

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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1991 MAY 15 AM 10:43

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Commerce, Labor
and Environmental Resources
Division of Natural Resources

AGENCY: _____ TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §§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: 25C


TITLE OF RULE BEING PROPOSED: "Special Motorboating Regulations"

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 June 17, 1991 AT 4:30 p.m.

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

DNR Rule Comments
State Capitol Complex
Building 3, Room 712
Charleston, West Virginia 25305

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


J. Edward Hamrick III
Director

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: "Special Motorboating Regulations"

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Commerce, Labor and Environmental Resources Division of Natural Resources.

Address: Building 3, State Capitol Complex, Charleston, West Virginia 25305.

1. Effect of Proposed Rule	ANNUAL		Current	FISCAL YEAR	
	Increase	Decrease		Next	Thereafter
	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

NO CHANGE

2. Explanation of Above Estimates:

The proposed rule will designate areas on State waters to be "no wake speed zones". This will promote safety in the operation of motorboats in the designated areas. No new administrative expenses are expected.

3. Objectives of These Rules:

The objectives of this rule are to provide the safe operation of motorboats in areas where they may jeopardize the safety of others when operated at a rate of speed to noticeably disturb other vessels and facilities.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government: No impact
- B. 1. Economic Impact on Political Subdivisions: No impact
2. Economic Impact on Specific Industries: No impact
3. Economic Impact on Specific Groups of Citizens: No impact
- C. Economic Impact on Citizens/Public at Large: No impact

Date: May 10, 1991.


J. Edward Hamrick III
Director

PREAMBLE TO A PROPOSED RULE
CONCERNING THE DESIGNATION OF
NO WAKE SPEED ZONES

FILED

1991 MAY 15 AM 10:43

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

STATE AGENCY: Department of Commerce, Labor and Environmental Resources, Division of Natural Resources.

REGULATIONS: Title 47, Series 25C, "Special Motorboating Regulations.

ACTION: Filing of a proposed rule and notice of the thirty-day comment period.

DATES: The comment period will begin on the date of filing and will end on June 17, 1991 at 4:30 p.m. Written comments can be sent to the following address: DNR Rule Comments, State Capitol Complex, Building 3, Room 712, Charleston, West Virginia 25305.

SUMMARY: Today's filing proposes a new regulation titled "Special Motorboating Regulations". The proposed regulation will designate a "no wake speed zone" for an area on Middle Island Creek. The designated area will restrict motorboats from producing a wake that would disturb other vessels or facilities within that area.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

FILED

MAY 15 AM 10 43

SERIES 25C
SPECIAL MOTORBOATING REGULATIONS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§47-25C-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. --

§47-25C-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 an federal agency that is the successor thereto.

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.

§47-25C-3. No Wake Speed Zones.

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

3.1.1. The area on Middle Island Creek beginning at the mouth of the creek (Ohio River MP155.1) and extending four hundred and sixty-eight feet (468 ft.) upstream to the St. Marys city limit.