

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In This Box

FILED

2011 SEP 22 PM 3: 54

OFFICE OF THE
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dept. of Commerce, Div. of Natural Resources, Wildlife Resources Section TITLE NUMBER: 58

CITE AUTHORITY: 20-1-7(30), 20-7-22 and 20-7-23

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 26

TITLE OF RULE BEING AMENDED: Special Boating

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, 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.

Angel R. Moore
Authorized Signature

**TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

FILED
2011 SEP 22 PM 3: 54
WEST VIRGINIA
SECRETARY OF STATE

**SERIES 26
SPECIAL BOATING RULES**

§58-26-1. General.

1.1. Scope and Purpose. -- This rule provides interpretations and guidance concerning special ~~regulations~~ rules 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. -- ~~March 27, 2008.~~

1.4. Effective Date. -- ~~March 27, 2008.~~

§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 W. Va. 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): 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. Dixon (Monongalia County): No Boating allowed.

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. Indian Rock (Nicholas County): No boating allowed.

~~3.4950.~~ James P. Bailey (Mercer County): No boating allowed.

~~3.5051.~~ 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.

~~3.5152.~~ Jimmy Lewis (Mercer County): Electric motors only.

~~3.5253.~~ Jonathan Larck (Putnam County): No boating allowed.

~~3.5354.~~ Kanawha State Forest (Kanawha County): No boating allowed.

~~3.5455.~~ Kee (Mercer County): Electric motors only.

~~3.5556.~~ Kimsey Run (Hardy County): Electric motors only.

~~3.5657.~~ Krodell (Mason County): Electric motors only.

~~3.5758.~~ Larenim (Mineral County): No motorboats allowed.

~~3.5859.~~ Laurel (Mingo County): Electric motors only.

~~3.5960.~~ Lick Creek (Wayne County): No boating allowed.

~~3.6061.~~ Little Beaver (Raleigh County): Rental boats only.

~~3.6162.~~ Logan County Airport (Logan County): No boating allowed.

~~3.6263.~~ Lumberport (Harrison County): Electric motors only.

~~3.6364.~~ Mason (Monongalia County): Electric motors only.

~~3.6465.~~ McClintic Ponds (Mason County): Electric motors only.

~~3.6566.~~ Middle Wheeling Creek (Ohio County): Electric motors only.

~~3.6667.~~ Miletree (Roane County): Electric motors only.

~~3.6768.~~ Mill Creek (Barbour County): Electric motors only.

~~3.6869.~~ Moncove (Monroe County): Motorboats are limited to a maximum of five (5) horsepower.

3.6970. Mountain Valley Lake (Summers County): Electric motors only.

3.7071. Mount Storm (Grant County): Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.

3.7172. Mountwood (Wood County): Electric motors only.

3.7273. New Creek (Dam Number 14) (Grant County): No boating allowed.

3.7374. 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.

3.7475. North Bend Pond (Ritchie County): No boating allowed.

3.7576. 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.

3.7677. Parker Hollow (Hardy County): Electric motors only.

3.7778. Pennsboro (Ritchie County): Electric motors only.

3.7879. Pipestem (Summers County): Rental boats only.

3.7980. 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.

3.8081. Poorhouse Pond (Berkeley County): Rental boats only.

3.8182. 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.

3.8283. Ridenour (Kanawha County): No boating allowed.

3.8384. Rock Cliff (Hardy County): Electric motors only.

3.8485. Rockhouse (Logan County): Electric motors only.

3.8586. Rollins (Jackson County): Electric motors only.

3.8687. Saltlick #9 (Braxton County): Electric motors only.

3.8788. Seneca (Pocahontas County): Electric motors only.

3.8889. Sherwood (Greenbrier County): Electric motors only.

3.8990. Silcott Fork (Roane County): No boating allowed.

3.9091. Sleepy Creek (Berkeley County): Electric motors only.

3.9192. South Mill Creek (Grant County): Electric motors only.

3.9293. Spruce Knob (Randolph County): Electric motors only.

3.9394. Stephens (Raleigh County): Motorboat operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director.

3.9495. 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.

3.9596. 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.

3.9697. 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.

3.9798. Summit (Greenbrier County): Electric motors only.

3.9899. 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.

3.99100. Teter Creek (Barbour County): Electric motors only.

3.400101. Thomas Park (Tucker County): Electric motors only.

3.401102. Tomlinson Run (Hancock County): Electric motors only.

3.402103. Tracy (Ritchie County): Electric motors only.

3.403104. Trout (Hardy County): No motorboats allowed.

3.404105. Tuckahoe (Greenbrier County): Electric motors only.

3.405106. Turkey Run (Jackson County): Electric motors only.

3.406107. Turkey Run (Marshall County): Electric motors only.

3.407108. 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.

3.408109. Tygart River Backwaters (Town of Elkins) (Randolph County): Electric motors only.

3.409110. Upper Cove Run (Hardy County): Electric motors only.

3.410111. 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.

3.411112. Underwood (Cabell County): No boating allowed.

3.412113. Wallback (Clay and Roane counties): Electric motors only.

3.413114. Warden (Hardy County): Electric motors only.

3.414115. Watoga (Pocahontas County): Electric motors only.

3.415116. Westover Park (Monongalia County): No boating allowed.

3.416117. Whetstone (Marion County): Electric motors only.

3.417118. Wolf Run (Marshall County): Electric motors only.

3.418119. 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.

3.120. This section does not apply to the Division's law enforcement, emergency and research vessels, when they are operating in an official capacity.