

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

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2002 JUN 14 P 3:01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

RULE TYPE: LEGISLATIVE CITE AUTHORITY: 20-1-7(30, 20-7-22 AND 20-7-23

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 26

TITLE OF RULE BEING AMENDED: SPECIAL BOATING RULES

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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 JULY 15, 2002 AT 4:30 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief

Division of Natural Resources

Wildlife Resources Section

Capitol Complex, Bldg. 3, Room 842

Charleston, WV 25305

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

84.40

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

**SERIES 26
SPECIAL BOATING RULES**

SUMMARY OF THE RULE

This rule provides interpretations and guidance concerning special regulations that govern the operation of motorboats and other vessels on particular waters of the State.

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

**SERIES 26
SPECIAL BOATING RULES**

CIRCUMSTANCES REQUIRING THE PROPOSED RULE

Series 26, Special Boating Rules is being amended to reorder restrictions alphabetically by impoundment, and to add two waters for motor type restrictions.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 26, Special Boating Rules

Type of Rule X **Legislative** **Interpretive** **Procedural**

Agency Division of Natural Resources, Wildlife Resources Section

Address Capitol Complex

Building 3, Room 842

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER	0	0	0	0	0

2. Explanation of above estimates: None

3. Objectives of these rules: Provides interpretations and guidance concerning special regulations that govern the operation of motorboats and other vessels on particular waters of the state.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: None

Rule Title: Series 26, Special Boating Rules

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None

C. Economic Impact on Citizens/Public at Large: None.

Date: 6-14-02

**Signature of Agency or
Authorized Representative:**



ED HAMRICK, DIRECTOR

TITLE 58
LEGISLATIVE RULES
DIVISION OF NATURAL RESOURCES

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SERIES 26
SPECIAL BOATING RULES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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.** -- West Virginia Code §20-1-7(30), §20-7-22, and §20-7-23.

1.3. **Filing Date.** -- April 5, 2002

1.4. **Effective Date.** -- April 8, 2002

§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 the 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 to the Bureau.

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 operators must observe no-wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower shall 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): Motorboat operators must observe no-wake zones and speed limit zones marked by buoys or posted signs which are approved by the Director. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.11. Boley (Fayette County): ~~No motorboats allowed.~~ Electric motors only.
- 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): Motorboat operators 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 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): Motorboat operators 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 the 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): Motorboat operators 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 buoys or posted signs.

3.33. Edwards Run (Hampshire County): No boating allowed.

3.34. Elk Fork (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. 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.

3.35. Elk Two Mile (Site 12) (Kanawha County): No boating allowed.

3.36. Elk Two Mile (Site 13) (Kanawha County): No boating allowed.

3.37. Elk Two Mile (Site 14) (Kanawha County): No boating allowed.

3.38. Fitzpatrick (Raleigh County): No boating allowed.

3.39. Flat Run (Marion County): Electric motors only.

3.40. Fort Ashby (Mineral County): No boating allowed.

3.41. French Creek (Upshur County): No boating allowed.

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

- 3.65. Miletree (Roane County): Electric motors only.
- 3.66. Mill Creek (Barbour County): Electric motors only.
- 3.67. Moncove (Monroe County): Motorboats are limited to a maximum of five (5) horsepower.
- 3.68 Mountain Valley Lake (Summers County): Electric motors only.
- 3.689. Mount Storm (Grant County): Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.
- 3.690. Mountwood (Wood County): Electric motors only.
- 3.701. New Creek (Dam Number 14) (Grant County): No boating allowed.
- 3.712. North Bend (Ritchie County): Motorboats are limited to a maximum of ten (10) horsepower and operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. 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.
- 3.723. North Bend Pond (Ritchie County): No boating allowed.
- 3.734. O'Brien (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. 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.
- 3.745. Pennsboro (Ritchie County): Electric motors only.
- 3.756. Pipestem (Summers County): Rental boats only.
- 3.767. Plum Orchard (Fayette County): Motorboat operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. Only motorboats powered by electric motors are allowed within zones marked by barrels.
- 3.778. Poorhouse Pond (Berkeley County): Rental boats only.
- 3.789. R. D. Bailey (Mingo and Wyoming counties): Motorboat operators 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 buoys or posted signs.
- 3.7980. Ridenour (Kanawha County): No boating allowed.
- 3.801. Rock Cliff (Hardy County): Electric motors only.

- 3.812. Rockhouse (Logan County): Electric motors only.
- 3.823. Rollins (Jackson County): Electric motors only.
- 3.834. Saltlick #9 (Braxton County): Electric motors only.
- 3.845. Seneca (Pocahontas County): Electric motors only.
- 3.856. Sherwood (Greenbrier County): Electric motors only.
- 3.867. Silcott Fork (Roane County): No boating allowed.
- 3.878. Sleepy Creek (Berkeley County): Electric motors only.
- 3.889. South Mill Creek (Grant County): Electric motors only.
- 3.8990. Spruce Knob (Randolph County): Electric motors only.
- 3.901. Stephens (Raleigh County): Motorboat operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director.
- 3.912. Stonecoal (Lewis and Upshur counties): Motorboats are limited to a maximum of ten (10) horsepower and operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. No waterskiing is 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.
- 3.923. Stonewall Jackson (Lewis County): Motorboat operators 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 buoys or posted signs.
- 3.934. Summersville (Nicholas County): Motorboat operators 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 buoys or posted signs.
- 3.945. Summit (Greenbrier County): Electric motors only.
- 3.956. Sutton (Braxton County): Motorboat operators 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 buoys or posted signs.
- 3.967. Teter Creek (Barbour County): Electric motors only.
- 3.978. Thomas Park (Tucker County): Electric motors only.
- 3.989. Tomlinson Run (Hancock County): Electric motors only.

- 3.99100. Tracy (Ritchie County): Electric motors only.
- 3.1001. Trout (Hardy County): No motorboats allowed.
- 3.1012. Tuckahoe (Greenbrier County): Electric motors only.
- 3.1023. Turkey Run (Jackson County): Electric motors only.
- 3.1034. Turkey Run (Marshall County): Electric motors only.
- 3.1045. Tygart (Taylor County): Motorboat operators 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 buoys or posted signs.
- 3.1056. Tygart River Backwaters (Town of Elkins) (Randolph County): Electric motors only.
- 3.1067. Upper Cove Run (Hardy County): Electric motors only.
- 3.1078. Upper Mud River (Lincoln County): Motorboats are limited to a maximum of ten (10) horsepower and operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. 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.
- 3.1089. Underwood (Cabell County): No boating allowed.
- 3.10910. Wallback (Clay and Roane counties): Electric motors only.
- 3.1101. Warden (Hardy County): Electric motors only.
- 3.1112. Watoga (Pocahontas County): Electric motors only.
- 3.1123. Westover Park (Monongalia County): No boating allowed.
- 3.1134. Whetstone (Marion County): Electric motors only.
- 3.1145. Wolf Run (Marshall County): Electric motors only.
- 3.1156. Woodrum (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. 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.