



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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6/10/2019 2:37:51 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Natural Resources

TITLE-SERIES: 58-28

RULE TYPE: Legislative      Amendment to Existing Rule: No      Repeal of existing rule: Yes

RULE NAME: SPECIAL REQUIREMENTS CONCERNING  
BOATING

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-7-13 AND 20-7-22

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wendy L. Greene

ADDRESS: 324 4th Avenue, Room 343

South Charleston, WV 25303

EMAIL: [dnrcments@wv.gov](mailto:dnrcomments@wv.gov)

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes specific requirements that must be complied with while on specified waters of this State.

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

This rule is being repealed.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There are no anticipated changes to revenue.

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

There are no anticipated changes to administrative costs.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

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

There are no anticipated changes in revenue or administrative costs.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Wesley H 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 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.~~

**~~§58-28-2. Definitions.~~**

~~2.1. All terms have the meaning prescribed in the Boating Regulations (58 CSR 25).~~

**~~§ 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.~~