

WHITEWATER COMMISSION

QUARTERLY MEETING MARCH 22, 2006

MINUTES

The quarterly meeting of the Whitewater Commission was held on Wednesday March 22, 2006, at the Ramada Inn and Conference Center, Morgantown, West Virginia. The following individuals were in attendance:

WHITEWATER COMMISSION MEMBERS

Frank Jezioro, Director, Division of Natural Resources (Presiding)
Jerry Cook
Matt Knott
Bill Garten

DIVISION OF NATURAL RESOURCES

Jena Kay Webb, DNR Law Enforcement Section (Recording Secretary)
Lt. Larry Case, DNR Law Enforcement Section
Captain Kaven Ransom, DNR Law Enforcement, District 1, Farmington
CPL Richard McCrobie, DNR Law Enforcement, District 1, Farmington

PUBLIC

Derek Buddemeyer, Laurel Highlands River Tours
Len Hanger, Songer Whitewater
Kim Coon, Butts Tubes, Inc.
Eric Pories, WVPRO
Jim Greenbaum, Whitewater Adventures
Mike Logsdon, Garrett College

CALL TO ORDER

The meeting was called to order by Director Jezioro at approximately 1:20 p.m. All commission members were present at this meeting with the exception of Eddie Lilly, Cal Hite, Ray Church and Randall Ballard, Commissioner Ballard was represented, with a letter of proxy by Jerry Cook.

APPROVAL OF MINUTES

Commissioner Cook made a **MOTION** to approve the minutes of the January 10, 2006 meeting as submitted. The motion was seconded by Commissioner Knott and was passed.

PUBLIC COMMENT

There were no public comments at this meeting.

LAC SUBCOMMITTEE REPORT

Commissioner Ballard was absent from this meeting so there was no report.

BUDGET SUBCOMMITTEE REPORT

Commissioner Knott handed out (Attachment A) expenditures and income as of February 28, 2006. If there are any items that needs to be added to the budget for the 2008 fiscal year, these items will be needed at the June meeting so that the 2008 budget can be presented to the Commission for approval.

TOURISM SUBCOMMITTEE REPORT

Director stated that Tourism will continue putting out the advertising scheduled for this spring and a lot of it was involving whitewater. As far as the bill that was presented that was going to try to direct some money to the whitewater industry in several counties did not get out for a vote, it died in committee. As the bill was proposed for southern West Virginia, it got changed to an appropriations bill where every district in the whitewater industry would get money.

OTHER BUSINESS

Commissioner Knott asked about the on-line trip leader report system and if it would be implemented for the up coming whitewater season.

Lt. Case stated that all whitewater outfitters were e-mailed the web address for the trip leader reports and were asked to practice entering trip leader reports and as of March 2006 all licensed whitewater outfitters will be required to enter daily trip leader reports on-line. All outfitters will be notified as soon as the system is up and running.

Director Jezioro stated that according to the code chapter §20-2-23f, continuing the Whitewater Commission, and what it says is "Pursuant to the provisions of article ten, chapter four of this code, the whitewater commission shall continue to exist until the first day of July, two thousand six, unless sooner terminated, continued or reestablished by act of the Legislature". Staff attorney Goes is looking into this and will take care of it.

Director Jezioro stated that the commission has two whitewater applications for consideration. Adventurous Seasonal Pursuits, LLC, owner, Greg Wells, from Harpers Ferry, West Virginia, requesting a commercial whitewater license on the Cheat River. Blackwater Outdoor Center, LLC, owner, Patrick McCann, requesting a commercial whitewater license on the Tygart River.

Director Jezioro stated that these two applications would be reviewed and Lt. Case would get a clarification on the rivers requested in the Adventurous Seasonal Pursuits application and the LAC Sub-committee would bring their findings and/or recommendations it back to the commission at a later time.

Eric Pories stated that the request for training funds of \$5,820.00 requested by WVPRO be considered (Attachment B).

After a short discussion, Commission Garten made a **MOTION** to approve these training funds. The motion was seconded by Commissioner Knott and was passed.

Commissioner Garten stated that he would like to know if the commission has the right to go into executive session. What are the procedures to go into executive session and how to present outcome of executive session. Commissioner Garten stated that he would like to be notified by letter as to the answer to his question. If by state statute the commission does not have the right to go into executive session, what would be required by the commission to get that right under state law?

Director Jezioro stated that he did not know the answer and that staff attorney Kelley Goes would have to answer the question.

Commissioner Garten stated that he would like for the commission to think about and take some action on having a set meeting schedule. As an example the March meeting would be held Northern part of the state; June meeting be held in Fayette County; the September meeting be held in Fayette or Nicholas County; the December meeting be held in Charleston. This will be discussed at the June meeting.

Commissioner Garten also stated that he did not know whether any action should or could be taken on the turnpike fees. As an industry something could be said about the turnpike fees and it would carry a little weight.

Director Jezioro stated that you could have in put as a commission just like anyone else could. A letter could be drafted and it could be stated that as the whitewater commission this is the in put that they would like to have on the turnpike.

This discussion will be brought back to the commission at the June 2006 meeting.

Director Jezioro stated that for your information the deadline for license fees for 2006 was February 15, for those who have not paid should do so to receive your license for the season.

Commissioner Cook stated that the Tourism web-site was very confusing to navigate to find whitewater outfitters in the state. He stated that he asked tourism to change the navigation on the page so it could be made simpler.

Len Hanger, Songer Whitewater, stated that he had spoken to Bret Preston, DNR Wildlife Section, and they have a verbal agreement to continue to do the trout stocking in the spring and fall. They will meet in the near future to do a new agreement to cover the June and October stocking. The June stocking is all ready scheduled.

Commissioner Knott asked if the commission was going to discuss non-payment of license fees or if they were going to wait and discuss it at the June meeting.

Commissioner Knott stated that he personally thinks that if an outfitter has not paid his license fees they should not be able to run customers. Although it is possible that someone might forget to pay their license fees.

Lt. Case stated that starting next year with the approval of Director Jezioro, at a reasonable amount of time past February 15th the companies that have not paid their license fees need to be visited by the local DNR officer and given a ticket for being in violation of the law.

Lt. Case stated that as discussed in the January 2006, Commissioner Knott has requested a regulation change on the Shenandoah River. The regulation change needs to be ready by the June 2006 meeting.

After a short discussion concerning (Attachment C) Commissioner Cook made a **MOTION** to approve the no-cost extension of Dr. Andy Whisman's LAC study contract until June 30, 2006. The motion was seconded by Commissioner Garten and was passed.

Commissioner Garten asked if anyone had answered Richie Cantrell in regards to the minutes of the January 2006 meeting.

Lt. Case stated that what Mr. Cantrell wanted was a boundary change for rentals on the Upper New River. The regulation was changed to, from the dam down to the top of brooks falls. Lt. Case said that he recalled Mr. Cantrell's problem was with the take out. He wanted it to say the top of sandstone not the top of brooks falls. That would take a regulation change. The information for the regulation change would have to be in by the June 2006 meeting.

NEXT MEETING DATE AND PLACE

The next meeting is tentative scheduled for June 21, 2006 at Ace Whitewater.

A **MOTION** to adjourn was made by Commissioner Garten, was seconded by Commissioner Cook and the meeting was adjourned at approximately 2:10 p.m.