

Quarterly Whitewater Commission Meeting Minutes

December 13, 2011

Location: Division of Natural Resources, South Charleston, WV

Chaired: DNR Lt. Colonel Jerry Jenkins, in absence of Director Frank Jezioro

In Attendance: Don Striker, National Park Service; Jeff West, National Park Service; Clif Bobinski, National Park Service; Doug Proctor, Adventure WV; Tim Barton, Alpine Ministries; Don Beyer, Private River User; Chris Ellis, Private River User; Mark Lewis, WVPRO; Frank Lukacs, ACE; Rick Johnson, River Expeditions; Doug Cooper, Private River User; Jerry Cook, ACE; Kelly Crago, DNR recording secretary

Approval of September 13, 2011, Minutes

Jerry Cook motioned to approve the minutes recorded from the September 13, 2011, quarterly Whitewater Commission meeting. Tim Barton seconded the motion, and the Commission accepted.

Injury Report Presentation

Aram Attarian reported his findings from commercial whitewater injury reports from 2003-2010. Mr. Attarian concluded that he believes the Commission and the outfitters and guides are effectively minimizing injuries and fatalities. He said the majority of reports are sprains, strains, lacerations, and other less serious injuries. He did say that continued education, engineering, and enforcement could positively affect future reporting.

After Mr. Attarian's presentation, the Commission and attendees discussed his recommendations. Doug Proctor said that better investigation and reporting could probably help. He said he believes it's good to do follow-up calls to injured parties to make sure that the injury was not more serious than originally thought. Jerry Cook takes it another step and insists that the injured party goes to the hospital. Cook's company would rather pay for an ER trip than pay insurance and lawsuits. Rick Johnson said that follow-ups could encourage people to think they are more injured than they really are. He said follow-ups may increase the possibility of lawsuits.

Mr. Attarian had suggested that perhaps reporting employees didn't understand what constituted a reportable injury. Rick Johnson said that the improvement in reporting over the last few years can be credited to further defining and explaining injuries and reporting. Johnson said that over-reporting actually occurs now rather than under-reporting. This is probably due to outfitters and guides wanting to cover themselves. The mindset is it's better to report than to be cited or sued.

The Commission agreed that outfitter and guide collaboration that occurs at WVPRO meetings definitely helps. It is more effective to communicate and work together to effectively minimize the possibility of injuries and fatalities, if possible.

Overall, the Commission seemed pleased with the report. The Commission asked Mr. Attarian to provide a few more graphs such as a breakdown of injuries by age. Mr. Attarian expects to send the full, written report to Kelly Crago within a week or two. She will then disseminate it to the Commission for review.

Budget

Jerry Cook motioned to increase the Gauley Stocking Fund to \$13,000 and to increase Continuing Education to \$15,000 (\$5,000 for the north and \$10,000 for the south). Tim Barton seconded the motion, and the Commission accepted.

Matt Knott reviewed the current budget and then presented the proposed FY 2013 budget. Jerry Cook motioned to accept the proposed FY 2013 budget. Tim Barton seconded, and the Commission accepted. Matt Knott will submit a revised 2013 budget showing the above-mentioned increases, and Kelly Crago will send to Keith Wilson for approval and to the Commission for reference.

Allocation User Day Transfers

DNR lawyer Will Valentino reviewed the laws regarding temporary seat transfers and interpreted that outfitters and guides must receive prior approval from the Director. Many meeting attendees disagreed with Valentino's interpretation. They believe that the intent of the law is being misinterpreted. They believe the laws referenced actually refer to the permanent sale or transfer of licenses or seats and not to the daily lending of seats.

Since Valentino interprets the laws as he does, changing or further specifying the prior approval regulations would require a Rule change. Therefore, the Commission has decided to review and adapt the Allocation User Day Transfer Form in order to make it more user-friendly and informative. The Commission would at least like the form to ask for the number of seats being temporarily transferred and to not include "Reference Number." Chris Ellis motioned to form a sub-committee to review the document. Jerry Cook seconded, and the Commission accepted. The Commission requested that the sub-committee meet before the next quarterly Whitewater Commission meeting. It was suggested that the following people be included in the sub-committee:

Rick Johnson

Don Striker

Tim Barton

Brian Campbell

Kelly Crago

Injury Report and TLR Programs

Kelly Crago reported that since her new computer has been installed, she has Microsoft Office 2010. The program that she used to view injury reports submitted online does not work on her new computer. Crago said that the online injury reporting system still works, as far as she

knows, but she cannot view the reports. She also said that the injury reporting system and the TLR reporting system are becoming outdated.

Several options are available including buying an off-the-shelf program, asking the State Office of Technology to create a program, creating a PDF fillable form for electronic submission, and outsourcing the creation of a program (must be bid on if over \$2500.00). Jerry Cook offered to have his company technology contact quote the creation of a program. The Commission agreed to let Cook research the matter and present his findings at the next quarterly Whitewater Commission meeting.

Next Quarterly Meeting

Jerry Cook motioned to hold the next quarterly Whitewater Commission meeting at the South Charleston DNR office. The meeting was scheduled for Tuesday, March 13, 2012 at 1:00 pm. Tim Barton seconded the motion, and the Commission accepted.

Adjournment

Jerry Cook motioned to adjourn the 2011 4th quarterly Whitewater Commission meeting. Chris Ellis seconded the motion, and the Commission accepted.

Merry Christmas!

