

“PERTAINING TO ESTABLISHMENT OF RESTRICTED AREA – PLUM TREE ISLAND WILDLIFE REFUGE RANGE”**REGULATION 4 VAC 20-1065-10. ET SEQ****PREAMBLE**

This regulation establishes a restricted area at Plum Tree Island Range. This regulation was adopted on January 25, 2005. The effective date of this regulation is February 1, 2005.

4 VAC 20-1065-10. PURPOSE:

The purpose of this regulation is to protect the citizens of the Commonwealth from dangers associated with unexploded ordnance located on Plum Tree Island National Wildlife Refuge (NWR) in Poquoson, Virginia. (See Plum Tree Island Map outlining the location of the restricted areas.)

This regulation delineates an area already designated by the Federal Government through the U.S. Army Corps of Engineers. The adoption of this regulation affords the Virginia Marine Police and the Department of Game and Inland Fisheries the authority to enforce Virginia laws prohibiting entrance into the restricted area.

4 VAC 20-1065-20. DEFINITIONS:

The following words, when used in this regulation shall have the following meaning unless the context clearly indicates otherwise.

“Restricted Area” means those waters within an area beginning at mean high water on the shore east of Whalebone Island at latitude 37°08’41” N, longitude 76°19’ 58” W; then northwest to a point of Whalebone Island at latitude 37°08’29” N, longitude 76°19’29” W; latitude 37°08’35” N, longitude 76°19’12” W; latitude 37°08’22” N, longitude 76°18’56” W; latitude 37°08’23” N, longitude 76°18’38” W; latitude 37°08’16” N, longitude 76°18’26” W; latitude 37°08’09” N, longitude 76°18’21” W; latitude 37°08’04” N, longitude 76°18’08” W; latitude 37°07’54” N; longitude 76°18’03” W; latitude 37°07’55” N, longitude 76°17’52” W; latitude 37°07’49” N, longitude 76°17’40” W; latitude 37°07’44” N, longitude 76°17’37” W; latitude 37°07’36” N, longitude 76°17’22” W;

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latitude 37°07'43" N, longitude 76°17'29" W; thence to latitude 37°06'51" N, longitude 76°17'59" W; latitude 37° 06'46" N, longitude 76°18'03" W; latitude 37°06'41" N, longitude 76°18'12" W; latitude 37°06'34" N, longitude 76°18'21" W; latitude 37°06'38" N, longitude 76°18'35" W; latitude 37°06'42" N, longitude 76°18'34" W; thence to a point on shore at mean high water at latitude 37°06'46" N, longitude 76°18'35" W.

4VAC 20-1065-30. Prohibitions

A. No vessel or persons shall enter the restricted area without the permission of the U.S. Army Corps of Engineers' District Engineer or persons or agencies authorized to act in his/her behalf.

B. Commercial or private interests having a need to operate within the restricted area must contact the U.S. Army Corps of Engineers for additional guidance before entering this area.

4 VAC 20-1065-40. PENALTY:

As set forth in §28.2-2-106.2 (D) of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class I Misdemeanor.

4 VAC 20-1065-50. Duration of Regulation:

This regulation will remain in effect until the federal rule pertaining to this restricted area expires.

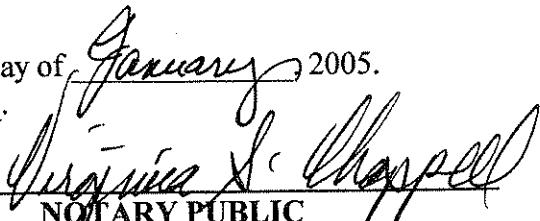
This is to certify that this is a true and accurate copy of the regulation passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-106.2 of the Code of Virginia, recorded in the Commission's minute book, at the meeting held in Newport News, Virginia on January 25, 2005.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

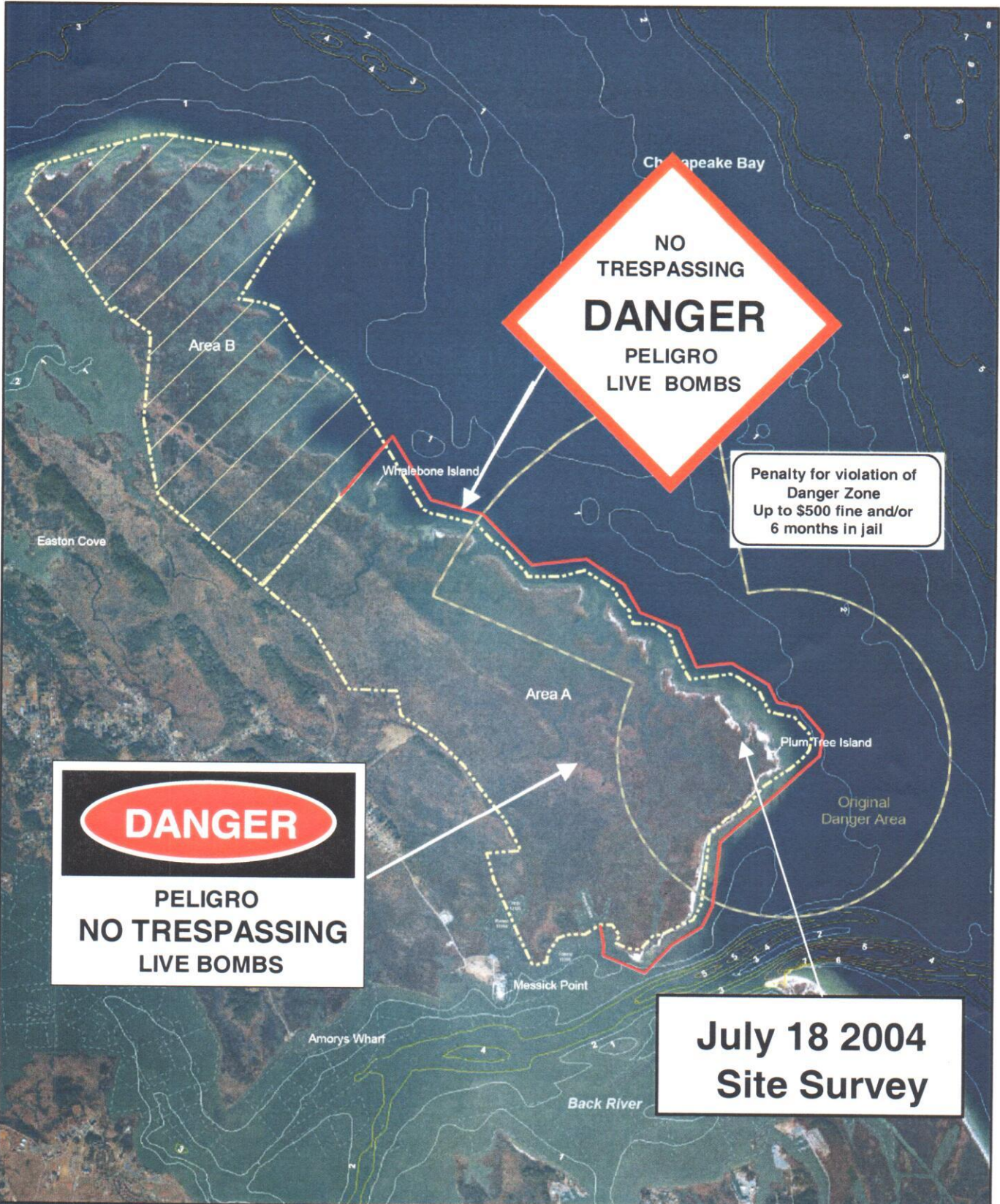


WILLIAM A. PRUITT, COMMISSIONER

Subscribed and sworn to before me on this 25th day of January 2005.
My Commission expires 6-30-05.



NOTARY PUBLIC



<p>US Army Corps of Engineers Norfolk District</p>	<p>Plum Tree Island National Wildlife Refuge Draft Copy</p>		<p>0 600 1,600 3,200 Feet Bathymetric Contour Interval 1 Meter 1" = 600'</p>	<p>Legend</p> <ul style="list-style-type: none"> Plum Tree Island National Wildlife Refuge Area A Area B Proposed Danger Area (2004) Original Danger Area Open Grounds 	<p>Projection: Virginia State Plane South Zone - NAD 83 U.S. Survey Feet Imagery Date: December 2000 Provided By: a3Photo USA</p>	<p>Project Manager: Adriana Jarvis Email: Adriana.J.Jarvis@usace.army.mil Phone: (757) 441-7701 Prepared by: Geospatial Services Section Map Date: 13 July 2004</p>
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