



## 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 053-221, CHISMAN CREEK**

**EFFECTIVE 15 MAY 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 053-221, Chisman Creek,” effective 15 May 2022, is cancelled effective 15 May 2023.
2. Condemned Shellfish Area Number 053-221, shown as Sections A through H, is hereby established effective 15 May 2023. 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 “Chisman Creek, Condemned Shellfish Area Number 053-221, 15 May 2023” which is part of this notice.
3. Condemned Shellfish Area Number 053-221, shown as Sections C14 through C16, is hereby established effective 15 May 2023. 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 11<sup>th</sup> 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 “Chisman Creek Condemned Shellfish Area Number 053-221, 15 May 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 053-221**

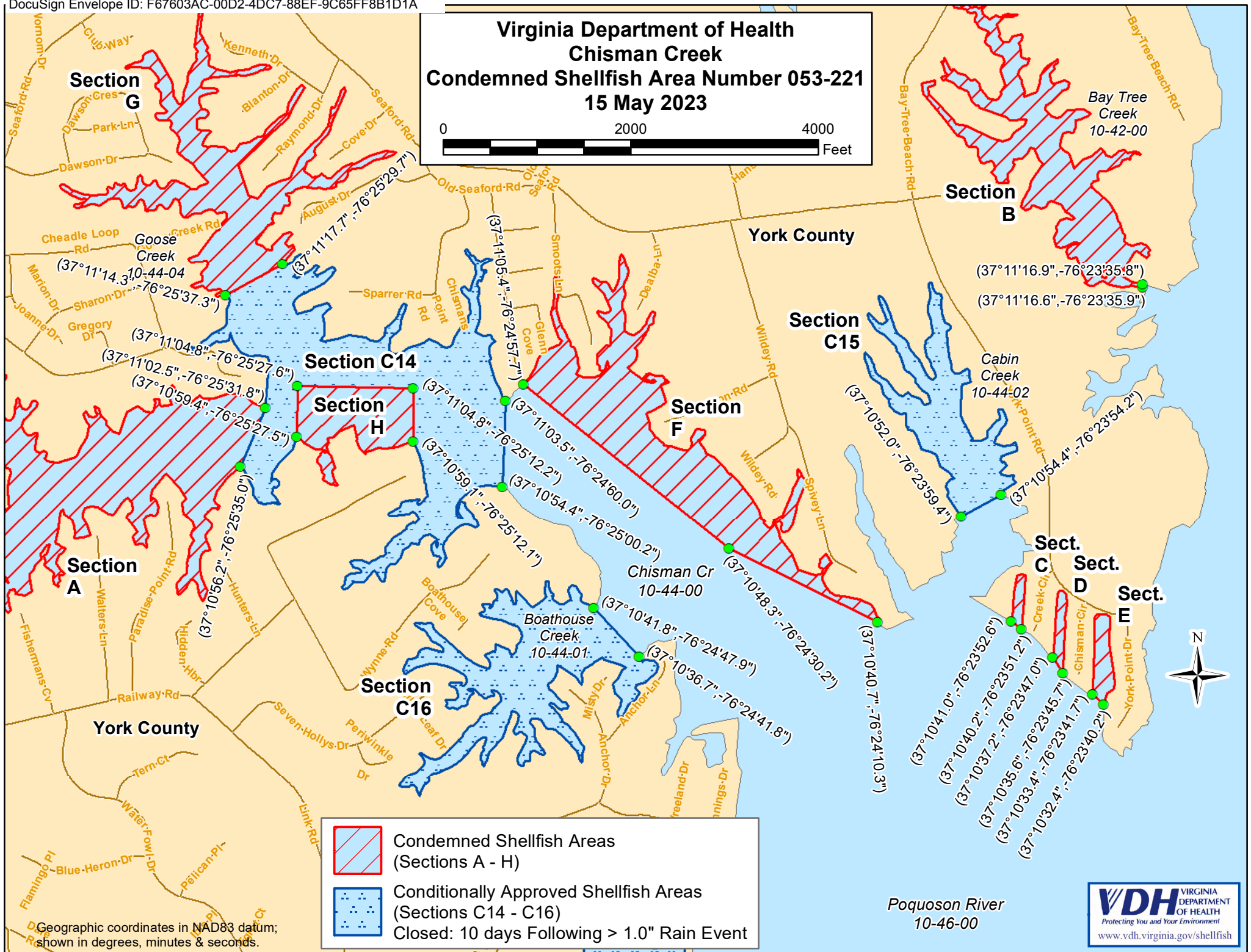
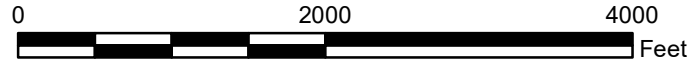
- A. The condemned area shall include that portion of Chisman Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°11'02.5", -76°25'31.8") and map coordinate (37°10'56.2", -76°25'35.0").
- B. The condemned area shall include all of Bay Tree Creek upstream of a line drawn between latitude / longitude map coordinate (37°11'16.9", -76°23'35.8") and map coordinate (37°11'16.6", -76°23'35.9").
- C. The condemned area shall include all of the unnamed inlet of Chisman Creek inland of a line drawn between latitude / longitude map coordinate (37°10'41.0", -76°23'52.6") and map coordinate (37°10'40.2", -76°23'51.2").
- D. The condemned area shall include all of the unnamed inlet of Chisman Creek inland of a line drawn between latitude / longitude map coordinate (37°10'37.2", -76°23'47.0") and map coordinate (37°10'35.6", -76°23'45.7").
- E. The condemned area shall include all of the unnamed inlet of Chisman Creek inland of a line drawn between latitude / longitude map coordinate (37°10'33.4", -76°23'41.7") and map coordinate (37°10'32.4", -76°23'40.2").
- F. The condemned area shall include that portion of Chisman Creek and its tributaries inland of a line drawn between latitude / longitude map coordinate (37°11'05.4", -76°24'57.7"), map coordinate (37°10'48.3", -76°24'30.2"), and map coordinate (37°10'40.7", -76°24'10.3").
- G. The condemned area shall include that portion of Goose Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°11'14.3", -76°25'37.3") and map coordinate (37°11'17.7", -76°25'29.7").
- H. The condemned area shall include that portion of Chisman Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°10'59.4", -76°25'27.5"), map coordinate (37°11'04.8", -76°25'27.6"), (37°11'04.8", -76°25'12.2") and map coordinate (37°10'59.1", -76°25'12.1").
- C14. The conditionally approved area shall include that portion of Chisman Creek upstream of a line drawn between latitude / longitude map coordinate (37°11'03.5", -76°24'60.0") and map coordinate (37°10'54.4", -76°25'00.2"); but excludes the areas defined as Sections A, G, and H.
- C15. The conditionally approved area shall include that portion of Cabin Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°10'52.0", -76°23'59.4") and map coordinate (37°10'54.4", -76°23'54.2").


C16. The conditionally approved area shall include all of Boathouse Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°10'41.8", -76°24'47.9") and map coordinate (37°10'36.7", -76°24'41.8").


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

Ordered by: DocuSigned by:  
*Julie Henderson* 4/13/2023 | 5:13:45 PM EDT  
\_\_\_\_\_  
Director, Office of Environmental Health Services Date

**Virginia Department of Health  
Chisman Creek  
Condemned Shellfish Area Number 053-221  
15 May 2023**



 Condemned Shellfish Areas (Sections A - H)

 Conditionally Approved Shellfish Areas (Sections C14 - C16)

Closed: 10 days Following > 1.0" Rain Event

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

Poquoson River 10-46-00

