

**WHITEWATER COMMISSION
QUARTERLY MEETING
JUNE 18, 2008
MINUTES**

The quarterly meeting of the Whitewater Commission was held on Wednesday, June 18, 2008, at River Expeditions in Oak Hill, West Virginia. The following individuals were in attendance:

WHITEWATER COMMISSION MEMBERS

Frank Jezioro, Director, Division of Natural Resources (Presiding)
Don Beyer, Charleston
Jonathan Danz, Lansing
Jeff Proctor, Lansing
Kathy Johnson, Division of Tourism, representing and voting in proxy for Betty Carver
Rick Johnson, Oak Hill
Don Striker, Glen Jean
Paul Hart, Albright

DIVISION OF NATURAL RESOURCES

Lt. Col. Jerry Jenkins, Law Enforcement, Charleston
Lt. Larry Case, Law Enforcement, Beckley
Stephanie Albertini, Law Enforcement, Charleston (Recording Secretary)

PUBLIC

Brian Campbell, The Rivermen
Eric Pores, WVPRO
Skip Heater, New and Gauley River Adventures
Matt McQueen, Passages to Adventure
Heather Johnson, River Expeditions

CALL TO ORDER

The meeting was called to order by Director Jezioro at approximately 1:07 PM. The director welcomed everyone attending and asked everyone to introduce themselves.

APPROVAL OF MINUTES

Jeff Proctor made a **MOTION** to approve the minutes of the March 20, 2008 meeting as submitted. The motion was seconded by Rick Johnson. The motion passed as submitted.

INDUSTRY CONSOLIDATION

Recent consolidations among whitewater outfitters consist of the following: Class VI has consolidated with The Rivermen and Mountain River Tours to create an “umbrella name”, Adventure West Virginia Resort, LLC. Rivermen is still based in Fayetteville, while Mountain River has merged into the group. Extreme Expeditions consolidated with Appalachian Wildwaters, Rivers II, Rock-N-Roll Rafting and USA Raft to create River Expeditions. It was also mentioned that ACE had bought Wildwater, but they are still working as a separate company and that they are working on “something” with Songer Whitewater to form a partnership.

One of the reasons that there have been so many consolidations is because whitewater rafting business has been decreasing.

The Director asked Jeff Proctor if the outfitters fishing guide services have been upset about the catch and release on the New River and if there has been a decrease. No one seems to be upset about catch and release. There is a 12 mile area on the New River that is not catch and release.

The Commission was also reminded that representation on the commission is based on the outfitters size. It is in the law, but nothing has been done about changing it for now. The Director and Lt. Col. Jerry Jenkins will look at the law and see if there needs to be a change to get the representation that is needed.

DNR GUIDE TRAINING FORMS

A big thank you went out to Jonathan Danz for creating all of the new DNR Guide Training Forms.

An issue that came up was the Grandfathering of certain people. The original concept of the Grandfather form was brought up at a WVPRO meeting. The question that arises is, “Is the Grandfather form in and of itself going to be sufficient enough in someone’s file should a lawsuit arise or if there is some question about qualifications?” It would probably be a good idea that you grandfathered to have whatever you were grandfathered under. To be grandfathered, past documentation must be stapled together with non-DNR forms (past forms that have been accepted by the DNR). It was brought up by Jeff Proctor that there is no form that grandfathers a trip leader right now. The Commission discussed whether there should be a separate Grandfather/Trip Leader Form. It was agreed to modify the existing “Grandfather form” to include a line for the Tripler’s Name, Company Name and River Section. A trip leader who has prior qualifications may need to fill out the new Grandfather form and staple it to the front of the prior paperwork

Jonathan Danz agreed to modify the existing Grandfather sheet and email it to DNR. Once the form is done, then a motion can be made to accept the form.

REQUIREMENTS FOR VETERAN GUIDE PAPERWORK

Covered above

PUBLIC COMMENT

Brian Campbell brought up the need to possibly revise the law to change the requirements of having two single license outfitters and two large multi-license outfitters that may be an irrelevant requirement.

He also brought up that the law does not provide for scalability in violations, the smallest violation is a minimum \$500 fine. The law should be changed for scalability in the violations, such as minor violations may be \$50 - \$100 where a more serious violation could be the maximum of \$500. Fines are set by the Magistrate. The court costs are \$160. If there needs to be a change, you should contact your legislator. The DNR should be kept out of the setting of fines. The Rivermen didn't get a warning to fix a logo on a raft, just ticketed. Last year, there seemed to be more tickets written to outfitters. Because of the liability, everything needs to be documented. The outfitters and the DNR seemed to have a relationship before with each other and the change last year was a surprise. Jeff Proctor appreciates the fact that there is a \$500 fine because it keeps the outfitters in check. DNR does not receive funds from tickets; it goes into the general fund.

OTHER BUSINESS

The Regulation Sub-committee met prior to the regular Whitewater Commission meeting on June 18, 2008, to discuss the recent fatalities on the Cheat River and the Gauley River. The Commission may make recommendations after the investigative reports are complete. What changes need to be made, if any?

The Safety subcommittee discussed the recent deaths. Lt. Col. Jerry Jenkins asked if appropriate pre-trip information was being reviewed prior to the raft trip. Class VI, Rivermen and River Expeditions trip leaders use a pre-trip check list to insure that the pre-trip information is covered prior to the raft trip. One or more guests are asked to follow along with the trip leader and check off each section of the pre-trip list items as it is covered. It was agreed by the outfitters above to send a copy to Law Enforcement who would then share with the rest of the industry. (Sample, Attachment C)

LAC Committee (Jeff Proctor) has tried to get Chip Short to "streamline" the accident reports. He is working on it, but it is taking longer than expected.

A River Manager's meeting needs to be set for the Cheat River. Paul Hart volunteered to host the meeting at Cheat River Outfitters. Lt. Larry Case mentioned next week. Lt. Larry Case and Paul Hart will discuss arrangements.

Don Striker, National Park Service, mentioned that he had a meeting with Congressman Nick Rahall. The Congressman was talking about redefining the boundaries of the New River. He doesn't think that the mission of preserving and allowing for the economic opportunities that come with NPS are finished in Southern West Virginia. He made reference to the fact that the park service recently released a study that congress asked them to do. The Upper New River, from Hinton to the state boundary was transferred to the NPS, a transfer of ownership from Army Corp. of Engineers to NPS, Federal to Federal. They released that report and now congress "holds the ball" on it. He said that the Northern part of the park is to examine (not a done deal), with all the steak holders, the possibility to extend the boundaries of both the Gauley and New to the confluence at Gauley Bridge. That was the conversation in 1976. There are three major land owners in that area, some support. It is not known if hunting and trapping would be allowed, it is not allowed in National Parks. To stop hunting in West Virginia would be detrimental. Hunting is best for the resource.

It was discussed what is considered the Upper New 1, Upper New 2, Lower New, Upper Gauley and Lower Gauley. The Upper Gauley is from the Summersville Dam to Mason Branch/Sweets Falls. The Lower Gauley is from Mason Branch to Swiss or "wherever". The Upper New 1 is from the dam/Sandstone to Prince. The Upper New 2 is from Prince to Cunard. The Lower New is from Cunard to Fayette Station.

Eric Pories reminded everyone that the 40 year celebration of whitewater will be held on Friday, June 27th, 2008 at the Historic Fayette Theater at 4:00 PM and the White Horse Bed & Breakfast at 5:00 PM (Attachment A).

Rick Johnson mentioned that Whitewater Wednesday is at River Expeditions if anyone was interested.

Paul Hart passed out copies of the budget (Attachment B).

NEXT MEETING

The date and place of the next meeting will be decided and everyone will be notified.

MEETING ADJOURNED

A **MOTION** was made to adjourn the meeting by Jonathan Danz and seconded by Rick Johnson. The meeting ended at approximately 2:30 PM