

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Div. of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY 20-1-7(30), 20-7-22, 20-7-23

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

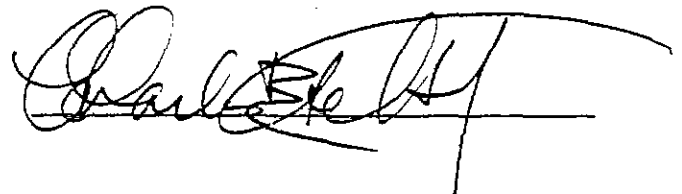
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 25B

TITLE OF RULE BEING AMENDED: Special Boating Regulations (new Series #26)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



4.20

TITLE 47 58
INTERPRETIVE LEGISLATIVE RULES
DIVISION OF NATURAL RESOURCES

SERIES 25B 26
SPECIAL BOATING REGULATIONS RULES

\$4758-25B26-1. General.

1.1. Scope and Purpose. -- ~~These~~ This 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. --

1.4. Effective Date. --

\$4758-25B26-2. Definitions.

2.1. "Director" means the director of the West Virginia ~~Department~~ Division 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~~ of the state.

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~~ Rules" 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~~ considers necessary for the public health or safety of persons or property on or in such those waters, or for the preservation of useful aquatic life. Special ~~regulations~~ rules supplement the provisions of ~~Article 7 of Chapter 20 of the West Virginia Code 20-7-1 et. seq.,~~ 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 the vessels on a particular government-owned reservoir.

\$4758-25B26-3. Special Regulations Rules for Government-owned Reservoirs Lakes.

- 3.1. Airport Pond (Raleigh County): No boating allowed.
- 3.2. Anawalt (McDowell County): No boating allowed.
- 3.3. Anderson (Kanawha County): No boating allowed.
- 3.4. Athens (Mercer County): Electric motors only.
Barboursville (Cabell County): No boating allowed.
- 3.5. Bear Rocks (Ohio County): Electric motors only.
- 3.6. 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. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.7. Berwind (McDowell County): Electric motors only.
- 3.8. Big Ditch (Webster County): Electric motors only.
- 3.9. Big Run (Marion County): Electric motors only.
- 3.10. 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.

- 3.911. Boley (Fayette County): No motorboats allowed.
- 3.1012. Brandywine (Pendleton County): Electric motors only.
- 3.1113. Brushy Fork (Site 19) (Pendleton County): Electric motors only.
- 3.1214. Buffalo Fork (Pocahontas County): Electric motors only.
- 3.1315. Burches Run (Marshall County): Electric motors only.
- 3.1416. 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.
- 3.1517. Cacapon (Morgan County): No motorboats allowed.
- 3.1618. Camp Run (Pendleton County): Electric motors only.
- 3.1719. Castleman Run (Brooke and Ohio Counties): Electric motors only.
- 3.1820. Cedar Creek (Gilmer County): No boating allowed.
- 3.1921. Charles Fork (Roane County): Electric motors only.
- 3.2022. Cheat (Monongalia County): ~~No restrictions.~~ Motorboats must observe no-wake zones marked by buoys or posted signs which are approved by the Director. Motorboats and other vessels may not enter restricted areas marked by such approved buoys or posted signs.
- 3.2123. Chief Cornstalk (Mason County): Electric motors only.
- 3.2224. Chief Logan (Logan County): No boating allowed.
- 3.2325. Conaway Run (Tyler County): Electric motors only.

3.2426. Coopers Rock (Monongalia County): Electric motors only.

3.2527. Curtisville (Marion County): Electric motors only.

3.28 Dal-Tex (Logan County): Electric motors only.

3.2629. Doe Run Sub-impoundment (Taylor County): Electric motors only.

3.2730. Dog Run (Harrison County): Electric motors only.

3.31. Dunkard Fork (Marshall County): Electric motors only.

3.2832. 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.

3.2933. Edwards Run (Hampshire County): No boating allowed.

3.3034. Elk Two Mile (Site 12) (Kanawha County): No boating allowed.

3.3135. Elk Two Mile (Site 13) (Kanawha County): No boating allowed.

3.3236. Fitzpatrick (Raleigh County): No boating allowed.

3.37. Flat Run (Marion County): Electric motors only.

3.3338. Fork Creek (Boone County): Electric motors only.

3.3439. Fort Ashby (Mineral County): No boating allowed.

3.3540. French Creek (Upshur County): No boating allowed.

3.41. Frozencamp - Left Fork (Jackson County): Electric motors only.

3.42. Frozencamp - Right Fork (Jackson County). Electric

motors only.

- 3.3643. Handley (Pocahontas County): Electric motors only.
- 3.3744. Hawks Nest (Fayette County): No restrictions.
- 3.3845. Horse Creek (Wyoming County): Electric motors only.
- 3.3946. Huey Run (Marion County): Electric motors only.
- 3.4047. Hurricane (Putnam County): No boating allowed.
- 3.4148. James P. Bailey (Mercer County): No boating allowed.
- 3.4249. 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.
- 3.50. Jimmy Lewis (Mercer County): Electric motors only.
- 3.51. Jonathan Larck (Putnam County): No boating allowed.
- 3.4352. Kanawha State Forest (Kanawha County): No boating allowed.
- 3.4453. Kee (Mercer County): Electric motors only.
- 3.54. Kimsey Run (Hardy County): Electric motors only.
- 3.4555. Krodel (Mason County): Electric motors only.
- 3.4656. Larenim (Mineral County): No motorboats allowed.
- 3.4757. Laurel (Mingo County): Electric motors only.
- 3.58. Lick Creek (Wayne County): No boating allowed.
- 3.4859. Little Beaver (Raleigh County): Rental boats only.
- 3.4960. Lumberport (Harrison County): Electric motors only.

- 3.5061. McClintic (Mason County): Electric motors only.
- 3.5162. Middle Wheeling Creek Dam (Ohio County): Electric motors only.
- 3.5263. Miletree (Roane County): No boating allowed.
- 3.64. Mill Creek (Barbour County): Electric motors only.
- 3.65. Elk Fork (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake.
- 3.5366. Moncove (Monroe County): Motorboats are limited to a maximum of five (5) horsepower.
- 3.5467. Mount Storm (Grant County): Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.5568. Mountwood (Wood County): Electric motors only.
- 3.5669. New Creek (Dam Number 14) (Grant County): No boating allowed.
- ~~3.57. New Martinsville (Wetzel County): No boating allowed.~~
- 3.5870. North Bend (Ritchie County): No boating allowed.
- 3.5971. 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. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake.
- ~~3.60. Ona (Cabell County): Electric motors only.~~
- 3.6172. Pennsboro (Ritchie County): Electric motors only.

- 3.62. ~~Pinnacle (Mercer County): Electric motors only.~~
- 3.6373. Pipestem (Summers County): Rental boats only.
- 3.6474. 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.~~
- 3.6675. 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.
- 3.6776. Ridenour (Kanawha County): No boating allowed.
- 3.6877. Rock Cliff (Hardy County): Electric motors only.
- 3.6978. Rollins (Jackson County): Electric motors only.
- 3.7079. Saltlick #9 (Braxton County): Electric motors only.
- 3.7180. Seneca (Pocahontas County): Electric motors only.
- 3.7281. Sherwood (Greenbrier County): Electric motors only.
- 3.7382. Silcott Fork (Roane County): No boating allowed.
- 3.7483. Sleepy Creek (Berkeley County): Electric motors only.
- 3.84. South Mill Creek (Grant County): Electric motors only.
- 3.7585. Spruce Knob (Randolph County): Electric motors only.
- 3.7686. Stephens (Raleigh County): Motorboats must observe

no-wake zones marked by buoys or posted signs.

3.7787. 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. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake.

3.7888. 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.

3.7989. 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.

3.8090. Summit (Greenbrier County): Electric motors only.

3.8191. 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.

3.8292. Teter Creek (Barbour County): Electric motors only.

3.8393. Thomas Park (Tucker County): Electric motors only.

3.8494. Tomlinson Run (Hancock County): Electric motors only.

3.8595. Tracy (Ritchie County): Electric motors only.

3.8696. Trout (Hardy County): No motorboats allowed.

3.97. Tuckahoe (Greenbrier County): Electric motors only.

3.8798. Turkey Run (Jackson County): Electric motors only.

3.8899. Turkey Run (Marshall County): Electric motors only.

3.89~~100~~. 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~~101~~. Tygart River Backwaters (Town of Elkins) (Randolph County): Electric motors only.

3.102. Upper Mud River (Lincoln County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake.

3.103. Wallback (Clay and Roane Counties): Electric motors only.

3.91~~104~~. Warden (Hardy County): Electric motors only.

3.92~~105~~. Watoga (Pocahontas County): Electric motors only.

3.93~~106~~. Westover Park (Monongalia County): No boating allowed.

3.107. Whetstone (Marion County): Electric motors only.

3.94~~108~~. Wolf Run (Marshall County): Electric motors only.

3.109. Woodrum (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake.

§4758-25B26-4. 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 the Division of Natural Resources Boating Rules, 47 58 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; and
- 4.1.15. Tygart Lake.



FILED

OCT 23 10 45 AM '95

West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room MB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vickie Douglas, Co-Chair

October 17, 1995

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Charles B. Felton Jr., Director
Division of Natural Resources
Bldg. 3, Room 837
Charleston, WV 25305-0668

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Special Boating Regulations

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.

3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Gordon C. Robertson
Deputy Chief
Wildlife Resources Section

58-25B