

# WHITEWATER COMMISSION

**AMENDED**

**3/18/98**

**Quarterly Meeting  
December 17, 1997**

## MINUTES

The quarterly meeting of the Whitewater Commission was held on Wednesday, December 17, 1997, 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  
Alisa Bailey (Representing Commissioner Robert A. Reintsema, Bureau of  
Commerce, Division of Tourism)  
Peter Hart , Superintendent, 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  
D. G. AMoon≅ Mullins, Director=s Office  
Becky Payne, Director=s Office  
Daynus Jividen, DNR Staff Attorney

## **PUBLIC**

Dr. Andy Whisman, West Virginia University  
Dr. Steve Hollenurst, West Virginia University  
Lorrie Sprague, National Park Service  
Chris Dragan, Wildwater Expeditions  
Eddie Lilly, Rivers  
Rob Dobson, Wildwater Expeditions  
Randall Ballard, Drift-A-Bit, Inc.  
Rick Johnson, Extreme Expeditions  
Karen Calvert, Rivers  
Richard Cantrell, Cantrell Ultimate Rafting  
Heather Johnson, Extreme Expeditions  
Benjy Simpson, Passages to Adventure  
Carol Fulks, WV Professional River Outfitters  
Ray Toney, Rivers  
Eric Autenreith, Wildwater Expeditions  
Bill Ellison, Ultimate Rafting  
Kim Buttram, Appalachian Bible College  
Brian Campbell, The Rivermen  
Doug Butler, North American River Runners  
Mark Lewis, North American River Runners  
Roger Zbel, Precision Rafting  
Benjy Simpson, Passages to Adventure

## **CALL TO ORDER**

The meeting was called to order by Director Rader at approximately 1:05 p.m.

## **APPROVAL OF MINUTES**

Mr. Stanley made a **MOTION** to approve the minutes of the September 17, 1997 meeting as presented. The motion was seconded by Mr. Breuer and passed unanimously.

## **PUBLIC COMMENTS**

**Chris Dragan**, Wildwater Expeditions, stated that he is still a firm believer in the allocation methodology and a strong supporter of parity; taking into account some special situations. He also discussed the importance of the information provided by the West Virginia

University whitewater study regarding the number of people the river can handle in a safe manner.

**Dr. Andy Whisman**, West Virginia University, stated that he would like to recognize the contributions of the study committee and DNR staff members who have put in countless hours of hard work. He thanked Rob Dobson and Chris Dragan specifically for their assistance.

Dr. Whisman also asked to make a clarification on comments that were made at the last commission meeting regarding a previous study. He advised there was no study ever before completed like this present study. He added that the original study contract, at the cost of \$311,000, is a Areal bargain≅ considering the scope of work completed. He continued by saying that there seemed to be confusion on WVU=s role in the study and the Whitewater Commission=s role. He proceeded to read the language contained in the contract addressing this; offering this information as a point of clarification.

**Ed Lilly**, Rivers, stated that he had been in the whitewater rafting business since 1984 and has always believed that outfitters need to work better among themselves to further their industry. He added that as long as there are differences in the numbers allocated to outfitters, there will continue to be problems. Mr. Lilly expressed his opinion that Mr. Cantrell should receive a Gauley River license and that it was not his intention to cause problems for any outfitter by promoting parity of numbers. He also added that it appeared that the 90/10 market share formula would address the limits of acceptable change and would be an alternative method for the industry to continue to progress.

**Richard Cantrell**, Cantrell Ultimate Rafting, provided a handout outlining his presentation for the commission=s review. (See Attachment A). He stated that he was one of the original outfitters and felt strongly that his Gauley River license, which had been taken away in earlier years due to an administrative error, should be reinstated. He then proceeded to discuss the time line of events surrounding his Gauley River license situation.

At the completion of Mr. Cantrell=s comments, Director Rader asked that he submit to the Division of Natural Resources, Law Enforcement Section, a license application for review and action by the Whitewater Commission.

Mr. Cantrell thanked the commission for their consideration.

## **SUBCOMMITTEE APPOINTMENTS**

Lt. Col. Bill Daniel discussed the memorandum included in the commission packets announcing the individuals appointed by Director Rader to serve on the four standing subcommittees. (See Attachment B) He also stated that if persons selected were unable to serve, the appropriate changes would be made, and alternates would be selected based upon the commission's recommendations.

Mr. Proctor asked how could individuals from the industry interested in serving on a subcommittee, be considered. Director Rader suggested that a letter of request should be submitted to the DNR Law Enforcement Section.

## **MONTHLY REPORT PROCEDURES FOR 1998**

Dr. Whisman stated that at a previous meeting the possibility of establishing a system whereby outfitters could use computer disks for submitting reports was discussed and at that time he was granted permission for a side contract to be entered into for the development of this system. Dr. Whisman added that the paperwork for this did not come through until August, 1997 thus delaying implementation of the system until the 1998 season. Dr. Whisman explained how the old system could be improved by establishing a web page on the internet, using WVU's server initially and transferring to the DNR server in the future. He asked for the commission's permission to cover this in the formerly approved side contract. He added that the system could be demonstrated at the March meeting.

Mr. Proctor then made a **MOTION** to modify Dr. Whisman's contract for the purpose of developing this reporting method as presented. The motion was seconded by Mr. Breuer and passed unanimously.

## **LAC SUBCOMMITTEE REPORT ON ALLOCATION METHODOLOGY**

Dr. Whisman summarized the recommendations made on the allocation methodology from the last commission meeting. After lengthy discussion Mr. Stanley made a **MOTION** to adopt the study report on allocation methodology as presented to the commission; Mr. Hanger seconded the motion.

Discussion occurred and Mr. Breuer made a **MOTION TO AMEND** Mr. Stanley's motion to say that on the Lower Gauley the maximum allocation capacity be for 3,040 user days and that we use the 90/10 LP formula on that particular section; Mr. Proctor provided a second. After discussion of this proposed amendment Mr. Breuer **WITHDREW his MOTION TO AMEND** and Mr. Proctor withdrew his second.

At this point the following recommendations for amendment to the motion were discussed and offered for approval by the commission:

**Amendment #1 - To adopt the 90/10 license percentage (LP) intent on the following river segments: Currently allocated river segments include the Upper Gauley and Lower New and Lower Gauley.**

**MOTION** to accept this amendment was made by Mr. Breuer and seconded by Mr. Hanger.  
Motion passed with one vote in opposition; Turner Sharp.

**Amendment #2 - To adopt the 50/50 LAC Committee method on the following river segments when LAC indicator scores indicate a capacity be established: Currently unallocated river segments include the Upper New, Cheat Canyon, Cheat Narrows, Shenandoah and all Sections of the Tygart.**

**MOTION** to accept this amendment was made by Mr. Hanger; seconded by Mr. Breuer and passed with one vote in opposition; Luther Toney.

**Amendment #5 - To establish the following maximum allocated river capacities and minimums:**

**MOTION** to accept this amendment was made by Mr. Proctor; seconded by Mr. Hanger and passed with one vote in opposition; Turner Sharp.

Director Rader then restated Mr. Stanley=s original motion, including the addition of the three amendments as approved. The motion was voted upon and was passed with one vote in opposition; Turner Sharp.

## **NEW BUSINESS**

Director Rader emphasized that customer numbers must be reported to the Division of Natural Resources Law Enforcement Section prior to new licenses being issued to outfitters.

Mr. Proctor stated the LAC subcommittee will meet shortly after the beginning of the year to bring forward recommendations for the commission=s review. He added that a new contract with Dr. Whisman allowing for the continuation of the study process for 3 to 5 more years should be developed and also suggested the Regulations Subcommittee should provide recommendations as to how and what will occur if outfitters do not comply with reporting requirements.

Mr. Stanley complimented Richard Cantrell on his presentation during the public comment period.

Director Rader acknowledged Mr. Kent McCracken=s request to receive an outfitters license suggested that an application be submitted to the DNR Law Enforcement Section for the commission=s review.

Superintendent Pete Hart of the National Park Service asked to have his comments made a part of the official meeting minutes. He stated that he understood the National Park Service is not a regulatory body for the rivers since the passage of legislation in 1998, but he expressed his agreement with Dr. Whisman *that to error on the side of conservatism is better than to error on the side of being too high*. He added that, *we are concerned about the preservation of the resource and we are also concerned about the experience*. He again stated that since he is a nonvoting member of the Whitewater Commission he would like his comments reflected in the minutes.

## **NEXT MEETING DATE AND PLACE**

The next Whitewater Commission meeting will be March 18, 1998; 1:00 p.m. in Charleston, West Virginia; DNR Director=s Conference Room 674.

The **MOTION** to adjourn was made by Mr. Hanger, seconded by Mr. Breuer and passed. The meeting adjourned at approximately 2:45 p.m.