

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #5

**Do Not Mark In this Box**

FILED

1988 OCT -4 AM 9:08

LEWIS & CLARK  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY: W. Va. Code §§20-1-7(30), 20-7-22, and 20-7-23

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES X, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 25B

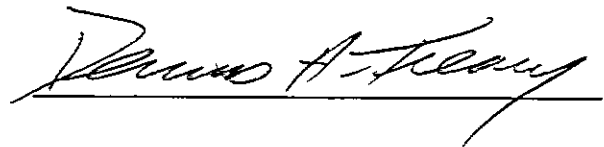
TITLE OF RULE BEING AMENDED: \_\_\_\_\_

Special Boating Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS January 1, 1989



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

BARBARA STARCHER  
Deputy Secretary of State

RICHARD S. STEPHENSON  
Deputy Secretary of State

Telephone: (304) 345-4000  
Corporations: 342-8000



STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON  
Chief of Staff

RICH O. HARTMAN  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteer  
help we can get)

RECEIVED  
OCT 11 1988

DEPT. OF NATURAL RESOURCES  
REGULATORY AFFAIRS

TO:

Jeff Harold - DNR

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE:

Oct 7, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Series 25B

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED:

Jeffrey E. Harold

TITLE OF PERSON SIGNING:

Regulatory

DATE:

10/17/88

Analyst

\*\*\*\*\*

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED:

TITLE OF PERSON SIGNING:

DATE:

## REVISION OF AN INTERPRETIVE RULE CONCERNING BOATING REGULATIONS

**STATE AGENCY:** West Virginia Department of Natural Resources

**REGULATIONS:** Series 25B, "Special Boating Regulations"

**AUTHORITY:** W. Va. Code §§20-1-7(30), 20-7-22, and 20-7-23

**ACTION:** Adopted Rule

**SUMMARY:** The Department is adopting two amendments to its Series 25B special boating regulations. The first amendment adds a new Section 3.90 to the regulations to regulate motorboat operations on the new Tygart River Backwaters impoundment in Elkins. The second amendment adds a new Section 4 to the regulations to designate those waters on which Class A motorboats must be equipped with certain lights required by the United States Coast Guard.

**RESPONSE TO COMMENTS:** A public hearing on the proposed rule was held on September 27, 1988 at the Department of Natural Resources Operations Center in Elkins, West Virginia. Written comments were received by the Department until the close of business on September 30, 1988.

Nine individuals attended the public hearing, four of whom commented on the proposed rule. All four expressed support for the Department's proposed amendments. No written comments were received during the comment period. Therefore, the Department is today adopting the amendments to Series 25B as they were proposed on August 17, 1988. The revised regulations become effective on January 1, 1989.

TITLE 47  
INTERPRETIVE RULES  
DEPARTMENT OF NATURAL RESOURCES

SERIES 25B  
SPECIAL BOATING REGULATIONS

**§47-25B-1. General.**

1.1. Scope and Purpose. -- These rules provide interpretations and guidance concerning special regulations that govern the operation of motorboats and other vessels on particular waters of this State.

1.2. Authority. -- W. Va. Code §§20-1-7(30), 20-7-22, and 20-7-23.

1.3. Filing Date. -- October 4, 1988.

1.4. Effective Date. -- January 1, 1989.

**§47-25B-2. Definitions.**

2.1. "Director" means the director of the West Virginia Department of Natural Resources.

2.2. "Government-Owned Reservoir" means any natural or artificial impoundment, lake, pond, or reservoir that is partially or wholly within the territorial limits of West Virginia and is owned or administered by the federal government or by the State or any political subdivision thereof.

2.3. "Motorboat" means any vessel propelled by an electrical, steam, gasoline, diesel, or other fuel-propelled or drive motor, whether or not such motor is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

2.4. "Special Regulations" means rules and regulations to be observed in the operation or navigation of motorboats and other vessels upon, over, or through the waters of a particular government-owned reservoir which the director deems necessary for the public health or safety of persons or property on or in such waters, or for the preservation of useful aquatic life. Special regulations supplement the provisions of Article 7 of Chapter 20 of the West Virginia Code, and the general rules and regulations promulgated

thereunder, as they relate to motorboats and other vessels by further limiting, restricting, or prohibiting the operation or navigation of such vessels on a particular government-owned reservoir.

**§47-25B-3. Special Regulations for Government-Owned Reservoirs.**

- 3.1. Anderson (Kanawha County): No boating allowed.
- 3.2. Athens (Mercer County): Electric motors only.
- 3.3. Bear Rocks (Ohio County): Electric motors only.
- 3.4. Beech Fork (Wayne County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.5. Berwind (McDowell County): Electric motors only.
- 3.6. Big Ditch (Webster County): Electric motors only.
- 3.7. Big Run (Marion County): Electric motors only.
- 3.8. Bluestone (Summers County): Motorboats must observe no-wake zones and speed limit zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.9. Boley (Fayette County): No motorboats allowed.
- 3.10. Brandywine (Pendleton County): Electric motors only.
- 3.11. Brushy Fork (Site 19) (Pendleton County): Electric motors only.
- 3.12. Buffalo Fork (Pocahontas County): Electric motors only.
- 3.13. Burches Run (Marshall County): Electric motors only.
- 3.14. Burnsville (Braxton County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.15. Cacapon (Morgan County): No motorboats allowed.

3.16. Camp Run (Pendleton County): Electric motors only.

3.17. Castleman Run (Brooke and Ohio Counties): Electric motors only.

3.18. Cedar Creek (Gilmer County): No boating allowed.

3.19. Charles Fork (Roane County): Electric motors only.

3.20. Cheat (Monongalia County): No restrictions.

3.21. Chief Cornstalk (Mason County): Electric motors only.

3.22. Chief Logan (Logan County): No boating allowed.

3.23. Conaway Run (Tyler County): Electric motors only.

3.24. Coopers Rock (Monongalia County): Electric motors only.

3.25. Curtisville (Marion County): Electric motors only.

3.26. Doe Run Sub-Impoundment (Taylor County): Electric motors only.

3.27. Dog Run (Harrison County): Electric motors only.

3.28. East Lynn (Wayne County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.

3.29. Edwards Run (Hampshire County): No boating allowed.

3.30. Elk Two Mile (Site 12) (Kanawha County): No boating allowed.

3.31. Elk Two Mile (Site 13) (Kanawha County): No boating allowed.

3.32. Fitzpatrick (Raleigh County): No boating allowed.

3.33. Fork Creek (Boone County): Electric motors only.

- 3.34. Fort Ashby (Mineral County): No boating allowed.
- 3.35. French Creek (Upshur County): No boating allowed.
- 3.36. Handley (Pocahontas County): Electric motors only.
- 3.37. Hawks Nest (Fayette County): No restrictions.
- 3.38. Horse Creek (Wyoming County): Electric motors only.
- 3.39. Huey Run (Marion County): Electric motors only.
- 3.40. Hurricane (Putnam County): No boating allowed.
- 3.41. James P. Bailey (Mercer County): No boating allowed.
- 3.42. Jennings Randolph (Mineral County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.43. Kanawha State Forest (Kanawha County): No boating allowed.
- 3.44. Kee (Mercer County): Electric motors only.
- 3.45. Krodel (Mason County): Electric motors only.
- 3.46. Larenim (Mineral County): No motorboats allowed.
- 3.47. Laurel (Mingo County): Electric motors only.
- 3.48. Little Beaver (Raleigh County): Rental boats only.
- 3.49. Lumberport (Harrison County): Electric motors only.
- 3.50. McClintic (Mason County): Electric motors only.
- 3.51. Middle Wheeling Creek Dam (Ohio County): Electric motors only.
- 3.52. Miletree (Roane County): No boating allowed.
- 3.53. Moncove (Monroe County): Motorboats are limited to a maximum of five (5) horsepower.

3.54. Mount Storm (Grant County): Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.

3.55. Mountwood (Wood County): Electric motors only.

3.56. New Creek (Dam Number 14) (Grant County): No boating allowed.

3.57. New Martinsville (Wetzel County): No boating allowed.

3.58. North Bend (Ritchie County): No boating allowed.

3.59. O'Brien (Site 13) (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs.

3.60. Ona (Cabell County): Electric motors only.

3.61. Pennsboro (Ritchie County): Electric motors only.

3.62. Pinnacle (Mercer County): Electric motors only.

3.63. Pipestem (Summers County): Rental boats only.

3.64. Plum Orchard (Fayette County): Motorboats must observe no-wake zones marked by buoys or posted signs. Only motorboats powered by electric motors are allowed within zones marked by barrels.

3.65. Pocatalico (Site 28) (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs.

3.66. R. D. Bailey (Mingo and Wyoming Counties): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.

3.67. Ridenour (Kanawha County): No boating allowed.

3.68. Rock Cliff (Hardy County): Electric motors only.

3.69. Rollins (Jackson County): Electric motors only.

3.70. Saltlick #9 (Braxton County): Electric motors only.



- 3.71. Seneca (Pocahontas County): Electric motors only.
- 3.72. Sherwood (Greenbrier County): Electric motors only.
- 3.73. Silcott Fork (Roane County): No boating allowed.
- 3.74. Sleepy Creek (Berkeley County): Electric motors only.
- 3.75. Spruce Knob (Randolph County): Electric motors only.
- 3.76. Stephens (Raleigh County): Motorboats must observe no-wake zones marked by buoys or posted signs.
- 3.77. Stonecoal (Lewis and Upshur Counties): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. No waterskiing allowed.
- 3.78. Stonewall Jackson (Lewis County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.79. Summersville (Nicholas County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.80. Summit (Greenbrier County): Electric motors only.
- 3.81. Sutton (Braxton County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.82. Teter Creek (Barbour County): Electric motors only.
- 3.83. Thomas Park (Tucker County): Electric motors only.
- 3.84. Tomlinson Run (Hancock County): Electric motors only.
- 3.85. Tracy (Ritchie County): Electric motors only.

3.86. Trout (Hardy County): No motorboats allowed.

3.87. Turkey Run (Jackson County): Electric motors only.

3.88. Turkey Run (Marshall County): Electric motors only.

3.89. Tygart (Taylor County): Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.

3.90. Tygart River Backwaters (Town of Elkins) (Randolph County): Electric motors only.

~~3.90~~ 3.91. Warden (Hardy County): Electric motors only.

~~3.91~~ 3.92. Watoga (Pocahontas County): Electric motors only.

~~3.92~~ 3.93. Westover Park (Monongalia County): No boating allowed.

~~3.93~~ 3.94. Wolf Run (Marshall County): Electric motors only.

**§47-25B-4. Special Regulations for Class A Motorboats.**

4.1. Motorboats of Class A must be equipped with the lights required for motorboats of Class 1 in accordance with 47 C.S.R. 25 §4.1.5 whenever operated on one of the following bodies of water:

4.1.1. Beech Fork Lake.

4.1.2. Bluestone Lake.

4.1.3. Burnsville Lake.

4.1.4. Cheat Lake.

4.1.5. East Lynn Lake.

4.1.6. Jennings Randolph Lake.

4.1.7. Kanawha River.

4.1.8. Monongahela River.

- 4.1.9. Ohio River.
- 4.1.10. R. D. Bailey Lake.
- 4.1.11. Stonecoal Lake.
- 4.1.12. Stonewall Jackson Lake.
- 4.1.13. Summersville Lake.
- 4.1.14. Sutton Lake.
- 4.1.15. Tygart Lake.