

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark in this Box

FILED
MAY 10 3 02 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Bureau of Commerce, Division of Natural Resources TITLE NUMBER: 58

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 26

TITLE OF RULE BEING AMENDED: Special Boating Rule

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

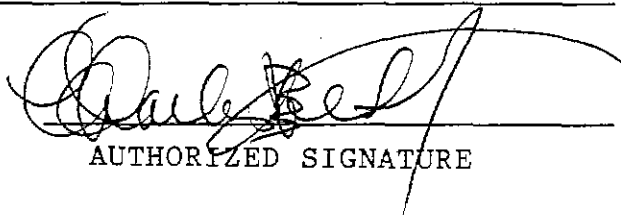
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

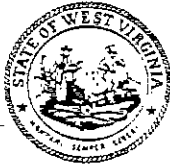
AUTHORIZATION IS CITED IN (house or senate bill number) H.B. 4268

SECTION §64-10-2, PASSED ON March 8, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 10, 1996


AUTHORIZED SIGNATURE

3.80



KEN HECHLER
Secretary of State

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Deputy Secretary of State

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**STATE OF WEST VIRGINIA
SECRETARY OF STATE**

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Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

March 12, 1996

Gordon C Robertson
Natural Resources
Wildlife Resources Section
State Capitol Bldg 3 Rm 825
Charleston, WV 25305

HB 4268 authorizing, Title 58, Series 26, Special Boating Regulation passed the Legislature on **March 8, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **HB 4268** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 4268 Section 64-10-2(d)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

**TITLE 58
LEGISLATIVE RULES
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 26
SPECIAL BOATING RULES**

§58-26-1. General.

1.1. Scope and Purpose. -- This rule provides 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. -- May 10, 1996

1.4. Effective Date. -- May 10, 1996

§58-26-2. Definitions.

2.1. "Director" means the director of the West Virginia Division 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 of the state.

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 Rules" means rules 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 considers necessary for the public health or safety of persons or property on or in those waters, or for the preservation of useful aquatic life. Special rules supplement the provisions of West Virginia Code §20-7-1 et.seq., and the general rules promulgated thereunder, as they relate to motorboats and other vessels by further limiting, restricting, or prohibiting the operation or navigation of the vessels on a particular government-owned reservoir.

§58-26-3. Special Rules for Government-owned Lakes.

3.1. Airport Pond (Raleigh County): No boating allowed.

- 3.2. Anawalt (McDowell County): No boating allowed.
- 3.3. Anderson (Kanawha County): No boating allowed.
- 3.4. Barboursville (Cabell County): No boating allowed.
- 3.5. Bear Rocks (Ohio County): Electric motors only.
- 3.6. 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. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor withdrawn to the maximum trailorable limit while operating on this lake. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.7. Berwind (McDowell County): Electric motors only.
- 3.8. Big Ditch (Webster County): Electric motors only.
- 3.9. Big Run (Marion County): Electric motors only.
- 3.10. 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.
- 3.11. Boley (Fayette County): No motorboats allowed.
- 3.12. Brandywine (Pendleton County): Electric motors only.
- 3.13. Brushy Fork (Site 19) (Pendleton County): Electric motors only.
- 3.14. Buffalo Fork (Pocahontas County): Electric motors only.
- 3.15. Burches Run (Marshall County): Electric motors only.
- 3.16. 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.
- 3.17. Cacapon (Morgan County): No motorboats allowed.
- 3.18. Camp Run (Pendleton County): Electric motors only.
- 3.19. Castleman Run (Brooke and Ohio Counties): Electric motors only.
- 3.20. Cedar Creek (Gilmer County): No boating allowed.

- 3.21. Charles Fork (Roane County): Electric motors only.
- 3.22. Cheat (Monongalia County): Motorboats must observe no-wake zones marked by buoys or posted signs which are approved by the Director. Motorboats and other vessels may not enter restricted areas marked by such approved buoys or posted signs.
- 3.23. Chief Cornstalk (Mason County): Electric motors only.
- 3.24. Chief Logan (Logan County): No boating allowed.
- 3.25. Conaway Run (Tyler County): Electric motors only.
- 3.26. Coopers Rock (Monongalia County): Electric motors only.
- 3.27. Curtisville (Marion County): Electric motors only.
- 3.28. Rockhouse (Logan County): Electric motors only.
- 3.29. Doe Run Sub-impoundment (Taylor County): Electric motors only.
- 3.30. Dog Run (Harrison County): Electric motors only.
- 3.31. Dunkard Fork (Marshall County): Electric motors only.
- 3.32. 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.
- 3.33. Edwards Run (Hampshire County): No boating allowed.
- 3.34. Elk Two Mile (Site 12) (Kanawha County): No boating allowed.
- 3.35. Elk Two Mile (Site 13) (Kanawha County): No boating allowed.
- 3.36. Fitzpatrick (Raleigh County): No boating allowed.
- 3.37. Flat Run (Marion County): Electric motors only.
- 3.38. Fork Creek (Boone County): Electric motors only.
- 3.39. Fort Ashby (Mineral County): No boating allowed.
- 3.40. French Creek (Upshur County): No boating allowed.
- 3.41. Frozencamp - Left Fork (Jackson County): Electric motors only.

- 3.42. Frozencamp - Right Fork (Jackson County): Electric motors only.
- 3.43. Handley (Pocahontas County): Electric motors only.
- 3.44. Hawks Nest (Fayette County): No restrictions.
- 3.45. Horse Creek (Wyoming County): Electric motors only.
- 3.46. Huey Run (Marion County): Electric motors only.
- 3.47. Hurricane (Putnam County): No boating allowed.
- 3.48. James P. Bailey (Mercer County): No boating allowed.
- 3.49. 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.
- 3.50. Jimmy Lewis (Mercer County): Electric motors only.
- 3.51. Jonathan Larck (Putnam County): No boating allowed.
- 3.52. Kanawha State Forest (Kanawha County): No boating allowed.
- 3.53. Kee (Mercer County): Electric motors only.
- 3.54. Kimsey Run (Hardy County): Electric motors only.
- 3.55. Krodel (Mason County): Electric motors only.
- 3.56. Larenim (Mineral County): No motorboats allowed.
- 3.57. Laurel (Mingo County): Electric motors only.
- 3.58. Lick Creek (Wayne County): No boating allowed.
- 3.59. Little Beaver (Raleigh County): Rental boats only.
- 3.60. Lumberport (Harrison County): Electric motors only.
- 3.61. McClintic (Mason County): Electric motors only.
- 3.62. Middle Wheeling Creek Dam (Ohio County): Electric motors only.
- 3.63. Miletree (Roane County): No boating allowed.

- 3.64. Mill Creek (Barbour County): Electric motors only.
- 3.65. Elk Fork (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor withdrawn to the maximum trailorable limit while operating on this lake.
- 3.66. Moncové (Monroe County): Motorboats are limited to a maximum of five (5) horsepower.
- 3.67. Mount Storm (Grant County): Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.68. Mountwood (Wood County): Electric motors only.
- 3.69. New Creek (Dam Number 14) (Grant County): No boating allowed.
- 3.70. North Bend (Ritchie County): No boating allowed.
- 3.71. 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. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor withdrawn to the maximum trailorable limit while operating on this lake.
- 3.72. Pennsboro (Ritchie County): Electric motors only.
- 3.73. Pipestem (Summers County): Rental boats only.
- 3.74. 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.
- 3.75. 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.
- 3.76. Ridenour (Kanawha County): No boating allowed.
- 3.77. Rock Cliff (Hardy County): Electric motors only.
- 3.78. Rollins (Jackson County): Electric motors only.
- 3.79. Saltlick #9 (Braxton County): Electric motors only.
- 3.80. Seneca (Pocahontas County): Electric motors only.

- 3.81. Sherwood (Greenbrier County): Electric motors only.
- 3.82. Silcott Fork (Roane County): No boating allowed.
- 3.83. Sleepy Creek (Berkeley County): Electric motors only.
- 3.84. South Mill Creek (Grant County): Electric motors only.
- 3.85. Spruce Knob (Randolph County): Electric motors only.
- 3.86. Stephens (Raleigh County): Motorboats must observe no-wake zones marked by buoys or posted signs.
- 3.87. 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. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor withdrawn to the maximum trailorable limit while operating on this lake.
- 3.88. 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.
- 3.89. 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.
- 3.90. Summit (Greenbrier County): Electric motors only.
- 3.91. 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.
- 3.92. Teter Creek (Barbour County): Electric motors only.
- 3.93. Thomas Park (Tucker County): Electric motors only.
- 3.94. Tomlinson Run (Hancock County): Electric motors only.
- 3.95. Tracy (Ritchie County): Electric motors only.
- 3.96. Tröut (Hardy County): No motorboats allowed.
- 3.97. Tuckahoe (Greenbrier County): Electric motors only.
- 3.98. Turkey Run (Jackson County): Electric motors only.

3.99. Turkey Run (Marshall County): Electric motors only.

3.100. 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.

3.101. Tygart River Backwaters (Town of Elkins) (Randolph County): Electric motors only.

3.102. Upper Mud River (Lincoln County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor withdrawn to the maximum trailorable limit while operating on this lake.

3.103. Wallback (Clay and Roane Counties): Electric motors only.

3.104. Warden (Hardy County): Electric motors only.

3.105. Watoga (Pocahontas County): Electric motors only.

3.106. Westover Park (Monongalia County): No boating allowed.

3.107. Whetstone (Marion County): Electric motors only.

3.108. Wolf Run (Marshall County): Electric motors only.

3.109. Woodrum (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor withdrawn to the maximum trailorable limit while operating on this lake.

§58-26-4. 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 the Division of Natural Resources Boating Rules, 58 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; and
- 4.1.15. Tygart Lake.

SENATE BILL NO. 203

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

*Natural Resources;
Fiduciary*

58-26

7
8
9

10 A BILL to amend and reenact section two, article ten,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the division of natural resources to
14 promulgate legislative rules relating to special
15 boating.

16 Be it enacted by the Legislature of West Virginia:

17 That section two, article ten, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred
19 thirty-one, as amended, be amended and reenacted, to read
20 as follows:

21 **ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO**
22 **PROMULGATE LEGISLATIVE RULES.**

23 **§64-10-2. Division of natural resources.**

24 (a) The legislative rules filed in the state register

1 on the fourteenth day of July, one thousand nine hundred
2 ninety-four, authorized under the authority of section
3 five-a, article eleven, chapter twenty, of this code,
4 modified by the division of natural resources to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the eighth day of
7 September, one thousand nine hundred ninety-four, relating
8 to the division of natural resources (recycling assistance
9 fund grant program, 58 CSR 43 5), are authorized.

10 (b) The legislative rules filed in the state register
11 on the twelfth day of August, one thousand nine hundred
12 ninety-four, authorized under the authority of section
13 seven, article one, chapter twenty, of this code, modified
14 by the division of natural resources to meet the objections
15 of the legislative rule-making review committee and refiled
16 in the state register on the fourteenth day of October, one
17 thousand nine hundred ninety-four, relating to the division
18 of natural resources (West Virginia wildlife management
19 areas, 58 CSR 6 43), are authorized with the following
20 amendments:

21 On page four, section 6.4.3, before the word "No" by
22 inserting "Except for persons who are under sixteen years
23 of age and who have a valid West Virginia hunting
24 license,";

1 And,

2 On page four, section 6.4.3, by deleting the capital
3 letter "N" and substituting in lieu thereof the lower case
4 "n."

5 (c) The legislative rules filed in the state register
6 on the twelfth day of August, one thousand nine hundred
7 ninety-four, authorized under the authority of section
8 seven, article one, chapter twenty, of this code, modified
9 by the division of natural resources to meet the objections
10 of the legislative rule-making review committee and refiled
11 in the state register on the fourteenth day of October, one
12 thousand nine hundred ninety-four, relating to the division
13 of natural resources (special bear hunting regulations, 58
14 CSR ~~41~~ 48), are authorized.

15 (d) The legislative rules filed in the state register
16 on the twelfth day of August, one thousand nine hundred
17 ninety-four, authorized under the authority of section
18 seven, article one, chapter twenty, of this code, modified
19 by the division of natural resources to meet the objections
20 of the legislative rule-making review committee and refiled
21 in the state register on the fourteenth day of October, one
22 thousand nine hundred ninety-four, relating to the division
23 of natural resources (wild boar hunting regulations, 58 CSR
24 ~~41~~ 52), are authorized.

1 (e) The legislative rules filed in the state register
2 on the fifteenth day of August, one thousand nine hundred
3 ninety-four, authorized under the authority of section
4 seven, article one, chapter twenty, of this code, modified
5 by the division of natural resources to meet the objections
6 of the legislative rule-making review committee and refiled
7 in the state register on the fourteenth day of October, one
8 thousand nine hundred ninety-four, relating to the division
9 of natural resources (special fishing rule, 58 CSR ~~21~~ 61),
10 are authorized with the following amendment:

11 On page four, section 58-21-5, paragraph 5.1.1, by
12 deleting the numeral "15" and inserting in lieu thereof the
13 numeral "13".

14 (f) The legislative rules filed in the state register
15 on the second day of December, one thousand nine hundred
16 ninety-four, authorized under the authority of section
17 seven, article one, chapter twenty, of this code, modified
18 by the division of natural resources to meet the objections
19 of the legislative rule-making review committee and refiled
20 in the state register on the sixteenth day of December, one
21 thousand nine hundred ninety-four, relating to the division
22 of natural resources (rules governing public use of West
23 Virginia state parks, state forests and state wildlife
24 management areas under the division of natural resources,

1 58 CSR ~~58~~ 31), are authorized with the following amendment:

2 On page five, section 2.23, line four, before the word
3 "chartered" by inserting the word "A" and by deleting the
4 letter "s" at the end of the word "foundations".

5 (g) The legislative rules filed in the state register
6 on the twelfth day of August, one thousand nine hundred
7 ninety-four, authorized under the authority of section
8 seven, article one, chapter twenty, of this code, modified
9 by the division of natural resources to meet the objections
10 of the legislative rule-making review committee and refiled
11 in the state register on the fourteenth day of October, one
12 thousand nine hundred ninety-four, relating to the division
13 of natural resources (prohibitions when hunting and
14 trapping, 58 CSR ~~44B~~ 47) are authorized with the following
15 amendments:

16 On page two, by striking out section 3.5 and
17 renumbering the remaining sections;

18 In section 3.7, after the word "net" by inserting the
19 word "bait" and after the word "any" by inserting the word
20 "deer";

21 And,

22 By striking out subsection 3.7.1 and renumbering the
23 remaining sections.

24 (h) The legislative rules filed in the state register

1 on the thirty-first day of July, one thousand nine hundred
2 ninety-five, authorized under the authority of section
3 twenty-two, article seven, chapter twenty, of this code,
4 modified by the division of natural resources to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twentieth day of
7 October, one thousand nine hundred ninety-five, relating to
8 the division of natural resources (special boating, 58 CSR
9 26), are authorized.

10

11 NOTE: The purpose of this bill is to authorize the
12 Division of Natural Resources to promulgate legislative
13 rules relating to special boating.

14

15 Strike-throughs indicate language that would be
16 stricken from the present law, and underscoring indicates
17 new language that would be added.

9226

H. B. 4276

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Lynch and Riggs)

(Introduced January 29, 1996; referred to the
Committee on Agriculture and Natural Resources then
the Judiciary)

58-26

A BILL to amend and reenact section two, article ten,
chapter sixty-four of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to authorizing the division of natural resources to
promulgate legislative rules relating to special
boating.

Be it enacted by the Legislature of West Virginia:

That section two, article ten, chapter sixty-four of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted, to read
as follows:

**ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO
PROMULGATE LEGISLATIVE RULES.**

§64-10-2. Division of natural resources.

(a) The legislative rules filed in the state register

4216

1 on the fourteenth day of July, one thousand nine hundred
2 ninety-four, authorized under the authority of section
3 five-a, article eleven, chapter twenty, of this code,
4 modified by the division of natural resources to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the eighth day of
7 September, one thousand nine hundred ninety-four, relating
8 to the division of natural resources (recycling assistance
9 fund grant program, 58 CSR 43 5), are authorized.

10 (b) The legislative rules filed in the state register
11 on the twelfth day of August, one thousand nine hundred
12 ninety-four, authorized under the authority of section
13 seven, article one, chapter twenty, of this code, modified
14 by the division of natural resources to meet the objections
15 of the legislative rule-making review committee and refiled
16 in the state register on the fourteenth day of October, one
17 thousand nine hundred ninety-four, relating to the division
18 of natural resources (West Virginia wildlife management
19 areas, 58 CSR 6 43), are authorized with the following
20 amendments:

21 On page four, section 6.4.3, before the word "No" by
22 inserting "Except for persons who are under sixteen years
23 of age and who have a valid West Virginia hunting
24 license,";

1 And,

2 On page four, section 6.4.3, by deleting the capital
3 letter "N" and substituting in lieu thereof the lower case
4 "n."

5 (c) The legislative rules filed in the state register
6 on the twelfth day of August, one thousand nine hundred
7 ninety-four, authorized under the authority of section
8 seven, article one, chapter twenty, of this code, modified
9 by the division of natural resources to meet the objections
10 of the legislative rule-making review committee and refiled
11 in the state register on the fourteenth day of October, one
12 thousand nine hundred ninety-four, relating to the division
13 of natural resources (special bear hunting regulations, 58
14 CSR ~~46~~ 48), are authorized.

15 (d) The legislative rules filed in the state register
16 on the twelfth day of August, one thousand nine hundred
17 ninety-four, authorized under the authority of section
18 seven, article one, chapter twenty, of this code, modified
19 by the division of natural resources to meet the objections
20 of the legislative rule-making review committee and refiled
21 in the state register on the fourteenth day of October, one
22 thousand nine hundred ninety-four, relating to the division
23 of natural resources (wild boar hunting regulations, 58 CSR
24 ~~46~~ 52), are authorized.

1 (e) The legislative rules filed in the state register
2 on the fifteenth day of August, one thousand nine hundred
3 ninety-four, authorized under the authority of section
4 seven, article one, chapter twenty, of this code, modified
5 by the division of natural resources to meet the objections
6 of the legislative rule-making review committee and refiled
7 in the state register on the fourteenth day of October, one
8 thousand nine hundred ninety-four, relating to the division
9 of natural resources (special fishing rule, 58 CSR ~~24~~ 61),
10 are authorized with the following amendment:

11 On page four, section 58-21-5, paragraph 5.1.1, by
12 deleting the numeral "15" and inserting in lieu thereof the
13 numeral "13".

14 (f) The legislative rules filed in the state register
15 on the second day of December, one thousand nine hundred
16 ninety-four, authorized under the authority of section
17 seven, article one, chapter twenty, of this code, modified
18 by the division of natural resources to meet the objections
19 of the legislative rule-making review committee and refiled
20 in the state register on the sixteenth day of December, one
21 thousand nine hundred ninety-four, relating to the division
22 of natural resources (rules governing public use of West
23 Virginia state parks, state forests and state wildlife
24 management areas under the division of natural resources,

1 58-CSR ~~58~~ 31), are authorized with the following amendment:

2 On page five, section 2.23, line four, before the word
3 "chartered" by inserting the word "A" and by deleting the
4 letter "s" at the end of the word "foundations".

5 (g) The legislative rules filed in the state register
6 on the twelfth day of August, one thousand nine hundred
7 ninety-four, authorized under the authority of section
8 seven, article one, chapter twenty, of this code, modified
9 by the division of natural resources to meet the objections
10 of the legislative rule-making review committee and refiled
11 in the state register on the fourteenth day of October, one
12 thousand nine hundred ninety-four, relating to the division
13 of natural resources (prohibitions when hunting and
14 trapping, 58 CSR ~~11B~~ 47) are authorized with the following
15 amendments:

16 On page two, by striking out section 3.5 and
17 renumbering the remaining sections;

18 In section 3.7, after the word "net" by inserting the
19 word "bait" and after the word "any" by inserting the word
20 "deer";

21 And,

22 By striking out subsection 3.7.1 and renumbering the
23 remaining sections.

24 (h) The legislative rules filed in the state register

1 on the thirty-first day of July, one thousand nine hundred
2 ninety-five, authorized under the authority of section
3 twenty-two, article seven, chapter twenty, of this code,
4 modified by the division of natural resources to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twentieth day of
7 October, one thousand nine hundred ninety-five, relating to
8 the division of natural resources (special boating, 58 CSR
9 26), are authorized.

10

11 NOTE: The purpose of this bill is to authorize the
12 Division of Natural Resources to promulgate legislative
13 rules relating to special boating.

14

15 Strike-throughs indicate language that would be
16 stricken from the present law, and underscoring indicates
17 new language that would be added.

33 ninety-five, authorized under the authority of section
34 twenty-two, article seven, chapter twenty, of this code,
35 modified by the division of natural resources to meet the
36 objections of the legislative rule-making review committee
37 and refiled in the state register on the twenty-eighth day of
38 October, one thousand nine hundred ninety-five, relating
39 to the division of natural resources (special boating, 58
40 CSR 26), are authorized, with the following amendments:

41 On page two, six, eight and nine, sections 3.6, 3.65,
42 3.71, 3.87, 3.102 and 3.109 following, the words "must
43 have the propeller removed", by inserting the words "or
44 have the motor withdrawn to the maximum trailorable
45 limit".

46 (e) The legislative rules filed in the state register on
47 the thirty-first day of July, one thousand nine hundred
48 ninety-five, authorized under the authority of section
49 fifty-a, article two, chapter twenty, of this code, modified
50 by the division of natural resources to meet the objections
51 of the legislative rule-making review committee and re-
52 filed in the state register on the twentieth day of Septem-
53 ber, one thousand nine hundred ninety-five, relating to the
54 division of natural resources (wildlife damage control
55 agents, 58 CSR 41), are authorized.

56 (f) The legislative rules filed in the state register on the
57 thirty-first day of July, one thousand nine hundred
58 ninety-five, authorized under the authority of section
59 seven, article one, chapter twenty, of this code, modified
60 by the division of natural resources to meet the objections
61 of the legislative rule-making review committee and re-
62 filed in the state register on the twentieth day of Septem-
63 ber, one thousand nine hundred ninety-five, relating to the
64 division of natural resources (wildlife scientific collecting
65 permits, 58 CSR 42), are authorized.

66 (g) The legislative rules filed in the state register on
67 the thirty-first day of July, one thousand nine hundred
68 ninety-five, authorized under the authority of section
69 seven, article one, chapter twenty, of this code, modified
70 by the division of natural resources to meet the objections
71 of the legislative rule-making review committee and re-
72 filed in the state register on the twentieth day of Septem-

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(Plus all the volunteer
help we can get)

TO: BILL DANIEL

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 3, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 26 TITLE: 58 NATURAL RESOURCES

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: WB Daniel (See page 2)

TITLE OF PERSON SIGNING: Deputy Chief, Law Enforcement

DATE: 10/15/96

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.