

BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA

IN THE MATTER OF:)
)
PETITION FOR RATE INCREASE) ADMINISTRATIVE CAUSE
BY QUAKERTOWN MARINA) NUMBER: 18-136P

FINDINGS AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF ENGINEERS
BY THE NATURAL RESOURCES COMMISSION

A. Findings

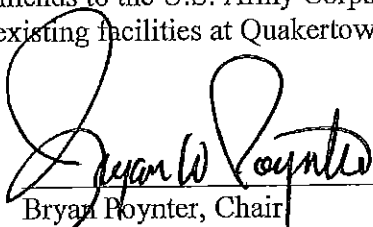
1. The scope of the informal review accorded by the Natural Resources Commission (the "*Commission*") in Information Bulletin #20 (Fifth Amendment) (*IB #20*) is addressed to petitions for rate increase or rate establishment at marinas and related facilities on properties owned or leased by the Department of Natural Resources (the "*Department*").
2. Although the Department may appropriately exercise whatever rights are provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or equity, the scope of review provided in *IB #20* is limited to the subject of the petition for rate increase. The Commission ultimately recommends action on the petition to the U. S. Army Corps of Engineers ("*Corps*"), and the Corps may either accept or reject the recommendation.
3. For requests for rate increase, the Hearing Officer shall make a written report to the Commission. The report shall include written findings with respect to the requested rate increase and a proposal to the Commission for recommendations to the Corps in determining Quakertown Marina's ("*Quakertown*") request.
4. Quakertown, in its Petition, requests slip rate increases from 13.2% to 21.2%.
5. In determining whether to recommend a rate increase be granted, the Department is to analyze similar facilities and compare rates with those sought by the Petitioner. The consideration of rates charged by comparable marinas is fundamental to determining the propriety of proposed rate increases to marina slips and mooring buoys. The preponderance of information in the record indicates that the increased slip rates proposed by Quakertown will remain consistently below the slip rates charged by comparable marinas for similarly sized slips.
6. A Hearing Officer's or the Commission's recommendation for rate increase shall not be withheld unless the rates proposed exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.

7. The Commission exercises its authority to recommend approval of the rate increases as requested by Quakertown.
8. The requested rate increases, are within the industry range and supportable. The rates approved by the Commission are set forth in the attached table, which includes all rates previously established as well as the rates recommended for approval through this action. Rates established through previous Commission recommendations are so noted.

B. Recommendation

The Natural Resources Commission recommends to the U.S. Army Corps of Engineers the rates as set forth in the attached table be approved for existing facilities at Quakertown Marina.

Dated: 7/16/19



Bryan Poynter, Chair
Natural Resources Commission

Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST

QUAKERTOWN MARINA	CURRENT RATE	COMMISSION RATE RECOMMENDATION for IMPLEMENTATION JANUARY 1, 2020
HOUSEBOAT RATE (18' X 50' double berth, open)	\$2,950	\$3,400
HOUSEBOAT RATE (16' X 45' double berth, open)	\$2,550	\$2,900
CABIN CRUISER RATE (any size slip)	\$1,590	\$1,800
SMALL BOAT ¹ (any size slip)	\$990	\$1,200
MOORING BUOY – HOUSEBOAT	\$490	\$590
MOORING BUOY – ALL OTHER BOAT TYPES	\$490	\$530

¹ A "small boat" is any boat, regardless of size, that is not a Houseboat or Cabin Cruiser, includes but is not limited to Pontoons, Runabouts, Fishing Boats, Etc.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

August 14, 2019

Real Estate Division
Civil & Support Branch

Indiana Department of Natural Resources
Attn: Bryan Poynter, Chair
402 West Washington Street, Room W298
Indianapolis, Indiana 46204

Dear Mr. Poynter:

We have received and considered the Natural Resources Commission's findings and recommendations for slip rentals at Quakertown Marina (Department of the Army Lease DACW27-1-74-077, Brookville Lake Project, Indiana) that your office sent on July 16, 2019. We approve of the rate increase.

If you have any questions regarding this letter you may contact Kim Jones via email at kimberly.s.jones@usace.army.mil or by phone at (502) 315-6988.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Meyer", followed by a period.

Jason E. Meyer
Chief, Civil and Support Branch