



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF HEALTH**  
**DIVISION OF SHELLFISH SAFETY**

*Colin M. Greene, MD, MPH*  
*Acting State Health Commissioner*

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**NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION**  
**NUMBER 039-026, HORN HARBOR**

**EFFECTIVE 15 MARCH 2023**

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 15 February 2022 is cancelled effective 15 March 2023.
2. Condemned Shellfish Area Number 039-026, shown as Section A, is hereby established effective 15 March 2023. 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 "Horn Harbor, Condemned Shellfish Area Number 039-026, 15 March 2023" which is part of this notice.
3. Seasonally Condemned Shellfish Area Number 039-026, shown as Sections M1 and M2, is established effective 1 April 2023, 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in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded.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, 15 March 2023" 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 039-026**

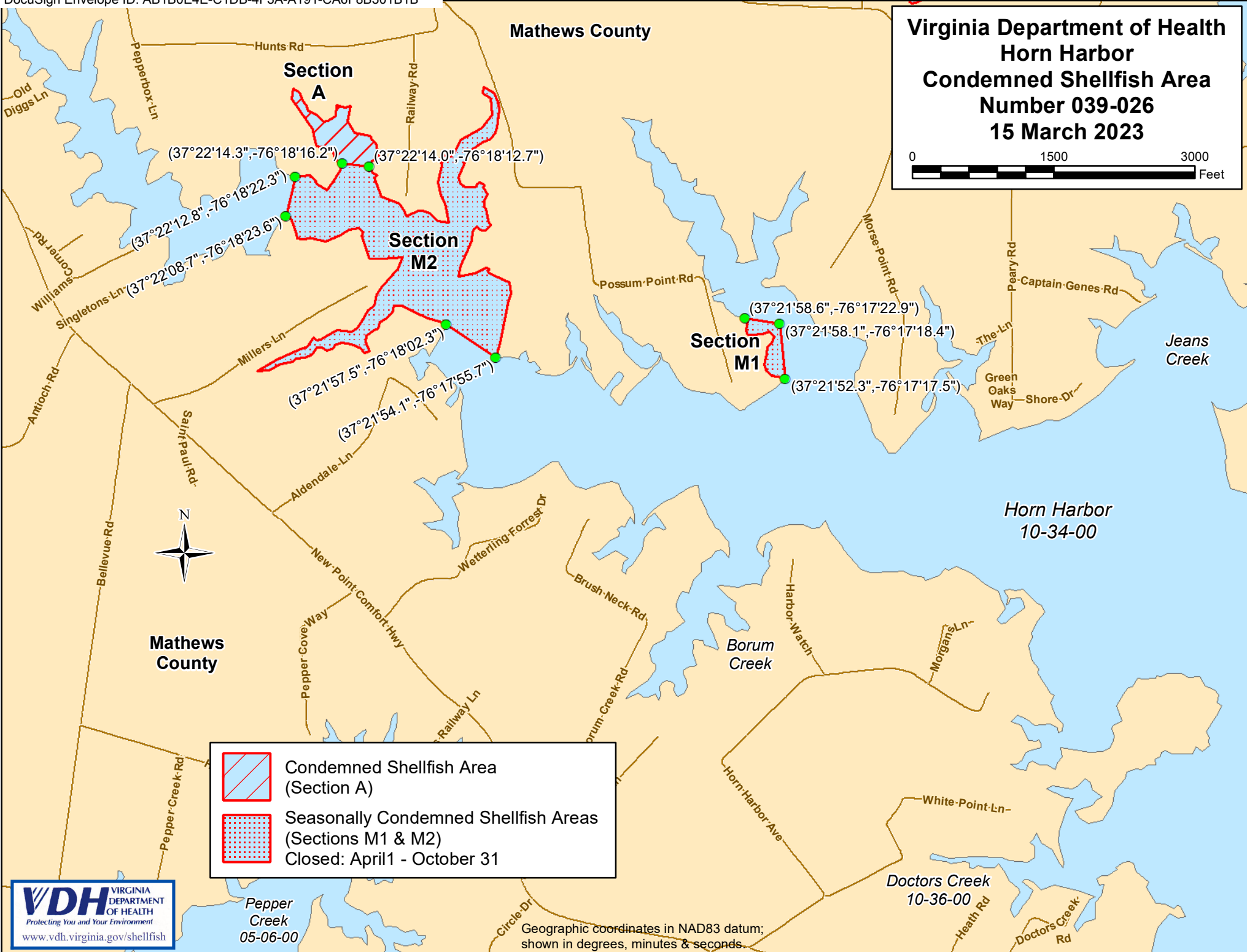
- A. The condemned area shall include that portion of the unnamed tributary of Horn Harbor upstream of a line drawn between latitude / longitude map coordinate (37°22'14.3", -76°18'16.2") and map coordinate (37°22'14.0", -76°18'12.7").
- M1. The seasonally condemned area shall include that portion of the unnamed tributary of Horn Harbor inland of a line drawn between latitude / longitude map coordinate (37°21'58.6", -76°17'22.9"), map coordinate (37°21'58.1", -76°17'18.4"), and map coordinate (37°21'52.3", -76°17'17.5").



M2. The seasonally condemned area shall include that portion of Horn Harbor and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°21'57.5",-76°18'02.3") and map coordinate (37°21'54.1",-76°17'55.7") as well as downstream of a second line drawn between map coordinate (37°22'12.8",-76°18'22.3") and map coordinate (37°22'08.7",-76°18'23.6"); but excludes the area defined as Section A.

Recommended by: DocuSigned by:  
*Danielle Schools*  
Director, Division of Shellfish Safety

Ordered by: DocuSigned by:  
*Julie Henderson* 2/2/2023 | 1:35:53 PM EST  
Director, Office of Environmental Health Services Date

**Virginia Department of Health**  
**Horn Harbor**  
**Condemned Shellfish Area**  
**Number 039-026**  
**15 March 2023**



	Condemned Shellfish Area (Section A)
	Seasonally Condemned Shellfish Areas (Sections M1 & M2) Closed: April 1 - October 31

**VDH** VIRGINIA DEPARTMENT OF HEALTH  
 Protecting You and Your Environment  
[www.vdh.virginia.gov/shellfish](http://www.vdh.virginia.gov/shellfish)

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



**Mathews County**

*Horn Harbor*  
10-34-00

*Doctors Creek*  
10-36-00

*Pepper Creek*  
05-06-00