



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

IRA S. LATIMER, Jr.
Director

July 31, 1974

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 8/1/74

The Honorable Edgar F. Heiskell, III
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary Heiskell:

Enclosed are two copies of amendments to Administrative Regulations, Chapter 20-1, Series VI, Special Rules and Regulations Governing Boating on U. S. Government Owned Reservoir Areas in West Virginia.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by the Department of Natural Resources.

Sincerely,

Ira S. Latimer, Jr.
Director

ISL/cla

Enclosures - 2

VIRGINIA DEPARTMENT OF NATURAL RESOURCES
SECRETARY OF STATE
SERVICE OF

AUG 1 12 PM '74

RECEIVED

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Natural Resources

Chapter 20-1
Series VI
1974

FILED IN THE OFFICE
SECRETARY OF STATE

8/1/74

Subject: Special Rules and Regulations Governing Boating on U. S. Government
Owned Reservoir Areas in West Virginia.

Section 1. General

1.01. Authority--By virtue of the authority granted the director of the Department of Natural Resources by Article 7, Part II, Chapter 20 of the Official Code of West Virginia, one thousand nine hundred sixty-one, as amended, the following special boating regulations for U. S. Government owned reservoir areas are hereby promulgated. These special regulations supplement the West Virginia Boating Regulations issued under the provisions of Article 7, Part II, Chapter 20 of the Code of West Virginia, and shall become effective July 1, 1974.

1.02. Definitions--

(a) "Vessel"--Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(b) "Motorboat"--Any vessel propelled by machinery, 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, nor to a vessel powered by a motor of less than three horsepower.

(c) "Owner"--A person, other than a lien holder, having the property in or title to a motorboat.

(d) "Person"--An individual, partnership, firm, corporation, association, or other entity.

- (e) "Operate"--To navigate or otherwise use a motorboat or vessel.
- (f) "Department"--Means the Department of Natural Resources.
- (g) "Director"--The director of the Department of Natural Resources.

(h) "Managing government agency"--The West Virginia Department of Natural Resources on reservoir areas leased to the State of West Virginia and the United States Army, Corps of Engineers on unleased areas.

1.03. Boats - Commercial--No motorboat or other vessel shall be placed upon or operated upon any waters of the reservoirs for a fee or profit, either as a direct charge to a second party or as an incident to other services provided to the second party, except as specifically authorized by lease, license or concession contract with the managing government agency.

1.04. Boats and Other Vessels - Private--

(a) It shall be unlawful for any person or persons to use any watercraft or vessel for the purpose of establishing or maintaining a dwelling of either permanent or temporary nature on any of the reservoirs.

(b) Any watercraft or vessel containing a sink, toilet or sanitary system may be launched and operated on the reservoirs if such sink, toilet or sanitary system is removed or sealed or made to drain into a tank which can be carried or pumped ashore into a receptacle for disposal away from the lands and waters of the reservoir area.

1.05. Mooring - Care of Boats and Floating Facilities--

(a) All motorboats or other vessels when not in actual use must be either removed from the reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour

basis, or placed in the care of a marina concessionaire, state or local managing agency or other party authorized to care for floating equipment on a 24-hour basis.

(b) All motorboats, barges and other vessels or floating facilities will be moored only in designated locations. All floating or stationary mooring facilities will be constructed in accordance with plans and a permit approved by the managing government agency. This agency shall have authority to revoke such permit and require removal of the facility for failure to comply with the regulations in this part.

(c) Abandonment of personal property on the land or waters of the reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the reservoir except in accordance with the regulations prescribed in this part or under permits issued therefor.

1.06. Age of Operators--No person shall authorize or permit a motorboat owned by him or under his control to be operated upon the waters of any reservoir by any person under twelve (12) years of age unless such person is under the direct visual and audible supervision, during such operation, of a parent, guardian or other person over the age of sixteen (16) years.

1.07. Motorboat Speed--Motor-driven boats shall not be operated at a speed greater than the speed limits established and marked on the waters of the reservoir by the managing government agency.

No Wake Zones--Motor-driven boats shall not be operated at a speed greater than idling speed on established and marked no wake zones.

1.08. Water Skis and Surfboards--No person shall operate a vessel on any reservoir of this state towing a person or persons on water skis, surfboard or similar device, nor shall any person engage in water skiing, surfboarding, or

similar activity in any areas of the reservoir except in the Unlimited Speed Zone.

1.09. Safety Equipment--Class A motorboats one Type I, II, III or IV Personal Flotation Device for each person on board or being towed. Class 1, 2 or 3 motorboats at least one type I, II or III personal flotation device for each person on board or being towed, plus one type IV throwable device. Rowboats, canoes, kayaks and inflatable boats and rafts same as Class A.

1.10. Gasoline and Oil Storage--Gasoline and other inflammable or combustible liquids shall not be stored in, upon or about the reservoir or shores thereof without permission of the managing government agency.

1.11. Advertisements--Private notices and advertisements shall not be posted, distributed or displayed in the reservoir areas, except as the managing government agency may deem necessary for the convenience and guidance of the public using the areas for recreational purposes.

1.12. Unauthorized Solicitations and Business Activities--No person, firm or corporation, or their representatives shall engage in or solicit any business on the reservoir areas, unless such solicitations and activities are permitted under the terms of a lease, license, or concession contract.

1.13. Responsibility--The use of the reservoir area shall be at the risk of the user. The United States Government and the State of West Virginia shall not be liable for damage of any kind resulting from the use of the reservoir area for recreational purposes, nor from the operation of the reservoir.

1.14. Penalties--Any person violating any of the provisions of Chapter 20 or rules and regulations promulgated under the provisions of this Chapter, the punishment for which is not prescribed, shall be guilty of a misdemeanor and upon

Adm. Reg. 20-1
Series VI.

conviction thereof shall, for each offense, be fined not less than twenty nor more than three hundred dollars, or confined in jail not less than ten nor more than one hundred days, or be both fined and imprisoned within the limitations aforesaid.