



COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH SANITATION

109 Governor Street, Room 614-B
Richmond, VA 23219

Ph: 804-864-7487
Fax: 804-864-7481

30 September 2010

MEMORANDUM

TO: Karen Remley, M.D., M.B.A., F.A.A.P.
State Health Commissioner

FROM: Robert E. Croonenberghs, Ph.D., Director
Division of Shellfish Sanitation

BES for REC

SUBJECT: EMERGENCY REGULATION
Emergency Closure – Tidal Flooding and Heavy Rains from Remains of Tropical Storm Nicole, # 210F

Emergency Closure Number 210F, covering selected tributaries of the Chesapeake Bay and the lower James River of Virginia, is being issued to close shellfish harvesting effective October 1, 2010 through October 6, 2010.

These actions are a precautionary measure to protect the public health from bacteria and viruses in floodwaters caused by tidal flooding and excessive rainfall.

Please notify the Division if there are any questions or as soon as the emergency condemnation has been signed.

REC / dwp

Attachment



COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH SANITATION
109 Governor Street, Room 614-B
Richmond, VA 23219

Ph: 804-864-7487
Fax: 804-864-7481

EMERGENCY REGULATION

NOTICE OF ESTABLISHMENT AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 210F VIRGINIA TRIBUTARIES AND WATERS OF THE CHESAPEAKE BAY AND LOWER JAMES RIVER

EFFECTIVE OCTOBER 1, 2010 THROUGH OCTOBER 6, 2010

1. 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 of selected tributaries to the Virginia portion of the Chesapeake Bay and lower James River, described below as sections A through G, is hereby established, effective October 1, 2010. 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 Section 28.2-810 of the *Code of Virginia*.
2. Due to the excessive rainfall and tidal flooding, the areas described below have potential microbiological and chemical pollution hazards, and are not safe areas from which to take shellfish for consumption. Because shellfish exist in such areas, 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.

BOUNDARIES OF EMERGENCY CLOSURE 210F

In addition to all waters previously condemned per routine closure, the emergency condemned area shall include the following:

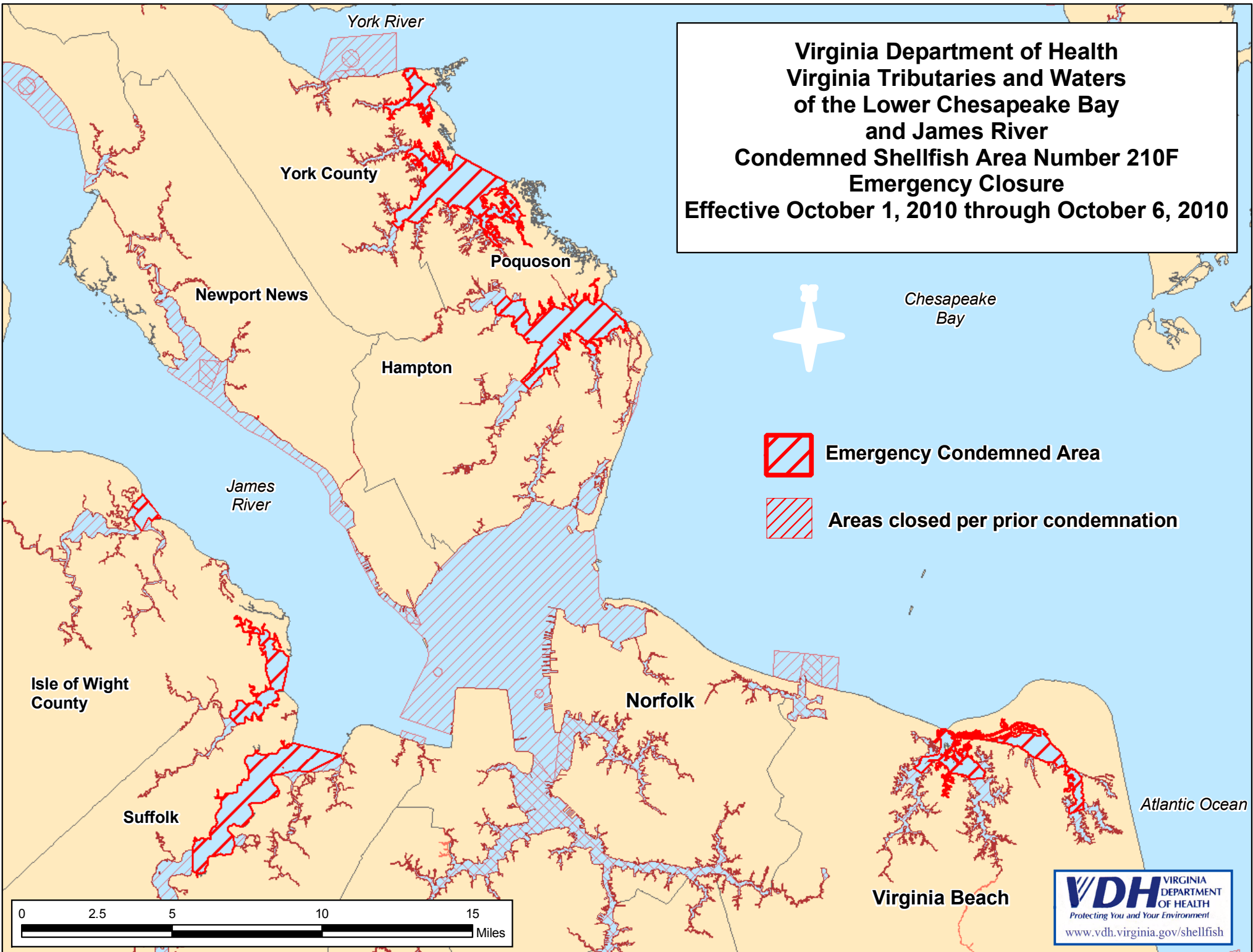
- A. The condemned area shall also include those waters of the Pagan River upstream of a line drawn connecting latitude / longitude map coordinate (37°00'54.9", -76°34'32.5"), and map coordinate (37°00'14.9", -76°33'52.1").

- B. The condemned area shall also include those waters of the Chuckatuck and Ragged Island Creeks upstream of a line drawn connecting latitude / longitude map coordinate (36°56'17.9",-76°29'09.6"), and map coordinate (36°55'18.3",-76°29'23.7").
- C. The condemned area shall also include those waters of the Nansemond River upstream of a line drawn connecting latitude / longitude map coordinate (36°53'48.2",-76°28'59.3"), and map coordinate (36°53'27.6",-76°27'15.5").
- D. The condemned area shall also include those waters of Back Creek, Claxton Creek, and the Thorofare, upstream and inland of a line drawn connecting latitude / longitude map coordinate (37°13'21.2",-76°25'11.0"), and map coordinate (37°13'21.3",-76°24'57.4"), as well as upstream and inland of a line drawn connecting latitude / longitude map coordinate (37°12'49.2",-76°24'10.4"), and map coordinate (37°12'33.7",-76°24'24.5").
- E. The condemned area shall also include those waters of the Poquoson River upstream of a line drawn connecting latitude / longitude map coordinate (37°10'55.8",-76°23'26.7"), and map coordinate (37°10'08.4",-76°21'35.0").
- F. The condemned area shall also include those waters of Back River upstream of a line drawn connecting latitude / longitude map coordinate (37°06'45.9",-76°18'07.9"), and map coordinate (37°06'07.1",-76°17'12.9").
- G. The condemned area shall also include the entire Lynnhaven River system upstream from the Lessner Bridge.

Recommended by: *B. Kett*
Director, Division of Shellfish Sanitation

Ordered by: *Karen Gule* *9/30/10*
State Health Commissioner Date

**Virginia Department of Health
Virginia Tributaries and Waters
of the Lower Chesapeake Bay
and James River
Condemned Shellfish Area Number 210F
Emergency Closure
Effective October 1, 2010 through October 6, 2010**



Emergency Condemned Area



Areas closed per prior condemnation

