

Greene, Wendy L <wendy.l.greene@wv.gov>

Re: Comments on proposed motorboat no wake areas

1 message

Greene, Wendy L <Wendy.L.Greene@wv.gov>
To: Jerod Harman <jerodharman@gmail.com>

Thu, Jul 28, 2022 at 2:41 PM

Hello Jerod,

The West Virginia Division of Natural Resources would like to thank you for your review and comments related to the proposed rule changes to 58CSR27 – Special Motorboating Regulations.

Your comments specifically relate to section 3.1.6. relating to the Monongahela River. This particular regulation has been in effect since April 30, 2012, following legislative approval. The proposed changes currently out for public comment are to remove the buoy requirement from the already approved no wake zone. This change is consistent with a request made by the United States Coast Guard in order to reduce danger to commercial traffic.

Requests to create or change no wake zones in this rule are achieved through an application process by the municipality or county who desires the no wake zone and are not initiated by the Division. The applicant is required to have a public comment period as well as obtain an approval letter from the United States Coast Guard. The Division of Natural Resources' responsibility for any change to this rule is ministerial and handled by the agency simply to provide enforceability for the no wake zone. Again, the no wake zone was requested by the City of Morgantown and this change is simply to remove the buoy requirements for commercial traffic safety per United States Coast Guard request.

The format used when filing rule changes is consistent with the rule making formatting requirements in place by the Secretary of State's Office. Any text that has been underlined is new language, any text that has been struck through is being removed, and any text that has neither underline or strikethrough has previously been approved and is remaining unchanged.

Again, your interest and comments are appreciated, and your comments will be placed on public record as part of the rule-making process.

On Mon, Jul 25, 2022 at 9:42 AM Jerod Harman <jerodharman@gmail.com> wrote:

Wendy,

Most of the recommended no wakes are ok for title 58, no wake zone changes. However, the one recommended for the Mon River cannot happen. The City of Morgantown wants the entire width of the Monongahela River to be encompassed in the no wake area. This would include the commercial navigation channel. Barges cannot operate without creating a wake.

In other areas, such as on the Kanawha and Ohio Rivers, business areas concerned with boat wakes have no wake zones established in front of their respective locations. However, these no wake areas protrude a set distance from shoreline, and do not extend into any main navigation channels.

Thank you,
Jerod Harman

WENDY L. GREENE, AP, DEPUTY DIRECTOR
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WEST VIRGINIA





BASS Nation of West Virginia

51 Juniper Drive

Bridgeport, WV 26330

To: West Virginia Division of Natural Resources

324 4th Avenue, Room 328

South Charleston, WV 25303

Attention: Wendy Greene

Re: Public Comment on Legislative Rules Changes

Special Motorboating Regulations (58CSR27)

Wendy,

Thank you for allowing us to make public comment on Special Motorboating Regulations (58CSR27). The regulations address several no-wake areas on the Ohio River, and one on the Monongahela River. After discussions with our Board of Directors, we have decided that we, in no way, cannot support the proposed no-wake area on the Monongahela River as written. There are several reasons that this is a very bad economic decision for North Central West Virginia.

To elaborate, the recommended no-wake area would encompass the entire width of the Monongahela River from 500' below the Westover Bridge to the Morgantown Lock and Dam. This is just under a mile on the river. Commercial barge traffic uses the main channel in this area. ***Barges cannot operate without creating a wake; therefore, all established commercial river transportation would have to cease immediately upon installation of the no-wake buoys and required signage.*** Additionally, this would eliminate potential businesses requiring river services from considering southern Monongahela and Marion Counties altogether. Currently, Greer Limestone and Adrian Sand uses barges for transport, and they are upstream from the recommended no-wake area.

Should the no-wake buoys and signage be installed as recommended, this would monopolize industry on the Monongahela River to only downstream of the no-wake. Marion county would suffer financially, and there are many potential locations that would require barge traffic in the Uffington, Hildebrandt, and Opekiska Pools of the Monongahela River.

Recreational boaters and tournament anglers would be very disappointed as well. Many BASS Nation of WV anglers fish in the Morgantown area during our Marion County Championship in June each year, as well as in other club and open tournaments. Currently, it takes approximately 2-1/2 hours to travel, and lock through the dams, on the Monongahela River from the Palatine ramp in Fairmont to Morgantown. A return trip requires a longer time because of the lock operations at the dams (typically, the locks are ready to enter in the mornings, but require wait during the return trip because of other users).

Most tournaments are 9 hours long, and 5-1/2 hours of that is required for travel time when traveling from Fairmont to Morgantown and back. An additional mile of no-wake zone would take almost another hour from the tournament. This would basically create a 2-1/2 hour tournament for teams fishing in Morgantown and using the Palatine ramp in Fairmont. It would eliminate many miles of great fishing for our anglers, create congestion on the usable pools in the river, and hurt the Monongahela County economy for anglers that generally pre-fish in the Morgantown pool before the tournaments.

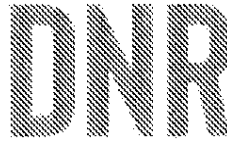
However, we can suggest a solution that has many successful examples on other navigable rivers in West Virginia. In order to provide a no-wake zone for the Morgantown Riverfront businesses and boat docks, an area should be established as no-wake on the Riverfront area for the length mentioned in the recommendation, however it would not extend into the main navigation channel. This would provide the safety and protection needed at the Riverfront docks and still allow commercial and recreational boats to navigate in the main river channel. There is well over 100', and probably 200' extending perpendicular from the shoreline, that could be established as the no-wake. This would not impede other navigation. This would be the best decision for everyone that enjoys the Monongahela River for recreation, or their livelihood and business depends on commercial navigation.

Thank you,

Ken Hackworth

President

B.A.S.S. Nation of West Virginia



Governor Jim Justice

Director Brett W. McMillion

July 28, 2022

Mr. Ken Hackworth, President
B.A.S.S. Nation of West Virginia
51 Juniper Drive
Bridgeport, WV 26330

Dear Mr. Hackworth:

The West Virginia Division of Natural Resources would like to thank you and your Board of Directors for your review and comments related to the proposed rule changes to 58CSR27 – Special Motorboating Regulations.

Your comments specifically relate to section 3.1.6. relating to the Monongahela River. This particular regulation has been in effect since April 30, 2012, following legislative approval. The proposed changes currently out for public comment are to remove the buoy requirement from the already approved no wake zone. This change is consistent with a request made by the United States Coast Guard in order to reduce danger to commercial traffic.

Requests to create or change no wake zones in this rule are achieved through an application process by the municipality or county who desires the no wake zone and are not initiated by the Division. The applicant is required to have a public comment period as well as obtain an approval letter from the United States Coast Guard. The Division of Natural Resources' responsibilities for changes to this rule is ministerial and handled by the agency simply to provide enforceability for the no wake zone. Again, the no wake zone was requested by the City of Morgantown and this change is simply to remove the buoy requirements for commercial traffic safety per United States Coast Guard request.

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Again, your interest and comments are appreciated, and your comments will be placed on public record as part of the rule-making process.

Sincerely,

A handwritten signature in black ink that reads "Wendy L. Greene". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Wendy L. Greene
Deputy Director of Legislative Affairs

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