



**U.S. Army Corps
Of Engineers**
Norfolk District

CENAO-TS-REG

April 1, 2005

MEMORANDUM FOR: U.S. COAST GUARD CAPTAIN OF THE PORT, THE VIRGINIA MARINE RESOURCE COMMISSION, LAW ENFORCEMENT DIVISION AND CONCERNED PARTIES.

SUBJECT: Designation of a Temporary Danger Zone adjacent to Plum Tree Island National Wildlife Refuge (NWR) adjacent to the Chesapeake Bay, a navigable water of the United States located at Poquoson Virginia.

On July 15, 2004 The District Engineer, at the request of The United States Fish and Wildlife Service, established a Local Order, authorizing a Danger Zone along portions of Plum Tree Island NWR. In the past several months, numerous site inspections and multiple interviews with local waterman have been conducted. Our conclusion is that hazards likely exist both below and above the sub-aqueous bottom.

ALL MARINERS ARE HEREBY WARNED OF THESE POTENTIAL HAZARDS AND ADVISED TO REMAIN CLEAR OF THE AREA DESIGNATED AS A DANGER ZONE AT ALL TIMES.

This regulation, promulgated by the Corps of Engineers, Norfolk District prohibits certain activities from being conducted within the Danger Zone at all times.

Pursuant to the authority granted in 33 C.F.R. 209.200, 334.3(c), 33 U.S.C. 1 and 33 U.S.C. 3 The District Engineer has authorized a Danger Zone in waters of the United States adjacent to Plum Tree Island, Poquoson Virginia as follows:

Chesapeake Virginia, Plum Tree Island NWR, Danger Zone

(a) The Area: (1) The 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 off of Whalebone Island at latitude 37°08'56" N, longitude 76°19'41" W; thence southeast to latitude 37°08'39" 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; latitude 37°07'43" N, longitude 76°17'29" W; to a position southeast of Plumtree Point at latitude 37°07'30" N, longitude 76°17'24" W; then along the shore generally southwest beginning at latitude 37°07'08" N, longitude 76°17'56" 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°18'3" W thence to a point on shore at Mean High Water in position; latitude 37°06'46" N, longitude 76°18'35" W.

(b) The Regulations. (1) No activity shall be conducted within the designated area that disturbs the sub-aqueous soil. Prohibited activities include, but are not limited to anchoring, clamming with rakes, shovels or hoes, dredging, prop dredging, the intentional/unintentional beaching or grounding of vessels or walking on the bottom.

For the purpose of this regulation the setting/hauling of crab pots, gill nets and haul seining is exempt.

(c) Enforcement. (1) The regulation in this section, established by the United States Army Corps of Engineers may be enforced by any Federal Agency, State, Local or County Law Enforcement agency, or Private Security Firms in the employment of the Corps of Engineers or U.S. Fish and Wildlife Service so long as the entity undertaking enforcement action has the legal authority to do so under the appropriate Federal, State, or Local laws.

(d) Effective Date: This order supersedes the local order of July 15, 2004 and is effective immediately.

(e) Duration: This order shall remain in effect until March 31, 2006 unless changes or formal regulations are developed.

(f) Contact Information: For the latest information regarding the danger zone or for permission to enter the area contact Mr. Rick Henderson Corps of Engineers Regulatory Branch at (757) 201-7653 or check the web site at <http://www.nao.usace.army.mil/Regulatory/PN/PN.html>. For information regarding technical issues associated with the hazards contact Ms. Adriane James (757) 201-7701

FOR AND IN BEHALF OF THE DISTRICT ENGINEER, COLONEL YVONNE J. PRETTYMAN-BECK:

J. ROBERT HUME, III
Chief, Regulatory Branch