



Ocoee River Recreation and Economic Fund Development Board-March 7, 2019

Roll Call: Members Present: Sen. Mike Bell, Macy Brower, Deputy Commissioner Brooxie Carlton, Ryan Cooke, Lamar Davis, Angelo Giansante, Mayor Robby Hatcher, Tim Henderson, Rep. Dan Howell, Keith Jenkins, David Lillard, Acting Dep. Commissioner Anne Marshall, Chris Richardson, Rob Sherrill, Melissa Woody.

Approval of the October 3rd, 2018 minutes: Chairman Bell entertained a motion to approve the minutes. A motion was brought forth, seconded, a verbal vote was taken and the minutes were approved unanimously.

Chairman recognized Will Kerby to open the meeting. Mr. Kerby:

- Introduced himself as Board attorney and will be the primary TDEC representative from the Office of General Counsel.
- Introduced Anne Marshall who is currently serving in the position of Acting Deputy Commissioner for the Parks and Conservation Bureau. Anne was formerly the Senior Advisor for the P&C Bureau for 7 years. She has 34 years in the field of parks, recreation and conservation, and 23 of those years have been with TDEC.
- Reminded the Board of the role of TDEC, which has two main functions on the Ocoee River: permitting and management agency charged with oversight of the river and commercial activity on the river and within the park, and administrative support for the Board. Also reminded members that the Board has limited authority that is outlined in the act, including applying for grants, requesting gifts and donations, creating a nonprofit organization, entering into contracts to effectuate the act, adopting policies and guidelines for use of the fund, and making studies and recommendations to TDEC.

Chairman recognized Mr. Kerby to describe updates to the Board manual and website:

- Board manual updates include a new Executive Order #2 from Governor Lee regarding ethics and disclosure, new board members and OGC contact information. Updated the bylaws with new meeting dates as approved at the last meeting.
- Announced the new website, tn.gov/environment for the Board that will provide meeting updates and in the future allow for permit payments.

Chairman Bell recognized Ms. Emily Urban as present and thanked her for attending.

Chairman Bell recognized Park Manager, Angelo Giansante to provide a fiscal update.

- Mr. Giansante noted that the financial report was as of January 31st and therefore many of the permit payments would not be reflected on this statement. The current Schedule of Revenues, Expenditures, and Changes in Fund Balance show revenues at \$2000.00 and expenditures at \$5,323.33 with a fund balance of -\$3,323.33. Mr. Giansante reported that all 23 outfitters have submitted payment via check to TDEC.

Chairman Bell recognized Mr. Kerby for an update on Senate Bill 105:

- Senate Bill 105 was the sunset hearing for the Board and it has passed through the Senate and the House Government Operations Committee with a positive recommendation for a two-year extension (2021).
- Chairman Bell pointed out that it was typical that during the creation of a board, extensions are for only two years. Based on his legislative experience, he predicts in the future there will be either a four or six-year extension.

Chairman Bell recognized Ms. Jennifer Katzenmiller for an update on signed permits:

- Ms. Katzenmiller presented a written report reflecting that all 23 outfitters had provided TDEC with a signed permit, payment of the \$2,000.00 pre-season recreation fee, and a current Certificate of Insurance reviewed by Mr. Kerby.
- Rep Howell. asked how many new outfitters were on the report. Ms. Katzenmiller reported two or three.

Chairman Bell recognized Mr. Keith Jenkins to open a discussion on lunch facilities on the weekends:

- Mr. Jenkins stated that he is working with Mr. Mike Wright from the US Forest Service and made a motion to postpone the discussion until the October meeting. Motion was seconded; verbal vote was taken and passed unanimously.

Chairman Bell introduced discussion on the river caps. Keith Jenkins was recognized to lead the discussion:

- Mr. Jenkins provided background on the cap system. Historically, when the river exceeds a capacity of use--4,800 users, the day is capped. This cap is then divided among the outfitters. This system took hours to reconcile and was easy to manipulate.
- Mr. Jenkins is seeking approval of a new system and Chairman Bell asked Mr. Kerby what the formal process is for changing it. In the new system, the percent that an outfitter pays into the fund is the same percent they would receive of the number of users allowed on a cap day. It does not reward you for having busy days on the river, therefore discouraging outfitters from scheduling around the system.
- It has been voted on by the Outfitters Association with no objections and TVA has reviewed it as well.
- Chairman Bell asked if TDEC will set the cap or if it would be set by rule.

- Mr. Kerby explained that the Outfitters Association will present the new system to the TDEC. The rule states that TDEC creates the caps, however TDEC usually defers to the best process recommended by the Outfitters Association.
- Chairman Bell pointed out that it has been submitted in writing to TDEC and asked if there was any other information required to put it into proper language.
- Ms. Emily Urban clarified that the rule sets the cap number at 4,000 customers. The commercial operators will propose the methodology. TDEC can find it acceptable, revise, or reject it. If a method is not provided, then the historical use method is the default.
- Chairman Bell asked if there was a timeline for TDEC acceptance and implemented. The outfitters would like to see it in place for the 2020 season. Mr. Kerby pointed out that the Rule states that TDEC must announce the cap date allocation on or before April 15 of each year.
- Rep. Howell asked if it needs to go before the board. It does not.
- Outfitters have no questions.
- Rep. Howell asked for clarification on how numbers were determined, i.e. seasonal vs. daily cap. That was confirmed with more explanation.
- Park Manager Giansante added the new process promoted sustainability and would be beneficial to Tennessee State Parks.

Chairman Bell recognizes Ms. Katzenmiller clarified travel reimbursements. Please send her the following:

- There is a travel reimbursement form in the Board manual to fill out.
- W-9
- Signed hotel receipt

Chairman Bell pointed out to the media from Polk County and fellow Board members that this meeting went quickly and as the Board matures and the process matures, he is certain there will be much to discuss at these meetings.

Date of next Board meeting: Sept. 26 and the location will be in Polk Co.

Meeting adjourned.

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