

**PEASE DEVELOPMENT AUTHORITY**  
**Thursday, April 18, 2019**

**PUBLIC AGENDA**

**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: March 14, 2019 \*
- III. Public Comment
- IV. Old Business
  - A. Approvals
    - 1. Lonza Biologics, Inc. – Concept Plan Approval \* (Loughlin)
- V. Audit Committee Report \* (Bohenko)
  - A. Approvals
    - 1. Berry Dunn McNeill and Parker, LLC – Contract Extension \* (Levesque)
  - B. Reports
    - 1. Audit Engagement Letter \*
    - 2. 2020/21 Audit Fee Structure \*
    - 3. Pre-Audit Communications \*
- VI. Golf Committee Report \* (Bohenko)
  - A. Reports
    - 1. Grill 28 – Restaurant Equipment Purchase \*
    - 2. Galley Hatch Restaurant, Inc. – Exercise of Contract Option \*
  - B. Approvals
    - 1. Pease Golf Course Tee Time Cancellation Policy \*(Allard)
- VII. Finance Committee Report \* (Allard)
  - A. Reports
    - 1. Operating Result for 8 Month Period Ending February 28, 2019 \*
    - 2. Nine Month Cash Flow Projections to December 31, 2019 \*
    - 3. Capital Improvement Plan – FY 2019 - FY 2026 \*
- VIII. Licenses/ROE/Easements/Rights of Way
  - A. Reports \*
    - 1. Rochester Electronics, LLC – 19 Durham Street
    - 2. B & H AirPower, LLC –Skyhaven Airport Hangar 5

- IX. Leases
  - A. Reports
    - 1. 119 International Drive, L.L.C. – 15 Rye Street \*
    - 2. 100 International LLC – 100 International Drive \*
  
- X. Signs
  - A. Approvals
    - 1. 75 New Hampshire LLC – 85 New Hampshire Avenue \* (Lamson)
  
- XI. Contracts/Agreements
  - A. Approvals
    - 1. Franklin Paint Company – Airfield Marking Equipment \* (Torr)
    - 2. Horsley Witten Group – Environmental Contract \* (Levesque)
  
- XII. Executive Director’s Reports/Approvals
  - A. Reports
    - 1. PDA Office Hours \*
    - 2. Golf Course Operations
    - 3. Airport Operations
      - a) Portsmouth International Airport at Pease (PSM)
      - b) Skyhaven Airport (DAW)
      - c) Noise Line Report\*
  - B. Approvals
    - 1. Personnel - Landside Operation Specialist \* (Allard)
    - 2. Bills for Legal Services \* (Loughlin)
  
- XIII. Division of Ports and Harbors
  - A. Reports
    - 1. Port Advisory Council \*
    - 2. Morton Salt Inc. – Exercise of Option \*
    - 3. Two In The Bush, LLC d/b/a Savage Boat Charters – ROE / Rye Harbor \*
    - 4. Commercial Mooring for Hire Permit Applications \*
  - B. Approvals
    - 1. Pda 300 Pilots and Pilotages Rules – Adoption\* (Bohenko)
    - 2. Hampton Harbor – Float Dock Replacement\* (Levesque)
    - 3. NAS Fuel, LLC dba Atlantic Fuels - Right of Entry \* (Lamson)
    - 4. Independent Boat Haulers – Right of Entry\*(Torr)
    - 5. Broco Oil, Inc. – Right of Entry \*(Allard)
    - 6. Appledore Marine Engineering, LLC – Market Street Terminal / Main Wharf Rehabilitation \* (Loughlin)
    - 7. Pda 500 Moorings and Anchorages - Initial Proposal \* (Torr)

XIV. New Business

XV. Special Events:

- A. Report \*
  - 1. American Lung Association Bike Event
  - 2. Runner's Alley 5k Road Race

XVI. Upcoming Meetings

Board of Directors	May 16, 2019
Residential Housing Study Committee	May 23, 2019 @ 8:30 a.m.

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


XVII. Directors' Comments

XVIII. Non-Public Session\* (Bohenko)

XIX. Vote of Confidentiality\* (Lamson)

XX. Adjournment

XXI. Press Questions

- \* Related Materials Attached
- \*\* Related Materials Previously Sent
- \*\*\* Related Materials will be provided under separate cover
- + Materials to be distributed at Board Meeting
-  Confidential Materials

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

Thursday, March 14, 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;  
Attending: David R. Mullen, Pease Development Authority (“PDA”) Executive Director; Lynn M. Hinchee, PDA 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 8:04 a.m. in the Board conference room on the Pease International Tradeport at 55 International Drive, Portsmouth, New Hampshire.

*Note: Due to Director Allard’s participation by telephone, all votes will be taken as roll call votes.*

**II. Acceptance of Minutes: January 17, 2019**

Director Lamson moved and Director Bohenko seconded that **The Pease Development Authority Board of Directors hereby accepts the minutes of the January 17, 2019 Board meeting.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**III. Public Comments**

There were no public comments.

Director Lamson informed the Board about a presentation concerning the mitigation of the Haven Well. Director Bohenko confirmed that the City of Portsmouth (“COP”) is working on a wastewater treatment (“WTP”) plant, on Grafton Drive. In conjunction with the WTP and in agreement with COP, the Air Force is constructing the AMIS building across the road from the WTP to deal with recharging the aquifer. The Air Force has agreed to pay for the construction of the AMIS building at a projected cost of \$14 million. Director Lamson confirmed that the AMIS building was built by the Air Force at no cost to COP ratepayers. General Counsel Lynn Hinchee indicated that the clean-up program is a two part program between COP and the Air Force and reviewed the ongoing process to recharge the aquifer.

**IV. Old Business**

**A. Approvals**

**1. 100 New Hampshire Avenue – Option Extension and Concept Plan**

Director Torr moved and Director Lesvesque seconded that **The Pease Development Authority Board of Directors (“Board”), 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.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

## 2. Lonza Biologics – Waiver of Site Plan Regulations

Director Levesque moved and Director Torr seconded that **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 Counsel, dated March 6, 2019 attached hereto. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

## 3. Happy Dreams, LLC/Resport, LLC – 1 International Drive

Director Loughlin moved and Director Lamson seconded that **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 Hinchee, PDA General Counsel, dated March 4, 2019 and attached hereto. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

## V. Finance

### A. Financial Reports

#### 1. Operations Results for 7 Month Period Ending January 31, 2019

Irv Canner, PDA Director of Finance, reported on the status of the PDA FY 2020 finances for the seven month period ending January 31, 2019, including variances in revenues and operating. Mr. Canner reviewed: pay for parking revenues; fuel flowage fees; PDA staffing and legal expenses. A review of the business units for the period showed that: PSM enplanements through end of February were 21,000 which is above last year; Skyhaven Airport’s in line with the current budget; Golf Course operating revenues, simulator revenues, and bar and grill sales are ahead of the same period last year; and DPH revenues are ahead of projected revenues due, in part to increased fuel revenues.

#### 2. Nine Month Cash Flow Protections to November 30, 2019

Mr. Canner reviewed PDA cash flow projections for the nine month period ending November 30, 2019 including sources of funds for grant funded and non-grant funded projects. Mr. Canner reported on the variances in the unrestricted cash balances for PDA facilities for the period. Director Levesque asked

Geno Marconi, Director of Ports and Harbor, about the Harbor Dredging Program and the process with the Army Corp of Engineers for the dredging of the Hampton and Rye Harbors.

*Note: Director Bohenko left the meeting at approximately 8:28 a.m. and returned at approximately 8:31 a.m.*

## **VI. Residential Housing Study Committee Report**

Chairman Smith deferred to General Counsel Lynn Hinchee as he arrived late to the scheduled meeting on February 21, 2019. Atty. Hinchee indicated good participation at the meeting, but little consensus. Individuals spoke to the need for low income/subsidized housing; family housing; housing for hospitality industry workers; and downsizing families. The March meeting was canceled and the April meeting rescheduled for Thursday, April 18<sup>th</sup>, at 11:30 a.m., after the Board meeting. Contact has been made with a current developer at the PDA, Chad Kageleiry, to attend the April Residential Housing Study Committee meeting.

## **VII. Licenses/ROE/Easements/Rights of Way/Options**

### **A. Approvals**

#### **1. Wood Environmental & Infrastructure Solutions, Inc. – ROE**

Director Allard moved and Director Torr seconded that **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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.**

#### **2. New England Aerobatic Club – ROE**

Director Lamson moved and Director Loughlin seconded that **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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.**

## **VIII. Leases**

In accordance with the “Delegation to Executive Director: Consent, Approval of Sub-sublease Agreements,” Mr. Mullen reported on the following subleases:

### **A. Reports**

#### **1. Two International Group, LLC**

Mr. Mullen reported that Two International Group, LLC entered into subleases with: Market Street Trust Company for 2,488 square feet within the leased premises at 2 International Drive (Suite 301), for a period of 7 years; and Amadeus Hospitality Americas, Inc. for 13,417 square feet within the leased premises at 2 International Drive (Suite 260), for a period of 6 years. Both premises will be used for office and related uses. Director Lamson approved the subleases.

**IX. Contracts/Agreements**

**A. Approvals**

**1. Dan Fortnam – Consulting Agreement**

Director Bohenko moved and Director Torr seconded that **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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.**

**2. Fire Alarm & Sprinkler System Maintenance Contract**

Director Torr moved and Director Lamson seconded that **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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.**

**X. Executive Director’s Reports/Approvals**

**A. Reports**

**1. Golf Course Operations**

Scott DeVito, General Manager, reported on the activities at the Golf Course, including the simulator; POS/Online reservations for the upcoming season of tee times; the return of 8 leagues; have 4,000 tournament rounds pre-booked; anticipate opening of the driving range on the last Friday of March; anticipated the upper 9 being open date of April 1<sup>st</sup>; return of season staff; and discussion concerning membership enrollment.

**2.A. Airport Operations**

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

**a. Portsmouth International Airport at Pease (PSM)**

The number of enplanements as of February was 20,000, an increase from the same period last year. The number of passengers were between commercial passenger flights and troop passengers. Director Brean provided additional information concerning the commercial flights and Planesense and its operation at the airport.

**b. Skyhaven Airport (DAW)**

Mr. Brean reported that PDA has entered into a Right of Entry for Hangar 5 which will be turned into a lease. The Wings and Wheels fundraiser that is supported by the Rochester Police Department and the Rochester Rotary will be held on June 1, 2019.

**c. Noise Line Report**

There were a total of 3 noise inquiries at PSM during the month of February. 2 inquiries regarding rotor activities originating from downtown Portsmouth; and 1 inquiry regarding fixed wing activities from an Eliot residence.

**2.B. Approvals**

**a. Airport Joint Use Agreement**

Director Allard moved and Director Lamson seconded that **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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.**

**B. Approvals**

**1. Bills for Legal Services**

Director Loughlin moved and Director Torr seconded that **The Pease Development Authority Board of Directors hereby authorizes the Executive Director to expend funds up to \$80,415.00.00 for the following legal services rendered for the Pease Development Authority:**

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

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

Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**XI. Division of Ports and Harbors**

Geno J. Marconi, Division Director of the Division of Ports and Harbors (DPH), reported on Division activities, and the approvals sought before the Board represent the current business at the Division of Ports and Harbors (“DPH”).



**A. Reports**

**1. Port Advisory Council**

Geno Marconi, Division Director, reported that the Port Advisory Council (“PAC”) met on January 9, 2019. Roger Groux was elected Chairman of the PAC.

**2. DMV Commercial Registration Days**

Mr. Marconi reported that in an effort to coordinate the necessary registration of commercial fishing that there was a coordinated effort to have all entities in a single location to assist with the necessary forms required for permitting. Mr. Marconi also spoke to the safety hoist forms being handed out to users which are required for the public’s use of the hoist.

**3. Black Dog Divers – Berth Inspection**

Mr. Marconi reported that there due to a build-up of sand in the river near the Market Street Terminal area DPH contracted with Black Dog Divers to perform an inspection of the area. Mr. Marconi indicated that due to the build-up incoming ships are required to lessen ships’ loads.

**4. Appledore Marine Engineering, Inc. – Hydrographic Survey**

Mr. Marconi reported that PDA contracted Appledore Marine Engineering, Inc. (PDA’s on-call marine engineering provided) to perform a survey of the riverbed area where the sand is building up for further consideration.

**5. Appledore Marine Engineering, Inc. – Floating Dock Repairs**

Mr. Marconi reported that PDA contracted with Appledore Marine Engineering, Inc. to provide drawings and an estimate of expenditures associated with the repair of the floating docks located in Hampton Harbor and the Portsmouth Fish Pier.

**6. Commercial Mooring Transfers**

Mr. Marconi reported that in accordance with the “Delegation to Executive Director: Consent, Approval and Execution of Mooring Permit Transfers“, commercial moorings were transferred for:

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

**B. Approvals**

**1. Hampton/Seabrook Harbor Maintenance Dredging Project**

Director Bohenko moved and Director Loughlin seconded that the Pease Development Authority Board of Directors hereby authorizes the Executive Director to, subject to funding of the project 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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**2. Cornell University/Shoals Marine Lab – ROE Extension**

Director Lamson moved and Director Torr seconded that 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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**3. Star Island Corp. – Extension Right of Entry**

Director Levesque moved and Director Loughlin seconded that 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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**4. Isles of Shoals Steamship Co. – Lease Extension**

Director Allard moved and Director Loughlin seconded that 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. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**5. Mooring and Waitlist Fees**

Director Torr moved and Director Bohenko seconded that the **Pease Development Authority 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.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**6. PDA 500 – Initial Proposal**

Director Bohenko moved and Director Loughlin seconded that **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.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**7. PDA 300 – Conditional Approval**

Director Loughlin moved and Director Torr seconded that **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.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

**XII. New Business**

There was no new business.

**XIII. Upcoming Meetings**

Chairman Smith reported that the following meetings will be held:

Port Committee Meeting	April 4, 2019 @ 8:00 a.m. 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 @ 8:00 a.m.
Residential Housing Study Comm.	April 18, 2019 @TBD

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

#### XIV. Directors' Comments

Director Lamson indicated the Town of Newington (TON) had elections earlier this week and that Selectman Marconi was re-elected and that Selectman Latchaw is the TON Liaison to PDA.

#### XV. Non-Public Session

Director Levesque moved and Director Lamson seconded that **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.** Discussion: None. Disposition: Resolved by unanimous vote; motion carried. The Board entered into non-public session at 9:28 a.m. The Board returned to public session at 10:37 a.m.

Prior to entering into non-public Mr. Latchaw (TON) requested to address the Board.

Director Bohenko moved and Director Loughlin seconded that PDA suspend the rules to **allow public comment**. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

Mr. Latchaw addressed the letter from the City of Portsmouth regarding the site review for Lonza and the eleven (11) conditions referenced in the January 18, 2019 letter from the Planning Board; specifically item 11 concerning fertilizer.

#### XVI. Vote of Confidentiality

Director Lamson moved and Director Torr seconded that **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.** Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

#### XVII. Adjournment

Director Bohenko moved and Director Levesque seconded to **adjourn the Board meeting**. Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried. Meeting adjourned at 10:37 a.m.

#### XVIII. Press Questions

No members of the press attended the meeting.

Respectfully submitted,



David R. Mullen  
Executive Director



MOTION

Director Loughlin:

The Pease Development Authority Board of Directors hereby approves of the Conceptual Site Plan submitted by Lonza Biologics, Inc. ("Lonza") attached hereto for supporting infrastructure improvements at the premises located at 101 International Drive; subject to Lonza securing the requisite variance from the City of Portsmouth for the additional fuel storage associated with the installation of two diesel generators; all in accordance with the memorandum from Maria J. Stowell, P.E., Manager - Engineering dated April 10, 2019 and attached hereto.

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## MEMORANDUM

To: David R. Mullen, Executive Director *DM*  
From: Maria J. Stowell, P.E., Engineering Manager *MJS*  
Date: April 10, 2019  
Subject: Lonza Concept Approval

As Lonza continues to fit-up the shell building it constructed in 2007, the corresponding utility infrastructure serving its operations also needs to expand. Recently, Lonza submitted a request for approval of three infrastructure related improvements to be located at the rear of its 101 International Drive facility.

1. Construct a 500 square foot single story building bump-out to house process chemicals.
2. Replace a 1,500 gallon nitrogen tank and foundation pad with a 6,000 gallon tank and new pad.
3. Install two diesel generators with associated utility buildings.

The first two requests can be processed administratively. However, the third request requires formal site review due to the site work involved. Furthermore, the fuel tanks associated with the proposed generators each have a capacity of approximately 3350 gallons and will require a variance from Part 308.02 of the PDA Land Use Controls, which imposes a 2,000 gallon limit.

Attached you will find a site plan depicting all three improvements, a storage tank inventory spreadsheet, and a letter from Lonza's agent supporting the variance request. Please note that in 2015 Lonza went before the PDA Board and the Portsmouth Board of Adjustment and was granted variances for four other generator tanks that exceed 2000 gallons.

At next week's Board meeting, please ask the Board of Directors to approve Lonza's site concept plans to construct supporting infrastructure improvements, as well as a referral for a variance for the additional fuel storage associated with the new generators. Approval of these two items will allow the applicant to proceed through the City of Portsmouth Planning Board and Board of Adjustment for further review.

N:\ENGINEER\Board Memos\2019\Lonza generator.docx

L-0700-017  
April 10, 2019

Ms. Maria Stowell, PE  
Pease Development Authority  
55 International Boulevard  
Portsmouth, New Hampshire 03801

**Re: Lonza Biologics – G2E**

Dear Maria:

On behalf of Lonza Biologics, Inc., we are pleased to submit the following information for the Pease Development Authority (PDA) Board of Directors Meeting on April 18, 2019 for the above referenced project:

- Site Plan dated April 10, 2019
- Lonza Exterior Storage Tank Inventory last revised April 10, 2019
- Generator Cut Sheet
- Switch Gear Enclosure Cut Sheet

**Site Plan**

Lonza Biologics is proposing exterior improvements along Goose Bay Drive in the rear of its existing facility that is located at 101 International Drive. These exterior improvements are to support on-going improvements that are occurring inside the building. The exterior improvements can be summarized as follows:

- Proposed 500 SF single-story building addition in the rear of 101B
- Replace an existing 1,500-gallon nitrogen tank to new 6,000-gallon nitrogen tank and upgrade the existing concrete pad as needed in the rear of 101B
- Proposed electrical improvements in the rear of 101C including a two (2) new generators with 3,312-gallon diesel fuel above ground storage tanks (AST), a transformer pad, switch gear housed in an enclosure, automatic transfer switch housed in a proposed enclosure and an associated retaining wall. Cut sheets for the proposed generators and enclosures are enclosed to show their appearance.

**Variance**

Similar to prior relief granted in 2015, the proposed generators noted above will require a variance from Section 308.02(c) of the PDA Land Use Controls which indicates above ground storage facilities shall not exceed a capacity of 2,000 gallons per facility. The following addresses how the project meets the five criteria for a variance as indicated Section 317.01 of the PDA Zoning Ordinance:

1. *No adverse effect or diminution in values of surrounding properties would be suffered.*

The existing facility is a manufacturing/industrial use that has been in operation at Pease Tradeport for over two decades. The rear of the building includes various industrial and mechanical equipment such as generators. There are four (4) existing generators with diesel fuel AST's that exceed 2,000 gallons. These generators have been in operation since 2000, 2003 and 2016 respectively. These existing generators have previously been



granted relief. The diesel fuel ASTs are double walled, and the generators are consistent in size and appearance with the four (4) existing generators located in the rear of Lonza's building. These AST's are regulated by NHDES approvals and have Spill Prevention Control and Countermeasure (SPCC) Plans implemented to ensure the tanks are properly maintained on a periodic basis and to put a plan in place to protect the surrounding properties should an emergency spill occur.

2. *Granting of the variance would be of the benefit to the public interest.*

Granting of the variance would be of the benefit to the public interest as the generator will allow the facility to remain in operation in the event of a power failure ensuring that it can continue manufacture its products that service the pharmaceutical and biologics industries.

3. *Denial of the variance would result in unnecessary hardship to the person seeking it.*

Denial of the variance would eliminate Lonza's ability to provide a temporary means of power in the event that there is outage on Pease Tradeport. This would halt manufacturing of its products, thus preventing them to meet their clients needs. Any stoppage in production would result in undue losses of revenues that could impact the business and its employees.

4. *Granting the variance would be in substantial justice.*

Granting of the variance would be fair and reasonable as this is a large manufacturing facility and mechanical equipment such as generators with diesel fuel AST's exceeding 2,000 gallons are typical of these types of facilities to support their operations.

5. *The proposed use would not be contrary to the spirit of the zoning rule.*

The proposed use would not be contrary to the spirit of the zoning rule as Lonza's facility is located in the Airport Business and Commercial zone. This zone is intended to promote commerce. In order for Lonza to remain in operation during a power outage, generators of this size are needed.

We respectfully request to be placed on the agenda for next scheduled PDA Board meeting on April 18, 2019. If you have any questions or need any additional information, please do not hesitate to contact me at 603.433.8818 or [pmcrimmins@tighebond.com](mailto:pmcrimmins@tighebond.com).

Very truly yours,  
**TIGHE & BOND, INC.**



Patrick M. Crimmins, PE  
Senior Project Manager

Enclosures  
Copy: IPS (via email)  
Lonza Biologics (via email)



**Lonza Biologics Storage Facilities Located at 101 International Drive Portsmouth, NH**

Location	Service	PDA Classification	Capacity	Year Installed	Equipment #	Storage Facility Description	Lonza Comments Field
101A Utility yard	Wastewater	Not Regulated	12,000 G	N/A	T-17001	Non Hazardous Material	Not Currently Used
101A Gas yard	Liquid Nitrogen	No Spill Risk	1,500 G	N/A	X-680	Cryogenic Liquid - Gasify and Disperse	
101A Gas yard	Liquid Carbon Dioxide	No Spill Risk	3,300 G	N/A	X-695	Cryogenic Liquid - Gasify and Disperse	
101A Cold Storage Bldg	Generator-Diesel	Regulated	1,075 G	2013	101A-EGEN+B	Double Walled Tank with Interstitial Monitoring	
101A Utility yard	Generator-Diesel	Regulated	2,400 G	2000	101A-EGEN-B	Double Walled Tank with Interstitial Monitoring	
101B Gas yard	Liquid Nitrogen	No Spill Risk	6,000 G	N/A	X-33050	Cryogenic Liquid - Gasify and Disperse	Original Volume - 1,500 G
101B Gas yard	Liquid Carbon Dioxide	No Spill Risk	7,100 G	N/A	X-33040	Cryogenic Liquid - Gasify and Disperse	
101B Gas yard	Liquid Oxygen	No Spill Risk	5,835 G	N/A	X-33030	Cryogenic Liquid - Gasify and Disperse	
101B Gas yard	Gaseous helium	No Spill Risk	43,535 SCF / 2,244 G	N/A	X-33060	Stored as a Gas - Disperse lighter than Air	
101B Gas yard	Brine solution	Not Regulated	50 tons	N/A	T-30010	Saturated Salt Solution	No Significant Hazards Mostly dry tank
101B Electrical yard	Generator-Diesel	Regulated	3,640 G	2003	101B-EGEN	Double Walled Tank with Interstitial Monitoring	
101B Electrical yard	Generator-Diesel	Regulated	3,312	2019	101B-EGEN	Double Walled Tank with Interstitial Monitoring	
101B Electrical yard	Generator-Diesel	Regulated	3,312	2019	101B-EGEN	Double Walled Tank with Interstitial Monitoring	
101C underground	Nitrogen Wastewater (Currently not in use)	Not Regulated	50,000 G	N/A	T-53011	Spray Lined Tank (Will get epoxy lined in 2019)	Non Hazardous
101C underground	Triton Wastewater	Not Regulated	50,000 G	N/A	T-53012	Epoxy Lined	Non Hazardous
101C underground	Wastewater (not used)	Not Regulated	50,000 G	N/A	T-53013	Epoxy Lined	WW flushed into chemical drains in building flow to this lined tank for equalization. Following equalization, the WW is diverted back into the building's waste neutralization system.
101C Gas yard	Liquid Nitrogen	No Spill Risk	3,000 G	N/A	T-43410	Cryogenic Liquid - Gasify and Disperse	
101C Electrical yard	Generator-Diesel	Regulated	3,312	2016	101C-EGEN	Double Walled Tank with Interstitial Monitoring	
101C Electrical yard	Generator-Diesel	Regulated	3,312	2016	101C-EGEN	Double Walled Tank with Interstitial Monitoring	
Bldg 230	Generator-Diesel	Regulated	660	N/A	230-EGEN	Double Walled Tank with Interstitial Monitoring	

**G2E Generator**

Lonza Biologics

Portsmouth,  
New Hampshire

SITE PLAN

C-102

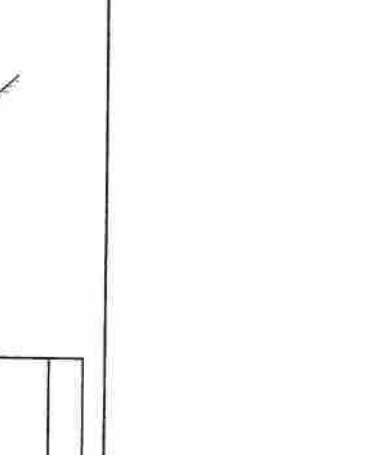
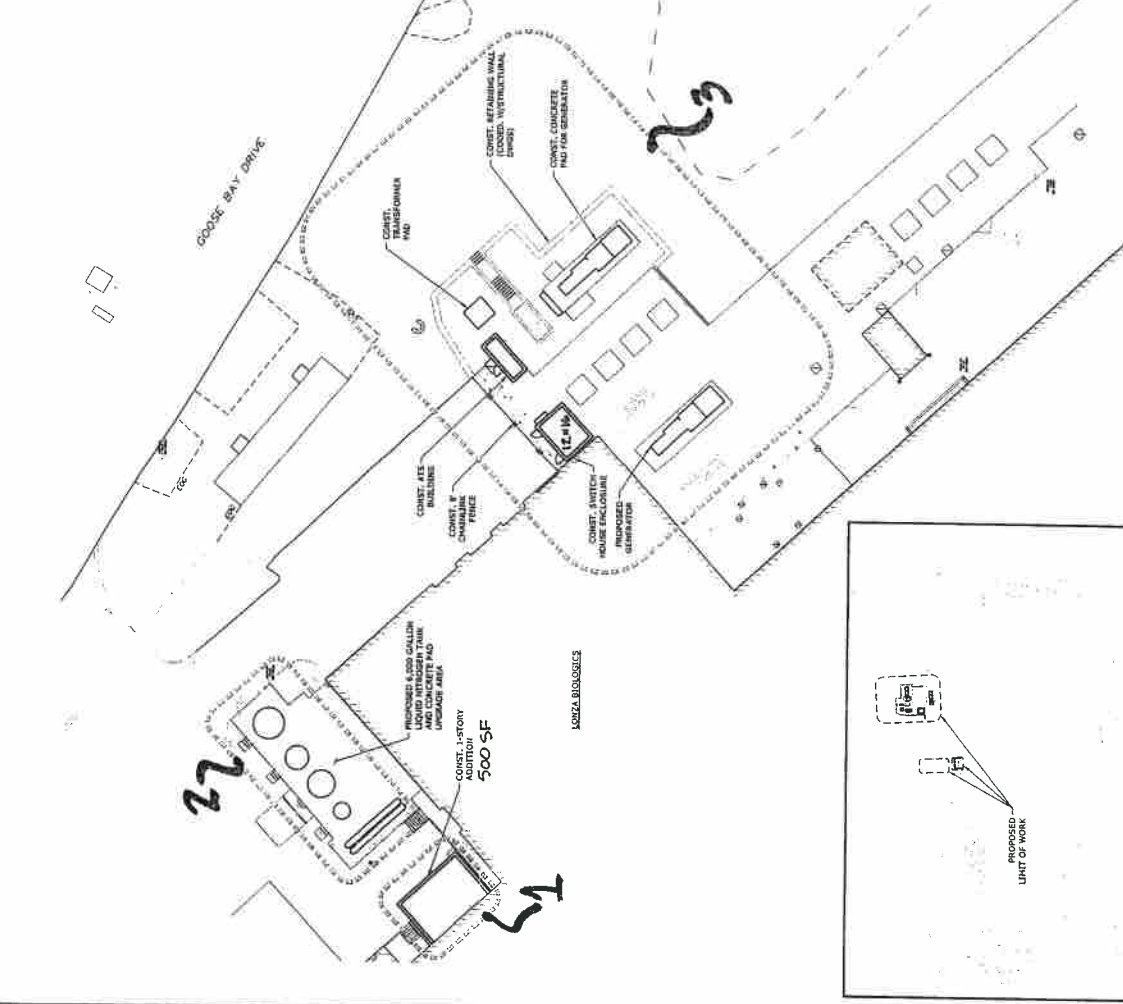
**SITE DATA/BACKG**  
 OWNER: PEASE DEVELOPMENT AUTHORITY  
 54 INTERNATIONAL DRIVE  
 PORTSMOUTH, NH, 03801  
 APPLICANT/ LONZA BIOLOGICS, INC.  
 100 INTERNATIONAL DRIVE  
 PORTSMOUTH, NH, 03811  
 TENANT: LONZA BIOLOGICS, INC.  
 100 INTERNATIONAL DRIVE  
 PORTSMOUTH, NH, 03811  
 LOCATION: 100 INTERNATIONAL DRIVE  
 PORTSMOUTH, NH, 03811  
 MAP 303 LOT 6

**ZONING:** AIRPORT BUSINESS AND COMMERCIAL ZONE (ABC)  
**PROPOSED USES:** OFFICE/MANUFACTURING/RESEARCH AND DEVELOPMENT  
**AREA, VARIOUS AND HEIGHT REGULATIONS:**  
 MINIMUM LOT AREA: 175,000 SQ FEET  
 MINIMUM LOT FRONTAGE: 1034 FEET  
 MINIMUM LOT WIDTH: 30 FEET  
 MINIMUM SIDE YARD: 30 FEET  
 MINIMUM REAR YARD: 30 FEET  
 MINIMUM BUILDING HEIGHT: 59 FEET  
 MINIMUM OPEN SPACE: 35% OF LOT AREA  
 34.2%

**PERMITTED PARKING REQUIREMENTS:**  
 FULL ONE SPACE = 1000 SQ FT, 8 EMPLOYEES OR LARGEST SHIFT  
 FULL ONE SPACE = 1000 SQ FT, 1 EMPLOYEE  
 PARKING SPACES: 740 EMPLOYEES  
 LARGEST SHIFT = 740 EMPLOYEES  
 COMPANY OWNED VEHICLE = 1  
 (131) X (740) = 493 SPACES  
 PARKING SPACES PROVIDED = 523 SPACES  
 HANDICAP ACCESSIBLE SPACES PROVIDED = 11 SPACES

**LEGEND**  
 PROPERTY LINE  
 PROPOSED EDGE OF PAVEMENT  
 PROPOSED FENCE  
 PROPOSED PAVEMENT SECTION  
 PROPOSED CONCRETE PAD  
 PROPOSED BOLLARD  
 PROPOSED SIGN  
 TYPICAL COORDINATE

BLOG  
 TYP  
 COORD



NO.	DATE	DESCRIPTION
1	07/20/20	PRELIMINARY
2	08/10/20	REVISED
3	09/15/20	REVISED
4	10/20/20	REVISED
5	11/10/20	REVISED
6	12/15/20	REVISED
7	01/20/21	REVISED
8	02/10/21	REVISED
9	03/15/21	REVISED
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100	10/15/28	REVISED

**AUDIT COMMITTEE AGENDA**

**Time:** 8:00 AM  
**Place:** 55 International Drive  
Pease International Tradeport  
Portsmouth, New Hampshire 03801

- I. Call to Order (*John Bohenko*)
- II. Acceptance of Meeting Minutes: October 11, 2018 \*
- III. Public Comment
- IV. Proposal for Auditing Services- Contract Extension \*+
- V. FY 2019 Audit Engagement (*Mark LaPrade*)
  - A. Engagement Letter \*
  - B. Pre-Audit Communications \*
- VI. Next Meeting- October 15,2019
- VII. Directors' Comments
- VIII. Adjournment
- IX. Press Questions

- \* Related Materials Attached  
+ Proposed Motion

MOTION

Director Levesque:

In accordance with the recommendation of the Audit Committee the Pease Development Authority (“PDA”) Board of Directors approves of amending the existing audit contract with the firm of Berry, Dunn, McNeil and Parker, LLC to enter into a one (1) year extension with two (2) additional one (1) year options, to perform the annual external audit, as required by the Comptroller General of the United States, the provisions of the Single Audit Act, OMB Circular A-133 and RSA 12-G:29, of the PDA’s consolidated financial statements for the fiscal years ending June 30, 2019, 2020 and 2021 as described in the Proposed Engagement Letter and Pre-Audit Communications presentation. The contract extension is expressly conditioned on the assignment of a new Engagement Principal by the firm commencing with the June 30, 2019 audit; all in accordance with the recommendation of the Audit Committee at its meeting of April 15, 2019.

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April 15, 2019

John Bohenko, Audit Committee Chair  
David Mullen, Executive Director  
Pease Development Authority  
55 International Drive  
Portsmouth, NH 03801

Dear John:

We are pleased to confirm our understanding of services we are to provide for Pease Development Authority, a component unit of the State of New Hampshire (the Authority) for the year ending June 30, 2019.

Berry Dunn McNeil & Parker, LLC (BerryDunn) will audit the basic financial statements of the Authority, which comprise the statement of net position as of June 30, 2019 and the related statements of revenues, expenses and changes in net position and cash flows for the year then ending, and the related notes to the basic financial statements. U.S. generally accepted accounting standards provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Authority's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Authority's RSI in accordance with U.S. generally accepted auditing standards. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Schedule of Collective Net Pension Liability
3. Schedule of Employer Contributions (Net Pension Liability)
4. Schedule of Collective Net OPEB Liability (NHRS OPEB Plan)
5. Schedule of Employer Contributions (NHRS OPEB Plan)
6. Schedule of Collective Net OPEB Liability (State OPEB Plan)
7. Notes to the Required Supplemental Information

We have also been engaged to report on the schedule of expenditures of federal awards, which is supplementary information other than RSI that accompanies the Authority's basic financial statements. We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in

accordance with U.S. generally accepted auditing standards, and we will provide an opinion on it in relation to the financial statements as a whole in a separate written report accompanying our auditor's report on the financial statements.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

1. Listing of the Board of Directors
2. Financial Highlights

### **Audit Objectives**

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the third paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on:

- Internal control over financial reporting and compliance with the provisions of laws, regulations, contracts and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs, and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Authority's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards, the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the Single Audit Act Amendments of 1996, and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion. We will issue written reports upon completion of our single audit. Our reports will be addressed to the Board of Directors of the Authority. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add an

emphasis-of-matter or other-matter paragraph. If our opinion on the financial statements or supplementary information or the single audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or issue reports, or we may withdraw from this engagement.

Professional standards require that we communicate certain matters to those charged with governance. We plan to communicate those matters in a letter.

### **Audit Procedures – General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Authority or to acts by management or employees acting on behalf of the Authority. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from the Authority's attorneys as part of the engagement, and they may bill the Authority for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from management about its responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts and grant agreements; and other responsibilities required by U.S. generally accepted auditing standards.

### **Audit Procedures – Internal Control**

Our audit will include obtaining an understanding of the Authority and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from



illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under American Institute of Certified Public Accountants professional standards, *Government Auditing Standards* and the Uniform Guidance.

#### **Audit Procedures – Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Authority's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Authority's major federal programs. The purpose of these procedures will be to express an opinion on the Authority's compliance with requirements applicable to each of its major programs in our reports on compliance issued pursuant to the Uniform Guidance.

#### **Management Responsibilities**

Management is responsible for (1) designing, implementing, and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts and grant agreements. Management is also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Management's responsibilities also

include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is responsible for making all financial records and related information available to us, and for the accuracy and completeness of that information. Management is also responsible for providing us with (1) access to all information of which it is aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the Authority from whom we determine it necessary to obtain audit evidence.

Management's responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance, and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Authority involving (1) management, (2) employees who have significant roles in internal control, or (3) others where the fraud could have a material effect on the financial statements. Management's responsibilities include informing us of its knowledge of any allegations of fraud or suspected fraud affecting the Authority received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the Authority complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review during our interim fieldwork.

Management is responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. Management agrees to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. Management also agrees to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Management's responsibilities include acknowledging to us in the written representation letter that (1) management is responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) management believes the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior year (or, if they have changed, the reasons for such changes); and (4) management has disclosed to us any significant

assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits or studies. Management is also responsible for providing its views on our current findings, conclusions, and recommendations, as well as its planned corrective actions for the report and for the timing and format for providing that information.

Management agrees to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. Management will be required to acknowledge in the management representation letter our assistance with preparation of financial statements, schedule of expenditures of federal awards, and related notes and that management has evaluated the adequacy of our services and has reviewed and approved the results of the services, the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, management agrees to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies for our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's report or nine months after the end of the audit period.

We will provide copies of our reports to the Authority; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection if called for by applicable requirements.

The audit documentation for this engagement is the property of BerryDunn and constitutes confidential information. Notwithstanding the foregoing, we understand and acknowledge that documentation generated as a result of the audit is subject to the provisions of the New Hampshire RSA 91-A (the State's Right to Know Law). Here too, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a grantor agency or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit

findings, or to carry out oversight responsibilities. We will notify management of any such request. If requested, access to such audit documentation will be provided under the supervision of BerryDunn personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the date of the auditor's report or for any additional period requested by federal agencies. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

I am the engagement principal and responsible for supervising the engagement and signing the report. We expect to begin our engagement on June 10, 2019 and to issue our reports no later than October 31, 2019.

In the event that we receive a subpoena or summons requesting that we produce documents from this engagement or testify about the engagement, we will notify you prior to responding to it if we are legally permitted to do so. You may, within the time permitted for us to respond to the request, initiate such legal action as you deem appropriate to protect the information from discovery. If you take no action within the time permitted for us to respond or if your action does not result in a judicial order protecting us from supplying requested information, we may construe your inaction or failure as consent to comply with the request. You agree to reimburse us for our time and out-of-pocket expenses, including attorney's fees, incurred in response to any such subpoena or summons.

We reserve the right to suspend or terminate our work in the event we do not receive timely payment of our billing statements. In the event that our work is suspended or terminated as a result of nonpayment, you agree that we will not be responsible for your failure to meet government and other filing deadlines, or for penalties or interest that may be assessed against you resulting from your failure to meet such deadlines.

Our billings for the services set forth in this letter, which will be based upon our rates for this type of work, will be rendered during the engagement and are payable upon receipt. A late charge is added on all unpaid bills in excess of 30 days at an annual rate of 18% (1½% per month). This engagement includes only those services specifically described in this letter. Appearances before judicial proceedings or government agencies such as the Internal Revenue Service or other regulatory bodies, arising out of this engagement, will be billed to you separately. Fees for the above will not exceed \$55,500. Out-of-pocket expenses for the above services will be billed separately and will not exceed \$800.

We have endeavored to provide for a fixed fee for this engagement. Our fee is based on the assumption that your staff will be well prepared for the engagement and have available any requested documents prior to the start of our work. Our fee also does not provide for any additional time should we encounter any unusual or out of scope situations for which we have not planned, or if consulting services are necessary for any financial reporting or tax matters. In the event we encounter any of these circumstances while performing our engagement, we will endeavor to inform you to discuss any additional procedures necessary, as well as the impact that this might have on our fee.

In addition to the services described in this letter, we would be pleased to discuss additional services we may provide to Authority. Any such nonaudit services, the scope of which would not constitute an audit conducted under, and will not be conducted in accordance with, *Government Auditing Standards*, will not

involve performing management functions or making management decisions. In performing any such services, you and we hereby mutually understand and agree that management is responsible for the substantive outcomes of the subject matter of the services and, therefore, has a responsibility to be in a position in fact and appearance to make an informed judgment on the results of the services.


Management also will be responsible for the following:

- Designating an individual who possesses suitable skill, knowledge and/or experience, preferably within senior management, to oversee the service. That individual will be the signer of this letter unless another individual is designated in writing.
- Establishing and monitoring the performance of the service to ensure that it meets management's objectives.
- Assuming all responsibilities that involve management functions related to the service and accepting full responsibility for the results of such service.
- Evaluating the adequacy of the services performed and any findings that result.
- Establishing and maintaining internal controls, including monitoring ongoing activities and custody of all the Authority's assets.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

BERRY DUNN McNEIL & PARKER, LLC

By:   
\_\_\_\_\_  
Mark R. LaPrade, CPA, CGMA  
Principal

The foregoing letter correctly sets forth our understanding and is accepted by us.

PEASE DEVELOPMENT AUTHORITY

By: \_\_\_\_\_  
Mr. John Bohenko, Audit Committee Chair

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Mr. David Mullen, Executive Director

\_\_\_\_\_  
Date



CPAs & BUSINESS ADVISORS

## Report on the Firm's System of Quality Control

September 4, 2018

To the Members of Berry Dunn McNeil & Parker LLC  
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of BerryDunn (the firm) applicable to engagements not subject to permanent PCAOB inspection in effect for the year ended June 30, 2018. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards). A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

### Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

### Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

### Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act; audits of employee benefit plans, audits performed under FDICIA, and examinations of service organizations [SOC 1 and SOC 2 engagements].

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

### Opinion

In our opinion, the system of quality control for the accounting and auditing practice of BerryDunn applicable to engagements not subject to permanent PCAOB inspection in effect for the year ended June 30, 2018, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. BerryDunn has received a peer review rating of *pass*.

Eide Bailly LLP

What inspires you, inspires us. [eidebailly.com](http://eidebailly.com)



March 18, 2019

John Bohenko, Audit Committee Chair  
David Mullen, Executive Director  
Pease Development Authority  
55 International Drive  
Portsmouth, NH 03801

Dear John and David:

We are pleased to continue to be considered as the auditors for Pease Development Authority, a component unit of the State of New Hampshire (the Authority) for fiscal year ending June 30, 2019. In accordance with your request, we have listed below our proposed fee for audit of the financial statements and compliance audit of the Authority as of and for the year ending June 30, 2019.

Service	Proposed Fee
Audit of financial statements of the Authority as of and for the year ending June 30, 2019	\$ 46,000
Compliance audit of the Authority's federal awards in accordance with the Uniform Guidance for the year ending June 30, 2019	9,500
Reimbursable expenses	800
<b>Total</b>	<b>\$ 56,300</b>

The above fee proposal does not include an increase to our audit fees for the fiscal years ended June 30, 2015 through 2018. In order to demonstrate our continued commitment to the Authority, we will extend the above proposed fee structure for the years ending June 30, 2020 and 2021.

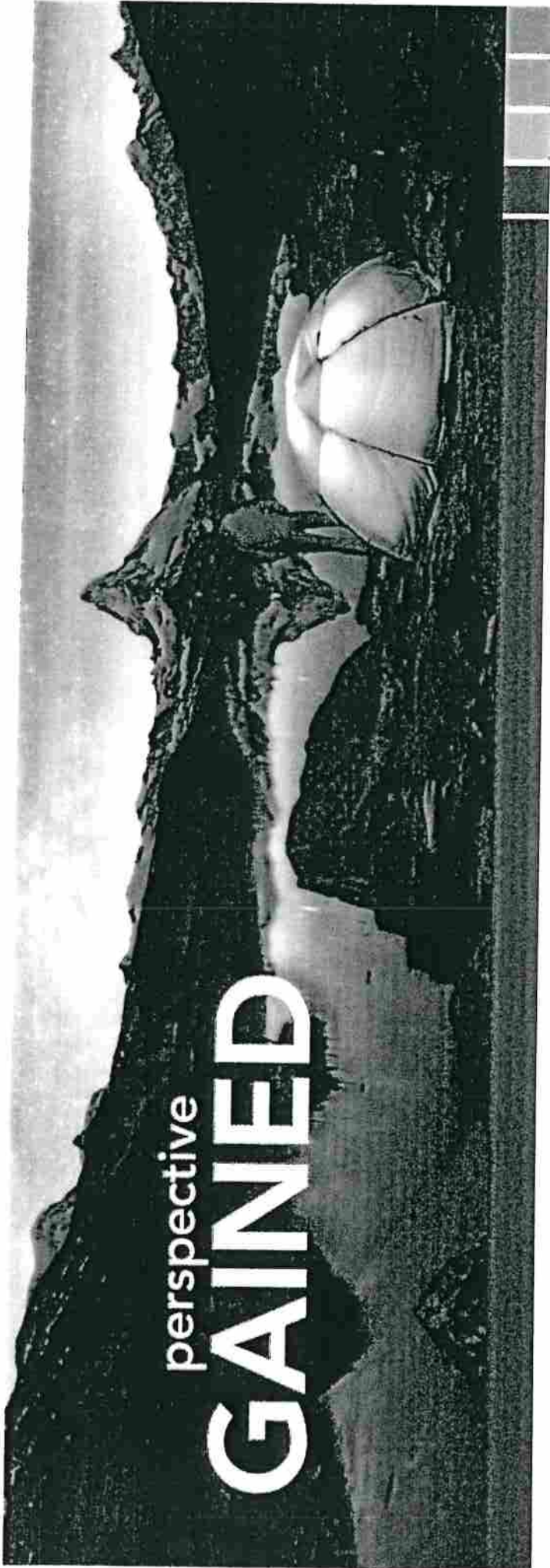
The audit engagement fees and related reimbursable expenses stated above are on a not-to-exceed basis and are guaranteed, assuming that there are no significant changes in scope, requests from management, federal or state funding or federal or state regulatory changes requiring additional auditing or reporting requirements.

We have a proven track record of basing the billings on our rates for this type of work and limiting our fee to the agreed-upon price. **For the years ended June 30, 2017 and 2016, the final amounts billed to the Authority were less than the not-to-exceed amounts by \$3,500 and \$2,800, respectively, due to efficiencies realized during the audit process. We incurred additional time during the 2018 audit associated with the implementation of GASB 75 that was not billed to the Authority.** If we continue to find efficiencies for the proposed audits, the final billings may be less than the above proposed not-to-exceed fees.

While I would enjoy continuing my role as the engagement principal for the Authority, we can accommodate a request for an engagement principal rotation due to the depth of experience of the principals at BerryDunn. If you have any questions or would like additional information, please feel free to give me call.

Sincerely,

Mark R. LaPrade, CPA CGMA  
Principal



perspective  
**GAINED**

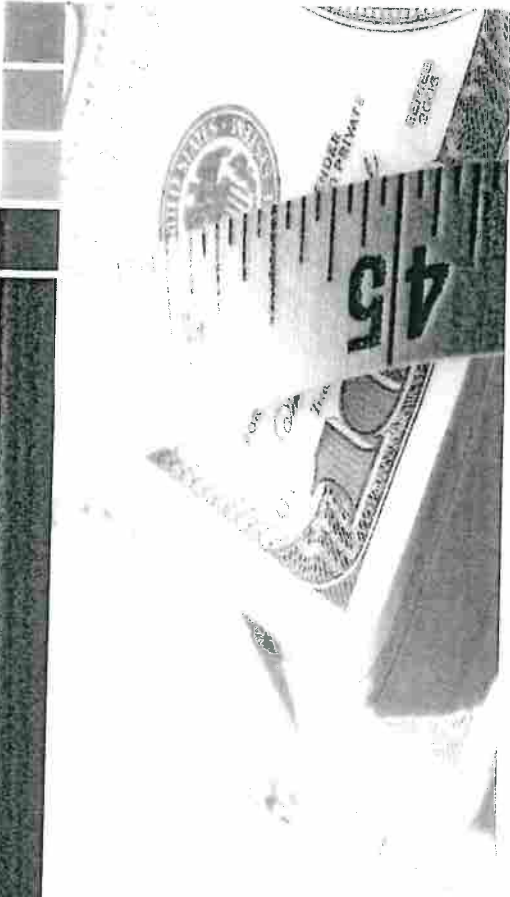
**PRE-AUDIT COMMUNICATIONS**  
Audit Committee



**PRESENTED BY:**  
Mark LaPrade, CPA, CGMA  
Rob Smalley, CPA  
Katy Balukas, CPA







**1** REQUIRED AUDITOR COMMUNICATIONS

**2**

PLANNED SIGNIFICANT AUDIT AREAS

**3**

AUDIT TIMING

**4**

PLANNING INQUIRIES

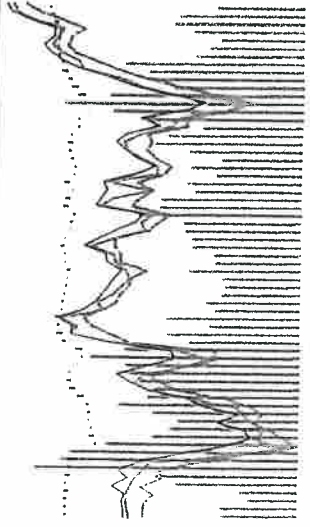
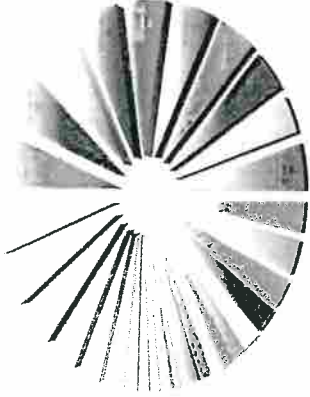
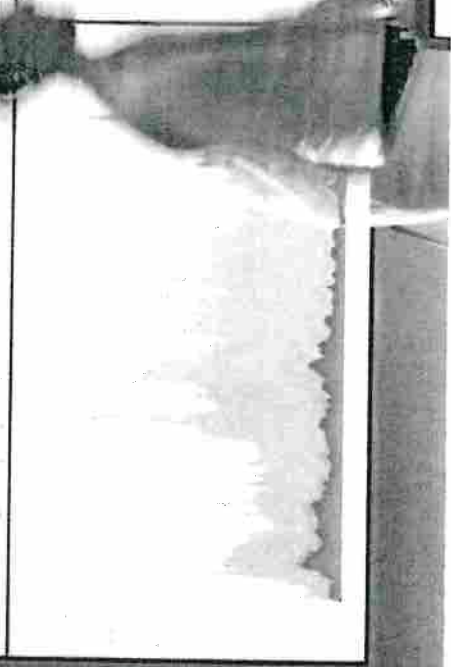


### **MANAGEMENT RESPONSIBILITIES**

- Preparation and fair presentation of the financial statements
- Design, implementation and maintenance of effective internal controls

### **OUR RESPONSIBILITIES**

- Express an opinion on the financial statements
- Audit is designed to obtain reasonable assurance that the financials are free from material misstatement
- We will not opine on the RSI or Other Information
- Audit does not relieve management of their responsibility



### **REQUIRED SUPPLEMENTARY INFORMATION**

- Management's Discussion and Analysis
- Schedule of Collective Net Pension Liability
- Schedule of Employer Contributions to Pension Plan
- Schedule of Collective Other Post-Employment Benefits Liability for NHRS and State Plans
- Schedule of Employer Contributions to Other Post-Employment Benefits Plan for NHRS Plan
- Notes to the Required Supplementary Information

### **OTHER INFORMATION**

- Board of Directors
- Financial Highlights

### PLANNING AND PERFORMING THE AUDIT

- We consider internal control, but do not express an opinion on it
- We perform tests in key audit areas; those tests may change from year to year
- We are not aware of any relationships that impair our independence



## FEDERAL COMPLIANCE AUDIT

- We will issue an opinion on PDA's compliance with the direct and material requirements of each major program
- We will provide an opinion on the schedule of expenditures of federal awards in relation to the financial statements
- We will consider internal controls over compliance with the requirements that could have a direct and material effect on a major program, but do not express an opinion on internal controls over compliance
- We will perform certain tests of PDA's compliance with laws, regulations, contracts and grants, but will not issue an opinion

### COMMUNICATIONS AT THE CONCLUSION OF THE AUDIT

- Audit adjustments and unrecorded audit adjustments
- Internal control matters, if identified
- Difficulties, disagreements and consultations with other accountants
- Qualitative aspects of accounting practices
- Management representations

**PLANNED SIGNIFICANT AUDIT AREAS**

**CASH AND CASH  
EQUIVALENTS**

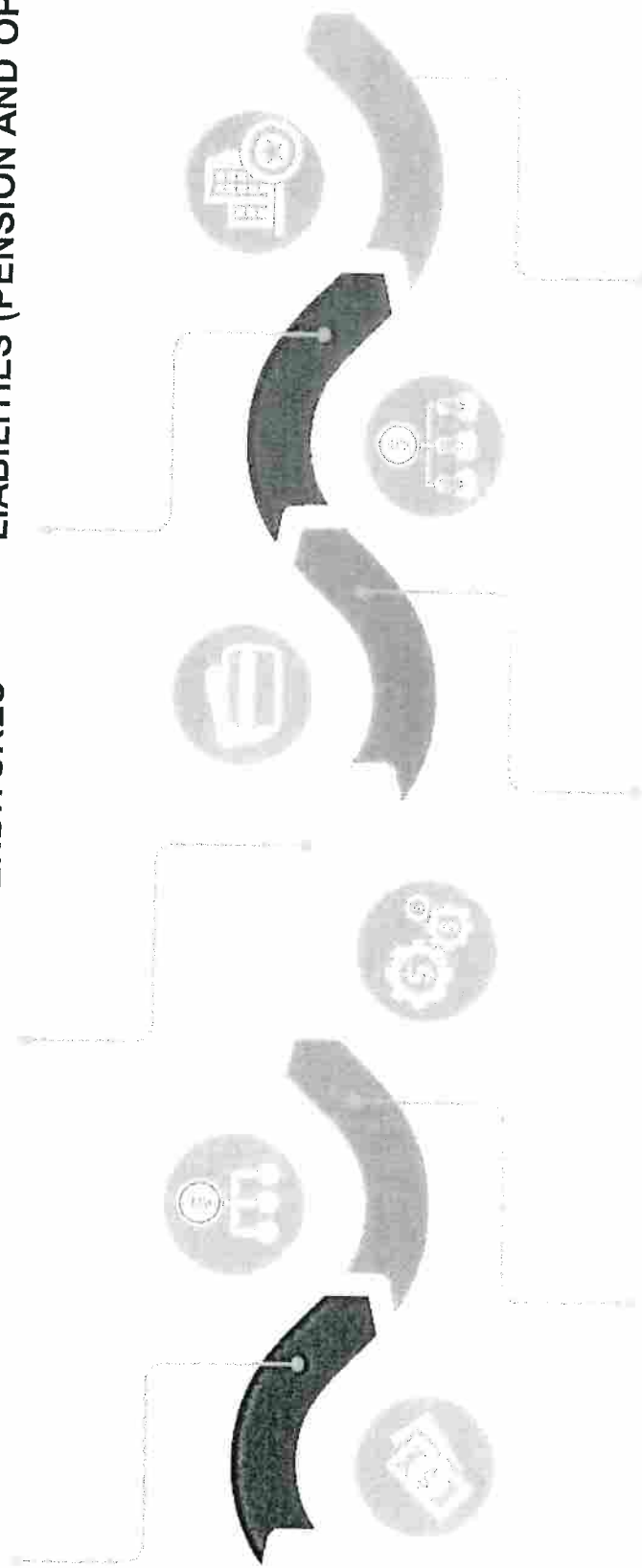
**CAPITAL ASSETS  
AND EXPENDITURES**

**PAYROLL AND RELATED  
LIABILITIES (PENSION AND OPEB)**

**ACCOUNTS RECEIVABLE AND  
REVENUE RECOGNITION**

**ACCOUNTS PAYABLE AND  
ACCRUED EXPENSES**

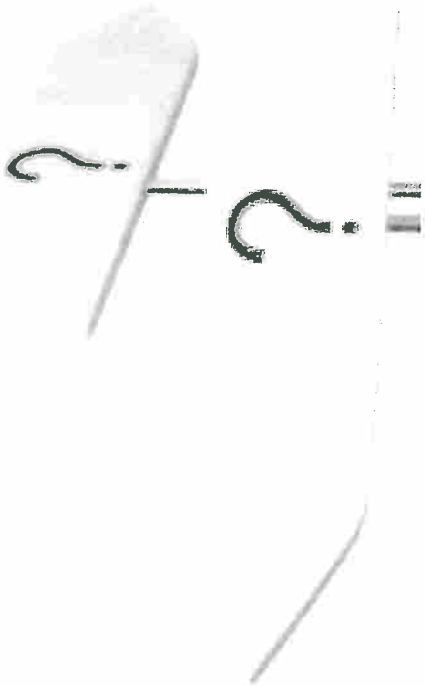
**FEDERAL FINANCIAL  
ASSISTANCE PROGRAM**



## AUDIT TIMING

Interim Fieldwork	Year-End Fieldwork	Draft Reports Provided to Management	Audit Committee Presentation
<ul style="list-style-type: none"><li>• Financial statement planning procedures</li><li>• Initial testing for compliance audit</li><li>• Week of June 10, 2019</li><li>• Observation of inventory count procedures on June 28, 2019</li></ul>	<ul style="list-style-type: none"><li>• Year-end substantive procedures for the financial statement audit</li><li>• Concluding procedures for compliance audit</li><li>• Week of September 2, 2019</li></ul>	<ul style="list-style-type: none"><li>• Financial Statements</li><li>• Required Communications Letter</li><li>• Uniform Guidance Reports</li><li>• No later than September 15, 2019</li></ul>	<ul style="list-style-type: none"><li>• Audit Executive Summary</li><li>• Financial Statements</li><li>• Required Communications Letter</li><li>• Uniform Guidance Reports</li><li>• October 15, 2019</li></ul>





What are your views about the risks of fraud?

Do you have any knowledge of any actual, suspected or alleged fraud affecting PDA or its federal award program?

Do you have any knowledge of any possible or actual noncompliance or abuses of broad programs and controls occurring during the year?

What is the Committee's role in the oversight of management's processes for identifying and responding to fraud risks and the controls established to mitigate those risks?

Are you aware of any instances of noncompliance with laws and regulations that would be direct and material to the financial statements?

Are there any specific areas of concern to the Committee that we should consider during the design of our audit procedures?

CONTACT US



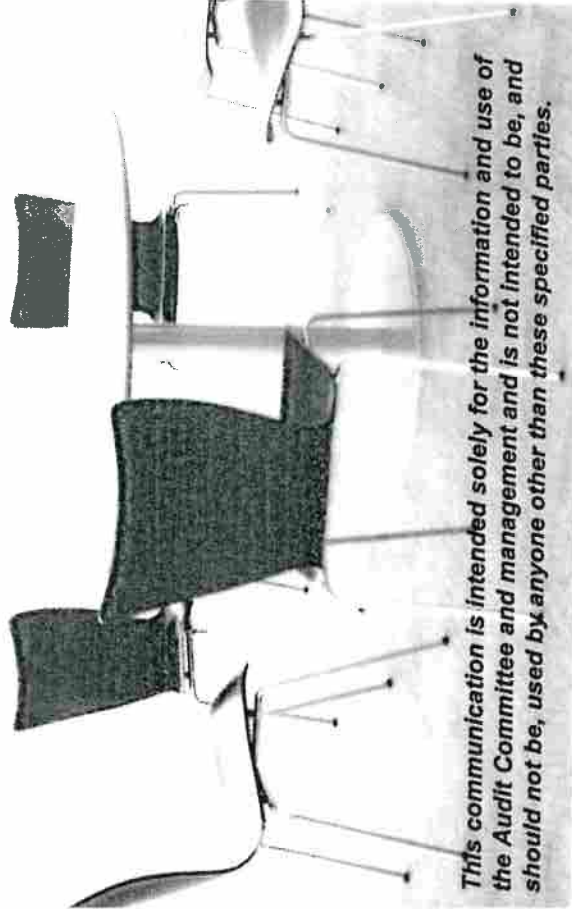
**MARK LAPRADE, CPA, CGMA**  
Principal  
603.518.2666  
mlaprade@berrydunn.com



**ROBERT SMALLEY, CPA**  
Senior Manager  
603.518.2627  
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**KATY BALUKAS, CPA**  
Manager  
603.518.2648  
kbalukas@berrydunn.com



*This communication is intended solely for the information and use of the Audit Committee and management and is not intended to be, and should not be, used by anyone other than these specified parties.*

PEASE DEVELOPMENT AUTHORITY  
GOLF COMMITTEE  
Monday, April 15, 2019

COPY

**Time:** 8:30 a.m.  
**Place:** 55 International Drive, Pease International Tradeport  
Portsmouth, New Hampshire


**AGENDA**

- I. Call to Order
- II. Acceptance of Meeting Minutes: November 13, 2018\*
- III. Public Comment
- IV. Old Business
  - A. Reports
    - 1. Grill 28 – Restaurant Equipment Purchase\*
- V. New Business
  - A. Reports
    - 1. Galley Hatch Restaurant, Inc. – Exercise of Contract Option\*
  - B. Approvals
    - 1. Golf Course Tee-Time Cancellation Policy\* (Levesque)
- VI. Upcoming Meetings
  - Finance Committee April 15, 2019 @ 9:00 a.m.
  - Board of Directors April 18, 2019

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

VII. Adjournment

VIII. Press Questions

- \* Related Materials Attached
- \*\* Related Materials Previously Sent
- \*\*\* Related Materials will be provided under separate cover
- + Materials to be distributed at Board Meeting
-  Confidential Materials

## MEMORANDUM

To: David R. Mullen, Executive Director *DRM*

From: Scott DeVito, General Manager *SDV*

Date: April 5, 2019

Subject: Grill 28 Restaurant Cooking Line Equipment Purchase

The PDA Golf Course is seeking to purchase equipment for the cooking line at the Grill 28 kitchen. The proposed equipment purchase was presented to the Golf Committee at its November, 2018 and April, 2019 meetings.

Design drawings for the original Grill 28 cooking line were presented to Brian Kiley, City of Portsmouth Electrical Inspector, in December, 2018. The City determined that moving some existing equipment and adding a third frying unit the cooking line would not meet its building code. Therefore, in an effort to bring the project to code, the following areas need to be addressed:

1. The exhaust hood system needs to be extended,
2. The cooking line wall needs to be extended; and
3. Upgrades to the cooling system need to be made.

Staff has determined it is not appropriate at this time to make all of the proposed changes due to the increased cost.

Attached is a list of equipment that will assist Grill 28 in continuing to provide quality food service in its day-to-day operations, as well as for the various pre-booked golf and social events. The original proposed budget was not to exceed \$35,000; however, a number of the items were eliminated. Staff has received quotes from three (3) separate companies, and all the items listed are the lowest extended pricing. The new proposed budget will not exceed \$9,000.

Hot Plate

Supplies on the Fly	\$	1,645.00
Alternative Sales	\$	1,916.00
TriMark	\$	1,825.00

Refrigerated Base

Supplies on the Fly	\$	4,160.00
Alternative Sales	\$	3,950.00
TriMark	\$	4,820.00

Food Slicer

Supplies on the Fly	\$	1,230.00
Alternative Sales	\$	1,295.00
TriMark	\$	1,375.00

Equipment Stand

Supplies on the Fly	\$	392.00
Alternative Sales	\$	435.00
TriMark	\$	436.00

Work Table

Supplies on the Fly	\$	397.00
Alternative Sales	\$	737.00
TriMark	\$	619.00

Total Expense

\$	7,824.00	Equipment
\$	500.00	Freight & Delivery
\$	8,324.00	



Pease Development Authority  
Attn: Dave Mullen  
55 International Drive  
Portsmouth, NH 03801

Dear Mr. Mullen:

I, John Tinios, President of Galley Hatch Restaurant d/b/a Grill 28, would like to exercise our Option Year starting November 1, 2019 as per the Amendment No. 3 – Food and Beverage Management Service Concession Agreement at Pease Golf Course.

Please let me know if you have any questions in regards to this letter.

Sincerely,

John Tinios  
President  
Grill 28

MOTION

Director Allard:

In accordance with the recommendation of the Pease Golf Committee, the Pease Development Authority Board of Directors approves of and adopts the "Pease Golf Course Cancellation Process, Policy and Fee Structure for Outdoor Golf Rounds and Indoor Golf Simulators" attached hereto and applicable to reservations made after April 19, 2019; all in accordance with the memorandum from Scott D. DeVito, PGA General Manager, dated April 15, 2019 attached hereto.

## MEMORANDUM

To: David R. Mullen, Executive Director *DRM*

From: Scott DeVito, PGA General Manager *SDV*

Date: April 15, 2019

Subject: Request to Implement a Cancellation Process, Policy and Fee Structure of Both Outside Rounds and Indoor Golf Simulators

The PDA Golf Course is requesting the implementation of a cancellation policy for tee time reservations made for play at Pease Golf Course outdoor courses and the indoor golf simulators. The policy will provide all Pass Holders and public players with a formal cancellation process, policy, and fee structure when tee times are reserved, but not utilized.

The new TeeSnap point of sale program will allow Staff to monitor players who do not show up for pre-booked tee times. Players will be allowed to miss a pre-scheduled tee time once without penalty. If a player misses a tee time for a second time, the player will be assessed a fee in accordance with the cancellation policy attached hereto.

Thank you for your consideration in this matter.



**Pease Golf Course  
Cancellation Process, Policy and Fee Structure for  
Outside Golf Rounds and Indoor Golf Simulators  
Applicable to Reservations Made After April 19, 2019**

Outside Golf Course: Tee time reservations may be made online up to **10** days in advance; and by telephone, or in person up to **7** days in advance of the scheduled play.

1. Tee-time cancellations must be made no later than **24 hours** in advance of the scheduled play.
2. A player may cancel the reservation on-line, by telephone, or in person.
3. A player will be allowed one (1) missed reserved tee time without penalty.
4. If a player fails to cancel a reservation at least **24 hours** in advance or does not to show up at the scheduled time, the player will be notified by e-mail that the player will only be allowed to make a future reservation by telephone or in person. Reservations must be secured with a valid credit card or debit card of the player making the reservation.
5. A cancellation fee as outlined below will be assessed to the reservation holder for failure to cancel a reservation at least **24 hours** in advance or failure to show up at the scheduled tee time.

Golf Course Simulators: Tee-time reservations may be made in advance by telephone, or in person up to **7** days in advance of the scheduled play.

1. Reservations must be secured with a valid credit or debit card of the player making the reservation.
2. Tee-time cancellations must be made no later than **24 hours** in advance of the scheduled play.
3. A player may cancel the reservation by telephone or in person.
4. A player will be allowed one (1) missed tee time without penalty.
5. A cancellation fee as outlined below will be assessed to the reservation holder for failure to cancel a reservation at least **24 hours** in advance or failure to show up at the scheduled tee time.

**Pease Golf Course Tee Time Cancellation Fees**

**Pease Golf Course Pass Holders – Outside Play:**

Cancellation Fee: **\$5.00 per player** will be charged to the credit card or debit card provided.

**Public Customers – Outside Play:**

Cancellation Fee: **\$10.00 per player** will be charged to the credit card or debit card provided.

**Simulators**

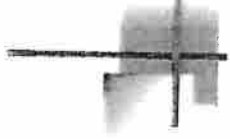
Cancellation Fee: Equal to **25%** of the fee for the allotted time booked. The cancellation fee will be charged to the credit card or debit card provided.

**FINANCE COMMITTEE AGENDA**

**Time:** 9:00 A.M.  
**Place:** 55 International Drive  
Pease International Tradeport  
Portsmouth, NH 03801

- I. Call to Order (*Bob Allard*)
- II. Acceptance of Committee Meeting Minutes: November 13, 2018\*
- III. Public Comment
- IV. Reports (*Irv Canner*)
  - A. Operating Results for the Eight Month Period Ending February 28, 2019 \*
  - B. Nine Month Cash Flow Projections through December 31, 2019 \*
  - C. FY 2019 – FY 2026 Capital Improvement Plan \*
- V. Upcoming Committee Meetings: June 17, 2019 @ 8:30 AM  
November 18, 2019 @ 8:30 AM
- VI. Director's Comments
- VII. Adjournment
- VIII. Press Questions

\* Related Materials Attached.  
+ Proposed Motion



**FY 2019 FINANCIAL REPORT  
FOR THE EIGHT MONTH PERIOD  
ENDING FEBRUARY 28, 2019**



**FINANCE COMMITTEE MEETING  
APRIL 15, 2019**



# CONSOLIDATED STATEMENT OF REVENUES AND EXPENSES

## FOR THE EIGHT MONTH PERIOD ENDING

### FEBRUARY 28, 2019

(\$ 000's)

**BUDGET VARIANCE ANALYSIS**

- OPERATING REVENUES-  
HIGHER BY 5.1 % ...
- TIMING DIFFERENCES ASSOCIATED WITH  
RENTAL OF FACILITIES, OFFSET BY INCREASES  
IN:
  - GOLF FEES- ESCALATION IN  
NONMEMBER ROUNDS PLAYED
  - CONCESSION REVENUES FROM  
GRILL & SALES
  - PSM PAY FOR PARKING DEFERRED  
UNTIL JANUARY 2019
  - DPH AND DAW FUEL SALES
- OPERATING COSTS-  
LOWER BY 3.9 %...
- 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 WHARFAGE ACTIVITIES (DPH).

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	CURRENT YEAR BUDGET
OPERATING REVENUES (PAGE #3)	10,575	10,055	510	15,214
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS (PAGE #4 AND #5)	4,135	3,834	301	5,903
BUILDINGS AND FACILITIES MAINTENANCE	1,191	1,712	(521)	2,482
GENERAL AND ADMINISTRATIVE (PAGE #6)	766	790	(24)	1,207
UTILITIES (PAGE #6)	439	487	(48)	712
PROFESSIONAL SERVICES (PAGE #6)	391	499	(108)	911
MARKETING AND PROMOTION	118	204	(86)	315
ALL OTHER (PAGE #6)	928	662	166	1,033
OPERATING INCOME	2,868	2,188	(320)	12,563
NONOPERATING (INCOME) AND EXPENSE (PAGE #7)	2,707	1,877	830	2,661
DEPRECIATION	(20)	87	(115)	130
NET OPERATING INCOME	(1,123)	(2,501)	1,278	(3,905)

# CONSOLIDATED OPERATING REVENUES FOR THE EIGHT MONTH PERIOD ENDING FEBRUARY 28, 2019

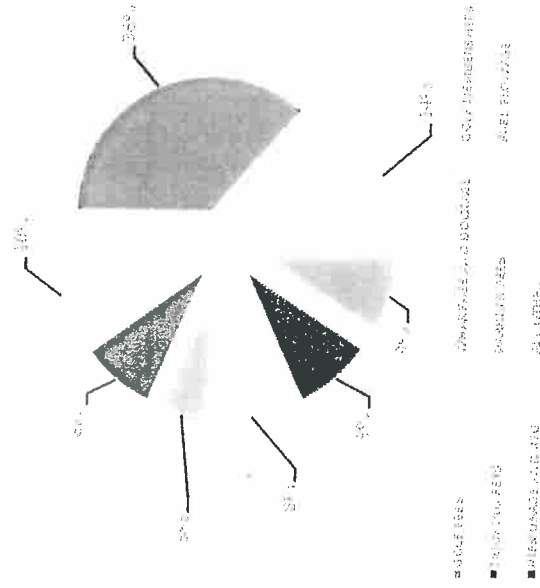
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	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VAR	CURRENT YEAR BUDGET
RENTAL OF FACILITIES	6,734	6,687	44	9,968
FEE REVENUES (SEE PIE CHART)	2,484	2,263	221	3,603
FUEL SALES (SEE TABLE BELOW)	688	478	210	704
CONCESSION REVENUE	266	264	2	400
GOLF MERCHANDISE	144	134	10	235
ALL OTHER- NET	252	239	20	314
	<u>10,278</u>	<u>10,065</u>	<u>510</u>	<u>15,224</u>

	ACTUAL SALES	BUDGETED SALES	BUDGET VARIANCE	ACTUAL DOGS	BUDGETED DOGS	BUDGET VARIANCE
PORTSMOUTH FISH PIER	365	382	83	294	260	34
RYE HARBOR	130	70	60	116	66	50
HAMPTON HARBOR	151	84	67	121	76	45
SKYHAVEN AIRPORT	42	42	-	40	34	6
	<u>688</u>	<u>478</u>	<u>210</u>	<u>571</u>	<u>436</u>	<u>135</u>

FEE REVENUES YEAR TO DATE



FUEL ANALYSIS

Location	Actual Sales	Budgeted Sales	Budget Variance
Portsmouth Fish Pier	365	382	83
Rye Harbor	130	70	60
Hampton Harbor	151	84	67
Skyhaven Airport	42	42	-
<b>Total</b>	<b>688</b>	<b>478</b>	<b>210</b>

# CONSOLIDATED PERSONNEL SERVICES AND BENEFITS FOR THE EIGHT MONTH PERIOD ENDING FEBRUARY 28, 2019

(\$ 000's)

## CURRENT STAFF ANALYSIS (FILLED POSITIONS) AS OF MARCH 28, 2019

YEAR TO DATE ACTUAL    YEAR TO DATE BUDGET    CURRENT YEAR VARIANCE    CURRENT YEAR BUDGET

PERSONNEL SERVICES    MAINTENANCE    PORT AUTHORITY    PORTSMOUTH AIRPORT    GOLF COURSE    FINANCE    LEGAL / HUMAN RESOURCES    ENGINEERING    SKYHAVEN    EXECUTIVE

YEAR TO DATE ACTUAL    YEAR TO DATE BUDGET    CURRENT YEAR VARIANCE    CURRENT YEAR BUDGET    SAL/ BEN    HR/ BEN    HR/ NON    SE    TOTAL

BENEFITED	2,426	2,470	(44)	3,667	-	17	-	12	29
NONBENEFITED	470	479	(9)	759	-	-	-	-	-
OVERTIME	204	154	50	336	1	10	4	8	23
ACCRUED VACATION/ SICK	22	-	22	-	-	-	-	-	-
<b>CHARGE OUT</b>	<b>3,122</b>	<b>3,103</b>	<b>19</b>	<b>4,802</b>	<b>3</b>	<b>7</b>	<b>11</b>	<b>-</b>	<b>21</b>
	(481)	(262)	(01)	(268)	3	4	-	15	20
	1,961	2,841	120	4,294	2	2	-	-	4
<b>FRINGE BENEFITS</b>					1	2	2	-	5
HEALTH INSUR	757	684	73	1,026	3	1	-	-	4
RETIREMENT	403	321	82	505	-	-	-	-	-
DENTAL INSURANCE	42	42	-	63	-	-	3	-	3
LIFE INSURANCE	19	16	3	25	1	1	-	-	2
<b>CHARGE OUT</b>	<b>1,221</b>	<b>1,063</b>	<b>158</b>	<b>1,719</b>	<b>14</b>	<b>14</b>	<b>20</b>	<b>22</b>	<b>111</b>
	(42)	(70)	28	(110)	-	-	-	-	-
	1,179	993	186	1,609	-	-	-	-	-
	1,195	2,824	361	5,903	-	-	-	-	-







7

**CONSOLIDATED NONOPERATING (INCOME) EXPENSE  
FOR THE EIGHT MONTH PERIOD ENDING  
FEBRUARY 28, 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	7	99	(92)	148		-	138
INTEREST INCOME AND OTHER	(35)	(12)	(23)	(18)		7	10
	(28)	(87)	(115)	130	TOTAL	7	148

# CONSOLIDATED STATEMENTS OF NET POSITION

(\$ 000's)

ASSETS	FEB 28 2019	JUN 30 2018	FEB 28 2019	JUN 30 2018	UNRESTRICTED	RESTRICTED
<b>LIABILITIES</b>						
<b>CURRENT LIABILITIES</b>						
ACCOUNTS PAYABLE	7,343	6,134	1,692	1,593		
ACCOUNTS RECEIVABLE- NET	1,706	2,058	307	2,423		
OTHER ASSETS	476	500	599	681		
TOTAL CURRENT ASSETS	<u>9,525</u>	<u>8,692</u>	207	207	6,217	-
<b>RESTRICTED ASSETS</b>						
CASH AND EQUIVALENTS	565	489	<u>2,804</u>	<u>4,904</u>	20	-
ACCOUNTS RECEIVABLES- NET	1,002	1,153	13,225	13,225	6,232	-
TOTAL RESTRICTED ASSETS	<u>1,567</u>	<u>1,642</u>	<u>13,649</u>	<u>14,959</u>	424	-
<b>CAPITAL ASSETS</b>						
LAND, BUILDINGS AND EQUIPMENT	62,539	65,030	<u>16,649</u>	<u>18,952</u>	682	-
CONSTRUCTION IN PROCESS (PAGE 106-112)	1,572	2,026	2,612	2,612	-	310
TOTAL CAPITAL ASSETS	<u>64,111</u>	<u>67,056</u>	64,436	64,400	-	250
<b>DEFERRED INFLOWS OF RESOURCES</b>						
REVOLVING LOAN FUND	1,222	1,198	1,222	1,198	1,108	568
HARBOR DREDGING	336	180	336	180	2,242	568
FOREIGN TRADE ZONE	3	10	3	10	-	-
UNRESTRICTED	(7,302)	(8,214)	(7,302)	(8,214)	-	-
TOTAL DEFERRED INFLOWS OF RESOURCES	<u>1,259</u>	<u>1,174</u>	<u>369</u>	<u>374</u>	-	5
<b>TOTAL NET POSITION</b>						
	<u>1,259</u>	<u>1,174</u>	<u>369</u>	<u>374</u>	<u>1,108</u>	<u>568</u>

*CASH AND EQUIVALENTS  
AT FEBRUARY 28, 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 CONSTRUCTION WORK IN PROGRESS

PROJECT NAME	BALANCE AT 06-30-18	CURRENT YEAR EXPENDITURES	TRANSFER TO PLANT IN SERVICE	NET CURRENT YEAR CHANGE	BALANCE AT 02-28-19
<b>PORTSMOUTH AIRPORT</b>					
RUNWAY 16-34 DESIGN (AIP 58)	661	379	(116)	263	924
TERMINAL PLANNING STUDY (AIP 61)	351	42	(351)	(309)	42
TERMINAL BUILDING EXPANSION	725	-	-	-	725
REPLACE TERMINAL RTU'S	180	66	(246)	(180)	-
OBSTRUCTION REMOVAL- CONSTRUCTION	2	104	(103)	1	3
AIRFIELD SINAGE	-	50	(50)	-	-
PAY FOR PARKING PROJECT	-	147	(147)	-	-
TERMINAL CARPETING	-	24	(24)	-	-
TREE REPLACEMENT PROJECT	-	13	-	13	13
SNOW PUSHER	-	4	(4)	-	-
TERMINAL EXPANSION	-	103	-	103	103
AIR NATIONAL GUARD TAXIWAY	-	35	(38)	1	1
	<u>1,919</u>	<u>971</u>	<u>(1,079)</u>	<u>(108)</u>	<u>1,811</u>

(\$ 000's)

# 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 02-28-19
<b>SKYHAVEN AIRPORT</b>					
TAXILANE PAVEMENT AND DRAINAGE	-	21	(7)	14	14
SNOW REMOVAL EQUIPMENT	-	1	(1)	-	-
	-	<u>22</u>	<u>(8)</u>	<u>14</u>	<u>14</u>
<b>TRADEPORT</b>					
	-	-	-	-	-
<b>GOLF COURSE</b>					
TORO TOP DRESSING BRUSH	-	3	(3)	-	-
TORO PROCARE PUSHER	-	27	(27)	-	-
GR3150 GREENS MOWERS	-	74	(74)	-	-
GM 3500 TRIM MOWER	-	<u>32</u>	<u>(32)</u>	-	-
	-	<u>136</u>	<u>(136)</u>	-	-
<b>ADMINISTRATION</b>					
WEBSITE REDESIGN PROJECT	29	10	(39)	(29)	-
COMPUTER REPLACEMENTS	-	8	(8)	-	-
	<u>29</u>	<u>18</u>	<u>(47)</u>	<u>(29)</u>	-
<b>MAINTENANCE</b>					
MITAS ERD 30 TIRES	-	17	(17)	-	-

# SUMMARY OF CONSTRUCTION WORK IN PROGRESS

(CONTINUED)

PROJECT NAME	BALANCE AT 06-30-18	CURRENT YEAR EXPENDITURES	TRANSFER TO PLANT IN SERVICE	NET CURRENT YEAR CHANGE	BALANCE AT 02-28-19
DIVISION OF PORTS AND MARBORS (DPH)					
UPGRADE PORT SECURITY AND SOFTWARE	47	-	(47)	(47)	-
FUNCTIONAL REPLACEMENT- BARGE DOCK	21	673	-	673	694
FASTLANE GRANT APPLICATION	11	(11)	-	(11)	-
BUILD GRANT APPLICATION	-	24	-	24	24
EMERGENCY GENERATOR RETROFIT	-	105	(105)	-	-
PPP DRAINAGE IMPROVEMENTS	-	11	(11)	-	-
FURNACE REPLACEMENT	-	10	(10)	-	-
EVINRUDE 75 HP ENGINE	-	7	(7)	-	-
RYE HARBOR RIP RAP REPAIRS	-	10	-	10	10
RYE FUEL SYSTEM REPLACEMENT	-	6	(6)	-	-
RYE STORM DAMAGES	-	8	(8)	-	-
PPP CONCEPT STUDY	-	20	-	20	20
	<u>79</u>	<u>863</u>	<u>(194)</u>	<u>669</u>	<u>748</u>
TOTAL	2,022	2,022	1,482	545	2,572

(\$ 000's)

# LONG TERM LIABILITIES AS OF FEBRUARY 28, 2019

(\$ 000's)

## SCHEDULE OF LONG TERM LIABILITY REPAYMENT

	CURRENT PORTION	LONG TERM PORTION	TOTAL AMOUNT DUE	FISCAL YEAR	CITY OF PORTSMOUTH	STATE OF NEW HAMPSHIRE (1)
STATE OF NEW HAMPSHIRE POST RETIREE HEALTH CARE PROGRAM	91	273	364	2019	116	91
				2020	116	91
DPN- DEPARTMENT OF ARMY	-	252	252	2021	-	91
				2022	-	91
CITY OF PORTSMOUTH- WATER POLLUTION CONTROL NOTE @ 4.50%	116	-	116	2023	-	91
					232	455
ACCRUED SICK LIABILITY	-	95	95	PAID IN FY 2019	(116)	(91)
					116	364

NOTE:  
1. ALLOCATION OF ANNUAL PAYMENT IS \$63 CHARGED TO THE PDA AND \$29 TO THE DPH.

207      628      822

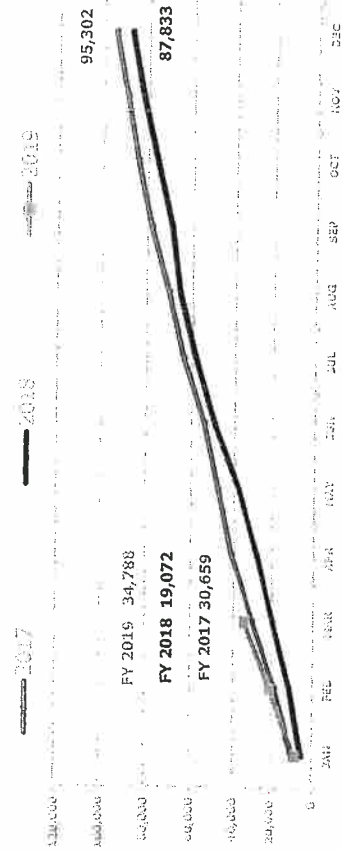
# STATEMENT OF OPERATIONS FOR THE EIGHT MONTH PERIOD ENDING FEBRUARY 28, 2019 PORTSMOUTH AIRPORT

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	1,021	976	45	1,540
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS	622	566	57	837
BUILDINGS AND FACILITIES MAINTENANCE	494	697	(203)	970
GENERAL AND ADMINISTRATIVE	218	173	45	259
UTILITIES	206	211	(5)	317
PROFESSIONAL SERVICES	4	-	4	-
MARKETING AND PROMOTION	57	29	28	43
ALL OTHER	-	-	-	-
<b>OPERATING INCOME</b>	<b>(580)</b>	<b>(699)</b>	<b>119</b>	<b>(886)</b>
NONOPERATING (INCOME) AND EXPENSE	-	-	-	-
DEPRECIATION	2,234	2,600	(166)	3,900
<b>NET OPERATING INCOME</b>	<b>(2,814)</b>	<b>(3,299)</b>	<b>485</b>	<b>(4,786)</b>

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES				
FACILITIES RENTAL	563	552	11	811
PAY FOR PARKING	116	228	(112)	307
CONCESSION REVENUES	55	47	8	71
FUEL FLOWAGE	124	133	(9)	200
ALL OTHER	163	16	147	151
	<b>1,021</b>	<b>976</b>	<b>45</b>	<b>1,540</b>

### ENPLACEMENT DATA





# STATEMENT OF OPERATIONS FOR THE EIGHT MONTH PERIOD ENDING FEBRUARY 28, 2019 SKYHAVEN AIRPORT

(\$ 000's)

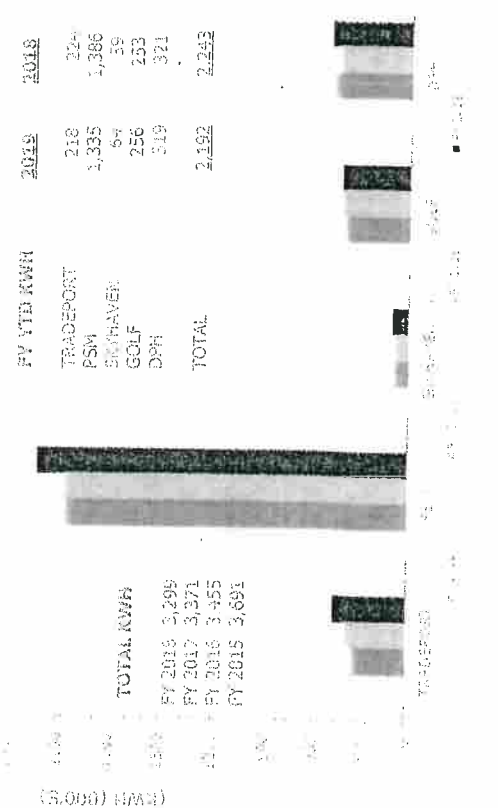
OPERATING REVENUES	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET	
FACILITIES RENTAL	81	80	1	120	
FUEL SALES	42	42	-	64	
ALL OTHER	1	1	-	1	
	<u>124</u>	<u>123</u>	<u>1</u>	<u>185</u>	
OPERATING REVENUES	124	123	1	185	
OPERATING EXPENSES					
PERSONNEL SERVICES AND BENEFITS	33	44	(11)	66	
BUILDINGS AND FACILITIES MAINTENANCE	47	48	(1)	71	
GENERAL AND ADMINISTRATIVE	23	24	(1)	36	
UTILITIES	18	20	(2)	30	
PROFESSIONAL SERVICES	4	4	-	6	
MARKETING AND PROMOTION	-	-	-	-	
ALL OTHER- FUEL	40	34	6	51	
	<u>165</u>	<u>174</u>	<u>(9)</u>	<u>260</u>	
OPERATING INCOME	(41)	(51)	10	(75)	
NONOPERATING (INCOME) AND EXPENSE	-	-	-	-	
DEPRECIATION	348	300	48	450	
NET OPERATING INCOME	(289)	(251)	(38)	(525)	
GALLONS OF FUEL SOLD					
FY 2019	CURRENT MONTH	YEAR TO DATE	TOTAL YEAR	YTD AVE PRICE	
	619	9,027	9,027	\$4.77	
FY 2018	698	10,588	15,476	\$4.37	
NET CASH FLOW	OPERA	CAPITAL EXPEND	DEBT REPAY	GRANT FUNDS	TOTAL
FY 2019	(41)	(22)	-	463	400
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>(950)</u>	<u>(6,814)</u>	<u>(100)</u>	<u>6,188</u>	<u>(1,676)</u>

# STATEMENT OF OPERATIONS FOR THE EIGHT MONTH PERIOD ENDING FEBRUARY 28, 2019 TRADEPORT

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET
OPERATING REVENUES	5,876	5,842	34	8,557
OPERATING EXPENSES				
PERSONNEL SERVICES AND BENEFITS	-	-	-	-
BUILDINGS AND FACILITIES MAINTENANCE	125	322	(193)	483
GENERAL AND ADMINISTRATIVE UTILITIES	32	32	-	48
PROFESSIONAL SERVICES	70	72	(2)	108
MARKETING AND PROMOTION	1	-	1	-
ALL OTHER	81	72	9	434
OPERATING INCOME	5,863	5,344	219	7,798
NONOPERATING (INCOME) AND EXPENSE	-	-	-	-
DEPRECIATION	504	567	(63)	850
NET OPERATING INCOME	5,359	4,777	282	6,948

### KWH CONSUMPTION ANALYSIS BY BUSINESS UNIT



# STATEMENT OF OPERATIONS FOR THE EIGHT MONTH PERIOD ENDING FEBRUARY 28, 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	1,601	1,545	56	2,468	OPERATING REVENUES	211	213	(2)	325
OPERATING EXPENSES					CONCESSION REVENUES				
PERSONNEL SERVICES AND BENEFITS	620	552	68	863	FEE REVENUES				
BUILDINGS AND FACILITIES MAINTENANCE	210	217	(7)	319	GOLF FEES	905	889	16	1,425
GENERAL AND ADMINISTRATIVE	149	162	(13)	238	MEMBERSHIPS	224	211	13	340
UTILITIES	72	114	(42)	13	SIMULATOR	102	86	16	120
PROFESSIONAL SERVICES	17	11	6	16	LESSONS	10	8	2	17
MARKETING AND PROMOTION	39	37	2	55		1,241	1,194	47	1,902
ALL OTHER	175	154	21	260	MERCHANDISE AND OTHER	149	138	11	241
	1,282	1,247	35	1,904		1,601	1,545	56	2,468
OPERATING INCOME	319	298	21	564					
NONOPERATING (INCOME) AND EXPENSE					BUSINESS UNIT ANALYSIS				
DEPRECIATION	275	266	9	397	PRO SHOP	144	1,144	211	1,601
NET OPERATING INCOME	44	32	12	167	COURSE OPERA	989	989	121	1,262
					FOOD / BEV	155	90	65	319
					TOTAL				

# KEY GOLF COURSE BENCHMARKING DATA AS OF FEBRUARY 28, 2019

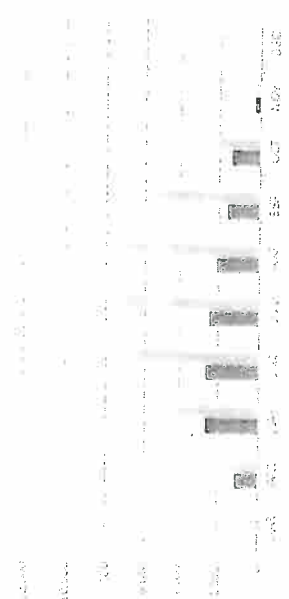
ROUNDS OF GOLF PLAYED (SEASON)



2018 YTD	2017 SEASON
51,317	53,234

ROUNDS PLAYED	77	52	52
RAIN DAYS			

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

\$ 102,033    \$ 119,352

GRILL & GROSS SALES

Month	FY 2019	FY 2018
JULY	\$ 208,701	\$ 195,199
AUGUST	221,334	210,451
SEPTEMBER	188,411	178,766
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

\$ 1,155,631    \$ 1,008,615

2018 ROUNDS- SEASON

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

2017 ROUNDS- SEASON

MEMBER	14,383
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	139,284	146,619
LEAGUES	66,060	69,095
FOOD AND ROOM FEES	170,007	164,694



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**STATEMENT OF OPERATIONS FOR THE EIGHT MONTH  
PERIOD ENDING FEBRUARY 28, 2019  
PORT AUTHORITY OF NEW HAMPSHIRE (RESTRICTED)**

	YEAR TO DATE		CURRENT YEAR		FISCAL YEAR		FISCAL YEAR BUDGET
	ACTUAL	BUDGET	DATE	VARIANCE	DATE	BUDGET	
FOREIGN TRADE ZONE							
OPERATING REVENUES	5	12	73	16	57	100	
OPERATING EXPENSES							
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES MAINTENANCE	-	-	21	(20)	41	60	
GENERAL AND ADMINISTRATIVE	5	-	-	(2)	2	4	
UTILITIES	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-
MARKETING AND PROMOTION	7	5	-	-	-	-	-
ALL OTHER	-	-	-	-	-	-	-
OPERATING INCOME	12	7	21	(22)	43	64	
NONOPERATING (INCOME) AND EXPENSE	(7)	-	52	38	14	36	
DEPRECIATION	-	-	(1)	-	(1)	-	
NET OPERATING INCOME	(2)	7	1	33	(22)	(24)	

(\$ 000's)

**STATEMENT OF OPERATIONS FOR THE EIGHT MONTH**  
**PERIOD ENDING FEBRUARY 28, 2019**  
**PORT AUTHORITY OF NEW HAMPSHIRE (RESTRICTED)**  
 (CONTINUED)

(\$ 000's)

	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	CURRENT YEAR VARIANCE	FISCAL YEAR BUDGET		BALANCE AT 02-28-019	BALANCE AT 06-30-2018
<b>REVOLVING LOAN FUND</b>							
<b>OPERATING REVENUES</b>	73	30	43	44			
<b>OPERATING EXPENSES</b>							
PERSONNEL SERVICES AND BENEFITS	-	-	-	-		250	48
BUILDINGS AND FACILITIES MAINTENANCE	8	-	8	-		-	-
GENERAL AND ADMINISTRATIVE	3	1	2	-		250	48
UTILITIES	-	-	-	-			
PROFESSIONAL SERVICES	38	21	17	32		148	142
MARKETING AND PROMOTION	-	-	-	-		828	1,010
ALL OTHER	-	-	-	-		976	1,152
						<u>1,226</u>	<u>1,200</u>
<b>OPERATING INCOME</b>	49	22	27	32		79.6	96.0
NONOPERATING (INCOME) AND EXPENSE	24	8	16	12			
DEPRECIATION	-	-	-	-			
<b>NET OPERATING INCOME</b>	24	8	16	12		29.6	46.0

**REVOLVING LOAN FUND RECONCILIATION**

(\*) EXCLUDES SEQUESTERED FUNDS.

# PEASE DEVELOPMENT AUTHORITY STATEMENT OF NET POSITION

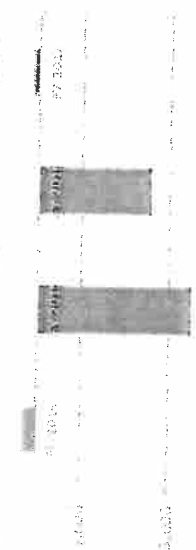
(EXCLUDING PORT AUTHORITY OF NEW HAMPSHIRE)

	FEB 28 2019	JUN 30 2018	FEB 28 2019	JUN 30 2018
	(\$ 000's)			
<b>ASSETS</b>			<b>LIABILITIES</b>	
<b>CURRENT ASSETS</b>			<b>CURRENT LIABILITIES</b>	
CASH AND EQUIVALENTS	6,237	5,197	ACCOUNTS PAYABLE	1,474
ACCOUNTS RECEIVABLE- NET	1,421	2,547	ACCOUNTS PAYABLE- CONSTRUCTION	215
OTHER ASSETS	430	454	UNEARNED REVENUE	329
TOTAL CURRENT ASSETS	<u>8,088</u>	<u>8,198</u>	REVOLVING LOC FACILITY	-
<b>RESTRICTED ASSETS</b>			CURRENT PORTION- LT LIABILITIES	178
CASH AND EQUIVALENTS	-	-	TOTAL CURRENT LIABILITIES	<u>2,196</u>
ACCOUNTS RECEIVABLES- NET	-	-	<b>NONCURRENT LIABILITIES</b>	
TOTAL RESTRICTED ASSETS	-	-	NET PENSION / OPEB LIABILITY	10,955
<b>CAPITAL ASSETS</b>			OTHER LT LIABILITIES	444
LAND, BUILDINGS AND EQUIPMENT	53,107	55,335	TOTAL LIABILITIES	<u>11,719</u>
CONSTRUCTION IN PROCESS (PAGE #16-17)	1,824	1,947	DEFERRED INFLOWS OF RESOURCES	<u>13,418</u>
TOTAL ASSETS	<u>54,934</u>	<u>57,282</u>	PENSION / OPEB	<u>2,201</u>
			NET POSITION	<u>54,600</u>
			NET INVEST IN CAPITAL ASSETS	55,265
			RESTRICTED FOR:	
			REVOLVING LOAN FUND	-
			HARBOR DREDGING	-
			FOREIGN TRADE ZONE	-
			UNRESTRICTED	(5,768)
			TOTAL NET POSITION	<u>48,832</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)

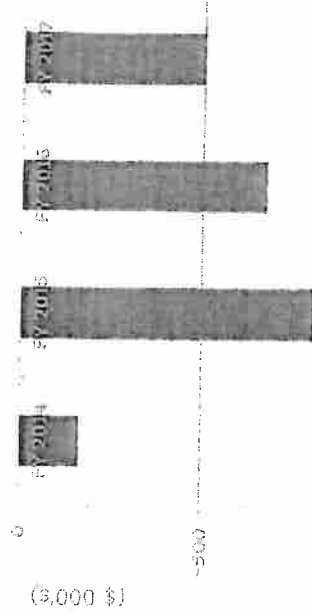
	FEB 28 2019	JUN 30 2018	FEB 28 2019	JUN 30 2018
ASSETS			LIABILITIES	
<b>CURRENT ASSETS</b>			<b>CURRENT LIABILITIES</b>	
CASH AND EQUIVALENTS	1,106	936	ACCOUNTS PAYABLE	210
ACCOUNTS RECEIVABLE- NET	285	199	ACCOUNTS PAYABLE- CONSTRUCTION	92
OTHER ASSETS	46	48	UNEARNED REVENUE	270
<b>TOTAL CURRENT ASSETS</b>	<b>1,440</b>	<b>1,183</b>	REVOLVING LOC FACILITY	-
<b>RESTRICTED ASSETS</b>			CURRENT PORTION- LT LIABILITIES	28
CASH AND EQUIVALENTS	-	-	<b>TOTAL CURRENT LIABILITIES</b>	<b>600</b>
ACCOUNTS RECEIVABLES- NET	-	-	<b>NONCURRENT LIABILITIES</b>	
<b>TOTAL RESTRICTED ASSETS</b>	<b>-</b>	<b>-</b>	NET PENSION / OPEB LIABILITY	2,270
<b>CAPITAL ASSETS</b>			OTHER LT LIABILITIES	103
LAND, BUILDINGS AND EQUIPMENT	8,558	8,902	<b>TOTAL LIABILITIES</b>	<b>2,973</b>
CONSTRUCTION IN PROCESS (PAGES #10-#14)	718	79	DEFERRED INFLOWS OF RESOURCES	2,401
<b>TOTAL ASSETS</b>	<b>10,716</b>	<b>10,164</b>	PENSION / OPEB	2,966
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			<b>NET POSITION</b>	<b>411</b>
PENSION / OPEB	318	318	NET INVEST IN CAPITAL ASSETS	9,184
	-	-	RESTRICTED FOR:	
	-	-	REVOLVING LOAN FUND	-
	-	-	HARBOR DREDGING	-
	-	-	FOREIGN TRADE ZONE	-
	-	-	UNRESTRICTED	(1,534)
	-	-	<b>TOTAL NET POSITION</b>	<b>7,650</b>

**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**



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

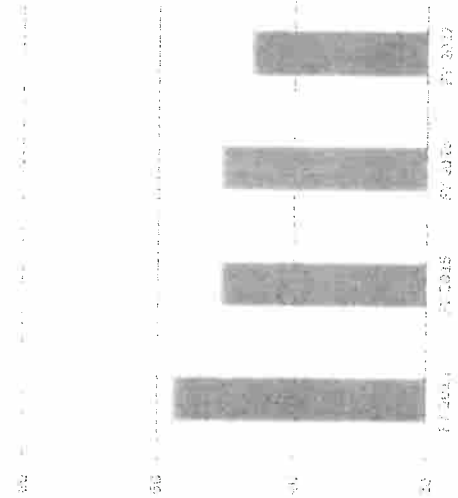
(\$ 000's)

	FEB 28 2019	JUN 30 2018	FEB 28 2019	JUN 30 2018
ASSETS			LIABILITIES	
<b>CURRENT ASSETS</b>			<b>CURRENT LIABILITIES</b>	
CASH AND EQUIVALENTS	-	-	ACCOUNTS PAYABLE	2
ACCOUNTS RECEIVABLE- NET	-	-	ACCOUNTS PAYABLE- CONSTRUCTION	-
OTHER ASSETS	-	-	UNEARNED REVENUE	-
<b>TOTAL CURRENT ASSETS</b>	<b>-</b>	<b>-</b>	REVOLVING LOC FACILITY	-
<b>RESTRICTED ASSETS</b>			CURRENT PORTION- LT LIABILITIES	-
CASH AND EQUIVALENTS	5	10	<b>TOTAL CURRENT LIABILITIES</b>	<b>2</b>
ACCOUNTS RECEIVABLES- NET	-	-	<b>NONCURRENT LIABILITIES</b>	
<b>TOTAL RESTRICTED ASSETS</b>	<b>5</b>	<b>10</b>	NET PENSION / OPEB LIABILITY OTHER LT LIABILITIES	-
<b>CAPITAL ASSETS</b>			<b>TOTAL LIABILITIES</b>	<b>2</b>
LAND, BUILDINGS AND EQUIPMENT	-	-	DEFERRED INFLOWS OF RESOURCES	-
CONSTRUCTION IN PROCESS (PAGES #10-#11)	-	-	PENSION	-
<b>TOTAL ASSETS</b>	<b>5</b>	<b>10</b>	<b>NET POSITION</b>	<b>-</b>
DEPERED OUTFLOWS OF RESOURCES PENSION / OPEB	-	-	NET INVEST IN CAPITAL ASSETS	-
			RESTRICTED FOR:	
			REVOLVING LOAN FUND	-
			HARBOR DREDGING	-
			FOREIGN TRADE ZONE	3
			UNRESTRICTED	-
			<b>TOTAL NET POSITION</b>	<b>3</b>

**DISCUSSION AND ANALYSIS**

CURRENTLY EXPLORING ACCELERATED MARKETING PLAN TO ATTRACT POTENTIAL VENDORS.

**NET RESTRICTED POSITION  
AT JUNE 30**



(\$ 000)

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

(\$ 000's)

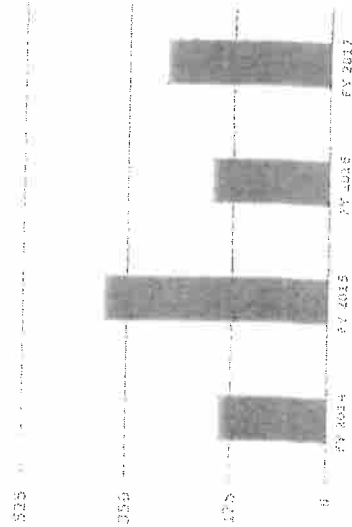
	FEB 28 2019	JUN 30 2018	FEB 28 2019	JUN 30 2018
<b>ASSETS</b>			<b>LIABILITIES</b>	
<b>CURRENT ASSETS</b>			<b>CURRENT LIABILITIES</b>	
CASH AND EQUIVALENTS	-	-	ACCOUNTS PAYABLE	-
ACCOUNTS RECEIVABLE- NET	-	-	ACCOUNTS PAYABLE- CONSTRUCTION	8
OTHER ASSETS	-	-	UNEARNED REVENUE	-
TOTAL CURRENT ASSETS	-	-	REVOLVING LOC FACILITY	-
<b>RESTRICTED ASSETS</b>			CURRENT PORTION- LT LIABILITIES	-
CASH AND EQUIVALENTS	311	491	TOTAL CURRENT LIABILITIES	-
ACCOUNTS RECEIVABLE- NET	25	1	<b>NONCURRENT LIABILITIES</b>	
TOTAL RESTRICTED ASSETS	<u>336</u>	<u>492</u>	NET PENSION / OPEB LIABILITY OTHER LT LIABILITIES	252
<b>CAPITAL ASSETS</b>				<u>252</u>
LAND, BUILDINGS AND EQUIPMENT	874	793	TOTAL LIABILITIES	<u>252</u>
CONSTRUCTION IN PROCESS (PHASES #10-#14)	30	-	DEFERRED INFLOWS OF RESOURCES	-
<b>TOTAL ASSETS</b>	<u>904</u>	<u>793</u>	NET POSITION	652
DEFERRED OUTFLOWS OF RESOURCES	-	-	NET INVEST IN CAPITAL ASSETS	-
PENSION / OPEB	-	-	RESTRICTED FOR:	-
	-	-	REVOLVING LOAN FUND	-
	-	-	HARBOR DREDGING	336
	-	-	FOREIGN TRADE ZONE	-
	-	-	UNRESTRICTED	-
	-	-	<b>TOTAL NET POSITION</b>	<u>964</u>

### 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
PPP FISH PIER INSPECTION	25
PPP ELECTRICAL DESIGN	21
SECURITY LIGHTING UPGRADE	15
PPP ICE COMPRESSOR REPAIR	9
ALL OTHER	41

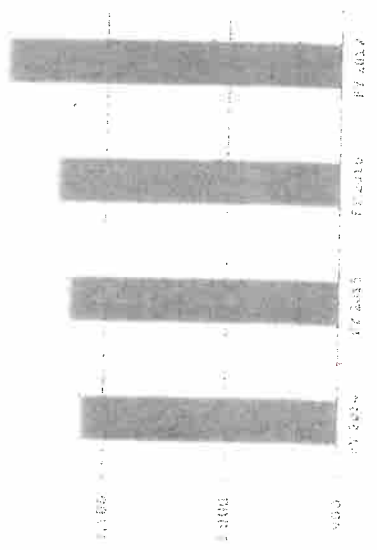
### NET RESTRICTED POSITION AT JUNE 30



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

(\$ 000'S)

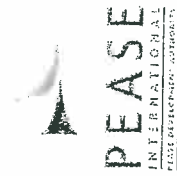
	FEB 28 2019	JUN 30 2018	FEB 28 2019	JUN 30 2018
<b>DISCUSSION AND ANALYSIS</b>				
<ul style="list-style-type: none"> <li>- IN JULY 2018, EDA AWARDS PDA WITH INITIAL RISK RATING OF "A" (HIGHEST).</li> <li>- STEADY STATE WITH NO INDICATION OF ANY FINANCIAL CHALLENGES RELATIVE TO THE FUND BALANCE.</li> <li>- CURRENT REGULATORY CLIMATE DOES HOWEVER POTENTIALLY CHALLENGE THE DEMAND FOR FUTURE LOANS AND POTENTIALLY, REPAYMENT OF CURRENT LOANS OUTSTANDING.</li> </ul>				
<b>NET RESTRICTED POSITION AT JUNE 30</b>				
<b>ASSETS</b>				
CURRENT ASSETS				
CASH AND EQUIVALENTS	-	-	-	-
ACCOUNTS RECEIVABLE- NET	-	-	-	-
OTHER ASSETS	-	-	-	-
TOTAL CURRENT ASSETS	-	-	-	-
RESTRICTED ASSETS	250	48	972	1,152
CASH AND EQUIVALENTS	-	-	-	-
ACCOUNTS RECEIVABLES- NET	-	-	-	-
TOTAL RESTRICTED ASSETS	250	48	972	1,152
CAPITAL ASSETS				
LAND, BUILDINGS AND EQUIPMENT	-	-	-	-
CONSTRUCTION IN PROCESS (PAGES #10-#14)	-	-	-	-
TOTAL ASSETS	250	48	972	1,152
DEFERRED OUTFLOWS OF RESOURCES				
PENSION / OPEB	-	-	-	-
TOTAL NET POSITION	250	48	972	1,152
<b>LIABILITIES</b>				
CURRENT LIABILITIES				
ACCOUNTS PAYABLE	-	-	-	-
ACCOUNTS PAYABLE- CONSTRUCTION	5	-	-	-
UNEARNED REVENUE	-	-	-	-
REVOLVING LOC FACILITY	-	-	-	-
CURRENT PORTION- LT LIABILITIES	-	-	-	-
TOTAL CURRENT LIABILITIES	5	-	-	-
NONCURRENT LIABILITIES				
NET PENSION / OPEB LIABILITY	-	-	-	-
OTHER LT LIABILITIES	-	-	-	-
TOTAL LIABILITIES	5	-	-	-
DEFERRED INFLOWS OF RESOURCES				
PENSION	-	-	-	-
NET POSITION	-	-	-	-
NET INVEST IN CAPITAL ASSETS	-	-	-	-
RESTRICTED FOR:				
REVOLVING LOAN FUND	1,222	-	-	1,198
HARBOR DREDGING	-	-	-	-
FOREIGN TRADE ZONE	-	-	-	-
UNRESTRICTED	-	-	-	-
TOTAL NET POSITION	1,222	-	-	1,198



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**CASH FLOW PROJECTIONS FOR THE  
NINE MONTH PERIOD ENDING  
DECEMBER 31, 2019**

**FINANCE COMMITTEE MEETING  
APRIL 15, 2019**



# PEASE DEVELOPMENT AUTHORITY CASH FLOW SUMMARY OVERVIEW APRIL 1, 2019 TO DECEMBER 31, 2019

(EXCLUDING DIVISION OF PORTS AND HARBORS)

(\$ 000's)

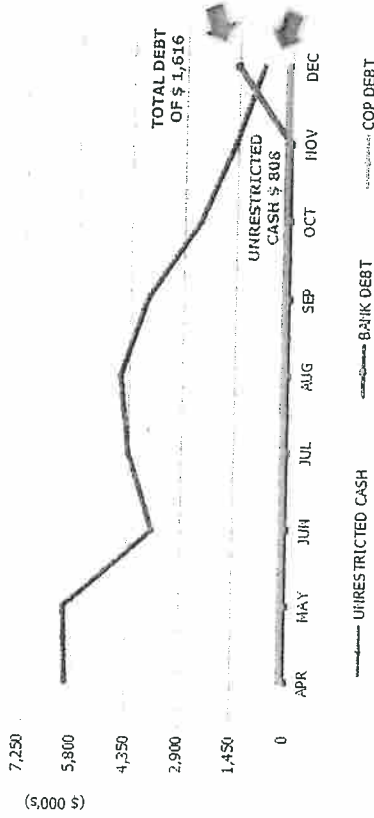
	AMOUNT
<b>OPENING FUND BALANCE</b>	<b>6,318</b>
<b>SOURCES OF FUNDS</b>	
TRADEPORT TENANTS	7,215
MUNICIPAL-SERVICE FEE (COP)- NET	(56)
GOLF COURSE FEE AND CONCESSION REVENUES	1,115
PSM AIRPORT- LEASES, FUEL FLOWAGE FEES AND PARKING	1,112
GRANT AWARDS (SEE PAGE #8)	601
SKYHAVEN AIRPORT HANGAR AND FUEL REVENUES	142
EXTERNAL BANK FINANCING- NET	1,500
	<u>11,629</u>
<b>USES OF FUNDS</b>	
OPERATING EXPENSES	8,080
CAPITAL EXPENDITURES- NON GRANT (SEE PAGES #5-#7)	7,671
CAPITAL EXPENDITURES- GRANT (SEE PAGE #4)	1,325
STATE OF NH- POST RETIREMENT	63
LONG TERM DEBT RETIREMENT	-
	<u>17,139</u>
<b>NET CASH FLOW</b>	<b>(5,510)</b>
<b>CLOSING FUND BALANCE</b>	<b>808</b>

**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 03-31-2019	BALANCE AT 06-30-2018
PDA UNRESTRICTED	6,318	5,162
PDA DESIGNATED	20	19
<b>TOTAL</b>	<b>6,338</b>	<b>5,181</b>

# PEASE DEVELOPMENT AUTHORITY STATEMENT OF CASH FLOW

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>OPENING FUND BALANCE</b>	<b>6,318</b>	<b>6,001</b>	<b>6,064</b>	<b>3,671</b>	<b>4,370</b>	<b>4,604</b>	<b>3,879</b>	<b>2,459</b>	<b>1,549</b>	<b>6,318</b>
<b>SOURCES OF FUNDS</b>										
TRADEPORT TENANTS	700	710	710	1,515	710	715	715	720	720	7,215
MUNICIPAL SERVICE FEE	250	375	250	250	375	250	250	375	250	2,625
GOLF COURSE	90	100	125	175	175	150	150	100	50	1,115
PAY FOR PARKING- PSM	55	50	50	45	45	45	45	50	50	435
PORTSMOUTH AIRPORT	45	50	45	45	50	45	45	50	45	420
GRANT AWARDS (SEE PAGE #8)	-	516	-	-	-	25	60	-	-	601
FUEL FLOWAGE FEES- PSM	40	22	20	40	20	20	40	25	30	257
SKYHAVEN AIRPORT	15	15	17	17	17	16	16	15	14	142
EXTERNAL FINANCING- NET	-	-	-	-	-	-	-	-	1,500	1,500
	<b>1,195</b>	<b>1,838</b>	<b>1,217</b>	<b>2,087</b>	<b>1,392</b>	<b>1,266</b>	<b>1,321</b>	<b>1,335</b>	<b>2,659</b>	<b>14,310</b>
<b>USE OF FUNDS</b>										
OPERATING EXPENSES	870	875	875	870	825	850	840	1,250	825	8,080
CAPITAL- NONGRANT (SEE PAGES #5-#7)	552	740	1,230	305	183	970	1,751	845	1,095	7,671
MUNICIPAL SERVICE FEE	-	-	1,330	-	-	21	-	-	1,330	2,681
CAPITAL- GRANT RELATED (SEE PAGE #4)	90	160	175	150	150	150	150	150	150	1,325
STATE OF NH- POST RETIREMENT	-	-	-	63	-	-	-	-	-	63
LONG TERM DEBT RETIREMENT	-	-	-	-	-	-	-	-	-	-
	<b>1,512</b>	<b>1,775</b>	<b>3,610</b>	<b>1,388</b>	<b>1,158</b>	<b>1,991</b>	<b>2,741</b>	<b>2,245</b>	<b>3,400</b>	<b>19,820</b>
	<b>(317)</b>	<b>63</b>	<b>(2,393)</b>	<b>699</b>	<b>234</b>	<b>(725)</b>	<b>(1,420)</b>	<b>(910)</b>	<b>(741)</b>	<b>(5,510)</b>
<b>NET CASH FLOW</b>	<b>1,195</b>	<b>1,838</b>	<b>1,217</b>	<b>2,087</b>	<b>1,392</b>	<b>1,266</b>	<b>1,321</b>	<b>1,335</b>	<b>2,659</b>	<b>14,310</b>
<b>CLOSING FUND BALANCE</b>	<b>6,001</b>	<b>6,064</b>	<b>3,671</b>	<b>4,370</b>	<b>4,604</b>	<b>3,879</b>	<b>2,459</b>	<b>1,549</b>	<b>808</b>	<b>808</b>

# PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b><u>GRANT REIMBURSEMENT</u></b>										
<b>PORTSMOUTH AIRPORT</b>										
TERMINAL EXPANSION DESIGN AND CONSTRUCTION (AIP 63- \$1.8M)	-	150	150	150	150	150	150	150	150	1,200
RUNWAY 16-34 DESIGN (AIP 58)	80	-	-	-	-	-	-	-	-	80
OBSTRUCTION MITIGATION- CONSTRUCT (AIP 60)	10	10	10	-	-	-	-	-	-	30
<b>SKYHAVEN AIRPORT</b>										
TL AND DRAINAGE (SBG 7)	-	-	15	-	-	-	-	-	-	15
<b>TOTAL</b>	<b>90</b>	<b>160</b>	<b>175</b>	<b>150</b>	<b>150</b>	<b>150</b>	<b>150</b>	<b>150</b>	<b>150</b>	<b>1,325</b>

NOTE:  
\*\* PENDING BOARD APPROVAL



# PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

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

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<u>NONGRANT REIMBURSEMENT</u>										
SKYHAVEN AIRPORT										
ADMINISTRATION										
COMPUTERS / PRINTERS / SOFTWARE / SERVERS / TELECOMMUNICATIONS **	-	65	-	12	-	-	-	13	-	90
PROPERTY MANAGEMENT SOFTWARE **	-	-	-	5	-	-	-	-	-	5
<b>GOLF COURSE</b>	=	<u>65</u>	=	<u>17</u>	=	=	=	<u>13</u>	=	<u>95</u>
FAIRWAY AERATOR	-	28	-	-	-	-	-	-	-	28
PATIO / CLUBHOUSE LIGHTING **	-	-	-	25	-	25	-	-	-	50
RESTAURANT MODIFICATIONS **	30	-	-	-	-	-	-	-	-	30
ROUGH MOWER **	-	-	-	-	-	-	-	-	-	-
	<u>30</u>	<u>28</u>	=	<u>25</u>	=	<u>25</u>	=	=	=	<u>108</u>

NOTE:  
\*\* PENDING BOARD APPROVAL

# PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

(CONTINUED):

	<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>DEC</u>	<u>TOTAL</u>
<b><u>NONGRANT REIMBURSEMENT</u></b>										
<i>(CONTINUED):</i>										
<b>PORTSMOUTH AIRPORT</b>										
TERMINAL CONSTRUCTION	487	512	1,200	183	183	845	1,726	832	1,050	7,018
TERMINAL EXPANSION DESIGN	25	-	-	-	-	-	-	-	-	25
PAY FOR PARKING	10	15	-	-	-	-	-	-	-	25
GROUND TRANSPORTATION BUS **	-	-	-	-	-	100	-	-	-	100
NORTH WEATHER STATION GENERATOR **	-	-	-	35	-	-	-	-	-	35
TERMINAL LED LIGHTING **	-	-	20	-	-	-	-	-	-	20
DAC CONNECTION UPGRADE **	-	-	10	-	-	-	-	-	-	10
TREE REPLACEMENT **	-	20	-	-	-	-	-	-	-	20
	<u>522</u>	<u>547</u>	<u>1,230</u>	<u>218</u>	<u>183</u>	<u>945</u>	<u>1,726</u>	<u>832</u>	<u>1,050</u>	<u>7,253</u>

NOTE:  
\*\* PENDING BOARD APPROVAL

# PEASE DEVELOPMENT AUTHORITY CAPITAL EXPENDITURES

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

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b><u>NONGRANT REIMBURSEMENT</u></b>										
<b>TRADEPORT</b>										
STORMWATER TREATMENT	-	<u>10</u>	-	-	-	-	-	-	-	<u>10</u>
<b>MAINTENANCE</b>										
VEHICLE FLEET REPLACEMENT **	-	-	-	45	-	-	-	-	45	90
RUNWAY PAINT MACHINE **	-	70	-	-	-	-	-	-	-	70
WEED SPRAYER **	-	20	-	-	-	-	-	-	-	20
TRACTOR ADD ON COMPONENTS **	-	-	-	-	-	-	25	-	-	25
	-	<u>90</u>	-	<u>45</u>	-	-	<u>25</u>	-	<u>45</u>	<u>205</u>
<b>TOTAL</b>	<u>552</u>	<u>740</u>	<u>1,230</u>	<u>305</u>	<u>183</u>	<u>970</u>	<u>1,751</u>	<u>845</u>	<u>1,095</u>	<u>7,671</u>

NOTE:  
\*\* PENDING BOARD APPROVAL

# PEASE DEVELOPMENT AUTHORITY RECEIPT GRANT AWARDS

(EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>PORTSMOUTH AIRPORT</b>										
TERMINAL EXPANSION DESIGN AND CONSTRUCTION (AIP 63- \$1.8M)	-	-	-	-	-	-	-	-	-	-
RUNWAY 16-34 DESIGN (AIP 58)	-	359	-	-	-	-	60	-	-	419
OBSTRUCTION MITIGATION / CONSTRUCT (AIP 60)	-	157	-	-	-	25	-	-	-	182
<b>SKYHAVEN AIRPORT</b>										
TAXIWAY PAVEMENT AND DRAINAGE (SBG-7)	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	<u>516</u>	-	-	-	<u>25</u>	<u>60</u>	-	-	<u>601</u>



# DIVISION OF PORTS AND HARBORS CASH FLOW SUMMARY OVERVIEW *(EXCLUDING RESTRICTED FUNDS)*

(\$ 000's)

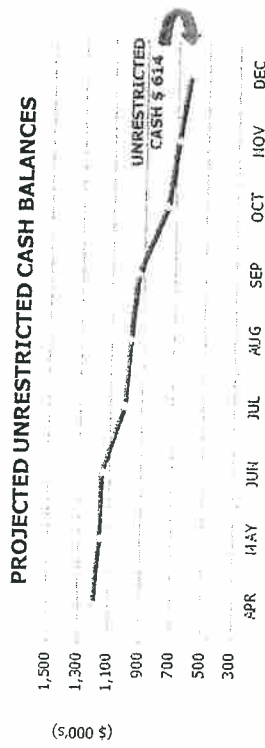
(\$ 000's)	<u>AMOUNT</u>
<b>OPENING FUND BALANCE</b>	<u>1,416</u>
<b>SOURCES OF FUNDS</b>	
FACILITY RENTALS	569
FUEL SALES	305
PARKING FEES AND CONCESSIONS	280
REGISTRATIONS / WHARFAGE	50
MOORING FEES	-
	<u>1,204</u>
<b>USES OF FUNDS</b>	
PERSONNEL SERVICES AND BENEFITS	1,260
OPERATING EXPENSES	378
FUEL PROCUREMENT	310
CAPITAL EXPENDITURES AND OTHER	30
STATE OF NH- POST RETIREMENT	28
	<u>2,006</u>
	<u>(802)</u>
<b>NET CASH FLOW</b>	
<b>CLOSING FUND BALANCE</b>	<u>614</u>

**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.



TOTAL FUND BALANCES	BALANCE AT <u>03-31-2019</u>	BALANCE AT <u>06-30-2018</u>
UNRESTRICTED FUNDS	<u>1,416</u>	<u>940</u>
RESTRICTED FUNDS:		
HARBOR DREDGING	374	431
REVOLVING LOAN FUND	257	50
FOREIGN TRADE ZONE	3	10
TOTAL	<u>2,050</u>	<u>491</u>

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

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>OPENING FUND BALANCE</b>	<u>1,416</u>	<u>1,202</u>	<u>1,161</u>	<u>1,153</u>	<u>1,013</u>	<u>979</u>	<u>941</u>	<u>754</u>	<u>687</u>	<u>1,416</u>
<b>SOURCES OF FUNDS</b>										
FACILITY RENTALS	62	62	62	62	63	63	65	65	65	569
FUEL SALES	35	35	35	35	35	35	35	30	30	305
PARKING FEES	10	30	40	40	40	25	20	10	5	220
REGISTRATIONS / WHARFAGE	-	-	-	25	-	-	25	-	-	50
CONCESSION REVENUES	-	10	10	30	10	-	-	-	-	60
MOORING FEES	-	-	-	-	-	-	-	-	-	-
	<u>107</u>	<u>137</u>	<u>147</u>	<u>192</u>	<u>148</u>	<u>123</u>	<u>145</u>	<u>105</u>	<u>100</u>	<u>1,204</u>
<b>USE OF FUNDS</b>										
PERSONNEL SERVICES AND BENEFITS	235	90	235	225	95	90	235	95	95	1,660
FUEL PROCUREMENT	35	35	30	25	40	30	45	30	40	310
UTILITIES	14	13	12	12	12	12	14	15	15	119
GENERAL AND ADMINISTRATIVE	12	15	13	12	12	14	13	12	13	119
BUILDINGS AND FACILITIES	15	15	10	10	10	15	15	10	10	110
PROFESSIONAL SERVICES	10	-	-	10	-	-	10	-	-	30
CAPITAL EXPENDITURES AND OTHER	-	10	-	-	10	-	-	10	-	30
STATE OF NH- POST RETIREMENT	-	-	-	28	-	-	-	-	-	28
	<u>321</u>	<u>178</u>	<u>155</u>	<u>332</u>	<u>1,072</u>	<u>161</u>	<u>332</u>	<u>172</u>	<u>173</u>	<u>2,006</u>
	(214)	(41)	(8)	(140)	(34)	(38)	(187)	(67)	(73)	(802)
<b>NET CASH FLOW</b>										
<b>CLOSING FUND BALANCE</b>	<u>1,202</u>	<u>1,161</u>	<u>1,153</u>	<u>1,013</u>	<u>979</u>	<u>941</u>	<u>754</u>	<u>687</u>	<u>614</u>	<u>614</u>

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

(\$ 000's)

	<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>DEC</u>	<u>TOTAL</u>
<b>OPENING FUND BALANCE</b>	374	377	371	413	415	426	428	456	441	374
<b>SOURCES OF FUNDS</b>										
PIER USAGE FEES	-	15	15	25	-	25	25	-	25	130
REGISTRATIONS	-	5	-	-	10	-	-	10	-	25
FUEL FLOWAGE FEES	3	3	4	4	3	4	3	4	4	32
GRANT FUNDING	-	-	23	-	-	-	-	-	-	23
	3	23	42	29	13	29	28	14	29	210
<b>USE OF FUNDS</b>										
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES	-	2	-	2	-	2	-	2	-	8
GENERAL AND ADMINISTRATIVE	-	2	-	-	2	-	-	2	-	6
UTILITIES	-	-	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-	-	-
ALL OTHER- (CBOC)	-	25	-	25	-	25	-	25	-	100
	-	29	-	27	2	27	-	29	29	114
<b>NET CASH FLOW</b>	3	(6)	42	2	11	2	28	(15)	29	96
<b>CLOSING FUND BALANCE</b>	377	371	413	415	426	428	456	441	470	470



# DIVISION OF PORTS AND HARBORS

## STATEMENT OF CASH FLOW - REVOLVING LOAN FUND

### (RESTRICTED)

(\$ 000's)

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>OPENING FUND BALANCE</b>	257	245	255	214	224	234	132	143	153	257
<b>SOURCES OF FUNDS</b>										
LOAN REPAYMENTS	11	10	10	10	10	10	10	9	11	91
INTEREST INCOME-LOANS	3	3	2	2	2	2	3	3	3	23
INTEREST INCOME- FUND BALANCE	-	-	1	-	-	-	1	-	-	2
	14	13	13	12	12	12	14	12	14	116
<b>USE OF FUNDS</b>										
NEW LOANS ISSUED	24	-	52	-	-	110	-	-	-	186
PERSONNEL SERVICES AND BENEFITS	-	-	-	-	-	-	-	-	-	-
BUILDINGS AND FACILITIES	-	-	-	-	-	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	-	-	-	-	-	2	-	-	2	4
UTILITIES	-	-	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	2	3	2	2	2	2	3	2	2	20
ALL OTHER	-	-	-	-	-	-	-	-	-	-
	26	3	54	2	2	114	3	2	4	210
NET CASH FLOW	(12)	10	(41)	10	10	(112)	11	10	10	(94)
<b>CLOSING FUND BALANCE</b>	245	255	214	224	234	132	143	153	163	163



**PEASE DEVELOPMENT AUTHORITY**

**CAPITAL IMPROVEMENT PLAN  
FY 2019 - FY 2026**

**FINANCE COMMITTEE MEETING  
APRIL 15, 2019**

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# SUMMARY FINDINGS...

\$ (000's)

THE CURRENT UPDATE TO THE CAPITAL IMPROVEMENT PLAN, EXCLUDING THE DIVISION OF PORTS AND HARBORS, HAS IDENTIFIED PROJECT REQUESTS THAT TOTAL \$ 126,093. THE OVERRIDING EMPHASIS IN PROJECTED SPENDING IS TOWARD INFRASTRUCTURE ACTIVITIES AT THE PEASE INTERNATIONAL AIRPORT AND TO A LESSER EXTENT, THE PEASE TRADEPORT.

	GRANT FUNDED	INTERNALLY FUNDED	TOTAL
INFRASTRUCTURE	\$ 67,121	\$ 19,713	\$ 86,834
EQUIPMENT	2,400	7,287	9,687
FACILITIES	8,022	21,550	29,572
	<u>\$ 77,543</u>	<u>\$ 48,550</u>	<u>\$ 126,093</u>

PROJECT JUSTIFICATION WAS DIRECTED TOWARD REQUESTS THAT ARE IN SUPPORT OF HEALTH AND SAFETY, REGULATORY COMPLIANCE, SUSTAINABILITY, REDUCTION IN OPERATING COSTS, ASSET PRESERVATION AND OR REVENUE ENHANCEMENT OPPORTUNITIES.

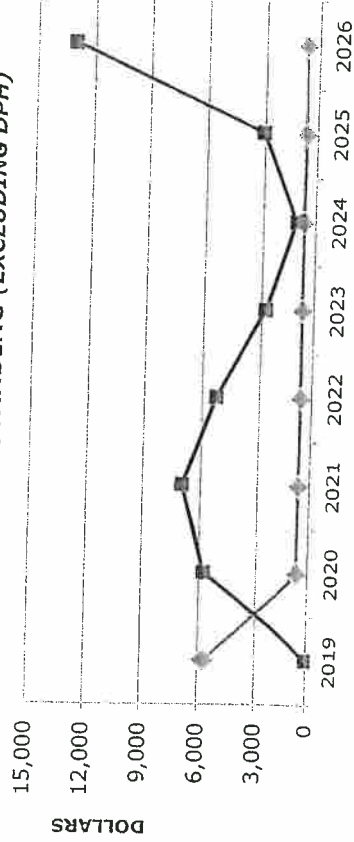
PROPOSED PROJECT REQUESTS WILL REQUIRE A CONTINUATION OF THE \$15,000 WORKING CAPITAL REVOLVING LINE OF CREDIT (RLOC) NOW HELD THROUGH THE PROVIDENT BANK WHICH EXPIRES ON DECEMBER 31, 2022.

THE PDA IS CURRENTLY EXPLORING ALTERNATIVE FINANCING, TARGETED TOWARD TRADEPORT INTERSECTION IMPROVEMENTS, WITH THE FULL FAITH AND CREDIT OF THE STATE OF NEW HAMPSHIRE. UNISSUED STATE GUARANTEED DEBT OF \$13,900.

## KEY SENSITIVITIES INCLUDE:

- POTENTIAL EXPANSION OF PAY FOR PARKING- PSM
- FUTURE FUEL FLOWAGE RATE FEES- PSM
- TRADEPORT TRAFFIC FLOW STUDY
- STORMWATER TREATMENT COST PROJECTIONS
- POSSIBLE ADOPTION OF LANDING FEES
- FRONTIER / ALLEGIANT- CONTINUED OPERATING SUCCESS
- PROJECTED NET OPERATING INCOME
- INTEREST RATE AND INFLATION ENVIRONMENT
- EXTERNAL BORROWING CAPACITY
- PDA GRANT FUNDING MATCH AT 5%

PROJECTED UNRESTRICTED CASH BALANCES AND DEBT OUTSTANDING (EXCLUDING DPH)



UNRESTRICTED CASH BALANCES —◆— DEBT OUTSTANDING

# CAPITAL PROJECT REQUESTS...

\$(000/s)

THE MORE SIGNIFICANT **GRANT FUNDED** CAPITAL PROJECTS, WHICH TOTAL **\$77,543**, INCLUDE:

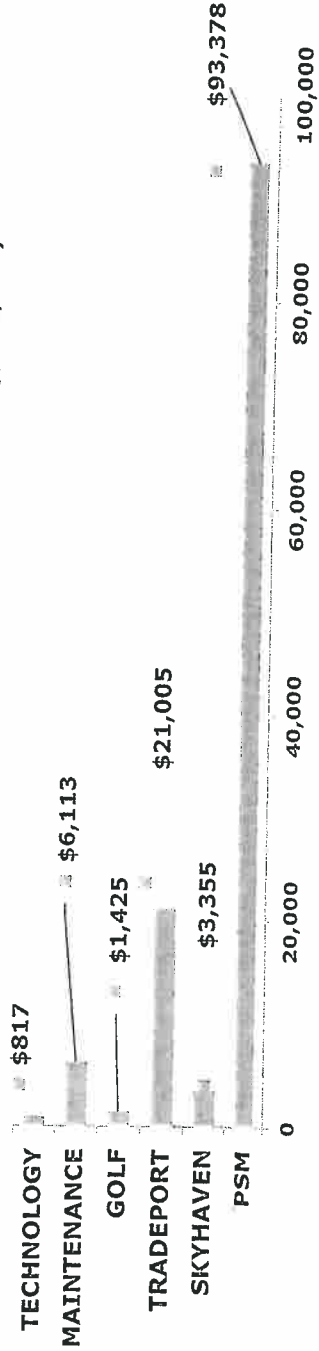
- RECONSTRUCTION RUNWAY 16-34 (PSM)
- RECONSTRUCTION TAXIWAYS (PSM)
- TERMINAL EXPANSION (PSM)
- TERMINAL APRON CONSTRUCTION (DAW)
- SNOW REMOVAL EQUIPMENT (PSM AND DAW)

THE 5% COST SHARING IMPACT (CASH FLOW) TO THE PDA FOR PROPOSED GRANT FUNDED PROJECT REQUESTS THROUGH FY 2026 ARE ESTIMATED AT \$3,877.

THE MORE SIGNIFICANT **INTERNALLY FUNDED** CAPITAL PROJECTS, WHICH TOTAL **\$48,550**, INCLUDE:

- TRADEPORT INTERSECTION IMPROVEMENTS
- PSM TERMINAL EXPANSION / RENOVATIONS
- TERMINAL PARKING LOT RENOVATIONS
- GOLF COURSE ENHANCEMENTS / EQUIPMENT ROOF REPLACEMENTS
- STORMWATER TREATMENT
- SNOW MELTER
- WINDBREAK FOR WALKWAY AT PSM
- TERMINAL LOOP ROAD

CAPITAL PROJECT CONCENTRATION (\$126,093)

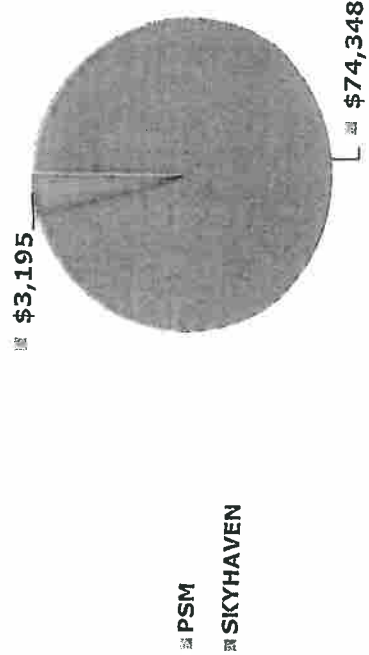


# PROJECTED CAPITAL EXPENDITURES...

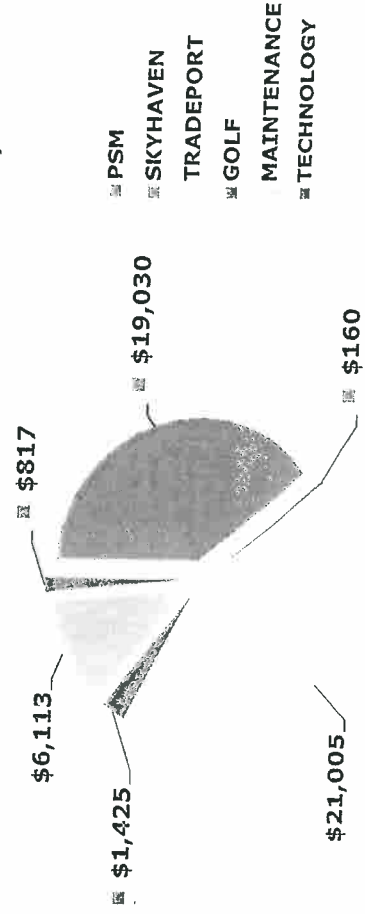
\$ (000's)

FISCAL YEAR	PSM	SKYHAVEN	TRADEPORT	GOLF	MAINTENANCE	TECHNOLOGY	TOTAL
2019 TO GO	\$ 2,420	\$ 15	\$ -	\$ 30	\$ 135	\$ 5	\$ 2,605
2020	24,581	245	515	100	398	294	26,133
2021	26,005	-	705	245	95	117	27,167
2022	6,675	350	930	185	538	112	8,790
2023	4,937	1,615	1,910	210	277	100	9,049
2024	1,100	350	2,480	210	240	67	4,447
2025	21,135	500	2,060	300	4,100	110	28,205
2026	6,525	280	12,405	145	330	12	19,697
	<u>93,378</u>	<u>3,355</u>	<u>21,005</u>	<u>1,425</u>	<u>6,113</u>	<u>817</u>	<u>126,093</u>

## GRANT FUNDED PROJECTS (\$77,543)



## INTERNALLY FUNDED PROJECTS (\$48,550)



# GRANT FUNDED CAPITAL PROJECT REQUESTS...

\$ (000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>PORTSMOUTH INTERNATIONAL AIRPORT (PSM)</b>									
RUNWAY 16-34 RECON- CONSTRUCTION	\$ -	\$ 10,000	\$ 19,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,500
TERMINAL EXPANSION- PHASE II	-	-	-	-	-	1,000	15,000	-	16,000
NORTH APRON TAXIWAY	-	-	-	500	-	-	-	6,000	6,500
RECONSTRUCT APRON- AREA 4	-	-	-	-	-	-	6,000	-	6,000
RECONSTRUCT TAXIWAYS- B AND C	-	-	2,500	300	4,700	-	-	-	7,500
SRE BUILDING	-	-	300	4,500	-	-	-	-	4,800
SNOW REMOVAL EQUIPMENT	-	-	1,300	1,100	-	-	-	-	2,400
TERMINAL EXPANSION- PHASE I	-	1,800	-	-	-	-	-	-	1,800
RUNWAY 16-34 RECON- PREDESIGN	300	16	-	-	-	-	-	-	316
FAA MASTER PLAN	-	-	-	-	222	-	-	-	222
OBSTRUCTION MITIGATION	20	-	-	-	-	-	-	-	20
AIR NATIONAL GUARD- TAXI WAY	-	15	-	-	-	-	-	-	15
ALL OTHER	(725)	=	=	=	=	=	=	=	(725)
	<b>(405)</b>	<b>11,831</b>	<b>23,600</b>	<b>6,400</b>	<b>4,922</b>	<b>1,000</b>	<b>21,000</b>	<b>6,000</b>	<b>74,348</b>



# GRANT FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED)

\$ (000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>SKYHAVEN AIRPORT (DAW)</b>									
TERMINAL APRON CONSTRUCTION	-	-	-	-	1,500	-	-	-	1,500
SRE BUILDING EXPANSION	-	-	-	-	-	-	500	-	500
WILDLIFE FENCE DESIGN AND CONSTRUCTION	-	-	-	-	80	300	-	-	380
TERMINAL APRON DESIGN	-	-	-	300	-	-	-	-	300
SOUTH APRON DESIGN	-	-	-	-	-	-	-	250	250
TAXILANE PAVEMENT AND DRAINAGE	15	200	-	-	-	-	-	-	215
WILDLIFE ASSESSMENT	-	-	-	-	-	50	-	-	50
	<u>15</u>	<u>200</u>	<u>-</u>	<u>300</u>	<u>1,580</u>	<u>350</u>	<u>500</u>	<u>250</u>	<u>3,195</u>
<b>TOTAL GRANT FUNDED</b>	<b>(390)</b>	<b>12,031</b>	<b>23,600</b>	<b>6,700</b>	<b>6,502</b>	<b>1,350</b>	<b>21,500</b>	<b>6,250</b>	<b>77,543</b>

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS...

\$(000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>TRADEPORT</b>									
TERMINAL LOOP ROAD STUDY / CONSTRUCTION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250	\$ -	\$ 10,000	\$ 10,250
INTERSECTION IMPROVEMENTS	-	370	600	125	1,175	250	1,500	2,170	6,190
TERMINAL PARKING LOT	-	-	-	-	-	1,500	-	-	1,500
STORMWATER TREATMENT	-	90	100	150	150	150	150	150	940
ROOF REPLACEMENT - 7 LEE STREET / 36 AIRLINE	-	-	-	600	-	-	-	50	650
OIL WATER SEPARATOR REPLACEMENT	-	-	-	50	250	250	-	-	550
OVERFLOW PARKING LOT (ARBORETIUM)	-	-	-	-	-	-	330	-	330
PDA OFFICE TRANSITION- 30 NEW HAMPSHIRE	-	-	-	-	300	-	-	-	300
SIDEWALKS- PEDESTRIAN FACILITIES	-	-	-	-	-	75	75	-	150
TRAFFIC MONITORING	-	50	-	-	30	-	-	30	110
DITCH MAINTENANCE	-	5	5	5	5	5	5	5	35
	=	<u>515</u>	<u>705</u>	<u>930</u>	<u>1,910</u>	<u>2,480</u>	<u>2,060</u>	<u>12,405</u>	<u>21,005</u>

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED)

\$ (000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>PORTSMOUTH INTERNATIONAL AIRPORT</b>									
TERMINAL EXPANSION- PHASE I	2,750	12,200	2,350	-	-	-	-	-	17,300
SOLAR PANEL FARM	-	-	-	-	-	-	-	-	-
PAY FOR PARKING FACILITY	25	35	-	-	-	-	-	500	500
SECURITY SYSTEM UPGRADE	-	250	-	250	-	-	-	-	310
GROUND TRANSPORTATION BUS	-	100	-	-	-	-	-	-	250
REROOFING- HUT 7 AND 8	-	-	-	-	-	-	-	-	100
SECURITY BADGE PRINTER	-	-	-	-	-	100	-	-	100
TERMINAL- HVAC UNITS	-	70	-	-	15	-	60	-	75
TERMINAL LED LIGHTING	20	20	20	-	-	-	-	-	70
UPGRADE DAC CONNECTIVITY	10	25	-	-	-	-	-	-	60
AIRFIELD SIGNAGE	-	50	-	-	-	-	-	25	60
NORTH WEATHER STATION GENERATOR	-	-	-	-	-	-	-	-	50
TERMINAL CARPETING	-	-	-	-	-	-	50	-	50
TERMINAL VESTIBULE DOORS	-	-	35	25	-	-	25	-	50
TREE REPLACEMENT(S)	20	-	-	-	-	-	-	-	35
	<b>2,825</b>	<b>12,750</b>	<b>2,405</b>	<b>275</b>	<b>15</b>	<b>100</b>	<b>135</b>	<b>525</b>	<b>19,030</b>

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED)

\$ (000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>SKYHAVEN AIRPORT</b>									
SOLAR PANEL FARM	-	-	-	-	-	-	-	30	30
SRE DOOR REPLACEMENT	-	-	-	-	25	-	-	-	25
TAXIWAY RELAMPING- LED	-	-	-	25	-	-	-	-	25
REROOFING- TERMINAL BUILDING	-	25	-	-	-	-	-	-	25
TERMINAL PARKING LOT	-	-	-	25	-	-	-	-	25
FUEL SYSTEM CREDIT CARD SYSTEM	-	20	-	-	-	-	-	-	20
SRE BOILER REPLACEMENT	-	-	-	-	10	-	-	-	10
	=	<u>45</u>	=	<u>50</u>	<u>35</u>	=	=	<u>30</u>	<u>160</u>

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED)

\$ (000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>MAINTENANCE (TRADEPORT / PSM)</b>									
SNOW MELTER	-	-	-	-	-	-	4,000	-	4,000
TRACKLESS SNOW BLOWER	-	125	-	125	-	125	-	125	500
VEHICLE REPLACEMENT	-	95	45	98	47	100	50	50	485
JOHN DEERE TRACTOR REPLACEMENT	-	140	-	-	140	-	-	140	420
WINDBREAK FOR WALKWAY	-	-	-	250	-	-	-	-	250
BUILDING INFRASTRUCTURE	45	-	50	-	50	-	50	-	195
RUNWAY PAINTING MACHINE	70	-	-	-	-	-	-	-	70
CRACK SEALING MACHINE	-	-	-	50	-	-	-	-	50
MOWER REPLACEMENT	-	-	-	15	-	15	-	15	45
SNOW GROOMING MACHINE	-	-	-	-	40	-	-	-	40
TRACTOR ADD ON COMPONENTS	-	38	-	-	-	-	-	-	38
WEED SPRAYER	20	-	-	-	-	-	-	-	20
	<u>135</u>	<u>398</u>	<u>95</u>	<u>538</u>	<u>277</u>	<u>240</u>	<u>4,100</u>	<u>330</u>	<u>6,113</u>

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED)

\$ (000's)

PROJECT DESCRIPTION	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>GOLF COURSE</b>									
COURSE EQUIPMENT	-	-	180	115	50	135	-	145	625
COURSE ENHANCEMENTS	-	50	50	50	75	75	300	-	600
DUMP TRUCK / TRUCK WITH PLOW	-	-	15	-	45	-	-	-	60
PATIO CLUBHOUSE LIGHTING	-	50	-	-	-	-	-	-	50
KITCHEN EQUIPMENT	20	-	-	-	20	-	-	-	40
GEO THERMAL PUMPS	-	-	-	20	-	-	-	-	20
SIMULATOR UPGRADE	-	-	-	-	20	-	-	-	20
RESTAURANT MODIFICATIONS	10	-	-	-	-	-	-	-	10
	<u>30</u>	<u>100</u>	<u>245</u>	<u>185</u>	<u>210</u>	<u>210</u>	<u>300</u>	<u>145</u>	<u>1,425</u>
<b>TECHNOLOGY</b>									
MAIN SERVER(S) REPLACEMENT	-	65	12	-	-	-	75	-	152
COMPUTERS/ TABLETS AND SERVERS	-	12	5	12	-	17	-	12	58
SOFTWARE	-	29	-	-	-	-	20	-	49
FIRE WALL REPLACEMENT	5	17	-	-	-	-	15	-	37
ENGINEERING PLOTTER	-	21	-	-	-	-	-	-	21
TECHNOLOGY ENHANCEMENTS	-	150	100	100	100	50	-	-	500
	<u>5</u>	<u>294</u>	<u>117</u>	<u>112</u>	<u>100</u>	<u>67</u>	<u>110</u>	<u>12</u>	<u>817</u>
<b>TOTAL INTERNALLY FUNDED</b>	<b>2,995</b>	<b>14,102</b>	<b>3,567</b>	<b>2,090</b>	<b>2,547</b>	<b>3,097</b>	<b>6,705</b>	<b>13,447</b>	<b>48,550</b>

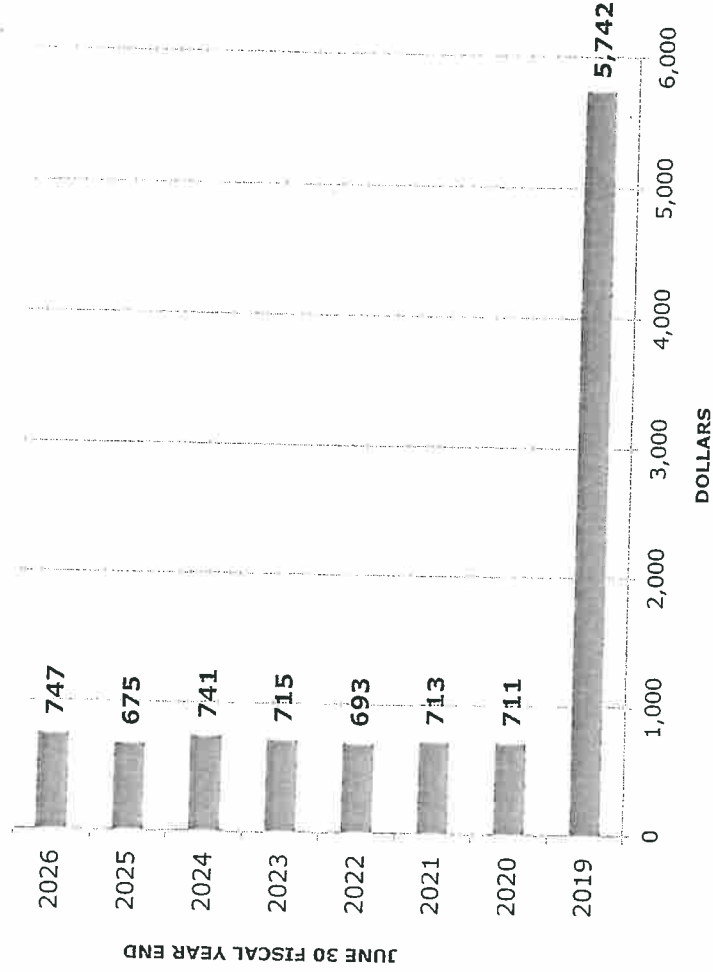
CAPITAL IMPROVEMENT PLAN  
APRIL 2019

# PROJECTED FY 2019 - FY 2026 UNRESTRICTED CASH AND INVESTMENTS...

\$ (000's)

	AMOUNT
<b>CASH AND INVESTMENTS- MARCH 31, 2019</b>	<b>6,318</b>
NET OPERATING INCOME- EXCLUDING DEPRECIATION	<u>33,274</u>
<b>AVAILABLE FUNDS</b>	<u>39,592</u>
GRANT FUNDING	76,324
NEW WORKING CAPITAL- RLOC (NET)	13,000
CAPITAL EXPENDITURES	
GRANT FUNDED	(77,543)
INTERNALLY FUNDED	<u>(48,550)</u>
DEBT AND INTEREST PAYMENTS- NET OF INTEREST INCOME	<u>(126,990)</u> <u>93</u>
NET CHANGES IN WORKING CAPITAL	(2,176)
<b>NET FINANCING ACTIVITIES</b>	<u>100</u>
<b>CASH AND INVESTMENTS- JUNE 30, 2027</b>	<b><u>(38,845)</u></b>
	<u>747</u>

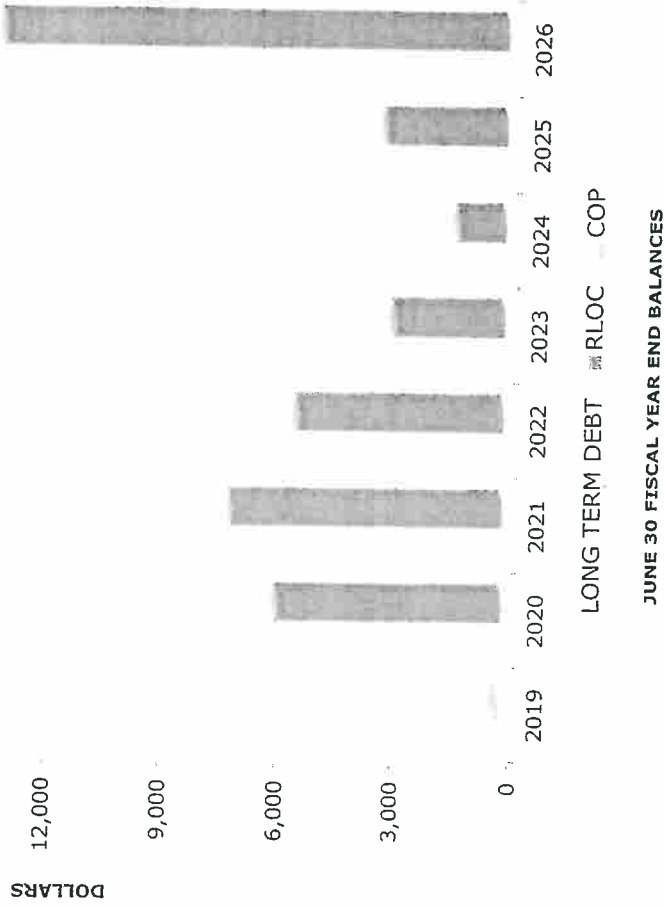
PROJECTED FISCAL YEAR END  
UNRESTRICTED CASH AND INVESTMENTS



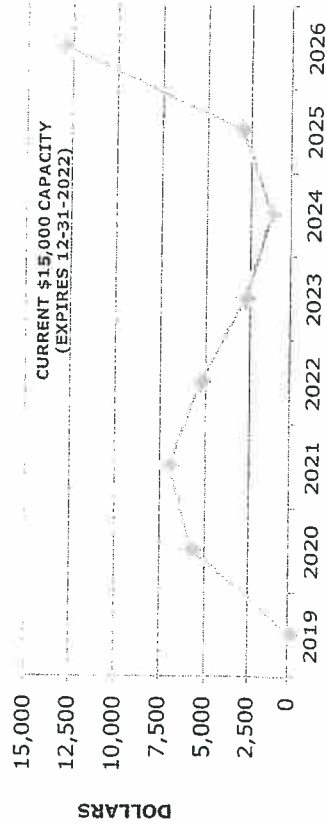
# PROJECTED FY 2019 - FY 2026 OUTSTANDING DEBT ANALYSIS....

\$(000's)

	AMOUNT
<b>DEBT OUTSTANDING- MARCH 31, 2019</b>	<b>\$ 116</b>
<b>FINANCING ACTIVITIES</b>	
NEW WORKING CAPITAL- RLOC	18,800
CITY OF PORTSMOUTH (COP)	(116)
WORKING CAPITAL- RLOC REPAYMENT	<u>(5,800)</u>
<b>NET FINANCING ACTIVITIES</b>	<b>12,884</b>
<b>DEBT OUTSTANDING- JUNE 30, 2027</b>	<b><u>13,000</u></b>



## WORKING CAPITAL RLOC REQUIREMENT



JUNE 30 FISCAL YEAR END BALANCES

CAPITAL IMPROVEMENT PLAN  
APRIL 2019



# PROJECTED FY 2019 - FY 2026 NET CASH FLOW...

\$ (000's)

	FY 2019 TO GO	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	TOTAL
<b>OPERATING ACTIVITIES</b>	\$ 980	\$ 2,825	\$ 2,965	\$ 3,042	\$ 3,121	\$ 3,311	\$ 3,394	\$ 3,479	\$ 23,117
PAY FOR PARKING	154	687	789	868	1,010	1,122	1,263	1,579	7,472
FUEL FLOWAGE FEES	50	230	300	313	390	405	490	507	2,685
<b>CASH FROM OPERATIONS</b>	<u>1,184</u>	<u>3,742</u>	<u>4,054</u>	<u>4,223</u>	<u>4,521</u>	<u>4,838</u>	<u>5,147</u>	<u>5,565</u>	<u>33,274</u>
<b>FINANCING ACTIVITIES</b>									
<b>FUNDING SOURCES:</b>									
GRANT FUNDING- FAA / STATE	480	11,929	22,420	6,499	7,334	1,377	21,285	5,000	76,324
NET CHANGE IN WORKING CAPITAL	350	50	(125)	35	(40)	(85)	(35)	(50)	100
NEW WORKING CAPITAL- RLOC	-	5,800	1,200	-	-	-	1,900	9,900	18,800
<b>FUNDING REQUIREMENTS:</b>									
GRANT FUNDED CAPITAL PROJECTS	390	(12,031)	(23,600)	(6,700)	(6,502)	(1,350)	(21,500)	(6,250)	(77,543)
INTERNALLY FUNDED CAPITAL PROJECTS	(2,995)	(14,102)	(3,567)	(2,090)	(2,547)	(3,097)	(6,705)	(13,447)	(48,550)
WORKING CAPITAL RLOC- REPAYMENT	-	-	-	(1,700)	(2,500)	(1,600)	-	-	(5,800)
DEBT REPAYMENT- COP	-	(116)	-	-	-	-	-	-	(116)
INTEREST EXPENSE- NET	15	(303)	(380)	(287)	(244)	(57)	(158)	(646)	(2,060)
<b>NET FINANCING ACTIVITIES</b>	<u>(1,760)</u>	<u>(8,773)</u>	<u>(4,052)</u>	<u>(4,243)</u>	<u>(4,499)</u>	<u>(4,812)</u>	<u>(5,213)</u>	<u>(5,493)</u>	<u>(38,845)</u>
<b>NET CASH FLOW</b>	(576)	(5,031)	2	(20)	22	26	(66)	72	(5,571)
<b>CASH- BEGINNING OF PERIOD</b>	6,318	5,742	711	713	693	715	741	675	6,318
<b>CASH- END OF PERIOD</b>	<u>5,742</u>	<u>711</u>	<u>713</u>	<u>693</u>	<u>715</u>	<u>741</u>	<u>675</u>	<u>747</u>	<u>747</u>

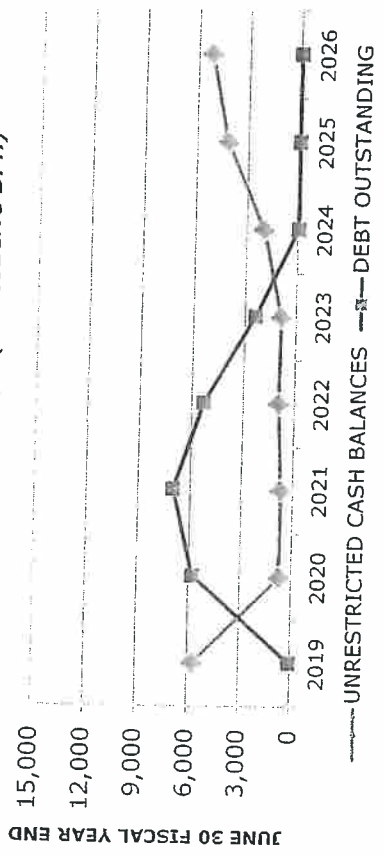
CAPITAL IMPROVEMENT PLAN  
APRIL 2019

# PROJECTED FY 2019 - FY 2026 FINANCIAL IMPACT DUE TO THE POTENTIAL ELIMINATION OF INTERNALLY FUNDED DISCRETIONARY PROJECTS...

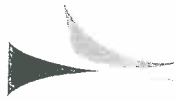
\$ (000's)

	PROPOSED	ADJUSTED	DIFFERENCE
<b>CASH AND INVESTMENTS- MARCH 31, 2019</b>	\$ 6,318	\$ 6,318	\$ -
NET OPERATING INCOME- EXCLUDING DEPRECIATION	<u>33,274</u>	<u>33,274</u>	=
<b>AVAILABLE FUNDS</b>	<u>39,592</u>	<u>39,592</u>	=
<b>FINANCING ACTIVITIES</b>			
GRANT FUNDING	76,324	76,324	-
RLOC WORKING CAPITAL- (NET)	13,000	-	(13,000)
<b>CAPITAL PROJECTS</b>			
GRANT FUNDED	(77,543)	(77,543)	-
INTERNALLY FUNDED	(48,550)	(31,920)	(16,630)
DEBT AND INTEREST PAYMENTS- NET OF INTEREST INCOME	(126,093)	(109,463)	(16,630)
	(2,176)	(1,279)	(897)
NET CHANGES IN WORKING CAPITAL	<u>100</u>	<u>100</u>	=
<b>NET FINANCING ACTIVITIES</b>	(38,845)	(34,318)	(4,527)
<b>CASH AND INVESTMENTS- JUNE 30, 2027</b>	<u>747</u>	<u>5,274</u>	<u>4,527</u>

PROJECTED UNRESTRICTED CASH BALANCES  
AND DEBT OUTSTANDING (EXCLUDING DPH)



DISCRETIONARY PROJECTS	AMOUNT
LOOP ROAD	\$ 10,250
SNOW MELTER	4,000
TERMINAL PARKING LOT	1,500
SOLAR PANELS (PSM AND DAW)	530
WINDBREAK FOR WALKWAY	250
HUTS 7 AND 8 INFRASTRUCTURE	100
<b>TOTAL</b>	<b>16,630</b>



**MEMORANDUM**

TO: Pease Development Authority Board of Directors  
FROM: David R. Mullen, Executive Director *DRM*  
RE: License Reports  
DATE: April 10, 2019

\*\*\*\*\*

In accordance with the "Delegation to Executive Director: Consent, Approval and Execution of License Agreements" PDA entered into the following License Agreement:

1. Licensee: Rochester Electronics, LLC  
Address: 19 Durham Street  
Term: April 8, 2019 – October 31, 2019  
Use: Storage of Equipment and Parts in Foreign Trade Zone Status
  
2. Licensee: B & H AirPower, LLC  
Address: Skyhaven Airport Hanger 5  
Term: March 11, 2018 through June 30, 2019  
Use: Storage of Aircraft

MEMORANDUM

To: Pease Development Authority Board of Directors  
From: David R. Mullen, Executive Director *DM*  
Date: April 10, 2019  
Re: Sublease between 119 International Drive, L.L.C. and Northeast Credit Union

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 a sublease at 15 Rye Street between 119 International Drive, L.L.C. for the following tenant:

A. Tenant: Northeast Credit Union  
Space: 5,257 square feet (Suite 205)  
Use: General Office Use and Related Uses  
Commencing: June 15, 2019

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 119 International Drive, L.L.C.'s continued primary liability for payment of rent and other obligations pursuant to the PDA/119 International, L.L.C. 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.

MEMORANDUM

To: Pease Development Authority Board of Directors  
From: David R. Mullen, Executive Director *DM*  
Date: April 10, 2019  
Re: Sublease between 100 International, LLC and Bottomline Technologies, Inc.

In accordance with the "Delegation to Executive Director: Consent, Approval of Sublease Agreements" adopted by the Board on August 8, 1996, I am pleased to report that PDA has approved of a sublease at 100 International Drive for the following tenant:

- A. Tenant: Bottomline Technologies, Inc.  
Space: 13, 186 square feet  
Use: General Office Use and Related Uses  
Commencing: September 1, 2019
  
- B. Tenant: Bottomline Technologies, Inc.  
Space: 13, 614 square feet  
Use: General Office Use and Related Uses  
Commencing: July 1, 2020

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 Sublease;
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 100 International's continued primary liability for payment of rent and other obligations pursuant to the PDA/100 International Lease.

The Delegation to Executive Director: Consent, Approval of Lease 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 Lamson:

The Pease Development Authority Board of Directors hereby approves of the proposed signs for 75 New Hampshire, LLC, for the premises located at 85 New Hampshire Avenue subject to the approval of a variance by the City of Portsmouth Zoning Board of Adjustment; all in accordance with the memorandum of Maria J. Stowell, P.E., Engineering Manager, dated April 5, 2019, attached hereto.

## MEMORANDUM

To: David R. Mullen, Executive Director *DM*  
 From: Maria J. Stowell *MJS*  
 Date: April 5, 2019  
 Subject: Signage at 85 New Hampshire Ave

75/85 New Hampshire, LLC has submitted a request to erect wall and ground signs for the new building located at 85 New Hampshire Avenue. The proposed signs (see attachment) are 51.75 and 39 square feet respectively. The addition of these signs will raise the total area of signage on this lot to 256.75 square feet. Part 306 of the Zoning Ordinance limits the aggregate lot signage area to 200 square feet. A variance was approved by the City of Portsmouth in 2010 to allow the applicant up to 218.9 square feet of signage for the three buildings on the property. Now a fourth building has been built and the applicant is requesting another variance to exceed the 218.9 square foot total approved in 2010.

With regard to PDA Board approval, the signs are consistent with other Tradeport wall and monument signs. The ground sign is internally lit and complements the materials of the building facade. The wall sign is similar to other Tradeport building signs.

The request to exceed the 200 square foot maximum is due more to the lot development layout than the size of the individual building signs. This lot is 13.88 acres and contains four separate buildings. If each building were situated on its own 5 acre lot, total signage for each building would be much less than the 200 sf maximum allowed by the zoning ordinance. The following table shows the sign area attributable to each building:

Building	Address	Tenant	Sign Type	Sign Area (sq. ft.)	
1	75 New Hampshire Ave.	Amadeus	Wall sign	26.8	
			Ground sign	30	
2	11 Manchester Square	2 International Group	Wall sign	3*	
			Pixelmedia	Ground Sign	22
			First Light	Ground sign	25.1
3	81 New Hampshire Ave.	Great Bay Kids Center	Awning sign	6.1	
			Wall sign	50	
4	85 New Hampshire	<i>Global Aquaculture</i>	Ground Sign	3	
			Wall Sign	51.75	
			Ground Sign	39	
	*Estimated, Proposed		<b>TOTAL</b>	<b>256.75</b>	

Staff has reviewed the zoning ordinance as it relates to maximum lot signage and we believe the proposal is in harmony with the general purpose and intent of the ordinance. Furthermore, the applicant has submitted a cover letter (attached) which addresses the five criteria for approving a variance as outlined in PART 317 of the PDA Zoning Ordinance. If the PDA Board approves the sign, 75/85 New Hampshire, LLC will submit an application for variance to the City and the request will be reviewed by the Portsmouth Zoning Board of Adjustment.

At next week's board meeting, please ask the Board of Directors to approve the sign proposal of 75/85 New Hampshire, LLC provided that a variance is granted by the Portsmouth Zoning Board of Adjustment.

N:\ENGINEER\Board Memos\2019\Global Aquaculture.docx





## Two International Construction Co., LLC

March 15, 2019

To: Pease Development Authority  
RE: 85 NH Avenue  
Portsmouth, NH 03801  
Signage Variance

Members of the Planning Board,

On behalf of 85 NH Ave, LLC, I respectfully request your approval for a variance to allow for building and monument signage per the attached renderings for the new office building, shown as Building 4 (a.k.a. 85 N.H. Ave.) on the attached site plan.

Part 306 of the Zoning Ordinance limits the aggregate signage area on a building lot to 200SF. The proposed signs (attached) are ~51.75 and ~39 square feet each. As shown on the table in the site plan, the addition of these signs will increase the total area of signage on this lot to 256.75SF. The City of Portsmouth approved a variance in 2010 that allowed for a total of 218.9SF of signage for the 3 buildings that were on the site at that time. The parcel that these 4 buildings sit on is 13.88 acres. If each of these buildings were treated as being on their own lot (which is how they function), all buildings would be well below the 200SF signage limit.

By granting this proposed variance, the 85 NH Ave building would offer an important amenity to its Tenant's/Users and the public, therefore, the value of this property would be positively impacted, which in turn would support or improve the values of surrounding properties. Granting this variance would definitely benefit the public's interest. One of the public's paramount interests is public safety...having adequate building and monument signage allows all types of travelers to identify a building well in advance of approaching it and therefore be able to navigate their way to the building in a safe manor, without abrupt motions in their path of travel which could result in various types of accidents. By denying this variance, the owner/Landlord of this building would incur a hardship by way of not being able to offer a critical piece of marketing/recognition to their Tenants. Current and future Tenants may weigh their decision to lease and renew space at the subject property based on building and monument signage...losing a Tenant to another building in a different town can have a wide range of economic hardships for not only the applicant, but more importantly, the City of Portsmouth. Given the fact that the variance for this signage is being requested for a building in a developed business park of multi-tenanted buildings, where similar signage exists, substantial justice would be done in allowing for this signage variance. The spirit of this zoning rule applies substantially to building lots that can accommodate just one building...the lot that this building is on has the ability to have multiple buildings on it, however the zoning rule for signage has not been adapted to address this situation, which is why we respectfully request this variance.

Thank you,

Burns F. Barford IV – Project Manager  
Two International Group  
Two International Construction Co., LLC  
One New Hampshire Ave. Ste. 123  
Portsmouth, NH 03801

**PEASE DEVELOPMENT AUTHORITY  
APPLICATION FOR APPEAL/VARIANCE**

**Action Requested**

**FOR PDA USE ONLY**

Appeal from an Administrative Decision

Date Received:

Variance

Fee:

Check #:

Applicant: 85 NH Ave. LLC

Address: 11 Court Street  
Exeter, NH 03833

Telephone: 603.778.6300

**Other Concerned Parties:**

Address:

Telephone:

Zone(s) Location: ABC

Assessor Plan #: 306

Lot #: 6

Description of Property: 13.8818 acre lot, condominiumized with 3 existing buildings and 1 new building along with future convertible land.

Lot Area: (S.F.)  
609,691.2

Frontage: Per approved site plans for 85 NH Ave Building

Left Side: ↙

Right Side: ↘

Rear: →

Existing Use:

Proposed Use:

**REQUEST FOR APPEAL FROM ADMINISTRATIVE DECISION:**

Applicable Rule/Regulation/Code Provision:

Applicable Zoning Regulation:

Interpretation claimed:

Administration Decision from which appeal is sought:

**REQUEST FOR VARIANCE:**

Zoning Regulation(s) from which variance is sought: Part 306 - Signs

Reason(s) why variance should be granted including circumstances which constitute unnecessary hardship:

\*Please see attached cover letter.

Applicant's Signature:

**NOTE**

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





120"

18"



Measurements on this artistic rendering may vary slightly from the actual "AS BUILT" upon final engineering. Color and Resolution in proof are not representative of final project due to individual monitor settings.

This drawing protected by U.S. copyright laws. Any use, reproduction, copying or exhibiting this drawing without the express written consent of Classic Signs is illegal.



16" 11.6"

Direct Mount



Measurements on this drawing may vary slightly from the actual "AS BUILT" signs final engineering. Color and Resolution in print are not reproduction of final product due to individual monitor settings.

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8.7.8.14



**NOTES:**

1. THE LEGIBILITY OF ALL SIGNS SHALL BE MAINTAINED AT ALL TIMES.
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**PARKING CALCS (BUILDING 4):**

25,000 sq. ft. x 1.5 EMPLOYEES PER 1,000 sq. ft. = 375 EMPLOYEES

OFFICE SPACE 1 PARKING PER 4 EMPLOYEES = 94

RETAIL SPACE 1 PARKING PER 10 EMPLOYEES = 38

NEW REQUIRED 47 SPACES

TOTAL PROVIDED FOR SPACES (111 EXISTING + 36 NEW) = 147 SPACES

**ZONING CALCS:**

PERMITTED USES:

- OFFICE
- RETAIL
- RESTAURANT
- BAR
- LOBBY
- CLUB
- BARBERSHOP
- BEAUTY SALON
- LAUNDRY
- REPAIR SHOP
- SALES
- RENTAL
- STORAGE
- WAREHOUSE
- INDUSTRIAL
- MANUFACTURING
- CONCRETE
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- IRON
- COPPER
- BRASS
- ALUMINUM

Building	Address	Tenant	Sign Type	Sign Area (SF)
1	75 NH AVE.	Amadeus	Wall Sign	36.8
			Ground Sign	30
			Wall Sign	3
2	11 Manchester Sq.	International Group	Ground Sign	22
			Ground Sign	25.1
			Awning Sign	6.1
3	81 NH AVE.	Great Day Aids Center	Wall Sign	50
			Ground Sign	3
			Ground Sign	166
4	85 NH AVE.	Global Aquaculture	Wall Sign	51.75
			Building Monument Sign	39
			Ground Sign	90.75
			Ground Sign	256.75

**Total Existing Signage**

Global Aquaculture: Wall Sign 51.75

Building Monument Sign: 39

**Total Proposed Signage**

256.75

**Total Existing Signage**

Global Aquaculture: Wall Sign 51.75

Building Monument Sign: 39

**Total Proposed Signage**

256.75

**Total Existing Signage**

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256.75

**Total Existing Signage**

Global Aquaculture: Wall Sign 51.75

Building Monument Sign: 39

**Total Proposed Signage**

256.75

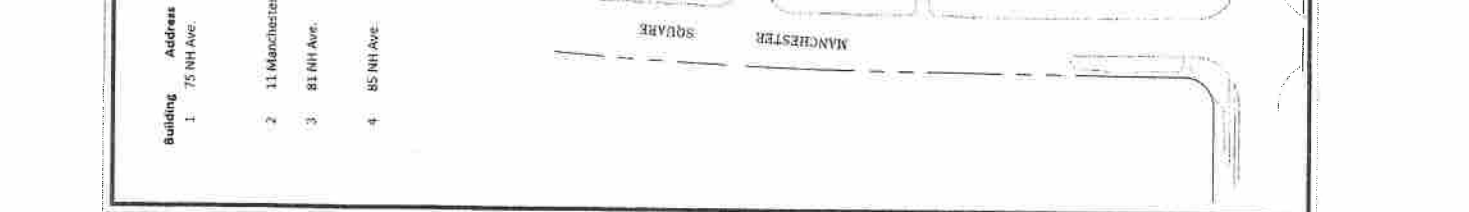
**Total Existing Signage**

Global Aquaculture: Wall Sign 51.75

Building Monument Sign: 39

**Total Proposed Signage**

256.75



MOTION

Director Torr:

The Pease Development Authority Board of Directors approves of and authorizes the Executive Director to enter into an agreement with Franklin Paint Company (“FPC”) in a total amount not to exceed \$31,295.95 for the purchase of a Graco LineLazer V250DC (“Graco”) pavement marking machine for use at Portsmouth International Airport at Pease (“PSM”) and Skyhaven Airport (DAW); all in accordance with the memorandum of Paul E. Brean, Airport Director, dated April 4, 2019, attached hereto.

In accordance with the provisions of RSA 12-G:8 VIII, the Board justifies the waiver of the RFP requirement based on the following reasons:

1. The Graco LineLazer V250DC is purposed for applying the smaller more precise taxiway markings which PDA’s current piece of equipment is unable to accomplish.
2. PDA presently owns an estimated \$7,000 of Graco parts for the current piece of equipment which are compatible with the Graco LineLazer.
3. Both machines are designed to distribute F.A.A. required latex waterborne traffic marking paint and Type I and III reflective glass beads.
4. Additional training will not be required for both operators and mechanics because they are currently trained on Graco equipment.
5. Franklin Paint Company is the sole supplier of Graco equipment in the New England area meeting the required specifications to remedy the non-compliant taxiway painted markings.

Note: This motion requires 5 affirmative votes.

## Memorandum

**To:** David R. Mullen, Executive Director *DM*  
**From:** Paul E. Brean, Airport Director *PAB*  
**Date:** 04/04/2019  
**Subj:** Graco LineLazer Airfield Marking Equipment

---

This is a request to purchase a Graco LineLazer V250DC pavement marking machine from Franklin Paint Company, Franklin, MA for the price of \$31,295.95. This piece of equipment is scheduled in the FY2018 Pease Development Capital Expenditure Budget.

The Federal Aviation Administration (F.A.A.) conducted an airport certification inspection on October 17<sup>th</sup>, 2018 at Portsmouth International Airport at Pease ("PSM") and identified discrepancies in the quality of the enhanced taxiway markings. The F.A.A. regards enhanced taxiway markings as a critical tool to mitigating runway incursions by pilots and ground vehicle operators. The reflectivity and dimensions of the markings are critical to airfield safety. Currently, the enhanced taxiway markings are painted with the same equipment used to paint runway markings and this equipment is not suitable for painting detailed taxiway markings. As a result, the taxiway painted markings were cited as non-compliant with F.A.A. standards. To rectify the marking discrepancies, the Graco LineLazer V250DC will be used to paint the detailed F.A.A compliant taxiway markings. The addition of a precise painting machine will not only improve painting efficiency at PSM, but the machine will also have the ability to support enhanced markings at Skyhaven Airport.

Please ask the Pease Development Authority Board of Directors for approval of the purchase from Franklin Paint Company with a waiver of the formal RFP process based on the following reasons:

- The Graco LineLazer V250DC is purposed for applying the smaller more precise taxiway markings which our current piece of equipment is unable to accomplish.
- The PDA presently owns an estimated \$7,000 of Graco parts for the current piece of equipment which are compatible with the Graco LineLazer.



- Both machines are designed to distribute F.A.A. required latex waterborne traffic marking paint and Type I and III reflective glass beads.
- Additional training will not be required for both operators and mechanics because they are currently trained on Graco equipment.
- Franklin Paint Company is the sole supplier of Graco equipment in the New England area meeting the required specifications to remedy the non-compliant taxiway painted markings.

Thank you for your consideration.



April 3, 2019

Pease Development Authority  
Corey Dunn  
7 Lee Street  
Portsmouth, NH 03801  
207-451-3425  
c.dunn@peasedev.org

**RE: Quotation Graco LineLazer V 250DC**

Dear Mr. Dunn,

Franklin Paint Company respectfully submits pricing for the above mentioned equipment.

**Graco LineLazer V 250DC #25D344** **\$28,895.00**  
**3 Automatic Paint & Bead Guns/ Pressurized Bead System / 2 Bead Tanks / LazerGuide 3000**

**Includes:**

Delivery & Training  
13 HP Honda Engine with electric start  
Three Reverse-A-Clean Tips  
Dual 15 Gallon Paint Hoppers  
Front or Rear Gun Mount  
Self-Centering Front Wheel  
Dual Graco Hydraulic Motors  
Stand-on Platform  
Dual Bead Tanks-Up to 240 lbs of beads

**Warranty:** 3-Year Warranty\* Coverage against defects in materials and workmanship.  
(\*Coverage does not include normal wear)

**Optional Equipment**

<b>Suggested Spare Parts Package #SPKLLV</b>	<b>\$ 85.95</b>
<b>(4) 60 Mesh Screens (1) Tube diffuser (1) 16 Mesh Inlet Filter (1) Bottle Throat Seal</b>	
<b>Additional Paint Gun 17K791</b>	<b>\$ 962.00</b>
<b>Additional Bead Gun 16R963</b>	<b>\$ 1,190.00</b>
<b>Mechanical Pointer 24N162</b>	<b>\$ 163.00</b>

Quotation valid through 12/31/19

Offer Direct From Graco

Upon the purchase of the LineLazer, you will receive a very valuable coupon that will entitle you to save up to 70% off an additional endurance pump. (Offer valid for 6 months after sprayer purchase date)

Thank you for considering Franklin Paint Company for the purchase of the above referenced equipment. If you have any questions you may contact me at the office @800-486-0304.

Sincerely,

*Sarah Buskey*

Sarah Buskey  
Director of Operations

MOTION

Director Levesque:

The Pease Development Authority Board of Directors approves of and authorizes the Executive Director to enter into a contract with Horsley Witten Group in a total amount not to exceed \$107,360 for the provision of consulting services specified in the PDA/CLF Settlement Agreement; all in accordance with the memorandum of Maria J. Stowell, dated April 10, 2019, attached hereto.

In accordance with the provisions of RSA 12-G:8 VIII, the Board justifies the waiver of the Requests for Qualifications and any applicable RFP requirement based on the agreed settlement.

Note: This motion requires 5 affirmative votes.



DEVELOPMENT  
AUTHORITY

65 International Drive, Portsmouth, NH 03801

## MEMORANDUM

To: David R. Mullen, Executive Director *DM*  
From: Maria J. Stowell, P.E., Engineering Manager *Maria*  
Date: April 10, 2019  
Subject: Horsley Witten Group Contract

The Settlement Agreement ("Settlement") dated January 11, 2019 between Pease Development Authority and the Conservation Law Foundation, Inc. ("CLF") Case No. 1:16-cv-00493-SM obligates PDA to contract with Richard Claytor (or a mutually acceptable replacement) to provide consulting services on certain matters specified in the Settlement. These matters are in support of PDA's application for and/or supplement to a NPDES Permit for coverage of discharges subject to the Small MS4 Permit Program and include, but are not limited to: design of a public outreach program; development of an Illicit Discharge Detection and Elimination program; development of a construction and post construction site runoff and control program (including possible revisions to PDA's Land Use Controls); design of a pollution prevention and good housekeeping program; and other associated tasks including mapping, inspections, reporting, and meetings.

Last month, PDA staff together with outside legal counsel met with Mr. Claytor, President of Horsley Witten Group ("HW"), and other HW staff to begin to discuss a scope of work for the above listed tasks. Subsequent to that meeting, HW submitted a draft work scope. The scope has been reviewed, clarified and revised resulting in a fee of \$107,360 to cover the first year of work agreed to under the Settlement.

At next week's Board meeting, please ask the Board of Directors to authorize you to enter into a contract with Horsley Witten Group in the amount of \$107,360 for the provision of consulting services specified in the PDA/CLF Settlement Agreement. In doing so, the Board will need to waive its Consultant Selection Process requiring Requests for Qualifications and any applicable RFP requirement.

Please note that in addition to this work by HW, PDA's on-call environmental consultant, Ransom Consulting, Inc., will be providing consulting services related to the Settlement. PDA staff will report the costs of these efforts to the Board as the work is scoped, negotiated and contracted.

N:\ENGINEER\Board Memos\2019\HorsleyWitten Contract.docx

○○○○ TAKING YOU THERE

ph: 603-433-6088

fax: 603-427-0433

www.peasedev.org

## MEMORANDUM

**To:** PDA Board of Directors

**From:** David Mullen, Executive Director *DM*  
Tanya Coppeta, Employee Relations Manager *TC*

**Subject:** PDA office hours

**Date:** April 9, 2019

---

At this time, we have determined that, effective immediately, the office hours at our administration building, 55 International Drive, will be adjusted to one half hour earlier: Monday through Thursday from 7:30 a.m. to 4:30 p.m. and Friday from 7:30 a.m. to 4:00 p.m. Please note that Friday will still be an 8 hour work day.

A recent review of incoming call logs indicates that, in general, the latest public inquiry we received by phone is earlier than 4:00 p.m. The front desk operators state that this is the norm, and that it is highly unusual to receive in-person public inquiries without an appointment after 4:00 p.m.

The current administrative schedule of 8:00 a.m. to 5:00 p.m., including a one hour unpaid lunch period established in 1993 is no longer compatible with Airport, Golf and Port Authority whose hours have previously been adjusted to best suit the flow of business in their respective departments. Restructuring the administrative offices will provide continuity and access by 2<sup>nd</sup> and 3<sup>rd</sup> shift employees to management staff, either before or after their shifts.

A review of employee schedules shows that most employees in the PDA corporate office arrive to work between 7:00 a.m. - 7:30 a.m., and leave for the day between 4:00 p.m. - 4:30 p.m., often leaving the front desk receptionist alone in the building for up to an hour.

In preparation for this change, new door signs will be ordered, the employee handbook will be updated, and the office hours will be updated on the PDA website. We will communicate this change to all employees, affected tenants and vendors.

## Memorandum

**To:** Paul Brean, Airport Director *PB*  
**From:** Sandra McDonough, Airport Community Liaison  
**Date:** 4/11/2019  
**Subj:** Noise Report for March 2019

---

The Portsmouth International Airport at Pease received a total of three noise inquiries in March, 2019. Two of the inquiries were for fixed wing aircraft and one inquiry was concerning information on the next noise committee meeting.

The two fixed wing inquiries originated from residents in Dover, New Hampshire and Eliot, Maine that were concerned about military DC10 aircraft. In both inquiries the residents reported the aircraft was flying too low. The DC 10 is a large military aircraft equipped with loud engines, the combination of size and sound gives the false impression the aircraft is flying lower than its actual altitude.

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

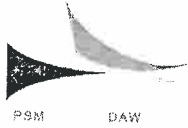
All inquiries are reviewed and logged in the airport database. Individual inquiries are researched and followed up on with phone calls where appropriate. Certain callers have indicated that call backs are unnecessary.

MOTION

Director Allard:

In accordance with the provisions of Section 3.11 of the Second Amendment to By-Laws of the Pease Development Authority, the Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to create the full time position of Landside Operation Specialist; and to immediately fill the position with an appropriately qualified candidate; all in accordance with the memorandum of Paul Brean, Airport Director, dated April 2, 2019 attached hereto.





**PEASE**  
AIRPORT

MANAGEMENT

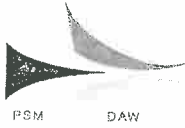
36 Airline Ave., Portsmouth, NH 03801  
603.433.6536

## Memorandum

**To:** David R. Mullen, Executive Director *DM*  
**From:** Paul E. Brean, Airport Director *Paul B*  
**Date:** 04/02/2018  
**Subj:** Airport Position: Landside Operations Specialist

Portsmouth International Airport at Pease ("PSM") is recognizing increased commercial airline activity due to the addition of year round flight schedules and multiple travel destinations. In addition to increased passenger activity at the terminal, the passenger type is transitioning from military transient to leisure focused consumer. The travelling consumer expects a variety of services during their airport visit. Passenger expectations for amenities have resulted in increased rental car bookings, ground transportation services, and food and beverage sales. The implementation of Long Term Revenue Parking has also created a need for customer service support with an average of 2,000 parking transactions per month. Commercial aircraft currently serving PSM will place up to 350 passengers per flight in the airport terminal that purchase amenities and require a variety of airport related services.

Existing airport staff strive to meet the customer service needs of passengers utilizing the airport terminal in their daily assignments, however their primary job responsibilities in airside safety and security take priority over customer service. In order to better serve our commercial passengers and provide clear oversight to the passenger experience I am requesting the creation of a Landside Operations Specialist Position. This position will safeguard the passenger experience at PSM and evaluate the performance of services rendered at the airport. The Landside Operations Specialist will report to the Airport Operations Manager and will be responsible for providing an exceptional customer service experience to passengers during scheduled flight activity. The schedule of the position would be based on scheduled air carrier flight activity. Duties will also include analyzing customer service feedback on airport services and collaborating with external vendors, creating quality assurance for customer service. The Landside Operations Specialist Position will be a full time, benefited, non-exempt (hourly) position with a salary range between \$17.00 and \$19.00 per hour.



**PEASE**  
AIRPORT  
MANAGEMENT

36 Airline Ave., Portsmouth, NH 03801  
603.433.6536

At the April 18, 2019 meeting of the Board, please request authorization to increase the number of PDA benefited positions to create the Landside Operations Position. The attached Job Description provides detailed information on essential duties and responsibilities.

Thank you for your consideration.



## Pease Development Authority Job Description

Job Title: Landside Operations Specialist  
Department: Airport Management  
Reports to: Operations Manager  
Revision Date: April 3, 2019  
Status: **Non-Exempt (hourly)**  
Salary: 17.00-19.00 per hour  
Employee Type: Full time, benefited

---

### **Job Summary**

The Landside Operations Specialist is responsible for providing excellent customer service and creating an exceptional experience to all guests of Portsmouth International Airport, and assisting Operations Specialists with complying with the airport's safety and security requirements.

### **Essential Duties and Responsibilities**

- Maintain the general presentation of assigned areas by appropriately notifying departments responsible. i.e., doors, lights, trash cans, restrooms, etc.
- Respond to inquiries and concerns via social media, the PDA website and telephone promptly and with courtesy.
- Build relationships by engaging guests, clients and vendors throughout PSM terminal.
- Offer assistance to internal and external guests, such as vendors.
- Maintain current knowledge of emergency procedures and safety procedures, and respond to same appropriately.
- Support concessions such as car rentals and airport parking.
- Evaluates passenger experience with airport concessions.
- Occasionally transport passengers from parking lot to airport terminal via shuttle bus.
- Responsible for customer service associated with revenue parking. Assists Operations Specialists in performing airfield perimeter, terminal and ground inspections, to help enforce compliance with FAA regulation 139 and Transportation Security Regulation 1542.

### **Additional Duties**

Maintain current knowledge of guest-related information including, but not limited to:  
-Facility general information

- -Building operating procedures
- -Flight information
- -Taxi/Transportation assistance
- -Airport information.
- -Seacoast area
- Report and log data on unusual occurrences such as property damage, injuries, theft, etc., and create detailed incident reports in a timely manner.
- Patrol assigned areas checking for safety hazards and document any irregularities found.
- Assist customers with parking-related questions and/or issues.
- Customer support for revenue parking.
- Process revenue transactions using Citiline and WEBMIS.
- Contribute to airport security duties as assigned.
- Ability to support winter snow removal operations.
- Other duties as assigned.

### **Essential Behavior Requirements**

**These behaviors are based on PDA cultures and values critical to support the mission of the organization.**

**Service Quality:** Exceed the customer's (both internal and external) needs in every interaction.

**Teamwork:** Ability to demonstrate cooperative spirit and capacity to work well as a team member.

**Problem Solving:** Recognize and define problems; analyze relevant information; encourage alternative solutions and plans to resolve situations; seek additional assistance when needed.

**Communication:** Actively listen to customers (includes coworkers, public, BOD, etc.) empathizes (sees the situation from the customer's perspective) and work together to solve the problem through effective communication.

### **Supervisory Responsibilities**

Does this job have supervisory responsibilities?

Yes

### **Minimum Qualifications**

#### **Education and/or Experience**

Associates degree or combination of High School diploma or equivalent, and relevant experience.

#### **Knowledge/Skills/Abilities**

- Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.
- Must possess the ability to react calmly and logically in stressful situations.
- Must possess strong written and verbal communications skills.
- Must have strong attention to detail and have the ability to prioritize assigned tasks.
- Must possess the ability to work independently with little or no supervision.

- Must have excellent customer service skills, with the ability to professionally resolve customer complaints and questions.
- Must have ability to be on call when required.
- Professionally interact with diverse groups of people in high pressure situations.
- Analyze concession reports to ensure consumer service expectations are being met by airport vendors.
- Ability to forecast, schedule and assign airport resources to support terminal activity.
- Ability to process manual payment transactions and debit and credit invoices.

**Certificates, Licenses, Registrations**

Must hold valid driver's license from the current state of residence, and have a clean driving record.

**Physical Demands**

How much on-the-job time is spent in following physical activities? Show the amount of time (in %) by checking the appropriate boxes below.

Condition	None	Less than 33%	33% - 66%	Over 66%
Stand			X	
Walk			X	
Sit		X		
Use Hands to finger, handle or feel		X		
Reach with hands and arms		X		
Climb or balance		x		
Stoop, kneel, crouch, or crawl		X		
Talk or hear			X	
Taste or smell		X		

Does this job require that weight be lifted or force be exerted? If so, how much and how often? Check the appropriate boxes below representing % of time spent.

Condition	None	Less than 33%	33% - 66%	Over 66%
Up to 10 lbs		X		
Up to 25 lbs		X		
Up to 50 lbs		X		
Up to 100 lbs		X		
More than 100 lbs	X			

**Work Environment**

How much exposure to the following environmental conditions does this job require? Show the amount of time (in %) by checking the appropriate boxes below.

Condition	None	Less than 33%	33% - 66%	Over 66%

Wet or humid conditions (non-weather)	X			
Work near moving mechanical parts		X		
Work in high or precarious places		X		
Fumes or airborne particles		X		
Toxic or caustic chemicals		X		
Outdoor weather conditions		X		
Extreme cold (non-weather)	X			
Extreme heat (non-weather)	X			
Risk of electrical shock	X			
Work with explosives	X			
Risk of radiation	X			
Vibration		X		

How much noise is typical for the work environment of this job? Check the appropriate level below.

- Very quiet (examples: forest trail, isolation booth for hearing test)
- Quiet (examples: library, private office)
- X Moderate noises (examples: business office with computers and printers, light traffic)
- Loud (examples: metal can manufacturing department, large earth-moving equipment)
- Very loud (examples: jack hammer work, front row at rock concert)

*The above statements are intended to describe the general nature and level of work being performed by individuals assigned to this position. They are not intended to be an exhaustive list of all duties, responsibilities, and skills required of personnel so classified.*

MOTION

Director Loughlin:

The Pease Development Authority Board of Directors authorizes the Executive Director to expend funds in the total amount of \$44,270.19 for the following legal services rendered to the Pease Development Authority:

1.	<b><u>Kutak Rock, LLP</u></b>		
	Through January 31, 2019	\$ 1,230.00*	
	Through February 28, 2019	<u>\$ 1,148.00*</u>	
			\$ 2,378.00
2.	<b><u>Sheehan Phinney Bass + Green</u></b>		
	Through February 28, 2019	\$ 2,987.00	
	Through February 28, 2019	\$17,835.00	
	Through February 28, 2019	\$ 3,277.00	
	From January 2019 through February 28, 2019	<u>\$17,793.19</u>	
		\$41,892.19	
			\$41,892.19
		Total	<u>\$44,270.19</u>

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

ANALYSIS - LEGAL FEES  
ENVIRONMENTAL MATTERS

A	B	C	D			E	F	H	I	J	K	L	M	O	P	Q
			Haven Well	PFAS Issues	Permit Implement											
DATE	Haven Well	PFAS Issues	Permit Implement	Conservation Law Foundation	Fiscal Year Total	DATE	Haven Well	Hangar 227	PFAS Issues	Conservation Law Foundation	Fiscal Year Total	DATE	Conservation Law Foundation	Fiscal Year Total		
FY19	\$4,016.50	\$4,016.50	\$36,221.00	\$169,783.84	\$214,037.84	FY19	\$0.00	\$0.00	\$3,548.05	\$2,993.00	\$6,541.05	FY19	\$204.00	\$204.00		
FY18	\$0.00	\$4,843.00	\$0.00	\$291,272.81	\$296,115.81	FY18	\$0.00	\$0.00	\$0.00	\$19,532.69	\$19,532.69	FY18	\$15,805.55	\$15,805.55		
FY17	\$0.00	\$0.00	\$0.00	\$212,105.26	\$212,105.26	FY17	\$16,030.93	\$9,990.00	\$0.00	\$96,720.48	\$122,741.41					
FY16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	FY16	\$14,472.30	\$0.00	\$0.00	\$0.00	\$14,472.30					
FY15	\$2,400.17	\$0.00	\$0.00	\$0.00	\$2,400.17											
FY14	\$14,604.30	\$0.00	\$0.00	\$0.00	\$14,604.30											
<b>Sub Totals</b>	\$21,020.97	\$8,859.50	\$18,386.00	\$673,161.91	\$739,263.38	<b>Sub Totals</b>	\$30,503.23	\$9,990.00	\$3,548.05	\$119,246.17	\$163,287.45	<b>Sub Totals</b>	\$16,009.55	\$16,009.55		
						*Billing Credit					\$10,480.50					
<b>Cumulative Total</b>	\$21,020.97	\$8,859.50	\$18,386.00	\$673,161.91	\$739,263.38	<b>Cumulative Total</b>	\$30,503.23	\$9,990.00	\$3,548.05	\$119,246.17	\$152,806.95	<b>Cumulative Total</b>	\$16,009.55	\$16,009.55		
							Through January 2019					Through November 2018				

\*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 category.



**KUTAK ROCK LLP**

**WASHINGTON, D.C.**  
Telephone 202-828-2400  
Facsimile 202-828-2488

Federal ID 47-0597598

February 13, 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. 2525039  
Client Matter No. 294603-1

Invoice No. 2525039  
294603-1

Re: General

For Professional Legal Services Rendered

TOTAL HOURS 3.50

TOTAL FOR SERVICES RENDERED \$1,435.00

TOTAL CURRENT AMOUNT DUE \$1,435.00

**KUTAK ROCK LLP**

**WASHINGTON, D.C.**

Telephone 202-828-2400

Facsimile 202-828-2488

Federal ID 47-0597598

March 21, 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. 2536183  
Client Matter No. 294603-1

Invoice No. 2536183  
294603-1

---

Re: General

For Professional Legal Services Rendered

TOTAL FOR SERVICES RENDERED \$1,599.00

TOTAL CURRENT AMOUNT DUE \$1,599.00

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

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: Wentworth - Douglas Ground Lease

-----  
CLIENT/CASE NO. 14713-19809  
BILLING ATTORNEY:Lynn J. Preston  
Invoice Number: 334520

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$2,987.00
TOTAL EXPENSES:	\$0.00
	-----
TOTAL THIS BILL:	\$2,987.00
	-----
PREVIOUS BALANCE:	\$0.00
	-----
TOTAL BALANCE DUE:	\$2,987.00
	-----
	-----

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: Permit Implementation  
-----  
CLIENT/CASE NO. 14713-19658  
BILLING ATTORNEY:Lynn J. Preston  
Invoice Number: 334519

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$17,835.00
TOTAL EXPENSES:	\$0.00
	-----
TOTAL THIS BILL:	\$17,835.00
	-----
PREVIOUS BALANCE:	\$18,386.00
	-----
TOTAL BALANCE DUE:	\$36,221.00
	-----
	-----

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: Regulatory Issues Relatng to Port Operations

-----  
CLIENT/CASE NO. 14713-16200  
BILLING ATTORNEY: Robert P Cheney  
Invoice Number: 334483

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$3,277.00
TOTAL EXPENSES:	\$0.00
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TOTAL THIS BILL:	\$3,277.00
-----	
PREVIOUS BALANCE:	\$0.00
-----	
TOTAL BALANCE DUE:	\$3,277.00
-----	
-----	

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... \$ \_\_\_\_\_

APPROVED FOR  
PAYMENT  
LEGAL: 

APPROVED FOR  
PAYMENT  
LEGAL:   
DPH

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: 334597

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$17,777.00
TOTAL EXPENSES:	\$16.19
	-----
TOTAL THIS BILL:	\$17,793.19
	-----
PREVIOUS BALANCE:	\$8,985.00
	-----
TOTAL BALANCE DUE:	\$26,778.19
	-----
	-----

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... \$ \_\_\_\_\_

APPROVED FOR PAYMENT  
*[Signature]*



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

COPY

**PORT ADVISORY COUNCIL MEETING MINUTES**  
**WEDNESDAY, FEBRUARY 13, 2019**

PRESENT: Roger Groux, Chairman  
Don Coker, Vice-Chairman  
Jeff Gilbert, Treasurer (arrived at 6:02)  
Erik Anderson  
Brad Cook  
Geno Marconi, Secretary, Director, DPH  
Ned Raynolds (arrived at 6:03)

1. CALL TO ORDER

Chairman Groux called the meeting to order at 6:00 p.m.

2. APPROVE MINUTES

Don C. made a motion to accept the January 9, 2019 minutes, Erik A 2<sup>nd</sup>, no further discussion, the council voted and the motion carried.

3. FINANCE REPORT

As Jeff was not in yet, Director Marconi explained that the Division is ahead of budget by about \$41,000. Jeff came in and said it appears the Division is \$100,000 ahead of budget on revenue. Net operating income is up by about \$60,000 and it seems that fuel sales are attributing to that. Director added that we have had more salt ships this half of the fiscal year than in all of last year.

4. DIRECTOR'S REPORT

Director reported on the following items that were presented to the PDA Board of Directors on January 17, 2019:

- Commercial mooring transfer, Savage Charters
- Motor purchase for the Carolina skiff

Director reported that Jayson Driscoll's boat broke away from its mooring in Rye and is on the beach in Rye, they don't have any further information at this time.

Director spoke on House Bill 557 regarding a proposed dredge fund and that he attended a hearing last week and again today at which he explained to the group about the dredging process. The bill doesn't change anything we do and the recreation committee unanimously voted Ought to Pass so now it should move on to the Finance Committee. Director reminded the Council that the 2 projects (Rye and Hampton) will cost the Division around \$900,000. Director made comments today regarding the constantly changing dynamics of the Hampton/Seabrook estuary and requested the Corp to initiate a 107 Feasibility Study to see what can be done to stabilize the situation down there. Director went on to explain that the first \$100,000 of the 107 Feasibility study is funded completely by the Corp, after that it's a 50/50 split, any construction would be 25% for our cost share, and at the end of the project there is a 10% contribution of the overall cost of the project to go into future O & M. Director also spoke on the option of using shoreline stabilization mats. He also talked about the

tremendous amount of work that UNH is doing on the estuary modeling study that was funded back in 1998. The group at UNH have been gathering data and coming up with model of current flows and tidal fluctuations which could help in projections for particulate transport. Further discussion ensued regarding the dredging projects. Roger asked if it would be ok to talk to Senator Sherman about this since it's in "his district" and Director said sure.

Roger talked about an article regarding the Hampton Bridge project and moving it to the West side as opposed to the East side and if that happens would it affect the state facility at all. Director drew a rough sketch of 2 possible scenarios that could affect the facility and reminded the Council that this is all conceptual right now. Further discussion regarding the bridge and the Hampton facility.

Roger asked about Foreign Trade Zone activity, the Director said they've been getting some inquiries and that he's been traveling around the state doing informational sessions. He will be speaking at NH Aerospace Export Consortium. Albany/Safron has been approved but has not activated. Echo USA out of Londonderry is inquiring about reactivating. Roger spoke about the wind turbine presentation, he said he met with Senator Morgan out of Exeter who is interested in wind and hydro power projects. He would like to invite him and Senator Sherman to the next meeting for the presentation or put them in touch with those folks. Director segued into a windmill topic and let the council know that the Division has been talking to a company that wants to bring in some windmill sections for a company over in Antrim. Director is confident that they can be handled here at the Port. Also there is a company that is bringing in spools of cable to the Port they will be unloaded and stored at the Port for the project. Erik asked about the vessel auction going on tomorrow. Director explained that it's a US Marshall sale, the vessel was part of the loan program through PDA in which the borrower passed away and had no estate. A few minutes of discussion ensued.

Erik thanked Geno for stakeholder meeting at the Fish Pier and he thought everyone was there felt they were engaged in the process and were able to comment and overall it went well. Director received the preliminary design on the functional replacement project but has not had a chance to review it yet.

## 5. COMMITTEE REPORTS

**Fisheries-** The hot item in the industry is still the Right whales and trying to reduce entanglements and mortality. There is one more day of meetings tomorrow and the process is ongoing. Any new regulations will affect anyone who puts a line in the water. The issue has been being looked at for the last 10 years but brought forward more recently as there were 17 fatalities last year and no new calves were born. Other than that the industry is quiet right now during the slow season. Erik mentioned they became aware of a letter that the Governor sent to Bureau of Energy Mgmt. to hopefully engage in off shore wind development. Erik said it is something the industry will track it as it will definitely impact the fishing industry. Generally wherever those projects exist have had effects on the fisheries.

**Government-** Ned reported that the Portsmouth City Council has been busy dealing with City things that are not really Port or maritime related, he spoke about the McIntyre building, but if anyone has any questions or comments let him know. No further discussion.



**Moorings-** Chris S. reported on the Commercial Registration days were successful, totals for the 2 days were 83 mooring permits, 21 pier use permits, 5 berthing permits, 11 skiff permits and 11 safety forms. The renewals are coming in for the mooring permits and a lot are coming in without the registrations so wanted to remind all to be sure to get the registrations done first before reapplying for a mooring. On a side note, Director Marconi reported that it came to our attention that there has been some confusion regarding registering a boat as “tidal” or an “inland” use. If the boat is registered as “tidal”, the registration fees come to the Port to be used for the Harbor Management Fund for safety, navigation aids, etc. Plus there is an additional \$2 that goes to the Harbor Dredge & Pier Maintenance Fund. The confusion is that people are being told if they register the boat as “tidal” it cannot be taken on the lake. Director and staff did some research and could find no rule or statute that prohibits a vessel registered as tidal to be taken on the lakes. The Division will get the word out to educate the public on this matter and the Dept. of Fish and Game and Div. of Motor Vehicles will be sending memos out to help dispel the confusion amongst those that register the boats for the public. The only difference between the two types is which department the registration fees are sent to. Director said this seems to be a public education topic. Further discussion.

**PDA Liaison-** Roger reported that he attended the December PDA meeting at which he explained the inequity of no fees being assessed for slips at paid marinas. He talked about this at this Councils last meeting and just something to continue to look at down the road. If there is any plan of action they need to seek approval of the PDA Board to move forward to possibly introducing legislation.

Roger also spoke about HB 640, regarding registration fees for kayaks and canoes. The bill proposes a \$10 fee of which \$3 would go to the processing agent, the remaining is split 50% would go to the statewide public access fund and 50% to the lake restoration and preservation fund. Just something to keep an eye on. Further discussion.

Director mentioned HB 625 relative to aquatic and invasive species, would require boats that are not registered in NH but use the NH waterways, to pay a milfoil fee to the state. Director said this sounds similar to what this Council is trying to do with implementing a harbor use fee and coming out of the committee today it Ought to Pass. Erik mentioned that he saw Senator Waters and he was told that the time had gone by for sponsoring bills, some talk regarding filing an amendment to a bill, Jeff added that he had heard that for the next session the house will be meeting earlier in the year most likely early summer, not in the fall as is the usual case and that the senate will remain in January. Further discussion.

**Maritime/Public Affairs-** Don reported that the Eagle will be coming to the Market St. Terminal in Portsmouth!! The dates are Thurs August 1<sup>st</sup> to the 5<sup>th</sup>, the Parade of Sails will be on the first at 1:15 PM. Open for free public tours from Friday to Sun 10 am to 5 pm. The crowd is expected to reach up to 15,000 per day. Ned mentioned that coincidentally Coast Guard day is August 4<sup>th</sup>. Further discussion.

**Dredging-** No report

**Recreational Piers-**Brad reported that there has been a lot of interest in summer storage at both Hampton and Rye Harbors. Director reported that the Division received about \$87,000 in storage last year in Rye alone.

6. NEW BUSINESS

Director presented the Initial proposed Pda 500 rules, Moorings and Anchorages. Director reminded the Council on the entire process of adopting rules and the first step is to present them to this group for comment. Director pointed out that one of the things that we are proposing to remove after several years of discussion is the section that sets the standards for the size of the block and tackle for moorings. He explained that the Division staff has done extensive research and hasn't been able to find anywhere engineering wise or industry standard wise and by giving these guidelines the Division feels that it's exposing the State to liability. By removing this section it puts the onus back on the mooring owner. The Director would like to present the rules for the Council's recommendation at the next meeting. Erik asked about the commercial mooring section and being a water dependent business, which makes it transferable. Don commented that Section D describes what is needed to get a mooring for a water dependent business. Roger asked that the Council review the proposed rules prior to the next meeting and to let Geno know of any comments or concerns before the next meeting so we can be ready for a vote.

7. OLD BUSINESS

Roger asked if there was anything on the Bascule Bridge. Don gave Brenda a packet of the file of items that he has collected over the years which includes a letter from the State and Federal that the 2 remaining bridges need to be saved. It appears there is only 1 that can be saved since Hampton is most likely not going to be a Bascule Bridge.

8. PUBLIC COMMENT

Peter Welch from the Town of Newington had a couple of questions for Geno.

1-Wanted to know if he heard back on the Fitchburg study of the Hampton and Rye Harbor. Geno said that putting the sand behind the jetty wouldn't stay there. Peter: Did they build the model? Geno: They did but it was not an extensive study. Director spoke on the history of the jetty in Hampton. The Corp did use some of that modeling when they did the shoreline stabilization project but since then UNH has been doing the ongoing research.

2-Regarding Riverside Pickering, are they going to be shifted out of the Port here at some point because of the dock repairs here? Yes, at some point they will be moving into their new facility up there. Peter indicated that they went through the planning board a 2 years but his understanding that permit has expired. Director said he went up the other day and they are in the process of constructing the dock. Peter will check into it.

3- Have they fixed the Sarah Long Bridge? Director said he is not aware of any problems.

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 7:51 PM



**PEASE**  
INTERNATIONAL  
DEVELOPMENT  
AUTHORITY

55 International Drive, Portsmouth, NH 03801

March 26, 2019

Maureen Kelly  
Distribution Manager, East Coast  
Morton Salt, Inc.  
123 North Wacker Drive  
Chicago, IL 60606-1743

**Re: Morton Salt, Inc. / Exercise of Option**

Dear Ms. Kelly:

This letter serves to confirm that, in accordance with the terms of the License and Operating Agreement for operations at the Market Street Terminal, Morton Salt, Inc. has exercised the fourth of its five annual options. The Agreement is hereby extended to May 31, 2020.

Please contact me if you have any questions.

Very truly yours,

David R. Mullen  
Executive Director

DRM/smg

cc: Geno J. Marconi, PDA-DPH Director  
Irv Canner, Finance Director

P:\PortAuthority\Morton Salt\Letters\Kelly ltr re-4th of 5 annual options.docx

TA K I N G Y O U T H E R E

PH 603-433-8088

Fax 603-427-0133

www.peaseintl.org



**MORTON SALT**

Federal Express – Priority Overnight

March 5, 2019

Pease Development Authority  
55 International Drive  
Portsmouth, NH 03801-2833  
Attention: Executive Director

cc: Division of Ports and Harbors  
555 Market Street  
Portsmouth, NH 03801  
Attention: Division of Ports and Harbors Director

**Subject: License and Operating Agreement**

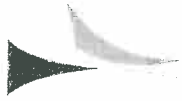
Dear Executive Director:

In accordance with Article 3.1 and the terms of the License & Operating Agreement for operations at the Market Street Terminal, effective June 1, 2015 (the "Term Commencement Date"), Morton Salt, Inc. has been granted five (5) one ( 1) year options to extend the referenced License & Operating Agreement through May 31, 2021 ( the "Base Term") and desires to exercise the forth (4) of its five annual license options.

Sincerely,

Maureen Kelly

Distribution Manager, East Coast




**PEASE**


INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: March 11, 2019

To: David Mullen, Executive Director 

From: Geno Marconi, Port Director 

Subject: Charter Boat Rights of Entry

In accordance with the "Delegation to Executive Director: Consent, Approval, and Execution of Charter Boat Right of Entry," adopted by the Pease Development Authority Board of Directors on April 20, 2017, the Division of Ports and Harbors is requesting your approval of the attached Charter Boat Right of Entry (ROE) for:

Owner: Shannon LaMonica and James Savage  
Company: Two In The Bush, LLC dba Savage Charters  
Location: Rye Harbor Marine Facility  
Term: Commencing May 1, 2019 through June 30, 2020

Savage Charters has met the following required conditions:

1. Apply for and secure a Pier Use Permit; and
2. Meet the minimum insurance requirements set by the Pease Development Authority ("PDA") and provide proof of insurance to the PDA.
3. Provide documentation that Savage is registered and in "Good Standing" with the Secretary of State to conduct business in New Hampshire

This approval will be reported to the Board at the next meeting.

PEASE DEVELOPMENT AUTHORITY  
DIVISION OF PORTS AND HARBORS

RIGHT OF ENTRY

Pease Development Authority, Division of Ports and Harbors ("PDA-DPH") with an address of 55 International Drive, Portsmouth, NH 03801 under authority set forth in NH RSA 12-G, grants a Right of Entry ("ROE") to, Two In The Bush, LLC dba Savage Charters ("Savage"), 56 Gary Rd., Sanbornville, NH 03872, to use property of the State of New Hampshire pursuant to the terms of this ROE and for the following purposes and for no other uses unless expressly authorized:

PREMISES: Rye Harbor Marine Facility ("Premises")  
PURPOSE OF ROE: Fishing Charter Boat Operations & Parking  
PERIOD OF USE: May 1, 2019- June 30, 2020  
PARKING FEE: \$5.00 per car through December 31, 2019

This ROE is given subject to the following conditions:

1. The term of this ROE shall be from May 1, 2019 through June 30, 2020.
2. Savage customers shall have use of parking spaces situated at the Rye Facility parking lot in Rye, NH. Savage shall also have access to the Rye Pier in connection with its charter operation.
3. The scheduling of departures and arrivals in connection with any activity allowed under this ROE will not interfere with the scheduled use of common areas or adjoining areas by other entities which have actively conducted business at the Rye and have been previously issued an ROE(s) by PDA-DPH.
4. PDA-DPH will charge customers a \$5.00 parking fee per car for any vehicle using the Rye parking lot.
5. Parking and fuel vendor fees set forth in Sections 4 & 14 shall remain effective through December 31, 2019. Thereafter, PDA-DPH reserves the right to increase fees and rates in connection with this ROE.
6. Savage shall indemnify, defend and hold the State of New Hampshire and PDA-DPH harmless against and from any and all claims, judgments, damages, penalties, fines assessments, costs and expenses, liabilities and losses (including without limitation, sums paid in settlement of claims, attorney's fees, consultant's fees and experts fees) resulting or arising during the term of this ROE:
  - A. From any condition of the Premises including any building structure or improvements thereon for which Savage has taken possession of hereunder;

- B. From any breach or default of any obligation on the part of Savage to be performed pursuant to the terms of this ROE or from any act or omission of Savage or any of its agents, contractors, servants, employees, licensees or invitees; or
  - C. From any accident, injury, death, loss or damage whatsoever caused, to any person or property occurring during the term of this ROE, on or about the areas (including but not limited to piers, docks, gangways, ticket office and parking areas) arising out of or incidental to the use, management or control of the area(s) and activities which are the subject of this ROE.
7. On or before the effective date of this ROE, Savage shall provide PDA-DPH with a certificate of insurance evidencing the existence of Protection and Indemnity insurance with an endorsement covering piers, docks and gangway use protecting the parties hereto and naming the State of New Hampshire and PDA-DPH as additional insureds from loss or damage because of the liability that may be incurred by the State of New Hampshire, PDA-DPH and Savage, in connection with uses authorized under this ROE (e.g., use of the parking lot, piers, docks, gangways, and tour operations) when such liability is imposed on account of injury or death of a person or persons or property damage. Said policy 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. 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 PDA-DPH 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 of PDA-DPH. If applicable, General Liability insurance must be carried year round. Insurance provided pursuant to this ROE may not be cancelled without providing PDA-DPH with at least thirty (30) days advance written notice by registered mail.

Notwithstanding the foregoing, no provision of this ROE shall be deemed to constitute or effect a waiver of the sovereign immunity of the State of New Hampshire and no provision of this ROE shall be deemed to constitute or effect a waiver of the sovereign immunity of PDA-DPH as a body politic and corporate of the State of New Hampshire. The sovereign immunity of the State of New Hampshire is reserved to the State of New Hampshire to the fullest extent allowed under law and the sovereign immunity of PDA-DPH is reserved to it to the fullest extent allowed under law subject however to contractual claims arising under this ROE to the extent such are permitted by New Hampshire NH RSA Ch.492:8 as the same may be amended.

8. Savage may cancel this ROE by giving PDA-DPH thirty (30) days' notice in writing.
9. This ROE may be cancelled by giving Savage thirty (30) days written notice of cancellation in the event of the failure of Savage to perform, keep and observe any of the conditions of the ROE and the failure of Savage to correct the default or breach within the time specified by PDA-DPH. This ROE may be cancelled immediately by PDA-DPH in the event Savage fails to provide proof of insurance coverage or engages in any activity which is deemed to compromise public safety and health. In the performance of this ROE, Savage is in all respects an independent contractor and is neither an agent nor employee of the State of New Hampshire or PDA-DPH. Neither Savage nor any of its officers, employees, agents or members shall have the authority to bind the State of New Hampshire or PDA-DPH nor is any ROE holder entitled to any of the benefits, Worker's Compensation or emoluments provided by the State of New Hampshire or PDA-DPH to its employees.

10. In connection with the performance of this ROE, Savage agrees to comply with all statutes, laws, regulations and orders of federal, state, county or municipal authorities which shall impose any obligations or duty on Savage.
11. Savage will obtain all necessary permits and provide copies of them to PDA-DPH at the time of execution of this document. Required documents may include, but are not limited to, Pier Use Permit, Captains licenses, NH Secretary of State Registration, Wetlands Board, and Marine Safety.
12. Savage is responsible for providing all necessary and required safety equipment and training to its customers as may be required and appropriate to the uses allowed under this ROE.
13. Savage shall be responsible for routine cleaning of all areas of the Premises and equipment which is used in connection with its operations at Rye. Savage shall be responsible for picking up garbage and rubbish its operations generate and depositing same at a designated location where PDA-DPH can dispose of it.
14. Savage may not self-fuel any boat used in connection with this ROE on the premises. Savage will be allowed to purchase fuel from an approved vendor (diesel only) or from the fuel service available at the Rye (diesel or gasoline). To purchase diesel fuel from an approved vendor, the vessel owner must have a fuel variance approved by the Office of the New Hampshire State Fire Marshall in accordance with BULLETIN #2015-07 as may be amended from time to time. Subject to increases which may be implemented from time to time, the vendor will pay PDA-DPH \$0.10 per gallon.
15. This ROE may not be assigned or transferred without the express written approval of the PDA-DPH.
16. To the extent applicable, Savage agrees to hold the State of New Hampshire and PDA-DPH harmless with respect to taxes levied against the premises subject to this ROE as a consequence of the application of RSA 72:23 I. Savage agrees to pay, in addition to other payments, all properly assessed real and personal property taxes against the premises subject to this ROE in accordance with the provisions of RSA 72:23 I. In the event Savage shares a larger parcel of land with lessees or other ROE holders, it shall be obligated to pay only its pro rata share of any such taxes. Failure of Savage to pay its duly assessed personal and real estate taxes when due, shall be cause to terminate said ROE by PDA-DPH. Savage shall, in addition, reimburse PDA-DPH for any taxes paid by it pursuant to RSA 72:23 I as a result of Savage failure to pay said taxes.

**Signature page follows**



Savage Charters  
Rye Right of Entry  
4

PEASE DEVELOPMENT AUTHORITY  
DIVISION OF PORTS AND HARBORS

Date: 3/28/19

MacHedra  
Witness

David R. Mullen  
David R. Mullen, Executive Director, PDA

OWNER/Two in The Bush, LLC dba Savage Charters

Date: 3/12/19

[Signature]  
Witness

[Signature]  
Signature  
Shannon J. Savage, Manager  
Printed Name and Title

[Signature]  
Witness  
James Devaney

[Signature]  
Signature  
James Savage Member  
Printed Name and Title



**PEASE**

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801


TO: David Mullen, Executive Director, PDA *DM*  
FROM: Geno J. Marconi, Director, DPH *GJM*  
DATE: March 18, 2019  
RE: Commercial Mooring for Hire Applications

The Pease Development Authority, Division of Ports and Harbors has received applications for previously existing Commercial Mooring for Hire Permits.

I have reviewed the attached paperwork and concur with the local Harbormaster(s) and Chief Harbormaster that the request meets all the requirements of the PDA-DPH Code of Administrative Rules regarding Commercial Mooring for Hire applications. Therefore, I am requesting approval of the applications.

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

Division of Ports & Harbors  
Memorandum

To: Captain Geno J. Marconi, Director DPH  
From: Tracy R. Shattuck, Chief H/M   
Re: Commercial Moorings For Hire  
Date: March 15, 2019

---

The following have submitted re-applications for existing Commercial Moorings For Hire. Also listed is the available documentation. I recommend approval.

**Bayview Marina, LLC – 3 moorings**

19 Boston Harbor Rd  
Dover, NH 03820

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, copy of mooring/slip lease agreement, certificate of formation with Secretary of State, map of mooring field, description of public access, copy of IRS EIN form

**Esther's Marina, LLC – 3 moorings**

41 Pickering St  
Portsmouth, NH 03801

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, receipts, Marina lease agreement

**Jay Gingrich – 1 mooring**

513 Marcy St  
Portsmouth, NH 03801

Tax bill, assertion that it is used for an occupying tenant

On file: tax map, deed

**Great Bay Marine – 73 moorings**

PO Box 3127

Portsmouth, NH 03802-3127

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, statement of hours and public access and services offered,

Federal form – election by a small business corporation, certificate of membership in Marina Operators Association of America, map of mooring field

**Great Bay Yacht Club – 11 moorings**

c/o Jay Mooney, Mooring Chair

PO Box 1644

Dover, NH 03820

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, copy of by-laws, list of directors and officers, description of tackle, chart of mooring field, membership directory (includes description of public access, etc)

**Hampton River Boat Club – 2 moorings**

Thomas McNamara

PO Box 901

Hampton, NH 03842

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, Secretary of State Certificate of Existence, Constitution and Bylaws, club Rules and Regulations, slate of officers

**Island Club New Castle, Inc – 1 mooring**

PO Box 282

Newcastle, NH 03854-0282

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, Secretary of State Certificate of Existence

**Kittery Point Yacht Club – 8 moorings**

PO Box 373

Newcastle, NH 03854

Tax bill, proof of good standing Secretary of State, advertising

On file: tax map, deed, certificate of registration by the Secretary of State, application for registration as a non-profit, list of officers

**Lamprey River Marina – 6 moorings**

c/o Lou Gargiulo

3 Holland Way, Suite 201

Exeter, NH 03878-0201

Tax bill, proof of good standing Secretary of State, advertising

On file: brochure, acknowledgement of membership in a trade organization, tax map deed, map of mooring field

**Matthew Metivier – 1 mooring**

164 Shattuck Way  
Newington, NH 03801

Tax bill

On file: tax map, deed, assertion that it is used for an occupying tenant

**Mud Cove Boat Yard – 1 mooring**

Attn: Wayne Semprini, President

PO Box 336

Newcastle, NH 03854

Tax bill, proof of good standing Secretary of State

On file: tax map, deed, assertion that it is used for an occupying tenant

**Dorothy Oliver – 1 mooring**

22 Cedar Point Rd

Durham, NH 03824

Tax bill

On file: tax map, deed, assertion that it is used for an occupying tenant

**Portsmouth Yacht Club – 14 moorings**

PO Box 189

New Castle, NH 03854-0189

Tax bill, proof of good standing Secretary of State

On file: tax map, deed, list of officers/directors

**Sagamore Landing Homeowners Association – 1 mooring**

c/o Murat Ergin

251 Walker Bungalow Rd

Portsmouth, NH 03801

On file: tax map, deed, condo association bylaws. Note that each condo owner pays a portion of the taxes for the association, there is no tax bill to the association itself.

**Southend Yacht Club – 1 mooring**

7 Pickering Ave

Portsmouth NH 03801

Tax bill, notice of EIN, advertising, Secretary of State

On file: tax map, deed, list of officers/directors

**Split Rock Cove, Ltd – 1 mooring**

507 State St

Portsmouth, NH 03801

Tax bill

On file: tax map, deed, governing instruments, assertion that it is used for an occupying tenant

**Warpath Family Farm – 1 mooring**

7905 Striped Bridge Road

Hopkinsville KY

Attn: Charles Tarbell, Dustan Knight-Tarbell

Tax Bill, assertion that it is used for occupying tenant.

On file: tax map, deed.

**Wentworth by the Sea Dockside Condominium Association – 1 mooring**

PO Box 2011

Newcastle, NH 03854-2011

On file: tax map, deed, Note that each condo owner pays a portion of the taxes for the association, there is no tax bill to the association itself.

**Wentworth by the Sea Marina (Pier People, LLC) – 2 moorings**

Attn: Spenser Epperson

PO Box 2079

Newcastle, NH 03854-2079

Tax bill, Secretary of State

On file: tax map, deed, statement of rates, certificate of membership International Marina Institute, description of public access and services, brochure.



**PEASE**

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

March 20, 2019

Sagamore Landing Homeowners Association  
251 Walker Bungalow Road  
Portsmouth, NH 03801

RE: Application for Commercial Mooring for Hire Permits

Dear Sagamore Landing Homeowners Association:

This will acknowledge the receipt of the application for a commercial mooring for hire permit submitted by Sagamore Landing Homeowners Association. I am pleased to inform you that pursuant to the NH Code of Administrative Rules Pda 500 – Moorings and Anchorages, the application has been approved.

Sagamore Landing Homeowners Association is granted permission to utilize the mooring as designated and approved of in the applications and will be issued 1 mooring permit for the use of said mooring for the April, 1, 2019 through March 31, 2020 mooring season.

The use and maintenance of the mooring will be subject to the rules and regulations of the Division of Ports and Harbors.

Sincerely,

David R. Mullen  
Executive Director

cc: Geno Marconi, Director PDA-DPH  
Tracy Shattuck, Chief Harbor Master, DPH

○○○○ TAKING YOU THERE

ph: 603-436-8500 fax: 603-436-2780 www.peasedev.org



**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: March 20, 2019

RE: Commercial Mooring For Hire

The Pease Development Authority, Division of Ports and Harbors has received a request for a commercial mooring for hire from Sagamore Landing Homeowners Association.

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 moorings for hire. Therefore, I am requesting approval of the application.

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



Division of Ports & Harbors  
Memorandum

To: Captain Geno J. Marconi  
From: Tracy R. Shattuck, Chief H/M *TR*  
Re: Sagamore Landing Homeowners Association  
Date: March 19, 2019

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Attached is an initial application for a Commercial Mooring for Hire in front of the Sagamore Landing Homeowners Association in Portsmouth. The Association has previously held such a mooring permit but failed to re-apply by the deadline. As it is a shorefront property they have submitted an application with the \$50 initial application fee included.

With the file are the tax map and deed. The Association has no tax bill as the homeowners are taxed individually.

I recommend approval of the application as it meets all criteria for a Commercial Mooring for Hire permit.

## MOTION

Director Bohenko:

In accordance with RSA 12-G:42, X(a), the PDA Board of Directors hereby:

- a. adopts the Administrative Rules designated as Chapter Pda 300, Pilots and Pilotage, as amended in accordance with the Conditional Approval issued on January 19, 2019 by the Joint Legislative Committee on Administrative Rules ("JLCAR") attached hereto;
- b. directs that in accordance with RSA 541-A:14, III, the Division Director submit Chapter Pda 300, as adopted, to the Office of Legislative Services for filing; and
- c. directs Chapter Pda 300 shall be deemed effective on the day after filing with the Office of Legislative Services.



# PEASE


INTERNATIONAL

PORTS AND HARBORS

655 Market Street, Suite 1 Portsmouth, NH 03801

Date: March 21, 2019

To: Pease Development Authority, Board of Directors

From: Geno Marconi, Division Director 

Subject: Final Adoption, 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. On January 3, 2019 the Division submitted the Pda 300 rules final proposed-annotated text 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 the JLCAR 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. On March 14, 2019, the PDA Board of Directors approved the text of the conditional approval. On March 21, 2019 OLS provided confirmation that the Board has complied with the conditional approval and received confirmation (attached) from OLS that the Pda 300 rules may be adopted.

Therefore, the Division of Ports and Harbors recommends that the PDA Board of Directors approve the Final Adoption of Chapter Pda 300 Rules (attached) pursuant to RSA 541-A:14 which will become effective the day after they are received at the Office of Legislative Services.

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE  
107 NORTH MAIN STREET, ROOM 109  
CONCORD, NEW HAMPSHIRE 03301-4951

March 21, 2019

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

Re: Conditional Approval Confirmation 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.

On March 20, 2019, our office received your written response indicating how Final Proposal 2018-145 was amended in accordance with the conditional approval. We have reviewed the explanation pursuant to RSA 541-A:13, V(a), and have determined that Final Proposal 2018-145 has been amended in accordance with the conditional approval and RSA 541-A:13, V(a). Therefore, you may now adopt and file the rules in Final Proposal 2018-145, as amended.

If you have any questions concerning the provisions of RSA 541-A relative to responses or adoptions, please call me at 271-3680.

Sincerely,

A handwritten signature in black ink that reads "Michael Morrell".

Michael Morrell  
Sr. Committee Attorney

cc: Brenda Therrien, Admin. Assistant, Div. of Ports and Harbors  
Grant M. Nichols, Deputy Chief, N.H. Port Authority

TDD Access: Relay NH 1-800-735-2964  
LEGAL STAFF (603) 271-3435

FAX: (603) 271-6607

RESEARCH (603) 271-3326  
ADMINISTRATIVE RULES (603) 271-3680

**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 8-19-16 (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 and 305.02, 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.

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 310.01, 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 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 rules shall apply in all appeals to the board under this section and, that they shall provide notice of their intent to appeal within 30 calendar days from receipt of the notice of suspension or 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.”

**Readopt Pda 310.02, effective 4-1-11 (Document # 9891-A), cited and to read as follows:**

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 1

<b>Rule Number</b>	<b>State Statute/Federal Regulation Implemented</b>
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

Director Levesque:

In accordance with the recommendation of the Pease Development Authority ("PDA") Port Committee the PDA Board of Directors ratifies and approves of the contract with Riverside and Pickering Marine Contractors in a total amount not to exceed \$14,300 from the PDA-Division of Ports and Harbors Harbor Dredging and Pier Maintenance fund for replacement of the floating dock at the Hampton Harbor Marine facility; all in accordance with the memorandum of Geno Marconi, Division Director, dated April 4, 2019 attached hereto.

Further, in accordance with the provisions of RSA 12-G:8 VIII, the Board justifies the waiver of the RFP requirement based on the following reasons:

1. The floating dock at the Hampton Harbor Marine Facility was storm damaged beyond repair and requires replacement;
2. The floating dock is integral to the operations of the Hampton Harbor Facility and a delay in repair will delay the start of operations and be detrimental to the commercial, recreational and private interests that use the facility;
3. The fuel float and all other floating docks in the subject section are dependent on the float;
4. Following receipt of the drawings prepared by Appledore Marine Engineering, Inc., the Division contacted three marine contractors who have previously done work at Division property and requested quotes to replace the float.
5. Riverside and Pickering Marine was the lowest qualified bid at \$14,300.

Note: This motion requires 5 affirmative votes.



# PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: April 4, 2019

To: Pease Development Authority (PDA) Board of Directors

From: Geno Marconi, Division Director *JJM*

Subject: Float replacement; Hampton Harbor Marine Facility

At the PDA Board Meeting on March 14, 2019, the Division of Ports and Harbors (the "Division") reported that Appledore Marine Engineering, Inc. had commenced the preparation of drawings required to price repairs to the floating docks in Hampton Harbor. The expenditure of \$4,300 was approved in accordance with PDA procurement procedures.

The damage to the Floating Docks, although not an emergency which constitutes an immediate hazard to health and human safety, is extremely time sensitive. The docks at the Division facilities are launched and put into service in late April of each year for use by the commercial and recreational entities that use the facility. The fuel float and all other floating docks in the subject section are dependent on the float because this is where the gangway comes down to allow access from above. In order to avoid any delay in use or operation of these facilities, repairs needed to be authorized as soon as possible.

Following receipt of the drawings prepared by Appledore Marine Engineering, Inc., the Division contacted three marine contractors who have previously done work at Division property requesting quotes for replacing the float. The companies contacted were Prock Marine Construction; Riverside and Pickering Marine Contractors; and TM Marine Construction.

After reviewing the work, Prock Marine indicated that its schedule would not permit it to quote the job. The Division received quotes from Riverside and Pickering Marine Contractors, and TM Marine, attached for your reference.

Riverside and Pickering Marine was the lowest qualified bid at \$14,300.

Because of the urgency in the need for this repair, on April 4, 2019 the Division requested and received recommendation from the PDA Port Committee to award the contract to Riverside and Pickering Marine Contractors and to expend \$14,300 funds from the Harbor Dredging and Pier Maintenance ("HDPM") emergency allocation fund. Therefore, the Division is seeking ratification and approval of the contract award and expenditure by the PDA Board of Directors all in accordance with RSA 12-G:46. The balance of the HDPM fund is \$54,579.54.







CONSTRUCTION, LLC

150 Newington Road  
Newington, NH 03801

# QUOTE

Date: March 121, 2019

To: Geno Marconi  
PDA Division of  
Ports and Harbors

Qty	Description	Unit Price	Line Total
2	<b>Hampton Harbor</b> New 5'3" by 20' floats 3" x 8" framed with 2"x10" skirt boards and 2"x 6" PT decking with 14" cleats supported with 16" polly tub floatation. (Decking screwed with 3" #12 SS screws)	\$65.00 sq. ft.	\$13,650.00
6 Hours	Labor on site for installation with PDA rep.	\$115.00	\$690.00
		<b>TOTAL:</b>	<b>\$14,340.00</b>

*Above float construction includes soft white PVC rub rail on three sides, PVC bumper corners, 2.5 CCA treated SYP lumber for framing and decking, reinforced corner brackets with backing plates, gangway mounts with backing plates and all bolting hardware will be hot dipped galvanized and deck fasteners will be stainless steel. TM Marine will provide a 1 year warranty on all materials and a 2 year warranty on craftsmanship. Float drums have manufacturers 15 year limited warranty*

THIS IS AN ESTIMATE BASED ON CURRENT PRICING OF MATERIALS AND LABOR, THIS QUOTE IS VALID FOR A TERM OF THIRTY DAYS FROM ABOVE DATE.

*Thank you for your business!*

**TM Marine Construction, LLC.**

Chip Taccetta 603-765-6875 [Chip@TMMarineconstruction.com](mailto:Chip@TMMarineconstruction.com)

34 Patterson Lane  
Newington, NH 03801  
Phone (603) 427-2824  
Fax (866) 571-7132

# Quotation

DATE 03/21/19  
Quotation # 1  
Customer ID C007-1126-19  
Quotation valid until: 04/20/19  
Prepared by: Doug Anderson

To: Pease Development Authority  
555 Market Street Portsmouth, NH 03801

**Phone** 603-365-0503 **Email** g.marconi@peasedev.org

**Project Location:** Hampton NH

**Comments or special instructions:**

ITEM #	DESCRIPTION	AMOUNT
1	SCOPE OF WORK OVERVIEW:  Quotation includes construction of two 5' X 20' floats matching the same length and width of the damaged float	
2	FLOAT CONSTRUCTION, DELIVERY, AND INSTALLATION AS FOLLOWS: a) Construction, delivery, and assist with the installation of two (2) 5ft X 23ft floats as follows: i. Assumes repairing and reusing the existing pile hoops ii. Assumes reusing some of the attachment hardware iii. Assumes using the same size (new) float tubs as on existing float iv. Quote does not include any engineering for load calculations, Riverside Marine Contractors, Inc. is assuming the buoyancy will match the existing floats. There is not an option for larger float tubs with the required skids under the float and matching the skids on the existing floats.	\$ 14,300.00
<b>TOTAL ESTIMATED COST:</b>		<b>\$ 14,300.00</b>

If you have any questions concerning this quotation, please contact:

  
Doug Anderson  
Email: doug@riversideandpickering.com

**TERMS AND CONDITIONS OF THE AGREEMENT:**

- Riverside Marine Construction, Inc., dba Riverside & Pickering Marine Contractors (CONTRACTOR) is only responsible for the work as described above. No additional work is included in the estimated cost.
- Changes in the Work may be accomplished after execution of the Agreement. Such changes in the Work will be authorized by written Change Order signed by the OWNER and CONTRACTOR. Adjustments in the Agreement Sum and Agreement Time resulting from a change in the Work shall be determined by mutual agreement of the parties.
- Professional fees, should they be required, are NOT included in this agreement (legal, lobbyist, engineering, surveying, etc.). OWNER is responsible for all professional services and associated fees. OWNER shall decide if professional services are desired.
- CONTRACTOR is not responsible for Acts of God, weather delays, and situations beyond its control (i.e. ice damage, erosion, corrosion, weather systems, supplier delays, labor strikes, etc.). Ice build-up and floe can be significant in this area of the river and no guarantee can be made that damage will not occur to the structure due to ice.
- OWNER to provide storage and access for materials and equipment for the duration of the project if deemed necessary.
- CONTRACTOR agrees to guarantee its work to be free of workmanship like defects for a period of one year from date of completion. Should defects be found to be caused by CONTRACTOR error, OWNERS sole remedy is to have the product substantially repaired (at no charge) by CONTRACTOR.

7. If concealed or unknown physical conditions are encountered at the site that differ materially from those indicated in the Agreement or from those conditions ordinarily found to exist, the Agreement Sum and Agreement Time shall be equitably adjusted as mutually agreed between the OWNER and CONTRACTOR; provided that the CONTRACTOR provides notice to the OWNER promptly and before conditions are disturbed.
8. Should the CONTRACTOR be unable to drive pilings in the event that ledge is encountered, the Agreement Sum and Agreement Time shall be equitably adjusted as mutually agreed between the OWNER and CONTRACTOR; provided that the CONTRACTOR provides notice to the OWNER promptly and before additional work is performed.
9. The OWNER assumes all risk and liability and further agrees to indemnify and hold CONTRACTOR harmless for any and all costs, fees or other expenses, including attorneys fees, resulting or arising from any deviations in the construction of the Work, as requested by the OWNER, from the specifications approved by the municipal, state, and federal regulatory agencies.
10. All dimensional lumber quoted is Pressure Treated Southern Yellow Pine at 2.5 OCA or .60 ACQ marine grades unless otherwise specified. All hardware is commercial grade, heavy duty galvanized steel, unless otherwise noted.
11. Limitation of Liability: CONTRACTOR shall not be liable for any consequential, lost profits, loss of use, punitive or exemplary damages suffered or incurred by OWNER arising out of or relating to this Agreement. In any event, CONTRACTOR shall not be liable for any amount in excess of the Total Estimated Cost.
12. This Agreement can be assigned to an affiliated Riverside Marine Construction, Inc. company.
13. CONTRACTOR has the right to subcontract for any or all of its Work. CONTRACTOR shall be the sole supervisor of CONTRACTORS, employees, or subcontractors to make changes to the Work.
14. Unless caused by delays reasonably beyond OWNER's or CONTRACTOR's control (e.g. weather delays), should work not be completed prior to June 30, 2020, Agreement price may be adjusted to reflect increased material & fuel costs.
15. CONTRACTOR owns all materials purchased and stored on and off the project site for the project until payment is received in full for the full value of the work described above.
16. MANDATORY ARBITRATION: Any dispute arising out of or relating to this Agreement can be resolved only by mandatory and binding arbitration in Portsmouth, New Hampshire under the rules of the American Arbitration Association. Both parties expressly waive the right to trial by jury and to any other manner of dispute resolution in any other forum.
17. This Agreement shall be governed in accordance with the laws of the State of New Hampshire. This Agreement shall be binding on the parties hereto, their heirs, successors, personal representatives, and assigns.
18. CONTRACTOR, and any subcontractors utilized for this project, shall provide and maintain Worker's Compensation and Liability insurance coverage through the course of construction.
19. OWNER to provide and maintain Liability insurance coverage through course of construction.
20. This quote contains proprietary information of Riverside Marine Construction, Inc. It is intended solely for the person to whom the quote is addressed. Such proprietary information may not be used, reproduced, or disclosed to any other parties for without the expressed written permission of Riverside Marine Construction, Inc.

**PAYMENT TERMS:**

1. \$1/2 of total construction cost due upon the execution of this agreement
2. Final balance of the construction total due at project substantial completion.
3. PLEASE NOTE: ALL INVOICES ARE DUE UPON RECEIPT OR AS NOTED ABOVE. UNPAID BALANCES SHALL BE SUBJECT TO INTEREST AT A RATE OF 18% PER ANNUM. OWNER IS RESPONSIBLE FOR ALL COSTS OF COLLECTION, INCLUDING REASONABLE ATTORNEY FEES.

**ACCEPTANCE:**

Riverside Marine Construction, Inc. is hereby authorized to commence work as noted above.

**OWNER PRINTED NAME:** \_\_\_\_\_

**OWNER SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

***THANK YOU FOR YOUR BUSINESS!***



MOTION

Director Lamson:

The Pease Development Board of Directors authorizes the Executive Director to issue a Right of Entry to NAS Fuels, LLC d/b/a Atlantic Fuels, Inc., for the purpose of fuel dispensing at PDA-DPH facilities all in accordance with the terms and conditions contained in the Memorandum of Geno J. Marconi, Division Director, dated April 3, 2019 attached hereto.



# PEASE


INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: April 3, 2019

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

From: Geno Marconi, Division Director 

Subject: Bulk Fuel Deliveries – NAS Fuels, LLC dba Atlantic Fuels, Inc.

The Division of Ports and Harbors ("DPH") has received a request from NAS Fuels, LLC dba Atlantic Fuels, Inc. to renew their Right of Entry to make bulk diesel fuel deliveries to vessels at Division facilities. Diesel fuel deliveries, over water directly to a vessel from a tank truck, are regulated as follows:

- By the U.S. Coast Guard in accordance with 33 CFR and 46 CFR for vessels whose fuel capacity is 10,500 gallons or more
- By the Office of the State Fire Marshal in accordance with the NFPA 30 for vessels whose capacity is less than 10,500 gallons
- By the PDA for all vessels desiring to receive fuel deliveries from Division properties

The Division has reviewed the request of NAS Fuels, LLC dba Atlantic Fuels, Inc. and recommends that the PDA Board of Directors approve the request and grant a non-exclusive right to deliver diesel fuel at Division facilities in accordance with the following terms and conditions:

PREMISES: Hampton and Rye Harbor Marine Facilities/Portsmouth Commercial Fish Pier/Market Street Marine Terminal

PURPOSE: Sale of diesel fuel only to Party and Charter Boats, Commercial Fishing Vessels and Commercial Vessels

TERM: Four (4) years, commencing retroactively on January 1, 2019 through December 31, 2022

FEES: For year 1, for diesel fuel only (gasoline prohibited) sold to Party and Charter Boats and Commercial Fishing Vessels at the Hampton and Rye Marine Facilities and Portsmouth Commercial Fish Pier - \$0.10 per gallon. Subsequent years to be determined by October 31 of each term year.

For year 1, for diesel fuel (gasoline prohibited) sold to Ships and Commercial Vessels (excluding Party, Charter and Commercial Fishing Vessels) at the Market Street Marine Terminal - \$0.01 per gallon for up to 50,000 gallons and \$0.005 per gallon in the instance where the delivery exceeds 50,000 gallons. Subsequent years to be determined by October 1<sup>st</sup> of each term year.

INSURANCE:

Minimum insurance coverage, to include Commercial General Liability Insurance in the amount of \$2,000,000.00 with an endorsement for piers, docks and gangway coverage. Workers Compensation coverage to the statutory limits, automobile liability coverage in a minimum amount of \$1,000,000.00 and pollution liability in a minimum amount of \$1,000,000.00 to cover losses arising from fuel spills. Said policy shall include a waiver of subrogation in favor of the State of New Hampshire and the PDA-DPH 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. Amounts and types of coverage may change from time to time contingent upon the nature and scope of operations of each entity authorized to conduct business at PDA-DPH properties. Insurance provided pursuant to the ROE may not be cancelled without providing PDA-DPH with at least thirty (30) days advance written notice.

ADDITIONAL  
TERMS AND  
CONDITIONS:

Proof of compliance with applicable sections of 33 CFR and 46 CFR

Diesel fuel will only be delivered to vessels (less than 10,500 gallon capacity) that have a contractual agreement with the PDA-DPH to receive deliveries including a Variance issued by the Office of the State Fire Marshal in accordance with Bulletin #2015-07

Diesel Fuel, (gasoline prohibited) will only be delivered to commercial vessels (greater than 10,500 gallon capacity) at the Market Street Marine Terminal with prior permission of the Division

Diesel fuel (gasoline prohibited) deliveries at the recreational docks at the Hampton and Rye Marine Facilities shall only be between the hours of 5:30 AM and 7:30 AM or after 6:00 PM.

# NAS Fuels, LLC

January 22, 2019

Pease Development Authority

Division of Parts & Harbors

555 Market St

Portsmouth, NH 03801

Dear Mr. Marconi;

We NAS Fuels, LLC dba Atlantic Fuels located at 296 Lafayette Rd, Rye, NH 03870 are requesting Right of Entry for:

**PREMISES:** Hampton Marina, Hampton, NH / Rye Marina, Rye, NH / Market Street Port Terminal, Portsmouth, NH / & Portsmouth, NH

**PURPOSE of ROE:** Sale of Fuel to Party Boat Operators, Commercial Fishermen & Commercial Vessels

All evidence of insurance is in existence protecting the parties and naming State of New Hampshire and Pease Development Authority, Division of Ports and Harbors as additional insureds.

We further request an extension option for 2 to 4 years.

Sincerely,



Rob Wilich

President

296 Lafayette Rd – Rye – New Hampshire – 03870

MOTION

Director Torr:

The Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to execute a Right of Entry with Independent Boat Haulers, Inc. for the purpose of using Rye Harbor, NH Marine Facility, on terms and conditions set forth in the memorandum from Geno J. Marconi, Division Director, dated April 9, 2019 and attached hereto.





# PEASE

INTERNATIONAL

PORTS AND HARBORS

855 Market Street, Suite 1 Portsmouth, NH 03801

To: Pease Development Authority ("PDA") Board of Directors  
From: Geno Marconi, Division Director *GM*  
Date: April 9, 2019  
Subject: Independent Boat Haulers Right of Entry, Rye Harbor Marine Facility

The Pease Development Authority Division of Ports and Harbors (the Division") has received a request from Independent Boat Haulers (IBH) to enter into a non-exclusive Right of Entry ("ROE") to provide boat hauling and launching services to both pleasure and commercial fishing vessels. IBH has had a ROE and has utilized the Rye Harbor Marine Facility for many years and continues to provide a necessary and valuable service to the marine community in the seacoast area.

Therefore, the Division recommends that the Pease Development Authority approve Right of Entry for IBH in accordance with the following terms and conditions:

PREMISES: Rye Harbor Marine Facility

PURPOSE: Use of Landing Facilities and Parking Spaces

TERM: Three (3) years commencing July 1, 2019 through June 30, 2022

FEE: July 1, 2019 through June 30, 2020- \$3,500.00  
July 1, 2020 through June 30, 2021 – To be set by April 1, 2020  
July 1, 2021 through June 30, 2022 – To be set by April 1, 2021

PAYMENTS: Equal payments of one half (1/2) of the annual fee on or before July 1 and September 1 of each year the ROE is in effect

INSURANCE: Commercial General Liability: \$2,000,000.00 per occurrence  
Pollution Liability: \$1,000,000  
Automobile Liability: \$1,000,000.00  
Workers Compensation in accordance with statutory limits  
Thirty (30) day notification of cancellation  
PDA-DPH and the State of New Hampshire named as additional insured  
IBH agrees to indemnify, defend and hold harmless the State of New Hampshire and the Pease Development Authority, Division of Ports and Harbors.

## Brenda Therrien

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**From:** Geno Marconi  
**Sent:** Wednesday, March 6, 2019 2:35 PM  
**To:** Brenda Therrien  
**Subject:** FW: Rye Harbor

This is IBH boat haulers

**From:** JOHN POLLARD [mailto:ibh03@comcast.net]  
**Sent:** Wednesday, March 06, 2019 2:31 PM  
**To:** Geno Marconi <G.Marconi@peasedev.org>  
**Subject:** Rye Harbor

Hi Geno, I would like to renew our right of entry for Rye Harbor. Please send me forms to sign.  
Thanks, Donna

MOTION

Director Allard:

The Pease Development Board of Directors authorizes the Executive Director to issue a Right of Entry to Broco Oil of N. Reading, MA, for the purpose of fuel dispensing at PDA-DPH facilities; all in accordance with the terms and conditions contained in the Memorandum of Geno J. Marconi, Division Director, dated April 4, 2019 attached hereto.



# PEASE

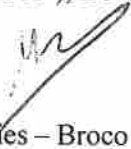
INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: April 4, 2019

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

From: Geno Marconi, Division Director 

Subject: Right of Entry, Bulk Fuel Deliveries – Broco Oil Inc.

The Division of Ports and Harbors ("the Division") has received a request from Broco Oil, Inc. ("Broco") of 34 Main St., N. Reading, MA 01864 for a Right of Entry to make bulk diesel fuel deliveries to vessels at Division facilities. Diesel fuel deliveries, over water directly to a vessel from a tank truck, are regulated as follows:

- By the U.S. Coast Guard in accordance with 33 CFR and 46 CFR for vessels whose fuel capacity is 10,500 gallons or more
- By the Office of the State Fire Marshal in accordance with the NFPA 30 for vessels whose capacity is less than 10,500 gallons
- By the PDA for all vessels desiring to receive fuel deliveries from Division properties

The Division has reviewed the request of Broco and recommends that the PDA Board of Directors approve the request and grant a non-exclusive right to deliver diesel fuel at Division facilities in accordance with the following terms and conditions:

PREMISES: Hampton and Rye Harbor Marine Facilities, Portsmouth Commercial Fish Pier, Market Street Marine Terminal

PURPOSE: Sale of diesel fuel only to Party and Charter Boats, Commercial Fishing Vessels and Commercial Vessels

TERM: One (1) year, commencing May 1, 2019 through April 30, 2020

FEES: For diesel fuel only (gasoline prohibited) sold to Party and Charter Boats and Commercial Fishing Vessels at the Hampton and Rye Marine Facilities and Portsmouth Commercial Fish Pier - \$0.10 per gallon. For diesel fuel (gasoline prohibited) sold to Ships and Commercial Vessels (excluding Party, Charter and Commercial Fishing Vessels) at the Market Street Marine Terminal - \$0.01 per gallon for up to 50,000 gallons and \$0.005 per gallon in the instance where the delivery exceeds 50,000 gallons.

INSURANCE:

Minimum insurance coverage, to include Commercial General Liability Insurance in the amount of \$2,000,000.00 with an endorsement for piers, docks and gangway coverage. Workers Compensation coverage to the statutory limits, automobile liability coverage in a minimum amount of \$1,000,000.00 and pollution liability in a minimum amount of \$1,000,000.00 to cover losses arising from fuel spills. Said policy shall include a waiver of subrogation in favor of the State of New Hampshire and the PDA-DPH 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. Amounts and types of coverage may change from time to time contingent upon the nature and scope of operations of each entity authorized to conduct business at PDA-DPH properties. Insurance provided pursuant to the ROE may not be cancelled without providing PDA-DPH with at least thirty (30) days advance written notice.

ADDITIONAL  
TERMS AND  
CONDITIONS:

Proof of compliance with applicable sections of 33 CFR and 46 CFR.

Diesel fuel will only be delivered to vessels (less than 10,500 gallon capacity) that have a contractual agreement with the PDA-DPH to receive deliveries including a Variance issued by the Office of the State Fire Marshal in accordance with Bulletin #2015-07.

Diesel Fuel, (gasoline prohibited) will only be delivered to commercial vessels (greater than 10,500 gallon capacity) at the Market Street Marine Terminal with prior permission of the Division.

Diesel fuel (gasoline prohibited) deliveries at the recreational docks at the Hampton and Rye Marine Facilities shall only be between the hours of 5:30 AM and 7:30 AM or after 6:00 PM.

34 Main St. N. Reading, MA 01864 T: (781)-246-1130 F: (781)-819-0058

March 20, 2019

Captain Geno J. Marconi  
Pease Development Authority  
Division of Ports and Harbors  
55 International Drive  
Portsmouth, NH 03801

Captain Marconi,

Broco Oil is requesting Right of Entry to the following premises:

- Market Street Port Terminal, Portsmouth, NH
- Portsmouth Fish Pier, Portsmouth, NH
- Hampton Marina, Hampton, NH
- Rye Marina, Rye, NH


With granted ROE, Broco Oil intends to conduct over the water fuel transfers to:

- Bunkers operating out of the Market Street Port Terminal
- Commercial Vessels out of the Portsmouth Fish Pier and the Hampton & Rye Marinas

Broco Oil is compliant with both 33 and 46 Codes of Federal Regulations governing the fueling of vessels in the United States.

If you have any questions please do not hesitate to contact me directly

Thank you,

  
Robert Brown  
President  
Broco Oil  
34 Main Street / N. Reading, MA / 01864  
Service Disabled Veteran Owned Small Business  
Office: (781)-246-1130 Fax: (781)-819-0058  
<http://brocooil.com/>  
Bobby@brocooil.com



MOTION

Director Loughlin:

In accordance with the recommendation of the Pease Development Authority ("PDA") Port Committee, the PDA Board of Directors approves of and authorizes the Executive Director to enter into a contract with Appledore Marine Engineering, Inc. (PDA's on call marine engineering provider) in a total amount not to exceed \$74,107 (subject to authorization of the Capital Budget Overview Committee ("CBOC")) to conduct the review required under the National Environmental Protection Act;

Further, the PDA Board of Directors hereby authorizes the Director of the Division of Ports and Harbors to submit a request to the CBOC for the purpose of seeking the release of the \$74,107 appropriated and set aside by the NH Legislature for said project;

all in accordance with the memorandum of Geno J. Marconi, Director, Division of Ports and Harbors, dated April 4, 2019, attached hereto.



# PEASE


INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: April 4, 2019

To: Pease Development Authority (PDA) Board of Directors

From: Geno Marconi, Division Director 

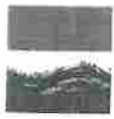
Subject: NEPA Proposal-Appledore Marine Engineering

On December 6, 2018, the Pease Development Authority Division of Ports and Harbors (the Division) was notified that it was awarded a US Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) grant. As required with the award of federal funds, the Division is required to conduct a review process in accordance with the National Environment Policy Act (NEPA) before the final grant is awarded. The NEPA review process is also required prior to starting any work on the project. The Port has received a proposal from its on call marine engineers, Appledore Marine Engineering (AME) for services to assist the Port with this process. That proposal is attached.

The Division presented the proposal to the PDA Port Committee at its April 4, 2019 meeting at which time they voted to recommend to the PDA Board of Directors to approve the expenditure of \$74,107.00 from the Port Expansion Fund, subject to authorization by the Capital Budget Overview Committee all in accordance with Chapter 351:5, Laws of 1991, amended by Chapter 2, Laws of 2013.

Therefore, the Division requests that the PDA Board of Directors approve the expenditure. The current balance of the fund is \$5.4 million. Please note that \$5.0 million is leveraged as a match for the \$7.5 million BUILD grant.





# Appledore Marine Engineering, LLC

600 State Street, Suite E | Portsmouth New Hampshire 03801

March 22, 2019

Captain Geno Marconi  
New Hampshire Division of Ports & Harbors  
55 Market Street  
Portsmouth, New Hampshire 03801

Re: Market Street Marine Terminal  
Main Wharf Rehabilitation – FY18 BUILD Grant  
NEPA Clearance

Dear Captain Marconi:

Appledore Marine Engineering, LLC (AME) is pleased to present this proposal to obtain NEPA clearance to support the rehabilitation process and meet grant requirements. This proposal will outline the Background, Scope of Services, Schedule of Work and Fees for Consulting Services to perform the work.

## BACKGROUND

The Pease Development Authority Division of Ports and Harbors (PDA-DPH) is proposing to rehabilitate the main wharf at the Market Street Terminal through a US Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) grant. The rehabilitation will include the following:

- Repairing deteriorated caissons and concrete superstructure elements of existing wharf
- Resurfacing concrete deck of existing wharf
- Recoating portions of the steel sheet bulkhead
- Decking over the open water area between the main wharf and the shore
- Replacing the collapsed bridge adjacent to the open water area
- Miscellaneous top of deck repairs

It is assumed that these improvements fully constitute the preferred alternative and that no other alternatives need to be address in detail

This scope of work is intended to obtain NEPA clearance in support of the proposed project. To complete NEPA, the project must also obtain clearance under the US Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and National Historic Preservation Act. This scope of work includes the consultation and documentation necessary to obtain these clearances, including a Biological Assessment, Essential Fish Habitat Assessment, Section 106 Request for Project Review, and Categorical Exclusion.

## **SCOPE**

### **Task 1: Biological Assessment and Essential Fish Habitat Assessment**

Section 7 of the Endangered Species Act requires Federal agencies to ensure that their actions do not jeopardize the existence of listed species. The proposed wharf rehabilitation is located within the geographic range of two federally listed species (shortnose and Atlantic sturgeon) and within Atlantic sturgeon critical habitat. The Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consider impacts to Essential Fish Habitat (EFH). The project area is located on the Piscataqua River, which is designated EFH for multiple species.

These statutes require consultation with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Office. For the purposes of this scope, it is assumed that Section 7 and EFH consultation will require a Biological Assessment (BA) and EFH Assessment, respectively. It is further assumed that the project will qualify for informal Section 7 consultation and abbreviated EFH consultation.

#### **1.1 Biological Assessment**

##### **1.1.1 Review Existing Data:**

This task consists of reviewing project information, as well as information regarding rare species and other resources at the site. The BA prepared for the Barge Wharf Functional Replacement Project will contain much of the information needed for the current project BA. It is assumed that sufficient site-specific information and photographs will be available and that no additional field visits will be necessary.

##### **1.1.2 Project Overview and Details, Listed Species, and Environmental Baseline**

The information collected in Task 1.1.1 will be incorporated into the initial section of the BA. The project description will include existing conditions, proposed design, and construction phase details, including the timing and duration of work in the water.

Interrelated or interdependent actions will be identified, but at this time there are assumed to be none since the proposed rehabilitation has independent utility.

The life history and habitat requirements of Atlantic and shortnose sturgeon will be taken from the Functional Replacement BA.

The environmental baseline will include a description of the river's dimensions, substrate types, tidal amplitude and frequency, water quality, and other characteristics of relevance to the listed species. This information will be taken from the Functional Replacement BA, and habitat characteristics unique to the open water area of the wharf will be obtained from existing plans, GIS, and photographs.

It is assumed graphics will be available that show existing conditions, project design plans, and impacts to environmental resources. The graphical information will be obtained from others and it is assumed minimal effort will be needed to adapt the plans to satisfy the BA requirements,

### **1.1.3 Action Area**

The project and baseline information will be used to identify the Project Action Area, which will encompass the project's potential direct and indirect effects on listed species.

We will coordinate with PDA-DPH regarding the limits of the Action Area and depict the approximate limits of the Action Area in a GIS figure.

### **1.1.4 Effects Analysis**

Analyze the project's direct and indirect effects on the two listed species. This will include the effects of permanent habitat impacts and construction phase activities. For each project component affecting listed species, conclusions will be drawn regarding the category of effect under the Endangered Species Act.

### **1.1.5 Prepare Draft and Final Biological Assessment**

Prepare a draft BA and submit it to PDA-DPH for review. The BA will include the above sections plus references and an Executive Summary. We will incorporate comments and submit a draft final BA for review. Additional comments will be incorporated into the final BA. We will forward the BA to the NOAA Fisheries Office to initiate Section 7 consultation on behalf of MARAD. It is assumed that the project will result in a Not Likely to Adversely Affect determination and only informal consultation with NOAA will be required.

### **1.1.6 Coordination**

We will coordinate with PDA and NOAA as needed by telephone, email, etc. regarding project progress and issues. It is assumed that one site review will be needed with NOAA

## **1.2 Essential Fish Habitat Assessment**

### **1.2.1 Project Overview and Details**

The information collected in Task 1.1.2 will be incorporated into the initial section of the EFHA.

### **1.2.2 Essential Fish Habitat Designation and Description**

The project is located in the same EFH grid square as the Barge Wharf Functional Replacement Project and EFH species, life stages, and habitat needs will be taken from the EFH Assessment completed for that project. Habitat characteristics within the project study area (substrate, salinity, temperature, dissolved oxygen, and water depth) will be described. We will determine whether the habitat required for each species' life stages may be present within the area of effect. The potential for the occurrence of shellfish habitat or eelgrass beds will be described based on review of available GIS databases.

### **1.2.3 Effects Analysis**

Analyze the project's impacts on EFH species. This will include the effects of permanent habitat impacts and construction phase activities. The types of potential project impacts considered may include hydro acoustic, turbidity, and habitat modifications. The habitat types, species, and life stages that may be affected will be summarized in tabular form.

#### **1.2.4 Conclusions and Mitigation**

Summarize findings of the EFHA and will identify mitigation measures proposed to reduce or eliminate project impacts. We will also prepare an Executive Summary to include in the document.

#### **1.2.5 Prepare Draft and Final Essential Fish Habitat Assessment**

Prepare a draft EFHA and submit to PDA-DPH for review. We will incorporate comments and submit a draft final EFHA for review. Additional comments will be incorporated into the final EFHA, then forward the EFHA to NOAA Fisheries to initiate EFH consultation on behalf of MARAD.

#### **1.2.6 Coordination**

Hold an additional meeting, if needed, with resource agencies to address issues raised by the BA and EFHA. We will prepare the meeting presentation using existing graphics and will prepare minutes. Coordination with PDA-DPH and NOAA as needed by telephone and email regarding project progress and issues.

### **Task 2 Historic and Archeological Resources**

Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects of their actions on historic properties that are listed on or eligible for the National Register of Historic Places. Historic properties can include buildings, structures, sites, objects, districts, and remains. The State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) advises and assists Federal agencies with carrying out their Section 106 obligations. The New Hampshire SHPO requires submittal of project information in the form of a Request for Project Review (RPR) to initiate Section 106 consultation. New Hampshire does not have any federally recognized tribes; therefore, there is no THPO.

#### **2.1 Request for Project Review**

Section 106 consultation was recently completed for the Barge Wharf Functional Replacement Project and it was determined that no historic structures were present at the Market Street Marine Terminal. One area of archaeological sensitivity was identified at the Terminal but the rehabilitation project is not located near that area. For these reasons, the rehabilitation project is expected to result in no effect to historic properties. To satisfy NH SHPO requirements for consultation, we will prepare an RPR, which will include the RPR form, project narrative, location map, and photos. Much of this information will be taken from the Functional Replacement RPR.

We will send the RPR to PDA-DPH for review. Revisions will be incorporated, and the final RPR will be sent to the NH SHPO.

It is assumed that no additional coordination with the NH SHPO will be required. It is further assumed that the SHPO's response to the RPR will conclude Section 106 consultation and that no formal letter of effect will be required.

### **Task 3 NEPA Document**

As a federal action, the project must meet the requirements of the National Environmental Policy Act (NEPA). Based on discussions with MARAD, the project is expected to be classified as a Categorical Exclusion per Maritime Administrative Order 600-1, Procedures for Considering Environmental Impacts.

A narrative Categorical Exclusion (CE) will be prepared to validate the NEPA classification and address each question in the CE Checklist. The CE will require the following tasks:

**3.1 Purpose and Need and Alternatives**

This task involves preparing the Purpose and Need Statement, description of the No Build alternative, rationale for selection of the preferred alternative, and detailed description and plans of the preferred alternative. This information will be gathered from existing project plans and reports.

**3.2 Environmental Impacts**

We will evaluate and describe potential project impacts, utilizing information from existing reports and online databases, including information from the Barge Wharf Functional Replacement NEPA document. The CE will follow the Categorical Exclusion Checklist (MAO 600-1, Appendix 2), which includes the following sections:

3.2.1 Public health and safety: Potential involvement with hazardous materials will be summarized based on existing reports. Potential air and noise concerns will be summarized, primarily related to construction activities, and likely management measures to minimize impacts will be included. No detailed air or noise impact analysis is proposed.

3.2.2 Wildlife and unique geographical features: This section includes a broad range of resources, include wildlife resources, wetlands, wild or scenic rivers, refuges, floodplains, and lands protected by Section 4(f) of the USDOT Act. The presence of these resources was determined for the Barge Wharf Functional Replacement Project. These resources will be described, if present in the project area, and impacts will be summarized. Impacts to the tidal zone and floodplains will be quantified by AME. Potential water quality concerns will be identified. The EFH Assessment and consultation from Task 1 will be summarized.

3.2.3 Controversial environmental effects: No controversial environmental effects are anticipated from this project. A brief summary will be prepared for this section.

3.2.4 Uncertain environmental effects or unique/unknown environmental risk: No uncertain or unique effects or risks are anticipated for this project. A brief summary will be prepared for this section.

3.2.5 Precedent for future actions: Discuss potential future actions with PDADPH and how they may relate to the proposed project. A brief summary will be prepared for this section.

3.2.6 Cumulative effects: Under NEPA, cumulative effects are defined as impacts that result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or nonfederal) or person undertakes such other actions. We will assess cumulative impacts from the proposed rehabilitation project, Sarah Mildred Long Bridge replacement project, and Functional Replacement project. Any future actions identified in the task above will also be considered. Cumulative effects are not expected to be substantial and this section will provide only a qualitative summary rather than a detailed, quantitative cumulative effects analysis.

3.2.7 Effect on National Register listed or eligible properties: Section 106 consultation completed in Task 2 will be summarized.

3.2.8 Effect on species listed as endangered or threatened: A NH Natural Heritage Bureau database review will be requested and the USFWS IPaC webtool will be utilized to determine the known or potential presence of state and federally listed species. Consultation from Task 1 will be summarized. We will coordinate with NH Fish and Game via phone and email to discuss potential concerns with state listed species. It is assumed that no coordination with the NHB or USFWS will be required.

3.2.9 Consistency with Federal, State, local, or tribal environmental protection laws or requirements: We will describe applicable State and Federal laws or requirements not previously addressed elsewhere in the document and summarize the project's consistency with these laws or requirements.

3.2.10 Alternative uses of available resources: This section will consist of a brief summary of Task 3.1. It is assumed that there are no reasonable alternatives that would be substantially different in design or effects.

### **3.3 Coordination**

3.3.1 Field Review: Attendance at field review with PDA-DPH and MARAD to provide input on the NEPA process. It is assumed that minutes will be prepared by others.

3.3.2 Resource Agency Meeting: Attendance at inter-agency meeting to provide an opportunity for agencies to comment on the proposed project. We will schedule this meeting, prepare presentation materials, and complete meeting minutes.

### **3.4 Document Preparation and Submittal**

We will prepare the draft CE and assemble appendices, including relevant reports and correspondence. We will submit an electronic copy of the document to PDA-DPH and will incorporate revisions and provide the final draft document to MARAD for review. Additional revisions will be incorporated into a final document, which will be submitted as a PDF to the PDA-DPH and MARAD.

### **Task 4 Project Management and Coordination**

We will manage the work effort, providing updates on schedule and budget and developing progress reports and monthly invoices. Coordination described here is in addition to coordination described above. Coordinate as needed with the consultant team, PDA-DPH, NHDOT or other state agencies, federal agencies, and others. This task includes obtaining plans, studies, backup information, and other materials; discussing and verifying project details and impacts; and related work.

### **SCHEDULE**

Work will commence immediately after receiving written Notice to Proceed (NTP). It is estimated that the NEPA clearance process will take approximately five months, and we will provide an update on schedule monthly.

**SUBCONSULTANTS:**

McFarland Johnson      Environmental and Regulatory Services

**ASSUMPTIONS:**

No formal wetland delineation will be necessary, and jurisdictional boundaries can be determined from existing tidal data.

No historic or archeological surveys or studies are required other than the RPR described above.

**FEES FOR CONSULTING SERVICES**

Fees for Consulting Services will be on a fixed fee lump sum basis. We will bill you monthly based on the percentage of project completion. Fees for Task 1-4 will be \$74,107.00. Payment will be due within thirty (30) days of invoice.

If this letter satisfactorily sets forth your understanding of our agreement, please sign the enclosed copy and return it to us. Receipt of the signed copy will serve as our Authorization to Proceed. Thank you for giving us the opportunity to present a proposal for this work. If you have any questions or require additional information, please do not hesitate to contact me.

Regards,



Noah J. Elwood, P.E.  
President

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2019

By: \_\_\_\_\_  
Pease Development Authority – Division of Ports and Harbors

**Port of NH Build Project - Environmental (NEPA)**

**LABOR**

Engineering Discipline	Rate	BA Coordination Support		EFA Coordination Support		H&A Resources	
		Hours	Salary	Hours	Salary	Hours	Salary
Principal	\$88.05	4	\$352	4	\$352	0	\$0
Project Manager/Diver	\$78.01	6	\$468	6	\$468	1	\$78
Sr. Engineer/Diver	\$70.26	12	\$843	12	\$843	2	\$141
Engineer/Diver	\$50.86	0	\$0	0	\$0	0	\$0
Technician/Diver	\$44.45	0	\$0	0	\$0	0	\$0
CADD Tech/Diver	\$33.05	0	\$0	0	\$0	0	\$0
Clerical	\$25.57	2	\$51	2	\$51	2	\$51
<b>Subtotals:</b>		24	\$1,715	24	\$1,715	5	\$270

Engineering Discipline	Rate	NEPA Documents		Project Management		Quality Control	
		Hours	Salary	Hours	Salary	Hours	Salary
Principal	\$88.05	4	\$352	2	\$176	2	\$176
Project Manager/Diver	\$78.01	12	\$936	24	\$1,872	12	\$936
Sr. Engineer/Diver	\$70.26	24	\$1,686	16	\$1,124	0	\$0
Engineer/Diver	\$50.86	0	\$0	0	\$0	0	\$0
Technician/Diver	\$44.45	0	\$0	0	\$0	0	\$0
CADD Tech/Diver	\$33.05	24	\$793	0	\$0	0	\$0
Clerical	\$25.57	2	\$51	6	\$153	6	\$153
<b>Subtotals:</b>		66	\$3,810	48	\$3,326	20	\$1,266

<b>Subtotal for Labor:</b>		187	\$12,110
<b>Overhead:</b>	14.75%		\$17,529
<b>Profit:</b>	18.0%		\$2,964
<b>Total Cost for Labor:</b>			<b>\$32,602</b>

TRAVEL AND PER DIEM		
Item	Expense	Cost
<b>Per Diem:</b>		\$0
Rate:	\$0	
# of Persons:	0	
# of Days:	0	
<b>Airfare:</b>		\$0
Rate:	\$0	
Excess Baggage:	\$0	
# of Round Trips:	0	
<b>Vehicle Rental:</b>		\$0
Rate:	\$0	
Gas:	\$0	
# of Days/wks:	0	
<b>Mileage</b>		\$0
Rate:	\$0.54	
Miles:	0	
<b>Airport Parking</b>		\$0
Rate:	\$0.000	
# Days:	0	
<b>Total for Travel:</b>		<b>\$0</b>

DIRECT COSTS FOR FIELD WORK		
Item	Expense	Cost
Environmental Consultant MJ	\$37,732	\$41,505
<b>Total for Direct Costs:</b>		<b>\$41,505</b>

REPRODUCTION COSTS			
Item	Unit	Price/Unit	Cost
Deliverable	0		
Report (Color)	0	\$0.00	\$0
Specs, Reports (B&W)	0	\$0.00	\$0
Plans (11x17)	0	\$0.00	\$0
Plans (22x34)	0	\$0.00	\$0
CD-ROM:	0	\$0.00	\$0
			\$0
			\$0
<b>Total Cost for Reproduction:</b>			<b>\$0</b>

<b>TOTAL ENGINEERING SERVICES:</b>	<b>\$74,107</b>
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### A&E FEE PROPOSAL WORKSHEET

**FIRM NAME:** Appledora Marine Engineering, LLC

**Project Title** MarketStreet Marine Terminal  
Main Wharf Rehabilitation - FY18 BUILD Grant

**DATE:** March 21, 2019

Port of NH Build Project - Environmental (NEPA)	74,107
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**TOTAL**

\$74,107

MOTION

Director Torr:


The Pease Development Board of Directors hereby approves the Initial Proposal attached hereto, which supersedes the Initial Proposal approved by the Board on March 14, 2019, 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 April 10, 2019, attached hereto.

N:\RESOLVES\2019\DPH-Pda500InitiaRev0419.docx

**PEASE**  
INTERNATIONAL  
PORTS AND HARBORS

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Date: April 10, 2019  
To: Pease Development Authority ("PDA"), Board of Directors  
From: Geno Marconi, Division Director   
Subject: Initial Proposal, Administrative Rules; Pda 500 Moorings and Anchorages

At their meeting on March 14, 2019 the PDA Board of Directors approved the initial proposal for the re-adoption with amendments to Administrative Rules Pda 500, Moorings and Anchorages. On April 5, 2019, the Division of Ports and Harbors (the "Division") filed the rulemaking notice with the Office of Legislative Services ("OLS") for their review. On April 8, 2019 the Division received a response from OLS which included a correction to the initial proposal which requires PDA Board of Director's approval. OLS brought to the Division's attention that section Pda 512 is exempt from the rulemaking process in accordance with RSA 541-A and as such cannot be included in the rulemaking register.

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

Readopt Pda 501-Pda 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), 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), 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 (4)~~ 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

(~~55~~) 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), 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), 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;~~

~~(2) 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);~~

~~(3) 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~~

~~(4) 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 506.06, effective 8-20-11 (Document # 9975), 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), 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 ~~title~~ 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), 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), 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 ~~title~~ 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, Pda 507.01, and Pda 507.02, effective 8-20-11 (Document # 9975), 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.

#### 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), 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 508.02, effective 8-20-11 (Document # 9975), 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).

**Readopt Pda 508.03, effective 8-19-16 (Document # 11160), to read as follows:**

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, northwest 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  $\frac{1}{4}$  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 509.05, effective 8-20-11 (Document # 9975), 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.

**Readopt with amendment Pda 509.06, effective 8-20-11 (Document # 9975), to read as follows:**

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~~ wait list 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 and Pda 509.08, effective 8-19-16 (Document # 11150), 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 re-mail 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), 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) (1) 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 Instructors (NAUI);
- (4) Young Men's Christian Association (YMCA);
- (5) National Association of Scuba Diving Schools (NASDS);
- (6) International Diving Instructors Association (IDIA);
- (7) International Association of Nitrox and Technical Divers (IANTD);
- (8) Scuba Diving International (SDI); and
- (9) Technical Diving International (TDI).

(g) 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'	300	1/2"	5/16"
12' - 13'	1,000	1/2"	7/16"
14' - 25'	4,500	1/2"	1/2"
26' - 32'	6,500	5/8"	5/8"
33' - 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' - 26'	4,500	1/2"	3/4"
27' - 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 510.04, 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.

(j) 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 sheeks.

(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 and Pda 510.07, effective 8-20-11 (Document # 9975), 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;~~

~~(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. Emergency telephone number;
- ~~c. Summer telephone number, if different from permanent telephone number; and~~
- ~~d. 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~~

~~fg.~~ 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.

Pda 511.05 Non-Revenue Mooring Permit Application Form.

(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, effective 8-20-11 (Document # 9975), 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.

Readopt Pda 513 - Pda 515, effective 8-20-11 (Document # 9975), to read as follows:

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.

Appendix

Rule Number	State Statute Implemented
Pda 501-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-Pda 508.02	RSA 12-G:42, VI
Pda 508.03- Pda 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 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)



MEMORANDUM

To: Pease Development Authority Board of Directors  
From: David R. Mullen, Executive Director *DRM*  
Date: April 10, 2019  
Re: Special Events

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I am pleased to report on the following special events:

- A. May 5, 2019 - Cisco Brewers is sponsoring Cycle the Seacoast bike rally (3 distance options 25, 50 and 100 miles) to benefit the American Lung Association; and
- B. May 26, 2019 – Cisco Brewers is sponsoring Runner’s Alley in its 5k Road Race to benefit the Kremple Brain Injury Foundation.

## 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 Bohenko:

The Pease Development Authority Board of Directors will enter non-public session pursuant to:

1. NHRSA 91-A:3, Paragraph II(d) for the purpose of discussing the acquisition, sale or lease of property;

Note: Roll Call Vote



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 April 18, 2019 meeting related to property leasing, 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