

STATE OF WEST VIRGINIA

**PRELIMINARY PERFORMANCE REVIEW OF THE
WHITEWATER COMMISSION**

**The Whitewater Commission
Regulations Provide for a Safe
Industry and is an Outlet for
Whitewater Outfitters**

**The Whitewater Commission's
Allocation Policies Do Not Inhibit
the Whitewater Industry**

**The Whitewater Study Required by
Code Has Been Completed**

**The Commission Should Comply with
the Open Meetings Law in All Instances**

**The Whitewater Commission Continues
to Charge Whitewater User Fees
Despite Completion of Study**

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November 2001

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John Sylvia
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November 11, 2001

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Preliminary Performance Review of the Whitewater Commission*, which will be presented to the Joint Committee on Government Operations on Sunday, November 11, 2001. The issues covered herein are "The Whitewater Commission Regulations Provide for a Safe Industry and is an Outlet for Whitewater Outfitters;" "The Whitewater Commission's Allocation Policies Do Not Inhibit the Whitewater Industry;" "The Whitewater Study Required by Code Has Been Completed;" "The Commission Should Comply with the Open Meetings Law in All Instances;" and "The Whitewater Commission Continues to Charge Whitewater User Fees Despite Completion of Study."

We transmitted a draft copy of the report to the Whitewater Commission on November 1, 2001. We conducted an Exit Conference with the Whitewater Commission on November 5, 2001. We received the agency response on November 5, 2001.

Let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "John Sylvia".

John Sylvia

JS/wsc

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Executive Summary

The Whitewater Commission was created by the Legislature in 1992 within the Division of Natural Resources to replace the Whitewater Advisory Council. The last time the Commission was reviewed was 1995.

Issue 1: The Whitewater Commission Regulations Provide for a Safe Industry and is an Outlet for Whitewater Outfitters

The Commission has adopted a number of rules that establish safeguards for the industry. This includes an injury reporting process. Commercial outfitters are required to have their guides fill out injury reports for incidents that occur to both customers and employees of outfitters, and then to submit the reports to the Division of Natural Resources within 15 days of the accident. A review of almost five years of injury reports was conducted. The review determined that considering the potential risk involved, the policies the Commission has established help make the West Virginia commercial whitewater rafting a safe activity. In 2000, *New* and *Gauley* River customers were injured at about ten thousandth of a percentage of the total number of customers. About 60% of the injuries occurring in 2000 required medical treatment, most of which were facial or strained limbs. From 1996 to July 2001 six deaths have occurred on the *New* and *Gauley* Rivers, this includes 2 non-commercial (not regulated by the Commission) deaths and 2 deaths that appear to be the result of severe asthma attacks. The Commission meets quarterly and the outfitters are able to discuss concerns about allocations and overcrowding at these meetings. While the Division of Natural Resources could cover these issues without a Commission, the Legislative Auditor finds that the Commission provides for an inexpensive forum that concentrates on whitewater activities within the state.

Issue 2: The Whitewater Commission's Allocation Policies Do Not Inhibit the Whitewater Industry

An analysis of allocation policies indicates the industry growth is possible even during weekends of the unofficial rafting season of March through September. The data show that both small and large outfitters attract customers and use comparable portions of their daily allocations. Since the last review of the Commission in 1995, seasonal weekend allocations have increased by about twice but range of use has decreased by almost half, range of use for the season over all as well as annual range of use also show a decrease. Thus the Legislative Auditor feels the Commission's allocation policies do not inhibit the growth of the industry, nor do they inhibit the growth of individual companies.

Issue 3: The Whitewater Study Required by Code Has Been Completed

Statute required the Commission to contract a study that determined the physical carrying capacity rivers that included the *New* and *Gauley* and how each related to public safety as well as the economic impact on the state. The study was completed and released in two reports, one was of the economic impact of the whitewater industry on West Virginia and the other a study of the carrying capacity of each river. According to the study a survey of commercial whitewater boaters in 1995 indicates approximately \$43 million spent in West Virginia. The other part of the report emphasized the environmental and social conditions desired for a recreation resource rather than the physical carrying capacity of the rivers. Thus the basis for determining allocations focused on surveys of boaters and their expectations. The report recommend maximum allocated capacities for the *Gauley* and *New* need but that the *Cheat*, *Shenandoah* and *Tygart* have little crowding and thus maximum capacities are not justified. The Commission responded to the study's findings by eliminating allocations on the *Cheat*.

Issue 4: The Commission Should Comply with the Open Meetings Law in All Instances

The Administrative Law Division of the Secretary of State's Office found record that the Commission had properly filed notices in all but two instances between the years 1997 and August 2001. These two meetings occurred on September 17, 1997 and on March 18, 1998. The Commission has filed notices in all instances since the last meeting in 1998.

Issue 5: The Whitewater Commission Continues to Charge Whitewater User Fees Despite Completion of Study

The Whitewater study discussed in Issue 3 was completed. The study was funded by a per customer user fee. While the study has been completed, and to date twice extended, the user fee is still being assessed. Statute is silent on what is to occur after the study provides the mandated charges. Thus, the Commission is continuing to collect fees without direction by the Code on how to spend the collected fees. The Legislature should consider whether it wishes for the study of whitewater activities to continue, providing the Commission with statutory authority to have a purpose for collection of the fee.

Review Objective, Scope and Methodology

This preliminary performance review of the Whitewater Commission was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10, Section 5 of the West Virginia Code. A preliminary performance review is to determine the goals and objectives of an agency and to determine the extent to which the agency is meeting those goals and objectives.

The preliminary performance review of the Commission covers a period from January 1996 through August 2001. Information compiled in this report has been acquired from the West Virginia Code, interviews with Commission staff, minutes, expenditure schedules, economic studies, resource and social indicator studies and prior reviews.

Background

In 1992, the Legislature created the Whitewater Commission within the Division of Natural Resources (DNR) to replace the Whitewater Advisory Council (WVC 20-2-23a). The Commission was established *for the purpose of assisting the director of DNR in regulating, studying, and investigating the whitewater industry to arrive at an efficient market allocation of outfitters that protects public safety and allows for the enjoyment of the natural beauty of the state.* The Commission is composed of ten members consisting of the director of the Division of Natural Resources, who serves as chairman; the director of the Division of Parks and Tourism; three representatives of private river users who have no affiliation with any commercial river enterprise; and four persons representing four different licensed commercial whitewater outfitters currently operating within the state. The superintendent of the New River Gorge National Park is a nonvoting member of the Commission.

In pursuit of its mission, the Whitewater Commission designates rivers as “whitewater zones” and grants licenses for the commercial whitewater outfitters operating in these zones. The current whitewater zones include portions of the *New, Gauley, Cheat, Shenandoah, and Tygart* Rivers. Outfitters pay an annual license fee of \$500 for each river on which they operate. Alternatively, a commercial whitewater outfitter operating on a river other than those mentioned above must pay an annual license fee of \$500 regardless of the number of rivers on which they operate. Additionally, the Commission administers policies relating to the regulation of the whitewater industry and approves rules promulgated by the director of the Division of Natural Resources with respect to commercial whitewater outfitters. Procedures for hearings on violations of section 20-2-23a of the West Virginia Code are established, along with civil penalties.

As required by the West Virginia Code, the Commission contracted with West Virginia University’s Division of Forestry to conduct a three year economic study of the *New, Gauley, Cheat, Shenandoah, and Tygart* Rivers. After completion of the study the Commission was to formulate and implement an allocation methodology for river carrying capacity. Funding for the study came from a fifty cent per customer user fee collected from outfitters. These fees are deposited into the Whitewater Study and Improvement Fund on the 15th of each month. The fund’s expenditures for fiscal year 2001 were \$120,962. The budget for the fund includes contractual salaries, transportation, miscellaneous expenses, and advertising expenses.

Issue 1: The Whitewater Commission Regulations Provide for a Safe Industry and is an Outlet for Whitewater Outfitters.

The Commission has adopted a number of rules that establish safeguards for the industry. Major safeguards include: commercial whitewater trips must include a trip leader who meets the prescribed qualifications for experience, whitewater trip guides are required to have a CPR certification card or the equivalent and an American Red Cross standard first aid card or the equivalent; the minimum raft size is an eight foot, two compartment watercraft; a first aid kit and a 50 foot professional throw line are required equipment on each raft; each passenger is to be provided with a Type V vest-type personal flotation device by the outfitter; and outfitters are randomly inspected by conservation officers. Any violations of these rules can be acted upon by the Commission or the DNR director. In addition, with its quarterly meetings the Commission provides a forum for outfitters, and those with interests in the industry.

Whitewater Safety

In order to ascertain the effectiveness of the Commission's safety policies, reports on injuries and fatalities were obtained from the Commission for the years 1996 through August 2001. Injury reports are required to be filled out by the whitewater guide, and then submitted to the Division of Natural Resources within 15 days of the accident. After an examination of injury and fatality reports, a determination was made that the Commission has established policies that help make the West Virginia's commercial whitewater rafting a safe activity, especially considering the potential risk involved. In 2000, 61, of the 134,570 customers on the *New River* were injured. On the *Gauley River* in 2000, 31 out of the 62,393 customers were injured, and none of the 7,103 customers on the *Cheat River* were injured. Furthermore, an examination of injury reports filed with DNR showed that most injuries were facial or strained limbs. These injuries occur when the raft enters a rapid and the customers lose control of the paddle either hitting themselves or other customers in the face. Similarly, strained limbs occur in instances such as when a customer loses their balance slipping on wet rocks straining an ankle or wrist in the process. About 60% of the injuries occurring in 2000 required medical treatment.

Table 1
Injuries occurring on the *New* and *Gauley* Rivers; Percentage injured (2000)

Injury Type	<i>New</i> River	<i>Gauley</i> River
Sprain/Strain	20	15
Facial	19	5
Bruises/Cuts	13	5
Fracture	3	6
Water Intake/Hypothermia	3	0
Heart Attack	1	0
Bee Sting/Snake Bite	1	1
Heat Exhaustion	1	1
Customers 2000	134,570	62,393
% of Customers Injured in '00	0.00044%	0.00054%

The Commission is to be commended for establishing a reporting mechanism for industry safety. However, the injury reports outfitters submit to the Law Enforcement Section of the Division of Natural Resources are inconsistent. Seven years after the Commission's rules concerning reporting times changed some outfitters are still utilizing different, dated forms. Reporting allows for an accurate and consistent evaluation of the number, type and causes of injuries on the rivers. In turn, this allows the Commission to act on any changes in the rules that are needed should safety concerns arise.

In Table 2 , the number of fatalities that have occurred on rivers under the Commission's oversight are illustrated. Although private users (non-commercial) are not regulated by the Commission, the two fatalities that have occurred in the last few years are shown for a complete accounting. As the table shows, fatalities (including the non-commercial and apparent asthma attack) account for about .00003% of all users.

Table 2
Fatalities Related to West Virginia Whitewater Activities
on Commission Overseen Rivers
(1996-2001)

Year	Commercial Fatalities	Non-Commercial Fatalities	Total
1996	1** (<i>Gauley</i>)	0	1
1997	1 (<i>Gauley</i>)	0	1
1998	0	1 (<i>New</i>)	1
1999	1 (<i>New</i>)	1 (<i>Gauley</i>)	2
2000	1** (<i>Gauley</i>)	0	1
2001*	0	0	0
*As of July 2001 **Appears to be result of severe asthma attack.			

The Commission Provides a Necessary Forum For Outfitters

The quarterly meetings of the Commission provide a forum and voice for the Whitewater outfitters to discuss any problems or concerns with the industry. Also, outfitters have the opportunity to complain about allocation or overcrowding issues. While the Division of Natural Resources could cover these issues without a Commission, the Legislative Auditor finds that the Commission provides an inexpensive forum that concentrates on whitewater activities within the state. For instance, the Whitewater Commission's expenditures in FY2001 were just under \$121,000 while the revenues generated through outfitter license fees was almost \$131,000. Considering that the whitewater industry is a multimillion dollar business within West Virginia and the Commission's activities are of minimal cost to the state, the Legislative Auditor feels that the Whitewater Commission is a valuable resource for the Division of Natural Resources.

Recommendation 1:

The Whitewater Commission should require outfitters to submit the same injury report form so consistent information is received within a consistent reporting period.

Issue 2: The Whitewater Commission's Allocation Policies Do Not Inhibit the Whitewater Industry.

As required by WVC §20-2-23a, the Whitewater Commission has formulated an allocation methodology for commercial whitewater outfitters on the New, Gauley, Cheat, Shenandoah, and Tygart rivers. The allocation methodology is determined by studies which analyzed the physical carrying capacities and by monitoring the levels of use of the rivers. The Legislative Auditor has determined that the Commission's allocation policies do not inhibit the whitewater industry. The Legislative Auditor determined this by analyzing commercial outfitter data from the year 2000 on the New and Gauley rivers along with the allocation for each outfitter. The analysis was limited to the New and Gauley rivers since they are where the majority of commercial activity occurs. Each licensed outfitter is given a daily allocation of customers as specified on licenses. In 2000, the allocations would allow for as many as 7,720 daily customers on the New River or 2,817,800 for the total year. The Gauley River outfitters are allocated 6,480 customers per day which would be 2,365,200 for the total year. Obviously, water levels, inclement weather, and changes in tourism prevents the use of the rivers year round. As a result, the unofficial rafting season is March through September. Therefore, the amount of potential customers on the New River is closer to 1,652,080.

In order to ascertain whether the various companies in the industry were being burdened by the allocations set by the Commission, the Legislative Auditor examined the number of customers and the daily allocations for each company rafting the (upper and lower) New River and the (upper and lower) Gauley River for 2000. The analysis assumed that if many of the companies were using most of their allocations then the allocations might be a burden on the industry. Alternatively, if the companies were using only small portions of their allocations then the allocations would not inhibit the industry or particular companies from growing.

In Table 3, each company's allocation was multiplied by 365. Then the percentage of the allocation used for the year was computed. For example, a company that has a New River allocation of 150 per day would have a maximum allocation of 54,750 for the year. When assuming 100% use in both zones, the total percentage of the allocation used by the companies running the river equates to less than 10%. The range of use on the New River then equates to .005% to 21%. For the Gauley River the range then equates to .002% to 6%. Clearly, at these utilization rates the allocations do not appear to inhibit the industry. However, several additional steps were followed before drawing conclusions.

**Table 3
Whitewater Industry Annual Allocations, Customers and Usage (2000)**

New River (Lower & Upper)	Customers (Actual)	Actual Daily Allocation	Maximum Allocation	Hypothetical Allocation (%)
Ace	22,500	300	109,500	21%
Adventure Expeditions		300	109,500	
Alpine Bible Camp	3,136	150	54,750	6%
Appalachian Wildwaters	6,419	546	199,290	3%
Boy Scouts of America		120	43,800	
Cantrell/Ultimate Rafting	2,981	300	109,500	3%
Class VI/AAA Rafting		300	109,500	
Drift-A-Bit	6,675	300	109,500	6%
Extreme Expeditions	8,352	300	109,500	8%
Mountain River Tours	10,343	536	195,640	5%
New and Gauley River Adventures	3,499	300	109,500	3%
New River Scenic/Whitewater Trs	6,196	300	109,500	6%
North American River Runners	13,196	376	137,240	10%
Passages to Adventure	1,900	300	109,500	2%
Rivermen	11,678	312	113,880	10%
River Runners/Class VI		352	128,480	
Rivers	8,466	300	109,500	8%
Rivers II	8,564	300	109,500	8%
Songer	9,024	300	109,500	8%
USA Raft	7,949	540	197,100	4%
West Virginia River Adventures		300	109,500	
WV Whitewater	543	288	105,120	.005%
Whitewater Information	3,676	300	109,500	3%
Wildwater Expeditions	4,013	300	109,500	4%
Total	139,110	7,720	2,817,800	5%
Average	7,322	322	117,408	6%

Gauley River (Lower & Upper)	Customers (Actual)	Actual Daily Allocation	Maximum Allocation	Hypothetical Allocation (%)
Ace	9,106	400	146,000	6%
Adventure Expeditions dba New River Rafting		240	87,600	
Appalachian Wildwaters	5,116	258	94,170	5%
Cantrell Canoes & Rafts	403	240	87,600	.005%
Class VI River Runners	8,694	372	135,780	6%
Class VI Ltd dba AAA Rafting		240	87,600	
Drift-A-Bit	2,536	240	87,600	3%
Extreme Expeditions	2,938	240	87,600	3%
Gauley Whitewater		160	58,400	
Mountain River Tours	4,449	410	149,650	3%
Mountain Streams				
New and Gauley River Adventures	1,756	240	87,600	2%
New River Scenic	1,264	240	87,600	1%
North American River Rafter		140	51,100	
North American River Runners	5,345	240	87,600	6%
Passages to Adventure	672	200	73,000	1%
Precision Rafting		120	43,800	
Raft West Virginia				
Rivermen, Inc.	5,967	400	146,000	4%
Rivers	2,956	240	87,600	3%
Rivers II	2,983	240	87,600	3%
Songer Whitewater	3,531	320	116,800	3%
USA Raft	1,693	480	175,200	1%
Whitewater Information	1,303	160	58,400	2%
WV River Adventures		240	87,600	
West Virginia Whitewater	198	220	80,300	.002%
Wildwater Expeditions	1,483	300	109,500	1%
Total	62,393	6,580	2,401,700	3%
Average	3,284	263	96,068	3%

In the next stages of the analysis several limiting assumptions were made. First, in Table 4, the number of days by which the daily allocation was multiplied by was 214. The restriction assumes that, due to the constraints imposed by the weather and river height, the season available to the industry runs from March to September, although the industry can run all year. Second, Table 5 assumes that during the period of March through September the weekends provided the best days for the industry to meet their allocations. The multiplier of 61 days was used to find the total available allocation. In both cases, the analysis is limited because the customer data used in the analysis are annual data.

Table 4, on the next two pages, in which the analysis is restricted to 214 days or the equivalent to the prime whitewater season, shows that based on the above assumptions a small portion of the allocation is being used by the industry with only 8% of the allocation being used on the New River and 4% on the Gauley River. The ranges would be .5% to 35% and .004% to 11% respectively.

**Table 4
Whitewater Industry Seasonal Allocations, Customers and Usage (2000)**

New River (Lower & Upper)	Customers (Actual)	Actual Daily Allocation	Maximum Allocation	Hypothetical Allocation (%)
Ace	22,500	300	64,200	35%
Adventure Expeditions		300	64,200	
Alpine Bible Camp	3,136	150	32,100	10%
Appalachian Wildwaters	6,419	546	116,844	5%
Boy Scouts of America		120	25,680	
Cantrell/Ultimate Rafting	2,981	300	64,200	.5%
Class VI/AAA Rafting		300	64,200	
Drift-A-Bit	6,675	300	64,200	10%
Extreme Expeditions	8,352	300	64,200	13%
Mountain River Tours	10,343	536	114,704	9%
New and Gauley River Adventures	3,499	300	64,200	5%
New River Scenic/Whitewater Trs	6,196	300	64,200	10%
North American River Runners	13,196	376	80,464	16%
Passages to Adventure	1,900	300	64,200	3%
Rivermen	11,678	312	66,768	17%
River Runners/Class VI		352	75,328	
Rivers	8,466	300	64,200	13%
Rivers II	8,564	300	64,200	13%
Songer	9,024	300	64,200	14%
USA Raft	7,949	540	115,560	7%
West Virginia River Adventures		300	64,200	
WV Whitewater	543	288	61,632	1%
Whitewater Information	3,676	300	64,200	6%
Wildwater Expeditions	4,013	300	64,200	6%
Total	139,110	7,720	1,652,080	8%
Average	7,322	322	86,952	10%

<u>Gauley River (Lower & Upper)</u>	Customers (Actual)	Actual Daily Allocation	Maximum Allocation	Hypothetical Allocation (%)
Ace	9,106	400	85,600	11%
Adventure Expeditions dba New River Rafting		240	51,360	
Appalachian Wildwaters	5,116	258	55,212	9%
Cantrell Canoes & Rafts	403	240	51,360	1%
Class VI River Runners	8,694	372	79,608	11%
Class VI Ltd dba AAA Rafting		240	51,360	
Drift-A-Bit	2,536	240	51,360	5%
Extreme Expeditions	2,938	240	51,360	6%
Gauley Whitewater		160	34,240	
Mountain River Tours	4,449	410	87,740	5%
Mountain Streams				
New and Gauley River Adventures	1,756	240	51,360	3%
New River Scenic	1,264	240	51,360	2%
North American River Rafter		140	29,960	
North American River Runners	5,345	240	51,360	10%
Passages to Adventure	672	200	42,800	2%
Precision Rafting		120	25,680	
Raft West Virginia				
Rivermen, Inc.	5,967	400	85,600	7%
Rivers	2,956	240	51,360	6%
Rivers II	2,983	240	51,360	6%
Songer Whitewater	3,531	320	68,480	5%
USA Raft	1,693	480	102,720	2%
Whitewater Information	1,303	160	34,240	4%
WV River Adventures		240	51,360	
West Virginia Whitewater	198	220	47,080	.004%
Wildwater Expeditions	1,483	300	64,200	2%
Total	62,393	6,580	1,408,120	4%
Average	3,284	263	56,325	5%

In Table 5, the analysis is restricted to 61 days or the number of weekend days in the March through September period. This analysis assumes that all whitewater customers are rafting on the weekends. The percentages of allocations used increases in this analysis. Based on this assumption, the industry would have used 30% of the allocation on the New River with values ranging from 3% to 123%. Also based on the assumptions that during that 61 days 100% of the customers were served on the Gauley River, the industry would have used 16% of the allocation with values ranging from 1% to 38%. Even when restricting the analysis to 61 days there appears to be room for many of the companies to continue to grow.

Table 5
Whitewater Industry Seasonal Weekend Allocations, Customers and Usage (2000)

New River (Lower & Upper)	Customers (Actual)	Actual Daily Allocation	Maximum Allocation	Hypothetical Allocation (%)
Ace	22,500	300	18,300	123%
Adventure Expeditions		300	18,300	0%
Alpine Bible Camp	3,136	150	9,150	34%
Appalachian Wildwaters	6,419	546	33,306	19%
Boy Scouts of America		120	7,320	0
Cantrell/Ultimate Rafting	2,981	300	18,300	16%
Class VI/AAA Rafting		300	18,300	0
Drift-A-Bit	6,675	300	18,300	36%
Extreme Expeditions	8,352	300	18,300	46%
Mountain River Tours	10,343	536	32,696	32%
New and Gauley River Adventures	3,499	300	18,300	19%
New River Scenic/Whitewater Trs	6,196	300	18,300	34%
North American River Runners	13,196	376	22,936	58%
Passages to Adventure	1,900	300	18,300	10%
Rivermen	11,678	312	19,032	61%
River Runners/Class VI		352	21,472	0
Rivers	8,466	300	18,300	46%
Rivers II	8,564	300	18,300	47%
Songer	9,024	300	18,300	49%
USA Raft	7,949	540	32,940	24%
West Virginia River Adventures		300	18,300	0
WV Whitewater	543	288	17,568	3%
Whitewater Information	3,676	300	18,300	20%
Wildwater Expeditions	4,013	300	18,300	22%
Total	139,110	7,720	470,920	30%
Average	7,322	322	19,622	37%

<u>Gauley River (Lower & Upper)</u>	Customers (Actual)	Actual Daily Allocation	Maximum Allocation	Hypothetical Allocation (%)
Ace	9,106	400	24,400	37%
Adventure Expeditions dba New River Rafting		240	14,640	0
Appalachian Wildwaters	5,116	258	15,738	33%
Cantrell Canoes & Rafts	403	240	14,640	3%
Class VI River Runners	8,694	372	22,692	38%
Class VI Ltd dba AAA Rafting		240	14,640	0
Drift-A-Bit	2,536	240	14,640	17%
Extreme Expeditions	2,938	240	14,640	20%
Gauley Whitewater		160	9,760	0
Mountain River Tours	4,449	410	25,010	18%
Mountain Streams				0
New and Gauley River Adventures	1,756	240	14,640	12%
New River Scenic	1,264	240	14,640	9%
North American River Rafters		140	8,540	0
North American River Runners	5,345	240	14,640	37%
Passages to Adventure	672	200	12,200	6%
Precision Rafting		120	7,320	0
Raft West Virginia				0
Rivermen, Inc.	5,967	400	24,400	24%
Rivers	2,956	240	14,640	20%
Rivers II	2,983	240	14,640	20%
Songer Whitewater	3,531	320	19,520	18%
USA Raft	1,693	480	29,280	6%
Whitewater Information	1,303	160	9,760	13%
WV River Adventures		240	14,640	0
West Virginia Whitewater	198	220	13,420	1%
Wildwater Expeditions	1,483	300	18,300	8%
Total	62,393	6,580	401,380	16%
Average	3,284	263	16,055	20%

Conclusion

The data show that both small and large outfitters attract customers and use comparable portions of their daily allocations. The analysis indicates that allocation policies allow industry growth even during the weekends of the unofficial season. When the Commission was last reviewed in 1995, the range of use for annual allocations on the New River was from about 2% to 22%, changing little. The range of use for annual allocations on the Gauley River have shown a decrease, in 1995 the range of use was from approximately 1% to about 13%. Since 1995 allocations have increased by about twice. Seasonal use on both the New and Gauley appear to have dropped by about half, in 1995 the industry used about 15% of the allocations on the New compared to 8% in 2000 and in 1995 on the Gauley about 9% was used compared to 4% in the year 2000. The seasonal weekend allocation use went from 55% in 1995 to 30% in 2000 on the New and on the Gauley use went from 34% to 16%. The Legislative Auditor feels that the Commission's allocation policies do not inhibit the growth of the industry, nor do they inhibit the growth of individual companies.

Issue 3: The Whitewater Study Required by Code Has Been Completed.

According to the West Virginia Code §20-2-23a, one of the Commission's responsibilities is to contract a study "to determine the physical carrying capacity of the *New, Gauley, Cheat, Shenandoah,* and *Tygart* Rivers, and how each relates to the overall economic impact of the state and the safety of the general public." The Whitewater Study conducted by the West Virginia University Division of Forestry began in the fall of 1994. The Whitewater Study and Improvement Fund financed the study. As required by Code, the Whitewater Commission procured the monies for this fund from outfitters who collected a fifty cent per whitewater customer surcharge.

The objective was to design limits of acceptable change process. This objective was achieved through field observations, interviews with outfitters, and survey research. Two reports were released as part of the published study. One was of the economic impact of the commercial whitewater industry on West Virginia and the other a study of the carrying capacity of each river.

Economic Impact of Whitewater Rafting in West Virginia

The overall economic impact of the whitewater industry on the State was summarized as part of the Limits of Acceptable Change (LAC) report on the study of the *New, Gauley, Cheat, Shenandoah,* and *Tygart* Rivers. The following table presents the economic impact of the industry on the outfitters as well as the both the local areas of the *New, Gauley* and *Cheat*, or within 50 miles of the rafting and the economic impact on other parts of West Virginia.

Table 6
1995 Survey of Commercial Whitewater Boaters

	New	Gauley	Cheat
Outfitter (inc. rafting trip)	\$11,567,376	\$9,657,304	\$845,909
Local area (w/in 50 miles)	\$12,102,546	\$6,382,780	\$733,115
Other West Virginia	\$1,211,663	\$619,800	\$54,468
Total	\$24,881,585	\$16,659,884	\$1,633,492

The study also provided numbers of jobs created by the industry. According to the report 1,017 direct jobs were created by the industry as well as 292 indirect and induced jobs.

Carrying Capacity of Whitewater Commission Rivers

The Commission chose to have the study emphasize the environmental and social conditions desired for a recreation resource rather than the physical carrying capacity or that is, how much the

ivers can tolerate. Thus the surveys of boaters that were the basis for determining allocations focused on expectations of the boaters. Boaters on the *Gauley* and *New* reported the perception of being at least slightly crowded during their river trip. The boaters had expected to see little evidence of other persons and have little interaction with others. The actual received trip had more interaction with others than anticipated and boaters were in sight of others more than expected. To preserve at least the current experience of boaters the study recommended intensive management for the *Gauley*, potential capacity problems on the *New* if use continues to increase, and little crowding on the *Cheat*, *Shenandoah* and *Tygart*. The following table shows the proposed maximum allocated capacities for the five rivers.

Table 7
Maximum Allocated Capacities for the Five Rivers

River or River Segment	Maximum Allocated Capacity per River or River Segment	Minimum Allocation per license
Cheat	None specified at this time	40 User Days
Upper New	2,000 User Days	42 User Days
Lower New	3,875	81 User Days
Upper Gauley	3,040 User Days	61 User Days
Lower Gauley	2,000 User Days	40 User Days
Shenandoah	None specified at this time	40 User Days
Tygart	None specified at this time	None specified at this time

According to the study's findings maximum allocated capacities are not specified for the *Cheat*, *Tygart* or *Shenandoah* Rivers. The three year study and Limits of Acceptable Change river management framework indicate few crowding, congestion or carrying capacity problems to justify maximum capacities.

One Commission response, based on the study's findings, was to eliminate the allocations on the *Cheat* River. Outfitters now have an unlimited allocation when operating on the *Cheat*. The Legislative Auditor commends the Whitewater Commission and the Division of Natural Resources for seeing through the completion of the whitewater study as required by Code.

Issue 4: The Commission Should Comply with the Open Meetings Law in All Instances.

The Administrative Law Division of the Secretary of State's Office found record that the Commission had properly filed notices in all but two instances between the years 1997 and August 2001. These two meetings occurred on September 17, 1997 and on March 18, 1998. The Commission has filed notices in all instances since that last meeting in 1998.

Regarding the Open Meetings Law, the West Virginia *Code* states in §6-9A-1:

...that public agencies in this state exist for the singular purpose of representing citizens of this state in governmental affairs, and it is, therefore, in the best interests of the people of this state for the proceedings of public agencies to be conducted openly, with only a few clearly defined exceptions.

Further, West Virginia *Code* §6-9A-3, states:

Except as expressly and specifically otherwise provided by law, whether hereto or hereinafter enacted, and except as provided in section four of this article, all meetings of any governing body shall be open to the public....

The Legislative Auditor finds that the Commission has not complied with the Open Meetings Law, and should do so in all instances. In a letter to the Legislative Auditor, the Director of the Division of Natural Resources stated:

"According to our records the notices for the Whitewater Commission meetings which were held on September 17, 1997 and March 18, 1998 were not filed with the Secretary of State's office as required. This was a definite oversight on the part of our agency and occurred during a transition of responsibilities within the Division for the administration of the Whitewater Commission."

Recommendation 2:

The Commission should comply with the Open Governmental Proceedings Act in all instances.

Issue 5: The Whitewater Commission Continues to Charge Whitewater User Fees Despite Completion of Study.

As discussed in Issue 3, the Whitewater study has been completed. As authorized by Code, the Commission assessed a per customer user fee, which resulted in approximately \$101,752 for CY2000, which funded the study. While the study has been completed, and to date twice extended, the user fee is still being assessed. The Commission is again working to extend the study but statute is silent on what is to occur after the study provides the mandated charges. Thus, the Commission is continuing to collect fees without direction by the Code on how to spend the collected fees.

According to §20-2-23a(b)(4),

To commission such studies as are necessary to determine the physical carrying capacity and monitor the levels of use on the New, Gauley, Cheat, Shenandoah and Tygart rivers and how each relates to the overall quality of the rafting experience, the economic impact of rafting, tourism and employment in the state and the safety of the general public,...

The Legislature should consider whether it wishes for the study of whitewater activities to continue. This would provide the Commission with statutory authority to have a purpose for collection of the fee and to charge outfitters a customer surcharge.

Recommendation 3:

The Legislature should decide whether new whitewater studies should be continued, thus whether fees should continue to be collected by the Whitewater Commission.

APPENDIX A

Transmittal Letter to Agency

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

November 1, 2001

Ed Hamrick, Director
Division of Natural Resources
Building 3, Room 669
Charleston, WV 25305

Dear Mr. Hamrick:

This is to transmit a copy of the Preliminary Performance Review of the Whitewater Commission. This report is scheduled to be presented at the Sunday, November 11, 2001 interim meeting of the Joint Committee on Government Operations. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have. We would like to schedule an exit conference to discuss the report with you, please contact us to set a meeting time. We would appreciate your response by Thursday, November 8, 2001 in order for it to be included in the final report. If you have questions related to factual errors or need clarification on any part of the report, please let me know.

Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

Joint Committee on Government and Finance

APPENDIX B
Agency Response



R E C E I V E D
NOV 05 2001

DIVISION OF NATURAL RESOURCES
1900 Kanawha Boulevard East
Building 3, Room 669
Charleston WV 25305-0668
Telephone (304) 558-2754
Fax (304) 558-2768
TDD (304) 558-1439
TDD (304) 1-800-354-6087

**PERFORMANCE EVALUATION AND
RESEARCH DIVISION**

Bob Wise
Governor

Ed Hamrick
Director

November 2, 2001

John Sylvia, Director
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0610

Dear Mr. Sylvia:

Thank you for the opportunity to review and comment on your Preliminary Performance Review of the Whitewater Commission. I will outline each of the five issues that the auditors reviewed and respond to each separately. You will also be furnished a copy of all supporting documents.

ISSUE #1: The Whitewater Commission Regulations Provide for a Safe Industry and is an Outlet for Whitewater Outfitters.

RECOMMENDATION

The Whitewater Commission should require outfitters to submit the same injury report form so consistent information is received with a consistent reporting period.

RESPONSE

I agree with the auditors' assessment of the injury report forms. As recommended, I have taken action to require the same version of the injury report form be submitted by all outfitters in order to gather consistent data during any given reporting period. A copy of my memorandum to all outfitters is attached for your information.

ISSUE #2: The Whitewater Commission's Allocation Policies Do Not Inhibit the Whitewater Industry.

RESPONSE

I agree with the Legislative Auditors' conclusion that the Commission's allocation policies do not inhibit the growth of the industry and that they do not inhibit the growth of individual companies.

ISSUE #3: The Whitewater Study Required by Code Has Been Completed.

RESPONSE

I agree with the auditors' assessment of the study that was completed in 1997.

ISSUE #4: The Commission Should Comply with the Open Meetings Laws in All Instances.

RECOMMENDATION

The Commission should comply with the Open Governmental Proceedings Act in all instances.

RESPONSE

I agree with the auditors' assessment of this issue and have taken the proper steps to ensure that all meetings of the Whitewater Commission are published in the State Register as required by law. With the centralization of the whitewater office, oversights such as this will not occur in the future.

ISSUE #5: The Whitewater Commission Continues to Charge Whitewater User Fees Despite Completion of Study.

RECOMMENDATION

The Legislature should decide whether new whitewater studies should be continued, thus whether fees should continue to be collected by the Whitewater Commission.

RESPONSE

As you are aware, §20-2-23a establishes the whitewater commission; outlines its power and duties and provides for criminal and civil penalties for violations. When the Legislature revised §20-2-23a in 1992, one of the powers and duties listed in subdivision (4) of subsection (b) read as follows: "To commission a three-year study to determine the physical carrying capacity for the New, Gauley, Cheat, Shenandoah and Tygart rivers..."

John Sylvia
November 2, 2001
Page Three

Subdivision (11) of this same subsection said that the commission would “..collect, **for the study period established in subdivision (4)** of this subsection, an annual license fee of five hundred dollars for each river on which the outfitter operates...” This is the fee that would have expired had 20-2-23a not been revised in the 1998 session of the Legislature.

In subdivision (12) of subsection (b) in both the 1992 and 1998 revision, the legislature provided the Commission with the statutory authority to establish a special study and improvement fee ... and to establish procedures for the collection and enforcement of the special study and improvement fee.” Additionally, they are given the responsibility of determining what studies are necessary to determine the carrying capacity and monitor the levels of use on these rivers and how each relates to the overall quality... and economic impact.” etc. This fund is used exclusively for the purposes of administration, regulation, promotion and study of the whitewater industry. This includes the costs of on-going studies and for Division of Natural Resources’ personnel, equipment, supplies and travel in conducting the business of the Commission. At the March 21, 2001 Commission meeting, it was decided by vote to lower this fee from 50¢ to 35¢ per customer.

A contract to continue the study provided for in subdivision (4) of subsection (b) of §20-2-23a is attached for your information.

The Legislature has empowered the Commission by the above statute to determine what studies should be conducted to enable it to meet it’s responsibilities. In order to enter into any agreements or contracts adequate funding must be available prior to entering such contracts. Therefore, continuation of both collection fees is imperative in meeting the obligations of the Commission.

Sincerely,



Ed Hamrick
Director

EH/fdh



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Purchase Order

PURCHASE ORDER NO.
 DNR30105

PAGE
 1

RECEIVED

OCT 09 2001

BLANKET RELEASE

CHANGE ORDER

CORRECT PURCHASE ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS PURCHASE ORDER SHOULD BE DIRECTED TO THE BUYER AS NOTED BELOW.

INVOICE TO
 DIVISION OF NATURAL RESOURCES
 LAW ENFORCEMENT SECTION
 BUILDING 3
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV 25305

DNR Procurement Office

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

VENDOR
 *709055750 304-696-6204
 MARSHALL UNIVERSITY RESEARCH C
 400 HAL GREER BLVD STE 212 GH
 HUNTINGTON WV 25755

SHIP TO

AGENCY COPY

DIVISION OF NATURAL RESOURCES
 LAW ENFORCEMENT SECTION
 BUILDING 3
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV 25305

DATE PRINTED	TERMS OF SALE	FEIN/SSN	FUND
10/03/2001	NET 30	550683361	FIMS
SHIP VIA	F.O.B.	FREIGHT TERMS	ACCOUNT NUMBER
BEST WAY	DESTINATION	PREPAID	P7867 --

LINE	QUANTITY	UOE	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
			AGREEMENT		
THIS AGREEMENT CONSTITUTES THE ACCEPTANCE OF CONTRACT MADE BY AND BETWEEN THE STATE OF WEST VIRGINIA BY THE PURCHASING DIRECTOR FOR AND ON BEHALF OF WV DIVISION OF NATURAL RESOURCES, LAW ENFORCEMENT SECTION AND MARSHALL UNIVERSITY RESEARCH CORP., FOR:					DNR-LAW OCT 12 2001 CHARLESTON OFFICE WV State Purchasing Division Administration Unit Certified Encumbered OCT 09 2001 <i>Army Fairchild</i>
PROVIDE TECHNICAL ASSISTANCE, DATABASE MANAGEMENT, ANALYSIS AND REPORTING ASSOCIATED WITH THE IMPLEMENTATION OF THE LAC RIVER MANAGEMENT PLAN.					
SERVICE BEGINNING JULY 1, 2001 AND EXTENDING UNTIL JUNE 30, 2002. ALL IN ACCORDANCE WITH THE AGREEMENT ATTACHED HERETO AS A PART HEREOF.					
SCHEDULE OF PAYMENT:				FEE	\$ 11,000.00
				TRAVEL EXPENSE	\$ -0-
MONTHLY INVOICES PER EXPENDITURE STATEMENTS FROM MURC				OTHER EXPENSE	\$ -0-
				TOTAL	\$ 11,000.00
EXECUTION OF THIS AGREEMENT BY THE PURCHASING DIRECTOR, OR THEIR DESIGNEE, CONSTITUTES ACCEPTANCE BY THOSE					

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE 10/03/01

11,000.00

TOTAL

Dawn S. Wayfield
 APPROVED AS TO FORM
 ASSISTANT ATTORNEY GENERAL

BY *Charlyn Miller* 304-558-2596
 PURCHASING DIVISION AUTHORIZED SIGNATURE



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Purchase Order

PURCHASE ORDER NO.
 DNR30105

PAGE
 2

BLANKET RELEASE

CORRECT PURCHASE ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS PURCHASE ORDER SHOULD BE DIRECTED TO THE BUYER AS NOTED BELOW.

CHANGE ORDER

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

INVOICE TO

DIVISION OF NATURAL RESOURCES
 LAW ENFORCEMENT SECTION
 BUILDING 3
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV 25305

VENDOR

*709055750 304-696-6204
 MARSHALL UNIVERSITY RESEARCH C
 400 HAL GREER BLVD STE 212 GH
 HUNTINGTON WV 25755

SHIP TO

DIVISION OF NATURAL RESOURCES
 LAW ENFORCEMENT SECTION
 BUILDING 3
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV 25305

DATE PRINTED	TERMS OF SALE	FEIN/SSN	FUND		
10/03/2001	NET 30	550683361	FIMS		
SHIP VIA	F.O.B.	FREIGHT TERMS	ACCOUNT NUMBER		
BEST WAY	DESTINATION	PREPAID	P7867 --		
LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
	PARTIES OF THE TERMS AND CONDITIONS CONTAINED IN THE ATTACHED CONTRACT DOCUMENTS AND BINDS THE VENDOR WHOSE SIGNATURE APPEARS THEREIN TO SAID TERMS AND CONDITIONS.				
	BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.				
0001	1	LS	920-20	11,000.00000	11,000.00
	06/30/2002				
	CONSULTING, COMPUTER				

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE

TOTAL

APPROVED AS TO FORM BY

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE

Memorandum of Agreement

Marshall University Research Corporation (MURC) on behalf of the West Virginia Prevention Resource Center, enters into this mutually beneficial agreement with the West Virginia Division of Natural Resources, to provide technical assistance, database management and analysis and reporting associated with the implementation of the LAC River management plan. MURC will perform the activities set forth in the Attachment A - Scope of Work.

The Agreement shall begin on 1 July 2001, and shall terminate on 30 June 2002. This contract is renewable up to two (2) years upon the express written agreement of both parties.

Option II – Reimbursable Agreement

Sponsor will provide an amount not to exceed \$11,000 for the execution of this agreement. These funds will be used as set forth in Attachment B - Budget. To provide for efficient project administration, MURC reserves the right to adjust expenses between budget categories up to a maximum of 25% of the total budget allocation. MURC will submit expenditure statements on a monthly basis for reimbursement by Sponsor at the following address:

West Virginia Division of Natural Resources
Capitol Complex, Building 3
1900 Kanawha Boulevard East
Charleston WV 25305

All notices to either party by the other regarding the Agreement shall be delivered personally, or sent by registered mail to:

Ron Schelling, Executive Director
212 Gullickson Hall
400 Hal Greer Boulevard
Huntington, WV 25755

Any questions regarding the MURC's obligations and this Agreement can be directed to Mr. Ron Schelling at 304/696-6249.

The University representative responsible for performance of the Agreement shall be:

Steven "Andy" Whisman, Ph.D.
West Virginia Prevention Resource Center
100 Angus E Peyton Drive
South Charleston WV 25303
(304) 746-2077

The sponsor technical representative for the performance of the Agreement shall be:

Lieutenant Colonel William B. Daniel
WV Division of Natural Resources
Capitol Complex, Building 3
1900 Kanawha Boulevard E
Charleston WV 25305
(304) 558-2784

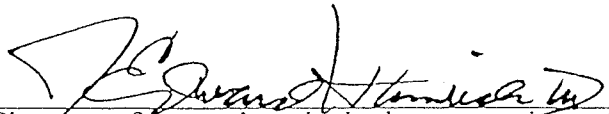
MURC shall have the right at its discretion to release information or to publish any material resulting from this agreement. Any invention resulting from this agreement shall belong to MURC.

Sponsor shall not use the name of MURC or Marshall University without express written approval of the MURC Executive Director.


MURC will perform the obligations of this agreement as an independent contractor. Employees of the University will not be considered employees of the Sponsor, for any purpose.

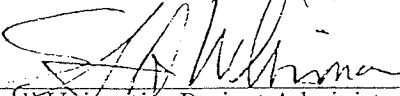
This Agreement may be terminated by either party at any time prior to its full term of performance provided that a written notice is given to the other party thirty (30) days in advance. In the event of termination by the Sponsor, MURC will be reimbursed for all non-cancelable costs and commitments incurred in performance of the project through the effective date of termination.

This document contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, and understandings, oral or written, between the parties relating to this agreement. This agreement may not be modified except by mutual written agreement of the parties. Any disputes under this agreement shall be brought in a court of competent jurisdiction in Cabell County, West Virginia, and governed by West Virginia law.

 Date 9/27/01
Signature of sponsor's authorized representative

J. Edward Hamrick III Date 09/27/01
Name and title (print or type) of sponsor's authorized representative

 Date 8/14/01
Ron Schelling, MURC Executive Director

 Date 8/9/01
Marshall University Project Administrator

Attachment A: Scope of Work

1. Technical assistance to the DNR in establishing and implementing a scanning system to process approximately 10,000 Trip Leader (TL) Reports; import the scanned data into Microsoft Access (or similar) database; and establish guidelines for data cleaning and verification to be used by DNR.
2. Analyze and produce a summary report of data from TL Reports. The summary report will address river use (numbers and geographic distribution) and river crowding as reported by trip leaders.
3. Technical assistance to the DNR to extract on a monthly basis the river use data reported by outfitters via the online river usage reporting system. This includes training DNR personnel to import data from the online database into a spreadsheet for distribution. Additional consideration will be given to developing code to generate dynamic online reports from the active database.
4. Process, analyze, and prepare a report summarizing whitewater injury reports.
5. Extend the original 1995 customer satisfaction survey analysis by extracting a sub-sample from data currently available in order to evaluate the effect of the higher water experienced in the 2000 season on crowding and the desired outcome of matching trip expectations to actual trip experiences.
6. Revise, edit, and relocate the present DNR River Study web page from the West Virginia University server to a DNR directory on a state of West Virginia server. In addition, Commission meeting minutes, DNR forms, rules, and other pertinent information will be included on the new web page.
7. Update the online outfitters database file and archive the previous year's database. Troubleshoot, perform routine maintenance, and correct any problems in the database and associated web pages. Add new license holders as transfers/sales occur.
8. Additional services to be provided on a limited as-needed basis include assistance to the Whitewater Commission in developing management responses to critical river conditions as provided for in the LAC river management plan, and information analysis and interpretation for the DNR for law enforcement purposes.

Attachment B: Payment Schedule

LAC River Management Plan

Data Monitoring Budget

Category	Salary	Fringe	FTE	Total Requested
Personnel				
Dr. Andy Whisman, PI (20% overload)	7000	2100		9100
Facilities				0
Equipment				0
Supplies				900
Travel				0
Contractual Costs				0
Total Direct Costs				10000
Indirect Costs (limited to 10%)				1000
Total				11000

Budget Justification

A. PERSONNEL

Principal Investigator	\$7,000
Total Personnel	\$7,000

Steven A. Whisman: \$7,000 is requested for this position. Dr. Whisman's responsibilities will include: implementation and administration of the project, completion of tasks identified in the scope of work, dissemination of project results and materials.

B. FRINGE BENEFITS

Fringe Benefits	\$2,100
Total Fringe Benefits	\$2,100

Fringe Benefits: \$2,100 is requested in this category. The current rate of fringe benefits for faculty and professional staff is 30% of salary.

C. SUPPLIES

Supplies	\$900
Total Supplies and Other Expenses	\$900

Office Supplies: \$900 is requested for routine office supplies such as paper, envelopes, photocopy toner, printer ribbons and toner for laser printer, diskettes, pens, and quick-stencils, postage and telephone expenses, as well as paper and printing for recruitment materials, and minor repair of office equipment.

G. TOTAL DIRECT COSTS	\$10,000
------------------------------	-----------------

H. INDIRECT COSTS

The indirect cost rate for this program is 10% of total direct costs:	\$1,000
---	---------

TOTAL REQUESTED AMOUNT:	\$11,000
--------------------------------	-----------------



DIVISION OF NATURAL RESOURCES

State Capitol
Building 3, Room 669
Charleston WV 25305
Telephone (304) 558-2754
Fax (304) 558-2768
TDD (304) 558-1439
TDD 1-800-354-6087

Bob Wise
Governor

Ed Hamrick
Director

M E M O R A N D U M

TO: All Whitewater Licensees

FROM: Ed Hamrick, Director *Ed*
Division of Natural Resources

DATE: November 2, 2001

SUBJECT: Whitewater Rafting Injury Report

During a recent performance audit of the Whitewater Commission by the West Virginia Legislature Performance Evaluation and Research Division, it was noted that outfitters were using several different formats of the Whitewater Injury Reports to report their injuries. The auditors further recommended that only one format be used.

In compliance with their recommendation, I am sending each outfitter a new form. Please destroy all other copies you may have in stock and begin using the new form (revised 4/16/98) immediately.

If you have any questions, please feel free to contact me.

EH/bdw
Attachment

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
 WHITEWATER RAFTING INJURY REPORT (To be submitted within 15 days of injury)

Company: _____ Lic No. _____
 Date of Injury/Accident: ___/___/___ Time of Injury/Accident: ___:___ A.M. / P.M.

Injured Person: _____ Sex: M F Age: ___/___/___
 Address: _____ City: _____ State: _____ Phone: _____

Medical Insurance: No Yes Medications: No Yes ⇔ Dosage: _____
 Previous Injury/Illness No Yes ⇔ Describe _____ Date Injured or Illness Diagnosis ___/___/___
 Rafting Experience: No Yes ⇔ Times: _____ Rivers: _____

Wearing: Wetsuit: No Yes Helmet: No Yes PFD: No Yes ⇔ Type: III IV
 River Segment: Upper Gauley Upper New Cheat Canyon Shenandoah
 Lower Gauley Lower New Cheat Narrows Tygart Other _____

River Location (Rapid name, etc.): _____

Weather Condition: Sunny Cloudy Light Rain Rain Thunderstorms
 River Conditions: Water Level: ___ ft. ___ cfs Water Temperature _____ °F Air Temperature: _____ °F

ACCIDENT DESCRIPTION: Injury occurred: During a Swim In Raft/Boat On Shore Other _____

Injured Party's Description: _____
 _____ More on Back?

Refused First Aid Signature of Injured: _____

Witnesses: _____

Trip Leader's / Guide's Description: _____
 _____ More on Back?

Trip Leader: _____ Guide: _____

Safety Orientation by: _____

Probable: Fatality Concussion Injury Left Upper Leg Chest Thumb
 Injury: Sprain/Strain Dislocation Zone: Right Knee Back Head
 Contusion/Bruise Fracture Both Lower Leg Neck Face
 Abrasion Laceration/Puncture Multiple Ankle Shoulder Eye
 Hypothermia Heat Stroke/ Exhaustion Foot Arm Nose
 Illness _____ Hip Wrist Mouth
 Other _____ Abdomen Hand Teeth
 Other _____

Action Taken:
 First Aid: None CPR Direct Pressure Antiseptic Elevated Injury
 Bandage Splint/Immobilize Ice Treated Shock Other _____
 Recommended additional medical diagnosis Injured sought additional medical diagnosis
 Injured intends to seek additional medical diagnosis ⇔ Where _____

Evacuated: No Yes Injured Taken to: Hospital Base Camp Other _____

Admitted to Hospital: No Yes ⇔⇔ Name of Hospital _____

Evaluated by: Medical Doctor or Osteopath Registered Nurse Physician's Assistant
 EMT or Paramedic Other _____

Treatment: Diagnosis Only Stitches Splint or Cast Medication
 Surgery Oxygen Other _____

* If treatment other than diagnosis was rendered, this form must be submitted to WVDNR within 15 days of the date of injury *

Signature of Person Completing Form _____ Date: ___/___/___

