

**WHITEWATER COMMISSION
QUARTERLY MEETING
DECEMBER 19, 2007
MINUTES**

The quarterly meeting of the Whitewater Commission was held on Wednesday, December 19, 2007, at the Capitol Complex, Building 3, Charleston, West Virginia. The following individuals were in attendance:

WHITEWATER COMMISSION MEMBERS

Frank Jezioro, Director, Division of Natural Resources (Presiding)
Betty Carver, Division of Tourism
Don Striker, National Park Service
Don Beyer, Charleston
Rick Johnson, Lansing
Jonathan Danz, Lansing
Jeff Proctor, Lansing

DIVISION OF NATURAL RESOURCES

Col. David Murphy, Law Enforcement, Charleston
Lt. Col. Jerry Jenkins, Law Enforcement, Charleston
Will Valentino, Assistant Attorney General, Charleston
Stephanie Albertini, Law Enforcement, Charleston (Recording Secretary)

PUBLIC

Rob Dobson, West Virginia Adventures
Eric Pories, WVPRO
Brian Campbell, Rivermen

CALL TO ORDER

The meeting was called to order by Director Jezioro at approximately 1:05 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 September 19, 2007 meeting as submitted. The motion was seconded by Rick Johnson. The motion passed as submitted.

PUBLIC COMMENT

Eric Pores, WVPRO, stated that the WW Strategy Study is complete and that electronic copies are available. It includes recommendations for the whitewater industry to regain its health and move forward. There are recommendations for the industry, and another partner study, that looks at the four-county region focusing on National Parks being designated National Parks Service and ways to enhance the industry. The industry needs to look at ways to enhance the region as a destination. National Parks designation is around the three national rivers. National Parks could never take place if historical hunting use was damaged in any way. To protect – preserve hunting and taking the region to a higher level and embrace its national parks as the resource that they are. On the National agenda, if there is hunting in national parks, there is the safety issue. In order to get the message out, there needs to be public meetings. On the whitewater side, the four-county study is to be picked up in January. There is also a meeting in January to start looking at the recommendations of the study as individual outfitters.

There needs to be better funding for advertising and an increased budget for tourism is needed. Betty said that Tourism submitted an improvement package and will not know for several weeks if it is approved. Advertisement is not reaching whitewater. Images that tourism is using are more family friendly.

Trout stocking – rule to allow funds for DNR to collect funds for trout litigation has come up for concern. There are concerns whether the program fits in with the rule. Outfitters have put together a brief one or two page brief (for Eric) so that when he goes in front of the committee, he will have information.

WHITEWATER REPORTING SYSTEM AND TRIP LEADER REPORTS

A list of whitewater outfitters was handed out with numbers from the trip leader reports and user fee numbers (Attachment A). The list was compiled to show the difference between the numbers. The main purpose was to ask the WW Commission, “What numbers do I use to fix the 2007 whitewater database?” It was decided that I use the user fee numbers to fix the report. I also suggested sending a form to outfitters to fill out for each month in order to fix the report (Attachment B). The reason the #s do not correspond is because if a trip goes through two sections of the river (or if there is an overnight trip), they only count user one time. Jeff Proctor talking to Chip about fixing the TLR to show when there were two users for certain trips. Outfitters need to be reminded to complete the trip leader reports.

WHITEWATER INJURY REPORTS

Jeff Proctor talked of streamlining the injury report. Chip added a pop up to the online trip leader reports, if you answer yes to an injury, a separate page will pop up to an accident report on line. Chip said that he would try to be able to pull data off of these reports so that sub committee can see any trends regarding accidents. If you do have an injury, the process will kick up an accident report that will be kept in a draft until the river manager finalizes it. A question that river manager will answer (as defined by the regulations) is what an accident “is”. Sometimes people leave and then call back about an injury. The sub committee is going to do preliminary

report, to be finished by March and finalized by June. The committee is not sure how to handle fatality because of legal reasons. Possibly, WVPRO can act as a conduit to help disseminate that information to outfitters. If a pattern is found, How would the Commission deal with the situation and what type of action should be taken?

There was also discussion of guide regulations regarding how many guides should be used on certain sections of each river.

Final discussion on injury reports included the draft of the 2003 Injuries in Commercial Whitewater Rafting (Attachment C) from Andy Wisman. The LAC Sub Committee recommended having it approved by the full commission. The report is available by contacting Stephanie. This report was made after the change of the definition in the regulation of what an injury report is. The injury reports for years 2004 through 2007 will be made available through the LAC Sub Committee and Stephanie. Jeff Proctor made a **MOTION** to approve Injuries in Commercial Whitewater Rafting 2003 Annual Report. Director Jezioro made a final motion to approve the report. Motion approved. Report accepted.

OTHER BUSINESS

Jeff Proctor mentioned that Elk Hill had turned in an application by the March due date. They want to run a school for troubled youth as a small user of maybe sixteen on the Cheat River. The sub committee would like to issue a license to Elk Hill. Jeff Proctor made a **MOTION** to issue a license to Elk Hill, Rick Johnson seconded. The motion passed. The other issue concerning licensing on the Cheat River is that there are four or five other licenses for the Cheat River that are sitting dormant. If other outfitters apply for the Cheat, they will be directed to the dormant license holders instead of issuing a new license. There was no motion, but agreed that if there are any further requests that come in for the Cheat River that they pursue the dormant license holder instead of issuing a new one.

There is a regulation change request (Attachment D) for kayak clinics to be held on Saturdays and instructor to student ratio changed. The request is also to change the minimum number of trip guides from two to one for trips below Miller's Folly rapid on the New River. The way the rules are now from Canard to Teays, the outfitter has to have two (2) guides. For a senior trip with eight (8) people, that is not very economical because there is not much whitewater within ½ mile to takeout. The proposed change is to only have one guide per trip. Rick Johnson made a **MOTION** to submit to legislation for the regulation change, seconded by Jeff Proctor. The motion passed with one opposing vote from Jonathan Danz. There could be some concern in the future when someone wants to change guide rules for other sections of the Gauley River.

The Commission agreed to hold a class in March for all commercial outfitters, owners, etc...to explain different forms and regulations required of them. The meeting will be on March 20, 2008 at Stonewall Jackson. Jonathan suggested that there be some form simplification and explained what he may like to see done. The Director asked him, and other outfitters, to bring samples of different forms of what they might like to see done to the next meeting.

Betty Carver mentioned that Tourism Day is on Feb 8th at the Legislature. The next Tourism sub-committee meeting can be held that afternoon and invited anyone who is interested. One of the items on the agenda is to discuss the whitewater anniversary. Forty years ago, the first whitewater trip was made.

Don Striker from the National Parks Service challenged WVPRO and DNR on ways that they can use our park service folks creatively and constructively. He also asked for recommendations on how to change service on the Gauley.

NEXT MEETING DATE AND TIME

The next meeting will be held at Stonewall Jackson Resort on Thursday, March 20, 2008 at 10:00AM prior to the scheduled training session for all whitewater outfitters, which will be at the same day and location beginning at 1:00 PM.

ADJOURN THE MEETING

A motion was made by Director Jezioro to adjourn, the motion was seconded and the meeting adjourned at approximately 2:40 PM.