

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION**

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

Tuesday, June 26, 2018

10:30 a.m. Harrisburg

Pennsylvania

(Teleconference)

Members

Chair Loren Lustig

Vice Chair Mary Gibson

Scott Ballantyne

John Mahn

Michael Murray

Members Ex Officio

John A. Arway, Executive Director

COL Corey L. Britcher, Secretary

Ryan Dysinger for Cindy Adams Dunn, Secretary for the
Department of Conservation and Natural Resources

TABLE OF CONTENTS

Page No.

I. Roll Call1

II. Introduction of Guests.....1

III. Public Comment.....1

IV. Old Business
a. None.....1

V. New Business
a. Approval of increase for seasonal slip usage at Walnut
Creek Marina1

VI. Discussion Items
a. Fee increase for Permits for Unpowered Boats to Use Commission
Access Areas2

VII. Other Business4

VIII. Adjournment4

I. Roll Call

The Teleconference Meeting was called to order by Chairman Lustig at 10:30 hours. Boating Advisory Board Members Lustig, Ballantyne and Gibson called into the meeting. Additionally, Executive Director Arway, and Ryan Dysinger also called in. COL Corey Britcher was present. A quorum was met.

In addition to the members of the board, the following Commission staff were present: Wayne Melnick, Acting Chief Counsel; Steve Kralik, Director of Outreach, Education and Marketing; LTC Larry Furlong, Law Enforcement; LTC Thomas Burrell, Law Enforcement; Gail Burkholder, Administrative Officer Law Enforcement; and Ryan Walt, Boating and Watercraft Safety Manager Law Enforcement.

II. Introduction of Guests

No guests present.

III. Public Comment

No public comments.

IV. Old Business

No old business.

V. New Business

- a. Approval of increase for seasonal slip usage at Walnut Creek Marina

Commentary:

The Commission's regulations at section 53.12a(a)(1) provide that the Commission will from time to time establish and modify the seasonal, daily and other boat mooring fees and fees for overnight parking of boats applicable to access areas and marinas under the ownership or control of the Commission. The regulations further provide that the Commission will publish a notice containing the fees or a revision to the fees as a notice in the *Pennsylvania Bulletin*.

Fees for the usage of slips were last addressed in 2011 when a \$1000 annual fee was established for larger boats greater than 23 feet in length to utilize several slips on a dock. At that time, the rental rate for all other slips remained at \$725. The \$725 rental rate was established in 2009. Prior to 2009, the rental rate was set at \$575. Most marinas offer slip space based on a price per foot length of boat. Staff examined the rates charged at various marinas in the Erie area and found that most marinas charge \$60 - \$75 per foot

for slip space. Based on the per foot of length formula, the PFBC currently offers slip rentals at an area low rate of \$31.52 per foot for boats 23 feet in length and less.

Additionally, staff analyzed the types of amenities currently being offered at area marinas for the various slip sizes and corresponding rental rates. While most marinas offer gas, electricity, and public rest rooms with showers, the Commission's Walnut Creek Marina does not offer these amenities and there are no plans to offer them in the future. However, public rest rooms without showers are available at the Walnut Creek Marina.

In the Erie area, there is one marina that closely resembles Walnut Creek in size that charges \$835 (41.75/ft) for boats 20 feet in length and less. For any boats greater than 20 feet in length and up to 24 feet, or for slips with electricity the slip rental is \$1065 (44.38/ft). This marina does, however, offer gas, showers, and electricity.

Staff reviewed the fees and amenities offered at competing marinas in the area and determined that it would be advantageous to raise the slip rental rates beginning with the 2019 season for boats 23 feet in length and less to \$775 (\$33.69/ft.), and to adjust the rates again for the 2022 season to \$800 (\$34.78/ft). Slip rates for boats greater than 23 feet in length should be raised to \$1025 starting in the 2019 season.

Briefer:

COL Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Boating Advisory Board recommends that the Commission increase the seasonal slip usage fee at Walnut Creek Marina.

Action:

A motion was made by member Gibson and seconded by member Ballantyne to approve this rate increase. The motion carried.

VI. Discussion Items

a. Fee increase for Permits for Unpowered Boats to Use Commission Access Areas

Act 115 of 2000 contained an amendment to 30 PA C.S. §742 directing the Commission to promulgate regulations on the issuance of use permits for unregistered unpowered boats to use Commission Property. Act 115 was signed on December 20, 2000 and took effect immediately. The amendment provided:

(E) Use of commission lakes and access areas by unpowered boats. -- The commission shall, by regulations adopted within one year after the effective date of this section, provide for issuance of use permits, valid for one or two years, for

unpowered boats which are not registered in accordance with law, to use commission property. On and after the effective date of the regulations promulgated hereunder by the commission, the owner of an unpowered boat that uses commission property shall have the option of registering the boat or purchasing a use permit issued under the authority of this section. The commission shall establish fees for use permits issued under this section, which fees shall not exceed the fees charged by the Department of Conservation and Natural Resources for boat launch permits for state parks lakes. The commission shall, in cooperation with the department, provide for reciprocal or joint use/launch permits for unpowered boats to use both commission and state parks lakes and access areas.

The provision and regulations promulgated in 2001 addressed an issue that had been of some concern to unpowered boat owners for several years. It allowed the Commission to issue use permits for boats that use Commission property in lieu of registration of the boat. The new regulations also addressed several other items to include reciprocity between DCNR and the Commission when it came to unpowered boats on both properties, the elimination of an exception for out of state boats, and provisions for the new use permits to include matching fees with DCNR. Specifically, the fees for the use permits were set at the same level as that for DCNR resident launch permits: \$10 per year; \$18 for two years. As proposed, the one-year permit expires at the end of the year for which issued, and a two-year permit expires at the end of the year following the year in which issued. As promulgated, the regulation permits the Executive Director to adjust the fees whenever DCNR does. These fees have remained the same since established in 2001.

(f) The initial fees for the use permits shall be \$10 for a one-year permit and \$18 for a two-year permit. The Executive Director may, by notice published in the *Pennsylvania Bulletin*, adjust these fees so that they remain the same as the resident price for one-year and two-year boat launching permits as established in the schedule of fees published and from time-to-time revised, by the Department of Conservation and Natural Resources for state parks and forests. Whenever a use permit authorized by this section is issued by an issuing agent other than the Commission or the Department of Conservation and Natural Resources, the issuing agent may charge an issuing agent fee not to exceed \$1 per transaction for issuing the permit.

DCNR currently has authority to raise the launch permit fee to \$12 for a one-year permit and \$22 for a two-year permit. Through discussions with DCNR and the Governor's Office, it has been determined to raise the fees effective for January 1, 2019.

Staff recommends that the Executive Director publish a notice in the *Pennsylvania Bulletin* adjusting the fee for the Commission's launch permit to mirror the \$12 for a one-year permit and \$22 for a two-year permit as implemented by DCNR. These changes become effective January 1, 2019.

Briefer:

COL Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Boating Advisory Board recommends that the Commission increase the permit fee for unpowered boats to use Commission Access areas.

Action:

A motion was made by member Gibson and seconded by member Ballantyne to approve this rate increase. The motion carried.

VI. Other Business

COL Britcher reminded everyone that the annual Boating Advisory Board Meeting will be held in early December 2018.

VII. Adjournment

Motion by member Gibson, seconded by member Ballantyne to adjourn. The motion carried and the meeting was adjourned at 10:55 AM.