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MARINE RESOURCES
COMMISSION

Windmill Point Seafood Company LLC Permit #4 requests

February 5, 2011
Steven G. Bowman, Commissioner
Virginia Marine Resources Commission
2600 Washington Avenue
Newport News Va. 23607

Dear Commissioner Bowman,
We are submitting this notification under 4VAC20-1130-10, General Permit #4 for the temporary placement of protective aquaculture structures for cultivating oysters. We request permission to deploy aquaculture structures in Little Bay, and Windmill Point Creek located in Lancaster County. We propose to deploy structures on hard bottomed, leased ground that is void of navigational conflicts and minimally visible to waterfront land owners.

Name:
Windmill Point Seafood Company LLC

Address:
4353 Windmill Point Road
White Stone, Virginia 22578

Phone:
(513)-479-5535

Location:
1st Proposed deployment Location is Windmill Point Creek located off of Little Oyster Creek.
2nd Proposed deployment Location is Little Bay located off of Fleets Bay

Size:
Windmill Point Creek Plat File # 19920 14.14 acres
Little Bay Plat File # 19919 37.69 acres

Number of Structures:
The average maximum density 250 cages/acre will be followed

Windmill Point Seafood Company LLC General Permit #4 Request

Description of Structure:

Three (3) foot wide by four (4) foot long by one (1) foot high, individually buoyed, oyster aquaculture cages made of wire mesh.

Species to be cultivated:

These cages will be used to culture approved shellfish species currently allowed by Virginia Law.

Description of Area:

Windmill Point Creek Plat File# 19920 is a back tributary off of Little Oyster Creek. The deployment location of proposed structures will be removed from navigable waterways. We propose to deploy 250 structures on the eastern edge of the plat where there are no private piers located adjacent to the proposed aquaculture area. We propose to deploy aquaculture structures in minus 1.5' to minus 8.0' at mean low water.

Little Bay Plat File #19919 is located at the rear of Little Bay. The deployment location of proposed structures will be removed from navigable waterways. We propose to deploy 500 structures to the northeastern edge of the plat as the rear of the plat contains shallow water. We propose to deploy aquaculture structures in minus 1.5' to minus 8.0' at mean low water. There are private piers located east of the plat. There are no private piers to the eastern edge of the plat.

Submerged Aquatic Vegetation (SAV)

Conflict with SAV is not an issue with the proposed deployment area; historic and recent surveys have not detected active SAV beds (see enclosed SAV map).

Date of Placement:

We propose to begin deployment of structures as soon as possible, post issuance of the appropriate permits.

Permit Fees:

For over 500 but no more than 1000 structures \$250.00

Windmill Point Seafood Company LLC General Permit #4 Request

Virginia Department of Health Condemned Shellfish Area:

I was granted the lease for the Windmill Point Creek Plat File # 19920 October 19th 2010. On October 22nd 2010 the entire 14.14 acres was deemed condemned by Notice and Description of Shellfish area Condemnation # 018- 053. It cost a great deal of money to apply for the permits to able to use this lease for the purpose of cultivating oysters. I would like to know if the lease could be utilized to grow oyster seed to the 1" size and then transferred to an approved area to grow out to marketable size. I have invested such a great deal of money procuring the Windmill Creek Oyster Planting Ground Lease # 19920 and would hope that there would be some way that it could be utilized to cultivate oysters. Any help you can give me regarding this Lease Assignment would be greatly appreciated.

Thank you for your time and consideration of this General Permit notification for the placement of temporary protective enclosures for oyster aquaculture in the Windmill Point Creek and the Little Bay, Lancaster County Va. Please feel free to contact me should you have any questions or require additional information.

Sincerely

Mark E. Boswell

Mark E. Boswell
Windmill Point Seafood Co. LLC
mboswell@bascoshowerdoor.com
(513)-479-5535

Commonwealth of Virginia
MARINE RESOURCES COMMISSION

2600 Washington Ave., 3rd Floor, Newport News, VA 23607

THIS OYSTER PLANTING GROUND LEASE ASSIGNMENT is made pursuant to the provisions of the Code of Virginia, §28.2-600 to 28.2-650, including amendments, by the Commonwealth of Virginia, Marine Resources Commission unto:

Mark E. Boswell

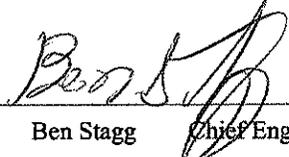
whose address is **4353 Windmill Point Rd**
White Stone, VA 22578

Said oyster planting ground lease described as follows:

District: 6
City / County Lancaster
Acreage: 14.14 Regular
Map Number: 023-1725
Plat File Number: 19920
Waterbody: Windmill Point Creek, (03-02-00)

The effective date of this assignment is: December 16, 2010

Marine Resources Commission

 2-1-11
Ben Stagg Chief Engineer/Western Area Date

Remarks:

Application Number **2010-053**

Date: 1/28/2011
Lease #: 18883
Billing #: 8568



14.14 ACRES
OYSTER PLANTING GROUND

FIELD BOOK 000 PAGE 00

GEOREFERENCE 00000000

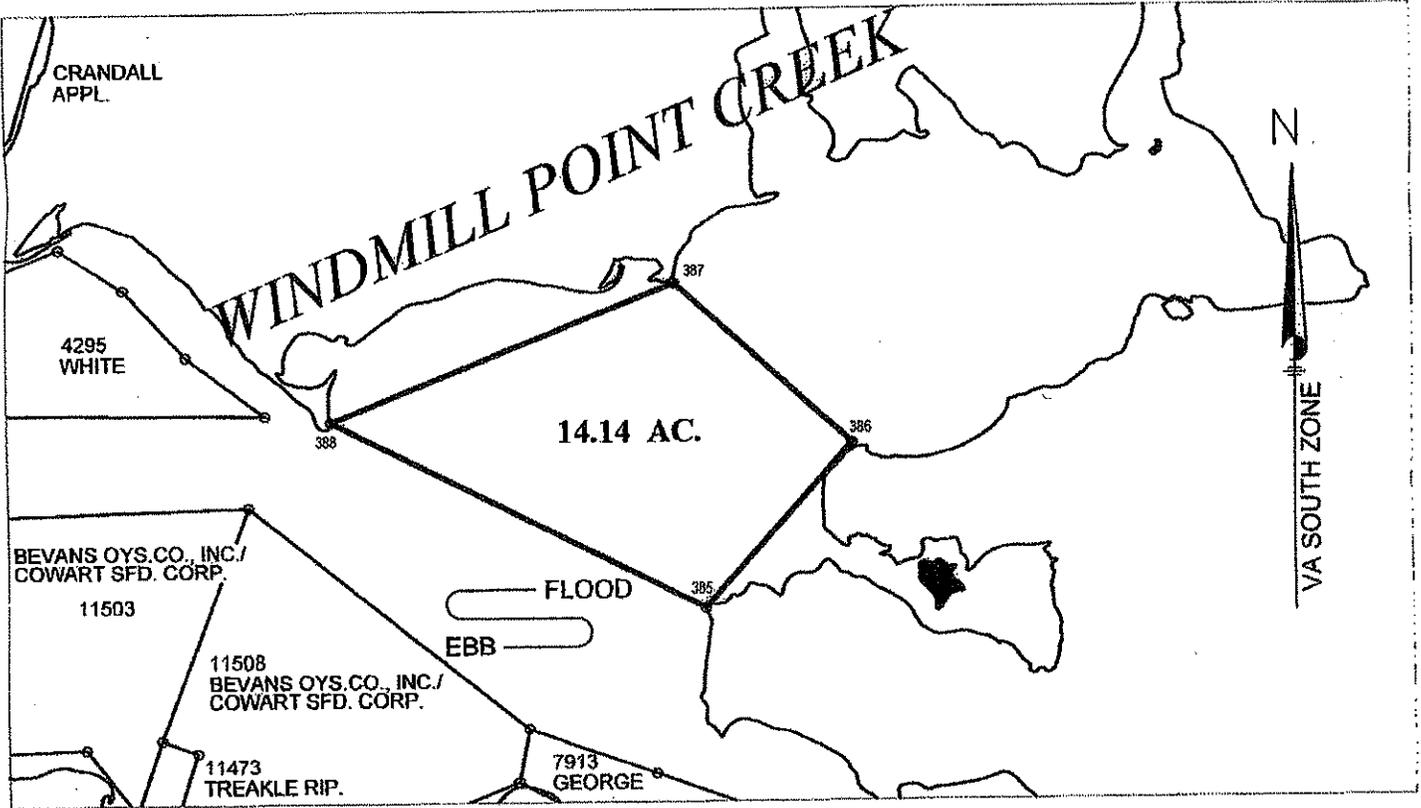
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COMMONWEALTH OF VIRGINIA MARINE RESOURCES COMMISSION

APP. NO. 10-053

MAP NO. 23_1725

FILE NO. 19920



POINT #	1983 VA. COORDS. SOUTH ZONE (FEET)		NAD83 GEOGRAPHIC COORDS. (NW)	
388	3758536.69	12120049.79	37 37 29.90597	76 17 59.44943
387	3758906.60	12120982.34	37 37 33.34725	76 17 47.75323
386	3758470.96	12121461.03	37 37 28.93081	76 17 41.93094
385	3758029.91	12121061.97	37 37 24.66359	76 17 47.01812



14.14 ACRES OYSTER PLANTING GROUND



REGISTER OF REGULATIONS

10 OCT 22 PM 3: 15

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

NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 018-053, LITTLE OYSTER CREEK AND WINDMILL POINT

EFFECTIVE 2 NOVEMBER 2010

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 018-053, Little Oyster Creek and Windmill Point ", effective 29 October 2008, is cancelled effective 2 November 2010.
2. Condemned Shellfish Area Number 018-053, shown as Sections A, B and C, is established effective 2 November 2010. As to Sections A and B, 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. As to Section C, it shall be unlawful for any person, firm or corporation to take shellfish from this area, for any purpose. The boundaries of these areas are shown on the map titled "Little Oyster Creek and Windmill Point, Condemned Shellfish Area Number. 018-053, 2 November 2010" which is part of this notice.
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 order.

BOUNDARIES OF CONDEMNED AREA NUMBER 018-053

- A. The condemned area shall include all of that portion of the Rappahannock River within a 1500 feet radius defined by latitude/longitude map coordinate (37°36'52.4",-76°17'26.1"); but excluding the area defined as Section C. This coordinate corresponds to a location at the southern most point of the west jetty of the Windmill Point Yacht Harbor entrance.
- B. The condemned area shall include all of Windmill Point Creek upstream of a line drawn between latitude/longitude map coordinate (37°37'33.4",-76°18'13.5") and map coordinate (37°37'21.7",-76°17'47.1").

- C. The condemned area shall include all of the Windmill Point Yacht Harbor basin inland of a line drawn between latitude/longitude map coordinate (37°36'52.4", -76°17'26.1") and map coordinate (37°36'51.2", -76°17'25.1").

Recommended by: *Det. E. Casanovi*
Director, Division of Shellfish Sanitation

Ordered by: *Murray J. Dunne* ^{PLP} *and* *Dr. Rensley* *10/21/10*
State Health Commissioner Date

Virginia Department of Health
 Little Oyster Creek and Windmill Point
 Condemned Shellfish Area Number 018-053
 2 November 2010



Chesapeake Bay
 10-00-00



Lancaster County

Section B

Little Oyster Cr
 03-04-01

Windmill Point Cr
 03-02-00

(37°37'33.4", -76°18'13.5")

(37°37'21.7", -76°17'47.1")

-  Condemned Shellfish Areas (Sections A & B)
-  Condemned Shellfish Area (Section C)

Rappahannock River
 03-00-00

Windmill Point
 Yacht Harbor

Section C

(37°36'52.4", -76°17'26.1")

(37°36'51.2", -76°17'25.1")

Section A



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

Commonwealth of Virginia
MARINE RESOURCES COMMISSION

2600 Washington Ave., 3rd Floor, Newport News, VA 23607

THIS OYSTER PLANTING GROUND LEASE ASSIGNMENT is made pursuant to the provisions of the Code of Virginia, §28.2-600 to 28.2-650, including amendments, by the Commonwealth of Virginia, Marine Resources Commission unto:

Mark E. Boswell

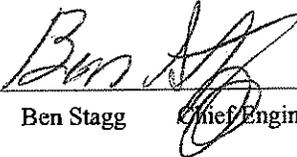
whose address is **4353 Windmill Point Rd
White Stone, VA 22578**

Said oyster planting ground lease described as follows:

District: 6
City / County Lancaster
Acreage: 37.69 Regular
Map Number: 023-1716
Plat File Number: 19919
Waterbody: Little Bay, (10-26-00)

The effective date of this assignment is: December 16, 2010

Marine Resources Commission

 2-1-11
Ben Staggs Chief Engineer/Western Area Date

Remarks:

Application Number 2010-052

Date: 1/28/2011
Lease #: 18882
Billing #: 8568

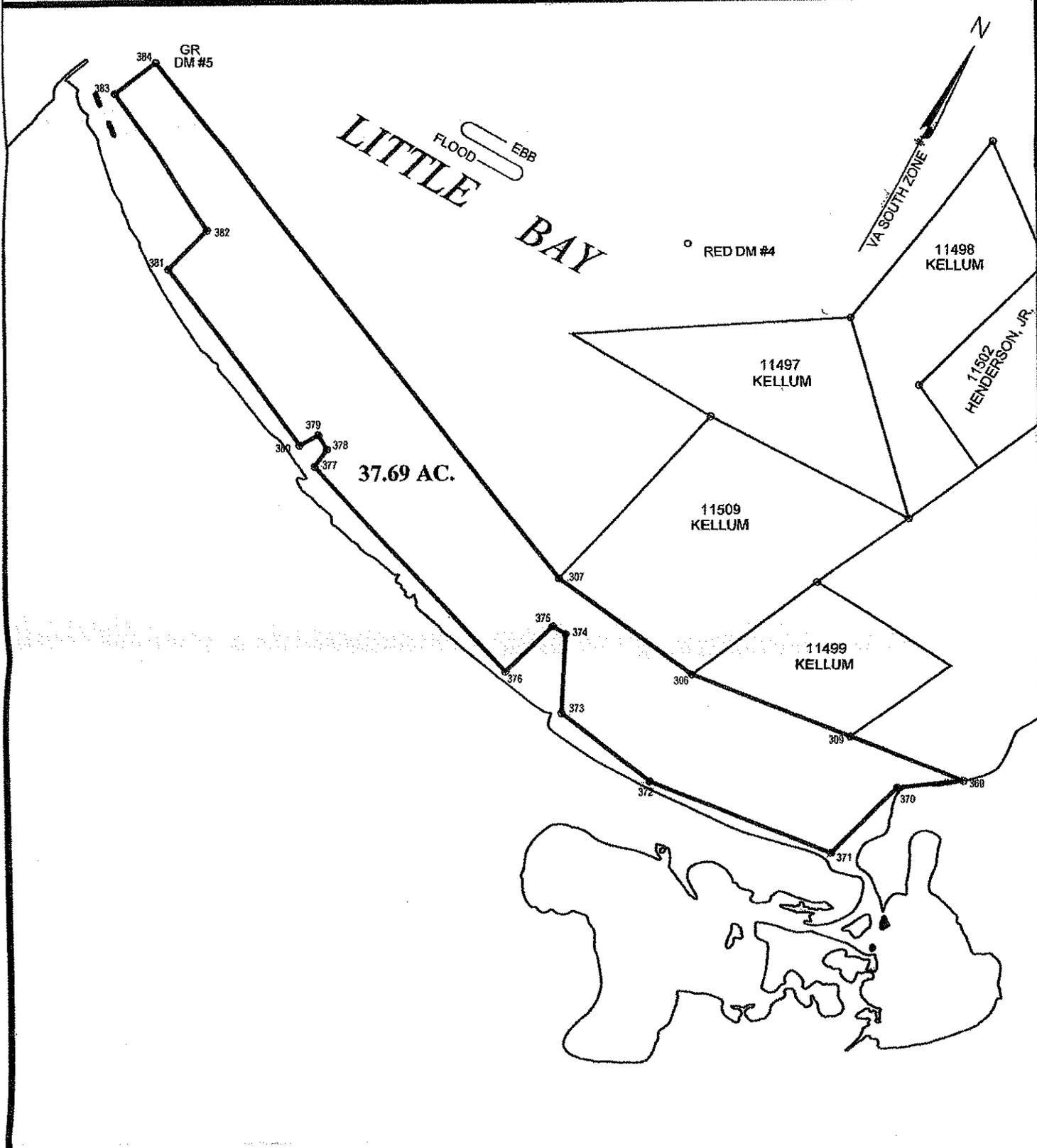


37.69 ACRES
OYSTER PLANTING GROUND

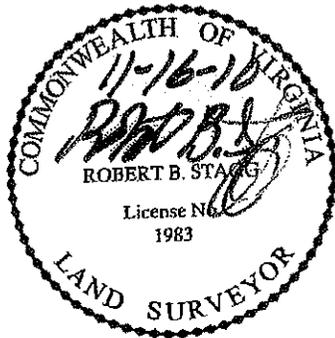
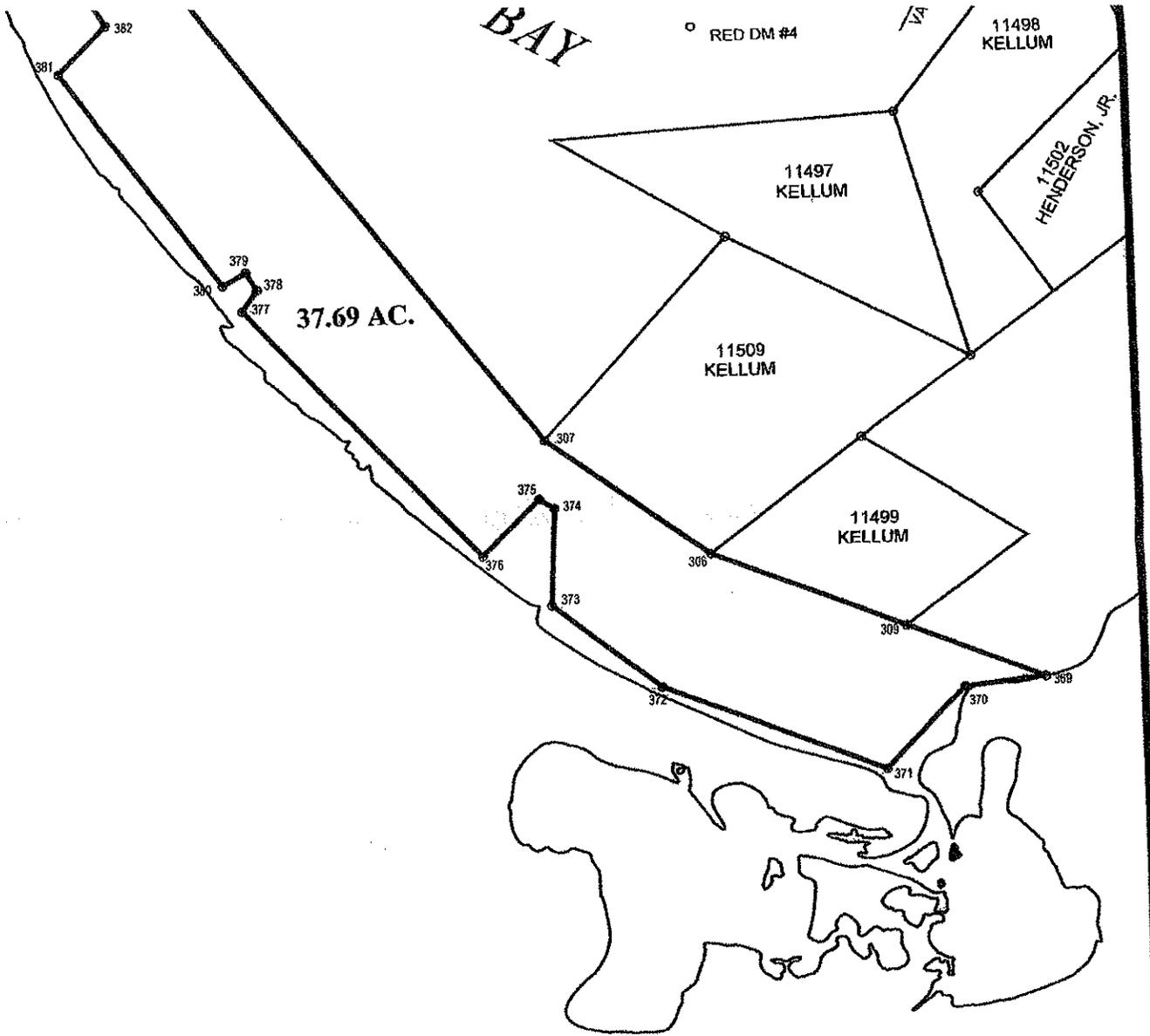
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LEASE - NUMBER 000000	

COMMONWEALTH
OR
VIRGINIA
MARINE RESOURCES COMMISSION

APP. NO.	10-052
MAP NO.	23_1716
FILE NO.	19919



37.69 ACRES
OYSTER PLANTING GROUND



37.69 ACRES
OYSTER PLANTING GROUND
 OF
MARK E. BOSWELL
 IN
LITTLE BAY 10-26-00

DISTRICT NO. 6 LANCASTER COUNTY

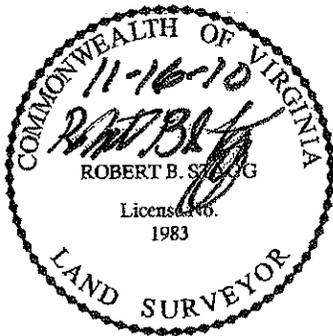
SCALE: 1/6000 (1" = 500')

DATE OCTOBER 18, 2010

Robert B. Stagg
 V.M.R.C. APPROVED / RECORDED

Dennis R. Hogg
 V.M.R.C. SURVEYOR

POINT #	1983 VA. COORDS. SOUTH ZONE (FEET)		NAD83 GEOGRAPHIC COORDS. (NW)	
384	3760533.43	12110633.16	37 37 51.79575	76 19 55.90130
307	3759567.64	12112965.05	37 37 41.71963	76 19 27.19756
306	3759494.81	12113599.30	37 37 40.85503	76 19 19.33501
309	3759582.26	12114241.56	37 37 41.57266	76 19 11.32872
369	3759647.46	12114703.80	37 37 42.11160	76 19 05.56652
370	3759498.70	12114493.74	37 37 40.68926	76 19 08.21879
371	3759151.70	12114400.67	37 37 37.28067	76 19 09.47502
372	3759053.37	12113657.18	37 37 36.47847	76 19 18.74298
373	3759116.52	12113230.17	37 37 37.19998	76 19 24.03144
374	3759392.61	12113093.08	37 37 39.96014	76 19 25.65607
375	3759394.81	12113035.82	37 37 39.99495	76 19 26.36705
376	3759150.60	12112962.26	37 37 37.59788	76 19 27.35116
377	3759481.64	12111932.48	37 37 41.10438	76 19 40.05409
378	3759563.08	12111942.56	37 37 41.90706	76 19 39.90554
379	3759593.23	12111885.89	37 37 42.21799	76 19 40.60120
380	3759523.53	12111840.73	37 37 41.53933	76 19 41.18236
381	3759862.99	12111066.18	37 37 45.07069	76 19 50.71127
382	3760068.44	12111121.11	37 37 47.08884	76 19 49.96982
383	3760352.75	12110554.22	37 37 50.02779	76 19 56.93406



37.69 ACRES
OYSTER PLANTING GROUND
 OF
MARK E. BOSWELL
 IN
LITTLE BAY 10-26-00

DISTRICT NO. 6 LANCASTER COUNTY
 SCALE: 1/6000 (1" = 500') DATE OCTOBER 18, 2010

Robert B. Stagg
 V.M.R.C. APPROVED & RECORDED

Dennis R. Hogg
 V.M.R.C. SURVEYOR



REGISTRAR OF REGULATIONS

10 MAY 11 AM 10: 58

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

NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 017-188, ANTIPOISON CREEK

EFFECTIVE 24 MAY 2010

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §9-6.14:4.1, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 017-188, Antipoison Creek," effective 23 April 2008 is cancelled effective 24 May 2010.
2. Condemned Shellfish Area Number 017-188, shown as Sections A through F, is established effective 24 May 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*. The boundaries of these areas are shown on the map titled "Antipoison Creek, Condemned Shellfish Area Number 017-188, 24 May 2010" which is part of this notice.
3. Seasonally Condemned Shellfish Number 017-188, shown as Section M1, is established effective 24 May 2010, 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, 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 "Antipoison Creek, Condemned Shellfish Number 017-188, 24 May 2010" 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 017-188

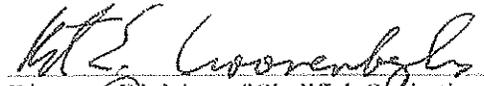
- A. The condemned area shall include all of Davenport Creek and its tributaries lying upstream of a line drawn from latitude/longitude map coordinate (37°38'37.4", -76°20'03.2") to map coordinate (37°38'36.3", -76°20'03.5").
- B. The condemned area shall include all of the unnamed tributary found along the north bank of Antipoison Creek lying upstream of a line drawn from latitude/longitude map coordinate (37°38'01.8", -76°20'28.6") to map coordinate (37°37'59.0", -76°20'34.2").

VDH VIRGINIA
DEPARTMENT
OF HEALTH
Protecting You and Your Environment

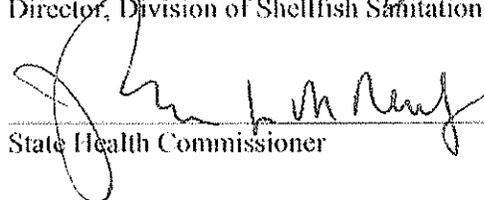
www.vdh.virginia.gov/shellfish

- C. The condemned area shall include that portion of Antipoison Creek and its tributaries lying upstream of a line drawn from latitude/longitude map coordinate (37°38'04.8", -76°21'20.8") to map coordinate (37°37'59.7", -76°21'23.3").
- D. The condemned area shall include all of the unnamed tributary found along the south bank of Antipoison Creek lying upstream of a line drawn from latitude/longitude map coordinate (37°37'45.2", -76°20'36.0") to map coordinate (37°37'46.3", -76°20'31.7").
- E. The condemned area shall include all of Harpers Creek and its tributaries lying upstream of a line drawn from latitude/longitude map coordinate (37°37'44.2", -76°21'01.3") to map coordinate (37°37'42.1", -76°20'57.5").
- F. The condemned area shall include all of an unnamed cove found along the north bank of Antipoison Creek lying upstream of a line drawn from latitude/longitude map coordinate (37°37'51.1", -76°20'46.6") to map coordinate (37°37'52.6", -76°20'52.5").
- M1. The seasonally condemned area shall include that portion of Antipoison Creek and its tributaries lying inland of a line drawn from latitude/longitude map coordinate (37°37'43.4", -76°20'53.8"), map coordinate (37°37'45.6", -76°20'47.5") and map coordinate (37°37'43.6", -76°20'41.4").

Recommended by:


Director, Division of Shellfish Sanitation

Ordered by:


State Health Commissioner

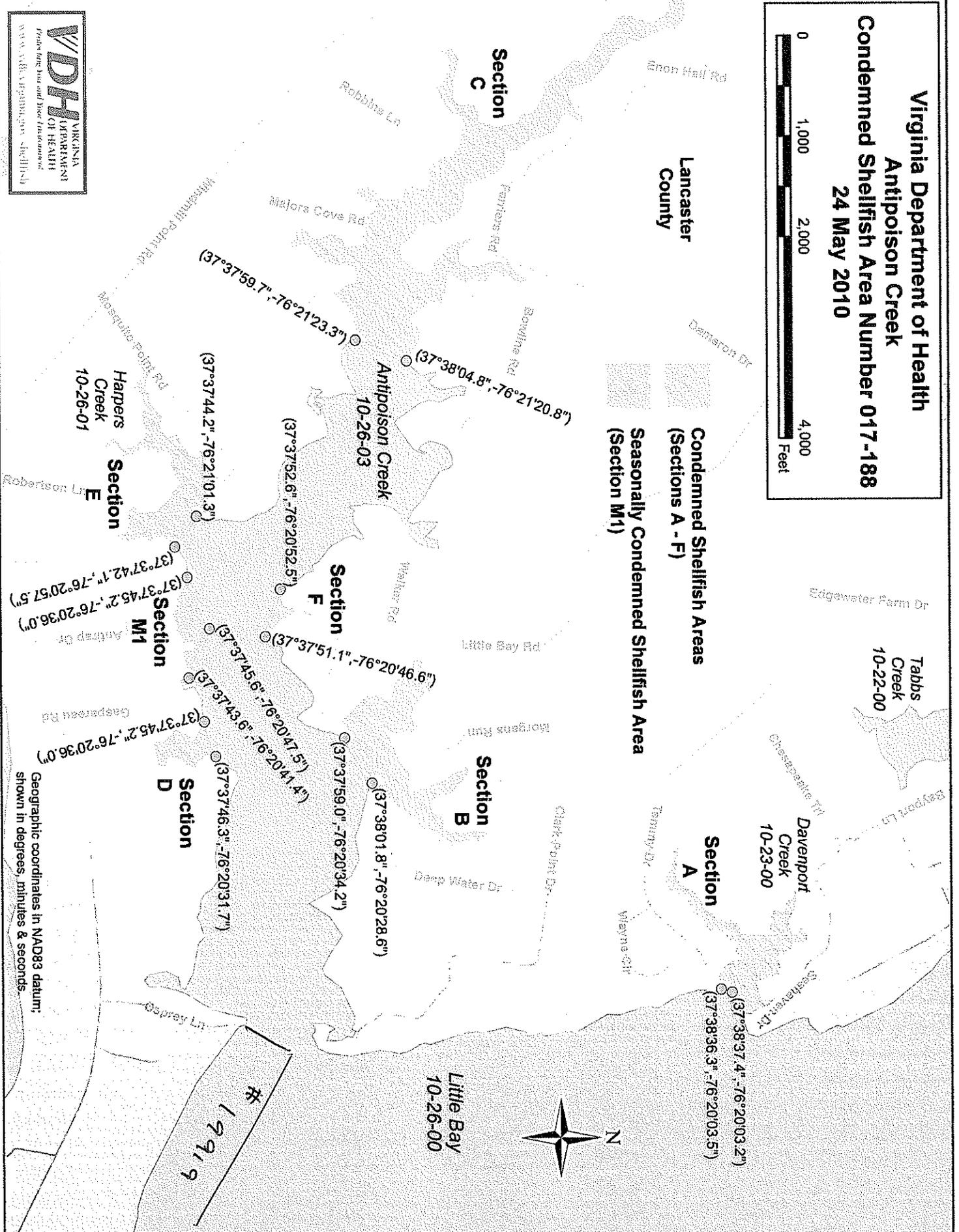
5/10/10
Date

Virginia Department of Health
 Antipoison Creek
 Condemned Shellfish Area Number 017-188
 24 May 2010



Lancaster
 County

Condemned Shellfish Areas
 (Sections A - F)
 Seasonally Condemned Shellfish Area
 (Section M1)



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

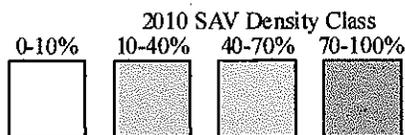
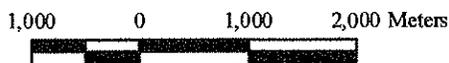


Submerged Aquatic Vegetation 2010 (Preliminary)

Fleets Bay, Va. (112)

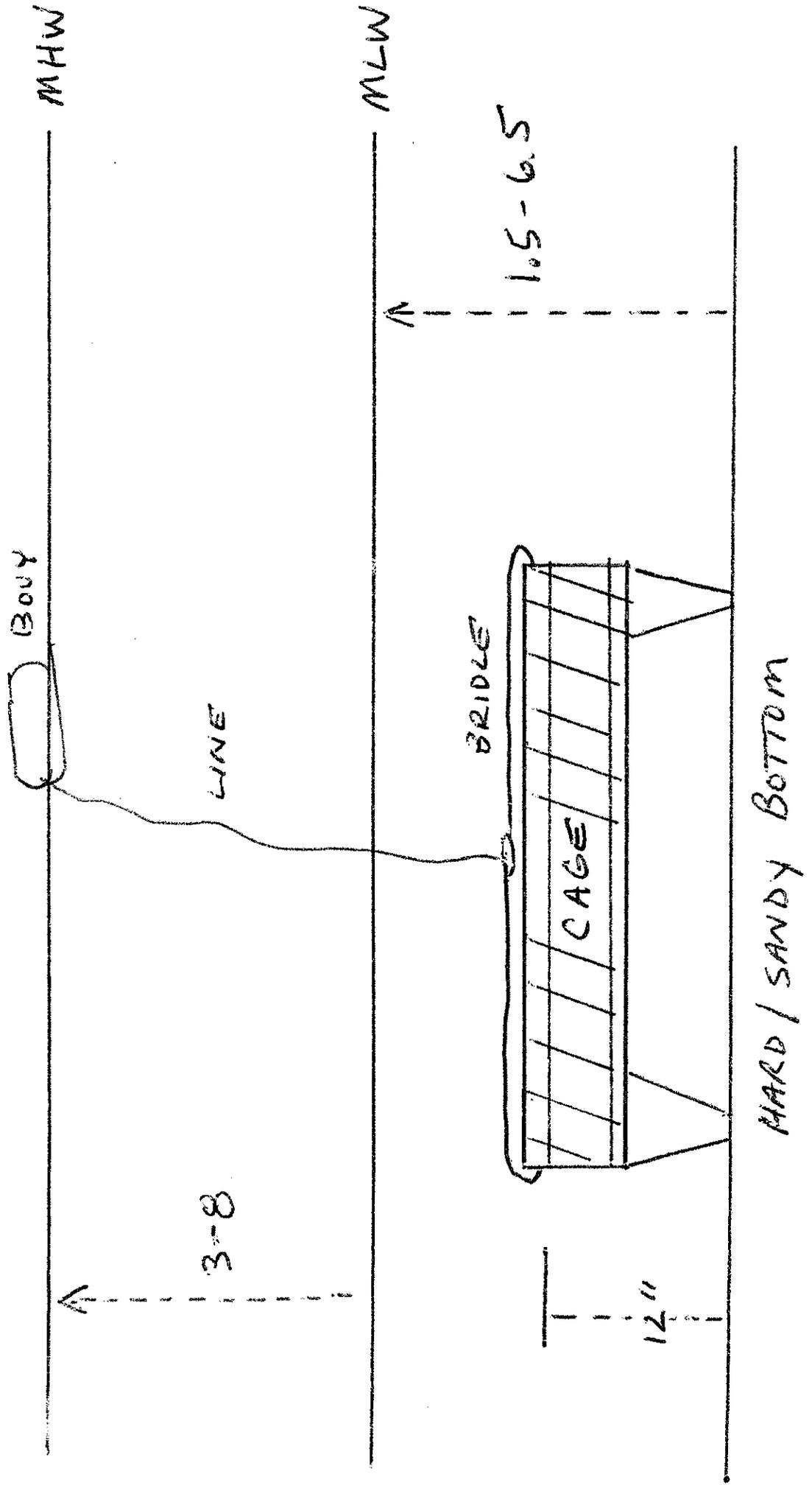


Hectares of SAV: 436.31
Date Flown: 05/26, 05/27



Sources: VIMS, USGS PDF Created: 10/4/2010

**Windmill Point Seafood Company LLC General Permit #4 requests
Windmill Point Creek (03-02-00) Plat File #19920**



**Windmill Point Seafood Company LLC General Permit #4 requests
Little Bay (10-26-00) Plat File #19919**

