



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Director,
Title or Position

Department of Natural Resources, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- ☒ (x) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- ☐ () proposed rules and regulations superseding rules and regulations already on file;
- ☐ () notice of hearing;
- ☐ () findings and determinations;
- ☐ () rules and regulations; or
- ☒ (x) other - specify (declaration of emergency) .

This filing pertains to Natural Resources - whitewater recreation zones.

Chapter 20
Article 2
Series XI
Section 5
Page No. 11

- ☐ () proposed rules and regulations are required to go to Legislative Rule Making Committee;
- ☒ (x) proposed rules and regulations are excluded from Legislative Rule Making Committee;

6/30/81

Date Submitted

[Signature]
Signature of Person Authorizing
this Filing



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

DAVID C. CALLAGHAN
Director

June 30, 1981

The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Secretary:

Enclosed herewith are three copies of the proposed West Virginia Administrative Regulations, designated Series XI, Section 5, relating to whitewater recreation zones, which have been filed in the State Register, to become effective pending the results of a public hearing scheduled for August 20, 1981.

Committee Substitute for SB 398, passed April 10, 1981, requires that certain studies and investigations regarding whitewater recreation zones commence by July 1, 1981. Therefore, these regulations are being filed on an emergency basis, to be effective immediately.

Sincerely,


David C. Callaghan
Director

DCC/cla

Enclosures



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DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

DAVID C. CALLAGHAN
Director

June 30, 1981

The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Secretary:

Enclosed herewith are three copies of the proposed West Virginia Administrative Regulations, designated Series XI, Section 5, relating to whitewater recreation zones, which are to become effective on the earliest possible date.

The Department of Natural Resources will hold a public hearing on August 20, 1981, from 3:00 p.m. to 8:00 p.m., in Room 674, Building #3, 1800 Washington Street, East, Charleston, West Virginia, to solicit public comments concerning the proposed regulations.

Sincerely,



David C. Callaghan
Director

DCC/cia

Enclosures

OFFICE
SECY. OF STATE

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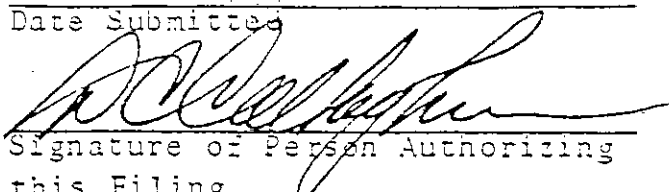
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Section 5. Whitewater Recreation Zones.

5.01. Whitewater recreation zones for commercial whitewater expeditions are designated as follows:

- a. Cheat River from its headwaters to Lake Lynn (Cheat Lake).
- b. Gauley River from the U. S. Corps of Engineers Summersville Dam to its confluence with the New River.
- c. New River from its confluence with the Gauley River to its confluence with the Greenbrier River.
- d. Shenandoah River from its confluence with the Potomac River to the Virginia boundary line.

5.02. Whitewater recreation zones to be studied pursuant to 20-2-23a, Subsection (b) of the Code of West Virginia, are designated as follows:

- a. Cheat River from the village of Rowlesburg to Lake Lynn (Cheat Lake).
- b. Gauley River from the U. S. Corps of Engineers Dam to the village of Belva.
- c. New River from its confluence with the Gauley River to its confluence with the Greenbrier River.
- d. Shenandoah River from its confluence with the Potomac to the Virginia boundary line.

5.03. Investigations on all the above-named study zones shall be initiated the first day of July, one thousand nine hundred eighty-one.

All studies and investigations shall be completed no later than the first

day of July, one thousand nine hundred eighty-four.

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NEWS

STATE OF WEST VIRGINIA • DEPARTMENT OF NATURAL RESOURCES • CHARLESTON 25305

David C. Callaghan, Director

FOR RELEASE: July 1, 1981

PHONE: 304/346-3381

DIRECTOR SETS WHITEWATER REGULATIONS

Department of Natural Resources Director David C. Callaghan today announced the filing of temporary regulations designating four streams in West Virginia as whitewater recreation zones and all, or portions of those streams, as whitewater recreation study zones. This action was taken in accordance with legislation passed in April of this year.

The director has designated the following streams as whitewater recreation zones:

1. Cheat River from its headwaters to Lake Lynn (Cheat Lake);
2. Gauley River from the U. S. Corps of Engineers dam at Summersville to its confluence with the New River;
3. New River from its confluence with the Gauley River to its confluence with the Greenbrier River;
4. Shenandoah River from its confluence with the Potomac River to the Virginia boundary line.

The following streams, or portions of streams, have been designated as whitewater recreation study zones by Director Callaghan:

1. Cheat River from the village of Rowlesburg to Lake Lynn (Cheat River);
2. Gauley River from the U. S. Corps of Engineers dam at Summersville to the village of Belva;

(more)

3. New River from its confluence with the Gauley River to its confluence with the Greenbrier River;
4. Shenandoah River from its confluence with the Potomac River to the Virginia boundary line.

The director pointed out that any commercial license to operate on these four whitewater recreation zones purchased prior to April 10 of this year will remain in effect through December 31. However, after April 10 the annual commercial license fee to operate on these streams was raised, by law, to \$250 per year. In addition, the director said that after April 10, the legislature set a fee of \$250 to be assessed of any commercial outfitter operating on each whitewater recreation study zone.

Director Callaghan said, "The purpose of naming certain areas for special study is to determine if there are serious problems requiring immediate regulation, safety hazards and problems of overcrowding or environmental misuse. These studies will be undertaken immediately."

The director also announced today that a public hearing to discuss whitewater zoning and study areas will be held on August 20 in Room 674 of the Motor Vehicles Building from 3 P.M. to 8 P.M. The public is invited to attend.

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- ☒ other - specify (Emergency Regulations

This filing pertains to

Chapter 20
Article 2
Series XI
Section 6
Page No. 12

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 5/5/81
Administrative Law Division

- ☐ proposed rules and regulations are required to go to Legislative Rule Making Committee;
- ☒ proposed rules and regulations are excluded from Legislative Rule Making Committee;

May 3, 1982
Date Submitted

David C. Callaghan
Signature of Person Authorizing
this Filing



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

May 3, 1982

DAVID C. CALLAGHAN
Director
WILLIS H. HERTIG, JR.
Deputy Director

The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Secretary:

In accordance with the provisions of Chapter 20 of the Code of West Virginia, a public hearing was held on April 14, 1982, to receive comments and recommendations concerning the proposed interim regulation on commercial whitewater use. The revised regulation was filed in the State Register on April 29, 1982.

The whitewater recreation season is already underway, and it is imperative that we begin operating under this regulation immediately. Therefore, I am enclosing three copies of Series XI, Section 6, Page 12, to be filed in the State Register as emergency regulations to be effective immediately.

Sincerely,


David C. Callaghan
Director

DCC/cia

Enclosures

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 5/5/82
Administrative Law Division

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A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 5/5/82
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Section 6. Interim Regulations - Whitewater Recreation Zones.

6.01. A commercial whitewater outfitter shall not exceed 1981 peak weekend or holiday use of any designated whitewater study zone prior to the promulgation of rules and regulations for each study zone by the Commercial Whitewater Advisory Board. Peak use in 1981 is defined as the highest number of commercial watercraft per day in use on each study zone by the outfitter for commercial whitewatering on any Saturday, Sunday or holiday between January 1, 1981, and December 31, 1981.

6.02. A commercial whitewater outfitter may be subject to exemption to the foregoing regulation if the director finds that a substantial financial commitment has been made and a financial hardship will result from operating at the 1981 level. If the director grants an exemption, he will set a peak use figure to apply on each whitewater zone until rules and regulations are promulgated by the Whitewater Advisory Board.

6.03. The New River from its confluence with the Greenbrier River downstream to the Highway-RR Bridge at Thurmond may be exempt from the provisions of 6.01 if the director finds such use will not interfere with the conduct of any whitewater studies or investigations.

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