

Tate, Michele 2117

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

Sent: Wednesday, October 22, 2008 11:30 AM

To: EP, RegComments

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

Dear Michele:

Attached is a second letter on behalf of an additional constituent of Senator Earll's. It is being mailed today. Thank you for your help in bringing this before the EQB.

Sincerely,

-Patricia

Patricia Norcott

Chief of Staff

State Senator Jane M. Earll - 49th District

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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October 21, 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 to request that the EQB consider the comments of my constituent, SB3 LLC, a business located on the former IP site in the City of Erie. It is my understanding that the 2004 DEP bluff recession report indicates that the length of the Lake Erie shoreline on which SB3 sits is not projected to suffer any recession by the year 2050, except for very minimal amounts at transect 113E, which is at the extreme east end of the property.

There are two factors supporting this conclusion: first, that portion of the shoreline is shielded from Lake Erie's waves by the trajectory of the water rounding Presque Isle's easternmost edge, and second, construction by a prior owner has already occurred on the site, which stabilizes the bluff.

In the interest of enabling productive current use and future development on the former IP site, and due to the lack of scientific evidence indicating that the property would meet the definition of a bluff recession hazard area (i.e., "an area or zone where the rate of progressive bluff recession creates a substantial threat to the safety or stability of nearby existing or future structures or utility facilities"), I urge the EQB to continue to exempt transects 87E through 113E from the setback requirement proposed for the City of Erie. 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: Melani Scott, Property Manager
SB3 LLC