

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Department of Natural Resources TITLE NUMBER: 47

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

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

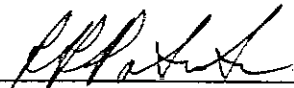
TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING ADOPTED: _____

Special Boating Regulations

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 1, 1988



PREAMBLE FOR ADOPTED INTERPRETIVE RULES

DEPARTMENT OF NATURAL RESOURCES
SPECIAL BOATING REGULATIONS

FILED
1987 NOV 12 AM 9 34
1987-11-12

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: Adopted Rule

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

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 W. Va. Code §§20-7-22 and 20-7-23, 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 adopts 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.

RESPONSE TO COMMENTS: On November 9, 1987, a public hearing was held in Charleston and written comments were received until the close of business. No interested person attended the public hearing and no comments were received on the proposed rule. Therefore, the Department is today adopting the rule as it was proposed on October 9, 1987.

*10 TITLE 47
INTERPRETIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 25B
SPECIAL BOATING REGULATIONS

FILED
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SPECIAL

*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.** -- November 12, 1987.

1.4. **Effective Date.** -- January 1, 1988.

*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. Pocatamico (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 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 (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. 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.