

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

SERIES 27

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.

**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.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: SPECIAL MOTORBOATING REGULATIONS

Type of Rule: 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, West Virginia

Rule Title: SPECIAL MOTORBOATING REGULATIONS

4. Explanation of Overall Economic Impact of Proposed Rule:

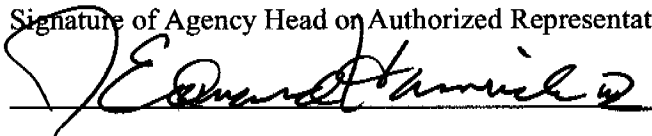
A. Economic Impact on State Government:
NONE

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

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

Date: July ¹⁰ 8, 2003

Signature of Agency Head or Authorized Representative:



QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 8, 2003

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* DIVISION OF NATURAL RESOURCES
BLDG. 3, CAPITOL COMPLEX
CHARLESTON, WV. 25305

304 558-2784
LT. COLONEL W. B. DANIEL, DEPUTY CHIEF, LAW

LEGISLATIVE RULE TITLE: SPECIAL MOTORBOATING REGULATIONS

1. Authorizing statute(s) citation WV CODE 20-7-22 & 20-7-23

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
JUNE 2, 2003

b. What other notice, including advertising, did you give of the hearing?
PUBLISHED IN THE CHARLESTON GAZETTE ON TWO DIFFERENT OCCASIONS, THIRTY DAYS PRIOR TO FILING

c. Date of Public Hearing(s) *or* Public Comment Period ended:
COMMENT PERIOD JUNE 2, 2003 THROUGH JULY 2, 2003

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

JULY 8, 2003

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

LT COLONEL W. B. DANIEL, DEPUTY CHIEF

DIVISION OF NATURAL RESOURCES

LAW ENFORCEMENT SECTION

BLDG.3, CAPITOL COMPLEX

CHARLESTON, WV. 25305

TELE: 558-2784

FAX: 558-1170

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

NA

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing or comment period:

NA _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA _____

d. Attach findings and determinations and reasons:

Attached NA _____

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

**SERIES 27
SPECIAL MOTORBOATING REGULATIONS**

FILED

2003 JUL 10 A 10:56

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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 2, 2003
- 1.4. Effective Date. --

§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 it's 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.