



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

CENAO-TS-REG

May 16, 2008

MEMORANDUM FOR: U.S. COAST GUARD CAPTAIN OF THE PORT, THE UNITED STATES FISH AND WILDLIFE SERVICE, THE VIRGINIA MARINE RESOURCE COMMISSION, LAW ENFORCEMENT DIVISION, VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES AND CONCERNED PARTIES.

SUBJECT: Designation of a Restricted Area in Back Bay, a navigable water of the United States, adjacent to lands within the Back Bay National Wildlife Refuge property boundary located in Virginia Beach, Virginia.

EFFECTIVE DATE: This regulation is effective immediately.

This regulation, promulgated by the Corps of Engineers, Norfolk District prohibits certain activities from being conducted within the Restricted Area as defined below.

**NORFOLK DISTRICT CORPS OF ENGINEERS LOCAL ORDER FOR WATERS
ADJACENT TO THE BACK BAY NATIONAL WILDLIFE REFUGE**

Pursuant to the authority granted in 33 C.F.R. 209.200, 334.3(c), and 33 U.S.C. 1, the Norfolk District has established a Restricted Area in waters of the United States adjacent to the Back Bay National Wildlife Refuge, Virginia Beach, Virginia as follows:

Virginia Beach, Virginia, Back Bay National Wildlife Refuge, Restricted Area.

- (a) Area: The waters extending 100 yards from Ordinary High Water along the entire shore line of the Back Bay National Wildlife Refuge located within the Proclamation Boundary established in 1939.
- (b) Regulations: No vessel of any type shall operate at a speed that causes a wake while they are within 100 yards of the shoreline of the Back Bay National Wildlife Refuge as defined above.
- (c) Exceptions: (1) There are no speed or wake restrictions for vessels operating within the Great Narrows Channel or the East and West Channels while transiting to or from Shipps Bay and Redhead Bay. (2) No vessel or persons may enter the interior waters located within Ragged Island.

(d) Enforcement: 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 United States Army 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.

(e) Effective Date: This order is effective immediately.

(f) Duration: The proposed order shall remain in effect indefinitely. Prior to full implementation, public notices and hearings will be conducted by the Corps of Engineers to determine if this is in fact the proper course of action.

(g) Penalty: Every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding six months, in the discretion of the court.

(h) Contact Information: For the latest information regarding the Restricted Area or for permission to enter the area contact Mr. Rick Henderson, Norfolk District Corps of Engineers Regulatory Branch at (757) 201-7653, e-mail Richard.E.Henderson@nao02.usace.army.mil or check the web site at <http://www.nao.usace.army.mil/Regulatory/PN/PN.html>.

FOR THE DISTRICT COMMANDER:

J. ROBERT HUME, III
Chief, Regulatory Office