



## 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 082-160, NANDUA CREEK**

**EFFECTIVE 15 APRIL 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 082-160, Nandua Creek," effective 15 March 2022, is cancelled effective 15 March 2023.
2. Condemned Shellfish Area Number 082-160, shown as Sections A through C, is established effective 15 April 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 "Nandua Creek, Condemned Shellfish Area Number 082-160, 15 April 2023" which is part of this notice.
3. Condemned Shellfish Area Number 082-160, shown as Sections C5, C6, C17, and C18, is hereby established effective 15 April 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. These areas 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 Pungoteague Creek. 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 (37.6207974,-75.87065833 decimal degrees), or (37°37'14.8",-75°52'14.4" 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 this area 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 this area are shown on the map titled "Nandua Creek, Condemned Shellfish Area Number 082-160, 15 April 2023" which are 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 082-160

- A. The condemned area shall include that portion of Nandua Creek and its tributaries, upstream of a line drawn between latitude / longitude map coordinate (37°37'57.2", -75°50'50.5") and map coordinate (37°37'56.4", -75°50'43.6").
- B. The condemned area shall include all of McLean Gut and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°36'51.7", -75°52'00.2") and map coordinate (37°36'48.0", -75°51'59.8").
- C. The condemned area shall include all of Kusian Cove and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°37'41.7", -75°50'46.4") and map coordinate (37°37'40.1", -75°50'46.6").
- C5. The conditionally approved area shall include that portion of Pungoteague Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°37'45.4", -75°51'01.2") and map coordinate (37°37'40.5", -75°50'53.5"); but excluding the areas defined as Sections A and C.
- C6. The conditionally approved area shall include that portion of Curratuck Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°36'11.2", -75°52'30.7") and map coordinate (37°36'14.7", -75°52'15.7").
- C17. The conditionally approved area shall include all of Boggs Gut and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°37'22.5", -75°51'23.5") and map coordinate (37°37'22.9", -75°51'17.3").
- C18. The conditionally approved area shall include all of McLean Gut and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°36'58.4", -75°52'10.4") and map coordinate (37°37'03.9", -75°52'01.0"); but excludes the area defined as Section B.

Recommended by: DocuSigned by:  
*Danielle Schools*  
74BC6298173F4FC  
\_\_\_\_\_  
Director, Division of Shellfish Safety

Ordered by: DocuSigned by:  
*Julie Henderson* 3/11/2023 | 11:47:10 AM EST  
\_\_\_\_\_  
Director, Office of Environmental Health Services Date

# Virginia Department of Health Nandua Creek Condemned Shellfish Area Number 082-160 15 April 2023



Chesapeake Bay  
11-00-00

Back Creek  
11-35-01



Nandua Creek  
11-35-00

Section C18

Section B


Section C6


Section C5

Section A

Section C17

Accomack County

 Condemned Shellfish Areas (Sections A - C)

 Conditionally Condemned Shellfish Areas (Sections C5, C6, C17, & C18)  
Closed: 10 days Following > 1.0" Rain Event

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