area described below has been subjected to a sewage spill likely containing pathogenic bacteria and viruses, and because the area is not a safe area from which to take shellfish for direct marketing, and because shellfish exist in this area, an emergency exists and the immediate promulgation of this regulation is needed to protect the public health.

3. 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 emergency regulation. The area will be reopened once it has been shown to meet the guidelines for an approved shellfish harvesting area.

BOUNDARIES OF EMERGENCY CLOSURE NUMBER 054-021K

The emergency condemned area shall include all of Back River and its tributaries located upstream of a line drawn between latitude / longitude map coordinate (37°06'26.2", -76°19'07.5") and map coordinate (37°05'53.0", -76°19'09.7"); but excluding any areas otherwise classified as condemned by a separate order.

Recommended by:  
Director, Division of Shellfish Sanitation

Ordered by:  
State Health Commissioner  

Date 12/28/18

www.vdh.virginia.gov/shellfish
City of Hampton

Virginia Department of Health
Back River
Emergency Condemned Shellfish Area 054-021K
28 December 2018

Condemned Shellfish Area # 054-021
Section A

Condemned Shellfish Area # 054-021
Section E

Condemned Shellfish Area # 054-215
Section B

City of Poquoson

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

Emergency Condemned Shellfish Area
Existing Condemned Shellfish Areas (cond054-021 & cond054-215)