

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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FILED
10.7 OCT -5 AM 9 54

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Department of Natural Resources TITLE NUMBER: 47
RULE TYPE: Interpretive; CITE AUTHORITY W. Va. Code §§20-1-7, 20-7-22,
and 20-7-23
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25B

TITLE OF RULE BEING PROPOSED: _____

Special Boating Regulations

DATE OF PUBLIC HEARING: Monday, November 9, 1987 TIME: 3:00 p.m.

LOCATION OF PUBLIC HEARING: Director's Conference Room 674

Department of Motor Vehicles Building

1800 Washington Street, East

Charleston, West Virginia

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

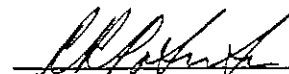
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Please see the

following page

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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FILED
OCT OCT -9 AM 9:54
STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Natural Resources TITLE NUMBER: 47
RULE TYPE: Interpretive; CITE AUTHORITY W. Va Code §§20-1-7, 20-7-22,
and 20-7-23
AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25B

TITLE OF RULE BEING PROPOSED: _____

Special Boating Regulations

~~INSTEAD 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 November 9, 1987 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dr. Paul L. Hill

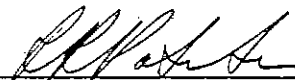
WV Department of Natural Resources

1800 Washington Street, East

Room 842

Charleston, West Virginia 25305

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



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

PREAMBLE FOR PROPOSED INTERPRETIVE RULES

DEPARTMENT OF NATURAL RESOURCES
SPECIAL BOATING REGULATIONS

FILED
OCT -9 AM 9 54

REGULATIONS: Department of Natural Resources, Series 25B,
Special Boating Regulations

AUTHORITY: W. Va. Code §§20-1-7, 20-7-22, and 20-7-23

ACTION: Proposed Rule; Notice of Hearing and Comment Period

TOPIC: The regulation of the operation of motorboats and
other vessels on government-owned reservoirs in this State.

DATES: A public hearing on this proposal will be held at
3:00 p.m. on Monday, November 9, 1987 in the Director's
Conference Room 674, 1800 Washington Street, East,
Charleston, West Virginia. Written comments will be
received until 4:30 p.m. on Monday, November 9, 1987.

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: Under Sections 20-7-22 and 20-7-23 of the West
Virginia Code the Director of the Department of Natural
Resources is empowered to prescribe regulations to govern
the operation of motorboats on all waters of the State.
However, in recent years, local governments have posted
their own regulations on lakes and impoundments that lie
within their political boundaries. In posting their own
regulations, without public notice and subsequent approval
from the Director, those local governments have violated the
provisions of the Section 20-7-23 of the Code. Today's
filing proposes formal adoption by the Director of special
boating regulations applicable to specific government-owned
reservoirs and includes the adoption of all currently-posted
local regulations not in conflict with existing State laws
or regulations.

*10 TITLE 47
INTERPRETIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 25B
SPECIAL BOATING REGULATIONS

FILED
OCT 9 1964
DEPT. OF NATURAL RESOURCES
STATE

*09 §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, 20-7-22, and 20-7-23.

1.3. Filing Date. --

1.4. Effective Date. --

*09 §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.

*09 §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 (Wyoming and Mingo 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 allowing.

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 (Upshur and Lewis 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. Warden (Hardy County): Electric motors only.
- 3.91. Watoga (Pocahontas County): Electric motors only.
- 3.92. Westover Park (Monongalia County): No boating allowed.
- 3.93. Wolf Run (Marshall County): Electric motors only.