

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

Form #1

DO NOT MARK IN THIS BOX



FILED

1988 AUG 17 AM 8 30

OFFICE OF THE SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

RULE TYPE: Interpretive; CITE AUTHORITY W. Va. Code §§20-1-7(30),

AMENDMENT TO AN EXISTING RULE: YES  NO  20-7-22, and 20-7-23

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 PROPOSED: \_\_\_\_\_

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

DATE OF PUBLIC HEARING: Tuesday, September 27, 1988 TIME: 7:00 pm

LOCATION OF PUBLIC HEARING: Department of Natural Resources Operations Center  
South Ward Road, Elkins, West Virginia

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV Dept. of Natural Resources

Room 842

1800 Washington Street, East

Charleston, WV 25305

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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

Form #2

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SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

RULE TYPE: Interpretive; CITE AUTHORITY W. Va. Code §§20-1-7(30),

AMENDMENT TO AN EXISTING RULE: YES X NO      20-7-22, and 20-7-23

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 PROPOSED: \_\_\_\_\_

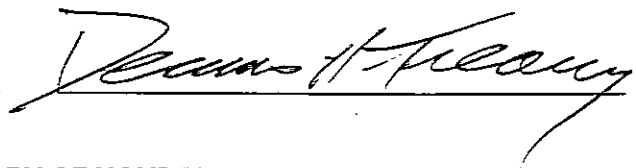
TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

~~IN LIEU OF A PUBLIC HEARING~~, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 30, 1988 AT 4:30 pm.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Department of Natural Resources  
Room 842  
1800 Washington Street, East  
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Special Boating Regulations

1988 AUG 17 AM 8:30

Type of Rule:  Legislative  Interpretive  Procedural

SECRETARY OF STATE

Agency: West Virginia Department of Natural Resources

Address: 1800 Washington Street East, Charleston, West Virginia 25305

1. Effect of Proposed Rule (Estimated Total Cost)	Increase \$	ANNUAL		FISCAL YEAR	
		Decrease \$	Current \$	Next \$	Thereafter \$

Personal Services

Current Expense

Repairs and Alterations

NO CHANGE

Equipment

Other

2. Explanation of Above Estimates:

This proposal revises existing Department regulations; no new administrative expenditures are anticipated.

3. Objectives of These Rules:

This proposal establishes regulations to govern the operation of motorboats and other vessels on specific bodies of water.

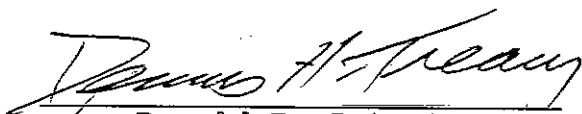
4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: NO IMPACT

B. Economic Impact on Political Subdivisions: NO IMPACT  
 Economic Impact on Specific Industries: NO IMPACT  
 Economic Impact on Specific Groups of Citizens: NO IMPACT

C. Economic Impact on Citizens/Public at Large: NO IMPACT

Date: August 16, 1988

  
 for Ronald R. Potesta  
 Director

PREAMBLE TO PROPOSED AMENDMENTS TO  
AN INTERPRETIVE RULE CONCERNING  
SPECIAL BOATING REGULATIONS

**STATE AGENCY:** 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:** Proposed Rule; Notice of Hearing and Comment Period

**DATES:** A public hearing on this proposal will be held on Tuesday, September 27, 1988 at 7:00 p.m. at the Department of Natural Resources Operations Center, South Ward Road, Elkins, West Virginia. Written comments will be received by the Department until 4:30 p.m. on September 30, 1988 and should be mailed to the address below.

**CONTACT:** For further information regarding this filing, please contact Mr. Jeffrey E. Herrold, WV Department of Natural Resources, 1800 Washington Street, East, Charleston, West Virginia 25305, telephone (304) 348-2761.

**SUMMARY:** The Department is proposing 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.

FILED

TITLE 47  
 INTERPRETIVE RULES  
 DEPARTMENT OF NATURAL RESOURCES

1938 AUG 17 AM 8 30

SERIES 25B  
 SPECIAL BOATING REGULATIONS

OFFICE OF THE SECRETARY OF STATE  
 SECRETARY OF STATE

§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. --

1.4. Effective Date. --

§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. Pocatolico (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.