



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/28/2017 1:22:37 PM

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Natural Resources TITLE-SERIES: 58-28  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 58-28 Special Requirements Concerning Boating

**PRIMARY CONTACT**

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

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(30), 20-7-13, 20-7-22 provide authority for promulgation of rules regarding special boating activities. 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.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

No public hearing was held. There was a 30 day comment period.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The purpose of this rule is to regulate special boating activities on the Shenandoah River and Bluestone Lake for the safety of the public.

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.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The purpose of this rule is to regulate special boating activities on the Shenandoah River and Bluestone Lake for the safety of the public.

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.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

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

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

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

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2017 Increase/Decrease (use "-")	2018 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

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

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

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.~~ July 28, 2017

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.