

Time: 8:00 a.m.

Place: 55 International Drive, Pease International Tradeport
Portsmouth, New Hampshire

AGENDA

- I. Call to Order
- II. Acceptance of Meeting Minutes: January 17, 2019*
- III. Public Comment
- IV. Old Business
 - A. Approvals
 1. 100 New Hampshire Avenue – Option Extension* (Torr)
 2. Lonza Biologics, Inc. – Waiver of Site Plan Regulations * (Levesque)
 3. Happy Dreams, LLC/ Resport, LLC – 1 International Drive * (Loughlin)
- V. Finance
 - A. Financial Reports
 1. Operating Result for 7 Month Period Ending January 31, 2019*
 2. Nine Month Cash Flow Projections to November 30, 2019*
- VI. Residential Housing Study Committee Report* (Smith)
- VII. Licenses/ROE/Easements/Rights of Way
 - A. Approvals
 1. Wood Environment & Infrastructure Solutions, Inc. – ROE* (Allard)
 2. New England Aerobatic Club – ROE* (Lamson)
- VIII. Leases
 - A. Reports
 1. Two International Group, LLC*
- IX. Contracts/Agreements
 - A. Approvals
 1. Dan Fortnam – Consulting Agreement* (Bohenko)
 2. Fire Alarm & Sprinkler System Maintenance Contract* (Torr)
- X. Executive Director's Reports/Approvals
 - A. Reports
 1. Golf Course Operations
 - 2.A. Airport Operations
 - a) PSM
 - b) Skyhaven Airport
 1. Wings and Wheels Event*

c) Noise Line Report*

2.B. Approvals

a) Airport Joint Use Agreement* (Allard)

B. Approvals

1. Bills for Legal Services* (Loughlin)

XI. Division of Ports and Harbors

A. Reports

1. Port Advisory Council*
2. DMV Commercial Registration Days*
3. Black Dog Divers – Berth Inspection*)
4. Appledore Marine Engineering, Inc.– Hydrographic Survey)
5. Appledore Marine Engineering, Inc. – Floating Dock Repairs*
6. Commercial Mooring Transfers*

B. Approvals

1. Hampton/Seabrook Harbor Maintenance Dredging Project* (Bohenko)
2. Cornell University/Shoals Marine Lab – ROE Extension * (Lamson)
3. Star Island Corp. – Extension Right of Entry* (Levesque)
4. Isles of Shoals Steamship Co. – Lease Extension* (Allard)
5. Mooring and Waitlist Fees* (Torr)
6. PDA 500 – Initial Proposal* (Bohenko)
7. PDA 300 – Conditional Approval*(Loughlin)

XII. New Business

XIII. Upcoming Meetings

Port Committee Meeting	April 4, 2019	(@ DPH Offices)
Audit Committee	April 15, 2019	@ 8:00 a.m
Golf Committee	April 15, 2019	@ 8:30 a.m
Finance Committee	April 15, 2019	@ 9:00 a.m.
Board of Directors	April 18, 2019	
Residential Housing Study Cmt.	April 18, 2019	TBD

All Meetings begin at 8:00 a.m. unless otherwise posted.

XIV. Directors' Comments

XV. Non-Public Session* (Levesque)

XVI. Vote of Confidentiality* (Lamson)

XVII. Adjournment

XVIII. Press Questions

**PEASE DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
MINUTES**

Thursday, January 17, 2019

Presiding: Kevin H. Smith, Chairman
Present: Peter J. Loughlin, Vice Chairman; John P. Bohenko; Margaret F. Lamson; Neil Levesque, and Franklin G. Torr
Via Telephone: Robert A. Allard, Treasurer;
Absent:
Attending: David R. Mullen, Pease Development Authority (“PDA”) Executive Director; Lynn M. Hinchee, Deputy Executive Director and General Counsel; PDA staff members; members of the public

I. Call to Order

Chairman Smith called the meeting to order at 8:05 a.m. in the Board conference room at 55 International Drive, Pease International Tradeport, Portsmouth, New Hampshire. Chairman Smith announced that Director Allard was participating by telephone. *Note: Due to Director's Allard telephone participation, all votes would be taken by roll call.*

II. Acceptance of Minutes: December 20, 2018

Director Lamson moved and Director Loughlin seconded that **The Pease Development Authority Board of Directors hereby accept the Minutes of the December 20, 2018 Board meeting.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

III. Public Comments

Rick Becksted, City of Portsmouth Councilor and Liaison, made comments regarding the addition crosswalks in the Grafton Drive area on the Tradeport to provide pedestrian/bicyclist accessibility to the Grafton Drive multi-use path. David Mullen, PDA Executive Director, confirmed that the crosswalks are PDA's responsibility and will be considered when traffic lights are installed on Grafton Drive in about two years.

IV. Old Business

A. Approvals

1. Newington Tree Planting

Director Lamson moved and Director Loughlin seconded that **The Pease Development Authority (“PDA”) Board of Directors hereby authorizes:**

- (1) **the expenditure up to \$27,000 to engage Piscataqua Landscaping & Tree Service (PDA's on-call landscaping services provider) to plant trees and shrubs on PDA's Little Bay Road lot; provided, however, that The Town of Newington (“TON”) agrees to maintain the plantings; and**
- (2) **the Executive Director to enter into a Right of Entry with the TON for the provision by TON at TON's sole expense all maintenance of the trees and shrubs planted on PDA's Little Bay Road lot;**

all in accordance with the memorandum of Maria J. Stowell, PDA Engineering Manager, dated January 4, 2019 and attached hereto Note: Roll call vote required. Discussion: Director Loughlin

commended the PDA staff and Director Lamson for their efforts on the project. Director Lamson commended Maria Stowell, PDA Engineer, for her work on the landscaping. Ms. Stowell noted that Jared Sheehan, PDA environmental engineer, oversaw the landscaping plantings. Disposition: Resolved by unanimous roll call vote for; motion carried.

V. Finance Report

A. Financial Reports

1. Operating Results for 5 Month Period Ending November 30, 2018

Irv Canner, PDA Director of Finance, reported on the status of the PDA FY 2019 finances for the five month period ending November 30, 2018. PDA operating revenues include “pay for parking” fees at the Pease International Airport at Portsmouth (“PSM”) Terminal and fuel sales. Variations in operating expenses were due in part to lower snow removal costs, utility costs, labor costs, and legal fees. PDA currently has 59 benefitted employees and 40 seasonal employees. Mr. Canner provided an in-depth review of electricity costs, legal fees, and fuel expenses. PDA does not anticipate at this time borrowing from the \$15 million revolving line of credit with Provident Bank.

Mr. Canner reviewed the financial status of PDA business units including pay for parking fees, fuel flowage, car rental concessions, and enplanements at the Airport; hangar and tie-down revenues at Skyhaven Airport (“DAW”); Golf Course revenues including rounds played, Grill 28 concession fees and simulator revenues. A review of the Division of Ports and Harbors revenues showed that tonnage fees increased from 2017 to 2018.

In response to Chairman Smith’s question regarding car rental operations at PSM, Mr. Canner and Mr. Mullen reviewed the Enterprise Rental Car operations at PSM.

2. Nine Month Cash Flow Projections to September 30, 2019

Mr. Canner reviewed PDA cash flow projections for the nine month period ending September 30, 2019, including: funds’ balance; the projected expenses for the PSM Terminal expansion and parking rates PDA’s revolving line of credit and borrowing costs; PDA’s debt repayment to the City of Portsmouth; and the status of the Division of Ports and Harbors’ cash funds and its upcoming capital improvement projects. In response to Chairman Smith, Mr. Canner reviewed the sources of revenue including grant funds for the upcoming PSM Terminal expansion project.

VI. Licenses/ROE/Easements/Rights of Way/Options

A. Approvals

1. Skyhaven Flying Club – Flight Simulator Right of Entry

Director Torr moved and Director Lamson seconded that **The Pease Development Authority Board of Directors hereby authorizes the Executive Director to execute a Right of Entry with the Skyhaven Flying Club, Inc. for the purposes of operating a flight simulator; all in accordance with the Right of Entry retroactively effective October 1, 2018, and the memorandum of Paul E. Brean, Airport Director, dated January 10, 2019, all attached hereto. Note: Roll Call vote required. Discussion: None. Disposition: Resolved by unanimous roll call vote; motion carried.**

2. Port City Air, Inc. – License Amendment No. 2 – 1978 Hough

Director Levesque moved and Director Torr seconded that **The Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to execute the License**

Agreement Amendment No. 2 retroactively effective October 15, 2018 for use of the Hough T-500 Aircraft Tug between the Pease Development Authority and Port City Air, Inc. ("PCA") on substantially the same terms and conditions set forth in License Agreement Amendment No. 2 and the memorandum from Paul E. Brean, Airport Director, dated January 10, 2019 both attached hereto. Note: Roll Call vote required. Discussion: None. Disposition: Resolved by unanimous roll call vote; motion carried.

3. Port City Air, Inc. – License Amendment No. 3 – 3 Tow Tractors

Director Bohenko moved and Director Torr seconded that The Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to execute License Agreement Amendment No. 4 retroactively effective September 25, 2018 for use of aircraft tow tractors including: a) 1978 International Hough tow tractor; b) 1980 American Coleman tow tractor; and c) 1982 Stewart Stevenson tow tractor with Port City Air, Inc. ("PCA") on substantially the same terms and conditions set forth in License Agreement Amendment No. 4 and the memorandum of Paul E. Brean, Airport Director, dated January 10, 2019, both attached hereto. Note: Roll Call vote required. Discussion: None. Disposition: Resolved by unanimous roll call vote; motion carried.

VII. Executive Director's Reports/Approvals

A. Reports

1. Golf Course Operations

Scott DeVito, PGA General Manager, reported on the activities at the Pease Golf Course. The course is closed for winter. December gift certificate sales were above average Sale of 2019 season passes has begun. Seven out of 8 golf leagues will return for the 2019 season. Approximately 3,900 tournament rounds are pre-booked. On average, the golf simulators are being used 90% of the time for 4 out of 5 days a week. In response to Director Bohenko, Mr. DeVito reviewed the seasons pass program including rates and number of available passes.

2. Airport Operations

Paul E. Brean, PDA Airport Director, reported on aviation activities.

a) Portsmouth International Airport at Pease ("PSM")

In December there were 5,300 enplanements (consisting of 90% commercial flight and 10% troop flights activities); the "pay for parking program" at the Airport Terminal began on January 1, 2019. Mr. Brean commended Michael Mates, PDA Engineer, for overseeing the implementation of the program. Corporate and commercial flights services are doing well. Mr. Brean reported that Allegiant Airlines will start round trip flights 2 days per week to Savannah, Georgia beginning June 8, 2019.

b) Skyhaven Airport ("DAW")

PDA received FAA grant funding for and purchased a blower to be used at Skyhaven Airport.

c) Noise Line Report

There were no noise inquiries at PSM during the month of December, 2018. Director Lamson noted that the noise line can be reached by telephone and on line. Mr. Lachaw from the Town of Newington informed the Board that the noise line information is published in the Town's newsletter.

VIII. Division of Ports and Harbors

Geno J. Marconi, Division Director, reported on the Division of Ports and Harbors (DPH) activities.

A. Reports

1. Port Advisory Council

The Port Advisory Council held its annual meeting on January 9, 2019. Roger Groux was elected at the Council Chairman. The Council discussed DPH activities including dredging issues. Mr. Marconi informed the Board that there is current legislation regarding the creation of a fund for dredging the seacoast.

2. Commercial Mooring Permit Transfers

In accordance with the "Delegation to Executive Director: Consent, Approval and Execution of Mooring Permit Transfers", commercial moorings were transferred for:

<u>Applicant</u>	<u>Permit</u>	<u>Business</u>	<u>Date of Approval</u>
Hampton Harbor Transferor: Transferee:	No. 7561 James R. Cummings, Jr. Joseph Armano	Commercial Fishing	1/8/19
Rye Harbor Transferor: Transferee:	No. 2445 James S. Bowles Savage Charters	Commercial Charters	1/8/19

3. Main Dock Project

Mr. Marconi reported that a meeting was held with the Maritime Administration to review the rehabilitation and modification of the main dock at the Market Street Terminal and grant funding for the project.

In response to Chairman Smith's question about the impact of the government shutdown on federal grant funding, Mr. Canner reported that rent for the Passport Center could be delayed. Mr. Marconi noted that federal highway funds will not be affected, but dock fund appropriations may be delayed.

B. Approvals

1. Carolina Skiff – Motor Purchase

Director Loughlin moved and Director Torr seconded that **The Pease Development Authority Board of Directors approves of and authorizes the Executive Director:**

- a. to execute a contract with BRP US, Inc. for the purchase of one (1) 75 HP Evinrude ETEC motor and controls to replace the old motor on the Division of Ports and Harbors' Carolina skiff; and to expend \$7,218.24 for said purchase; and**
- b. to enter into a contract with Dover Marine in an amount not to exceed \$2,500 for services related to the installation of the new motor;**

for a total of expenditure of \$9, 218.24 from the Harbor Management account; all in accordance with

the Memorandum of Geno J. Marconi, Division Director, dated January 7, 2019, attached hereto.
Note: Roll Call vote required. Discussion: None. Disposition: Resolved by unanimous vote for; motion carried.

IX. New Business

There was no new business.

X. Upcoming Meetings

Chairman Smith reported that the following meetings will be held:

Residential Housing Committee	January 17, 2019 at 9:30 a.m.
Board of Directors	March 21, 2019

All Meetings begin at 8 a.m. unless otherwise posted.

XI. Directors' Comments

Director Torr requested that PDA staff track the time spent working on the Residential Housing Committee.

Director Torr inquired about parking at the C & J Bus Terminal and PDA's obligations. PDA General Counsel Lynn Hinchee reviewed the history of the transfer of the parcel to NH DOT and DOT's control of the premises. Director Bohenko confirmed PDA's role in the transfer of the premises and questioned if NH DOT would be required to privatize the parking operations. Attorney Hinchee reported that PDA received a fair market value for the premises when it was transferred to NH DOT and that PDA cannot charge for parking because the premises belong to NH DOT.

Chairman Smith commended the Staff, and especially Attorney Hinchee, for their efforts in the settlement of the CLF litigation.

XII. Adjournment

Director Lamson moved and Director Torr seconded to **adjourn the Board meeting.** Discussion: None. Disposition: Resolved by unanimous vote for; motion carried. Meeting adjourned at 8:57 a.m.

XIII. Press Questions

No members of the press attended the meeting.

Respectfully submitted,



David R. Mullen
Executive Director/Secretary



MOTION

Director Torr:

The Pease Development Authority Board of Directors ("Board"), having authorizes the Executive Director to extend the Option previously approved by the Board on June 21, 2018, with Two International Group, LLC for the premises located at 100 New Hampshire Avenue from March 15, 2019 to April 30, 2019; all in accordance with the Memorandum from Lynn Hinchee, PDA General Counsel, to David R. Mullen, Executive Director, dated March 11, 2019 attached hereto.

Note: Roll Call vote required

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INTEROFFICE MEMORANDUM

TO: DAVID R. MULLEN
FROM: LYNN MARIE HINCHE 
SUBJECT: TWO INTERNATIONAL GROUP, LLC - LEASE OPTION
DATE: MARCH 11, 2019
CC: PDA BOARD OF DIRECTORS

Since February 1, 2017, Two International Group has held an Option to lease the premises at 100 New Hampshire Avenue. An Option Fee of \$127,050 has been paid for this grant.

Most recently Two International Group has entered into and pursued with due diligence the land planning approval process through the City of Portsmouth. During this process, special attention has been directed at storm water management, off-site (not off-Tradeport) roadway improvements and urban soils. PDA has not yet had an opportunity to review the projected costs associated with these matters.

You will recall that the subject parcel was a former warehouse demolished with an Economic Development Administration (EDA) Grant in the amount of \$400,000 matched by PDA funds in the amount of \$400,000. The express purpose of the project was to “provide a site that will accommodate the construction of a new facility up to 100,000 square feet in size, capable of supporting approximately 500 new jobs.”

Last week we met with Dan and Ryan Plummer to discuss an extension of the Option for an additional six month period. Based on PDA's current fair market value per acre and a 40% payment requirement, the Option Fee would be \$76,463.20. Before approving an additional option term, PDA staff believe it is appropriate to review the work which Two International Group has done, hold additional technical sessions with the City of Portsmouth Planning Department and study the soil consultant's findings.

At the meeting on March 14, 2019, staff is requesting that you seek authorization to extend the Option previously approved by the Board of Directors with Two International Group, LLC for the premises located at 100 New Hampshire Avenue from March 15, 2019 to April 30, 2019 at no additional cost.

MOTION

Director Levesque:

The Pease Development Authority Board of Directors hereby approves of and authorizes:

- a. that a waiver to Part 407.01(a) of the PDA Land Use Controls be granted to Lonza Biologics, Inc. ("Lonza") to allow a one (1) year extension from the date of the deadline to obtain a building permit; and
- b. that in accordance with PDA Land Use Controls Part 304-A.08(g), Lonza be granted an extension of its Conditional Use permit for up to one (1) additional year;

all in accordance with the terms and conditions set forth in the memorandum from Maria J. Stowell, P.E. Manager – Engineering, and Lynn Hinchee, PDA General Couns, dated March 6, 2019 attached hereto.

Note: Roll Call vote required

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MEMORANDUM

To: David R. Mullen, Executive Director
From: Maria J. Stowell, P.E., Engineering Manager and Lynn Marie Hinchee General Counsel
Date: March 6, 2019
Subject: Lonza Site Plan Approval Waivers

In April of last year, the PDA Board approved the concept plans submitted by Lonza Biologics, Inc. ("Lonza") for development of land at 70/80 Corporate Drive, also referred to as the iron parcel. On January 18, 2019, the City of Portsmouth's Planning Board voted to recommend approval of the Subdivision and Conditional Use Permit applications as presented, and voted to recommend approval with stipulations of the Site Plan Application. These approvals were final on February 1, 2019 in accordance with PDA Site Plan Regulations Part 404.02(h).

In its review of the applications, the Planning Board considered and approved waivers associated with the geometry of the proposed cul-de-sac. These geometrical non-conformances were presented to the PDA Board last April.

The Planning Board approval includes a number of conditions subsequent, some of which are not in the control of Lonza and the satisfaction of which may require waiver(s) of strict adherence to the time frames set out in the PDA Land Use Controls.

Lonza's first waiver request is related to the time allowed to obtain a building permit. Lonza requests a waiver to Part 407.01 (a) stating that upon granting of site plan approval, applicants have one year to obtain a building permit and that if such application is not made in that time period, site plan approval lapses. The basis of this request is explained in the attached letter from Lonza's Counsel, Attorney Robert Ciandella, and is related to the complexities and the number of agencies involved in permitting Lonza's wastewater discharges.

Lonza's other waiver request has to do with the expiration of Lonza's Conditional Use Permit allowing work in wetland buffers. Part 304-A.08(g) provides that a Conditional Use Permit shall expire one year after the date of approval unless a building permit is issued or unless the PDA Board grants an extension of one additional year.

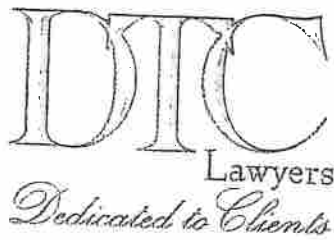
Attorney Ciandella's letter goes on to request a clarification of Condition 2.8 of the Planning Board's Site Plan Approval (attached). The letter expresses concern that this condition would deprive Lonza of its ability to make minor changes to its Site Plan as provided by Part 407.03 or by an Administrative Review process. Subsequent conversations with the City's Planning Director have clarified the intent

of the condition, which is not to deny minor and administrative approvals. Thus, the PDA will retain its jurisdiction over such minor changes consistent with the PDA Land Use Controls.

Finally, the attached letter seeks clarification on the extent of Lonza's obligations to provide traffic analyses at various intersections on and off the Tradeport. PDA has consistently informed the Planning Boards of its intention to construct intersection improvements internal to the Tradeport. We will continue to monitor traffic conditions at Pease intersections and use the information to program projects for the CIP. As to off-Tradeport intersections, PDA does not divert its airport revenue on off-site projects nor is it empowered to direct tenants to allocate resources to make off-site improvements. This policy regarding impact fees for traffic growth has historically been shared with tenants, prospective tenants and Planning Boards. Any change to this policy would require a policy decision by the PDA Board to seek a grant of legislative authority at a future date.

Notwithstanding Lonza's diligence in pursuing and/or cooperating in approval and permitting requests, the size and scope of this development project make compliance with the timetables of the PDA Land Use Controls an unnecessary hardship to Lonza. The requested waivers are consistent with the spirit and intent of these regulations and many safeguards are in place to insure that Lonza exercises best efforts in its pursuit of regulatory authority.

At the March 14th Board meeting, please seek the requisite Board approvals to grant extensions to Lonza's Site Review Approval and Conditional Use Permit.



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

31 January 2019

Via email: lynn@peasedev.org
and U.S. Mail

Lynn Hinchee, Esquire
Pease Development Authority
55 International Drive
Portsmouth, NH 03801

ROBERT D. CIANDELLA
LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
AMELIA G. SRETER
AUSTIN M. MIKOLAITIES
BRENDAN A. O'DONNELL

SENIOR COUNSEL
MICHAEL J. DONAHUE

RETIRED
CHARLES F. TUCKER
NICHOLAS R. AESCHLIMAN

Re: Request by Lonza Biologics ("Lonza") for Waiver and Extension and Clarification by
Pease Development Authority ("PDA") Board of Directors

Dear Lynn:

I write on behalf of Lonza to request that the PDA Board of Directors grant a waiver and extension and clarify certain terms of the recommended approvals granted by the City of Portsmouth Planning Board by Notice of Decision dated 18 January 2019. The specifics of our request are stated below. I understand from our phone conversations that the PDA Board of Directors will next meet in March. I respectfully ask that this matter be placed on the agenda of that meeting.

The Notices of Decision of the City of Portsmouth Planning Board are attached to this letter. The Planning Board recommended granting preliminary and final subdivision approval, along with granting a waiver for the length and radius of the cul-de-sac which the project will be creating by discontinuing a portion of Goose Bay Drive. In addition, the Planning Board recommended granting a conditional use permit for the development at 70 and 80 Corporate Drive and the Planning Board recommended with stated conditions granting site plan approval for Phase 1 of the Lonza project. These recommended approvals are fundamentally consistent with the conceptual development plan described in the 10 April 2018 memorandum from Maria Stowell to David Mullen, which plan was approved by the PDA Board of Directors.

By this letter, Lonza requests that the PDA Board of Directors grant a waiver under PDA 403.03 (a) of the requirements stated at PDA 407.01 (a) that upon granting of a site plan approval, applicants have one year to obtain a building permit and that if such application is not made in that time period, the site plan approval lapses. The basis of this request is condition 2.7 of the recommended site plan approval. That condition requires that Lonza obtain an Industrial User Permit from the City for the increased wastewater flows and loads associated with the planned expansion at Lonza. The issue of wastewater services has been the subject of extended

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111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
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83 Clinton Street, Concord, NH 03301

Lynn Hinchee, Esquire

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discussions involving PDA, the City, Lonza and State and Federal regulatory authorities. Given the number of parties involved and the complexity of the wastewater services issues, Lonza reasonably believes that the time it will take to effectuate this condition will create an unnecessary hardship to Lonza in strictly complying with the terms of PDA 407.01 (a). Accordingly, Lonza requests that the PDA Board of Directors grant a waiver from the requirements of that section.

Under PDA 304-A.08 (g), the conditional use permit recommended by the Planning Board has a duration of one year. Under that same section, the PDA Board of Directors may grant an extension of up to one additional year. By this letter, and based on the same factors described immediately above, Lonza requests that the PDA Board of Directors grant an extension for an additional year for the conditional use permit.

The subdivision approval recommended by the Planning Board does not have a stated duration under PDA Land Use Controls (see PDA 505.02). We understand that the subdivision approval will be effective upon recording at the Rockingham County Registry of Deeds. Further, we understand that it is the practice of PDA to record the subdivision plan once a leasehold interest is established in the property which is the subject of the subdivision plan. Accordingly, we understand that upon execution by Lonza of the lease for the property which is the subject of this development, PDA will record the subdivision plan at the Rockingham County Registry of Deeds.

Lonza also seeks clarification of certain conditions stated by the Planning Board in its recommended site plan approval. Specifically, condition 2.8 of the recommended site plan approval states:

2.8 The Planning Board's recommended approval applies only to Phase 1A and Phase 1B as depicted on the approved site and grading plans. Any changes to said plans, as well as subsequent phases of development shall require submission of updated plans and supporting documents and notice public hearings with the City's Technical Advisory Committee and Planning Board for amended site plan approval.

Although Lonza agrees with the fundamental premise of this condition, that the subsequent phases of the development will require application for amended site plan approval and be subject to the public hearing process involving the City's Technical Advisory Committee and its Planning Board, the wording of this condition deprives Lonza of its ability to use the provisions of PDA 407.03 and the minor site plan amendment process described therein for qualified changes to Phase 1A and Phase 1B of the development. We understand that this is an unintended result of the wording of the condition. We have spoken with Planning Director Juliet T.H. Walker of the City and Juliet has confirmed that the intent of this condition was not to deprive Lonza of its ability to use, as appropriate, the minor site plan amendment provisions of PDA 407.03. Accordingly, we ask the PDA Board of Directors to clarify that its construction of this

Lynn Hinchee, Esquire

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condition allows Lonza to utilize, as appropriate, the minor site plan amendment process described at PDA 407.03.

Finally, condition 2.10 of the recommended site plan approval states a number of requirements for traffic analysis which are to be undertaken for subsequent phases of the development, beyond Phase 1A and Phase 1B. By this letter, Lonza requests that the PDA Board of Directors clarify that the traffic analysis of the intersections within the Pease International Tradeport shall effectively incorporate the PDA Surface Master Transportation Plan updates studying those same intersections. In addition, Lonza requests that the PDA Board of Directors state the jurisdictional limitation and lack of authority of PDA to require study of traffic conditions outside of the Tradeport.

Thank you for your attention. Please let me know if you have any questions or comments regarding the foregoing or the enclosed. We stand ready to assist you and the PDA Board of Directors as is required in acting on the request stated above.

Yours truly,

DONAHUE, TUCKER & CIANDELLA, PLLC

Robert D. Ciandella, Esq.
rciandella@dtclawyers.com

RDC:lmh

cc: Lonza Biologics
Juliet T.H. Walker, AICP, Planning Director
Robert P. Sullivan, Esquire
Patrick Crimmins, P.E.
Justin L. Pasay, Esquire

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CITY OF PORTSMOUTH

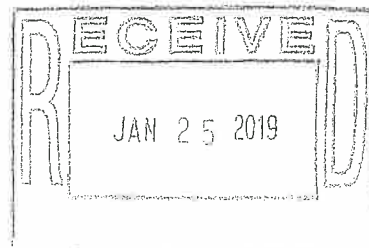
Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

January 13, 2019

Lonza Biologic
Attn: Simon Trigg, Director of Planning, Purchasing & Logistics
101 International Drive
Portsmouth, NH 03801



RE: Subdivision Application for Property Located at 70 & 80 Corporate Drive

Dear Mr. Trigg:

The Planning Board, at its regularly scheduled meeting of January 17, 2019, considered your Final Subdivision application requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to merge Map 305, Lots 5 & 6 (17.10 acres), Map 305, Lot 1 (13.87 acres), Map 305, Lot 2 (10.18 acres) and a discontinued portion of Goosebay Drive to create Map 305, Lot 6 (43.37 acres).

As a result of said deliberation, the Board voted as follows:

- 1) Voted to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration.
- 2) Voted to find that an unnecessary hardship may result from strict compliance with the provisions of these regulations and that a waiver will not have the effect of nullifying the spirit and intent of the Pease Development Plan or the Subdivision Regulations, and to waive the following regulations:
 - a) Part 506.01 (c) – To allow a minimum cul-de-sac radius of 45 feet where 80 feet is required and maximum cul-de-sac length of 800 feet where 500 feet is required.
- 3) Voted to grant Preliminary and Final Subdivision Approval.

The minutes and audio recording of this meeting are available through the Planning Department.

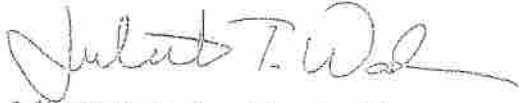
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RE: 70 & 80 Corporate Drive

Subdivision Application

January 18, 2019

Very truly yours,



Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHWig

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lantz, City Assessor
George Combes, Lonza
Patrick Crimmins, P. E., Tighe & Bond
Robert Cicciotta, Esq.
Town of Greenland
Town of Newington
Rockingham Planning Commission
Maria Stowell, P. E., PDA



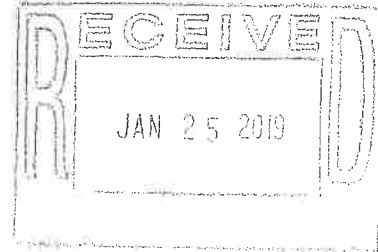
CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

January 18, 2019



Lonza Biologic
Attn: Simon Trigg, Director of
Planning, Purchasing & Logistics
101 International Drive
Portsmouth, NH 03801

RE: Site Plan Review Application for Property Located at 70 & 80 Corporate Drive

Dear Mr Trigg:

The Planning Board, at its regularly scheduled meeting of January 17, 2019, considered your Site Plan Review application under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1: 132,000 s.f. footprint and 430,720 s.f. Gross Floor Area; Proposed Building #2: 142,000 s.f. footprint and 426,720 s.f. Gross Floor Area; Proposed Building #3: 52,000 s.f. footprint and 185,000 s.f. Gross Floor Area; and two 4-story parking garages, with related paving, lighting, utilities, landscaping, drainage and associated site improvements.

After due consideration, the Board voted as follows:

1. Voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the applications for consideration.
2. Voted to grant Site Review approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

- 2.1 Plans shall show a 3' shoulder alongside the sidewalk before grading down to the stream.
- 2.2 The drainage analysis shall be updated to reflect the interim condition at the completion of Phase 1A and 1B improvements in order to confirm that there will not be a detrimental impact on public roadways or downstream properties and infrastructure.

- 2.3 Updated plans and drainage report for Phase 1A and 1B improvements shall be provided to the City's Planning Department and DPW for final review and approval.
- 2.4 Any easements benefiting the City shall be reviewed and approved by the City's Planning and Legal Departments prior to final acceptance by the City Council.

Conditions Subsequent:

- 2.5 PDA staff and Board may review and address any outstanding issues raised by the third party peer review and have the third party peer reviewer do a final review of the plans prior to construction. Any revisions to drainage plans and reports which may result should be provided to the City's Planning Department.
- 2.6 Applicant shall not proceed to Phase 2 until the project has been issued an approved application for water service(s) associated with the expansion.
- 2.7 The applicant shall not proceed to Phase 2 until the project has been issued an Industrial User Permit by the City for the increased wastewater flows and loads associated with expansion.
- 2.8 The Planning Board's recommended approval applies only to Phase 1A and Phase 1B as depicted on the approved site and grading plans. Any changes to said plans, as well as subsequent phases of development shall require submission of updated plans and supporting documents and noticed public hearings with the City's Technical Advisory Committee and Planning Board for amended site plan approval.
- 2.9 For the purpose of this site plan approval, the term "active and substantial development or building" shall mean the construction of the stream restoration and associated site improvements included in Phase 1(A). The term "substantial completion of the improvements as shown on the subdivision plat or site plan" shall mean the completion of all site improvements depicted in Phase 1(B), to include drive aisles, fire lanes, utilities, lighting, sidewalks, stormwater management, as well as the construction of a temporary gravel area for construction trailers, parking and laydown in the approximate location of proposed building #3, intermittent grading between stream and building #1 and temporary sedimentation basins at locations of gravel wetland #2 and rain garden #1, and construction of the shell of building #1, but not final fit-out of building #1.
- 2.10 For subsequent phases of development (beyond Phase 1A and Phase 1B), applicant shall update the Traffic Analysis to include the following intersections:
 - Gosling Road/ Spaulding Turnpike Intersection
 - International Drive/Corporate Drive/Manchester Square Intersection
 - International Drive/Pease Blvd Intersection
 - New Hampshire Ave/International Dr./Corporate Dr./Durham St. Intersection
 - Corporate Drive/Grafton Drive Intersection
 - NH 33/ Grafton Drive Intersection

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RE: 70 & 80 Corporate Drive
Site Review Application
January 18, 2019

2.11 Applicant shall verify how fertilizer will be applied as part of the stream restoration.

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,



Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:ig

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
George Combes, Lenz
Patrick Ciminus, P. E., Tighe & Bond
Robert Ciandalla, Esq.
Town of Greenland
Town of Newington
Rockingham Planning Commission
Maria Stowell, P. E., PDA



CITY OF PORTSMOUTH

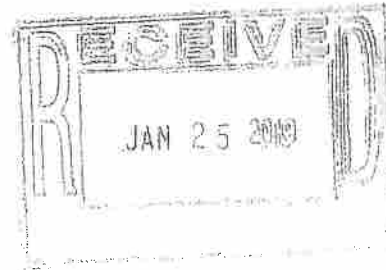
Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

January 13, 2019

Lonza Biologic
Attn: Simon Trigg, Director of
Planning, Purchasing & Logistics
101 International Drive
Portsmouth, NH 03801



RE: Conditional Use Permit Application for Property Located at
70 & 30 Corporate Drive

Dear Mr Trigg:

The Planning Board, at its regularly scheduled meeting of January 17, 2019, considered your Conditional Use Permit application under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1 with a 132,000 s.f. footprint; Proposed Building #2: 150,000 s.f. footprint; Proposed Building #3 with a 62,000 s.f. footprint; and two 4-story parking garages, with 55,555± s.f. of impact to the wetland, 56,852 ± s.f. of impact to the wetland buffer and a 1,000 l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. As a result of said consideration, the Board voted to grant the Conditional Use Permit as presented.

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RE: 70 & 80 Corporate Drive
Wetland Conditional Use Permit
January 18, 2019

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,



Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:jg

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lantz, City Assessor
George Combes, Lonza
Patrick Crimmins, P. E., Tighe & Bond
Robert Chiodini, Esq.
Town of Greenland
Town of Newington
Rockingham Planning Commission
Maria Stowell, P. E., PDA

MOTION

Director Loughlin:

The Pease Development Authority Board of Directors hereby:

- a. authorizes the referral of the Variance Application by Happy Dreams, LLC/Resport, LLC to the Portsmouth Board of Adjustment for its administration and recommendation; and
- b. authorizes the Executive Director to complete negotiations and to execute an amendment to the Resport, LLC Sublease dated December 9, 1997 to incorporate a revised plan of the Subleased Premises, as required;

all in accordance with the memorandum from Maria J. Stowell, P.E., Manager - Engineering and Lynn Hincee, PDA General Counsel, dated March 4, 2019 and attached hereto.

Note: Roll Call Vote required.

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MEMORANDUM

To: David R. Mullen, Executive Director
From: Maria J. Stowell, P.E., Engineering Manager and Lynn Marie Hinchee, General Counsel
Date: March 4, 2019
Subject: Application for Variance - 1 International Drive (Residence Inn)

In November 2017, the PDA Board approved a proposal from its tenant at 1 International Drive, Happy Dreams, LLC/Resport LLC, c/o Ocean Properties, LTD ("Happy Dreams"), to construct a thirty-six unit addition to the existing Marriott Residence Inn. Subsequently, Happy Dreams received the required approvals from the City of Portsmouth and began construction last fall.

As a condition of the City's foundation permit, Happy Dreams completed an as-built plan of the newly constructed foundation for the addition. The as-built revealed that the new foundation wall veered approximately 7 inches into the rear yard setback. While not expected to impact any other construction or activities in the vicinity, this minor layout error requires Happy Dreams to seek a variance to Part 304.04(e) of the PDA Land Use Controls to allow an approximately 49 foot rear yard setback where a 50 foot setback is required.

Attached is the application submitted by Happy Dreams to the City of Portsmouth Zoning Board of Adjustment. In the cover letter, Attorney Thomas Keane, refers to RSA: 674:33-a. This statute would provide equitable waiver relief under these circumstances if the applicable local zoning ordinance was enacted pursuant to RSA 674:16. Because PDA's Zoning Ordinance was adopted pursuant to NHRSA 12-G:13, the equitable waiver statute is not applicable and a variance is our tenant's only available relief. PDA staff believes that the equitable waiver statute provides helpful guidance and justification for granting this variance.

At the March 14th Board meeting, please ask the Board to support referral of Happy Dreams' Variance application to the Portsmouth Board of Adjustment for administration and a recommendation.

Further, in anticipation of favorable action by the Portsmouth Board of Adjustment, please request additional authority from the Board to negotiate and execute an amendment to the PDA/Resport, LLC Sublease dated December 9, 1997 to incorporate the revised plan of the Subleased Premises, as required.

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TAKING YOU THERE

PH: 603-433-8068

FAX: 603-433-6433

WWW.PORSEDEV.ORG

KEANE & MACDONALD

A PROFESSIONAL CORPORATION • ATTORNEYS AT LAW

February 20, 2019

HAND DELIVERED

David Rheaume, Chair
Board of Adjustment
Portsmouth Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801

RE: Applicant: Happy Dreams, LLC/ Resport L.L.C. c/o Ocean Properties, LTD
Property: One International Drive, Portsmouth, NH, 03801
Portsmouth Tax Map 303, Lot 2
Zone: Airport Business Commercial Zone – City of Portsmouth
Business/Commercial District – Pease International Tradeport

Dear Mr. Chairman & Board of Adjustment Members:

On behalf of Happy Dreams, LLC, Resport L.L.C. (the "Applicant"), enclosed please find the original and eleven (11) copies of this letter, along with the following documents in support of the enclosed Variance Application (the "Application") respectfully submitted for consideration by the Board of Adjustment ("BOA") at its March 19, 2019 meeting:

I. Exhibits

1. Variance Application;
2. Tax Map 303;
3. Site Plan with Floor Plan;
4. Portsmouth Planning Board's Recommendation of Site Plan Approval;
5. As Built Foundation Plan;
6. Photos of Existing Conditions;
7. Building Plan of Proposed Addition;
8. Interior Floor Plan of Expansion of Existing Structure;
9. PDA Setback Variance Plan by TMS Architects; and
10. *Condominium Site Plan for Resport, L.L.C., R.C.R.D. Plan D- 28652.*

Also enclosed is an Abutters lists on mailing labels, together with a check in the amount of \$300.00 for the Application fee.

II. History/Project

The Applicant's lot consists of 435,637 sq. ft (10.0008 acres; the "Parcel"), and is located at One International Drive in the Business/Commercial district of the Pease International Tradeport (which is referred to in the City of Portsmouth Zoning Ordinance as the Airport Business Commercial Zone). Presently, there is a ninety room Residence Inn by Marriot (the "Hotel") located on a portion of the Parcel. On the *Condominium Site Plan for Resport, L.L.C., One International Drive*, by Millette, Sprague & Colwell, Inc., Dated December 14, 2000, and recorded in the Rockingham County Registry of Deeds as Plan D- 28652 (the "Site Plan"), an area labeled "FUTURE ADDITION" was identified as "Convertible Land 'A'".

In January 2018, the Applicant requested site plan approval from the Portsmouth Planning Department for the construction of a 7,130 +/- s.f., 3 story addition to the Hotel (the "Expansion") which provided for 36 rooms and a 29 space reserve parking area (the "Expansion Site Plan"). On January 18, 2018, the Portsmouth Planning Board voted to recommend approval of the Site Plan. Following the Board's approval, the Applicant secured a foundation permit and constructed the foundation for the 36-room addition.

Upon completing the foundation, an "as-built" foundation plan was prepared which revealed that the foundation veered into the fifty-foot set-back by less than 12 inches at its greatest encroachment. While the rear wall of the foundation was built in a line that represented a continuation of the prior rear wall of the foundation, likely due to an inadvertent error in measurement, the rear wall of the foundation, and as constructed the rear wall of the Expansion, slightly encroached in the setback buffer.

Accordingly, the Applicant is filing this application for relief from the strict application of the setback requirements of the Pease Development Authority ("PDA") Zoning Ordinance (the "Ordinance") in order to continue construction of the Expansion.

III. Relief Requested

The Applicant is requesting a variance from the fifty (50) foot rear yard setback required by Part 304.04(e) of the Ordinance. The Applicant is seeking relief from the fifty (50) foot setback requirement due to the encroachment of the Hotel building into the rear set back buffer.

It is important to note that relief for the Applicant would qualify for consideration as an equitable waiver of a dimensional requirement under RSA: 674:33-a, but the PDA has not yet incorporated this statutory remedy into the Ordinance. RSA 674-33-a, provides that when a lot, or structure thereupon, is discovered to be in violation of a dimensional requirement imposed by a zoning ordinance, the zoning board of adjustment shall grant an equitable waiver from the requirement, if the board makes the following four findings:

(a) That the violation was not noticed or discovered until after a structure in violation had been substantially completed;

(b) That the violation was caused by either a good faith error in measurement or calculation made by an owner or owner's agent;

(c) That the dimensional violation does not constitute a public or private nuisance, diminish the value of other property in the area, interfere with or adversely affect any present or permissible future uses of any such property; and

(d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

The Applicant's situation appears to satisfy the equitable waiver requirements, including that the violation was not discovered until after the foundation was built and that the issue was caused by a good faith error in measurement. The additional requirements are supported by the information set forth in this letter. However, since this remedy is not available, the Applicant respectfully submits that its request is supported, and should be granted, based on the following information.

IV. Variance Requirements

Under Part 317.01(c) of the Ordinance "a variance shall not be approved or recommended for approval unless it is in harmony with the general purpose and intent of [the Ordinance's] regulations and meets the following criteria: (1) no adverse effect or diminution in values of surrounding properties would be suffered; (2) granting the variance would be of benefit to the public interest; (3) denial of the variance would result in unnecessary hardships to the person seeking it; (4) granting the variance would be substantial justice and (5) the proposed used would not be contrary to the spirit of [the] zoning rule."

The Applicant respectfully submits that the following criteria are satisfied and requests that the BOA grant the Applicant's request for relief.

Criteria 1

No Adverse Effect or Diminution in Values of Surrounding Properties Would Be Suffered

No adverse effect or diminution of value of surrounding properties would be suffered because the minor encroachment will not have a signification effect on the Parcel's layout, overall aesthetics, surrounding greenspace or proximity to buildings or improvements on abutting lots. Relative to its closest abutting improvement, the parking lot of Cisco Brewery, there is significant green space and trees which will remain as a buffer between the Parcel and the Cisco Brewery and its parking area. The Applicant submits that the slight encroachment will not impact the value of the Cisco Brewery, or its other abutters, the nearest being Paddy's American Green (which is more distant and separated by a wooded area from the Parcel), those located in 2 International Drive, Sig Sauer, and others which are located a distance from the Hotel and across at least one roadway. In short, allowing this variance will have no adverse impact on the values of the surrounding

properties, and may increase their value by having corporate accommodations in close proximity to their businesses.

For the above reasons, granting the variance would not diminish the value of surrounding properties.

Criteria 2 & Criteria 5
Granting the Variance Would Be of Benefit to the Public Interest &
The Proposed Use is Not Contrary to the Spirit of the Ordinance

The requirements of the second and fifth criteria are commonly considered together. (*See, Malachy Glen Assocs. v. Town of Chichester*, 155 N.H. 102, 105, (2007)). To be contrary to the spirit of the ordinance a variance “must unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” *Id.* “Mere conflict with the zoning ordinance is not enough.” *Id.* The two ways to ascertain whether granting a variance would violate the basic zoning objectives are to: (1) examine whether the variance would alter the essential character of the neighborhood; and (2) examine whether granting the variance would threaten the health, safety or welfare of the public. (*Id.*, *See also, Harborside Associates, L.P. v. Parade Residence North, LLC*, 162, N.H. 508, 589 (2011)).

Granting the variance would not alter the essential character of the neighborhood because as discussed above the encroachment is minor and, to the naked eye, will not have any visible effect on the overall appearance of the Parcel. The Expansion will be constructed in a manner similar to the existing Hotel, and as approved in January 2018 by the Planning Board, so the appearance will be consistent, thus not changing the character of the current building and its relationship with surrounding buildings.

Additionally, granting the variance would in no way threaten the health, safety or welfare of the public. As mentioned above, the significant green space will remain, and the small encroachment will have no effect on the health, safety or welfare of the public, in fact the public will not likely take notice of the encroachment. Finally, being at the rear of the Hotel, the public is not likely to interact at all with that area of the setback in which the encroachment exists.

Further, the variance is consistent with the Ordinance’s basic objectives, which are found in Chapter 301 and include to “promote the public health, safety and general welfare... conserve the value of property within the jurisdiction of the PDA ... encourage the appropriate and wise use of land and promote high quality economic development.” As discussed above, the variance will not threaten the public’s safety or have a negative effect on abutting property values. The Expansion will provide quality accommodations for visitors and those with assignments serving local businesses, which supports the goal of promoting the wise use of land and high quality economic development.

For the reasons set forth above, granting the variance would serve both the public’s interest and the spirit of the Ordinance.

Criteria 3

Denial of the Variance Would Result in Unnecessary Hardship to the Applicant

The Ordinance does not define “unnecessary hardship”, but RSA 674:33, I (b) provides insight because it contains two definitions of “unnecessary hardship”. Under the first definition, an “unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property and the proposed use is a reasonable one”.

Typically, if an applicant is unable to satisfy the first definition of unnecessary hardship, then it may still obtain a variance if it satisfies the second definition. (*See, Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508 (2011)). Under the second definition, “an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.”

The Applicant submits that the requirements of the first definition are satisfied. There are many special conditions of the Parcel that distinguish it from other properties in the area, including that the Parcel:

- (1) abuts only commercial lots;
- (2) has green space, roadways and driveways as a buffer from the abutting lots;
- (3) has a parking lot as the closest improvement on an abutting lot;
- (4) now includes a foundation constructed in good faith, at significant cost;
- (5) now has a minor encroachment into the rear set back buffer of less than one foot; and
- (6) the Parcel is located within the PDA jurisdiction so relief under RSA: 674:33-a, which appears to be designed to address the Applicant’s situation, is unavailable to it.

In this case, there is no fair and substantial relationship that exists between the general public purposes of the Ordinance provision and the specific application of that provision to the Parcel. Typically, a setback requirement ensures that the spacing between building is sufficient and consistent for purposes that can include safety, neighborhood continuity, green space and similar goals. In this matter, none of those purposes are adversely impacted if the variance is granted due to items 1-3 and 5 above. Chapter 301 of the Ordinance also values light, air, and open space, all of which are not affected by the minor encroachment, as the building size as approved by the Planning Board has not changed, only its placement with the variance, if granted, will be slightly closer to the rear property line.

In light of the above, the Applicant submits that the first definition of hardship is satisfied because owing to special conditions of the property, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that

provision to the property. Further the Planning Board has approved the Expansion, which indicates that the proposed use of the Expansion is a reasonable one.

In the event that the second definition is to be considered, then the Applicant submits that the second definition is also satisfied. For the reasons stated above, the proposed use is a reasonable use, and strict conformity with the Ordinance, given that the foundation has already been constructed at significant expense, would be a costly and inequitable result, particularly in light of the fact that the slight encroachment does not occur without an unintentional error in measurement and the Applicant's construction was in good faith belief that there was no encroachment.

In light of the above, the Applicant submits that the hardship criteria have been satisfied and in further support of that is the Planning Board's approval of the Expansion.

Criteria 4 Granting the Variance Would be Substantial Justice

Granting the variance would be substantial justice because there is no benefit to the public gained from denying the variance, but the Applicant would suffer substantial hardship if the variance is denied.

This element of the analysis is commonly founded on the following inquiry: "any loss to the individual that is not outweighed by a gain to the general public is an injustice." (Harborside Associates, L.P., *supra* at 590). If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. (Harborside Associates, L.P., *supra* at 508). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice". (Malachy Glen, *supra* at 109).

There is no benefit to the public from denying the variance. The Expansion allows for the development of the Parcel in a reasonable manner that is consistent with the intent of the Applicant in the Site Plan, and the current use of the Parcel. The current use of the Parcel benefits the abutting properties and community.

Granting the variance increases the public's gain, while denying provides no gain to the public. Further, denying the variance will cause harm to the Applicant because it will result in a hardship of significant proportions. Denial of the variance will result in the destruction of the foundation and re-creation of a new foundation approximately one-foot further away from the rear property line, a result that imposes a huge hardship on the Applicant with zero perceivable gain to the public.

Due to the reasons stated above, granting this variance would not cause any harm to the general public that outweighs the loss to the Applicant if the variance is not granted.

V. Conclusion

For all the reasons herein stated, the Applicant respectfully request that the BOA the Applicant's variance from Part 304.04(e) of the Ordinance and the fifty (50) foot rear yard setback requirement set forth therein.

We look forward to presenting this application to the BOA on March 19, 2019.

Respectfully submitted,

Happy Dreams, LLC

By: Thomas M. Keane, Esq., Attorney
For Happy Dreams, LLC

Pease Development Authority
 55 International Drive, Portsmouth, NH 03801, (603) 433-6088



Request for Appeal/Variance Application

For PDA Use Only:			
Date Submitted: _____	Municipal Review: _____	Fee: _____	
Application Complete: _____	Date Forwarded: _____	Paid: _____	Check #: _____

Action Requested (please check one):	Appeal from Administrative Decision: <input type="checkbox"/>	Variance: <input checked="" type="checkbox"/>
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Applicant Information

Applicant: Happy Dreams, LLC & Resort, L.L.C, c/o Ocean Properties, LTD		Contact Name: Thomas Keane
Address: One International Drive, Portsmouth, New Hampshire 03801		Description of Property: Existing Hotel with a 7,130 s.f. 3-story building expansion which will include 36 additional rooms and a 29 space reserve parking area to be constructed in the future.
Business Phone: 603-559-2100		Frontage: 133.61 feet
Mobile Phone:		Left Side: 162 feet
Fax:		Right Side: 380 feet
Zone(s) Location: ABC/ Airport Buisness Commerical	Lot #: 0303-0002-0001	Rear: 49 feet
Assessors Plan #: Map 303 Lot 2	Lot Area: 43,5637 square feet	
Existing Use: Hotel		Proposed Use: Hotel with Expansion(additonal 36 rooms)

Request for Appeal from Administrative Decision:

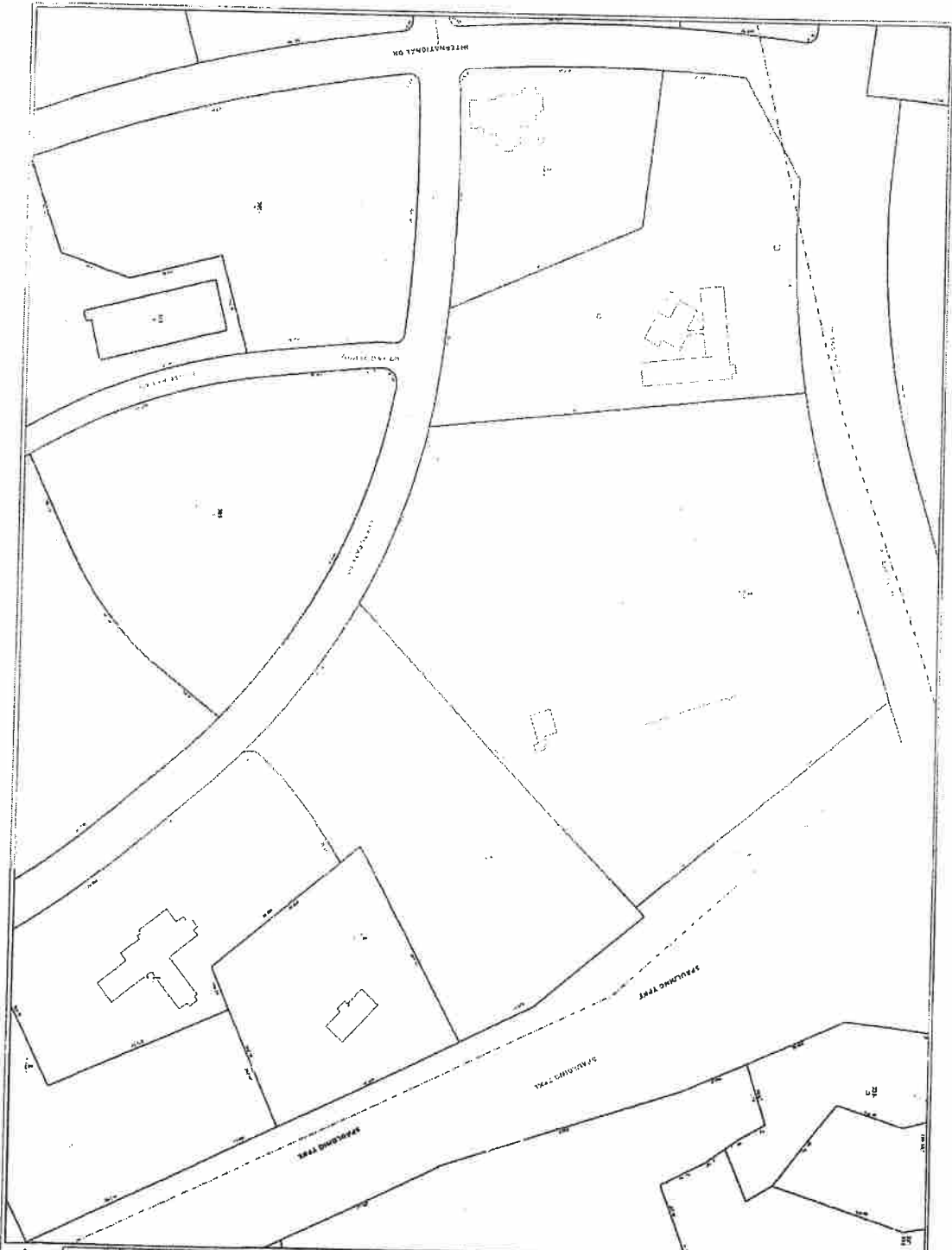
Applicable Rule/Regulation/Code Provision: _____
Applicable Zoning Regulation: _____
Interpretation Claimed:
Administrative Decision from which appeal is sought:

Variance:

Zoning Regulation(s) from which Variance is Sought: 304.04(e)- minium rear yard setback of 50 feet.
Reason(s) Why Variance Should Be Granted Including Circumstances Which Constitute Unnecessary Hardship: See Attached Letter

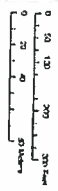
Please attach any required site plans or drawings to this application with a fee of \$ _____. All forms must be completely filled out and signed by the applicant or their agent before they will be accepted. Additional sheets may be attached if required. Completed forms must be returned to the PDA for a hearing by the PDA Zoning Adjustment and Appeals Committee or referral to the appropriate municipality. The applicant or their agent is required to attend the Public Hearing for the Appeal/Variance. If you have any questions, please contact the PDA Engineering Department at 603-427-2836.

I hereby certify under the penalties of perjury that the foregoing information and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.		
Date _____	Signature of Applicant _____	Printed Name _____



Parcel Legend

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This map is for informational purposes only. It is not intended to be used as a legal document. The information on this map is subject to change without notice. The information on this map is not intended to be used as a legal document. The information on this map is not intended to be used as a legal document.

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Portsmouth, New Hampshire
2018
Tax Map 303

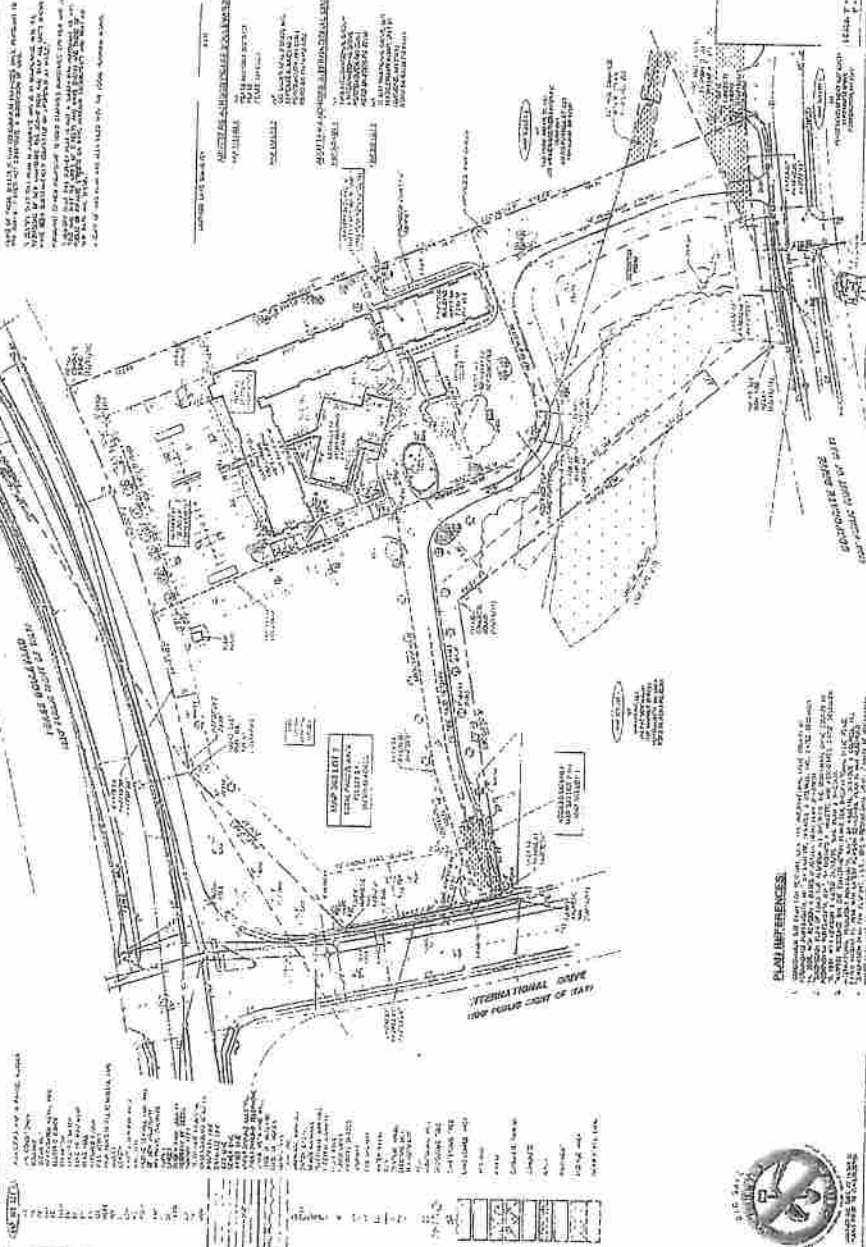


NOTES

1. THE SITE IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 15, T24N, R26E, S12W, CO. OF HARRIS COUNTY, TEXAS.
2. THE SITE IS BOUNDARY ADJACENT TO THE EAST BY THE PROPERTY OF THE STATE OF TEXAS.
3. THE SITE IS BOUNDARY ADJACENT TO THE SOUTH BY THE PROPERTY OF THE STATE OF TEXAS.
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20. THE SITE IS BOUNDARY ADJACENT TO THE WEST BY THE PROPERTY OF THE STATE OF TEXAS.

FOR REVIEW

TAX MAP 0011012
CONQUEROR SITE PLAN
 HAPPY DREAMS, LLC
 INTERNATIONAL DRIVE
 HOUSTON, TEXAS
 COUNTY OF HARRIS
 DIVISION 3
 HAPPY DREAMS, LLC



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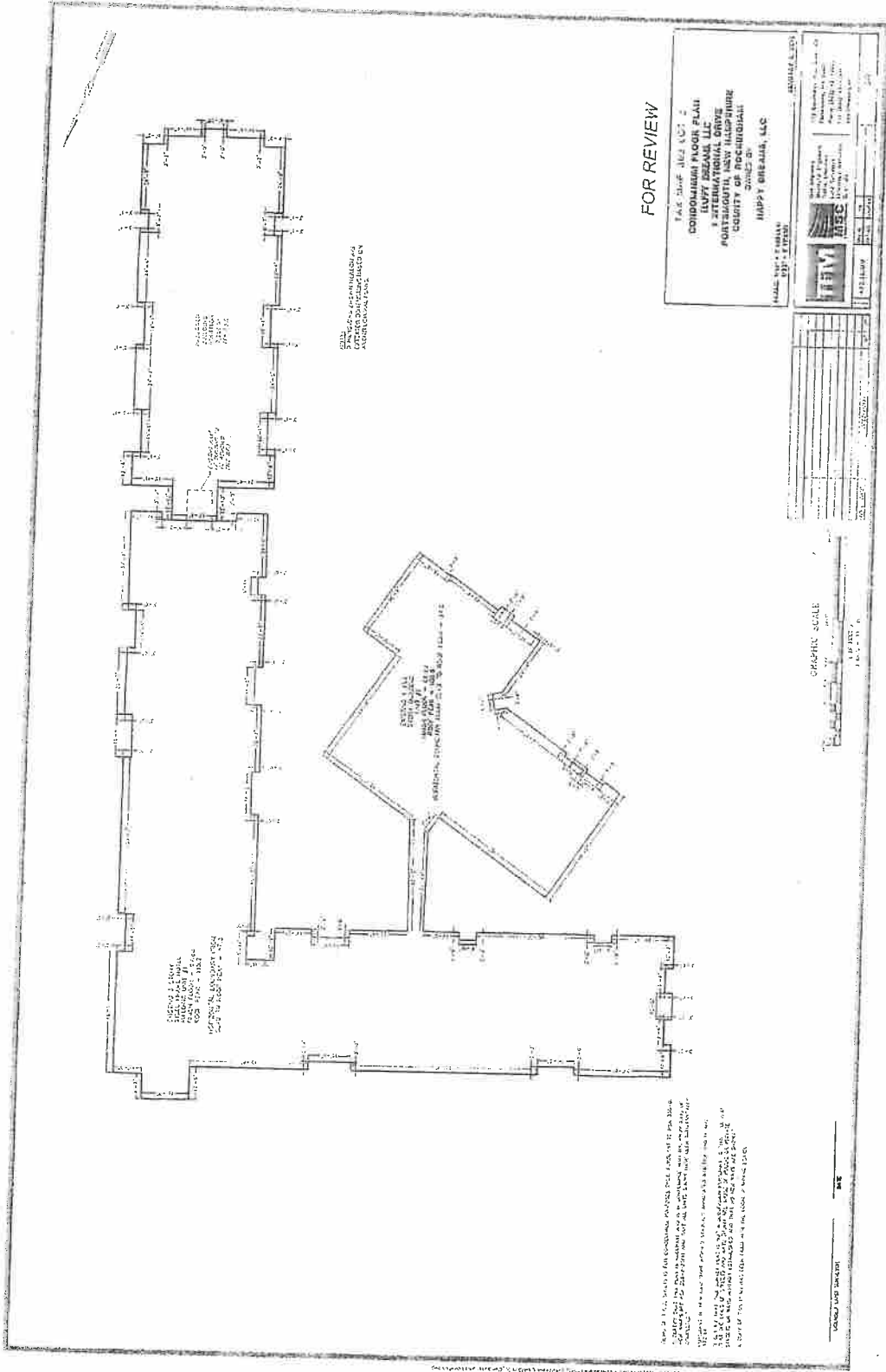
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 TIME: 10:00 AM
 LOCATION: HOUSTON, TEXAS
 PROJECT: CONQUEROR SITE PLAN
 DRAWING NO.: 0011012



DATE: 12/15/2023
 TIME: 10:00 AM
 LOCATION: HOUSTON, TEXAS
 PROJECT: CONQUEROR SITE PLAN
 DRAWING NO.: 0011012



FOR REVIEW

SHEET 2 OF 2
 CONCRETE FLOOR PLAN
 INTERNATIONAL CENTER
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM
 JAMES D.
 HAPPY BIRDAIA, LLC

ITM
 ABC

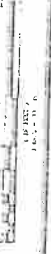
110 Broadway, 3rd Floor
 Portsmouth, NH 03801
 Tel: 603.433.1100
 Fax: 603.433.1101
 www.itm.com

SHEET 2 OF 2
 CONCRETE FLOOR PLAN
 INTERNATIONAL CENTER
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM
 JAMES D.
 HAPPY BIRDAIA, LLC

SHEET 1 OF 2
 CONCRETE FLOOR PLAN
 INTERNATIONAL CENTER
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM
 JAMES D.
 HAPPY BIRDAIA, LLC

1. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

GRAPHIC SCALE



UNIVERSITY MICROFILMS



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

January 23, 2017

Barry Kimball
Ocean Properties
1000 Market Street, Suite 300
Portsmouth, NH 03801

RE: Site Review Application for Property Located at 1 International Drive

Dear Mr. Kimball:

The Planning Board, at its regularly scheduled meeting of January 18, 2018, considered your Site Review application for the construction of a 7,130 ± s.f., 3-story building expansion to the Residence Inn which will include 36 additional rooms and a 29 space reserve parking area to be constructed in the future, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. As a result of said consideration, the Board voted as follows:

- A. Voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.
- B. Voted to recommend Site Plan approval as presented.

Three complete sets of revised Site Plans must be provided to the Planning Department, along with a pdf version.

The building/construction plans must be reviewed and approved by the Inspection Department prior to a Building Permit being issued.

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,

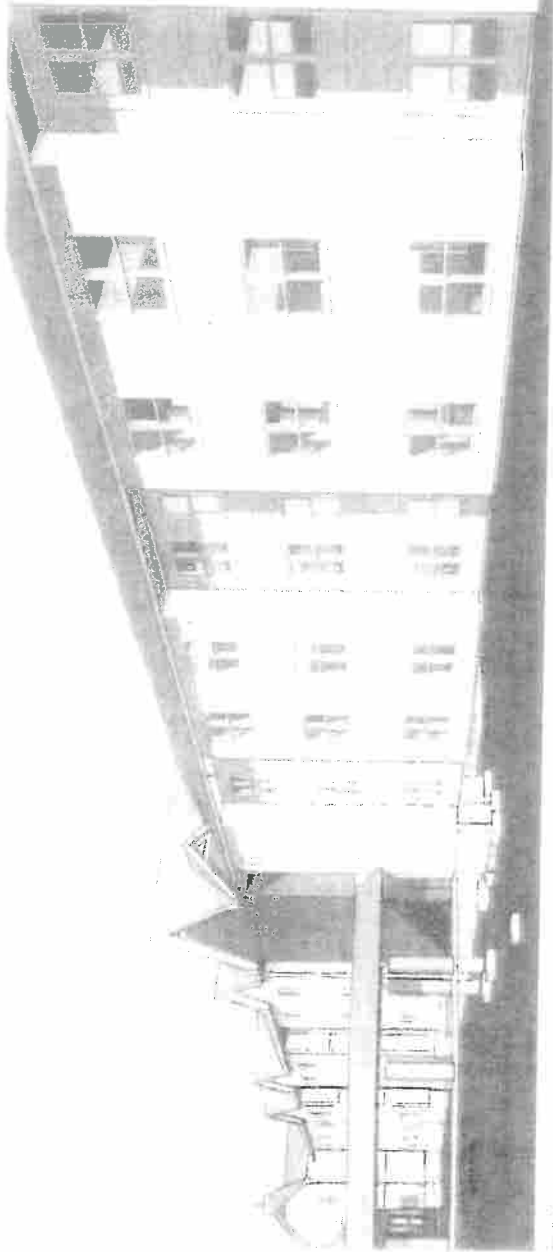
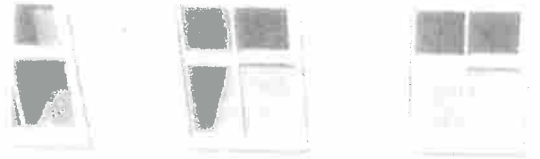
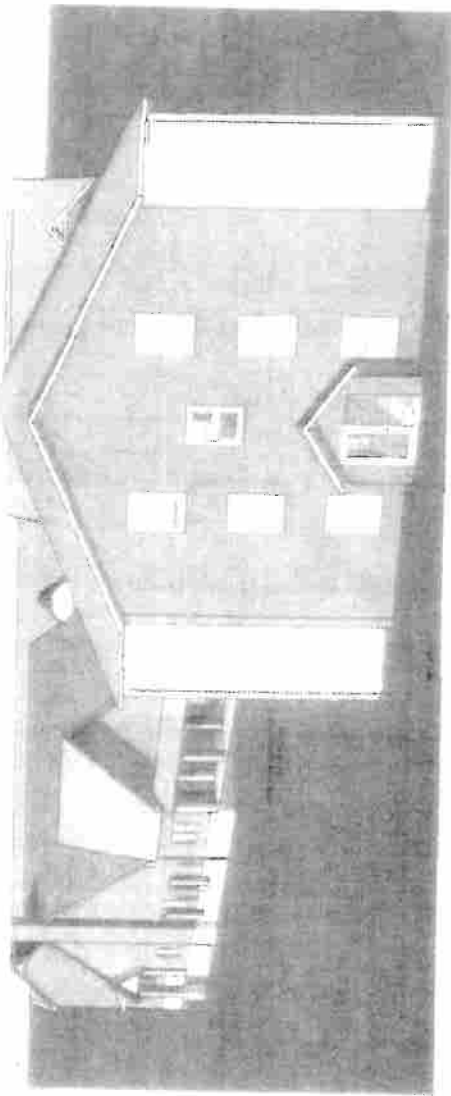
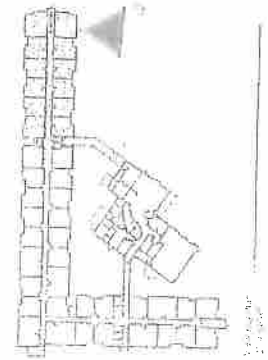
Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:jms

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
Patrick Crimmins, P. E., Tighe & Bond



Imagery ©2019 Google, Map data ©2019 Google 50 ft

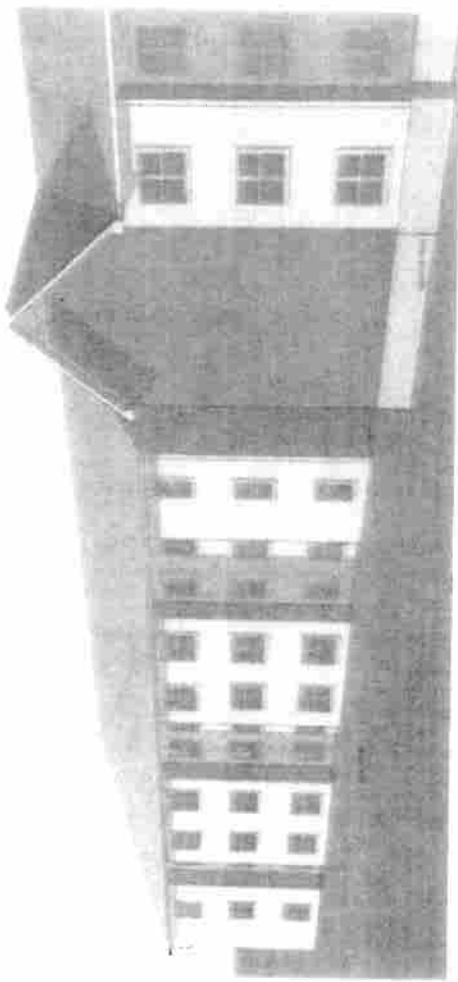
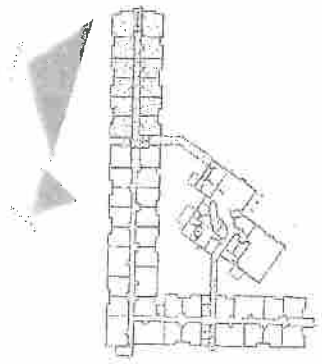
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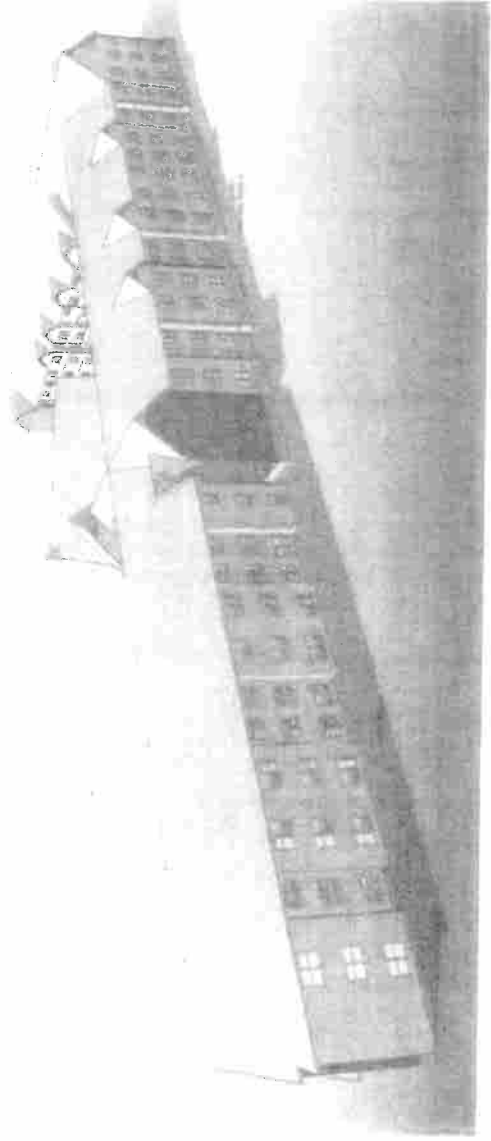
Residence Inn
Perimeter -
Expansion

AD01

TMS



Residence Inn
Portland -
Expansion



PROJECT INFORMATION

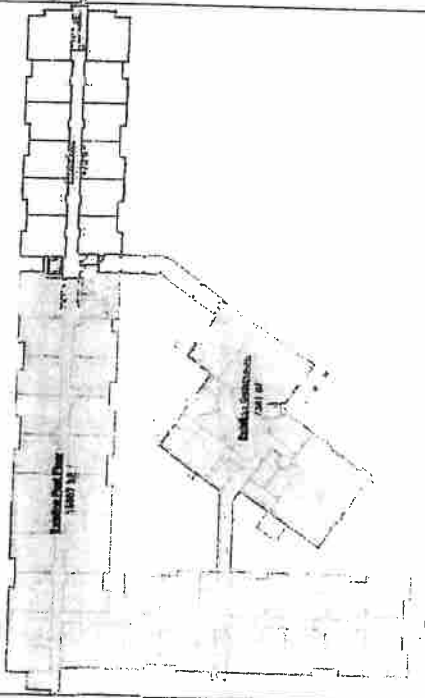
PROPOSED PROJECT: RESIDENCE INN PORTSMOUTH - EXPANSION
 PROJECT LOCATION: 1000 WEST 10TH AVENUE, PORTSMOUTH, NH
 PROJECT NO.: 2024-001
 SHEET NO.: A001

OWNER: RESIDENCE INN
ARCHITECT: TMS ARCHITECTS
DATE: 10/20/2024

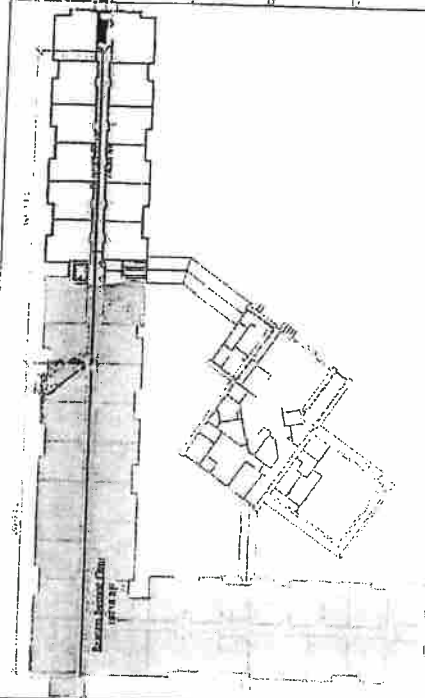
PROJECT DESCRIPTION: Expansion of existing Residence Inn hotel building, including new guest rooms, lobby, and service areas.
SCOPE OF WORK: Architectural design, construction documents, and permitting for the proposed expansion.

DESIGN TEAM:
 TMS ARCHITECTS
 1000 WEST 10TH AVENUE
 PORTSMOUTH, NH 03801
 TEL: 603-888-1234
 FAX: 603-888-5678
 WWW.TMSARCHITECTS.COM

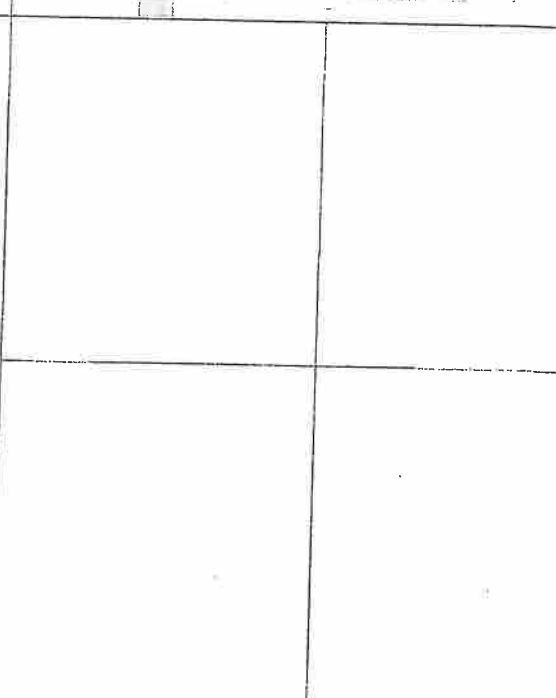
PERMITS: Building Permit, Fire Department Review, Health Department Review
NOTES: See attached drawings for details and specifications.
 All work shall conform to applicable building codes and standards.



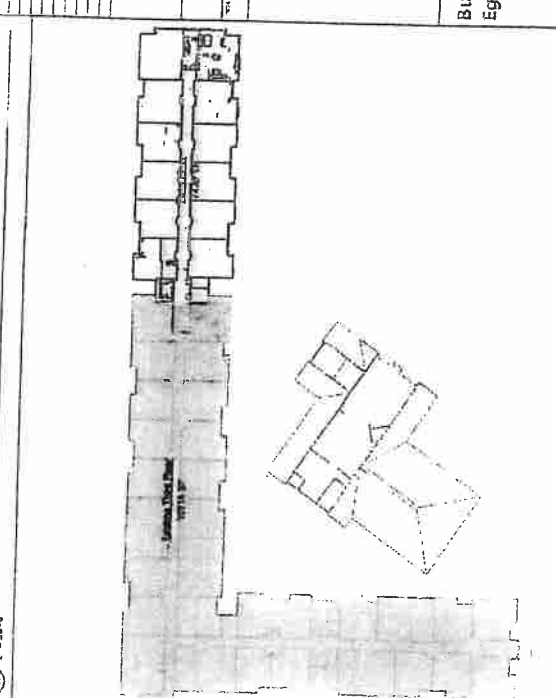
30 Proposed First Floor Guest Area Plan
 1/4" = 10'-0"



31 Proposed Second Floor Guest Area Plan
 1/4" = 10'-0"



32 Proposed Third Floor Guest Area Plan
 1/4" = 10'-0"



33 Proposed Fourth Floor Guest Area Plan
 1/4" = 10'-0"

TMS
 architects
 1000 WEST 10TH AVENUE
 PORTSMOUTH, NH 03801
 TEL: 603-888-1234
 FAX: 603-888-5678
 WWW.TMSARCHITECTS.COM

CASCO BAY
 1000 WEST 10TH AVENUE
 PORTSMOUTH, NH 03801
 TEL: 603-888-1234
 FAX: 603-888-5678
 WWW.CASCOBAY.COM

TIGHE & BOND
 Engineers Environmental Scientists
 1000 WEST 10TH AVENUE
 PORTSMOUTH, NH 03801
 TEL: 603-888-1234
 FAX: 603-888-5678
 WWW.TIGHEANDBOND.COM

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87	REVISED	10/20/2024
88	REVISED	10/20/2024
89	REVISED	10/20/2024
90	REVISED	10/20/2024
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92	REVISED	10/20/2024
93	REVISED	10/20/2024
94	REVISED	10/20/2024
95	REVISED	10/20/2024
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98	REVISED	10/20/2024
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100	REVISED	10/20/2024

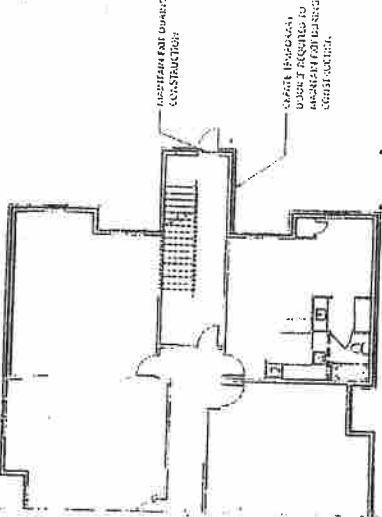
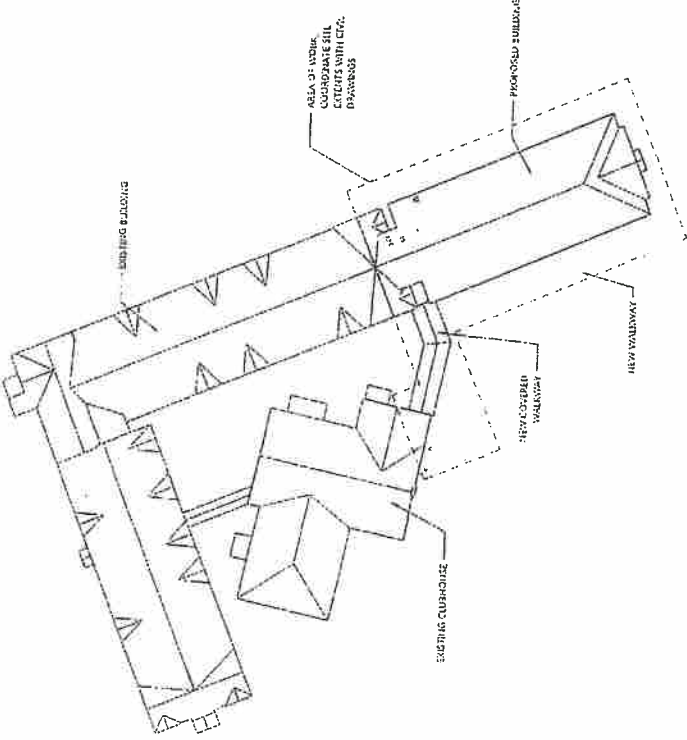
**Residence Inn
 Portsmouth -
 Expansion**

**Building Code &
 Egress Plans**

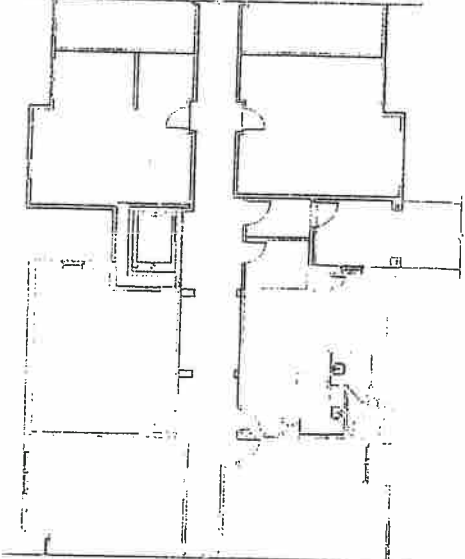
A001

DATE: 10/20/2024
 SCALE: AS SHOWN
 SHEET NO.: A001
 PROJECT NO.: 2024-001

NO.	DATE	DESCRIPTION
1	10/20/11	SCHEMATIC DEVELOPMENT
2	11/15/11	SCHEMATIC DEVELOPMENT
3	12/15/11	SCHEMATIC DEVELOPMENT
4	01/15/12	SCHEMATIC DEVELOPMENT
5	02/15/12	SCHEMATIC DEVELOPMENT
6	03/15/12	SCHEMATIC DEVELOPMENT
7	04/15/12	SCHEMATIC DEVELOPMENT
8	05/15/12	SCHEMATIC DEVELOPMENT
9	06/15/12	SCHEMATIC DEVELOPMENT
10	07/15/12	SCHEMATIC DEVELOPMENT
11	08/15/12	SCHEMATIC DEVELOPMENT
12	09/15/12	SCHEMATIC DEVELOPMENT
13	10/15/12	SCHEMATIC DEVELOPMENT
14	11/15/12	SCHEMATIC DEVELOPMENT
15	12/15/12	SCHEMATIC DEVELOPMENT
16	01/15/13	SCHEMATIC DEVELOPMENT
17	02/15/13	SCHEMATIC DEVELOPMENT
18	03/15/13	SCHEMATIC DEVELOPMENT
19	04/15/13	SCHEMATIC DEVELOPMENT
20	05/15/13	SCHEMATIC DEVELOPMENT
21	06/15/13	SCHEMATIC DEVELOPMENT
22	07/15/13	SCHEMATIC DEVELOPMENT
23	08/15/13	SCHEMATIC DEVELOPMENT
24	09/15/13	SCHEMATIC DEVELOPMENT
25	10/15/13	SCHEMATIC DEVELOPMENT
26	11/15/13	SCHEMATIC DEVELOPMENT
27	12/15/13	SCHEMATIC DEVELOPMENT
28	01/15/14	SCHEMATIC DEVELOPMENT
29	02/15/14	SCHEMATIC DEVELOPMENT
30	03/15/14	SCHEMATIC DEVELOPMENT
31	04/15/14	SCHEMATIC DEVELOPMENT
32	05/15/14	SCHEMATIC DEVELOPMENT
33	06/15/14	SCHEMATIC DEVELOPMENT
34	07/15/14	SCHEMATIC DEVELOPMENT
35	08/15/14	SCHEMATIC DEVELOPMENT
36	09/15/14	SCHEMATIC DEVELOPMENT
37	10/15/14	SCHEMATIC DEVELOPMENT
38	11/15/14	SCHEMATIC DEVELOPMENT
39	12/15/14	SCHEMATIC DEVELOPMENT
40	01/15/15	SCHEMATIC DEVELOPMENT
41	02/15/15	SCHEMATIC DEVELOPMENT
42	03/15/15	SCHEMATIC DEVELOPMENT
43	04/15/15	SCHEMATIC DEVELOPMENT
44	05/15/15	SCHEMATIC DEVELOPMENT
45	06/15/15	SCHEMATIC DEVELOPMENT
46	07/15/15	SCHEMATIC DEVELOPMENT
47	08/15/15	SCHEMATIC DEVELOPMENT
48	09/15/15	SCHEMATIC DEVELOPMENT
49	10/15/15	SCHEMATIC DEVELOPMENT
50	11/15/15	SCHEMATIC DEVELOPMENT
51	12/15/15	SCHEMATIC DEVELOPMENT
52	01/15/16	SCHEMATIC DEVELOPMENT
53	02/15/16	SCHEMATIC DEVELOPMENT
54	03/15/16	SCHEMATIC DEVELOPMENT
55	04/15/16	SCHEMATIC DEVELOPMENT
56	05/15/16	SCHEMATIC DEVELOPMENT
57	06/15/16	SCHEMATIC DEVELOPMENT
58	07/15/16	SCHEMATIC DEVELOPMENT
59	08/15/16	SCHEMATIC DEVELOPMENT
60	09/15/16	SCHEMATIC DEVELOPMENT
61	10/15/16	SCHEMATIC DEVELOPMENT
62	11/15/16	SCHEMATIC DEVELOPMENT
63	12/15/16	SCHEMATIC DEVELOPMENT
64	01/15/17	SCHEMATIC DEVELOPMENT
65	02/15/17	SCHEMATIC DEVELOPMENT
66	03/15/17	SCHEMATIC DEVELOPMENT
67	04/15/17	SCHEMATIC DEVELOPMENT
68	05/15/17	SCHEMATIC DEVELOPMENT
69	06/15/17	SCHEMATIC DEVELOPMENT
70	07/15/17	SCHEMATIC DEVELOPMENT
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72	09/15/17	SCHEMATIC DEVELOPMENT
73	10/15/17	SCHEMATIC DEVELOPMENT
74	11/15/17	SCHEMATIC DEVELOPMENT
75	12/15/17	SCHEMATIC DEVELOPMENT
76	01/15/18	SCHEMATIC DEVELOPMENT
77	02/15/18	SCHEMATIC DEVELOPMENT
78	03/15/18	SCHEMATIC DEVELOPMENT
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81	06/15/18	SCHEMATIC DEVELOPMENT
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83	08/15/18	SCHEMATIC DEVELOPMENT
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85	10/15/18	SCHEMATIC DEVELOPMENT
86	11/15/18	SCHEMATIC DEVELOPMENT
87	12/15/18	SCHEMATIC DEVELOPMENT
88	01/15/19	SCHEMATIC DEVELOPMENT
89	02/15/19	SCHEMATIC DEVELOPMENT
90	03/15/19	SCHEMATIC DEVELOPMENT
91	04/15/19	SCHEMATIC DEVELOPMENT
92	05/15/19	SCHEMATIC DEVELOPMENT
93	06/15/19	SCHEMATIC DEVELOPMENT
94	07/15/19	SCHEMATIC DEVELOPMENT
95	08/15/19	SCHEMATIC DEVELOPMENT
96	09/15/19	SCHEMATIC DEVELOPMENT
97	10/15/19	SCHEMATIC DEVELOPMENT
98	11/15/19	SCHEMATIC DEVELOPMENT
99	12/15/19	SCHEMATIC DEVELOPMENT
100	01/15/20	SCHEMATIC DEVELOPMENT



1. Existing Curbhouse Floor Plan
1/8" = 1'-0"

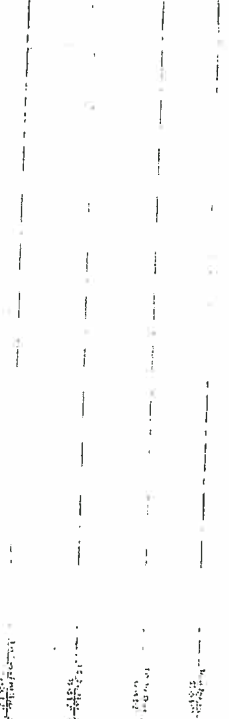
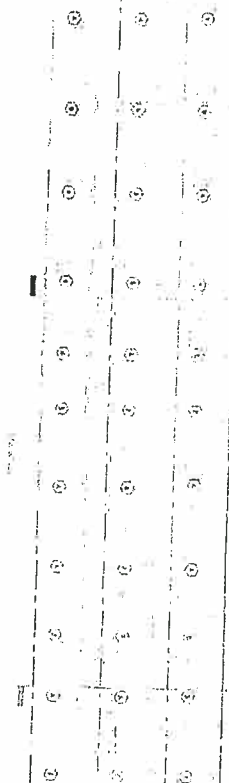


2. Proposed Building Floor Plan
1/8" = 1'-0"

3. Site Plan
1/8" = 1'-0"



PROPOSED
ELEVATIONS



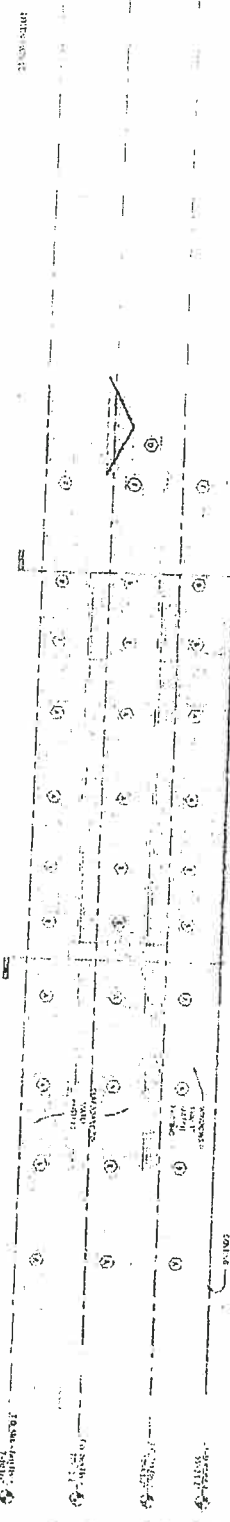
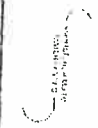
JMS
ARCHITECTS
1000 10th Street
Portland, OR 97204
503.228.1111

CASCO BAY

CIS

CIS

1000 10th Street
Portland, OR 97204



Tyler & Bonk
Engineers, Environmental Scientists
1000 10th Street
Portland, OR 97204
503.228.1111

CASCO BAY

CIS

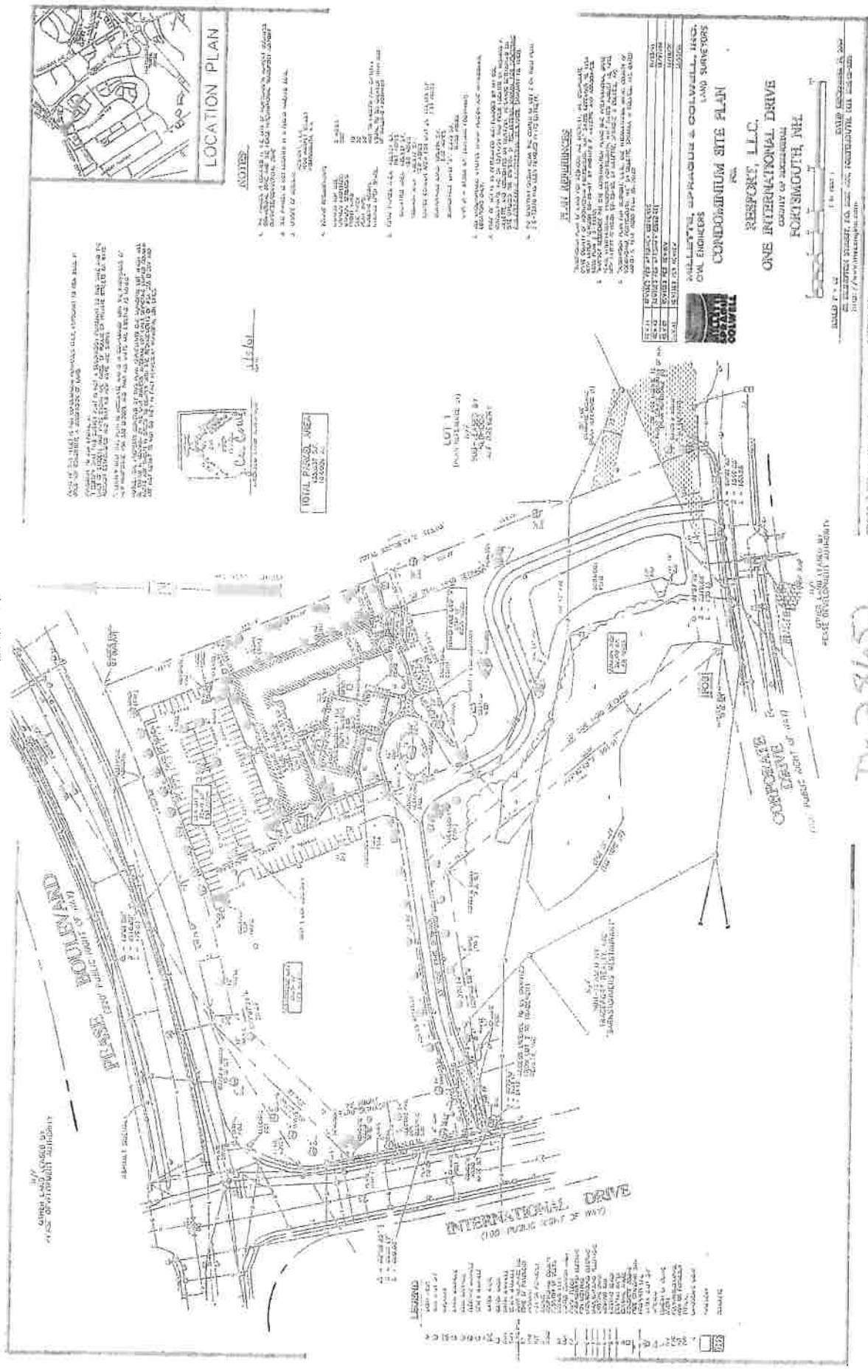
CIS

1000 10th Street
Portland, OR 97204

A201

PROPOSED
ELEVATIONS

002002 10/11/11 50 9 35



NOTES

1. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.
2. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.
3. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.
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9. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.
10. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.

PLAN ASSUMPTIONS

1. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.
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10. THE DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE NOTES TO THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS.

DATE	10/11/11
PROJECT	CONDOBORIUM SITE PLAN
CLIENT	RESPECT, I.L.C.
DESIGNER	WILLETTE, SPRAGUE & COLWELL, INC.
SCALE	AS SHOWN



WILLETTE, SPRAGUE & COLWELL, INC.
CIVIL ENGINEERS
CONDOBORIUM SITE PLAN
RESPECT, I.L.C.
ONE INTERNATIONAL DRIVE
FORSYTH COUNTY, GEORGIA
FORSYTH COUNTY, GA

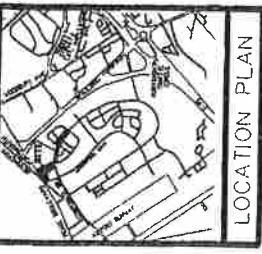


SCALE: 1" = 40'
 DATE: 10/11/11
 PROJECT: CONDOBORIUM SITE PLAN
 CLIENT: RESPECT, I.L.C.
 DESIGNER: WILLETTE, SPRAGUE & COLWELL, INC.

9820244

D-28652
 Sheet 1 of 2

281 JUN 15 10 53



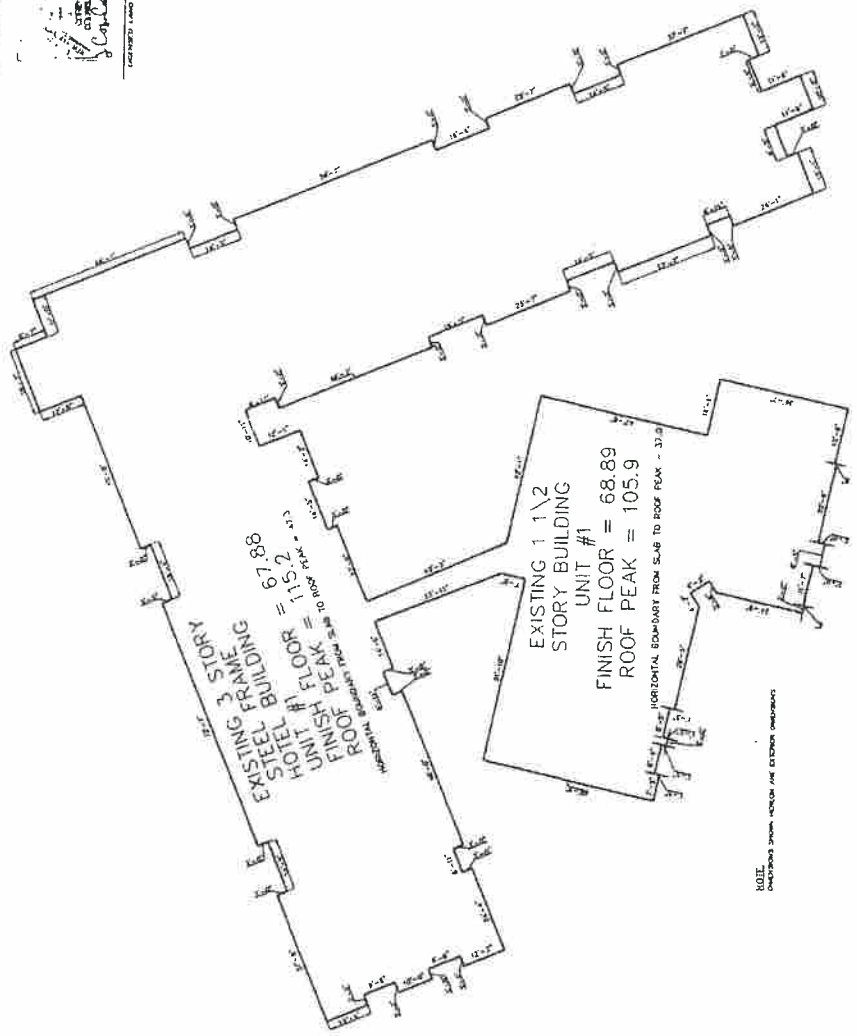
LOCATION PLAN

THIS SET OF PLANS IS THE PROPERTY OF THE CLIENT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE THE DESIGN OF STRUCTURES OR THE CONSTRUCTION THEREOF. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ENGINEER'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS OR FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS.



11/1/01 DATE

PROPOSED LAND IMPROVEMENT



SCALE	AS SHOWN	DATE	11/1/01
DATE	11/1/01	PROJECT	RESORT, L.L.C.
PROJECT	RESORT, L.L.C.	CLIENT	RESORT, L.L.C.
CLIENT	RESORT, L.L.C.	ENGINEER	MILLETTE, SPRAGUE & COLWELL, INC.
ENGINEER	MILLETTE, SPRAGUE & COLWELL, INC.	PROFESSIONAL REGISTRATION NO.	0000000000
PROFESSIONAL REGISTRATION NO.	0000000000	STATE	VERMONT

MILLETTE, SPRAGUE & COLWELL, INC.
LAND SURVEYORS
FOR
RESORT, L.L.C.
ONE INTERNATIONAL DRIVE
COUNTY OF ROCKINGHAM
PORTSMOUTH, NH

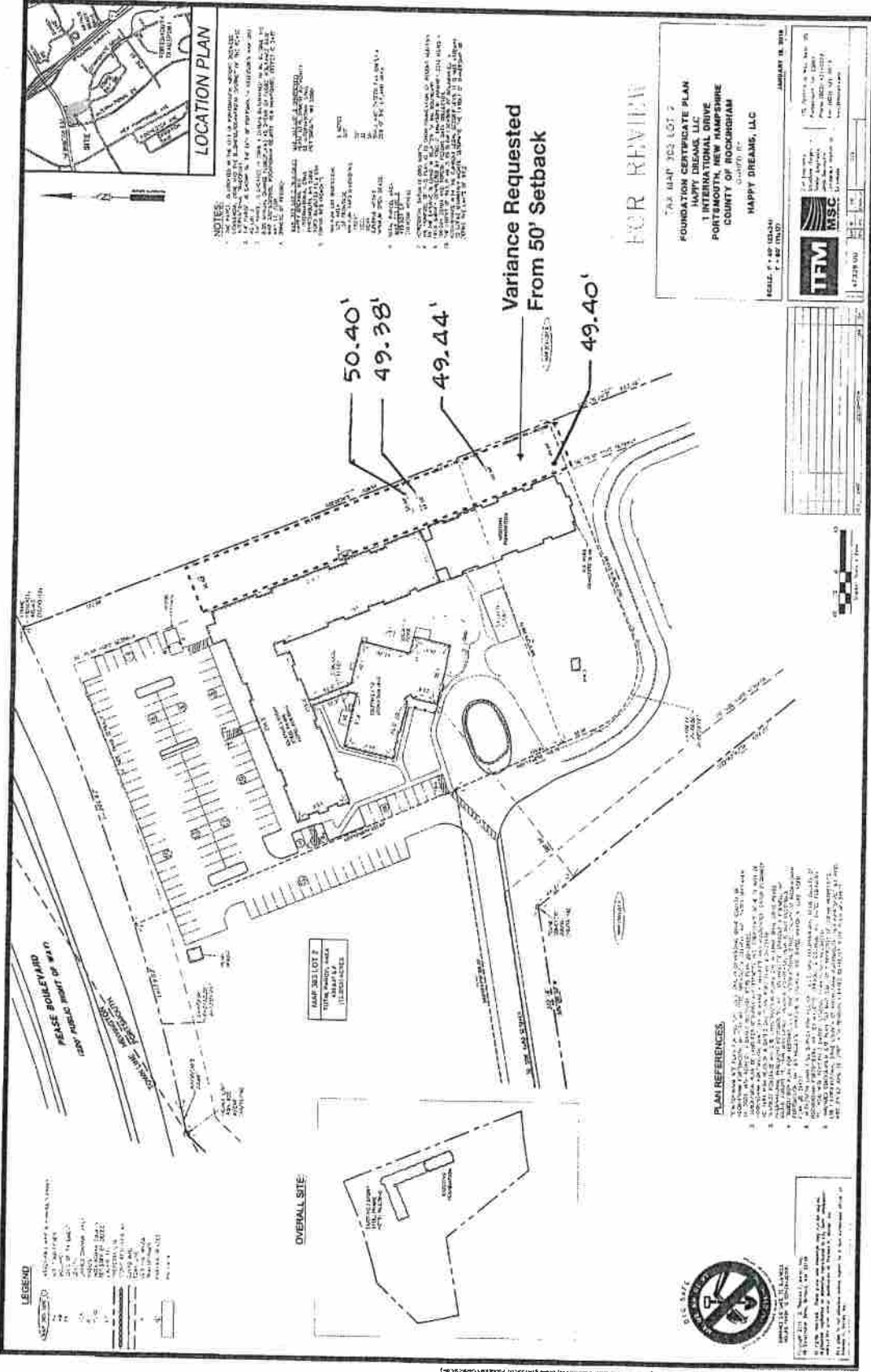
SCALE: 1" = 10'-0"
DATE: 11/1/01
200 WASHINGTON STREET, P.O. BOX 608, PORTSMOUTH, NH 03801
http://www.mscenginc.com

OFFICIAL SEAL OF THE VERMONT BOARD OF PROFESSIONAL ENGINEERS

D-2865a
Sheet 2 of 2

96202A4

PDA Setback Variance



TMS Architects 2-14-2019

SIG SAUER Real Estate, Inc.
72 Pease Boulevard
Portsmouth, NH 03801

Barnport, LLC
Ocean Properties, LTD
1000 Market Street
Portsmouth, NH 03801

Granite State College
51 International Drive
Portsmouth, NH 03801

AFCEC/CIB
2261 Hughes Ave., Ste 155
JBSA Lackland, TX 78236-9853

Town of Greenland
PO Box 100
Greenland, NH 03840

Wentworth-Douglass Hospital
c/o William C. Tucker
Wadleigh, Starr & Peters, PLLC
95 Market St.
Manchester, NH 03101

Town of Newington
205 Nimble Hill Road
Newington, NH 03801

City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

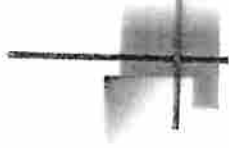
Two International Group, LLC
One New Hampshire Avenue Ste. 101
Portsmouth, NH 03801

Lonza Biologics, Inc.
101 International Drive
Portsmouth, NH 03801

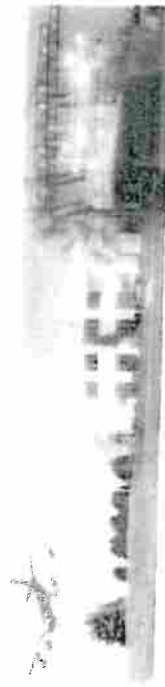
Thirty International Drive, LLC
39 Freetown Rd. #1
Raymond, NH 03077

Craft Brew Alliance
1 Red Hook Way
Portsmouth, NH 03801

Wentworth-Douglass Hospital
789 Central Ave
Dover, NH 03820



**FY 2019 FINANCIAL REPORT
FOR THE SEVEN MONTH PERIOD
ENDING JANUARY 31, 2019**



**BOARD OF DIRECTORS MEETING
MARCH 14, 2019**



CONSOLIDATED STATEMENT OF REVENUES AND EXPENSES

FOR THE SEVEN MONTH PERIOD ENDING

JANUARY 31, 2019

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	CURRENT YEAR BUDGET
OPERATING REVENUES (PAGE #3)	9,242	9,153	94	15,224
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS (PAGE #4 AND #5)	3,608	3,340	268	5,903
BUILDINGS AND FACILITIES MAINTENANCE	1,076	1,499	(423)	2,482
GENERAL AND ADMINISTRATIVE (PAGE #8)	659	697	(38)	1,207
UTILITIES (PAGE #6)	367	436	(69)	712
PROFESSIONAL SERVICES (PAGE #6)	370	440	(70)	911
MARKETING AND PROMOTION	107	179	(72)	315
ALL OTHER (PAGE #6)	787	601	186	1,033
OPERATING INCOME	9,974	7,192	(2,116)	12,563
	2,273	1,961	312	2,661
NONOPERATING (INCOME) AND EXPENSE (PAGE #2)	(24)	76	(100)	130
DEPRECIATION	3,422	3,754	(332)	6,437
NET OPERATING INCOME	(1,125)	(1,869)	744	(3,906)

BUDGET VARIANCE ANALYSIS

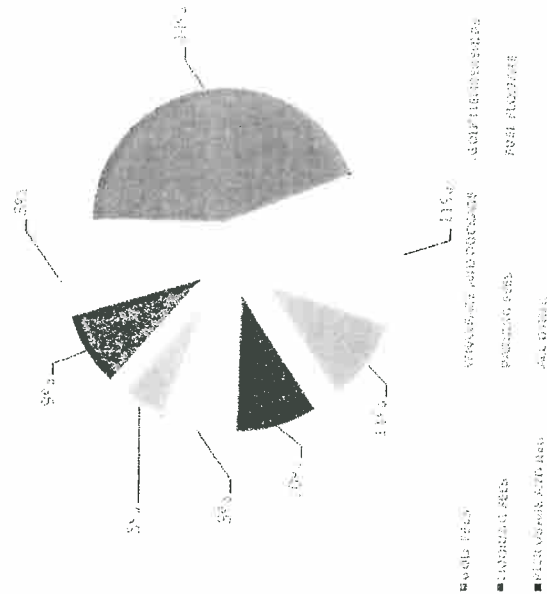
- * OPERATING REVENUES- HIGHER BY 1.0 % ...
- * TIMING DIFFERENCES ASSOCIATED WITH RENTAL OF FACILITIES, OFFSET BY INCREASES IN:
 - GOLF FEES- ESCALATION IN NONMEMBER ROUNDS PLAYED
 - CONCESSION REVENUES FROM GRILL 28 SALES
 - PSM PAY FOR PARKING DEFERRED UNTIL JANUARY 2019
 - DPH AND DAW FUEL SALES
- * OPERATING COSTS- LOWER BY 3.0 %...
 - DPH AND DAW FUEL EXPENSE HIGHER TO OFFSET FUEL SALES
 - HEALTH INSURANCE PRELIMINARY RATE STRUCTURE MODIFIED- OPEB IMPACT
 - COMPREHENSIVE FY 2018 YEAR END CUT-OFF PROCEDURES
 - EXCLUDES PENDING CLF LITIGATION \$800 SETTLEMENT- ATTORNEY FEES
 - BENEFITED EMPLOYEE OVERTIME IN SUPPORT OF INCREASED GOLF AND WHIRLWAGE ACTIVITIES (DPH).

CONSOLIDATED OPERATING REVENUES FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VAR	CURRENT YEAR BUDGET
RENTAL OF FACILITIES	5,852	5,972	(120)	9,968
PER REVENUES (SEE PFE CHART)	2,053	2,136	(83)	3,603
FUEL SALES (SEE TABLE BELOW)	666	446	220	704
CONCESSION REVENUE	245	243	2	400
GOLF MERCHANDISE	141	131	10	235
ALL OTHER - NET	290	225	65	314
	<u>9,247</u>	<u>9,153</u>	<u>94</u>	<u>15,724</u>

PER REVENUES YEAR TO DATE



	ACTUAL SALES	BUDGETED SALES	BUDGET VARIANCE	ACTUAL COGS	BUDGETED COGS	BUDGET VARIANCE
PORTSMOUTH FISH PIER	351	264	87	281	228	53
RYE HARBOR	125	51	64	113	58	55
HAMPTON HARBOR	150	84	66	121	76	45
SKYHAVEN AIRPORT	40	37	3	38	30	8
	<u>666</u>	<u>446</u>	<u>220</u>	<u>552</u>	<u>392</u>	<u>161</u>

FUEL ANALYSIS

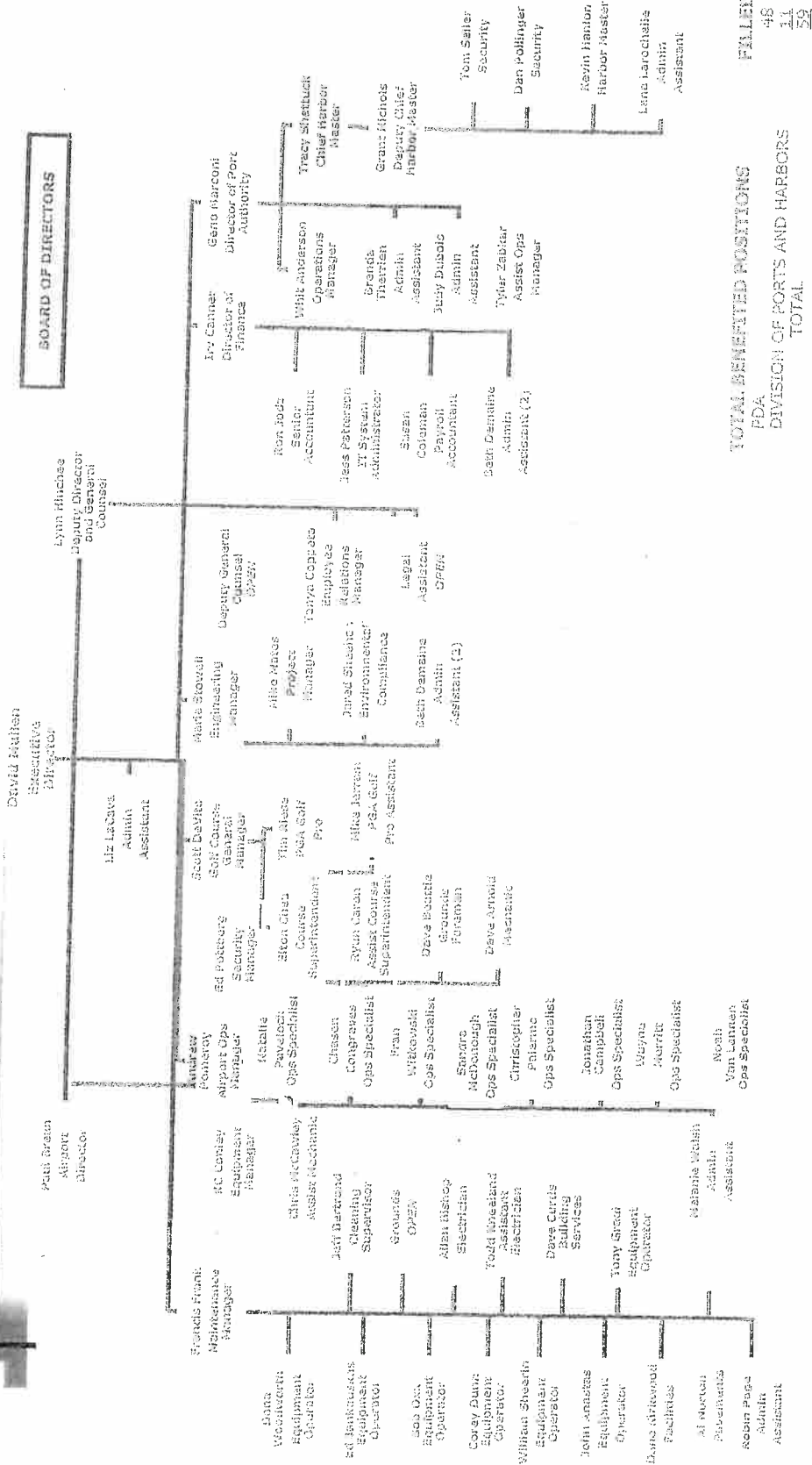
CONSOLIDATED PERSONNEL SERVICES AND BENEFITS FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019

(\$ 000's)

PERSONNEL SERVICES	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	CURRENT YEAR BUDGET	SAL/ BEN	HR/ BEN	HR/ NON	SE	TOTAL
BENEFITED	3,156	2,179	(23)	3,667	-	17.0	-	11.0	28.0
NONBENEFITED	411	413	(2)	759	1.0	10.0	4.0	9.0	24.0
OVERTIME	157	138	19	236	-	-	-	-	-
ACCRUED VACATION/ SICK	24	-	24	-	-	-	-	-	-
CHARGE OUT	<u>2,748</u> (161)	<u>2,730</u> (258)	<u>18</u> <u>92</u>	<u>4,662</u> (368)	3.0	9.0	9.0	-	21.0
	<u>2,587</u>	<u>2,472</u>	<u>115</u>	<u>4,294</u>	2.0	2.5	-	-	4.5
FRINGE BENEFITS									
HEALTH INSUR	661	599	63	1,026	1.0	1.0	2.0	-	4.0
RETIREMENT	355	280	72	605	3.0	0.5	-	-	3.5
DENTAL INSURANCE	37	37	-	63	-	-	3.0	-	3.0
LIFE INSURANCE	17	14	3	25	1.0	1.0	-	-	2.0
CHARGE OUT	<u>1,089</u> (18)	<u>920</u> (62)	<u>139</u> <u>14</u>	<u>1,719</u> (110)	14.0	45.0	18.0	26.0	103.0
	<u>2,024</u>	<u>2,602</u>	<u>153</u>	<u>2,409</u>					
	<u>2,608</u>	<u>3,070</u>	<u>260</u>	<u>5,903</u>					

**CURRENT STAFF ANALYSIS (FILLED POSITIONS)
AS OF FEBRUARY 14 2019**

PEASE DEVELOPMENT AUTHORITY ORGANIZATION CHART - CURRENT



TOTAL BENEFITED POSITIONS

FILLED	48	OPEN	3
PDA	11		
DIVISION OF PORTS AND HARBORS	59		
TOTAL			

NOTE:
1. EXCLUDES, NON-BENEFITED EMPLOYEES, CONTRACT AND SEASONAL EMPLOYEES.
2. SHARED POSITION

CONSOLIDATED OTHER OPERATING EXPENSES FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019

(\$ 000's)

ADMINISTRATIVE AND GENERAL	YEAR TO	YEAR TO	CURRENT	CURRENT	PROFESSIONAL SERVICES	YEAR TO	YEAR TO	CURRENT	CURRENT	CURRENT YEAR BUDGET
	DATE ACTUAL	DATE BUDGET	YEAR VARIANCE	YEAR BUDGET		DATE ACTUAL	DATE BUDGET	YEAR VARIANCE	YEAR BUDGET	
FICA	197	208	(11)	357						
INSURANCE	111	98	13	168	LEGAL	238	341	(103)	750	
TELEPHONE / COMMUNICATIONS	62	61	1	104	INFORMATION TECHNOLOGY	53	40	13	69	
WORKERS' COMPENSATION	32	43	(11)	75	EXTERNAL AUDIT	47	40	7	60	
BANK FEES	35	55	(20)	81	ALL OTHER- NET	32	19	13	32	
ALL OTHER-NET	222	232	(10)	422						
	<u>659</u>	<u>697</u>	<u>(38)</u>	<u>1,207</u>		<u>370</u>	<u>440</u>	<u>(70)</u>	<u>911</u>	
UTILITIES										
ELECTRICITY	240	229	11	394	FUEL	553	392	161	653	
WATER	28	90	(62)	117	GOLF MERCHANDISE	104	92	12	175	
WASTE DISPOSAL	44	56	(12)	96	COAST TROLLEY	58	60	(2)	120	
NATURAL GAS AND OIL	33	41	(8)	70	GOLF CART LEASE	72	57	15	85	
PROPANE	22	20	2	35						
	<u>367</u>	<u>436</u>	<u>(69)</u>	<u>712</u>		<u>787</u>	<u>601</u>	<u>186</u>	<u>1,033</u>	

7

**CONSOLIDATED NONOPERATING (INCOME) EXPENSE
FOR THE SEVEN MONTH PERIOD ENDING
JANUARY 31, 2019**

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	CURRENT YEAR BUDGET	INTEREST EXPENSE	YEAR TO DATE	FISCAL BUDGET
INTEREST EXPENSE	6	86	(80)	148	PROVIDENT BANK - FLOC	-	138
INTEREST INCOME AND OTHER	(30)	(10)	(20)	(16)	CITY OF PORTSMOUTH	6	10
	(24)	76	(100)	132	TOTAL	6	148

CONSOLIDATED STATEMENTS OF NET POSITION

(\$ 000's)

ASSETS	JAN 31 2019	JUN 30 2018	JAN 31 2019	JUN 30 2018	UNRESTRICTED	RESTRICTED
CURRENT ASSETS						
CASH AND EQUIVALENTS	6,149	6,134	1,573	1,593		
ACCOUNTS RECEIVABLE- NET	2,462	2,058	495	2,423		
OTHER ASSETS	493	500	475	581		
TOTAL CURRENT ASSETS	<u>9,104</u>	<u>8,692</u>	<u>2,543</u>	<u>4,597</u>	5,196	-
RESTRICTED ASSETS						
CASH AND EQUIVALENTS	556	489	-	-	19	-
ACCOUNTS RECEIVABLE- NET	1,012	1,153	-	828	<u>2,212</u>	-
TOTAL RESTRICTED ASSETS	<u>1,568</u>	<u>1,642</u>	<u>-</u>	<u>828</u>	384	-
CAPITAL ASSETS						
LAND, BUILDINGS AND EQUIPMENT	61,837	65,030	-	-	550	-
CONSTRUCTION IN PROCESS (PAGES #10-#12)	2,464	2,026	-	-	-	213
TOTAL CAPITAL ASSETS	<u>64,301</u>	<u>67,056</u>	<u>-</u>	<u>-</u>	-	338
LIABILITIES						
CURRENT LIABILITIES						
ACCOUNTS PAYABLE	-	-	1,195	1,198	-	-
ACCOUNTS PAYABLE- CONSTRUCTION	-	-	364	180	-	-
UNEARNED REVENUE	-	-	5	10	-	-
REVOLVING LOC FACILITY	-	-	(7,489)	(8,214)	-	-
CURRENT PORTION- LT LIABILITIES	-	-	-	-	-	-
TOTAL CURRENT LIABILITIES	<u>2,750</u>	<u>2,750</u>	<u>1,195</u>	<u>1,198</u>	-	-
NONCURRENT LIABILITIES						
NET PENSION / OPEB LIABILITY	13,225	13,225	-	-	-	-
OTHER LT LIABILITIES (PAGE #2)	623	828	-	-	-	-
TOTAL LIABILITIES	<u>13,873</u>	<u>13,957</u>	<u>1,195</u>	<u>1,198</u>	-	-
DEFERRED INFLOWS OF RESOURCES						
PENSION / OPEB	2,612	2,612	-	-	-	-
NET POSITION						
NET INVESTMENT IN CAPITAL ASSETS	64,438	64,438	-	-	-	-
RESTRICTED FOR:						
REVOLVING LOAN FUND	1,195	1,198	-	-	-	-
HARBOR DREDGING	364	180	-	-	-	-
FOREIGN TRADE ZONE	5	10	-	-	-	-
UNRESTRICTED	(7,489)	(8,214)	-	-	-	-
TOTAL NET POSITION	<u>59,519</u>	<u>57,574</u>	<u>59,519</u>	<u>57,574</u>	9,244	338

**CASH AND EQUIVALENTS
AT JANUARY 31, 2019**

UNRESTRICTED RESTRICTED

PEASE
DEVELOPMENT
AUTHORITY

GENERAL FUNDS
TENANT ESCROW

DIVISION OF
PORTS AND
HARBORS

GENERAL FUNDS
HARBOR
MANAGEMENT

HARBOR
DREDGING

REVOLVING LOAN-
FISHERY FUND

FOREIGN TRADE

TOTAL

SUMMARY OF INTERGOVERNMENTAL RECEIVABLES
AS OF JANUARY 31, 2019

(\$ 000's)

PROJECT NAME	APPROVAL DATE	TOTAL PROJECT	GRANT AWARD	EXPENDED TO DATE	PDA SHARE	RECEIVED TO DATE	BALANCE DUE PDA	AMOUNT SUBMITTED
PSM OBSTRUCTION DESIGN (SBG 04-2014)	04-25-14	333	316	304	(15)	289	-	-
PSM SECURITY IDENTIFICATION MANAGEMENT SYSTEM (SBG 05-2016)	03-21-16	392	373	392	(20)	372	-	-
PSM TERMINAL BATHROOM RENOVATIONS (AIP 55)	04-21-16	546	519	536	(27)	509	-	-
PSM RUNWAY 16-34 DESIGN (AIP 58)	05-18-17	1,265	885	1,017	(41)	496	480	359
PSM OBSTRUCTION REMOVAL / CONSTRUCTION (AIP 60)	05-18-17	1,130	1,074	988	(49)	782	157	157
PSM TERMINAL PLANNING STUDY (AIP 61)	05-18-17	393	373	349	(17)	332	-	-
PSM- AIR NATIONAL GUARD TAXIWAY PROJECT	-	2,500	2,500	2,363	-	2,321	42	-
PSM RUNWAY REIMBUR AGREEMENT (AIP 59)	08-23-17	931	885	34	(2)	29	3	-
PSM TERMINAL BUILDING EXPANSION	11-01-18	1,730	1,644	725	(36)	-	689	-
DAW SNOW REMOVAL EQUIP (SBG 08-2017)	05-18-17	503	478	495	(25)	470	-	-
DAW TAXILANE PAVEMENT AND DRAINAGE CONSTRUCTION (SBG 07-2016)	09-22-16	1,830	1,738	1,458	(73)	1,363	22	-
DPH UPGRADE PORT SECURITY AND SOFTWARE	-	59	59	47	(2)	-	45	-
DPH RETROFIT EMERGENCY GENERATOR	-	-	-	103	77	-	26	-
DPH BUILD GRANT APPLICATION	-	-	-	13	-	13	-	-
DPH FUNCTIONAL REPLACEMENT- BARGE DOCK	-	-	-	602	-	494	108	108
							<u>1,572</u>	<u>624</u>

SUMMARY OF CONSTRUCTION WORK IN PROGRESS

(\$ 000's)

PROJECT NAME	BALANCE AT 06-30-18	CURRENT YEAR EXPENDITURES	TRANSFER TO PLANT IN SERVICE	NET CURRENT YEAR CHANGE	BALANCE AT 01-31-19
PORTSMOUTH AIRPORT					
RUNWAY 16-34 DESIGN (AIP 58)	661	358	(115)	243	904
TERMINAL PLANNING STUDY (AIP 61)	351	(2)	(351)	(353)	(2)
TERMINAL BUILDING EXPANSION	725	-	-	-	725
REPLACE TERMINAL RT/PS	180	35	(215)	(180)	-
OBSTRUCTION REMOVAL- CONSTRUCTION	2	104	(103)	1	3
AIRFIELD SIGNAGE	-	50	(50)	-	-
PAY FOR PARKING PROJECT	-	123	(123)	-	-
TERMINAL CARPETING	-	24	(24)	-	-
SNOW PUSHER	-	4	-	4	4
TERMINAL EXPANSION	-	103	-	103	103
AIR NATIONAL GUARD TAXIWAY	-	(ZZ)	ZZ	-	-
	<u>1,919</u>	<u>722</u>	<u>(904)</u>	<u>(182)</u>	<u>1,737</u>

SUMMARY OF CONSTRUCTION WORK IN PROGRESS

(CONTINUED)

(\$ 000's)

PROJECT NAME	BALANCE AT 06-30-18	CURRENT YEAR EXPENDITURES	TRANSFER TO PLANT IN SERVICE	NET CURRENT YEAR CHANGE	BALANCE AT 01-31-19
SKYHAVEN AIRPORT					
TAXILANE PAVEMENT AND DRAINAGE	-	15	(7)	-	8
SNOW REMOVAL EQUIPMENT	-	1	(1)	-	-
	-	<u>16</u>	<u>(8)</u>	-	<u>8</u>
TRADEPORT					
GOLF COURSE					
TORO TOP DRESSING BRUSH	-	-	-	-	-
TORO PROCARE PUSHER	-	3	(3)	-	-
GR3150 GREENS MOWERS	-	27	(27)	-	-
GIN 3500 TRIM MOWER	-	74	(74)	-	-
	-	<u>32</u>	<u>(32)</u>	-	-
	-	<u>136</u>	<u>(136)</u>	-	-
ADMINISTRATION					
WEBSITE REDESIGN PROJECT	29	10	(39)	(29)	-
COMPUTER REPLACEMENTS	-	8	(8)	-	-
	<u>29</u>	<u>18</u>	<u>(47)</u>	<u>(29)</u>	-
MAINTENANCE					
MITAS END 30 TIRES	-	17	(17)	-	-

SUMMARY OF CONSTRUCTION WORK IN PROGRESS

(CONTINUED)

(\$ 000's)

PROJECT NAME	BALANCE AT 06-30-18	CURRENT YEAR EXPENDITURES	TRANSFER TO PLANT IN SERVICE	NET CURRENT YEAR CHANGE	BALANCE AT 01-31-19
DIVISION OF PORTS AND HARBORS (DPH)					
UPGRADE PORT SECURITY AND SOFTWARE	47	-	-	-	47
FUNCTIONAL REPLACEMENT- BARGE DOCK	21	581	-	581	602
FASTLANE GRANT APPLICATION	11	(11)	-	(11)	-
BUILD GRANT APPLICATION	-	24	-	24	24
EMERGENCY GENERATOR RETROFIT	-	103	(81)	22	22
PFP DRAINAGE IMPROVEMENTS	-	11	(11)	-	-
FURNACE REPLACEMENT	-	10	(10)	-	-
EVINRUDE 75 HP ENGINE	-	7	-	7	7
RYE FUEL SYSTEM REPLACEMENT	-	6	(6)	-	-
RYE STORM DAMAGES	-	8	(8)	-	-
PFP CONCEPT STUDY	-	17	-	17	17
	79	756	(116)	640	719
TOTAL	2,027	1,665	(1,228)	497	2,464

LONG TERM LIABILITIES AS OF JANUARY 31, 2019

(\$ 000's)

SCHEDULE OF LONG TERM LIABILITY REPAYMENT

	CURRENT PORTION	LONG TERM PORTION	TOTAL AMOUNT DUE
STATE OF NEW HAMPSHIRE POST RETIREE HEALTH CARE PROGRAM	91	273	364
DPH- DEPARTMENT OF ARMY	-	252	252
CITY OF PORTSMOUTH- WATER POLLUTION CONTROL NOTE @ 4.50%	116	-	116
ACCRUED SICK LIABILITY	-	98	98
	<u>207</u>	<u>623</u>	<u>830</u>

FISCAL YEAR	CITY OF PORTSMOUTH	STATE OF NEW HAMPSHIRE (1)
2019	116	91
2020	116	91
2021	-	91
2022	-	91
2023	-	91
	232	455
PAID IN FY 2019	(116)	(91)
	<u>116</u>	<u>364</u>

NOTE:
1. ALLOCATION OF ANNUAL PAYMENT IS \$63 CHARGED TO THE PDA AND \$28 TO THE DPH.

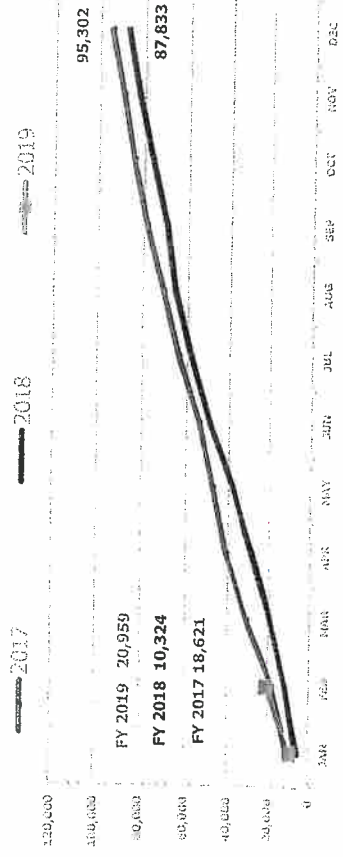
STATEMENT OF OPERATIONS FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019 PORTSMOUTH AIRPORT

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	678	858	(180)	1,540
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS	541	498	43	837
BUILDINGS AND FACILITIES MAINTENANCE	434	617	(183)	970
GENERAL AND ADMINISTRATIVE	178	151	27	259
UTILITIES	167	185	(18)	317
PROFESSIONAL SERVICES	4	-	4	-
MARKETING AND PROMOTION	51	25	26	43
ALL OTHER	-	-	-	-
OPERATING INCOME	(697)	(618)	(79)	(886)
NONOPERATING (INCOME) AND EXPENSE	-	-	-	-
DEPRECIATION	1,986	2,275	(289)	3,900
NET OPERATING INCOME	(2,693)	(2,893)	210	(4,786)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES				
FACILITIES RENTAL	456	459	(3)	811
PAY FOR PARKING	32	238	(196)	307
COMMISSION REVENUES	53	42	11	71
FUEL FLOWAGE	106	117	(11)	300
ALL OTHER	31	12	19	151
	678	858	(180)	1,540

EXPLANATION DATA



**STATEMENT OF OPERATIONS FOR THE SEVEN MONTH
PERIOD ENDING JANUARY 31, 2019
SKYHAVEN AIRPORT**

(\$ 000's)

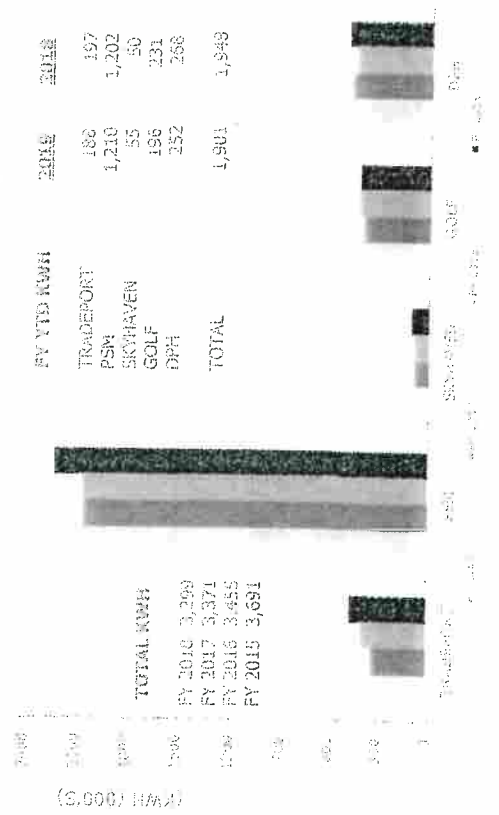
OPERATING REVENUES	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
FACILITIES RENTAL	71	70	1	120	111	108	3	185
FUEL SALES	40	38	2	64	29	39	(10)	66
ALL OTHER	-	-	-	1	47	42	5	71
	<u>111</u>	<u>108</u>	<u>3</u>	<u>185</u>				
OPERATING REVENUES								
FACILITIES RENTAL								
FUEL SALES								
ALL OTHER								
	<u>111</u>	<u>108</u>	<u>3</u>	<u>185</u>				
OPERATING EXPENSES								
PERSONNEL SERVICES AND BENEFITS					29	39	(10)	66
BUILDINGS AND FACILITIES MAINTENANCE					47	42	5	71
GENERAL AND ADMINISTRATIVE					21	21	-	36
UTILITIES					15	17	(2)	30
PROFESSIONAL SERVICES					4	3	1	6
MARKETING AND PROMOTION					-	-	-	-
ALL OTHER- FUEL					38	30	8	51
					<u>154</u>	<u>152</u>	<u>2</u>	<u>260</u>
OPERATING INCOME					(43)	(44)	1	(75)
NONOPERATING (INCOME) AND EXPENSE					-	-	-	-
DEPRECIATION					306	263	43	450
NET OPERATING INCOME					<u>(249)</u>	<u>(307)</u>	<u>(42)</u>	<u>(225)</u>
GALLONS OF FUEL SOLD								
FY 2019	684	8,408	8,408	\$4.77				
FY 2018	692	9,890	15,476	\$4.35				
NET CASH FLOW								
FY 2019	(43)	(17)	-	463	404			
FY 2018	(74)	(1,193)	-	1,370	103			
FY 2017	(91)	(929)	-	301	(719)			
FY 2009-2016	(744)	(4,670)	(100)	4,054	(1,460)			
	<u>(252)</u>	<u>(6,809)</u>	<u>(100)</u>	<u>6,188</u>	<u>(1,673)</u>			

STATEMENT OF OPERATIONS FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019 TRADEPORT

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	5,234	5,268	(34)	8,557
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS	-	-	-	-
BUILDINGS AND FACILITIES MAINTENANCE	123	282	(159)	483
GENERAL AND ADMINISTRATIVE	28	28	-	48
UTILITIES	55	63	(8)	108
PROFESSIONAL SERVICES	-	-	-	-
MARKETING AND PROMOTION	1	-	1	-
ALL OTHER	58	61	(3)	434
OPERATING INCOME	4,969	4,834	135	7,798
NONOPERATING (INCOME) AND EXPENSE	-	-	-	-
DEPRECIATION	444	496	(52)	850
NET OPERATING INCOME	4,525	4,338	187	6,948

AVIAL CONSUMPTION ANALYSIS BY BUSINESS UNIT



STATEMENT OF OPERATIONS FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019 GOLF COURSE

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET	OPERATING REVENUES	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	<u>1,553</u>	<u>1,503</u>	50	2,468	CONCESSION REVENUES	192	198	(6)	325
OPERATING EXPENSES					FEE REVENUES				
PERSONNEL SERVICES AND BENEFITS	568	502	66	863	GOLF FEES	905	888	17	1,425
BUILDINGS AND FACILITIES MAINTENANCE	196	202	(6)	319	MEMBERSHIPS	224	211	13	340
GENERAL AND ADMINISTRATIVE	139	146	(7)	238	SIMULATOR	76	62	14	120
UTILITIES	68	110	(42)	13	LESSONS	10	7	3	17
PROFESSIONAL SERVICES	17	9	8	16		<u>1,215</u>	<u>1,168</u>	<u>47</u>	<u>1,902</u>
MARKETING AND PROMOTION	37	32	5	55	MERCHANDISE AND OTHER	146	137	9	241
ALL OTHER	177	149	28	260		<u>1,553</u>	<u>1,503</u>	<u>50</u>	<u>2,468</u>
OPERATING INCOME	<u>351</u>	<u>353</u>	(2)	564					
NONOPERATING (INCOME) AND EXPENSE					BUSINESS UNIT ANALYSIS				
DEPRECIATION	244	232	12	397	PRO SHOP	141	1,144	192	1,553
NET OPERATING INCOME	<u>107</u>	<u>121</u>	14	167	COURSE OPERA		926	109	1,202
					FOOD / BEV			76	
					TOTAL				
					OPERATING REVENUES	141	1,144	192	1,553
					OPERATING EXPENSES (EXCLUDING DEPRECIATION)	135	926	109	1,202
					OPERATING INCOME	6	218	83	351

KEY GOLF COURSE BENCHMARKING DATA AS OF JANUARY 31, 2019

ROUNDS OF GOLF PLAYED (SEASON)



Category	2018 YTD	2017 YTD	2018	2017
ROUNDS PLAYED	51,317	53,234	53,234	53,234
RAIN DAYS	77	52	52	52

2018 MEMBER / NONMEMBER ROUNDS (SEASON)



GOLF SIMULATOR REVENUES

Month	FY 2019	FY 2018
JULY	\$ 331	\$ 253
AUGUST	485	992
SEPTEMBER	479	251
OCTOBER	5,292	3,135
NOVEMBER	18,312	14,913
DECEMBER	22,559	18,951
JANUARY	28,984	23,260
FEBRUARY	25,591	23,406
MARCH	-	23,198
APRIL	-	10,006
MAY	-	841
JUNE	-	97
TOTAL	\$ 102,033	\$ 119,353

GRILL 28 GROSS SALES

Month	FY 2019	FY 2018
JULY	\$ 208,701	\$ 195,199
AUGUST	221,334	210,451
SEPTEMBER	188,411	176,766
OCTOBER	134,258	156,482
NOVEMBER	89,731	98,447
DECEMBER	110,593	115,699
JANUARY	102,321	100,736
FEBRUARY	101,282	95,902
MARCH	-	86,828
APRIL	-	127,356
MAY	-	194,537
JUNE	-	248,212
TOTAL	\$ 1,156,631	\$ 1,808,615

2018 ROUNDS- SEASON

MEMBER	13,878
NONMEMBER	37,439
TOTAL	51,317

2017 ROUNDS- SEASON

MEMBER	14,983
NONMEMBER	38,851
TOTAL	53,234

CLUB/ COURSE FUNCTIONS

Function	FY 2019 YTD	FY 2018 YTD
GROUPS 12-40	33,088	27,642
TOURNAMENT PLAY	133,698	141,419
LEAGUES	60,575	63,049
FOOD AND ROOM FEES	156,933	164,694

STATEMENT OF OPERATIONS FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019 PORT AUTHORITY OF NEW HAMPSHIRE (UNRESTRICTED)

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	1,572	1,317	255	2,294
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS	666	611	55	1,084
BUILDINGS AND FAC AND MAINTENANCE	70	116	(46)	192
GENERAL AND ADMINISTRATIVE	84	108	(24)	215
UTILITIES	64	60	4	103
PROFESSIONAL SERVICES	15	10	5	18
MARKETING AND PROMOTION	2	1	1	1
ALL OTHER - FUEL	515	361	154	602
	<u>1,416</u>	<u>1,267</u>	<u>149</u>	<u>2,215</u>
OPERATING INCOME	156	50	106	79
NONOPERATING (INCOME) AND EXPENSE	(1)	(1)	-	(2)
DEPRECIATION	358	413	(55)	708
NET OP INCOME	<u>(201)</u>	<u>(362)</u>	<u>161</u>	<u>(627)</u>

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	294	313	(19)	647
FACILITY RENTALS				
CONCESSION REVENUE	-	3	(3)	4
FEE REVENUE				
MOORING FEES	199	204	(5)	350
PARKING	82	76	6	116
REGISTRATIONS	131	88	43	150
WHARF / DOCK	219	195	24	335
FUEL SALES	631	563	68	951
ALL OTHER	626	409	217	640
	21	29	(8)	52
TOTAL	<u>1,572</u>	<u>1,317</u>	<u>255</u>	<u>2,294</u>

BUSINESS UNIT ANALYSIS	RVE HARBOR	HAMPTON HARBOR	PORTSMOUTH FISH PIER	MARKET STREET	HARBOR MANAG	ADMIN
OPERATING REVENUES	194	207	364	476	330	1
OPERATING EXPENSES (EXCLUDING DEPRECIATION)	168	207	329	235	256	221
OPERATING INCOME	26	-	35	241	74	(220)

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**STATEMENT OF OPERATIONS FOR THE SEVEN MONTH
PERIOD ENDING JANUARY 31, 2019
PORT AUTHORITY OF NEW HAMPSHIRE (RESTRICTED)**

	YEAR TO DATE ACTUAL		YEAR TO DATE BUDGET		CURRENT YEAR VARIANCE		FISCAL YEAR BUDGET		HARBOR DREDGING	YEAR TO DATE ACTUAL		YEAR TO DATE BUDGET		CURRENT YEAR VARIANCE		FISCAL YEAR BUDGET		
	5	12	5	12	(7)	(2)	12	12		63	48	15	15	100				
FOREIGN TRADE ZONE																		
OPERATING REVENUES																		
OPERATING EXPENSES																		
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES MAINTENANCE	-	-	-	-	-	-	-	-	21	19	2	2	60					
GENERAL AND ADMINISTRATIVE	5	-	-	-	5	-	-	-	-	2	(2)	4						
UTILITIES	-	-	-	-	-	-	-	-	-	-	-	-	-					
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-	-	-	-	-	-					
MARKETING AND PROMOTION	5	4	1	7					-	-	-	-	-					
ALL OTHER	-	-	-	-	-	-	-	-	-	-	-	-	-					
OPERATING INCOME	10	4	6	2					21	21	-	64						
NONOPERATING (INCOME) AND EXPENSE	(5)	8	(13)	7					42	27	15	36						
DEPRECIATION	-	-	-	-	-	-	-	-	(1)	(1)	-	-						
NET OPERATING INCOME	(5)	8	(13)	8					45	41	4	70						
									(2)	(13)	11	(34)						

(\$ 000's)

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STATEMENT OF OPERATIONS FOR THE SEVEN MONTH PERIOD ENDING JANUARY 31, 2019 PORT AUTHORITY OF NEW HAMPSHIRE (RESTRICTED)

(CONTINUED)

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET	
REVOLVING LOAN FUND RECONCILIATION					
OPERATING REVENUES	25	26	(1)	44	
OPERATING EXPENSES					
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	48
BUILDINGS AND FACILITIES MAINTENANCE	7	-	7	-	-
GENERAL AND ADMINISTRATIVE	2	-	2	-	46
UTILITIES	-	-	-	-	142
PROFESSIONAL SERVICES	19	19	-	32	1,010
MARKETING AND PROMOTION	-	-	-	-	984
ALL OTHER	-	-	-	-	1,197
OPERATING INCOME	28	19	9	32	96.0
NONOPERATING (INCOME) AND EXPENSE	(3)	7	(10)	12	32.2
DEPRECIATION	-	-	-	-	32.2
NET OPERATING INCOME	(3)	7	(10)	12	46.0

(*) EXCLUDES SEQUESTERED FUNDS.

PEASE DEVELOPMENT AUTHORITY STATEMENT OF NET POSITION

(EXCLUDING PORT AUTHORITY OF NEW HAMPSHIRE)

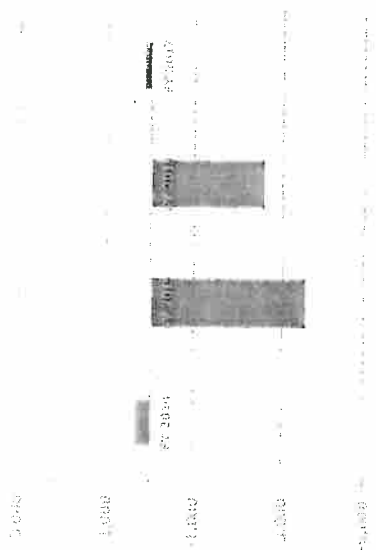
(\$ 000's)

	JAN 31 2019	JUN 30 2018	JAN 31 2019	JUN 30 2018
ASSETS			LIABILITIES 1,340	
CURRENT ASSETS			CURRENT LIABILITIES	
CASH AND EQUIVALENTS	5,215	5,197	ACCOUNTS PAYABLE	1,317
ACCOUNTS RECEIVABLE- NET	2,203	2,547	ACCOUNTS PAYABLE- CONSTRUCTION	358
OTHER ASSETS	456	454	UNEARNED REVENUE	324
TOTAL CURRENT ASSETS	<u>7,874</u>	<u>8,198</u>	REVOLVING LOC FACILITY	-
RESTRICTED ASSETS			CURRENT PORTION- LT LIABILITIES	178
CASH AND EQUIVALENTS	-	-	TOTAL CURRENT LIABILITIES	<u>2,177</u>
ACCOUNTS RECEIVABLE- NET	-	-	NONCURRENT LIABILITIES	
TOTAL RESTRICTED ASSETS	<u>-</u>	<u>-</u>	NET PENSION / OPEB LIABILITY	10,955
CAPITAL ASSETS			OTHER LT LIABILITIES	444
LAND, BUILDINGS AND EQUIPMENT	53,430	55,335	TOTAL LIABILITIES	<u>11,223</u>
CONSTRUCTION IN PROCESS (PAGES #10-#14)	1,744	1,947	DEFERRED INFLOWS OF RESOURCES	<u>13,481</u>
TOTAL ASSETS	<u>55,174</u>	<u>57,282</u>	PENSION / OPEB	<u>2,201</u>
RESTRICTED FOR:			NET POSITION	54,700
REVOLVING LOAN FUND	62,048	65,450	NET INVEST IN CAPITAL ASSETS	55,265
HARBOR DREDGING	-	-		
FOREIGN TRADE ZONE	-	-		
UNRESTRICTED	<u>1,435</u>	<u>1,435</u>		
TOTAL NET POSITION	<u>48,801</u>	<u>48,986</u>		

DISCUSSION AND ANALYSIS

- CONTINUED FINANCIAL OBLIGATION TO SUPPORT NONGRANT RELATED CAPITAL PROJECTS AND DEBT REPAYMENT.
- ACCRUED PENSION LIABILITY FOR JUNE 30, 2018 REDUCED BY \$504
- REVENUE ESCALATION / CPI HAS BEEN EXCEEDED BY COST ESCALATION RELATIVE TO PERSONNEL SERVICES AND BENEFITS.

NET UNRESTRICTED POSITION AT JUNE 30



PORT AUTHORITY OF NEW HAMPSHIRE STATEMENT OF NET POSITION- UNRESTRICTED FUNDS

(\$ 000's)

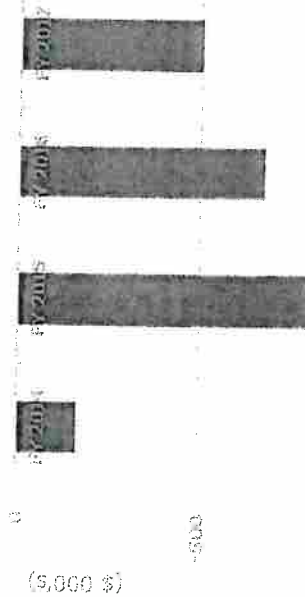
	JAN 31 2019	JUN 30 2018	JAN 31 2019	JUN 30 2018
ASSETS	LIABILITIES			
CURRENT ASSETS			CURRENT LIABILITIES	
CASH AND EQUIVALENTS	934	936	ACCOUNTS PAYABLE	174
ACCOUNTS RECEIVABLE- NET	259	199	ACCOUNTS PAYABLE- CONSTRUCTION	115
OTHER ASSETS	37	48	UNEARNED REVENUE	151
TOTAL CURRENT ASSETS	<u>1,230</u>	<u>1,183</u>	REVOLVING LOC FACILITY	-
RESTRICTED ASSETS			CURRENT PORTION- LT LIABILITIES	29
CASH AND EQUIVALENTS	-	-	TOTAL CURRENT LIABILITIES	<u>469</u>
ACCOUNTS RECEIVABLES- NET	-	-	NONCURRENT LIABILITIES	
TOTAL RESTRICTED ASSETS	<u>-</u>	<u>-</u>	NET PENSION / OPEB LIABILITY	2,270
CAPITAL ASSETS			OTHER LT LIABILITIES	131
LAND, BUILDINGS AND EQUIPMENT	8,549	8,902	TOTAL LIABILITIES	<u>2,842</u>
CONSTRUCTION IN PROCESS (pages #10-11)	681	79	DEFERRED INFLOWS OF RESOURCES	
TOTAL ASSETS	<u>10,460</u>	<u>10,164</u>	PENSION / OPEB	411
			NET POSITION	
	9,230	8,981	NET INVEST IN CAPITAL ASSETS	9,115
	<u>10,460</u>	<u>10,164</u>	RESTRICTED FOR:	
			REVOLVING LOAN FUND	-
			HARBOR DREDGING	-
			FOREIGN TRADE ZONE	-
	218	218	UNRESTRICTED	(1,590)
DEFERRED OUTFLOWS OF RESOURCES			TOTAL NET POSITION	<u>7,525</u>
PENSION / OPEB	-	-		<u>7,105</u>

DISCUSSION AND ANALYSIS

* CONTINUED FINANCIAL OBLIGATION TO SUPPORT UNREIMBURSED CAPITAL PROJECTS AND ACCRUED PENSION LIABILITY.

* \$ 1.9 MILLION IN STORM WATER MANAGEMENT SYSTEM MODIFICATION AND IMPROVEMENT PROJECT COSTS IN PAST THREE FISCAL YEARS. THE PIER EXPANSION FUND HAS PROVIDED \$1.0 MILLION WHILE \$0.9 MILLION HAS BEEN ABSORBED BY UNRESTRICTED FUND BALANCES.

**NET UNRESTRICTED POSITION
AT JUNE 30**



-500-

-4,000

(\$ 000 \$)

PORT AUTHORITY OF NEW HAMPSHIRE STATEMENT OF NET POSITION- FOREIGN TRADE ZONE

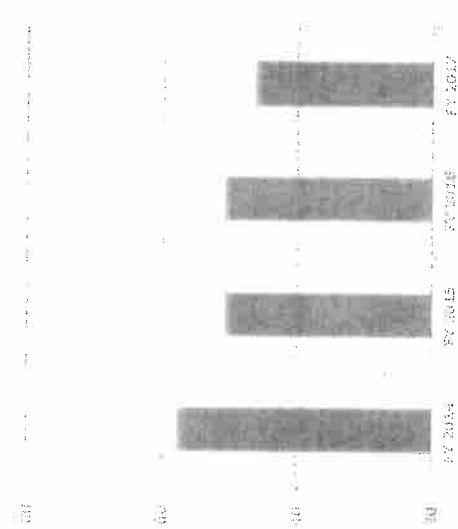
(\$ 000's)

	JAN 31 2019	JUN 30 2018	JAN 31 2019	JUN 30 2018
ASSETS				
CURRENT ASSETS				
CASH AND EQUIVALENTS	-	-	-	-
ACCOUNTS RECEIVABLE- NET	-	-	-	-
OTHER ASSETS	-	-	-	-
TOTAL CURRENT ASSETS	-	-	-	-
RESTRICTED ASSETS				
CASH AND EQUIVALENTS	5	10	-	-
ACCOUNTS RECEIVABLE- NET	-	-	-	-
TOTAL RESTRICTED ASSETS	5	10	-	-
CAPITAL ASSETS				
LAND, BUILDINGS AND EQUIPMENT	-	-	-	-
CONSTRUCTION IN PROCESS (PAGE 400-034)	-	-	-	-
TOTAL ASSETS	5	10	-	-
DEFERRED OUTFLOWS OF RESOURCES				
PENSION / OPEB	-	-	5	10
TOTAL NET POSITION	5	10	5	10
LIABILITIES				
CURRENT LIABILITIES				
ACCOUNTS PAYABLE	-	-	-	-
ACCOUNTS PAYABLE- CONSTRUCTION	-	-	-	-
UNEARNED REVENUE	-	-	-	-
REVOLVING LOC FACILITY	-	-	-	-
CURRENT PORTION- LT LIABILITIES	-	-	-	-
TOTAL CURRENT LIABILITIES	-	-	-	-
NONCURRENT LIABILITIES				
NET PENSION / OPEB LIABILITY	-	-	-	-
OTHER LT LIABILITIES	-	-	-	-
TOTAL LIABILITIES	-	-	-	-
DEFERRED INFLOWS OF RESOURCES				
PENSION	-	-	-	-
NET POSITION	-	-	-	-
NET INVEST IN CAPITAL ASSETS				
RESTRICTED FOR:	-	-	-	-
REVOLVING LOAN FUND	-	10	-	-
HARBOR DREDGING	-	-	-	-
FOREIGN TRADE ZONE	-	-	5	10
UNRESTRICTED	-	-	-	-
TOTAL NET POSITION	5	10	5	10

DISCUSSION AND ANALYSIS

* CURRENTLY EXPLORING ACCELERATED MARKETING PLAN TO ATTRACT POTENTIAL VENDORS.

**NET RESTRICTED POSITION
AT JUNE 30**



(\$ 000's)

PORT AUTHORITY OF NEW HAMPSHIRE STATEMENT OF NET POSITION - HARBOR DREDGING

(\$ 000's)

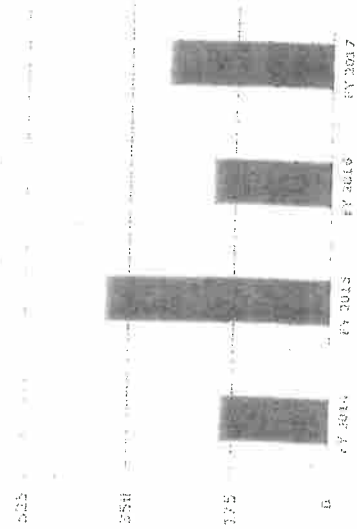
	JAN 31 2019	JUN 30 2018	JAN 31 2019	JUN 30 2018
ASSETS				
CURRENT ASSETS				
CASH AND EQUIVALENTS	-	-	-	-
ACCOUNTS RECEIVABLE-NET	-	-	-	-
OTHER ASSETS	-	-	-	-
TOTAL CURRENT ASSETS	-	-	-	-
RESTRICTED ASSETS				
CASH AND EQUIVALENTS	338	431	-	-
ACCOUNTS RECEIVABLE-NET	26	1	-	-
TOTAL RESTRICTED ASSETS	364	432	-	-
CAPITAL ASSETS				
LAND, BUILDINGS AND EQUIPMENT	858	793	-	-
CONSTRUCTION IN PROCESS (PAGES #10-#14)	39	-	-	-
TOTAL ASSETS	997	793	997	784
DEFERRED OUTFLOWS OF RESOURCES				
DEFERRED OUTFLOWS OF RESOURCES PENSION / OPEB	1,261	1,225	364	180
TOTAL ASSETS	2,258	2,018	1,361	964
LIABILITIES				
CURRENT LIABILITIES				
ACCOUNTS PAYABLE	-	-	-	-
ACCOUNTS PAYABLE- CONSTRUCTION	22	-	-	-
UNEARNED REVENUE	-	-	-	-
REVOLVING LOC FACILITY	-	-	-	-
CURRENT PORTION- LT LIABILITIES	-	-	-	-
TOTAL CURRENT LIABILITIES	22	-	22	-
NONCURRENT LIABILITIES				
NET PENSION / OPEB LIABILITY OTHER LT LIABILITIES	252	-	-	-
TOTAL LIABILITIES	274	-	22	-
DEFERRED INFLOWS OF RESOURCES				
PENSION	-	-	-	-
NET POSITION	997	793	997	784
RESTRICTED FOR:				
REVOLVING LOAN FUND HARBOR DREDGING FOREIGN TRADE ZONE UNRESTRICTED	-	-	364	180
TOTAL NET POSITION	997	793	997	784

DISCUSSION AND ANALYSIS

* CONTINUED FINANCIAL OBLIGATION TO SUPPORT UNREIMBURSED CAPITAL PROJECTS OR REPAIRS AND MAINTENANCE FOR PORT OPERATIONS. FOR FY 2018:

* VESSEL SERVICE POWER REPLAC	94
* RYE STORM DAMAGE	36
* PFP FISH PIER INSPECTION	25
* PFP ELECTRICAL DESIGN	21
* SECURITY LIGHTING UPGRADE	15
* PFP ICE COMPRESSOR REPAIR	9
* ALL OTHER	41

**NET RESTRICTED POSITION
AT JUNE 30**



PORT AUTHORITY OF NEW HAMPSHIRE STATEMENT OF NET POSITION - REVOLVING LOAN

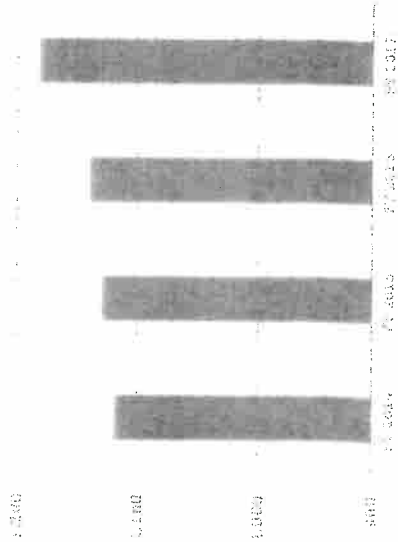
(\$ 000'S)

	JAN 31 2019	JUN 30 2018	JAN 31 2019	JUN 30 2018
ASSETS			LIABILITIES	
CURRENT ASSETS			CURRENT LIABILITIES	
CASH AND EQUIVALENTS	-	-	ACCOUNTS PAYABLE	4
ACCOUNTS RECEIVABLE- NET	-	-	ACCOUNTS PAYABLE- CONSTRUCTION	-
OTHER ASSETS	-	-	UNEARNED REVENUE	-
TOTAL CURRENT ASSETS	-	-	REVOLVING LOC FACILITY	-
RESTRICTED ASSETS			CURRENT PORTION- LT LIABILITIES	-
CASH AND EQUIVALENTS	213	48	TOTAL CURRENT LIABILITIES	4
ACCOUNTS RECEIVABLES- NET	986	1,152	NONCURRENT LIABILITIES	
TOTAL RESTRICTED ASSETS	1,199	1,200	NET PENSION / OPEB LIABILITY	-
CAPITAL ASSETS			OTHER LT LIABILITIES	-
LAND, BUILDINGS AND EQUIPMENT	-	-	TOTAL LIABILITIES	4
CONSTRUCTION IN PROCESS (PAGES 410-414)	-	-	DEFERRED INFLOWS OF RESOURCES	
TOTAL ASSETS	1,199	1,200	PENSION	-
DEFERRED OUTFLOWS OF RESOURCES			NET POSITION	
PENSION / OPEB	-	-	NET INVEST IN CAPITAL ASSETS	-
			RESTRICTED FOR:	
			REVOLVING LOAN FUND	1,195
			HARBOR DREDGING	-
			FOREIGN TRADE ZONE	-
			UNRESTRICTED	-
			TOTAL NET POSITION	1,195

DISCUSSION AND ANALYSIS

- IN JULY 2018, EDA AWARDS PDA WITH INITIAL RISK RATING OF "A" (HIGHEST).
- STEADY STATE WITH NO INDICATION OF ANY FINANCIAL CHALLENGES RELATIVE TO THE FUND BALANCE.
- CURRENT REGULATORY CLIMATE DOES HOWEVER POTENTIALLY CHALLENGE THE DEMAND FOR FUTURE LOANS AND POTENTIALLY, REPAYMENT OF CURRENT LOANS OUTSTANDING.

**NET RESTRICTED POSITION
AT JUNE 30**



**CASH FLOW PROJECTIONS FOR THE
NINE MONTH PERIOD ENDING
NOVEMBER 30, 2019**

**BOARD OF DIRECTORS MEETING
MARCH 14, 2019**



**PEASE
INTERNATIONAL
FOLK BROTHERHOOD AUTHORITY**

PEASE DEVELOPMENT AUTHORITY CASH FLOW SUMMARY OVERVIEW MARCH 1, 2019 TO NOVEMBER 30, 2019

(EXCLUDING DIVISION OF PORTS AND HARBORS)

(\$ 000's)

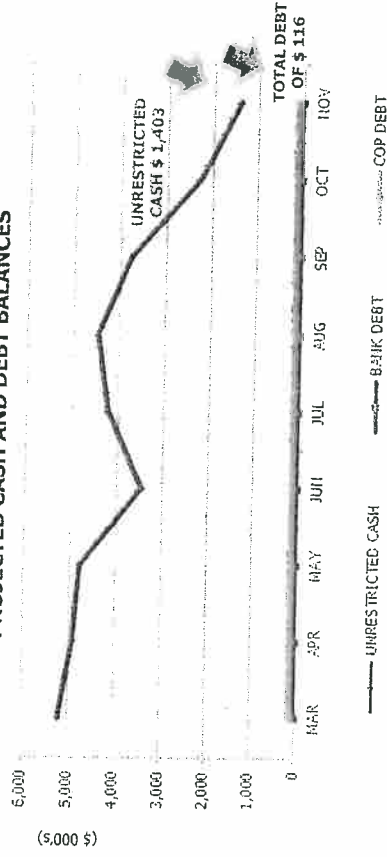
	AMOUNT
OPENING FUND BALANCE	6,228
SOURCES OF FUNDS	
TRADEPORT TENANTS	7,195
MUNICIPAL SERVICE FEE (COP)- NET	1,253
GOLF COURSE FEE AND CONCESSION REVENUES	1,185
PSM AIRPORT- LEASES, FUEL FLOWAGE FEES AND PARKING	1,117
GRANT AWARDS (SEE PAGE #8)	285
SKYHAVEN AIRPORT HANGAR AND FUEL REVENUES	142
EXTERNAL BANK FINANCING- NET	-
	<u>11,177</u>
USES OF FUNDS	
OPERATING EXPENSES	8,525
CAPITAL EXPENDITURES- NON GRANT (SEE PAGES #5-#7)	6,377
CAPITAL EXPENDITURES- GRANT (SEE PAGE #4)	1,037
STATE OF NH- POST RETIREMENT	63
LONG TERM DEBT RETIREMENT	-
	<u>16,002</u>
NET CASH FLOW	<u>(4,825)</u>
CLOSING FUND BALANCE	1,403

DISCUSSION

AT THIS TIME, THE PDA DOES NOT ANTICIPATE THE NEED TO UTILIZE ITS CREDIT FACILITIES WITH THE PROVIDENT BANK TO FINANCE PROJECTED NON-GRANT RELATED CAPITAL EXPENDITURES AND OR WORKING CAPITAL REQUIREMENTS.

CURRENT SENSITIVITIES TOWARD FUTURE PROJECTIONS INCLUDE 1) RECEIPT OF FEDERAL / STATE GRANT AWARDS INCLUSIVE OF THE PSM TERMINAL EXPANSION 2) ACCURACY OF THE CAPITAL EXPENDITURE AND REIMBURSEMENT FORECAST, 3) POTENTIAL LITIGATION CLAIMS AND OR 4) TRADEPORT REVENUE STREAMS.

PROJECTED CASH AND DEBT BALANCES



TOTAL FUND BALANCES	BALANCE AT 02-28-2019	BALANCE AT 06-30-2018
PDA UNRESTRICTED	6,228	5,162
PDA DESIGNATED	20	19
TOTAL	6,248	5,181

PEASE DEVELOPMENT AUTHORITY STATEMENT OF CASH FLOW

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$,000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
OPENING FUND BALANCE	<u>6,228</u>	<u>5,225</u>	<u>4,916</u>	<u>4,796</u>	<u>3,458</u>	<u>4,234</u>	<u>4,468</u>	<u>3,755</u>	<u>2,300</u>	<u>6,228</u>
SOURCES OF FUNDS										
TRADEPORT TENANTS	700	700	710	710	1,515	710	715	715	720	7,195
MUNICIPAL SERVICE FEE	250	250	375	250	250	375	250	250	375	2,625
GOLF COURSE	120	90	100	125	175	175	150	150	100	1,185
PAY FOR PARKING- PSM	60	55	50	50	45	45	45	45	50	445
PORTSMOUTH AIRPORT	45	45	50	45	45	50	45	45	50	420
GRANT AWARDS (SEE PAGE #8)	95	70	-	-	120	-	-	-	-	285
FUEL FLOWAGE FEES- PSM	25	40	22	20	40	20	20	40	25	252
SKYHAVEN AIRPORT	14	15	15	17	17	17	16	16	15	142
EXTERNAL FINANCING- NET	-	-	-	-	-	-	-	-	-	-
	<u>1,309</u>	<u>1,265</u>	<u>1,322</u>	<u>1,217</u>	<u>2,207</u>	<u>1,392</u>	<u>1,241</u>	<u>1,261</u>	<u>1,335</u>	<u>12,549</u>
USE OF FUNDS										
OPERATING EXPENSES	1,270	870	875	875	870	825	850	840	1,250	8,525
CAPITAL- NONGRANT (SEE PAGES #5-#7)	939	659	557	200	348	183	933	1,726	832	6,377
MUNICIPAL SERVICE FEE	21	-	-	1,330	-	-	21	-	-	1,372
CAPITAL- GRANT RELATED (SEE PAGE #9)	82	45	10	150	150	150	150	150	150	1,037
STATE OF NH- POST RETIREMENT	-	-	-	-	63	-	-	-	-	63
LONG TERM DEBT RETIREMENT	-	-	-	-	-	-	-	-	-	-
	<u>2,312</u>	<u>1,574</u>	<u>1,442</u>	<u>2,555</u>	<u>1,431</u>	<u>1,158</u>	<u>1,954</u>	<u>2,716</u>	<u>2,232</u>	<u>17,374</u>
NET CASH FLOW	(1,003)	(309)	(120)	(1,338)	776	234	(713)	(1,455)	(897)	(4,825)
CLOSING FUND BALANCE	<u>5,225</u>	<u>4,916</u>	<u>4,796</u>	<u>3,458</u>	<u>4,234</u>	<u>4,468</u>	<u>3,755</u>	<u>2,300</u>	<u>1,403</u>	<u>1,403</u>

PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>TOTAL</u>
<u>GRANT REIMBURSEMENT</u>										
PORTSMOUTH AIRPORT										
TERMINAL EXPANSION DESIGN AND CONSTRUCTION (AIP 63- \$1.8M)	-	-	-	150	150	150	150	150	150	900
RUNWAY 16-34 DESIGN (AIP 58)	70	35	-	-	-	-	-	-	-	105
OBSTRUCTION MITIGATION- CONSTRUCT (AIP 60)	10	10	10	-	-	-	-	-	-	30
SKYHAVEN AIRPORT										
TL AND DRAINAGE (SBG 7)	2	-	-	-	-	-	-	-	-	2
TOTAL	82	45	10	150	150	150	150	150	150	1,037

NOTE:
** PENDING BOARD APPROVAL

PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

(CONTINUED):

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
<u>NONGRANT REIMBURSEMENT</u>										
SKYHAVEN AIRPORT										
ADMINISTRATION										
COMPUTERS / PRINTERS / SOFTWARE / SERVERS / TELECOMMUNICATIONS **	-	65	-	12	-	-	13	-	-	90
PROPERTY MANAGEMENT SOFTWARE **	-	-	-	-	5	-	-	-	-	5
GOLF COURSE	-	<u>65</u>	-	<u>12</u>	<u>5</u>	-	<u>13</u>	-	-	<u>95</u>
FAIRWAY AERATOR	28	-	-	-	-	-	-	-	-	28
PATIO / CLUBHOUSE LIGHTING **	-	-	-	-	25	-	25	-	-	50
RESTAURANT MODIFICATIONS	20	-	-	-	-	-	-	-	-	20
ROUGH MOWER **	-	-	-	-	-	-	-	-	-	-
	<u>48</u>	-	-	-	<u>25</u>	-	<u>25</u>	-	-	<u>98</u>

NOTE:
** PENDING BOARD APPROVAL

PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

(CONTINUED):

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
<u>NONGRANT REIMBURSEMENT</u>										
<i>(CONTINUED):</i>										
PORTSMOUTH AIRPORT										
TERMINAL CONSTRUCTION	816	487	512	188	183	183	845	1,726	832	5,772
TERMINAL EXPANSION DESIGN	25	-	-	-	-	-	-	-	-	25
PAY FOR PARKING	40	10	-	-	-	-	-	-	-	50
GROUND TRANSPORTATION BUS **	-	-	-	-	100	-	-	-	-	100
NORTH WEATHER STATION GENERATOR **	-	-	-	-	35	-	-	-	-	35
TREE REPLACEMENT **	-	27	-	-	-	-	-	-	-	27
	<u>881</u>	<u>524</u>	<u>512</u>	<u>188</u>	<u>318</u>	<u>183</u>	<u>845</u>	<u>1,726</u>	<u>832</u>	<u>6,009</u>

NOTE:
** PENDING BOARD APPROVAL

PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

(CONTINUED) *(EXCLUDING THE DIVISION OF PORTS AND HARBORS)*

(\$ 000's)

	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>TOTAL</u>
<u>NONGRANT REIMBURSEMENT</u>										
TRADEPORT										
STORMWATER TREATMENT	<u>10</u>	=	=	=	=	=	=	=	=	<u>10</u>
MAINTENANCE										
VEHICLE FLEET REPLACEMENT **	-	40	45	-	-	-	50	-	-	135
BACKHOE SNOW PLOW **	-	5	-	-	-	-	-	-	-	5
TRACTOR ADD ON COMPONENTS **	-	25	-	-	-	-	-	-	-	25
	=	<u>70</u>	<u>45</u>	=	=	=	<u>50</u>	=	=	<u>165</u>
TOTAL	<u>939</u>	<u>659</u>	<u>557</u>	<u>200</u>	<u>348</u>	<u>183</u>	<u>933</u>	<u>1,726</u>	<u>832</u>	<u>6,377</u>

NOTE:
** PENDING BOARD APPROVAL

PEASE DEVELOPMENT AUTHORITY RECEIPT GRANT AWARDS

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
PORTSMOUTH AIRPORT										
TERMINAL EXPANSION DESIGN AND CONSTRUCTION (AIP 63- \$1.8M)	-	-	-	-	-	-	-	-	-	-
RUNWAY 16-34 DESIGN (AIP 58)	95	-	-	-	100	-	-	-	-	195
OBSTRUCTION REMOVAL / CONSTRUCT (AIP 60)	-	70	-	-	20	-	-	-	-	90
SKYHAVEN AIRPORT										
	-	-	-	-	-	-	-	-	-	-
TOTAL	<u>95</u>	<u>70</u>	-	-	<u>120</u>	-	-	-	-	<u>285</u>

PEASE DEVELOPMENT AUTHORITY CREDIT FACILITIES AND OUTSTANDING DEBT ANALYSIS

(\$ 000's)

REVOLVING LETTER OF CREDIT (RLOC) THE PROVIDENT BANK

AMOUNT OF CREDIT FACILITY 15,000

AMOUNT CURRENTLY AVAILABLE 15,000

TERM DATE 12-31-2022

PURPOSE TO FUND CAPITAL IMPROVEMENTS AND WORKING CAPITAL NEEDS.

INTEREST RATE ONE MONTH FHLB (CLASSIC) + 250 BASIS POINTS

MINIMUM SIZE OF DRAWDOWN NO MINIMUM

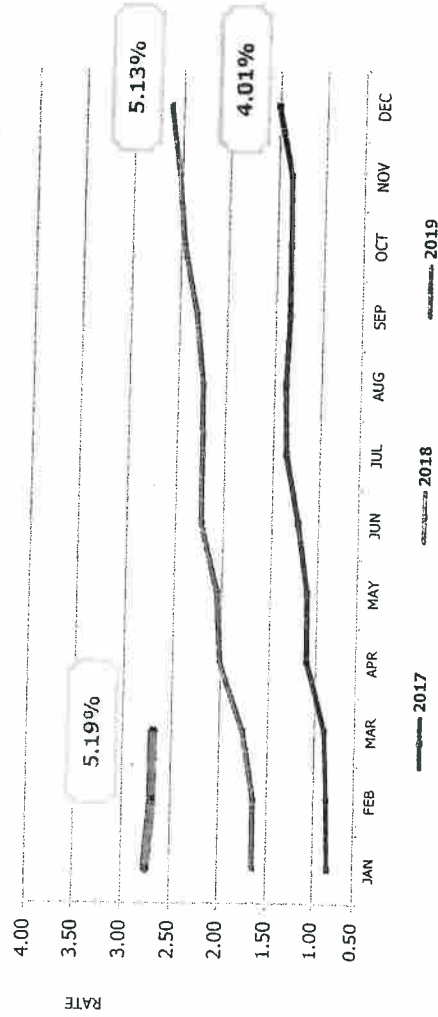
OTHER DOES NOT CARRY THE STATE GUARANTEE

OUTSTANDING DEBT ANALYSIS	BALANCE AT 02-28-2019	BALANCE AT 06-30-2018	MATURITY DATE	INTEREST RATE %
THE PROVIDENT BANK (RLOC)	-	-	12-31-2022	VARIABLE
CITY OF PORTSMOUTH	116	233	12-31-2020	4.50

WEIGHTED AVERAGE 116 233 4.50 4.50



TRENDING THE ONE MONTH FHLB (CLASSIC) INTEREST RATE + MARK-UP



DIVISION OF PORTS AND HARBORS CASH FLOW SUMMARY OVERVIEW

(EXCLUDING RESTRICTED FUNDS)

(\$ 000's)

	<u>AMOUNT</u>
OPENING FUND BALANCE	<u>1,174</u>
SOURCES OF FUNDS	
FACILITY RENTALS	566
FUEL SALES	305
PARKING FEES AND CONCESSIONS	270
REGISTRATIONS / WHARFAGE	75
MOORING FEES	30
	<u>1,246</u>
USES OF FUNDS	
PERSONNEL SERVICES AND BENEFITS	1,225
OPERATING EXPENSES	378
FUEL PROCUREMENT	310
CAPITAL EXPENDITURES AND OTHER	30
STATE OF NH- POST RETIREMENT	28
	<u>1,971</u>
	<u>(725)</u>
NET CASH FLOW	
	<u>449</u>
CLOSING FUND BALANCE	

DISCUSSION

CURRENT SENSITIVITIES TOWARD FUTURE PROJECTIONS INCLUDE 1) ACCURACY OF CAPITAL EXPENDITURE FORECAST AND USE OF HARBOR DREDGING AND PIER MAINTENANCE FUNDS, 2) WORKERS COMPENSATION CLAIMS, 3) FUEL CONSUMPTION AND 4) CONTINUED CONTAINMENT OF EMPLOYEE OVERTIME.

LEASE AGREEMENT WITH GRANITE STATE MINERALS WAS EFFECTIVE **NOVEMBER 15, 2017**.

\$ 252 LOAN AMORTIZATION PERIOD AND INTEREST RATE ASSOCIATED WITH HB 25-FN-A (PISCATAQUA RIVER TURNING BASIN), HAS YET TO BE DETERMINED. LONG TERM LIABILITY,

PROJECTED UNRESTRICTED CASH BALANCES

Month	Balance
MAR	1,100
APR	1,100
MAY	1,100
JUN	1,100
JUL	1,100
AUG	1,174
SEP	1,174
OCT	1,174
NOV	940

	BALANCE AT 02-28-2019	BALANCE AT 06-30-2018
TOTAL FUND BALANCES	<u>1,174</u>	<u>940</u>
UNRESTRICTED FUNDS		
RESTRICTED FUNDS:		
HARBOR DREDGING	311	431
REVOLVING LOAN FUND	250	50
FOREIGN TRADE ZONE	5	10
TOTAL	<u>566</u>	<u>491</u>

DIVISION OF PORTS AND HARBORS STATEMENT OF CASH FLOW- UNRESTRICTED FUNDS

11

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
OPENING FUND BALANCE	<u>1,174</u>	<u>1,142</u>	<u>966</u>	<u>925</u>	<u>917</u>	<u>787</u>	<u>746</u>	<u>698</u>	<u>526</u>	<u>1,174</u>
SOURCES OF FUNDS										
FACILITY RENTALS	62	62	62	62	62	63	63	65	65	566
FUEL SALES	30	35	35	35	35	35	35	35	30	305
PARKING FEES	-	10	30	40	40	40	25	25	10	220
REGISTRATIONS / WHARFAGE	-	25	-	-	25	-	-	25	-	75
CONCESSION REVENUES	-	-	10	10	30	-	-	-	-	50
MOORING FEES	25	5	-	-	-	-	-	-	-	30
	<u>117</u>	<u>137</u>	<u>137</u>	<u>147</u>	<u>192</u>	<u>138</u>	<u>123</u>	<u>150</u>	<u>105</u>	<u>1,246</u>
USE OF FUNDS										
PERSONNEL SERVICES AND BENEFITS	90	225	90	90	225	95	90	225	95	1,225
FUEL PROCUREMENT	20	35	35	30	25	40	40	45	40	310
UTILITIES	17	16	13	12	12	12	12	14	15	123
GENERAL AND ADMINISTRATIVE	12	12	15	13	12	12	14	13	12	115
BUILDINGS AND FACILITIES	10	15	15	10	10	10	15	15	10	110
PROFESSIONAL SERVICES	-	10	-	-	10	-	-	10	-	30
CAPITAL EXPENDITURES AND OTHER	-	-	10	-	-	10	-	-	10	30
STATE OF NH- POST RETIREMENT	-	-	-	-	28	-	-	-	-	28
	<u>149</u>	<u>313</u>	<u>178</u>	<u>155</u>	<u>322</u>	<u>179</u>	<u>171</u>	<u>322</u>	<u>182</u>	<u>1,971</u>
NET CASH FLOW	<u>(32)</u>	<u>(176)</u>	<u>(41)</u>	<u>(8)</u>	<u>(130)</u>	<u>(41)</u>	<u>(48)</u>	<u>(172)</u>	<u>(77)</u>	<u>(725)</u>
CLOSING FUND BALANCE	<u>1,142</u>	<u>966</u>	<u>925</u>	<u>917</u>	<u>787</u>	<u>746</u>	<u>698</u>	<u>526</u>	<u>449</u>	<u>449</u>

DIVISION OF PORTS AND HARBORS STATEMENT OF CASH FLOW- HARBOR DREDGING FUND (RESTRICTED)

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
OPENING FUND BALANCE	<u>311</u>	<u>317</u>	<u>343</u>	<u>337</u>	<u>356</u>	<u>358</u>	<u>369</u>	<u>371</u>	<u>399</u>	<u>311</u>
SOURCES OF FUNDS										
PIER USAGE FEES	20	-	15	15	25	-	25	25	-	125
REGISTRATIONS	10	-	5	-	-	10	-	-	10	35
FUEL FLOWAGE FEES	3	3	3	4	4	3	4	3	4	31
GRANT FUNDING	-	23	-	-	-	-	-	-	-	23
	<u>33</u>	<u>26</u>	<u>23</u>	<u>19</u>	<u>29</u>	<u>13</u>	<u>29</u>	<u>28</u>	<u>14</u>	<u>214</u>
USE OF FUNDS										
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES	2	-	2	-	2	-	2	-	2	10
GENERAL AND ADMINISTRATIVE	-	-	2	-	-	2	-	-	2	6
UTILITIES	-	-	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-	-	-
ALL OTHER- (CBOC)	25	-	25	-	25	-	25	-	25	125
	<u>27</u>	<u>26</u>	<u>29</u>	<u>19</u>	<u>27</u>	<u>2</u>	<u>27</u>	<u>28</u>	<u>29</u>	<u>141</u>
NET CASH FLOW	6	26	(6)	19	2	11	2	28	(15)	73
CLOSING FUND BALANCE	<u>317</u>	<u>343</u>	<u>337</u>	<u>356</u>	<u>358</u>	<u>369</u>	<u>371</u>	<u>399</u>	<u>384</u>	<u>384</u>

DIVISION OF PORTS AND HARBORS

STATEMENT OF CASH FLOW- REVOLVING LOAN FUND

(RESTRICTED)

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
OPENING FUND BALANCE	<u>250</u>	<u>234</u>	<u>222</u>	<u>232</u>	<u>243</u>	<u>201</u>	<u>211</u>	<u>221</u>	<u>232</u>	<u>250</u>
SOURCES OF FUNDS										
LOAN REPAYMENTS	11	11	10	10	10	10	10	10	9	91
INTEREST INCOME-LOANS	3	3	3	2	2	2	2	3	3	23
INTEREST INCOME- FUND BALANCE	-	-	-	1	-	-	-	1	-	2
	<u>14</u>	<u>14</u>	<u>13</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>14</u>	<u>12</u>	<u>116</u>
USE OF FUNDS										
NEW LOANS ISSUED	-	24	-	-	52	-	-	-	112	188
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES	-	-	-	-	-	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	20	-	-	-	-	-	-	-	-	20
UTILITIES	-	-	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	4	2	3	2	2	2	2	3	2	22
ALL OTHER	6	-	-	-	-	-	-	-	-	6
	<u>30</u>	<u>26</u>	<u>3</u>	<u>2</u>	<u>54</u>	<u>2</u>	<u>2</u>	<u>3</u>	<u>114</u>	<u>236</u>
NET CASH FLOW	(16)	(12)	10	11	(42)	10	10	11	(102)	(120)
CLOSING FUND BALANCE	<u>234</u>	<u>222</u>	<u>232</u>	<u>243</u>	<u>201</u>	<u>211</u>	<u>221</u>	<u>232</u>	<u>130</u>	<u>130</u>

DIVISION OF PORTS AND HARBORS

STATEMENT OF CASH FLOW- FOREIGN TRADE ZONE FUND

(RESTRICTED)

14

(\$ 000's)

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	TOTAL
OPENING FUND BALANCE	5	4	4	4	4	4	4	4	3	5
SOURCES OF FUNDS										
FACILITY RENTALS	-	-	-	-	-	-	-	-	-	-
ALL OTHER	-	-	-	-	-	-	-	-	-	-
USE OF FUNDS										
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES	-	-	-	-	-	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	-	1	-	-	-	-	-	1	-	2
UTILITIES	-	-	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-	-	-
ALL OTHER	-	-	-	-	-	-	-	-	-	-
NET CASH FLOW	-	1	-	-	-	-	-	1	-	2
	-	(1)	-	-	-	-	-	(1)	-	(2)
CLOSING FUND BALANCE	5	4	4	4	4	4	4	3	3	3

COPY

PEASE DEVELOPMENT AUTHORITY
Residential Housing Committee

AGENDA

AGENDA

Date: February 21, 2019
Time: 8:30 A.M.
Place: Pease Development Authority, 55 International Drive, Pease International Tradeport

- I. Call to Order (Smith)
- II. Approval of Minutes
 - A. January 17, 2019*
- III. Old Business
 - A. Acknowledgement of Councilor Perkins and Invited Guests
 - B. Links to Reading Materials Suggested by Councilor Perkins*: These materials are intended as the basis of some of the New Business presentations below. Two reports provided by New Hampshire Housing are included under IV.B below)
 - C. Materials Provided by PDA
 - a. Institutional Controls*: These maps indicating Wetlands and Buffers and Locations of Remedial Sites should be used as an overlay with the Potential Development Properties exhibit provided in the January 17th Committee package and attached here for reference.
 - b. Link to PDA-Seacoast Helicopters Public Hearing – September 20, 2018 (See * in III. B. above)
- IV. New Business
 - A. Existing Data and Studies: Rebecca Perkins - Regional and State Demographic Trends (est. 15 minutes)
 - B. Demographic Pressures and Market Data on Unit Demand: Ben Frost* and Will Arvelo (est. 30 minutes)
 - 1. June 2018 New Hampshire Residential Rental Cost Survey
 - 2. November 2018 Housing Market Report
 - C. Employer Challenges: Valerie Rochon of Portsmouth Chamber; Eric Dodier of Pixel Media and others to be confirmed (est. 45 minutes)
- V. Committee Discussion
 - A. Requests for additional Information

VI. Meeting Schedule

- A. Next Meeting Thursday, March 28, 2019 at 8:30 a.m.
- B. Next Meeting Agenda – Environmental Discovery

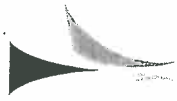
VII. Public Comment

VIII. Adjournment

IX. Press Questions

- * Related material attached
- ** Related material previously distributed
- *** Related material to be sent under separate cover

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MOTION

Director Allard:

The Pease Development Authority Board of Directors hereby authorizes the Executive Director to execute a Right of Entry with Wood Environmental & Infrastructure Solutions, Inc. (fka AMEC Foster Wheeler Environment & Infrastructure, Inc.) for the premises located at 35 Airline Avenue from the retroactive date of January 1, 2019 through December 31, 2019; all in accordance with the Right of Entry dated February 5, 2019 attached hereto.

Note: Roll Call vote required.

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PEASE
INTERNATIONAL
DEVELOPMENT
AUTHORITY

35 International Drive, Portsmouth, NH 03801

February 5, 2019

By Email Only (joe.malone@woodplc.com)
Charles H. Lyman
Senior Project Scientist
Wood Environment & Infrastructure Solutions, Inc.
511 Congress Street
Portland, ME 04101

Re: Extension of Right of Entry - 35 Airline Avenue
Pease International Tradeport, Portsmouth, NH

Dear Mr. Lyman:

This letter will authorize Wood Environment & Infrastructure Solutions, Inc. ("WEIC") and/or its agents and contractors to continue to use and enter upon the premises located at 35 Airline Avenue in Portsmouth, NH (the "Premises") on a month to month basis for the period beginning January 1, 2019 through December 31, 2019 for the purpose of utilizing 3,200 square feet within the Premises, at its sole risk, for storage of well testing equipment and associated materials; and for no other use without the prior express written consent of Pease Development Authority ("PDA"). This Right of Entry may be terminated by PDA at any time with or without cause upon providing one month's advance written notice to WEIC. In no event will Right of Entry extend beyond December 31, 2019, unless otherwise extended by agreement of WEIC and PDA.

WEIC acknowledges that Enterprise Rent A Car Company of Boston, LLC ("Enterprise") will be permitted to use space outside of the facility as shown on Exhibit A (attached). WEIC also acknowledges that Enterprise will be permitted to install its own electrical meter or use electrical power from the building on a pro rata basis, which Enterprise and WEIC agree to work out as may be required.

All other terms and conditions of the Right of Entry dated December 18, 2015, as amended, shall remain in full force and effect and continue to be binding upon WEIC, including PDA's right to terminate with thirty days written notice to WEIC. Payment for the use of the Premises shall continue to be \$333.00 per month. Please sign and return your consent to the continuation of the Right of Entry pursuant to the terms and conditions as described herein.

○○○○ TAKING YOU THERE

PH: 603-433-8086

FAX: 603-427-0433

WWW.PEASEDEV.ORG

Charles H. Lyman
Wood Environment & Infrastructure Solutions, Inc.
February 5, 2019
Page 2

The extension of the Right of Entry beyond March 21, 2019 is subject to the approval of the PDA Board of Directors at its next meeting scheduled for March 21, 2019

Very truly yours,

David R. Mullen
Executive Director

DRM/smg

cc: Mark H. Gardner, Deputy General Counsel

Agreed and accepted this _____ day of _____, 2019

Wood Environment & Infrastructure Solutions, Inc.

By: _____
Duly Authorized

Its: _____

Charles H. Lyman
Wood Environment & Infrastructure Solutions, Inc.
February 5, 2019
Page 3

EXHIBIT "A"

PREMISES

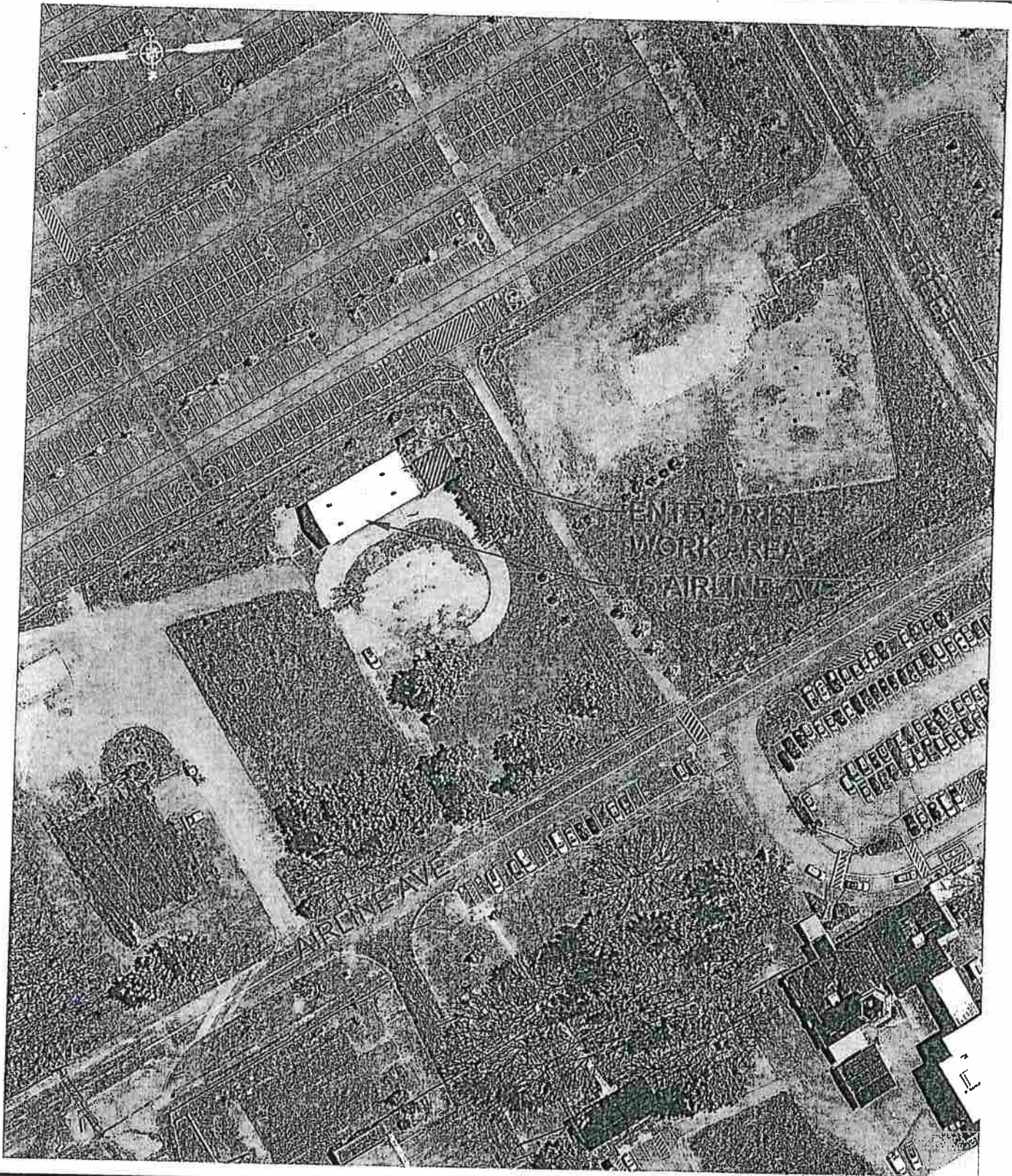


Exhibit Depicting Enterprise Work Area at 35 Airline Ave

DESIGNED BY: MRM DATE: 5/10/17 SCALE: 1"=100'

 **PEASE DEVELOPMENT AUTHORITY**

55 INTERNATIONAL DRIVE, PORTSMOUTH, NH 03801

A copyright of the US Airline Ave



MOTION

Director Lamson:


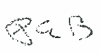
The Pease Development Authority Board of Directors hereby authorizes the Executive Director to execute a Right of Entry with New England Aerobatic Club for the purpose of holding periodic airplane aerobatic practices at Skyhaven Airport through December 31, 2019; all in accordance with the Memorandum from Andrew Pomeroy, Airport Operations Manager, dated March 5, 2019 attached hereto.

Note: Roll Call vote required.

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Memorandum

To: David R. Mullen, Executive Director
From: Andrew Pomeroy, C.M. Airport Operations Manager 
CC: Paul Brean, Airport Director 
Date: 3/5/2019
Subj: New England Aerobatic Club "ROE" Skyhaven Airport

The New England Aerobatic Club, Chapter 35- International Aerobatic Club ("IAC") is requesting a "Right of Entry" for use of Skyhaven Airport, Rochester NH for the purpose of conducting, at its sole risk, aerobatic practice sessions. Similar to years past the New England Aerobatic Club would like to conduct aerobatic practice sessions within the aerobatic practice box area approved by the Federal Aviation Administration. This "Right of Entry" shall be valid through December 31, 2018, between the hours of 8:00 a.m. through 6:00 p.m. and shall terminate at 6:00 p.m. on December 31, 2019.

Aerobatic practice sessions will be conducted primarily on Saturdays and occasionally Sundays (after noon). All dates and times of practice sessions will be pre-arranged and pre-approved by Pease Airport Management, and Pease Airport Management will require proof of insurance for each aerobatic practice session. Attached is a copy of the written request from Farrell Woods, Vice-President, NEAC IAC Chapter 35.

I request that you seek Board of Directors approval at the March 14, 2019 meeting, to approve "Right of Entry" for the use of Skyhaven Airport for the New England Aerobatic Club IAC Chapter 35 to conduct aerobatic practices.

Please do not hesitate to contact me with any questions.

Received

FEB 05 2019

Pease Development Authority

Farrell Woods
162 Bush Hill Rd.
Hudson, NH 03051-4403
(603) 801-0276

January 23, 2019

To:
Mr. David Mullen
Executive Director
Pease Development Authority
55 International Drive
Portsmouth, NH 03801

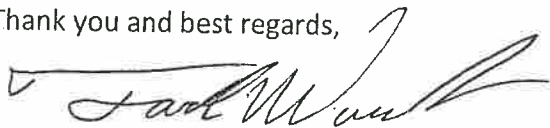
Dear Mr. Mullen

On behalf of the New England Aerobatic Club, aka IAC Chapter 35, I am requesting from PDA a "Right of Entry" for the use of the Sky Haven Airport, Rochester NH. The New England Aerobatic Club would like to conduct a small number of aerobatic practice sessions this year; the dates of these sessions are yet to be determined at this time.

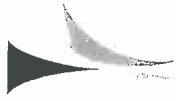
As in the past we will fly in accordance with a Certificate of Authorization from the FAA, Portland ME FSDO. We will obtain insurance for each practice from the Experimental Aircraft Association, the terms of which we've worked out in the past, and we will supply a copy to PDA for approval prior to each practice.

I will look forward to receiving PDA's Right of Entry document and the Chapter will look forward to flying at Rochester once again this year.

Thank you and best regards,



Farrell Woods,
Vice-President,
New England Aerobatic Club



MEMORANDUM

To: Pease Development Authority Board of Directors
 From: David R. Mullen, Executive Director *DRM*
 Date: March 14, 2019
 Re: Sublease between Two International Group, LLC and Various Tenants

In accordance with the "Delegation to Executive Director: Consent, Approval of Sub-sublease Agreements" adopted by the Board on August 8, 1996, I am pleased to report that PDA has approved of subleases at 2 International Drive between Two International Group, LLC ("TIG") for the following tenants:

- A. Tenant: Market Street Trust Company
 Space: 2,488 square feet (Suite 301)
 Use: Non-depository trust company

- B. Tenant: Amadeus Hospitality Americas, Inc
 Space: 13,417 square feet (Suite 260)
 Use: General office uses

The Delegation to Executive Director: Consent, Approval of Subleases provides that:

"A Sublease Agreement subject to this delegation of authority shall not be consented to, approved or executed unless all of the following conditions are met:

1. The use of the Subleased Premises associated with the sublease is permitted under the original sublease;
2. The sublease is consistent with the terms and conditions of the original Lease;
3. The original Lessee remains primarily liable to Lessor to pay rent and to perform all other obligations to be performed by Lessee under the original Lease; and
4. The proposed Sublessee is financially and operationally responsible.

Conditions one through three have been met. As to condition four, PDA relies on TIG's continued primary liability for payment of rent and other obligations pursuant to the PDA/TIG Lease.

The Delegation to Executive Director: Consent, Approval of Sub-sublease Agreements also requires the consent of one member of the PDA Board of Directors. In this instance, Director Lamson was consulted and granted her consent.



MOTION

Director Bohenko:

The Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to enter into Amendment No. 12 to extend the Consulting Agreement with Daniel Fortnam from April 1, 2019 through September 30, 2019 with one (1) option to extend through March 31, 2020, exercisable at the Executive Director's sole discretion; all in accordance with the Memorandum of Paul E. Brean, Airport Director, dated March 5, 2019 attached hereto.

Note: Roll Call vote required.

N:\RESOLVES\2019\FortnamContractExt 0319.docx

To: David R. Mullen, Executive Director *DRM*
From: Paul E. Brean, Airport Director *peb*
Date: 3/7/2019
Subj: Daniel Fortnam Air Service Development Contract

The Pease Development Authority (“PDA”) has an agreement with Daniel Fortnam to provide air service development consulting services. The primary service in the agreement is to secure and develop scheduled air passenger service. The consulting agreement has allowed for consistent annual growth of scheduled passenger enplanements since 2012.

Most recently, the consulting services assisted in securing the airport’s second scheduled carrier Frontier Airlines, and has produced increased frequency and new destinations with Allegiant Airlines. The airport is currently working with both airlines on developing new routes and it is my recommendation to extend the services of Daniel Fortnam as discussions with both airlines are ongoing.

On April 1, 2018, by Amendment No. 11, the consulting agreement was extended through September 30, 2018, with an option to extend through March 31, 2019. At the March 14, 2019 Board meeting, I request that you seek Board approval to extend the agreement through September 30, 2019 with an option to extend through March 31, 2020. The extension will be in the amount of \$2,083.33 per month under the same terms and conditions as set forth in Amendment 11 of the agreement.



MOTION

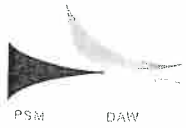
Director Torr:

The Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to enter into a Fire Alarm and Sprinkler System Maintenance Contract with Norris, Inc. of South Portland, Maine for a three year period at the cost of \$12,369.00 per year; and two (2) one (1) year options to extend on mutually agreeable terms and conditions to be exercised at the sole discretion of the PDA Board of Directors in accordance with their procurement regulations; all in accordance with the Memorandum of Paul E. Brean, Airport Director, dated March 5, 2019 attached hereto.

Note: Roll Call vote required

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PEASE AIRPORT

MANAGEMENT

36 Airline Ave. Portsmouth, NH 03801

603.433.6536

To: David R. Mullen, Executive Director
From: Paul E. Brean, Airport Director *PEB*
Date: 3/5/2019
Subj: Fire Alarm & Sprinkler System Maintenance PDA Properties

Pease Development Authority (“PDA”) seeks to protect employees and visitors at all PDA operated facilities. In order to comply with local building and fire codes, the PDA requires a fire alarm and sprinkler system inspection and maintenance contract. On January 24, 2019, the Engineering Department advertised a request for bids to provide inspection and maintenance services at PDA operated properties. On February 28, 2019 two bids were received;

Vendor	Total Bid
Johnson Controls Fire Protection	\$14,900.
Norris, Inc.	\$12,369

After reviewing the responsive bids, staff recommends awarding the contract to the lowest bidder Norris, Inc. At the March meeting, please ask the Board of Directors to authorize the Executive Director to enter into a contract with Norris, Inc. for a period of three years, with two one-year options to be based on mutually agreeable terms and conditions exercised at the discretion of the Executive Director, as described in this memo and the Norris, Inc. bid submitted on February 28, 2018.



PAUL R. TOUSSAINT
Chief of Police

ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127
FAX (603) 330-7159
www.rochesterpd.org

"Dedication, Pride, Integrity"

POLICE COMMISSION

DEREK J. PETERS
Chairman
DAVID R. STEVENS
Vice Chairman
LISA M. STANLEY
Commissioner



Wednesday, January 30th

To: Pease Development Authority
55 International Dr.
Portsmouth, NH 03801

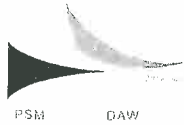
Attn: Andrew Pomeroy

RE: Right of entry for use of portion of Skyhaven Airport, Rochester New Hampshire
Rochester Police Department- "Wings and Wheels" Event

The Rochester Police Department requests to use the terminal and airfield of the Skyhaven Airport in Rochester, New Hampshire, for the "Wings and Wheels" event. We would like the event to be set up on Friday May 31st, 2019 between the hours of 8:00am through 4:00pm and for the event to be held on Saturday June 1st, 2019 between the hours of 8:00am through 4:00pm.

Sincerely,

Officer Kyle Danie
Rochester Police Department
23 Wakefield Street
Rochester NH, 03867
(603) 330-7111



PEASE
AIRPORT

MANAGEMENT

36 Airline Ave., Portsmouth, NH 03801

603.433.6536

Memorandum

To: Paul Brean, Airport Director

From: Sandra McDonough, Airport Community Liaison

Date: 3/6/2019

Subj: Noise Report for February 2019

The Portsmouth International Airport at Pease received a total of four noise inquiries in February, 2019. Two of the inquiries were for rotor wing aircraft, one inquiry was for fixed-wing aircraft and one caller was calling for information on the next noise meeting.

The two rotor wing inquiries originated from two Portsmouth residences concerning locally based Seacoast Helicopters flying over downtown Portsmouth.

The fixed-wing inquiry originated from Eliot, Maine concerning a large noise at 4:15 AM. The noise was concerning a non-based Boeing 767 departing Runway 34 departing northeast bound.

The last caller was inquiring about the time and date of the next noise meeting.

All inquiries are reviewed and logged in the airport database. Individual inquiries are researched and followed up on with phone calls where appropriate. Certain callers have indicated that call backs are unnecessary.

Memorandum

To: Paul Brean, Airport Director
From: Sandra McDonough, Airport Community Liaison *SM*
Date: 3/6/2019
Subj: Noise Report for January 2019

The Portsmouth International Airport at Pease received a total of four noise inquiries in January, 2019. There were three rotor wing inquiries and one fixed wing inquiry.

The three rotor wing inquiries originated from two Portsmouth residences concerning locally based Seacoast Helicopters flying over downtown Portsmouth.

The only fixed wing inquiry originated out of Rye, NH concerning large engine noises late at night and early in the morning. There were two separate companies operating Boeing 767's during that time. One of the companies was not aware of our voluntary noise procedures at the time. They now have a copy of then procedures and will inform their pilots that fly to Portsmouth New Hampshire.

All inquiries are reviewed and logged in the airport database. Individual inquiries are researched and followed up on with phone calls where appropriate. Certain callers have indicated that call backs are unnecessary.



PEASE
INTERNATIONAL
DEVELOPMENT
AUTHORITY

55 International Drive, Portsmouth, NH 03801

MOTION

Director Allard:

The Pease Development Authority Board of Directors hereby authorizes the Executive Director to complete negotiations with the United States of America National Guard Bureau and the State of New Hampshire; and to execute the Airport Joint Use Agreement ("AJUA") on substantially similar terms and conditions set forth in the draft AJUA attached hereto. The Agreement shall be effective for a 10 year term beginning retroactively on October 1, 2018 through September 30, 2028.

Note: Roll Call vote required

N:\RESOLVES\2019\AJUA0319.docx



TAKING YOU THERE

ph 603-433-6986

fax 603-427-0433

www.peasedev.org

To: David R. Mullen, Executive Director

From: Paul E. Brean, Airport Director *Paul*

Date: 3/5/2019

Subj: Airport Joint Use Agreement

On October 1, 2008, in accordance with Title 49, United States Code, Chapter 471, "Airport Development" the Pease Development Authority ("PDA") and the United States of America, acting by Chief, National Guard Bureau, and the State of New Hampshire entered into an Airport Joint Use Agreement ("AJUA") for a ten year term.

The original agreement provided that the Airport's facilities developed with financial assistance from the United States Government and each of the Airport's facilities usable for the landing and taking off of aircraft always will be available without charge for use by Government aircraft, except that if the use is substantial, the Government may be charged a reasonable share of the cost of operating and maintaining the facility. The Government requires substantial use of the flying facilities at the Airport for the New Hampshire Air National Guard, as well as for other occasional transient government aircraft.

Since expiration on September 30, 2018, the Airport and Guard Bureau have been negotiating joint use cost allocations and responsibilities. Both parties are in concurrence with the attached draft agreement. In the agreement the PDA is responsible for the maintenance and operation of the airfield, structural firefighting and maintenance of buildings supporting Air Traffic Control Services. The Government is responsible for providing airport control tower operations and providing aircraft fire fighting and crash rescue services. Cost allocations for both parties to fulfill responsibilities are proportional and a nominal cash payment of \$100.00 to the Authority by the Government has been included to cover invoicing costs.

At the March 14, 2019 meeting of the Board, please request authorization to complete negotiations with the Guard Bureau to enter into a Joint Use Agreement in accordance with the terms set forth in this memo and the attached Draft AJUA.

AIRPORT JOINT USE AGREEMENT

BETWEEN

PEASE DEVELOPMENT AUTHORITY

AND

UNITED STATES OF AMERICA

AND

STATE OF NEW HAMPSHIRE

(PORTSMOUTH INTERNATIONAL AIRPORT AT PEASE)

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AIRPORT JOINT USE AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2018, by and between the PEASE DEVELOPMENT AUTHORITY ("Authority"); and the UNITED STATES OF AMERICA, acting by and through the Chief, National Guard Bureau, and the STATE OF NEW HAMPSHIRE, acting by and through its Adjutant General (collectively, "Government").

RECITALS

- A. The Authority leases and operates the Portsmouth International Airport at Pease, located in the Towns of Greenland and Newington and City of Portsmouth, Rockingham County, New Hampshire.
- B. Title 49, United States Code, Chapter 471, "Airport Development," (49 U.S.C. Sections 47101-47129), provides that each of the Airport's facilities developed with financial assistance from the United States Government and each of the Airport's facilities usable for the landing and taking off of aircraft always will be available without charge for use by Government aircraft in common with other aircraft, except that if the use is substantial, the Government may be charged a reasonable share, proportionate to the use, of the cost of operating and maintaining the facility used.
- C. The Government requires substantial use of the flying facilities at the Airport for the New Hampshire Air National Guard, as well as for other occasional transient government aircraft.
- D. The Authority is agreeable to such substantial use, in common with other users of the Airport, of the flying facilities by the Government under this Agreement.
- E. Substantial use within the meaning of Federal Aviation Administration (FAA) Compliance Manual Order 5190.6B and Grant Assurance 27 and 49 U.S.C. 47107(a) (11) refers to the collective use by Federal Government aircraft and not individual branches or bureaus of the U.S. military. For example, if two Federal agencies conducted operations at an airport; and the total landings by those agencies' aircraft exceeded 300 during a calendar month, the airport authority may charge each agency for its proportional use of airport facilities.
- F. In accordance with Air Force Instruction 10-1002, Joint Use Agreements for Military and Civilian Flying Facilities, it is the responsibility of the airport authority to determine when the total Government use is substantial and advise all Federal Government agencies using the airfield that use has exceeded "substantial use" criteria and any future use will result in charges.

G. The U.S. Government agrees to make a good faith effort based on its available records, if any, and/or information provided by the Airport's control tower to support the Authority's efforts to identify other Federal Government users. All Parties agree that the Authority efforts to identify all Federal Government aircraft landing at the Airport is intended to allow full reimbursement to the Authority for the proportionate share of the total military users (assigned and transient) for the Jointly Used Flying Facilities. The Parties agree that renewal of this Agreement will not be delayed if the Authority; through its best efforts, is unable to identify other transient military and federal government aircraft landing at the Airport.

H. In accordance with Air Force policy, there shall only be one Air Force agreement supporting military operations for each civil airport used. When more than one Air Force unit regularly uses an airport, the Deputy Assistant Secretary of the Air Force (Installations) will designate a lead unit (normally the Air National Guard through the National Guard Bureau) who will attempt to account for the use by all Air Force activities and be the lead in discussions with the Authority. Any Air Force user that refuses, fails to participate, or does not reply to requests from the lead unit will be directed to terminate operations at the Airport.

I. All non-Air National Guard/Air Force users will be billed directly by the Authority and pay its fair share directly to the Authority. All other Federal agencies and branches or bureaus of the U.S. military will need to work directly with the Authority to pay their fair share proportionate to their use, of the cost of operating and maintaining the Jointly Used Flying Facilities.

J. The Government and the Authority desire to provide for the delineation of responsibility for operation and maintenance of the flying facilities jointly used in common with others at the Airport, and to establish the Government's reasonable share, proportional to such use, of the cost of operating and maintaining such jointly used flying facilities.

AGREEMENT:

1. DEFINITIONS

For purposes of this Agreement, the jointly used flying facilities of the Airport are the runways, taxiways, lighting systems, navigational aids, markings and appurtenances open to public use and use by the Government, including all improvements and facilities pertaining thereto and situated thereon and all future additions, improvements, and facilities thereto as may be added or constructed from time to time ("Jointly Used Flying Facilities"). The Jointly Used Flying Facilities do not include land areas used exclusively by the Government or the terminal buildings, hangars, aircraft parking aprons and ramps, or other areas or structures used exclusively by the Authority or its lessees, permittees, or licensees for civilian or commercial purposes.

2. JOINT USE

Subject to the terms and conditions of this Agreement, the Government shall have the use, in common with other users of the Airport, present and prospective, of the Jointly Used Flying Facilities, together with all necessary and convenient rights of ingress and egress to and from the Air National Guard installation and other Government facilities located on the Airport. Routes for ingress and egress for the Government's employees, agents, customers and contractors shall not unduly restrict the Government in its operations.

3. AUTHORITY RESPONSIBILITIES

The Authority will be responsible for the following services and functions, to standards in accordance with paragraph 6:

- a. Furnishing all personnel, materials and equipment required in the rendering of the services to be provided under the Agreement.
- b. Performing any and all maintenance of the Jointly Used Flying Facilities, including but not limited to:
 - (1) Joint sealing, crack repair, surface repairs, airfield markings and repair or replacement of damaged sections of airfield pavement.
 - (2) Runway, taxiway, and approach lighting (maintained by FAA through agreement with the Airport) and the regulators and controls therefor;
 - (3) Beacons, obstruction lights, and wind socks, and other visual navigational aids.
 - (4) Grass cutting and grounds care, drainage, and dust and erosion control of unpaved areas, adjacent to runways and taxiways.
 - (5) Sweeping runways and taxiways.
 - (6) Controlling insects and pests, wildlife and birds.
 - (7) Removing snow, ice and other hazards from Jointly Used Flying Facilities within a reasonable time after such facilities have been so encumbered in accordance with the "Mutual Snow-Ice Control MOA".
- c. Furnishing utilities necessary to operate the Jointly Used Flying Facilities.

d. Removing disabled civil aircraft as expeditiously as possible, subject to the rules and regulations of the National Transportation Safety Board (NTSB), in order to minimize the time the Jointly Used Flying Facilities, or any part thereof, would be closed because of such aircraft.

e. Providing fire fighting and response for all structures within the Jointly Used Flying Facilities.

f. Providing maintenance for the buildings and/or structures supporting Air Traffic Control Services and weather observation building.

4. GOVERNMENT RESPONSIBILITIES

The Government will be responsible for the following:

a. Removing disabled government aircraft as expeditiously as possible in order to minimize the time the Jointly Used Flying Facilities, or any part thereof, would be closed because of such aircraft.

b. Removing snow and ice from all ramps, aprons, and taxiways used exclusively by Government aircraft. Also, to reinforce safety/mission effectiveness by preventing runway and taxiway incursions, the parties to this Agreement have entered into a separate Snow and Ice Control Plan, which sets forth each party's responsibilities of Snow and Ice Removal from active runways, taxiways, aprons, overruns and primary roads; based on an established priority.

c. Providing airport control tower operations and weather observation (including all staff and equipment) and operating and maintaining Air Force owned navigational aids (collectively, "Air Traffic Control Services"), subject to Paragraphs 3f, 6c and 7b of the Agreement.

d. Subject to availability of Federal appropriations therefor, repairing within a reasonable time damage to the Jointly Used Flying Facilities to the extent that such damage is caused solely by government aircraft operations and is in excess of the fair wear and tear resulting from the military use contemplated under this Agreement.

e. Providing aircraft fire fighting and crash rescue services, subject to Paragraph 8 of the Agreement.

f. Removing disabled Government aircraft as expeditiously as possible in order to minimize the time the Jointly Used Flying Facilities, or any part thereof, would be closed because of such aircraft.

5. PAYMENTS

a. In consideration of and for the faithful performance of this Agreement, and subject to Paragraph 8 below, the Government, as its proportionate share of the cost of operating and maintaining the Jointly Used Flying Facilities for the entire term of the Agreement, shall pay to the Authority a nominal cash amount of One Hundred Dollars and 00/100 (\$100.00) and other valuable in kind consideration including the Air National Guard providing fire protection, crash and rescue services for civil aircraft emergencies on behalf of the Authority, Air Traffic Control Services/Weather Observation and finally for providing snow removal equipment for both military and civilian aircraft. A nominal fee of One Hundred Dollars and 00/100 (\$100.00) has been included to cover the costs for the processing of invoices.

b. Payments for the periods set out in Paragraph 5a above shall be made upon submission of appropriate invoices to the Government as designated in Paragraph 5c below; provided, however, that if during the term of this Agreement, sufficient funds are not available through the annual appropriations at the beginning of any fiscal year to carry out the provisions of this Agreement, the Government will so notify the Authority in writing.

c. Bills for the payments provided hereunder shall be directed to:

157 ARW/FM
Pease Air National Guard Base
302 Newmarket Street
Newington, NH 03803-0157

or to such other address as the Government may from time to time provide to the Authority in writing.

d. Either party may request renegotiation if either party, at the request or with the formal concurrence of the other, as the case may be, requires services not contemplated by this Agreement, or reduces or eliminates services it undertakes to provide under this Agreement.

6. AIRFIELD MANAGEMENT

a. The Authority agrees that maintenance of the Jointly Used Flying Facilities shall, at all times, be in accordance with Federal Aviation Administration ("FAA") standards for the operation of a commercial airport and operation of jet aircraft.

b. The Government agrees that any markings and equipment installed by it pursuant to Paragraph 7 of the Agreement shall be coordinated with the Authority, and not be in conflict with FAA standards.

c. Air Traffic Control Services will be provided by the Government to the extent required to support the military mission at the Airport. The government has a present requirement for such services 24 hours per day, seven days per week to support the Air National Guard mission at the airport. So long as it continues to have such requirement, the government will provide the Air Traffic Control Services specified in Paragraph 4c of the Agreement on such 24 hours-per day, seven days-per week basis.

7. GOVERNMENT RESERVED RIGHTS

The Government reserves the right, at its sole cost and expense and subject to Paragraph 6b above, to:

a. Provide and maintain in the Jointly Used Flying Facilities airfield markings required solely for military aircraft operations.

b. Install, operate and maintain in the Jointly Used Flying Facilities any and all additional equipment, necessary for the safe and efficient operation of military aircraft including but not limited to arresting systems and navigational aids.

8. FIRE PROTECTION AND CRASH RESCUE

a. The Government maintains a fire fighting and crash rescue organization in support of military operations at the Airport. Within the limits of the existing capabilities of this organization, the Government agrees to respond to fire and crash rescue emergencies involving civil aircraft, subject to subparagraphs 8b, 8c, and 8d below.

b. The Authority agrees to release, acquit, and forever discharge the Government, its officers, agents, and employees for all liability arising out of or connected with the use of or failure to supply in individual cases, Government fire fighting and crash rescue equipment or personnel for fire control and crash rescue activities at or in the vicinity of the Airport. The Authority further agrees to the extent allowed under applicable law to indemnify, defend, and hold harmless the Government, its officers, agents, and employees against any and all claims, of whatever description, arising out of or connected with such use of or failure to supply in individual cases, Government fire fighting and crash rescue equipment or personnel, except where such claims arise out of or result from the gross negligence or willful misconduct of the officers, agents, or employees of the United States, without contributory fault on the part of any person, firm, or corporation. The Authority agrees to execute and maintain in effect a hold harmless agreement as required by applicable Air Force instructions for all periods during which

emergency fire fighting and crash rescue service is provided to civil aircraft by the Government. This provision shall survive the termination or expiration of this Agreement.

c. The Authority will reimburse the Government for expenses incurred by the Government for fire fighting and crash rescue materials expended in connection with providing such service to civil aircraft

d. The Government's responsibility under this Paragraph 8 shall continue only so long as a fire fighting and crash rescue organization is authorized for military operations at the Airport. The Government shall have no obligation to maintain any fire fighting and crash rescue organization or to provide any increase in fire fighting and crash rescue equipment or personnel or to conduct any training or inspection for the purposes of this Paragraph. It is further understood that the Government's fire fighting and crash rescue equipment shall not be routinely parked on the Jointly Use Flying Facilities during non-emergency landings of civil aircraft.

9. RECORDS AND BOOKS OF ACCOUNT

The Authority agrees to keep records and books of account, showing the actual cost to it of all items of labor, materials, equipment, supplies, services, and other expenditures made in fulfilling the obligations of this Agreement. The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of three (3) years after final payment, have access at all times to such records and books of account, or to any directly pertinent books, documents, papers, and records of any of the Authority's contractors or subcontractors engaged in the performance of and involving transactions related to this Agreement. The Authority further agrees that representatives of the Air Force Audit Agency or any other designated representative of the Government shall have the same right of access to such records, books of account, documents and papers as is available to the Comptroller General.

10. TERM

This Agreement shall be effective for a term of ten (10) years beginning 1 October 2018, and ending 30 September 2028.

11. TERMINATION

a. This Agreement may be terminated by the Government at any time by giving at least thirty (30) days' notice thereof in writing to the Authority.

(1) The Government, by giving written notice to the Authority, may terminate the right of the Authority to proceed under this Agreement if it is found, after notice and hearing by the Secretary of the Air Force or his or her duly authorized representative, that gratuities in the form of entertainment, gifts, or otherwise, were offered or given by the Authority, or any agent or representative of the Authority, to any officer or employee of the Government with a view toward securing this Agreement or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such agreement, provided that the existence of the facts upon which the Secretary of the Air Force or his or her duly authorized representative makes such findings shall be an issue and may be reviewed in any competent court.

(2) In the event this Agreement is terminated as provided in subparagraph 11a(1) above, the Government shall be entitled to pursue the same remedies against the Authority as it could pursue in the event of a breach of the Agreement by the Authority and in addition to any other damages to which it may be entitled by law, the Government shall be entitled to exemplary damages in an amount (as determined by the Secretary of the Air Force or his or her duly authorized representative) which shall be not less than three (3) or more than ten (10) times the costs incurred by the Authority in providing any such gratuities to any such officer or employee.

(3) The rights and remedies of the Government provided in subparagraph 11a(1) above shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

12. GENERAL PROVISIONS

a. **Compliance with Law.** The Authority shall comply with all Federal, state and local laws, rules and regulations applicable to the activities conducted under this Agreement.

b. **Assignment.** The Authority shall neither transfer nor assign this Agreement without the prior written consent of the Government, which shall not be unreasonably withheld or delayed.

c. **Liability.** Except as otherwise provided in this Agreement, neither party shall be liable for damages to property or injuries to persons arising from acts of the other in the use of the Jointly Used Flying Facilities or occurring as a consequence of the performance of responsibilities under this Agreement.

d. **Third Party Benefit.** No member or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

e. Entire Agreement. It is expressly agreed that this written instrument embodies the entire financial arrangement and agreement of the parties regarding the use of the Jointly Used Flying Facilities by the Government, and there are no understandings or agreements, verbal or otherwise, between the parties in regard to it except as expressly set forth herein. Specifically, no landing fees or other fees not provided in this Agreement will be assessed by the Authority against the Government in the use of the Jointly Used Flying Facilities during the term of this Agreement.

f. Modification. This Agreement may only be modified or amended by mutual agreement of the parties in writing and signed by each of the parties hereto.

g. Waiver. The failure of either party to insist, in any one or more instances, upon the strict performance of any of the terms, conditions, covenants, or provisions of this Agreement shall not be construed as a waiver or relinquishment of the right to the future performance of any such terms, conditions, covenants, or provisions. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver be in writing signed by such party.

h. Paragraph Headings. The brief headings or titles preceding each Paragraph and subparagraph are merely for purposes of identification, convenience, and ease of reference, and will be completely disregarded in the construction of this Agreement.

13. MAJOR REPAIRS AND NEW CONSTRUCTION

Major repair projects and/or new construction projects required for the Jointly Used Flying Facilities (collectively, "Joint Use Projects") are not included under this Agreement. Any Government contribution to Joint Use Projects shall be the subject of separate negotiations and written agreement between the Authority and the Government at such time as the work is required. Any Government participation in the costs of Joint Use Projects is subject to the availability of Federal funds for such purpose at the time the work is required.

14. NOTICES

No notice, order, direction, determination, requirement, consent or approval under this Agreement shall be of any effect unless it is in writing and addressed as provided herein.

a. Written communications to the Authority shall be addressed to:

Executive Director
Pease Development Authority
55 International Drive

Portsmouth, New Hampshire 03801-2833

b. Written communications to the Government shall be in duplicate with copies to the United States of America and the State of New Hampshire addressed respectively, as follows:

To the United States of America:

NGB/A7
3501 Fetchet Avenue
Joint Base Andrews, Maryland 20762-5157

To the State of New Hampshire:

The Adjutant General
State of New Hampshire
State Military Reservation
Concord, New Hampshire 03301-5353

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IN WITNESS WHEREOF, the respective duly authorized representatives of the parties hereto have executed this Agreement on the date set forth opposite their respective signatures.

Dated: _____ PEASE DEVELOPMENT AUTHORITY

By: _____

(Title) _____

Approved as to form and legal sufficiency:

(Signature) _____

(Title) _____

Dated: _____ STATE OF NEW HAMPSHIRE

Coordinated with:

U.S. Property & Fiscal Officer

By: _____
The Adjutant General

Dated: _____ UNITED STATES OF AMERICA

By: _____
For the Director, National Guard Bureau

MOTION

Director Loughlin:

The Pease Development Authority Board of Directors authorizes the Executive Director to expend funds in the total amount of \$80,415.00 for the following legal services rendered to the Pease Development Authority:

1.	Kutak Rock, LLP		
	Through December 31, 2018	\$ 410.00*	
			\$410.00
2.	Sheehan Phinney Bass + Green		
	Through December 31, 2018	\$57,298.00	
	Through January 31, 2019	<u>\$22,707.00</u>	
			\$80,005.00
		Total	<u>\$80,415.00</u>

*The balance will be paid by the City of Portsmouth.

Note: Roll Call vote required.

N:\RESOLVES\2019\Legal Services 0319.docx

ANALYSIS - LEGAL FEES
ENVIRONMENTAL MATTERS

	A	B	C	D	E	F	G	H	I	J	K	L
1	Lead Counsel: Lynn Preston											
2	Lead Counsel: Barry Steinberg											
3	DATE	Haven Well	PFAS Issues	Permit Implement	Conservation Law Foundation	Fiscal Year Total		DATE	Haven Well	Hangar 227	PFAS Issues	Conservation Law Foundation
4	FY19	\$0.00	\$11,566.00	\$18,386.00	\$222,418.24	\$252,370.24		FY19	\$0.00	\$0.00	\$3,548.05	\$615.00
5	FY18	\$0.00	\$4,843.00		\$291,272.81	\$296,115.81		FY18	\$0.00	\$0.00	\$0.00	\$19,532.69
6	FY 17	\$0.00	\$0.00		\$212,105.26	\$212,105.26		FY 17	\$16,030.93	\$9,990.00	\$0.00	\$96,720.48
7	FY 16	\$0.00	\$0.00		\$0.00	\$0.00		FY 16	\$14,472.30	\$0.00	\$0.00	\$0.00
8	FY 15	\$2,400.17	\$0.00		\$0.00	\$2,400.17						
9	FY 14	\$14,604.30	\$0.00		\$0.00	\$14,604.30						
10												
11	Sub Totals	\$17,004.47	\$16,409.00	\$18,386.00	\$725,796.31	\$777,595.78		Sub Totals	\$30,503.23	\$9,990.00	\$3,548.05	\$116,868.17
12								*Billing Credit				
13												
14	Cumulative Total	\$17,004.47	\$16,409.00	\$18,386.00	\$725,796.31	\$777,595.78		Cumulative Total	\$30,503.23	\$9,990.00	\$3,548.05	\$116,868.17
15												
16												
17	Through January 2019											
18												
19								Through December 2018				
20	*Credits were given on the May 2017 invoices in an amount equal to approximately 11% to reflect overpayments. The credits have not been equally distributed by cate											

ANALYSIS - LEGAL FEES
ENVIRONMENTAL MATTERS

	M	N	O	P	Q
1				ANDERSON & KREIGER, LLP	
	Fiscal Year Total			Conservation Law Foundation	Fiscal Year Total
2					
3					
4	\$3,753.05			\$204.00	\$204.00
5	\$19,532.69			\$15,805.55	\$15,805.55
6	\$122,741.41				
7	\$14,472.30				
8					
9					
10					
11	\$160,499.45			\$16,009.55	\$16,009.55
12	\$10,480.50				
13					
14	\$150,018.95			\$16,009.55	\$16,009.55
15					
16					
17					
18					
19					
20	gory.				

KUTAK ROCK LLP

WASHINGTON, D.C.

Telephone 202-828-2400

Facsimile 202-828-2488

Federal ID 47-0597598

January 16, 2019

Suzanne M. Woodland
Deputy City Attorney
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Lynn Hinchee
Pease Development Authority
55 International Drive
Portsmouth, NH 03801

Check Remit To:

Kutak Rock LLP

PO Box 30057

Omaha, NE 68103-1157

Wire Transfer Remit To:

ABA #104000016

First National Bank of Omaha

Kutak Rock LLP

A/C # 24-690470

Reference: Invoice No. 2515063

Client Matter No. 294603-1

Invoice No. 2515063

294603-1

Re: General

TOTAL FOR SERVICES RENDERED

\$1,066.00

TOTAL CURRENT AMOUNT DUE

\$1,066.00

SHEEHAN PHINNEY BASS & GREEN PA
1000 ELM STREET
P.O. BOX 3701
MANCHESTER, NH 03105-3701

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: Trade Port - General Representation

CLIENT/CASE NO. 14713-10167
BILLING ATTORNEY: Robert P Cheney
Invoice Number: 332823

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$8,953.00
TOTAL EXPENSES:	\$32.00

TOTAL THIS BILL:	\$8,985.00

PREVIOUS BALANCE:	\$0.00

TOTAL BALANCE DUE:	\$8,985.00

PAYMENT DUE 30 DAYS FROM INVOICE DATE

Please return this page with your remittance and please reference the client/case number on all related correspondence.

AMOUNT PAID... \$ _____

SHEEHAN PHINNEY BASS & GREEN PA
1000 ELM STREET
P.O. BOX 3701
MANCHESTER, NH 03105-3701

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: CLF vs. Pease

CLIENT/CASE NO. 14713-15395

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$26,738.00
TOTAL EXPENSES:	\$21,575.40

TOTAL THIS BILL:	\$48,313.40

BALANCE DUE:	\$48,313.40

Please return this page with your remittance and please reference the client/case number on all related correspondence.

AMOUNT PAID... \$ _____

SHEEHAN PHINNEY BASS & GREEN PA
1000 ELM STREET
P.O. BOX 3701
MANCHESTER, NH 03105-3701

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: Permit Implementation

CLIENT/CASE NO. 14713-19658
BILLING ATTORNEY:Lynn J. Preston
Invoice Number: 333193

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$18,386.00
TOTAL EXPENSES:	\$0.00

TOTAL THIS BILL:	\$18,386.00

PREVIOUS BALANCE:	\$0.00

TOTAL BALANCE DUE:	\$18,386.00

PAYMENT DUE 30 DAYS FROM INVOICE DATE

Please return this page with your remittance and please reference the client/case number on all related correspondence.

AMOUNT PAID... \$ _____

SHEEHAN PHINNEY BASS & GREEN PA
1000 ELM STREET
P.O. BOX 3701
MANCHESTER, NH 03105-3701

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: CLF vs. Pease

CLIENT/CASE NO. 14713-15395

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$4,321.00
TOTAL EXPENSES:	\$0.00

TOTAL THIS BILL:	\$4,321.00

BALANCE DUE:	\$4,321.00

Please return this page with your remittance and please reference the client/case number on all related correspondence.

AMOUNT PAID... \$ _____



Division of Ports and Harbors Advisory Council
555 Market St.
Portsmouth, NH 03801
Tel 603-436-8500
Fax 603-436-2780

PORT ADVISORY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 9, 2019

PRESENT: Don Coker, Chairman
Roger Groux, Vice-Chairperson
Erik Anderson
Chris Snow (arrived at 6:10 pm)
Jeff Gilbert
Brad Cook
Geno Marconi, Secretary, Director, DPH

ABSENT: Ned Raynolds

1. CALL TO ORDER

Chairman Coker called the meeting to order at 6:05 p.m.

2. APPROVE MINUTES

Chris H. made a motion to accept the December 12, 2018 minutes, R. Groux 2nd, no further discussion, the council voted and the motion carried.

3. FINANCE REPORT

Jeff G. reported that things seem to be on balance and on budget with a positive operating income. You'll see depreciation below the line but in the experience we've had here is not something to worry about because the Division tends to get capital items approved by the State which offsets the depreciation when the major equipment is replaced. Director commented that is generally true but can change depending on legislature. Director indicated the bills are being paid and there are no planned unexpected expenses that he can think of.

4. DIRECTOR'S REPORT

Director reported on the following items that were presented to the PDA Board of Directors on Dec 20, 2018.

- Report, Emergency replacement of the furnace at the Market St. Terminal
- Approval, initial proposed mooring fees and the public hearing on mooring fees which is January 17, 2019 at 6 pm, written comment will be taken through February 17, 2019 and then final proposed fees be presented to the PDA Board for approval at their March meeting
- Approval, right of entry, Heidi & Elisabeth Fisheries, LLC, Portsmouth Fish Pier
- Approval, right of entry to fill tankers with sea water, LW Morgridge & Sons, Market St. Terminal
- Approval, Pda 300 final proposal, Pda 400 Final adoption

Jeff asked Geno if there was any discussion from the PDA regarding the mooring fees, no there was not, Director mentioned that Roger spoke at the last meeting and Roger

will discuss that later in the meeting. Erik asked for confirmation on the effective date of the new fees as on the proposed fees schedule it says proposed fees 2019 and he thought it would be 2020. The earliest it could possibly be April 1st which is after the 2019 reapplication period. So if someone has a mooring and they reapply during the reapplication period, the new fees will not affect them.

Director noted the last salt ship was here for 10 days as one of their cranes broke down and they could not unload. We have some project cargo, a new gate for the dry dock at the Navy Yard (Cianbro), right now and another salt ship will be coming at the end of the month for Granite State Minerals. We are moving along with the functional replacement and working on the final award of the BUILD Grant. We are moving ahead with the wetlands applications for Hampton. Don asked if the ship pays the daily fee even if their equipment breaks down and Director answered yes. Erik asked if the concept study from Appledore included design and that is a no. Geno explained there is a stakeholder meeting for Jan 22 and is hoping for a good turnout to get some ideas from the people that use the facility. Once the concept is decided, which goes from each end of the spectrum; 1) tear down and start over, 2) do nothing, or 3) options in between; then once we decide on the concept we go into final design. Appledore will provide a concept report which will include a few different design options along with cost estimates and a narrative of what it involves and that information will be shared with the stakeholders as well. Roger asked about Seabrook/Hampton Harbor legislation, Director hasn't seen anything, dredging will hopefully start next fall. Our portion of the expenses will be the state anchorage, removing and replacing the moorings, along with the DES wetlands permit. There are also easements required. Jeff asked if there is anything in the mooring contracts to require the mooring holder to pay for the mooring to be removed and replaced in the case of dredging. Director answered no but that's an interesting idea. Discussion turned to exposure to liability to the State in regards to mooring equipment which has been an ongoing discussion with the Division staff. Jeff asked if there is a liaison at the AG's office and Director answered yes.

5. COMMITTEE REPORTS

Fisheries- Erik reported things are quiet, most are taking out gear. It is legislative season and HB 282 was on the table which would take away some of the authority of Fish & Game officers to search under reasonable suspicion. The hearing was well attended, the industry opposed the bill as there has been no abuse and since they work in the field it's not easy for them to get a search warrant. Waiting to see what happens. A couple of other bills that were supported, one was regarding fish and game admin rules to adopt rules from Atlantic States Marine Fisheries Committee (ASMFC) without going through the 541-A Rulemaking process in order to be able to move quicker to be in compliance with the ASMFC rules. Director said NH is a signatory to the ASMFC and with that we agree to adopt regulations that are compatible with regulations adopted by the ASMFC, the current rulemaking process sometimes takes to long and often puts us in violation of our agreement with the ASMFC.

Government- No report

Moorings- Chris Snow said all mooring permits and waitlist applications have gone out. He said the DMV day for commercial fishermen was today at the Dover DMV. Director said it was successful. Director said Lana is getting together a report to summarize the turnout of the 2 days. Director said there were about 1432 applications sent out this year for existing moorings to reapply. Director said there were some new moorings issued last year. Chris S. stated that there seems to be room for more moorings around the mouth of the river and Little Harbor but there is some gray area in the mooring regulations that are preventing those from being issued. Director said the problem with some of the potential near shore spots is at low tide anyone could walk out to the mooring.

PDA Liaison- Roger reported on the PDA board meeting which he spoke at last week, with this council's approval, to explain to them that while the council supports the increase in mooring fees there are reservations because of the inequities and he was looking for PDA's support in moving forward. He told them that there are inequities in the way the registration system works. 97,000 boats are registered in NH of which only 4000 are registered for salt water. The Division only gets about \$142,000 out of \$5 million of registration money and the rest of the money goes to other dedicated funds. We then get \$2 per boat for tidal registrations. Just quickly looking at the 5 big marinas (Great Bay, Maglaras, Wentworth, BG's and Hampton Harbor) it appears there are about 490 slips in in which none of the boats are contributing to harbor maintenance. Roger said he has done a lot of research on fees, and explained that he has called around to several other ports in the area and has found that most have what they call a "harbor use fee". With this, Roger has done some figuring and potential income could reach \$147,000 if we could figure a way to charge a fee to those boat owners that have a slip in a private marina but that are technically on state property. Jeff commented that this is an equitable argument as anyone that uses a marina in this area is benefitting from the Harbor Management Fund for maintaining the water ways but is not contributing towards the fund. Roger said there was nobody on the PDA Board that was opposed to the measure. Discussion ensued, Director explained the history of the slip fee rule, the 125% mooring program rule, where the money has been going, where the money should be going, where any new money would go (dedicated fund) and the best approach to move the process forward. Director mentioned that the mooring program has been operating at a deficit and that is why they are increasing the mooring fees. Roger asked for a motion to allow him to pursue this matter further. Erik made a motion to support the discussion that Roger has brought forward with regards to this issue and to authorize him to represent the Advisory Council to have a discussion on legislative sponsorship of this concept. Chris S. seconded the motion, no discussion, all were in favor. Roger will report back with any new information at the next meeting.

Maritime/Public Affairs-Don let the council know that here will be a ship this summer but it cannot be officially disclosed because of the government shutdown. PMC is going all out with the Sea Challenge, which is an expensive but life changing event for the at risk kids. The PMC is planning on putting out 3 ships this year for the Sea Challenge, each ship costs \$30,000. The PMC is working out a strategic plan for fund raising purposes. There is a history talk about the Sarah Mildred Long Bridge so keep an eye out for that.

Dredging- Chris H reported that there is a meeting next Thursday at the Propeller Club and Matt Tessier, from the Army Corp of Engineers, will be doing a presentation on the dredging projects. This will be held at the Elks Club in Portsmouth and reservations are recommended, go to the website for the Propeller Club of Portsmouth for more information.

Recreational Piers-Brad reported that everything is in hibernation and nothing is going on at the recreational piers.

6. NEW BUSINESS

Election of officers took place, Erik made a motion to nominate Roger Groux as Chairman, Chris H seconded, and all were in favor. Chris H. made a motion to elect Don Coker as Vice-Chairman, Erik seconded, and all were in favor. Erik made a motion to nominate Jeff Gilbert as Treasurer, Chris S. seconded, and all were in favor.

7. OLD BUSINESS

8. PUBLIC COMMENT

Peter Welch and Tom Reese were in attendance. Tom introduced himself as the owner of Portsmouth Marina (fka Witches Cove), his company does “just about the best mapping work that can be done” they work across the globe doing diving, mapping, data work, and they design and develop their own diving equipment. He said he is hoping to headquarter the shop at the marina. He also said that he understands the proposal presented by Roger and as long as they can sell why they are doing it, explain that the money is being well spent and where it is going it should be easy to get support. Director mentioned that Tom has also been concerned about the issue with the Wentworth Bridge. Don commented that the State went on record years ago stating that they will preserve both of Hampton and New Castle bridges. Chris asked if we could get a copy of the letter on file that would be great.

9. PRESS QUESTIONS

There were no members of the press present.

10. ADJOURNMENT

Don C. made a motion to adjourn, Erik A. seconded, and all were in favor. Meeting was adjourned at 7:27 PM




PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Pease Development Authority (“PDA”), Board of Directors

From: Geno Marconi, Division Director 

Date: February 15, 2019

Subject: Report on Commercial Fishermen Days at Dover DMV

Since 2012 during each renewal season the Division of Ports and Harbors (“the Division”) has partnered with the NH Fish and Game Department and the Department of Safety for a Commercial Fisherman’s Day at the Dover Point Division of Motor Vehicles (“DMV”) office.

The three agencies set up an area at the DMV dedicated to assisting the commercial fishing industry with a “one-stop” service that allows them to renew their fishing licenses, boat registrations, and submit mooring reapplications and pier use permits. Without this program, fishermen would need to make multiple trips to each separate agency in association with their business. This program has been very successful and this season’s results are listed below:

December 13, 2018

- 64 Mooring Permits
- 17 Pier Use Permits
- 5 Berthing Permits
- 8 Skiff Permits
- 9 Hoist Safety forms

January 8, 2019

- 19 Mooring Permits
- 2 Waitlist Applications
- 4 Pier Use Permits
- 3 Skiff Permits
- 2 Hoist Safety forms

<p>Totals:</p> <ul style="list-style-type: none"> • 83 Mooring Permits • 21 Pier Use Permits • 11 Skiff Permits • 5 Berthing Permits • 2 Mooring Waitlist applications • 11 Hoist Safety forms
--

The Division continues to see increased numbers and positive feedback each year as the word gets out around the local industry.




PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Pease Development Authority (“PDA”), Board of Directors
From: Geno Marconi, Division Director 
Date: March 6, 2019
Subject: Black Dog Divers and Appledore Marine Engineering Expenditures

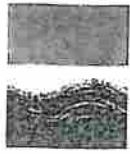
Recently the Division of Ports and Harbors (the “Division”) became concerned about the draft conditions at the Main Wharf Berth at the Market Street Marine Terminal. Because of the amount of ship traffic expected, the Division staff felt it appropriate that a visual inspection of the seabed along the face of the wharf be conducted as soon as possible to look for any eminent dangerous condition that may impact the safety of ships at the dock.

The Division contacted Black Dog Divers, a local company in Portsmouth, who has provided diving services in the past, to inquire about their availability. On January 15, 2019, Black Dog Divers were in the water and reported some buildup of sand along the berth and that there was some debris, including tree logs and abandoned lobster traps, in the vicinity of the berth. Black Dog returned on January 30th to remove the debris and provide an updated report of visual observations on the bottom. As is consistent with the bottom of the Piscataqua River, sand transportation is constantly changing, however there was no apparent, or immediate danger to ships.

Subsequent to the visual inspection of the berth by Black Dog Divers, it became apparent that a more advanced technical electronic survey be conducted to get more exact information on the sand transport. The Division contacted Appledore Marine engineering, the Division’s On-Call Marine Engineers to conduct a multi-beam sonar survey of the bottom in order to document and calculate the sand movement and build-up. The survey was completed on February 22, 2019 and the results are being reviewed.

The fee for services provided by Black Dog Divers was \$8,102.50 and the cost of the survey was \$3,950.00, both invoices are attached and were paid from the Harbor Dredging and Pier Maintenance Fund \$50,000 allocation previously authorized by the Capital Budget Overview Committee. Director Loughlin authorized the expenditures.

RECEIVED MAR 08 2019



Appledore Marine Engineering, LLC

600 State Street, Suite E
Portsmouth, NH 03801
603-766-1870
www.appledoremarine.com

March 6, 2019
Project No: 5239
Invoice No: 1

Pease Development Authority
Attn: G. Marconi
Division of Ports & Harbors
555 Market Street
Portsmouth, NH 03801

Project 5239 Main Pier Shoaling Investigation

Main Pier Shoaling Investigation

Attention: Geno Marconi (g.marconi@peasedev.org); Brenda Therrien (b.therrien@peasedev.org)

Professional Services from February 5, 2019 to March 4, 2019

Fee

Billing Phase	Fee	Percent Complete	Earned	Current Fee Billing
Hydrographic Survey	3,950.00	100.00	3,950.00	3,950.00
Total Fee	3,950.00		3,950.00	3,950.00
		Previous Fee Billing	0.00	
	Total Fee			3,950.00
		Total this Invoice		\$3,950.00

Billings to Date

	Current	Prior	Total
Fee	3,950.00	0.00	3,950.00
Totals	3,950.00	0.00	3,950.00

[Handwritten signature]
DATE 3/6/19

P2001/A7009/940 HDPM
\$50 Allocation

Black Dog Divers, Inc.

P.O. Box 4474
Portsmouth, NH 03802

INVOICE

Invoice Number: 20191864
Invoice Date: Feb 6, 2019
Page: 1

RECEIVED FEB 26 2019

Voice: (603) 431-3732
Fax: (603) 436-2524

Bill To:
NH State Port Authority
555 Market St #1
Portsmouth, NH 03801

Ship to:
NH State Port Authority
555 Market St #1
Portsmouth, NH 03801

Customer ID	Customer PO	Payment Terms	
NH STATE PORT AUTH		C.O.D.	
Sales Rep ID	Shipping Method	Ship Date	Due Date
			2/6/19

Quantity	Item	Description	Unit Price	Amount
2.00		LOCATE/IDENTIFY/REMOVE DEBRIS AT STATE PIER - PORTSMOUTH NH - SUPERVISORS NATE GILMORE AND JAY BRINTON		
		3 MAN DIVE TEAM DAY RATE (DISCOUNTED) - 1/15, 1/30/19	3,640.00	7,280.00
0.50		BOOM TRUCK (HALF DAY) 1/30/19	1,400.00	700.00
20.00		GALLONS - DIESEL	3.50	70.00
15.00		GALLONS - GASOLINE	3.50	52.50
<i>Market St. Terminal</i>				
<i>P2001/A7005/910</i>				
<i>2/26/19</i>				
Subtotal				8,102.50
Sales Tax				
Total Invoice Amount				8,102.50
Payment/Credit Applied				
TOTAL				8,102.50

ENT'D FEB 08 2019

Check/Credit Memo No:



MEMORANDUM


TO: Pease Development Authority Board of Directors
FROM: David R. Mullen, Executive Director *DRM*
RE: Contract Reports for the Division of Ports and Harbors
DATE: March 14, 2019

In accordance with Article 3.9.1.1 of the PDA Bylaws, I am pleased to report the following:

1. Project Name: Appledore Marine Engineering, Inc.
PDA Obligation: \$4,300.00
Board Authority: Vice Chairman Loughlin
Summary: For the preparation of drawings for the pricing to repair the floating docks in Hampton Harbor and the Portsmouth Fish Pier

P:\BOARDMTG\2019\Contractrpt-DPH 0319.docx

MEMORANDUM

To: Pease Development Authority Board of Directors
 From: David R. Mullen, Executive Director 
 Date: March 14, 2019
 Re: Commercial Use Mooring Permit Transfers

In accordance with the "Delegation to Executive Director: Consent, Approval and Execution of Mooring Permit Transfers" adopted by the Board on January 24, 2002, I am pleased to report that PDA has approved of commercial mooring permit transfer for the following permit:

	<u>Permit</u>	<u>Business</u>	<u>Date of Approval</u>
Seabrook Harbor Transferor: Transferee:	No. 1881 Charles Felch Francis Moge	Commercial Fishing	2/12/19
Seabrook Harbor Transferor: Transferee:	No. 431 Charles B. Knowles, Jr. Roger Ford, Jr.	Commercial Fishing	1/24/19
Rye Harbor Transferor: Transferee:	No. 7180 William Wagner Henry Lothrop	Commercial Charters	2/6/19

The Delegation to Executive Director: Consent, Approval and Execution of Mooring Permit Transfers provides that:

"A Mooring Permit Transfer request submitted to this delegation of authority shall not be consented to, approved or executed unless all of the following conditions are met:

1. In accordance with NH Administrative Rule Por 301.08 (superseded by Pda 508.01 (a) - (d)), a commercial boat owner must submit to the Division documented proof of the commercial nature of the business being sold."

These conditions have been met.



PEASE
INTERNATIONAL
PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

February 12, 2019

Charles H. Felch, III
9 Dandiview Acres
Seabrook, NH 03874

RE: Request to Transfer Commercial Moorings
Commercial Mooring No. 1881, Seabrook Harbor, New Hampshire

Dear Mr. Felch:

Please be advised that Pease Development Authority - Division of Ports and Harbors has approved of your request to transfer the above referenced commercial mooring to Francis Moge of 12 Deer Run Road North Hampton, NH in connection with the sale of your commercial business.

You and Francis Moge have represented that Francis Moge intends to use the mooring for commercial purposes. Please be advised that the approval to transfer the mooring is subject to the condition that Francis Moge will continue to use the mooring for commercial purposes.

In accordance with the administrative rules which govern the transfer of commercial moorings; "If the holder of a commercial use mooring permit ceases operation of the commercial entity for which the permit was issued, the permit shall lapse." See enclosed copy of Pda 508.01(d). By copy of this letter Francis Moge is being put on notice of this provision.

Thank you for your attention to this matter.

Sincerely,

David R. Mullen
Executive Director

Enclosure

cc: Geno Marconi, Director PDA-DPH
Francis Moge
PDA Legal Dept.

○○○○ TAKING YOU THERE

ph 603-436-8500 fax 603-436-2730 www.peasedev.org

PART Pda 508 TRANSFER OF MOORING PERMITS

Pda 508.01 Transfer of Commercial Use Mooring Permits.

(a) A commercial vessel owner may transfer his or her commercial use mooring permit(s) to a new owner if the permit holder's business, including the vessel for which the commercial use mooring permit(s) was issued by the division, is sold or under a contract of sale, subject to:

- (1) The buyer's submitting an application for a commercial use mooring permit for the same type of business or another type of business that would qualify for a commercial use mooring permit and all applicable documentation;
- (2) Payment of the commercial use mooring permit transfer fee for transfers pursuant to Pda 508.01(a), provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development authority, Division of Ports and Harbors;" and
- (3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial use mooring permit.

(b) The owner of a water-dependent business as described in Pda 502.30(b) may transfer his or her commercial use mooring permit(s) to a new owner if the permit holder's business is sold or under contract of sale, subject to:

- (1) The buyer's submitting an application for a commercial use mooring permit for a water-dependent business as described in Pda 502.30(b) and all applicable documentation;
- (2) Payment of the commercial use water dependent business mooring permit transfer fee for transfers pursuant to Pda 508.01(b), provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors;" and
- (3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial use mooring permit.

(c) The division shall only consider written transfer requests made by the owner of record and mailed or hand delivered to its office at:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(d) If the holder of a commercial use mooring permit ceases operation of the commercial entity for which the permit was issued, the permit shall lapse.




PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

TO: David Mullen, Executive Director, PDA
FROM: Geno J. Marconi, Director, DPH 
DATE: February 11, 2019
RE: Commercial Mooring Transfer

The Pease Development Authority, Division of Ports and Harbors has received a request for the transfer of a commercial mooring, permit #1881, from Charles Felch, III to Francis Moge.

I have reviewed the attached paperwork and concur with the local Harbormaster and Chief Harbormaster that the request meets all the requirements of the PDA-DPH Code of Administrative Rules regarding commercial mooring transfers. Therefore, I am requesting approval of the transfer.

If you have any questions or need further information, please let me know.

January 24, 2019

Charles B. Knowles, Jr
302 Walton Road
Seabrook, NH 03874

RE: Request to Transfer Commercial Moorings
Commercial Mooring No. 431, Seabrook Harbor, New Hampshire

Dear Mr. Knowles:

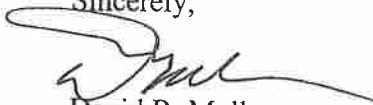
Please be advised that Pease Development Authority - Division of Ports and Harbors has approved of your request to transfer the above referenced commercial mooring to Roger Ford, Jr of 33 Lovell Road Stratham, NH in connection with the sale of your commercial business.

You and Roger Ford, Jr have represented that Roger Ford, Jr intends to use the mooring for commercial purposes. Please be advised that the approval to transfer the mooring is subject to the condition that Roger Ford, Jr will continue to use the mooring for commercial purposes.

In accordance with the administrative rules which govern the transfer of commercial moorings; "If the holder of a commercial use mooring permit ceases operation of the commercial entity for which the permit was issued, the permit shall lapse." See enclosed copy of Pda 508.01(d). By copy of this letter Roger Ford, Jr is being put on notice of this provision.

Thank you for your attention to this matter.

Sincerely,



David R. Mullen
Executive Director

Enclosure

cc: Genò Marconi, Director PDA-DPH
Roger Ford, Jr
PDA Legal Dept.




PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

TO: David Mullen, Executive Director, PDA
FROM: Geno J. Marconi, Director, DPH 
DATE: January 22, 2019
RE: Commercial Mooring Transfer

The Pease Development Authority, Division of Ports and Harbors has received a request for the transfer of a commercial mooring, permit #431, from Charles Knowles to Roger Ford, Jr.

I have reviewed the attached paperwork and concur with the local Harbormaster and Chief Harbormaster that the request meets all the requirements of the PDA-DPH Code of Administrative Rules regarding commercial mooring transfers. Therefore, I am requesting approval of the transfer.

If you have any questions or need further information, please let me know.



PEASE
INTERNATIONAL
PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

February 6, 2019

William Wagner
145 Griffin Road
Deerfield, NH 03037

RE: Request to Transfer Commercial Moorings
Commercial Mooring No. 7180, Rye Harbor, New Hampshire

Dear Mr. Wagner:

Please be advised that Pease Development Authority - Division of Ports and Harbors has approved of your request to transfer the above referenced commercial mooring to Henry Lothrop of 45 Branch Rd Wells, ME in connection with the sale of your commercial business.

You and Henry Lothrop have represented that Henry Lothrop intends to use the mooring for commercial purposes. Please be advised that the approval to transfer the mooring is subject to the condition that Henry Lothrop will continue to use the mooring for commercial purposes.

In accordance with the administrative rules which govern the transfer of commercial moorings; "If the holder of a commercial use mooring permit ceases operation of the commercial entity for which the permit was issued, the permit shall lapse." See enclosed copy of Pda 508.01(d). By copy of this letter Henry Lothrop is being put on notice of this provision.

Thank you for your attention to this matter.

Sincerely,

David R. Mullen
Executive Director

Enclosure

cc: Geno Marconi, Director PDA-DPH
Henry Lothrop
PDA Legal Dept.




PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

TO: David Mullen, Executive Director, PDA
FROM: Geno J. Marconi, Director, DPH 
DATE: February 5, 2019
RE: Commercial Mooring Transfer

The Pease Development Authority, Division of Ports and Harbors has received a request for the transfer of a commercial mooring, permit #7180, from Captain Bill's Charters to Henry Lothrop.

I have reviewed the attached paperwork and concur with the local Harbormaster and Chief Harbormaster that the request meets all the requirements of the PDA-DPH Code of Administrative Rules regarding commercial mooring transfers. Therefore, I am requesting approval of the transfer.

If you have any questions or need further information, please let me know.



MOTION

Director Bohenko

Subject to funding of the project, the Pease Development Authority Board of Directors ("Board") hereby authorizes the Executive Director to execute the Memorandum of Agreement ("MOA") with the Department of the Army for the dredging of the State Anchorage area in Hampton Harbor and to facilitate access to and the use of State lands and private property in support of the Department of the Army's Hampton / Seabrook Harbor Maintenance Dredging Project.

Further, the Board hereby authorizes the Director of the Division of Ports and Harbors to submit a request to the Capitol Budget Overview Committee, if required, for the purpose of seeking the release of the \$137,500 from the Harbor Dredging and Pier Maintenance Fund and expend said funds for the dredging of the State Anchorage; all in accordance with the memorandum from Geno Marconi, Division Director, dated March 8, 2019 attached hereto.

Note: Roll Call vote required.

N:\RESOLVES\2019\DPH-ACOEDredge0319.docx




PEASE

INTERNATIONAL

555 Market Street, Suite 1 Portsmouth, NH 03801

PORTS AND HARBORS March 8, 2019

To: Pease Development Authority ("PDA") Board of Directors

From: Geno Marconi, Division Director 

Subject: Hampton Harbor Federal Navigation Project

In accordance with RSA 12-G: 45, the Pease Development Authority Division of Ports and Harbors (the "Division") is responsible for managing harbor and channel dredging activities within state tidal waters. Furthermore, in accordance with RSA 12-G:43, I (c), the Division shall cooperate with any agency or department of the federal government in planning the maintenance, development, and use of the state ports and state tidal waters. Furthermore, in accordance with RSA 12-G: 42 XV, authorizes the PDA, acting through the Division, to enter into a project partnership agreement with the Department of the Army in connection with the Hampton Harbor, Hampton, Seabrook, NH Navigation Improvement and Maintenance Dredging Project.

Hampton/Seabrook Harbor, including the entrance channel and State Anchorage, is severely impacted by siltation. The Army Corps of Engineers ("ACOE") has received federal funding to dredge the Hampton Harbor Federal Navigation Project ("FNP") and is preparing the project for the start of the "Dredge Window" of November 2019. The ACOE also requires that the Division enter into a Memorandum of Agreement ("MOA"), attached herein, in which the ACOE agrees to dredge the State Anchorage and the Division agrees to reimburse the ACOE for that work.

The State Anchorage dredge must be funded by the Division. Based upon the volume of material to be removed, the ACOE has estimated the cost at \$125,000 +/- . The Division is also responsible to remove and replace all moorings currently located in the dredge area, which is estimated at \$100,000 based upon the 2013 dredging project costs. The potential funding sources are:

- 1) The passage and signing into law of House Bill 557, which authorizes the appropriation of \$243,750 for the project, which includes a small contingency for cost overrun.
- 2) Passage of the Governor's proposed budget presented to the Legislature, which includes the same amount for the project.
- 3) If required, seek approval by the Capital Budget Overview Committee ("CBOC") to expend funds from the Harbor Dredging and Pier Maintenance Fund in the amount of \$137,500. This is not the preferred funding source, rather an alternative in the event that either aforementioned appropriations fail or are not passed in a timely manner to meet the payment obligation of the ACOE. The current balance of that fund is \$318,447.

Therefore, the Division recommends the PDA Board of Directors authorize the PDA Executive Director to execute the MOA with the ACOE contingent on the availability of funding. The Division also recommends the PDA Board of Directors authorizes the Director of the Division to submit a request, if required, to the Capitol Budget Overview Committee.

○ ○ ○ ○ TAKING YOU THERE

ph 603-436-8500

fax 603-436-2780

www.peasedev.org

MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
PEASE DEVELOPMENT AUTHORITY
FOR ADDITIONAL DREDGING
IN CONNECTION WITH DREDGING OF
HAMPTON HARBOR FEDERAL NAVIGATION PROJECT

This MEMORANDUM OF AGREEMENT (hereinafter the "MOA") is entered into this _____ day of _____, _____, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, New England District (hereinafter the "District Engineer"), and the Pease Development Authority (hereinafter the "Non-Federal Interest"), represented by the Executive Director, Pease Development Authority, State of New Hampshire.

WITNESSETH, THAT:

WHEREAS, the modification of the Hampton Harbor Federal Navigation Project (hereinafter the "Project") at Hampton and Seabrook, New Hampshire to include the inner harbor general navigation features was authorized March 5, 2012 under the Continuing Authority of Section 107 of the Rivers and Harbors Act of 1960 (Public Law 86-645), as amended;

WHEREAS, the Non-Federal Interest requests dredging of the New Hampshire State Anchorage with placement as nourishment on Hampton State Beach in Hampton, New Hampshire (hereinafter the "Additional Dredging") and agrees to pay all costs of such dredging; and

WHEREAS, the Government is authorized pursuant to 33 U.S.C. 701h to carry out the Additional Dredging in connection with dredging of the Project.

NOW, THEREFORE, the Government and the Non-Federal Interest agree as follows:

1. The Non-Federal Interest shall provide to the Government funds to pay all costs, including the costs of environmental compliance, supervision and administration, and engineering and design, associated with the Additional Dredging to be carried out in connection with dredging of the Project. While the Government will endeavor to limit the additional costs associated with the Additional Dredging to the current estimate of \$125,000, the Non-Federal Interest acknowledges that the actual costs for the Additional Dredging may exceed such estimated amount due to claims or other unforeseen circumstances and that the Non-Federal Interest is responsible for all costs, including any claims, related to the Additional Dredging.

2. Within fifteen (15) calendar days of execution of this MOA, the Non-Federal Interest shall provide to the Government \$125,000. If at any time the Government determines that additional funds are needed, the Government shall notify the Non-Federal Interest in writing of the amount, and, no later than thirty (30) calendar days from receipt of such notice, the Non-Federal Interest shall provide to the Government the full amount of the additional funds.
3. The Non-Federal Interest shall provide the funds to the Government by delivering a check payable to "FAO, USAED New England" to the District Engineer or providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government.
4. The Government shall not commence the Additional Dredging until: a) all applicable environmental laws and regulations have been complied with, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and Section 401 of the Clean Water Act (33 U.S.C. 1341); and b) the Non-Federal Interest has provided to the Government authorization for entry to all lands, easements, and rights-of-way the Government determines to be required for the Additional Dredging.
5. The Government shall provide the Non-Federal Interest with quarterly reports of obligations for the Additional Dredging. The first such report shall be provided within thirty (30) calendar days after the final day of the first full quarter of the Government fiscal year following receipt of the funds pursuant to this MOA. Subsequent reports shall be provided within thirty (30) calendar days after the final day of each succeeding quarter until the Government concludes the Additional Dredging.
6. Upon completion of the Additional Dredging and resolution of all relevant claims and appeals, the Government shall conduct a final **accounting** of the costs of such work and furnish the Non-Federal Interest with written notice of the results of such final accounting. Such final accounting shall in no way limit the Non-Federal Interest's responsibility to pay for all costs associated with the Additional Dredging, including contract claims or any other liability that may become known after the final accounting. If such costs are more than the amount of funds provided by the Non-Federal Interest, the Non-Federal Interest shall provide the required additional funds within thirty (30) calendar days of such written notice by delivering a check payable to "FAO, USAED New England" to the District Engineer or providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. If such costs are less than the amount of funds provided by the Non-Federal Interest, the Government shall refund the excess to the Non-Federal Interest within thirty (30) calendar days of such written notice, subject to the availability of funds.
7. Before either party to this MOA may bring suit in any court concerning an issue relating to this MOA, such party must first seek in good faith to resolve the issue through negotiation or other forms of nonbinding alternative dispute resolution mutually acceptable to the parties.
8. In the exercise of their respective rights and obligations under this MOA, the Government and the Non-Federal Interest each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other.

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS**

I, _____, do hereby certify that I am the Director of Finance of the Pease Development Authority (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the dredging of the New Hampshire State Anchorage with placement as nourishment on Hampton State Beach in Hampton, New Hampshire; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND PEASE DEVELOPMENT AUTHORITY FOR ADDITIONAL DREDGING IN CONNECTION WITH DREDGING OF HAMPTON HARBOR FEDERAL NAVIGATION PROJECT.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____, _____.

BY: _____

TITLE: _____

DATE: _____

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

DAVID R. MULLEN
EXECUTIVE DIRECTOR

DATE: _____



PEASE
INTERNATIONAL
DEVELOPMENT
AUTHORITY

34 International Drive, Portsmouth, NH 03801

MOTION

Director Lamson

The Pease Development Authority Board of Directors hereby authorizes the Executive Director to execute Amendment No. 10 to Right of Entry for Non-Exclusive Use of Parcel A-2 and Burge Wharf by Cornell University – Shoals Marine Lab for the purpose of extending the Right of Entry for a period of five (5) years from April 1, 2019 through March 31, 2024; all in accordance with the terms and conditions contained in the Memorandum of Geno J. Marconi, Division Director, dated February 21, 2019 attached hereto.

Note: Roll call vote required.

NN:\RESOLVES\2019\DPH-CornellShoalsExt0319.docx




PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Pease Development Authority Board of Directors

From: Geno Marconi, Division Director 

Date: February 21, 2019

Subject: Cornell University-Shoals Marine Lab

The Division of Ports and Harbors has received a request from Cornell University-Shoals Marine Lab ("Shoals") for an extension of its Right of Entry (ROE) for the use of a portion of Parcel A-2, Burge Dock and adjacent parking lot located at the Market Street Marine Terminal.

Shoals operates the college and laboratory facility located on Appledore Island, Isles of Shoals, Kittery, Maine. The Burge Dock has long served as the main land base of operations for Shoals research and supply vessels. These vessels are the main connection between the main land and the island for equipment and supplies, including food and pick-up and drop-off of employees and students.

Therefore, the Division recommends that the PDA Board of Directors approves an extension of the Right of Entry (ROE) for Shoals in accordance with the following terms and conditions:

PREMISES: The "Burge Dock" located at the Market Street Marine Terminal (location map attached)

PURPOSE: Dockage for two (2) support vessels and parking for the loading and discharge of employees, students, passengers, and supplies and equipment

TERM: Five years beginning April 1, 2019 and ending on March 31, 2024

DOCKAGE: In year 1, \$4700.00 for one (1) vessel of forty seven (47) feet in length, @ \$100.00 per foot Length Overall (LOA). Additionally, one (1) vessel thirty seven (37) feet in length will also be allowed to utilize the dock and raft alongside the larger vessel. Dockage for years 2 through 5 to be negotiated prior to March 1 of each subsequent year.

ELECTRICITY: \$780 per year for electric service

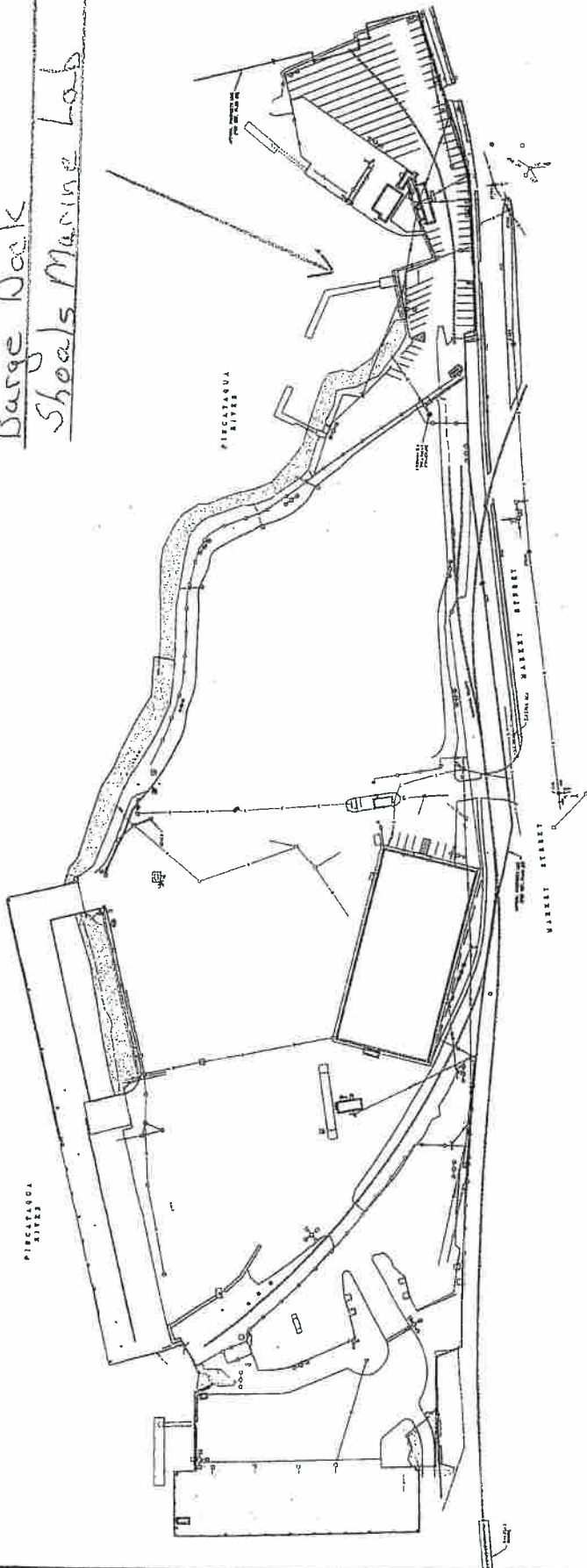
WHARFAGE: \$1.00 per paying passenger

STORAGE: \$500.00 per year for a storage shed to be shared by Star Island Corporation

INSURANCE: Minimum insurance coverage to include Protection and Indemnity Insurance in the amount of \$1,000,000 endorsed for piers, docks and gangway coverage. Workers Compensation coverage, automobile liability coverage in a minimum amount of \$1,000,000 and commercial general liability in a minimum amount of \$2,000,000 as the same may be required or appropriate in connection with the individual operations of each entity doing business on state property. Coverage amounts and types may change from time to time contingent upon the nature and scope of operations. Shoals is authorized to conduct business at the Burge Dock.

All other terms and conditions of the ROE, as amended, shall remain in full force.

Barge Dock
Sheals Marine Lab



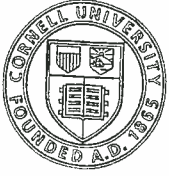
555 Market Street
Existing Conditions Plan

GRAPHIC SCALE



PEASE
DEVELOPMENT
AUTHORITY

25 INTERNATIONAL CENTER
PORTSMOUTH, NEW HAMPSHIRE
02871



Cornell University
Real Estate Department

PDA BOARD

15 Thornwood Drive
Ithaca, NY 14850
T.607.266.7866.
F.607.266.7876
www.ipp.cornell.edu/real-estate

DEC 11 10 9:55 AM

December 10, 2018

Pease Development Authority
Division of Ports and Harbors
C/o Geno Marconi
555 Market Street
Portsmouth, NH. 03801-3532

Dear Mr. Marconi:

I write to inform you that Cornell University would like to extend the Right of Entry for Non-exclusive Use of Parcel A-2 and Burge Wharf beyond March 31, 2019. We propose a 5-year extension to the agreement. In the extension, we respectfully request that the required dumpster be shared with Star Island and The Isles of Shoals Steamship Co.

We look forward to a continued relationship with Pease Development Authority. Please forward any appropriate and new documentation to the Real Estate Department, as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine R. Hass".

Christine R. Hass
Real Estate Associate



MOTION

Director Levesque:

The Pease Development Authority Board of Directors hereby authorizes the Executive Director to execute Amendment No. 11 to Right of Entry for Non-Exclusive Use of Parcel A-2 and Burge Wharf by the Star Island Corporation for the purpose of extending the Right of Entry for a period of five (5) years from April 1, 2019 through March 31, 2024; all in accordance with the terms and conditions contained in the Memorandum of Geno J. Marconi, Division Director, dated February 13, 2019 attached hereto.

Note: Roll call vote required.

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PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03301

To: Pease Development Authority Board of Directors

From: Geno Marconi, Division Director 

Date: February 13, 2019

Subject: Star Island Corporation Right of Entry for Parcel A-2 and Burge Wharf

The Division of Ports and Harbors has received a request from the Star Island Corporation (Star) for an extension of its Right of Entry (ROE) for the use of a portion of Parcel A-2, the Burge Wharf and adjacent parking lot at the Market Street Marine Terminal.

Star Island Corporation ("Star") owns and operates the hotel and conference center located on Star Island, Isles of Shoals, Rye, New Hampshire. The Burge Dock has long served as the main land base of operations for Star's supply vessels. These vessels are the main connection between the main land and the island for equipment and supplies, including food, and pick-up and drop-off of employees. Directly abutting the Burge Wharf, from the Barker Wharf, the Isles of Shoals Steamship Company provides ferry service to Star Island, carrying the guests that stay at the hotel for the week long conferences.

Therefore, the Division recommends that the PDA Board of Directors approves extension of the Right of Entry (ROE) for the Star Island Corporation in accordance with the following terms and conditions:

PREMISES: The "Burge Dock" located at the Market Street Marine Terminal (location map attached)

PURPOSE: Berthing for two (2) corporate vessels and for transporting employees, equipment, refuse and supplies to and from its facilities on Star Island at the Isles of Shoals. Star will berth vessels on a permanent basis.

TERM: Five (5) years beginning April 1, 2019 and ending on March 31, 2024

DOCKAGE: In year 1, \$9000.00 for one (1) vessel of forty eight (48) feet in length, the Hurricane, and one (1) vessel forty two (42) feet in length, the Utopia, @ \$100.00 per foot Length Over All (LOA). Dockage for years 2 through 5 to be negotiated prior to March 1 of each subsequent year.

ELECTRIC: The fee for providing electric service will be \$780 per year.

WHARFAGE: \$1.00 per paying passenger

DUMPSTERS: \$500.00 per dumpster to locate two (2) dumpsters on the property to be shared by Shoals Marine Laboratory and Isles of Shoals Steamship Co.

STORAGE: \$1000.00 per year for a storage shed to be used exclusively by Star and \$500 per year for a storage shed to be shared by Shoals Marine Laboratory.

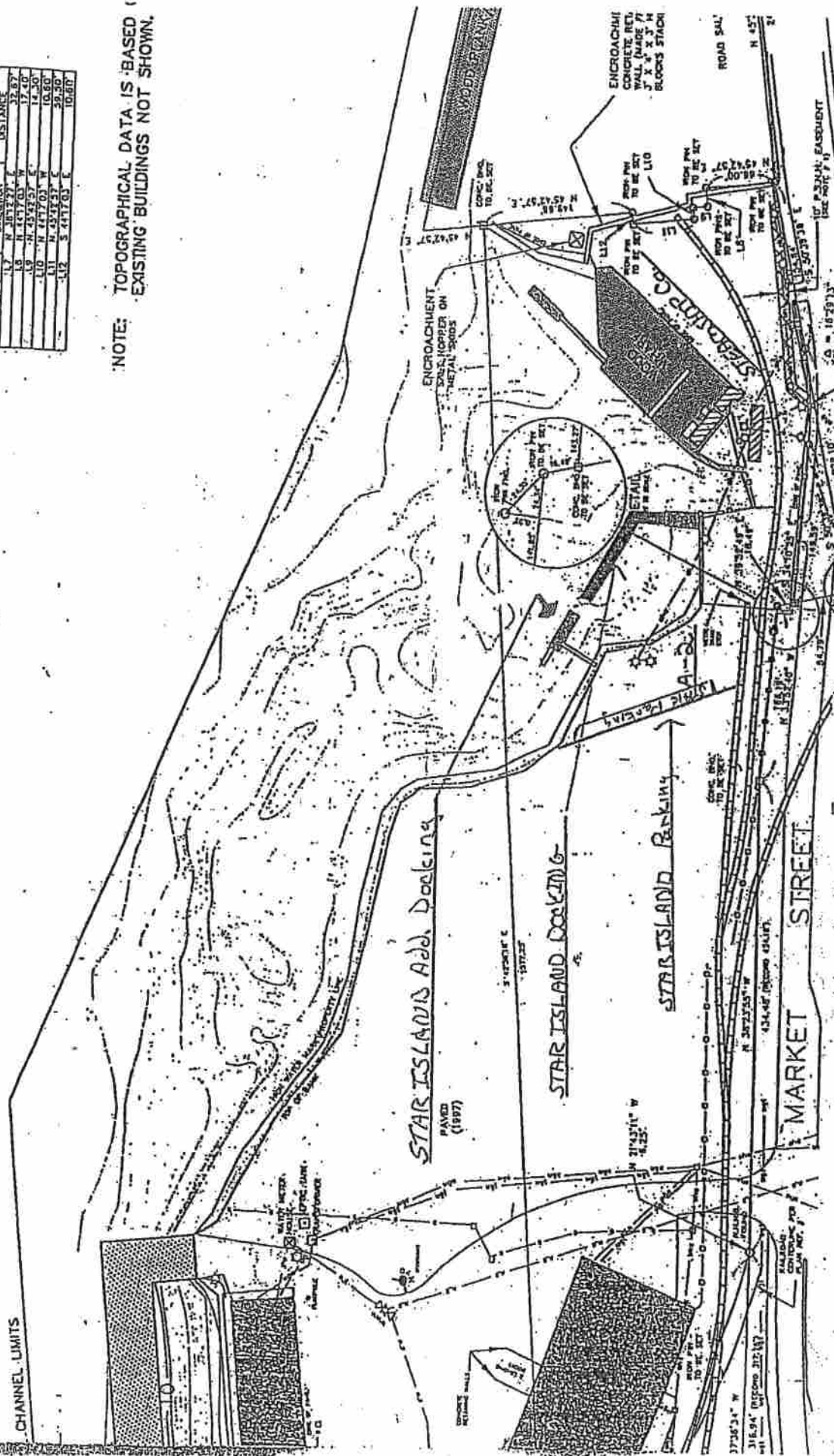
INSURANCE: Minimum insurance coverage to include Protection and Indemnity Insurance in the amount of \$1,000,000 endorsed for piers, docks and gangway coverage. Workers Compensation coverage, automobile liability coverage in a minimum amount of \$1,000,000 and commercial general liability in a minimum amount of \$2,000,000 as the same may be required or appropriate in connection with the individual operations of each entity doing business on state property. Coverage amounts and types may change from time to time contingent upon the nature and scope of operations. Star Island Corporation is authorized to conduct business at the Burge Dock.

All other terms and conditions of the ROE, as amended, shall remain in full force.

PISCATAQUA RIVER

LINE	DIRECTION	DISTANCE
L7	N 81°17' E	32.87'
L8	N 45°17' W	17.40'
L9	N 45°35' E	14.50'
L10	N 44°17' W	10.60'
L11	N 45°35' E	29.50'
L12	S 41°17' E	10.60'

NOTE: TOPOGRAPHICAL DATA IS BASED ON EXISTING BUILDINGS NOT SHOWN.



ATTACHMENT 1



MOTION

Director Allard:

The Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to enter into a Lease Extension with the Isles of Shoals Steamship Company for the premises located at the Market Street Terminal known as the Barker Wharf for a period of five (5) years retroactively effective January 1, 2019; all in accordance with the terms and conditions set forth in the memorandum of Geno J. Marconi, Division Director, dated March 5, 2019 attached hereto.

Note: Roll Call vote required.

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PEASE

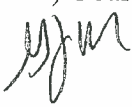
INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: March 5, 2019

To: Pease Development Authority ("PDA") Board of Directors

From: Geno Marconi, Division Director 

Subject: Isles of Shoals Steamship Company Lease Extension

The Isles of Shoals Steamship Company ("ISSCo") has requested an extension of their lease under the same terms and conditions set forth in Amendment #4 as approved by the PDA Board of Directors on March 15, 2013. ISSCo is requesting the continued use of the "Barker Wharf" and land adjacent to the "Burge Dock" as shown in the attached photo. During the summer season ISSCo provides week long seasonal parking for up to 40 cars, for passengers that it transports to the Oceanic Hotel on Star Island, and during the winter season it provides parking for employees of the City of Portsmouth. ISSCo continues to be an outstanding tenant and provides unique recreational activities to the visitors of the Portsmouth waterfront. The current lease expired December 31, 2018.

Therefore, the Division of Ports and Harbors recommends that the PDA Board of Directors approve a lease extension to the Isles of Shoals Steamship Company in accordance with the following terms and conditions:

LOCATION: The land area and docks of the Market Street Marine Terminal known as the "Barker Wharf" and a portion of the land area of the "Burge Dock" as shown on the attached lot plan

PURPOSE: "Barker Wharf" - Provide dock space for vessels to load and discharge passengers; provide an area for the location of an office trailer, ticket booth and storage shed(s)

"Burge Dock" –

- i. provide seasonal parking for up to 40 cars and
- ii. to enter into a parking agreement with the City of Portsmouth

TERM: "Barker Wharf" and adjacent land area – Commencing retroactively January 1, 2019 through December 31, 2024 for a term of Five (5) years

"Burge Dock" adjacent land area –

- i. Commencing May 15, 2019 through September 30, 2024 for a term of five (5) seasons and
- ii. November 1, 2019 through April 30, 2025 for a term of five (5) seasons

FEES:

Rent - "Barker Wharf" and adjacent land area - \$29,652.26 plus a CPI increase not to exceed 3% for each year the lease is in effect

Rent - "Burge Dock" parking area - \$18,000.00 per season

Wharfage - \$1.00 per paying passenger with a waiver for up to but not more than 1,000 passengers

Electricity - The cost for providing electric service will be \$2073.44 per year

Annual Maintenance Fee - \$5,000.00

INSURANCE:

On or before the effective date of this lease, ISSCo shall provide Pease Development Authority, Division of Ports and Harbors with a certificate of insurance evidencing the existence of Protection and Indemnity and Commercial General Liability insurance with endorsements covering piers, docks and gangway use protecting the parties hereto and naming the State of New Hampshire and Pease Development Authority, Division of Ports and Harbors as additional insured's from loss or damage because of the liability that may be incurred by the State of New Hampshire, Pease Development Authority, Division of Ports and Harbors and ISSCo in connection with uses authorized under the lease (e.g., use of the dock and wharf areas in connection with its vessel charter business, use of the parking area, office trailer and sales booth) when such liability is imposed on account of injury or death of a person or persons or property damage. Said Protection and Indemnity coverage shall provide for a liability limit on account of each accident resulting in bodily injury, death or property damage to a limit of not less than \$1,000,000.00 per occurrence and include an endorsement for piers, docks and gangway use. Said Commercial General Liability insurance shall provide for a liability limit on account of each accident resulting in bodily injury, death or property damage to a limit of not less than \$4,000,000.00 per occurrence and include an endorsement for piers, docks and gangway use. Evidence of workers compensation coverage to statutory limits must also be provided, as applicable and required. With the exception of Worker's Compensation coverage each policy shall include a waiver of subrogation in favor of the State of New Hampshire and the Pease Development Authority, Division of Ports and Harbors and provide that such coverage shall be primary and non-contributing with respect to any coverage, self-insured or otherwise, which may be carried by the State or PDA-DPH. Insurance provided pursuant to this ROE may not be canceled without providing Pease Development Authority, Division of Ports and Harbors with at least thirty (30) days advance written notice by registered mail.

Isles of Shoals Steamship Co.

Write a description for your map.



Legend

Feature 1



MOTION

Director Torr

In accordance with RSA 12-G:42, XI, the PDA Board of Directors hereby adopts the Final Proposed Schedule of Mooring and Waitlist Fees (attached hereto) effective April 1, 2019; all in accordance with the Memorandum of Geno J. Marconi, Division Director, dated February 21, 2019 attached hereto.

Note: Roll Call vote required

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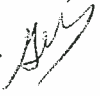


PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: February 21, 2019
To: Pease Development Authority ("PDA") Board of Directors
From: Geno Marconi, Division Director 
Subject: Final Proposed Schedule of Mooring and Waitlist Fees

The Division of Ports and Harbors (the "Division") is presenting the Board with the Final Proposed Schedule of Mooring and Waitlist Fees (attached) for adoption.

The Initial Proposed Schedule of Mooring and Waitlist Fees were presented to the Division of Ports and Harbors Advisory Council at their monthly meeting on November 14, 2018. The Council voted to recommend to the PDA Board, with reservation, the approval of the Initial Proposed Schedule of Mooring and Waitlist Fees. With that, the PDA Board was presented with the Initial Proposed Schedule of Mooring and Waitlist Fees and memorandum attached explaining the proposed fees at the December 20, 2018 meeting. The Board approved the Initial Proposed Schedule of Mooring and Waitlist Fees at that meeting.

After publishing a Notice of Public Hearing in two (2) newspapers of general circulation and posting the notice in public facilities, the Division Director held a Public Hearing at the Division office on January 17, 2019. There was one (1) member of the public in attendance that gave testimony. The public comment period remained open for written comment until the end of business on February 18, 2019 during which time no further public comment was received.

Therefore, the Division recommends that the PDA Board of Directors adopt the Schedule of Mooring and Waitlist Fees as presented by the Division and set an effective date of April 1, 2019

PEASE DEVELOPMENT AUTHORITY - DIVISION OF PORTS AND HARBORS

Final Proposed new fees

MOORING PERMIT FEES

(Applicable to Initial Applications and Reapplications)

Fee Name	Current Fee	Proposed fee for 2019
Initial Application Fee	\$50.00	No change
General Use Mooring Permit	\$10.00 per foot x length overall	\$12.00 per foot x length overall (\$200 minimum)
Shorefront Property Owner Mooring Permit	\$10.00 per foot x length overall	\$12.00 per foot x length overall (\$200 minimum)
Commercial Use Mooring Permit	\$10.00 per foot x length overall	\$12.00 per foot x length overall (\$200 minimum)
Commercial Use for Water Dependent Business	\$10.00 per foot x length overall based upon the maximum size vessel allowed on mooring	\$12.00 per foot x length overall (\$200 minimum)
Commercial Mooring for Hire Mooring Permit	\$10.00 per foot x length overall based upon the maximum size vessel allowed on mooring	\$12.00 per foot x length overall (\$200 minimum)
Mooring Permit Reapplication Late Fee	\$50.00 flat fee per mooring permit reapplication (to be paid in addition to applicable mooring permit fee)	No change

MOORING WAIT LIST FEES

New Mooring Wait List Application	\$7.00 fee per mooring field or mooring subfield applied for	\$10.00 fee per mooring field or mooring subfield applied for
Mooring Wait List Renewal Application	\$7.00 fee per mooring field or mooring subfield applied for	\$10.00 fee per mooring field or mooring subfield applied for
Mooring Wait List Renewal Late Fee	\$10.00 fee per mooring field or mooring subfield applied for (to be paid in addition to the applicable wait list renewal application fee)	No change

MOORING PERMIT TRANSFER FEES

Commercial Use Mooring Permit	\$50.00 per transfer request	No change
Commercial Water Dependent Permit	\$50.00 per transfer request	No change
Commercial Mooring for Hire Permit	\$50.00 per transfer request	No change
General Mooring Permit to Surviving Spouse	\$25.00 per transfer request	No change
Shorefront Property Mooring Permit to Surviving Spouse	\$25.00 per transfer request	No change
Commercial Mooring For Hire Permit to Surviving Spouse	\$25.00 per transfer request	No change




PEASE

INTERNATIONAL
PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Pease Development Authority ("PDA"), Board of Directors

From: Geno Marconi, Division Director 

Date: December 12, 2018

Subject: Initial Proposed Schedule of Fees, Moorings and Waitlists

In accordance with the New Hampshire Code of Administrative Rules, Pda 512.01(a), Mooring Fee Schedule, "At least once a year the division director shall review the schedule of mooring fees." The Division of Ports and Harbors ("the Division") has conducted a review of the Schedule of Fees associated with:

- Pda 500; Moorings and Anchorages (eff. April 1, 2012)

The PDA Finance Department provides the Division with details of revenues and expenses for the Harbor Management Department which the Division staff utilized for the review. Attached are the Initial Proposed Schedule of Fees for the above referenced administrative rules.

BACKGROUND HARBOR MANAGEMENT

Mooring and Waitlist revenues for FY 2018:	\$333,446
Vessel Registrations FY 2018*:	\$142,114
<u>Operating Expense:</u>	<u>(\$450,788)</u>
Operating Income:	\$24,772
Proposed Estimated Net Revenue (see attached):	\$90,209

*RSA 270-E:7, II. "All fees collected under RSA 270-E:5, I and III for vessels registered for tidal and coastal waters shall be made available to the Pease development authority, division of ports and harbors for the purposes of safety, navigation, training, and administration. Such sums shall be non-lapsing and shall be continually appropriated to the Pease development authority, division of ports and harbors."

The Division, in reviewing the revenues, has determined that a disproportional amount of the Vessel Registration revenues are expended to offset administration costs of moorings and waitlists programs and not available for use for the statutory required safety, navigation and training. In addition, with the anticipated costs of dredging the anchorages where moorings

are placed, the Division is recommending the Initial Proposed Schedule of Fees for Moorings and Waitlists.

The Proposed Schedule of Fees for Moorings and Waitlists was presented to the Division of Ports and Harbors Advisory Council ("Council") on October 10, 2018 and again on November 14, 2018. On November 14, 2018, the Council voted to recommend, with reservations, that the PDA Board of Directors approve the Initial Proposed Schedule of Fees.

Upon approval of the Initial Proposed Schedule of Fees, and in accordance with Pda 512.01(b) (1-3), the Division will:

- Publish a notice in at least 2 newspapers of general circulation
- Hold a Public Hearing
- Accept written comment for 30 days after the Public Hearing

The Division will prepare a Final Proposed Schedule of Fees to be presented to the PDA Board at the March 2019 meeting for Final Adoption.

Therefore, the Division recommends the PDA Board of Directors approve the Initial Proposed Schedule of Fees.

PEASE DEVELOPMENT AUTHORITY - DIVISION OF PORTS AND HARBORS
Proposed new fees

MOORING PERMIT FEES
 (Applicable to Initial Applications and Reapplications)

Fee Name	Current Fee	Proposed fee for 2019	Current annual revenue	Additional Revenue	Notes
Initial Application Fee	\$50.00	No change	No change	No change	
General Use Mooring Permit	\$10.00 per foot x length overall	\$12.00 per foot x length overall *\$200 minimum	\$327,181-all mooring types included	\$87,524-all mooring types included	*same as pier use
Shorefront Property Owner Mooring Permit	\$10.00 per foot x length overall	\$12.00 per foot x length overall (\$200 minimum)	Included in general use mooring permit	Included in general use mooring permit	
Commercial Use Mooring Permit	\$10.00 per foot x length overall	\$12.00 per foot x length overall (\$200 minimum)	Included in general use mooring permit	Included in general use mooring permit	
Commercial Use for Water Dependent Business	\$10.00 per foot x length overall based upon the maximum size vessel allowed on mooring	\$12.00 per foot x length overall (\$200 minimum)	Included in general use mooring permit	Included in general use mooring permit	
Commercial Mooring for Hire Mooring Permit	\$10.00 per foot x length overall based upon the maximum size vessel allowed on mooring	\$12.00 per foot x length overall (\$200 minimum)	Included in general use mooring permit	Included in general use mooring permit	
Mooring Permit Reapplication Late Fee	\$50.00 flat fee per mooring permit reapplication (to be paid in addition to applicable mooring permit fee)	N/A	N/A	N/A	

PEASE DEVELOPMENT AUTHORITY - DIVISION OF PORTS AND HARBORS
Proposed new fees

MOORING WAIT LIST FEES

Fee Name	Current Fee	Proposed Fee for 2019	Current Annual revenue	Additional revenue	Notes
New Mooring Wait List Application	\$7.00 fee per mooring field or mooring subfield applied for	\$10.00 fee per mooring field or mooring subfield applied for	\$6265-all waitlist types	\$2,685	
Mooring Wait List Renewal Application	\$7.00 fee per mooring field or mooring subfield applied for	\$10.00 fee per mooring field or mooring subfield applied for	Included in above	Included in above	
Mooring Wait List Renewal Late Fee	\$10.00 fee per mooring field or mooring subfield applied for (to be paid in addition to the applicable wait list renewal application fee)	N/A			

MOORING PERMIT TRANSFER FEES

There are no proposed changes to the Mooring permit transfer fee

Commercial Use Mooring Permit	\$50.00 per transfer request	N/A
Commercial Water Dependent Permit	\$50.00 per transfer request	N/A
Commercial Mooring for Hire Permit	\$50.00 per transfer request	N/A
General Mooring Permit to Surviving Spouse	\$25.00 per transfer request	N/A
Shorefront Property Mooring Permit to Surviving Spouse	\$25.00 per transfer request	N/A
Commercial Mooring For Hire Permit to Surviving Spouse	\$25.00 per transfer request	N/A



MOTION

Director Bohenko:

In accordance with the recommendation of the Port Advisory Council, the Pease Development Board of Directors hereby approves the Initial Proposal for the re-adoption with amendments to Administrative Rules Pda 500 Moorings and Anchorages.

Further, the Board authorizes the Division Director to take any necessary or recommended action in furtherance of this matter; all in accordance with the Memorandum of Geno Marconi, Division Director, dated March 7, 2019, attached hereto.

Note: Roll Call Vote required

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PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: March 7, 2019
To: Pease Development Authority ("PDA"), Board of Directors
From: Geno Marconi, Division Director 
Subject: Initial Proposal, Administrative Rules; Pda 500 Moorings and Anchorages

In accordance with RSA 12-G:42,X (c) the Pease Development Authority ("PDA"), acting through its Division of Ports and Harbors (the "Division"), shall adopt rules pursuant to RSA 541-A, relative to MOORINGS AND ANCHORAGES. The Administrative Rules Chapter Pda 500- Moorings and Anchorages became effective August 20, 2011 and will expire August 20, 2019.

In accordance with RSA 12-G:44, IV, the Division Director presented the initial proposal of the Pda 500 Rules, to the Division of Ports and Harbors Advisory Council ("Council") for their review at the Council's meeting on February 13, 2019. The Council agreed to review the rules and be ready with comments at their next meeting on March 6, 2019. At that meeting the Council voted to recommend the PDA Board of Directors approve the initial proposed rules and to waive the 15 day comment period.

Therefore, the Division of Ports and Harbors recommends that the PDA Board of Directors approve the initial proposed Pda 500 Rules, as presented and annotated, pursuant to RSA 541-A:6. Please note that the rulemaking process also includes ample opportunity for public hearings and comments which will also be considered prior to submitting a final proposal.

Readopt Pda 501-503, effective 8-20-11 (Document # 9975), cited and to read as follows:

CHAPTER Pda 500 MOORINGS AND ANCHORAGES

PART Pda 501 PURPOSE AND SCOPE

Pda 501.01 Purpose. The purpose of Pda 500 is to establish provisions for administering a system for permitting moorings to be set and used in state tidal waters.

Pda 501.02 Scope. Pda 500 shall apply to all mooring permits issued. Any person who sets, seeks to set, or uses a mooring in state tidal waters shall comply with Pda 500.

PART Pda 502 DEFINITIONS

Pda 502.01 “Business organization” means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization, that is organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

Pda 502.02 “Channel” means the portion of a waterway delineated by navigational aids as designated by the federal government or by the division.

Pda 502.03 “Collective mooring area” means the shorefront property mooring area of a marina or condominium within which the holder of a commercial mooring for hire mooring permit(s) is authorized to set commercial moorings for hire in accordance with a mooring plan approved by the authority pursuant to Pda 506.09(h).

Pda 502.04 “Commercial entity” means a business organization engaged for profit in a fishing or charter boat business or water-dependent business.

Pda 502.05 “Commercial mooring for hire” means a mooring permitted by the division pursuant to Pda 500 and owned by a:

(a) Marina duly registered to do business in the state of New Hampshire or a condominium, which in turn rents, leases, or otherwise authorizes use of the mooring, if a marina, to a member of the general public or, if a condominium, to a member of the condominium unit owners’ association, on a daily or seasonal basis; or

(b) Shorefront property owner who in turn rents or leases the mooring to a tenant of the shorefront property who occupies the shorefront property.

Pda 502.06 “Commercial use mooring” means a mooring permitted by the division pursuant to Pda 500 and owned by a commercial entity for use only by the commercial entity.

Pda 502.07 “Commercial vessel” means:

(a) A commercial fishing vessel or charter boat used primarily for commercial use purposes, which use is verified by a commercial vessel affidavit and the issuance to the vessel owner of a commercial vessel registration by the New Hampshire department of safety; or

(b) A vessel used primarily for commercial use purposes to further the purposes of a water-dependent business.

Pda 502.08 “Commercial vessel affidavit” means the notarized documentation submitted to and accepted by the New Hampshire department of safety pursuant to RSA 270-E:2, II(e).

Pda 502.09 “Condominium” means real property and any interests therein, with frontage located on state tidal waters that has lawfully submitted to regulation as a condominium in accordance with RSA 356-B.

Pda 502.10 “General use mooring” means a mooring permitted by the division pursuant to Pda 500 and owned by a member of the general public for use only by the mooring permit holder.

Pda 502.11 “Marina” means a shorefront location including, but not limited to, a boat yard or yacht club, with access to the water and parking, providing anchorage, docks, or moorings and open to the general public.

Pda 502.12 “Mean high-water mark” means “mean high water” as determined by the United States National Geodetic Survey, and indicated on maps of the United States National Geodetic Survey.

Pda 502.13 “Mean low water line” means the “mean low water line” as determined by the United States National Geodetic Survey, and indicated on National Oceanic Atmospheric Administration (NOAA) Coast Survey Charts, United States – East Coast, Maine – New Hampshire, North American Datum of 1983, published by the United States Department of Commerce in 1984.

Pda 502.14 “Moor” means to attach, make fast, or otherwise secure a vessel to a mooring.

Pda 502.15 “Mooring field” means an area or areas within state tidal waters where the chief harbor master or designee has determined that 3 or more moorings can be set.

Pda 502.16 “Mooring location” means the place in state tidal waters where a mooring is set.

Pda 502.17 “Mooring subfield” means an area of a subdivided mooring field, as provided in Pda 509.01.

Pda 502.18 “Nearshore area” means that portion of a mooring field or mooring subfield, as described in (a) or (b) below, whichever is the greater:

(a) The portion within 50 feet of the mean high-water mark; or

(b) The portion from the mean high-water mark to the mean low water line.

Pda 502.19 “Non-revenue mooring” means a mooring permitted by the division pursuant to Pda 500 and owned by a state agency as defined in RSA 21-G:5, III, and for which the division waives the mooring permit fee.

Pda 502.20 “Not-for-profit entity” means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization carrying on any activity within the state consistent with the stated purposes of such organization and operating on a nonprofit basis, including, but not limited to, such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

Pda 502.21 “Open to the general public” means that any person is allowed the use of facilities with or without the payment of a fee or other consideration, subject to applicable health and safety restrictions.

Pda 502.22 “Pennant” means a line by which a vessel is made fast to a mooring buoy.

Pda 502.23 “Shorefront property”:

(a) Means:

- (1) Any property recognized as a legal building lot by a municipality with shore frontage on state tidal waters;
- (2) A lot on state tidal waters that is divided by a road so that the buildable portion of the lot is on the opposite side of the road from the state tidal waters or divided by an exclusive right-of-way which has been acquired as a result of an eminent domain proceeding which resulted in the break or loss of property between the property owner’s residence and the portion of the lot with shore frontage; or
- (3) A lot of record with shore frontage on state tidal waters; and

(b) The term does not include:

- (1) A deeded right-of-way;
- (2) A right-of-way or right of access granted by lease or any other type of agreement; or
- (3) Lots not contiguous to the shore.

Pda 502.24 “Shorefront property owner” means an individual, trustee(s) of a trust, business organization, or not-for-profit entity owning shorefront property. This term does not include the individual members, owners, or tenants of a marina, condominium, condominium unit owners’ association, or related associations.

Pda 502.25 “Shorefront property mooring” means a mooring permitted by the division pursuant to Pda 500 within a shorefront property mooring area and owned by a shorefront property owner.

Pda 502.26 “Shorefront property mooring area” means a water surface area relating to the shorefront property of a shorefront property owner, marina, or condominium, determined by extending the side boundary lines of the property owner’s lot, marina’s lot, or condominium’s common area perpendicular to the shoreline into the state tidal waters out to, but not to cross, the channel, or, if there is no channel, to a

line midway between the low water mark of the shorefront property and the low water mark of the opposite shore.

Pda 502.27 “Shorefront property mooring location” means the place where a shorefront property mooring is allowed to be set within a shorefront property mooring area.

Pda 502.28 “Temporary seasonal mooring” means a mooring permitted by the division pursuant to Pda 500 between April 1 and March 31 at the location of a general use mooring, shorefront property mooring, or commercial use mooring, which location the permit holder has made available for temporary seasonal use.

Pda 502.29 “Vessel used primarily for commercial use purposes” means a commercial vessel not utilized for noncommercial use for more than 14 days cumulatively during the period from April 1 to March 31.

Pda 502.30 “Wait list mooring field, mooring subfield, or nearshore area” means a mooring field, mooring subfield, or nearshore area for which the division has established a mooring wait list in accordance with Pda 509.

Pda 502.31 “Water-dependent business” means a business organization, such as, but not limited to, a restaurant, boat maintenance yard, wholesale or retail fishing business, or marine construction company, seeking a commercial use mooring for the:

- (a) Use of a commercial vessel to further the purposes of the water-dependent business; or
- (b) Temporary use of customers, employees, subcontractors, and others who use the mooring in the course of the business operations of the water-dependent business.

PART Pda 503 MOORING PERMITS REQUIRED; MOORING USE

Pda 503.01 Mooring Permit Required. No person shall erect, install, maintain, use, have control over, or set a mooring within the state tidal waters unless a complete mooring permit application has been submitted to the division in accordance with Pda 500 and a mooring permit has been issued by the division.

Pda 503.02 Mooring Use: General Terms and Conditions.

- (a) No mooring shall be set in state tidal waters unless permitted in accordance with Pda 500.
- (b) Only one vessel shall be attached to a mooring.
- (c) No vessel shall be attached to a mooring except the vessel for which the permit was approved, unless the vessel attached to the mooring is a dinghy for the permitted vessel.
- (d) No person other than those listed below shall use a mooring:
 - (1) The holder of a permit for that specific mooring;
 - (2) The authorized temporary user of a commercial use mooring for which a commercial use mooring permit was issued to a water-dependent business;

- (3) The renter, lessee, or person otherwise authorized by the holder of a commercial mooring for hire mooring permit to use a specific mooring;
 - (4) The authorized member(s) of a condominium unit owners' association that holds a commercial mooring for hire mooring permit;
 - (5) The tenant or lessee of shorefront property who occupies the property and rents or leases a mooring from the shorefront property owner;
 - (6) The owner or operator of a vessel who has been directed orally, in writing, or by hand signal, by the chief harbor master, the deputy chief harbor master, a harbor master, or an assistant harbor master to secure such vessel to a mooring for which the vessel owner does not hold a permit; or
 - (7) Any person whose vessel is in an emergency situation when failure to secure such vessel to such mooring would otherwise present an imminent and substantial hazard to navigation or to the safety of any passenger on such vessel.
- (e) The holder of a commercial use mooring permit shall not rent or lease the mooring. The holder of a commercial use mooring permit that is a water-dependent business as defined in Pda 502.31(b) may allow temporary use of the mooring for business purposes by customers, vendors, or service providers.
- (f) Only an individual shall be the holder of a general use mooring permit.
- (g) The individual whose name appears on a general use mooring permit shall be an owner of the vessel identified in the permit.
- (h) The individual, trust or trustee(s) of the trust, business organization, or not-for-profit entity whose name appears on a shorefront property owner mooring permit shall be an owner of the vessel identified in the permit.
- (i) All moorings shall meet the equipment requirements of Pda 510.
- (j) Moorings shall be located so as not to impede navigation or endanger other vessels.
- (k) All moorings shall be subject to relocation in accordance with Pda 504.02.
- (l) A water-dependent business as defined in Pda 502.31(b) shall maintain, on the premises, records of all persons making temporary use of a mooring for which the water-dependent business holds a commercial use permit. These records shall be open to inspection by the division director or designee at any time during regular business hours.
- (m) A marina or condominium unit owners' association shall maintain on the premises, records of all persons making use of a commercial mooring for hire for which the marina or condominium unit owners' association holds a commercial mooring for hire permit. These records shall be open to inspection by the division director or designee at any time during regular business hours.
- (n) A shorefront property owner who holds a permit for a commercial mooring for hire shall maintain records of all lessees occupying the shorefront property who rent or lease the mooring for hire. These records shall be produced for inspection at the division office upon written request sent to the shorefront property owner by the division director, within 10 business days of receipt of the request.
- (o) A shorefront property owner may hold only one shorefront property permit for a mooring within the shorefront property owner's shorefront property mooring area dependent upon the person's status as

shorefront property owner, and that permit may be a commercial mooring for hire or a shorefront property mooring.

(p) Only one mooring permit under Pda 500 shall be issued for any one vessel, provided that 2 mooring permits may be issued for one vessel if one of the mooring permits is for a mooring location at the Isles of Shoals.

(q) The granting of a mooring permit under Pda 500 shall not constitute authority to secure any mooring or related equipment to any property above the mean high water mark.

Readopt with amendment Pda 504.01, effective 8-20-11 (Document # 9975), cited and to read as follows:

PART Pda 504 SETTING OF MOORINGS

Pda 504.01 Determination of Mooring Locations. The chief harbor master or designee shall determine the location of a mooring for which a mooring permit has been issued in accordance with the following criteria and procedures:

(a) The chief harbor master or designee shall ~~meet~~ consult with the permit holder or the permit holder's representative ~~at an agreed upon time when the permit holder or the permit holder's representative and the chief harbor master or designee can both be present when the mooring location is set~~ determined;

(b) The permit holder shall provide or arrange for the provision of the necessary mooring equipment and the means to set the mooring; and

(c) The chief harbor master or designee shall designate the location where the mooring is to be set so that:

- (1) The mooring does not impede navigation or interfere with other vessels;
- (2) The mooring placement accommodates the LOA and draft of the vessel; and
- (3) The placement allows, to the extent practicable, the maximum use of the mooring field, mooring subfield, or nearshore area without the relocation of existing moorings.

Readopt Pda 504.02 – Pda 505.02, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 504.02 Relocation of Moorings.

(a) The chief harbor master or designee shall require the owner of a mooring to relocate a mooring under the following circumstances:

- (1) The mooring is required to be relocated under Pda 510.04; or
- (2) The chief harbor master or designee determines that the relocation of a mooring is necessary in order to maximize, to the extent practicable, usage of a mooring field, mooring subfield, or nearshore area to allow additional vessel(s) to be moored in the mooring field, mooring subfield, or nearshore area.

(b) The owner of the mooring shall be responsible for the cost of relocating the mooring, except when a relocation is required in order to accommodate another vessel under (a)(2) above. In such a case, the owner(s) of the vessel(s) being accommodated shall be responsible for the cost of relocating the mooring(s). If the owner(s) of the vessel(s) seeking accommodation declines to be responsible for the cost of relocating the mooring(s), the existing mooring(s) shall not be relocated.

PART Pda 505 MOORING PERMITS

Pda 505.01 Types of Mooring Permits. The following types of mooring permits shall be issued under the permit system established in Pda 500:

- (a) General use mooring;
- (b) Shorefront property owner mooring;
- (c) Commercial use mooring;
- (d) Commercial mooring for hire mooring;
- (e) Non-revenue mooring; and
- (f) Temporary seasonal mooring for a:
 - (1) General use mooring; or
 - (2) Commercial use mooring.

Pda 505.02 Granting of Mooring Permits; Duration and Transferability of Permits.

- (a) The division director or designee shall grant mooring permits pursuant to Pda 507, except as specified for commercial mooring for hire mooring permits in Pda 506.09(h).
- (b) A mooring permit shall be valid for a one-year period from April 1 to March 31 of the following year. All mooring permits issued during the time period from April 1 to March 31 shall expire on March 31.
- (c) A mooring permit shall not be transferred to any other person, except as provided in Pda 508.

Readopt with amendment Pda 505.03, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 505.03 Determination of Suitability of a Replacement or Modified Existing Vessel for a Permitted Mooring; Modification of Existing Mooring Permit.

- (a) A mooring permit holder may seek a preliminary determination from the division of the suitability of a permitted mooring for a replacement vessel to be acquired by the permit holder or for an existing vessel that the permit holder seeks to modify and that is identified in a valid mooring permit in accordance with the following procedures:
 - (1) The mooring permit holder may seek such preliminary determination by providing in writing to the division the information specified in (b)(1)b. or (b)(2) below, as applicable;
 - (2) Upon receiving such a request for preliminary determination, the division shall determine if the replacement vessel or the existing vessel after modification would meet the requirements of (c)(1) and (2) below, as applicable;
 - (3) If the division determines that the vessel to be acquired or modified would meet the requirements of (c)(1) and (2) below, the division shall send notice of its preliminary determination in writing to the mooring permit holder;

(4) The division shall not make any changes to the vessel information on the permit holder's mooring permit until the mooring permit holder has provided the division with the documentation required under (b)(1) below for a replacement vessel or under (b)(2) below for an existing vessel that will be modified; and

(5) The division shall withdraw its preliminary determination that a mooring would be suitable for a replacement or modified vessel, if the information submitted for the preliminary determination is incorrect or incomplete.

(b) If a mooring permit holder acquires a replacement vessel or modifies an existing vessel identified in a permit as described in (e) below, the mooring permit holder shall, before attaching such replacement or modified vessel to the permitted mooring:

(1) If the vessel is replacement vessel:

a. Notify the division in writing of the change in vessel;

b. Provide for the replacement vessel applicable information required under:

1. Pda 511.01(b)(8);

2. Pda 511.02(b)(9);

3. Pda 511.03(b)(10); or

4. Pda 511.05(b)(8);

c. Send to the division a copy of the replacement vessel registration, if the vessel is required to be registered under New Hampshire law; and

d. Send to the division a photograph of the replacement vessel, if the vessel is not required to be registered under New Hampshire law;

(2) If the existing vessel identified in the permit has been modified as described in (e) below, notify the division in writing of each specific modification made to the vessel; and

(3) Obtain from the division written confirmation of:

a. Approval of the use of the mooring for the replacement or modified existing vessel, under (c)(3) below; or

b. Satisfaction of the terms of conditional approval for the use of the mooring for the replacement or modified existing vessel, under (c)(4) and (5) below.

(c) When the division receives a notification pursuant to (b) above, the division shall:

(1) Determine if the replacement vessel or the modified existing vessel named on the permit can be moored at the permitted location in compliance with the requirements of Pda 504.01(c)(1) and (2);

~~(2) Determine if the existing mooring equipment would comply with Pda 510.05 for the replacement or modified existing vessel;~~

(3) Approve the use of the permitted mooring for the replacement or modified existing vessel and modify the permit to refer to replacement or modified existing vessel, if the division

determines that the mooring of the vessel ~~and the mooring equipment~~ would comply with the provisions cited in (1) ~~and (2)~~ above;

(43) Conditionally approve the use of the permitted mooring for replacement or modified existing vessel, if the division determines that the replacement or modified existing vessel would comply with provisions cited in (1) ~~and (2)~~ above, subject to a relocation of the permitted mooring, provided: one or both of the following:

~~a. A change in mooring equipment; or~~

~~b. A relocation of the permitted mooring, provided:~~

~~1a.~~ The relocation shall not reduce the total number of mooring locations existing within a mooring field, mooring subfield, or nearshore area at the time just prior to the relocation; and

~~2b.~~ The holder of the mooring permit sending notification to the division ~~under (b) above~~ shall be responsible for the cost of relocating his or her mooring and for the cost of relocating any other mooring(s) in the mooring field, mooring subfield, or nearshore area which are relocated to accommodate the changed LOA or draft of the replacement or modified existing vessel;

(54) After the holder of a mooring permit has received conditional approval under (4) above and the required conditions are met, modify the permit to refer to the replacement or modified existing vessel; and

(65) Deny approval of the use of the permitted mooring for the replacement or modified existing vessel, if the division determines that:

a. The mooring location does not accommodate the LOA and draft of the replacement or modified existing vessel and:

1. It is not possible to relocate the mooring within the mooring field, mooring subfield, or nearshore area in compliance with Pda 504.01(c)(1) and (2); or

2. The conditions for the relocation of a mooring under Pda 504.02 have not been met; or

b. Mooring the replacement or modified existing vessel at the permitted mooring location would impede navigation or interfere with other vessel(s) and:

1. It is not possible to relocate the mooring within the mooring field, mooring subfield, or nearshore area in compliance with Pda 504.01(c)(1) and (2); or

2. The conditions for the relocation of a mooring under Pda 504.02 have not been met.

(d) If the division approves the modification of an existing permit under (c)(3) or (c)(5) above, the division shall issue a modified permit to the permit holder, provided that the holder of the mooring permit shall pay to the division an amount equal to the difference in the amount, if any, that the permit fee for the modified permit exceeds the permit fee paid for the original permit. The expiration date of the modified permit shall be the same as the originally issued permit. Upon expiration of the modified permit, the permit holder may seek reissuance of the permit in accordance with Pda 506.04.

(e) Modification of an existing vessel shall consist of any change that affects vessel information for an existing vessel as described in:

- (1) Pda 511.01(b)(8);
- (2) Pda 511.02(b)(9);
- (3) Pda 511.03(b)(10); or
- (4) Pda 511.05(b)(8).

Readopt Pda 505.04-Pda 506.03, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 505.04 Updating Certain Information in a Mooring Permit. In order to maintain updated information with the division, each permit holder shall notify the division in writing, within 30 business days of the change, of any changes to information in the permit relating to:

- (a) An applicant's name, address, telephone number, or contact person as described in:
 - (1) Pda 511.01(b)(1)-(7);
 - (2) Pda 511.02(b)(1)-(8);
 - (3) Pda 511.03(b)(1)-(4), (6), (8)-(9);
 - (4) Pda 511.04(b)(1)-(4), (7)-(9); or
 - (5) Pda 511.05(b)(1)-(5), (7);
- (b) Type of business organization as described in Pda 511.03(b)(7); or
- (c) Organizational structure or nature of the business as described in Pda 511.04(b)(5) or (6).

PART Pda 506 MOORING PERMIT APPLICATIONS; PROCESSING OF INITIAL APPLICATIONS AND APPLICATIONS FOR EXISTING MOORINGS

Pda 506.01 Mooring Permit Initial Applications: When Fee Returned. Each person seeking to set a mooring within the state tidal waters shall submit a completed initial mooring application and permit form in accordance with Pda 506.06, Pda 506.07, Pda 506.08, Pda 506.09, or Pda 506.10. If the division determines that there are no mooring locations available in the mooring field, mooring subfield, nearshore area, or at the location requested by the applicant, the division shall return the applicant's initial application and permit form and mooring permit application fee, and the applicant may file a mooring wait list application in accordance with Pda 509 for a mooring field, mooring subfield, or nearshore area. An application for a mooring at a mooring location not previously permitted may be filed at any time.

Pda 506.02 Types of Mooring Permit Applications.

- (a) General use mooring permit applications shall be used by general use and temporary seasonal general use mooring permit applicants.
- (b) Shorefront property owner mooring permit applications shall be used by shorefront property mooring permit applicants.

(c) Commercial use mooring permit applications shall be used by commercial use and temporary seasonal commercial use mooring permit applicants.

(d) Commercial mooring for hire mooring permit applications shall be used by commercial mooring for hire mooring permit applicants.

(e) Non-revenue mooring permit applications shall be used by state agencies.

Pda 506.03 Processing of Mooring Permit Applications. The division shall record the date and time of receipt of each completed mooring permit application on the application.

Readopt with amendment Pda 506.04, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 506.04 Mooring Permit Applications for Existing Moorings.

(a) Except as provided in (f) and g below, no later than January 15 of each year, the division shall mail mooring permit applications to current mooring permit holders. The division shall pre-enter all of the permit holder's information on the permit application relating to the applicant and the vessel, as provided on the applicant's current permit, except the date the applicant is required to specify when signing the application.

(b) Applications shall be mailed to the permit holder at the address specified by the permit holder on the mooring permit then in effect, or, if none is specified, to the permit holder's permanent address.

(c) A mooring permit holder shall only be able to reapply for a mooring permit by submitting an application for the same type of mooring permit currently held, except that, if eligible:

~~(1) A general use mooring permit holder may submit a permit application for a commercial use mooring permit;~~

(21) A shorefront property mooring permit holder may submit a permit application for a commercial use or commercial mooring for hire mooring permit as described in Pda 502.07(b);

(32) A shorefront property owner holding a commercial mooring for hire mooring permit as described in Pda 502.07(b) may submit a permit application for a shorefront property mooring permit; and

(43) A general use, shorefront property, or commercial use mooring permit holder may notify the division in writing at the time of a mooring permit reapplication that the:

a. Mooring permit holder will not be using his or her mooring location between April 1 and March 31 of the following year; and

b. Mooring location is available for use as a temporary seasonal mooring pursuant to Pda 506.11.

(d) Any applicant filing a mooring permit application in accordance with this section shall return a completed application with the required information, documentation, and permit fee to the division's office no later than March 1. Failure to meet the application deadline, whether or not the applicant received an application form with information pre-entered by the division, shall result in a denial in accordance with Pda 507, unless the applicant files a completed application with the required information, documentation, permit fee, and late application fee within 10 business days after March 1. An applicant who fails to comply with the March 1 deadline or the late application deadline shall not submit an application under this section,

but may make an application pursuant to Pda 506.01, including possible placement on a wait list under Pda 509, unless the reason for the late application was one of the reasons listed in Pda 514.04(d)(1)c. or Pda 514.05(d)(1)c. If the applicant fails to comply with the March 1 deadline or the late application deadline for one of the reasons listed in Pda 514.04(d)(1)c. or Pda 514.05(d)(1)c. and wishes to appeal the permit denial to the authority under Pda 514.06, the applicant shall first file his or her application for reconsideration with the division director under Pda 514.03.

(e) If an application is in compliance with Pda 506.06, Pda 506.07, Pda 506.08, Pda 506.09, or Pda 506.10, as appropriate, and the division grants a permit under Pda 507, the division shall mail, by first class mail, a photocopy of the permit to the mooring permit applicant within 10 business days of permit issuance. The mailing shall be sent to the mooring permit applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

(f) When a current mooring permit holder makes a mooring location available for a temporary seasonal mooring under (c)(4) above, the permit shall remain valid, provided that the permit holder continues to own the vessel named in the permit or complies with Pda 505.03 if the vessel named in the permit is modified or replaced.

(g) A general use mooring permit holder may submit an application to change the category of their existing mooring to commercial at any time during the permit year provided they meet all of the commercial mooring application requirements contained within Pda 506.08.

Readopt Pda 506.05 and Pda 505.06, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 506.05 Mooring Permit Application: Alteration of Information Relating to Vessel Prohibited: Correction of Certain Incorrect Pre-entered Information.

(a) When a current mooring permit holder makes an application for a mooring permit pursuant to Pda 506.04, the applicant shall not alter information pre-entered on the application by the division relating to the vessel. If any pre-entered information relating to the vessel identified in the permit in such an application requires revisions, or if the applicant has a newly-acquired vessel, the applicant shall comply with the requirements of Pda 505.03.

(b) If any pre-entered information as specified in (c) below is incorrect, the applicant shall make the necessary correction(s) on the application form. The applicant shall return the signed and completed application, the permit fee, and the vessel registration, on or before the deadline specified in Pda 506.04. All applications pursuant to Pda 506.04 shall be returned to the division on or before the deadline specified in Pda 506.04.

(c) The applicant shall correct, on the application form, any incorrect information relating to the following:

- (1) Any typographical or apparent clerical error, provided that no change to vessel information shall be considered correction of a typographical or clerical error;
- (2) An applicant's name, address, telephone number, or contact person as described in:
 - a. Pda 511.01(b)(1)-(7);
 - b. Pda 511.02(b)(1)-(8);
 - c. Pda 511.03(b)(1)-(4), (6), (8)-(9);

- d. Pda 511.04(b)(1)-(4), (7)-(9); or
- e. Pda 511.05(b)(1)-(5), (7);
- (3) Type of business organization as described in Pda 511.03(b)(7); or
- (4) Organizational structure or nature of the business as described in Pda 511.04(b)(5) or (6).

Pda 506.06 General Use Mooring Permit: Application Requirements: Processing.

(a) An applicant for a general use mooring permit or temporary seasonal general use mooring permit as provided in Pda 506.11(e)(1) shall obtain a general use mooring application form:

- (1) In person, from the division office located at 555 Market Street, Portsmouth, New Hampshire; or
- (2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The applicant shall provide the information and certifications required on the general use mooring permit form, as provided in Pda 511.01(b) and (d).

(c) The applicant shall attach to the application:

- (1) If the vessel is not required to be registered under New Hampshire law, a photograph of the vessel; and
- (2) Payment of the mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) The applicant shall:

- (1) Sign and certify the mooring application form; and
- (2) Return the application form with the attachments specified in (c) above.

(e) Upon receipt of an application for a general use mooring permit by the division, the chief harbor master or designee shall verify that:

- (1) The applicant has provided all applicable information requested on the application;
- (2) Information pre-entered on the application by the division has not been altered in violation of Pda 506.05, if the application is an application submitted by a current mooring permit holder;
- (3) A photocopy of the current New Hampshire state registration is attached to the application unless the vessel is not required to be registered under New Hampshire law;
- (4) A photograph of the vessel is attached to the application, if the vessel is not required to be registered under New Hampshire law;

- (5) The vessel information on the New Hampshire state registration is the same vessel information provided on the application, if the vessel is required to be registered under New Hampshire law;
 - (6) That there is a mooring location within the mooring field, mooring subfield, or nearshore area or at the location for which application is made, sufficient to accommodate the applicant's vessel;
 - (7) The mooring permit fee is paid, and, if paid by check or money order, is made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH" and is attached to the application;
 - (8) There is no reason to deny the application under Pda 507.02; and
 - (9) The applicant has signed and certified the application.
- (f) Within 30 business days of receipt of an application for a general use mooring permit by the division, the chief harbor master or designee shall grant or deny the application consistent with the provisions of Pda 507.02.
- (g) If the applicant is granted a general use mooring permit under Pda 507, and meets the requirements of (e) above, the chief harbor master or designee shall:
- (1) Record the permit number on the permit;
 - (2) Assign the mooring location;
 - (3) Sign and date the permit; and
 - (4) Mail a photocopy of the permit to the applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

Readopt with amendment Pda 506.07, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 506.07 Shorefront Property Mooring Permits.

- (a) An applicant for a shorefront property mooring permit shall obtain a shorefront property mooring application form:
- (1) In person, from the division office located at 555 Market Street, Portsmouth, New Hampshire; or
 - (2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801
- (b) The applicant shall provide the information and certifications required on the shorefront property mooring permit form, as provided in Pda 511.02(b) and (e), and, if a reapplicant, as provided in Pda 511.02(f).

(c) For an initial application for a shorefront property mooring, the applicant shall attach to the application:

- (1) A copy of the current New Hampshire state ~~tidal~~-registration for the vessel listed on the mooring permit application, unless the vessel is not required to be registered under New Hampshire law;
- (2) If the vessel is not required to be registered under New Hampshire law, a photograph of the vessel;
- (3) A copy of the deed for the shorefront property, from the appropriate county registry of deeds, containing the book and page number for the recorded deed;
- (4) A copy of the most recent property tax bill for the shorefront property;
- (5) A copy of the portion of the tax map of the municipality in which the shorefront property is located, including the property tax map number and lot number;
- (6) Documentation relating to the organizational structure of the applicant, if the applicant is not an individual, as required under Pda 511.02(c)(6), (7), and (8), as applicable; and
- (7) Payment of the mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) An applicant who is reapplying for an existing shorefront property mooring under Pda 506.04 shall attach to the application:

- (1) A copy of the current New Hampshire state registration for the vessel listed on the mooring permit application, unless the vessel is not required to be registered under New Hampshire law;
- (2) If the vessel is not required to be registered under New Hampshire law, a photograph of the vessel;
- (3) A copy of the most recent property tax bill for the shorefront property;
- (4) Documentation relating to the organizational structure of the applicant, if the applicant is not an individual, as required under Pda 511.02(c)(6), (7), and (8), as applicable; and
- (5) Payment of the mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(e) If the applicant is a trust, business organization, or not-for-profit entity, the mooring permit application shall be signed and certified by a duly authorized trustee, officer, partner, manager, proprietor or member of such trust, business organization, or not-for-profit entity, as applicable.

(f) If the applicant is an individual, the applicant shall sign and certify the mooring permit application form.

(g) Upon receipt of an application for a shorefront property mooring permit by the division, the chief harbor master or designee shall verify that:

- (1) The applicant has provided all applicable information and documentation requested on the application under Pda 511.02;

- (2) Information pre-entered on the application by the division has not been altered in violation of Pda 506.05, if the application is an application submitted by a current mooring permit holder;
 - (3) The following are attached to the application:
 - a. A photocopy of the current New Hampshire state registration for the vessel listed on the mooring permit application, unless the vessel is not required to be registered under New Hampshire law;
 - b. A photograph of the vessel, if the vessel is not required to be registered under New Hampshire law;
 - c. A photocopy of the deed for the shorefront property, if applicable, from the appropriate county registry of deeds, containing the book and page number for the recorded deed;
 - d. A photocopy of the most recent property tax bill for the shorefront property;
 - e. A copy of the portion of the tax map of the municipality in which the shorefront property is located, including the property tax map number and lot number, if applicable; and
 - f. If the applicant is a trust, business organization, or not-for-profit entity, the documentation required under Pda 511.02(c)(6), (7), and (8), as applicable;
 - (4) The vessel information on the New Hampshire state registration is the same vessel information provided on the application, if the vessel is required to be registered under New Hampshire law;
 - (5) There is a mooring location within the shorefront property mooring area sufficient to accommodate the applicant's vessel;
 - (6) The mooring permit fee is paid, and, if paid by check or money order, is made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH" and is attached to the application;
 - (7) There is no reason to deny the application under Pda 507.02; and
 - (8) The applicant has signed and certified the application.
- (h) Within 30 business days of receipt of the application by the division, the chief harbor master or designee shall grant or deny the application consistent with the provisions of Pda 507.02.
- (i) If the applicant is granted a mooring permit under Pda 507, and meets the requirements of (g) above, the chief harbor master or designee shall:
- (1) Record the permit number on the permit;
 - (2) Assign the mooring location;
 - (3) Sign and date the permit; and
 - (4) Mail a photocopy of the permit to the applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

(j) Marinas, condominiums, condominium unit owners' associations, or any of their individual members, owners, tenants, or related associations shall not be eligible to apply under Pda 500 for a shorefront property mooring.

(k) Only one shorefront property mooring permit shall be granted for each parcel of shorefront property.

Readopt Pda 506.08 and Pda 506.09, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 506.08 Commercial Use Mooring Permit: Application Requirements: Processing.

(a) An applicant for a commercial use mooring permit or temporary seasonal commercial use mooring permit as provided in Pda 506.11(e)(2) shall:

(1) Obtain a commercial use mooring permit application form:

a. In person, from the division office located at 555 Market Street, Portsmouth, New Hampshire; or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(2) Provide the information and certifications required on the commercial use mooring application form, as provided in Pda 511.03(b) and (d); and

(3) Attach to the application the following:

a. Documentation relating to the business organization as required under Pda 511.03(c)(2)-(5), as applicable; and

b. Payment of the mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH".

(b) If the applicant is engaged in commercial fishing, the applicant shall attach to the application:

(1) A photocopy of the New Hampshire fish and game saltwater fishing license or New Hampshire fish and game commercial lobster license of the applicant or, if the applicant is a business entity, of at least one officer or one member of the business entity; and

(2) Documentary evidence of the commercial sales of marine species for the prior calendar year, unless the business is starting up in the year of application.

(c) If the applicant operates a charter boat, the applicant shall attach to the application:

(1) A photocopy of the US Coast Guard Captain's license of the applicant, or, if the applicant is a business entity, of at least one officer or one member of the business entity, for the type and size of vessel of the applicant;

- (2) A minimum of 2 items of business identification from the following list:
- a. A business brochure;
 - b. A photocopy of the passenger manifest or log book for the most recent month of business operations within the last 12 months prior to the application;
 - c. A photocopy of receipt(s) for business advertisement(s) commissioned within the most recent 12 months prior to this application; and
 - d. Evidence of membership in a business or marine-related trade association, including, but not limited to:
 1. A current membership card; or
 2. A letter from an officer of the association attesting to the current membership of the applicant in the association.
- (d) If the applicant is a water-dependent business, the applicant shall attach to the application:
- (1) A minimum of 2 items of business identification from the following list:
 - a. A business brochure;
 - b. A photocopy of receipt(s) for business advertisement(s) commissioned within the most recent 12 months prior to this application; and
 - c. Evidence of membership in a business or marine-related trade association, including, but not limited to:
 1. A current membership card; or
 2. A letter from an officer of the association attesting to the current membership of the applicant in the association;
 - (2) If a water-dependent business as defined in Pda 502.31(a), an explanation of how the commercial vessel is used to further the purposes of the business; and
 - (3) If a water-dependent business as defined in Pda 502.31(b), an explanation of how the commercial use mooring is used to further the purposes of the business.
- (e) If the applicant business organization is a business entity other than a sole proprietorship or partnership, the application shall be:
- (1) Signed and certified by a duly authorized officer or member of such business entity; and
 - (2) Returned with the attachments specified in (a)(3), (b), (c), and (d), above.
- (f) If the applicant business organization is a sole proprietorship or partnership, the applicant shall:
- (1) Sign and certify the mooring application form; and
 - (2) Return the application form with the attachments specified in (a)(3), (b), (c), and (d) above.
- (g) Upon receipt of an application for a commercial use mooring permit by the division, the chief harbor master or designee shall verify that:

- (1) The applicant has provided all applicable information and documentation required under Pda 511.03;
 - (2) Information pre-entered on the application by the division has not been altered in violation of Pda 506.05, if the application is an application submitted by a current mooring permit holder;
 - (3) A copy of the current New Hampshire commercial vessel state registration is attached to the application;
 - (4) The vessel information on the New Hampshire state registration is the same vessel information provided on the application;
 - (5) There is a mooring location within the mooring field, mooring subfield, or nearshore area or at the location for which application is made, sufficient to accommodate the applicant's vessel;
 - (6) The mooring permit fee is paid, provided that fees paid by check or money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH" and is attached to the application;
 - (7) The applicant has provided proof of bona fide commercial activity under (b), (c), or (d) above;
 - (8) There is no reason to deny the application under Pda 507.02; and
 - (9) The applicant has signed and certified the application.
- (h) Within 30 business days of receipt of an application for a commercial use mooring permit by the division, the chief harbor master or designee shall grant or deny the application consistent with the provisions of Pda 507.02.
- (i) If the applicant is granted a commercial use mooring permit under Pda 507, and meets the requirements of (g) above, the chief harbor master or designee shall:
- (1) Record the permit number on the permit;
 - (2) Assign the mooring location;
 - (3) Sign and date the permit; and
 - (4) Mail a photocopy of the permit to the applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

Pda 506.09 Commercial Mooring For Hire Mooring Permit: Application Requirements: Processing.

- (a) An applicant for a commercial mooring for hire mooring permit shall obtain a commercial mooring for hire mooring permit application form:
- (1) In person, from the division office located at 555 Market Street, Portsmouth, New Hampshire; or
 - (2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

Pease Development Authority

Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The applicant shall provide the information and certification required on the commercial mooring for hire mooring permit application form, as provided in Pda 511.04(b) and (d) and, if a shorefront property owner reapplicant, as provided in Pda 511.04(e). If the applicant is a marina or condominium unit owners' association, the application may be for a collective mooring area with one or more proposed mooring locations or for an individual mooring not contained in a plan for a collective mooring area. If the applicant is a shorefront property owner, the application shall only be for one individual mooring within the shorefront property owner's shorefront property mooring area.

(c) The applicant shall attach:

(1) Documentation relating to the entity as required under Pda 511.04(c)(1)-(6), as applicable; and

(2) The mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) If a marina, the applicant shall attach to the application:

(1) Documentation that demonstrates that the applicant meets the definition of a marina, such as, but not limited to, the following:

a. A business brochure or a photograph of signage relating to the marina;

b. A photocopy of receipt(s) for business advertisement(s) commissioned within the most recent 12 months prior to this application; or

c. Evidence of membership in a business or marine-related trade association, including, but not limited to:

1. A current membership card; or

2. A letter from an officer of the association attesting to the current membership of the applicant in the association; and

(2) An explanation of how the commercial mooring(s) for hire is used to further the purposes of the business.

(e) The applicant, or its duly authorized officer or member, shall:

(1) Sign and certify the mooring application form; and

(2) Return the application form with the attachments specified in (c) and (d) above, as applicable.

(f) Upon receipt of an application for a commercial mooring for hire by the division, the chief harbor master or designee shall verify that:

(1) The applicant has provided all applicable information and documentation required on the application;

- (2) Information pre-entered on the application by the division has not been altered in violation of Pda 506.05, if the application is an application submitted by a current mooring permit holder;
 - (3) If the application is for a single commercial mooring for hire, that there is a mooring location within the mooring field, mooring subfield, or nearshore area or at the location for which application is made, sufficient to accommodate the maximum LOA as specified in the application;
 - (4) If the application is for a collective mooring area, that there is one or more mooring locations within the mooring field, mooring subfield, or nearshore area for which application is made, sufficient to accommodate the maximum LOA(s) as specified in the application;
 - (5) The mooring permit fee is paid, provided that fees paid by check or money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH" and is attached to the application;
 - (6) The applicant, if a marina, has provided proof of bona fide commercial activity under (d) above;
 - (7) There is no reason to deny the application under Pda 507.02; and
 - (8) The applicant has signed and certified the application.
- (g) Upon verification of the information in (f) above, the chief harbor master or designee shall forward the application to the division director.
- (h) The division director shall review the application and prepare a report that includes a summary of the application and a recommendation for approval or denial. If the application is for a collective mooring area, the director shall review and make a recommendation for each mooring location proposed on the plan. The director's report shall be forwarded to the authority for approval or denial of the application. The authority shall approve or deny the application in accordance with the criteria in Pda 507.02.
- (i) If the applicant is granted a mooring permit under Pda 507, and meets the requirements of (f) above, the chief harbor master or designee shall, for each individual mooring and for each mooring in a collective mooring area:
- (1) Record the permit number on the permit;
 - (2) Assign the mooring location;
 - (3) Sign and date the permit; and
 - (4) Mail a photocopy of the permit to the applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

Readopt with amendment Pda 506.10, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 506.10 Non-Revenue Mooring Permits: Waiver of Fees.

- (a) An applicant for a non-revenue mooring permit shall obtain a non-revenue mooring application form:

(1) In person, from the division office located at 555 Market Street, Portsmouth, New Hampshire; or

(2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The applicant shall provide the information and certification required on the non-revenue mooring permit form for each mooring field, mooring subfield, nearshore area, or mooring location, as provided in Pda 511.05(b) and (d).

(c) The applicant shall attach to the application:

(1) A copy of the current New Hampshire state ~~tide~~ registration(s) for the vessel(s) listed on the mooring permit application; and

(2) The request for a non-revenue mooring as described in (h) below.

(d) The applicant shall:

(1) Sign and certify the mooring application form; and

(2) Return the application form with the attachments specified in (c) above.

(e) Upon receipt of an application for a non-revenue mooring permit by the division, the chief harbor master or designee shall verify that:

(1) The applicant has provided all applicable information requested on the application;

(2) Information pre-entered on the application by the division has not been altered in violation of Pda 506.05, if the application is an application submitted by a current mooring permit holder;

(3) A photocopy of the current New Hampshire state registration(s) is attached to the application;

(4) The vessel information on the New Hampshire state registration is the same vessel information provided on the application;

(5) That there is a mooring location(s) within the mooring field, mooring subfield, or nearshore area or at the location(s) for which application is made, sufficient to accommodate the applicant's vessel(s);

(6) There is no reason to deny the application under Pda 507.02; and

(7) The applicant has signed and certified the application.

(f) Within 30 business days of receipt of the application by the division, the chief harbor master or designee shall grant or deny the application consistent with the provisions of Pda 507.02.

(g) If the applicant is granted a mooring permit under Pda 507, and meets the requirements of (e) above and (h) and (i) below, the chief harbor master or designee shall:

- (1) Record the permit number(s) on the permit(s);
- (2) Assign the mooring location(s);
- (3) Sign and date the permit; and
- (4) Mail a photocopy of the permit to the applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

(h) In addition to the application, the applicant shall submit a written request to the division. There shall be a separate written request for each mooring field, mooring subfield, nearshore area, or location for which a mooring(s) is requested.

(i) The request submitted pursuant to (h) above shall, at a minimum, include:

- (1) The location(s) of the non-revenue mooring or the mooring field, mooring subfield, or nearshore area in which the non-revenue mooring(s) is to be located;
- (2) The reason(s) a non-revenue mooring(s) is needed;
- (3) The number of non-revenue mooring(s) requested;
- (4) The length of time the mooring(s) is needed; and
- (5) The LOA and draft of the vessel(s) to be moored.

(j) The request for a non-revenue mooring shall be directly related to the state agency's statutory duties or responsibilities.

(k) A non-revenue mooring permit shall be issued for a period of no more than one year. Waiver(s) of mooring fees shall be considered annually for applicants under this section only upon receipt by the division of a non-revenue mooring application and a non-revenue mooring request containing the information required in (i)(1)-(5).

Readopt Pda 506.11, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 506.11 Temporary Seasonal Mooring Permit; Application Requirements; Processing.

(a) If a general use mooring permit holder or a shorefront property mooring permit holder makes the mooring location available for use as a temporary seasonal mooring, the permit holder shall notify the division in writing prior to March 1. The chief harbor master or designee shall follow the wait list procedures in Pda 509.06(b) to determine if any person on the wait list wishes to apply for a temporary seasonal mooring permit at the mooring location.

(b) If a commercial use mooring permit holder makes the mooring location available for use as a temporary seasonal mooring, the permit holder shall notify the division in writing prior to March 1. The chief harbor master or designee shall follow the wait list procedures in Pda 509.06(c) to determine if any person on the wait list wishes to apply for a temporary seasonal mooring permit at the mooring location, provided that only a party engaged in bona fide commercial activity as provided in Pda 506.08(b), (c), or (d) shall qualify for a temporary seasonal mooring at the mooring location.

(c) The chief harbor master or designee shall notify the person highest on the wait list contacted under (a) or (b) above who expresses a timely interest in obtaining a temporary seasonal mooring permit that the person may file a temporary seasonal mooring application for the available mooring location. At

the same time, the chief harbor master or designee shall provide the person with contact information of the person whose mooring equipment is in place at the mooring location.

(d) Within 10 business days of the notification under (c) above, a temporary seasonal mooring permit applicant shall complete a temporary seasonal mooring permit application.

(e) An applicant for a temporary seasonal mooring permit for a:

(1) General use mooring shall make an application for a temporary seasonal general use mooring in accordance with Pda 506.06(a)-(d); and

(2) Commercial use mooring shall make an application for a temporary seasonal commercial use mooring, in accordance with Pda 506.08(a)-(f).

(f) Upon receipt by the division of a temporary seasonal mooring permit application form for a:

(1) Temporary seasonal general use mooring permit, the chief harbor master or designee shall verify that:

a. The applicant has provided all applicable information requested on the application;

b. A photocopy of the current New Hampshire state registration is attached to the application unless the vessel is not required to be registered under New Hampshire law;

c. A photograph of the vessel is attached to the application, if the vessel is not required to be registered under New Hampshire law;

d. The vessel information on the New Hampshire state registration is the same vessel information provided on the application, if the vessel is required to be registered under New Hampshire law;

e. The mooring location is sufficient to accommodate the applicant's vessel;

f. The mooring permit fee is paid, and, if paid by check or money order, is made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH" and is attached to the application;

g. There is no reason to deny the application under Pda 507.02; and

h. The applicant has signed and certified the application; and

(2) Temporary seasonal commercial use mooring permit, the chief harbor master or designee shall verify that:

a. The applicant has provided all applicable information and documentation required on the application;

b. A copy of the current New Hampshire commercial vessel state registration is attached to the application;

c. The vessel information on the New Hampshire state registration is the same vessel information provided on the application;

d. The mooring location is sufficient to accommodate the applicant's vessel;

- e. The mooring permit fee is paid, provided that fees paid by check or money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH" and is attached to the application;
- f. The applicant has provided proof of bona fide commercial activity under (b) above;
- g. There is no reason to deny the application under Pda 507.02; and
- h. The applicant has signed and certified the application.

(g) Within 30 business days of receipt of the application by the division, the chief harbor master or designee shall grant or deny the application consistent with the provisions of Pda 507.02.

(h) If the applicant is granted a temporary seasonal mooring permit under Pda 507, and meets the requirements of (f) above, the chief harbor master or designee shall:

- (1) Record the permit number on the permit;
- (2) Assign the mooring location;
- (3) Sign and date the permit; and
- (4) Mail a photocopy of the permit to the applicant at the address specified by the applicant on the mooring permit application, or, if none is specified, to the applicant's permanent address.

(i) If a temporary seasonal mooring permit is granted pursuant to Pda 507 between April 1 and September 30, and the temporary seasonal mooring permit holder supplies his or her own mooring equipment, the permit holder shall have 30 business days from the date of issuance of the mooring permit to set the mooring equipment in accordance with Pda 510.

(j) A mooring permit holder who has made a mooring location available for use as a temporary seasonal mooring shall:

- (1) Not use the mooring during the time period covered by the temporary mooring permit; and
- (2) Be able to make the mooring location available for use as a temporary seasonal mooring again only after at least one mooring season has elapsed after the mooring's use as a temporary seasonal mooring location.

Readopt Pda 507.01 and Pda 507.02, effective 8-20-11 (Document # 9975), cited and to read as follows:

**PART Pda 507 GRANT OR DENIAL OF MOORING APPLICATIONS; REVOCATION OF PERMITS;
HEARINGS**

Pda 507.01 Granting of Mooring Applications: Priority.

(a) If a wait list exists for the mooring field, mooring subfield, or nearshore area for which a mooring permit application is received, the division shall place a mooring permit applicant on a mooring wait list, as provided in Pda 509.

(b) If no wait list exists for the mooring location for which a mooring permit application is made under Pda 506.01, a mooring permit shall be granted to an applicant if:

- (1) The division determines that the applicant meets the requirements for the mooring permit for which the applicant applied under Pda 506;

- (2) There is a mooring location available in the requested mooring field, mooring subfield, or nearshore area or in the requested location that is suited to the LOA and draft of the vessel;
- (3) The division has not denied the application under Pda 507.02; and
- (4) The applicant's application is the earliest complete mooring application received by the division for the requested mooring field, mooring subfield, nearshore area, or mooring location, if more than one application for the mooring field, mooring subfield, nearshore area, or mooring location was received by the division.

Pda 507.02 Reasons for Denial of Application.

- (a) The director shall deny a mooring permit application if:
 - (1) The division has not received the completed application, required documentation, and permit fee by the deadline specified in Pda 506.04;
 - (2) The applicant has altered any information pre-entered by the division, as prohibited under Pda 506.05;
 - (3) There is no available space in the requested mooring field, mooring subfield, or nearshore area;
 - (4) There is no mooring location in the requested mooring field, mooring subfield, or nearshore area or at the requested location for the applicant's vessel in compliance with Pda 504.01(c)(1) and (2);
 - (5) The applicant has not included the required mooring permit fee or, if applicable, late application fee;
 - (6) The vessel cannot be provided with a mooring location in the requested mooring field, mooring subfield, or nearshore area or at the requested location without interfering with or impeding navigation, thus constituting a hazard to public safety;
 - (7) The division determines that the water depth, shoreline configuration, wind exposure, domestic water use in the area, or other environmental conditions and effects are such that the vessel cannot be moored in a mooring location in the requested mooring field, mooring subfield, or nearshore area or at the requested location;
 - (8) The mooring cannot be located in the requested mooring field, mooring subfield, or nearshore area or at the requested location without unreasonably interfering with recreational uses of the water and adjacent land as described in (b) below;
 - (9) The applicant has not provided the required information and documentation under Pda 506.06, Pda 506.07, Pda 506.08, Pda 506.09, or Pda 506.10, for the type of permit applied for;
 - (10) The applicant has provided materially false information on the application form, or has provided materially false or invalid information in any of the documentation required under Pda 506;
 - (11) The applicant has failed to:

- a. Timely pay any fees or other costs due to the authority or the division under RSA 12-G:42-53 or rules adopted thereunder, and such fees or other costs remain due and payable at the time the application is filed;
- b. Timely pay any fines assessed under RSA 12-G:52 or RSA 12-G:52-a, and such fine or fines remain due and payable at the time the application is filed; or
- c. Obey any lawful order of the director, the chief harbor master, the deputy chief harbor master, a harbor master, or an assistant harbor master, and full compliance with such lawful order remains outstanding at the time the application is filed; or

(12) The applicant has submitted an application containing false certifications.

(b) For the purposes of (a)(8) above, a mooring location shall be considered an unreasonable interference if it would:

- (1) Interfere with a shorefront property abutter's use of the water in front of his or her property;
- (2) Pose a safety hazard to users of the state tidal waters; or
- (3) Creates any other interference that would constitute a hazard or nuisance.

Readopt with amendment Pda 507.03, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 507.03 Revocation of Mooring Permit.

(a) The director, after notice and an opportunity for a hearing, shall revoke a mooring permit for any of the following reasons:

- (1) The location of the mooring interferes with or impedes navigation, thus constituting a hazard to public safety, and it is not possible to relocate the mooring within the mooring field, mooring subfield, or nearshore area or near the requested location so as to remove the hazard;
- (2) A shorefront property owner who applied for and received a shorefront property mooring permit or a commercial mooring for hire mooring permit has subsequently sold the shorefront property;
- (3) The mooring was transferred for any reason other than the reasons allowed in Pda 508;
- (4) The applicant has provided materially false information on the application form, or has provided materially false or invalid information in any of the documentation required under Pda 506;
- (5) The applicant has submitted an application containing false certifications;
- (6) The division determines that the water depth, shoreline configuration, wind exposure, domestic water use in the area, or other environmental conditions and effects are such that the location is no longer appropriate for moorings and it is not possible to relocate the mooring so as to avoid the problem;
- (7) The mooring is located in the mooring field, mooring subfield, or nearshore area or at the requested location in a manner causing unreasonable interference with recreational uses of the water and adjacent land as described in (b) below, and it is not possible to relocate the mooring

within the mooring field, mooring subfield, or nearshore area or near the requested location so as to avoid the interference;

(8) The permit holder obtains a different vessel or modifies an existing vessel and fails to comply with Pda 505.03 before attaching the different or modified vessel to the permit holder's mooring;

(9) The permit holder failed to install a mooring buoy within the time period required under Pda 510.01;

(10) The permit holder failed to obey any lawful order of the director, the chief harbor master, the deputy chief harbor master, a harbor master, or an assistant harbor master;

(11) The permit holder violated any provision of:

a. RSA 12-G; or

b. Any rule adopted by the authority under RSA 12-G;

(12) The permit holder made any change in the mooring location without prior written authorization from the division;

(13) The permit holder ceases to have any ownership interest in the vessel identified in the permit holder's permit;

(14) The permit holder failed to pay any fines or costs assessed under RSA 12-G relating to vessels or moorings;

(15) The permit holder failed to mark the mooring buoy in accordance with Pda 510.02;

(16) The permit holder returned the permit to the division in accordance with Pda 507.05; or

(17) The permit holder did not provide the written notification to the division required under Pda 507.05(a).

(18) The permit holder is convicted of a crime in any jurisdiction in which the mooring was used in the furtherance of criminal activity.

(b) For the purposes of (a)(7) above, a mooring location shall be considered an unreasonable interference if it:

(1) Interferes with a shorefront property abutter's use of the water in front of his or her property;

(2) Poses a safety hazard to users of the state tidal waters; or

(3) Creates any other interference that would constitute a hazard or nuisance.

Readopt Pda 507.04- Pda 508.03, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 507.04 Hearings: Notice of Denial.

(a) Any hearing required pursuant to Pda 507.03(a) shall be held by the director or designee.

(b) If a mooring permit is denied, or revoked under Pda 507.03 after notice and opportunity for a hearing, notice of the denial or revocation and the reason(s) therefore shall be sent to the applicant in writing within 10 business days of the decision.

Pda 507.05 Written Notification and Return of Permit Required in Certain Circumstances.

(a) A mooring permit holder shall provide written notification to the division within 15 business days of:

- (1) The sale or other disposition of the vessel for which the permit has been issued;
- (2) The sale of the shorefront property used to qualify for a shorefront property mooring permit;
- (3) The sale of the shorefront property used to qualify for a commercial mooring for hire mooring permit as described in Pda 502.05(b); or
- (4) The mooring permit holder's not requiring the mooring for any reason.

(b) A person required under (a)(1) or (4) above to provide written notification to the division shall return the permit to the division within 15 business days of the event requiring notification under (a)(1) or (4) above.

(c) A person required under (a)(2) and (3) above to provide written notification to the division shall return the permit to the division within 30 business days of the sale of the qualifying shorefront property.

(d) A new mooring permit shall not be issued to the mooring permit holder within the period of time covered by the permit required to be returned, if the holder fails to return the permit as required under (a) above.

Pda 507.06 Removal of Equipment When Permit Revoked.

(a) When a mooring permit is revoked, the owner of the mooring shall remove the block and tackle or other mooring equipment pursuant to Pda 510.07.

(b) If the owner of the mooring fails to remove the block and tackle or other mooring equipment within the time required under Pda 510.07, the division shall cause the block and tackle or other mooring equipment to be removed in accordance with Pda 510.08, at the expense of the owner.

PART Pda 508 TRANSFER OF MOORING PERMITS

Pda 508.01 Transfer of Commercial Use Mooring Permits.

(a) A commercial vessel owner may transfer his or her commercial use mooring permit(s) to a new owner if the permit holder's business, including the vessel for which the commercial use mooring permit(s) was issued by the division, is sold or under a contract of sale, subject to:

- (1) The buyer's submitting an application for a commercial use mooring permit for the same type of business or another type of business that would qualify for a commercial use mooring permit and all applicable documentation;

(2) Payment of the commercial use mooring permit transfer fee for transfers pursuant to Pda 508.01(a), provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development authority, Division of Ports and Harbors" or "PDA-DPH;" and

(3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial use mooring permit.

(b) The owner of a water-dependent business as described in Pda 502.31(b) may transfer his or her commercial use mooring permit(s) to a new owner if the permit holder's business is sold or under contract of sale, subject to:

(1) The buyer's submitting an application for a commercial use mooring permit for a water-dependent business as described in Pda 502.31(b) and all applicable documentation;

(2) Payment of the commercial use water dependent business mooring permit transfer fee for transfers pursuant to Pda 508.01(b), provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH;" and

(3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial use mooring permit.

(c) The division shall only consider written transfer requests made by the owner of record and mailed or hand delivered to its office at:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(d) If a holder of a commercial use mooring permit ceases operation of the commercial entity for which the permit was issued, the permit shall lapse.

Pda 508.02 Transfer of Commercial Mooring for Hire Mooring Permit.

(a) A holder of a commercial mooring for hire mooring permit may transfer his or her commercial mooring for hire mooring permit(s) to a new owner if the permit holder's business is sold or transferred, subject to:

(1) The buyer's submitting an application for a commercial mooring for hire mooring permit and all applicable documentation;

(2) Payment of the commercial mooring for hire mooring permit transfer fee for transfers pursuant to Pda 508.02, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or PDA-DPH;" and

(3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial mooring for hire mooring permit.

(b) The division shall only consider written transfer requests made by the owner of record and mailed or hand delivered to its office at:

Deliver To:

Pease Development Authority
 Division of Ports and Harbors
 555 Market Street
 Portsmouth, NH 03801

Mail To:

Pease Development Authority
 Division of Ports and Harbors
 555 Market Street
 Portsmouth, NH 03801

(c) If the holder of a commercial mooring for hire mooring permit ceases operation of the business for which the permit was issued, the permit shall lapse.

(d) If a shorefront property owner holding a commercial mooring for hire mooring permit as described in Pda 502.05(b) sells the shorefront property, the commercial mooring for hire mooring permit shall not be transferable under this section to the new owner of the property, but the new property owner may apply for either a shorefront property mooring permit or a commercial mooring for hire mooring permit in accordance with Pda 509.05(d).

Pda 508.03 Transfer of General Use, Shorefront Property Owner, Commercial Use, or Commercial Mooring for Hire Mooring Permit to Surviving Spouse.

(a) If a vessel is owned by spouses jointly with right of survivorship and passes to a surviving spouse as a result of death, and the spouse whose name appears on a general use, shorefront property, or commercial use mooring permit, or on a commercial mooring for hire mooring permit held by a shorefront property owner as described in Pda 502.05(b) and granted by the division, dies during the term of the permit, the division shall transfer the permit to the name of the surviving spouse if the conditions under (c) below are met.

(b) If ownership of a vessel previously owned by a deceased spouse whose name appears on a general use, shorefront property, or commercial use mooring permit, or on a commercial mooring for hire mooring permit held by a shorefront property owner as described in Pda 502.05(b) and granted by the division, passes by will or in accordance with the laws of intestacy to a surviving spouse, the division shall transfer the permit to the name of the surviving spouse if the conditions under (c) below are met.

(c) The surviving spouse shall present a written request for transfer under this section to the division at the time that an application for an existing mooring permit under Pda 506.04 is filed with the division, on or before the March 1 deadline. If the death occurred within 10 days before the March 1 deadline and the surviving spouse submits the request within 10 business days after March 1, the surviving spouse shall pay only the mooring permit application fee and no late fee.

(d) The surviving spouse shall provide the following documentation at the time of filing:

- (1) The death certificate of the deceased spouse;
- (2) Proof that the vessel was owned jointly by the spouses, if the vessel was owned jointly with right of survivorship; and
- (3) Either:
 - a. A copy of the decree of the probate court granting ownership of the vessel to the surviving spouse, if the ownership of the vessel passed to the surviving spouse by will or in accordance with the laws of intestacy; or

b. Evidence that the estate of the deceased spouse is in probate and that the ownership of the vessel will pass to the surviving spouse by will or in accordance with the laws of intestacy.

Readopt with amendment Pda 509.01, effective 8-20-11 (Document # 9975), cited and to read as follows:

PART Pda 509 MOORING WAIT LISTS

Pda 509.01 Mooring Wait Lists.

(a) When the division determines that a mooring field, mooring subfield, or nearshore area is at capacity, the division shall establish and maintain a mooring wait list for each mooring field, mooring subfield, or nearshore area.

(b) Mooring wait lists shall be established for mooring fields, subfields, and nearshore areas in the following areas:

- (1) Cocheco River;
- (2) Cocheco River nearshore area;
- (3) Exeter Town Landing;
- (4) Exeter Town Landing nearshore area;
- (5) Portsmouth Harbor, including the following subfields:
 - a. Goat Island;
 - b. Goat Island nearshore area;
 - c. Goat Island Back Channel;
 - d. Goat Island Back Channel nearshore area;
 - e. Hart's Cove;
 - f. Hart's Cove nearshore area;
 - g. Peirce Island;
 - h. Peirce Island nearshore area;
 - i. Peirce Island Back Channel;
 - j. Peirce Island Back Channel nearshore area;
 - k. Portsmouth North Mill Pond;
 - l. Portsmouth North Mill Pond nearshore area;
 - m. Portsmouth Yacht Club area;
 - n. Portsmouth Yacht Club nearshore area;
 - o. Outer Cutts Cove; and
 - p. Outer Cutts Cove nearshore area;

- (6) Great Bay;
- (7) Great Bay nearshore area;
- (8) Hampton, including the following subfields;
 - a. Area 1, in the vicinity of the boat ramp at Hampton ~~Harbor Beach state park~~;
 - b. Area 1-A, the nearshore area of area 1 subfield of Hampton;
 - c. Area 2, extending north-west from area 1, in the tidal flats up to the area known as the Willows;
 - d. Area 2-A, the nearshore area of area 2 subfield of Hampton;
 - e. Area 3, in the Hampton River in the vicinity of Blind Creek and Tide Mill Creek, north-west of area 2;
 - f. Area 3-A, the nearshore area of area 3 subfield of Hampton;
 - g. Area 4, in the Hampton River, north of area 3, by Nudds Canal;
 - h. Area 4-A, the nearshore area of area 4 subfield of Hampton;
 - i. Area 5, north of Great Boars Head on the oceanfront, in the vicinity of North Beach and Plaice Cove; and
 - j. Area 5-A, the nearshore area of area 5 subfield of Hampton;
- (9) Gosport Harbor;
- (10) Gosport Harbor nearshore area;
- (11) Lamprey River;
- (12) Lamprey River nearshore area;
- (13) Little Bay, including the following subfields;
 - a. Area 1, in the vicinity of Upper Fox Point, just south of Fox Point;
 - b. Area 1-A, the nearshore area of area 1 subfield of Little Bay;
 - c. Area 2, the Fox Point area, east of Fox Point;
 - d. Area 2-A, the nearshore area of area 2 subfield of Little Bay;
 - e. Area 3, the Adams Point area, extending ¼ mile north of Adams Point;
 - f. Area 3-A, the nearshore area of area 3 subfield of Little Bay;
 - g. Area 4, the Scammel Bridge area, immediately adjacent to and south of the Scammel Bridge and including the area around Cedar Point on the west and extending to Boston Harbor Road to the east; and
 - h. Area 4-A, the nearshore area of area 4 subfield of Little Bay;

- (14) Little Harbour;
- (15) Little Harbour nearshore area;
- (16) Newfields Town Landing;
- (17) Newfield Town Landing nearshore area;
- (18) Oyster River;
- (19) Oyster River nearshore area;
- (20) The following Piscataqua River areas:
 - a. Newington Town Landing/Patterson Lane;
 - b. Newington Town Landing/Patterson Lane nearshore area;
 - c. Bloody Point;
 - d. Bloody Point nearshore area;
 - e. Hilton Park; and
 - f. Hilton Park nearshore area;
- (21) Rye Harbor;
- (22) Rye Harbor nearshore area;
- (23) Sagamore Creek;
- (24) Sagamore Creek nearshore area;
- (25) Seabrook; and
- (26) Seabrook nearshore area.

Readopt Pda 509.02 – Pda 509.06, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 509.02 Maps of Mooring Field, Mooring Subfields, and Nearshore Areas. The division shall maintain maps at the division office of mooring fields, mooring subfields, and nearshore areas.

Pda 509.03 Wait List Application.

(a) A person seeking to be placed on a mooring field, mooring subfield, or nearshore area wait list shall obtain a mooring wait list application form:

- (1) In person, from the division office located at 555 Market Street, Portsmouth, New Hampshire; or
- (2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

Pease Development Authority
Division of Ports and Harbors
555 Market Street

Portsmouth, NH 03801

(b) The applicant shall provide the information required on the mooring wait list application form, as provided in Pda 511.06.

(c) The applicant shall attach to the application the mooring wait list fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

Pda 509.04 Placement on Mooring Wait Lists.

(a) The division shall place the applicant's name on the wait list or lists for the mooring field(s), mooring subfield(s), or nearshore area(s) that the applicant has indicated in the wait list application, if the applicant has paid the mooring wait list fee(s).

(b) No wait list applicant shall be listed more than once on a mooring wait list for a mooring field, mooring subfield, or nearshore area. A wait list applicant may be listed in more than one subfield within a mooring field. A wait list applicant may be listed both in a mooring field or mooring subfield and the nearshore area of the mooring field or mooring subfield.

(c) The applicant's position on the wait list shall be determined by the date and time a completed mooring application or mooring wait list application is received by the division, with the earliest received application being placed higher on the list for the requested mooring field(s) mooring subfield(s), or nearshore area(s), except as provided in (d) below.

(d) A shorefront property mooring permit applicant or a shorefront property owner making an application for a commercial mooring for hire mooring permit as described in Pda 502.05(b) shall be placed at the top of the wait list for the requested mooring field, mooring subfield, or nearshore area that encompasses the shorefront property mooring area of such applicant. If there is more than one shorefront property mooring permit applicant or water-dependent business applicant for the requested mooring field, mooring subfield, or nearshore area, placement on the wait list shall be determined by the date and time a completed application or mooring wait list application was received by the division, the earliest received application being placed higher on the list for the requested mooring field, mooring subfield, or nearshore area. If the shorefront property owner already has a mooring, the preference granted in this paragraph shall not apply.

Pda 509.05 Procedures for Shorefront Property Owners.

(a) If a shorefront property owner submits an application for a shorefront property owner mooring permit or for a commercial mooring for hire mooring permit as described in Pda 502.05(b), and a mooring location is available within the property owner's shorefront property mooring area, the shorefront property owner shall:

(1) If an applicant for a shorefront property mooring permit, be granted a shorefront property mooring permit upon receipt by the division of a completed shorefront property mooring application form and payment of the mooring permit fee; or

(2) If an applicant for a commercial mooring for hire mooring permit as described in Pda 502.05(b), be granted a commercial mooring for hire mooring permit within the shorefront property mooring area, upon receipt by the division of a completed commercial mooring for hire mooring permit application form and payment of the mooring permit fee.

(b) If a shorefront property owner submits an application for a shorefront property mooring permit or a commercial mooring for hire mooring permit as described in Pda 502.05(b), and a mooring location is not available within the property owner's shorefront property mooring area, the shorefront property owner applicant shall be subject to wait list procedures pursuant to Pda 509.04(c).

(c) A shorefront property owner shall not hold both a shorefront property mooring permit and a commercial mooring for hire mooring permit as described in Pda 502.05(b) at the same time relative to the same property.

(d) The following shall apply if a shorefront property owner sells the shorefront property relative to which a shorefront property mooring permit or a commercial mooring for hire mooring permit was issued:

- (1) The mooring permit shall expire 30 days after the sale of the property;
- (2) The mooring permit shall be returned to the division in accordance with Pda 507.05(c);
- (3) During the 30-day period after the sale of the property, the new owner of the shorefront property may apply for either a shorefront property mooring permit or a commercial mooring for hire mooring permit for the existing mooring location, subject to the requirements of (a) and (b) above; and
- (4) If the new owner does not make such an application within the 30-day period, the mooring location shall be available to the next person on the wait list, if a wait list exists for the area in which the mooring is located.

Pda 509.06 Wait List Procedures.

(a) For purposes of this section, "written notice" means notice sent by certified mail.

(b) When a mooring location becomes available in a wait list mooring field, mooring subfield, or nearshore area, the chief harbor master or designee shall send written notice to the first 5 persons on the wait list for that mooring field, mooring subfield, or nearshore area, subject to (c) below, that a mooring location(s) might be available for the mooring field, mooring subfield, or nearshore area, and which mooring location(s) might be available. Each person contacted shall indicate his or her interest in obtaining a mooring permit for a mooring location identified as potentially available in the mooring field, mooring subfield, or nearshore area within 10 business days of the receipt of written notice by the division. If the number of moorings available exceeds the number of persons expressing an interest in a mooring, the chief harbor master or designee shall send written notice to the next 5 persons in order of priority on the wait list, subject to (c) below. For purposes of this paragraph, waiting lists shall be divided into groups of 5 according to placement on the wait list, and mailings shall be sent out in groups of 5, or, if there are fewer than 5 persons in a group, to each person in the group.

(c) If the available mooring was used for commercial purposes by an entity that would have qualified for a commercial use mooring permit, the following procedures shall apply:

- (1) The chief harbor master or designee shall send written notice to the first person on the wait list who has stated an intention to apply for a commercial use permit on the wait list for that mooring field, mooring subfield, or nearshore area, that a mooring location might be available for the mooring field, mooring subfield, or nearshore area and which mooring location might be available;

- (2) The person contacted shall indicate his or her interest in obtaining a mooring permit for the mooring field, mooring subfield, or nearshore area within 10 business days of the receipt of written notice by the division;
 - (3) If the person contacted does not indicate an interest in obtaining a commercial use mooring permit for the mooring location in the mooring field, mooring subfield, or nearshore area within the required time, the chief harbor master or designee shall notify the next person on the waitlist for that mooring field, mooring subfield, or nearshore area who has stated an intention to apply for a commercial use permit, subject to the conditions as provided in (1) above; and
 - (4) If none of the persons who stated an intention to apply for a commercial use permit for that mooring field, mooring subfield, or nearshore area indicates an interest in the mooring location, the chief harbor master or designee shall follow the procedures in (b) above and send written notice to persons on the wait list in order of priority.
- (d) The chief harbor master or designee shall notify the person highest on the wait list contacted under (b) or (c) above who expresses an interest within the 10 business day period in obtaining a mooring permit that the person may file a mooring application for the available mooring location. Within 10 business days of notification of permission to file the mooring application, the person shall complete an initial mooring permit application and otherwise comply with the requirements set forth in Pda 506 for the type of mooring permit requested.
- (e) The chief harbor master or designee shall review and process the application in accordance with Pda 506 and Pda 507.
- (f) If a mooring permit is granted pursuant to Pda 507 between April 1 and September 30, the mooring permit holder shall have 30 days from the date of issuance of the mooring permit to set the mooring equipment in accordance with Pda 510. If the permit is issued between October 1 and March 31, the mooring equipment shall be set on or before May 1.
- (g) Any person on a mooring wait list offered an opportunity to apply for a mooring permit pursuant to this section, and who refuses the opportunity, shall not be offered a second opportunity to obtain a mooring permit for 180 days from the date of refusal. Although the chief harbor master or designee shall not offer the mooring wait list applicant an opportunity to apply for a mooring during this 180-day period, the mooring wait list applicant shall retain his or her position on the applicable mooring wait list. If a mooring wait list applicant refuses a second opportunity to obtain a mooring permit for the requested mooring field, mooring subfield, or nearshore area, the mooring wait list applicant shall be removed from the wait list. The person's standing on the wait list shall not be affected by the use of a temporary seasonal mooring.
- (h) A person's name on a mooring wait list shall be removed from the list:
- (1) When the mooring wait list applicant, in writing, requests the division to remove his or her name from the list;
 - (2) When the mooring wait list applicant is granted a mooring permit for the mooring field, mooring subfield, or nearshore area;
 - (3) If the mooring wait list applicant fails to submit a completed mooring wait list renewal application and wait list fee or late fee in accordance with Pda 509.03 on or before the deadline specified in Pda 506.04 or Pda 509.07; or
 - (4) If the mooring wait list applicant refuses 2 opportunities to obtain a mooring permit in accordance with (g) above.

Readopt Pda 509.07- Pda 509.08, effective 8-19-16 (Document # 11160), cited and to read as follows:
Pda 509.07 Mooring Wait List Renewal Applications; Rights of Surviving Spouse.

(a) An applicant who seeks to remain on a mooring wait list(s) shall renew his or her wait list status annually by March 1 of each year by submitting a mooring wait list application in accordance with Pda 509.03 and payment of the wait list fee, or within 10 business days after March 1 by submitting a mooring wait list application in accordance with Pda 509.03 and payment of the wait list late fee.

(b) If a person on a mooring wait list dies, the person's surviving spouse may request that the name of the surviving spouse be substituted for the deceased spouse by submitting, with the renewal application, a written request for such substitution and a death certificate for the deceased spouse. If the death occurred within 10 days before the March 1 deadline and the surviving spouse submits the request within 10 business days after March 1, the surviving spouse shall pay only the mooring wait list renewal fee and no late fee.

(c) The division shall mail a mooring wait list application form once annually on or before January 15 to each applicant on a mooring wait list, to the address specified by the applicant on the mooring wait list application, or, if none is specified, to the applicant's permanent address.

(d) If an undeliverable wait list application form is returned to the division, the division shall not remail the form. The mooring wait list applicant shall be responsible for timely renewal of the applicant's wait list status without receipt of a renewal notice from the division.

Pda 509.08 Notification of Changes in Wait List Information; Surviving Spouse Procedures.

(a) In order to maintain updated information with the division, any person on a mooring wait list shall notify the division in writing, within 30 business days of the change, of any change of wait list information or any change of address or telephone number.

(b) If an applicant listed on a wait list dies and that person has a surviving spouse who wishes to be substituted for the deceased spouse on the wait list, the surviving spouse shall follow the procedures set forth in Pda 509.07(b).

Readopt Pda 510.01- Pda 510.03, effective 8-20-11 (Document # 9975), cited and to read as follows:

PART Pda 510 MOORING EQUIPMENT

Pda 510.01 Mooring Buoys and Floats.

(a) Mooring buoys shall be polystyrene foam blocks or acrylonitrile butadiene styrene (ABS) type plastic buoys. All other types of buoys shall be prohibited.

(b) All mooring buoys and floats shall be:

(1) Blue and white; or

(2) Orange.

(c) A mooring buoy shall be installed at the permit holder's sole expense within 30 days of the issuance of the mooring permit, if the permit is granted between April 1 and September 30, or, if the permit is granted between October 1 and March 31, on or before May 1.

(d) If the permit holder fails to install the mooring buoy within the designated time period, then:

(1) After notice and an opportunity for a hearing in accordance with Pda 507.03, the division shall revoke the mooring permit;

- (2) The permit holder's authorization to use the mooring shall lapse; and
- (3) The mooring shall be reassigned to the next person in order of priority on the wait list for the applicable mooring field, mooring subfield, or nearshore area.

Pda 510.02 Display of Mooring Permit Name and Number. The mooring permit holder shall write in permanent ink his or her last name, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable, and the mooring permit number on the mooring buoy in letters and numbers at least 2 inches in size above the water line, to ensure visibility.

Pda 510.03 Location of Moorings; Impeding Navigation and Endangering Other Vessels Prohibited.

(a) All moorings shall be so located or relocated so that the vessels secured by them shall not impede navigation within the tidal waters or endanger other vessels.

(b) If the chief harbor master or designee determines that any vessel is moored so as to impede navigation or to endanger other vessels, the chief harbor master or designee shall order the owner of the mooring to take steps to prevent the impeding of navigation or endangering of other vessels, including, but not limited to:

- (1) Shortening the scope of the mooring lines;
- (2) Using an additional mooring and mooring lines; or
- (3) Removing and reestablishing the mooring.

(c) Any person ordered to remove and reestablish his or her mooring by the chief harbor master or designee in accordance with (b) above shall remove the mooring within 48 hours after the receipt of such order. However, if the chief harbor master or designee determines that an emergency exists requiring immediate action in order to prevent personal injury or damage to property, the chief harbor master or designee shall cause the mooring to be removed and relocated, or any vessel attached to the mooring to be removed and moored elsewhere.

(d) Any sunken or partly sunken vessel shall be repaired or removed within 48 hours. If the chief harbor master or designee determines that the vessel poses a threat or hazard to navigation or safety, the vessel shall be repaired or removed immediately.

(e) If the vessel is not repaired or removed in accordance with (d) above, it shall be removed at the direction of the chief harbor master or designee at the owner's expense.

Readopt with amendment Pda 510.04 and Pda 510.05, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 510.04 Moving or Interfering With Moorings. Except by direction of the chief harbor master or designee as provided in Pda 510.03 ~~or Pda 510.05~~, no person:

- (a) Shall move or interfere with any mooring in the state tidal waters; and
- (b) Other than the owner of a vessel or the owner's designee, shall move or interfere with any moored vessel in the state tidal waters.

Pda 510.05 Safety and Inspection Placement of Moorings; Minimum Mooring Standards.

~~(a) The minimum size mooring shall be as stated in Table 500.1, "Minimum Mooring Standards," unless the chief harbor master or designee determines that a different size mooring is necessary for the safety of the vessel. If the chief harbor master or designee makes such a determination, he or she shall file a written statement regarding the reasons for the determination and place the statement on file with the mooring permit at the division.~~

~~(a) _____ The division shall issue a mooring for a particular mooring location. It shall be the responsibility of the mooring permit holder to install and maintain mooring equipment that will ensure that the assigned vessel and mooring equipment remain on station at the permitted location. Due consideration must be taken for the prevailing conditions existing at the permitted location including the nature of the seabed, storms, wind, waves, tides, currents, wash and the construction and size of the vessel.~~

~~_____ (b) All mooring blocks equipment and related gear shall be maintained in a safe condition. Badly worn or corroded shackles, eyebolts, blocks, chains, pennants, or related equipment shall be replaced.~~

~~(c) The chief harbor master or designee shall inspect and approve each mooring prior to the time of its placement to assure compliance with (g) (k) of this section. The chief harbor master or designee shall arrange a subsequent inspection(s) at such time(s) as the chief harbor master or designee determines, based on the age, condition or size of the mooring or any portion thereof, that the mooring might no longer be adequate. The mooring might no longer be adequate if it fails, or more likely than not fails, to comply with any provision of Pda 500 or has deteriorated, or more likely than not, has deteriorated to such a degree that the mooring poses a threat or potential threat to navigation or public safety.~~

~~_____ (d) If an inspection of a mooring is requested by the chief harbor master or designee pursuant to (c) above, the mooring owner shall, at the mooring owner's sole expense and as directed by the chief harbor master or designee, either:~~

~~(1) Raise the entire mooring from the water for inspection by the chief harbor master or designee; or~~

~~(2) Within 30 days of receiving a written request from the chief harbor master or designee for an inspection pursuant to this subparagraph, submit a report to the division from a diver holding a valid certification from a recognized diving organization, as described in (f) below, certifying that the mooring is in compliance with all of the requirements of Pda 510.05.~~

~~_____ (e) A false or incorrect certification of compliance pursuant to (d)(2) above shall not constitute a defense in any proceeding of the division or authority under Pda 507 to revoke a mooring permit. If the chief harbor master or designee has reason to believe that a false or incorrect certification has been submitted to the division pursuant to (d)(2) above, the chief harbor master or designee shall order, after written notice to the mooring permit holder, an inspection pursuant to subparagraph (d)(1) above.~~

~~_____ (f) For purposes of (d)(2) above, a recognized diving organization shall include:~~

~~(1) Professional Association of Diving Instructors (PADI);~~

~~(2) Scuba Schools International (SSI);~~

~~(3) National Association of Underwater Instruction (NAUI);~~

~~(4) Young Men's Christian Association (YMCA);~~

~~(5) National Association of Scuba Diving Schools (NASDS);~~

- ~~(6) International Diving Instructors Association (IDEA);~~
- ~~(7) International Association of Nitro and Technical Divers (IANTD);~~
- ~~(8) Scuba Diving International (SDI); and~~
- ~~(9) Technical Diving International (TDI).~~

(gc) Each mooring shall utilize buoys that are visible at all times.

(h) ~~Minimum standards for mooring tackle to secure vessels in tidal waters shall be as set forth in Table 500.1, "Minimum Mooring Standards."~~

Table 500.1 Minimum Mooring Standards

Length Overall	Block Weight lbs	Diameter Chain	Pennant
-	-	-	-
Motor boats less than 12'	800	1/2"	5/16"
13' - 18'	1,000	1/2"	7/16"
19' - 25'	4,500	1/2"	1/2"
26' - 35'	6,500	5/8"	5/8"
36' - 45'	9,000	3/4"	3/4"
46' - 55'	10,000	3/4"	1"
-	-	-	-
Sailboats less than 21'	4,000	1/2"	5/8"
22' - 25'	4,500	1/2"	3/4"
26' - 35'	5,000	1/2"	1"
36' - 45'	8,000	3/4"	1"
46' - 55'	9,000	3/4"	1"

~~(i) Proper mooring tackle as required in Pda 510.01, and in (g) and (h) above, and (j) and (k) below, shall be utilized to secure vessels adequately at their moorings. Storms, wind, waves, tides, currents, and wash shall be considered by the chief harbor master or designee and recommendations made to the mooring holder to select appropriate hardware.~~

~~(jd) Mooring pennants shall have a thimble and shall be spliced where rope and chain connect. Pennants shall not be over 12'. The length of a pennant shall be measured from the point of attachment on the mooring ball to the first point of contact on the vessel. Each pennant shall have chafing gear where the pennant passes through the chocks.~~

~~(k) All chains, shackles, eyebolts, and related hardware shall be hot dipped galvanized. Shackles shall be wired to prevent the pin from backing out.~~

~~(l) A waiver for adjustments to the minimum standards under paragraph (h) shall be granted by the chief harbor master when a mooring holder requests a waiver in writing and the chief harbor master determines that local conditions justify such a waiver. The chief harbor master shall consider the location of the mooring, the movement of the tide, and any conditions specific to the area that could justify a waiver from the minimum standards. Waivers shall be in writing and filed with the permit at the division.~~

(e) If the requested location for a mooring permit is in a special aquatic site as defined in the Army Corp of Engineers Programmatic General Permit, then no mooring permit shall be issued unless the equipment used is designed to provide the least possible impact upon the sensitive nature of the location.

Readopt Pda 510.06 - Pda 510.07, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 510.06 Removal of Mooring Block and Tackle or Other Mooring Equipment. If a mooring permit is revoked, the division shall notify the mooring permit holder in writing to remove the mooring block and tackle or other mooring equipment as provided in Pda 507.06 within 10 business days of the receipt of notice from the division.

Pda 510.07 Failure to Remove Mooring Block and Tackle or Other Mooring Equipment. If a mooring permit holder fails to remove the mooring block and tackle or other mooring equipment in accordance with Pda 510.06, the division shall cause the block and tackle or other mooring equipment to be removed. Any fees incurred as a result of the division's removal of the block and tackle or other mooring equipment shall be the responsibility of the mooring permit holder.

Readopt with amendment Pda 511.01 – Pda 511.05, effective 8-20-11 (Document # 9975), cited and to read as follows:

PART Pda 511 FORMS

Pda 511.01 General Use Mooring Permit Application Form.

(a) Each person seeking a general use mooring permit or temporary seasonal general use mooring permit as provided in Pda 506.11(e)(1) shall complete a general use mooring application form provided by the division and deliver or mail the completed application to:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The mooring permit application form shall require the following information:

- (1) The applicant's full legal name;
- (2) The applicant's permanent address, including:
 - a. Street and number;
 - b. City or town;
 - c. State; and
 - d. Zip code;

~~(3) The applicant's summer address, including dates of summer address, if the summer address is different from the permanent address;~~

(43) The applicant's mailing address, if different from the permanent address;

(54) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;

(65) The applicant's telephone number(s) including:

- a. Permanent telephone number;
- b. Emergency telephone number;
- ~~e. Summer telephone number, if different from permanent telephone number; and~~
- ~~d~~c. Cell telephone number, if different from permanent telephone number;

(76) The applicant's e-mail address, if the applicant has an e-mail address;

(87) The following information pertaining to the vessel:

- a. Vessel name;
- b. New Hampshire state registration number, unless the vessel is not required to be registered under New Hampshire law;
- c. Vessel LOA;
- d. Vessel draft;
- e. Vessel color; and
- f. Type of vessel;

~~(9) Date of last inspection of the mooring;~~

~~(10) Weight and type of mooring block, if applicable; and~~

~~(11) The proposed or existing location of the mooring.~~

(c) The applicant shall attach:

- (1) A copy of the current New Hampshire state registration for the vessel listed on the mooring permit application, unless the vessel is not required to be registered under New Hampshire law;
- (2) If the vessel is not required to be registered under New Hampshire law, a photograph of the vessel; and
- (3) The mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) The form shall contain the following certification language:

- (1) "I hereby certify that I am an owner in full or in part of the vessel described in this application;"
- (2) If no New Hampshire state registration number is provided for the vessel: "I hereby certify that the vessel described in this application is not required to be registered under New Hampshire law;"
- (3) "I hereby certify that I have read the mooring rules in Pda 500 applicable to the type of mooring for which I am applying and that I will comply with such rules;"

(4) "I hereby certify that I release and indemnify Pease Development Authority and hold Pease Development Authority harmless from any and all claims or liability which may arise on account of the use of the mooring;"

(5) If the application is for a temporary seasonal mooring permit: "I hereby certify that if I enter into an agreement with the mooring permit holder to use the mooring equipment presently located at the mooring site, I acknowledge that the mooring equipment is not owned or maintained by the Pease Development Authority and that the Pease Development Authority makes no representation as to the condition of the mooring equipment or its suitability for my intended use;" and

(6) "I hereby certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my mooring permit or placement on a mooring wait list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant shall sign and date the application.

Pda 511.02 Shorefront Property Owner Mooring Permit Application Form.

(a) Each person seeking a shorefront property owner mooring permit shall complete an individual or business shorefront property owner mooring application form provided by the division and deliver or mail the completed application to:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The mooring permit application form shall require the following information:

(1) The applicant's full legal name:

(2) The applicant's permanent address, including:

a. Street and number;

b. City or town;

c. State; and

d. Zip code;

~~(3) The applicant's summer address, if applicable, including dates of summer address, if the summer address is different from the permanent address;~~

~~(4) The applicant's mailing address, if different from the permanent address;~~

~~(5) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;~~

~~(6) The applicant's telephone number(s) including:~~

- a. Permanent telephone number;
- b. Business telephone number, if applicable;
- c. Business fax number, if the applicant has a business fax number;
- d. Emergency telephone number; and
- ~~e. Summer telephone number, if applicable, and if different from permanent telephone number; and~~
- ~~f.~~ Cell telephone number, if different from permanent telephone number;

(76) The applicant's contact person, if applicable, and the best way to contact that person;

(87) The applicant's e-mail address, if the applicant has an e-mail address;

(98) The following information pertaining to the vessel:

- a. Vessel name;
- b. New Hampshire state registration number, unless the vessel is not required to be registered under New Hampshire law;
- c. Vessel LOA;
- d. Vessel draft;
- e. Vessel color; and
- f. Type of vessel;

~~(10) Date of last inspection of the mooring;~~

~~(11) Weight and type of mooring block, if applicable; and~~

~~(12) The proposed or existing location of the mooring.~~

(c) For an initial application for a shorefront property mooring, the applicant shall attach:

(1) A copy of the current New Hampshire state registration for the vessel listed on the mooring permit application, unless the vessel is not required to be registered under New Hampshire law;

(2) If the vessel is not required to be registered under New Hampshire law, a photograph of the vessel;

(3) A copy from the appropriate county registry of deeds of the deed for the shorefront property containing the book and page number for the recorded deed;

(4) A copy of the most recent property tax bill for the shorefront property;

(5) A copy of the portion of the tax map of the municipality in which the shorefront property is located, including the property tax map number and lot number;

(6) For every trust, business organization, or not-for-profit entity except a sole proprietorship:

- a. A statement describing whether the organization, entity or trust is organized on a profit or nonprofit basis and whether it is:

1. A partnership, including type of partnership;
2. A corporation;
3. A limited liability company;
4. A trust, including type of trust;
5. An association; or,
6. Another entity, including a description of such entity's organizational structure.

b. A list of its directors, officers, partners, managers, trustees or members, as applicable; and

c. A description of its purpose;

(7) For every business organization, or incorporated not-for-profit entity, except a sole proprietorship or general partnership, proof of authorization from the secretary of state to do business in New Hampshire;

(8) For every trust, unincorporated not-for-profit entity, and unincorporated business organization including, but not limited to, partnerships and unincorporated associations, a copy of its governing instrument(s); and

(9) The mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) An applicant who is reapplying for an existing shorefront property mooring under Pda 506.04 shall attach to the application:

(1) A copy of the current New Hampshire state registration for the vessel listed on the mooring permit application, unless the vessel is not required to be registered under New Hampshire law;

(2) If the vessel is not required to be registered under New Hampshire law, a photograph of the vessel;

(3) A copy of the most recent property tax bill for the shorefront property;

(4) Documentation relating to the organizational structure of the applicant, if the applicant is not an individual, as required under Pda 511.02(c)(6), (7), and (8), as applicable; and

(5) The mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(e) The form shall contain the following certification language:

(1) If the vessel owner is an individual: "I hereby certify that I am an owner in full or in part of the vessel described in this application;"

(2) If the vessel owner is other than an individual: "I hereby certify that the business organization, not-for-profit entity, or trust named as the applicant in this mooring permit

application is the owner in full or in part of the vessel described in this application. I also certify that I am duly authorized on behalf of the applicant to make the foregoing certifications;"

(3) If no New Hampshire state registration number is provided for the vessel: "I hereby certify that the vessel described in this application is not required to be registered under New Hampshire law;"

(4) "I hereby certify that I, or the business organization, not-for-profit entity, or trust that I represent, release and indemnify Pease Development Authority and hold Pease Development Authority harmless from any and all claims or liability which may arise on account of the use of the mooring;" and

(5) "I hereby certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my mooring permit or placement on a mooring wait list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(f) The form shall require that, if the application is a reapplication for an existing shorefront property owner mooring, the applicant shall certify, in addition to the certifications required under (e) above, that:

(1) He or she remains an owner of the shorefront property described in the attached tax bill; and

(2) The mooring described in the application is located in the shorefront property mooring area of the shorefront property described in the attached tax bill.

(g) The applicant shall sign and date the application.

Pda 511.03 Commercial Use Mooring Permit Application Form.

(a) Each person seeking a commercial use mooring permit or temporary seasonal commercial use mooring permit as provided in Pda 506.11(e)(2) shall complete a commercial use mooring permit application form provided by the division and deliver or mail the completed application to:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The mooring permit application form shall require the following information:

(1) The applicant's full legal name:

(2) The name and address of the applicant's business;

(3) The name of a business contact person and the best way to contact that person;

(4) The applicant's mailing address, if different from the permanent address;

(5) Whether the business is a fishing, charter, or water-dependent business;

(6) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;

(7) The applicant's type of business organization;

(8) The applicant's telephone number(s) including:

- a. Business telephone number;
- b. Home telephone number;
- c. Business fax number, if the applicant has a business fax number;
- d. Emergency telephone number; and
- e. Cell telephone number, if different from permanent telephone number;

(9) The applicant's e-mail address, if the applicant has an e-mail address;

(10) The following information pertaining to the vessel:

- a. Vessel name;
- b. New Hampshire state registration number;
- c. Vessel LOA;
- d. Vessel draft;
- e. Vessel color; and
- f. Type of vessel, including whether the vessel is a fishing or charter vessel;

~~(11) Date of last inspection of the mooring;~~

~~(12) Weight and type of mooring block, if applicable; and~~

~~(13) The proposed or existing location of the mooring.~~

(c) The applicant shall attach:

(1) A photocopy of the current New Hampshire state registration for the commercial vessel listed on the mooring permit application;

(2) For every business organization, except a sole proprietorship:

- a. A statement describing whether the organization is:
 1. A partnership, including type of partnership;
 2. A corporation;
 3. A limited liability company;
 4. A trust, including type of trust;
 5. An association; or,

6. Another entity, including a description of such entity's organizational structure.
 - b. A list of its directors, officers, partners, managers, trustees or members, as applicable; and
 - c. A description of its purpose;
- (3) For every business organization, except a sole proprietorship or general partnership, proof of authorization from the secretary of state to do business in New Hampshire;
- (4) For every trust and unincorporated business organization including, but not limited to, partnerships and unincorporated associations, a copy of its governing instrument(s);
- (5) If the business organization is a sole proprietor doing business in this state under any other name than his own, a partnership, association, or any other entity required to register a trade name with the New Hampshire secretary of state pursuant to RSA 349:1, a copy of the certificate of trade name issued by the secretary of state;
- (6) If the applicant is engaged in commercial fishing:
 - a. A photocopy of the New Hampshire fish and game saltwater fishing license or New Hampshire fish and game commercial lobster license of the applicant or, if the applicant is a business entity, of at least one officer or one member of the business entity; and
 - b. Documentary evidence of the commercial sales of marine species for the prior calendar year, unless the business is starting up in the year of application;
- (7) If the applicant operates a charter boat:
 - a. A photocopy of the US Coast Guard Captain's license of the applicant, or, if the applicant is a business entity, of at least one officer, member, or employee of the business entity, for the type and size of vessel of the applicant; and
 - b. A minimum of 2 items of business identification from the following list:
 1. A business brochure;
 2. A photocopy of the passenger manifest or log book for the most recent month prior to the application;
 3. A photocopy of receipt(s) for business advertisement(s) commissioned within the most recent 12 months prior to this application; and
 4. Evidence of membership in a business or marine-related trade association, including, but not limited to:
 - (i) A current membership card; or
 - (ii) A letter from an officer of the association attesting to the current membership of the applicant in the association;
- (8) If the applicant is a water-dependent business, a minimum of 2 items of business identification from the following list:
 - a. A business brochure;

b. A photocopy of receipt(s) for business advertisement(s) commissioned within the most recent 12 months prior to this application; and

c. Evidence of membership in a business or marine-related trade association, including, but not limited to:

1. A current membership card; or

2. A letter from an officer of the association attesting to the current membership of the applicant in the association;

(9) If the applicant is a water-dependent business as defined in Pda 502.31(a), an explanation of how the commercial vessel is used to further the purposes of the business;

(10) If the applicant is a water-dependent business as defined in Pda 502.31(b), an explanation of how the commercial use mooring is used to further the purposes of the business; and

(11) The mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) The form shall contain the following certification language:

(1) If the vessel owner is other than an individual: "I hereby certify that the applicant uses the vessel described in this application primarily for commercial purposes and that such vessel is not used for noncommercial use for more than 14 days cumulatively during the period from April 1 to March 31. I also certify that I am duly authorized on behalf of the applicant to make the foregoing certification;"

(2) If the vessel owner is an individual: "I hereby certify that I use the vessel described in this application primarily for commercial purposes and that such vessel is not used for noncommercial use for more than 14 days cumulatively during the period from April 1 to March 31";

(3) "I hereby certify that I, or the business organization that I represent, release and indemnify Pease Development Authority and hold Pease Development Authority harmless from any and all claims or liability which may arise on account of the use of the mooring;"

(4) If the application is for a temporary seasonal mooring permit: "I hereby certify that if I, or the business organization that I represent, enters into an agreement with the mooring permit holder to use the mooring equipment presently located at the mooring site, I acknowledge that the mooring equipment is not owned or maintained by the Pease Development Authority and that the Pease Development Authority makes no representation as to the condition of the mooring equipment or its suitability for my intended use;" and

(5) "I hereby certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my mooring permit or placement on a mooring wait list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant shall sign and date the application.

Pda 511.04 Commercial Mooring For Hire Mooring Permit Application Form.

(a) Each person seeking a commercial mooring for hire mooring permit shall complete an application form provided by the division and deliver or mail the completed application to:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The mooring permit application form shall require the following information:

- (1) The applicant's full legal name;
- (2) The name and address of the applicant's business;
- (3) The name of a business contact person and the best way to contact that person;
- (4) The applicant's mailing address, if different from the permanent address;
- (5) The organizational structure of the applicant;
- (6) A description of the nature of the business;
- (7) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
- (8) The applicant's telephone number(s) including:
 - a. Business telephone number;
 - b. Home telephone number;
 - c. Business fax number, if the applicant has a business fax number;
 - d. Emergency telephone number; and
 - e. Cell telephone number, if different from permanent telephone number;
- (9) The applicant's e-mail address, if the applicant has an e-mail address;
- (10) If the applicant is a shorefront property owner making an initial application for a commercial mooring for hire mooring permit:
 - a. A copy from the appropriate county registry of deeds of the deed for the shorefront property containing the book and page number for the recorded deed;
 - b. A copy of the most recent property tax bill for the shorefront property; and
 - c. A copy of the portion of the tax map of the municipality in which the shorefront property is located, including the property tax map number and lot number;
- (11) If the applicant is a shorefront property owner making a reapplication for a commercial mooring for hire mooring permit, a copy of the most recent property tax bill for the shorefront property;

(12) If the applicant is a marina:

- a. A description of the access to the water and parking facilities; and
- b. An explanation of the terms and conditions under which the marina is open to the general public;

(13) For a collective mooring area:

- a. A collective mooring area plan, showing the proposed or existing location of each individual mooring in the area and the distance between each mooring location;
- b. The maximum LOA to be allowed for each individual mooring location;
- ~~e. Date of last inspection of each mooring; and~~
- ~~d. The weight and type of mooring block proposed to be set or set for each individual mooring location; and~~

(14) For each mooring proposed to be set or existing outside a collective mooring area:

- a. The proposed or existing location of the mooring;
- b. The maximum LOA to be allowed for the mooring;
- ~~e. Date of last inspection of the mooring; and~~
- ~~d. The weight and type of mooring block proposed to be set or set for the mooring location.~~

(c) The applicant shall attach:

(1) If a marina, documentation that demonstrates that the applicant meets the definition of a marina, such as, but not limited to, the following:

- a. A business brochure or a photograph of signage relating to the marina;
- b. A photocopy of receipt(s) for business advertisement(s) commissioned within the most recent 12 months prior to this application; or
- c. Evidence of membership in a business or marine-related trade association, including, but not limited to:
 1. A current membership card; or
 2. A letter from an officer of the association attesting to the current membership of the applicant in the association;

(2) For every business organization, except a sole proprietorship:

- a. A statement describing whether the organization is:
 1. A partnership, including type of partnership;
 2. A corporation;
 3. A limited liability company;

4. A trust, including type of trust;
 5. An association; or,
 6. Another entity, including a description of such entity's organizational structure.
- b. A list of its directors, officers, partners, managers, trustees or members, as applicable; and
 - c. A description of its purpose;
- (3) For every business organization, except a sole proprietorship or general partnership, proof of authorization from the secretary of state to do business in New Hampshire;
 - (4) For every trust and unincorporated business organization including, but not limited to, partnerships and unincorporated associations, a copy of its governing instrument(s);
 - (5) If the business organization is a sole proprietor doing business in this state under any other name than his own, a partnership, association, or any other entity required to register a trade name with the New Hampshire secretary of state pursuant to RSA 349:1, a copy of the certificate of trade name issued by the secretary of state;
 - (6) If the applicant is a condominium unit owners' association, a photocopy of the condominium's declaration and bylaws as recorded in the registry of deeds;
 - (7) An explanation of how the commercial mooring(s) for hire is or will be used to further the purposes of the business; and
 - (8) The mooring permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."
- (d) The form shall contain the following certification language:
- (1) "I hereby certify that I, or the business organization that I represent, release and indemnify Pease Development Authority and hold Pease Development Authority harmless from any and all claims or liability which may arise on account of the use of the mooring(s);" and
 - (2) "I hereby certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my mooring permit or placement on a mooring wait list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."
- (e) A shorefront property owner making a reapplication for a commercial mooring for hire mooring permit shall certify, in addition to the certification required under (d) above, that:
- (1) He or she is an owner of the shorefront property described in the attached tax bill; and
 - (2) The mooring described in the application is located in the shorefront property mooring area of the shorefront property described in the attached tax bill.
- (f) The applicant shall sign and date the application.

(a) Each applicant seeking a non-revenue mooring permit shall complete a non-revenue mooring application form provided by the division and deliver or mail the completed application to:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The mooring permit application form shall require the following information:

- (1) The applicant's full legal name;
- (2) The applicant's permanent address, including:
 - a. Street and number;
 - b. City or town;
 - c. State; and
 - d. Zip code;
- (3) The applicant's mailing address, if different from the permanent address;
- (4) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
- (5) The applicant's telephone number(s) for its contact person, including:
 - a. Permanent telephone number;
 - b. Emergency telephone number; and
 - c. Cell telephone number, if different from permanent telephone number;
- (6) The mooring field, mooring subfield, or nearshore area for which application is made;
- (7) The applicant's e-mail address, if the applicant has an e-mail address;
- (8) The following information pertaining to each vessel(s):
 - a. Vessel name;
 - b. New Hampshire state registration number;
 - c. Vessel LOA;
 - d. Vessel draft;
 - e. Vessel color; and
 - f. Type of vessel;
- ~~(9) Date of last inspection of the mooring;~~

~~(10) Weight and type of mooring block, if applicable; and~~

~~(11) The proposed or existing location of the mooring.~~

(c) The applicant shall attach:

(1) A copy of the current New Hampshire state registration(s) for the vessel(s) listed on the mooring permit application; and

(2) The request for a non-revenue mooring as described in Pda 506.10(h).

(d) The form shall contain the following certification language:

(1) "I hereby certify that the applicant is an owner in full or in part of the vessel described in this application;" and

(2) "I hereby certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my mooring permit or placement on a mooring wait list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant's duly authorized representative shall sign and date the application.

Readopt Pda 511.06 – Pda 515.01, effective 8-20-11 (Document # 9975), cited and to read as follows:

Pda 511.06 Mooring Wait List Application Form.

(a) Each person seeking to be placed on the division's mooring wait list or lists shall complete an application form provided by the division and deliver or mail the completed application to:

Deliver To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Mail To:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The wait list application form shall require the following information:

(1) The applicant's full legal name;

(2) The applicant's permanent or home address;

(3) The applicant's permanent or home telephone number;

(4) The type of vessel for which the mooring is sought, indicating sail or power, if known;

(5) The LOA and draft of the vessel, if known; and

(6) The mooring field(s), mooring subfield(s), or nearshore area(s) wait list on which the applicant seeks to have his or her name placed.

(c) The applicant shall attach:

- (1) A copy of the current New Hampshire state registration for the vessel listed on the mooring permit application, if the applicant currently has such a vessel, unless the vessel is not required to be registered under New Hampshire law;
 - (2) A photograph of the vessel, if the applicant current has a vessel and the vessel is not required to be registered under New Hampshire law; and
 - (3) The mooring wait list fee, provided that fees paid in the form of a check or a money order shall be made payable to “Pease Development Authority, Division of Ports and Harbors” or “PDA-DPH.”
- (d) The applicant shall sign and date the application.

PART Pda 512 MOORING PERMIT FEES

Pda 512.01 Mooring Fee Schedule.

(a) Following adoption of a mooring fee schedule, mooring fees shall remain in effect until new fees are adopted in accordance with (b) below. At least once a year the division director shall review the schedule of mooring fees. If the division proposes to modify mooring fees, the process shall be as described in (b) below.

(b) The following shall govern the adoption of mooring fee schedules:

- (1) The division director shall prepare a proposed schedule of mooring fees;
- (2) The division director shall publish a notice in at least 2 newspapers of general circulation of the availability of the proposed schedule of mooring fees;
- (3) Within 30 days of publication of notice pursuant to (2) above, any person may submit to the division director written comments regarding the proposed schedule of mooring fees;
- (4) Within 60 days of publication of notice pursuant to (2) above, the division director shall submit the schedule of mooring fees to the authority for review and approval;
- (5) The authority may:
 - a. Adopt the approved schedule of mooring fees;
 - b. Adopt the approved schedule of mooring fees in part; or
 - c. Adopt the approved schedule of mooring fees in part and modify the schedule in part;
- (6) The mooring fees adopted by the authority shall take effect on January 1 of the following year or 5 days after approval by the authority, whichever is earlier, unless the authority specifies an alternate effective date that is at least 5 days after the date of approval by the authority; and
- (7) Once adopted by the authority, the schedule of mooring fees shall be made available to any person applying for a mooring permit and to any person who requests a copy.

Pda 512.02 Types of Mooring Fees. The following types of mooring fees shall be set by the schedule of mooring fees determined under Pda 512.01:

(a) Initial application fee for the following types of mooring permits, to be paid in addition to the permit fee:

- (1) General use mooring permit;
- (2) Shorefront property owner mooring permit;
- (3) Commercial use mooring permit;
- (4) Commercial mooring for hire mooring permit;

(b) Permit fee for the following types of mooring permits:

- (1) General use mooring permit;
- (2) Shorefront property owner mooring permit;
- (3) Commercial use mooring permit, provided that the permit fee for a commercial use mooring issued to a water-dependent business as defined in Pda 502.33(b) shall be based on the maximum size allowable for the mooring;
- (4) Commercial mooring for hire mooring permit, based on the maximum size allowable for the mooring;

(c) Mooring application late fee;

(d) Commercial use mooring permit transfer fee for transfers pursuant to Pda 508.01(a);

(e) Commercial use water dependent business mooring permit transfer fee for transfers pursuant to Pda 508.01(b);

(f) Commercial mooring for hire mooring permit transfer fee for transfers pursuant to Pda 508.02;

(g) Transfer fee for the transfer of a general use, shorefront property, or commercial mooring for hire mooring permit to a surviving spouse pursuant to Pda 508.03;

(h) Mooring wait list fee, per mooring field or mooring subfield wait list, per mooring;

(i) Mooring wait list renewal fee, per mooring field or mooring subfield wait list, per mooring; and

(j) Mooring wait list renewal late fee.

Pda 512.03 Waiver of Mooring Fees. Mooring fees shall not be waived for any type of mooring permit holder, except for non-revenue mooring applicants granted non-revenue mooring(s) under Pda 506.10.

Pda 512.04 Mooring Fees; Payment of Fees.

(a) All mooring fees shall be nonrefundable, except as provided in Pda 506.01.

(b) The fee(s) paid by check or money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors or "PDA-DPH."

PART Pda 513 EMERGENCY MOORINGS FOR SECURITY OR LAW ENFORCEMENT PURPOSES

Pda 513.01 Emergency Moorings. Notwithstanding Pda 503 to Pda 512, the division director shall, upon request from an individual authorized by a state or federal law enforcement agency, set a temporary or permanent mooring to be held by the authority or the authority's designee for the use of a state or federal law

enforcement agency for the purposes of state or national security or for protection of public health and safety, provided that the division director determines that the mooring can be safely set and would not pose a danger to navigation.

PART Pda 514 RECONSIDERATION AND APPEAL

Pda 514.01 Definitions.

(a) "Application period" means the period of time between January 15 and 10 business days after March 1 of the year for which the mooring permit application was submitted.

(b) "Incapacitated" means a physical or mental condition that results in:

(1) The inability of an individual to:

- a. Walk unassisted; or
- b. Drive unassisted; or

(2) The confinement of an individual to a location(s) for the purpose of receiving medical or rehabilitative treatment or care.

Pda 514.02 Reconsideration: Who May Petition.

(a) Any holder of a mooring permit whose mooring permit was revoked after notice and an opportunity for a hearing by the division director pursuant to Pda 507.03 and any applicant for a mooring permit whose application was denied by the division director pursuant to Pda 506.06(f), Pda 506.07(h), Pda 506.08(h), Pda 506.10(f), or Pda 506.11(g) may petition the division director for reconsideration pursuant to Pda 514.

(b) The persons specified below may petition the authority for reconsideration pursuant to Pda 514 if the authority has denied:

- (1) The issuance of a commercial mooring for hire mooring permit, and the person is the applicant for the commercial mooring for hire mooring permit pursuant to Pda 506.09 or its duly authorized officer or member;
- (2) A request to transfer a commercial use mooring permit pursuant to Pda 508.01(a) or (b), and the person is either the proposed transferor or transferee; or
- (3) A request to transfer a commercial mooring for hire mooring permit pursuant to Pda 508.02, and the person is either the proposed transferor or transferee.

Pda 514.03 Requirements for Petition for Reconsideration. A petition for reconsideration shall:

(a) Specify the date of the challenged decision;

(b) Specify every reason that the action taken by the division director or authority was unlawful or unreasonable, including any error of law or error of fact;

(c) Include as an attachment a copy of the application or request that was denied or failed to receive approval;

(d) Include any new or additional information relevant to the matter proposed for reconsideration that was not available at the time the application was filed or the revocation was made;

(e) In the case of denial of a permit because of a late filing under Pda 506.04(d), the reason for the late filing; and

(f) Include the following certification:

“I certify under penalty of law that I have personally examined, and am familiar with, the information submitted in this petition for reconsideration and all of its attachments. I certify that the statements and information submitted therewith are to the best of my knowledge and belief true, accurate and complete.”

Pda 514.04 Reconsideration by Division Director: Granting of Permit under Certain Circumstances.

(a) A petition for reconsideration by the division director:

(1) For revocation of a permit pursuant to Pda 507.03 shall be filed with the division director within 10 business days from receipt of notice of the revocation; and

(2) For a permit denial pursuant to Pda 506.06(f), Pda 506.07(h), Pda 506.08(h), Pda 506.10(f), or Pda 506.11(g) shall be filed with the division director within 10 business days from receipt of notice of the permit denial.

(b) The division director shall:

(1) Reconsider a permit revocation or denial within 10 business days of receipt of the petition for reconsideration; and

(2) Notify the petitioner of his or her decision under (c) below within 10 business days of reconsideration.

(c) When reconsidering the decision to deny or revoke the permit, the division director shall consider all information on file with division relating to the denied or revoked permit and any new or additional information relevant to the matter under reconsideration that was not available regarding a permit:

(1) Denial, when the application in question was submitted; or

(2) Revocation, when the decision to revoke a permit was rendered.

(d) The division director shall issue the permit sought after in the petition for reconsideration if, after reconsideration, the division director finds:

(1) One or more of the following:

a. It more likely than not that the decision to deny or revoke a permit was based on an error of law or fact;

b. That there was a lack of facts that could reasonably sustain the decision to deny or revoke the permit; or

c. In the case of denial of a permit because of a late filing under Pda 506.04(d), that:

1. The petitioner was temporarily incapacitated for:

(i) Fifty percent or more of the application period; or

(ii) One day or more during the final 10 days of the application period;

2. The petitioner was on active military service at any time during the application period;

3. The late filing was caused by the failure of any state or governmental agency to timely provide the petitioner with documentation required for an application under Pda 500; or

4. A death in the immediate family occurred during the final 10 days of the application period. For the purposes of this paragraph, "immediate family" means grandparents, parents, siblings, spouse, children, or grandchildren; and

(2) All of the following:

a. The petition for reconsideration was timely filed in accordance with (a) above;

b. The petition for reconsideration filed by the petitioner meets all of the requirements of Pda 514.03; and

c. The petitioner:

1. Meets all of the requirements under Pda 500 for the permit;

2. Has provided written documentation for any reason claimed under (1)c. above, including, but not limited to:

(i) In the case of temporary incapacitation:

i. A signed letter from a doctor, nurse, or other medical provider or caregiver attesting to the petitioner's incapacitation;

ii. A copy of a bill or invoice from an institution where the petitioner received medical or rehabilitative treatment or care; or

iii. A copy of a statement from an insurance company showing that costs for medical or rehabilitative treatment or care were submitted to the company for services for the petitioner;

(ii) In the case of military service, a signed letter from the petitioner's commanding officer or supervisor attesting to the petitioner's military service;

(iii) In the case of the failure of any state or federal agency to provide the petitioner with documentation needed for an application under Pda 500, a copy of correspondence between the petitioner and a state or governmental agency, showing that the petitioner timely sought documentation needed for an

application under Pda 500, but was not provided with the documentation in a timely manner; or

(iv) In the case of a death in the immediate family, to identify the name of the deceased, the relationship to the petitioner, and the date of death; and

3. Has paid the mooring permit reapplication late fee, in the case of petition granted under (1)c. above.

(e) The division director shall deny the request to issue or reinstate the permit if, after reconsideration, the division director finds that:

- (1) It is more likely than not that the decision was not based on any error of law;
- (2) There were facts reasonably sustaining the decision;
- (3) In the case of a late filing under Pda 506.04(d), the petitioner failed to meet the requirements under (d)(1)c. above;
- (4) The petition for reconsideration was not timely filed in accordance with (a) above;
- (5) The petition for reconsideration filed by the petitioner does not meet all of the requirements of Pda 514.03; or
- (6) The petitioner:
 - a. Does not meet all of the requirements under Pda 500 for the permit;
 - b. Has not provided written documentation for any reason claimed under (d)(1)c. above; or
 - c. Has not paid the mooring permit reapplication late fee, in the case of petition filed under (d)(1)c. above.

(f) If, after reconsideration, the division director grants the request to issue or reinstate the permit sought after in the petition for reconsideration, the petitioner shall return to the division a completed application for the permit sought within 10 business days of receipt of the division director's decision.

Pda 514.05 Reconsideration by Authority for Commercial Moorings for Hire and Commercial Moorings.

(a) A petition for reconsideration by the authority shall be filed by the petitioner with the authority within 10 business days from receipt of notice that the authority has denied:

- (1) The issuance of a commercial mooring for hire mooring permit pursuant to Pda 506.09(h);
- (2) A request to transfer a commercial use mooring permit pursuant to Pda 508.01(a) or (b); or
- (3) A request to transfer a commercial mooring for hire mooring permit pursuant to Pda 508.02.

(b) The authority shall review and make a decision on whether or not to grant a petition for reconsideration at its next regularly scheduled meeting, if the petition was received at least 10 business days before such meeting. If the petition was not received at least 10 business days before the authority's next regularly scheduled meeting, the authority shall review and make a decision on whether or not to grant the petition for reconsideration at the authority's following regularly scheduled meeting. The authority shall

notify the petitioner of the authority's decision on whether to grant or deny the petition within 5 business days of the decision.

(c) When making a decision on a petition for reconsideration, the authority shall consider all information on file with the division concerning the authority's denial under Pda 514.02(b) and any new or additional information relevant to the matter under reconsideration that was not available regarding:

- (1) A permit denial, when the application in question was submitted; or
- (2) The transfer of a commercial mooring permit, when the decision to refuse the permit transfer was rendered.

(d) The authority shall remand the matter to the division director for issuance of the permit or for granting a request for a transfer sought after in the petition for reconsideration, if, after reconsideration, the authority finds:

- (1) One or more of the following:
 - a. It more likely than not that the authority's decision concerning the issuance or transfer of the mooring was based on an error of law or fact;
 - b. That there was a lack of facts that could reasonably sustain the decision to deny or revoke the permit; or
 - c. In the case of denial of a permit because of a late filing under Pda 506.04(d), that:
 1. The petitioner was temporarily incapacitated for:
 - (i) Fifty percent or more of the application period; or
 - (ii) One day or more during the final 10 days of the application period;
 2. The petitioner was on active military service at any time during the application period;
 3. The late filing was caused by the failure of any state or governmental agency to timely provide the petitioner with documentation required for an application by Pda 500; or
 4. A death in the immediate family occurred during the final 10 days of the application period. For the purposes of this paragraph, "immediate family" means grandparents, parents, siblings, spouse, children or grandchildren; and
- (2) All of the following:
 - a. The petition for reconsideration was timely filed in accordance with (a) above;
 - b. The petition for reconsideration filed by the petitioner meets all of the requirements of Pda 514.03; and
 - c. The petitioner:
 1. Meets all of the requirements under Pda 500 for the permit or transfer;
 2. Has provided written documentation for any reason claimed under (1)c. above, including, but not limited to:

(i) In the case of temporary incapacitation:

- i. A signed letter from a doctor, nurse, or other medical provider or caregiver attesting to the petitioner's incapacitation;
- ii. A copy of a bill or invoice from an institution where the petitioner received medical or rehabilitative treatment or care; or
- iii. A copy of a statement from an insurance company showing that costs for medical or rehabilitative treatment or care were submitted to the company for services for the petitioner;

(ii) In the case of military service, a signed letter from the petitioner's commanding officer or supervisor attesting to the petitioner's military service;

(iii) In the case of the failure of any state or federal agency to provide the petitioner with documentation needed for an application under Pda 500, a copy of correspondence between the petitioner and a state or governmental agency, showing that the petitioner timely sought documentation needed for an application under Pda 500, but was not provided with the documentation in a timely manner; or

(iv) In the case of a death in the immediate family, to identify the name of the deceased, the relationship to the petitioner, and the date of death; and

3. Has paid the mooring permit reapplication late fee, in the case of petition granted under (1)c. above.

(e) The authority shall deny the request to issue or transfer the permit specified in Pda 514.02(b) if, after reconsideration, the authority finds that:

- (1) It is more likely than not that the decision was not based on any error of law;
- (2) There were facts reasonably sustaining the decision;
- (3) In the case of a late filing under Pda 506.04(d), the petitioner failed to meet the requirements under (d)(1)c. above;
- (4) The petition for reconsideration was not timely filed in accordance with (a) above;
- (5) The petition for reconsideration filed by the petitioner does not meet all of the requirements of Pda 514.03; or
- (6). The petitioner:
 - a. Does not meet all of the requirements under Pda 500 for the permit or transfer;
 - b. Has not provided written documentation for any reason claimed under (d)(1)c. above; or
 - c. Has not paid the mooring permit reapplication late fee, in the case of petition filed under (d)(1)c. above.

(f) If, after reconsideration, the authority grants the request to issue or transfer the permit sought after in the petition for reconsideration, the petitioner shall return to the division a completed application for the permit sought within 10 business days of receipt of the authority's decision.

Pda 514.06 Appeal to Authority; Standard of Review.

(a) If the division director has denied a request to issue the permit sought after in a petition for reconsideration under Pda 514.04, the petitioner may appeal to the authority within 10 business days after receipt of written notice of denial by the division director.

(b) The appellant shall bear the burden of proving that the decision of the division director to deny appellant's request to issue the permit sought after in a petition for reconsideration under Pda 514.04 was based on an error of law or fact or there was a lack of facts that could reasonably sustain the division director's decision.

(c) The authority shall accept all determinations of the division director made under Pda 514.04 upon questions of fact as lawful and reasonable unless the appellant specifically rebuts such determination of fact as unlawful or unreasonable.

Pda 514.07 Requirements for Appeal. A request for appeal shall:

(a) Specify the date notice of the division director's denial of the request to issue the permit sought after in a petition for reconsideration was received by the appellant;

(b) Specify every reason that the action taken by the division director or authority was contrary to Pda 500 or otherwise unlawful or unreasonable, including any error of law or error of fact;

(c) Include as an attachment a copy of the application or request that was denied or failed to receive approval;

(d) Include any new or additional information relevant to the matter on appeal that was not available at the time the request for reconsideration was made to the director under Pda 514.01;

(e) Specify the reason for the late filing and include as an attachment written documentation supporting the reason specified for late filing; and

(f) Include the following certification:

"I certify under penalty of law that I have personally examined, and am familiar with, the information submitted in this appeal and all of its attachments. I certify that the statements and information submitted therewith are to the best of my knowledge and belief true, accurate and complete."

Pda 514.08 Referral of Matter to Board Member for Recommendation; Procedure for Board Member.

(a) The chair of the board shall designate a board member to review appeals to the authority under Pda 514.06.

(b) The board designate shall:

(1) Notify the appellant in writing that the board designate will be reviewing the matter on appeal on behalf of the board and preparing a recommended decision regarding the appeal for consideration and action by the board;

- (2) Provide the appellant an opportunity, including date, time, and location, to meet with the board designate and present his or her information and argument regarding the appeal, provided that the meeting shall occur within 15 business days of the filing of the appeal with the authority;
 - (3) Notify the appellant that he or she may bring counsel or a personal representative to the meeting;
 - (4) Notify the appellant that any written information, testimony or argument not previously submitted during reconsideration by the division director shall be submitted to the board designate not later than 5 business days before the date of the meeting with the board designate; and
 - (5) Notify the appellant that the meeting with the board designate will be recorded.
- (c) The division director shall provide the board designate a copy of all information concerning the matter in the possession of the division director.
- (d) The following shall apply at the meeting with the board designate:
- (1) The board designate shall exclude any additional written information, testimony or argument that was not submitted in accordance with (b)(4) above unless the board designate finds good cause for appellant's failure to comply with (b)(4) above and that late submission was not intended to delay the appeal or the meeting with the board designate. For purposes of this paragraph, "good cause" means that the appellant did not discover, learn of, or formulate the information, testimony, or argument in time to submit such information, testimony, or argument in accordance with (b)(4) above and could not have discovered, learned of, or formulated such information, testimony, or argument with reasonable diligence to comply with (b)(4) above;
 - (2) The appellant or his or her counsel or representative may direct questions to the board designate, including questions for a division representative(s) present at the meeting;
 - (3) The division staff may direct questions to the board designate, including questions for appellant or his or her counsel or representative present at the meeting;
 - (4) The appellant's questions for the division representative(s) and the division's questions to the appellant or appellant's representative shall be asked only by the board designate; and
 - (5) The board designate may exclude irrelevant, immaterial, or unduly repetitious information, testimony or argument.
- (e) Within 10 business days after the meeting with the board designate under (d) above, the board designate, after reviewing the information provided by the division director and the appellant, and after meeting with division staff and the appellant, if the appellant requested such a meeting, shall make a written recommendation to the authority regarding the appeal. The board designate shall at the same time send to the appellant, by first class mail, a copy of the recommendation made to the authority.

Pda 514.09 Authority Action on Appeal.

- (a) Within 10 business days of receipt of a recommendation from a board designate, the authority shall notify the appellant in writing:

- (1) That the authority will be reviewing the board designate's recommendation regarding the appeal;
 - (2) Of the date, time, and location of the regularly scheduled board meeting at which the review is scheduled, provided that the meeting shall not be sooner than 20 calendar days from the receipt of the board designate's recommendation under Pda 514.08(e);
 - (3) That he or she may bring counsel or a personal representative to the meeting; and
 - (4) That the meeting with the board will be recorded.
- (b) At the board meeting when the appeal is scheduled, the authority shall consider:
- (1) All information on file with the division concerning the matter;
 - (2) All information submitted to the authority or board designate under Pda 514.07 and Pda 514.08;
 - (3) Any additional written information not previously submitted under Pda 514.07 or Pda 514.08, provided the chair of the authority finds good cause for appellant's failure to comply with Pda 514.07 or Pda 514.08 and that late submission was not intended to delay the appeal or the meeting with the authority. For purposes of this paragraph, "good cause" means that the appellant did not discover or learn of the information in time to submit such information in accordance with Pda 514.07 or Pda 514.08 above and could not have discovered or learned of such information with reasonable diligence to comply with Pda 514.07 or Pda 514.08;
 - (4) Any oral statement or argument made by the appellant or his representative or division staff; and
 - (5) The recommendation of the board designate.
- (c) The following shall apply at the board meeting:
- (1) The appellant may bring counsel or a personal representative;
 - (2) The authority shall exclude any additional written information, testimony or argument that was not submitted in accordance with Pda 514.07 and Pda 514.08 unless the chair of the authority finds good cause for appellant's failure to comply with Pda 514.07 and Pda 514.08 and that late submission was not intended to delay the appeal. For purposes of this paragraph, "good cause" means that the appellant did not discover, learn of, or formulate the information, testimony, or argument in time to submit such information, testimony, or argument in accordance with Pda 514.07 or Pda 514.08 above and could not have discovered, learned of, or formulated such information, testimony, or argument with reasonable diligence to comply with Pda 514.07 or Pda 514.08; and
 - (3) Any oral information, testimony or argument may be received, but the chair or other presiding officer in the chair's absence shall exclude irrelevant, immaterial, or unduly repetitious information, testimony or argument, including without limitation, information, testimony or argument included in or with the division's file regarding the appellant or the written recommendation of the board designate.

Pda 514.10 Decision by Authority on Appeal. The authority shall render a decision regarding the appeal no later than the next regularly scheduled board meeting following any board meeting held under Pda 514.09.

Pda 514.11 When Matter Remanded to Division Director: Notification of Decision of Authority.

(a) If the authority determines that the permit should be granted because the appellant has met its burden of proving by a preponderance of the evidence that the decision of the division director to deny the appellant's request to issue the permit sought after in the petition for reconsideration was based on an error of law or fact or there was a lack of facts that could reasonably sustain the division director's decision, the authority shall remand the matter to the division director for action in accordance with its decision.

(b) The authority shall notify the appellant of its decision and provide a written copy thereof within 10 business days of issuing a decision pursuant to 514.10.

(c) If the authority determines, under (a) above, that the permit should be granted, the appellant shall return a completed application for the permit sought within 10 business days of receipt of notice from the authority under (b) above.

Pda 514.12 Removal of Representatives.

(a) Upon making a finding of misconduct on the part of any representative appearing before the director, authority or board designate, as applicable, the director, authority or board designate shall prohibit that individual from acting as a representative for the pending matter.

(b) For purposes of this section, misconduct means:

(1) Behavior that is disruptive to the orderly conduct of the reconsideration or appeal; or

(2) A consistent or recurring failure to:

a. Meet deadlines; or

b. Comply with the provisions of Pda 514.

(c) Prior to making a finding of misconduct so as to warrant the imposition of such prohibition, the director, authority or board designate, as applicable, shall:

(1) Inform the representative and the party represented by the representative to the proceeding of the proposed prohibition; and

(2) Provide an opportunity for the representative and the party represented by the representative to address the director, authority or board designate, as applicable, regarding why the prohibition should or should not be imposed.

Pda 514.13 Requests to Extend Time.

(a) Any person seeking reconsideration or appellant may ask the director, authority or board designate, as applicable, to extend any time limit established by Pda 514.

(b) A request for an extension of time shall be made in writing to the director, authority or board designate, as applicable, before the expiration of the prescribed period.

(c) Division staff shall be given an opportunity to object within 5 business days of receiving a request to extend time.

(d) The director, authority or board designate, as applicable, shall grant the requested extension if it determines that:

- (1) The time period is not mandated by statute;
- (2) One of the following applies:
 - a. An extension is necessary to conduct a more effective reconsideration or appeal; or
 - b. The person seeking reconsideration, the appellant, or their representative(s) is incapacitated, has suffered a death in the family, or has otherwise been delayed or prevented from meeting the applicable deadline by unforeseeable circumstances beyond the party's control; and
- (3) No person objects to the extension or, if a person does object, the reason(s) for granting the extension outweigh the reason(s) for denying the extension.

Pda 514.14 Continuance.

(a) Any appellant or person seeking reconsideration may request that a meeting conducted pursuant to Pda 514 be continued for reasonable cause and reconvened or rescheduled.

(b) Prior to filing a request for a continuance of any scheduled meeting regarding a pending reconsideration or appeal made in advance of the meeting, the appellant or person seeking reconsideration seeking the continuance shall seek concurrence with the request from division staff.

(c) A request for a continuance of a meeting with the director, authority or board designate, as applicable, made in advance of such meeting shall:

- (1) Be in writing;
- (2) State the reason(s) for the request;
- (3) Be delivered or received filed at least 5 calendar days before the scheduled meeting date; and
- (4) State whether the division staff agree or disagree with the request or did not respond to the request for concurrence.

(d) A request for a continuance made at a scheduled meeting may be made orally provided notice of such request is recorded by the division director, authority or board designate, as applicable.

(e) The division director, authority or board designate shall grant the request if he determines that reasonable cause exists and that no person will be materially prejudiced by the delay.

(f) For purposes of this section, reasonable cause shall include:

- (1) Unavailability of an individual appellant or person seeking reconsideration, or representative, or witness;
- (2) The participants believe that an informal resolution is possible and need more time to resolve the matter; or
- (3) The appellant or person seeking reconsideration or the division are awaiting information, reports, data, or a related court decision which is material to the reconsideration or appeal.

(g) Any grant of a continuance shall specify the time and place at which the meeting shall be rescheduled. The division director, authority or board designate, as applicable, shall provide notice of a rescheduled meeting regarding the reconsideration or appeal in such a manner as is appropriate to ensure that reasonable notice of at least 10 calendar days shall be given of the time and place of the continued meeting.

PART Pda 515 ANCHORAGE

Pda 515.01 Change in Position May Be Ordered. The chief harbor master or designee shall at any time order any vessel at anchor to change position when, in the chief harbor master or designee's opinion, such vessel is so anchored as to impede navigation or to endanger other vessels.

Pda 501	RSA 12-G:42, III, VI; 12-G:50, I(b), (c), (f)
Pda 502	RSA 12-G:42, III, VI; 12-G:50, I(b), (c), (f)
Pda 503.01	RSA 12-G:42, III, VI; 12-G:50, I(b)
Pda 503.02	RSA 12-G:42, III, VI; 12-G:50, I(b), (f)
Pda 504	RSA 12-G:42, III, VI; 12-G:50, I(b)
Pda 505	RSA 12-G:42, VI
Pda 506	RSA 12-G:42, VI
Pda 507	RSA 12-G:42, VI
Pda 508.01 – 508.02	RSA 12-G:42, VI
Pda 508.03	RSA 12-G:42, VI, VII
Pda 509.01 – 509.07	RSA 12-G:42, VI, VII
Pda 509.08	RSA 12-G:42, VI
Pda 510.01 – 510.02	RSA 12-G:42, VI; 12-G:50, I(b)
Pda 510.03	RSA 12-G:42, VI, 12-G:50, I(b), (f)
Pda 510.04 – 510.07	RSA 12-G:42, VI; 12-G:50, I(b)
Pda 511	RSA 12-G:42, VI
Pda 512	RSA 12-G:42, VII
Pda 512.01	RSA 12-G:42, VII
Pda 512.02	RSA 12-G:42, VII, XI
Pda 512.04(b)	RSA 12-G:42, VII, XI
Pda 513	RSA 12-G:42, VI
Pda 514	RSA 12-G:42, VI, VII
Pda 515.01	RSA 12-G:42, III; 12-G:50, I(c), (f)

MOTION

Director Loughlin:

In accordance with the provisions of RSA 541-A, Administrative Procedure Act, the PDA Board of Directors hereby amends Pda 300 Pilots and Pilotage as conditionally approved by the Joint Legislative Committee on January 18, 2019 and adopts the Conditional Approval Response attached hereto;

Further, the PDA Board of Directors hereby authorizes the Division Director to take any necessary or recommended action in accordance with RSA 541-A, in furtherance of this matter; all in accordance with the Memorandum of Geno Marconi, Division Director, dated March 5, 2019 attached hereto.

Note: Roll Call vote required

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PEASE


INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: March 5, 2019

To: Pease Development Authority, Board of Directors

From: Geno Marconi, Division Director 

Subject: Conditional Approval Request, Administrative Rules; Pda 300 Pilots and Pilotage 2018-145

In accordance with RSA 12-G:42 X (b), the Pease Development Authority ("PDA"), acting through its Division of Ports and Harbors (the "Division"), shall adopt rules pursuant to RSA 541-A. The Administrative Rules Chapter Pda 300- Pilots and Pilotage ("Pda 300 Rules") became effective April 1, 2011 and expire March 31, 2019.

All in accordance with RSA 12-G:44, IV, the Pda 300 rules final proposal-annotated text was submitted to and approved by the PDA Board of Directors on December 20, 2018. Shortly thereafter the Division submitted the Pda 300 rules final proposed-annotated text electronically to the Office of Legislative Services ("OLS") in preparation for the Joint Legislative Committee on Administrative Rules ("JLCAR") meeting on January 18, 2019. Prior to that meeting, the Division received comments back from OLS and it was recommended it submit a Conditional Approval Request to JLCAR to address a few minor items. The Division was able to prepare the request and present it to JLCAR at its January 18, 2019 meeting at which time JLCAR approved the final proposal conditioned on amending the Adopted Rule per the Conditional Approval Request. Upon receipt of the PDA Board approval of the text, OLS will send confirmation of receipt to PDA. Final adoption of the rules can then take place and will be presented to the PDA Board at its April 18, 2019 meeting. Attached is the Conditional Approval Response, annotated.

Therefore, the Division of Ports and Harbors recommends that the PDA Board of Directors approve the text of the Conditional Approval Response.

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
107 NORTH MAIN STREET, ROOM 109
CONCORD, NEW HAMPSHIRE 03301-4951

January 22, 2019

Board of Directors
Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

Re: Conditional Approval of Final Proposal 2018-145

Dear Board Members:

At its meeting on January 18, 2019, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, V(a), to conditionally approve Final Proposal 2018-145 of the Board of Directors (Board) of the Pease Development Authority (Authority) containing Pda 301 and Pda 303-310 relative to pilots and pilotage. The Committee's approval was conditioned on amending Final Proposal 2018-145 as specified in the Board's conditional approval request received on January 14, 2019. A copy of the request, as annotated by Committee Staff, is enclosed for your review.

Pursuant to RSA 541-A:13, V(a), you are required to submit a written explanation detailing how the rules have been amended in accordance with the conditional approval within 7 days following the Authority's next regularly scheduled meeting. The Board's next meeting is March 21, 2019. In this instance, the 7th day following the next regularly scheduled meeting of the Board falls on March 28, 2019. The explanation shall include a letter and a text of the entire final proposed rule, annotated to show the amendments.

The explanation shall be reviewed by the Office of Legislative Services to determine whether the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a). If it is determined that the rules have not been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the conditional approval shall be deemed a Committee vote to make a preliminary objection as of the date of the conditional approval, and you must respond to the preliminary objection as specified in RSA 541-A:13, V(c).

Please be advised that you may not adopt the rules until the Office of Legislative Services sends written confirmation that your amendments are in accordance with the conditional approvals specified above and RSA 541-A:13, V(a).

Pease Development Authority
FP 2018-145
January 22, 2019
Page 2

If you have any questions concerning the provisions in RSA 541-A relative to objections, responses, or adoptions, please call me at 271-3680.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Morrell", written over a horizontal line.

Michael Morrell
Sr. Committee Attorney

Enc.

cc: Brenda Therrien, Admin. Assistant, Div. of Ports and Harbors

cc. Grant M. Nichols, Deputy Chief, N.H. Port Authority

Readopt with amendment Pda 301, effective 4-1-11 (Document # 9891-A), cited and to read as follows:

CHAPTER Pda 300 PORT CAPTAINS, PILOTS AND PILOTAGE

PART Pda 301 DEFINITIONS

Pda 301.01 “Allision” means the running of one vessel into or against another vessel or object.

Pda 301.02 “Coastwise vessel” means a vessel navigating the waters of the Atlantic Ocean or Gulf of Mexico exclusively between ports of the United States.

Pda 301.03 “Deadweight capacity tonnage” means the weight per 1000 kilograms of cargo, stores, fuel, passengers and crew carried by a vessel when the vessel is loaded to its maximum summer loadline as indicated by the draft marks on a vessel.

Pda 301.04 “Demurrage” means the sum fixed by a contract of carriage, or which is allowed, as remuneration to the owner of a vessel from the detention of the vessel beyond the number of days allowed by the charter party for loading and unloading or for sailing.

Pda 301.05 “Emergency” means a situation that requires immediate action to protect the health and safety of individuals or to prevent damage to property or the environment, including, but not limited to:

- (a) Severe weather conditions; or
- (b) Deteriorating conditions on board a vessel that jeopardize its seaworthiness or the ability of the master of the vessel to control the vessel.

Pda 301.06 “Exempt vessel” means a vessel:

- (a) The sole use of which is for fishing or for non-commercial pleasure;
- (b) That has a gross tonnage of 150 gross tons or less; or
- (c) Is a United States flagged coastwise vessel under direction and control of a federal pilot who is authorized to act as a pilot pursuant to 46 CFR 15.812 (12-24-13 edition).

Pda 301.07 “Federal pilot” means an individual who holds a valid pilot’s license issued by the United States Coast Guard pursuant to 46 CFR 15.812 (12-24-13 edition).

Pda 301.08 “Gas freeing” means the removal of residual chemical or petroleum liquids and vapors from vessel compartments either by the removal of liquids with a hose and vacuum system or by the dilution of vapors.

Pda 301.09 “Gross tons” means “gross tonnage” as calculated in accordance with 46 CFR Part 60 (03-31-16 edition).

Pda 301.10 “Incident” means any one of the following occurrences:

- (a) An accidental grounding;
- (b) An intentional grounding, collision, or allision that creates a hazard to navigation, the environment, or the safety of the vessel;
- (c) An unintentional collision or allision with any vessel or object;
- (d) Loss of life related to the operation of a vessel;

(e) Serious physical injury related to the operation of a vessel;

(f) Any occurrence resulting in damage to a vessel or other property which can reasonably be expected to be in excess of \$10,000, excluding the cost of salvage, cleaning, gas-freeing, dry docking, or demurrage; or

(g) Any boarding or unboarding occurrence that places a pilot in peril.

Pda 301.11 “Line of demarcation” means a line drawn from the southernmost tower on Gerrish Island, Maine charted in approximate position latitude 43° 04.0’ N longitude 70° 41.2’ W to Whaleback Light, thence to Jaffrey Point Light 2A, thence to the northeasternmost extremity of Frost Point.

Pda 301.12 “Master of a vessel” means the person in command of a vessel.

Pda 301.13 “Passage” means any instance of travel of a vessel under direction of a pilot between 2 points within the pilotage area.

Pda 301.14 “Pilot” means an individual appointed by the authority as provided in RSA 12-G:47 and taken on board a vessel for the purpose of piloting the vessel.

Pda 301.15 “Pilotage” means relating to the act of piloting a vessel.

Pda 301.16 “Pilotage area” means an area landward of the line of demarcation, including, but not limited to, Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire.

Pda 301.17 “Piloted vessel” means a vessel that has a pilot on board who is piloting the vessel in the pilotage area.

Pda 301.18 “Piloting” means the act of assisting the master of a vessel in navigating the vessel while it is underway in an area where a pilot is required.

Pda 301.19 “Round-trip passage” means any combination of passages from the line of demarcation to Dover Point, New Hampshire and back to the line of demarcation.

Pda 301.20 “Squat” means the bodily sinkage and change of trim, which are caused by the pressure distribution on the hull of the vessel, due to the relative motion of water and hull on a vessel underway.

Readopt Pda 303, effective 4-1-11 (Document # 9891-A), cited and to read as follows:

PART Pda 303 PILOTS REQUIRED

Pda 303.01 Exempt Vessels; When Pilots Required.

(a) All vessels, except exempt vessels, shall be piloted at all times by a pilot when underway within the pilotage area.

(b) A pilot shall be required for a vessel within the pilotage area when the vessel is shifting at berth other than for normal mooring line adjustments due to tide and current fluctuations.

Readopt Pda 304.01, effective 4-1-11 (Document # 9891-A), as amended effective 3-19-16 (Document # 11159), to read as follows:

PART Pda 304 PILOTAGE OF VESSELS

Pda 304.01 Pilotage of Vessels.

(a) Each vessel of over 10,000 gross tons shall be piloted by a class I pilot as described in Pda 305.01(c).

(b) Each vessel from 150 to 10,000 gross tons shall be piloted by a class I or class II pilot as described in Pda 305.01(c).

(c) A vessel shall not enter the pilotage area if the pilot:

(1) Is unfamiliar with the tugboat(s), crew(s), or both, and determines that this unfamiliarity creates a potentially unsafe situation;

(2) Has reason to believe the tugboat(s) is inadequately maintained;

(3) Has reason to believe the crew(s) is inadequately trained; or

(4) Has reason to believe that it is unsafe for the pilot to pilot the vessel for any reason, as determined by the pilot.

(d) A vessel requiring a pilot in accordance with (a) or (b) above, engaged in towing and underway in the pilotage area, shall use an assist tug when transitioning between towing modes.

Readopt with amendment Pda 304.02, effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 304.02 Pilot Conferences.

(a) When a pilot boards a vessel for the purpose of piloting the vessel, the pilot shall conduct, as soon as practicable upon boarding, a conference with the master of the vessel and other deck officers on watch on the vessel's bridge.

(b) During the conference required under (a) above:

(1) The pilot, the master of the vessel, and the deck officers in attendance shall review and identify the following:

a. The pilot's proposed route through the pilotage area;

b. The pilot's proposed course, speed, and squat;

c. Any proposed special maneuvering of the piloted vessel required to transit the pilotage area or berth the piloted vessel; and

d. Any other information deemed relevant by the pilot to promote the safety of the piloted vessel, other vessels in the pilotage area, or the public during transit of the pilotage area or berthing of the piloted vessel; and-

(2) The master of the vessel and deck officers shall inform the pilot of the status of all of the piloted vessel's safety and navigational equipment as well as the overall seaworthiness of the piloted vessel.

(c) If the pilot is informed by the master of the vessel of any safety or navigational equipment deficiencies of the piloted vessel or deficiencies in the overall seaworthiness of the piloted vessel, the pilot shall promptly notify the United States Coast Guard and the division of such deficiencies. Upon notification of such deficiencies, the pilot shall determine if the vessel shall enter the pilotage area.

(d) The pilot shall transmit in writing to the United States Coast Guard and the division, within 7 days of the initial report from the master of the vessel, a list and description of each of the deficiencies reported pursuant to Pda 304.02(c).

(e) The pilot shall maintain a log summarizing the information obtained during the conference required pursuant to Pda 304.02(a) and (b) above, including at a minimum the information required pursuant to Pda 304.02(b)(1) and the list of equipment deficiencies identified pursuant to Pda 304.02(c).

Readopt with amendment Pda 305.01, effective 4-1-11 (Document # 9891-A), to read as follows:

PART Pda 305 APPOINTMENT OF PILOTS; EXPIRATION OR TERMINATION OF APPOINTMENT

Pda 305.01 Appointment, Commissioning, and Removal of Pilots.

(a) Pursuant to RSA 12-G:47, pilots shall serve at the pleasure of the authority. Appointment as a pilot by the authority constitutes a privilege and does not convey any property rights of any sort or any exclusive privilege, except as otherwise provided in Pda 300.

(b) The authority shall appoint, reappoint, and remove pilots, temporary pilots, and emergency pilots as provided in RSA 12-G:47 and Pda 300.

(c) Pilots shall be appointed as:

(1) Class I pilots who shall be authorized to pilot vessels over 10,000 gross tons or any vessel that could be piloted by a class II pilot;

(2) Class II pilots who shall be authorized to pilot vessels from 150 to 10,000 gross tons;

(3) Class I temporary pilots who shall be authorized to pilot vessels over 10,000 gross tons on a passage-by-passage basis for a limited number of passages as specified in the temporary pilot's commission;

(4) Class II temporary pilots who shall be authorized to pilot vessels from 150 to 10,000 gross tons on a passage-by-passage basis for a limited number of passages as specified in the temporary pilot's commission; or

(5) Emergency pilots who shall be authorized to pilot any vessel with the prior express permission of the authority, the authority's designee, or the division director.

(d) An initial appointment or reappointment as a pilot under Pda 305.01 shall expire on the same date as the federal license or credential required under Pda 305.06(b)(2)a. if not previously revoked, suspended, or otherwise terminated pursuant to Pda 309.01 - Pda 309.03. Prior to expiration of an initial appointment, a pilot may seek reappointment as a pilot in accordance with Pda 305.03. No person shall have any right to appointment or reappointment as a pilot. All pilot appointments and reappointments are subject to the pleasure of the authority.

(e) The authority shall appoint Class I and Class II temporary pilots only in circumstances in which sufficient Class I or Class II pilots are not available for any reason, and an emergency appointment under Pda 305.01(f) is not necessary. A temporary appointment shall terminate once the vessel piloted by a

temporary pilot has completed the passage or passages through the pilotage area for which the temporary pilot appointment was approved.

(f) If an emergency exists and sufficient pilots are unavailable, emergency pilot appointments shall be made in accordance with Pda 305.05 by the division director, or, if the division director is unavailable, by the authority, acting through its designee. An emergency appointment shall terminate upon notification to the emergency pilot from the authority, the authority's designee, or the division director that an emergency no longer exists.

~~(g) In order to provide for the transition of state pilot licenses in effect on the 2011 effective date of this paragraph to the expiration system based on the federal license or credential under paragraph (d) above, the division shall extend an annual license issued under Pda 305 in effect on the effective date of this paragraph until the anniversary date of the federal license or credential required under Pda 305.06(b)(2)a, provided that:~~

~~(1) The federal license or credential is current and in good standing;~~

~~(2) No action has been taken against the pilot under the federal license or credential; and~~

~~(3) Grounds for suspension or revocation under Pda 309.02 do not exist.~~

Readopt with amendment Pda 305.02, effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 305.02 Pilot Requirements for Initial Appointment as Class I or II Pilot. Any person seeking an initial appointment as a pilot shall:

(a) Submit to the division a completed "Application for Initial Pilot Appointment" as described in Pda 306.01 including all required certifications; and

(b) Meet the requirements set forth in Pda 305.06 and Pda 305.07.

Readopt Pda 305.03-305.05, effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 305.03 Pilot Requirements for Reappointment as a Class I or II Pilot. Any person seeking reappointment as a pilot shall:

(a) Have served an initial term of appointment as a Class I or Class II pilot;

(b) Submit to the division a completed application form as described in Pda 306.02, including all required certifications, so that the application is received by the division at least 60 days prior to the expiration of the pilot's current appointment, if the pilot is requesting that the authority act on the request for reappointment prior to the expiration of the pilot's current appointment; and

(c) Meet the requirements set forth in Pda 305.06 and Pda 305.08, except Pda 305.06(b)(5) and (7).

Pda 305.04 Pilot Requirements for Appointment as a Class I or II Temporary Pilot. Any person seeking an appointment as a temporary pilot shall:

(a) Submit to the division a completed application form, as described in Pda 306.03, including all required certifications; and

(b) Meet the requirements set forth in Pda 305.06(b)(1), (2), (4), (6), and (7).

Pda 305.05 Pilot Requirements for Appointment as an Emergency Pilot: Waiver.

(a) If the division director or the authority's designee determines that an emergency exists requiring the appointment of an emergency pilot, any person seeking an appointment as an emergency pilot shall:

(1) Be appointed only if the pilot would be acting within the scope of his or her federal license; and

(2) Meet the requirements set forth in Pda 305.06.

(b) Without a showing of further cause by the applicant, in an emergency, the division director or the authority's designee shall waive any of the requirements established under Pda 305.06 that do not conflict with federal pilot regulations, if the division director or the authority's designee determines that an emergency requires the appointment of an emergency pilot and a waiver of any of the requirements established under Pda 305.06.

(c) Before appointing the emergency pilot, the division director or the authority's designee shall orally question the proposed pilot to determine which specific qualifications, if any, established under Pda 305.06 the proposed pilot does not meet.

(d) The division director or the authority's designee shall make an emergency pilot appointment requiring a waiver of any of the requirements established under Pda 305.06, after determining that:

(1) The proposed pilot is the best qualified person available for appointment as an emergency pilot; and

(2) The emergency circumstances require that the proposed pilot be appointed, in order to protect the health and safety of individuals or to prevent damage to property or the environment.

(e) When the division director or the authority's designee determines that the emergency is over, that person shall orally notify the emergency pilot of the termination of the pilot's appointment as an emergency pilot.

(f) A copy of any report regarding appointment of an emergency pilot submitted by the division director or the authority's designee shall be provided to the person who held the emergency pilot appointment.

Readopt Pda 305.06, effective 4-1-11 (Document # 9891-A), as amended effective 8-19-16 (Document # 11159), to read as follows:

Pda 305.06 Minimum Requirements for Pilot Appointment or Reappointment.

(a) Any appointment or reappointment as a pilot under Pda 305 shall be subject to the pleasure of the authority.

(b) At a minimum, no applicant for appointment or reappointment as a pilot under Pda 305 shall receive an appointment, except as otherwise provided in Pda 305.03(c) and 305.04(b), unless at the time of the application for appointment or reappointment, the applicant shall:

(1) Be a citizen of the United States;

(2) Hold:

a. A valid license or merchant mariner credential issued by the Coast Guard as master or mate, for ocean, near coastal or inland, for vessels over 1,600 gross tons;

- b. A valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;
 - c. A valid Coast Guard radar-observer endorsement; and
 - d. A bridge resource management certificate from a course approved by the Coast Guard;
- (3) Provide the division with:
- a. A copy of the pilot's current medical certificate issued by the Coast Guard; and
 - b. Documentation that the pilot has complied with the test for dangerous drugs under 46 CFR 16.220 (10-1-14 edition) or that the applicant otherwise met, under 46 CFR 16.230 10-1-14 edition), the Coast Guard's requirements for random testing;
- (4) Be of good professional character by certifying that the applicant has not ever:
- a. Been convicted by any court, including a military court, of an offense, other than a minor traffic violation, which conviction has not been annulled;
 - b. Been convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving or racing on a highway or public street or operating a motor vehicle while under the influence, or impaired by, alcohol or a controlled drug or substance;
 - c. Had a driver's license suspended or revoked for refusing to submit to an alcohol or drug test;
 - d. Received a Coast Guard letter of warning or been assessed a civil or administrative penalty by a federal or state agency or by a court of competent jurisdiction for violation of maritime or environmental laws; and
 - e. Voluntarily surrendered or had any Coast Guard license revoked or suspended.
- (5) Be of good professional character as attested by recommendations from at least 2 persons holding a valid Coast Guard master or mate's license attesting that the applicant is of good professional character;
- (6) Have knowledge of and training on vessels in the pilotage area sufficient to pilot non-exempt vessels of the tonnage for which the applicant is seeking appointment in a competent and safe manner within the pilotage area; and
- (7) Present a recommendation from at least one pilot appointed by the Pease development authority or the former New Hampshire state port authority attesting that the applicant has demonstrated knowledge of the pilotage area and ability to pilot vessels within the pilotage area sufficient to pilot in a competent and safe manner within the pilotage area non-exempt vessels of the tonnage for which the applicant is seeking appointment.

Readopt Pda 305.07 and Pda 305.08, effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 305.07 Passage Requirements for Initial Appointment. In addition to the requirements of Pda 305.06, an applicant for an initial appointment shall provide proof in accordance with Pda 306.01(f)(7) that:

(a) The applicant has made a minimum of 100 round-trip passages in the 36 months preceding the date of receipt of the application by the division as a pilot trainee in the wheelhouse under the direction and control of a pilot appointed pursuant to RSA 12-G:47 or former RSA 271-A:5;

(b) At a minimum, 25 of the required 100 round-trip passages under (a) above were passages made during the hours of darkness;

(c) At a minimum, 30 of the required 100 round-trip passages under (a) above were made in the 12 months preceding the date of receipt of the application by the division; and

(d) Each round-trip passage under (a), (b), and (c) above was made in a vessel applicable to the class of appointment for which the applicant is applying.

Pda 305.08 Pilot Reappointment and Annual Passage Requirements. An applicant for reappointment by the authority and a pilot certifying passage requirements under Pda 305.09 shall certify that he or she:

(a) Has made a minimum of 4 round-trip passages in the 12 months preceding the date of the yearly anniversary of the pilot's appointment or reappointment;

(b) Has made, at a minimum, one of the required 4 round-trip passages under (a) above during the hours of darkness;

(c) Has made each passage under (a) and (b) above aboard a vessel requiring a pilot and on which the applicant was acting as the vessel's pilot; and

(d) Has made each passage under (a) and (b) above in a vessel applicable to the pilot's class of appointment.

Readopt Pda 305.09, effective 4-1-11 (Document # 9891-A), as amended effective 8-19-16 (Document # 11159), to read as follows:

Pda 305.09 Required Annual Certifications.

(a) During a term of appointment and within 90 days prior to the yearly anniversary of a pilot's appointment or reappointment, the pilot shall:

(1) Certify that:

a. The federal license required under Pda 305.06(b) is current and in good standing;

b. No action has been taken against the pilot's federal license required under Pda 305.06(b);

c. The individual's state driver's license is current and valid;

d. No action has been taken against the individual's state driver's license; and

e. The individual has met the passage requirements of Pda 305.08; and

(2) Provide the division with a copy of a letter from the Coast Guard certifying that the following were received, accepted, reviewed, and determined to be satisfactorily completed by the Coast Guard:

a. A copy of the pilot's current medical certificate issued by the Coast Guard; and

b. Documentation that the pilot has complied with the test for dangerous drugs under CFR 16.220 (10.1.14 edition) or that the applicant otherwise met, under 46 CFR 12.230 (10-1-14 edition), the Coast Guard's requirements for random testing.

(b) Failure to submit the annual certifications required under (a) above shall result in the following:

(1) The pilot's license under Pda 305 shall become invalid and remain invalid until the pilot provides the required certifications, provided that the certifications are received by the division no later than 30 days after the license becomes invalid;

(2) If the division receives the required certifications 30 days after the license became invalid, the license shall become valid upon receipt of the certifications; and

(3) If a pilot does not submit the required certifications within the time required under (1) above, the license shall expire.

Readopt with amendment Pda 306.01-306.03, effective 4-1-11 (Document # 9891-B), as amended effective 8-19-16 (Document # 11159), cited and to read as follows:

PART Pda 306 FORMS

Pda 306.01 Application Form for Initial Pilot Appointment.

(a) Each person seeking an initial appointment as a pilot shall complete the "Application for Initial Pilot Appointment" provided by the division and deliver or mail the completed application to:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The applicant shall provide the following on the "Application for Initial Pilot Appointment"; :

(1) The applicant's full legal name;

(2) The applicant's maiden name or other names used by the applicant, if applicable;

(3) The applicant's date and place of birth;

(4) The address of the applicant's residence, including:

a. Street and number;

b. City or town;

c. State; and

d. Zip code;

(5) Mailing address, if different from residence address;

(6) The applicant's home telephone number;

(7) The applicant's mobile/cell telephone number, if the applicant has a mobile/cell telephone;

(8) The applicant's fax number, if the applicant has a fax machine;

- (9) The applicant's e-mail address, if the applicant has an e-mail address;
 - (10) The name of and information required under (4) - (9) relating to the applicant's business, if applicable;
 - (11) The class of pilot licensure for which the applicant is applying;
 - (12) The applicant's employment history relating to piloting or operation of vessels within the past 5 years, including:
 - a. The name and address of any previous employer;
 - b. Where and when the applicant was employed;
 - c. The type and gross tonnage of vessels on which the applicant was employed; and
 - d. The positions held and the dates when the positions were held under previous employers;
 - (13) A list of harbor areas where the applicant has served as pilot, including a description of any special navigational features associated with each harbor area, including, but not limited to:
 - a. Exceptional currents or tides; or
 - b. Difficult navigational obstructions; and
 - (14) A description of the training the applicant has received pertaining to pilotage skills.
- (c) The applicant shall indicate on the application whether the applicant:
- (1) Was ever convicted of violating a controlled drug law of the United States, District of Columbia, or any state, or territory of the United States, including NH RSA 318-B, Controlled Drug Act, and laws relating to possession, use or sale of marijuana, which conviction has not been annulled;
 - (2) Has ever tested positive for a controlled drug, including marijuana, within the past 180 days, or has ever refused a test for a controlled drug;
 - (3) Was ever convicted by any court, including a military court, for an offense other than a minor traffic violation, which conviction has not been annulled;
 - (4) Was ever convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving, racing on the highway, or operating a motor vehicle while under the influence of or impaired by alcohol or a controlled drug;
 - (5) Has ever had his or her driver's license revoked or suspended for refusing to submit to an alcohol or drug test;
 - (6) Was ever given a Coast Guard letter of warning or assessed a civil or administrative penalty by a federal or state agency or a court of competent jurisdiction for violation of maritime or environmental laws; and
 - (7) Has ever had any Coast Guard license or document voluntarily surrendered, revoked, or suspended.

(d) If there is an affirmative response to any of the items listed in subparagraphs (c)(1) - (7) above, the applicant shall attach an explanatory statement(s) to the application. If the applicant responds affirmatively to:

- (1) Subparagraph (c)(1), the applicant shall attach a statement describing the violation and sentence;
- (2) Subparagraph (c)(2), the applicant shall attach a statement explaining the circumstances of such refusal or positive drug test result;
- (3) Subparagraph (c)(3) or (4), the applicant shall attach copies of any court order or judgment rendered;
- (4) Subparagraph (c)(5), the applicant shall attach a statement describing the grounds for the revocation and conviction, and supply the name of the state issuing the license;
- (5) Subparagraph (c)(6), the applicant shall attach a copy of the letter of warning and/or penalty assessment; and
- (6) Subparagraph (c)(7), the applicant shall attach a statement describing the action taken by the Coast Guard and the reasons for the action;

(e) The applicant shall sign and date the application form, indicating agreement to the following statement relating to (d) above:

“I have attached a statement of explanation for all areas marked “yes” above. I have signed this section with full understanding that a false statement is a basis for denial of the application as well as criminal prosecution. I understand that failure to answer every question may delay my application.”

(f) The applicant shall include, as part of the application:

- (1) A copy of a government-issued photo identification card of the applicant, such as a:
 - a. State-issued driver’s license;
 - b. Merchant Marine identification document; or
 - c. Valid United States passport;
- (2) A certified copy of the applicant’s current license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes the applicant’s:
 - a. Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;
 - b. Valid Coast Guard radar-observer endorsement; and
 - c. Bridge resource management certificate from a course approved by the Coast Guard;
- (3) A copy of the record of any appointment granted to the applicant by the Pease development authority or the former New Hampshire port authority;
- (4) A copy of the applicant’s military record, if the applicant has such a record;

- (5) At least 2 letters attesting to applicant's professional character from persons who hold a valid Coast Guard master or mate's license;
 - (6) At least one letter of recommendation prepared in accordance with Pda 305.06(b)(7) from a pilot appointed by the Pease development authority or the former New Hampshire port authority; and
 - (7) Documentation that the applicant has met the passage requirements of Pda 305.07, including:
 - a. Description of the pilotage route for each passage;
 - b. The name, gross tonnage and official number, if applicable, of the vessel on which each passage was made;
 - c. The inbound or outbound beginning and ending times for each passage; and
 - d. Certifying signatures of the master of the vessel and the pilot for each passage.
- (g) The applicant shall certify whether or not the applicant:
- (1) Is a citizen of the United States of America;
 - (2) Was ever refused an authorization to pilot a vessel;
 - (3) Was ever convicted of a felony or misdemeanor, which has not been annulled;
 - (4) Was ever treated by a physician for drug or alcohol addiction or abuse;
 - (5) Was ever hospitalized for any mental or emotional illness within the past year;
 - (6) Has ever had a mental or physical illness or disability that restricted the applicant's ability to operate as a pilot for more than 30 days;
 - (7) Has ever held an authorization to pilot vessels in New Hampshire or any other state or jurisdiction that has been suspended or revoked; and
 - (8) Holds a valid license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes a:
 - a. Valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;
 - b. Valid Coast Guard radar-observer endorsement; and
 - c. Bridge resource management certificate from a course approved by the Coast Guard.
- (h) An applicant who indicates they are not a citizen of the United States of America in certifying (g)(1), or who answers affirmatively in certifying (g)(2)-(7) shall submit an explanatory report that includes:
- (1) A complete explanation of the circumstances which cause any certifying statement in (g)(1) - (7) to be preliminarily disqualifying; and
 - (2) For each circumstance which causes a statement in (g)(1) - (7) to be preliminarily disqualifying, an explanation as to why the authority should not find it to be grounds for denying the applicant's appointment as a pilot.

(i) The form shall then be signed and dated. By signing the application form, the applicant shall certify that the information provided in the application is true, to the best of the applicant's knowledge.

(j) The form shall contain the following certification language:

"I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information."

(k) The application shall require the applicant to separately sign and date a release authorization for a background investigation, as follows:

"To all courts, probation departments, Selective Service boards, employers, physicians, health care facilities, health care providers, educational institutions, and government, including all agencies and departments thereof:

I, _____, as an applicant for appointment by the Pease Development Authority as a pilot of vessels, have hereby authorized the Pease Development Authority to conduct an investigation into my background for the purpose of determining my suitability and eligibility for such appointment. You are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Pease Development Authority. This authorization shall supersede and countermand any prior request or authorization to the contrary."

Pda 306.02 Application Form for Pilot Reappointment.

(a) Each person seeking reappointment as a pilot shall complete an "Application for Pilot Reappointment" provided by the division and deliver or mail the completed application to:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The applicant shall provide the following on the "Application for Pilot Reappointment":

- (1) The applicant's full legal name;
- (2) The applicant's maiden name or other names used by the applicant, if applicable;
- (3) The applicant's date and place of birth;
- (4) The address of the applicant's residence, including:
 - a. Street number and name;
 - b. City or town;
 - c. State; and
 - d. Zip code;
- (5) Mailing address, if different from residence address;

- (6) The applicant's home telephone number;
 - (7) The applicant's mobile/cell telephone number, if the applicant has a mobile/cell telephone;
 - (8) The applicant's fax number, if the applicant has a fax machine;
 - (9) The applicant's e-mail address, if the applicant has an e-mail address;
 - (10) The name of and information required under (4) – (9) relating to the applicant's business, if applicable;
 - (11) The class of pilot licensure for which the applicant is applying;
 - (12) The applicant's employment history relating to piloting or operation of vessels within the past 5 years, including:
 - a. The name and address of any previous employer;
 - b. Where and when the applicant was employed;
 - c. The type and gross tonnage of vessels on which the applicant was employed; and
 - d. The positions held and the dates when the positions were held under previous employers;
 - (13) A list of harbor areas where the applicant has served as pilot, including a description of any special navigational features associated with each harbor area, including, but not limited to:
 - a. Exceptional currents or tides; or
 - b. Difficult navigational obstructions; and
 - (14) A description of the training the applicant has received pertaining to pilotage skills.
- (c) The applicant shall indicate on the application whether the applicant:
- (1) Was ever convicted of violating a controlled drug law of the United States, District of Columbia, or any state, or territory of the United States, including NH RSA 318-B, Controlled Drug Act, and laws relating to possession, use or sale of marijuana, which conviction has not been annulled;
 - (2) Has ever tested positive for a controlled drug, including marijuana, within the past 180 days, or has ever refused a test for a controlled drug;
 - (3) Was ever convicted by any court, including a military court, for an offense other than a minor traffic violation, which conviction has not been annulled; .
 - (4) Was ever convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving, racing on the highway, or operating a motor vehicle while under the influence of or impaired by alcohol or a controlled drug;
 - (5) Has ever had his or her driver's license revoked or suspended for refusing to submit to an alcohol or drug test;

(6) Was ever given a Coast Guard letter of warning or been assessed a civil or administrative penalty by a federal or state agency or a court of competent jurisdiction for violation of maritime or environmental laws; and

(7) Has ever had any Coast Guard license or document voluntarily surrendered, revoked, or suspended.

(d) If there is an affirmative response to any of the items listed in subparagraphs (c)(1) – (7) above, the applicant shall attach an explanatory statement(s) to the application as follows:

(1) Subparagraph (c)(1), the applicant shall attach a statement describing the violation and sentence;

(2) Subparagraph (c)(2), the applicant shall attach a statement explaining the circumstances of such refusal or positive drug test result;

(3) Subparagraph (c)(3) or (4), the applicant shall attach copies of any court order or judgment rendered;

(4) Subparagraph (c)(5), the applicant shall attach a statement describing the grounds for the revocation and conviction, and supply the name of the state issuing the license;

(5) Subparagraph (c)(6), the applicant shall attach a copy of the letter of warning and/or penalty assessment; and

(6) Subparagraph (c)(7), the applicant shall attach a statement describing the action taken by the Coast Guard and the reasons for the action;

(e) The applicant shall sign and date the application form, indicating agreement to the following statement relating to (d) above:

“I have attached a statement of explanation for all areas marked “yes” above. I have signed this section with full understanding that a false statement is a basis for denial of the application as well as criminal prosecution. I understand that failure to answer every question may delay my application.”

(f) The applicant shall include, as part of the application:

(1) A copy of a government-issued photo identification card of the applicant, such as a:

a. State-issued driver’s license;

b. Merchant Marine identification document; or

c. Valid United States passport;

(2) A certified copy of the applicant’s current license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes the applicant’s:

a. Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;

b. Valid Coast Guard radar-observer endorsement; and

c. Bridge resource management certificate from a course approved by the Coast Guard;

- (3) A copy of the record of any appointment granted to the applicant by the Pease Development Authority or the former New Hampshire port authority;
 - (4) A copy of the applicant's military record, if the applicant is currently in the military or was in the military during the term of the applicant's most recent appointment as a pilot; and
 - (5) Documentation that the applicant has met the passage requirements of Pda 305.08, including:
 - a. Description of the pilotage route for each passage;
 - b. The name, gross tonnage and official number, if applicable, of the vessel on which each passage was made;
 - c. The inbound or outbound beginning and ending times for each passage; and
 - d. Certifying signatures of the master of the vessel and the pilot for each passage.
- (g) The applicant shall certify whether or not the applicant:
- (1) Is a citizen of the United States of America;
 - (2) Was ever refused an authorization to pilot a vessel;
 - (3) Was ever convicted of a felony or misdemeanor, which has not been annulled;
 - (4) Was ever treated by a physician for drug or alcohol addiction or abuse;
 - (5) Was ever hospitalized for any mental or emotional illness within the past year;
 - (6) Has ever had a mental or physical illness or disability that restricted the applicant's ability to operate as a pilot for more than 30 days;
 - (7) Has ever held an authorization to pilot vessels in New Hampshire or any other state or jurisdiction that has been suspended or revoked; and
 - (8) Holds a valid license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes a:
 - a. Valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;
 - b. Valid Coast Guard radar-observer endorsement; and
 - c. Bridge resource management certificate from a course approved by the Coast Guard;
- (h) An applicant who indicates they are not a citizen of the United States of America in certifying (g)(1), or who answers affirmatively in certifying (g)(2)-(7) shall submit an explanatory report that includes:
- (1) A complete explanation of the circumstances which cause any certifying statement in (g)(1) – (7) to be preliminarily disqualifying; and
 - (2) For each circumstance which causes a statement in (g)(1) – (8) to be preliminarily disqualifying, an explanation as to why the authority should not find it to be grounds for denying the applicant's appointment as a pilot.

(i) The form shall then be signed and dated. By signing the application form, the applicant shall certify that the information provided in the application is true, to the best of the applicant's knowledge.

(j) The form shall contain the following certification language:

"I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information."

(k) The application shall require the applicant to separately sign and date a release authorization for a background investigation, as follows:

"To all courts, probation departments, Selective Service boards, employers, physicians, health care facilities, health care providers, educational institutions, and government, including all agencies and departments thereof:

I, _____, as an applicant for appointment by the Pease Development Authority as a pilot of vessels, have hereby authorized the Pease Development Authority to conduct an investigation into my background for the purpose of determining my suitability and eligibility for such appointment. You are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Pease Development Authority. This authorization shall supersede and countermand any prior request or authorization to the contrary."

Pda 306.03 Application Form for Temporary Pilot Appointment.

(a) Each person seeking an appointment as a temporary pilot shall complete an "Application for Temporary Pilot Appointment" provided by the division and deliver or mail the completed application to:

Pease Development Authority
Division of Ports and Harbors
555 Market Street
Portsmouth, NH 03801

(b) The applicant shall provide the following on the "Application for Temporary Pilot Appointment" for temporary pilot appointment:

- (1) The applicant's full legal name;
- (2) The applicant's maiden name or other names used by the applicant, if applicable;
- (3) The applicant's date and place of birth;
- (4) The address of the applicant's residence, including:
 - a. Street number and name;
 - b. City or town;
 - c. State; and
 - d. Zip code;
- (5) Mailing address, if different from residence address;

- (6) The applicant's home telephone number;
 - (7) The applicant's mobile/cell telephone number, if the applicant has a mobile/cell telephone;
 - (8) The applicant's fax number, if the applicant has a fax machine;
 - (9) The applicant's e-mail address, if the applicant has an e-mail address;
 - (10) The name of and information required under (4) - (9) relating to the applicant's business, if applicable;
 - (11) The class of pilot licensure for which the applicant is applying;
 - (12) The applicant's employment history relating to piloting or operation of vessels within the past 5 years, including:
 - a. The name and address of any previous employer;
 - b. Where and when the applicant was employed;
 - c. The type and gross tonnage of vessels on which the applicant was employed; and
 - d. The positions held and the dates when the positions were held under previous employers;
 - (13) A list of harbor areas where the applicant has served as pilot, including a description of any special navigational features associated with each harbor area, including, but not limited to:
 - a. Exceptional currents or tides; or
 - b. Difficult navigational obstructions; and
 - (14) A description of the training the applicant has received pertaining to pilotage skills.
- (c) The applicant shall indicate on the application whether the applicant:
- (1) Was ever convicted of violating a controlled drug law of the United States, District of Columbia, or any state, or territory of the United States, including NH RSA 318-B, Controlled Drug Act, and laws relating to possession, use, or sale of marijuana, which conviction has not been annulled;
 - (2) Has ever tested positive for a controlled drug, including marijuana, within the past 180 days, or has ever refused a test for a controlled drug;
 - (3) Was ever convicted by any court, including a military court, for an offense other than a minor traffic violation, which conviction has not been annulled;
 - (4) Was ever convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving, racing on the highway, or operating a motor vehicle while under the influence of or impaired by alcohol or a controlled drug;
 - (5) Has ever had his or her driver's license revoked or suspended for refusing to submit to an alcohol or drug test;

(6) Was ever given a Coast Guard letter of warning or been assessed a civil or administrative penalty by a federal or state agency or a court of competent jurisdiction for violation of maritime or environmental laws; and

(7) Has ever had any Coast Guard license or document voluntarily surrendered, revoked, or suspended.

(d) If there is an affirmative response to any of the items listed in subparagraphs (c)(1) - (7) above, the applicant shall attach an explanatory statement(s) to the application as follows:

(1) Subparagraph (c)(1), the applicant shall attach a statement describing the violation and sentence;

(2) Subparagraph (c)(2), the applicant shall attach a statement explaining the circumstances of such refusal or positive drug test result;

(3) Subparagraph (c)(3) or (4), the applicant shall attach copies of any court order or judgment rendered;

(4) Subparagraph (c)(5), the applicant shall attach a statement describing the grounds for the revocation and conviction, and supply the name of the state issuing the license;

(5) Subparagraph (c)(6), the applicant shall attach a copy of the letter of warning and/or penalty assessment; and

(6) Subparagraph (c)(7), the applicant shall attach a statement describing the action taken by the Coast Guard and the reasons for the action;

(e) The applicant shall sign and date the application form, indicating agreement to the following statement relating to (d) above:

“I have attached a statement of explanation for all areas marked “yes” above. I have signed this section with full understanding that a false statement is a basis for denial of the application as well as criminal prosecution. I understand that failure to answer every question may delay my application.”

(f) The applicant shall include, as part of the application:

(1) A copy of a government-issued photo identification card of the applicant, such as a:

- a. State-issued driver's license;
- b. Merchant Marine identification document; or
- c. Valid United States passport;

(2) A certified copy of the applicant's current license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes the applicant's:

- a. Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;
- b. Valid Coast Guard radar-observer endorsement; and
- c. Bridge resource management certificate from a course approved by the Coast Guard;

- (3) A copy of the record of any appointment granted to the applicant by the Pease development authority or the former New Hampshire port authority;
 - (4) A copy of the applicant's military record, if the applicant is currently in the military or was in the military during the term of the applicant's most recent appointment as a pilot; and
 - (5) At least one letter of recommendation prepared in accordance with Pda 305.06(b)(7) from a pilot appointed by the Pease development authority or the former New Hampshire port authority.
- (g) The applicant shall certify whether or not the applicant:
- (1) Is a citizen of the United States of America;
 - (2) Was ever refused an authorization to pilot a vessel;
 - (3) Was ever convicted of a felony or misdemeanor, which has not been annulled;
 - (4) Was ever treated by a physician for drug or alcohol addiction or abuse;
 - (5) Was ever hospitalized for any mental or emotional illness within the past year;
 - (6) Has ever had a mental or physical illness or disability that restricted the applicant's ability to operate as a pilot for more than 30 days;
 - (7) Has ever held an authorization to pilot vessels in New Hampshire or any other state or jurisdiction that has been suspended or revoked; and
 - (8) Holds a valid license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes a:
 - a. Valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire;
 - b. Valid Coast Guard radar-observer endorsement; and
 - c. Bridge resource management certificate from a course approved by the Coast Guard;
- (h) An applicant who indicates they are not a citizen of the United States of America in certifying (g)(1), or who answers affirmatively in certifying (g)(2)-(7) shall submit an explanatory report that includes:
- (1) A complete explanation of the circumstances which cause any certifying statement in (g)(1) – (7) to be preliminarily untrue; and
 - (2) For each circumstance which causes a statement in (g)(1) – (8) to be preliminarily disqualifying, an explanation as to why the authority should not find it to be grounds for denying the applicant's appointment as a pilot.
- (i) The form shall then be signed and dated. By signing the application form, the applicant shall certify that the information provided in the application is true, to the best of the applicant's knowledge.
- (j) The form shall contain the following certification language:
- "I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot

may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information.”

(k) The application shall require the applicant to separately sign and date a release authorization for a background investigation, as follows:

“To all courts, probation departments, Selective Service boards, employers, physicians, health care facilities, health care providers, educational institutions, and government, including all agencies and departments thereof:

I, _____, as an applicant for appointment by the Pease Development Authority as a pilot of vessels, have hereby authorized the Pease Development Authority to conduct an investigation into my background for the purpose of determining my suitability and eligibility for such appointment. You are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Pease Development Authority. This authorization shall supersede and countermand any prior request or authorization to the contrary.”

Readopt Pda 306.04 and Pda 307.01 effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 306.04 Updating of Certain Information Provided on Application Forms Required. In order to maintain updated contact and business information with the division, any person appointed as a pilot under Pda 305.01 shall notify the division in writing, within 30 days of the change, of any changes to information provided on an application form under Pda 306.01(b)(4)-(10), Pda 306.02(b)(4)-(10), and Pda 306.03(b)(4)-(10).

PART Pda 307 DECISION; GROUNDS FOR DENIAL OF APPOINTMENTS AND REAPPOINTMENTS; APPEAL

Pda 307.01 Application Decision. The authority shall take action on any application for appointment or reappointment as a pilot no later than 60 days from the receipt of a complete application. All decisions of the authority approving or denying an application for appointment or reappointment shall be in writing. If an application for appointment or reappointment as a pilot is denied, the applicant may appeal that decision to the board.

Readopt with amendment Pda 307.02, effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 307.02 Grounds for Denial. The authority shall deny an application for an initial appointment, reappointment, or temporary appointment if the authority determines that:

(a) The applicant or the application fails to meet or comply with any requirement of Pda 305 applicable to the type and class of appointment for which the applicant has submitted an application;

(b) The applicant fails to submit any information requested by the authority necessary to evaluate the applicant's fitness for appointment as a pilot;

(c) The physical health of the applicant, as a result of a physical condition or the use of drugs, including alcohol, or any other substance, is such that the applicant is not physically capable of competently exercising or performing the functions, duties, and responsibilities of a pilot without creating an unreasonable risk of harm to the applicant, the environment, or the person or property of others;

(d) The mental or emotional health of the applicant, as a result of a mental or emotional condition or the use of drugs, including alcohol, or any other substance, is such that the applicant is not competent to

exercise or is unable to perform the functions, duties, and responsibilities of a pilot without creating an unreasonable risk of harm to the applicant, the environment, or the person or property of others;

(e) The applicant has been convicted of a criminal act, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties, and responsibilities of a pilot, as determined by the authority;

(f) The applicant has submitted false or misleading information as part of the person's application for appointment as a pilot or has otherwise engaged in conduct involving dishonesty or misrepresentation, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties and responsibilities of a pilot; or

(g) The authority determines that making the requested appointment is not necessary to ensure an adequate number of pilots.

Readopt Pda 308 and Pda 309.01 effective 4-1-11 (Document # 9891-A), to read as follows:

PART Pda 308 ABSENCE FROM PILOTAGE AREA

Pda 308.01 Submission of Written Request.

(a) A pilot shall request in writing to the authority to receive approval to be absent from the pilotage area for a period of more than 60 days without termination of the pilot's appointment.

(b) The written request shall include:

(1) The time period that the pilot will be away from the pilotage area; and

(2) The reason(s) that the pilot will be away from the pilotage area.

Pda 308.02 Denial.

(a) The authority shall deny the pilot's request under Pda 308.01 if the authority determines that, if the request were granted, there would be insufficient pilots available to safely manage vessels in the pilotage area.

(b) If the authority denies the pilot's request under Pda 308.01 to be absent from the pilotage area, the reasons for denial shall be stated in writing.

Pda 308.03 Request for Reconsideration. If a written request submitted pursuant to Pda 308.01 is denied by the authority, the pilot may request the authority to reconsider its decision and may request a hearing. If the pilot includes a request for a hearing in his or her request for reconsideration, the authority shall provide the pilot with a hearing before the board.

Pda 308.04 Termination of Appointment. The appointment of any pilot absent from the pilotage area for more than 60 days without the written permission of the authority shall be automatically terminated.

Pda 308.05 Extended Absence from Pilotage Area. A pilot who has been absent from the pilotage area for more than 180 days with the permission of the authority shall notify the authority in writing of the pilot's intention to return to the pilotage area, including the proposed date of return, and shall make as many trips under the supervision of a pilot as the authority determines are necessary to refamiliarize the pilot with the pilotage area.

PART Pda 309 SUSPENSION AND REVOCATION OF APPOINTMENT; APPEAL

Pda 309.01 Suspension or Revocation of Federal License: Pilot Required to Notify Division.

(a) Any pilot whose federal license as required by Pda 305.06(b) is suspended or revoked for any reason shall immediately notify the division of the suspension or revocation.

(b) The appointment of any pilot under Pda 305 whose federal license as required by Pda 305.06(b) is suspended or revoked for any reason shall be subject to immediate and automatic suspension or revocation on the same terms and conditions as the suspension or revocation of the federal license.

(c) Suspension or revocation of the pilot's appointment shall be co-terminus with the suspension or revocation of the pilot's federal license, including immediate and automatic reinstatement of the pilot's appointment on the same terms and conditions as any reinstatement of the pilot's federal license.

Readopt with amendment Pda 309.02-Pda 310, effective 4-1-11 (Document # 9891-A), to read as follows:

Pda 309.02 Grounds for Suspension or Revocation. The authority shall suspend or revoke a pilot's appointment, subject to such conditions as the authority deems necessary to protect the safety of vessels in the pilotage area, public health, property, or the environment, if the authority finds that:

(a) The pilot fails to meet or comply with any requirement of Pda 305 applicable to the type and class of appointment for which the pilot has received an appointment;

(b) The physical health of the pilot is such, as a result of a physical condition or the use of drugs, including alcohol, or any other substance, that the pilot is not physically capable of competently exercising or performing the functions, duties, and responsibilities of a pilot without creating an unreasonable risk of harm to the pilot, the environment, or the person or property of others;

(c) The mental or emotional health of the pilot is such, as a result of a mental or emotional condition or the use of drugs, including alcohol, or any other substance, that the pilot is not competent to exercise or is unable to perform the functions, duties and responsibilities of a pilot without creating an unreasonable risk of harm to the pilot, the environment or the person or property of others;

(d) The pilot has been convicted of a criminal act, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties and responsibilities of a pilot;

(e) The pilot has submitted false or misleading information as part of his or her application for appointment as a pilot or has otherwise engaged in conduct involving dishonesty or misrepresentation, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties, and responsibilities of a pilot;

(f) The pilot, when requested to provide information to the authority or the division required under RSA 12-G or any rule of the authority, has failed to provide such information;

(g) The pilot has failed to exercise or perform the functions, duties, and responsibilities of a pilot competently or diligently;

(h) The pilot has violated any provision of RSA 12-G or any rule of the authority; or

(i) The pilot has failed to obey a directive issued by an officer of the United States Customs Service, the United States Coast Guard, or other law enforcement agency when such a directive could have been complied with safely.

Pda 309.03 Appeal from Decision to Suspend or Revoke Appointment. If the authority suspends or revokes a pilot's appointment, the pilot may appeal that decision to the board. Any decision by the board to suspend or revoke a pilot's appointment under Pda 309.02 shall be provided to the pilot in writing within 30 calendar days of such decision. This written notice ~~will~~ shall include a statement advising the pilot that The Model Rules of Practice and Procedure as outlined in Chapter Jus 800 of the New Hampshire ~~Administrative~~²² rules shall apply in all appeals to the board under this section and, that they ~~must~~ shall provide notice of their intent to appeal within 30 calendar days from receipt of the notice of ~~S~~ssuspension or ~~R~~revocation.

PART Pda 310 REPORTS

Pda 310.01 Monthly Passage Reports.

(a) Each pilot shall submit a monthly passage report to the division for all passages completed during the calendar month, including any shifting at berth. Pilots employed by the same employer may file a combined monthly report, provided that the pilot for each passage or shifting at berth is separately identified and that each pilot individually executes the certification set forth below in (d) for the passages or berth shiftings identified in the monthly report as piloted by him or her.

(b) The report may be submitted in any format and shall include the following information with respect to each passage and shifting at berth completed during the month to which the report applies:

- (1) Name of pilot;
- (2) Vessel name and official number, if applicable;
- (3) Name of towing tug(s), if any;
- (4) Horsepower of assisting tug(s), if any;
- (5) Length of vessel;
- (6) Beam of vessel;
- (7) Draft of vessel;
- (8) Vessel registry;
- (9) Deadweight capacity tonnage of vessel;
- (10) Cargo of vessel;
- (11) Passage start date;
- (12) Whether passage start was in daylight or darkness;
- (13) Passage end point;
- (14) Passage end date;
- (15) Whether passage end was in daylight or darkness;
- (16) Weather conditions;

- (17) Tide conditions, including:
 - a. High slack;
 - b. Low slack; or
 - c. Other, as specified in the report;
 - (18) Tonnage loaded;
 - (19) Tonnage discharged; and
 - (20) Shifting of the vessel at berth, other than normal mooring line adjustments due to tide or current fluctuations.
- (c) The report shall be filed within 30 days of the end of each reported month.
- (d) Any pilot required under (a) above to certify a monthly passage report in whole or in part shall include the following statement:

“I certify that the statements and information in the enclosed report relative to those passages or shiftings at berth for which I am designated as the pilot are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information.”

Pda 310.02 Incident Reports; Duty to Report.

(a) If any incident occurs on a vessel while a pilot is engaged in the provision of pilotage service for such vessel, the pilot providing pilotage service shall file a written report of the incident with the division. The report shall be filed by the close of business no later than 5 days following the incident or 5 days after the date upon which the pilot first became aware of the incident, whichever is later. In the case of an incident involving loss of life or serious physical injury, the pilot shall immediately notify the division of the incident.

(b) Any report filed pursuant to (a) above shall include, at a minimum, the following:

- (1) The name, address, and telephone number of the pilot making the report;
- (2) Date, time and location of the incident;
- (3) Detailed narrative description of the nature of the incident;
- (4) Cause of the incident to the extent known by the pilot;
- (5) Remedial action taken, if any; and
- (6) Names and addresses of any witnesses to the incident.

(c) Any pilot who, at any time, has reasonable grounds to believe that an incident has occurred and that such incident has not been reported to the division, shall contact the division and determine whether a report of the incident has been filed with the division. If a report of the incident has been filed with the division, the pilot making the inquiry shall have no further reporting responsibility. If no report of the incident has been filed, the inquiring pilot shall make a written report to the division within 5 days of

becoming aware that no report was filed in accordance with (a) above regarding the suspected incident including, to the extent known, the information required under (b) above. After filing this report, the reporting pilot shall have no further reporting responsibility.

(d) Upon receipt of an incident report filed by the involved pilot or another pilot or upon receipt of a written complaint from any person, the division shall conduct an investigation.

(e) Upon receipt of an incident report from another pilot regarding a pilot or upon receipt of a complaint regarding a pilot, the division shall provide the involved pilot with a copy of the report or complaint.

(f) When the involved pilot receives from the division a copy of an incident report filed by another pilot or a copy of a complaint filed with the division, the involved pilot shall provide the division within 5 days of receipt with a written statement including, but not limited to the following:

- (1) Detailed narrative explanation of the incident or subject of the complaint; and
- (2) Detailed response to the statements in the report or complaint.

APPENDIX I

Rule Number	State Statute/Federal Regulation Implemented
Pda 301.01	RSA 12-G:48-49
Pda 301.02	RSA 12-G:49
Pda 301.03 – 301.04	RSA 12-G:48-49
Pda 301.05	RSA 12-G:47-49
Pda 301.06	RSA 12-G:48-49, 46 CFR 15.812
Pda 301.07	RSA 12-G:49, 46 CFR 15.812
Pda 301.08	RSA 12-G:48-49
Pda 301.09	RSA 12-G:47-49
Pda 301.10-301.13	RSA 12-G:48-49
Pda 301.14	RSA 12-G:47-49
Pda 301.15-301.20	RSA 12-G:48-49
Pda 303.01	RSA 12-G:49
Pda 304.01	RSA 12-G:48-49
Pda 304.02	RSA 12-G:48-49
Pda 305.01	RSA 12-G:47, 46 CFR 15.812
Pda 305.02-305.05	RSA 12-G:47
Pda 305.06	RSA 12-G:47, 46 CFR 11.709
Pda 305.07-305.08	RSA 12-G:47
Pda 305.09	RSA 12-G:47, 46 CFR 15.812
Pda 306.01-306.04	RSA 12-G:47
Pda 307.01-307.02	RSA 12-G:47
Pda 308.01-308.05	RSA 12-G:47
Pda 309.01	RSA 12-G:47, 46 CFR 15.812
Pda 309.02-309.03	RSA 12-G:47
Pda 310.01-310.02	RSA 12-G:48-49

MOTION

RIGHT TO KNOW UPDATE: Effective January 1, 2018, RSA 91-A, the Right to Know Law was modified to include that "If a member of the public body believes that any discussion in a meeting of the body, including in a nonpublic session, violates this chapter, the member may object to the discussion. If the public body continues the discussion despite the objection, the objecting member may request that his or her objection be recorded in the minutes and may then continue to participate in the discussion without being subject to the penalties of RSA 92-A:8, IV or V. Upon such request, the public body shall record the member's objection in its minutes of the meeting. If the objection is to a discussion in nonpublic session, the objection shall also be recorded in the public minutes, but the notation in the public minutes shall include only the members name, a statement that he or she objected to the discussion in nonpublic session, and a reference to the provision of RSA 91-A:3, II, that was the basis for the discussion."

Director Levesque:

The Pease Development Authority Board of Directors will enter non-public session pursuant to:

1. NHRSA 91-A:3, Paragraph II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted;
2. NHRSA 91-A:3, Paragraph II(b) for the purpose of discussing the hiring of a public employee;
3. NHRSA 91-A:3, Paragraph II(c) for the purpose of discussing matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting;
4. NHRSA 91-A:3, Paragraph II(d) for the consideration of the acquisition, sale or lease of property;
5. NHRSA 91-A:3, Paragraph II(e) for consideration or negotiation of pending claims or litigation which has been threatened in writing or

filed against the body or agency or any subdivision thereof, or against any member thereof because of his or her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

Note: Roll Call vote required.

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MOTION

Director Lamson:

Resolved, pursuant to NH RSA 91-A:3, Paragraph III, the Pease Development Authority Board of Directors hereby determines that the divulgence of information discussed and decisions reached in the non-public session of its March 14, 2019 meeting related to:

1. Dismissal, promotion or compensation of public employee;
2. Hiring of public employee;
3. Adversely affect the reputation of any person;
4. Acquisition, sale or lease of property; and
5. Litigation;

would, if disclosed publically, a) render the proposed actions ineffective; and agrees that the minutes of said meeting be held confidential until, in the opinion of a majority of the Board of Directors the aforesaid circumstances no longer apply.

Note: This motion requires 5 Affirmative Votes

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