



LATE ITEM – XIII.C.3.

MOTION

Director Semprini:

The Pease Development Authority Board of Directors hereby appoints the Pease Development Authority Executive Director, ex officio, to serve as the Acting Director of the Division of Ports and Harbors, for the limited purpose of reviewing and taking timely action on any petitions for reconsideration under N.H. Code of Administrative Rules Pda 514, and with such limited appointment being effective only until April 15, 2025; all in accordance with the memorandum from Josh Wyatt, Deputy General Counsel, dated March 7, 2025; attached hereto.

Memorandum

To: Paul E. Brean, Executive Director 
From: Josh Wyatt, Deputy General Counsel 
Date: March 7, 2025
Subject: Division of Ports and Harbors – Mooring Permit Appeals

The Pease Development Authority's (PDA) administrative rules, Pda Chapter 500, "Moorings and Anchorages," govern moorings in tidal waters of the State of New Hampshire. Within Chapter 500, the Pda 514 rules provide for a reconsideration and appeal mechanism for mooring permit denials and revocations. The appeal process begins with the filing by the applicant of a petition for reconsideration with the Division of Ports and Harbors (the "Division"), which is then adjudicated by the Division Director. The Director must then make a decision on the petition "within 10 business days of receipt of the petition for reconsideration" and thereafter notify the petitioner. See N.H. Code of Admin. Rules, Pda 514.04(b).¹

This year, the Division has notified the public that 2025 mooring permit applications were due in the Division's office by no later than close of business on March 3, 2025.² There is a ten-business-day late filing period which the Division has notified the public ends at close of business on March 17, 2025. There is the possibility that if an application is denied or is not timely filed pursuant to the deadlines above, a petition for reconsideration will be filed pursuant to Pda 514, requiring action by the Director within a set period. However, there is currently no individual available to decide reconsideration petitions in accordance with Pda 514 in the event any are filed with the Division. As such, at its meeting on March 11, 2025, please ask the PDA Board of Directors to appoint you as the acting Division Director for the limited purpose of reviewing and taking timely action on any petitions for reconsideration Under New Hampshire Code of Administrative Rules, Pda 514, in order to ensure the timely and orderly processing of any future mooring permit appeals in keeping with the PDA's administrative rules.

¹ After decision on the reconsideration petition by the Director, the petitioner can thereafter appeal to the Pease Development Authority Board.

² March 1, 2025, fell on a Saturday.