

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

SERIES 27

EMERGENCY RULE

SUMMARY

This rule delineates no wake zones on certain waters around the State. This change will add a no wake zone at the Pier 54 Marina located in South Charleston, West Virginia. This no wake zone was requested by the City of South Charleston, West Virginia. A regular filing of this rule was completed on June 2, 2003.

**TITLE 58
LEGISLATIVE RULE
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CIRCUMSTANCE

These rules delineate no wake speed zones on certain waters around the state. This change will add a no wake zone on the Kanawha River at Pier 54 Marina in South Charleston, West Virginia. The zone was requested by the City of South Charleston, West Virginia. There is not currently a no wake zone in this area. The wakes that are caused by pleasure boaters in this area endanger the lives and property of the operators and users of the Pier 54 Marina facility.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: SPECIAL MOTORBOATING REGULATINGS

Type of Rule: X Legislative _____ Interpretive _____ Procedural

Agency: DIVISION OF NATURAL RESOURCES

Address: BLDG. 3, CAPITOL COMPLEX

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	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

No cost to the state.

3. Objectives of These Rules:

This change to 58-27 will add another no wake speed zone at the Pier 54 Marina located within the city limits of South Charleston, WV.

Rule Title: SPECIAL MOTORBOATING REGULATIONS

4. Explanation of Overall Economic Impact of Proposed Rule:

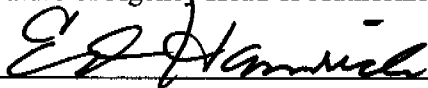
A. Economic Impact on State Government:
NONE

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

C. Economic Impact on Citizens/Public at Large.
NONE

Date: June 18, 2003

Signature of Agency Head or Authorized Representative:





EMERGENCY RULE QUESTIONNAIRE

DATE: June 12, 2003

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) DIVISION OF NATURAL RESOURCES

BLDG. 3, CAPITOL COMPLEX

CHARLESTON, WV. 25305

EMERGENCY RULE TITLE: SPECIAL MOTORBOATING

1. Date of filing JUNE 12, 2003

2. Statutory authority for promulgating emergency rule:

WV CODE 20-7-22 & 20-7-23

3. Date of filing of proposed legislative rule: JUNE 2, 2003

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? AMENDS EXISTING RULE

5. Has the same or similar emergency rule previously been filed and expired?

NO

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.

~~There is not currently a no wake zone in the area of the Pier 54 Marina in South Charleston, WV. The wakes that are caused by pleasure boaters in this area endanger the lives and property of the operators and users of the Pier 54 Marina Facility.~~

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

NA

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

~~There is not currently a no wake in this area. The wakes that are caused by pleasure~~
boaters in this area endanger the lives and property of the operators and users of the
Pier 54 Marina facility.

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

FILED

2003 JUN 18 P 2:55

**SERIES 27
SPECIAL MOTORBOATING REGULATIONS**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY RULE

§58-27-1. General.

- 1.1. Scope and Purpose. -- This rule establishes 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. -- June 18, 2003
- 1.4. Effective Date. -- June 18, 2003

§58-27-2. 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 the 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.

§58-27-3. 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 MP 155.1 and extending four hundred and sixty-eight feet (468 ft.) upstream to the St. Marys city limit. The area is situated entirely within the boundaries of Pleasants County. The City of St. Marys, West Virginia, is responsible for purchasing, placing and maintaining the No Wake Zone buoys and informational signs. Signs shall meet the approval of the director. Any buoys or other structures placed in the water shall conform to U. S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U.S. Army Corps of Engineers;
 - 3.1.2. Beginning at the mouth of Fish Creek at its confluence with the Ohio River and extending

upstream approximately 3 miles and ending at the first riffle or obstruction. This area is situated entirely within the boundaries of Marshall County. This zone is seasonal and is in effect from March 1 through November 1, each year. The Marshall County Commission is responsible for purchasing, placing and maintaining the No Wake Zone buoys and informational signs. No Wake Zone signs shall be erected at the mouth of Fish Creek and at all locations where watercraft may be launched. The signs shall describe the extent of the no wake zone and shall meet the approval of the Director. Any buoys or other structures placed in Fish Creek shall conform to U. S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers; and

3.1.3. Beginning at the mouth of Fishing Creek at it's confluence with the Ohio River and extending upstream approximately six-tenths (0.6) of a mile to the Route 2 Bridge. This area is situated entirely within the boundaries of the City of New Martinsville, West Virginia. The City of New Martinsville, West Virginia, is responsible for purchasing, placing and maintaining the No Wake Zone buoys and informational signs. Signs shall meet the approval of the director. Any buoys or other structures placed in the water shall conform to the U. S. Coast Guard Standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers.

3.1.4. Beginning at the upstream edge of Pier 54 Marina at the first pier of Old Lock Six and continuing downstream on the northern side of the Kanawha River for approximately 1500 feet to the last pier of Old Lock Six and extending out into the Kanawha River 80 feet from the northern riverbank. This area is situated entirely within the boundaries of the City of South Charleston, West Virginia. The City of South Charleston, West Virginia, is responsible for purchasing, placing and maintaining the No Wake Zone buoys and informational signs. Signs shall meet the approval of the director. Any buoys or other structures placed in the water shall conform to the U. S. Coast Guard Standard for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers.