

**WHITEWATER COMMISSION**  
**Quarterly Meeting**  
**September 17, 1998**

**MINUTES**

The quarterly meeting of the Whitewater Commission was held on Wednesday, September 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)  
Alisa Bailey, Director, Division of Tourism  
Peter Hart, Superintendent, National Park Service  
Susan Hanger  
Jackie ASkip≡ Heater  
D. G. AMoon≡ Mullins  
Jeff Proctor  
Turner Sharp  
Bob Stanley  
Luther Toney  
Charles Friddell, Guide Representative

**DIVISION OF NATURAL RESOURCES**

Pamela B. Mullins, Director's Office (Recording Secretary)  
Col. Jim Fields, Chief, Law Enforcement Section  
Liz Harless, Law Enforcement Section  
Becky Payne, Director=s Office  
Daynus Jividen, DNR Staff Attorney

**PUBLIC**

Dr. Andy Whisman, West Virginia University  
Rick Bayes, The Rivermen  
Richard Cantrell, Cantrell Ultimate Rafting  
John R. Hoblitzell, Attorney with Kay, Casto, Chaney, Love & Wise (representing  
Cantrell Ultimate Rafting)  
Karen Calvert, Rivers  
Eddie Lilly, Rivers

Rick Brown, National Park Service  
 Chester Thompson (former Whitewater Commission member)  
 Paul Breuer (former Whitewater Commission member) Mountain River Tours  
 Heather Johnson, Extreme Expeditions  
 Rick Johnson, Extreme Expeditions

### **CALL TO ORDER**

The meeting was called to order by Director Rader at approximately 1:00 p.m. He introduced the newly appointed commission members; Susan Hanger, Jackie ASkip≡ Heater, D. G. AMoon≡ Mullins.

### **APPROVAL OF MINUTES**

Mr. Proctor made a **MOTION** to approve the minutes of the June 17, 1998 meeting as presented. The motion was seconded and passed.

### **PUBLIC COMMENTS**

**John Hoblitzell**; Kay, Casto, Chaney, Love & Wise; discussed the license application for Cantrell Ultimate Rafting, requesting that this decision be finalized by the commission. Mr. Hoblitzell reminded the commission that at the last meeting, Mr. Jividen, Legal Council for the Whitewater Commission, stated that it was his opinion that Mr. Cantrell is entitled to a decision. Mr. Hoblitzell stated that, on behalf of Mr. Cantrell, he hoped this would be addressed.

**Rick Johnson**, Extreme Expeditions, stated that he would very much like to see Ritchie Cantrell receive a license for the Gauley River as it would help his business and would not be hurtful or a problem to the industry as a whole.

Mr. Stanley asked if Mr. Cantrell=s situation would be considered as a reinstatement of his Gauley River license or treated as a new application. Director Rader advised that it would be considered a new license application and would be addressed at today=s meeting under Other Business.

Mr. Mullins then asked to speak briefly to the commission as a newly appointed member. He advised that he had always been very interested in the Whitewater Industry since he came to state government in 1981 and has remained committed over the years as the 1-800-CALL WVA telemarketing effort came into being. He expressed two areas of concern he has for this industry; safety and marketing the industry. He stated that he was of the opinion that the numbers (allocations) are completely Aout of hand≡ and that if all licenses cost the same amount, outfitters should all have the same number of allocations. Mr. Mullins stated that he felt it unfair for an outfitter to have less numbers and still be required to pay the same amount for his license. He added that with the implementation of the new allocation methodology formula, the outfitters are not likely to be able to get their

slots back once they are taken away and their license would ultimately not be worth as much. He stated that he felt this should be reviewed by the commission. He also commented that safety is an important issue and that the rafting industry, in his opinion, is probably the most safety conscious of any recreational industry. He expressed his agreement with Director Rader's idea of having a guide certification program, handled within DNR. He also stated that he would like to see the commission designate more funds to be used for marketing and advertising the whitewater industry.

Mr. Heater commented that he feels there is not a fair playing field with the outfitters licenses.

Mrs. Hanger asked to provide a brief background. She stated that she had been an outfitter in West Virginia for 16 years and was coming to the commission with lots of experience. She advised that she has been a voting member of the Hospitality and Travel Association for three years, and a member of the Gauley River National Recreational Advisory Board. Mrs. Hanger added that her role with the Whitewater Commission would be to help the industry to mature and grow thus making West Virginia grow.

## **BUDGET COMMITTEE**

**WVU Contract:** Chester Thompson was asked to discuss the budget as it relates to the WVU contract for the whitewater study. Mr. Thompson stated that the minutes of the last meeting accurately addressed the proposed budget, however the attachment to the minutes should be the final budget document and not the draft. He added that since the amount of the WVU contract had been negotiated by Lt. Col. Bill Daniel and Dr. Andy Whisman, reflecting a compromise between the two originally proposed figures, a motion will need to be made by a commission member to amend the budget and increase the dollar amount of the WVU contract for the whitewater study by the appropriate amount.

**Future Funding:** Col. Fields then asked Mr. Thompson if he would clarify and provide assurance from the commission that a constant funding source would exist for the addition of a law enforcement officer and administrative assistance to be hired by DNR and that it would not just be a one time only funding. Mr. Thompson advised that it was the budget subcommittee's intention and recommendation that due to the grave financial shortage being experienced by the DNR Law Enforcement Section and due to the number of obligations placed upon Conservation Officers, funding would be continued until such time as it could be obtained from the legislature. Director Rader asked if Mr. Thompson could prepare a letter on behalf of the budget subcommittee to Col. Fields confirming this agreement between the Whitewater Commission and the DNR Law Enforcement Section. Mr. Thompson agreed.

Mr. Proctor then made a **MOTION** to accept the revised budget figures for the continuation of the LAC study in the amount of \$34,211.28, through the end of June 30, 1999. This motion was seconded by Mr. Sharp and was passed.

### **LAC COMMITTEE REPORT**

Mr. Proctor stated that the information obtained through the LAC study came from trip leader reports and was issued to the commission at the end of 1995. He continued by stating that the 1992 law asked the commission to study crowding and other issues and this present contract is a continuation of that particular law. Mr. Proctor explained that this contract will allow the industry to determine if they are running a quality product as they continue to learn. He added that the visitor=s survey will help to determine what visitor=s are wanting from the whitewater industry.

Director Rader asked Mr. Proctor to explain what is meant by, *customer counts remain absent*, as shown on the reports. Mr. Proctor advised that some outfitters had not sent in their information or possibly their promotionals may not have been running during that time and Dr. Whisman does not have information from the outfitters as to whether they actually ran their trips. He continued by stating that it is a concern of the LAC subcommittee that accurate information is received.

Discussion occurred on the customer survey reports at which time Col. Fields added that in some cases, it appeared these surveys were being filled out by the same person and sometimes there were more customer surveys filled out than there were customers, according to the numbers reported. He expressed his hope that the outfitters would not get into falsification of reports because, if the information Dr. Whisman receives is not accurate, it provides no use for study purposes. Col. Fields added that if Dr. Whisman has concerns about the accuracy of the information, he hopes he will question the use of this information.

### **TOURISM COMMITTEE REPORT**

Mr. Breuer began his report by stating that he would appreciate the commission=s consideration of allowing him to continue to serve on the Tourism Subcommittee as well as his participation in the Subcommittee on the Emergency Response Map. He then presented his subcommittee report by discussing their meeting held earlier in the day; the 30-Year Celebration of Whitewater and the success of the New York trip.

Ms. Bailey commented on the large amount of media coverage which occurred and brought for the commission=s review examples of many newspaper articles. Discussion continued briefly.

### **APPOINTMENT OF SUB-COMMITTEE FOR EMERGENCY RESPONSE MAP**

Director Rader announced the appointments of individuals to serve on the Emergency Response Map Subcommittee; Bill Blake, Regulations Subcommittee; Jeff Proctor, LAC Subcommittee; Paul Breuer, Tourism Subcommittee; Chris Dragan, Budget Subcommittee.

The director advised there would need to be appointments made on some of the other subcommittees and he would appreciate receiving recommendations from the

commission for these appointments.

### **OTHER BUSINESS**

Director Rader discussed the letter submitted to the commission by Lt. Col. Daniel addressing the development of a procedural rule regarding the allocation methodology. See Attachment A.

Director Rader also commented on the proposal from Rick Bayes regarding the completion of the Gauley River response map and asked the commission to review this proposal and be prepared to act on this at the December meeting. See Attachment B.

At the last commission meeting, Director Rader stated that it was his intention to ask the commission for a decision on the license application for Cantrell Ultimate Rafting. He advised that since he had to leave the meeting early and this issue was not addressed, he would like to ask the commission, this day, for a motion to address the issuance of a Gauley River license for Cantrell Ultimate Rafting. He reminded the commission that at the last quarterly meeting a moratorium was placed on the issuance of new licenses for three years and that Mr. Cantrell's application still required action by the commission. Lengthy discussion occurred among commission members regarding this application. Director Rader advised that the Whitewater Commission's legal advisor, Mr. Jividen, had provided an opinion at the last meeting that Cantrell's license application should not be considered as a reinstatement, but as a new license application.

Mr. Mullins then made a **MOTION** that the Whitewater Commission grant a Gauley River Outfitters License to Ritchie Cantrell of Cantrell Ultimate Rafting. The motion was seconded by Mr. Heater. Lengthy discussion continued.

Mr. Jividen provided further comments regarding the other license applications which were received during the period of time when there was not a moratorium in place. He added that the license moratorium was restored at the June 17, 1998 meeting and that any license applications received by the commission during that A window of opportunity ≡ would need to be addressed, in his opinion. Discussion continued.

Director Rader suggested that, in a effort to determine how many licenses need to be considered, this motion be tabled until the next meeting, to be addressed and a final decision made at that time. Ms. Bailey and Mr. Stanley both agreed that this issue needed to be resolved at the next meeting.

Mr. Sharp then moved to **LAY THE MOTION ON THE TABLE** to be addressed at the next quarterly meeting. This was seconded by Ms. Bailey and was passed with one negative vote; Mr. Mullins.

Mr. Stanley brought up the issue of organizations operating on the Gauley River without an outfitter's license. The director expanded on this issue of nonprofit

organizations, such as the boy scouts and church organizations, running trip on the rivers without a license. Director Rader asked Col. Fields to investigate this situation and provide the commission with a report at the next meeting. Col. Fields agreed to provide this report prior to the December meeting.

Mr. Proctor mentioned that Dr. Whisman had not been able to put together the list of cap days for 1998 to provide information to outfitters prior to their 1999 season. He added that this information will be collected and a letter forwarded to outfitters by January, 1999.

Mr. Mullins asked the commission to consider holding their quarterly meetings at other locations, away from the Charleston Office, possibly at various rafting company facilities.

Ms. Bailey thanked the former commission members for their hard work while serving on the Whitewater Commission; Paul Breuer, Len Hanger, and Chester Thompson.

#### **NEXT MEETING DATE AND PLACE**

The next quarterly meeting will be held on Wednesday, December 16, 1998 at 1:00 p.m. in Charleston, Division of Natural Resources, Building #3, Conference Room 674.

The **MOTION** to adjourn was made by Mr. Stanley and seconded by Mr. Mullins and was passed.