

ITALO S. CAPPABIANCA, MEMBER

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

INTERGOVERNMENTAL AFFAIRS, CHAIRMAN

February 1, 1996

Jeff Pinski, Editor  
Erie Morning News  
12th & Sassafras Street  
Erie, PA 16534

Dear Jeff:

Secretary Oliver may have suggested that an entrance fee, or for that matter a parking fee, at Presque Isle should be explored. However, please be assured that actually instituting any such fees is not within his administrative jurisdiction. When the Legislature passed Act 242 in 1984 we mandated that any and all fees must have Legislative approval.

While it may appear to be a good way of raising funds to care for and support the park, I have always opposed any move to charge user fees at our state parks. I firmly believe that our parks should be accessible to all who want to enjoy them and no one should be turned away or discouraged by having to pay a fee. If you want to enjoy the sunset over Lake Erie at Presque Isle, you shouldn't have to pay for it.

Should Secretary Oliver come to the Legislature for support on this fee, I am afraid I will not be able to give him my vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Italo S. Cappabianca", written over a horizontal line.

Italo S. Cappabianca  
Representative, 2nd District

ISC/cmr

The Secretary of Agriculture shall be chairman of the commission, and the commission shall elect a secretary and a treasurer who need not be members thereof. The same person may be secretary and treasurer of the commission.

[Five] Six members of the commission shall constitute a quorum.

Section 1709. State Farm Products Show Commission.—The State Farm Products Show Commission shall have the power, and its duty shall be:

(a) To formulate plans for, and conduct and manage, exhibitions, to embrace exhibits of all agricultural, industrial, and artistic products, including exhibits of all classes of farm products, embracing [live stock] livestock, dairying, horticulture, all classes of manufacture, industries, and domestic arts, and such other exhibits as will best advance the interests of agriculture and the other industries of the Commonwealth;

(b) [Until such time as the Commonwealth shall acquire a permanent site therefor, to lease the necessary premises for holding said exhibitions, and to sublet said premises to exhibitors, including the departments, boards, and commissions of the State Government;

(c) After the Commonwealth shall have acquired a permanent site for holding said exhibitions, to] To lease space to exhibitors, including the departments, boards, and commissions of the State Government, and to lease the Farm Show [Building] Complex, at any time, to individuals, associations, or corporations, for exhibitions, conventions, or other proper purposes;

(c) To develop, update and make recommendations regarding a long-range plan for needed capital improvements at the Farm Show Complex;

(d) To oversee the annual capital inventory of the Farm Show Complex conducted by the Bureau of Farm Show to assure policies and procedures of the Department of Agriculture are employed in conducting the inventory and update.

(f) To arrange for the holding of meetings for the promotion of agriculture.

Section 2. Section 1920-A(f) of the act, amended July 1, 1981 (P.L.177, No.51), is amended to read:

Section 1920-A. Environmental Quality Board.—\* \* \*

(f) The board shall establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy and use of the lands and resources of State parks, as it may deem necessary to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which State parks are created. Whenever the board imposes fees or charges for activities, admissions, uses or privileges, including charges for concessions, at or relating to State parks, such charges or fees shall be used solely for the acquisition, maintenance, operation or administration of the State parks systems, and are hereby appropriated for such purposes. *The board shall not adopt or impose any charges or fees for parking or general admission to State parks unless the charges were imposed prior to January 1, 1984. The board may continue to impose and modify parking charges and fees applicable to specific services or units within the State park system which were imposed prior to January 1,*

*1984, and may impose charges or fees for admission to and for use of services and facilities in State parks.*

\* \* \*

Section 3. This act reestablishes the State Farm Products Show Commission in accordance with the procedures set forth in section 7(a) of the December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 4. The presently confirmed members of the existing State Products Show Commission, as of December 31, 1984, shall continue to serve as board members until their present terms expire.

Section 5. Each rule and regulation of the State Farm Products Commission in effect on December 31, 1984, shall remain in effect after the date until repealed or amended by the commission.

Section 6. This act shall take effect January 1, 1985.

APPROVED—The 21st day of December, A. D. 1984.

DICK THORNBURGH





**ERIE COUNTY LEGISLATIVE DELEGATION**  
of the  
**Pennsylvania General Assembly**

---

**A. Buzz Andrezeski**  
*State Senator, 49th District*

**Linda Bebko-Jones**  
*Representative, 1st District*

**Karl W. Boyes**  
*Representative, 3rd District*

**Italo S. Cappabianca**  
*Representative, 2nd District*

**James R. Merry**  
*Representative, 5th District*

**Thomas J. Scrimenti**  
*Representative, 4th District*

April 1, 1993

Honorable Arthur Davis, Secretary  
Department of Environmental Resources  
9th Floor, Fulton Bank Building  
Harrisburg, PA 17120

Dear Secretary Davis:

Under date of March 16, 1993, Mr. Bernard L. Pauly, President of the Northwestern PA Duck Hunters Association wrote to you requesting a public meeting to discuss the final recommendations for the Presque Isle Management Plan, prior to any plans to implement it may be undertaken.

I write on behalf of the Erie County Legislative Delegation; we concur and strongly suggest that such a meeting be planned. We seek a full and complete review and discussion of the plan, its goals and the process by which the final plan was devised.

Each of us, as Representatives of literally thousands of park users has a duty to be absolutely positive that this plan is in the best interest of the majority, not driven by smaller special interest groups, while still being aware of the important role the environmental needs play in the Presque Isle park.

We simply ask that we have an opportunity to meet and discuss this plan. We must be able to defend your plans, and therefore it is incumbent upon you to be certain we fully understand how you arrived at the decisions you made.

This park plays a vital role in our community. The residents of Erie deserve to be made aware of any plans that may effect them, and "their" park. Consequently, we ask for a meeting, in Erie, wherein the final proposal can be presented.

We look forward to hearing from you in this regard, in the very near future. Thank you.

Sincerely yours,

Italo S. Cappabianca  
Representative, 2nd District



**ERIE COUNTY LEGISLATIVE DELEGATION**  
of the  
**Pennsylvania General Assembly**

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**A. Buzz Andrezeski**  
*State Senator, 49th District*

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**Linda Bebko-Jones**  
*Representative, 1st District*

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**Karl W. Boyes**  
*Representative, 3rd District*

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**Italo S. Cappabianca**  
*Representative, 2nd District*

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**James R. Merry**  
*Representative, 5th District*

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**Thomas J. Scrimenti**  
*Representative, 4th District*

April 21, 1993

**SUBJECT: Presque Isle Management Plan**

**TO: All Members, Erie Delegation**

**FROM: Rep. Italo S. Cappabianca**

A handwritten signature in black ink, appearing to read "Italo", written over the printed name of the sender.

At my request, Mr. Roger Fickes, Director of the Bureau of State Parks, has agreed to meet with members of our Delegation to discuss the final Management Plan for Presque Isle, prior to meeting with the media and making the plan public.

This meeting is scheduled for **THURSDAY, MAY 6, at 10:00 P.M.** at the Park Administration Building.

Since we have all been receiving quite a bit of mail on this plan, and will no doubt be asked to respond to the changes, I thought it best that we be briefed directly.

I am hopeful that you can arrange your schedule to be at this very important meeting.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Post Office Box 8551  
Harrisburg, Pennsylvania 17105-8551  
April 19, 1993

Bureau of State Parks

The Honorable Italo Cappabianca  
House of Representatives  
House P.O. Box 73  
Harrisburg, PA 17120-0028

Dear Representative Cappabianca:

Secretary Davis has asked me to respond to your letter of April 1, 1993, regarding the Presque Isle State Park resource management plan.

The Bureau of State Parks is continuing to evaluate all comments received. This review and deliberation is expected to be completed within the next several weeks.

We would like to meet with you and the other members of the Erie delegation or your representatives during the morning of May 6 to discuss our resolution of the key issues in the draft plan. More details about our meeting will be communicated to you later. After this briefing, we will meet with the Presque Isle Advisory Committee and the news media for the same purpose. It is also our intention to make a number of copies of the final plan available at this time.

We recognize the importance placed on our deliberations by the Erie community. For this reason we are carefully assessing each aspect of the plan. Your advice and comments are most welcome.

If you require further information, please contact Harry Leslie, Park Manager, Presque Isle State Park, at 814-871-4251 or Greg Schrum at 717-787-6674. Thank you for your interest in Presque Isle State Park.

Sincerely,

  
Roger Fickes, Director *RF*



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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES  
FEDERAL-STATE RELATIONS, CHAIRMAN

January 19, 1993

Honorable Arthur Davis, Secretary  
Department of Environmental Resources  
Fulton Bank Building  
Harrisburg, PA 17120

Dear Secretary Davis:

Enclosed please find a letter from a constituent detailing several concerns with the recently released Management Plan for Presque Isle State Park.

As you will see, Mr. Gorniak takes issue with the recommendation to close the area from the east side of beach #10 parking lot, to Gull Point, and to prohibit all duck blinds and future duck hunting in that area. I believe that the duck hunters would understand and support the recommendation, if it were proved to be a valid suggestion. However, to arbitrarily close this area, only adds to the discontent felt by the users of this park.

While it may be wrongly assessed, the residents of Erie take great pride in the Presque Isle area and see more and more changes taking place without adequate input or explanation. The closing of this area simply "adds salt to an open wound." I assume all positions involved would be considered before such a measure would be implemented. I would appreciate a detailed explanation of this closing and any further insight into this situation you may be able to offer.

Thank you for your assistance in this matter, and as always, I am grateful for your attention and consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Italo S. Cappabianca".

Italo S. Cappabianca,  
State Representative

ISC/cmr  
enclosure  
cc: Greg Gorniak



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Post Office Box 8551  
Harrisburg, Pennsylvania 17105-8551  
January 29, 1993

717-787-6640

**Bureau of State Parks**

The Honorable Italo S. Cappabianca  
House of Representatives  
House P.O. Box 73  
Harrisburg, PA 17120-0028

Dear Representative Cappabianca:

Secretary Arthur A. Davis has asked me to thank you for forwarding Mr. Greg Gorniak's letter regarding the Resources Management Plan for Presque Isle State Park. We have acknowledged Mr. Gorniak's previous letter to Secretary Davis.

Presque Isle State Park's mission is two-fold: to provide healthful outdoor recreation and to protect the natural resources. At times, these points may be in conflict with each other and we must carefully review all factors.

Since the Bureau of State Parks held the January 7, 1993, public meeting in Erie to receive comments about the draft plan, we have been receiving letters addressing both sides of the issue. The major discussion points are: recreational use of Gull Point (especially boating and duck hunting); establishing a fee for offshore mooring in the marina; prohibiting boater use of a sand beach in the marina; and prohibiting marina slip expansion.

It is our intention to take and evaluate comments on the draft plan until February 7, 1993. All comments will receive careful consideration. A final resources management plan for Presque Isle State Park will be announced prior to its implementation.

Sincerely,



Roger Fickes, Director

# **Northwestern Pennsylvania Duck Hunters' Association**

P.O. BOX 8073 ERIE, PENNSYLVANIA 16505



*To Preserve Waterfowling and Protect the Privileges of Duck Hunters*

Rep. Italo Cappabianca  
1216 West 26th Street  
Erie, Pa. 16508

Subj: Presque Isle Management Plan and Advisory Committee

Dear Italo:

As we delve into the structure of the committees that were charged with formation of the Presque Isle Management Plan, it becomes evident to the lay person that this was a plan engineered by a few to satisfy the goals of a small selective group. The letter you have from Rich Weber, a committee member on Phase III Gull Point, the affidavits and letter from Attorney Greg Sesler, the lack of committee attendance reports and the lack of notification of meeting notices to the various committee members, coupled with the lack of identification of the authors of the final plan, support the premise that some of the prescriptions were biased.

I realize that a great effort was expended to draft this plan, but many of the main prescriptions are based on assumptions rather than fact. There are no amendments or scientific information attached to the plan to substantiate the prescriptions for Gull Point.

If you study the makeup of the Presque Isle Advisory Committee and recognize how many people from this group were involved in multi-plan committee functions, it becomes crystal clear that these committees were not represented by a cross section of the various groups that use these park areas.

The structure of the existing Presque Isle Advisory Committee does not represent a cross section of the people who use this park.

Therefore, we the sportsmen and boaters who contribute over \$600,000.00 in fees at Presque Isle, ask you, our legislator, to investigate the manner by which appointments are made to this advisory group. We would further ask that you take action to increase this group by four seats, two of which would be held by the duck hunters and two which would be filled by boating representatives. Resumes of applicants will be furnished upon request.

Having dealt with you during the formative stages of the Presque Isle Marina Association, I hope you will realize that this committee is not representative of the Pennsylvania citizens that utilize this facility.

Respectfully yours,



Bernard L. Pauly, President  
Northwestern Pa. Duck Hunters' Asso.  
and  
Director, Presque Isle Marina Asso.  
3333 Bolivar Street  
Erie, Pa. 16508

Attachments:

Ref. letter and affidavits from Greg Sesler, ESQ.  
and letter by Rich Weber

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES  
FEDERAL-STATE RELATIONS, CHAIRMAN

January 25, 1993

Mr. Len Scwemmer,  
Presque Isle Marina Association  
P.O. Box 3171  
Erie, PA 16508

Dear Len:

Thank you for your December letter in which you discuss your most recent correspondence with Secretary Davis protesting the rate change.

Although I am not sure what more can be done at this point, I agree that it is imperative that your Association continue its active role in advising the Administration of your position on changes at Presque Isle.

At this time, I believe the "ball is in their court" with regard to the change in rate structure. Should I receive any further information, I will advise you accordingly, and please keep me abreast of any correspondence you may receive.

Looking forward to working with you in the New Year, I remain,

Sincerely yours,

  
Italo S. Cappabianca,  
State Representative

ISC/cmr

Presque Isle Marina Association

P.O. Box 3171  
Erie, PA 16508-0171  
December 7, 1992

The Honorable Italo Cappabianca  
1216 West 26th Street  
Erie, PA 16508

Subject: Presque Isle Marina

Dear Representative Cappabianca;

On behalf of the Association let me congratulate you on your recent re-election. It is obvious that an experienced legislator can immediately serve his constituents and has earned his ranking in the House which benefits us all.

We also wish to thank you for your efforts on our behalf and also your letter of October 28, 1992 which was delayed in reaching us.

Attached is a copy of a letter sent to Secretary Davis protesting the change in rates. Hopefully this will reach him within the time period for comment.

On January 7, 1993 the Association will be at the public hearings regarding the Presque Isle State Park Resource Management Plan. We will be opposing proposed further restriction that will be imposed on boaters that we have seen in the draft plan. As you know boating is a major source of revenue for area and further declines in boating can contribute to negative economic impact. The stated objective for the Marina Management Unit is "To limit the marina to the existing piers and a maximum of 498 slips". This quite frankly is hardly a positive progressive inspirational object for the fine facility that exists and warrants better stewardship.

We wish you a joyous Christmas and hope that the New Year is healthy and prosperous one for you, your family as well as all the citizens of Erie.

We look forward to meeting you next year and working with you in the coming year. Perhaps we will see you at the January 7th hearing.

Sincerely yours,



Leonard J. Schwemmer  
Legislative Liaison Chairman



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063  
October 23, 1992

Office of Parks and Forestry

The Honorable Italo S. Cappabianca  
House of Representatives  
House P.O. Box 73  
Harrisburg, PA 17120-0028

Dear Representative Cappabianca:

Secretary Arthur A. Davis has requested me to respond to your letter of September 22, 1992, regarding marina fees at Presque Isle State Park.

The Bureau of State Parks is proposing adjustments to a number of fees on a statewide basis. At Presque Isle State Park the fees will be affected by a decrease in the winter storage fee from the approved 1992 rate of \$15 per foot to \$12 per foot for a Pennsylvania resident and from \$30 per foot to \$24 per foot for a non-resident of Pennsylvania. The travel lift fee will be reduced from the current \$5 per foot to \$3.50 per foot for a Pennsylvania resident and from the current \$10 per foot to \$7 per foot for a non-resident. These two fees were decreased by the Director of State Parks for the 1992-93 storage season under authority of Subsection 31.164 (3), (b).

Prior to the 1992 rate change, the Presque Isle State Park marina rate charged was based on the foot of stall assigned. The 1992 schedule listed the rate as cost per foot of boat. When the marina tenants were billed for the 1992 season, they were originally charged by the stall assigned as had been done in prior years. It was then pointed out by the marina tenants that the charge was to be by the foot of boat as was published in the Pennsylvania Bulletin. The Bureau of State Parks, therefore, processed refunds for the overcharges.

We are proposing to return to a charge based on per foot of stall assigned. With this recommended change approximately 165 of the 473 Presque Isle State Park marina tenants will be affected. The amount will be the difference between the length of boat and the size of stall assigned. Slips using the bascomb holders will not change.



This change will help us administratively in producing accurate billings and reduce the need to process refunds. The change is also in line with the standard practice used in the boating industry today. It allows us to efficiently assign boats to appropriate size stalls without loss of revenue. It provides new tenants with a known cost when they are awarded a slip before they own a boat. The change will also eliminate the difficulty encountered in determining the chargeable length of boat.

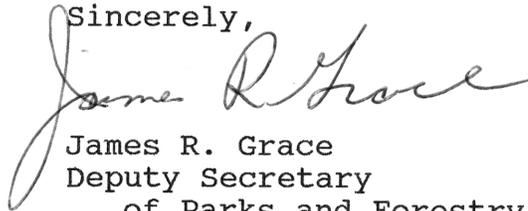
The last change that is proposed for the fees at Presque Isle State Park marina is the water and electric fee. Presently, each fee is listed separately as \$1.50 per foot of boat resident and \$3 per foot of boat non-resident. These utilities are offered together on two piers. The change combines these two rates with the \$30 marina fee resulting in a new marina with utilities fee of \$33 per foot of stall for residents and \$66 per foot of stall for non-residents of Pennsylvania.

In summary, the rumor that there is going to be a 50 percent increase in fees is not true. The proposed adjustments decrease some fees and change the method of calculating the marina fee from length of boat to length of stall. The adjustment will affect some of the tenants in the marina.

Prior to the fees being published in the Pennsylvania Bulletin there will be a 30-day public comment period. The Bureau will issue a press release regarding all fee changes to inform the public of the comment period. You will be sent a copy of the proposed changes before that time. We welcome any comments you may have and will give them serious consideration in the final package.

If you have any further questions, please contact Eugene V. Giza, Chief, Operations Section, Bureau of State Parks at 717-787-8800.

Sincerely,



James R. Grace  
Deputy Secretary  
of Parks and Forestry  
Department of Environmental Resources

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COMMITTEES  
FEDERAL-STATE RELATIONS, CHAIRMAN

House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 28, 1992

Mr. Leonard J. Schwemmer  
Legislative Liaison Chairman  
Presque Isle Marina Association  
P. O. Box 3171  
Erie, Pennsylvania 16508-0171

Dear Leonard:

Thank you for your September 9, 1992, letter wherein you requested support from me for a proposed winter storage rate decrease at Presque Isle State Park.

I directed your request to Secretary Arthur Davis of the Department of Environmental Resources, and I am very happy to report back to you that the fees will be decreased in the winter storage fee as per your request.

For your perusal, I am enclosing a copy of Secretary Davis' reply to me which is very detailed insofar as the decrease in rate structure is concerned.

I trust that this information will be of assistance to you and if I may be of any further service, please feel free to call upon me.

With best regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "Italo S. Cappabianca".

Italo S. Cappabianca  
State Representative

ITALO S. CAPPABIANCA, MEMBER  
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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

DER  
COMMITTEES  
FEDERAL-STATE RELATIONS, CHAIRMAN

September 22, 1992

Honorable Arthur Davis  
Secretary, Department of Environmental Resources  
9th Floor, Fulton Building  
Harrisburg, PA 17120

Dear Secretary Davis:

A matter of great importance has been brought to my attention, and I therefore turn to you for response and explanation. It is heavily rumored in the Erie area that there is yet another fee increase to be implemented at Presque Isle State Park next year. This increase would come in two forms. One would increase slip fees an additional 50% for the 1993 season, and the other is a planned change in the manner of rate basis from "per foot of boat" to "per foot of stall".

I would think it is obvious that the boaters in Erie could not, and would not, withstand such an increase, particularly falling directly on the heels of this years' drastic increases. Certainly, I can understand the need for additional revenue, however, I can not support such a repeated "taxation" of the same sector of the public.

While I am aware that this possibility came to me only in form of a rumor, I feel it is incumbent upon me to seek confirmation, or repudiation from your office. Any information and assistance you can lend me would be appreciated. Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Italo S. Cappabianca'.

Italo S. Cappabianca,  
State Representative

ISC/cmr

recd. 9/17

Presque Isle Marina Association

P.O. Box 3171  
Erie, PA 16508-0171  
September 9, 1992

The Honorable Italo Cappabianca  
1216 West 26th Street  
Erie, PA 16508

Subject: Presque Isle Marina- Winter Storage Rates  
Rate Measurement Basis  
Rumored 50 % 1993 Increase

URGENT

Dear Representative Cappabianca;

Please support a proposed winter storage rate decrease.  
Please investigate a rumor the Bureau of State Parks has plans to increase slip lease fees by 50 % for the 1993 season.  
Please oppose a change in the rate basis from "per foot of Boat to per foot of stall

RATE REDUCTION:

Please advise the Bureau of State Parks, Department of Environmental Resources and if necessary The Environmental Quality Board of your approval and support of an **initiative by the Presque Isle State Park Administration to reduce winter storage rates to a 20% increase over 1991 from an established 50% increase.**

This "eleventh hour" change comes just days before the contracts or leases for winter storage must be prepared and therefore it is urgently required that the Bureau give their approval.

The minutes of the last Park Marina Committee (August 27, 1992) have been posted in the Marina rest rooms (the Park Administration won't communicate or deal with the Association). These minutes state the **"Park has requested a reduction to the established winter storage and travel lift fees. The proposed fee for winter storage is \$12.00 and \$24.00 (resident and non-resident respectively) per foot of boat versus \$15.00 and \$30.00. The proposed travel lift fee is \$3.50 and \$7.00 per foot versus \$5.00 and \$10.00 storage to \$12.00 from \$15.00".**

The Association believes this rate is still excessive to store a boat in an unguarded, seasonally unused parking lot for which the only services provided are the boat lift out in the fall and lift in next spring. Since many boaters have no other options and we therefore consider the revised rate more tolerable.

We find it implausible to believe the Park Administration rate reduction request to be an act of benevolence but on the contrary has probably been precipitated by the lack of response to storage sign up (38 based on a recent check compared to 100 boats stored for the winter of '91-'92). The marina by the way has 498 slips. Tenants are pursuing other

options such as storage elsewhere and others have found a trailer purchase to have sufficient economic pay back. This is not a totally elastic market. Sometimes you generate more revenue by cutting prices and increasing volume than increasing rates and losing total revenue.

#### LEASE FEE INCREASES

Please investigate whether there is any substance to the rumor, reported at our last Association Meeting, that the Bureau of State Parks is planning to increase the seasonal slip rate by 50% for the 1993 season.

About this time in 1991 we heard similar rumors of an impending rate increase. At that time there was no alarm since most tenants felt an increase was merited. But never in our wildest imaginations had anyone anticipated anything beyond 20 %. This time we hear the gun being loaded and we don't want to get blasted again. We don't feel that there was any justification for the last increase and there should not be another increase for a number of years to come. Remember in the last nine years the fees have gone up 429%. There are no other criteria , cost of living, inflation rate, etc. that have increased to this extent.

You may also be interested in knowing that 68 tenants did not renew their leases this year and after a full season of trying, the Park Administration still has not been able to lease 28 slips (August 27, 1992 minutes). This apparently substantiates the long waiting lists that have been used to justify the take it or leave attitude are the reflection of the aspirations of people in the long term. They do not reflect the reality that the price of a slip can become a barrier to achieving these aspirations, and that these are economically poor times for many people including those who had a desire to enter boating and those that had planned on trading up.

It is also interesting to note the dinghy rack which can hold approximately 28 boats and in years past was full, had only 6 boats this year.

Please keep us informed.

#### RATE BASIS

We also request that you express our and hopefully your opposition to a request to change the fee basis from a "per foot of boat" to "per foot of stall".

The afore said minutes also state " Pete (John M. Houghton, Park Manager) has also made a request to Harrisburg to return to charging based on per foot of established stall size versus "per foot of boat", but with the misprint in the Pennsylvania Bulletin, the park felt it necessary to charge accordingly".

We oppose this change since it represents an increase in rates to many boaters. Secondly, the State already is guaranteed a minimum return

from any slip based on the lower limit set on boat size for a given established stall size. Finally, under the present basis the state can rectify an inequity that has existed for many years, where oversized boats have occupied and paid for a smaller stall because of "grandfathering" stemming from a definition change in boat size limits for a given stall size. Some boaters have been refused a stall or have been forced to mutilate their boats to avoid losing a stall by cutting and reshaping bow rails or cutting off bow pulpits, etc..

One of the reasons given for returning to the "per foot of stall" basis is to simplify lease preparation. In this age of computer utilization this should not be a problem. Using a computer the fee can be easily obtained by allowing the computer to do the multiplication for converting the boat length to rental amount. Boat length information exists in lease and application documentation.. Presumably in the act of managing the marina the boats occupying the slips are checked to assure it has the corresponding PA registration number, and meets the size description, etc. The data base can also be sorted by any of the fields or combinations, name, pier, stall, length, address, zip, home phone, business phone, type, manufacturer, year etc .

If the Bureau of State Parks does insists on charging based on stall length then we feel it only reasonable that the Park Administration drop the minimum length criteria, It should then be of no concern to the Park that an individual who pays for a slip have a boat in the slip or that the boat meets a minimum size. Their concern should be that it does not exceed the maximum. This would allow tenants to trade up when they find the boat of their choice and when their finances allow this move and not be pressured by some meaningless deadlines.

For the record, the Park issued 1992 leases on a by "per foot of stall" basis and it was this Association by letter from its President dated February 21,1992, that called the Park Administration attention to this apparent inconsistency and violation of its own regulation. The Park has subsequently issued refunds however these were done on the basis of the nearest boat half foot (six inches) although the precision used for determining slip size eligibility is the nearest twelfth of a foot (inch). Its funny how criterion never applies in your favor.

We were only able to detect this error by reading the regulation as printed in the Pennsylvania Bulletin made available to us by Representatives Boyes' office.

For the record also, we also take issue with the so called "misprint"of the basis. This criterion appeared in an attachment to a letter to Representative Merry date December 23, 1991, it appeared in the Pennsylvania Bulletin dated December 28, 1991, a Department of Environmental Resources news release dated January 29, 1991, and probably other internal documentation. Apparently no one in the Bureau proof reads or reads their own documents. They made us believe the rate change, due date and we believe they also meant the basis for levying the rate. Its funny how criterion never applies in you favor.

Letter to Representative Cappabianca dated September 9, 1992 page 4

Representative Merry recently took me to task for the Association not be proactive at the time the regulation was being formulated. My response is that I/we thought our Legislators were watching out for their constituents interests. The record shows the Bureau issued a "notice of proposed rule making was published at 20 Pa.B 6359 (December 22,1990) and included a 60-day public comment period." It would seem that any actions being taken which might impact on Presque Isle State Park and its 3.5 million annual visitors should have been worthy of note by our Legislators. Not one Legislator caught the impact until the deed was done a year later. This Association was formed January 31, 1992 as a result of the regulation changes, in the belief we might be able to help pull the "fat out of the fire". We didn't exist to act proactively and had no reason to exist. Our naivety shows how wrong we were in thinking the citizenry has a voice individually, jointly or through our legislators in the bureaucracy's actions

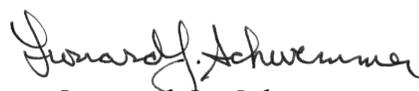
One more just for the record! For the estimated increased \$130,000 in Park revenue the tenants got cleaner rest rooms, something that should have been all along, but at least it should be noted. Beside this simple dignifying action and that we did get some new picnic tables **we got zippo!**

We asked to have the rest rooms secured and the membership voted for a magnetic key system. The Marina Committee Minutes read " Members (Marina Committee Pier Reps ) were to survey tenants. There was mixed input as to desire. A true consensus could not be made". Our Association vote on the subject obviously was not communicated to the Administration by the Pier Reps. It was reported to the Association that one woman was flashed by a male at the west rest room. The Pier Reps (Committee) have no line of communication with the tenants. Until the Association suggested to the Pier Reps that the Park install some type of placard identifying the Pier Rep most tenants did not know they had one (actually two). The Association has a 200 plus (approaching 50%) membership. We also asked to have the picnic areas which are sandy gravel seeded with grass. A \$6,000 (?) Project was submitted by Administration but not a seed has fallen.

If we sound frustrated, we are, but we'll keep trying because we know we can make changes happen.

We hope we can count on your support at this time and we look forward to working with you . We welcome the opportunity to have you at our meetings. We'd love to have a knock down, drag out, lay the cards on the table, problem solving session, with the Erie Delegation.

Sincerely yours,



Leonard J. Schwemmer  
Legislative Liaison Chairman



*ERIE COUNTY LEGISLATIVE DELEGATION*  
of the  
Pennsylvania General Assembly

A. Buzz Andrezeski  
*State Senator, 49th District*

December 23, 1991

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Karl W. Boyes  
*Representative, 3rd District*

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Italo S. Cappabianca  
*Representative, 2nd District*

-----  
Kenneth E. Kruszewski  
*Representative, 1st District*

-----  
James R. Merry  
*Representative, 5th District*

-----  
Thomas J. Scrimenti  
*Representative, 4th District*

Honorable Arthur Davis, Secretary  
Department of Environmental Resources  
9th Floor Fulton Bank Building  
Harrisburg, PA 17105

Dear Secretary Davis:

After meeting with Superintendent Harry Leslie and learning that the general public would shortly be informed of the upcoming increase in user fees for the State Parks system, we must confess our disappointment and concern. While we certainly understand the need for the additional funds, we are concerned with the manner in which the increases were posted.

It seems a more prudent and fiscally considerate process would have been to increase said fees incrementally. We agree and understand that fees have not been raised since 1986, however we point out that this lapse has been at your prerogative. No one denies that inflationary necessities require periodic increases, however arbitrarily doubling fees in one stroke lends everyone to criticize the process.

In addition, permit us as a delegation, to be somewhat parochial when it comes to Presque Isle, which we all consider special, and we tend to become somewhat protective. Due to the nature of the weather conditions of the northwest and the freezing of the Erie Bay, most boaters use the Marina no more than 6 to 8 months a year. Whereas boaters in other state parks have the advantage of a full 12 month season for their annual fees. One might ask, was this fact considered when the fee schedule was devised?

With regard to the fee structure remaining lower than private marinas, we have no argument there. However, this argument can not be used forever. The fact remains that private marinas exist, and will always have their clientele. The Commonwealth's marina is designed to further facilitate use of the State Park by residents who might otherwise be unable to enjoy the luxury of boating. We can not ignore our obligation to these people, and use fee differentials of private versus public marinas as a reason for increasing fees. If we are to use the argument of unfair competition, public versus private, to its logical conclusion, one could surmise that the state should not be in the marina business at all.

Honorable Arthur Davis  
December 23, 1991  
page 2.

Essentially, we ask your careful consideration of the residents of Erie County when implementing further user fees. Perhaps in upcoming years periodic increases balanced with consideration of the climatic limitations of the area could be incorporated into the fee schedule process.

Thank you for your kind attention to our concerns. We are, as always, appreciative of your Department's interest in the Presque Isle area. Superintendent Leslie, is most helpful in addressing our inquiries. We feel confident that, for the most part, your staff is working in the best interest of the park and are grateful for that. Thank you.

Sincerely yours,



Italo S. Cappabianca  
Representative, 2nd District



Kenneth E. Kruszewski  
Representative, 1st District



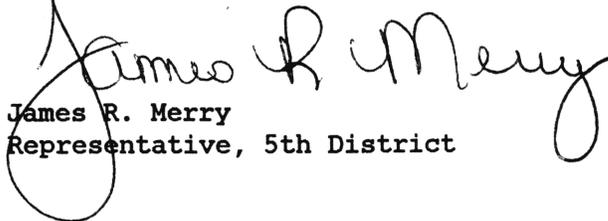
Thomas J. Scrimenti  
Representative, 4th District



A. Buzz Andrezeski  
Senator, 49th District



Karl W. Boyes  
Representative, 3rd District



James R. Merry  
Representative, 5th District

ITALO S. CAPPABIANCA, MEMBER  
1216 WEST 26TH STREET  
ERIE, PENNSYLVANIA 16508-1520  
PHONE: (814) 453-7639  
FAX: (814) 871-4713

ROOM 30, EAST WING  
HARRISBURG, PENNSYLVANIA 17120-0028  
PHONE: (717) 787-4358  
FAX: (717) 772-2284



COMMITTEES

FEDERAL-STATE RELATIONS, CHAIRMAN

House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

May 11, 1992

Mr. Leonard Schwemmer  
Presque Isle Marina Association  
P.O. Box 3171  
Erie, PA 16508-0171

Dear Mr. Schwemmer:

Thank you for your most recent letter in you which discuss the Department of Environmental Resource's proposal to levy admission fees on all state parks in the Commonwealth. I am very well aware of this discussion and can only say that I share your concern. The Erie Legislative Delegation will be meeting in the very near future, and I am sure this issue will be one we discuss.

It is interesting to note that current law prohibits the Department from assessing any admission fees, they are permitted to only levy user fees. Any move toward an admission fee would require the legislature to repeal standing law. This is not very likely to happen.

While I am sympathetic with the Administration's need to raise capital to maintain these parks, I am not sure it is prudent to do so, following so closely behind the recent marina fee increases.

Please know that I support our boaters and our park users alike and will be monitoring any developments that may adversely affect them. Thank you for your letter, I share your concerns and appreciate hearing from you.

Sincerely yours,

  
Italo S. Cappabianca,  
State Representative

ISC/cmr

recd.  
8/5

**Presque Isle Marina Association**

P.O. Box 3171  
Erie, PA 16508-0171  
April 21, 1992

The Honorable Italo Cappabianca  
1216 West 26th Street  
Erie, PA 16508

Subject: Presque Isle Marina Rates

Dear Representative Cappabianca;

In my letter to you dated February 19, 1992 I asked that you keep me informed of any actions taken by you on behalf of Presque Isle Marina Association, Erie Pennsylvania and the tenants which they represent.

The recent article in the Erie Times Weekender concerning the Bureau of State Parks intent to levy an admission fee to Presque Isle State Park is ample evidence of the bureaucracy running amok and the need to return a measure of control to the legislature.

I realize that neither the Association nor myself are your constituents however members of our association are. At the next members meeting I would be very pleased to make them aware of your support or efforts to convince your colleagues in the House to support House Bill No. 2364.

Please feel free to call me at 868-5424 Ext 6375 days or at home 838-1070.

Sincerely yours,



Leonard J. Schwemmer  
Legislative Liaison Chairman



**Deputy Secretary  
of Parks and Forestry**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES**

**Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063**

March 2, 1992

717-787-2869

The Honorable Italo S. Cappabianca  
House of Representatives  
House P. O. Box 73  
Harrisburg, PA 17120-0028

Dear Representative Cappabianca:

Secretary Arthur A. Davis has asked me to respond to your letter of December 23, 1991, commenting on increased marina fees and state park fees in general at Presque Isle State Park.

I appreciate the support which is indicated by your letter. The statement that "a more prudent and fiscally considerate process would have been to increase said fees incrementally" is a point well taken. The effort to receive approval for the new state park regulations which contained the current approved fees began almost three years ago. Because of the need, by law, to be reviewed and approved by numerous individuals, as well as a number of boards and commissions, the approval process became quite lengthy. In an effort to eliminate such a time lag in the future, state park regulations will still be required to go through the entire process, but fees will not. In the future, requests for fee increases will have to be approved by the Environmental Quality Board and, therefore, will be implemented in a more timely fashion.

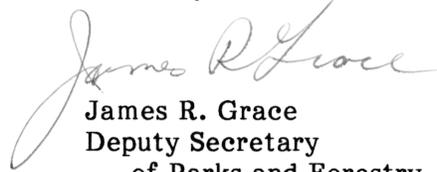
The Presque Isle State Park operated marina operating season is comparable to those of other state parks operated marinas. None of them are available for year-round use. The marinas at Presque Isle, M. K. Goddard, and Prince Gallitzin State Parks operate from May 1 to October 31. Two parks have a shorter operating season than Presque Isle State Park. Bald Eagle State Park marina operates from May 15 to October 31 and Shikellamy State Park marina operates from May 15 to September 15. The remaining four state park marinas at Codorus, Moraine, Neshaminy and Nockamixon operate from April 1 to October 31. The various seasons are required because of local considerations such as impoundment drawdowns, dock removal, etc. Because of the similarity of the season lengths, no adjustment of rates were considered based on this factor.

An important result of the fee increases is that the money will be returned to the Bureau of State Parks for the operation and maintenance of the 114 state parks. This will, I am sure, result in additional funding being made available for necessary projects at Presque Isle State Park.

March 2, 1992

I appreciate you expressing your thoughts as a delegation and assure you that the Department of Environmental Resources as well as the Bureau of State Parks recognizes Presque Isle State Park as being one of the "gems" of the Pennsylvania State Park System. Thank you for your continued support.

Sincerely,



James R. Grace  
Deputy Secretary  
of Parks and Forestry  
Department of Environmental Resources

cc: Representative Kenneth E. Kruszewski  
Representative Thomas J. Scrimenti  
Senator A. Buzz Andrezeski  
Representative Karl W. Boyes  
Representative James R. Merry

6510

GREATER ERIE BOATING ASSN.  
5285 station rd.  
Erie, Pa.

1

Wednesday, February 19, 1992

ITALO CAPPABIANCA  
2ND. DIST. STATE/PITTSBURG  
AREA LEGISLATURE  
1216 WEST 26TH. ST.  
ERIE, PA. 16508

Dear Mr. CAPPABIANCA,

I am sending you this letter in hopes that you will read it and give us some thought when the time comes to act upon this item. We as boaters feel very strongly about this. Our Assn. represents over 3000 voters and I might add taxpayers.

In the last 2 yrs all the boating fees and taxes have gone up, boat reg. went from \$6.00 per yr. to \$20.00 per yr. that much is uncalled for, city fee is \$20.00 pr.yr. for absolutely no service, the federal gov. has a yearly fee of \$50.00, also for no services. Now the state wants to stop us from using our beaches that we pay for in our tax structure and all our fees. This is one of the last beach areas that we have to go to and relax and enjoy the summer and the beautiful Presque Isle.

Respectfully,



PERRY ROSS  
ADVISER

ITALO S. CAPPABIANCA, MEMBER  
1216 WEST 26TH STREET  
ERIE, PENNSYLVANIA 16508-1520  
PHONE: (814) 453-7639  
FAX: (814) 871-4713

ROOM 30, EAST WING  
HARRISBURG, PENNSYLVANIA 17120-0028  
PHONE: (717) 787-4358  
FAX: (717) 772-2284



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES  
FEDERAL-STATE RELATIONS, CHAIRMAN

January 27, 1992

Armand and Linda Rocco  
2303 Greengarden Blvd.  
Erie, PA 16502

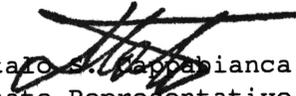
Dear Mr. and Mrs. Rocco:

As you certainly know by now, The Department of Environmental Resources recently increased various fees at Presque Isle Marina. Enclosed please find a letter written by the Erie Legislative Delegation, to Secretary Arthur Davis, addressing our concerns relative to this increase.

In addition, Representative Boyes has drafted, and I have co-sponsored, legislation which would require any future increases to come under the full regulatory review process. This requirement would prohibit arbitrary increases and allow for public input.

You should know that we are aware of the hardship these fees can bring to you and have stated our concern to the Secretary. To date, we have not received a response, from the Secretary, however, I am sure one will be forth coming within the next few weeks. Upon my receiving said response I will, of course, forward a copy to you.

Sincerely yours,

  
Italo S. Cappabianca,  
State Representative

ISC/cmr

KARL W. BOYES, MEMBER  
HOUSE POST OFFICE BOX 165  
MAIN CAPITOL BUILDING  
HARRISBURG, PA 17120-0028  
PHONE: (717) 783-6433  
FAX: (717) 783-3899

4602 PEACH STREET  
ERIE, PA 16509  
PHONE: (814) 868-5489  
FAX: (814) 871-4793



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

APPROPRIATIONS:  
CHAIRMAN, HEALTH & WELFARE  
SUBCOMMITTEE  
PROFESSIONAL LICENSURE  
CAUCUS:  
POLICY TASK FORCE ON INSURANCE  
COMPUTER SERVICES

APPOINTMENTS  
JOINT LEGISLATIVE AIR AND WATER  
POLLUTION CONTROL AND  
CONSERVATION COMMITTEE

FIREFIGHTER'S LEGISLATIVE CAUCUS

IRRC  
leg.

January 13, 1992

Representative Italo Cappabianca  
House Post Office Box 73  
Main Capitol Building  
Harrisburg, PA 17120-0028

Dear Italo:

Enclosed is a list of Presque Isle Marina residents  
that I believe to be in your district.

You may want to advise them of the actions the  
delegation has taken and any additional personal thoughts  
you may have regarding this situation.

If you would like to discuss this matter further,  
please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karl".

Karl W. Boyes  
House of Representatives  
Commonwealth of Pennsylvania

KWB/tnm

Enclosure

**KARL W. BOYES, MEMBER**  
 HOUSE POST OFFICE BOX 185  
 MAIN CAPITOL BUILDING  
 HARRISBURG, PA 17120-0028  
 PHONE: (717) 783-6488  
 FAX: (717) 783-3899

4802 PEACH STREET  
 ERIE, PA 16508  
 PHONE: (814) 868-5488  
 FAX: (814) 871-4793



## House of Representatives

COMMONWEALTH OF PENNSYLVANIA  
 HARRISBURG

### COMMITTEES

APPROPRIATIONS:  
 CHAIRMAN, HEALTH & WELFARE  
 SUBCOMMITTEE  
 PROFESSIONAL LICENSURE  
 CAUCUS:  
 POLICY TASK FORCE ON INSURANCE  
 COMPUTER SERVICES

APPOINTMENTS  
 JOINT LEGISLATIVE AIR AND WATER  
 POLLUTION CONTROL AND  
 CONSERVATION COMMITTEE

FIREFIGHTER'S LEGISLATIVE CAUCUS

TO: All House Members  
 FROM: Representative Karl W. Boyes *Karl Boyes*  
 DATE: January 9, 1992  
 SUBJECT: State Park Fees

In the near future, I plan to introduce legislation which would address the manner by which the Environmental Quality Board (EQB) may effect an increase in fees and charges relating to the use of state park recreational facilities. Specifically, the legislation would amend the Administrative Code to require the EQB to make all fee changes via regulation and pursuant to the procedures established by the Regulatory Review Act.

Under present statutory law, the Administrative Code empowers the EQB to impose fees and charges for state park use, but does not explicitly require that such fees/charges be adopted through the regulatory review process, as conducted by the Independent Regulatory Review Commission (IRRC). As a result, the EQB is authorized to increase fees/charges based on internal decision-making, without the benefit of a thorough, independent cost and benefit analysis by IRRC, and without the benefit of effective legislative input as provided by the regulatory review process.

The proposed legislation would clarify the language of the Administrative Code to specifically require that EQB adhere to the procedures of the Regulatory Review Act when making changes to the fees/charges imposed for the use of state park facilities.

If you wish to co-sponsor this legislation, please contact Tracey at 3-6433.

KWB/tnm

February 10, 1992  
3436 West 43rd St.  
Erie, PA 16506

Italo Cappabianca  
1216 W. 26th St.  
Erie, PA 16508

Dear Sir:

I am writing you in regards to the 94% rate increase of the Presque Isle Marina. I think it is outrageous. We knew there was going to be an increase which should have been about 10 to 15%. They raised the price equal to or higher than the Private Marinas, with no security and poor upkeep. For the money we paid for our stalls we never complained about the unsafe docks and unclean restrooms. They also want to raise the winter storage 50% which is unbelievable.

We made a petition to have water and electricity put on Pier I in 1989.

They promised when they refinished the dock they would put the water and electricity on the pier. Now we are told there is no money allocated for the pier.

Where is all the money going? How can they raise the price so high, when they don't give us anything for our money?

Please help us to try to stop the raise of prices for the Presque Isle Marina. Thank you.

Sincerely yours,

*James Nelson*  
*Charleen Nelson*

James & Charleen Nelson  
3436 West 43rd St.  
Erie, PA 16506  
Phone: (814) 838-8893

February 5, 1992

Italo Cappabianca  
1216 W. 26th St.  
Erie, Pa. 16508

Subject: Rate increases at Presque Isle  
State Park Marina

Dear Member EQB,

The recent 94% increase that you and your fellow board members have instituted for the boating tenants of the Presque Isle State Park Marina are not consistent with the graduated increases initiated in the years 1984, 1985, and 1986, nor are they consistent with the percentage increase of 10 to 20% as indicated by Mr. Forrey in your meeting minutes of September 17, 1991.

After checking the new fees of the other 112 facilities within the park system, it is quite evident that the increases have not been applied equally to all facilities across the state. The off shore mooring fees which have never been collected at Presque Isle seem to lend credence to the possibilities that discrimination has been levied on certain segments of the boating and tax paying public of Pennsylvania. The following rates for Erie Marinas were gathered on January 6, 1992, and are recorded here for future reference.

Lampe Marina

16 Ft. to 20 Ft. Stalls	\$580.00/season	Stalls less
20 Ft. to 24 Ft. Stalls	\$740.00/season	power deduct
24 Ft. to 30 Ft. Stalls	\$925.00/Season	\$50.00

Facilities Available: Rest Rooms, Gas Dock and Parking. All comparisons are based on a 28 Ft. boat in a 28 Ft. stall. Lampe Marina fee - \$925.00.

Presque Isle Yacht Club  
Foot of State Street

\$1,500.00/Year initiation fee prorated over 10 years	\$150.00
\$40.00/Year dues	40.00
\$6.00/Ft. to lift, winter storage & lift x 28 Ft. boat	168.00
\$46.00 For power and water all docks	46.00
\$12.00/Ft. summer berthing x 28 Ft. boat	336.00
\$150.00 Land taxes (If summer event profits do not cover this cost)	<u>150.00</u>
Total	\$890.00

Facilities Available: Club house, picnic shelters, fenced secured

area, on site caretakers (24 hrs.), rest rooms with showers, all docks sprayed for spiders in spring of year.

Presque Isle State Park

\$30.00 x 28 Ft.	Summer Berthing	\$ 840.00
\$1.50 x 28 Ft.	Water	42.00
\$1.50 x 28 Ft.	Electric	42.00
\$15.00/Ft.	Winter storage x 28 Ft.	420.00
\$5.00/Ft.	Lift in and out	140.00
\$35.00	Cradle storage	35.00
	Total	<u>\$1,519.00</u>

Facilities Available: Gas docks, picnic tables, grills, rest rooms and showers.

After discussion with the supervision at Presque Isle State Park it is quite evident that the only improvements that will be made at this facility would be the renovation of the showers and rest rooms. That one improvement for a double fee increase does not bode well with the existing tenants at the Presque Isle Marina. It is my hope that you and your constituents will reconsider the magnitude of rental fees levied at Presque Isle Marina and at Neshaniny Marina.

Respectfully yours,



Bernard L. Pauly  
3333 Bolivar Street  
Erie, Pa. 16508

Presque Isle Boating Tenant  
and Revenue Provider for  
the State of Pennsylvania