

RECEIVED

**Smith, Gary (DCNR)**

**From:** Stasz, Jeff [jstasz@Millbrook.org]  
**Sent:** Tuesday, April 30, 2002 8:41 PM  
**To:** 'garyksmith@state.pa.us'

2002 MAY -8 AM 8:23

PA STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAY REGULATORY  
REVIEW COMMISSION

Thank you for meeting with American Whitewater's representatives on multiple occasions regarding proposed modifications to the State Parks Regulations (Annex A, Title 17, Part 1, Subpart B, Chapter 11). American Whitewater's members are particularly interested in the portions of the proposed rule regarding whitewater recreation opportunities (§11.220 and §11.219). While we support the proposed regulation changes, including the decision to eliminate quota provisions in §11.75(a)(3) because "they are matters of internal Department policy and do not require regulations", we have two outstanding concerns that we would like to see addressed. Specifically, we would like to work with the Bureau of State Parks to substantively address concerns regarding restrictions on waterfall running at Ohiopyle State Park and whitewater launch and take-out sites across the Pennsylvania State Parks system.

**Waterfall running.** In regard to whitewater boating, we would like to see the proposed regulation modified to permit waterfall running in Ohiopyle State Park. Short of this, we would like the regulation changed to allow this activity with permission from the Park Superintendent. At present, draft regulation §11.220©(3) states "Waterfall running. Waterfall running is prohibited without written permission of the Department."

Our preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted."

If that is not acceptable, then, at a minimum, we propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restriction as determined by the Park Superintendent." Both solutions are consistent with the 500+ letters that American Whitewater members and other paddlers have written to the Department and Governor on this matter.

Related to this, §11.220© (1) Lower Youghiogheny River should be changed to read "Lower Youghiogheny River. The Lower Youghiogheny River is the section of the Youghiogheny River between Ohiopyle Borough and the northern most point of the park..."

**Canoe and kayak launching.** As described in Ed Gertler's guidebook "Keystone Canoeing," there are numerous whitewater sections in state parks that are not addressed or described under regulation. Under the current phrasing most park superintendents are likely to interpret this omission to mean that boating is not permitted on these whitewater sections. We would like to see this situation changed to allow Park Superintendents the discretion to evaluate boating on a river-by-river basis.

Draft regulation §11.219 Boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1), prohibits "Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 Whitewater Boating then addresses whitewater recreation in Ohiopyle, Lehigh Gorge, and McConnells Mill State Park. Thus the status of boating on non-specified whitewater rivers in the state parks is murky. We recommend amending §11.220 to state "(a) General requirements. A person engaging in whitewater boating at any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to the watercraft prohibitions regarding motors.

In addition, we recommend explicitly acknowledging in a new subsection "(f) Other parks. Whitewater boating will be permitted unless clearly posted otherwise. The decision to prohibit whitewater boating in a Park will be made by the Park Superintendent."

Finally, we would like to express concern that American Whitewater was not sent copies of the public notice regarding the draft regulations comment period though we had met and discussed this issue multiple times with the Department and had been notified at all other stages of the planning process.

ORIGINAL: 2260

**Smith, Gary (DCNR)**

**From:** JMac221@aol.com  
**Sent:** Tuesday, April 30, 2002 10:13 PM  
**To:** garyksmith@state.pa.us  
**Subject:** Ohiopyle Falls, memory

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2002 MAY -8 AM 8:23

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
REGULATORY REVIEW COMMISSION

April 30, 2002  
 Gary Smith, Division Chief  
 PA DCNR, Bureau of State Parks  
 Rachel Carson State Office Building  
 PO Box 8551  
 Harrisburg, PA 17105-8551  
 717-783-3307

Dear Mr. Smith,

Three of my adult children and I paddle the waterways of PA and other states. I was fortunate to paddle the Ohiopyle falls with one of my children. It is a fantastic memory that we will never forget. I would like,, and my children would like to see more access to running the water fall at Ohiopyle. I am in favor of the AWA position stated below.

Sincerely,  
 Jeff Macklin  
 221 North First Street  
 Jeannette, PA 15644

garyksmith@state.pa.us *Note that whitewater boating remains legal in Ralph Stover State Park (the Tohickon) too. Also, there are some easy water state parks such as Oil Creek, Tyler, and Leonard Harrison (the famous Pine Creek Canyon) which are developed for boating.*

Dear Mr. Smith,

Thank you for meeting with American Whitewater's representatives on multiple occasions regarding proposed modifications to the State Parks Regulations (Annex A, Title 17, Part 1, Subpart B, Chapter 11). American Whitewater's members are particularly interested in the portions of the proposed rule regarding whitewater recreation opportunities (§11.220 and §11.219). While we support the proposed regulation changes, including the decision to eliminate quota provisions in §11.75(a)(3) because "*they are matters of internal Department policy and do not require regulations*", we have two outstanding concerns that we would like to see addressed. **Specifically, we would like to work with the Bureau of State Parks to substantively address concerns regarding restrictions on waterfall running at Ohiopyle State Park and whitewater launch and take-out sites across the Pennsylvania State Parks system.** **Waterfall running.** In regard to whitewater boating, we would like to see the proposed regulation modified to permit waterfall running in Ohiopyle State Park. Short of this, we would like the regulation changed to allow this activity with permission from the Park Superintendent. At present, draft regulation §11.220(c)(3) states "*Waterfall running. Waterfall running is prohibited without written permission of the Department.*" Our preference is to see this regulation modified to state "*Waterfall running. Waterfall running is permitted.*" If that is not acceptable, then, at a minimum, we propose changing the regulation to state, "*Waterfall running. Waterfall running is permitted subject to restriction as determined by the Park Superintendent.*" Both solutions are consistent with the 500+ letters that American Whitewater members and other paddlers have written to the Department and Governor on this matter. Related to this, §11.220(c) (1) Lower Youghiogheny River should be changed to read "*Lower Youghiogheny River. The Lower Youghiogheny River is the section of the Youghiogheny River between Ohiopyle Borough and the northern most point of the park...*". **Canoe and kayak launching.** As described in Ed Gertler's guidebook "**Keystone Canoeing**," there are numerous whitewater sections in state parks that are not addressed or described under regulation. Under the current phrasing most park superintendents are likely to interpret this omission to mean that boating is not permitted on these whitewater sections. We would like to see this situation changed to allow Park Superintendents the discretion to evaluate boating on a river-by-river basis. Draft regulation §11.219 Boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1), prohibits "Launching or removing watercraft at a location that is not

5/1/02

designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 Whitewater Boating then addresses whitewater recreation in Ohiopyle, Lehigh Gorge, and McConnells Mill State Park. Thus the status of boating on non-specified whitewater rivers in the state parks is murky. We recommend amending §11.220 to state "(a) *General requirements.* A person engaging in whitewater boating at any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to the watercraft prohibitions regarding motors. In addition, we recommend explicitly acknowledging in a new subsection "(f) *Other parks.* Whitewater boating will be permitted unless clearly posted otherwise. The decision to prohibit whitewater boating in a Park will be made by the Park Superintendent." Finally, we would like to express concern that American Whitewater was not sent copies of the public notice regarding the draft regulations comment period though we had met and discussed this issue multiple times with the Department and had been notified at all other stages of the planning process.

Sincerely,  
Jeff Macklin  
221 North First Street  
Jeannette, PA 15644

Jason D. Robertson  
Access Director, American Whitewater

Barry Tuscano  
President, American Whitewater  
Pennsylvania Resident

Charlie Walbridge  
Board, American Whitewater  
Safety Committee

ORIGINAL: 2260

RECEIVED

**Smith, Gary (DCNR)**  
**From:** tina meyers [tinameyers@hotmail.com]  
**Sent:** Monday, April 29, 2002 2:24 PM  
**To:** Garyksmith@state.pa.us  
**Subject:** whitewater

2002 MAY -8 AM 8:23

RECEIVED  
REVIEW COMMISSION

I am just writing to let you know that I fully support American Whitewater in all of their work and their proposal.

Thank you, Christine Meyers

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ORIGINAL: 2260

**Smith, Gary (DCNR)**

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2002 MAY -8 AM 8:23

**From:** scot kelley [scotku@hotmail.com]  
**Sent:** Monday, April 29, 2002 8:10 PM  
**To:** garysmith@state.pa.us  
**Cc:** Jason@amwhitewater.org  
**Subject:** Ohiopyle falls

PA STATE COLLEGE  
REVIEW COMMISSION

I would like to express my strong interest in making Ohiopyle falls on the Lower Yough runnable. I support the American Whitewater affiliations proposal. Reg 11.220(c)(3) should be changed to "Waterfall running. Waterfall running is permitted" I have run the lower Yough several times and think that opening up Ohiopyle falls would add a very nice feature to the run. The falls are fairly benign and not really much more dangerous than some of the rapids on the lower Yough and more safe than most on the upper section. Please consider opening this wonderful section of whitewater as it would truly enhance one of the most popular runs in the country. My name is Scot Kelley, address 1177 s alton st apt b Denver Co 80231 and I am writing this on 4-29-02.

Thanks,  
Scot Kelley

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RECEIVED

2002 MAY 24 AM 8:44

INDUSTRIAL LABORATORY  
REVIEW COMMISSION

Jay Goldberg, MD  
7827 Ardleigh Street  
Philadelphia, PA 19118

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith,

I am a physician living in Philadelphia, Pennsylvania and a member of the Philadelphia Canoe Club. I have considerable knowledge of Pennsylvania State Parks and I still visit several of them (Ohiopyle, McConnells Mills, Ralph Stover, and Lehigh Gorge) regularly. I have been canoeing and kayaking in the state since 1998. I am particularly concerned about the portions of the proposed rules §11.220 and §11.219, which address whitewater recreation).

While I support many of the proposed regulation changes, including a decision to eliminate quota provisions in §11.75(a)(3) because "they are matters of internal Department policy and do not require regulations", I have two outstanding concerns that we would like to see addressed.

First, At present, draft regulation §11.220(c)(3) states "Waterfall running. Waterfall running is prohibited without written permission of the Department." This activity is very much a part of responsible, mainstream whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohiopyle State Park for several years.

My preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted." If that is not acceptable, then, at a minimum, I propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent."

Second, as described by Ed Gertler in his guidebook "Keystone Canoeing", there are numerous whitewater and flatwater sections of streams and rivers in Pennsylvania State Parks that are not addressed or described under your proposed regulations. Currently, draft regulation §11.219 on boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1) prohibits "Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 on whitewater Boating addresses whitewater recreation in Ohiopyle, Ralph Stover, Lehigh Gorge, and McConnells Mill State Park. This leaves the status of canoeing and kayaking on non-specified whitewater rivers in the state park system, including the popular Tohickon Creek in Eastern Pennsylvania, at

risk. Under the current phrasing most park superintendents are likely to interpret this omission to mean that canoeing and kayaking is not permitted on these sections. This would be a mistake, since it would unnecessarily bar paddlers from using many fine streams. I would like to see this situation changed to allow Park Superintendents the discretion to evaluate and manage canoeing and kayaking on a case-by-case basis.

I propose amending §11.220 to state "(a) General requirements. A person engaging in canoeing and kayaking in any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to prohibitions regarding motors. In addition, I recommend explicitly acknowledging in a new subsection "(f) Other parks. Canoeing and kayaking will be permitted unless clearly posted otherwise. A decision to prohibit these activities in a Park can be made by the Park Superintendent."

I have worked with various park superintendents over the past three decades and I have confidence in their ability to use their knowledge of the land, use patterns, and user groups peculiar to their park to make good decisions on non-powered boating in areas under their control.

Sincerely,



Jay Goldberg, MD

**Smith, Gary (DCNR)**

**From:** Matt Muir [matt@rapids.americanwhitewater.org]  
**Sent:** Thursday, May 23, 2002 10:12 AM  
**To:** garysmith@state.pa.us  
**Cc:** RivieraRatt@aol.com; Jason@amwhitewater.org  
**Subject:** Ohiopyle Falls Access

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith:

I represent the Keel-haulers Canoe Club of Cleveland, Ohio. We have over 400 members in states across the country. Our members frequently pursue whitewater recreation in Pennsylvania. During Spring runoff and rains, and during the summer, probably no weekend goes by in which Keel-haulers are not on Slippery Rock Creek, the Lower Yough, or other whitewater streams in Pennsylvania.

I am writing in support of American Whitewaters proposal to open Ohiopyle Falls for boating. As a kayaker with 10 years of whitewater experience in 13 states, and with more than 25 personal descents of Ohiopyle Falls over the three years of legal access, I can tell you that I have seen many waterfalls which are more dangerous and more difficult than Ohiopyle Falls; yet those waterfalls are, for the most part, legal to run with no restrictions. Two examples, just south of your border with West Virginia, are Big Sandy Falls and the Falls known as Big Splat on Big Sandy Creek; two more, to the north of Pennsylvania, are Crystal Rapid and Fowlersville Falls on the Moose River in New York; but there are dozens of examples.

I know of no state which is contemplating such draconian measures as to render all falls-running illegal. There is neither reason nor justification for such a regulation.

Waterfall running should be permitted throughout the state of Pennsylvania. As a general rule, with our network or contacts and accident reports, as well as our wealth of experience studying whitewater, we whitewater paddlers are far more qualified to determine the safety of running a waterfall than are state officials.

Thank you for your attention to this matter.

Yours sincerely,

Matt Muir  
Conservation Chair  
Keel-haulers Canoe Club  
PO Box 4375  
Akron, OH 44321-0375

RECEIVED  
MAY 23 2002  
MAY 23 10:31 AM  
STATE PARKS  
DIVISION



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**Smith, Gary (DNR)**

**From:** James Gaffney [justpaddle1@hotmail.com]  
**Sent:** Thursday, May 23, 2002 12:46 PM  
**To:** garysmith@state.pa.us  
**Subject:** Kayaking/Paddling and Ohiopyle Falls

2002 MAY 30 AM 6:33

STATE OF PENNSYLVANIA  
REVIEW COMMISSION

As a paddler of 13 years I have traveled throughout the United States and have safely boated many falls that are much more difficult than Ohiopyle falls and in my humble opinion can see no legitimate reason for the part to prohibit boating on that stretch of water. I ask that you please reconsider and open the falls for boating. I also ask that you consider a policy similar to that which the park service uses @ Great Falls on the Potomac where they request that we boaters only run the falls early and late in the day to prevent excessive spectators.

I truly hope that you will seriously consider our request an open the falls to boating. Thank you. -James Gaffney 2407 Vineyard La Crofton MD 21114

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ORIGINAL: 2260

**Smith, Gary (BCNR)**

**From:** Mark Linn [linn@bucknell.edu]  
**Sent:** Thursday, May 23, 2002 7:11 AM  
**To:** garysmith@state.pa.us  
**Cc:** access@amwhitewater.org  
**Subject:** Ohiopyle Falls Access and Lower Yough Regs

Please, Sir...

For those of us who can't get to Ohiopyle on a regular basis, some sort of system for daily running of the Falls would be greatly appreciated.

Thank You Mark J. Linn

RECEIVED  
MAY 23 2002 11:03:34  
STATE COLLEGE PA  
RECREATION COMMISSION

**Smith, Gary (DCNR)**

**From:** Coral Isikci [isikcic@jmusa.com]  
**Sent:** Tuesday, May 21, 2002 1:12 PM  
**To:** garyKsmith@state.pa.us  
**Subject:** comments

RECEIVED  
2002 MAY 30 AM 8:33

REVIEW COMMISSION

Dear Mr. Smith,

I understand that The Department of Conservation and Natural Resources (DCNR) is revising its regulations for managing all of Pennsylvania's State Parks.

Please end all logging in and drilling under Pennsylvania's state parks. Industrial extraction should not be performed on public lands..

Yours Sincerely,

Coral Isikci, Reactor Lab Supervisor  
Johnson-Matthey, Catalytic Systems Div.  
North America Headquarters  
Phone: (610) 254-5367  
[isikcic@jmusa.com](mailto:isikcic@jmusa.com)

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please notify [wayqwadm@jmusa.com](mailto:wayqwadm@jmusa.com)

**Smith, Gary (DCNR)**

**From:** Mark Konopasek [pappykono@yahoo.com]  
**Sent:** Thursday, May 23, 2002 3:51 PM  
**To:** garysmith@state.pa.us  
**Subject:** Opposed to Waterfall boating Restrictions in PA

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

RECEIVED  
MAY 30 11 03 32 AM  
NORTH CAROLINA COMMISSION

Dear Mr. Smith:

I am writing to express my strong opposition to proposed restrictions on running waterfalls in the State of Pennsylvania.

I am an avid whitewater kayaker from the Pittsburgh area and I travel often to your state to paddle on rivers such as the Youghiogheny, the Stony, Slippery Rock Creek, etc.. I have attended the annual Ohioyle Falls Race sponsored by American Whitewater on the Youghiogheny River in Ohioyle, Pennsylvania. I am sure that in the past year, I have spent more than \$2,000 in Pennsylvania purchasing kayaking equipment at outfitters, eating at restaurants, buying gasoline, and lodging at hotels or campgrounds. You will probably agree that whitewater paddling is an important part of the tourism industry in Pennsylvania and the state's economy.

I am very concerned about newly proposed regulations that will prohibit waterfall running. Such regulations do not seem necessary when neighboring states, like West Virginia, do not have as strict regulations and do not have the problems the regulations are trying to prevent.

I understand that a draft regulation §11.220©(3) currently states "Waterfall running. Waterfall running is prohibited without written permission of the Department." In drafting your regulations, please keep in mind that waterfall running is very much a part of responsible, mainstream whitewater boating practices and is permitted at other locations managed by state and federal agencies.

My preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted." If that is not acceptable, then, at a minimum, I propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent."

I would very much like to keep enjoying our whitewater rivers. Please keep my suggestions and the entire whitewater paddling community in mind as you work on the new regulations.

Thanks for your consideration.

Signed,

Mark Konopasek  
232 Neilson Avenue  
Pittsburgh, PA 15238

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ORIGINAL: 2260

**Smith, Gary (DCNR)**

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From: rvkrwsnnet@netscape.net  
Sent: Thursday, May 23, 2002 2:58 PM  
To: garyksmith@state.pa.us  
Subject: State Parks & Whitewater

210 Barrett Street  
Clarks Summit, Pa. 18411  
May 22, 2002

RECEIVED  
MAY 30 AM 8:32  
STATE PARKS & WHITewater  
REVIEW COMMISSION

American Whitewater Letter to PA State Parks

April 25, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551  
717-783-3307

garyksmith@state.pa.us Note that whitewater boating remains legal in Ralph Stover State Park (the Tohickon) too. Also, there are some easy water state parks such as Oil Creek, Tyler, and Leonard Harrison (the famous Pine Creek Canyon) which are developed for boating.

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Department."

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Finally, we would like to express concern that American Whitewater was not sent copies of the public notice regarding the draft regulations comment period though we had met and discussed this issue multiple times with the Department and had been notified at all other stages of the planning process.

Sincerely,

David Krewson

Jason D. Robertson  
Access Director, American Whitewater

Barry Tuscano  
President, American Whitewater  
Pennsylvania Resident

Charlie Walbridge  
Board, American Whitewater  
Safety Committee

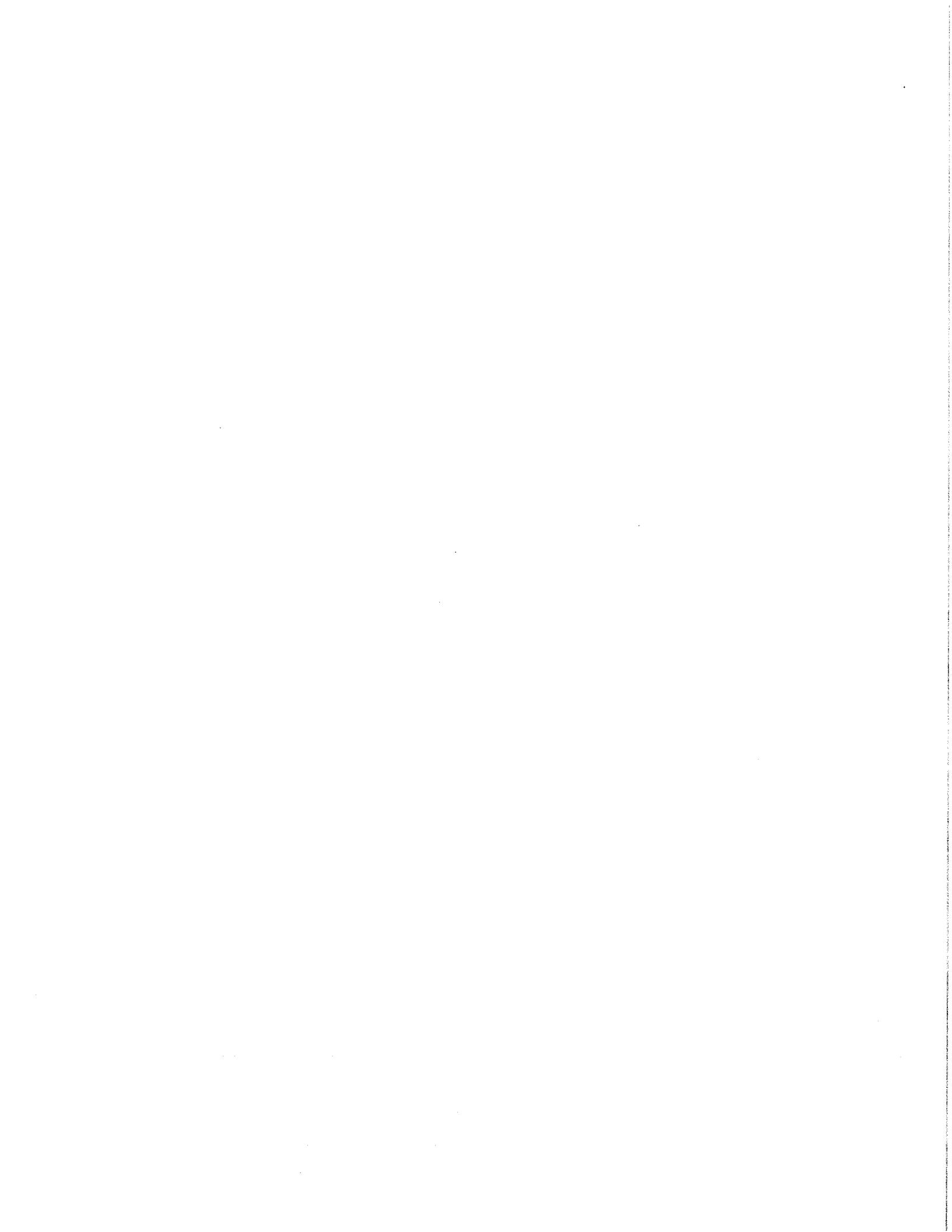
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--Dave

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DEPARTMENT OF RECREATION  
MAY 30 11 0:32 AM '97

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ORIGINAL: 2260

**Smith, Gary (DCNR)**

**From:** Jim Welch [jwelch@sb2w.org]  
**Sent:** Thursday, May 23, 2002 4:38 PM  
**To:** garyksmith@state.pa.us.  
**Subject:** FW: Your language for Yough regs...  
**Importance:** High

RECEIVED  
2002 MAY 30 AM 8:32LEGISLATIVE  
REVIEW COMMISSION

Gary: This is Jim Welch at Summer's Best Two Weeks.

The purpose of this message is to offer comment on the Pennsylvania Department of Conservation and Natural Resources' Proposed Rulemaking to amend 17 PA. CODE CH. 11, State Parks; General Provisions as published in 32 Pa.B. 1611 on March 23, 2002.

Personally, you have been very kind to respond to many, perhaps most, or perhaps even all of the letters from friends of Summer's Best Two Weeks. All of the letters I am aware of have expressed deep concern over the Department's decision to change a longstanding practice (without a change in regulations) and its new position that Summer's Best Two Weeks' rafting trips in Ohiopyle State Park are no longer permitted and instead Summer's Best Two Weeks must conduct its rafting through outfitters. In your response to these letters, you have stated that the Department continues to exchange information in hopes of an acceptable solution. In addition to those who have written, a number have contacted Secretary Oliver or Director Fickes personally. All of us are surprised by John, Roger and the Department's failure to distinguish between the mission-based activities of Summer's Best Two Weeks and the for-profit activities of commercial outfitters.

I would like to add my endorsement and the endorsement of our organization to the response written by David Jenkins for the American Canoe Association which is here included.

----- Forwarded Message

**From:** "David Jenkins" <davej@acanet.org>  
**Date:** Tue, 21 May 2002 13:28:52 -0400  
**To:** "William Gaskins" <wgaskins@sb2w.org>  
**Subject:** RE: Your language for Yough regs...

1) Commercial/Semi-Public Use:

The ACA is very concerned about DCNR's definition of "commercial activity" and the failure of DCNR to distinguish between the mission-based activities of charitable organizations and the for-profit activities of commercial outfitters. Under DCNR's current interpretation of its definition of "commercial activity," non-profit organizations that accept any compensation from members for outdoor programs on state lands or waters is considered a commercial outfitter. This appears to include canoe clubs that hire instructors to teach a class on public waters, summer camps that conduct outdoor activities on public lands and waters, and institutional outdoor programs.

This problem came to ACA's attention when DCNR recently forced two summer camps that have historically

5/24/02

conducted activities on the Youghiogheny River to utilize commercial outfitter services in order to maintain access to the river. DCNR's position is that these non-profit summer camps, *Summers Best Two Weeks* and *Springhill Camp*, are commercial entities that directly compete with the four commercial outfitters that are permitted to operate as concessionaires on the river.

Furthermore, DCNR's policy treats charitable organizations as equivalent to for-profit enterprises only in ways that are detrimental to them, and does not confer upon them any advantage afforded to the for-profit enterprises. This perplexingly punitive nature of the DCNR policy is evident in the action taken against *Summers Best Two Weeks* and *Springhill Camp*. Neither of these two camps would be able to successfully compete for one of the limited concession licenses on the Youghiogheny River because they are not outfitters and do not offer commercial guided trips to the general public, yet they are denied access on the grounds that the trips they conduct are commercial and compete with for-profit park concessionaires.

Most states and the federal government recognize that there is a distinction between semi-public/institutional users and for-profit commercial interests. Commercial outfitters are for-profit businesses that promote a service (guided trips or rentals) that is for sale directly to the general public. Semi-public/institutional groups are not commercial for-profit businesses. They conduct mission-based outdoor activities for the benefit of their members, campers, or students. These groups are not offering guide services for sale to the general public. Semi-public use is typically accommodated through temporary or incidental use permits and often utilizes unused allocation/user days rather than having a dedicated allocation of use.

Under DCNR's current policy, the state of Pennsylvania not only fails to recognize the value and purpose of non-profit organizations; it exhibits blatant favoritism towards for-profit commercial interest to the detriment of charitable interest. This policy direction has far-reaching implications on all types of non-profit organizations and their activities. A failure by DCNR to correct this policy would be an affront to all charitable organizations and the purposes for which they were established.

The ACA request that DCNR make the policy changes necessary to accommodate charitable mission-based activities on the public lands and waters under its management. This can be accomplished either by establishing separate definitions for "commercial activity" and "semi-public activity," or by changing the definition of "commercial activity" to recognize "semi-public" as a distinct type of commercial activity. In either case, semi-public use would need to be permitted separately.

The ACA recommends DCNR eliminate its current definition of "commercial activity" and replace it with the following definitions for "commercial activity" and for what the ACA is tentatively calling "semi-commercial charitable activity":

**Commercial Activity:**

*An activity in which a person or company accepts considerations of value as compensation for the provision of goods or services, including transportation -- and which is being conducted for the primary purpose of making a*

*profit. Such activities are conducted in an attempt to accomplish the following:*

- i) Collect fees which exceed the direct costs of the activity and are either retained as profit or used to cover indirect expenses such as advertising, replacement of equipment, capital increase of facilities, etc.*
- ii) Use revenue derived, either directly or indirectly, from the activity for the salary or financial gain of 1) any person with an ownership stake in the entity conducting the activity, 2) the employees, relatives, acquaintances or business partners of any person with an ownership stake in the entity conducting the activity.*
- iii) The sale and promotion of goods and services directly to the general public.*

**Semi-Commercial Charitable Activity:**

*An activity in which a charitable organization or educational institution accepts considerations of value as compensation for the provision of goods or services, including transportation -- and which is being conducted for the furtherance of the organization's mission and its charitable purpose. Criteria for semi-commercial includes:*

- i) The entity conducting the activity must either be a 501(c)(3) tax-exempt organization, an accredited educational institution, or an outdoor club that operates as a not-for profit organization.*
- ii) The activity is part of an overall mission-based program.*
- iii) The activity requires membership or enrollment to participate.*
- iv) The activity itself is marketed to a limited constituency and cannot be marketed directly to the general public as a stand-alone activity.*
- v) All fees collected from the activity must be used for furtherance of the mission-based program the activity is part of.*

These definitions distinguish between two very different types of public land and water use and will allow DCNR to develop appropriate policies for each. Distinguishing between commercial and semi-public activities is not as difficult as it may initially seem. Charitable organizations differ significantly from for-profit businesses in both purpose and structure. One significant difference is that nobody can have an ownership stake in a charitable organization.

The ACA-proposed definitions are designed to prevent for-profit entities from attempting to masquerade as charitable causes. The ACA has a great deal of experience managing semi-public (semi-commercial charitable) use and has a 100% success rate at screening out for-profit attempts to use ACA's semi-public umbrella permit on the Nantahala River in North Carolina.

I strongly urge DCNR to recognize the clear distinction between for-profit and charitable activities and to formally establish a semi-public (semi-commercial charitable) use category. Providing for semi-public institutional use, along with private and commercial use, can be easily implemented by issuing incidental or temporary use permits to camps, clubs, organizations and institutions. In the event all available user days are expended by existing commercial and private use, the resource manager would have the discretion not to issue incidental or temporary use permits.

ACA stands willing to assist DCNR in any way possible to develop policy and permitting guidelines for semi-public (semi-commercial charitable) use. The ACA is also willing to help DCNR with the management of such use.

----- End of Forwarded Message

ORIGINAL: 2260  
Smith, Gary (DCNR)

From: Shelley C. Nilson [shelleycn@myrealbox.com]  
Sent: Wednesday, May 22, 2002 9:42 AM  
To: garyksmith@state.pa.us  
Subject: Paddling regulations

2002 MAY 30 AM 8:33

RECEIVED  
LABORATORY  
REVIEW COMMISSION

Dear Mr. Smith,

I understand that the DCNR regulations are being re-written and depending on word choice, the running of waterfalls in our state parks may be prohibited. We are open boaters, and although we do not do this ourselves, many of our friends in the paddling community do. We enjoy the Over the Falls Race at Ohiopyle, and hope it becomes a yearly event.

Another concern we have is the increased horsepower permitted on our lakes, including Lake Arthur at Moraine State Park. We spend time canoeing, bird and wildlife watching on the lake, and increasing the horsepower to 18 will not make it any easier. Much of the shoreline is already degraded, and bigger, faster wakes will only make it worse.

Thank you,  
Shelley and Eric Nilson  
1512 Burchfield Rd.  
Allison Park, PA 15101

--

Shelley C. Nilson shelleycn@myrealbox.com

Please don't use my old Yahoo address.

**Smith, Gary (DCNR)**

---

From: Stephen Wright [stephen@mail.secondprescarlisle.com]  
Sent: Wednesday, May 22, 2002 2:13 PM  
To: garysmith@state.pa.us  
Cc: access@amwhitewater.org  
Subject: Ohiopyle Falls access

Mr. Gary Smith,

I am writing to support the American Whitewater proposal to open Ohiopyle Falls for kayaking. I have been boating for more than five years and teach for Valley Mill Kayak School in MD. I have, thus far, only paddled the lower Yough. twice as a result of the fact that the falls are off-limits. I would very much enjoy the opportunity to run the falls to begin a day on the river. This opportunity would draw me to the area regularly.

Every time that I have been in Ohiopyle for the Yough. or other nearby runs, I have eated at one of the in-town restaurants and will continue to do so. I believe that this waterfall is one that can be safely enjoyed by hundreds of kayakers per year, and could potentially boost the amount of traveling money spent in Ohiopyle. Please consider allowing us to enjoy this amazing natural feature on the river.

Stephen R. Wright  
38 E. North St.  
Carlisle, PA 17013  
(717) 512-1458

PA  
REVENUE COMMISSION

2002 MAY 30 AM 8:33

6/1/02

**Smith, Gary (DCNR)**

**From:** Reedsmith@aol.com  
**Sent:** Wednesday, May 22, 2002 1:51 PM  
**To:** garyKsmith@state.pa.us  
**Subject:** Message for John Oliver, Secry. PCNR

RECEIVED  
2002 MAY 30 AM 8:34  
NEW YORK

Dear Secry. Oliver at DCNR:

Re: 17 Pa. Code, Chapter 11, Regulations, on the protection of Pa.

State Parks:

We are very disappointed to hear of new plans to extend clear-cutting and drilling for oil and gas in Pennsylvania's state parks. Apparently the recent massive salvage logging in Ricketts Glen State Park, to secure some expensive cherry tree lumber is very detrimental to the environment there. Likewise the plans to pursue oil and gas drilling in Pennsylvania's Pine Creek gorge, also known as the "Pa. Grand Canyon", is a serious environmental threat as well.

We as citizens and taxpayers put a higher priority on saving our wonderful natural environment in Pennsylvania than we do on temporary profits from dispoiling our state forests. We hope that your Dept. of Conservation and Natural Resources will issue or revise regulations to protect these rare natural spots in our state.

We hope you will save our state parks, in particular, from this dangerous logging, road building, and drilling for oil and gas in the Pa. State Parks. Kindly let us know what is being done to protect these resources. Sincerely, Reed and Marjorie Smith, (814) 867-5719 or e-mail, [reedsmith@aol.com](mailto:reedsmith@aol.com) . Thank you !

**Smith, Gary (DCNR)**

---

**From:** Jon Hauris [jon.hauris@nsc1.net]  
**Sent:** Wednesday, May 22, 2002 2:02 PM  
**To:** garysmith@state.pa.us  
**Cc:** jason@amwhitewater.org; rvrkyk@yahoo.com  
**Subject:** Whitewater Access and Boating in PA State Parks

2002 MAY 30 AM 8:32  
RECEIVED  
COMMISSION

Gary Smith  
Division Chief  
PA DCNR, Bureau of State Parks

Mr. Smith, I am a whitewater kayaker and frequent many of the streams and rivers in Pennsylvania. I am writing to request that you permit access to and whitewater boating at Ohiopyle Falls and in state parks across Pennsylvania (as requested by Ed Gertler and the American Whitewater Association). You have a beautiful state and it is even more beautiful seen from your rivers and streams. I believe that whitewater boaters have minimal impact on the environment, are strong promoters and practitioners of taking care of the environment, and provide some positive economic impact to these more rural and isolated areas. I hope that we may be able to continue enjoying your wonderful natural resources and spreading the word of Pennsylvania's wonders to the rest of the nation.

Thank you,  
Jon Hauris



Smith, Gary (DCNR)

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From: jim.pruitt@equant.com  
Sent: Wednesday, May 22, 2002 2:12 PM  
To: garyksmith@state.pa.us  
Subject: OhioPyle falls access

RECEIVED  
2002 MAY 30 AM 8:33  
LEGISLATIVE COMMISSARY  
REVIEW COMMISSION

Gary Smith, Chief  
Maintenance Division  
Bureau of State Parks  
Rachel Carson State Office Building  
P.O. Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith:

My name is Jim Pruitt. Though not a resident of Pennsylvania, I frequently drive up from Virginia to paddle the rivers & streams of Pennsylvania. Two of my favorites are the Lower Yough & the Casselman. While I personally am not qualified from a skills perspective to attempt running the falls at OhioPyle, I believe that the whitewater community has gone to great lengths to police themselves regarding safety issues. For example in the Washington DC area Great Falls is regularly run by a group of self regulated whitewater enthusiasts. Great Falls is considerably more difficult than the falls of OhioPyle, yet over the past 25 years of falls running there has been only a single fatality. I believe opening the falls at OhioPyle will result in even greater tourism to the area with little to no negative impact.

In addition to the above issue it has come to my attention that some park managers have chosen to prohibit boating on state park streams based on the text of Pennsylvania Code, Title 17, Section 11.12 which states that outdoor recreation activity in State Recreation Areas is restricted to locations for which physical improvement or posting designates the appropriate purpose and use. I would propose that this passage be deleted or, if that is not possible, that it be amended with an equally weighted section recognizing non-power boating on streams as an activity that is compatible with the mission of the state parks.

The impact such a change on the parks would be negligible. Most of these streams are small and generally runnable only during winter, early spring and late fall, and they are even more infrequently runnable at times of the

year when unqualified users would consider attempting them. Thus impact on user safety, and the environment would be insignificant. Regarding potential user conflicts with fishermen, the above factors plus the fact that floating conditions usually mean high and muddy conditions that are less favorable to fishing should preclude any significant issues.

Since nature-compatible recreation is a major mandate of state parks, the State should recognize non-power boating as compatible with that goal. Paddlers have long been a group advocating the State's protection of open spaces, and are very concerned with environmental protection issues. It does not seem fair to then exclude them from these areas once they are protected.

Thank you for your consideration of these matters.

Best Regards,

Jim Pruitt  
Equant  
Network Engineering Systems  
13775 McLearen Road  
Oak Hill  
VA 20171  
Phone: 703-471-2484  
<http://www.equant.com>

**Smith, Gary (DCNR)**

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From: Jim Kleissler [jkleissler@alleghenydefense.org]  
Sent: Wednesday, May 22, 2002 5:00 PM  
To: Smith, Gary (DCNR)  
Subject: 17 Pa Code Chapter 11 Regulations

RECEIVED  
MAY 30 AM 8:33  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

May 20, 2002

Re: 17 Pa. Code Chapter 11 regulations  
Drilling/Logging in Pennsylvania State Parks

Secretary John Oliver  
Department of Conservation and Natural Resources  
7th Floor, Rachel Carson State Office Building  
P.O. Box 8767  
Harrisburg, PA 17105-8767

Dear Secretary Oliver,

Over the past few years you have shepherded in some of the most controversial policies ever to be implemented in the Department of Conservation and Natural Resources. We are writing to ask that you put a rest to these controversial policies by immediately enacting a ban on commercial logging and oil and gas drilling in Pennsylvania's State Parks. We are submitting this request on behalf of the Allegheny Defense Project and its Supporters, Heartwood, Communities for Sustainable Forestry, Greenwatch and the Pennsylvania Environmental Network. We are submitting this letter as our public comments on the proposed 17 Pa. Code Chapter 11 regulations as requested in the Pennsylvania Bulletin.

Over the past two years, you opened one of our most precious state parks, the Ricketts Glen State Park in northeastern Pennsylvania, to large-scale "salvage" logging practices in order to profit off of the wind-blown black cherry trees. The Allegheny Defense Project (ADP) protested that logging program and received only a conclusory response from the Department dismissing the ADP's concerns. In fact, much of the information that the Department has distributed regarding this proposal was misleading. It was very clear that the Department prioritized short-term economic gains over the conservation of Ricketts Glen State Park. Since then the Department

has notified members of the Pennsylvania Conservation Network that the logging at Ricketts Glen was seen as a "pilot" project which may in fact lead to further logging in our state parks. This concern fits closely with the fact that the logging program on Pennsylvania's state forests and state parks broke records in 2000 with 20,000 acres of our public lands being logged.

Most recently, concerns about the management of Pennsylvania's State Parks have been highlighted by the recent proposal to drill for oil and gas under numerous state parks. The Department has refused numerous requests to prepare an environmental impact statement on the effects of this proposal. The Department has also refused to provide binding documentation, such as a proposed lease agreement, that supports the Department's contentions that these areas will be protected from road construction, pipeline construction, seismic exploration, and other exploration activities. Even with the protections which the Department's publicity suggests these areas might receive, there has been no serious consideration of the likely cumulative effects of drilling sites in areas surrounding state parks. Indeed, some of these state parks have been unwisely damaged by these types of activities in the past.

There can be no doubt that the people of Pennsylvania overwhelmingly perceive their state parks as places which are deserving of the highest protections. This means that the people of Pennsylvania, who by our Constitution are the landowners of the state parks, demand an end to logging and oil and gas drilling in these areas.

Currently, the Department is reviewing the regulations which apply to the management of our state parks. The Department can back up its claims that state park areas will be protected by proposed drilling by incorporating a provision permanently protecting Pennsylvania State Parks from drilling and associated exploration activities. The Department would do well to take a step further towards meeting the public's demands that these areas receive permanent protections by adopting regulatory language immediately enacting a prohibition on these activities.

Both logging and oil and gas drilling have significant impacts on the environment. Logging fragments wildlife habitat, directly damages wildlife habitat for threatened, endangered, and rare species, causes sedimentation to run off into our watersheds, and damages biodiversity. Oil and gas drilling also seriously fragments wildlife habitat, also causes direct damage to wildlife habitat needed for threatened, endangered, and other rare species, and also causes sedimentation in our watersheds. The driving force behind both practices is short-term economic gain for extractive industries, but other industries such as tourism and recreation are harmed.

Pennsylvania's state parks comprise less than 3% of Pennsylvania's forest lands. They also serve as the jewels of Pennsylvania's vastly popular public lands system. The state parks play host to millions of visitors every year, bringing in many millions in revenue to local businesses. The regulatory framework for managing these lands should reflect their importance. We appeal to you to take these important steps today.

We ask that you re-write the regulations at 17 Pa. Code § 11.211 on "Natural Resources" by adopting the following language:

§ 11.211. Natural resources.

(a) The following activities are prohibited without written permission of the Department.

§

(b) The following activities are prohibited and can not be allowed with or without the written permission of the Department.

(1) Live or dead trees or limbs shall not be cut or removed except for as provided below:

(i) Forest materials shall be left as biomass on the forest floor, lopped, scattered, and burned, if prescribed, or shall be left as species habitat in the form of downed woody debris in the project area.

(ii) If removal of forest material is necessary for ecological restoration or for other necessary circumstances, that material shall be used for recreation or maintenance projects in the same unit of State public land, such as trails, bridges, or facilities, or for restoration projects such as

woody debris in streams, woody debris to provide species habitat, or for biomass to build soil in other areas of the same unit of State public land.

(iii) Any excess material not used in paragraph (ii) may only be used for public purposes, and not for private or public commercial gain. This material may be provided for personal non-commercial uses, such as firewood or other subsistence uses, or for other public noncommercial purposes. Other public purposes may include, but are not limited to, the processing of these forest materials for uses such as fuel for low-income households, or, in very limited circumstances, timber for low-income housing provided by a not for profit venture registered by the Department of Conservation and Natural Resources.

(2) Under no circumstances may any person drill or conduct drilling related exploration activities for oil and gas on or under state park lands. Exploration activities include but are not limited to the following:

- (i) road construction;
- (ii) pipeline construction;
- (iii) seismic exploration activity;
- (iv) construction or clearing for or the building or locating of compressor stations; or
- (v) other exploration activities.

Thank you for this opportunity to comment on the regulations applicable to Pennsylvania's State Parks.

Sincerely,

Jim Kleissler  
Forest Watch Director

Rachel Martin  
Outreach Program Director

Ryan Talbott  
Forest Watch Coordinator

Bill Belitskus  
Communities for Sustainable Forestry

Bill Smedley, Executive Director  
Greenwatch

Jim Bensman, Forest Watch Coordinator

Heartwood

Brian Laverty, President  
Pennsylvania Environmental Network

-----  
Jim Kleissler, Forest Watch Director  
Allegheny Defense Project  
P.O. Box 245  
Clarion, PA 16214  
(814) 223-4996  
(814) 223-4997 (fax)  
<http://www.alleghenydefense.org>

\* \* \* END INDUSTRIAL EXTRACTION ON PUBLIC LANDS! \* \* \*





RECEIVED

**Smith, Gary (DCNF)**

**From:** McIntyre, Jeff [jmcintyre@apa.org]  
**Sent:** Wednesday, May 22, 2002 4:03 PM  
**To:** 'garyksmith@state.pa.us'  
**Cc:** 'access@amwhitewater.org'  
**Subject:** Ohiopyle Falls Access and Lower Yough Regs

2002 MAY 30 AM 6:32

RENEW COMMISSION

Mr Smith,

I am writing to submit comments regarding American Whitewater's proposals to open the Ohiopyle Falls for boating.

I am an experienced American Canoe Association certified instructor - having taught with Maryland based Adventure Schools, Potomac Paddlesports, and Calleva Paddling. I was recently the Interim Director of the Potomac Outdoors Paddling School near Washington, DC, and am now affiliated with Custom Adventure Schools - a consulting and training group with programs throughout Ohio, Maryland, Illinois, Florida, and New York.

Throughout the years, I have participated in instructional, recreational, and personal trips in the Ohiopyle area. On average, I am in the Youghiogeny area 10-12 times a year with, at least, 5 to 8 other individuals. This does not include an annual raft trip I organize via a local Lower Yough outfitter with 30 or more participating annually for the past several years. On each trip, we stay at local campgrounds, eat at local restaurants, and shop for souvenirs with local merchants. We have gladly spent our money in the area where we are spending our recreation time.

Foremost, I support American Whitewater's proposal to open Ohiopyle Falls for boating. As it is navigable - proven by the "Ohiopyle Falls Races" over the past few years, waterfall running should be permitted there (and Regulation 11.220©(3) should be changed to reflect this). This same regulation should be amended to state"(a) General requirements. A person engaging in whitewater boating at any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:" And, please add "(f) Other parks. Whitewater boating will be permitted unless clearly posted otherwise. The decision to prohibit whitewater boating in a Park will be made by the Park Superintendent." - such as decisions are already made based on weather and inappropriate river conditions. I believe that opening Ohiopyle Falls to boating will increase the number of times I am in the Ohiopyle area with my friends and associates on recreational outings and supporting the local economy. A small group of us have discussed the possibility of buying property in the area in order to have better access to the region's recreational opportunities. Having available access to Ohiopyle Falls as a part of our boating experience will hasten that decision and bring us to Pennsylvania and the Ohiopyle area much more often.

I would be willing to discuss any of these points with you and would welcome any questions you might have on the matter.

Thank you for your consideration

jeff mcintyre  
27 Froude Circle  
Cabin John, MD 20818  
301-229-2781

**Smith, Gary (DCNR)**

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**From:** Jeff Ackerman [jeffack@epix.net]  
**Sent:** Wednesday, May 22, 2002 10:47 PM  
**To:** garyksmith@state.pa.us  
**Cc:** access@amwhitewater.org  
**Subject:** Comment on new PA Park Regulations

RECEIVED  
MAY 30 AM 8:33  
LEGISLATIVE REVIEW COMMISSION

May 22, 2002

Gary Smith, Chief  
Maintenance Division  
Bureau of State Parks  
Rachel Carson State Office Building  
P.O. Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith:

I am writing in regard to a suggested revision of State park regulations. I am a lifelong Pennsylvania resident and frequently kayak rivers and streams in Pennsylvania state parks and am concerned about any regulations that would take that recreational opportunity away. I feel that most whitewater kayakers in state parks pursue their sport responsibly and have little negative impact on the parks. If there's any conflict between kayakers and other park users I believe those problems are minor and can be worked without regulations. I normally only paddle the smaller streams in parks during high water conditions (that usually only occur a small number of days every year) and haven't experienced any problems with other park users. I have also had only good experiences with the park rangers I've encountered while paddling.

I am against any proposed regulation against waterfall running also. I feel that running drops is part of whitewater kayaking, can be done safely and should be permitted.

Sincerely,

Jeff Ackerman

2733 River Road

Mt. Bethel, PA 18343

jeffack@epix.net  
570-897-7685

ORIGINAL: 2260

Smith, Gary (DCNR)

From: Issenberg, Adam [Adam.Issenberg2@usdoj.gov]  
Sent: Wednesday, May 22, 2002 1:20 PM  
To: 'garysmith@state.pa.us'  
Subject: Stream Access for Paddling

2002 MAY 30 AM 9:32

REGULATORY  
REVIEW COMMISSION

Gary Smith, Division Chief  
PA CANR, Bureau of State Parks  
Rachel Carson State Office Building  
P.O. Box 8551  
Harrisburg, PA 17105-8551

Mr. Smith:

I am a whitewater kayaker and Pittsburgher who is temporarily living in the Washington, DC area. I have long enjoyed Pennsylvania State Parks for hiking, mountain biking, camping, cross-country skiing, swimming, and picnics. I support open stream access for paddlers.

Please amend Regulation Subpart 11.219 or Subpart 11.220 to add the following statement: Other parks: Whitewater boating will be permitted unless clearly posted otherwise. The decision to prohibit whitewater boating in a Park will be made by the Park Superintendent. In the alternative please amend the Regulation in a manner that presumes access for hand-powered paddling.

Sincerely,

Adam Issenberg  
8615 Cedar Street  
Silver Spring, MD 20910

**Smith, Gary (DCNR)**

**From:** Angie & David [kayakers@comcast.net]  
**Sent:** Tuesday, May 21, 2002 12:05 PM  
**To:** garyksmith@state.pa.us  
**Subject:** Whitewater Kayaking in PA State Parks

Angie and David Kuklinski  
12 Eagleton Farm Road  
Newtown, Pa. 18940

May 20, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

RECEIVED  
MAY 21 2002 11:54 AM  
STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Dear Mr. Smith,

As Pennsylvania residents, we have considerable knowledge of Pennsylvania State Parks and I still visit several of them (Ohiopyle, Ralph Stover, and Lehigh Gorge) regularly. We have been kayaking in the state for many years. While we support many of the proposed regulation changes, including a decision to eliminate quota provisions in §11.75(a)(3) because "they are matters of internal Department policy and do not require regulations", we have two outstanding concerns that we would like to see addressed.

First, At present, draft regulation §11.220©(3) states "Waterfall running. Waterfall running is prohibited without written permission of the Department." This activity is very much a part of responsible, mainstream whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohiopyle State Park for several years.

Our preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted." If that is not acceptable, then, at a minimum, we propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent."

Second, there are numerous whitewater and flatwater sections of streams and rivers in Pennsylvania State Parks that are not addressed or described under your proposed regulations. Currently, draft regulation §11.219 on boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1) prohibits "Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 on whitewater Boating addresses whitewater recreation in Ohiopyle, Ralph Stover, Lehigh Gorge, and McConnells Mill State Park. This leaves the status of canoeing and kayaking on non-specified whitewater rivers in the state park system, including the popular Tohickon Creek in Eastern Pennsylvania, at risk. Under the current phrasing most park superintendents are likely to interpret this omission to mean that canoeing and kayaking is not permitted on these sections. This would be a mistake, since it would unnecessarily bar paddlers from using many fine streams. We would like to see this situation changed to allow Park Superintendents the discretion to evaluate and manage canoeing and kayaking on a case-by-case basis.

We propose amending §11.220 to state "(a) General requirements. A person engaging in canoeing and kayaking in any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to prohibitions regarding motors. In addition, we recommend explicitly acknowledging in a new subsection "(f)

Other parks. Canoeing and kayaking will be permitted unless clearly posted otherwise. A decision to prohibit these activities in a Park can be made by the Park Superintendent.”

We have confidence in the park superintendents abilities to use their knowledge of the land, use patterns, and user groups peculiar to their park to make good decisions on non-powered boating in areas under their control.

Sincerely,

Angie and David Kuklinski

Smith, Gary (DCNR)

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From: Yekaterina Loutchinina [katjalesha@yahoo.com]  
Sent: Tuesday, May 21, 2002 9:48 PM  
To: garyksmith@state.pa.us  
Subject: Re: whitewater access at Ohiopyle State Park

2002 MAY 30 AM 8:33

RECEIVED LABORATORY  
REVIEW COMMISSION

From:

Aleksey Vishnyakov  
717 Monmouth st  
Trenton, NJ 08609  
Tel 609 989 7209  
katjalesha@yahoo.com

To:

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551  
717-783-3307  
garyksmith@state.pa.us

May 20, 2002

Re: whitewater access at Ohiopyle State Park

Dear Mr. Smith,

My name is Aleksey Vishnyakov. Although I am not a resident of Pennsylvania, I am a frequent guest at Ohiopyle State Park. I am thoroughly familiar with its waterways, first of all with the Youghiogheny river, and especially, with the Ohiopyle falls. I am concerned with the restrictions on waterfall running at Ohiopyle State Park and whitewater launch and take-out sites across the Pennsylvania State Parks system.

Ohiopyle falls. I do think that the access to the Ohiopyle falls should be limited. However, in my opinion the restrictions on the waterfall running are too severe and do not make sense.

During the warm season, the Ohiopyle State Park is visited by thousands of people who have little or no whitewater experience. There is no doubt, that if running the waterfall is permitted, it may provoke reckless behavior by the visitors. I am sure that when the raft customers see an excellent whitewater paddler running the waterfall standing in an inflatable kayak

(some people do this during the falls weekend), 10% will decide that they could run it, too. Some will rent an inflatable and attempt the falls next day. There is no need in explaining the consequences.

Therefore, it would be quite reasonable to permit running the falls during the colder season, when the number of unprepared whitewater tourists is very low, and the cold water in the Youghiogheny river will not be tempting to anyone, except properly trained and equipped boaters. These boaters should be able to evaluate the risks of waterfall running, in the same way as everybody does before every rapid.

I am sure that the possibility of running the falls will attract more off-season visitors to Ohiopyle, which is important for the local tourism industry.

At present, draft regulation §11.220(c)(3) states "Waterfall running. Waterfall running is prohibited without written permission of the Department."

My preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted between October 1 and April 1."

Other parks. There are numerous whitewater sections in state parks that are not addressed or described under regulation. Under the current phrasing most park superintendents are likely to interpret this omission to mean that boating is not permitted on these whitewater sections. In my opinion, it is necessary to allow Park Superintendents the discretion to evaluate boating on a river-by-river basis.

I would recommend modification of §11.220 to state "(a) General requirements. A person engaging in whitewater boating at any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to the watercraft prohibitions regarding motors.

In addition, I recommend explicitly acknowledging in a new subsection "(f) Other parks. Whitewater boating will be permitted unless clearly posted otherwise. The decision to prohibit whitewater boating in a Park will be made by the Park Superintendent."

Sincerely,

{SIGNED}

Aleksey Vishnyakov

ORIGINAL: 2260

**AMERICAN CANOE ASSOCIATION, INC.***Established 1880***National Office:**

7432 Alban Station Blvd.,  
Suite B-232  
Springfield, VA 22150-2321  
703/451-0141  
703/451-2245 FAX  
E-Mail [aca@acanet.org](mailto:aca@acanet.org)  
Website [www.acanet.org](http://www.acanet.org)

**Affiliated With:**

Paddlesport Publishing Inc/Paddler Magazine  
Professional Paddlesport Association

May 21, 2002

**VIA FACSIMILE & U.S. MAIL**

Mr. Gary Smith  
Chief,  
Division of Park Operations and Maintenance,  
Bureau of State Parks  
P.O. Box 8551  
Harrisburg, PA 17105-8551

Re: **DCNR Proposed Rulemaking (32 Pa.B. 1611)(17 PA CODE CH. 11)**

Dear Mr. Smith:

The American Canoe Association (ACA) submits the following comments regarding the Pennsylvania Department of Conservation and Natural Resources' (DCNR) proposed rulemaking referenced above. The ACA is a national organization with approximately 50,000 dues paying members. Over 1000 of these members reside in Pennsylvania, and more than 15,000 reside within a half-day's drive of the state.

The ACA is generally supportive of the changes proposed by DCNR and the Bureau of State Parks. In particular, the ACA is pleased with the decision to eliminate the weekend and holiday time restrictions for use of the Youghiogheny River Loop. The ACA's comments consist primarily of requests for policy changes that are not included in the proposed rulemaking. These comments are divided into three general topics: 1) Commercial/Semi-Public Use 2) Canoeing and Kayaking on State Park waters 3) Whitewater Boating/Concessions 4) Personal Watercraft Use.

**1) Commercial/Semi-Public Use:**

The ACA is very concerned about DCNR's definition of "commercial activity" and the failure of DCNR to distinguish between the mission-based activities

2002 MAY 30 AM 8:32  
REVIEW COMMISSION



of charitable organizations and the for-profit activities of commercial outfitters. Under DCNR's current interpretation of its definition of "commercial activity," non-profit organizations that accept any compensation from members for outdoor programs on state lands or waters is considered a commercial outfitter. This appears to include canoe clubs that hire instructors to teach a class on public waters, summer camps that conduct outdoor activities on public lands and waters, and institutional outdoor programs.

This problem came to ACA's attention when DCNR recently forced two summer camps that have historically conducted activities on the Youghiogeny River to utilize commercial outfitter services in order to maintain access to the river. DCNR's position is that these non-profit summer camps, *Summers Best Two Weeks* and *Springhill Camp*, are commercial entities that directly compete with the four commercial outfitters that are permitted to operate as concessionaires on the river.

Furthermore, DCNR's policy treats charitable organizations as equivalent to for-profit enterprises only in ways that are detrimental to them, and does not confer upon them any advantage afforded to the for-profit enterprises. This perplexingly punitive nature of the DCNR policy is evident in the action taken against *Summers Best Two Weeks* and *Springhill Camp*. Neither of these two camps would be able to successfully compete for one of the limited concession licenses on the Youghiogeny River because they are not outfitters and do not offer commercial guided trips to the general public, yet they are denied access on the grounds that the trips they conduct are commercial and compete with for-profit park concessionaires.

Most states and the federal government recognize that there is a distinction between semi-public/institutional users and for-profit commercial interests. Commercial outfitters are for-profit businesses that promote a service (guided trips or rentals) that is for sale directly to the general public. Semi-public/institutional groups are not commercial for-profit businesses. They conduct mission-based outdoor activities for the benefit of their members, campers, or students. These groups are not offering guide services for sale to the general public. Semi-public use is typically accommodated through temporary or incidental use permits and often utilizes unused allocation/user days rather than having a dedicated allocation of use.

Under DCNR's current policy, the state of Pennsylvania not only fails to recognize the value and purpose of non-profit organizations; it exhibits blatant favoritism towards for-profit commercial interest to the detriment of charitable interest. This policy direction has far-reaching implications on all types of non-profit organizations and their activities. A failure by DCNR to correct this policy would be an affront to all charitable organizations and the purposes for which they were established.

The ACA request that DCNR make the policy changes necessary to accommodate charitable mission-based activities on the public lands and waters under its management. This can be accomplished either by establishing separate definitions for "commercial activity" and "semi-public activity," or by changing the definition of "commercial activity" to recognize "semi-public" as a distinct type of commercial activity. In either case, semi-public use would need to be permitted separately.

The ACA recommends DCNR eliminate its current definition of "commercial activity" and replace it with the following definitions for "commercial activity" and for what the ACA is tentatively calling "semi-commercial charitable activity":

***Commercial Activity:***

*An activity in which a person or company accepts considerations of value as compensation for the provision of goods or services, including transportation -- and which is being conducted for the primary purpose of making a profit. Such activities are conducted in an attempt to accomplish the following:*

- i) Collect fees which exceed the direct costs of the activity and are either retained as profit or used to cover indirect expenses such as advertising, replacement of equipment, capital increase of facilities, etc.*
- ii) Use revenue derived, either directly or indirectly, from the activity for the salary or financial gain of 1) any person with an ownership stake in the entity conducting the activity, 2) the employees, relatives, acquaintances or business partners of any person with an ownership stake in the entity conducting the activity.*
- iii) The sale and promotion of goods and services directly to the general public.*

***Semi-Commercial Charitable Activity:***

*An activity in which a charitable organization or educational institution accepts considerations of value as compensation for the provision of goods or services, including transportation -- and which is being conducted for the furtherance of the organization's mission and its charitable purpose. Criteria for semi-commercial includes:*

- i) The entity conducting the activity must either be a 501(c)(3) tax-exempt organization, an accredited educational institution, or an outdoor club that operates as a not-for profit organization.*
- ii) The activity is part of an overall mission-based program.*
- iii) The activity requires membership or enrollment to participate.*
- iv) The activity itself is marketed to a limited constituency and cannot be marketed directly to the general public as a stand-alone activity.*
- v) All fees collected from the activity must be used for furtherance of the mission-based program the activity is part of.*

These definitions distinguish between two very different types of public land and water use and will allow DCNR to develop appropriate policies for each. Distinguishing between commercial and semi-public activities is not as difficult as it may initially seem. Charitable organizations differ significantly from for-profit businesses in both purpose and structure. One significant difference is that nobody can have an ownership stake in a charitable organization.

The ACA-proposed definitions are designed to prevent for-profit entities from attempting to masquerade as charitable causes. The ACA has a great deal of experience managing semi-public (semi-commercial charitable) use and has a 100% success rate at screening out for-profit attempts to use ACA's semi-public umbrella permit on the Nantahala River in North Carolina.

I strongly urge DCNR to recognize the clear distinction between for-profit and charitable activities and to formally establish a semi-public (semi-commercial charitable) use category. Providing for semi-public institutional use, along with private and commercial use, can be easily implemented by issuing incidental or temporary use permits to camps, clubs, organizations and institutions. In the event all available user days are expended by existing commercial and private use, the resource manager would have the discretion not to issue incidental or temporary use permits.

ACA stands willing to assist DCNR in any way possible to develop policy and permitting guidelines for semi-public (semi-commercial charitable) use. The ACA is also willing to help DCNR with the management of such use.

## **2) Canoeing and Kayaking on State Park Waters:**

Wording contained in Pennsylvania Code, Title 17, Section 11.12(a) has been interpreted to mean that all canoeing and kayaking on state park/recreation area waters is prohibited unless these activities are specifically designated as an appropriate use. The wording at issue is: "(a) General activity. Outdoor recreation activity in State Recreation Areas is restricted to locations for which physical improvement or posting designates the appropriate purpose and use." Some state park managers have chosen to prohibit boating on state park streams based on their interpretation of this wording.

The ACA requests that DCNR modify or supplement this wording to clearly allow canoeing and kayaking on any river or stream flowing through a state park/recreation area unless the unit has specifically restricted such use. In conjunction with this change, the ACA recommends that DCNR adopt safety requirements for canoeing or kayaking on rivers and streams that flow through state parks and other DCNR managed lands. Requirements such as wearing a type III PFD and having equipment suitable for specific river, stream or weather conditions would allow park staff to prevent irresponsible activities.

The impacts of this change on parks should be negligible. Most of the rivers and streams within state parks are small and have a limited window of runnable flows, usually in spring or fall. They are infrequently runnable at times of the year when unqualified users would be most likely to consider attempting them. Potential user conflicts with fishermen are unlikely because, runnable flows usually mean water conditions that are less favorable to fishing.

Canoeing and kayaking is a low-impact, nature-compatible, healthy activity that should be encouraged by DCNR. One way to protect access and resolve this issue is to change 17§ 11.12(a) to read:

*General activity.* Outdoor recreational activities consistent with all applicable regulations are permitted in State Recreation Areas except in areas where posting specifically prohibits specific or general use.

Another way would be to add the following:

(g) *Canoeing and Kayaking*. Canoeing and kayaking is allowed on all river, stream and lake waters within State Recreation Areas, unless specifically prohibited. Use is subject to all applicable state boating laws and regulations.

### **3) Whitewater Boating/Concessions:**

The ACA requests that DCNR modify its policy of counting whitewater river use by commercial rental customers entirely against the private boater use allocation. It is unfair to give unguided outfitter customers user days set aside for private paddlers. This conceivably could result in a future shortage of available use for true private paddlers.

While some may argue that a rental customer is a private boater, the reality is that such individuals are primarily outfitter customers. ACA does not expect DCNR to be able to discern those river users who may rent a boat from a distant rental operation, but ACA is convinced that DCNR can do so with respect to the rental operations of permitted concessionaires.

Changing this would create a cleaner division between commercial and private use, ensure that all river use can never be monopolized by commercial operations, and give DCNR a clearer picture of economic benefit derived from the use of public resources.

### **4) Personal Watercraft Use:**

For all state park waters that currently allow personal watercraft (PWC) use, the ACA requests that DCNR study the impacts of PWC use on other waterway users and assess the need to restrict PWC operation. The primary issues the ACA would like DCNR to evaluate are the threat high-speed PWC use poses to the safety of other waterway users, and the impacts PWC use has on the ability of other waterway users to enjoy these public waters.

In assessing safety threat, DCNR should look at the collision rate of PWC on Pennsylvania waters. An ACA study of the United States Coast Guard (USCG) Boating Accident Report Database (BARD) for the years 1996-2000 revealed that PWC are predominantly and disproportionately involved in accidents that place other waterway users at risk, such as collisions with

swimmers, canoes, kayaks and other vessels. Almost 80% of all PWC accidents are collisions.

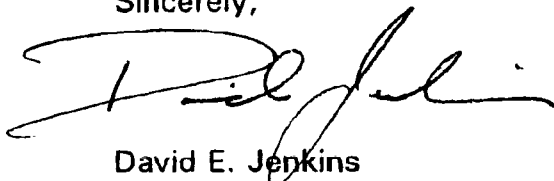
Even though PWC comprise only 6.2% of the national boating population, each year PWC are involved in significantly more vessel-on-vessel collisions than any other vessel type.

<b>Vessels Involved in Vessel-On-Vessel Collisions *</b>				
<b>YEARS</b>	<b>Personal Watercraft (6.2% of Vessels)</b>	<b>Open Motorboat (49.2% of Vessels)</b>	<b>Cabin Motorboat (&lt;10% of Vessels)</b>	<b>Auxiliary Sailboat (1% of Vessels)</b>
2000	<b>2,287</b>	<b>1,530</b>	<b>731</b>	<b>275</b>
1996-2000	<b>12,218</b>	<b>7,385</b>	<b>2,913</b>	<b>1,072</b>

Additionally, the ACA found that PWC are more than 3 times more likely to have accidents that involve striking a person swimming in the water than other vessel types, and that the most frequently reported causes of PWC accidents are: careless/reckless operation, excessive speed, operator inattention, and operator inexperience.

Thank you for your consideration of these comments. I look forward to speaking with you in more detail about the ACA recommendations over the coming weeks. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



David E. Jenkins  
 Director of Conservation  
 and Public Policy

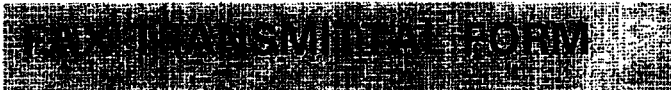
**AMERICAN CANOE ASSOCIATION**

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*Established 1880*



**National Office:**  
7432 Alban Station Blvd.,  
Suite B-232  
Springfield, VA 22150  
703/451-0141  
703/451-2245 FAX  
**E-Mail:**  
[conservation@acanet.org](mailto:conservation@acanet.org)  
**WEB:**  
<http://www.acanet.org>



---

Conservation & Public Policy

**DATE:** 05/21/02  
**FAX TO:** Gary Smith  
**FAX NUMBER:** (717) 783-5017  
**FAX FROM:** David Jenkins, Director of Conservation & Public Policy  
**FAX NUMBER:** (703) 451-2245  
**NO. OF PAGES:** 8 *(including cover)*

---

**COMMENTS:**

Please see attached correspondence.

**Smith, Gary (DCNR)**

RECEIVED

**From:** Antonia Chadwick [chadwick@innernet.net]

2002 MAY 24 AM 8:44

**Sent:** Sunday, May 19, 2002 8:13 PMINDEPENDENT LABORATORY  
REVIEW COMMISSION**To:** garyksmith@state.pa.us**Cc:** access@amwhitewater.org**Subject:** Ohiopyle Falls Access and Lower Yough Regs

Dear Sir

I have been a paddler for many years, and have paddled the Youghieny river dozens of times. I am now a resident of Pennsylvania, and have a great love for the rivers in this state. I have been legal to date, never having run the waterfall on the Yough at Ohiopyle, but have wanted to for years. The recent trial days of falls running were on days that I did not have free, so I was unable to participate.

Please support the American Whitewater proposal to open the falls to change present rules, which would allow me and others like me to perform a safe ( as proven during the trial open waterfall days) and legal run of this beautiful waterfall.

**Regulation §11.220(c)(3) should be changed to state <sup>3</sup>*Waterfall running*. Waterfall running is permitted.<sup>2</sup>**

In addition

**Amend §11.220 to state <sup>3</sup>(a) *General requirements*. A person engaging in whitewater boating at any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:<sup>2</sup>**

**\* Add <sup>3</sup>(f) *Other parks*. Whitewater boating will be permitted unless clearly posted otherwise. The decision to prohibit whitewater boating in a Park will be made by the Park Superintendent.<sup>2</sup>**

Thank you  
Jeffrey Sarsfield  
479 Briar Lane  
Chambersburg, Pa 17201



**Smith, Gary (DCNR)**

**From:** Stephen Romaniello [sjr34@cornell.edu]  
**Sent:** Monday, May 20, 2002 4:30 PM  
**To:** garyksmith@state.pa.us  
**Subject:** Comment on State Park Regulation

RECEIVED  
2002 MAY 30 AM 8:34

REVIEW COMMISSION

Dear Mr. Smith,

I am writing with regard to the DCNR revision of regulations affecting state parks or other lands. Some of the most recent DCNR decisions have reflected a callous disregard for the rights and wishes of the people of Pennsylvania, as well as showing little concern for the aesthetic and ecological implications of such decisions. Two of the most prolific examples are the salvage logging operation in Ricketts Glen State Park and the DCNR's decision to drill for oil and gas under many state parks. By nearly completing this last project without significant public comment, the DCNR has shown astounding and frightening disregard for the wishes of their constituents. Neither of these actions properly took into account aesthetic and ecological impacts, and were thus twice flawed. Especially having come off such an embarrassing incident as the drilling auction, I asked that the DCNR seriously consider revising their own appraisal process to be more public friendly.

In this spirit and understanding the above problems, I also request that the DCNR halt all current extractive commercial projects, including timber, oil, gas, water, or other minerals, until proper case by case assessments can be made with public inclusion. The Finger Lakes National Forest, immediately across the border in New York has recently banned all drilling in the forest under the decision of the Forest Supervisor. In the Allegheny National Forest, drilling and timber continues to be a strong item of contention. Given these examples, much care must be taken to solicit public comment and make decisions which reflect the absolute best ecological and aesthetic practices, from which the vast majority of the public benefits.

In conclusion, citing recent management failures, I asked that DCNR revision of regulations affecting state parks specifically include language that necessitates a reexamination of assessment processes with regard to public opinion, ecological impact, and aesthetic concerns. Moreover, until such changes can be institutionalized, I ask that the DCNR halt the controversial practice of commercial extraction on all lands over which it holds jurisdiction. Thank you for logging my comment and I hope that this opportunity for change is fully realized.

Sincerely,  
Stephen Romaniello

109 Ecology House  
Cornell University  
Ithaca, NY 14850

RECEIVED

2002 MAY 24 AM 8:44

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

May 16, 2002

Dear Mr. Smith,

I have enclosed a copy of Charlie Walbridge's letter to you, dated May 13, 2002. We heartily agree with Charlie's opinion on this matter and truly hope and trust that you do also. Between my husband and myself and our son, we have 95 year of paddling Pennsylvania waters in our house! We have enjoyed everything from quiet lakes to the hardest whitewater in the Commonwealth. We have been the Safety Coordinators for about 20 River Sojourns throughout Pennsylvania since 1992 so we understand the safety considerations that you have. Access to paddling opportunities has become increasingly important to us over the years as various access locations become unavailable due to a variety of factors. Please keep access available to the wonderful whitewater currently available in the Pennsylvania State Parks. This is one of the Commonwealth's tourist and resident assets that we can't afford to lose or curtail!

Thank you,

*Betsy Quant, for*

Allan Quant, Betsy Quant, Jeremy Quant  
Canoe Susquehanna  
RR 2, Box 519B  
Lewisburg, PA 17837  
570-524-7692  
mail@canoesusquehanna.com

Charles C. Walbridge  
Safety Committee - American Whitewater  
Rt. 1, Box A43B; Bruceton Mills, WV 26525  
304-379-9002; [ccwalbridge@cs.com](mailto:ccwalbridge@cs.com)

May 13, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith,

Although I now have a West Virginia address, I lived in Pennsylvania for 35 years prior to my move here. I have considerable knowledge of Pennsylvania State Parks and I still visit several of them (Ohiopyle, McConnells Mills, Ralph Stover, and Lehigh Gorge) regularly. I have been canoeing and kayaking in the state since 1966. I guided professionally and taught paddling and river rescue in Pennsylvania for many years, and worked as a volunteer with the Pennsylvania Fish Commission in the 70's. I am particularly concerned about the portions of the proposed rules §11.220 and §11.219, which address whitewater recreation).

While I support many of the proposed regulation changes, including a decision to eliminate quota provisions in §11.75(a)(3) because "they are matters of internal Department policy and do not require regulations", I have two outstanding concerns that we would like to see addressed.

First, At present, draft regulation §11.220(c)(3) states "Waterfall running. Waterfall running is prohibited without written permission of the Department." This activity is very much a part of responsible, mainstream

5/16/02

whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohiopyle State Park for several years.

My preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted." If that is not acceptable, then, at a minimum, I propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent."

Second, as described by my friend Ed Gertler in his guidebook "Keystone Canoeing", there are numerous whitewater and flatwater sections of streams and rivers in Pennsylvania State Parks that are not addressed or described under your proposed regulations. Currently, draft regulation §11.219 on boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1) prohibits "Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 on whitewater Boating addresses whitewater recreation in Ohiopyle, Ralph Stover, Lehigh Gorge, and McConnells Mill State Park. This leaves the status of canoeing and kayaking on non-specified whitewater rivers in the state park system, including the popular Tohickon Creek in Eastern Pennsylvania, at risk. Under the current phrasing most park superintendents are likely to interpret this omission to mean that canoeing and kayaking is not permitted on these sections. This would be a mistake, since it would unnecessarily bar paddlers from using many fine streams. I would like to see this situation changed to allow Park Superintendents the discretion to evaluate and manage canoeing and kayaking on a case-by-case basis.

I propose amending §11.220 to state "(a) General requirements. A person engaging in canoeing and kayaking in any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to prohibitions regarding motors. In addition, I recommend explicitly acknowledging in a new subsection "(f) Other parks. Canoeing and kayaking will be permitted unless clearly posted otherwise. A decision to prohibit these activities in a Park can be made by the Park Superintendent."

I have worked with various park superintendents over the past three decades and I have confidence in their ability to use their knowledge of the land, use patterns, and user groups peculiar to their park to make good decisions on non-powered boating in areas under their control.

Sincerely,

Charles C. Walbridge

RECEIVED  
2002 MAY 24 AM 8:45  
DEPARTMENT OF RECREATION  
REVIEW COMMISSION



**Smith, Gary (DCNR)**

**From:** Nina Arwitz [narwitz@njch.org]  
**Sent:** Monday, May 20, 2002 12:33 PM  
**To:** garyKsmith@state.pa.us  
**Subject:** 17 Pa. Code Chapter 11 Regulations

RECEIVED

MAY 20 2002 12:33

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
REVIEW COMMISSION

Dear Sir:

I am writing to ask that DCNR end all logging in and drilling under Pennsylvania's state parks. Pennsylvania is faced with the opportunity to adopt a progressive policy that does not place short-term economic gain at the center of decision making, and this opportunity should be embraced. As citizens, we are able to make a social and ethical choice about where exploitation of natural resource should and shouldn't take place, and place these values above short-term economic gains.

I hope that you make the ecologically and socially intelligent choice to protect Pennsylvania's State Parks.

Sincerely,

Nina Arwitz

2002 MAY 28 AM 8:38  
LABORATORY  
REVIEW COMMISSION

May 20, 2002

Gary Smith, Chief  
Division of Park, Operations & Maintenance  
Bureau of State Parks  
P.O. Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith:

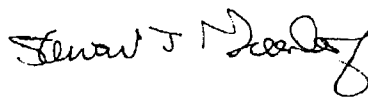
I am writing today in reference to the **proposed** State Parks regulation recently issued by the Department of Conservation and Natural Resources (Department) and published in the March 23<sup>rd</sup> edition of the Pennsylvania Bulletin.

While I appreciate the Department's efforts to help update and streamline the existing rules and regulations (Chapter 11) applicable to State Recreation Areas within this Commonwealth, I am very concerned that the proposed rules, as presently drafted, may unintentionally restrict or prohibit canoeing or kayaking on many popular streams such as the Tohickon Creek. Although the proposed rules (Section 11.220(a)) specifically mention whitewater boating at Ohiopyle, Lehigh Gorge and McConnells Mill State Parks, it fails to mention canoeing and kayaking on other whiter water rivers within the state park system.

As you may know, over 20 years ago I negotiated with the Department of Environmental Resources to have biannual water releases from Lake Nockamixon at Ralph Stover State Park. These releases, which have occurred on selected weekends in March and November, have provided whitewater recreation on Tohickon Creek. However, I fear that paddlers will be prohibited from canoeing or kayaking on these popular streams since state park superintendents may view the proposed rules as being silent in this regard.

As a whitewater enthusiast who has enjoyed paddling many of Pennsylvania's fine streams and rivers, I would respectfully request that your department revise the proposed rules to ensure that canoeing and kayaking is permitted in any state park, not just limited to Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park. Obviously, the park superintendents would need to have some oversight in this matter. Please give careful consideration to the issue I raise as you move forward with developing the final-form regulation.

Sincerely yours,



Stewart J. Greenleaf

-----Original Message-----

**From:** Jan Steckel [mailto:jan.steckel@univie.ac.at]  
**Sent:** Wednesday, May 15, 2002 8:01 AM  
**To:** garysmith@state.pa.us  
**Subject:** waterway access in PA

Dear Mr. Smith,  
Charlie Walbridge (see below) and AWA (see link <http://www.americanwhitewater.org/archive/article/457/>) speak for me on this subject. As an Pittsburgh resident who frequently paddles the whitewater creeks and rivers nearby and in Ohio, I feel the new regulations should address the issues noted in the attached letter.

Thank you,

Jan Steckel

2613 Mt. Royal Road  
Pittsburgh, PA 15217

May 13, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

RECEIVED  
2002 MAY 21 AM 8:45  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Mr. Smith,  
Although I now have a West Virginia address, I lived in Pennsylvania for 35 years prior to my move here. I have considerable knowledge of Pennsylvania

State Parks and I still visit several of them (Ohio, McConnells Mills, Ralph Stover, and Lehigh Gorge) regularly. I have been canoeing and kayaking in the state since 1966. I guided professionally and taught paddling and river rescue in Pennsylvania for many years, and worked as a volunteer with the Pennsylvania Fish Commission in the 70s. I am particularly concerned about the portions of the proposed rules 11.220 and 11.219, which address whitewater recreation).

While I support many of the proposed regulation changes, including a decision to eliminate quota provisions in 11.75(a)(3) because they are matters of internal Department policy and do not require regulations, I have two outstanding concerns that we would like to see addressed.

First, At present, draft regulation 11.220(c)(3) states Waterfall running. Waterfall running is prohibited without written permission of the Department. This activity is very much a part of responsible, mainstream whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohio State Park for several years.

My preference is to see this regulation modified to state Waterfall running.

5/20/02



whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohiopyle State Park for several years.

My preference is to see this regulation modified to state "Waterfall running. Waterfall running is permitted." If that is not acceptable, then, at a minimum, I propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent."

Second, as described by my friend Ed Gertler in his guidebook "Keystone Canoeing", there are numerous whitewater and flatwater sections of streams and rivers in Pennsylvania State Parks that are not addressed or described under your proposed regulations. Currently, draft regulation §11.219 on boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1) prohibits "Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 on whitewater Boating addresses whitewater recreation in Ohiopyle, Ralph Stover, Lehigh Gorge, and McConnells Mill State Park. This leaves the status of canoeing and kayaking on non-specified whitewater rivers in the state park system, including the popular Tohickon Creek in Eastern Pennsylvania, at risk. Under the current phrasing most park superintendents are likely to interpret this omission to mean that canoeing and kayaking is not permitted on these sections. This would be a mistake, since it would unnecessarily bar paddlers from using many fine streams. I would like to see this situation changed to allow Park Superintendents the discretion to evaluate and manage canoeing and kayaking on a case-by-case basis.

I propose amending §11.220 to state "(a) General requirements. A person engaging in canoeing and kayaking in any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to prohibitions regarding motors. In addition, I recommend explicitly acknowledging in a new subsection "(f) Other parks. Canoeing and kayaking will be permitted unless clearly posted otherwise. A decision to prohibit these activities in a Park can be made by the Park Superintendent."

I have worked with various park superintendents over the past three decades and I have confidence in their ability to use their knowledge of the land, use patterns, and user groups peculiar to their park to make good decisions on non-powered boating in areas under their control.

Sincerely,

Charles C. Walbridge

RECEIVED  
2002 MAY 24 AM 8:45  
REGULATORY  
REVIEW COMMISSION

**Smith, Gary (DCNR)**

---

**From:** tom polomchak [PYRANHA@prodigy.net]

**Sent:** Wednesday, May 15, 2002 5:33 PM

**To:** garysmith@state.pa.us

**Subject:** whitewater boating in pa

dear mr smith, i live in plymouth pennsylvania, and have been an active kayaker since 1996. i enjoy visiting such places as the lehigh gorge state park, ralph stover, ohiopyle, mconells mill, and the loyalsock area. i also enjoy kayaking many small creeks and rivers across the state of pa. i have been a life long resident and truly love this state for its beautiful forests, parks and streams. i am strongly against any restrictions to kayaking on any of the states streams and waterfalls. all my fellow kayaking friends are safety conscious, respectful of other park users, and enviromental friendly. please keep these wonderful resources available to the ones that respect and enjoy them the most. thank you for your time, and if you ever want to learn how to paddle give me a shout.

sincerely,

tom polomchak

in anticipation of precipitation!!

RECEIVED  
2002 MAY 24 AM 8:44  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
COMMUNICATIONS SECTION

—  
Frederick Sepp  
1105 North Carl Street  
State College, PA 16803  
20. May 2002

Gary Smith, Chief  
PA DCNR Bureau of State Parks  
Rachel Carson State Office Building  
P.O. Box 8551  
Harrisburg, PA 17105-8551

2002 JUN -5 AM 9:15  
LABORATORY  
FEDERAL COMMISSION

Dear Mr. Smith:

Only recently, has it come to my attention that the Bureau is accepting comments on changes to regulations. Although the landscape of recreation has changed dramatically, the mission is to provide healthful outdoor recreation while meeting certain values.

Canoes and kayaks are a healthful, low impact means of outdoor recreation. I believe a more liberal policy of launching, using and removing these boats on waterways in any park should be articulated in the regulations. I do not envision a real conflict with the fishing community.

Furthermore, I would like the opportunity to run waterfalls throughout the year, notably in Ohiopyle State Park, providing that safety considerations are observed.

Yours truly,  
Frederick Sepp

cc:

May 20, 2002

Gary Smith, Chief  
Maintenance Division  
Bureau of State Parks  
Rachel Carson State Office Building  
P.O. Box 8551  
Harrisburg, Pa. 17105-8551

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2002 MAY 30 AM 8:33  
LABORATORY  
REVIEW COMMISSION

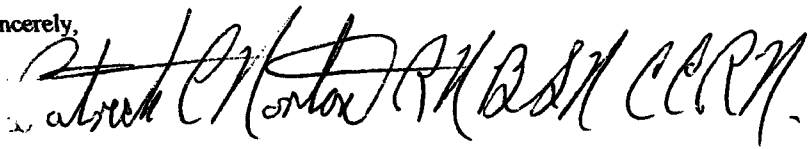
Dear Mr. Smith,

Thank you for taking the time to read my letter in regards to opening Ohiopyle Falls for boating. I am a member of American Whitewater and an avid kayaker for the past twenty-two years. I am also a trauma nurse at Allegheny General Hospital with Life Flight in Pittsburgh Pa. I have been the safety boater at the bottom of the falls for the past three years because of my extensive medical and safety training. We have proven over the past three years that running the falls can be done safely. I use whitewater kayaking as a release for the hectic schedule and nature of the work. I have travel around the world paddling and find that in my back yard what a gem we have with the Upper Yough in Friendville Maryland, and the Lower Yough in Ohiopyle Pennsylvania.

I believe that Ohiopyle Fall running can be regulated to early morning and late evening runs with release being sign in. They could be obtain from the Park Office or from the sign in office at the put-in to the Lower Yough.

Enclose is a recent information, from the Pittsburgh Tribune-Review on State Parks in Pennsylvania. When mentioning Ohiopyle they show a kayaker running the falls. I'm also enclosing a picture of me running the falls, Oh! I'm known as the B-BOATER, for obvious reasons.

Sincerely,



Patrick C Norton RN, BSN, CCRN

Smith, Gary (DCNR)

From: Daniel Cytron [dancytron@charter.net]  
Sent: Friday, May 17, 2002 2:51 PM  
To: garyksmith@state.pa.us  
Subject: river access in PA

RECEIVED

2002 MAY 24 AM 8:44

INVESTIGATORY  
REVIEW COMMISSION

Dear Mr. Smith,

I completely support Mr. Walbridge's position. I live in St. Louis and travel to your state to boat at least 4 (sometimes as many as six times per year). I usually fly. I eat out at nice places, stay in nice hotels when it is cold and generally contribute about \$250 to the economy of a very depressed part of PA everytime that I visit.

One thing I want you to know. More than any other sporting group I have ever seen, whitewater kayakers and canoeists are a careful and self-regulating group. I will not be running any waterfalls, but greatly look forward to enjoying more of the great variety of intermediate (up to Class III/IV) whitewater that PA has to offer.

I worked as an attorney for local governments (including Counties and Cities with Park Systems) for over 8 years. I completely agree with Charlie as a basic tenet of good government that the best decisions for the people of PA will be made by giving the the Park Super's the discretion to manage their operations as they see best.

Thank you for your time and attention. I apologize for any grammar or spelling errors, I am running a 103 degree fever.

--Daniel Cytron  
113 Cole St., Apt. O  
St. Charles, Missouri 63301

> May 13, 2002  
>  
> Gary Smith, Division Chief  
> PA DCNR, Bureau of State Parks  
> Rachel Carson State Office Building  
> PO Box 8551  
> Harrisburg, PA 17105-8551  
>  
> Dear Mr. Smith,

>  
> Although I now have a West Virginia address, I lived in Pennsylvania  
for  
35  
> years prior to my move here. I have considerable knowledge of  
Pennsylvania  
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> Sincerely,  
>  
>  
> Charles C. Walbridge  
>  
>  
>  
>  
>  
>



**Smith, Gary (DCNR)**

**From:** Alarcon, Rob [Rob\_Alarcon@adc.com]  
**Sent:** Wednesday, May 15, 2002 9:23 AM  
**To:** 'garysmith@state.pa.us'

Dear Mr. Smith,  
Charlie Walbridge (see below) and AWA (see link

<<http://www.americanwhitewater.org/archive/article/457/>> ) speak for me on this subject. As an avid user of the Commonwealth's water resources I feel the new regulations should address the issues noted in the attached letter.

Thank you

Robert Alarcon  
1133 Dartmouth Rd.  
Pittsburgh PA 15205  
412.921.7175

May 13, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith,  
Although I now have a West Virginia address, I lived in Pennsylvania for 35 years prior to my move here. I have considerable knowledge of Pennsylvania State Parks and I still visit several of them (Ohiopyle, McConnells Mills, Ralph Stover, and Lehigh Gorge) regularly. I have been canoeing and kayaking in the state since 1966. I guided professionally and taught paddling and river rescue in Pennsylvania for many years, and worked as a volunteer with the Pennsylvania Fish Commission in the 70's. I am particularly concerned about the portions of the proposed rules §11.220 and §11.219, which address whitewater recreation).

While I support many of the proposed regulation changes, including a decision to eliminate quota provisions in §11.75(a)(3) because "they are matters of internal Department policy and do not require regulations", I have two outstanding concerns that we would like to see addressed.

First, At present, draft regulation §11.220©(3) states "Waterfall running.

Waterfall running is prohibited without t written permission of the Department."

This activity is very much a part of responsible, mainstream whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohiopyle State Park for several years.

My preference is to see this regulation modified to state "Waterfall running.

Waterfall running is permitted." If that is not acceptable, then, at a minimum, I propose changing the regulation to state, "Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent."

Second, as described by my friend Ed Gertler in his guidebook "Keystone Canoeing", there are numerous whitewater and flatwater sections of streams and

2002 MAY 24 AM 8:43  
RECEIVED  
FISH COMMISSION

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I have worked with various of your park superintendents over the past three decades and I have confidence in their ability to use their knowledge of the land, use patterns, and user groups peculiar to their park to make good decisions on non-powered boating in areas under their control.

Sincerely,

Charles C. Walbridge

Smith, Gary (DCNR)

---

From: Kovalchick, Vincent [Vincent.Kovalchick@fiserv.com]  
Sent: Wednesday, May 15, 2002 9:55 AM  
To: garyksmith@state.pa.us  
Subject: Please send the following out for waterway access in PA...

Dear Mr. Smith

As an avid sportsman in PA, I agree with the issues raised in Charlie Walbridge's letter. I do understand the complexities of managing our Commonwealth's resources, However I do feel that Mr. Walbridge raises some very valid points. Thank you, for your consideration on this important issue.

Yours truly,

Vincent Kovalchick  
----- Forwarded by Vincent Kovalchick/Information  
Technology/Pittsburgh/Fiserv  
on 05/15/02 08:42 AM -----

Paul Cline  
05/14/02 01:31 PM

PROCESSED  
2002 MAY 24 AM 8:44  
STATE REVIEW COMMISSION

To: Henry Corson/Client Services/Pittsburgh/Fiserv,  
Joseph Ralyea/Information  
Technology/Pittsburgh/Fiserv@Fiserv, Mike Morelli/Information  
Technology/Pittsburgh/Fiserv@Fiserv, Vincent Kovalchick/Information  
Technology/Pittsburgh/Fiserv@Fiserv, Eric Anderson/Client  
Services/Pittsburgh/Fiserv@Fiserv

cc:

Subject: Please send the following out for waterway  
access in PA...

Send to  
garyksmith@state.pa.us

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Thank you

Vincent J. Kovalchick  
2340 Wells Drive  
Bethel Park, PA 15102  
412-851-7276  
vjkoval@icubed.com

May 13, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith,  
Although I now have a West Virginia address, I lived in Pennsylvania for 35 years prior to my move here. I have considerable knowledge of Pennsylvania State Parks and I still visit several of them (Ohiopyle, McConnells Mills, Ralph Stover, and Lehigh Gorge) regularly. I have been canoeing and kayaking in the state since 1966. I guided professionally and taught paddling and river rescue in Pennsylvania for many years, and worked as a volunteer with the Pennsylvania Fish Commission in the 70' s. I am particularly concerned about the portions of the proposed rules §11.220 and §11.219, which address whitewater recreation).

While I support many of the proposed regulation changes, including a decision to eliminate quota provisions in §11.75(a)(3) because "they are matters of internal Department policy and do not require regulations", I have two outstanding concerns that we would like to see addressed.

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practices and is permitted at other locations managed by state and federal

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**Subsection**

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**Boating**

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I have worked with various of your park superintendents over the past three

decades and I have confidence in their ability to use their knowledge of the

land, use patterns, and user groups peculiar to their park to make good decisions on non-powered boating in areas under their control.

Sincerely,

Charles C. Walbridge

**Smith, Gary (DCNR)**

**From:** Fred Peskorski [fpeskorski@uscscd.k12.pa.us]  
**Sent:** Wednesday, May 15, 2002 8:22 AM  
**To:** garyksmith@state.pa.us  
**Subject:** Ohiopyle Falls

RECEIVED

2002 MAY 24 AM 8:44

REGULATORY  
REVIEW COMMISSION

Mr. Gary Smith,

I am writing this letter in support of opening access to the Ohiopyle Falls on a year round basis. I support this change in policy for several reasons. Let me begin by telling you a little about myself. I was a whitewater river guide for Wilderness Voyageurs in Ohiopyle from 1997 through 1999, I have been kayaking since 1997, I have experience on a variety of rivers and class levels, and I have made approximately a dozen successful descents over the Falls during the Annual Ohiopyle Falls Race. I believe that Ohiopyle Falls has special circumstances that should be considered when evaluating accessibility

In the event that a park visitor should happen to get flushed over the falls accidentally, the people most able to make a rescue are kayakers. Naturally, the more familiar a kayaker is with a set of rapids, the better he/she will be able to make rescue attempts. In fact, I believe it is unfair to call upon kayakers to help with a rescue when access to the very rapid they are being asked to enter is inaccessible at any other time. With open access kayakers would be able to run the falls and improve the overall safety for the accidental swimmer.

I have had the pleasure of kayaking a Valley Falls State Park where they have open access to a couple of significant waterfalls. They have successfully opened the falls to kayakers with good results. It has surely brought additional visitors to the park. I know this because I would not have taken the time to drive to the park had the falls been inaccessible. During my visits to the park there where no less than 6 boaters enjoying the waterfalls.

In addition to bringing additional boaters to Ohiopyle I believe that non-boating visitors would increase. From my observations during the Falls race and my time at Valley Falls spectators seemed to enjoy watching the boaters run the rapids. Often times they set up picnic areas so that they can see the kayakers. I can't be sure, but I think it is fair to assume that these people spend money in the park on food, rentals, and souvenirs. This money could certainly be used in a suffering economic community such as Ohiopyle which is dependent solely upon tourism.

The launch area for running the Falls could be made separate from the Middle Yough take-out. There is a place next to the Loop take-out that could be used for access. No new parking facilities would need to be developed and there is already a trail down to the river by the bridge.

Finally, arguments have been made that boaters with insufficient skills would be tempted to run the falls. I have kayaked with boaters of all skill levels and rarely does anyone attempt running rapids that are greater than they could safely navigate. In fact, I have seen people portage rapids that I considered to be within their limits. Naturally in a sport like kayaking, people seek to push themselves, but kayakers seem especially aware of the consequences of poor judgement.

In conclusion, I hope that you will take my thoughts into consideration when evaluating accessibility of Ohiopyle Falls. I enjoy spending time in the park with my family and friends and look forward to introducing more people to this valuable resource.

Sincerely,  
Fred Peskorski  
993 Pennsylvania Ave.  
California, PA 15419  
(724)938-3067

**Smith, Gary (DCNR)**

**From:** DJ Medeiros [djm103@adelphia.net]  
**Sent:** Wednesday, May 15, 2002 5:34 PM  
**To:** garysmith@state.pa.us  
**Subject:** Proposed rules 11.220 and 11.219

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2002 MAY 24 AM 8:44

REVIEW COMMISSION

May 15, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith,

I am writing concerning the proposed rules 11.220 and 11.219 as they address whitewater boating. I am a resident of State College, Pennsylvania and an avid whitewater canoeist and kayaker. My concerns with the proposed rules are with the mention of specific State Parks as available for whitewater boating, and with the provision banning waterfall running.

In regard to the former, I am concerned that by mentioning specific State Parks you will implicitly prohibit whitewater boating in the Parks not mentioned. For many years, the Penn State Outing Club has run a whitewater slalom race on Loyalsock Creek in Worlds' End State Park. In addition to participating in the race, I have traveled to Sullivan County to paddle Loyalsock Creek at other times when it is running. This is but one example of a State Park not mentioned in the proposed rule that contains a wonderful whitewater resource. It would be most disappointing if the proposed rule had the effect of making this stream and others like it unavailable to the citizens of the Commonwealth.

Regarding waterfall running, I participated in the first annual Ohiopyle Falls Race. This event drew many boaters from PA and elsewhere to Ohiopyle State Park and in addition raised funds for the local volunteer fire company. During the event, hundreds of safe descents of the falls were accomplished. It is clear that this waterfall, as well as others in the state, can be safely run by experienced boaters. I believe it is preferable to evaluate each waterfall and make decisions on a case by case basis; this could be done by the Park Superintendants.

Sincerely,

D. J. Medeiros  
909 West Beaver Ave.  
State College PA 16801



**Smith, Gary (DCNR)**

**From:** teddrulard@netscape.net  
**Sent:** Tuesday, May 14, 2002 11:57 AM  
**To:** garysmith@state.pa.us  
**Subject:** Boating Regulations

Tedmund Drulard  
2027 Sixth Street  
610/861-8233; [teddrulard@netscape.net](mailto:teddrulard@netscape.net)

May 14, 2002

Gary Smith, Division Chief  
PA DCNR, Bureau of State Parks  
Rachel Carson State Office Building  
PO Box 8551  
Harrisburg, PA 17105-8551

Dear Mr. Smith,

I would like to say that I agree with Charlie Walbridge's statements.

I regularly participate in recreational boating at several of the places that Charlie mentioned. I also guide for a rafting company on the Lehigh River, in the State Park. I appreciate the need for safe boating and feel responsibility could be maintained at a local level, when ever possible.

Thank you for your consideration in this matter.

Tedmund Drulard

---

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2002 MAY 24 AM 8:44  
PA DCNR BUREAU OF STATE PARKS  
HARRISBURG COMMISSION

ORIGINAL: 2260  
**Smith, Gary (DCNR)**

**From:** Tim Henigin [timhenigin@mac.com]  
**Sent:** Monday, May 13, 2002 8:43 PM  
**To:** garyksmith@state.pa.us  
**Subject:** Bad Regulations in Pa. State Parks

RECEIVED  
2002 MAY 17 AM 10:05  
LEGISLATIVE  
REGULATORY  
COMMISSION

Dear Mr. Smith,

I live in Pennsylvania , I love Pennsylvania State Parks and I visit several of them, Ohiopyle, and McConnells Mills, regularly. I have been canoeing and kayaking in the state since 1969. I agree with Charles C. Walbridge. I'm concerned about the portions of the proposed rules §11.220 and §11.219, which address whitewater recreation).

While I support many of the proposed regulation changes, including a decision to eliminate quota provisions in §11.75(a)(3) because “they are matters of internal Department policy and do not require regulations”, I have two outstanding concerns that we would like to see addressed.

First, At present, draft regulation §11.220(c)(3) states “Waterfall running. Waterfall running is prohibited without written permission of the Department.” This activity is very much a part of responsible, mainstream whitewater boating practices and is permitted at other locations managed by state and federal agencies. American Whitewater has run a festival centered around waterfall running in Ohiopyle State Park for several years.

My preference is to see this regulation modified to state “Waterfall running. Waterfall running is permitted.” If that is not acceptable, then, at a minimum, I propose changing the regulation to state, “Waterfall running. Waterfall running is permitted subject to restrictions as determined by the Park Superintendent.”

Second, as described by my friend Ed Gertler in his guidebook "Keystone Canoeing", there are numerous whitewater and flatwater sections of streams and rivers in Pennsylvania State Parks that are not addressed or described under your proposed regulations. Currently, draft regulation §11.219 on boating applies to the use of watercraft other than whitewater boating. Subsection §11.219(f)(1) prohibits "Launching or removing watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department. Draft regulation §11.220 on whitewater Boating addresses whitewater recreation in Ohiopyle, Ralph Stover, Lehigh Gorge, and McConnells Mill State Park. This leaves the status of canoeing and kayaking on non-specified whitewater rivers in the state park system, including the popular Tohickon Creek in Eastern Pennsylvania, at risk. Under the current phrasing most park superintendents are likely to interpret this omission to mean that canoeing and kayaking is not permitted on these sections. This would be a mistake, since it would unnecessarily bar paddlers from using many fine streams. I would like to see this situation changed to allow Park Superintendents the discretion to evaluate and manage canoeing and kayaking on a case-by-case basis.

I propose amending §11.220 to state "(a) General requirements. A person engaging in canoeing and kayaking in any state park, including Ohiopyle State Park, Lehigh Gorge State Park, or McConnells Mill State Park shall comply with the following requirements:"; this phrasing would ensure that each participant is adequately equipped for safety, and subject to prohibitions regarding motors. In addition, I recommend explicitly acknowledging in a new subsection "(f) Other parks. Canoeing and kayaking will be permitted unless clearly posted otherwise. A decision to prohibit these activities in a Park can be made by the Park Superintendent."

Sincerely,

Tim T.Henigin

341e11th Ave. Tarentum PA.15084