

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

FILED
1991 SEP 19 PM 12: 27
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

Department of Commerce, Labor
and Environmental Resources,

AGENCY: Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY West Virginia 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: 250

TITLE OF RULE BEING PROPOSED: "Special Motorboating Regulations"

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


J. Edward Hamrick III
Director

2.20

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

SERIES 25C
SPECIAL MOTORBOATING REGULATIONS

§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 any successor federal agency.

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 back channel of Middle Island on the Ohio River beginning at Ohio River MP155.1 and extending four hundred and sixty-eight feet (468 ft.) upsteam to the St. Marys city limit.

§47-25C-3. Posting of Signs.

4.1. The City of St. Marys, West Virginia, is responsible for the posting of signs designating the zone. Signs shall meet the approval of the director. Any buoys or other structures placed in the water must be approved by the U.S. Army Corps of Engineers.



FILED

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WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3226

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator William R. Wooten, Co-Chairman
Delegate David Grubb, Co-Chairman

Debra A. Graham, Counsel
Michael McThomas, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

August 30, 1991

TO: Ken Hechler, Secretary of State, State Register

TO: J. Edward Hamrick, III, Director
Division of Natural Resources
Building 3, State Capitol Complex
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Special Motorboating Regulations

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Michael E. Comer, Regulatory Analyst DNR
Nancy Linden, 3 Hutton Center Drive, Suite 960, Santa Ana, CA