

WHITEWATER COMMISSION

QUARTERLY MEETING JUNE 21, 2006

MINUTES

The quarterly meeting of the Whitewater Commission was held on Wednesday June 21, 2006, at Ace Whitewater, Oak Hill, West Virginia. The following individuals were in attendance:

WHITEWATER COMMISSION MEMBERS

Frank Jezioro, Director, Division of Natural Resources (Presiding)
Cal Hite, National Park Service
Jerry Cook
Matt Knott
Bill Garten
Eddie Lilly

DIVISION OF NATURAL RESOURCES

Jena Kay Webb, DNR Law Enforcement Section (Recording Secretary)
Lt. Larry Case, DNR Law Enforcement Section
Harry Price, Executive Secretary, Division of Natural Resources
Keith Wilson, Budget Officer, Division of Natural Resources

PUBLIC

George Heffner, Butts Tubes, Inc.
Holly Heffner, Butts Tubes, Inc.
Eric Pories, WVPRO
Heather Johnson, Extreme Expeditions
Brian Campbell, Rivermen
Rob Dobson, WV Adventures
Richie Cantrell, Cantrell Ultimate Rafting
Tim Barton, Alpine Ministries
Mark Lewis, North American River Runners
Rick Johnson, Extreme Expeditions
Ernest Kincaid, Ace Whitewater
Everett Ruppert, Blue Ridge Outfitters
Johnathan Danz, Wildwater Expeditions
Jeff Proctor, Class VI River Runners
Tom Dragan, Wildwater Excursions

CALL TO ORDER

The meeting was called to order by Director Jezioro at approximately 12:00 p.m. All commission members were present at this meeting with the exception of a representative from The Division of Tourism and Randall Ballard.

APPROVAL OF MINUTES

Commissioner Garten made a **MOTION** to approve the minutes of the March 22, 2006 meeting as submitted. The motion was seconded by Commissioner Lilly and was passed.

PUBLIC COMMENT

Brian Campbell, Rivermen, stated that he wanted to discuss the Gauley trout stocking agreements that the outfitters and DNR have had for many years; a five year and a 10 year agreement have been finalized. The outfitters need to re-negotiate a new agreement on the trout stocking.

Director Jezioro stated that Brett Preston, DNR Wildlife is interested in getting together with the outfitters to look for a way of making the trout stocking more economical, maybe one helicopter stocking and one river stocking access. The DNR would like to talk to the National Park Service about getting better access to the river in the spillway area to do the stocking.

Mr. Campbell stated that the subject of how the stockings are administered and paid for is the main concern of the outfitters. Mr. Campbell stated that since it has come to the attention of the outfitters that the trout stockings cannot be paid for out of whitewater commission funds; Mr. Campbell said that he would like to request that this be looked into again. Mr. Campbell stated that part of the law states to promote and enhance the industry. The sole reason for the trout stocking agreement was to re-negotiate the way the Gauley dates were released and that dramatically enhanced and improved the Gauley season by concentrating the releases on the weekend, it use to be two weekends Saturday and Sunday and then two to three weeks straight. To mitigate the interruption of the fishing program that operated in October the outfitters offered the trout stocking program to help the fishermen.

Director Jezioro stated that this program would be looked into again by the DNR.

DISCUSSION OF ENFORCEMENT ISSUES

There was a lengthy discussion of enforcement issues pertaining to outfitters not paying license fees by the February 15th deadline and being in compliance with Workers' Compensation Commission and Bureau of Employment Programs.

DISCUSSION OF COMMERCIAL WHITEWATER RAFTING LICENSE APPLICATIONS

Lt. Case stated that the LAC Sub-committee will meet and discuss the license applications for Blackwater Outdoor Center for a Tygart River and Adventurous Seasonal Pursuits, LLC application for a Cheat River license and bring back to the Commission their comments and/or recommendations at the quarterly meeting in September.

REGULATION CHANGES FOR THE SHENANDOAH RIVER – MATT KNOTT

Commissioner Knott stated that the Shenandoah River Outfitters Association has requested that the beginning point of the study zone on the Shenandoah River be changed from Millville Dam to just Millville because none of the licensed outfitters start their trips at the dam. Millville is about a mile downstream from the dam on a flat section of the river.

Commissioner Lilly made a **MOTION** to change the regulations to read: Shenandoah River from Millville to its confluence with the Potomac River. Commissioner Garten seconded the motion and the motion passed.

LAC SUBCOMMITTEE REPORT

Commissioner Knott stated that the outfitters are now reporting trip leader reports on-line for the 2006 Season and the Commission needs to tell the programmer what data the outfitters need to be able to get out of the TL information. The Commission needs to make a decision on how we are going to retrieve the information complied, who has access to the information and what format we want to retrieve the information in. The DNR wants the Commission to tell them specifically what needs to come from the information so the programmer knows what needs to be done.

Commissioner Jerry Cook volunteered to replace Randall Ballard as the chairman of the LAC Sub-committee.

Brian Campbell stated that the most important function that the outfitters need to be able to extract from the on-line TL reporting system is at the end of the month the ability to extract a monthly summary report that mimics the manual report that all outfitters do, that would make everyone's job a lot easier to be able to printout a monthly summary and submit it on-line within that system.

The LAC Sub-committee will meet after this meeting to discuss and make a decision about what data needs to be extracted and how that data will be extracted from the on-line TL reporting system database.

Brain Campbell commented on the 2003 and 2004 Trip Leader Report LAC Analysis (Attachment A) which has been complied by Dr. Andy Whisman. The report shows a decline in crowding scores which probably reflects the high water levels that was experienced in those years. The details indicate a fairly consistent relationship between the number of people on water and the crowding score and that indicates that valid data has been reported.

BUDGET SUBCOMMITTEE REPORT

Commissioner Knott stated that at the June 2005 the commission voted on the 2007 year budget which starts on July 1, 2006, however Harry Price and Keith Wilson from DNR were at the meeting today to discuss requested modifications to that budget. The DNR has also requested that the proposed 2008 budget that the Commission will be discussing at this meeting be modified also.

Keith Wilson handed out the proposed budget for fiscal year 2007 (Attachment B) to commission members. Mr. Wilson explained the proposed changes to the 2007 budget.

Commissioner Lilly made a **MOTION** to accept the 2007 amended budget as proposed. Commissioner Garten seconded the motion.

After a lengthy discussion pertaining to the DNR amended 2007 budget, Commissioner Lilly stated that he wanted to rescind his motion to accept the DNR 2007 amended budget and Commissioner Garten rescinded his seconded of the motion and the motion was not voted on.

After another lengthy discussion pertaining to the DNR amended 2007 budget, Commissioner Cook made a **MOTION** to accept the DNR amended 2007 budget as presented. There was not a seconded of that motion.

Commissioner Knott handed out a copy of the original 2007 budget that had already been approved with amendments made to it on June 21, 2006 (Attachment C). After a lengthy discussion pertaining to this 2007 budget, Commissioner Cook made a **MOTION** to approve the amended 2007 budget and Commissioner Lilly seconded the motion and all were in favor and the motion passed.

The commission then reviewed the 2008 budget (Attachment D) that was handed out and Commissioner Lilly made a **MOTION** to approve the 2008 budget as presented. Commissioner Garten seconded the motion and all were in favor and the motion passed.

TOURISM SUBCOMMITTEE REPORT

There was no Tourism Subcommittee Report since there was not a representative present at the meeting from Tourism

OTHER BUSINESS

Commissioner Garten stated that wanted to make a MOTION to have a set schedule as to what part of the state each quarterly meeting would be held, beginning with the December meeting in Charleston; March meeting up north; June meeting in Fayette County; September meeting Fayette and/or Nicholas County. Commissioner Lilly seconded the motion and the motion passed.

Commissioner Garten stated that he had received an answer to his question about the commission having an Executive Session. The answer was yes with guidelines. Commissioner Garten then asked what can be done in Executive Session and also at the March 2006 meeting a proxy vote was used to have a quorum, can a proxy vote make a motion or second a motion made?

Director Jezioro stated that someone would get back to Commissioner Garten with the answer to his questions.

Cal Hite, National Park Service, stated that the park service was going to hold three public meeting concerning the General Management Plan in July. The meeting will be held: Hinton, Tuesday, July 25th from 5:00 pm to 6:30 pm; Wednesday, July 26th at Tamarack from 3:00 pm to 5:30 pm; and Thursday, July 27th in Fayetteville from 7:00 pm to 9:30 pm.

NEXT MEETING DATE AND PLACE

The next meeting will be in September and everyone will be notified for the time and place.

A **MOTION** to adjourn was made by Commissioner Lilly, was seconded by Commissioner Cook and the meeting was adjourned at approximately 1:40 p.m.