



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/8/2023 1:10:26 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Natural Resources TITLE-SERIES: 58-27
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Special Motorboating Regulations
CITE STATUTORY AUTHORITY: §§20-7-22 and 20-7-23

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB409

Section §64-10-3(c) Passed On 3/10/2023 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 8, 2023

This rule shall terminate and have no further force or effect from the following date:

August 01, 2028

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

Yes

James Bailey -- 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
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 27
SPECIAL MOTORBOATING REGULATIONS

§58-27-1. General.

- 1.1. Scope and Purpose. -- This rule establishes no wake zones for certain waters of this State.
- 1.2. Authority. -- W.Va. Code §§20-7-22 and 20-7-23.
- 1.3. Filing Date. -- May 8, 2023.
- 1.4. Effective Date. -- May 8, 2023.
- 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect August 1, 2028.

§58-27-2. Definitions.

- 2.1. "Director" means the Director of the Division of Natural Resources.
- 2.2. "Motorboat" means any vessel propelled by an electric, steam, gas, diesel, or other fuel-propelled or driven motor, whether or not the motor is the principal source of propulsion, but does not include a vessel that has a valid marine document issued by the United States Bureau of Customs or any successor federal agency.
- 2.3. "No Wake Speed Zone" means an area restricting motorboats from attaining a speed which would produce a wake that would noticeably disturb other motorboats or other vessels, docks, piers, or any other shoreline facility within the designated area.

§58-27-3. No Wake Speed Zones.

- 3.1. The following areas are designated as no wake speed zones:
 - 3.1.1. The back channel of Middle Island on the Ohio River beginning at Ohio River MP 155.1 and extending upstream to the northern side of Rymer's Point along the Middle Island Creek waters. The area is situated entirely within the boundaries of Pleasants County. The City of St. Marys, West Virginia, is responsible for purchasing, placing, and maintaining the No Wake Zone informational signs. Signs shall meet the approval of the Director. Any buoys or other structures placed in the water shall conform to U. S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U.S. Army Corps of Engineers;
 - 3.1.2. Beginning at the mouth of Fish Creek at its confluence with the Ohio River and extending upstream approximately three miles and ending at the first riffle or obstruction. This area is situated entirely within the boundaries of Marshall County. This zone is seasonal and is in effect from March 1

through November 1, each year. The Marshall County Commission is responsible for purchasing, placing, and maintaining the No Wake Zone buoys and informational signs. No Wake Zone signs shall be erected at the mouth of Fish Creek and at all locations where watercraft may be launched. The signs shall describe the extent of the no wake zone and shall meet the approval of the Director. Any buoys or other structures placed in Fish Creek shall conform to U. S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers;

3.1.3. Beginning at the mouth of Fishing Creek at its confluence with the Ohio River and extending upstream approximately six-tenths of a mile to the WV State Route 2 Bridge. This area is situated entirely within the boundaries of the City of New Martinsville, West Virginia. The City of New Martinsville, West Virginia, is responsible for purchasing, placing, and maintaining the No Wake Zone buoys and informational signs. Signs shall meet the approval of the Director. Any buoys or other structures placed in the water shall conform to the U. S. Coast Guard Standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers.

3.1.4. Beginning at the upstream edge of Pier 54 Marina at the first pier of Old Lock Six and continuing downstream on the northern side of the Kanawha River for approximately 1500 feet to the last pier of Old Lock Six and extending out into the Kanawha River 80 feet from the northern riverbank. This area is situated entirely within the boundaries of the City of South Charleston, West Virginia. The City of South Charleston, West Virginia, is responsible for purchasing, placing, and maintaining the No Wake Zone buoys and informational signs. Signs shall meet the approval of the Director. Any buoys or other structures placed in the water shall conform to the U. S. Coast Guard Standard for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U. S. Army Corps of Engineers.

3.1.5. The back channel of Wheeling Island on the Ohio River beginning at approximately Ohio River MP 89.5 (500 block of North Erie Street) extending downstream approximately one mile to Ohio River MP 90.5 (200 block of South Erie Street). This area is situated entirely within the boundaries of Ohio County. The Wheeling Police Department is responsible for purchasing, placing, and maintaining the No Wake Zone buoys and informational signs. Signs shall meet the approval of the Director. No Wake Zone signs shall be erected at the Island Marina boat dock and at all locations where watercraft may be launched. The signs shall describe the extent of the No Wake Zone and shall meet the approval of the Director. Any buoys or other structures placed in the water shall conform to the U. S. Coast Guard Standard for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U.S. Army Corps of Engineers.

3.1.6. The Monongahela River at the Morgantown waterfront beginning 500 feet downstream from the Westover Bridge extending upstream to the Morgantown Lock and Dam. This area is situated entirely within the boundaries of Monongalia County. The City of Morgantown is responsible for purchasing, placing, and maintaining the No Wake Zone informational signs. Signs shall meet the approval of the Director. No Wake Zone signs shall be erected at all boat docks and at all locations where watercraft may be launched within the No Wake Zone. The signs shall describe the extent of the No Wake Zone and shall meet the approval of the Director. Any buoys or other structures placed in the water shall conform to the U.S. Coast Guard Standard for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U.S. Army Corps of Engineers.

3.1.7. Beginning at the Hartland Dam on the West Fork River and extending upstream approximately 2.3 miles and ending at the municipal corporate limit of Clarksburg. This area is situated entirely within the boundaries of the City of Clarksburg. The City of Clarksburg is responsible for

purchasing, placing, and maintaining the No Wake buoys and informational signs. Any buoys or other structures placed in the water shall conform to U.S. Coast Guard standards for Inland Rivers and, if they would interfere with commercial river traffic, be approved by the U.S. Army Corps of Engineers.

3.1.8. The Elk River between the Quarrier Street bridge and the Lee Street bridge at approximately Elk River MM 0.25 to 0.40. This area is situated entirely within the boundaries of the City of Charleston, West Virginia. The City of Charleston is responsible for purchasing, placing, and maintaining the No Wake Zone informational signs. Signs shall meet the approval of the Director. No Wake Zone signs shall be erected at all bridge piers and or banks of the river where watercraft may be launched within the No Wake Zone. Any buoys or other structures placed in the water shall conform to the U.S. Coast Guard Standard for Inland Rivers, and, if they would interfere with commercial river traffic be approved by the U.S. Army Corps of Engineers.