

Quarterly Whitewater Commission Meeting Minutes

December 18, 2012

Location: Division of Natural Resources, South Charleston, WV

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

In Attendance: Don Beyer (private river user); Doug Cooper (private river user); Tim Barton (Alpine Ministries); William Miller (Division of Tourism); Jerry Cook (ACE); Brian Campbell (Adventures on the Gorge); Bobby Bower (WVPRO); Paul Buechler (Adventures on the Gorge); Blaise Liu (WVOT); Tim Phillips (WVOT); Ed McMinn (WVOT); Chris Ellis (private river user) via teleconference; Matt Knott (River Riders) via teleconference; Kelly Crago (recording secretary).

Approval of September 18, 2012, Minutes

Brian Campbell met with Kelly Crago prior to the meeting and discussed changes he believed should be made to the September 18 minutes regarding his comments during the age/height/weight requirement discussion. After telling the Commission about those changes, Brian Campbell motioned to approve the minutes after the corrections were made. Matt Knott seconded the motion, and the Commission approved it.

Budget

Matt Knott reviewed the budget with the Commission, including the proposed for 2014. He noted that the amount taken to stock the trout this year was more than what had been budgeted. Brian thought that the budget determined how much trout was stocked on the Gauley and not vice versa. Lt. Colonel Jenkins said the DNR should be able to adjust the amount of fish stocked to be within the budget and said he would speak with Bret Preston of DNR Wildlife.

Matt Knott said that if the Commission was to base the amount of trout stocked on the amount earned on the Gauley last year, the number would be closer to \$8500. A couple of Commissioners mentioned getting rid of the chopper at least every other year, as that would be more money to go toward the actual stocking.

Matt Knott made a motion to submit the proposed budget for 2015. He rescinded that motion, and the Commission decided to speak with Bret Preston at the March meeting regarding the trout stocking and make a decision on numbers then.

Age/Height/Weight Requirements

Tim Barton believes that setting consistent limits for the rafting industry in terms of age, height, and/or weight requirements is in the best interest of the public.

Brian Campbell said that he has been involved in two Code overhauls, and no one has ever suggested such a change. He also believes that although the subject has been brought up for the New River, this type of change would most likely have to apply to all whitewater in the state. He said this determination has always been left up to the industry. Many things that were done in the past have changed as the industry gets better and learns more. Not being set in Code has allowed those change flows. Innovation has been important over the years and right now companies are able to innovate freely. Campbell thinks you can't just use age, height, and weight as requirements; he believes you also have to consider other factors such as water levels. The companies must be allowed to modify for each circumstance. He thinks every outfitter currently does that.

Barton said that he is concerned with the image it portrays. He wanted to know how the logistics are handled. He asked how it's handled if a family wants to go and has young children. What do you do if you're only going to have two strong paddlers in the boat?

Paul Buechler said that this year showed a decrease in numbers, and they had to accommodate for that loss. AWVR's image is changing to become more family friendly. He said that the trips taken with younger kids are run differently. They run between 1500 and 4000 CFS. They use their most experienced, conservative guides. Those guides use oars and so eliminate the need for the guests to paddle. They do not do any surfing.

Buechler added that everything that is new may be termed "risky" and that the data will have to speak for itself. He said that of the 1,476 individuals that took the family trip that AWVR is now offering, they only had one swimmer and no accidents. After the swimming incident (which required no accident paperwork to be filed), AWVR changed its guidelines to be stricter for running such trips. Campbell added that he foresees even more tightening of those eligibility requirements. He invited outfitters to come try the trip and see how it works.

Jerry Cook said he was torn on this issue being both an outfitter and a Commissioner. On one hand, he doesn't want to be more regulated as an industry. He agreed with Brian Campbell regarding the innovation in the industry. Cook said that, on the other hand, a ten-year-old kid is still X height and X weight. He believes that there are safety issues taking kids that are too small down the rivers. Cook said that decreased rafting numbers doesn't justify lowering standards. He noted that it is easy to lie about age, considering the outfitters do not ask for birth certificates. However, you can't lie about how tall or heavy a child is.

Rick Johnson noted that setting regulations now would be a knee-jerk reaction. He offered that such a trip needs to be studied. He wondered if regulating height made the rafting industry seem like an amusement park ride instead of an outdoor adventure. Although he thinks eight is a young age to go rafting, he doesn't believe anything should be done until it poses a problem.

Buechler added that the trip AWVR runs is a specific trip with a specific format. It is unlike other trips AWVR offers.

Don Beyer added to the amusement park comment by saying that the industry trend has gone that way, and it's evident in the brochures and advertisements. There's a constant struggle between outdoor adventure and amusement park imaging. He said he was more comfortable with industry self-regulation.

Doug Cooper offered that he believes there's probably more problems with older people than with the younger people. Several present acknowledged that was true and mentioned that overweight individuals also prove problematic.

Chris Ellis said that he would like to study the matter further. He mentioned looking at the injury reports to see if this type of trip poses a problem or not. He believes that ultimately, it's the outfitters' and guides' risk. However, he also agreed with Cook that the Commission's purpose is safety and that this does need reviewed.

Tim Barton motioned to study the data for a season to determine if changes need to be made to the requirements. Doug Cooper seconded the motion. The Commission accepted the motion, but Jerry Cook abstained from voting.

New Commissioner Appointments

Chris Ellis' appointment expired June 30, 2012. He graciously accepted another term, and the paperwork asking Governor Tomblin to grant the reappointment has been submitted.

Don Beyer's term expires June 30, 2013. Don Beyer is able to serve another term, and he agreed to do so. Kelly Crago will submit the paperwork before the term expires.

Tim Barton's term expires June 30, 2013. According to §20-2-23a, "Members representing commercial outfitters who have served at least two years on the commission are not eligible for reappointment to a successive term." Therefore, Barton will be unable to serve another term.

Training

Kelly Crago clarified that when outfitters are reimbursed for training, they have to sign an agreement for the calendar year that says they will not go over \$5,000. According to the Procurement Section, that \$5,000 is for the year and not per training.

Website

The West Virginia Office of Technology gave a presentation on the work done for the Whitewater Commission and the DNR's website. The Commission was impressed, and WVOT believes they can have the site done in January for testing before March 2013.

Referrals from Tourism

Jerry Cook said that the referrals the Division of Tourism sends to the outfitters has dropped significantly. He asked Will Miller to have someone review that process to see why the change has occurred. Rick Johnson offered that there was mention of privacy issues. Will Miller agreed to review the process.

Next Quarterly Meeting

The next quarterly Whitewater Commission meeting locale is at the South Charleston DNR office. The meeting will commence on Tuesday, March 12, 2013 at 10:00 am.

Adjournment

Jerry Cook motioned to adjourn the 2012 4th quarterly Whitewater Commission meeting. Tim Barton seconded the motion, and the Commission accepted.