



## 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 054-021, BACK RIVER**

**EFFECTIVE 15 JANUARY 2026**

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 054-021, Back River," effective 15 November 2024, is cancelled effective 15 January 2026.
2. Condemned Shellfish Area Number 054-021, shown as Sections A through G, is hereby established effective 15 January 2026. 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 "Back River, Condemned Shellfish Area Number 054-021, 15 January 2026" which is part of this notice.
3. Condemned Shellfish Area Number 054-021, shown as Sections C21, C28, and C31, is hereby established effective 15 January 2026. 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 Northwest Branch of Back 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 (37.0745604,-76.34337339) decimal degrees), or (37°04'28.4",-76°20'36.1" 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 areas 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 map titled "Back River, Condemned Shellfish Area Number 054-021, 15 January 2026" which are part of this notice.
4. Conditionally Approved Shellfish Area (Seasonally Closed Status) Number 054-021, shown as Section M1, is hereby established effective 15 January 2026, 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 this area during such period for any purpose while in the closed status, except by permit granted by 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, Condemned Shellfish Area Number 054-021, 15 January 2026" which is part of this notice.


5. Conditionally Approved Shellfish Area (Closed Status) Number 054-021, shown as Section M2, is hereby established effective 15 January 2026, and shall remain in force until rescinded. 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 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, Condemned Shellfish Area Number 054-021, 15 January 2026" which is part of this notice.
6. 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 054-021**

- A. The condemned area shall include that portion of the Northwest Branch of Back River and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°06'54.6",-76°22'17.3") and map coordinate (37°06'34.2",-76°22'11.6").
- B. The condemned area shall include that portion of the Southwest Branch of Back River and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°04'30.3",-76°20'48.2") and map coordinate (37°04'17.0",-76°20'11.1").
- C. The condemned area shall include that portion of Front Cove and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°06'42.2",-76°19'12.3") and map coordinate (37°06'45.5",-76°19'04.3").
- D. The condemned area shall include that portion of an unnamed tributary of the Southwest Branch of Back River upstream of a line drawn between latitude / longitude map coordinate (37°04'48.1",-76°19'46.1") and map coordinate (37°04'49.5",-76°19'39.7").
- E. The condemned area shall include all of Topping Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°06'57.6",-76°21'47.9") and map coordinate (37°06'55.2",-76°21'33.3").
- F. The condemned area shall include that portion of Tabbs Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°06'14.3",-76°21'53.2") and map coordinate (37°06'11.5",-76°21'44.5").
- G. The condemned area shall include all of the unnamed inlet of the Northwest Branch of Back River inland of a line drawn between latitude / longitude map coordinate (37°06'58.0",-76°22'09.3") and map coordinate (37°06'58.0",-76°22'09.3").

- C21. The conditionally approved area shall include that portion of Tabbs Creek and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°06'15.8",-76°21'42.3") and map coordinate (37°06'20.8",-76°21'52.7"), but excludes the area defined as Section F.
- C28. The conditionally approved area shall include that portion of the Southwest Branch of Back River upstream of a line drawn between latitude / longitude map coordinate (37°05'02.4",-76°20'24.9") and map coordinate (37°04'58.2",-76°19'38.0"), but excludes the area defined as Sections B and D.
- C31. The conditionally approved area shall include that portion of the Northwest Branch of Back River and its tributaries upstream of a line drawn between latitude / longitude map coordinate (37°06'58.2",-76°22'04.2") and map coordinate (37°06'39.4",-76°22'03.1"); but excludes the area defined as Section A.
- M1. The conditionally approved area (seasonally closed status) shall that portion of Front Cove inland of a line drawn between latitude / longitude map coordinate (37°06'39.4",-76°19'09.9"), map coordinate (37°06'40.0",-76°19'05.1"), map coordinate (37°06'34.1",-76°19'03.7"), map coordinate (37°06'26.2",-76°19'07.5"), and map coordinate (37°06'26.2",-76°19'07.5").
- M2. The conditionally approved area (closed status) shall that portion of the Southwest Branch of the Back River inland of a line drawn between latitude / longitude map coordinate (37°04'47.2",-76°20'26.8"), map coordinate (37°04'45.4",-76°20'23.3"), map coordinate (37°04'36.3",-76°20'32.1"), and map coordinate (37°04'39.6",-76°20'37.5").

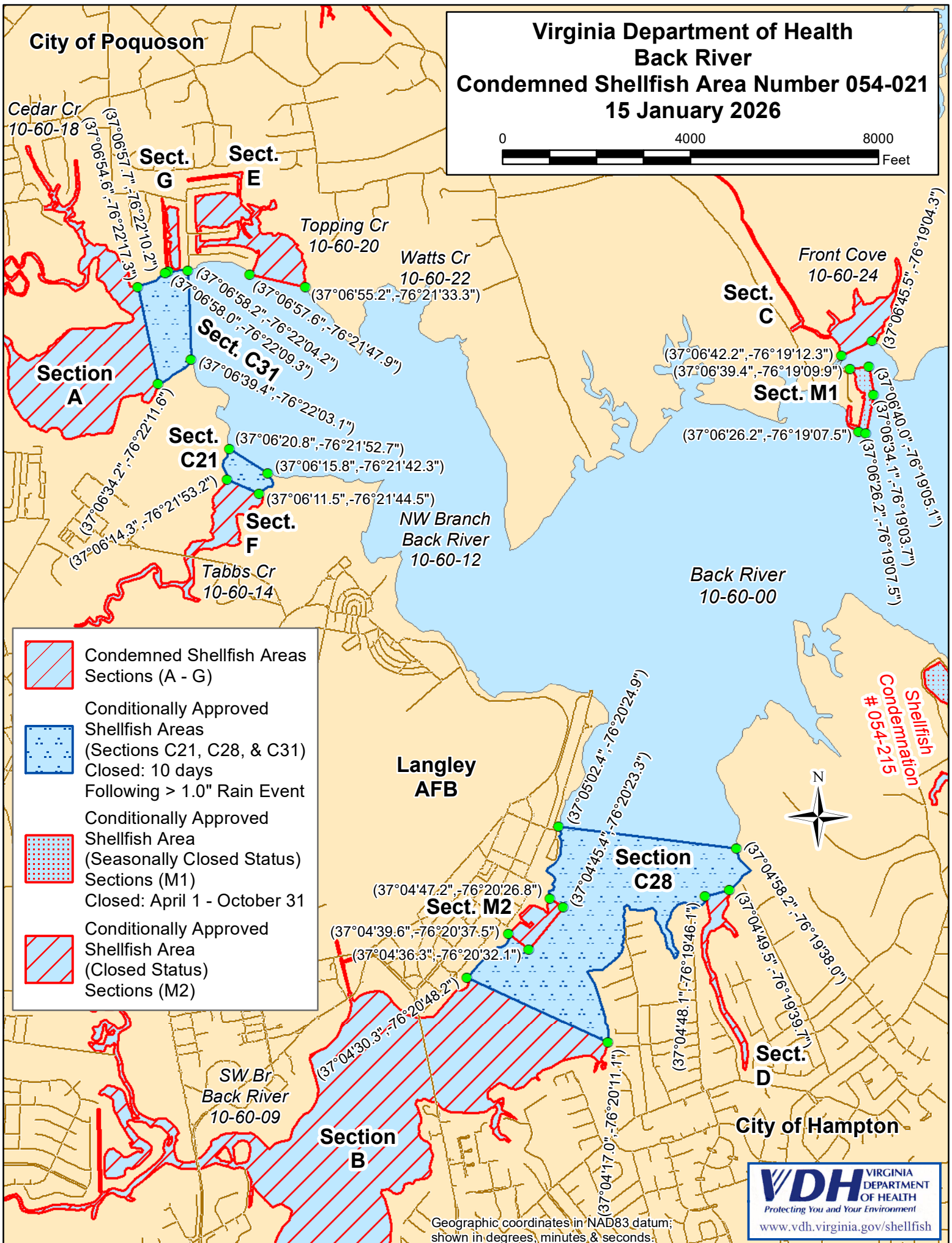
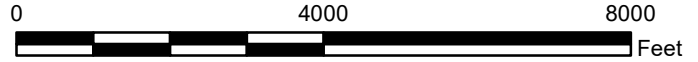
Recommended by: *Danielle Schools*  
Director, Division of Shellfish Safety

Ordered by:  Julie Henderson (Dec 19, 2025 12:59:39 EST) Dec 19, 2025  
Director, Office of Environmental Health Services Date



# City of Poquoson

## Virginia Department of Health Back River Condemned Shellfish Area Number 054-021 15 January 2026



Condemned Shellfish Areas  
Sections (A - G)

Conditionally Approved  
Shellfish Areas  
(Sections C21, C28, & C31)  
Closed: 10 days  
Following > 1.0" Rain Event

Conditionally Approved  
Shellfish Area  
(Seasonally Closed Status)  
Sections (M1)  
Closed: April 1 - October 31

Conditionally Approved  
Shellfish Area  
(Closed Status)  
Sections (M2)

Langley  
AFB



Shellfish  
Condemnation  
# 054-215