

Quarterly Whitewater Commission Meeting Minutes

June 12, 2012

Location: Adventures on the Gorge, Lansing, WV

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

In Attendance: Chris Ellis, private boater; Tim Barton, Alpine Ministries; Larry Case, DNR District 4 Law Enforcement Captain; Jerry Cook, ACE Whitewater; Doug Cooper, private boater; Brian Campbell, Adventures on the Gorge; Bobby Bower, WVPRO; Shane Dragan, Sandstone Jetboats; Thomas Dragan, Sandstone Jetboats; Matt Knott, River Riders (teleconference).

Approval of March 13, 2012, Minutes

Brian Campbell motioned to approve the minutes recorded from the March 13, 2012, quarterly Whitewater Commission meeting. Tim Barton seconded the motion, and the Commission accepted.

Whitewater Website Work

Kelly Crago distributed the quote that the West Virginia Office of Technology assembled. She advised that she only received it the afternoon before the meeting and that she had questions about it.

Someone suggested that the system should be an easy one to manipulate so that any technical person or company can correct any problems or make any changes needed at any time.

Matt Knott verified that there is enough money to pay for the system, according to WVOT's quote.

Lt. Colonel Jenkins suggested that a committee meet with WVOT in order to go over quote and have some outfitter input.

Jerry Cook asked if the system would be out in time for the 2013 season if the Commission postponed voting on the system now. Campbell answered that he believed it wouldn't be ready for the next season if voting did not occur now.

Jerry Cook motioned to accept WVOT's quote and move forward. Campbell seconded the motion but advised that the Commission should form a committee of Commission members and whitewater system users, such as river managers, to discuss the new website with WVOT. Brian Campbell volunteered to chair the committee. Jerry Cook then amended his motion to include provisions for the committee. Campbell seconded the new motion, and the Commission accepted.

The committee consists of Brian Campbell, Chris from ACE, Randy from Adventures on the Gorge, Bobby Bower from WVPRO, and Matt Knott from River Riders who will participate via teleconference.

Budget

Matt Knott reviewed the current budget information with the Commission. He advised the budget distributed at the meeting showed numbers through May. The trout stocking occurred in June and should show on the next budget. The Commission should see a few more incremental changes for the end of FY2012, mostly due to operations costs.

Tim Barton motioned to accept the budget. Brian Campbell seconded the motion, and the Commission accepted.

Sandstone Jetboats, Inc.

The committee that was formed to further review Sandstone Jetboats, Inc. recommended that the outfitter should not be considered a whitewater outfitter due to the type of operation being conducted. Brian Campbell motioned that the Commission recommend to the Director that a general Outfitters & Guides License is adequate as long as Sandstone Jetboats, Inc. continues to operate at Hawks Nest Dam. Doug Cooper seconded the motion, and the Commission accepted.

Therefore, Sandstone Jetboats, Inc. will maintain a general Outfitters & Guides License for operations at Hawk's Nest Dam. It will continue to pay for one whitewater license to keep it current in case it ever decides to operate at Sandstone again. If operation at Sandstone occurs, Sandstone Jetboats, Inc. will be held accountable for the same safety and reporting requirements as other whitewater outfitters & guides.

Liquid Adventures Kayak School

The committee that was formed to further review Liquid Adventures Kayak School's application for a whitewater license for the Cheat River recommended that the Commission approve the license. The Commission had asked that the committee review the license mainly because it wanted to be sure that legal put-ins and take-outs were available for use. Liquid Adventures was able to provide proof that they had such access. Brian Campbell motioned that Liquid Adventures Kayak School be granted a Whitewater Outfitters & Guides License for the Cheat River. Jerry Cook seconded the motion, and the Commission accepted. The license will be issued for this year.

Training Standards

Currently, the Rule states the following:

"A Commercial Whitewater Trip Guide Shall... Have completed a minimum of fifteen (15) training trips including at least five (5) training trips in the same or similar type of raft used by the outfitter for commercial whitewater activities, two (2) familiarization trips and one (1) evaluation trip on the section of river to be guided, except that on the

Shenandoah River only ten (10) training trips will be required plus the two (2) familiarization trips and one (1) evaluation trip. One (1) of the familiarization trips and the evaluation trip shall be in the same or similar type of raft used by the outfitter for commercial whitewater activity. The second familiarization trip may count as the evaluation trip;"

The upper and lower sections of the New River require the same amount of training trips because the system was set up by river. However, Brian Campbell suggested that the Upper New River is actually more like the Shenandoah in nature. Therefore, Brian Campbell asked that the Commission consider changing the Rule to allow trip guides on the Upper New to need 10 training trips.

The goal behind the request is to be able to train trip guides quicker in light of the upcoming years of Jamboree hosted by the Boy Scouts. Campbell said that the change would allow the rafting companies to train a guide for the Upper New River within a week. The need to train quickly stems from the guide to rafter ratio, considering that the Scouts want to run 6,000 scouts down the river on raft trips per day. The Jamboree will be every four years for five to six days. This year, the BSA wants to have whitewater outfitters run 2,000 scouts as a trial run from McCreary to Cunard. Jerry Cook said he, Brian, and any other outfitters participating in the BSA raft trips are trying to plan ahead for upcoming Jamborees. They are trying to design the runs to deal with crowding issues ahead of time. They're trying to plan everything, time-wise, to not impede other trips. It was stated that at some point, the BSA plans on asking for a waiver of user number restrictions during the Jamboree.

Brian Campbell said the participating outfitters and the BSA was also considering using Eagle Scouts as some of the newly trained guides to help supplement currently trained guides. They have also discussed bringing in guides from other rivers, but don't believe even that will provide enough guides to satisfy the guide to rafter ratio. In the end, the participating outfitters are going to need to train new guides, and quickly.

Captain Case noted that we don't know what this is going to look like, as nothing like it has ever happened before. Concern was expressed that private and other commercial outfitters be made aware of what's going to happen, considering the increased traffic.

Jerry Cook said that the Jamboree and these high numbers for a week's time are going to happen, no matter what. He said that, in the past, the BSA spoke of going to the governor and asking him for some type of allowance. Cook believes it's better to work with the BSA and have some type of say in how things will happen rather than to be left out of the process altogether.

Tim Barton asked if the Commission should look at a maximum number of boaters putting on per hour. He said he's not opposed to the arrangement being made with the BSA, but he does believe that the Commission has a duty to protect the private and other commercial boaters.

Campbell suggested that the Rule change to say, "...except that on the Shenandoah River and Upper New River only ten (10) training trips...." That wording should not negatively affect training on the Shenandoah River and will not at all affect the Lower New River or any other river.

Lt. Colonel Jenkins said that he believed rule changes must be filed by July and would go into effect next March. Campbell said that a rule change was not needed for the trial run this year, but that it would be needed in preparation for next year when the actual Jamboree occurs.

Brian Campbell motioned that the DNR prepare and file a rule change to enable Shenandoah training standards for trip guides to apply to the Upper New River. Doug Cooper seconded the motion.

Matt Knott said that the same section of rule says that guides on the Shenandoah River must only be 16. They are not required to be 18, as on the other rivers. He didn't agree with this, but wondered if provisions were being made for that allowance on the Upper New River. Campbell said they were not asking for an age requirement change. Jenkins said that issue can be addressed in a later motion. The Commission accepted the motion as it was stated.

The LAC Committee will work with Lt. Colonel Jenkins on the wording of the proposed rule change.

Outfitters & Guides

Jerry Cook said that he wanted to review the regulations for whitewater outfitters vs. general outfitters operating in whitewater zones. He said this discussion was prompted by the LAC committee meeting that met with Will Valentino regarding Sandstone Jetboats and Liquid Adventures. He said that some of the definitions that apply to outfitters have circular references. In lieu of that and over time, fishing outfitters have been licensed and operate within whitewater zones without being held to the safety and reporting standards as whitewater licensees. Cook said that whitewater expeditions include tubes and any other type of trips in whitewater. He believes that if an outfitter is operating in a whitewater zone, it has to have a whitewater license. It shouldn't be able to run those zones just because it's not terming trips as "whitewater."

In the early 90s, fishing outfitters did not run the Gorge. If they did, they have a whitewater license. Over time, that became ignored and fishing outfitters and guides began to slip through the cracks. They began to run the Gorge as fishing outfitters and guides without whitewater licenses. Bobby Bower said he believes about 3 or 4 outfitters are offering fishing trips in whitewater zones without a whitewater license. Something that needs to be cleaned up, but it would require a Code change.

Captain Case said it's one thing to address life jacket and training standards with these outfitters and a whole other issue to tell them they need to obtain a \$500 whitewater license for a river(s) with a moratorium. Obtaining a whitewater license isn't even possible for the New or the Gauley.

Doug Cooper said he believes anybody running above a class III should have to have a commercial whitewater license. Whitewater should be defined as the class of whitewater being run.

Jerry Cook motioned to have the LAC Committee investigate the issue and provide a recommendation for action.

Brian Campbell inserted that he foresees this process taking a couple of years. He believes the Commission should make provisions for those who currently hold a general Outfitters and Guides License and operate within whitewater zones now.

Tom Dragan offered another explanation, saying that laws have changed over the years due to whitewater outfitters and guides. Fishing outfitters have probably not kept up. Law changes have included whitewater outfitters and not others.

Brian Campbell seconded the motion, as Jerry Cook had originally stated it. The Commission accepted. Jerry Cook volunteered to chair the committee.

Injury Reporting

Captain Case asked if an outfitter has to be underway to report an injury. Brian Campbell said yes, he believed so. According to §58-12-11.1, "...licensee's services from the put-in to the take-out."

Committees

The committee list had not been updated in quite some time. The Commission said it probably needed to review the committees at the beginning of every year to make sure each one is still necessary and the individuals included were still current Commission members. Jerry Cook motioned that the Commission review the committees at this meeting, considering it was not done the beginning of 2012. Brian Campbell seconded the motion, and the Commission agreed.

Tourism- not needed

Budget- Matt Knott (Chair)

Chris Ellis

LAC/Regulation Committee- Brian Campbell (Chair)

Rick Johnson

Jerry Cook

Don Beyer

DNR Representative

Recent Citation for Private Boaters

Doug Cooper said that he knew that private paddlers on the Cheat Narrows were recently cited for not wearing helmets. Lt. Colonel Jenkins said that there was no provision for such a citation in the law. He said that he would see if a DNR officer issued the citation if Doug would give him some more information.

Next Quarterly Meeting

The next quarterly Whitewater Commission meeting will be held somewhere in the Gauley River area. The place will be announced later. The meeting will commence on Tuesday, September 18, 2012, at 1:00 pm.

Adjournment

Tim Barton motioned to adjourn the 2012 2nd quarterly Whitewater Commission meeting. Jerry Cook seconded the motion, and the Commission accepted.