

WHITEWATER COMMISSION
Quarterly Meeting
June 17, 1998

MINUTES

The quarterly meeting of the Whitewater Commission was held on Wednesday, June 17, 1998, in the Division of Natural Resources Conference Room #674, Charleston, West Virginia. The following individuals were in attendance:

WHITEWATER COMMISSION MEMBERS

John B. Rader, Director, Division of Natural Resources (Presiding)
Paul Breuer
Len Hanger
Jeff Proctor
Turner Sharp
Bob Stanley
Chester Thompson
Luther Toney
Rick Brown (Representing Superintendent Peter Hart, National Park Service)
Charles Friddell, Guide Representative

DIVISION OF NATURAL RESOURCES

Pamela B. Mullins, Director's Office (Recording Secretary)
Col. Jim Fields, Chief, Law Enforcement Section
Lt. Col. Bill Daniel, Law Enforcement Section
Liz Harless, Law Enforcement Section
Becky Payne, Director's Office
Daynus Jividen, DNR Staff Attorney
D. G. AMoon≡ Mullins, Director's Office
Beverly Carte, DNR Administration

PUBLIC

Dr. Andy Whisman, West Virginia University
Chris Dragan, Wildwater Expeditions
Rob Dobson, Wildwater Expeditions
Randall Ballard, Drift-A-Bit, Inc.
Rick Bayes, The Rivermen
Brian Campbell, The Rivermen
Richard Cantrell, Cantrell Ultimate Rafting
John R. Hoblitzell, Attorney representing Cantrell Ultimate Rafting
Dan Massey, West Virginia Development Office
Warren R. Lipteets
Carol Fulks, West Virginia Professional River Outfitters

CALL TO ORDER

The meeting was called to order by Director Rader at approximately 2:05 p.m. He introduced Mr. Rick Brown from the National Park Service, representing Superintendent Pete Hart for this meeting.

APPROVAL OF MINUTES

Mr. Breuer made a **MOTION** to approve the minutes of the March 17, 1998 meeting as presented. The motion was seconded by Mr. Hanger and passed unanimously.

PUBLIC COMMENTS

John Hoblitzell of Kay, Casto, Chaney, Love and Wise, and attorney for Richard Cantrell of Cantrell Ultimate Rafting, addressed the commission regarding Mr. Cantrell's request for reinstatement of his outfitter's license for the Gauley River. He advised that this matter had been brought before the commission periodically since 1982 with the onset of the first study period. He stated that he wanted to bring to the attention of the commission what he perceives as an injustice to Mr. Cantrell. Mr. Hoblitzell then proceeded to review the history of Mr. Cantrell's Gauley River license. He completed his presentation by stating that he hopes when a decision is made by the commission, Mr. Cantrell will be considered with the respect that he deserves.

Director Rader advised Mr. Hoblitzell that this issue would be addressed by the commission and given due process.

REPORT OF LAC SUBCOMMITTEE

Dr. Whisman discussed the LAC contract and the proposed extension of his contract for the purpose of continuing river monitoring under the river management plan of the LAC. He advised that a copy of the budget was provided to the Chairman of the Budget Subcommittee for review. He continued by explaining that the proposal calls for administrative assistance and management of data, to be analyzed along with the respective LAC and Regulations Subcommittees; and to provide technical assistance to the committee. He advised that this proposal encompasses the scope of work to be done on a yearly basis. Copies of the proposal have been submitted to the commission. See *Attachment A*.

Director Rader suggested that when the commission approves the contract, the LAC and Budget Subcommittees should work with Beverly Carte, DNR Procurement Officer, for the actual contract preparation.

Mr. Proctor stated that, as Chairman of the LAC Subcommittee, he was supportive of everything Dr. Whisman proposed and that he could foresee no problem with the financial recommendations.

After lengthy discussion Mr. Proctor made a **MOTION** to accept items and tasks as outlined in the June 9, 1998 letter from Dr. Whisman for the continuation of collection of data and monitoring for the next 3 2 years. The motion was seconded by Mr. Hanger. After brief discussion the motion passed unanimously.

PRESENTATION: EMERGENCY RESPONSE MAP FOR THE GAULEY RIVER

Mr. Breuer discussed the importance of adequate emergency response in the whitewater rafting industry . He introduced Rick Bayes of The Rivermen who presented a draft of a proposed plan and a map that will designate emergency response sites on the rivers.

Secondly, Mr. Bayes proposed that a reduction of water timetable study be conducted with regard to the Summersville Dam. He provided the commission a handout for their review which explained his proposal. See *Attachment B*.

After lengthy discussion Mr. Breuer made a **MOTION** that the Whitewater Commission provide funding in the amount of \$975 for the water reduction timetable study and that the Whitewater Commission provide up to 75% of the costs of producing 500 maps, on waterproof stock; with the consideration of a partnership to provide additional funding. This motion was seconded by Mr. Sharp.

After continued discussion Mr. Thompson made a **MOTION TO AMEND** the original motion by adding that the expenditures would be capped at \$2500. The motion to amend was seconded by Mr. Toney.

Mr. Proctor then suggested that motion should be divided into two separate issues; one for the river flow study and one for the emergency response map. Mr. Proctor also suggested that the map be used for one year at which time full control would go back to Mr. Bayes.

Lt. Col. Daniel stated that the LAC Subcommittee could work on this issue and at that point Mr. Breuer **WITHDREW** his original **MOTION**.

Mr. Breuer then made a **MOTION** for the Whitewater Commission to fund the river flow study in the amount of \$975. The motion was seconded by Mr. Sharp and passed unanimously.

Director Rader suggested that the proposal for the production of the map for emergency response sites be placed with the LAC Subcommittee for review with recommendations made to the commission at a later meeting.

Mr. Hanger stated that this would involve all of the four standing subcommittees and suggested that a person from each committee work together with Mr. Bayes to expedite the process of getting the map produced. Director Rader asked that the committee be appointed.

REPORT OF LAC SUBCOMMITTEE

Mr. Proctor called the commission's attention to a draft provided in their meeting packets, *Rationale for Deferring the Issuance of Additional Commercial Outfitters Licenses*, and briefly discussed the purpose of this report. *See Attachment C*. Mr. Proctor then asked Dr. Whisman to discuss the license issuing process. A draft application form and proposed procedure for applying for whitewater outfitters licenses were presented to the commission for review. Lengthy discussion occurred.

Lt. Col. Daniel advised that the Regulations Subcommittee recommended that the commission accept the draft procedures and application form as submitted by Dr. Whisman and that the issuance of additional licenses on the Gauley, New, and Shenandoah Rivers be deferred until December 31, 2002. *See Attachment D*.

Mr. Sharp made a **MOTION** that the Whitewater Commission approve the recommendations of the LAC and Regulations Subcommittees as presented. The motion was seconded by Mr. Breuer.

Mr. Hanger then asked to **AMEND THE MOTION** by adding to the cover of the application form as follows:

5. These procedures will apply to all rivers in West Virginia.

This motion to amend was seconded by Mr. Breuer and was passed.

Final vote was then taken on the original motion as amended. The motion as amended was passed unanimously.

REPORT OF BUDGET SUBCOMMITTEE

Mr. Thompson discussed with the commission the budget subcommittee's development of a working budget. *See Attachment E.* After review of the proposed budget, Mr. Thompson made a **MOTION** to accept this budget as presented by the Budget Subcommittee for the Fiscal Year 1999, July 1, 1998 through June 30, 1999. The motion was seconded by Mr. Breuer.

Mr. Thompson then asked to **AMEND THE MOTION** to read as follows: **The amount of the contract with Dr. Whisman (\$38,012.53) would be reduced by 20% for the remainder of 1998 and one half of 1999 calendar year; bringing the contract amount to \$30,409.67. Also a counter offer from Dr. Whisman would be entertained.**

The motion to amend was seconded by Mr. Proctor and was passed unanimously.

The original motion as amended was then voted upon and was passed unanimously.

OTHER BUSINESS

Mr. Friddell commended the commission on their work. All were in agreement.

NEXT MEETING DATE AND PLACE

The next regular quarterly meeting will be held on Wednesday, September 16, 1998 at 1:00 p.m. in Charleston, Building #3, DNR Conference Room 674.

The **MOTION** to adjourn was made by Mr. Hanger and seconded by Mr. Toney and was passed.