

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

**FILED**

SEP 8 2 08 PM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY: §§20-7-22 & 20-7-23

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 27

TITLE OF RULE BEING AMENDED: SPECIAL MOTORBOATING REGULATIONS

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

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

**THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.**

  
\_\_\_\_\_  
JOHN B. RADER, DIRECTOR

\$6-20

**SUMMARY OF PROPOSED RULE  
CONCERNING  
SPECIAL MOTORBOATING REGULATIONS**

The purpose of this proposed rule is to establish a no wake speed zone on a three mile section of Fish Creek, a tributary of the Ohio River. This no wake speed zone was requested by the Prosecuting Attorney of Marshall County acting in behalf of the Marshall County Commission. This is a revision of an existing rule that previously established a no wake speed zone at St. Marys, West Virginia.

PREAMBLE TO A PROPOSED RULE  
CONCERNING  
SPECIAL MOTORBOATING REGULATIONS

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 27, "Special Motorboating Regulations"

ACTION: Filing of an agency approved proposed legislative rule.

SUMMARY: Amends current rule by establishing a new no wake zone on the first three miles of Fish Creek in Marshall County. Establishment of this zone will protect life, limb and property of visitors to the area as well as those that reside along Fish Creek.

---

## FISCAL NOTE FOR PROPOSED RULE

**Rule Title:** Special Motorboating Regulations

**Type of Rule**      X      **Legislative**    \_\_\_\_\_    **Interpretive**    \_\_\_\_\_    **Procedural**

**Agency**    Bureau of Commerce, Division of Natural Resources

**Address**    Building 3, Capitol Complex

Charleston, West Virginia 25305

**1. Effect of Proposed Rule**

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTE R
<b>ESTIMATED TOTAL COST</b>	NONE				
<b>PERSONAL SERVICES</b>	NONE				
<b>CURRENT EXPENSE</b>	NONE				
<b>REPAIRS &amp; ALTERATIONS</b>	NONE				
<b>EQUIPMENT</b>	NONE				
<b>OTHER</b>	NONE				

**2. Explanation of above estimates:** The is no fiscal impact in the implementation of this rule.

**3. Objective of these rules:** The objective of this rule is to establish a no wake speed zone on the first three miles of Fish Creek in Marshall County in order to protect the lives and property of others using the waterway and those living in the area.

**Rule Title:** Special Motorboating Regulations

---

**4. Explanation of overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government: None**

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None**

**C. Economic Impact on Citizens/Public at Large: None**

**Date:** September 8, 1998

**Signature of Agency or  
Authorized Representative:**



---

JOHN B. RADLER, DIRECTOR

DATE: September 8, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Bureau of Commerce, Division of Natural Resources

LEGISLATIVE RULE TITLE: SPECIAL MOTORBOATING REGULATIONS

1. Authorizing statute(s) citation §§20-7-22 and 20-7-23

2. a. Date filed in State Register with Notice of Hearing 7/31/98

b. What other notice, including advertising, did you give of the hearing

None.

c. Date of Hearing(s) 30 Day comment period closed 8/31/98

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received XX

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

9/8/98

f. Name and phone number(s) of agency persons(s) to contact for additional information:

Lt. Colonel W. B. Daniel, Deputy Chief 558-2784

Division of Natural Resources, Law Enforcement Section

Charleston, WV. 25305

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

---

---

b. Date of hearing: NA

---

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

---

d. Attach findings and determinations and reasons:

Attached NA

---



**LAW ENFORCEMENT**  
1304 Goose Run Road  
Fairmont, West Virginia 26554

TELEPHONE: (304) 367-2720 • FAX: (304) 367-2727



**CECIL H. UNDERWOOD**  
Governor

*Equal Opportunity Employer*

<b>Administration</b> (304) 558-3315 FAX (304) 558-2768	<b>Law Enforcement</b> (304) 558-2783 FAX (304) 558-1170	<b>Parks and Recreation</b> (304) 558-2764 FAX (304) 558-0077	<b>Wildlife Resources</b> (304) 558-2771 FAX (304) 558-3147	<b>Conservation Education and Litter Control</b> (304) 558-3370 FAX (304) 558-2768	<b>Public Information</b> (304) 558-3380 FAX (304) 558-2768	<b>Real Estate Management</b> (304) 558-3225 FAX (304) 558-3680	<b>Wonderful West Virginia Magazine</b> (304) 558-9192 FAX (304) 558-2768
---	--	---	---	--	---	---	---

JUNE 29, 1998

TO: Lt. Col. W.B. Daniel

FROM: Conservation Officer C. David Shriner

REF: No Wake Zone at Fish Creek in Marshall County

Fish Creek is definitely in need of a No Wake Zone. This section of the waterway in question should run from the West Virginia Route 2 Bridge at the mouth of Fish Creek and the Ohio River and run to the riffle in Fish Creek, which is approximately three miles from the Ohio River.

I receive several complaints a year from landowners, fisherman, and recreational boaters about near misses and various other problems related to boats and wakes. Fish Creek is not very wide, which means any kind of a vessel overtaking another vessel, be it legally or not, can present hazards. Coupled with the large number of private docks on this section of Fish Creek, where in the summer months you can often find the owners swimming in the water presents yet another problem that can be curtailed by making this section of Fish Creek a No Wake Zone. By making this section of Fish Creek a No Wake Zone, I feel this would give Law Enforcement a necessary tool to help maintain control and make this waterway safer for all the people who use and enjoy it.

Respectfully submitted;

C. David Shriner  
Conservation Officer  
Marshall County





OFFICE OF  
MARSHALL COUNTY PROSECUTING ATTORNEY



**SCOTT F. REYNOLDS**  
*Prosecuting Attorney*

**G. ALLEN BIGELOW**  
*Investigator*

MARSHALL COUNTY COURTHOUSE  
MOUNDSVILLE, WEST VIRGINIA 26041  
(304) 845-3580  
FAX (304) 845-5891

**DIANA H. CRITCHFIELD**  
**ROBERT KAGLER**  
**JEFFREY V. KESSLER**  
**STEVEN T. TAYLOR**  
*Assistants*

June 16, 1998

JOHN B. RADER DIRECTOR  
DIVISION OF NATURAL RESOURCES  
1900 KANAWHA BLVD. EAST, BUILDING 3, ROOM 837  
CHARLESTON, WEST VIRGINIA 25305-0668



RE: Formal Application for Special Rule and Regulation:  
No Wake Zone/Fish Creek, Marshall County, West Virginia

Dear Director Rader:

As statutory counsel for the Marshall County Commission, Governmental Subdivision of the State of West Virginia, please consider this letter a formal application, pursuant to West Virginia Code Section 20-7-23, to the Director of the Department of Natural Resources for a regulation establishing a No Wake Speed Zone under 58CSR27.

It is my understanding, after speaking to Lt. Colonel W. B. Daniel, Deputy Chief, Law Enforcement Section, Department of Natural Resources, that the following specific information is necessary in order for you to process this request:

1. Specific description of boundary: Beginning at the mouth of Fish Creek and extending three (3) miles up Fish Creek;
2. Maintenance of buoy system and markers; our county's Office of Emergency Services will maintain the buoy system and markers;
3. Specific reasons for No Wake Zone: (a) Bank erosion; (b) Safety of boaters, and residents; and (c) Property damage;

JOHN B. RADER, DIRECTOR  
JUNE 16, 1998  
PAGE 2

4. This request is for a seasonal zone, starting March 1 and continuing through November 1 of each year.

I am enclosing photocopies of the affidavits from the Moundsville Daily Echo and the Wheeling News Register, affirming the publication of legal notice regarding this request.

It is my understanding that the next step in this procedure is for the DNR to conduct an investigation of the propriety of the requested No Wake Zone. To assist you in that regard, I am forwarding to you the following:

1. February 13, 1998, letter to Captain Stewart from Ellwood J. Nieman and Frances E. Nieman;
2. February 16, 1998, letter to Captain Stewart from Mary Louise Gatts and Jack Gatts;
3. September 6, 1997, letter to Captain Stewart from James L. Bennett and Deborah L. Bennett;
4. September 8, 1997, letter to Captain Stewart from Edward F. Thacker and Linda Thacker;
5. October 24, 1997, letter to Captain Stewart from Sandra K. Beymer.

I am attaching as well a copy of a petition presented to the Marshall County Commission and executed by eighty-six (86) citizens.

Your attention to this formal request will be most appreciated by the members of the Marshall County Commission and by the citizens and residents of our county.

If any further information or assistance is needed by your department in processing this formal request, please feel free to contact this office, Norma Glover-Sine,

JOHN B. RADER, DIRECTOR  
JUNE 16, 1998  
PAGE 3

Marshall County Clerk; or any member of the Marshall County Commission: Howard L. Byard, President, Richard E. Hartley and Donald K. Mason, at the Marshall County Courthouse, Moundsville, West Virginia, 26041.

Very truly yours,



Diana H. Crutchfield  
Assistant Prosecuting Attorney  
Marshall County, West Virginia

DHC:bh

Enclosures

cc: Howard L. Byard, President  
Richard E. Hartley  
Donald K. Mason  
Norma Glover-Sine, Clerk  
Captain S. D. Stewart, DNR  
Lt. Colonel W. B. Daniel, Deputy Chief

**AFFIDAVIT OF PUBLICATION**

STATE OF WEST VIRGINIA,  
COUNTY OF MARSHALL, to wit:

I, Marian Walton, being first duly sworn upon my oath, do depose and say:

- that I am Co-Publisher of the MOUNDSVILLE DAILY ECHO, a Democratic newspaper;
- that I have been duly authorized to execute this affidavit;
- that such newspaper has been published for over 103 years, is regularly published afternoons daily except Sundays, for at least fifty weeks during the calendar year, in the municipality of Moundsville, Marshall County, West Virginia.
- that such newspaper is a newspaper of "general circulation" as defined in Art. 3, Chap. 59 of the Code of West Virginia 1931 as amended, within Moundsville and Marshall County;
- that such newspaper averages in length four or more pages, exclusive of any cover, per issue;
- that such newspaper is circulated to the general public at a definite price or consideration;
- that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices;
- and that the annexed notice described as follows:

PARTY(ies)

Marshall Co. Commission

NATURE (and agency if heard before one)  
apply for DNR wake zone

CERTIF-BILL TO

Marshall County Commission

RECEIVED  
MAY 14 1998  
COUNTY CLERK

WAS PUBLISHED IN SAID NEWSPAPER AS FOLLOWS:

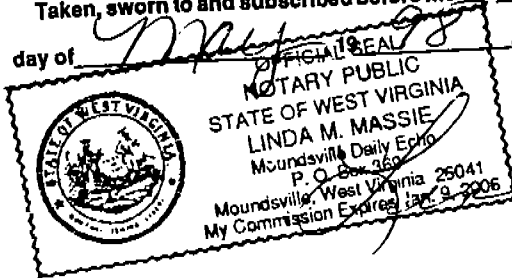
TIMES	DATES
2	April 28, May 4, 1998

By WORDS 287@.1225	PUBLICATION CHARGES \$35.16
-----------------------	--------------------------------

(signed) Marian Walton

NOTARIZATION

Taken, sworn to and subscribed before me this  
day of May 1998



Notary public

Linda M. Massie

LEGAL ADVERTISEMENT  
LEGAL NOTICE

NOTICE TO PUBLIC THAT THE MARSHALL COUNTY COMMISSION WILL MAKE FORMAL APPLICATION TO THE DIRECTOR, WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES FOR REGULATION ESTABLISHING NO WAKE ZONE ON FISH CREEK, MARSHALL COUNTY, WEST VIRGINIA:

You are hereby notified that the Marshall County Commission shall request of the Director of West Virginia Department of Natural Resources that a state regulation be promulgated to establish a "no wake zone" from the beginning (mouth) of Fish Creek, Marshall County, West Virginia, and extending 3 miles up said Fish Creek.

The specific reasons for and objectives of said "no wake zone" are as follows:

- (1) to prevent bank erosion along said creek;
- (2) for the safety of those using said area for recreation purposes; and
- (3) to prevent property damage along said Creek

Public written comments on this issue may be forwarded to John B. Rader, Director, West Virginia Department of Natural Resources, Kanawha Boulevard, East, Building 3, Room 669, Capitol Complex, Charleston, West Virginia, 25305, and must be received by the Director on or before June 5, 1998.

This notice is published in accordance with the provisions of Chapter 20, Article 7, Section 23 of the West Virginia Code.

COUNTY COMMISSION OF MARSHALL COUNTY

BY: Howard L. (Biggie) Byard  
President

PUBLISH: April 28, May 4, 1998.

FILED

NORMA GLOVER SINE, CLERK

MAY 11 1998

COUNTY COMMISSION OF MARSHALL COUNTY, W.VA.  
FEE PAID

COPY

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES FOR REGULATION ESTABLISHING NO WAKE ZONE ON H CREEK, MARSHALL COUNTY, WEST VIRGINIA

The specific reasons for and objectives of said "no wake zone" are as follows: (1) to prevent bank erosion along said creek; (2) for the safety of those using said area for recreation purposes; and (3) to prevent property damage along said Creek.

STATE OF WEST VIRGINIA, COUNTY OF OHIO.

I, Bonnie Mattern for the publisher of the

WHEELING NEWS-REGISTER newspapers published in the CITY OF WHEELING, STATE OF WEST VIRGINIA, hereby certify that the annexed publication

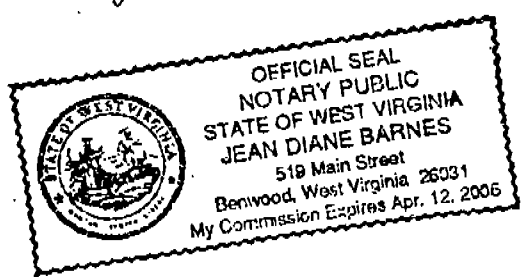
was inserted in said newspaper on the following dates: April 28, May 4, 1998

commencing on the 28 day of April, 19 98 Given under my hand this 14 day of May, 19 98 Bonnie Mattern

Sworn to and subscribed before me this 14th day of May 19 98 at WHEELING, OHIO COUNTY, WEST VIRGINIA

Jean Diane Barnes Notary Public

of, in and for OHIO COUNTY, WEST VIRGINIA. My Commission expires April 12, 2005





**DIVISION OF NATURAL RESOURCES**

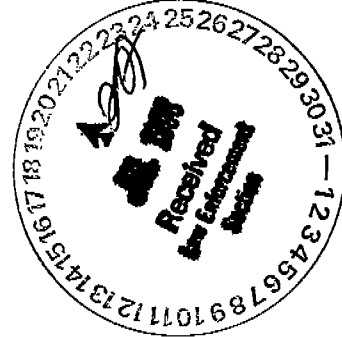
Wildlife Resources Section  
Capitol Complex, Building 3, Room 812  
1900 Kanawha Boulevard, East  
Charleston WV 25305-0664  
Telephone (304) 558-2771  
Fax (304) 558-3147  
TDD 1-800-354-6087

Cecil H. Underwood  
Governor

John B. Rader  
Director

July 14, 1998

The Honorable Charles H. Clements  
West Virginia House of Delegates  
242 East Thistle Court  
New Martinsville, West Virginia 26155



Dear Delegate Clements:

Thank you for contacting me concerning several issues raised by residents in Wetzel County. These issues deal with a request for a "no wake" zone on Fishing Creek and problems associated with a beaver dam in the vicinity of the State Police Detachment at the intersection of Routes 2 and 180. I am pleased to provide you the following information that may prove helpful in addressing these concerns.

The Division of Natural Resources has the authority to establish local rules regarding boating on any of the waters in West Virginia; however, an entity of local government must make this request to our agency. The West Virginia Code (§20-7-23) reads in part, "Any subdivision of this State may, at any time, but only after public notice, make formal application to the director for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such rules or regulations necessary or appropriate." The formal request from an entity of local government must include the following information: specific description of the boundary, specific reasons for the "no wake" zone, the entity that will be responsible for maintenance of buoy system and markers, and whether the request is for a permanent or seasonal zone. Upon receipt of the formal request, the Division of Natural Resources will investigate the request and make a subsequent ruling.

You will be pleased to note that the Marshall County Commission, through the Prosecuting Attorney's Office, has taken the appropriate action to have Fishing Creek, from the Ohio River to the Route 2 bridge, designated as a "no wake" zone. Proper public notice has been made through the local newspapers, and the Division of Natural Resources' Law Enforcement Section has been requested to investigate the feasibility of such an area. I will be pleased to keep you apprised of our investigation in this matter and let you know when a final determination is made.

The Honorable Charles H. Clements  
July 14, 1998  
Page 2

On July 7, 1998, Wildlife Manager Bert Nolan investigated the beaver dam complaint located in the vicinity of the State Police Detachment along Route 2. As you have noted, many residents in the area have complained about odor and mosquito problems. Mr. Bert Nolan inspected the situation and provided the following comments. The wetland complex encompasses approximately 12 acres of which a portion is the direct result of beaver activity. However, recent flood waters have breached the beaver dam and drained a portion of the wetland. Mr. Nolan reports that beavers have not rebuilt the section of dam that was breached. In addition to the wetland areas located upstream of the beaver dam, there are several natural wetland areas associated with this complex. These natural wetland areas upstream are not a direct result of beaver activity. Therefore, it is questionable whether the removal of the beavers in the wetland will have a significant impact on the mosquito and odor problems which occasionally accompany wetland situations.

If local residents wish to have the beavers removed from this area, the best option is to have a trapper remove the beavers (if they are still present) during the legal beaver trapping season. Should these citizens have difficulty finding a trapper, I suggest they contact District Biologist James Evans (304-367-2720). Mr. Evans will be pleased to provide the names and telephone numbers of trappers in the problem area. In addition, a wildlife damage permit may be issued by Conservation Officer Kevin Goff (304-455-1530) for the purposes of trapping or shooting nuisance beavers. Please note that anyone trapping or removing beaver dams must obtain permission from the landowner before conducting these activities.

Once again, thank you for contacting me regarding the concerns of local residents in Wetzel County. Should you have further questions or require additional information, please do not hesitate to contact my office.

Sincerely,



**John B. Rader**  
Director

cc: Bernard F. Dowler, Chief WRS  
Colonel James D. Fields, Chief LES  
James E. Evans, WRS  
Kevin S. Goff, LES



**DIVISION OF NATURAL RESOURCES**

1900 Kanawha Boulevard East  
Building 3, Room 837  
Charleston WV 25305-0668  
Telephone (304) 558-2784  
Fax (304) 558-1170  
TDD (304) 558-1439  
TDD 1-800-354-6087

Cecil H. Underwood  
Governor

John B. Rader  
Director

May 26, 1998

Virginia Roupe  
R. D. 2, Box 117A  
Proctor, West Virginia 26055

Ms. Roupe:

I am writing on behalf of Director John B. Rader. Thank you for your concern over the erosion of the creek bank adjacent to Fish Creek in Marshall County.

Please be advised that even though the Director of the Division of Natural Resources has the authority to establish local rules regarding boating on any of the waters in West Virginia, the West Virginia Code requires that one of the entities of local government in your area to request the rule.

Chapter 20, article 7, section 23 (§20-7-23) of the West Virginia Code reads in part...  
"Any subdivision of this State may, at any time, but only after public notice, make formal application to the director for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate." A copy of that section is provided for your information so that you may provide it to the Marshall County Commission with your request.

There may be other alternatives to establishing a 'no wake zone' on Fish Creek. I suggest you contact the U. S. Army Corps of Engineers at the following address or your local Soil Conservation Service agent to see if they have programs to assist local landowners with bank stabilization.



May 26, 1998  
Page Two

District Engineer, Pittsburgh District  
U. S. Army Corps of Engineers  
William S. Moorehead Federal Building  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

However, if this is not satisfactory, your request for a 'no wake zone' should be directed to the Marshall County Commission.

If I may assist you further, please feel free to contact me.

Sincerely,

Lt. Colonel W. B. Daniel, Deputy Chief  
Law Enforcement Section

cc: Captain Stephen D. Stewart  
Marshall County Commission

Virginia Roupe  
R.D. 2 Box 117A  
Proctor, WV 26055  
April 29, 1998

John Rader  
Director of WV Division of Natural Resources  
Kanawha Boulevard East  
Building 3, Room 669  
Charleston, WV 25305



Dear Mr. Rader:

I am writing in regards to establishing a no-wake zone on Fish Creek in Marshall County. I am asking, along with other property owners who have written in, that you establish a no-wake zone from the mouth of Fish Creek and extending three miles upstream. I am asking for the zone to be maintained from March through October of each year.

As a property owner I am experiencing property damage from bank erosion as the amount of ski boats and jet skis increase on using the Creek. I realize that bank erosion is a natural occurrence, but it should occur gradual over periods of time. The amount of boats and jet skis are rapidly increasing bank erosion. The speed boats are a menace to the fishermen trying to enjoy a day of fishing. The boats no longer show common courtesy to the fishermen by slowing down and the jet skis will circle right in front of you just for laughs.

If you would take a ride up Fish Creek you would see the reason for our request of the no-wake zone. I ask that you take our concerns to heart and request that you grant the property owners of Fish Creek and concerned citizens who are in favor of the no-wake zone a public meeting to voice our opinions in person.

Thank you,

**TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES**

**SERIES 27  
SPECIAL MOTORBOATING REGULATIONS**

**§58-27-1. General.**

1.1. Scope and Purpose. -- These regulations establish no wake zones for certain waters of this State.

1.2. Authority. -- W. Va. Code §§20-7-22 and 20-7-23.

1.3. Filing Date. --

1.4. Effective Date. --

**§58-27-2. Definitions.**

2.1. "Director" means the Director of the West Virginia Division of Natural Resources.

2.2. "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not such motor is the principal source of propulsion, but does not include a vessel that has a valid marine document issued by the United States Bureau of Customs or any successor federal agency.

2.3. "No Wake Speed Zone" means an area restricting motorboats from attaining a speed which would produce a wake that would noticeably disturb other motorboats or other vessels, docks, piers, or any other shoreline facility within the designated area.

**§58-27-3. No Wake Speed Zones.**

3.1. The following areas are designated as no wake speed zones:

FILED

SEP 8 2 03 PM '98

TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 27  
SPECIAL MOTORBOATING REGULATIONS

**§58-27-1. General.**

1.1. Scope and Purpose. -- These regulations establish no wake zones for certain waters of this State.

1.2. Authority. -- W. Va. Code §§20-7-22 and 20-7-23.

1.3. Filing Date. --

1.4. Effective Date. --

**§58-27-2. Definitions.**

2.1. "Director" means the Director of the West Virginia Division of Natural Resources.

2.2. "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not such motor is the principal source of propulsion, but does not include a vessel that has a valid marine document issued by the United States Bureau of Customs or any successor federal agency.

2.3. "No Wake Speed Zone" means an area restricting motorboats from attaining a speed which would produce a wake that would noticeably disturb other motorboats or other vessels, docks, piers, or any other shoreline facility within the designated area.

**§58-27-3. No Wake Speed Zones.**

3.1. The following areas are designated as no wake speed zones:

3.1.1. The back channel of Middle Island on the Ohio River beginning at Ohio River MP 155.1 and extending four hundred and sixty-eight feet (468 ft.) upstream to the St. Marys city limit. The are is situated entirely within the boundaries of Pleasants County.

3.1.2. Beginning at the mouth of Fish Creek at it's confluence with the Ohio River and extending upstream approximately 3 miles and ending at the first riffle or obstruction. This area is situated entirely within the boundaries of Marshall County. This zone is seasonal and will be in effect from March 1 through November 1, each year.

**§58-27-4. Posting of Signs.**

4.1. The City of St. Marys, West Virginia, is responsible for purchasing, placing and maintaining the No Wake Zone buoys and informational signs. ~~posting of signs designating the zone.~~ Signs shall meet the approval of the director. Any buoys or other structures placed in the water must conform to U. S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U.S. Army Corps of Engineers.

4.2. The Marshall County Commission is responsible for purchasing, placing and maintaining the No Wake Zone buoys and informational signs. No Wake Zone signs shall be erected at the mouth of Fish Creek and at all locations where watercraft may be launched. The signs shall describe the extent of the no wake zone and shall meet the approval of the Director. Any buoys or other structures placed in Fish Creek must conform to U. S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers.