

Tate, Michele

2117

From: Norcott, Patricia [pnorcott@pasen.gov]

Sent: Monday, October 20, 2008 12:16 PM

To: EP, RegComments

Subject: EQB proposed Bluff Recession & Setback rules (38 Pa Bulletin No. 34, 8/23/08, pp. 4617 ff.)

Dear EQB staff:

Attached please find the comments of State Senator Jane M. Earll, which are being mailed in print form today.

Thank you for your attention to this matter.

Sincerely,

Patricia Norcott

Chief of Staff

State Senator Jane M. Earll - 49th District

200 West 11th St.

Erie, PA 16501

814-453-2515 (phone)

814-871-4640 (fax)

www.senatorearll.com

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INDEPENDENT REGULATORY
REVIEW COMMISSION

October 17, 2008

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Re: 25 PA Code, Chapter 85; Bluff Recession and Setback

Dear Board Members:

I am writing on behalf of my constituents, Steve Gorman and Paul Nelson, the owners of Waldameer Park, Inc. The park has been subjected to lengthy litigation and years of uncertainty regarding its inclusion in or exclusion from the bluff recession hazard area in Erie County. I am also writing on behalf of other parties in my Senatorial District affected by the Bluff Recession and Setback Act.

In December, 2004, my office obtained the preliminary results of the recently-completed study of the Lake Erie shoreline. At that time, it was my understanding that the Waldameer frontage did not suffer any recession and would not be included in the bluff recession hazard area. Allowing time for the development of the regulations and the determinations of other potential hazard areas, I believe a decision in Waldameer's case is long overdue, as argued by Attorney Steven Beckman at the EQB's public hearing in Erie on September, 23, 2008.

Also long overdue is the assignment of specific parcels along the entire length of the Lake Erie shoreline to either the bluff recession hazard area or the exempt area. The City of Erie, the Erie-Western Pennsylvania Port Authority and the other municipalities deserve definitive criteria and the rational application of anticipated recession rates to scientific formulae so that appropriate setback distances can be determined, published and followed. A reasonable timeframe for future updates is also needed, so that the entities required to comply have ample time to incorporate changes to their zoning and other local codes.

However, the land formation of the Waldameer Park property facing Lake Erie is not a bluff, as has been demonstrated by Attorney Russell Warner in his testimony at the September 23 hearing. In addition, the fact that a portion of the Waldameer Park property has already been determined to be outside the bluff recession hazard area suggests that the remainder of that parcel should be declared exempt, as well.

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Therefore, I urge the Environmental Quality Board to accept the recommendations of Attorneys Beckman and Warner on behalf of Waldameer Park, Inc. to exempt the Park's property from the bluff recession hazard area. I also encourage the Board to take under serious consideration the concerns of the City of Erie, the Erie-Western Pennsylvania Port Authority, the municipalities and the other testimony from area citizens. If I can be of further assistance, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Jane M. Earll
State Senator – 49th District

JME/pcn

cc: Paul Nelson & Steve Gorman
Waldameer Park, Inc.

Mayor Joseph Sinnott
City of Erie

Raymond P. Schreckengost
Erie-Western Pennsylvania Port Authority

Supervisors
Millcreek Township