



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, July 24, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Wendy L. Greene
WV Division of Natural Resources
324 4th Avenue, Room 343
South Charleston, WV 25303
You may email written comments to Wendy.L.Greene@wv.gov

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-28



Rule Id: 16497



Document: 49496



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Series 58-28 revises the current special requirements concerning boating rule. Revisions to this rule include language referencing personal flotation devices to model changes in Federal Code.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**

RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

PRIMARY CONTACT

Wendy L. Greene

324 4th Avenue

Room 343

South Charleston, WV 25303

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There is no change anticipated to the administrative expenditures as a result of this rule revision.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-28



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

There is no change anticipated to the administrative expenditures as a result of this rule revision.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-28



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

There is no change anticipated to the administrative expenditures as a result of this rule revision. Revisions to this rule include: Language changes to reflect changes in Federal Code as it relates to personal flotation definitions.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-28**
RULE NAME **Special Requirements Concerning Boating**

CITE AUTHORITY **§§20-1-7(30), 20-7-13, §20-7-22**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

The purpose of Series 58-28 rule is to regulate special boating activities on the Shenandoah River and Bluestone Lake for the safety of the public. Revisions to this rule include language referencing personal flotation devices to model changes in Federal Code.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-28



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TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 28
SPECIAL REQUIREMENTS CONCERNING BOATING

§58-28-1. General.

1.1. Scope. -- This regulation establishes specific requirements that must be complied with when on specified waters of this State.

1.2. Authority. -- W. Va. Code §20-1-7(30), 20-7-13, and 20-7-22.

1.3. Filing Date. -- ~~July 6, 1993.~~

1.4. Effective Date. -- ~~October 1, 1993.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date

§58-28-2. Definitions.

2.1. All terms have the meaning prescribed in the Boating Regulations (58CSR25).

§58-28-3. Special Requirements.

3.1. A person aboard a vessel, raft, or tube shall wear a U.S. Coast Guard Approved ~~Type I, II, III, or V~~ personal flotation device (PFD) at all times while underway on the Shenandoah River within the boundaries of the State of West Virginia during the period beginning at 12:01 a.m. each November 15 and ending at 12 midnight each succeeding May 15.

3.2. The Pipestem Creek Cove portion of Bluestone Lake in Bluestone State Park is designated for marina use only and is restricted from fishing and other recreational use not directly related to use as a marina.