

## **Quarterly Whitewater Commission Meeting Minutes**

### **March 13, 2012**

Location: Division of Natural Resources, South Charleston, WV

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

In Attendance: Brian Campbell, Adventures on the Gorge; Tom Dragan, Sandstone Jetboats, Inc.; Rick Johnson, River Expeditions; Tim Barton, Alpine Ministries; Don Beyer, Private River User; Doug Cooper, Private Boater; Bobby Bower, WVPRO; Doug Proctor, Adventures on the Gorge; Chris Ellis, Private River User; Matt Knott, River Riders (via teleconference); Keith Wilson, DNR Accounts; Bret Preston, DNR Wildlife; Kelly Crago, DNR recording secretary

#### **Approval of December 13, 2011, Minutes**

Tim Barton motioned to approve the minutes recorded from the December 13, 2011, quarterly Whitewater Commission meeting. Brian Campbell seconded the motion, and the Commission accepted.

#### **Budget**

Matt Knott will e-mail the current budget to the Commission members for review. He reported that \$176,000 is available in the account. A little more than \$41,000 has been spent, mostly on DNR salary and wages. \$3,000 of the expenditures account for the whitewater injury data report done by Aram Attarian. Knott noted that no funds had been spent for trout stocking. Bret Preston said that trout stocking on the Gauley River was only being done once a year now. The helicopter pilots were having trouble with the fog for the fall stocking. The Gauley is now stocked once in June, and so the Commission should notice those funds used toward the end of the fiscal year.

The FY2013 budget should be approved this month by the Legislature.

The Commission asked Keith Wilson if it was acceptable to use miscellaneous funds for training, and Wilson answered that it was. Those funds may be used for anything the Commission approves.

#### **Allocation User Day Transfer Form- Form Revision**

During December 2011's meeting, the Commission asked a five-member committee to review the Allocation User Day Transfer Form to make it more user-friendly. The members of that sub-committee met and made several changes to the form, including but not limited to the following:

- Deleted "Reference Number"

- Added “Number of seats being transferred”
- Omitted two bullet points from the top of the form because of either redundancy or lack of necessity
- Added contact information for the donor and borrower companies

The Commission reviewed the form and asked that “or River Segment” be deleted from the section that currently reads “River or River Segment to which allocations are being transferred.” With that change, Brian Campbell motioned to approve the new form. Tim Barton seconded the motion, and the Commission approved it.

### **Online Programs**

Formerly, Kelly Crago reported that the Whitewater Injury Report located online was not working and that she was unable to contact the program creator for help. She also said that all of the online programs, such as the user number and TLR reporting systems were outdated and scattered. The Commission asked her to research having the online systems recreated. Jerry Cook volunteered to ask his company IT person what could be developed.

Crago updated the Commission on her findings. The State of West Virginia’s Office of Technology must complete the project if its personnel are able. The Commission can only seek outside program development if the OT admits it is unable to create the requested website. Crago has contacted OT and is supposed to meet with someone the end of this week. She said she will update the Commission as she finds out more.

Cook was unable to attend the meeting, but he relayed to Crago that his IT person reported at a river manager’s meeting that same day. Cook was also unable to attend, but he said he would speak with that individual and update Crago or the Commission at a later date.

### **Sandstone Jetboats**

Sandstone Jetboats, Inc. dba New River Jetboats, Inc. currently holds a whitewater license. However, the company does not run whitewater, even though it runs a jet boat in a whitewater zone. Recently, the status of Sandstone’s whitewater license was questioned because it currently does not report any user numbers, TLRs, or adhere to other whitewater reporting laws.

In 1994, the Commission voted to issue Sandstone a new category of license for documented vessels. At the same time, the Commission and the DNR Director granted Sandstone a one-year exemption from paying user fees which would have covered the time it took to create the new category of license. The problems with this are the following:

- The one-year exemption from reporting is now over and was never extended.
- State Code or Rule does not allow the Commission to make exemptions without the backup of a change in law.
- The new category of license was never formerly written in the law. The law only defines an “outfitter” and a “commercial whitewater outfitter.”

The overriding problem is that Sandstone is not technically a whitewater outfitter and does not technically run whitewater expeditions. However, Sandstone cannot be considered a non-whitewater outfitter and guide because it does operate in a whitewater zone (from Teays Landing to the Hawks Nest State Park Dam).

Tom Dragan, owner and operator of Sandstone, said that the new category of license was initially promised and the exemption was initially issued because at that time, the law specified “whitewater zones” and “whitewater study zones.” Sandstone operated in a whitewater zone but not a study zone, which is what user fees are based on. The law was later changed to only list “whitewater zones”, which is now what user fees are based on.

Dragan also said that it would be very difficult for his company to adhere to the whitewater reporting rules. For example, he charges \$5.00 per person for a jet boat ride whereas a whitewater outfitter charges much more. The percentage that would be paid for user fees would be much higher for his company. He also has other fees that the other whitewater outfitters do not, including a concession fee, tram fees, sales tax, and Coast Guard licensing.

Besides money, the very nature of Sandstone’s operations are very different from a typical whitewater outfitter. A jet boat trip takes roughly twenty-five minutes whereas a whitewater rafting trip usually takes at least half of a day. Dragan does not need to provide any training for his customers because he or his other captain operates the boat at all times. His customers simply ride rather than participate in boat maneuvers. Due to the nature of the trip, Sandstone also does not currently take any customer information.

River Riders had a similar problem in the past. The company wanted to use inner tubes on the Cheat River. Although the section of the river the company wanted to use was flat water, the law defined it as a whitewater zone. Eventually, the Commission had to initiate a Rule change to remove that section from the defined whitewater zones.

Brian Campbell asked if the Commission would be willing to enact a Rule change. He motioned that the Legislative Sub-Committee further examine the issue and make recommendations to the Commission at the next quarterly meeting. Lt. Colonel Jenkins said he could provide legal counsel to help with writing. Doug Cooper seconded the motion, and the Commission accepted it. The Legislative Sub-Committee meeting will include the following individuals:

Brian Campbell

Rick Johnson

Jerry Cook

Don Striker

Don Beyer

Lt. Colonel Jenkins will also attend the meeting with legal counsel.

### **Liquid Adventures**

Tom McEwan applied for a whitewater license for the Cheat River. His proposed company is Liquid Adventures Kayak School. Director Jezioro signed and forwarded the paperwork to the Whitewater Commission for review. McEwan was unable to attend the meeting.

Rick Johnson suggested McEwan could purchase a formerly-held license so as to use up license numbers. If McEwan decided to go that route, the DNR would need to consult the Code and Rule to find if that license would need to be paid to date in order to purchase.

Brian Campbell said he did not believe any crowding issues existed, but he wanted to make sure that McEwan had legal access to the river. Campbell motioned that the LAC Sub-Committee make a final recommendation on the issuance of the license at the next quarterly meeting. Don Beyer seconded the motion, and the Commission approved it.

The LAC Sub-Committee includes the following:

Brian Campbell

Rick Johnson

Jerry Cook

Don Striker

Don Beyer

### **Request for Training Funds**

#### **RIVER RIDERS**

River Riders requested training funds be allocated for a Wilderness First Aid course open to all outfitters. The training will be provided by the American Red Cross, which will charge \$110 per person. River Riders asked for \$3300. Matt Knott said this is the only training program River Riders wants to propose for this year.

Brian Campbell motioned to approve the training to occur before the end of the current fiscal year. Tim Barton seconded the motion, and the Commission approved it.

Matt Knott will send the course information to Kelly Crago so she can disseminate it to the other outfitters who want to participate.

#### **WVPRO**

WVPRO requested training funds be allocated for three separate programs, two of which will occur in the current fiscal year. All three trainings are open to all whitewater outfitters.

WVPRO wants to host first aid and CPR training performed by the American Heart Association. The AHA will charge \$75 per person. The training has already been scheduled for March 24, 2012. WVPRO anticipates fifteen to twenty participants and believes the total cost will be below \$2500.

WVPRO also wants to host a swift water course in May 2012. It believes the total cost will be below \$5000.

Last, WVPRO announced its intention to host an Outdoor Emergency Care training for guides. That training would not be reimbursed until the next fiscal year.

Brian Campbell motioned to allot \$7500 for AHA first aid and CPR training and swift water rescue training to occur in the current fiscal year. Chris Ellis seconded the motion, and the Commission accepted it.

#### **LAUREL HIGHLANDS RIVER TOURS**

LHRT requested trainings funds to host a swift water rescue training available to all Cheat River outfitters. Brian Campbell said that LHRT is in Pennsylvania and does more business out of state. He believes that training funds would not be most beneficial if allotted to

an out-of-state company that does not run a lot of users in West Virginia. Campbell thinks LHRT should utilize the already-approved trainings since they are open to all outfitters.

Matt Knott agreed that issuing training funds to LHRT may not be the best. He suggested that if the Commission wanted to allot funds for LHRT's training, that it allot a certain amount or percentage based on the number of users the company reports.

Campbell also stressed his belief in "training the trainer." In other words, rather than sending fifteen people from one company to be trained, you can send one or two people to be trained as trainers and then, in turn, impart their knowledge to others in the company.

Campbell motioned to invite all Cheat River outfitters to participate in previously-scheduled trainings. Chris Ellis seconded the motion, and the Commission approved it.

### **Welcome, Bobby!**

Brian Campbell announced Bobby Bower, the gentleman taking over for Mark Lewis at WVPRO. The Commission and all present helped Campbell welcome Bobby. We all look forward to working with you!

### **Next Quarterly Meeting**

The next quarterly Whitewater Commission meeting will be hosted by Adventures on the Gorge. The meeting was scheduled for Tuesday, June 12, 2012 at 1:00 pm.

### **Adjournment**

Tim Barton motioned to adjourn the 2012 1<sup>st</sup> quarterly Whitewater Commission meeting. Brian Campbell seconded the motion, and the Commission accepted.