

Place: 55 International Drive – Board Conference Room

Watch Meeting Via Live Stream: [https://townhallstreams.com/towns/pease\\_dev\\_nh](https://townhallstreams.com/towns/pease_dev_nh)

**BOARD OF DIRECTORS' MEETING**

**AGENDA**

- I. Call to Order:**
- II. Acceptance of Meeting Minutes: Board of Directors' Meeting of May 20, 2025 \* (Parker)**
- III. Public Comment:**
- IV. Committees:**
  - A. Report:**
    - 1. Port Committee \*
    - 2. Golf Committee \*
- V. Old Business:**
  - A. Report:**
    - 1. Rye Harbor Study – Executive Director Update
- VI. Consent Agenda Items:**
  - A. Consent Agenda Approvals \* (Levesque):**
    - 1. Pease Golf Course – Forenet, Inc. – Golf Athletic Netting and Poles \* **(Conard)**
    - 2. Pease Golf Course –HVAC Components \* **(Fournier)**
    - 3. Portsmouth International Airport at Pease - Fuel Flowage Fee Increase \* **(Ferrini)**
    - 4. Portsmouth International Airport at Pease – Revenue Parking Increase \* **(Parker)**
    - 5. Skyhaven Airport - Jacobs Engineering Group, Inc. -Wildlife Fence Design Contract Amendment \* **(Levesque)**
    - 6. Legal Services \* **(Ferrini)**
    - 7. Pease Development Authority Real Estate Commission Policy \* **(Semprini)**
    - 8. Pease Development Authority Public Records Policy and Fee Schedule \* **(Conard)**
  - B. Consent Agenda Approval with Waiver:**
    - 1. Pease Golf Course – DAF Services Inc. – Irrigation Motor and Pump Replacement \* **(Fournier)**
- VII. Finance:**
  - A. Executive Summary \***
  - B. Reports:**
    - 1. FY2025 Financial Report for the Nine-Month Period Ending April 30, 2025 \*
    - 2. Cash Flow Projections for the Nine Month Period Ending February 28, 2026 \*
    - 3. Division of Ports and Harbors - Capital Improvement Plan FY 2025 – FY 2031 \*

**VIII. Licenses/Rights of Entry/Easements/Rights of Way:**

**A. Report \*:**

1. New England Chemical Biological, Radioactive, Nuclear Enhanced Response Force Package (CERFP) – Right of Entry - 119 Arboretum Drive

**IX. Leases:**

**A. Report \*:**

1. Sublease between 325 Corporate Drive II, LLC, Bottomline Technologies, Inc. and E-Technology, LLC at 325 Corporate Drive
2. Sublease between Two International Group and General Services Administration / Veterans' Administration at 2 International Drive (Suite #130)
3. Sublease between 100 International LLC and Leeds Capital Group, LLC at 100 International Drive (Suite #358)
4. Sublease between 130 International Drive, LLC, Trigger House LLC and Motion Bazaar LLC at 130 International Drive

**X. Contracts:**

**A. Report \*:**

1. Sunbelt Rentals – Two Light Carts for Airfield Painting – Portsmouth International Airport at Pease
2. VHB – On-call Engineering Services – Crosswalk Evaluation on International Drive
3. Berry Dunn Engagement – On-call Auditing Services - Lease Review
4. The Iris Companies – Badge Media Cards – Portsmouth International Airport at Pease

**XI. Signs:**

**A. Approval:**

1. 130 International Drive, LLC - 130 International Drive – Motion Bazaar \* (**Conard**)
2. Aviation Avenue Group, LLC - 100 New Hampshire Avenue – HealthTrust Supply Chain \* (**Semprini**)

**XII. Executive Director:**

**A. Reports:**

1. Golf Course Operations \*
2. Airport Operations \*
  - a) Portsmouth International Airport at Pease (PSM)
  - b) Skyhaven Airport (DAW)
  - c) Noise Line Report
    - (i) May 2025 \*

**XIII. Division of Ports and Harbors:**

**A. Reports:**

1. Division of Ports and Harbors Facilities Report \*
2. Commercial Mooring for Hire Application of Wentworth by the Sea Dockside Condominium Association \*
3. Right of Entry – Seacoast Maritime Charters – Rye Harbor Marine Facility \*
4. Commercial Mooring Transfer – Nugent to Nardello \*
5. DPH Mooring and Waitlist Analysis 2025 \*
6. Portsmouth Fish Pier – Change Order #4 – Repair Cutoff Valve Leak \*
7. Rye Harbor Study - Tighe & Bond – Amendment #1 \*

**B. DPH Consent Agenda Approvals \* (Ferrini):**

1. Final proposal, Pda 700 Rules SLIP PERMITS; STATE-OWNED RESTRICTED PIERS \* **(Levesque)**
2. Market Street Marine Terminal - Schedule of Rates, Rules, And Regulations \* **(Fournier)**

**C. DPH Approval with Waiver:**

1. Northeast Scale – Digital Truck Scale Replacement - Market Street Terminal \* **(Levesque)**

**D. Board Action on Mooring Permit Appeal:**

1. Appeal of John Cacace – Mooring Permit #7408 - Recommended Decision of Director Fournier \* **(Conard)**
2. Appeal of Derek Fisher – Mooring Permit #8237 – Recommended Decision of Director Fournier \* **(Semprini)**

**XIV. New Business:**

**A. Report:**

1. Port City Air – Economic Impact Analysis Presentation

**B. Grant Applications to be Filed in May:**

1. Maritime Administration Port Infrastructure Development Program \*

**XV. Special Event:**

**A. Report \*:**

1. Rochester Police Department and Flight 4CF Inc. – Skyhaven Airport - Wings and Wheels Event

**XVI. Upcoming Meetings:**

Finance Committee  
Board of Directors

August 4, 2025 @ 8:30 a.m.  
August 19, 2025 @ 8:30 a.m.


**All Meetings begin at 8:30 a.m. unless otherwise posted.**

**XVII. Directors' Comments:**

**XVIII. Adjournment:**

**XIX. Press Questions:**

**XX. Consultation with Counsel:**

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

## MOTION

Director Parker:

I make a motion to accept the meeting minutes of the Board of Directors' meeting held on May 20, 2025.

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

**Tuesday, May 20, 2025**

Presiding: Neil Levesque, Vice Chair  
 Present: Thomas G. Ferrini, Treasurer; Steve Fournier; Susan B. Parker, Karen Conard, and Brian Semprini  
 Absent: Steve Duprey, Chairman  
 Attending: Paul E. Brean, Pease Development Authority ("PDA") Executive Director; Anthony I. Blenkinsop, Deputy Director / General Counsel; Josh Wyatt, Deputy General Counsel; Suzy Anzalone, Director of Finance; Scott DeVito, Golf Course General Manager; Michael R. Mates, Director of Engineering; Jared Sheehan, Environmental Compliance Manager; Richard Hartley, Assistant Director of Ports and Harbors; Tom Maciel, Operations Manager, Division of Ports and Harbors; Chasen Congreves, Director of Operations; Andrew Pomeroy, Director of Aviation Planning & Regulatory Compliance; Greg Siegenthaler, IT Director; and Raeline A. O'Neil, Executive Administrative Assistant

**AGENDA**

Vice-Chair Neil Levesque ("Levesque") stated item "XIV. NEW BUSINESS", previously referenced as a presentation by Port City Air, has been removed and will be placed on the next meeting agenda of June 17, 2025.

**I. Call to Order:**

Levesque called the meeting to order; the meeting commenced at **8:30 a.m.**

**II. Acceptance of Meeting Minutes: Board of Directors' Meeting of April 15, 2025**

Director Conard moved the motion and Director Parker seconded to **accept the meeting minutes of the Board of Directors' meeting held on April 15, 2025.**

**Discussion:** None. **Disposition:** Resolved unanimous vote for; motion carried.

**III. Public Comment:**

Beth Tuttle ("Tuttle") – Spoke to attending two of the Rye Harbor Study meetings and spoke of comments heard at the meetings that some fishermen do not feel they belong, various rules being incorporated and safety concerns (i.e., railings or pilings) at the harbor that have not been addressed.

**IV. Committees:**

*No Items to Report*

**V. Old Business:**

**A. Report:**

# 1. **Rye Harbor Study – Consultant Update**

Dennis Moran (“Moran”) of Tighe and Bond (“TB”) indicated a total of four meetings had been held (2 at PDA offices and 2 onsite) to gather information/feedback; all of which have been well attended. During these meetings TB has obtained input from attendees and will hold an information sharing meeting in the future.

## VI. **Consent Agenda Items:**

### A. **Consent Agenda Approvals:**

1. **Legal Services**
2. **Portsmouth International Airport at Pease – Franklin Paint - Airfield Paint**
3. **Insurance Renewal - Life, Accidental Death & Dismemberment, and Long-Term Disability, Insurance**
4. **New Hampshire Avenue - Right Turn Lane Approvals**
5. **Lonza Biologics, Inc. – Sprung Structure Extension**
6. **Skyhaven – Terminal Apron Rehabilitation – Accept Grant and Award Contracts**
7. **City of Portsmouth – Concept Approval Wastewater Treatment Plant - 135 Corporate Drive**

Director Fournier moved the motion and Director Conard seconded that the Pease Development Authority Board of Directors hereby moves that item numbers 1-6 from the consent agenda list below be approved as a single consent agenda item, and that the proposed motions included for each be incorporated into such approval as the operative motion for each item.

1. **Legal Services**
2. **Portsmouth International Airport at Pease – Franklin Paint - Airfield Paint**
3. **Insurance Renewal - Life, Accidental Death & Dismemberment, and Long-Term Disability, Insurance**
4. **New Hampshire Avenue - Right Turn Lane Approvals**
5. **Lonza Biologics, Inc. – Sprung Structure Extension**
6. **Skyhaven – Terminal Apron Rehabilitation – Accept Grant and Award Contracts**

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

7. **City of Portsmouth – Concept Approval Wastewater Treatment Plant - 135 Corporate Drive**

Director Parker moved the motion and Director Ferrini seconded that the Pease Development Authority (“PDA”) Board of Directors provides concept approval of the Wastewater Treatment Plant Rehabilitation Project plans submitted by the City of Portsmouth for the premises located at 135 Corporate Drive, including three (3) PDA land use control waivers; all in accordance with the memorandum of Michael R. Mates, P.E., Director of Engineering, dated May 9, 2025.

Discussion: Conard abstained from the vote on this item. Disposition: Resolved unanimous vote for; motion carried.

## **VII. Finance:**

### **A. Executive Summary**

### **B. Reports:**

- 1. FY2025 Financial Report for the Nine-Month Period Ending March 31, 2025**
- 2. Cash Flow Projections for the Nine-Month Period Ending January 31, 2026**

Finance Director Suzy Anzalone (“Anzalone”) spoke to the Executive Summary and two (2) reports. She indicated that year-to-date (“YTD”) consolidated operating revenues were trending 4.4% higher than projected and YTD operating expenses were trending 1.7% under budget.

Anzalone spoke to unrestricted cash balance which included both PDA and Division of Ports and Harbors and YTD capital expenditures being at \$6 million. Further, there would be an anticipated decrease in cash flow for PDA resulting from anticipated capital expenditures and a decrease in cash flow for DPH down to \$600,000.00.

### **3. Pease International Tradeport – Capital Improvement Plan FY2025 – FY 2031**

Anzalone spoke to capital projects over the next 6.5 years of approximately \$75.5 million, being split 50/50 between grant funding and internally funded projects; with consideration to FAA funding availability. Spoke to the sensitivities of PDA’s financial performance and how consideration of those will work towards reinvesting into projects for consideration.

Parker inquired into the financial responsibility of the FAA with respect to the improvements to the Air Traffic Control Tower (“ATCT”); Brean indicated no determination has been made by FAA regarding funding of this project. That said, PDA is taking into consideration that its ATCT is not FAA operated, rather it is operated/staffed under the Department of Defense (“DOD”), and therefore is not well positioned for funding; PSM can no longer put off improvements to its ATCT facility. Brean stated the plan is to provide internal funding of the project due to necessity.

Anzalone spoke to the need to utilize PDA’s Line of Credit (“LOC”) to fund some of the necessary projects and the approximate time it will take to pay down the LOC. Also, spoke of grant funded projects being airport related; internally funded being secondary (i.e., ATCT and a new maintenance building). Anzalone stated as part of the Joint Use Agreement, PDA is required to maintain the airport (i.e., taxiways, runways, ATCT etc.) justifying the need to improve the airport facilities and the business units that support the airport.

There was further discussion concerning projects referred to as placeholders, being those outside the 6.5-year spectrum, some of which may or may not be grant funded but provides a glimpse of anticipated projects further out, and the potential cost.

Lastly, spoke to the prioritization of projects, impacts on cash flow, and maintenance of cash on-hand to meet daily expenses (approximately 35 days).

Anzalone reminded the Board that this presentation just encompassed PDA projects; a presentation would be provided at the June meeting for DPH Capital Improvement Projects.

Ferrini inquired into two types of funding, how federal funding may be subject to federal requirements; and if PDA money that becomes profit gets used for federalized money they can claw back. Brean spoke to discussions with NHDOT Aeronautics, and indicated a few projects have been clawed back, primarily under the green initiative. There had been discussions regarding improvements of the baggage claim work done a few years ago (funds spent and project 99.9% closed out) as well as work at DPH the Market Street Terminal with some items being clawed back (i.e. energy efficiencies) but the bulk of the funding for the project still available.

**C. Approvals:**

**1. BankProv Revolving Line of Credit Renewal**

Director Ferrini moved the motion and Director Conard seconded that the Pease Development Authority (PDA) Board of Directors hereby approves of and authorizes the Executive Director to renew PDA's \$7 million Revolving Line of Credit with BankProv for a three (3) year term; all in accordance with the Memorandum of Suzy Anzalone, Director of Finance, dated May 6, 2025.

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

**VIII. Licenses/Rights of Entry/Easements/Rights of Way:**

**A. Report:**

- 1. Rochester Police Department and Flight 4CF Inc. – Skyhaven Airport - Wings and Wheels Event - Right of Entry**
- 2. EAA Chapter 225 – Skyhaven Airport – Staging and Hosting Chapter Events - Right of Entry**
- 3. ProCon – Flightline Road and Kilo Taxiway Apron and Ramp Area – Right of Entry**

In accordance with the “Delegation to Executive Director: Consent, Approval and Execution of License Agreements,” PDA entered into the following Right-of-Entry:

1. Name: Rochester Police Department and Flight 4CF Inc.  
License: Right of Entry  
Location: Skyhaven Airport  
Purpose: Wings and Wheels Event  
Term: June 6, 2025, through June 8, 2025
2. Name: New England Seacoast Region Chapter 225 of the Experimental Aircraft Association  
License: Right of Entry  
Location: Skyhaven Airport  
Purpose: Staging and Hosting Chapter Events  
Term: May 1, 2025, through October 15, 2025
3. Name: PROCON  
License: Right of Entry

Location: Flightline Road and Kilo Taxiway Apron and Ramp Area  
 Purpose: Survey / site inspection purposes  
 Term: May 5, 2025, through September 30, 2025

Director Fournier was consulted and granted his consent regarding these Rights of Entry.

Levesque inquired into the upcoming Air Show; Brean stated the airshow is an Open House through NH ANG with the headliner being the Blue Angels, scheduled for September 6<sup>th</sup> and 7<sup>th</sup>.

#### **IX. Leases:**

##### **A. Report:**

- 1. Sublease between Aviation Avenue Group LLC and GP Building Products Operations LP at 100 New Hampshire Avenue (Suite 100)**
- 2. Sublease between Two International Group, L.L.C. and Cianbro Corporation at 2 International Drive (Suite #105)**
- 3. Sublease between 30 International Drive, LLC and RWW Home and Community Rehab Services, Inc. at 30 International Drive (Suite 105A)**
- 4. Sublease between 325 Corporate Dr II LLC, Bottomline Technologies, Inc. and Market Square Architects at 325 Corporate Drive**
- 5. Sublease between 222 International, LP and Sycom Enterprises LLC at 222 International Drive (Suite #135)**
- 6. Portsmouth International Airport at Pease – Enterprise Rent-A-Car Company of Boston – Exercise First of Two One-year Options**

In accordance with the “Delegation to Executive Director: Consent, Approval of Sub-Sublease Agreements” PDA approved the following lease option with:

1. Tenant: GP Building Products Operations LP  
 Space: 100 New Hampshire Avenue (Suite 100)  
 Use: General Warehouse and Distribution and ancillary office use  
 Term: Ten (10) years; Commencement Date to be confirmed
2. Tenant: Cianbro Corporation  
 Space: 2 International Drive (Suite #105)  
 Use: Office and related use  
 Term: Two years with one (1) three-year option; Commencement April 1, 2025
3. Tenant: RWW Home and Community Rehab Services, Inc.  
 Space: 30 International Drive (Suite 105A)  
 Use: Behavioral Health Office and general office use  
 Term: Sixty (60) months; Commencement July 1, 2025
4. Tenant: Market Street Architects  
 Space: 325 Corporate Drive

- Use: Administrative, executive, general office purposes of contiguous space on the second floor.  
 Term: Commencing through December 31, 2034
5. Tenant: Sycom Enterprises LLC  
 Space: 222 International Drive (Suite #135)  
 Use: Business office uses in the Industrial Zone.  
 Term: Two (2) years commencing April 15, 2025, through April 30, 2027
6. Tenant: Enterprise Rent-A-Car Company of Boston  
 Space: Portsmouth International Airport at Pease Terminal  
 Use: Car Rental Concession  
 Term: Exercise the First of Two One-year Options to June 30, 2026

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 Fournier was consulted and granted his consent.

**B. Approval:**

**1. 111 New Hampshire LLC – 111 New Hampshire Avenue – Lease Amendment**

Director Semprini moved the motion and Director Conard seconded that the Pease Development Authority (“PDA”) Board of Directors approves and authorizes the Executive Director to finalize and execute Lease Amendment No. 3 concerning the Lease between the PDA and 111 New Hampshire LLC regarding the premises at 111 New Hampshire Avenue, in order to amend Article 9, Use of Leased Premises, Section 9.1; all as more fully described in the memorandum of Paul E. Brean, Executive Director, dated May 6, 2025, attached hereto, and incorporated herein.

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

**X. Contracts:**

**A. Report:**

1. IETLS - Portsmouth International Airport at Pease - Maintenance Service Plan
2. PremierFence – Pease Golf Course - Replacement of Vinyl Fence
3. JLP Sealcoating – Portsmouth International Airport at Pease - Short Term Parking
4. Vanasse Hangen Brustlin, Inc. – 100 New Hampshire Avenue – Truck Turning Evaluation

In accordance with Article 3.9.1.1 of the PDA Bylaws, Brean reported the following:

1. Project Name: American Association of Airport Executives  
 Board Authority: Director Ferrini

- |  |          |  |
|--|----------|--|
|  | Cost:    | \$8,800.00   |
|  | Summary: | 2025 / 2026 Maintenance Service Plan for the Interactive Employee Training – Learning Suite (IET-LS) |
2.    Project Name:        PremierFence  
       Board Authority:    Director Ferrini  
       Cost:                \$7,210.15  
       Summary:            Replacement of vinyl fence at the east end of the Pease Golf Course building, outside Grill 28.
  
  3.    Project Name:        JLP Sealcoat  
       Board Authority:    Director Ferrini  
       Cost:                \$6,623.00  
       Summary:            Apply two coats of Neyra Force (Petroleum Resin sealer) Sealcoat on all asphalt surfaces in the short-term parking lot in front of Pease International Airport (est. 37,000 sq. ft.). Operation will be completed in two parts to facilitate uninterrupted passenger movement.
  
  4.    Project Name:        VHB  
       Board Authority:    Director Ferrini  
       Cost:                \$6,000.00  
       Summary:            Perform a Truck Turn Evaluation at 100 New Hampshire Avenue

**XI.    Signs:**

*No Items to Report*

**XII.   Executive Director:**

**A.    Reports:**

**1.    Golf Course Operations**

Scott DeVito (“DeVito”), Pease Golf Course (“PGC”) General Manager, spoke to the inclement weather during April but only being down a couple hundred rounds from this time last year, all twenty-seven (27) holes were open as of April 23<sup>rd</sup>; and reached the season passholders cap of 250. Lastly, DeVito indicated PGC will host the Portsmouth High School (Varsity and Junior Varsity Golf Team) tryouts as well as various local scholastic scheduled golf matches.

**2.    Airport Operations**

- a)    **Portsmouth International Airport at Pease (PSM)**
  - (i)    **Air Traffic Control Tower Update**
- b)    **Skyhaven Airport (DAW)**

Breran stated spoke to the enplanements through March being approximately 12,000, a busy terminal due to the recent school vacations, and fuel and revenue parking being up as a result of increased travel of both corporate and leisure.

**c)    Noise Line Report**

## (i) April 2025

**3. Tradeport Operations:**

Brean spoke to and spoke to displayed information highlighting the local contributions the PDA/Tradeport provides to the surrounding communities.

- \$7.2 million to City of Portsmouth in PILOT and/or Municipal Services Fees
- 250 Companies doing business at the Tradeport
- 10,500 High Network Careers on the Tradeport
- \$700 million in wages
- \$18 million provided to the state via Rooms / Meals Tax
- 25,000 visitors utilizing local hotel accommodations
- 200,000 Commercial Air Passengers (Charters. Allegiant and Breeze)
- Pease Wastewater Infrastructure (3 wells) processing 518,121 gallons per day
- C&J Transportation (passenger use allows reduction in vehicle use on the roadway); buses use 50% less CO<sub>2</sub> emissions than average vehicle
- Pease Golf Course hosts approximately 26 charitable events each year, approximately \$462,500 raised for local charities.

Brean further spoke to a recent charitable event held for Portsmouth Football at the Golf Course which raised funds to be utilized for the program to purchase support items such as equipment / helmets for the teams.

Conard also indicated a recent golf event held by the Rotary raising approximately \$10,000 which ultimately results in charitable donations back into the community.

Ferrini thanked Brean for the data and spoke to distribution of the information to the surrounding communities so there is a better understanding of the overall economic contributions offered through PDA/Tradeport operations.

Brean also spoke to the various road races now held at the Tradeport, alleviating the congestion of City of Portsmouth roadways during these events.

Parker also spoke to a driver of the area hotel usage being the air traffic at the airport, including the military community (due to competitive fuel pricing); Brean indicated the military fuel costs are at a fixed cost as they are bid through a Department of Defense contract which attracts the transient stops and the assets the Seacoast offers.

**XIII. Division of Ports and Harbors:****A. Reports:**

1. **Division of Ports and Harbors Facilities Report**
2. **Hampton Harbor – Right of Entry – Miss Maura Fisheries, LLC**
3. **Port Advisory Council Meeting Minutes of March 26, 2025**

Richard Hartley (“Hartley”), Assistant Director of Ports and Harbors, spoke to the facilities report and stated the salt ship season typically runs from late November to mid-April; MAS has completed the

application of the epoxy to the decking which will also protect the rebar; and Atlantic Marine has moved on-site at the Market Street Terminal location. Further, Hartley spoke of the Functional Replacement; the upcoming cruise season (10 ships), the Portsmouth Fish Pier progress and the activities at both Rye and Hampton Harbors. Hartley spoke to the volume of gasoline fuel sales at Hampton Harbor and how DPH is working with NH DES to swap out the diesel tank for a gasoline tank for additional capacity due to fuel sales.

**B. DPH Consent Agenda Approvals:**

**1. Granite State Minerals – Exercise Second of Three (3) One-Year Options to License and Operating Agreement**

Director Parker moved the motion and Director Conard seconded that the Pease Development Authority (“PDA”) Board of Directors hereby approves Granite State Minerals, Inc.’s request to retroactively exercise the second of three (3) one-year options to extend its License and Operating Agreement, for use of a portion of the Market Street Terminal; all in accordance with the memorandum of Richard Hartley, Assistant Port Director of the Division of Ports and Harbors, dated May 8, 2025.

Discussion: None. Disposition: Resolved unanimous vote for; motion carried/failed.

**XIV. New Business:**

**A. Grant Applications to be Filed in May:**

**1. Skyhaven Terminal Apron Reconstruction Grant**

**XV. Special Event:**

**A. Report:**

- 1. Marathon Sports, LLC – Portsmouth 5K Road Race – May 25, 2025**
- 2. National MS Society – May 31, 2025**

Brean reported on the following special events:

1. Marathon Sports, LLC scheduled the Portsmouth 5K road race to be held on Sunday, May 25, 2025, with its start and finish at Paddy’s American Bar & Grille. This event has been held for many years and previously referred to as the “Cisco Portsmouth 5K”.
- 2. Annual Walk MS event scheduled for Saturday, May 31, 2025 – this event consists of 1-mile and 3- mile walking routes with its start and finish at Great Bay Community College.

**XVI. Upcoming Meetings:**

Port Committee	June 9, 2025 @ 8:00 a.m.
Finance Committee	June 9, 2025 @ 9:00 a.m.
Golf Committee	June 16, 2025 @ 8:30 a.m.
Board of Directors	June 17, 2025 @ 8:30 a.m.

**All Meetings begin at 8:30 a.m. unless otherwise posted.**

**XVII. Directors' Comments:**

**XVIII. Adjournment:**

Director Fournier moved the motion and Director Conard seconded to **adjourn the Board meeting.**  
**Meeting adjourned at 9:17 a.m.**

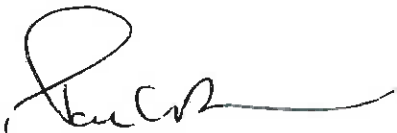
Discussion: None. Disposition: Resolved unanimous vote; motion carried/failed.

**XIX. Press Questions:**

None.

**XX. Consultation with Counsel:**

Respectfully submitted,



Paul E. Brean  
Executive Director



PEASE DEVELOPMENT AUTHORITY  
PORT COMMITTEE AGENDA

MONDAY JUNE 9, 2025 8:00 AM

PEASE DEVELOPMENT AUTHORITY BOARD ROOM  
55 INTERNATIONAL DR.  
PORTSMOUTH NH 03801

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1. CALL TO ORDER
2. APPROVAL OF MINUTES
  - a. December 16, 2024
3. NEW BUSINESS
  - a. Initial Proposed Schedule of Terminal Fees, Market St. Marine Terminal\*
  - b. Grant Application, 2025 Port Infrastructure Development Program, through Maritime Administration\*
  - c. Capital Improvement Plan\*
  - d. Truck Scale RFB Waiver\*
  - e. Portsmouth Fish Pier, Floating Pier Guide Rod Replacement
  - f. Portsmouth Fish Pier, Building Project, Curb Side Valve Change Order
4. FINANCE UPDATE
5. OLD BUSINESS
  - a. Rye Harbor Study Update
6. PUBLIC COMMENT
7. PRESS QUESTIONS
8. ADJOURNMENT

\* Materials are provided in the packet

**PEASE DEVELOPMENT AUTHORITY**  
**Monday, June 16, 2025**

**GOLF COMMITTEE**  
**AGENDA**

**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: March 10, 2025 \* (**Conard**)
- III. Public Comment
- IV. New Business
  - A. Reports
    - 1. Grill 28 Extension
    - 2. Golf Course Irrigation Update\*
- V. Upcoming Meetings

Board of Directors June 17, 2025 @ 8:30 a.m.

**All meetings begin at 8:30 a.m. unless otherwise posted.**

- VI. Adjournment
- VII. 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

## MOTION

Director Levesque:

The Pease Development Authority Board of Directors hereby moves that item numbers \_\_\_\_\_ from the consent agenda list below be approved as a single consent agenda item, and that the proposed motions included for each be incorporated into such approval as the operative motion for each item.

1. Pease Golf Course – Forenet, Inc. – Golf Athletic Netting and Poles \* **(Conard)**
2. Pease Golf Course –HVAC Components \* **(Fournier)**
3. Portsmouth International Airport at Pease – Fuel Flowage Fee Increase \* **(Ferrini)**
4. Portsmouth International Airport at Pease – Revenue Parking Increase \* **(Parker)**
5. Skyhaven Airport – Jacobs Engineering Group, Inc. –Wildlife Fence Design Contract Amendment \* **(Levesque)**
6. Legal Services \* **(Ferrini)**
7. Pease Development Authority Real Estate Commission Policy \* **(Semprini)**
8. Pease Development Authority Public Records Policy and Fee Schedule \* **(Conard)**

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## MOTION

Director Conard:

The Pease Development Authority ("PDA") Board of Directors hereby authorizes the Executive Director to enter into a contract with Forenet, Inc. of Kingston, RI for the removal and replacement of athletic netting and poles at the PDA Golf Course along the right side of hole #14, for a price not to exceed \$50,290.00, all in accordance with the memorandum from Scott DeVito, PGA General Manager, dated June 3, 2025; attached hereto.

N:\RESOLVES\2025\Golf - Netting (6-17-25).docx



55 International Drive Portsmouth NH 03801

## Memorandum

To: Paul E. Brean, Executive Director *PEB*  
From: Scott DeVito, PGA General Manager *SD*  
Date: June 3, 2025  
Subject: Pease Golf Course – Athletic Netting Replacement

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On May 5, 2025, the Pease Development Authority (“PDA”) issued an Invitation to Bid (“IFB 25-22”) regarding the removal and replacement of the existing athletic netting and poles located at the Pease Golf Course along the right side of hole #14. This netting serves an important role in preventing errant golf balls from entering private property abutting the Course. This solicitation was distributed to five (5) athletic netting companies. On May 22, 2025, the PDA received one (1) response from Forenet, Inc., located at 495 Waites Corner Road, West Kingston, RI, 02892, in the amount of \$50,290.00.

The original netting was installed back in 2012 and is beyond its life expectancy. The new poles and infrastructure are expected to have a lifespan of 40+/- years, while the new netting has a life expectancy of 10+/- years. To keep a consistent aesthetic, the new netting will match in color and dimensions as the Course’s current netting inventory.

At the June 17, 2025, Board of Directors’ meeting, please request authority from the Board to enter into an agreement with Forenet, Inc. for new athletic netting and poles along the right side of hole #14 in a not to exceed contract amount of \$50,290.00, as a Golf Course capital expense.

Thank you for your attention to this matter.

## **MOTION**

Director Fournier:


The Pease Development Authority ("PDA") Board of Directors authorizes the Executive Director to finalize and enter into a contract with The Granite Group Wholesalers, LLC, for HVAC components necessary to make repairs at the Pease Golf Course Clubhouse located at 200 Grafton Drive, in an amount not to exceed \$89,597.31; all in accordance with the memorandum of Ken Conley, Manager Airport Infrastructure and Facilities, dated June 6, 2025; attached hereto.

N:\RESOLVES\2025\HVAC services - Golf Clubhouse 200 Grafton Dr (6-17-25).docx



55 International Drive Portsmouth NH 03801

## Memorandum

To: Paul Brean, Executive Director 

From: Ken Conley, Manager Airport Infrastructure and Facilities 

Date: June 6, 2025

Re: HVAC Components – Golf Course

In May 2025, the Pease Development Authority (“PDA”) issued an Invitation to Bid (“IFB”25-24) for the purpose of procuring Components to replace the HVAC units at the Golf Course. On June 5, 2025, PDA received one bid from The Granite Group Wholesalers, LLC. During the evaluation process, it was determined that The Granite Group Wholesalers, LLC., met the established criteria outlined in the IFB and was deemed the lowest, responsive qualified Bidder.

Pricing tables are referenced below.

Existing Unit	Proposed Replacement Unit	Availability Lead Time	Unit Cost
Pro Shop - Geothermal – GeoComfort model # GT048B00LT4NC	BOS7734027750 RP048 Geothermal Left Cupronickel	22 Weeks	\$ 8,127.26
Sim Room – Geothermal – GeoComfort model # GT 036B00RT1NB	BOS7734927736 RP036 Geothermal Right Cupronickel	22 Weeks	\$ 8,444.84
Dining Room – Geothermal – GeoComfort model # GT120A00RT2NE	BOS7734027769 RP060 Geothermal Right Cupronickel	22 Weeks	\$ 17,576.94
Kitchen – Geothermal – GeoComfort model # GT048B00LT4NC	BOS7734027750 RP048 Geothermal Left Cupronickel	22 Weeks	\$ 8,127.26
Energy Recovery – ERV – Ruskin model # 60S2802Xh23I2	RUS84364 Ruskin R/T Makeup Air	8 Weeks	\$27,552.33
Kitchen Air Replacement Make up air feed – CaptiveAire model # A2-D570-G15	CAP7477040 Captiveair Makeup Air	3 Weeks	\$10,097.68
Equipment Cost			\$ 78,926.31

<b>Existing Unit</b>	<b>Proposed Replacement Unit</b>	<b>Availability Lead Time</b>	<b>Unit Cost</b>
<b>Additional Required Equipment</b>	<b>Pump</b> – Franklin Electric MH Series Model 45FMH15S2-T, Three Phase	4 Weeks	\$ 5,232.56
	<b>Motor Drive</b> – Franklin Electric Model SUBDRIVE UTILITY UP3P	4 Weeks	\$ 2,994.19
	<b>Expansion Tank</b> – will be minimum 80 gallon, stand up, bladderless type, constructed of corrosion resistant materials	5 Weeks	\$ 1,065.05
	<b>Expansion Tank</b> – will be a minimum of 20 gallon, stand up air over bladder type, constructed of corrosion resistant materials	5 Weeks	\$ 1,379.20
<b>Total Cost of Add'l Required Equipment</b>			<b>\$ 10,671.00</b>
<b>Overall Total Equipment Cost</b>			<b>\$ 89,597.31</b>


At the June 17, 2025, Board of Directors' meeting, please request authority from the Board to authorize the Executive Director to contract with The Granite Group Wholesalers, LLC for a not to exceed amount of \$89,597.31 to purchase the HVAC Components for the Pease Golf Course.


## MOTION

Director Ferrini:

The Pease Development Authority Board of Directors approves of and authorizes the Executive Director to take such action as may be required or appropriate to increase the current aviation fuel flowage fee rate at the Portsmouth International Airport at Pease by \$0.03, from \$0.08 to \$0.11 per gallon, on 100 low lead fuel and Jet A fuel, commencing July 1, 2025; all in accordance with the memorandum of Chasen Congreves, Business Development, dated June 5, 2025; attached hereto.

## Memorandum

To: Paul E. Brean, Executive Director 

From: Chasen Congreves, Business Development 

Date: 6/5/2025

Re: Aviation Fuel Flowage Fee Increase

On July 1, 2018, Portsmouth International Airport at Pease ("PSM") implemented an aviation fuel flowage fee of 2 cents per gallon on Jet A and 100LL fuel sales. The Board has increased the fuel flowage fee each year since, and it currently stands at 8 cents per gallon on Jet A and 100LL fuel sales. In fiscal year 2025, ending June 30, 2025, the Pease Development Authority estimates it will receive approximately \$1.5 million in fuel flowage fee payments.

PSM continues to recognize a significant increase in operating expenses associated with maintenance and security requirements to maintain airport certification. Additionally, capital expenditures have been committed, and will be committed, to address and support increased aviation activity, to include the funding of airport infrastructure improvements, environmental protection initiatives, and the deterioration of primary airfield asphalts. Ultimately, these expenditures are necessary to support PSM, and in turn the variety of entities and businesses that rely on PSM's infrastructure for their daily operations. Based on the foregoing, it is my recommendation that the fuel flowage fee for both Jet A and 100LL fuel be increased to 11 cents per gallon effective July 1, 2025, to provide additional aeronautical revenue to support ongoing airport operational and capital expenses.

Fuel flowage fees are one of the few Federal Aviation Administration approved revenue sources for airports throughout the country with a national average of 10-15 cents per gallon. The Northeast fuel flowage averages range from 7 cents to 15 cents per gallon fluctuating from general aviation airports to commercial airports. The table below is a survey of similar airports in the Northeast, comparing fuel prices and associated fuel flowage fees.

With a proposed 3 cent increase to 11 cents per gallon, PSM will continue to remain extremely competitive with surrounding airports. Considerable attention should be given to the fact PSM is the only airport in the survey that does not also charge landing fees to aircraft operators.

At the June 17, 2025, Board of Directors' meeting, please request authority from the Board of Directors to increase the fuel flowage fee 3 cents per gallon to 11 cents on both Jet A fuel and 100 low lead fuel, effective July 1, 2025. The fuel flowage fee will be collected on a monthly basis directly from our Fixed Based Operator and authorized self-fueling tenants.

Airport	Fee	Fee
PSM	AvGas - \$0.08 / gal	Jet A - \$0.08 / gal
MHT	AvGas - \$0.05 / gal + 2.5% gross receipts	Jet A - \$0.05 / gal + 2.5% gross receipts
BAF	AvGas - \$0.08 / gal	Jet A - \$0.10 / gal
BED	AvGas - \$0.11 / gal	Jet A - \$0.20 / gal
ORH	AvGas - \$0.05 / gal	Jet A - \$0.11 / gal
PVD	10% FBO Sales	10% FBO Sales
BVY	AvGas - \$0.12 / gal	Jet A - \$0.12 / gal

## MOTION

Director Parker:

The Pease Development Authority Board of Directors approves of and authorizes the Executive Director to take such action as may be required or appropriate to increase the current revenue parking fee rate at the Portsmouth International Airport at Pease by \$2.00, from \$7.00 per day to \$9.00 per day, commencing January 1, 2026; all in accordance with the memorandum of Chasen Congreves, Business Development, dated June 5, 2025; attached hereto.

## Memorandum

To: Paul E. Brean, Executive Director *PEB*

From: Chasen Congreves, Business Development *CC*

Date: 6/5/2025

Re: Airport Terminal Revenue Parking Increase

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In 2017, Portsmouth International Airport at Pease ("PSM") introduced a revenue parking program managed in-house by the Pease Development Authority ("PDA") in partnership with Mobile Smart City Corporation ("MSC"), which provided the parking equipment and related services. Since its implementation, this program has supported the airport's growing passenger traffic while maintaining a user-friendly and cost-effective experience for travelers at the original fee of \$7.00 per day.

However, in light of increased operational expenses including routine maintenance, staffing, and utility costs, as well as the investment in upgraded technology and parking infrastructure, an adjustment to the current daily parking rate is warranted. We are therefore requesting that the PDA Board of Directors approve an increase in the daily parking fee from \$7.00 / day to \$9.00 / day.

This proposed rate remains competitive and consistent with regional market rates. Below is a comparison of parking fees at neighboring commercial airports:

Airport	Daily/Long Term Parking Fee	Hourly Parking Fee
PSM	\$7.00 / day	First 4 hours free then daily rate applies
MHT	\$14.00 / day	\$3.00 / 30 min up to \$24.00
PWM	\$14.00 / day	First Hour: Free \$1.00 / 30 min after 1 <sup>st</sup> hour up \$48 daily
BGR	\$12.00 / day	\$1.00 / hr up to \$18.00 daily
ORH	\$7.00 / day	N/A
PVD	\$27.00 - \$34.00 / day (dependent on parking location)	\$6.00 / hr up to \$32.00 daily
BOS	\$48.00 / day	0 to 1 hour: \$9.00 1 to 2 hours: \$23.00 2 to 3 hours: \$28.00 3 to 4 hours: \$32.00 4 to 7 hours: \$36.00 7 to 24 hours: \$41.00
BTW	\$12.00 / day	\$1.00 first hour then \$2.00 / hr after up to \$12.00 daily
PGD	\$12.00 / day	First 40 min free then \$2.00 / hr
RSW	\$11.00 / day	\$2.00 / hr up to \$24.00 daily

At the June 17, 2025, Board of Directors' meeting, please request authority to increase the daily airport terminal parking rate from \$7.00 / day to \$9.00 / day, effective January 1, 2026.

## MOTION

Director Levesque:

The Pease Development Authority ("PDA") Board of Directors hereby authorizes amending the contract with Jacobs Engineering Group, Inc. regarding the wildlife fence installation at Skyhaven Airport to include an archeological survey in an amount not to exceed \$27,900.00; all in accordance with the memorandum from Michael R. Mates, PE, Director of Engineering, dated June 10, 2025; attached hereto.

## Memorandum

To: Paul E. Brean, A.A.E., Executive Director *PAB*  
From: Michael R. Mates, P.E., Director of Engineering *MRM*  
Date: June 10, 2025  
Subject: Skyhaven Wildlife Fence Design Contract Amendment

In 2023, the Board authorized the acceptance of a grant to assist in funding the design of a project to construct a wildlife fence at Skyhaven Airport. The grant was awarded last year and the design work, led by Jacobs Engineering, has been proceeding.

A condition of all federal grants is compliance with Section 106 of the National Historic Preservation Act, which requires an evaluation of the possible impacts from the project on historic places. To meet this condition, Independent Archaeological Consulting, LLC ("IAC") of Dover was engaged to survey the fence site. The proposed fence alignment falls within areas with no visible evidence of past ground disturbances leading IAC to recommend further investigation. The NH Division of Historic Resources and the NHDOT Bureau of Environment concurred with IAC's finding. The additional investigation includes excavating shovel test pits and, should the testing yield artifacts, analyzing, reporting and curating the results. The cost of the additional work, referred to as a Phase 1B survey, is \$27,900. The quoted price includes the work that would be required in the event that artifacts are found on the site. If none are found, the price would be reduced by approximately 40%.

The work scope presented in the grant application did not anticipate a Phase 1B archaeological survey and the current grant amount does not include the cost. Even so, there is an opportunity for reimbursement. First, the work proposal and justification are presented to the NHDOT Bureau of Aeronautics for concurrence. We have been communicating with Aeronautics and expect concurrence, which will position us to request a grant amendment. The grant amendment request is made at the time of the grant closeout, when all work has been completed and all costs have been compiled. There is no guarantee that additional funds will be available and the cost will be reimbursed. Nevertheless, the completion of the design and subsequent bidding cannot occur without the Phase 1B survey. A delay in the bidding schedule will jeopardize the receipt of future grant funds.

At this time, I recommend that you seek PDA Board approval to amend Jacobs Engineering's scope and fee for the Skyhaven wildlife fence design project to include the Phase 1B archaeological survey at a cost not to exceed \$27,900. The actual cost will be based on the results of the field investigation and actual time spent.

## MOTION

Director Ferrini:

The Pease Development Authority Board of Directors approves of and authorizes the Executive Director to expend funds in the amount of \$5,962.50 for payment of legal services provided by Sheehan Phinney Bass & Green; all in accordance with the memorandum from Anthony I. Blenkinsop, Deputy Director / General Counsel, dated June 5, 2025; attached hereto.

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## MEMORANDUM

**To:** Pease Development Authority Board of Directors  
**From:** Anthony I. Blenkinsop, Deputy Director / General Counsel *AB*  
**Date:** June 5, 2025  
**Re:** Legal Services

Sheehan Phinney Bass & Green provided legal services to the Pease Development Authority ("PDA") for the month of April 2025, as follows:

April 1, 2025 – April 30, 2025	
(for Tradeport General Representation)	\$5,962.50

This is a request for approval by the Board of Directors to authorize the Executive Director to expend funds for legal services rendered to Sheehan, Phinney, Bass & Green in a total amount of **\$5,962.50**.

# SHEEHAN PHINNEY

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1000 Elm Street, 17th Floor  
Manchester, NH 03101  
603.668.0300

Pease Development Authority  
Anthony Blenkinsop, Esq.  
55 International Drive  
Portsmouth, NH 03801

Invoice Date: May 23, 2025  
Invoice Number: 418631  
Matter Number: 14713-10167

Client: Pease Development Authority  
Matter: General Representation - Trade Port

For services rendered through April 30, 2025

Currency: USD

Fees	5,962.50
<b>Total Due This Invoice</b>	<b>\$5,962.50</b>
Previous Balance Due	4,200.00
<b>Total Amount Due</b>	<b>\$10,162.50</b>

**Please Remit to:**

**Mail To:**  
1000 Elm Street, 17th Floor  
P.O. BOX 3701  
Manchester, NH 03105-3701

**Wire/ACH Instructions:**  
Bar Harbor Bank & Trust  
82 Main Street  
Bar Harbor ME 04609  
ACCOUNT # 8330425805  
ABA # FOR WIRE & ACH TRANSFERS:  
011201759

**LawPay:** To pay by Credit Card or eCheck,  
visit [www.sheehan.com](http://www.sheehan.com), scroll to the  
bottom and click LawPay

**Terms:** Net 30


Interest accrued on balances over 30 days

## MOTION

Director Semprini:

The Pease Development Authority Board of Directors approves of and adopts the attached "Pease Development Authority Real Estate Commission Policy", dated June 17, 2025; all in accordance with the memorandum of Paul E. Brean, Executive Director, dated June 4, 2025; attached hereto.

## Memorandum

**To:** Pease Development Authority Board of Directors  
**From:** Paul E. Brean, Executive Director   
**Date:** June 4, 2025  
**Subject:** Real Estate Commission Policy

The Pease Development Authority ("PDA") utilizes an Open Listing policy regarding the marketing of available PDA-owned property at the Pease International Tradeport. An Open Listing allows any broker to participate in the marketing of Tradeport property and allows the PDA to negotiate directly with prospects without incurring any responsibility for paying brokerage commissions, if those prospects are not represented by a licensed and practicing broker. If a prospect is represented by a broker, the PDA utilizes a Real Estate Commission Policy, implemented by the Board of Directors in 1996 (see attached).

The existing policy mirrored a policy from Fort Devens in Massachusetts that underwent a similar D.O.D. Base Realignment Closure. The Devens document references a "Transitional Period" for real estate commissions, but PDA's current policy appears to still be in effect, almost 30 years later. As written, the PDA Commission Schedule seems reasonable for a newly closed military base converting into a commercial business park in the early to mid-1990's, but clearly with the success of development at the Tradeport, the general real estate market on the New Hampshire seacoast, and the current Pease ground lease rates, it is outdated. While we believe it is beneficial to have local brokers presenting Pease to viable developers and tenants, the economics of the original policy no longer make sense for the PDA.

With the foregoing in mind, attached is a draft replacement PDA real estate commission policy, which is designed to provide flexibility in paying real estate commissions on a case-by-case basis, subject to Board of Directors' approval. We believe this new policy is fair, consistent with the current market and industry trends, and in the best interests of the PDA. While most real estate development of PDA owned land and buildings has not involved a broker, should a deal involve a broker in the future, the parties could come to an agreement on an appropriate real estate commission considering the specific facts of the particular development.

At the Board's June 17, 2025, meeting, please approve the attached Pease Development Authority, Real Estate Commission Policy, dated June 17, 2025.

# PEASE DEVELOPMENT AUTHORITY



Mailing: Suite 1, 601 Spaulding Turnpike, Portsmouth, New Hampshire 03801-2833  
(603) 433-6088 Fax: (603) 427-0433 TDD: Relay NH 1-800-735-2964  
Location Address: 360 Corporate Drive, Pease International Tradeport

## PEASE DEVELOPMENT AUTHORITY REAL ESTATE COMMISSION POLICY January 25, 1996

It is the policy of the Pease Development Authority to utilize an Open Listing. An Open Listing allows any broker to participate in the marketing of Pease property and also allows the PDA to negotiate directly with prospects without incurring any responsibility for paying brokerage commissions, if those prospects are not represented by a broker.

### COMMISSION SCHEDULE

1. Commissions for rental or leasing of facility property shall be based on the following percentages of the base rent for the initial term of the lease:
  - \* 6% of the base rent for the first year in which rent is due
  - \* 5% of the base rent for the second year in which rent is due
  - \* 4% of the base rent for the third year in which rent is due
  - \* 3% of the base rent for the fourth year in which rent is due
  - \* 2% of the base rent for years 5 through 10 in which rent is due
2. Commissions for a sale of facility buildings shall be based on the following percentages:
  - \* 7% of the first \$500,000 of the sale price
  - \* 5% of the sale price over \$500,000 to \$1,000,000
  - \* 4% of the sale price over \$1,000,000 to \$5,000,000
  - \* 3% of the sale price over \$5,000,000 to \$10,000,000
  - \* 2% of the sale price over \$10,000,000
3. Commission for land leases shall be calculated as follows:
  - \* 3% of the total fixed base rent up to 25 years
4. Commissions for a sale of land shall be calculated as follows:
  - \* 10% of the Sales Price for the first \$500,000 plus,
  - \* 8% of the Sales Price for the next \$500,000 to \$1,000,000 plus
  - \* 5% of the Sales Price for the next \$1,000,000 and higher.

The following terms shall apply in calculating and payment of commission:

1. A broker must be licensed and practicing. A broker should be actively involved in the showing and negotiation process, and shall be instrumental in closing the transaction.
2. No commission will be paid if the tenant fails to take possession of the space and/or fails to pay rent.
3. No commissions will be paid on allowances or concessions.
4. No commissions will be calculated or paid on the following:
  - \* renewal options
  - \* lease periods over ten years (land leases over twenty five years)
  - \* escalations
  - \* utilities, fees in lieu of taxes, or other tenant pass through expenses
  - \* collections or fees other than rent
  - \* financing or repayment of tenant improvements
  - \* expansion options
  - \* rent payable on month-to-month, holdover tenancy, or other tenancy for which there is no lease
  - \* percentage rent or other revenue based rent

Commissions will be paid as follows:

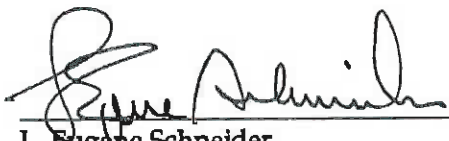
1. Commissions for brokerage services culminating in the sale of facility property shall be due and payable to broker thirty (30) days subsequent to the delivery to and acceptance of title by the buyer and payment of purchase price. In the event payment of purchase price is made over time to the PDA, payment of commissions shall also be made over time in the same manner as the purchase price.
2. Commissions for brokerage services culminating in the rental or lease of facility property shall be payable to a broker in two (2) equal installments, the first upon full execution of the lease and the second, upon occupancy of the space by the tenant. All deposits, advance rent, or other fees due the PDA and collected by broker shall be immediately transferred to the PDA, upon the execution of the lease.
3. Commissions for brokerage services culminating in the lease of land shall be payable to the broker in two equal installments, the first upon full execution of the lease and the second upon occupancy of any facility constructed on the leased premises.

Real Estate Commission Policy  
Page 3

Registration of a broker and its client shall be approved by the Executive Director.

The commission schedule and policy is subject to change or withdrawal at any time.

Resolved by the Pease Development Authority Board of Directors: January 25, 2996



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L. Eugene Schneider  
Executive Director/Secretary

**PEASE DEVELOPMENT AUTHORITY  
REAL ESTATE COMMISSION POLICY  
June 17, 2025**

It is the general policy of the Pease Development Authority to utilize an Open Listing. An Open Listing allows any broker to participate in the marketing of Pease property and allows the PDA to negotiate directly with prospects without incurring any responsibility for paying brokerage commissions, if those prospects are not represented by a licensed and practicing broker.

If a prospect is represented by a licensed and practicing broker, and the broker is actively involved in the showing and negotiation process and instrumental in closing the transaction, the PDA may pay a brokerage commission on the sale or lease of Pease property only if approved by the PDA Board of Directors in its discretion on a case-by-case basis.

Nothing herein shall prevent the Pease Development Authority from electing to utilize the services of a broker in the marketing of specific Pease properties on a case-by-case basis, on such terms and conditions as the Pease Development Authority and the broker may agree.

This Real Estate Commission Policy replaces and supplants any prior real estate commission policy and is subject to change or withdrawal at any time, with or without notice.

Resolved by the Pease Development Authority Board of Directors: June 17, 2025.

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Paul E. Brean  
Executive Director/Secretary



## MOTION

Director Conard:

The Pease Development Authority Board of Directors approves of, adopts, and implements the attached "Public Records Policy and Fee Schedule"; all in accordance with the memorandum of Joshua M. Wyatt, Deputy General Counsel, dated June 3, 2025; attached hereto.

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## MEMORANDUM

To: Paul Brean, Executive Director   
From: Josh Wyatt, Deputy General Counsel   
Date: June 3, 2025  
Subject: Public Records Policy and Fee Schedule

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From time to time, members of the public request governmental records of the Pease Development Authority ("PDA"). PDA, being a state agency, is subject to state laws concerning public access to these records, namely RSA chapter 91-A. RSA chapter 91-A imposes procedural and substantive obligations on the PDA in responding to records requests.

Accompanying this memorandum is a proposed policy and fee schedule documenting how PDA handles public records requests and fulfills its obligations. The policy explains how the process works, certain tips for identifying specific documents of interest, fees associated with requests, the timeline of requests, and the statutory exemptions to public disclosure for certain sensitive information. The fees set forth in the attached policy only apply in two situations: (1) requests for physical copying of records; and (2) requests for a large number of electronic communications (emails, text messages, etc.). And, as required by statute, the proposed policy includes potential fee waivers for some requests.

In summary, at the PDA Board of Directors' meeting of June 17<sup>th</sup>, I respectfully request consideration and approval by the Board of the attached Public Records Policy and Fee Schedule.

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## ***PUBLIC RECORDS POLICY AND FEE SCHEDULE***

Sponsored By		
Approved By	PDA Board of Directors	
Approved Date		
Effective Date	July 1, 2025	
Author	Joshua Wyatt	Deputy General Counsel
Current Version	1.1	

### **I. OVERVIEW AND PURPOSE**

The Pease Development Authority ("PDA") is an agency of the State of New Hampshire subject to state laws concerning public access to records. Those state laws are grounded in the State Constitution, which provides: "Government . . . should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted." N.H. CONST. pt. I art. 8. In turn, RSA chapter 91-A sets forth a series of statutory requirements related to the public's right to governmental transparency, including requirements related to public records. In keeping with these laws, this policy aims to clarify and simplify how and on what terms the public can access PDA records.

### **II. SCOPE**

This policy applies to all requests to identify, produce for inspection, and (if requested) copy any "governmental records" of the PDA. By statute, "'governmental records' means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term 'governmental records' includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body." RSA 91-A:1-a, III.

### **III. POLICY**

#### **A. Records Requests**

1. Eligibility. "Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5." RSA 91-A:4, I.

2. Form of Request: There is no specific form for making public records requests to the PDA. However, to be sure PDA understands what you are seeking, PDA encourages the requester to author a letter or email to PDA making a records request.

3. Reasonable Specificity. Records requests must "reasonably describe" what you are seeking. See RSA 91-A:4, IV(a). This does not mean that the requester must specify the precise volume, number, name, or location of the records, but simply that the request must be specific enough for the PDA to understand the request and identify and locate responsive records. PDA understands that often requesters will be unfamiliar with PDA recordkeeping practices and document types, in which case a preliminary telephone call or email to PDA may be a helpful way for the requester to generally discuss what subject matter is of interest, what documents might exist relating to that subject matter, and who might have the documents or where the documents might be stored.

4. PDA Requests to Clarify Your Request. Requesters will not be required to disclose the reason for their request. That said, PDA staff may reach out to requesters to better assist with identifying potential PDA records of interest, or to seek clarification of the request. In doing so, PDA staff may ask questions about the purpose of the request as a means of simply trying to better assist the requester with ultimately locating sought-after records.

5. Existing Records Only. Requests for PDA records should focus only on existing records. In other words, PDA is not required to create new records or documents, or to compile, cross-reference, or assemble information into a form in which it is not already kept or report by PDA.

6. Exemptions. There are some governmental records that are exempt from public disclosure. Many of these statutory exemptions can be found in [RSA 91-A:5](#), but there are also other exemptions found in different state and federal statutes and other sources of potentially applicable law. More information about exemptions can be found in the memorandum from the New Hampshire Attorney General to the public.<sup>1</sup> Requesters should be aware that requests for records often will usually involve an exemption review process, where a PDA employee must review each page of a potentially responsive record set to determine if the records or any portion thereof should be partially redacted or excluded altogether as exempt. Those requesting PDA documents should be mindful that the duration of that exemption review process depends in large part on the scope of the record request itself, and exemption review times can significantly delay the ultimate production of records.

7. Requests for Public Purchasing/Procurement Documents: Periodically PDA receives requests for documents related to public purchases or public procurements. In order to protect the integrity of the bidding process, no individual bidder's information will be made available to the public until the PDA Board approves and awards the contract. In the event a proposed PDA contract or lease requires approval by Governor and Council, then no bidding information shall be available to the public until such approval. In the event no contract is awarded, then all bidding information will be evaluated case-by-case for potential exemptions to disclosure prior to any release of same to the public.

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<sup>1</sup> Available at: <https://www.doj.nh.gov/news-and-media/memorandum-new-hampshires-right-know-law>

8. Timeline for PDA Responses and Updates: PDA will make requested records immediately available wherever possible, but often this will not be possible because either (i) agency staff will need time to conduct a search of their records, and/or (ii) depending on the nature, complexity, and volume of responsive records, the exemption review process may take additional time. If your request is not immediately fulfilled, then within five business days of the PDA's receipt of your request PDA staff will provide a written acknowledgment of your request along with: (i) an estimate of the time determined reasonably necessary to determine whether the request will be granted or denied, (ii) the reason(s) for the delay, and (iii) an itemized estimate of the cost of making the record available if a charge would be incurred for electronic communications per RSA 91-A:4, VIII. In the event records are not ready for disclosure by the initially estimated timeline, the requesting party will be provided a written update with an updated estimate of time needed to issue a final response.

9. Routine and Complex Tracks: PDA reserves the right to utilize a dual-track response system for public records requests, based on the volume of records requested and the complexity of the request. A standard track is for simple requests that do not involve voluminous records, lengthy search processes, or lengthy exemption reviews. A complex track is for requests that involve voluminous records and/or lengthy search processes and/or lengthy exemption reviews. When using the dual-track system, PDA will give first priority to processing requests on the standard track. If a request is placed on the complex track, the records request will be fulfilled as time allows. The purpose of establishing two tracks is to avoid standard requests getting significantly backlogged behind more complex requests.

## B. Fees

PDA charges certain fees related to record requests. The amount of the fee will depend on the size of the request and the format (paper vs. electronic) of the produced records. The fees are set forth below:

### a. Records Provided in Electronic Format

- i. Documents provided in PDF or native format will be free of charge unless (i) a thumb drive or other transferring media is requested or required, in which case the thumb drive or media will be provided at cost to PDA<sup>2</sup>, and/or (ii) the "per electronic communication charge" set forth below applies, in which case such per electronic communication charge shall be assessed unless waived;
- ii. Per Electronic Communication Charge: Requests for electronic communications in excess of 250 communications will incur a charge of \$1.00 per communication, in addition to any other actual cost of providing the copy (e.g., thumb drive). Determining the number of email, text messages, or other requested electronic communications for purposes of this fee shall conform with the provisions of RSA 91-A:4, VIII.

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<sup>2</sup> For cybersecurity reasons, PDA does not allow a person requesting records to provide their own thumb drive or other electronic storage device.

1. PDA will waive any per electronic communication charge when the requester satisfies the PDA that either:
  - a. The person requesting records is an indigent individual as established by the federal poverty line, or can demonstrate that the per electronic communication charge is a financial hardship; or
  - b. Where disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the PDA and is not primarily in the commercial interest of the request, except for media requestors.

b. Records Provided in Hard Copy/Paper Format

- i. Copying 8.5" x 11" paper: \$.50 per page.
- ii. Copies of large plans: \$15.00 per sheet/page.
- iii. Copies of paper documents required to be sent out for copying by a third-party vendor will be charged at cost to PDA.

C. Appeals

PDA staff remain willing throughout the process to discuss any determination PDA has made in the course of administering New Hampshire's Right to Know law, together with the legal authority on which such determinations were made. If a requesting party disagrees with a determination made by PDA, then PDA encourages that person to explain in detail the basis for their disagreement and, if possible, provide all relevant legal authority (statutes, cases, etc.) the requesting party believes is/are relevant.

In the event the parties are unable to resolve a disagreement over the application of the Right to Know law to one or more governmental records, then the requesting party may pursue either (i) a Superior Court action for relief pursuant to RSA 91-A:7, or (ii) a signed, written complaint with the New Hampshire Office of the Right to Know Ombudsman pursuant to RSA 91-A:7-b<sup>3</sup>. Links with information about each venue are provided below.

## IV. INFORMATIONAL RESOURCES

PDA Board Meetings and related materials:

- <https://peasedev.org/about-2/board-and-meetings/>
- [https://townhallstreams.com/towns/pease\\_dev\\_nh](https://townhallstreams.com/towns/pease_dev_nh)
- Attorney General's Memorandum on New Hampshire's Right-to-Know Law:  
<https://www.doj.nh.gov/news-and-media/memorandum-new-hampshires-right-know-law>

New Hampshire Superior Court:

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<sup>3</sup> The legislation creating the Ombudsman office has set that position to expire on July 1, 2025, absent any further legislation, see Laws 2002, 250:6.

- <https://www.courts.nh.gov/our-courts/superior-court/civil>

Office of the Right to Know Ombudsman:

- <https://www.sos.nh.gov/administration/office-right-know-ombudsman>
- <https://www.courts.nh.gov/our-courts/superior-court/civil/right-know-registration-andor-appeal-ombudsmans-order-rsa-91-a7>

New Hampshire Municipal Association:

- <https://www.nhmunicipal.org/right-know-law>

## MOTION

Director Fournier:

The Pease Development Authority ("PDA") Board of Directors authorizes and approves the Executive Director to enter into an agreement with DAF Services, Inc. of Windsor Locks, CT for the purchase and installation of a new Golf Course irrigation system motor and pump, as well as the purchase of a back-up motor and pump, in an amount not to exceed \$34,916.18; all in accordance with the memorandum of Scott DeVito, PGA General Manager, dated June 6, 2025; attached hereto.

In accordance with the provisions of RSA 12-G:8, VIII, the Board justifies the waiver of the RFP requirement as DAF Services, Inc. installed and maintains the irrigation system and timely repairs are needed to keep the irrigation system operational during the busy summer season.

N:\RESOLVES\2025\Golf - Motor and Pump Irrigation Repairs (6-17-2025)



55 International Drive Portsmouth NH 03801

## Memorandum

To: Paul Brean, Executive Director *PB*  
From: Scott DeVito, PGA General Manager *SD*  
Date: June 6, 2025  
Subject: Pease Golf Course – DAF Irrigation Repairs

On June 2, 2025, the Pease Golf Course (“PGC”) irrigation pump software sent an electronic alert to PGC Superintendent EJ Chea indicating failure to one of the two motor and pump units needed to run the watering program, leaving the 18-hole course irrigation system inoperable. The irrigation system software program, and components were designed, installed, and have been maintained by DAF Service, Inc., of Windsor Locks, CT (“DAF”) since 2013. All services, software updates, fall shutdown and spring startup, as well as repairs have been proprietary to DAF since the initial build out in 2013.

A DAF technician was dispatched to Pease on Thursday, June 5, 2025, to diagnose the issues and trouble shoot the irrigation software. The technician was able to bypass the broken motor and pump and allow the system to run at 50% efficiency utilizing the remaining operable motor and pump.

This is a request to purchase a new motor and pump to be installed by DAF for a cost not to exceed \$34,916.18. Total lead time for the replacement and installation is 4-6 weeks. The not to exceed pricing includes a back-up motor and pump that the golf course would have for emergency repairs. Purchasing a back-up motor and a pump allows the course a faster reaction time, while locking in pricing and ability to replace a failed motor or pump expeditiously. The course ran into a similar situation in 2019, when one of the two motors failed and the replacement cost at that time was \$6,900.00.

At the Board of Directors’ meeting on June 17, 2025, please seek approval for the purchase and installation of a new irrigation system motor and pump, as well as purchase of a back-up motor and pump, from DAF, in an amount not to exceed \$34,916.18. Further, this request includes a waiver of the RFP requirement as this purchase would be through the company that installed and services the irrigation system and is needed to make the system fully operational during the busy summer season when the irrigation system is relied on to keep the course operational. The repair costs and purchase would be a PGC capital expense.

Thank you for your attention to this matter.



Services, Incorporated  
20 Lawnacre Road  
Windsor Locks, CT 06096

# Quotation

Date	Quote Number
6/5/2025	20778

Pease Golf Course  
55 International Drive  
Portsmouth, NH 03801  
ATTN: Mr. EJ Chea

Project
50hp pump and motor replaceme

Item	Description	Qty	U/M	Rate	Total
25-22-50012	50 hp Motor, 6" Submersible, 460/3/60, Sand Fighter	2	ea	10,360.68	20,721.36
Non inventor...	* current lead time 2 weeks ARO Quote No.: 23261	2		5,814.00	11,628.00
	COS: 500 gpm x 312' @ 3,450 rpm (Bowl Performance) *Model: SUB-SP07H-3 w/ colleted Impellers *Motor Bracket: 6" NEMA Flange *Discharge: 6" Taper Threaded				
A4C	*current lead time 3-4 weeks ARO Splice Kit, Submersible, 10-14 awg 4	2	ea	5.91	11.82
Misc Weld Fi...	Conductor A4C .. Bolts Gaskets etc	1		100.00	100.00
Labor- Tech	Field Technician Labor	14	hr	170.00	2,380.00
Fuel Surchar...	Fuel Surcharge * customer to provide lifting equipment and help with pulling and setting of pump sled.			75.00	75.00

Payment terms are 50% deposit at time of order; unless stated otherwise.  
Balance of payment due upon completion of work.  
Labor to be billed as reflected on work order at time of service.  
Price does not include freight.  
ALL PRICING SUBJECT TO CHANGE  
Please feel free to contact us if you require more information at 860-623-5207.

<b>Total</b>	<b>\$34,916.18</b>
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# Memorandum

To: Paul Brean, Executive Director  
 From: Suzy Anzalone, Director of Finance *[Signature]*  
 Date: June 5, 2025  
 Subject: Executive Summary – Financial Reports

In anticipation of the upcoming June 17<sup>th</sup> Pease Development Authority Board meeting, the following is an Executive Summary of the financial results for the ten months ending April 30, 2025:

## Consolidated Results

Pease Development Authority - Consolidated			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	17,375	16,639	735
Operating Expenses	14,242	14,463	220
<b>Operating Income</b>	<b>3,132</b>	<b>2,177</b>	<b>956</b>
Depreciation	6,465	6,266	(199)
Non Oper. (Inc)/Exp	(1,236)	(155)	1,081
<b>Net Operating Income (Loss)</b>	<b>(2,096)</b>	<b>(3,935)</b>	<b>1,838</b>

Consolidated operating revenues through April totaled \$17.4 million, favorable by \$735,000 (4.4%) over budgeted projections. Revenue line items trending higher than budget include fuel flowage fees (higher volume), golf revenue, facilities rent, PSM parking revenue (higher volume), wharfage and dockage fees and golf merchandise sales. Year-to-date line items performing under budget include DPH fuel sales (due to previously damaged fuel pumps), concession revenue, security revenue, and pier usage fees.

Year-to-date operating expenses are \$220,000 (1.5%) under budget. Cost underruns through April include full-time wages and benefits (open positions), equipment rental, airfield maintenance, professional fees, travel and professional development, utilities, marketing expenses and fuel purchases. Significant cost overruns include engineering services, turf maintenance, environmental testing, snow related expenses, golf cart leasing (timing), overtime expenses and golf merchandise sales.

Non-Operating Income includes \$437,000 in interest income and \$800,000 in grant funding (COVID, FEMA and ARPA related).

Year-to-date Net Operating Loss is (\$2.1) million performing favorably against budgeted loss of (\$3.9) million.

## Business Unit Performance

### Portsmouth Airport

<b>Portsmouth Airport ( PSM) incl Security</b>			
(\$ 000's)	<b>YTD Actual</b>	<b>YTD Budget</b>	<b>Variance Fav (unfav)</b>
Operating Revenues	3,128	2,377	751
Operating Expenses	3,585	3,668	83
<b>Operating Income</b>	<b>(457)</b>	<b>(1,291)</b>	<b>834</b>
Depreciation	3,645	3,531	(114)
Non Oper. (Inc)/Exp	(0)	0	0
<b>Net Operating Income (Loss)</b>	<b>(4,102)</b>	<b>(4,822)</b>	<b>720</b>

Portsmouth Airport revenues through April are favorable to budget by \$751,000 (31.6%) and continue to be the result of higher fuel flowage fees, parking fees, and to a lesser extent from facility rent and concession revenue. Operating expenses through April are favorable by \$83,000 (2.3%) and include cost underruns in full-time wages, facilities expenses, utilities, and marketing. Line items trending over budget include snow removal expenses, engineering services, technology expenses and part-time wages.

### Skyhaven Airport

<b>Skyhaven ( DAW)</b>			
(\$ 000's)	<b>YTD Actual</b>	<b>YTD Budget</b>	<b>Variance Fav (unfav)</b>
Operating Revenues	205	211	(6)
Operating Expenses	254	266	13
<b>Operating Income</b>	<b>(49)</b>	<b>(55)</b>	<b>6</b>
Depreciation	348	356	8
Non Oper. (Inc)/Exp	0	0	0
<b>Net Operating Income (Loss)</b>	<b>(397)</b>	<b>(411)</b>	<b>14</b>

Skyhaven year-to-date operating revenues are under budget by \$6,000 (3.0% unfavorable) driven by lower fuel revenue than budgeted. Operating expenses are favorable by \$13,000 (4.7% favorable). Fuel purchases and wages are trending lower than budget but offset by higher expenditures for contractor services, and snow removal equipment parts and repairs.

### Tradeport

<b>Tradeport</b>			
(\$ 000's)	<b>YTD Actual</b>	<b>YTD Budget</b>	<b>Variance Fav (unfav)</b>
Operating Revenues	8,860	8,720	140
Operating Expenses	562	460	(102)
<b>Operating Income</b>	<b>8,299</b>	<b>8,260</b>	<b>38</b>
Depreciation	617	628	10
Non Oper. (Inc)/Exp	(393)	(107)	286
<b>Net Operating Income (Loss)</b>	<b>8,075</b>	<b>7,740</b>	<b>334</b>

Year-to- date Tradeport revenues are \$140,000 (1.6%) favorable to budget largely due to higher facility rental revenue and short-term right-of-entry agreements. Expenses are higher by \$102,000 (22.2%) mainly due to significant environmental services expenses, and landscaping expenses.

## Golf Course

Pease Golf Course			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	2,842	2,689	153
Operating Expenses	2,259	2,170	(89)
<b>Operating Income</b>	<b>583</b>	<b>519</b>	<b>64</b>
Depreciation	316	311	(5)
Non Oper. (Inc)/Exp	0	(0)	(0)
<b>Net Operating Income (Loss)</b>	<b>267</b>	<b>209</b>	<b>59</b>

Golf course revenues on a year-to-date basis are favorable by \$153,000 (5.7%) driven by higher fee revenue and merchandise sales. However, concession revenue is trending lower (due to lower sales volume). Expenses are over budget by \$89,000 (4.1%) resulting from cost overruns in turf maintenance, equipment parts, golf cart lease expense (timing) and golf merchandise cost of goods sold.

## Division of Ports and Harbors (DPH)-Unrestricted

Division of Ports and Harbors (Unrestricted)			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	2,208	2,488	(281)
Operating Expenses	2,729	2,542	(187)
<b>Operating Income</b>	<b>(521)</b>	<b>(54)</b>	<b>(467)</b>
Depreciation	1,378	1,268	(109)
Non Oper. (Inc)/Exp	(770)	(48)	722
<b>Net Operating Income (Loss)</b>	<b>(1,129)</b>	<b>(1,275)</b>	<b>146</b>

DPH year-to-date revenues are under budget by \$281,000 (11.3%) mainly driven by lower fuel sales (due to prior storm damage). Year-to-date operating expenses are over budget by \$187,000 (7.3%) mainly driven by significant engineering and design costs (offset by grant funding) and to a lesser extent by part-time wages. Expenses trending under budget include fuel purchases, contractor services, contracted snow removal, legal expenses and utilities. Non-operating income of \$770,000 includes grant reimbursements of \$735,000 and interest income of \$35,000.

## Balance Sheet/Statement of Net Position (Consolidated)

(\$ 000's)	As of 4/30/2025	As of 4/30/2024
<b>Assets</b>		
Current Assets	23,488	22,846
Restricted Assets	1,633	1,499
Non-Current Assets	329,016	317,797
<b>Total Assets</b>	<b>354,137</b>	<b>342,142</b>
<b>Deferred Outflows of Resources</b>	<b>2,944</b>	<b>3,049</b>
<b>Liabilities</b>		
Current Liabilities	4,034	5,213
Non-Current Liabilities	10,172	11,478
<b>Total Liabilities</b>	<b>14,206</b>	<b>16,691</b>
<b>Deferred Inflows of Resources</b>	<b>219,970</b>	<b>213,258</b>
<b>Net Position</b>		
Net Invest. in Cap Assets	107,869	104,666
Restricted	1,437	1,375
Unrestricted	13,599	9,201
<b>Total Net Position</b>	<b>122,905</b>	<b>115,242</b>

The April balance sheet reflects \$23.5 million in current assets which include \$16.4 million in unrestricted cash (both PDA and DPH), \$6.2 million in trade and lease receivables, and \$0.9 million in inventory and prepaid expenses.

Restricted assets total \$1.6 million and consist primarily of the Revolving Loan Fund which currently has 19 outstanding loans totaling \$0.9 million in loans receivable.

Non-Current Assets include year-to-date capital expenditures in the amount of \$6.5 million. Expenditures include PSM Arrivals Hall, snow removal equipment, PSM jet bridge rehabilitation, vehicle and equipment purchases, expenses related to the Portsmouth Fish Pier decking and bracing project and the Portsmouth Fish Pier building replacement.

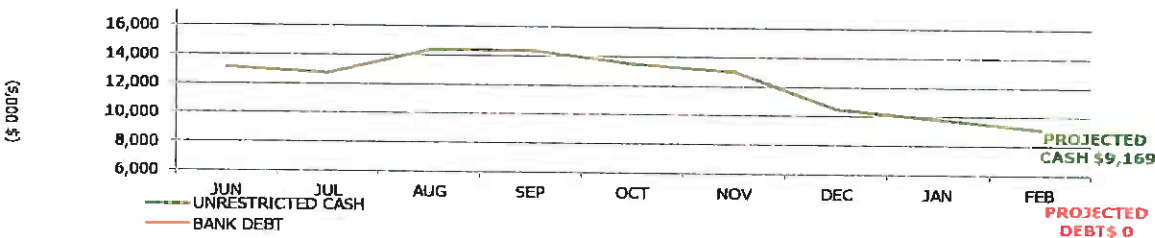
Current liabilities of \$4.0 million represent trade accounts payable, retainage and various accrued expenses.

**PDA Cash Flow Projections for the Ten-Month Period Ending February 28, 2026 (Excl. Division of Ports and Harbors)**

During the next nine-month period, PDA cash inflows are projected at \$22.3 million, mainly provided by operating revenues as well as \$7.3 million in grant funding.

Cash outflows of \$27.8 million during this same period include \$15.2 million in both grant and non-grant related capital expenditures, as well as outflows from normal operating expenses and municipal service fee payments. Current projections indicate that we will not need to draw on our line of credit over the next nine months, and we expect unrestricted cash to decrease to \$9.2 million. The chart below outlines cash and debt balances over the next nine-month period.

**PROJECTED CASH AND DEBT BALANCES – PEASE DEVELOPMENT AUTHORITY - EXCL. DPH**

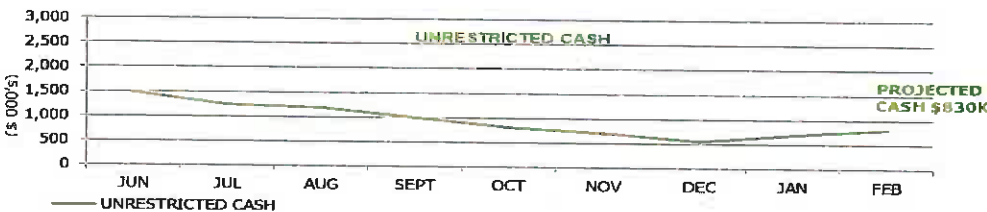


**Cash Flow Projections for the Ten-Month Period Ending February 28, 2026 -Division of Ports and Harbors**

During the next nine-month period, unrestricted cash inflows at the Division of Ports and Harbors are projected at \$3.7 million, provided by operating revenues and fees, but also include \$1.6 million in grant funding.

Unrestricted cash outflows of \$4.4 million during this same period include \$2.0 million in both grant and non-grant related capital expenditures, as well as outflows from normal operating expenses. Unrestricted cash is projected to decrease to approximately \$830,000. At this time, certain capital expenditures have been deferred to future fiscal years due to the significant decrease in operating cash. We are actively working towards improving revenue streams and continuing to manage operating expenses at the DPH to strengthen available resources. The chart below outlines cash and debt balances over the next nine-month period.

**PROJECTED CASH BALANCES – DIVISION OF PORTS AND HARBORS**



Please let me know if you have any questions or require any additional information.

PEASE DEVELOPMENT AUTHORITY  
FY2025 FINANCIAL REPORT  
FOR THE TEN MONTH PERIOD  
ENDING APRIL 30, 2025



BOARD OF DIRECTORS MEETING  
JUNE 17, 2025

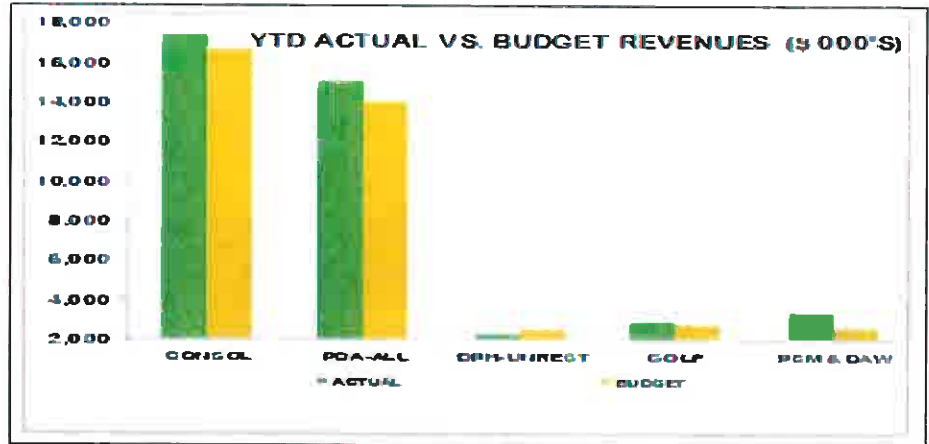
# PEASE DEVELOPMENT AUTHORITY

## Revenues and Expenditures –Ten Months Ended April 30, 2025

### Trends:

YTD revenue is 4.4% favorable

- Fuel flowage fees, parking, golf fees, golf merchandise sales, wharfage and dockage fees and facility rentals trending higher than budget
- Fuel sales, security revenue, concession revenue and pier usage fees trending under budget fees,

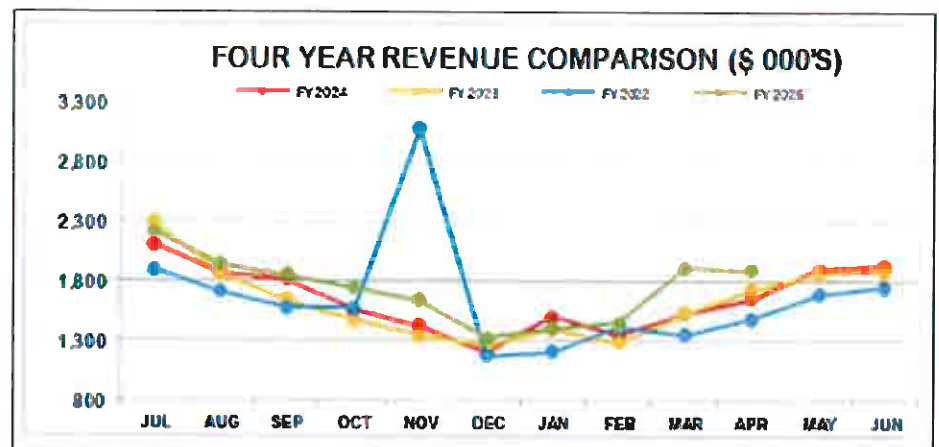


### Trends:

November 2021 includes sale of 30 NH Ave

July revenues include annual rent payment-Great Bay Comm. College

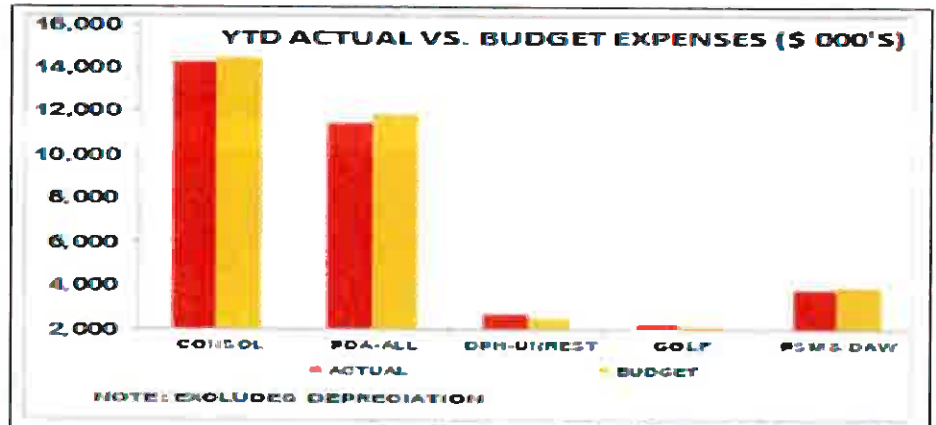
June revenues include increase in Golf fee revenue



### Trends:

YTD Operating Expenses 1.5% favorable

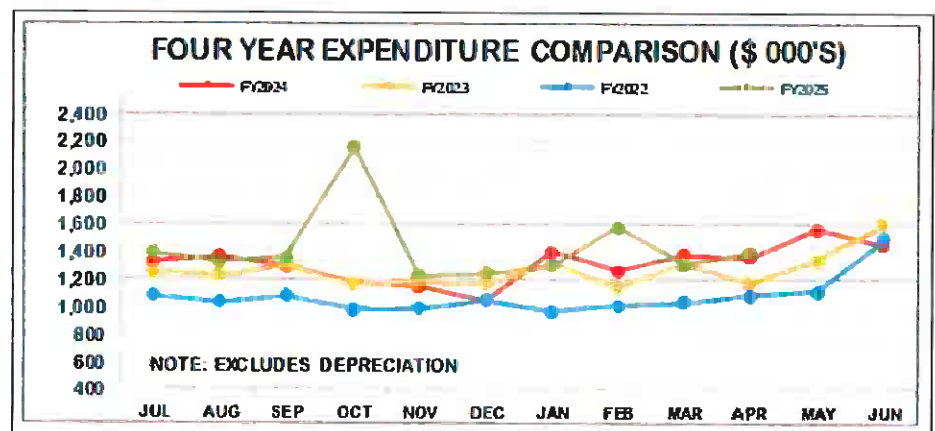
- Professional svcs., fuel purchases, marketing, full-time wages, employee benefits, general & admin expenses and marketing trending lower than budget.
- Offset by cost overruns in engineering services (grant reimbursed), snow removal expenses, overtime wages, turf maintenance, environmental testing, golf merchandise sales and golf cart leasing.



### Trends:

June 2022-June 2024 – Retirement OPEB year end adjustments

Oct 2024 – ARPA funded feasibility study expenses of \$518k and ARPA funded architectural expenses for Rye Harbor retail improvements of \$173k



**PEASE DEVELOPMENT AUTHORITY**  
**Consolidated Statement of Revenues and Expenses**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL								
FACILITIES	\$999,413	\$982,471	\$16,942	1.7%	\$9,961,363	\$9,805,503	\$155,860	1.6%
CARGO AND HANGARS	17,257	15,849	1,408	8.9%	160,891	158,126	2,765	1.7%
	<u>1,016,670</u>	<u>998,320</u>	<u>18,350</u>	<u>1.8%</u>	<u>10,122,254</u>	<u>9,963,629</u>	<u>158,625</u>	<u>1.6%</u>
CONCESSION REVENUE	31,177	46,427	(15,250)	(32.8%)	474,949	518,716	(43,767)	(8.4%)
<b>FEE REVENUE</b>								
AVIATION FEES	0	0	0	-	127,947	122,100	5,847	4.8%
FUEL FLOWAGE	140,938	117,317	23,621	20.1%	1,313,214	831,110	482,104	58.0%
PSMTSALEO REVENUE	-	-	-	-	3,707	-	3,707	-
PSM SECURITY REVENUE	6,687	5,667	1,020	18.0%	35,812	56,667	(20,855)	(36.8%)
GOLF FEES	169,607	238,403	(68,796)	(28.9%)	1,715,562	1,538,803	176,759	11.5%
GOLF SIMULATORS	5,131	5,582	(451)	(8.1%)	106,722	127,498	(20,776)	(16.3%)
GOLF MEMBERSHIPS	57,693	55,000	2,693	4.9%	293,523	330,000	(36,477)	(11.1%)
GOLF LESSONS	5,481	3,598	1,883	52.3%	25,854	28,259	(2,405)	(8.5%)
MOORING FEES	38,636	37,667	970	2.6%	386,366	376,667	9,699	2.6%
PARKING	145,067	90,171	54,896	60.9%	715,977	556,422	159,554	28.7%
PIER USAGE FEES	12,078	9,167	2,911	31.8%	78,229	91,667	(13,438)	(14.7%)
REGISTRATIONS	41,246	31,361	9,885	31.5%	183,090	144,519	38,571	26.7%
TERMINAL FEES	-	-	-	-	-	-	-	-
WHARFAGE AND DOCKAGE	95,928	71,110	24,818	34.9%	665,531	613,536	51,995	8.5%
	<u>718,492</u>	<u>665,043</u>	<u>53,450</u>	<u>8.0%</u>	<u>5,651,534</u>	<u>4,817,248</u>	<u>834,285</u>	<u>17.3%</u>
FUEL SALES	16,706	25,474	(8,768)	(34.4%)	392,135	765,788	(373,654)	(48.8%)
<b>INTEREST INCOME</b>								
LOAN INTEREST	2,055	2,833	(778)	(27.5%)	24,220	28,333	(4,113)	(14.5%)
<b>OTHER REVENUES</b>								
MERCHANDISE	46,182	50,083	(3,900)	(7.8%)	321,216	260,645	60,572	23.2%
ALL OTHER	55,074	22,054	33,020	149.7%	388,232	285,124	103,108	36.2%
	<u>101,256</u>	<u>72,137</u>	<u>(29,119)</u>	<u>(40.4%)</u>	<u>709,448</u>	<u>545,769</u>	<u>(163,680)</u>	<u>(30.0%)</u>
<b>TOTAL OPERATING REVENUE</b>	<b>1,886,356</b>	<b>1,810,234</b>	<b>76,123</b>	<b>4.2%</b>	<b>17,374,540</b>	<b>16,639,483</b>	<b>735,057</b>	<b>4.4%</b>
<b>OPERATING EXPENSES</b>								
<b>WAGES AND FRINGE BENEFITS</b>								
<b>WAGES</b>								
BENEFITED REGULAR	467,393	444,456	(22,938)	(5.2%)	4,387,105	4,579,419	192,314	4.2%
BENEFITED OVERTIME	27,002	16,918	(10,085)	(59.6%)	295,573	261,608	(33,965)	(13.0%)
NON-BENEFITED REGULAR	145,866	92,632	(53,233)	(57.5%)	1,023,873	981,756	(42,115)	(4.3%)
NON-BENEFITED OVERTIME	(523)	1,700	2,223	130.8%	40,862	26,299	(14,563)	(55.4%)
ACCRUED VACATION BENEFITS	11,508	-	(11,508)	-	16,335	-	(16,335)	-
ACCURED SICK TIME BENEFITS	1,021	-	(1,021)	-	9,343	-	(9,343)	-
	<u>652,267</u>	<u>555,706</u>	<u>(96,562)</u>	<u>(17.4%)</u>	<u>5,773,091</u>	<u>5,849,084</u>	<u>75,993</u>	<u>1.3%</u>
WAGE TRANSFERS OUT	-	-	-	-	-	-	-	-
	<u>652,267</u>	<u>555,706</u>	<u>(96,562)</u>	<u>(17.4%)</u>	<u>5,773,091</u>	<u>5,849,084</u>	<u>75,993</u>	<u>1.3%</u>
<b>BENEFITS</b>								
DENTAL INSURANCE	5,641	5,971	330	5.5%	57,279	59,708	2,430	4.1%
HEALTH INSURANCE	132,487	126,656	(5,831)	(4.6%)	1,266,054	1,266,560	506	0.0%
LIFE INSURANCE	2,154	2,707	553	20.4%	22,670	27,069	4,399	16.3%
NEW HAMPSHIRE RETIREMENT	84,394	71,115	(13,279)	(18.7%)	639,213	711,421	72,208	10.1%
POST RETIREMENT BENEFITS	9,504	11,725	2,221	18.9%	105,917	117,251	11,334	9.7%
EMPLOYEE DRUG TEST	210	142	(69)	(48.4%)	1,318	1,417	98	7.0%
OPEB EXPENSE	-	-	-	-	-	-	-	-
EMPLOYER FICA	47,774	42,162	(5,613)	(13.3%)	424,207	447,901	23,694	5.3%
UNEMPLOYMENT INS	1,633	-	(1,633)	-	2,700	-	(2,700)	-
	<u>283,797</u>	<u>260,478</u>	<u>(23,321)</u>	<u>(9.0%)</u>	<u>2,519,358</u>	<u>2,631,327</u>	<u>111,970</u>	<u>4.3%</u>
BENEFIT TRANSFERS OUT	-	-	-	-	-	-	-	-
	<u>283,797</u>	<u>260,478</u>	<u>(23,321)</u>	<u>(9.0%)</u>	<u>2,519,358</u>	<u>2,631,327</u>	<u>111,970</u>	<u>4.3%</u>
<b>TOTAL WAGES &amp; BENEFITS</b>	<b>936,064</b>	<b>816,184</b>	<b>(119,883)</b>	<b>(14.7%)</b>	<b>8,292,449</b>	<b>8,480,411</b>	<b>187,963</b>	<b>2.2%</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Consolidated Statement of Revenues and Expenses**  
**For the Ten Months Ending April 30, 2026**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>BUILDING AND FACILITIES</b>								
AIRFIELD MAINTENANCE	1,836	6,333	4,497	71.0%	26,960	63,333	36,373	57.4%
COVID-19	-	-	-	-	-	-	-	-
SOIL & VEGETATION CONTROL	5,162	36,459	31,297	85.8%	134,465	109,930	(24,534)	(22.3%)
ENVIRONMENTAL TESTING	15,213	18,602	1,389	8.4%	225,345	166,057	(59,288)	(35.7%)
EQUIPMENT MAINTENANCE	20,462	22,569	2,107	9.3%	386,534	380,831	(5,703)	(1.5%)
FACILITIES MAINTENANCE	80,621	99,564	18,943	19.0%	1,463,329	900,412	(562,918)	(62.5%)
LANDSCAPING	4,635	5,903	1,268	21.5%	17,501	30,933	13,431	43.4%
NAVIGATION MAINTENANCE	2,294	333	(1,960)	(588.0%)	7,202	5,333	(1,868)	(35.0%)
OTHER EXPENSES	0	-	0	-	233	-	(233)	-
SECURITY	19,480	14,842	(4,638)	(31.3%)	134,917	148,621	13,704	9.2%
SNOW REMOVAL	4,479	13,583	9,104	67.0%	316,939	208,685	(108,254)	(51.9%)
EXPENSE TRANSFERS	-	-	-	-	-	-	-	-
	154,182	216,188	62,007	28.7%	2,713,425	2,014,135	(699,289)	(34.7%)
WAGE & BENEFIT TRANSFER IN	-	-	-	-	-	-	-	-
	154,182	216,188	62,007	28.7%	2,713,425	2,014,135	(699,289)	(34.7%)
<b>GENERAL AND ADMINISTRATIVE</b>								
BAD DEBT EXPENSE	-	-	-	-	-	-	-	-
BANK FEES	11,348	12,347	999	8.1%	89,197	109,047	19,850	18.2%
COMPUTER EXPENSES	3,887	8,652	4,765	55.1%	116,641	87,200	(29,441)	(33.8%)
DISCOUNTS AND LATE FEES	(592)	(248)	344	(138.9%)	(2,797)	(1,934)	863	(44.6%)
EQUIPMENT UNDER \$5,000	8,685	8,728	43	0.5%	55,915	105,693	49,777	47.1%
FEES AND LICENSES	3,523	6,327	2,804	44.3%	58,376	65,537	7,161	10.9%
INSURANCE	40,958	38,376	(2,581)	(6.7%)	388,303	384,010	(4,292)	(1.1%)
OFFICE EQUIPMENT	2,073	2,188	115	5.3%	23,128	21,884	(1,244)	(5.7%)
PROFESSIONAL DEVELOPMENT	2,358	4,879	2,521	51.7%	15,396	50,347	34,951	69.4%
SUPPLIES	10,355	6,088	(4,267)	(70.1%)	81,301	70,115	(11,186)	(16.0%)
TELEPHONES AND COMMUNICATIONS	11,575	18,013	6,438	35.7%	169,664	178,511	8,847	5.0%
TRAVEL AND MILEAGE	1,440	3,300	1,860	56.4%	19,327	34,000	14,673	43.2%
OTHER EXPENSES	10,181	6,845	(3,335)	(48.7%)	53,215	69,200	15,985	23.1%
	105,791	115,495	9,707	8.4%	1,067,666	1,173,610	105,943	9.0%
<b>UTILITIES</b>								
ELECTRICITY	48,434	62,552	14,118	22.6%	518,775	538,498	19,723	3.7%
ELECTRICITY TRANSFERS	-	-	-	-	-	-	-	-
HEATING OIL	1,128	350	(778)	(222.4%)	2,124	3,500	1,376	39.3%
NATURAL GAS	5,836	7,219	1,383	19.2%	61,488	58,791	(2,697)	(4.6%)
NATURAL GAS TRANSFERS	-	-	-	-	-	-	-	-
PROPANE	8,859	3,250	(5,609)	(172.6%)	41,920	43,433	1,513	3.6%
WASTE REMOVAL	4,480	3,945	(535)	(13.6%)	50,953	45,274	(5,679)	(12.5%)
WASTE REMOVAL TRANSFERS	-	-	-	-	-	-	-	-
WATER	1,988	438	(1,549)	(353.7%)	57,823	71,374	13,551	19.0%
WATER TRANSFERS	-	-	-	-	-	-	-	-
	70,725	77,754	7,030	9.0%	733,083	760,870	27,786	3.7%
<b>PROFESSIONAL SERVICES</b>								
AUDIT	6,571	8,836	2,265	25.6%	76,620	68,367	(8,253)	(12.1%)
INFORMATION TECHNOLOGY	13,933	21,575	7,643	35.4%	121,931	215,754	93,824	43.5%
LEGAL	7,200	20,833	13,633	65.4%	131,196	208,333	77,138	37.0%
LEGAL PERMIT IMPLEMENT	1,088	12,500	11,413	91.3%	4,313	125,000	120,688	96.6%
ADMINISTRATIVE SERVICES	10,132	18,023	7,891	43.8%	115,595	180,230	64,635	35.9%
	38,924	81,767	42,845	52.4%	449,655	797,684	348,031	43.6%
<b>MARKETING AND PROMOTION</b>								
ADVERTISING	2,657	4,217	1,560	37.0%	49,959	42,517	(7,442)	(17.5%)
OTHER MARKETING	10,167	22,891	12,704	55.5%	174,000	246,738	72,738	29.5%
FLIGHT INCENTIVES	-	-	-	-	-	-	-	-
	12,844	27,108	14,263	52.6%	223,959	289,255	65,296	22.6%
<b>OTHER OPERATING EXPENSES</b>								
COAST TROLLEY	12,490	10,000	(2,490)	(24.9%)	117,430	100,000	(17,430)	(17.4%)
FUEL	12,706	19,463	6,756	34.7%	281,590	580,046	298,456	51.5%
GOLF CART LEASE	35,289	-	(35,289)	-	120,281	89,628	(30,654)	(34.2%)
MERCHANDISE	12,097	26,625	14,527	54.6%	242,685	177,033	(65,653)	(37.1%)
	72,582	56,088	(16,495)	(29.4%)	761,986	946,707	184,719	19.5%
<b>TOTAL OPERATING EXPENSES</b>	<b>1,391,112</b>	<b>1,390,584</b>	<b>(526)</b>	<b>(0.0%)</b>	<b>14,242,223</b>	<b>14,462,672</b>	<b>220,449</b>	<b>1.5%</b>
<b>OPERATING INCOME/(LOSS)</b>	<b>495,244</b>	<b>419,650</b>	<b>75,597</b>	<b>18.0%</b>	<b>3,132,317</b>	<b>2,176,811</b>	<b>955,506</b>	<b>43.9%</b>
DEPRECIATION	639,104	626,701	(12,403)	(2.0%)	6,465,067	6,266,408	(198,659)	(3.2%)
AMORTIZATION	-	-	-	-	-	-	-	-
<b>NON-OPERATING (INCOME)/EXPENSES</b>								
INTEREST EXPENSE	0	833	833	100.0%	845	8,333	7,488	89.9%
INTEREST INCOME	(43,679)	(16,313)	27,366	(167.8%)	(436,533)	(163,131)	273,402	(167.6%)
NON-OPERATING GRANT FUNDING	0	0	0	-	(800,594)	-	800,594	-
GAIN/LOSS ON ASSETS	-	-	-	-	-	-	-	-
OTHER NON-OPERATING	-	-	-	-	-	-	-	-
	(43,679)	(15,480)	28,199	(182.2%)	(1,236,282)	(154,798)	1,081,484	(698.6%)
<b>NET OPERATING INCOME/(LOSS)</b>	<b>(100,181)</b>	<b>(191,571)</b>	<b>91,394</b>	<b>(47.7%)</b>	<b>(2,096,468)</b>	<b>(3,934,799)</b>	<b>1,838,331</b>	<b>(48.7%)</b>

## 5/30/25



	Salary/ Benefitted	Hourly/ Benefitted	Hourly/ Non- Benefitted	Seasonal	TOTAL
MAINTENANCE	-	19	0	5	24
PSM AIRPORT	2	8	8	-	19
SECURITY	1	1	7	-	9
PORT AUTHORITY	2	9	12	11	34
GOLF COURSE	3	4	4	44	55
FINANCE	3	2	0	-	5
ENGINEERING	3	1	1	-	5
LEGAL	2	1	-	-	3
DAW AIRPORT	-	-	4	-	4
TECHNOLOGY	1	1	-	-	2
HUMAN RESOURCES	1	-	-	-	1
MARKETING	0	1	-	-	1
EXECUTIVE	1	1	1	-	3
	<b>19</b>	<b>49</b>	<b>37</b>	<b>60</b>	<b>165</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Consolidated Statement of Net Position**  
**For the Ten Months Ending April 30, 2025**

	2025	2024
	Ending	Ending
<b>ASSETS</b>		
Cash and Investments	\$16,356,638	\$14,601,366
Accounts Receivable - Net	6,115,895	7,268,860
Inventories	376,290	465,205
Prepays	512,737	381,777
	<u>23,361,560</u>	<u>22,717,209</u>
<b>RESTRICTED ASSETS</b>		
Cash and Investments	808,935	486,210
Current Receivables	0	60,638
Loans Receivable - NHFL		
Due within 1 Year	126,250	128,744
Due in more than 1 Year	824,191	952,070
<b>TOTAL RESTRICTED ASSETS</b>	<u>1,759,376</u>	<u>1,627,663</u>
<b>NON-CURRENT ASSETS</b>		
Leases Receivable-Net of Current Portion	221,147,554	213,131,431
Land & land Improvements	7,837,636	7,520,786
Construction-in-Process	14,777,650	15,070,468
Other Capital Assets - Net	85,253,229	82,074,297
<b>TOTAL NON-CURRENT ASSETS</b>	<u>329,016,069</u>	<u>317,796,982</u>
<b>TOTAL ASSETS</b>	<u>354,137,005</u>	<u>342,141,853</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>		
Pension	1,576,375	1,426,696
OPEB	<u>1,367,728</u>	<u>1,621,805</u>
<b>LIABILITIES</b>		
<b>ACCOUNTS PAYABLE AND ACCRUED EXPENSES</b>		
Retainage	2,804,104	3,963,607
Unearned Revenues	275,099	505,052
Long-Term Liabilities	884,953	743,410
Net Pension Liability	5,711,070	5,286,773
Net OPEB Liability	4,094,308	5,835,603
Due in more than 1 Year	366,698	355,721
	<u>14,136,232</u>	<u>16,690,166</u>
<b>RESTRICTED LIABILITIES</b>		
Current Liabilities	69,709	610
Long-Term Liabilities	0	0
Due within 1 Year	0	0
Due in more than 1 Year	0	0
	<u>69,709</u>	<u>610</u>
<b>TOTAL LIABILITIES</b>	<u>14,205,941</u>	<u>16,690,776</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>		
Pension	134,849	228,607
OPEB	3,168,772	2,087,794
Lease Revenue	<u>216,666,835</u>	<u>210,941,329</u>
<b>NET POSITION</b>		
Net Investment in Capital Assets	107,868,515	104,665,551
Restricted For:		
Revolving Loan Fishery Fund	1,363,896	1,282,772
Harbor Dredging and Pier Maintenance	51,815	73,495
Foreign Trade Zone	21,705	18,535
Unrestricted	13,598,779	9,201,494
<b>TOTAL NET POSITION</b>	<u>122,904,711</u>	<u>115,241,848</u>

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - PORTSMOUTH AIRPORT incl Security**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	\$65,471	\$58,914	\$6,557	11.1%	\$771,997	\$703,625	\$68,372	9.7%
CARGO AND HANGARS	2,852	2,832	20	0.7%	28,338	27,959	379	1.4%
CONCESSION REVENUE	11,000	5,521	5,479	99.2%	108,887	71,635	37,252	52.0%
FEE REVENUE	282,915	201,237	81,678	40.6%	2,055,901	1,404,300	651,601	46.4%
FUEL SALES								
INTEREST								
MERCHANDISE								
OTHER REVENUE	32,735	16,917	15,818	93.5%	162,670	169,167	(6,497)	(3.8%)
<b>TOTAL OPERATING REVENUES</b>	<b>394,973</b>	<b>285,421</b>	<b>109,552</b>	<b>38.4%</b>	<b>3,127,793</b>	<b>2,376,686</b>	<b>751,107</b>	<b>31.6%</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS	162,162	131,048	(31,114)	(23.7%)	1,407,845	1,413,874	6,029	0.4%
BUILDING AND FACILITIES	58,665	88,204	29,539	33.5%	1,036,849	1,053,225	16,376	1.6%
GENERAL AND ADMINISTRATIVE	40,992	51,851	10,859	20.9%	523,293	521,410	(1,883)	(0.4%)
UTILITIES	37,090	54,010	16,920	31.3%	372,406	397,899	25,493	6.4%
PROFESSIONAL SERVICES	8,964	11,046	4,082	37.0%	93,489	110,464	16,965	15.4%
MARKETING AND PROMOTION	5,680	17,092	11,412	66.8%	150,773	170,917	20,144	11.8%
OTHER OPERATING EXPENSES								
<b>TOTAL OPERATING EXPENSES</b>	<b>311,553</b>	<b>353,251</b>	<b>41,698</b>	<b>11.8%</b>	<b>3,584,665</b>	<b>3,667,789</b>	<b>83,124</b>	<b>2.3%</b>
<b>OPERATING INCOME</b>	<b>83,420</b>	<b>(67,830)</b>	<b>151,250</b>	<b>223.0%</b>	<b>(456,872)</b>	<b>(1,291,103)</b>	<b>834,231</b>	<b>64.6%</b>
NON-OPERATING (INCOME) EXPENSE	(2)	0	2	-	(10)	0	10	-
DEPRECIATION	360,872	353,083	(7,789)	(2.2%)	3,644,794	3,530,833	(113,961)	(3.2%)
<b>NET OPERATING INCOME</b>	<b>(277,450)</b>	<b>(420,913)</b>	<b>143,463</b>	<b>(34.1%)</b>	<b>(4,101,656)</b>	<b>(4,821,936)</b>	<b>720,280</b>	<b>(14.9%)</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - SKYHAVEN AIRPORT**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	-	-	-	-	-	-	-	-
CARGO AND HANGARS	14,405	13,017	1,388	10.7%	132,553	130,167	2,386	1.8%
CONCESSION REVENUE	0	267	(267)	(100.0%)	3,968	2,667	1,299	48.7%
FEE REVENUE	0	0	0	-	4,717	5,100	(383)	(7.5%)
FUEL SALES	6,707	6,093	614	10.1%	62,391	72,487	(10,096)	(13.9%)
INTEREST	-	-	-	-	-	-	-	-
MERCHANDISE	-	-	-	-	-	-	-	-
OTHER REVENUE	166	92	74	81.0%	1,315	917	398	43.4%
<b>TOTAL OPERATING REVENUES</b>	<b>21,278</b>	<b>19,469</b>	<b>1,810</b>	<b>9.3%</b>	<b>204,942</b>	<b>211,338</b>	<b>(6,396)</b>	<b>(3.0%)</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS	11,007	11,225	218	1.9%	106,818	112,252	5,434	4.8%
BUILDING AND FACILITIES	2,987	3,042	55	1.8%	38,631	33,964	(2,667)	(7.9%)
GENERAL AND ADMINISTRATIVE	2,292	2,478	186	7.5%	23,452	26,026	2,574	9.9%
UTILITIES	6,209	2,750	(3,459)	(125.8%)	27,161	28,206	1,045	3.7%
PROFESSIONAL SERVICES	652	672	19	2.9%	6,898	6,717	(181)	(2.7%)
MARKETING AND PROMOTION	0	88	88	100.0%	1,338	875	(463)	(53.0%)
OTHER OPERATING EXPENSES	6,004	4,874	(1,130)	(23.2%)	51,225	57,990	6,765	11.7%
<b>TOTAL OPERATING EXPENSES</b>	<b>29,151</b>	<b>25,129</b>	<b>(4,023)</b>	<b>(16.0%)</b>	<b>253,523</b>	<b>266,030</b>	<b>12,507</b>	<b>4.7%</b>
<b>OPERATING INCOME</b>	<b>(7,873)</b>	<b>(5,660)</b>	<b>(2,213)</b>	<b>39.1%</b>	<b>(48,581)</b>	<b>(54,692)</b>	<b>6,111</b>	<b>(11.2%)</b>
NON-OPERATING (INCOME) EXPENSE	-	-	-	-	0	-	0	-
DEPRECIATION	34,105	35,583	1,478	4.2%	348,007	355,833	7,826	2.2%
<b>NET OPERATING INCOME</b>	<b>(41,978)</b>	<b>(41,243)</b>	<b>(735)</b>	<b>1.8%</b>	<b>(396,588)</b>	<b>(410,525)</b>	<b>13,937</b>	<b>(3.4%)</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - TRADEPORT OPERATIONS**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance		Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>									
FACILITY RENTAL	\$873,129	\$873,455	(\$326)	(0.0%)		\$8,797,596	\$8,676,857	\$120,739	1.4%
CARGO AND HANGARS	-	-	-	-		-	-	-	-
CONCESSION REVENUE	-	-	-	-		-	-	-	-
FEE REVENUE	-	-	-	-		-	-	-	-
FUEL SALES	-	-	-	-		-	-	-	-
INTEREST	-	-	-	-		-	-	-	-
MERCHANDISE	-	-	-	-		-	-	-	-
OTHER REVENUE	1,945	4,333	(2,389)	(55.1%)		62,666	43,333	19,333	44.6%
<b>TOTAL OPERATING REVENUES</b>	<b>875,074</b>	<b>877,788</b>	<b>(2,714)</b>	<b>(0.3%)</b>		<b>8,860,262</b>	<b>8,720,190</b>	<b>140,072</b>	<b>1.6%</b>
<b>EXPENSES</b>									
WAGES AND FRINGE BENEFITS	-	-	-	-		-	-	-	-
BUILDING AND FACILITIES	32,631	25,942	(6,689)	(25.8%)		330,746	264,418	(66,328)	(25.1%)
GENERAL AND ADMINISTRATIVE	2,161	1,479	(682)	(46.1%)		30,956	23,049	(7,907)	(34.3%)
UTILITIES	6,831	6,975	144	2.1%		82,388	69,750	(12,638)	(18.1%)
PROFESSIONAL SERVICES	94	93	(1)	(1.2%)		936	932	(4)	(0.5%)
MARKETING AND PROMOTION	(351)	167	518	310.7%		(777)	1,667	2,443	146.6%
OTHER OPERATING EXPENSES	12,490	10,000	(2,490)	(24.9%)		117,430	100,000	(17,430)	(17.4%)
<b>TOTAL OPERATING EXPENSES</b>	<b>53,856</b>	<b>44,655</b>	<b>(9,201)</b>	<b>(20.6%)</b>		<b>561,680</b>	<b>459,816</b>	<b>(101,865)</b>	<b>(22.2%)</b>
<b>OPERATING INCOME</b>	<b>821,218</b>	<b>833,133</b>	<b>(11,915)</b>	<b>(1.4%)</b>		<b>8,298,581</b>	<b>8,260,375</b>	<b>38,207</b>	<b>0.5%</b>
NON-OPERATING (INCOME) EXPENSE	(38,503)	(10,736)	27,767	(258.6%)		(393,126)	(107,358)	285,768	(266.2%)
DEPRECIATION	61,034	62,750	1,716	2.7%		617,066	627,500	10,434	1.7%
<b>NET OPERATING INCOME</b>	<b>798,687</b>	<b>781,118</b>	<b>17,569</b>	<b>2.2%</b>		<b>8,074,641</b>	<b>7,740,233</b>	<b>334,409</b>	<b>4.3%</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - GOLF COURSE**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	-	-	-	-	-	-	-	-
CARGO AND HANGARS	-	-	-	-	-	-	-	-
CONCESSION REVENUE	20,176	40,639	(20,463)	(50.4%)	296,006	385,414	(89,408)	(23.2%)
FEE REVENUE	237,912	302,583	(64,671)	(21.4%)	2,141,661	2,024,559	117,101	5.8%
FUEL SALES	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-
MERCHANDISE	46,182	50,083	(3,900)	(7.8%)	321,216	260,645	60,572	23.2%
OTHER REVENUE	16,155	198	15,958	8077.0%	83,306	18,626	64,680	347.3%
<b>TOTAL OPERATING REVENUES</b>	<b>320,426</b>	<b>393,601</b>	<b>(73,076)</b>	<b>(18.6%)</b>	<b>2,842,189</b>	<b>2,689,244</b>	<b>152,945</b>	<b>5.7%</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS	138,260	115,638	(22,622)	(19.6%)	1,137,583	1,131,584	(5,999)	(0.5%)
BUILDING AND FACILITIES	31,108	66,807	35,699	53.4%	337,830	321,385	(16,445)	(5.1%)
GENERAL AND ADMINISTRATIVE	23,422	22,589	(832)	(3.7%)	204,763	226,102	21,339	9.4%
UTILITIES	10,245	9,219	(1,026)	(11.1%)	154,959	158,912	3,953	2.5%
PROFESSIONAL SERVICES	2,481	2,941	459	15.6%	35,470	29,406	(6,064)	(20.6%)
MARKETING AND PROMOTION	1,943	1,841	(103)	(5.6%)	25,753	36,238	10,486	28.9%
OTHER OPERATING EXPENSES	47,386	26,625	(20,761)	(78.0%)	362,967	266,660	(96,307)	(36.1%)
<b>TOTAL OPERATING EXPENSES</b>	<b>254,846</b>	<b>246,659</b>	<b>(9,187)</b>	<b>(3.7%)</b>	<b>2,259,324</b>	<b>2,170,288</b>	<b>(89,036)</b>	<b>(4.1%)</b>
<b>OPERATING INCOME</b>	<b>65,580</b>	<b>147,842</b>	<b>(82,263)</b>	<b>(55.6%)</b>	<b>582,865</b>	<b>518,956</b>	<b>63,908</b>	<b>12.3%</b>
NON-OPERATING (INCOME) EXPENSE	-	(17)	(17)	100.0%	0	(167)	(167)	100.0%
DEPRECIATION	31,392	31,193	(199)	(0.6%)	315,631	310,504	(5,127)	(1.7%)
<b>NET OPERATING INCOME</b>	<b>34,188</b>	<b>116,666</b>	<b>(82,479)</b>	<b>(70.7%)</b>	<b>267,234</b>	<b>208,619</b>	<b>58,615</b>	<b>28.1%</b>

<b>BUSINESS UNIT ANALYSIS</b>	PRO SHOP	COURSE OPERATIONS	FOOD/BEV	SIMULATOR	TOTAL
OPERATING REVENUES	353,403	2,085,618	296,446	106,722	2,842,189
OPERATING EXPENSES* *Excluding Depreciation	304,120	1,745,013	162,163	48,028	2,259,324
OPERATING INCOME	49,283	340,605	134,283	58,694	582,865

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - DIVISION OF PORTS AND HARBORS-UNRESTRICTED**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	\$60,813	\$50,103	\$10,711	21.4%	\$377,770	\$406,021	(\$28,251)	(7.0%)
CARGO AND HANGARS	-	-	-	-	-	-	-	-
CONCESSION REVENUE	-	0	0	-	66,090	59,000	7,090	12.0%
FEE REVENUE	176,965	145,556	31,409	21.6%	1,323,083	1,226,621	96,462	7.9%
FUEL SALES	10,000	19,381	(9,381)	(48.4%)	329,744	693,301	(363,557)	(52.4%)
INTEREST	-	-	-	-	-	-	-	-
MERCHANDISE	-	-	-	-	-	-	-	-
OTHER REVENUE	9,560	5,557	4,003	72.0%	111,104	103,498	7,606	7.3%
<b>TOTAL OPERATING REVENUES</b>	<b>257,337</b>	<b>220,596</b>	<b>36,741</b>	<b>16.7%</b>	<b>2,207,791</b>	<b>2,488,442</b>	<b>(280,651)</b>	<b>(11.3%)</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS	148,452	144,291	(4,161)	(2.9%)	1,424,352	1,440,609	16,258	1.1%
BUILDING AND FACILITIES	22,154	21,837	(317)	(1.5%)	831,276	233,572	(597,704)	(255.9%)
GENERAL AND ADMINISTRATIVE	12,743	14,117	1,374	9.7%	98,128	137,934	39,806	28.9%
UTILITIES	9,930	4,020	(5,910)	(147.0%)	86,806	98,298	11,492	11.7%
PROFESSIONAL SERVICES	1,856	10,771	8,915	82.8%	56,851	107,711	50,860	47.2%
MARKETING AND PROMOTION	0	188	188	100.0%	1,262	2,225	963	43.3%
OTHER OPERATING EXPENSES	6,702	14,588	7,886	54.1%	230,365	522,055	291,690	55.9%
<b>TOTAL OPERATING EXPENSES</b>	<b>201,837</b>	<b>209,811</b>	<b>7,974</b>	<b>3.8%</b>	<b>2,729,040</b>	<b>2,542,405</b>	<b>(186,635)</b>	<b>(7.3%)</b>
<b>OPERATING INCOME</b>	<b>55,500</b>	<b>10,785</b>	<b>44,715</b>	<b>414.6%</b>	<b>(521,249)</b>	<b>(53,964)</b>	<b>(467,285)</b>	<b>865.9%</b>
NON-OPERATING (INCOME) EXPENSE	(4,450)	(4,769)	(319)	6.7%	(770,009)	(47,686)	722,322	(1514.7%)
DEPRECIATION	136,381	126,758	(9,623)	(7.6%)	1,377,847	1,268,404	(109,443)	(8.6%)
<b>NET OPERATING INCOME</b>	<b>(76,431)</b>	<b>(111,205)</b>	<b>34,773</b>	<b>(31.3%)</b>	<b>(1,129,087)</b>	<b>(1,274,681)</b>	<b>145,594</b>	<b>(11.4%)</b>

<b>BUSINESS UNIT ANALYSIS</b>	<b>RYE HARBOR</b>	<b>HAMPTON HARBOR</b>	<b>PORTS. FISH PIER</b>	<b>MARKET ST.</b>	<b>HARBOR MGMT</b>	<b>ADMIN</b>	<b>TOTAL</b>
OPERATING REVENUES	266,577	152,064	178,546	1,033,811	561,032	15,761	2,207,791
OPERATING EXPENSES* *Excluding Depreciation	384,477	800,260	220,444	464,327	444,205	415,327	2,729,040
OPERATING INCOME	(117,900)	(648,196)	(41,898)	569,484	116,827	(399,566)	(521,249)

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - FOREIGN TRADE ZONE**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	\$0	\$0	\$0	-	\$14,000	\$18,999	(\$4,999)	(26.3%)
CARGO AND HANGARS								
CONCESSION REVENUE								
FEE REVENUE								
FUEL SALES								
INTEREST								
MERCHANDISE								
OTHER REVENUE								
<b>TOTAL OPERATING REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>14,000</b>	<b>18,999</b>	<b>(4,999)</b>	<b>(26.3%)</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS								
BUILDING AND FACILITIES								
GENERAL AND ADMINISTRATIVE	\$0	104	104	100.0%	\$1,249	1,042	(207)	(19.9%)
UTILITIES	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-
MARKETING AND PROMOTION	\$124	850	726	85.4%	6,416	8,500	2,084	24.5%
OTHER OPERATING EXPENSES	-	-	-	-	-	-	-	-
<b>TOTAL OPERATING EXPENSES</b>	<b>124</b>	<b>954</b>	<b>830</b>	<b>87.0%</b>	<b>7,665</b>	<b>9,542</b>	<b>1,877</b>	<b>19.7%</b>
<b>OPERATING INCOME</b>	<b>(124)</b>	<b>(954)</b>	<b>830</b>	<b>(87.0%)</b>	<b>6,335</b>	<b>9,457</b>	<b>(3,122)</b>	<b>(33.0%)</b>
NON-OPERATING (INCOME) EXPENSE	(1)	-	100.0%	(172.7%)	(8)	(3)	400.0%	(128.8%)
DEPRECIATION	-	-	-	-	-	-	-	-
<b>NET OPERATING INCOME</b>	<b>(124)</b>	<b>(954)</b>	<b>830</b>	<b>(87.1%)</b>	<b>6,343</b>	<b>9,461</b>	<b>(3,118)</b>	<b>(33.0%)</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - HARBOR DREDGING**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	-	-	-	-	-	-	-	-
CARGO AND HANGARS								
CONCESSION REVENUE								
FEE REVENUE	14,014	10,000	4,014	40.1%	86,653	100,000	(13,348)	(13.3%)
FUEL SALES	-	-	-	-	-	-	-	-
INTEREST								
MERCHANDISE								
OTHER REVENUE	1,200	583	617	105.7%	6,690	5,833	857	14.7%
<b>TOTAL OPERATING REVENUES</b>	<b>15,214</b>	<b>10,583</b>	<b>4,631</b>	<b>43.8%</b>	<b>93,343</b>	<b>105,833</b>	<b>(12,491)</b>	<b>(11.8%)</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS								
BUILDING AND FACILITIES	550	1,750	1,200	68.6%	54,977	17,500	(37,477)	(214.2%)
GENERAL AND ADMINISTRATIVE	68,125	1,023	(67,101)	(6557.1%)	70,999	10,233	(60,765)	(593.8%)
UTILITIES	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-
MARKETING AND PROMOTION	-	-	-	-	-	-	-	-
OTHER OPERATING EXPENSES	-	-	-	-	-	-	-	-
<b>TOTAL OPERATING EXPENSES</b>	<b>68,675</b>	<b>2,773</b>	<b>(65,901)</b>	<b>(2376.2%)</b>	<b>125,975</b>	<b>27,733</b>	<b>(98,242)</b>	<b>(354.2%)</b>
<b>OPERATING INCOME</b>	<b>(53,461)</b>	<b>7,810</b>	<b>(61,271)</b>	<b>(784.5%)</b>	<b>(32,633)</b>	<b>78,100</b>	<b>(110,733)</b>	<b>(141.8%)</b>
NON-OPERATING (INCOME) EXPENSE	(671)	(567)	105	(18.5%)	(7,590)	(5,667)	1,923	(33.9%)
DEPRECIATION	5,931	6,417	486	7.6%	60,098	64,167	4,069	6.3%
<b>NET OPERATING INCOME</b>	<b>(58,200)</b>	<b>1,960</b>	<b>(60,680)</b>	<b>(3095.9%)</b>	<b>(85,141)</b>	<b>19,600</b>	<b>(104,741)</b>	<b>(534.4%)</b>

**PEASE DEVELOPMENT AUTHORITY**  
**Statement of Revenues and Expenses - REVOLVING LOAN FUND**  
**For the Ten Months Ending April 30, 2025**

	Actual Apr FY 2025	Budget Apr FY 2025	Variance From Monthly Budget	% Variance	Actual YTD FY 2025	Budget YTD FY 2025	Variance From YTD Budget	% Variance
<b>OPERATING REVENUES</b>								
FACILITY RENTAL	-	-	-	-	-	-	-	-
CARGO AND HANGARS	-	-	-	-	-	-	-	-
CONCESSION REVENUE	-	-	-	-	-	-	-	-
FEE REVENUE	-	-	-	-	-	-	-	-
FUEL SALES	-	-	-	-	-	-	-	-
INTEREST	2,055	2,833	(778)	(27.5%)	24,220	28,333	(4,113)	(14.5%)
MERCHANDISE	-	-	-	-	-	-	-	-
OTHER REVENUE	-	42	(42)	(100.0%)	0	417	(417)	(100.0%)
	-	-	-	-	0	0	0	0
<b>TOTAL OPERATING REVENUES</b>	<b>2,055</b>	<b>2,875</b>	<b>(820)</b>	<b>(28.5%)</b>	<b>24,220</b>	<b>28,750</b>	<b>(4,530)</b>	<b>(15.8%)</b>
<b>EXPENSES</b>								
WAGES AND FRINGE BENEFITS	-	-	-	-	-	-	-	-
BUILDING AND FACILITIES	-	-	-	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	0	48	48	100.0%	60	475	415	87.4%
UTILITIES	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	1,642	1,250	(392)	(31.3%)	12,794	12,500	(294)	(2.3%)
MARKETING AND PROMOTION	-	-	-	-	-	0	0	-
OTHER OPERATING EXPENSES	-	-	-	-	-	-	-	-
<b>TOTAL OPERATING EXPENSES</b>	<b>1,642</b>	<b>1,298</b>	<b>(344)</b>	<b>(26.5%)</b>	<b>12,854</b>	<b>12,975</b>	<b>121</b>	<b>0.9%</b>
<b>OPERATING INCOME</b>	<b>414</b>	<b>1,578</b>	<b>(1,164)</b>	<b>(73.8%)</b>	<b>11,367</b>	<b>15,775</b>	<b>(4,408)</b>	<b>(27.9%)</b>
NON-OPERATING (INCOME) EXPENSE	-	-	-	-	-	-	-	-
DEPRECIATION	(34)	(17)	17	(104.4%)	(66,204)	(167)	66,037	(39614.5%)
	-	-	-	-	-	-	-	-
<b>NET OPERATING INCOME</b>	<b>448</b>	<b>1,594</b>	<b>(1,146)</b>	<b>(71.9%)</b>	<b>77,671</b>	<b>15,942</b>	<b>61,629</b>	<b>386.6%</b>

<b>REVOLVING LOAN FUND (\$ 000's)</b>	<b>BALANCE AT 4-30-2025</b>	<b>BALANCE AT 06-30-2024</b>
<b>CASH BALANCES</b>		
GENERAL FUNDS	415	227
SEQUESTERED FUNDS	-	-
	<u>415</u>	<u>227</u>
<b>LOANS OUTSTANDING (19)</b>		
CURRENT	126	129
LONG TERM	824	931
	<u>950</u>	<u>1,060</u>
<b>TOTAL CAPITAL BASE</b>	<b><u>1,365</u></b>	<b><u>1,287</u></b>
<b>CAPTIAL UTILIZATION RATE -% *</b>	<b><u>69.6%</u></b>	<b><u>82.4%</u></b>

\*EXCLUDES SEQUESTERED FUNDS

**SUMMARY OF INTERGOVERNMENTAL RECEIVABLES  
AS OF APRIL 30, 2025**

(\$000's)

<u>BUSINESS UNIT</u>	<u>TOTAL PROJECT</u>	<u>GRANT AWARD</u>	<u>EXPENDED TO DATE</u>	<u>PDA /DPH SHARE</u>	<u>RECEIVED TO DATE</u>	<u>BAL. DUE PDA/DPH</u>	<u>AMOUNT SUBMITTED</u>
PORTSMOUTH AIRPORT & TRADEPORT	18,721	18,003	10,404	(1,736)	8,876	671	561
SKYHAVEN AIRPORT	2,079	1,867	189	(10)	140	38	0
DIVISION OF PORTS AND HARBORS	22,215	22,215	19,906	0	19,438	202	202
	<u>43,015</u>	<u>42,085</u>	<u>30,499</u>	<u>(1,746)</u>	<u>28,454</u>	<u>911</u>	<u>763</u>

**SUMMARY OF CONSTRUCTION WORK IN PROCESS  
AS OF APRIL 30, 2025**

(\$000's)

<u>PROJECT NAME</u>	<u>BALANCE AT 06-30-24</u>	<u>CURRENT YEAR EXPENDITURES</u>	<u>TRANSFER TO PLANT IN SERVICE</u>	<u>NET CURRENT YEAR CHANGE</u>	<u>4/30/2025</u>
<b>PORTSMOUTH AIRPORT</b>					
SNOW REMOVAL EQUIPMENT (AIP 74)	-	528	-	528	528
ALPHA NORTH TAXIWAY RECONST-DESIGN (AIP 75)	322	23	-	23	345
ALPHA NORTH TAXIWAY RECONST(AIP 78 & 79)	-	85	-	85	85
ALPHA SOUTH TAXIWAY DESIGN	-	11	-	11	11
NH AVE RIGHT HAND TURN LANE	115	30	-	30	145
TERMINAL/GATE ACCESS CONTROL UPGRADE	41	28	-	28	69
JET BRIDGE REHAB	45	105	(150)	(45)	-
PSM TICKETING HALL IMPROVEMENTS	-	19	-	19	19
LEE STREET SIGNAGE AREA	17	8	-	8	25
AIR TRAFFIC CONTROL TOWER (ATCT) DESIGN	-	340	-	340	340
ARRIVALS HALL (AIP 76)	5,580	1,844	-	1,844	7,424
ARRIVALS HALL (NON-GRANT)	1,899	1,237	-	1,237	3,136
PSM FENCE REPAIR	35	2	(37)	(35)	-
SRE MTE & LIQUID DE-ICE TRUCK (AIP 77)	15	4	-	4	19
2024 CHEVY SILVERADO VIN#7460	-	55	(55)	-	-
2024 CHEVY SILVERADO VIN#7383	-	55	(55)	-	-
2024 CHEVY SILVERADO VIN#7614	-	55	(55)	-	-
2024 TOYOTA HIGHLANDER VIN#9902	-	49	(49)	-	-
BADGING PRINTER	-	13	(13)	-	-
JOHN DEERE HVAC GATOR	-	27	(27)	-	-
WINDOW SHADE FOR ATCT	-	10	(10)	-	-
PSM PAY FOR PARKING TECH UPGRADE	-	42	-	42	42
AIRLINE AVE PARKING EXPANSION	-	65	-	65	65
EMERGENCY OPS CENTER EQUIPMENT	-	1	-	1	1
HAUL TRUCKS CONVERSION	11	5	-	5	16
	<u>8,080</u>	<u>4,641</u>	<u>(451)</u>	<u>4,190</u>	<u>12,270</u>
<b>SKYHAVEN AIRPORT</b>					
TERMINAL APRON RECONSTRUCT	15	5	-	5	20
WILDLIFE PERIMETER FENCE	25	56	-	56	81
TERMINAL PARKING LOT RECONSTRUCT	13	61	-	61	74
SRE CARRIER VEHICLE WITH PLOW	9	5	-	5	14
	<u>62</u>	<u>127</u>	<u>0</u>	<u>127</u>	<u>189</u>
<b>GOLF COURSE</b>					
TORO GREENSMASER MOWER	-	17	(17)	-	-
BUFFALO BLOWER	-	11	(11)	-	-
PUMP FOR 300 GALLON SPRAYER	-	6	(6)	-	-
HARVESTER BALL PICKER	-	8	(8)	-	-
GRILL 28 EXPANSION	29	84	-	84	113
	<u>29</u>	<u>126</u>	<u>(42)</u>	<u>84</u>	<u>113</u>
<b>IT/ADMIN/TRADEPORT</b>					
JOHN DEERE Z997R TRACOR	-	21	(21)	-	-
30 RYE ST ROOF REPLACEMENT	-	12	-	12	12
	<u>0</u>	<u>33</u>	<u>(21)</u>	<u>12</u>	<u>12</u>
<b>DIVISION OF PORTS AND HARBORS (DPH)</b>					
FUNCTIONAL REPLACEMENT - BARGE DOCK	75	86	-	86	161
PFP BRACING & DECKING (ARPA)	615	810	-	810	1,425
RYE GANGWAY REPLACEMENT	8	46	(54)	(8)	-
RYE HARBOR DEVELOPMENT (ARPA)	16	(16)	-	(16)	-
PAVING MARKET STREET	-	13	(13)	-	-
FORD TRUCK BODY	-	10	(10)	-	-
PFP BUILDING REPLACE ( ARPA)	14	592	-	592	606
	<u>728</u>	<u>1,541</u>	<u>(77)</u>	<u>1,464</u>	<u>2,192</u>
<b>TOTAL</b>	<u>8,899</u>	<u>6,468</u>	<u>(591)</u>	<u>5,877</u>	<u>14,776</u>

# PEASE DEVELOPMENT AUTHORITY CASH FLOW PROJECTIONS FOR THE NINE MONTH PERIOD ENDING FEBRUARY 28, 2026



# PEASE DEVELOPMENT AUTHORITY CASH FLOW SUMMARY OVERVIEW JUNE 1, 2025 TO FEBRUARY 28, 2026

(EXCLUDING DIVISION OF PORTS AND HARBORS)

(\$ 000's)

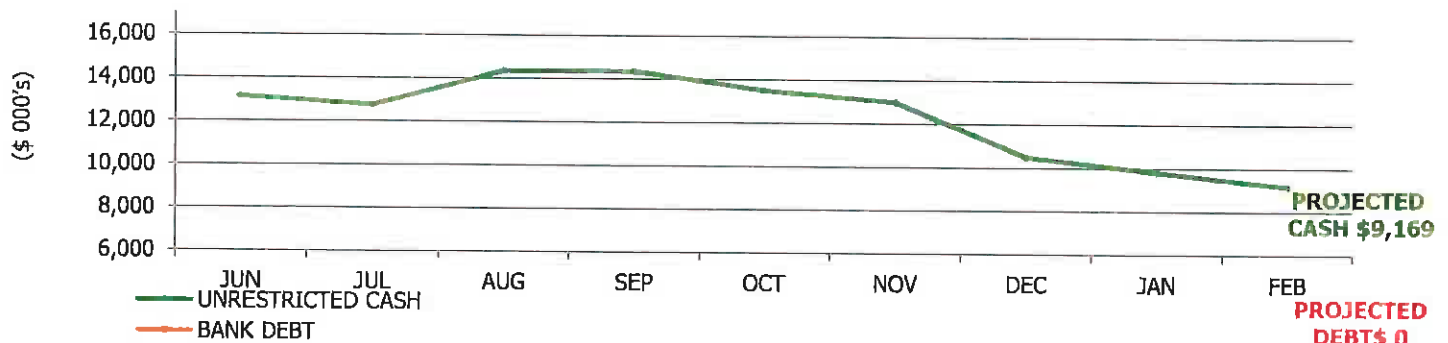
(\$000's)	AMOUNT
OPENING FUND BALANCE	14,657
<b>SOURCES OF FUNDS</b>	
GRANT AWARDS (SEE PAGE 4)	7,250
TRADEPORT TENANTS	8,700
MUNICIPAL SERVICE FEE (COP)	2,241
GOLF COURSE FEE AND CONCESSION REVENUES	2,709
REVOLVING LINE OF CREDIT (PROVIDENT BANK)	0
PSM AIRPORT- LEASES, FUEL FLOWAGE FEES AND PARKING	1,157
SKY HAVEN AIRPORT HANGAR AND FUEL REVENUES	213
	22,270
<b>USES OF FUNDS</b>	
OPERATING EXPENSES	11,157
CAPITAL EXPENDITURES- NON-GRANT (SEE PAGE 5)	8,476
CAPITAL EXPENDITURES- GRANT (SEE PAGE 4)	6,725
MUNICIPAL SERVICE FEE (COP)	1,400
	27,758
<b>NET CASH FLOW</b>	(5,488)
<b>CLOSING FUND BALANCE</b>	<b>9,169</b>

TOTAL FUND BALANCES	BALANCE AT 5-31-25	BALANCE AT 6-30-2024
UNRESTRICTED	14,657	12,082
DESIGNATED	14	14
<b>TOTAL</b>	<b>14,671</b>	<b>12,096</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.

## PROJECTED CASH AND DEBT BALANCES



THE PDA RENEWED ITS REVOLVING LINE OF CREDIT (RLOC) WITH PROVIDENT BANK. THE PRINCIPAL LOAN AMOUNT IS \$7 MILLION WITH A TERMINATION DATE OF DECEMBER 31, 2025. THE TERMS ARE 1 MONTH FHLB (CLASSIC) PLUS 250 BASIS POINTS.

REVOLVING LINE OF CREDIT	May-25	May-24
CURRENT INTEREST RATE	7.01%	8.05%

**PEASE DEVELOPMENT AUTHORITY**  
**STATEMENT OF CASH FLOW ( EXCLUDING DIVISION OF PORTS AND HARBORS)**

(\$000's)

<b>CASH FLOW - PDA</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>TOTAL</b>
OPENING FUND BALANCE	14,657	13,150	12,755	14,360	14,361	13,518	12,992	10,493	9,814	14,657
<b>SOURCES OF FUNDS</b>										
GRANT AWARDS (SEE PAGE # 4)	1,008	1,809	2,168	949	563	473	132	94	54	7,250
TRADEPORT TENANTS	989	960	1,113	941	902	910	946	961	978	8,700
MUNICIPAL SERVICE FEE	147	147	453	147	147	453	147	147	453	2,241
GOLF COURSE	532	500	546	445	328	171	61	62	64	2,709
PORTSMOUTH AIRPORT- (PSM)	6	6	6	6	6	6	6	6	6	54
PSM PAY FOR PARKING	19	41	38	21	25	36	38	49	60	327
PSM FLOWAGE FEES	158	73	93	91	94	51	68	100	48	776
SKYHAVEN AIRPORT	21	40	25	23	23	22	21	19	19	213
EXTERNAL FINANCING- NET	-	-	-	-	-	-	-	-	-	-
	2,880	3,576	4,442	2,623	2,088	2,122	1,419	1,438	1,682	22,270
<b>USE OF FUNDS</b>										
CAPITAL- GRANT RELATED (SEE PAGE # 4)	2,040	2,080	1,120	555	545	155	110	60	60	6,725
CAPITAL- NONGRANT (SEE PAGE 5)	670	733	517	873	1,265	1,318	1,200	825	1,075	8,476
OPERATING EXPENSES	1,677	1,158	1,200	1,194	1,121	1,175	1,208	1,232	1,192	11,157
MUNICIPAL SERVICE FEE	-	-	-	-	-	-	1,400	-	-	1,400
	4,387	3,971	2,837	2,622	2,931	2,648	3,918	2,117	2,327	27,758
NET CASH FLOW	(1,507)	(395)	1,605	1	(843)	(526)	(2,499)	(679)	(645)	(5,488)
CLOSING FUND BALANCE	13,150	12,755	14,360	14,361	13,518	12,992	10,493	9,814	9,169	9,169

# PEASE DEVELOPMENT AUTHORITY

## GRANT REIMBURSEMENT CAPITAL EXPENDITURES (EXCLUDING THE DIVISION OF PORTS AND HARBORS) (\$ 000's)

GRANT FUNDED PROJECTS	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	TOTAL
<b>PORTSMOUTH AIRPORT</b>										
NH HAVE RIGHT TURN LANE	-	-	50	175	175	75	50	-	-	525
ALPHA NORTH TAXIWAY CONSTRUCTION (AIP78&79)	2,000	2,000	1,000	300	300	-	-	-	-	5,600
TAXIWAY A SOUTH & HOLD BAY DESIGN	30	60	60	60	60	60	60	60	60	510
SRE- LIQUID DEICING & MTE (AIP 77)	-	-	-	-	-	-	-	-	-	-
	<u>2,030</u>	<u>2,060</u>	<u>1,110</u>	<u>535</u>	<u>535</u>	<u>135</u>	<u>110</u>	<u>60</u>	<u>60</u>	<u>6,635</u>
<b>SKYHAVEN AIRPORT</b>										
WILDLIFE FENCE DESIGN	-	20	-	20	-	20	-	-	-	60
TERMINAL PARKING LOT DESIGN	10	-	10	-	10	-	-	-	-	30
TERMINAL APRON CONSTRUCTION	-	-	-	-	-	-	-	-	-	-
	<u>10</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>90</u>
<b>TOTAL GRANT REIMBURSEMENT PROJECTS</b>	<u>2,040</u>	<u>2,080</u>	<u>1,120</u>	<u>555</u>	<u>545</u>	<u>155</u>	<u>110</u>	<u>60</u>	<u>60</u>	<u>6,725</u>

## PEASE DEVELOPMENT AUTHORITY GRANT RECEIPT AWARDS (EXCLUDING THE DIVISION OF PORTS AND HARBORS) (\$ 000's)

GRANT AWARDS	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	TOTAL
<b>PORTSMOUTH AIRPORT</b>										
ARRIVALS HALL	-	-	350	-	-	-	-	-	-	350
NH HAVE RIGHT TURN LANE	-	-	-	40	140	140	60	40	-	420
ALPHA NORTH TAXIWAY CONSTRUCTION	990	1,800	1,800	900	270	270	-	-	-	6,030
TAXIWAY A SOUTH & HOLD BAY DESIGN	-	-	-	-	135	54	54	54	54	351
SRE- LIQUID DEICING & MTE (AIP 77)	-	-	-	-	-	-	-	-	-	-
	<u>990</u>	<u>1,800</u>	<u>2,150</u>	<u>940</u>	<u>545</u>	<u>464</u>	<u>114</u>	<u>94</u>	<u>54</u>	<u>7,151</u>
<b>SKYHAVEN AIRPORT</b>										
WILDLIFE FENCE DESIGN	18	-	18	-	18	-	18	-	-	72
TERMINAL PARKING LOT DESIGN	-	9	-	9	-	9	-	-	-	27
	<u>18</u>	<u>9</u>	<u>18</u>	<u>9</u>	<u>18</u>	<u>9</u>	<u>18</u>	<u>-</u>	<u>-</u>	<u>99</u>
<b>TRADEPORT</b>										
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>TOTAL GRANT RECEIPT AWARDS</b>	<u>1,008</u>	<u>1,809</u>	<u>2,168</u>	<u>949</u>	<u>563</u>	<u>473</u>	<u>132</u>	<u>94</u>	<u>54</u>	<u>7,250</u>

**PEASE DEVELOPMENT AUTHORITY**  
**NON-GRANT CAPITAL EXPENDITURES (EXCLUDING THE DIVISION OF PORTS AND HARBORS)**

(\$ 000's)

NON-GRANT CAPITAL PROJECTS	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	TOTAL
<b>TECHNOLOGY AND OTHER</b>										
PAYCHEX PAYROLL KIOSKS **	-	5	-	-	-	-	-	-	-	5
FIREWALL REPLACEMENTS**	-	-	-	-	15	-	-	-	-	15
SERVER REPLACEMENT**	-	-	-	-	10	-	-	-	-	10
FINANCE SOFTWARE	58	-	-	-	-	-	-	-	-	58
	<b>58</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>88</b>
<b>GOLF COURSE</b>										
COURSE EQUIPMENT	-	-	-	-	-	168	-	-	-	168
GOLF COURSE TEE AREA RESURFACE**	-	-	-	-	-	-	-	-	-	-
CLUBHOUSE KITCHEN EQUIPMENT**	-	40	-	-	-	-	-	-	-	40
GOLF COURSE NETTING**	-	51	-	-	-	-	-	-	-	51
FORD TRUCK WITH PLOW**	61	-	-	-	-	-	-	-	-	61
SIM/FUNCTION ROOM UPGRADES**	-	-	80	-	-	-	-	-	-	80
CLUBHOUSE HVAC/GEOTHERMAL REPAIRS**	-	-	-	90	-	-	-	-	-	90
VIDEO SURVEILLANCE SYSTEM	-	-	20	20	-	-	-	-	-	40
IRRIGATION REPAIRS**	-	-	-	-	150	300	300	-	-	750
	<b>61</b>	<b>91</b>	<b>100</b>	<b>110</b>	<b>150</b>	<b>468</b>	<b>300</b>	<b>-</b>	<b>-</b>	<b>1,280</b>
<b>PORTSMOUTH AIRPORT</b>										
FENCE CONSTRUCTION	-	40	-	-	-	-	-	-	-	40
GENERATOR UPGRADE **	10	-	-	-	-	-	-	-	-	10
AIRLINE AVE PARKING EXPANSION	10	10	10	200	200	200	200	200	200	1,230
PAY FOR PARKING INFRASTRUCTURE UPGRADES	-	-	40	-	-	-	-	-	-	40
SIDEWALK CONSTRUCTION-AIRLINE AVE**	-	-	-	-	25	25	25	25	25	125
PSM APRON PARKING PAVEMENT MGMT PROGRAM**	-	250	250	-	-	-	-	-	-	500
AIR TRAFFIC CONTROL TOWER DESIGN	20	10	10	-	-	-	-	-	-	40
AIR TRAFFIC CONTROL TOWER CONSTRUCTION**	-	-	-	100	200	200	200	200	200	1,100
ARRIVALS HALL-CONSTRUCTION	150	180	-	-	-	-	-	-	-	330
PDA HANGAR DESIGN & CONSTRUCTION**	-	-	-	400	400	400	400	400	400	2,400
	<b>190</b>	<b>490</b>	<b>310</b>	<b>700</b>	<b>825</b>	<b>825</b>	<b>825</b>	<b>825</b>	<b>825</b>	<b>5,815</b>
<b>SKYHAVEN AIRPORT</b>										
SRE DRIVEWAY PAVEMENT REPAIR**	30	-	-	-	-	-	-	-	-	30
FUEL SYSTEM CREDIT CARD **	-	-	-	-	5	-	-	-	-	5
TERMINAL APRON PAVEMENT-FUEL FARM PAD**	-	-	-	-	-	-	-	-	250	250
RENOVATION WORK-TERMINAL BLDG	-	25	-	-	-	-	-	-	-	25
	<b>30</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>250</b>	<b>310</b>
<b>SECURITY - PORTSMOUTH AIRPORT</b>										
REPLACE BADGING WORKSTATIONS	18	-	-	-	-	-	-	-	-	18
CCTV FOR ATC TOWER**	15	-	-	-	-	-	-	-	-	15
ACCESS CONTROL SYSTEM	100	-	-	-	-	-	-	-	-	100
	<b>133</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>133</b>
<b>SECURITY - SKYHAVEN AIRPORT</b>										
GATE 3 NETWORKING**	-	-	7	-	-	-	-	-	-	7
	<b>-</b>	<b>-</b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7</b>
<b>TRADEPORT</b>										
STORMWATER UPGRADES	-	25	-	-	-	25	-	-	-	50
ROOF REPLACEMENT-30 RYE ST	-	-	-	-	-	-	-	-	-	-
ROOF REPLACEMENT-19 DURHAM**	-	-	50	-	-	-	-	-	-	50
	<b>-</b>	<b>25</b>	<b>50</b>	<b>-</b>	<b>-</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100</b>
<b>MAINTENANCE</b>										
VEHICLE FLEET REPLACEMENT -MAINT**	-	70	-	63	-	-	75	-	-	208
VEHICLE FLEET REPLACEMENT -AIRPORT OPS/ADMIN**	-	-	-	-	-	-	-	-	-	-
BUILDING INFRASTRUCTURE **	-	-	50	-	-	-	-	-	-	50
ROOF REPAIRS - 7 LEE ST**	50	-	-	-	-	-	-	-	-	50
SIGN PROGRAM APPLICATION TABLE**	9	-	-	-	-	-	-	-	-	9
RIDE ON PAINT MACHINE**	-	27	-	-	-	-	-	-	-	27
DUMP TRUCK AND TRAILER**	9	-	-	-	260	-	-	-	-	269
HAUL TRUCK CONVERSION	130	-	-	-	-	-	-	-	-	130
	<b>198</b>	<b>97</b>	<b>50</b>	<b>63</b>	<b>260</b>	<b>-</b>	<b>75</b>	<b>-</b>	<b>-</b>	<b>743</b>
<b>TOTAL NON-GRANT CAPITAL PROJECTS</b>	<b>670</b>	<b>733</b>	<b>517</b>	<b>873</b>	<b>1,265</b>	<b>1,318</b>	<b>1,200</b>	<b>825</b>	<b>1,075</b>	<b>8,476</b>

NOTE: \*\*PENDING BOARD APPROVAL

# DIVISION OF PORTS AND HARBORS (UNRESTRICTED FUNDS)

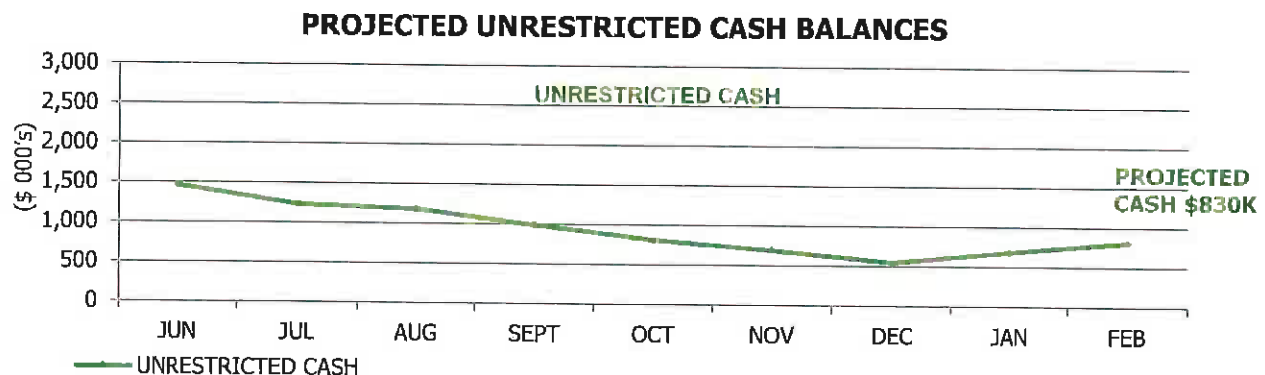
## CASH FLOW SUMMARY OVERVIEW

JUNE 1, 2025 TO FEBRUARY 28, 2026

(\$ 000's)

(\$000'S)	AMOUNT	TOTAL FUND BALANCES	BALANCE AT 5-31-25	BALANCE AT 06/30/24
<b>OPENING FUND BALANCE</b>	<b>1,580</b>			
<b><u>SOURCES OF FUNDS</u></b>		UNRESTRICTED FUNDS	1,580	1,519
FACILITY RENTALS AND CONCESSIONS	452	DESIGNATED FUNDS	178	173
FUEL SALES	742		<u>1,758</u>	<u>1,692</u>
GRAND AWARD (SEE PAGE 8)	1,631			
REGISTRATIONS / WHARFAGE	450			
MOORING FEES	250			
PARKING FEES	165			
	<u>3,690</u>			
<b><u>USES OF FUNDS</u></b>				
PERSONNEL SERVICES AND BENEFITS	1,306			
FUEL PROCUREMENT	549			
OPERATING EXPENSES	542			
CAPITAL EXPENDITURES -GRANT (SEE PAGE 8)	1,631			
CAPITAL EXPENDITURES -NON-GRANT (SEE PAGE 8)	412			
	<u>4,440</u>			
<b>NET CASH FLOW</b>	<b>(750)</b>			
<b>CLOSING FUND BALANCE</b>	<b>830</b>			

CASH FLOW PROJECTION SENSITIVITIES INCLUDE: 1) ACCURACY OF CAPITAL EXPENDITURES FORECAST AND USE OF HARBOR DREDGING AND PIER MAINTENANCE FUND 2) SEASONAL REVENUE AND EXPENSE FLUCTUATIONS



**DIVISION OF PORTS AND HARBORS (UNRESTRICTED FUNDS)**  
**STATEMENT OF CASH FLOW**

(\$000's)

<b>CASH FLOW - DPH</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>TOTAL</b>
<b>OPENING FUND BALANCE</b>	<b>1,580</b>	<b>1,469</b>	<b>1,232</b>	<b>1,183</b>	<b>990</b>	<b>810</b>	<b>694</b>	<b>549</b>	<b>684</b>	<b>1,580</b>
<b>SOURCES OF FUNDS</b>										
FACILITY RENTALS AND CONCESSIONS	49	66	52	59	49	47	42	45	43	<b>452</b>
FUEL SALES	56	220	166	105	106	42	30	11	6	<b>742</b>
MOORING FEES	-	-	-	-	-	-	-	100	150	<b>250</b>
PARKING FEES	24	55	60	18	6	2	-	-	-	<b>165</b>
GRANTS FUNDS RECEIVED & OTHER (SEE PAGE #8)	231	200	-	200	200	200	200	200	200	<b>1,631</b>
REGISTRATIONS / WHARFAGE	41	12	13	12	5	9	8	200	150	<b>450</b>
	<b>401</b>	<b>553</b>	<b>291</b>	<b>394</b>	<b>366</b>	<b>300</b>	<b>280</b>	<b>556</b>	<b>549</b>	<b>3,690</b>
<b>USE OF FUNDS</b>										
PERSONNEL SERVICES AND BENEFITS	168	136	162	151	144	121	142	146	136	<b>1,306</b>
FUEL PROCUREMENT	30	173	122	77	70	40	25	8	4	<b>549</b>
UTILITIES	6	7	9	7	5	7	8	17	13	<b>79</b>
GENERAL AND ADMINISTRATIVE	14	14	14	14	14	14	14	13	13	<b>124</b>
BUILDINGS AND FACILITIES	52	22	22	22	22	23	25	26	26	<b>240</b>
PROFESSIONAL SERVICES	11	11	11	11	11	11	11	11	11	<b>99</b>
CAPITAL- GRANT RELATED (SEE PAGE #8)	231	200	-	200	200	200	200	200	200	<b>1,631</b>
CAPITAL- NONGRANT (SEE PAGE #8)	-	227	-	105	80	-	-	-	-	<b>412</b>
	<b>512</b>	<b>790</b>	<b>340</b>	<b>587</b>	<b>546</b>	<b>416</b>	<b>425</b>	<b>421</b>	<b>403</b>	<b>4,440</b>
<b>NET CASH FLOW</b>	<b>(111)</b>	<b>(237)</b>	<b>(49)</b>	<b>(193)</b>	<b>(180)</b>	<b>(116)</b>	<b>(145)</b>	<b>135</b>	<b>146</b>	<b>(750)</b>
<b>CLOSING FUND BALANCE</b>	<b>1,469</b>	<b>1,232</b>	<b>1,183</b>	<b>990</b>	<b>810</b>	<b>694</b>	<b>549</b>	<b>684</b>	<b>830</b>	<b>830</b>

**CAPITAL PROJECTS PRESENTED TO THE HOUSE PUBLIC WORKS AND HIGHWAYS COMMITTEE  
ON MARCH 10, 2025:**

- MARKET STREET TERMINAL-MAIN WHARF DREDGING \$1,417,000
- RYE AND HAMPTON HARBORS RIPRAP REPAIR \$ 765,000
- MARKET STREET MARINE TERMINAL WAREHOUSE  
REMOVAL AND OFFICE REPLACEMENT \$1,620,000

Note: The above projects were submitted in April 2024 as part of the State Capital Improvement Plan

**DIVISION OF PORTS AND HARBORS**  
**CAPITAL EXPENDITURES** *(GRANT AND NON-GRANT)*

(\$ 000's)

GRANT FUNDED PROJECTS	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	TOTAL
<b>MARKET STREET TERMINAL</b>										
FUNCTIONAL REPLACEMENT-BARGE DOCK	-	-	-	200	200	200	200	200	200	1,200
BUILD GRANT-MAIN WHARF REHAB	-	-	-	-	-	-	-	-	-	-
	-	-	-	200	200	200	200	200	200	1,200
<b>HARBORS</b>										
	-	-	-	-	-	-	-	-	-	-
<b>PORTSMOUTH FISH PIER</b>										
BRACING & DECKING - ARPA	-	-	-	-	-	-	-	-	-	-
BUILDING REPLACEMENT - ARPA	231	200	-	-	-	-	-	-	-	431
	231	200	-	-	-	-	-	-	-	431
<b>TOTAL GRANT FUNDED PROJECTS</b>	231	200	-	200	200	200	200	200	200	1,631

INTERNALLY FUNDED	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	TOTAL
<b>MARKET STREE TERMINAL</b>										
TRUCK SCALE	-	-	-	105	-	-	-	-	-	105
HOISTS (5) - ALL LOCATIONS**	-	-	-	-	80	-	-	-	-	80
CRACK SEALING-MAIN WHARF** (DEFERRED)	-	-	-	-	-	-	-	-	-	-
	-	-	-	105	80	-	-	-	-	185
<b>HARBORS</b>										
	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-
<b>PORTSMOUTH FISH PIER</b>										
BUILDING REPLACEMENT (INTERNALLY FUNDED)	-	227	-	-	-	-	-	-	-	227
	-	227	-	-	-	-	-	-	-	227
<b>TOTAL INTERALLY FUNDED PROJECTS</b>	-	227	-	105	80	-	-	-	-	412

**DIVISION OF PORTS AND HARBORS (RESTRICTED FUNDS)**  
**CASH FLOW SUMMARY OVERVIEW**  
**JUNE 1, 2025 TO FEBRUARY 28, 2026**

(\$ 000's)

**HARBOR DREDGING FUND**

(\$ 000's)	AMOUNT
OPENING FUND BALANCE	<u>322</u>
<b>SOURCES OF FUNDS</b>	
PIER USAGE FEES	81
REGISTRATIONS	9
GRANT FUNDING	-
	<u>90</u>
<b>USES OF FUNDS</b>	
BUILDINGS AND FACILITIES	94
GENERAL AND ADMINISTRATIVE	6
PROFESSIONAL SERVICES	-
ALL OTHER- (CBOC)	118
	<u>218</u>
NET CASH FLOW	<u>(128)</u>
CLOSING FUND BALANCE	<u>194</u>

**REVOLVING LOAN FUND**

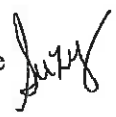
(\$ 000's)	AMOUNT
OPENING FUND BALANCE	<u>409</u>
<b>SOURCES OF FUNDS</b>	
LOAN REPAYMENTS	93
INTEREST INCOME-LOANS	30
INTEREST INCOME-FUND BALANCE	-
	<u>123</u>
<b>USES OF FUNDS</b>	
NEW LOANS PROJECTED	100
GENERAL AND ADMINISTRATIVE	6
PROFESSIONAL SERVICES	15
	<u>121</u>
NET CASH FLOW	<u>2</u>
CLOSING FUND BALANCE	<u>411</u>

**FOREIGN TRADE ZONE**

(\$ 000's)	AMOUNT
OPENING FUND BALANCE	<u>22</u>
<b>SOURCES OF FUNDS</b>	
FACILITY RENTALS	14
ALL OTHER	-
	<u>14</u>
<b>USES OF FUNDS</b>	
GENERAL AND ADMINISTRATIVE	3
PROFESSIONAL SERVICES	-
OTHER	7
	<u>10</u>
NET CASH FLOW	<u>4</u>
CLOSING FUND BALANCE	<u>26</u>

TOTAL FUND BALANCES	BALANCE AT 5/31/25	BALANCE AT 06/30/24
HARBOR DREDGING	322	297
REVOLVING LOAN FUND	409	225
FOREIGN TRADE ZONE	22	17
	<u>753</u>	<u>539</u>

# Memorandum

To: Paul Brean, Executive Director  
From: Suzy Anzalone, Director of Finance   
Date: June 4, 2025  
Subject: Division of Ports and Harbors (DPH)- Capital Improvement Plan FY2025 – FY2031

In advance of the June 17, 2025, Pease Development Board of Director's meeting, the following is an overview of the Division of Ports and Harbors (DPH) - Capital Improvement Plan (CIP) and budget process.

The CIP is comprised of a **six-year** budget forecast with individual line-item detail, split between "Grant or State Funded" and "Internally Funded" capital projects. The operations team conducted site reviews at DPH facilities to identify needed repairs, improvements or equipment replacements which were categorized into either operating or capital expenditures depending on the cost and nature of the project. The attached CIP includes those projects identified as capital expenditures.

The current CIP shows capital investments of \$57.8M over the next six years consisting of \$57M in Grant or State funded projects and \$776k internally funded. We anticipate between 95% to 100% sponsor funding for grant-related and/or State funded projects.

Most of the capital expenditures in the current presentation (92%) are directly related to infrastructure and equipment needed at the Market Street Terminal in Portsmouth. The remainder is split between Rye and Hampton Harbors, Portsmouth Fish Pier and the "Barker Wharf Dock" at the Market Street Terminal. Significant projects include, but are not limited to the following:

- Functional Replacement of Barge Dock
- Main Wharf Dredging
- Market Street Warehouse Removal and Office Replacement
- Mooring Dolphins (Stand by Berths)
- Barker Wharf Design Study and Facility Improvements
- RipRap and hoist improvements at both Rye and Hampton Harbors

The DPH is implementing various fee increases to strengthen operations and build cash reserves for future capital investments. As the DPH works towards this goal, internally funded projects will be carefully reviewed to ensure adequate cash flow prior to initiation. The proposed projects in this Capital Improvement Plan reflect prudent current and future investment in DPH infrastructure and equipment replacements. As a reminder, this plan is purely a presentation of anticipated expenditures as each individual project will be presented to the Board for approval prior to initiation.

# **PEASE DEVELOPMENT AUTHORITY- DIVISION OF PORTS AND HARBORS**

## **CAPITAL IMPROVEMENT PLAN FY 2025 - FY 2031**

**BOARD OF DIRECTORS MEETING  
JUNE 17, 2025**

# SUMMARY FINDINGS AND CASH FLOWS

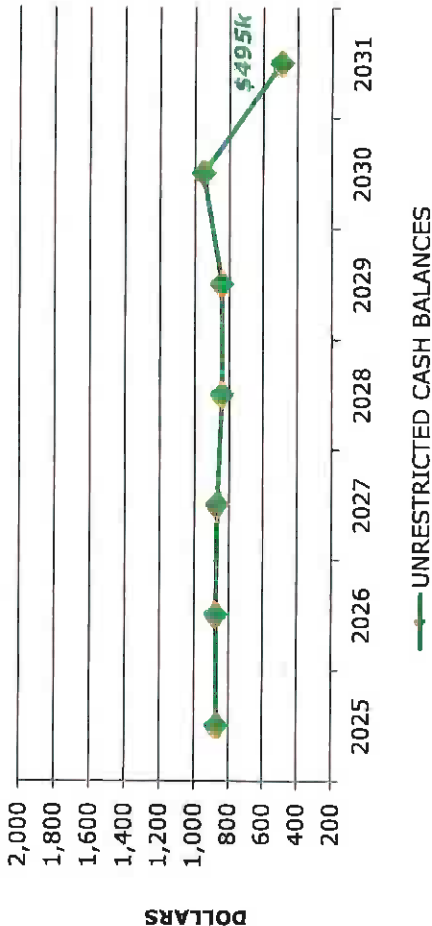
\$ (000's)

THE CURRENT CAPITAL IMPROVEMENT PLAN FOR THE DIVISION OF PORTS AND HARBORS (DPH) HAS IDENTIFIED PROJECT REQUESTS THAT TOTAL \$ 57,804. THE MAJORITY OF FUNDING IS CENTERED ON INFRASTRUCTURE AND EXPANSION IMPROVEMENTS AT THE MARKET STREET TERMINAL AS WELL AS OTHER LOCATIONS

	GRANT/STATE FUNDED	INTERNALLY FUNDED	TOTAL
INFRASTRUCTURE	\$44,450	\$334	\$44,784
EXPANSION	11,500	0	11,500
EQUIPMENT	428	418	846
SAFETY	650	24	674
REGULATORY		0	0
	<b>57,028</b>	<b>776</b>	<b>57,804</b>

PROJECT JUSTIFICATION WAS DIRECTED TOWARD REQUESTS THAT ARE IN SUPPORT OF SAFETY, EXPANSION, INFRASTRUCTURE IMPROVEMENTS AND EQUIPMENT.

PROJECTED UNRESTRICTED CASH BALANCES



## KEY SENSITIVITIES INCLUDE:

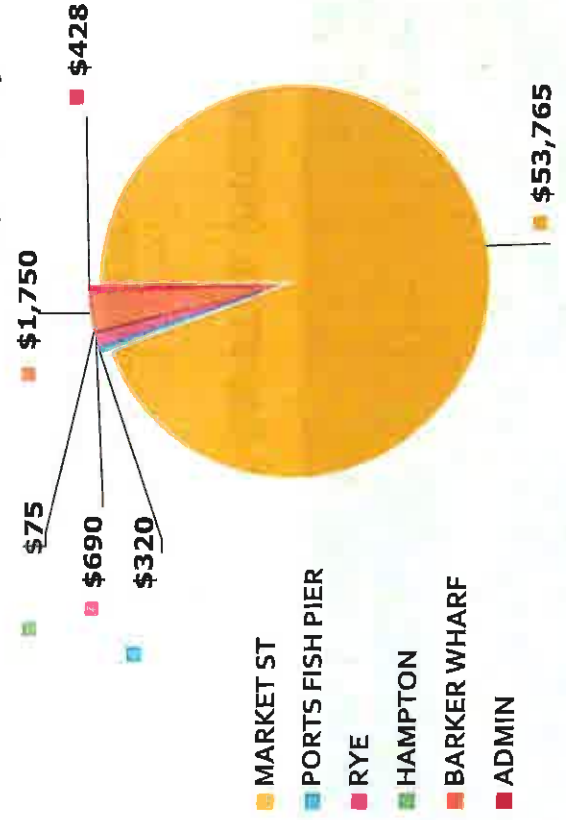
- ABILITY TO GENERATE POSITIVE ANNUAL CASH FLOW FOR INTERNALLY FUNDED PROJECTS.
- AVAILABILITY OF GRANT, FEMA AND STATE FUNDING OPPORTUNITIES
- GRANT PROJECTS FUNDED AT 95% TO 100%
- IMPACT OF INFLATION ON CONSTRUCTION COSTS
- REVENUE ENHANCEMENT OPPORTUNITIES

# PROJECTED CAPITAL EXPENDITURES...

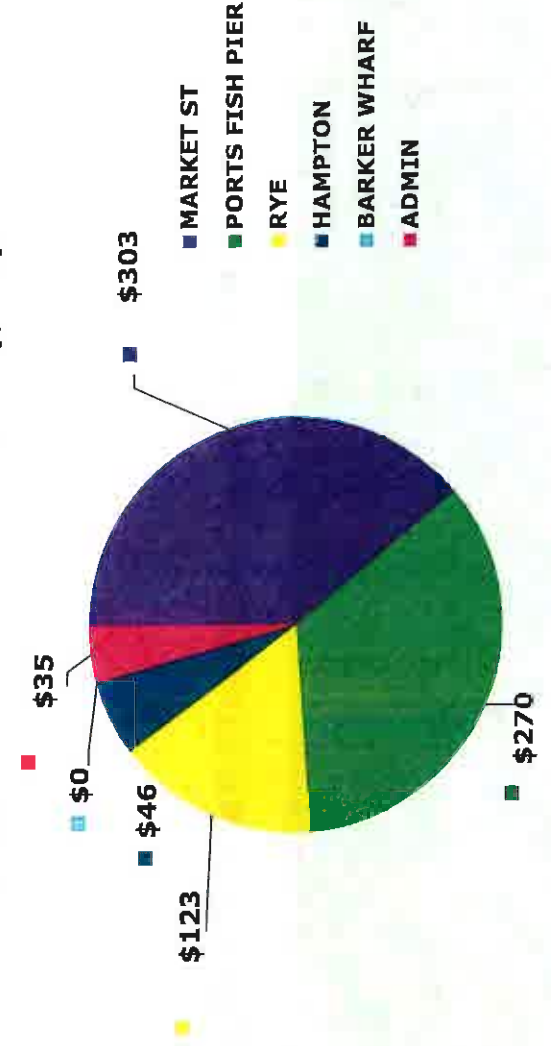
\$ (000's)

FISCAL YEAR	MARKET ST	PORTSMOUTH FISH PIER	RYE HARBOR	HAMPTON HARBOR	BARKER WHARF	ADMIN/OTHER	TOTAL
2025 TO GO	\$203	\$547	\$0	\$0	\$0	\$0	\$750
2026	20,000	30	25	15	-	35	\$20,105
2027	23,117	13	708	81	-	28	\$23,947
2028	725	-	14	-	-	400	\$1,139
2029	23	-	65	25	-	-	113
2030	-	-	-	-	250	-	250
2031	10,000	-	-	-	1,500	-	11,500
	<b>54,068</b>	<b>590</b>	<b>812</b>	<b>121</b>	<b>1,750</b>	<b>463</b>	<b>57,804</b>

GRANT/STATE FUNDED PROJECTS (\$57,028)



INTERNALLY FUNDED PROJECTS (\$776)



# PROJECTED CAPITAL EXPENDITURES

CONTINUED..

\$ (000's)

## SIGNIFICANT CAPITAL PROJECTS IDENTIFIED AS LONGER-TERM EXPENDITURES INCLUDE:

- ICE HOUSE – PORTSMOUTH FISH PIER \$95K
- GENERATOR – MARKET STREET TERMINAL \$90K
- WASTE OIL SHED – MARKET ST TERMINAL \$15K
- REFUELING STATION RE-DESIGN - HAMPTON HARBOR \$185K
- CONDITIONAL SURVEY OF DOCK – BARKER WHARF \$150K
- IMPROVEMENT CONCEPT – BARKER WHARF \$250K
- RYE HARBOR PARKING LOT IMPROVEMENTS – unknown

# GRANT/STATE FUNDED CAPITAL PROJECT REQUESTS...

\$ (000's)

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>MARKET STREET TERMINAL</b>								
MAIN WHARF REHABILITATION	78	-	-	-	-	-	-	78 ★
FUNCTIONAL REPLACEMENT - BARGE DOCK	-	20,000	20,000	-	-	-	-	40,000 ★
MAIN WHARF DREDGING	-	-	1,417	-	-	-	-	1,417 ★
WAREHOUSE REMOVAL/OFFICE REPLACEMENT	-	-	1,620	-	-	-	-	1,620 ★
SECURITY FENCING	-	-	-	650	-	-	-	650
MOORING DOLPHINS (Stand By Berth NHSP)	-	-	-	-	-	-	10,000	10,000
<b>TOTAL</b>	<b>78</b>	<b>20,000</b>	<b>23,037</b>	<b>650</b>	<b>-</b>	<b>-</b>	<b>10,000</b>	<b>53,765</b>

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>PORTSMOUTH FISH PIER</b>								
BUILDING CONSTRUCTION (ARPA)	320	-	-	-	-	-	-	320 ★
<b>TOTAL</b>	<b>320</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>320</b>

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>RYE HARBOR</b>								
RIPRAP REPAIR	-	-	690	-	-	-	-	690 ★
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>690</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>690</b>

HIGH PRIORITY ★

# GRANT/STATE FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED)

\$ (000's)

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>HAMPTON HARBOR</b>								
RIPRAP REPAIR	-	-	75	-	-	-	-	75 ★
<b>TOTAL</b>	-	-	75	-	-	-	-	75
<b>BARKER WHARF</b>								
STUDY AND DESIGN FOR FACILITY IMPROVEMENTS	-	-	-	-	-	250	-	250
FACILITY IMPROVEMENTS	-	-	-	-	-	-	1,500	1,500
<b>TOTAL</b>	-	-	-	-	-	250	1,500	1,750
<b>OTHER/ADMIN</b>								
HARBORMASTER - OUTBOARDS	-	-	28	-	-	-	-	28 ★
CAMERA SYSTEM (ALL)	-	-	-	400	-	-	-	400 ★
<b>TOTAL</b>	-	-	28	400	-	-	-	428
<b>TOTAL GRANT/STATE FUNDED</b>	<b>398</b>	<b>20,000</b>	<b>23,830</b>	<b>1,050</b>	<b>-</b>	<b>250</b>	<b>11,500</b>	<b>57,028</b>

★ HIGH PRIORITY

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS...

\$ (000's)

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>MARKET STREET TERMINAL</b>								
TRUCK SCALE	125							125 ★
LULL				75				75
TRUCK			80					80
ZERO TURN MOWER (ALL LOCATIONS)					8			8
SIDE BY SIDE	-				15			15
<b>TOTAL</b>	<b>125</b>	<b>-</b>	<b>80</b>	<b>75</b>	<b>23</b>	<b>-</b>	<b>-</b>	<b>303</b>

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>PORTSMOUTH FISH PIER</b>								
EMERGENCY GENERATOR CONNECTIONS	-		6					6
BUILDING CONSTRUCTION (INTERNALLY FUNDED)	227		-					227 ★
REPLACE HOIST	-	30						30
FACILITY LIGHTING	-	-	7					7 ★
<b>TOTAL</b>	<b>227</b>	<b>30</b>	<b>13</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>270</b>

# INTERNALLY FUNDED CAPITAL PROJECT REQUESTS

(CONTINUED) ■■■

\$ (000's)

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>RYE HARBOR</b>								
PARKING LOT CONCEPT DESIGN	-	-	-	14	-	-	-	14
REPLACE HOIST	-	25	-	-	-	-	-	25 ★
BOAT LAUNCH/RECOVERY RAMP	-	-	-	-	65	-	-	65 ★
EMERGENCY GENERATOR CONNECTIONS	-	-	6	-	-	-	-	6
OFFICE IMPROVEMENTS/REPAIRS/RESTROOMS	-	-	13	-	-	-	-	13 ★
<b>TOTAL</b>	-	25	19	14	65	-	-	123

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>HAMPTON HARBOR</b>								
EMERGENCY GENERATOR CONNECTIONS	-	-	-	-	-	-	-	-
OFFICE IMPROVEMENTS/REPAIRS	-	-	6	-	-	-	-	6
REPLACE/FIX HOISTS	-	15	-	-	-	-	-	15 ★
<b>TOTAL</b>	-	15	6	-	25	-	-	46

PROJECT DESCRIPTION	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
<b>OTHER/ADMIN</b>								
NEW VEHICLE	-	35	-	-	-	-	-	35 ★
<b>TOTAL</b>	-	35	-	-	-	-	-	35
<b>TOTAL INTERNALLY FUNDED</b>	352	105	117	89	113	-	-	776



HIGH PRIORITY


# PROJECTED FY2025 – FY2031 NET CASH FLOW

\$ (000's)

	FY 2025 TO GO	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	TOTAL
CASH FROM OPERATIONS	(\$200)	\$110	\$110	\$115	\$115	\$120	\$120	\$490
<b>FINANCING ACTIVITIES</b>								
<b>FUNDING SOURCES:</b>								
GRANT FUNDING-ALL SOURCES	398	20,000	23,830	997	-	238	10,925	56,388
<b>FUNDING REQUIREMENTS:</b>								
GRANT FUNDED CAPITAL PROJECTS	(398)	(20,000)	(23,830)	(1,050)	-	(250)	(11,500)	(57,028)
INTERNALLY FUNDED CAPITAL PROJECTS	(352)	(105)	(117)	(89)	(113)	-	-	(776)
<b>NET FINANCING ACTIVITIES</b>	<u>(352)</u>	<u>(105)</u>	<u>(117)</u>	<u>(142)</u>	<u>(113)</u>	<u>(12)</u>	<u>(575)</u>	<u>(1,416)</u>
<b>NET CASH FLOW</b>	(552)	5	(7)	(27)	2	108	(455)	(926)
<b>CASH- BEGINNING OF PERIOD</b>	1,421	869	874	867	840	842	950	1,421
<b>CASH- END OF PERIOD</b>	<u>869</u>	<u>874</u>	<u>867</u>	<u>840</u>	<u>842</u>	<u>950</u>	<u>495</u>	<u>495</u>

## MEMORANDUM

**TO:** Pease Development Authority Board of Directors

**FROM:** Paul E. Brean, Executive Director 

**DATE:** June 5, 2025

**SUBJECT:** Licenses / ROEs / Easements / Rights of Way

\*\*\*\*\*

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

1.     **Name:**           New England Chemical Biological, Radioactive, Nuclear Enhanced Response Force Package (CERFP)  
         **License:**       Right of Entry  
         **Location:**    119 Arboretum Drive  
         **Purpose:**       Conducting readiness exercises related to hazardous materials response.  
         **Term:**          June 8, 2025, from 8:00 a.m. to 4:00 p.m.

Director Fournier was consulted and granted his consent regarding these Rights of Entry.

## MEMORANDUM

TO: Pease Development Authority Board of Directors  
FROM: Paul E. Brean, Executive Director *QMB*  
DATE: June 5, 2025  
SUBJECT: Lease Report

\*\*\*\*\*

In accordance with the "Delegation to Executive Director: Consent, Approval of Sub-Sublease Agreements" PDA approved the following subleases:


1. Tenant: E-Technologies, LLC  
Space: 325 Corporate Drive  
Use: Administrative, executive, general office purposes.  
Term: Commencement on or later of April 30, 2025, and shall end on July 31, 2032, with one renewal option of a twenty-nine (29) month period.
2. Tenant: General Services Administration – Veterans' Administration  
Space: 2 International Drive (Suite #130)  
Use: Office and related uses.  
Term: Commencement anticipated to be October 2025; for a term of ten years, 8 years firm.
3. Tenant: Leeds Capital Group, LLC  
Space: 100 International Drive (Suite #358)  
Use: Office and related uses.  
Term: Five (5) years commencing August 1, 2025, through July 31, 2030.
4. Tenant: Motion Bazaar LLC  
Space: 130 International Drive  
Use: Administrative, executive and general office uses.  
Term: Commence on May 1, 2025, through April 30, 2028.

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 Fournier was consulted and granted his consent.

P:\BOARDMTG\2025\Lease Report (6-17-25).doc

## MEMORANDUM

**TO:** Pease Development Authority Board of Directors

**FROM:** Paul E. Brean, Executive Director 

**DATE:** June 5, 2025

**SUBJECT:** Contract Reports

\*\*\*\*\*

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

1. Project Name: Sunbelt Rentals  
Board Authority: Director Ferrini  
Cost: \$456.10/weekly rate  
Summary: Two (2) light carts for airfield painting during shutdown at night for North Alpha project. It is anticipated rental requirement would be a minimum of a week; estimated rental cost of approximately \$1,000.00.
2. Project Name: VHB, On-call Engineering Services  
Board Authority: Director Ferrini  
Cost: \$2,600.00  
Summary: Request from Lonza for temporary crosswalk evaluation; Lonza will reimburse PDA for services.
3. Project Name: Berry Dunn, PDA's Contracted Accounting Firm  
Board Authority: Director Ferrini  
Cost: \$15,000.00 plus travel and out-of-pocket expenses  
Summary: Review of lease/contract terms to include procedures for consideration.
4. Project Name: The Iris Companies (low bid)  
Board Authority: Director Ferrini  
Cost: \$12,500.00  
Summary: Purchase of 2,000 Composite Contactless Badge Media Cards.



## MOTION

Director Conard:

The Pease Development Authority Board of Directors hereby approves the signage proposal of 130 International Drive, LLC on behalf of its subtenant, Motion Bazaar, located at 130 International Drive; all in accordance with the memorandum of Michael R. Mates, P.E., Director of Engineering dated June 6, 2025; attached hereto.

N:\RESOLVES\2025\Signs – 130 International Drive LLC for Motion Bazaar (6-17-2025).docx

## Memorandum

To: Paul E. Brean, Executive Director   
From: Michael R. Mates, P.E., Director of Engineering   
Date: June 6, 2025  
Subject: New Signage for Motion Bazaar at 130 International Drive

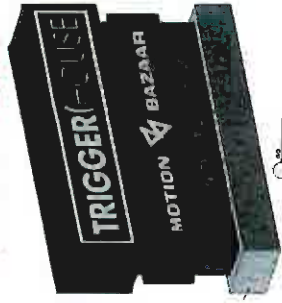
At the March 18, 2025, PDA Board meeting, 130 International Drive, LLC received approval to install new signage at 130 International Drive for its subtenant, Trigger House. Now the subtenant would like to add additional signage to the existing monument sign along International Drive. The tenant is proposing to add its subtenant, "Motion Bazaar" in non-illuminated white letters on the existing street sign. The additional sign area is 11.23 square feet. See attached details and rendering.

The total square footage of signage on site is 27.73 square feet which remains below the 200 square feet maximum, as required by the PDA Land Use Controls.

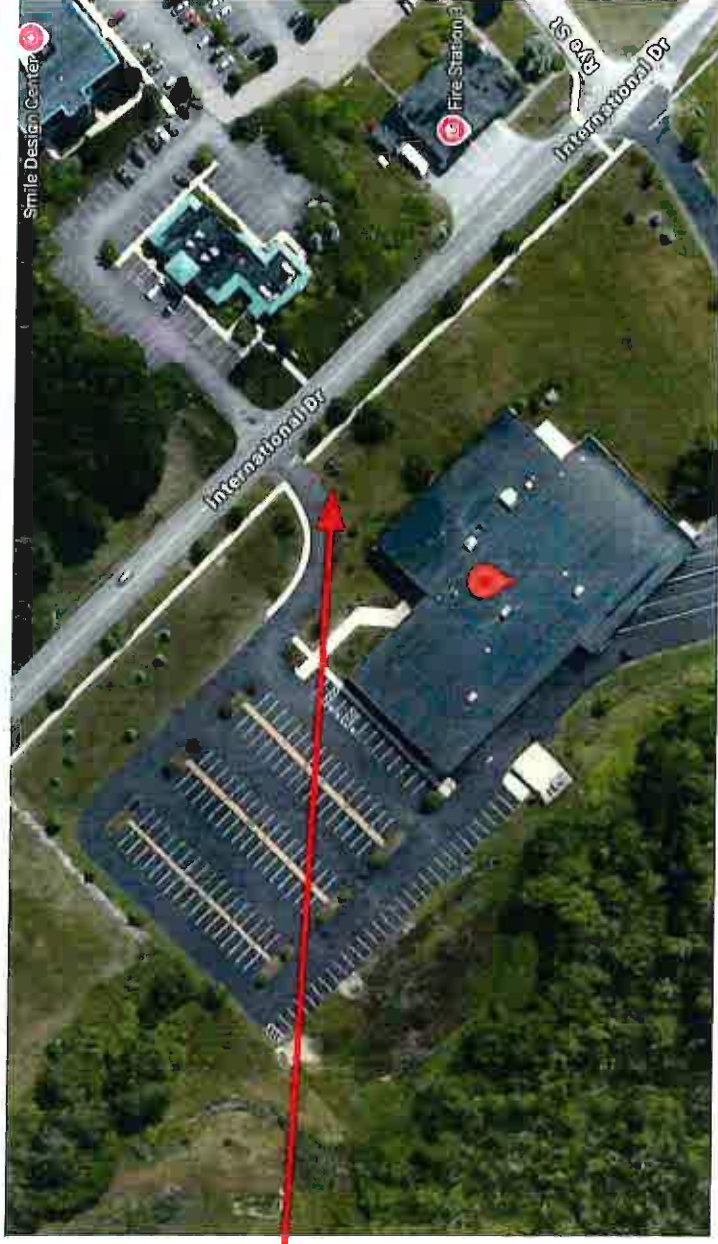
At the June 17, 2025, Board of Directors' meeting, please request approval of the sign proposal of 130 International, LLC, for Motion Bazaar.

# 130 International || SITE PLAN

PROPOSED SIGN WITH ADDITION OF  
MOTION BAZAAR



EXISTING / APPROVED SIGN

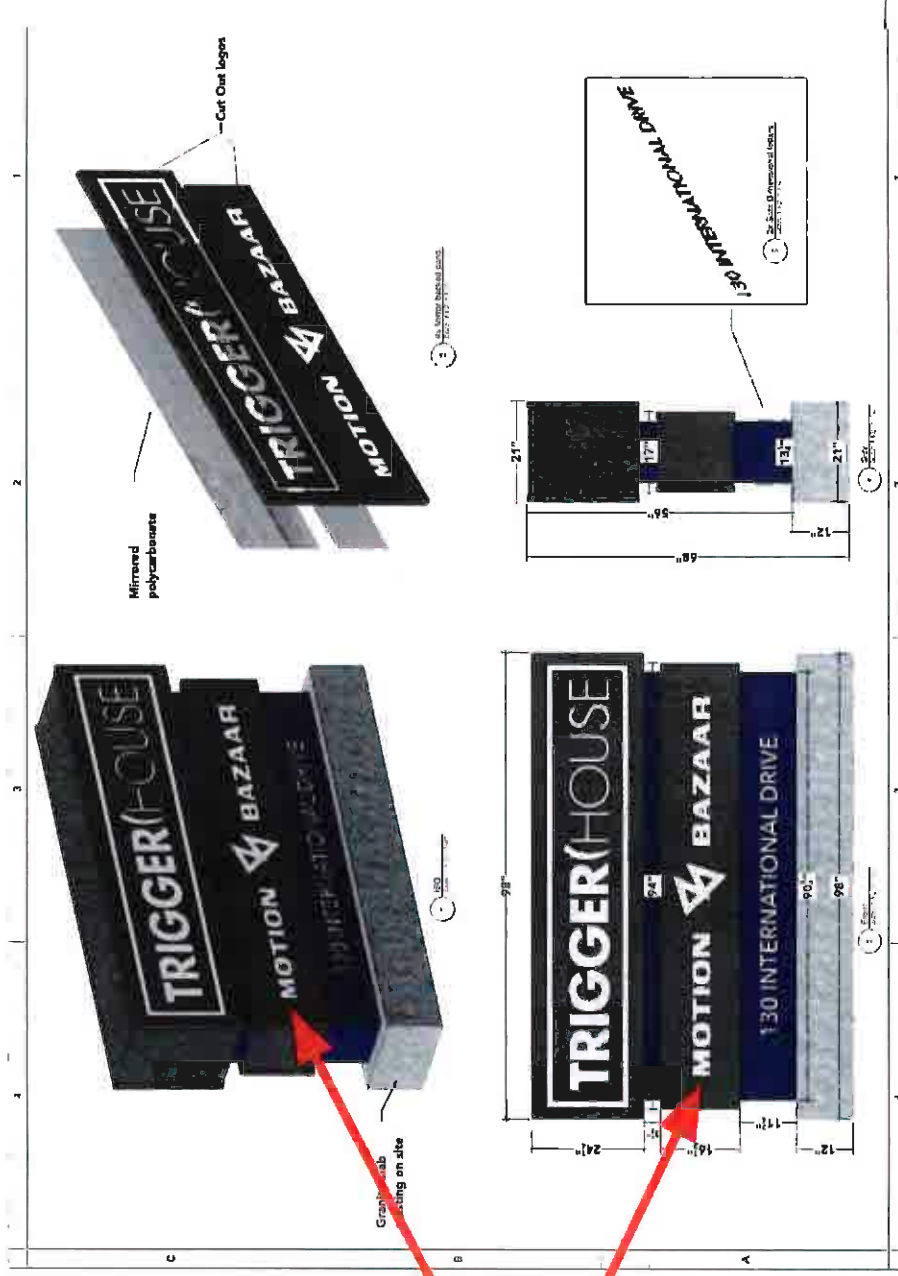


# 130 International || SIGN MODIFICATIONS

## ADD SUBTENANT 'MOTION BAZAAR' TO EXTERIOR STREET SIGN

- Addition of white painted letters to approved exterior street sign.
- No other changes to approved exterior street sign included.

## ADDITION OF 'MOTION BAZAAR' TEXT





## MOTION

Director Semprini:

The Pease Development Authority Board of Directors hereby approves the signage proposal of Aviation Avenue Group, LLC on behalf of its subtenant, Central Shared Services, LLC, for the building located at 100 New Hampshire Avenue; all in accordance with the memorandum of Michael R. Mates, P.E., Director of Engineering dated June 5, 2025; attached hereto.

## Memorandum

To: Paul E. Brean, Executive Director   
From: Michael R. Mates, P.E., Director of Engineering   
Date: June 5, 2025  
Subject: New Signage at 100 New Hampshire Avenue

---

PDA's tenant, Aviation Avenue Group, LLC is requesting approval to install new signage at 100 New Hampshire Avenue for its subtenant, Central Shared Services ("CSS"). This signage will read "Healthtrust Supply Chain" which is the consumer facing entity for CSS, all of which are under the HCA umbrella.

Building Sign 1: The tenant is proposing to add HEALTHTRUST Supply Chain in non-illuminated channel letters mounted above the doorway and centered with the raceway. The sign will be color matched to the building as shown on the attached proof. This sign will face Newfields Street. The sign area is 50 square feet. See attached details and rendering.

Building Sign 2: The proposed building sign consists of non-illuminated channel letters mounted above the loading dock as shown on the attached proof. This sign will face Rochester Avenue. The sign area is 12.5 square feet. See attached details and rendering.

The total square footage of signage remains below 200 square feet as required by the PDA Land Use Controls.

At the June 17 Board meeting, please ask the Board of Directors to consider the sign proposal of Central Shared Services, LLC for HealthTrust Supply.

N:\ENGINEER\Board Memos\2025\100 NH Ave Corporate Signage.docx

**Sign #1: Non-Illuminated Channel Letters**

Dimension: 120" w x 60" h

Total sqft: 50

Returns: 3"

Face: 3/16" Acrylic

Trim: 3/4" Black

Raceway Depth: 3"

Mounted on a  
raceway, color to  
match building.

Pantone:

L 45.8

A -1.9

B -2.1



60"

**HEALTHTRUST®**  
**Supply Chain**

120"

**FAST SIGNS**

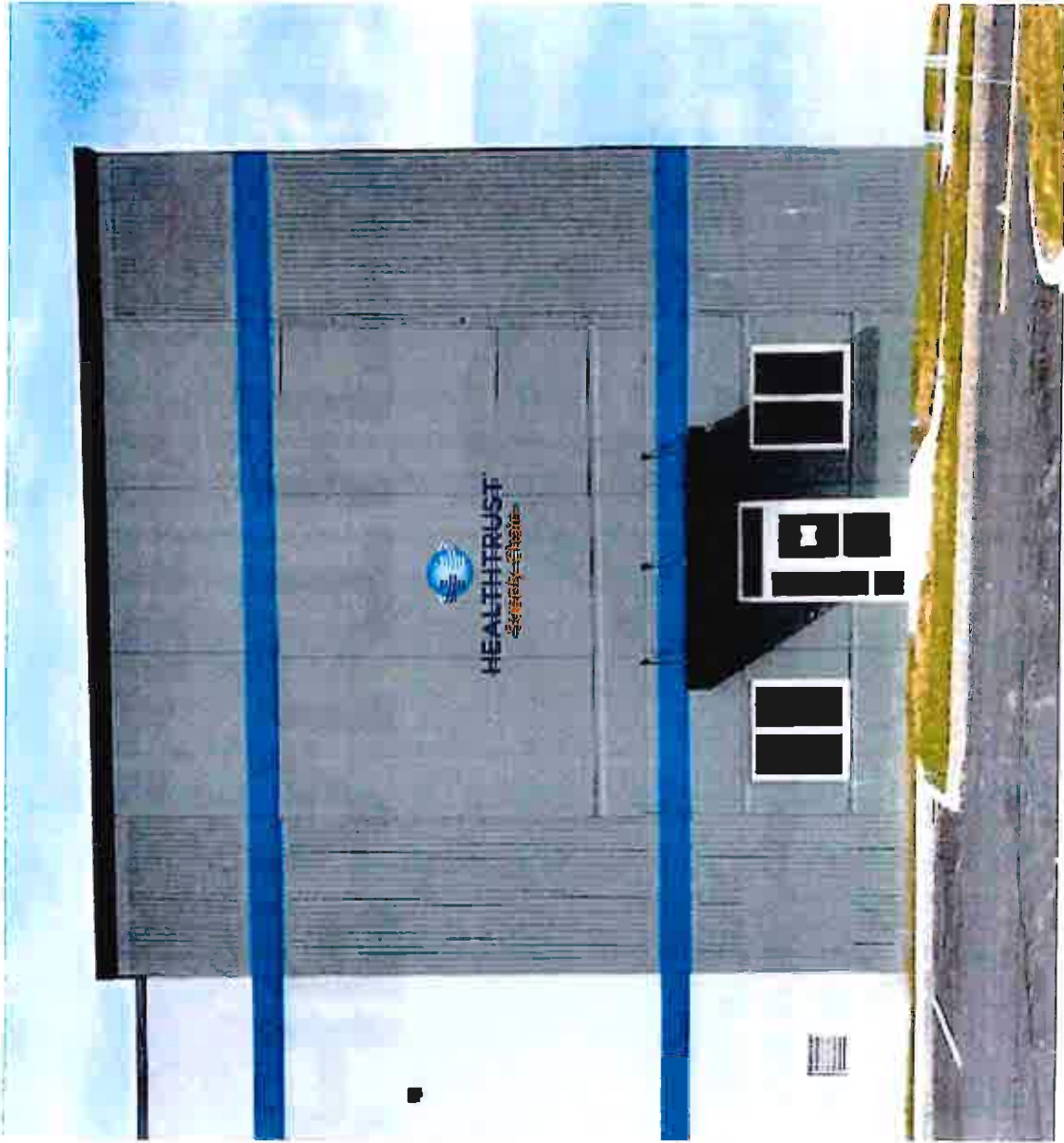
599 Lafayette Road, Unit 5 603-380-7924

Portsmouth, NH 03801 2449@fastsigns.co

Client:	HealthTrust Supply
Address:	100 NH Ave Portsmouth, NH 03801
Order #:	1593
Scale:	
Designer:	
File:	
Dimensions:	
Usable Artwork:	Yes No
Artwork Comments:	
Quantity:	1
Approved By:	
Date:	5/25/25

Client:	HealthTrust Supply
Address:	100 NH Ave
Order #:	1593
Scale:	
Designer:	JR
File:	
Dimension:	120"w x 60"h Total sqft: 50
Usable Artwork:	No
Artwork Comments:	NOT LIT Channel Letters w/ raceway. Centered between the two blue lines.
Quantity:	1
Approved By:	
Date:	5/29/25

Please review all aspects of the artwork reflected herein, including design, layout, spelling, etc. Please call or email us with any changes or questions. Only once we have received your approval will we proceed with the job as it appears in this document.



**Sign #2: Non-Illuminated Channel Letters**

Dimension: 60" w x 30" h

Total sqft: 12.5

Returns: 3"

Face: 3/16" Acrylic

Trim: 3/4" Black

Raceway Depth: 3"

Mounted on a  
raceway color to  
match building.

Pantone:

L 62.5

A -1.4

B -3.4



**HEALTHTRUST®**  
**Supply Chain**

60"

30"

**FASTSIGNS®**

599 Lafayette Road, Unit 5 603-380-7924

Portsmouth, NH 03801 2449@fastsigns.co

Client: HealthTrust Supply
Address: 100 NH Ave Portsmouth, NH 03801
Order #: 1593
Scale:
Designer:
File:
Dimensions:
Usable Artwork: Yes No
Artwork Comments:
Quantity: 1
Approved By:
Date: 5/29/25

Client:	HealthTrust Supply
Address:	100 NH Ave
Order #:	1593
Scale:	
Designer:	
File:	
Dimension:	60" w x 30" h Total sqft: 12.5
Usable Artwork:	Yes No
Artwork Comments:	NOT LIT Channel Letters w/ raceway. Centered between the two blue lines.
Quantity:	1
Approved By:	
Date:	5/29/25

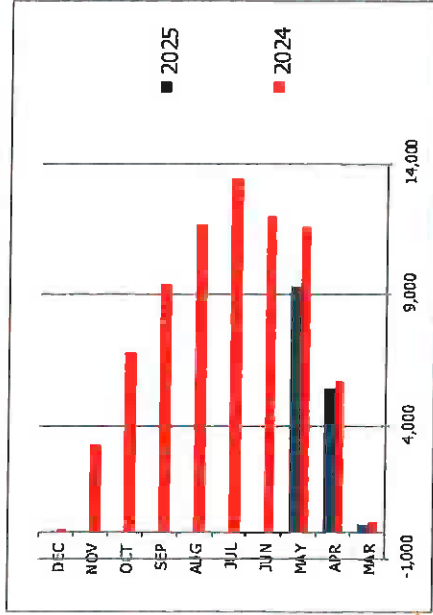
Please review all aspects of the artwork reflected herein, including design, layout, spelling, etc. Please call or email us with any changes or questions. Only once we have received your approval will we proceed with the job as it appears in this document.



# KEY GOLF COURSE BENCHMARKING DATA – MAY 2025

1

ROUNDS OF GOLF PLAYED (SEASON)

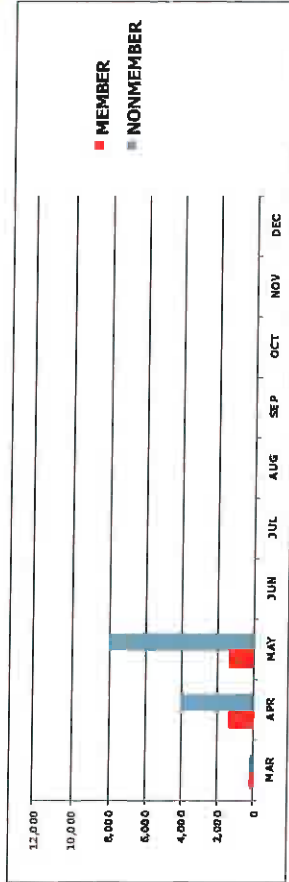


2025 SEASON 2024 SEASON 2023 SEASON

ROUNDS PLAYED 15,112 74,251 73,897

RAIN DAYS 20 55 58

2025 MEMBER / NONMEMBER ROUNDS (SEASON)



2025 ROUNDS- SEASON

MEMBER 2,840  
NONMEMBER 12,272  
TOTAL 15,112

2024 ROUNDS- SEASON

MEMBER 10,725  
NONMEMBER 63,526  
TOTAL 74,251

GOLF SIMULATOR REVENUES	FY 2025	FY 2024	GRILL 28 GROSS SALES	FY 2025	CONCESSION FEES EARNED (17%)	FY 2024	CONCESSION FEES EARNED (17%)
JULY	\$120	\$1,799	JULY	282,315	47,994	327,065	55,601
AUGUST	\$165	\$1,107	AUGUST	299,823	50,970	348,564	59,256
SEPTEMBER	\$390	\$280	SEPTEMBER	249,293	42,380	307,833	52,332
OCTOBER	\$3,212	\$3,403	OCTOBER	197,547	33,583	243,213	41,346
NOVEMBER	\$12,631	\$15,547	NOVEMBER	128,372	21,823	142,063	24,151
DECEMBER	\$18,395	\$20,789	DECEMBER	150,458	25,578	166,385	28,285
JANUARY	\$24,692	\$26,413	JANUARY	108,049	18,368	125,329	21,306
FEBRUARY	\$22,331	\$27,234	FEBRUARY	87,732	14,914	128,748	21,887
MARCH	\$21,888	\$23,756	MARCH	118,939	20,220	148,462	25,239
APRIL	\$6,299	\$2,924	APRIL	157,787	26,824	177,109	30,109
MAY	\$895	\$1,015	MAY	235,577	40,048	278,408	47,329
JUNE	\$0	\$240	JUNE	0	0	315,276	53,597
	\$111,017	\$124,507		\$2,015,892	\$342,702	\$2,708,455	\$460,437

CLUB/ COURSE  
FUNCTIONS

FY 2025 YTD FY 2024 YTD

GROUPS 20-59 40,815 45,160  
TOURNAMENT PLAY 250,701 234,435  
LEAGUES 88,333 93,367  
FOOD AND ROOM FEES 270,535 314,882

# AIRPORT REPORT

## PERIOD ENDING MARCH 2025

### MARCH ENPLANEMENTS

2025

Scheduled Enplanements

13,399

Chartered Enplanements

2,863

**Total Enplanements**

**16,262**

### 2025 Enplanements YTD

**47,393**

### REVENUE PARKING-MAR

\$111,174

2,572 Transactions @ \$43.22

### MAR FUEL FLOWAGE FEES

\$148,887

Total Gallons 1,861,093

CRAF and DOD

80%

Commercial

10%

General Aviation

10%



### Fuel Pricing

- Port City Air Retail; \$5.95 Jet A
- Port City Air Retail; \$6.60 100LL
- Northeast Avg; \$6.97 Jet A, \$7.70 100LL

### Grant Projects

- Airport Layout Plan Update
- Taxiway Alpha

### ATCT Design & Construction

- Enterprise Concession Fees: Jan., Feb., Mar. \$11,182.89

## Memorandum

To: John Meehan, Airport Manager *JM*  
From: Sandy McDonough, Airport Community Liaison *SM*  
Date: June 6, 2025  
Re: Noise Report for May, 2025

---

Portsmouth International Airport at Pease ("PSM") received seven noise inquiries in May, 2025.

- May 4, 2025: A resident of Dover, New Hampshire called about the sound of a low flying aircraft. A power company was checking power lines in the area, but it has not been confirmed they generated the sound associated with the complaint.
- May 11, 2025: A resident of Rye, New Hampshire called concerning a large aircraft flying over their house at 3:30 a.m.: the aircraft was a Boeing 767 military flight.
- May 12, 2025: A resident of Rye, New Hampshire called about a loud military cargo C17 flying into Portsmouth at approximately 2:00 a.m.
- May 12, 2025: A resident of Portsmouth, New Hampshire who resides in Sherburne Village, called about a helicopter flying over his house at 11:31 p.m. The helicopter was a medivac helicopter flying into the Portsmouth Regional Hospital.
- May 14, 2025: A resident of Portsmouth, New Hampshire called concerning aircraft flying over Portsmouth and thought it was in error stating the aircraft should fly a flight path that does not go over the city.
- May 15, 2025: A resident of Rye, New Hampshire called concerning a loud aircraft that flew over their house at 4:20 a.m.. At that time, there was a Pilatus PC12, a small turbo prop, that departed Runway 34.
- May 16, 2025: A resident of Portsmouth, New Hampshire returned my call concerning her noise call of May 14, 2025. The resident further indicated there was another aircraft that flew over her house in Portsmouth on May 14, 2025, at 6:00 a.m. At that time, there were two Pilatus PC12 aircraft, small turbo props, which departed Runway 34.

To: Pease Development Authority Board of Directors  
From: Richard Hartley, Assistant Director Ports and Harbors  
Date: June 10, 2024



**SUBJECT: PORTS AND HARBORS PDA BOARD NOTES**

**Market Street Terminal:**

Recent vessel arrival activity:

- Two vsls supporting Wood Island LSS: *Lionel Plante Sr.*, *50' Unnamed Barge*
- Tug *Tracy Lynn* supporting PNSY drydock expansion
- *Ocean Venture* – Approx. 80,000 lbs of menhaden (bait fish) landed
- Upcoming vessel activity at MST:
  - 6/15 - *BBC Ukraine* – Project Cargo
  - 6/17 - *Cooper Island* – Bulk Salt
  - 6/28 – *American Patriot* – Cruise Ship



**Portsmouth Fish Pier:**

- Pier construction contractor Riverside and Pickering has demobilized. We are scheduling with AME to ensure there are no final open close out items left so we are scheduling a final walk-through with them.

- DPH conducted a recent site visit aimed at assessing construction progress and verify alignment with project documents. Observations focused on framing and roofing within the construction barriers. Ongoing shingle and trim installation. The sheathing and rubber roofing were completed. Rough plumbing and electrical work is in progress. The BPS foreman discussed recent framing activities and the upcoming schedule. Walls and roofs were framed, hydro gap installation was underway, and both pitched and flat roof sections were in different stages of completion.



#### Rye Harbor:

- Rye Harbor Study Still underway.
- It has been brought to the attention to DPH that the launch ramp at Rye has a drop at the end of the ramp. There are some safety concerns- we will be looking into solutions on how to address.
- Floats are continuing to be improved, Ops team will be replacing piling guides this summer.

#### Hampton Harbor:

- DPH Ops is working with Lakes Region Environmental along PDA Environmental team on having a tank product swap after the tri-annual inspection. This will bring the unleaded fueling capacity for this facility to 10,000 gallons to support the recreational boaters and first responders.

### **Facility Summary Report:**



- Since the last board meeting, the Division of Ports and Harbors has dispensed a total of 1,475.35 gallons of unleaded fuel and 4,230.97 gallons of diesel fuel. During this same period, there were 1,525 cars parked, and 137 vessel launches recorded.  
Note: Portsmouth Fish Pier fuel station remains closed due to ongoing building construction.
- As this marks the beginning of the summer season, we anticipate a significant uptick in activity and fuel sales over the coming weeks.
- **Total Gallons of Fuel Sold at Facilities:**
  - 1475 gallons unleaded gasoline
  - 4231 gallons diesel
- **Parked Cars:** 1525 cars
- **Boats Launched:** 137 boats

### **Moorings, Enforcement:**

- Approx 100 Port Authority managed Aids to Navigation, commonly referred by the USCG as private aids to navigation (PAToN) have been set back out for the season throughout the waterways managed by the Port.
- Approximately 50 (3%) of the Port Authority managed moorings expired this mooring renewal application period and became available for those next on the mooring waiting list.
- The Munson will be coming out of the water this Friday for yearly maintenance with our other vessels in full operating capacity in its stead during the maintenance.
- Patrols in all of our AOR's have been increasing, to monitor moorings and vessels associated with them, relocating for various reasons, or situating new customers and locations.
- The CG anticipates a Notice of Funding for a Port Security grant program by Homeland Security. The Port will request funds for new security fencing along south perimeter on Burge Wharf property line, and to replace security camera systems which are old and dated. These cameras are used by us and local first responders and emergency personnel.

# Division of Ports & Harbors

## Memorandum

To: Paul Brean, Executive Director   
From: Tracy R. Shattuck, Chief H/M   
Re: WWBTS Commercial Mooring for Hire Application  
Date: April 29, 2025


---


Wentworth by the Sea Dockside Condominium Association has shorefront property mooring Commercial Mooring for Hire permit #4786 in Little Harbor. Due to a misdelivery they did not receive the reapplication and now wish to submit it.

With the file are the tax map and deed. The association does not receive a tax bill.

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

Date: May 13, 2025

To: Paul Brean, Pease Development Authority ("PDA"), Executive Director 

From: Richard Hartley, Assistant Director Ports and Harbors 

Subject: Charter Boat Right of Entry Seacoast Maritime Charters, LLC., Rye Harbor Marine Facility

The Division of Ports and Harbors (the "Division") received a request from Jack Farrell, a charter fishing boat operator, to enter into a Right of Entry ("ROE") agreement for use of the facilities at the Rye Harbor Marine Facilities (the Premises") in association with his charter fishing business, Seacoast Maritime Charters, LLC. This is a "Charter Only" operation to use the premises to pick up and drop off charter customers. The Division is proposing the end of the term to coordinate with existing charter fishing ROE's and expire on June 30, 2026. A recommendation from the Rye Harbor Facility Manager, Mandy Huff, is attached for reference. Should you approve, an ROE agreement will be executed, subject to the terms and conditions listed below:

**PREMISES:** Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, NH

**TERM:** Upon approval through June 30, 2026

**PURPOSE OF ROE:** Charter Boat Operations & Customer Parking

**CUSTOMER PARKING FEE:** \$10.00 per vehicle for customers using the Premises parking area, subject to change during the term of the ROE.

Therefore, in accordance with RSA 12-G:43 (b), "Aid in the development of saltwater fisheries and associated industries" the Division recommends approval through your "Delegation to Executive Director: Consent, Approval, and Execution of Charter Boat Right of Entry," adopted by the PDA Board of Directors on April 20, 2017.

Among other requirements of the Charter ROE, Seacoast Maritime Charters, LLC shall meet the following required conditions, in accordance with the Charter Right of Entry agreement, prior to operating the charter at the facility:

1. Secure a Pier Use Permit;
2. Provide proof of satisfying PDA's minimum insurance requirements; and
3. Provide documentation that the business is registered and in "Good Standing" with the Secretary of State to conduct business in New Hampshire.



PORTS AND HARBORS

555 Market Street, Suite 1, Portsmouth, NH 03801

Date: May 8, 2025  
To: Richard Hartley, Assistant Director, New Hampshire Port Authority  
From: Mandy Katherine Huff, New Hampshire Port Authority, Rye Harbor *MKS*  
RE: Seacoast Maritime Charters, LLC, Rye Harbor Marine Facility

Seacoast Maritime Charters, LLC ("SMC") is requesting to renew the Right of Entry ("ROE") for Rye Harbor Marine Facility ("Rye"). The Right of Entry allows SMC a location to pick up passengers for their private charters. SMC is currently in good standing with the New Hampshire Secretary of State and up to date on insurance requirements and fees. SMC stays within the terms of the ROE agreement as well as the Pda 600 rules including purchasing a pier permit. I recommend the renewal of SMC's ROE.

PEASE INTERNATIONAL TAKING YOU THERE

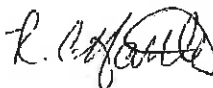
ph: 603-436-8500 fax: 603-436-2780 [www.peasedev.org](http://www.peasedev.org)

## Division of Ports & Harbors Memorandum

To: Paul Brean, Executive Director, PDA



From: Richard Hartley, Assistant Director



Re: Commercial Mooring Transfer

Date: May 21, 2025

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The Pease Development Authority, Division of Ports and Harbors has received a request for the transfer of a commercial mooring, permit #8021, from Ross Nugent to Jeffrey Louis Nardello of 81 Carolan Ave.. Hampton, NH.

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

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

## Division of Ports & Harbors Memorandum

To: Richard Hartley, Assistant Director

From: Adam Winkler, Deputy Chief H/M 

Re: Commercial Transfer (Nugent to Nardello)

Date: May 21, 2025

- 
1. Ross Nugent is requesting the transfer of a Commercial Use Mooring Permit (#8021) in the Hampton 3 mooring field to Jeffrey Louis Nardello, of Hampton, NH.
  2. Ross Nugent has provided documentation for his commercial use of the mooring in the 2024 fishing season in the form of his commercial fishing license and receipt of landings. Ross Nugent is selling the boat and gear to Jeffrey Louis Nardello, of Hampton, NH, and has provided written documentation that verifies the sale as required in Pda 508.01 (c).
  3. Jeffrey Louis Nardello, of Hampton, NH, has supplied an Initial Commercial Use Mooring Application with a valid NH Commercial Saltwater Fishing license, a valid NH License to take Lobster and Crab, and a valid 2025 NH boat registration. Jeffrey Louis Nardello has supplied a copy of the document signed by both parties (Nugent and Nardello) verifying the sale of the vessel currently assigned to mooring #8021, and fishing gear. Jeffrey Louis Nardello understands that the mooring must remain in commercial use. He has also paid the transfer fee, as well as the initial mooring application fee.

I recommend that permit #8021 be transferred to:

Jeffrey Louis Nardello  
81 Carolan Ave  
Hampton, NH 03842



Action	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
A. Mooring Applications Sent out (January)	1464	1429	1420	1413	1435	1432	1412	1489	1532	1529	1546
B. Completed Applications (Received before the late filing deadline.)	1345	1305	1317	1291	1326	1319	1333	1391	1393	1413	1342
C. Applicants Missing the Late filing Period (10 business days)	119	124	120	122	109	113	79	98	139	116	108
D. Voluntarily gave up permit (can NOT renew)	32	15	28	25	14	7	1	3	23	27	6
E. Deceased (Known)	5	1	1	1	2	3	2	0	1	4	3
F. Shorefront or those in Areas with no waitlist (Can re-apply at any time)	53	83	63	47	53	45	46	66	58	49	58
G. Permits Expired March 31 (cannot be renewed) (C minus D,E and F)	29	19	28	49	40	46	30	27	57	36	45
H. Percentage permits expired (G divided by A)	2.0%	1.3%	2.0%	3.5%	2.8%	3.2%	3.3%	1.8%	3.7%	2.3%	2.9%

Pease Development Authority  
DIVISION OF PORTS AND HARBORS - MOORING WAITLIST ANALYSIS

6/2/2025

	2015	2016	2022	2023	2024	2025
1.# OF MOORING SITES REQUESTED ON THE WAITLIST:	916	1001	848	857	720	763
2. # OF INDIVIDUALS ON THE WAITLIST:	381	360	371	383	331	346
3. # OF INDIVIDUALS ON THE WAITLIST THAT HAVE A MOORING:	140	132	131	151	125	210
4. PERCENTAGE OF INDIVIDUALS ON WAITLIST WITH A MOORING:	37%	37%	31%	39%	38%	61%
5. #OF MOORING SITES REQUESTED ON THE WAITLIST;	916	1001	848	857	720	763
6. #OF SITES ON THE WAITLIST BEING REQUESTED BY THE INDIVIDUALS THAT HAVE A MOORING:	354	360	371	269	260	302
PERCENTAGE OF #5 AND #6:	39%	36%	31%	31%	36%	40%

*\*Note: The waitlist is a moving target.*




# PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

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

FROM: Richard Hartley, Assistant Director of Ports and Harbors 

DATE: June 4, 2025

SUBJECT: Portsmouth Commercial Fish Pier, Replacement Building, Change Order 4, Curb Stop Valve Replacement

On or around May 30, the Division of Ports and Harbors (the "Division") was made aware that the cutoff valve for the Portsmouth Commercial Fish Pier Building was leaking. Division staff contacted the City of Portsmouth Water Department to determine if it was on their side of the piping, and it was determined it was not. With paving scheduled to be laid down where the leak repair area is located within the next few days the Division asked for and received approval from Executive Director Brean and Director Ferrini to process the change order and utilize its HDPM funds allocated for emergency repairs in an amount of \$3,113.00.

The fully executed change order is attached for reference.

**CHANGE ORDER NO.: 04**

Owner: Pease Development Authority, Division of Ports & Harbors  
 Engineer: Appledore Marine Engineering LLC  
 Contractor: Bonnette, Page & Stone Corporation  
 Project: Portsmouth Fish Building Replacement  
 Contract Name: Portsmouth Fish Building Replacement  
 Date Issued: 5/30/2025

Owner's Project No.:  
 Engineer's Project No.: 5346  
 Contractor's Project No.:  
 Effective Date of Change Order: 5/30/2025

The Contract is modified as follows upon execution of this Change Order:

## Description:

The Change Order serves to replace the curbs stop valve for the water service to the site/building which was identified as leaking and in need of replacement.

## Attachments:

1. Potential Contract Change Order and Backup
- 2.

Change In Contract Price	Change In Contract Times
Original Contract Price:	Original Contract Times:
\$ 991,845.00	Substantial Completion: July 31, 2025
	Ready for final payment: August 31, 2025
Increase from previously approved Change Orders No. 1 to No. 3	Increase from previously approved Change Orders No.1 to No 3:
\$ \$20,697.25	Substantial Completion: August 12, 2025
	Ready for final payment: Sept 10, 2025
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ 1,012,542.25	Substantial Completion: August 12, 2025
	Ready for final payment: Sept 10, 2025
Increase this Change Order:	[Increase] [Decrease] this Change Order:
\$ 3,113.00	Substantial Completion: 5 days
	Ready for final payment: 5 days
Contract Price Incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ 1,015,655.25	Substantial Completion: August 19, 2025
	Ready for final payment: Sept. 17, 2025

**Recommended by Engineer (if required)**

**Accepted by Contractor**

By:

Travis Baker

*TBB*

Jeff Cloutier

*JCC*

Title: Engineer / Owner's Representative

Project Manager, Bonnette Page & Stone

Date: 5/30/2025

5/30/25

**Authorized by Owner**

**Approved by Funding Agency (if applicable)**

By:

Title:

Date:



PCO #004

Bonnette Page and Stone Corp.  
51 Church St  
Laconia, New Hampshire 03246  
Phone: +16035243411

Project: 806 - Building Replacement at Portsmouth Commercial Fish Pier

## Prime Contract Potential Change Order #004: CE #011 - Curb Stop Valve Replacement

TO:	Pease Development Authority 555 Market Street Portsmouth, New Hampshire 03801	FROM:	Bonnette, Page & Stone Corp. 51 Church Street Laconia, New Hampshire 03246
PCO NUMBER/REVISION:	004 / 0	CONTRACT:	1 - Building Replacement at Portsmouth Fish Pier
REQUEST RECEIVED FROM:	Travis Baker (Appledore Marine Engineering)	CREATED BY:	Jeff Clouler (Bonnette, Page & Stone Corp.)
STATUS:	Pending - In Review	CREATED DATE:	5/30/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:	5 days	PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$3,113.00

POTENTIAL CHANGE ORDER TITLE: CE #011 - Curb Stop Valve Replacement

CHANGE REASON: Existing Condition

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*CE #011 - Curb Stop Valve Replacement

The Change Order serves to replace the curb stop valve for the water service to the site/building which was identified as leaking and in need of replacement.

## ATTACHMENTS:

[Water Shut off Change order.doc](#)

#	Budget Code	Description	Amount
1	02-200.0 Site Construction, Other	Curb Stop Valve Replacement	\$2,500.00
2	01-101.0 Superintendent, Other	Supervision	\$380.00
3		P&P Bond	\$29.00
4		CM Fee	\$204.00
Grand Total:			\$3,113.00

Vanessa Swasey (Appledore Marine Engineering)  
600 State Street, Suite E  
Portsmouth, New Hampshire 03801

Pease Development Authority  
555 Market Street  
Portsmouth, New Hampshire 03801

Bonnette, Page & Stone Corp.  
51 Church Street  
Laconia, New Hampshire 03246

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

## LUPOLI EXCAVATORS, L.L.C.

□□□

56 Lafayette Road □ North Hampton, NH 03862 -2405□

Phone 603-964-1949 □ Fax 603-964-4740

E-Mail: [lupolixcavators@aol.com](mailto:lupolixcavators@aol.com)

### Change Order #

CHANGE ORDER TO:

DATE: May 28, 2025

NAME: Bonnette Page & Stone

PHONE:

EMAIL:

STREET: Church Street

JOB NAME Portsmouth Fish Pier

CITY: Laconia

STREET: Pierce Island

STATE: New Hampshire

CITY: Portsmouth

Replace 1 Existing Water Shut Off

TOTAL

\$2,500.00

Authorized Signature: Nathan Lupoli

LUPOLI EXCAVATORS, L.L.C.

### ACCEPTANCE OF CHANGE ORDER

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as agreed.

ACCEPTED:

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

## MEMORANDUM

**TO:** Pease Development Authority Board of Directors

**FROM:** Paul E. Brean, Executive Director *Paul*

**DATE:** June 9, 2025

**SUBJECT:** DPH Contract Report

\*\*\*\*\*

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

1. Project Name: Tighe & Bond  
Board Authority: Director Ferrini  
Cost: \$22,500.00  
Summary: Rye Harbor Study Public Input and Informational Sessions

## MOTION

Director Ferrini:

The Pease Development Authority Board of Directors hereby moves that item numbers \_\_\_\_\_ from the Division of Ports and Harbors consent agenda list below be approved as a single consent agenda item, and that the proposed motions included for each be incorporated into such approval as the operative motion for each item.

1. Final proposal, Pda 700 Rules SLIP PERMITS; STATE-OWNED RESTRICTED PIERS \* **(Levesque)**
2. Market Street Marine Terminal – Schedule of Rates, Rules, And Regulations \* **(Fournier)**

N:\RESOLVES\2025\Consent Agenda – DPH (6-17-2025).docx

## MOTION

Director Levesque:

In accordance with the provisions of RSA 12-G:42, VI and VII, the Pease Development Authority Board of Directors hereby authorizes the Director of the Division of Ports and Harbors to file the Final Proposal Annotated text of the Pda 700 Rules with the Director of Legislative Services pursuant to RSA 541-A:12; all in accordance with the Memorandum of Richard Hartley, Assistant Director of Ports and Harbors, dated June 3, 2025; attached hereto.

N:\RESOLVES\2025\DPH – Pda 700 – Final Proposal (6-17-2025).docx

Date: June 3, 2025  
To: Pease Development Authority, Board of Directors  
From: Richard Hartley, Assistant Director Ports and Harbors *R. Hartley*  
Subject: Final Proposal, Administrative Rules; Pda 700, Slip Permits; State-Owned Restricted Piers

In accordance with RSA 12-G:42, VI and VII the Pease Development Authority ("PDA"), acting through its Division of Ports and Harbors ("the Division"), is given regulatory authority to adopt administrative rules pursuant to RSA 541-A, relative to Slip Permits; State-Owned Restricted Piers (Pda 700). The current Pda 700 rules will expire on October 31, 2025, and the Division, pursuant to RSA 541-A:6, is in the final stages of readopting the rules, with a few minor amendments, as shown in the attached final proposal.

In accordance with RSA 12-G:44, IV, the Initial Proposed Pda 700 Rules (the "initial proposal") was presented to, and approved by, the PDA Board at its meeting on March 16, 2025. The initial proposal was then published in the April 3, 2025, State of NH Rulemaking Register and a public hearing was held on April 30, 2025. There were no public comments received during the public comment period. However, the Division did receive comments back from the Office of Legislative Services (OLS), most of which were minor editorial changes, with the exception of identifying certain sections of Pda 704 that would benefit from further clarification. Those changes have been incorporated and tracked in the attached Final Proposed Pda 700 Rules. Otherwise, there have been no changes in the draft rules seen by the Board on March 11th. Upon board approval the next step in the adoption process is to file the Final Proposed Pda 700 Rules with the OLS, at which point they would be added to an upcoming Joint Legislative Committee on Administrative Rules (JLCAR) meeting agenda for review and vote.

Therefore, the Division of Ports and Harbors recommends that the PDA Board of Directors authorize the Division to file the attached Final Proposal-Annotated Text with the Director of Legislative Services pursuant to RSA 541-A:12.

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2025-77 Rule Number Pda 700

<p>1. Agency Name &amp; Address:</p> <p><b>Pease Development Authority Division of Ports and Harbors 555 Market St. Portsmouth, NH 03801</b></p>	<p>2. RSA Authority: <u>RSA 12-G:42</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p><input type="checkbox"/> Adopt</p> <p><input type="checkbox"/> Repeal</p> <p><input checked="" type="checkbox"/> Readoption</p> <p><input checked="" type="checkbox"/> Readoption w/amendment</p>
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5. Short Title: **Rules regarding Slip Permits at State-Owned Restricted Piers**

6. Contact person for copies and questions:

Name:	Title:
Brenda Therrien	Administrative Assistant
Address:	Phone #:
555 Market St.	603-766-9221
Portsmouth, NH 03801	

7. The rulemaking notice appeared in the Rulemaking Register on April 3, 2025

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET  
AND ONE COPY OF THE FOLLOWING:  
(optional to number correspondingly)**

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.
9. A report of public comments received on the Initial Proposal, including information on how the comment was incorporated into the final rule, or, if not incorporated, a detailed explanation justifying why the agency did not amend the rule, pursuant to RSA 541-A:12, II(e).
10. Yes ☐ N/A ☒ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
11. Yes ☒ N/A ☐ Agency form(s) as required by RSA 541-A:12, II-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.
12. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).
13. Yes ☐ N/A ☒ The amended fiscal impact statement pursuant to RSA 541-A:5, VI because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS), or there is an error in the original FIS which must be corrected.

14. Yes ☐ N/A ☒ Report of Implementation of Expired Rules if the filing contains expired rules and do not fall under the extension of RSA 541-A:14-a.

### INSTRUCTIONS FOR THE COVER SHEET FOR FINAL PROPOSAL

The first and second unnumbered items, and Items 1 through 5, shall be completed with the same information as appeared in the “Rulemaking Notice Form” (Appendix II-C) as published for the Initial Proposal in the Rulemaking Register. Item 6 shall identify the name, title, address, and telephone number of the person in the agency who can answer questions about the proposed rule and supply copies.

In Item 7 the agency shall list the full date, by month, day, and year, on which the “Rulemaking Notice Form” was published in the Rulemaking Register.

Items 9 through 13 all relate to required attachments to the “Final Proposal Cover Sheet”. PROVIDE ONE COPY OF EVERYTHING SUBMITTED. IT IS OPTIONAL TO NUMBER THEM ACCORDINGLY. Items 8 and 9 are required in every filing, and therefore are listed without a check-box. Items 10 through 13 will be required only under the circumstances set forth in the description of the items listed below. The agency shall determine whether such attachments are required and then check either the “Yes” box to indicate that the document is required and has been attached or the “N/A” box if the document is not required and therefore not applicable:

- Item 8. The “Final Proposal—Fixed Text,” required by RSA 541-A:12, II(b). See also Section 2.12 of Chapter 3 in the Manual. Include the cross-reference table required by RSA 541-A:3-a, II as was done for the Initial Proposal. See Section 2.4 of Chapter 3 in the Manual.
- Item 9. A report or summary of the public comments received on the Initial Proposal and an explanation of how they were addressed in the Final Proposal pursuant to RSA 541-A:12, II(e).
- Item 10. An “Incorporation by Reference Statement” (Appendix II-H) if the agency has incorporated a third-party document or Internet content by reference for which such a statement is required pursuant to RSA 541-A:12, III. See Section 3.12 of Chapter 4 in the Manual.
- Item 11. Agency form(s) as required by RSA 541-A:12, II-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.
- Item 12. The text of the final proposal annotated to reflect how the text of the Final Proposal differs from the text of the Initial Proposal, if the text has changed during the public hearing and comment process. See RSA 541-A:12, II(e) and Section 5.4 of Chapter 4 in the Manual.
- Item 13. The amended fiscal impact statement obtained from the Legislative Budget Assistant if, as a result of the public hearing and comment process, a change has been made to the rule which affects the original fiscal impact statement, or there is an error in the original FIS which must be corrected. See RSA 541-A:5, VI and Section 2.11 of Chapter 3 in the Manual.
- Item 14. Report of Implementation of Expired Rules if the filing contains expired rules and do not fall under the extension of RSA 541-A:14-a.

**Readopt Pda 701 through Pda 708 effective 10-20-15 (Document #10949), to read as follows:**

**PART Pda 701 PURPOSE**

Pda 701.01 Purpose. The purpose of Pda 700 is to provide a comprehensive slip permit system pursuant to RSA 12-G:42, VI, for the implementation of RSA 12-G:42, VII which authorizes the authority to set and collect fees for state-owned slips in ports, harbors, and state tidal waters. State-owned slips exist at both state-owned commercial piers and state-owned restricted piers. Because pier use, berthing, and skiff permits issued under Pda 600 for state-owned commercial piers function as slip permits under RSA 12-G:42, VII, Pda 700 recognizes that these permits constitute slip permits. The pier use, berthing, and skiff permits issued under Pda 600 allow a vessel to occupy a state-owned slip at a state-owned commercial pier. The slip permits issued under Pda 700 for state-owned restricted piers allow a vessel to occupy a state-owned slip at a state-owned restricted pier.

**PART Pda 702 SLIP PERMITS REQUIRED**

Pda 702.01 Slip Permit Required for State-Owned Slip; Exceptions. No vessel shall occupy a state-owned slip, unless the owner or operator of the vessel has obtained a slip permit for such vessel, except for the following:

- (a) A private recreational vessel secured to a recreational-use pier in compliance with Pda 603.01;
- (b) A vessel secured to a business-use pier in compliance with Pda 603.02(d);
- (c) A vessel secured to a state-owned restricted pier in compliance with Pda 703.01; and
- (d) A vessel secured to a recreational-use pier in compliance with Pda 603.01(d)(1)b.2., 5., 6., or 7.

Pda 702.02 Limited Applicability of Slip Permits for State-Owned Restricted Piers. Any vessel with a slip permit issued under Pda 706 shall only be authorized to occupy a state-owned slip at a state-owned restricted pier.

Pda 702.03 Certain Permits Constitute Slip Permits. For the purposes of the comprehensive slip permit system established in Pda 700, the following permits issued under Pda 600 shall constitute a slip permit:

- (a) A pier use permit issued under Pda 600;
- (b) A berthing permit issued under Pda 600 for the Portsmouth pier berthing area; and
- (c) A skiff permit issued under Pda 600.

Pda 702.04 Limited Applicability of Slip Permits for State-Owned Commercial Piers. Any vessel with a slip permit listed under Pda 702.03 shall only be authorized to occupy a state-owned slip at a state-owned commercial pier. Such vessel shall not be authorized to occupy a state-owned slip at a state-owned

restricted pier, unless the owner, operator, or duly authorized agent has applied for and obtained a slip permit under Pda 704 and Pda 706.

#### PART Pda 703 USE OF STATE-OWNED RESTRICTED PIERS; REMOVAL OF VESSELS

Pda 703.01 Use of State-Owned Restricted Piers. A vessel without a slip permit issued under Pda 706 may be secured to a state-owned restricted pier, if the vessel operator requests permission to be so secured and the division director or an employee of the division:

(a) Determines that the securing of the vessel would not interfere with the use of the pier by another vessel approaching, departing from, or already secured to the pier and that one or more of the following applies:

- (1) The vessel requires emergency repairs;
- (2) Weather or tide conditions make it hazardous for the vessel not to be secured to the pier;
- (3) A medical emergency exists involving a passenger or crew member;
- (4) The crew or passengers, or both, of the vessel are making use of state-owned facilities for official government business; or
- (5) Failure to secure the vessel to the pier would result in an imminent and substantial hazard to navigation or to the safety of any person on board such vessel; and

(b) Gives the operator of the vessel oral permission to be secured to the pier, but only for as long as the situation creating the reason for the stay exists.

Pda 703.02 Removal of Vessels from State-Owned Restricted Piers. If any vessel is secured to or berthed at or otherwise occupies a slip or a portion of a slip at a state-owned restricted pier in violation of Pda 700, and the owner or operator is not available or refuses to move the vessel, the division shall remove or arrange for the removal of such vessel from the state-owned restricted pier in accordance with RSA 12-G:52-b.

#### PART Pda 704 PERMITS

Pda 704.01 Granting of Annual State-Owned Restricted Pier Slip Permits; Modification, Duration, and Nontransferability.

(a) The division director or designee shall grant pursuant to Pda 706.01 annual state-owned restricted pier slip permits for state-owned restricted piers, on a space available basis, only for vessels authorized under a written contractual agreement with the authority to make use of ~~any state-owned restricted pier or berth at the Barker wharf or the Burge wharf.~~ The written contractual agreement shall include the following terms and conditions:

- (1) The specific primary use(s) and any accessory use(s) for that user permitted by the authority, whether such uses are exclusive or nonexclusive, and any restrictions or limitations on use specific to the authorized user;
- (2) Payment of the amount of dockage, wharfage, or other fees or charges to the authority;
- (3) Insurance types and coverage amounts required by the authority;

(4) Indemnification of the authority for any injury to person or property;

(5) The contract term together with the date and time of permitted use(s).

(b) Only the owners or operators of the vessels specified pursuant to (a) above shall be permitted to apply for an annual state-owned restricted pier slip permit under Pda 700 by:

- (1) Identifying the state-owned restricted pier for which the applicant seeks a slip permit;
- (2) Submitting a completed application form as described in Pda 709.01 to the division; and
- (3) Paying the applicable annual slip permit fee.

(c) An annual state-owned restricted pier slip permit shall be valid for a one-year period from January 1 to December 31. All annual state-owned restricted pier slip permits issued during the time period from January 1 to December 31 shall expire on December 31.

(d) Annual state-owned restricted pier slip permits shall not be transferable.

(e) An annual state-owned restricted pier slip permit for ~~the Barker wharf or the Burge wharf~~ any state-owned restricted pier shall allow the permit holder to occupy a slip or portion of a slip at the designated wharf subject to the requirements of Pda 700 and such additional terms and conditions set forth in a written contractual agreement referenced in Pda 704.01(a) between the authority and the permit holder, the permit holder's employer or hirer, or any association in which the permit holder is a member.

(f) Any available slip space not specifically reserved or scheduled for priority use under the terms of a written contractual agreement referenced in Pda 704.01(a) with the authority shall be available to the division for its use or use by a vessel:

- (1) With an annual state-owned restricted pier permit and a written contractual agreement referenced in Pda 704.01(a) with the authority to utilize a state-owned restricted pier;
- (2) Authorized by the division to secure to a state-owned restricted pier under Pda 703.01; or
- (3) With a single-use state-owned restricted pier slip permit obtained under Pda 704.02(a).

(g) An annual state-owned restricted pier slip permit shall be modified by substitution of a modified or replacement vessel for the vessel identified in the permit if the following conditions are met:

(1) The permit holder provides to the division, at least 14 days before making use of the modified or replacement vessel under the annual state-owned restricted pier slip permit:

- a. Written notice of any changes to vessel information under Pda 709.01(b)(8); and
- b. If there is a new registration for the vessel, a copy of such registration; and

(2) Before making use of a modified or replacement vessel under the annual state-owned restricted pier slip permit, the permit holder pays to the division an amount equal to the difference in the amount, if any, that the slip permit fee for the modified permit exceeds the slip permit fee paid for the original permit.

(h) The expiration date of an annual state-owned restricted pier slip permit modified under (g) above shall be the same as the originally issued permit.

(i) In order to maintain updated information with the division, each annual state-owned restricted

pier slip permit holder shall notify the division in writing, within 30 days of the change, of any changes to information required pursuant to Pda 709.01(b)(1)-(7).

Pda 704.02 Granting of Single-Use State-Owned Restricted Pier Slip Permits; Duration and Nontransferability.

(a) The division director or designee shall grant pursuant to Pda 706.02 single-use state-owned restricted pier slip permits for the Barker wharf or the Burge wharf only for the following vessels on a space available basis if authorized under a written contractual agreement referenced in Pda 704.02(d):

- (1) A charter boat;
- (2) A commercial cargo vessel in transit requiring a temporary berth or seeking to load or unload cargo in New Hampshire; or
- (3) Any vessel invited to Portsmouth harbor by a nonprofit organization registered in New Hampshire or any state or local governmental agency to attend or otherwise participate in any celebration, festival, or historical reenactment held within the state.

(b) The division director or designee shall grant pursuant to Pda 706.02 single-use state-owned restricted pier slip permits for the marine terminal wharves on a space available basis for any vessel authorized under a written contractual agreement referenced in Pda 704.02(d):

- (1) Proposing to occupy all or a portion of one of the slips located at the marine terminal wharves; and
- (2) That agrees to pay the applicable slip fee and all other applicable fees associated with use of the marine terminal wharves.

(c) The owner or operator of a vessel identified under (a) or (b) above shall be permitted to apply for a single-use state-owned restricted pier slip permit.

(d) A single-use state-owned restricted pier slip permit shall allow the vessel to occupy a slip or portion of a slip at the state-owned restricted pier, as specified in the permit, subject to the Pda 700 and such additional terms and conditions set forth in a written contractual agreement. The written contractual agreement shall include the following terms and conditions:

- (1) The specific primary use(s) and any accessory use(s) for that user permitted by the authority, whether such uses are exclusive or nonexclusive, and any restrictions or limitations on use specific to the authorized user;
- (2) Payment of the amount of dockage, wharfage, and/or other fees or charges to the authority;
- (3) Insurance types and coverage amounts required by the authority;
- (4) Indemnification of the authority for any injury to person or property;
- (5) The contract term together with the date and time of permitted use(s).

(e) A single-use state-owned restricted pier slip permit shall be valid for a one-time use of the pier for the period of time specified in the permit, not to exceed 24 hours. The holder of the permit may extend the stay beyond the time in the permit by paying the required fee(s), subject to available slip space.

(f) A single-use state-owned restricted pier slip permit shall not be transferable.

(g) Any person who qualifies for a single-use state-owned restricted pier slip permit may make application for a permit by:

- (1) Submitting an application as described in Pda 706.02 to the division; and
- (2) Paying the single-use state-owned restricted pier slip permit fee.

PART Pda 705 WAIT LIST FOR BARKER AND BURGE WHARVES – RESERVED

PART Pda 706 PERMIT APPLICATIONS; PROCESSING OF APPLICATIONS

Pda 706.01 Annual State-Owned Restricted Pier Slip Permit; Application Requirements; Processing.

(a) An applicant for an annual state-owned restricted pier slip permit shall:

(1) Obtain an annual state-owned restricted pier slip 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 03801-3532

(2) Provide the information and certification required on the annual state-owned restricted pier slip permit application form, as provided in Pda 709.01(b) and (d); and

(3) Attach to the application the following:

- a. A photocopy of the applicant's New Hampshire state tidal, other state or International Maritime Organization number registration for a commercial vessel;
- b. If the vessel described on the application is a charter boat, a photocopy of the vessel's New Hampshire state tidal or other state registration and U.S. Coast Guard merchant mariner's license for the operator; and
- c. Payment of the annual state-owned restricted pier slip 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) The applicant or the applicant's duly authorized officer or member shall sign the application.

(c) Upon receipt of the application form by the division, the division director or designee shall verify that:

- (1) The applicant has provided all applicable information and documentation required under Pda 709.01;

- (2) The ~~applicant~~~~application~~ has attached the documentation required under (a)(3) above;
- (3) The vessel information on the New Hampshire state tidal, other state or International Maritime Organization registration or federal documentation is the same vessel information provided on the application;
- (4) The annual state-owned restricted pier slip permit fee is paid, provided that the 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;
- (5) There is a valid written contractual agreement between the authority and the applicant covering the permit period as referenced in Pda 704.01(a);
- (6) There is no reason to deny the application under Pda 707.02; and
- (7) The applicant has signed the application.

(d) Within 30 days of receipt of the application by the division, the division director or designee shall grant or deny the application consistent with the provisions of Pda 707.

(e) If the applicant is granted an annual state-owned restricted pier slip permit under Pda 707, the division director or designee shall:

- (1) Issue an annual state-owned restricted pier slip permit to the applicant;
- (2) Sign and date the permit(s); and
- (3) Mail a photocopy of the permit(s) to the applicant at the address specified by the applicant on the permit application, or, if none is specified, to the applicant's permanent address.

Pda 706.02 Single-Use State-Owned Restricted Pier Slip Permit; Application Requirements; Processing.

(a) Only the owner, operator, or agent of an owner or operator of a vessel specified in Pda 704.02 shall be eligible to apply for a single-use state-owned restricted pier slip permit.

(b) Prior to or immediately upon securing a vessel to a state-owned restricted pier, an applicant for a single-use state-owned restricted pier slip permit shall make an oral or written application.

(c) The applicant shall provide the information required in Pda 709.02(a) to the division either:

- (1) By telephone in accordance with:
  - a. Signage posted by the division at the state-owned restricted pier that displays the telephone number(s) of the division; or
  - b. The instructions on the division's ~~Internet~~~~internet~~ website that provide the telephone number(s) of the division; or

(2) In person to the division at the pier or the division's office.

(d) If the applicant contacts the division by telephone, the division director or an employee of the division shall enter the information provided by the applicant on a single-use state-owned restricted pier slip permit application form and allow the applicant to secure the vessel to the pier after the division director or employee verifies the accuracy of the information relating to the vessel operator and vessel provided

under (b) above, if space is available.

(e) Once the vessel is secured to the state-owned restricted pier, the applicant shall:

(1) Display to, and allow a copy to be made by, the division director or employee of the division:

a. The applicant's New Hampshire state tidal or other state registration or International Maritime Organization number for a commercial vessel; and

b. If the vessel described on the application is a charter boat, a photocopy of the vessel's New Hampshire state tidal or other state registration and U.S. Coast Guard merchant mariner's license for the operator;

(2) Make payment of the single-use state-owned restricted pier slip 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;" and

(3) Sign the application form.

(f) Upon receipt of a signed application and tender of the single use state-owned restricted pier slip permit fee, the division director or employee shall grant or deny the application consistent with the provisions of Pda 707.

(g) If the applicant is granted a single-use state-owned restricted pier slip permit under Pda 707, and meets the requirements of (e) above, the division director or employee shall:

(1) Enter the time of day and date that the permit was granted on the permit;

(2) Sign the permit; and

(3) Issue a single-use state-owned restricted pier slip permit to the applicant.

#### PART Pda 707 GRANT OR DENIAL OF PERMIT APPLICATION; REVOCATIONS; HEARINGS

Pda 707.01 Annual and Single-Use State-Owned Restricted Pier Slip Permits. Applications under Pda 706 for annual state-owned restricted pier slip permits and single-use state-owned restricted pier slip permits shall be granted unless denied by the division in accordance with Pda 707.02.

##### Pda 707.02 Reasons for Denial of Application.

(a) The director shall deny a permit application for an annual or single-use state-owned restricted pier slip permit if the applicant:

(1) Is not a qualified applicant under Pda 704.01(a) and (b) or Pda 704.02(a) or (b), as applicable;

(2) Has not included the required permit fee;

(3) Has not provided the required information and documentation under Pda 709, for the type of permit applied for;

(4) Has provided materially false information on the application form or to a representative of the division, or has provided materially false or invalid information in any of the documentation required under Pda 709;

(5) Has failed to:

- a. Timely pay any fees or other costs due 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

(6) Has not signed the application.

(b) The director shall deny a permit application for an annual state-owned restricted pier slip permit or single-use state-owned restricted pier slip permit if the division determines that the vessel cannot be safely secured at the slip, taking into consideration the LOA, width, and draft of the vessel, the strength of the particular pier to which the vessel will be secured, and the potential for storms, wind, waves, tides, currents, and wash at the proposed location.

Pda 707.03 Revocation of State-Owned Restricted Pier Slip Permit.

(a) The director shall revoke an annual state-owned restricted pier slip permit or single-use state-owned restricted pier slip permit for any of the following reasons, as applicable to the type of permit:

(1) The permit was transferred in violation of Pda 704.01(d) or 704.02(f);

(2) The applicant has provided materially false information on the application form or to a representative of the division, or has provided materially false or invalid information in any of the documentation required under Pda 709;

(3) The permit holder's use of the state-owned restricted pier is in violation of the law, including any rule set forth in Pda 700, presents an imminent and substantial threat to human health, public safety, or the environment, or is likely to result in immediate and substantial damage to division property;

(4) The permit holder has failed during the term of the permit to:

- a. Timely pay any fees or other costs due 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 for more than 30 days;
- b. Timely pay any fines assessed under RSA 12-G:52 or RSA 12-G:52-a and such fine(s) remain due and payable for more than 30 days; 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 for more than 30 days;

(5) The permit holder ceases to have any ownership interest in a vessel identified in the permit holder's permit;

(6) The permit holder returned the permit to the division in accordance with Pda 707.06; ~~or~~

(7) The permit holder did not provide the written notification to the division required under Pda 707.06(a); ~~or~~

(8) The permit holder has committed a material breach of any written contractual agreement with the authority.

(b) The director shall provide notice and opportunity for a hearing before revocation of an annual state-owned restricted pier slip permit or single-use state-owned restricted pier slip permit.

Pda 707.04 Hearings; Notice of Denial.

(a) Any hearing required pursuant to Pda 707.03 shall be held by the division director or designee.

(b) If a permit is denied or revoked under Pda 707.03(b) after notice and opportunity for a hearing, notice of the denial or revocation and the reason(s) therefor shall be sent to the applicant in writing within 10 working days of the decision.

Pda 707.05 Removal of Vessel from the State-Owned Restricted Pier if Permit Revoked. Within 10 days of receipt of a notice of revocation of a permit pursuant to Pda 707.03(b), or, if the applicant or permit holder files a request for reconsideration pursuant to Pda 708, within 10 days of receipt of a notice of decision under Pda 708.03(b), the vessel for which the permit was issued shall be permanently removed from its slip. If the vessel is not removed by 11:59 p.m. on the tenth day following the receipt of such notice, a representative of the division shall arrange for the removal of the vessel from its slip. The owner of the vessel shall be responsible for any costs incurred by the division in removing the vessel from its slip.

Pda 707.06 Written Notification and Return of Permit Required in Certain Circumstances.

(a) A permit holder shall provide written notification to the division within 15 days of the sale or other disposition of the vessel for which a state-owned restricted pier slip permit has been issued.

(b) A person required under (a) above to provide written notification to the division shall return the permit to the division within 15 days of the event requiring notification under (a) above.

PART Pda 708 RECONSIDERATION

Pda 708.01 Reconsideration; Who May Petition. The following person(s) may petition the division director for reconsideration pursuant to Pda 708:

(a) Any holder of an annual state-owned restricted pier slip permit or single-use state-owned restricted pier slip permit issued under Pda 700 whose permit was revoked by the division director pursuant to Pda 707.03; and

(b) Any applicant for an annual state-owned restricted pier slip permit or single-use state-owned restricted pier slip permit whose application was denied by the division director pursuant to Pda 706.01(d) or Pda 706.02(f).

Pda 708.02 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 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; and

(d) Include any new or additional information relevant to the matter proposed for reconsideration.

Pda 708.03 Reconsideration by Division Director.

(a) A petition for reconsideration by the division director shall be filed with the division director within 10 days from receipt of notice of:

(1) Revocation of a permit pursuant to Pda 707.03; or

(2) Denial of a permit pursuant to Pda 706.01(d) or 706.02(f).

(b) The division director shall review a petition for reconsideration within 10 days of receipt and notify the petitioner of ~~his or her~~their decision on whether to grant or deny the petition within 5 business days of review.

(c) When making a decision on a petition for reconsideration, the division director shall consider any new or additional information relevant to the matter under reconsideration that was not available:

(1) In a permit denial proceeding, when the application in question was submitted; or

(2) In a permit revocation proceeding, when the decision to revoke a permit was rendered.

(d) The division director shall grant a petition for reconsideration if the division director finds it more likely than not that the decision was based on an error of law or fact or lacked facts that could reasonably sustain the decision.

(e) The division director shall deny a petition for reconsideration if the petition for reconsideration was not timely filed in accordance with (a) above, or the division director finds it more likely than not that the decision was not based on any error of law or that there were facts reasonably sustaining the decision.

**Readopt with amendment Pda 709, effective 10-20-15 (Document # 10949), to read as follows:**

Pda 709.01 Annual State-Owned Restricted Pier Slip Permit Application Form.

(a) Each person seeking an annual state-owned restricted pier slip permit shall complete an "annual state-owned restricted pier slip permit application" form provided by the division and:

(1) Deliver or mail the completed application to:

Pease Development Authority  
Division of Ports and Harbors  
555 Market Street  
Portsmouth, NH 03801-3532; or

~~(2) Mail the completed application to:~~

~~Pease Development Authority  
Division of Ports and Harbors~~

~~555 Market Street~~  
~~Portsmouth, NH 03801-3532~~

(b) The applicant shall provide the following information on the "annual state-owned restricted pier slip permit application" form:

- (1) The applicant's full legal name;
  - (2) The name and address of the applicant's business;
  - (3) The applicant's mailing address, if different from the business address identification in (2) above;
  - (4) Which address the applicant requests be used as the correspondence address by the division;
  - (5) The applicant's type of business organization, or state agency;
  - (6) The applicant's telephone number(s) including:
    - a. Business telephone number;
    - b. Home telephone number;
    - c. Business fax number;
    - d. Emergency telephone number; and
    - e. Cell telephone number;
  - (7) The applicant's email address;
  - (8) The following information pertaining to the vessel:
    - a. Vessel name;
    - b. New Hampshire or other state registration number or International Maritime Organization number;
    - c. Federal documentation number, if applicable;
    - d. Vessel LOA;
    - e. Vessel width;
    - f. Vessel draft;
    - g. Vessel color; and
    - h. Type of vessel;
  - (9) The state-owned restricted pier for which the applicant is seeking a slip permit; and
  - (10) The amount of slip space requested at the pier identified in (9) above.
- (c) The applicant shall attach the documentation required under Pda 706.01(a)(3).
- (d) By ~~his or her~~their signature, the applicant shall certify the following:

"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 state-owned restricted pier slip permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant or the applicant's duly authorized officer or member shall sign and date the application.

Pda 709.02 Single-Use State-Owned Restricted Pier Slip Permit Application Form.

(a) The applicant, the division director, or an employee of the division shall enter the following information provided by an applicant under Pda 706.02(c) on a "single-use state-owned restricted pier slip permit application and permit" form:

- (1) The applicant's full legal name;
- (2) The applicant's permanent address;
- (3) The applicant's telephone number(s) including:
  - a. Business telephone number;
  - b. Home telephone number;
  - c. Cell telephone number; and
  - d. An emergency contact telephone number;
- (4) The applicant's email address;
- 5) The following information pertaining to the vessel and registration and identification numbers:
  - a. Vessel name;
  - b. New Hampshire or other state registration number or International Maritime Organization number;
  - c. Federal documentation number, if applicable;
  - d. Vessel LOA;
  - e. Vessel width;
  - f. Vessel draft;
  - g. Vessel color; and
  - h. Type of vessel;
- (6) The state-owned restricted pier for which the applicant is seeking a slip permit and the reason the applicant wishes to use the state-owned restricted pier; and
- (7) The amount of slip space requested at the pier identified in (6) above.

(b) The form shall require the division director or an employee of the division to verify that the

applicant has displayed the documentation required under Pda 706.02(e)(1).

(c) By ~~his or her~~their signature, the applicant shall certify the following:

"I certify that the statements and information in this application are to the best of my knowledge and belief true, accurate and complete. I am aware that my state-owned restricted pier slip permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(d) The applicant or the applicant's duly authorized officer or member shall sign and date the application.

**Readopt Pda 710.01 effective 4-17-15 (Document #10818, EXEMPT), cited and to read as follows:**

PART Pda 710 PERMIT FEES

Pda 710.01 Fee Schedule.

(a) Following adoption of a Pda 700 fee schedule, Pda 700 fees shall remain in effect until new fees are adopted in accordance with (d) below. At least once a year the division director shall review the schedule of Pda 700 fees. If the division proposes to modify Pda 700 fees, the process shall be as described in (b) below.

(b) The following shall govern the adoption of Pda 700 fee schedules:

- (1) The division director shall prepare a proposed schedule of Pda 700 fees;
- (2) The division director shall publish a notice in at least 2 newspapers of general circulation of the availability of the proposed schedule of Pda 700 fees;
- (3) Within 30 days of publication of notice pursuant to (2) above, any person may submit to the division director written comments regarding the proposed schedule of Pda 700 fees;
- (4) Within 60 days of publication of notice pursuant to (2) above, the division director shall submit the proposed schedule of Pda 700 fees to the authority for review and approval;
- (5) The authority may:
  - a. Adopt the approved schedule of Pda 700 fees;
  - b. Adopt the approved schedule of Pda 700 fees in part; or
  - c. Adopt the approved schedule of Pda 700 fees in part and modify the schedule in part;
- (6) The fees adopted by the authority shall take effect on January 1 of the following year or 5 days after adoption by the authority, whichever is earlier, unless the authority specifies an alternate effective date that is at least 5 days after the date of adoption by the authority; and
- (7) Once adopted by the authority, the schedule of Pda 700 fees shall be made available to any person who requests a copy.

**Readopt Pda 710.02 - Pda 710.04 effective 3-21-07 (Document #8846, EXEMPT), to read as follows:**

Pda 710.02 Types of Fees. The following types of fees shall be set by the schedule of fees determined under Pda 710.01:

- (a) Annual state-owned restricted pier slip permit fee; and
- (b) Single-use state-owned restricted pier slip permit fee.

**Pda 710.03 Waiver of Fees; Official Government Business.**

(a) "Government agency" means any department, commission, board, institution, bureau, office, court, legislative body, or other entity, by whatever name called, established in the constitution, statutes, session laws, or executive orders of the local, state, or federal government.

(b) Fees under Pda 710.02 shall not be waived for any type of applicant for or holder of a permit issued pursuant to Pda 700 or any user of state-owned restricted piers, except in accordance with (c) below.

(c) Any fee required under Pda 710.02 for any permit to be issued under Pda 700 shall be waived by the division for any government agency, or employee or agent of any government agency, conducting official business. Any employee or agent of a government agency seeking a waiver of fees pursuant to Pda 710.03 shall:

- (1) Identify the government agency that ~~he or she~~ the person is representing;
- (2) Display:
  - a. A government-issued photo identification card that identifies the person as an employee or agent of the government agency; or
  - b. A government issued identification card that identifies the person as an employee or agent of the government agency and a photo identification card; and
- (3) Identify the nature of the official business of the government agency that such employee or agent will be conducting at the state-owned restricted pier.

**Pda 710.04 Fees Nonrefundable; Payment of Fees.**

- (a) All Pda 710.02 fees shall be nonrefundable.
- (b) The fee(s) paid by check or money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA - DPH."

**APPENDIX**

<b>Rule number</b>	<b>State Statute/Federal Regulation Implemented</b>
Pda 700 (Specific Pda 700 rules implementing specific statutes are listed below)	RSA 12-G:42
Pda 701	RSA 12-G:42, VI, VII
Pda 702	RSA 12-G:42, VI, IX
Pda 703 - Pda 709	RSA 12-G:42, VI
Pda 710.01	RSA 12-G:42, VI, VII
Pda 710.02 through Pda 710.04	RSA 12-G-42, XI

**FOR DIVISION USE ONLY**

Customer Number	Check Number	Pier Use Permit No.
Date Application Received	Received by	State Agency
Time Application Received		

**PEASE DEVELOPMENT AUTHORITY**  
DIVISION OF PORTS AND HARBORS  
555 Market Street, Portsmouth, NH 03801-3532  
(603) 436-8500 Phone (603) 436-2780 Fax

**ANNUAL STATE-OWNED RESTRICTED PIER SLIP PERMIT APPLICATION AND PERMIT**

**SECTION I – VESSEL OWNER INFORMATION**

Applicant's Full Legal Name: \_\_\_\_\_

Business Name (if applicable): \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

(If different from Business) \_\_\_\_\_

Preferred Address to be used for correspondence, if different:      (circle one) BUSINESS      MAILING

Telephone Number(s) (including area code) \_\_\_\_\_

Business: \_\_\_\_\_ Home: \_\_\_\_\_ Business Fax: \_\_\_\_\_

Emergency telephone number \_\_\_\_\_ Cell phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Type of Activity (circle one): Commercial: Fishing    Commercial Cargo Vessel    Charter Boat    Off-Site Business

Type of Entity (circle one):    Sole Proprietorship    Partnership    Corporation LLC    Trust    Association    State Agency    Other

**SECTION II - VESSEL INFORMATION AND PERMIT FEE**

VESSEL NAME	NH or other STATE REGISTRATION NO.	FEDERAL DOC.#	LENGTH OVERALL	WIDTH	DRAFT	COLOR	TYPE OF VESSEL (Power/Sail)

Pier Use Location (circle one): Burge Wharf    OR    Barker Wharf    OR    Market St. Terminal

Slip Space Requested: \_\_\_\_\_

**PERMIT FEE**      \$ \_\_\_\_\_ (make checks payable to PDA-DPH)

**SECTION IV - CERTIFICATION AND SIGNATURE**

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 state-owned restricted pier slip permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information.

Signature of Applicant (Sole Proprietorship or Partnership)  
Or Signature and Title of duly authorized officer or member of Applicant

Date

**SECTION V - PIER USE PERMIT (to be completed by the Division)**

This permit is valid from January 1, 20\_\_\_\_ to December 31, 20\_\_\_\_.

Approved by: Division Director (or Designee)

Date

## **SECTION VI - REQUIRED DOCUMENTS**

Attach to the application the following as it pertains to the operation:

- a. A photocopy of the applicant's New Hampshire state tidal, other state, or International Maritime Organization number registration for a commercial vessel.
- b. If the vessel described on the application is a charter boat, a photocopy of the vessel's New Hampshire state tidal or other state registration and U.S. Coast Guard merchant mariner's license for the operator.
- c. Payment of the annual state-owned restricted pier slip 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."

## **SECTION VII - APPLICATION INSTRUCTIONS**

### **GENERAL INSTRUCTIONS:**

1. Please print or type all information.
2. All information must be completed. Incomplete applications will not be accepted.
3. Make check or money order payable to: "Pease Development Authority, Division of Ports and Harbors" or "PDA - DPH".
4. Return completed Annual Pier Use Application with documentation and payment to:  
  
Pease Development Authority; Division of Ports Harbors (PDA/DPH)  
555 Market Street  
Portsmouth, NH 03801-3532
5. Upon approval of the pier use application by the Division Director or designee, a fully executed copy of the pier use application/permit and applicable sticker(s) will be provided to you.

**You may obtain the Division rules relating to state-owned restricted pier use requirements (Pda 700)  
from the Division office for a fee or at no charge on the website of Pease Development  
Authority, Division of Ports and Harbors: [www.portofnh.org](http://www.portofnh.org).**

**FOR DIVISION USE ONLY**

Customer Number	Check Number	Pier Use Permit No.
Date Application Received	Received by	State Agency
Time Application Received		

**PEASE DEVELOPMENT AUTHORITY**  
DIVISION OF PORTS AND HARBORS  
555 Market Street, Portsmouth, NH 03801-3532  
(603) 436-8500 Phone (603) 436-2780 Fax

**SINGLE-USE STATE-OWNED RESTRICTED PIER SLIP PERMIT APPLICATION AND PERMIT**

**SECTION I - VESSEL OWNER INFORMATION**

Applicant's Full Legal Name: \_\_\_\_\_

Applicant's Permanent Address: \_\_\_\_\_

Telephone Number(s) (including area code) \_\_\_\_\_

Business: \_\_\_\_\_ Home: \_\_\_\_\_ Cell phone: \_\_\_\_\_

Emergency telephone number \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION II - VESSEL INFORMATION AND PERMIT FEE**

VESSEL NAME	NH or other STATE REGISTRATION NO.	FEDERAL DOC.#	LENGTH OVERALL	WIDTH	DRAFT	COLOR	TYPE OF VESSEL (Power/Sail)

Pier Use Location (circle one): Burge Wharf OR Barker Wharf OR Market St. Terminal

Slip Space Requested: \_\_\_\_\_

**PERMIT FEE** \$\_\_\_\_\_ (make checks payable to PDA-DPH)

**SECTION IV - CERTIFICATION AND SIGNATURE**

"I certify that the statements and information in this application are to the best of my knowledge and belief true, accurate and complete. I am aware that my state-owned restricted pier slip permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

Signature of Applicant (Sole Proprietorship or Partnership)  
Or Signature and Title of duly authorized officer or member of Applicant

Date

**SECTION V - PIER USE PERMIT (to be completed by the Division)**

Verification of Applicant's Documentation \_\_\_\_\_

This permit is valid from \_\_\_\_\_ on \_\_\_\_\_ to \_\_\_\_\_ on \_\_\_\_\_  
Start time mm/dd/yyyy start time mm/dd/yyyy

Approved by: Division Director (or Designee)

Date

## **SECTION VI - REQUIRED DOCUMENTS**

The vessel owner, operator, or agent of an owner/operator shall provide the Division the following as it pertains to the operation:

- a. A photocopy of the applicant's New Hampshire state tidal, other state, or International Maritime Organization number for a commercial vessel; and
- b. If the vessel described on the application is a charter boat, a photocopy of the vessel's New Hampshire state tidal or other state registration and U.S. Coast Guard merchant mariner's license for the operator.
- c. Payment of the annual state-owned restricted pier slip 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."

## **SECTION VII - APPLICATION INSTRUCTIONS**

### **GENERAL INSTRUCTIONS:**

- 1) Only the owner, operator, or agent of an owner or operator of a vessel specified in Pda 704.02 shall be eligible to apply for a single-use state-owned restricted pier slip permit.
- 2) Prior to or immediately upon securing a vessel to a state-owned restricted pier, an applicant for a single-use state-owned restricted pier slip permit shall make an oral or written application.
- 3) The applicant shall provide the information required in Pda 709.02(a) to the division either:
  - (1) By telephone in accordance with:
  - (2) In person to the division at the pier or the division's office.
- 4) If the applicant contacts the division by telephone, the division director or an employee of the division shall enter the information provided by the applicant on a single-use state-owned restricted pier slip permit application form and allow the applicant to secure the vessel to the pier after the division director or employee verifies the accuracy of the information relating to the vessel operator and vessel provided if space is available.
- 5) Once the vessel is secured to the state-owned restricted pier, the applicant shall:
  - (1) Display to, and allow a copy to be made by, the division director or employee of the division:
    - a. The applicant's New Hampshire state tidal or other state registration or International Maritime Organization number for a commercial vessel; and
    - b. If the vessel described on the application is a charter boat, a photocopy of the vessel's New Hampshire state tidal or other state registration and U.S. Coast Guard merchant mariner's license for the operator;
  - (2) Sign the application form.

You may obtain the Division rules relating to state-owned restricted pier use requirements (Pda 700) from the Division office for a fee or at no charge on the website of Pease Development Authority, Division of Ports and Harbors: [www.portofnh.org](http://www.portofnh.org).

## REPORT OF PUBLIC COMMENT

Notice Number 2025-77 Rule Number Pda 700

1. Agency Name & Address: <b>Pease Development Authority Division of Ports and Harbors 555 Market St. Portsmouth, NH 03801</b>	2. Were there attendees at the public hearing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	3. Was public comment submitted during the public hearing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	4. Was public comment submitted during the public comment period?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

5. Short Title: **Rules regarding Slip Permits at State-Owned Commercial Piers**

6. Comments received and responses, if applicable:

**Rule Section:**

**Comment:**

**Action Taken:**

**Submitted by:**

## MOTION

Director Fournier:


In accordance with RSA 12-G:42, XI, the Pease Development Board of Directors hereby approves of and adopts the Market Street Marine Terminal – Schedule of Rates, Rules, And Regulations on substantially the same terms and conditions as the draft attached hereto subject to further review and edits as may be required by PDA’s General Counsel.

Further, the Board authorizes the Division Director and Assistant Director to take any necessary or recommended action in furtherance of this matter; all in accordance with the memorandum of Richard Hartley, Assistant Director of Ports and Harbors, dated June 9, 2025; attached hereto.

N:\RESOLVES\2025\DPH – Schedule of Rates, Rules and Regulations (Market St) (6-17-2025).docx

Date: June 9, 2025

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

From: Richard Hartley, Assistant Director Ports and Harbors 

Subject: Market Street Terminal, Proposed Schedule of Rates, Rules and Regulations

The Division of Ports and Harbors (the "Division") has identified a longstanding need to update its "tariff" document setting forth fees and charges for vessels docking at the Market Street Marine Terminal. The tariff has not been updated since 2005.

In November 2024, the Board approved engaging the International Association of Maritime and Port Executives (IAMPE) to review the existing tariff and provide recommended updates for current rules, regulations, and rates at the Market Street Marine Terminal. Thereafter, over the last several months, IAMPE and PDA-DPH operations, legal, and finance staff collaborated to develop the proposed new Schedule of Rates, Rules and Regulations accompanying this memorandum ("Schedule"). This Schedule accomplishes two main goals: (i) it documents rules of conduct at the Market Street Marine Terminal for public safety purposes, and (ii) it updates the default rates, fees, and charges to be more current and comparable<sup>1</sup> to other United States marine terminals. The proposed new rates and fees in the Schedule could potentially double the revenue generated at the Market Street Marine Terminal.

The Division presented the Schedule to the PDA Port Committee at its meeting on June 9, 2025, who reviewed the Schedule and recommended moving this forward to the full Board for the June 17, 2025 meeting.

The Division respectfully requests that the Board approve the accompanying schedule, to become effective July 1, 2025.

<sup>1</sup> RSA 12-G:42, XI(b) states that "fees relating to wharfage, dockage, and other marine terminal operations shall be comparable with the fees for wharfage, dockage, and other marine terminal operations assessed by other port authorities and other marine terminal operators and stevedores in the United States."



# **MARKET STREET MARINE TERMINAL SCHEDULE OF RATES, RULES, AND REGULATIONS**

**(per 46 U.S.C. § 40501(f) and Federal Implementing Regulations)  
of the  
Pease Development Authority, Division of Ports and Harbors**

**In Accordance with the Rules for Marine Terminal Operators by the  
Federal Maritime Commission, Together with NH RSA 12-G:8, VIII,  
XIX & XX, NH RSA 12-G:42, V & XI**

**NAMING RATES, RULES, AND REGULATIONS  
FOR MARINE TERMINAL SERVICES**

**APPLYING AT THE MARKET STREET MARINE TERMINAL  
Port of Portsmouth, NH**

**Located At**

**Latitude 43.08258° N, Longitude 070.76170° W**

**Note: All previous Tariffs and Rates for the Market Street Marine Terminal,  
written, printed or oral, heretofore adopted, are hereby rescinded.**

**Effective July 1, 2025**

NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS

**SCHEDULE REVISION HISTORY**

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Document	Date	Section/	Revised By
Original Document	Eff. July 1, 2025	All	N.H. PDA Division of Ports and Harbors
Revision 1:			
Revision 2:			
Revision 3:			
Revision 4:			
Revision 5:			
Revision 6:			
Revision 7:			
Revision 8:			
Revision 9:			
Revision 10:			
Revision 11:			
Revision 12:			
Revision 13:			
Revision 14:			
Revision 15:			

NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS

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NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS

## SECTION I. GENERAL INFORMATION

### A. INTRODUCTION

1. **SCOPE** – The rules, regulations, conditions, rates and/or charges set forth in this Schedule shall include and apply to the Market Street Marine Terminal and all facilities, roads, rail, Docks, wharves, or properties owned, operated, or managed by the Pease Development Authority, Division of Ports and Harbors (hereafter, “Port Authority”) in the Port of Portsmouth. This document, entitled “Market Street Marine Terminal Schedule of Rates, Rules, and Regulations”, is hereinafter referred to as the “Schedule”. Defined terms used in this Schedule are capitalized throughout for ease of internal reference. The rates and fees in this Schedule may be superseded by User-specific fees and charges set forth in a written contractual agreement with the Port Authority setting forth user-specific fees and charges.
2. **APPLICABILITY** – The rules, regulations, conditions, rates and/or charges set forth in this Schedule shall apply at the Port (hereinafter defined) to all Vessels, agents, owners, masters, operators, truckers, rail operators, contractors, suppliers, all other Users and including natural Persons, artificial Persons, entities, corporations, partnerships, organizations, associations, sovereigns, governments, governmental organizations, nations, states, municipalities, their agents, and instruments.
3. **IMPLIED CONTRACT** – Entry upon the Port, and/or Docking at the Terminal or inclusive waterways by any Person or Vessel shall be regarded as constituting an agreement by such Person or Vessel to comply with this Schedule.
4. **RESPONSIBILITY** – Any Person or Persons acting on behalf of entities using the Terminal or facilities, or agents thereof, shall be jointly and severally responsible for all payment of charges as set forth in this Schedule.
5. **RISK** – Persons entering Port Authority properties, including the Port and/or Terminal, shall do so at their own risk.
6. **COMPLAINTS** – Shipper’s requests and complaints shall be promptly and fairly considered by the Port Authority provided that they are submitted in writing to the Port Director or designee at the address indicated in the Schedule.
7. **CHANGES** – The Port Authority and its Port Director or designee (as authorized) reserve the right to alter, change, amend, or modify any of the provisions contained herein, upon reasonable and lawful notice. The date and reference to such changes shall be noted on the revision page of this document.

**NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS**

8. **NON-RETROACTIVE** – When the action of the Port Authority is in response to a User's request or complaint and requires change to the Schedule, no such change will be retroactive.
9. **RULE OF LAW** – The laws of the United States of America and the State of New Hampshire shall apply to the provisions of this Schedule.
10. **SEVERABILITY** – If any provision of this Schedule shall be or be determined to be illegal, invalid, void or voidable, the legality or validity of the remainder of this Schedule shall not be affected and the remainder of this Schedule shall continue in full force and effect.
11. **CONTACTS** –  
Pease Development Authority  
Division of Ports and Harbors  
555 Market Street  
Portsmouth, NH 03801  
Director of the Division of Ports and Harbors  
Office: 603-436-8500  
Main Office: 603-534-6234 (after hours contact)  
Email: nhportauthority@peasedev.org
12. **HOURS OF OPERATION** – The Terminal is available to receive Vessels and Cargo 24 hours per day, 365 days per year, with advance notice. The normal hours the Terminal's Administrative Offices are open are from 0800 to 1600 local time Monday through Friday, excluding holidays.
13. **HOLIDAYS** – For the purposes of this Schedule, the holidays listed below are observed by the Port Authority, or any day celebrated in lieu thereof.

New Year's Day	January 1*
Civil Rights Day/M.L.K. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19*
Independence Day	July 4*
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11*
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	The day following Thanksgiving Day
Christmas Day	December 25*

**NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS**

\*When a holiday falls on a Saturday, the preceding Friday shall be considered a holiday;  
when a holiday falls on a Sunday, the following Monday will be considered a holiday.

**B. RIGHTS AND COMPLIANCE**

1. **RIGHT TO ESTABLISH SUPPLEMENTAL CONTRACTS** – The Port Authority and its Port Director or designee reserve the right to execute supplemental or separate contracts outside of this Schedule with individual Users. Such contracts may vary the default rates and charges in this Schedule for good cause within the Port Director's discretion, in which case the terms and conditions of the contract shall supersede the rates and charges set forth in this Schedule.
2. **RIGHT TO ESTABLISH SUPPLEMENTAL RULES AND REGULATIONS** – The Port Authority, through the Port Director or designee, reserves the right to establish and enforce separate Rules and Regulations in addition to the provisions of this Schedule which shall apply to all Port Users and with the same authority and in the same manner as the Schedule.
3. **RIGHT OF FINAL DECISION** – In the event of a dispute regarding any of the terms and conditions as stated in this Schedule, the decision of the Port Director or designee shall be final.
4. **ADDITIONAL COMPLIANCE** – Users of the Port Authority's facilities in the Port are subject to federal, state, and municipal regulations as applicable, as well as supplemental Terminal Rules and Regulations in this Schedule as established by the Port Authority or its Port Director or designee.
5. **SECURITY** – Users are advised that designated portions of the properties and facilities of the Port Authority are subject to the federal security regulations under 33 C.F.R. Part 105 (2021).
6. **SAFETY** – Users shall comply with the requirements as set forth in the Occupational Safety and Health Act as stipulated in Public Law, 91-596.
7. **PERMISSION REQUIREMENT** – No party or contractor may conduct business at the Terminal or Port without written permission issued by the Port Director or designee. The Port Authority reserves the right to issue non-exclusive Terminal Operating letters of permission to qualified firms Handling specific Cargoes.
8. **ALTERATION OF BANKS, PROPERTIES, OR WATERWAYS** – No properties or waterways in or near the Port shall be altered in any fashion without express written permission of the Port Director or designee or the Port Authority.

NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS

## SECTION II. SYMBOLS, ABBREVIATIONS, AND DEFINITIONS

### A. SYMBOLS AND ABBREVIATIONS

%	Percent	FT	Feet
AM	Before noon, local time	LBS	Pounds
COI	Certificate of Insurance	LT	Long Ton – 2,240 lbs.
COR	Certificate of Registry	MBF	Thousand Board Feet
DPH	Division of Ports and Harbors	NOS	Not Otherwise Specified
EA	Each	PM	Afternoon, local time
FMC	Federal Maritime Commission	ST	Short Ton – 2,000 lbs.
FSO	Facility Security Officer	USD	U.S. Dollars
FSP	Facility Security Plan		

### B. DEFINITIONS

Unless provided otherwise in this Schedule, applicable definitions set forth in 46 C.F.R. § 525.1(c) (2022) shall control.

1. BARGE – Any non-self-propelled Vessel.
2. BARREL – Equivalent to 42 US gallons of fresh water.
3. BERTH – The area of water alongside a Pier where a Vessel is Docked.
4. CARGO – Commodities, materials, and/or equipment to be Loaded on, or discharged from, a Vessel, truck, Container, or railcar.
5. CARGO OWNER – The party or corporation, including shippers, agents, or their designees, which is/are responsible for the management of Cargo handled at the Terminal.
6. CONTAINER – All standard, permanent type containers 20' and over used for the movement of Cargo as a unit. All other containers will be considered as general Cargo and subject to terms and conditions afforded to general Cargo.
7. DEMURRAGE – A charge assessed against Cargo which remains on the Pier or port property after expiration of the Free Time allowed.
8. DOCK – All docks, floats, Slips, wharves, ramps, Piers, bulkheads, dolphins, and sea walls owned or operated by the Port Authority.
9. DOCKING – The act of attaching or tying up a Vessel to a Dock.

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10. **DOCKAGE** – Charges assessed against the Vessel for the service of providing space alongside a Dock, Wharf, Pier, or within a Slip or adjacent seawall structure for the Docking or Berthing of watercraft, or the mooring thereof, or another watercraft so berthed.
11. **DUNNAGE** – Pieces of wood, matting, synthetic material, or similar material used to secure Cargo aboard a Vessel or used for Handling and storing Cargo ashore.
12. **FACILITY SECURITY OFFICER (FSO)** – The designated individual, or their designee, responsible for the requirements of the Facility Security Plan under 33 C.F.R. Part 105.
13. **FACILITY SECURITY PLAN (FSP)** – The plan for Terminal security under the requirements of 33 C.F.R. Part 105.
14. **FREE TIME** – The time period during which Cargo may occupy space assigned to it on the Terminal without being subject to Demurrage or storage charges, including Cargo allowed to remain on the Terminal or property free of charge immediately prior to the Loading of the Vessel, or immediately subsequent to its discharge from a Vessel until such time the Cargo is removed from the Terminal or associated facilities.
15. **FREIGHT** – Cargo (see “Cargo”), or other materials delivered to a Vessel as supplies for that Vessel.
16. **HANDLING** – The physical movement of Cargo or Persons as managed by personnel with or without mechanical means. The service of physically moving Cargo between Point of Rest and any place on the Terminal facility, other than the end of ship’s tackle.
17. **HAZARDOUS CARGO** – Any liquid or solid material as defined under 49 C.F.R. Parts 171-179, or as designated by federal law, New Hampshire law, the U.S. Environmental Protection Agency, and/or the New Hampshire Department of Environmental Services as hazardous waste, including waste oils, solvents and other substances requiring special protections, Handling, and disposal.
18. **LIVESTOCK** – Any live animal, such as cows, horses, sheep, goats, pigs, canines, caged birds, and other creatures handled as Cargo, excluding Seafood.
19. **LOADING and UNLOADING** – Loading generally means the act of placing a load or large quantity of something on or upon something else. Unloading generally has the same meaning as loading, but may carry a different connotation where referring to the act of “unloading” to delineate that the act occurred in a sequence of events (e.g., “I loaded the Cargo on the ship and later unloaded the Cargo at the dock.”). In this Schedule, the act of loading and/or unloading means the act of placing or moving Cargo between any place on the Terminal and any railroad cars, trucks, lighters, Vessels, or Barges, or any other means of conveyance to or from the Terminal.
20. **MANIFEST** – Any formal list of Cargo Loaded onto or discharged from, or Persons arriving on or embarking on, a Vessel, including crew.
21. **OBNOXIOUS CARGO** - Goods or materials that pose unique challenges, risks, or concerns during their Handling, storage, or transport, including Cargo that is corrosive or highly odorous.

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- 22. OVERALL – The greatest distance between two points either above or below the water.
- 23. PACKAGE – A Container other than a standard steel intermodal shipping Container such as a Barrel (other than Barrel of liquid) for dry material, fish product Container, palletized and wrapped material, or other type Container used for the Handling of dry commodities.
- 24. PASSENGER: A Person aboard a Vessel who purchased conveyance on that Vessel.
- 25. PER DIEM – A period of one day, equivalent to 24 hours.
- 26. PERSON(S) – Vessels, agents, owners, masters, and operators, including but not limited to, natural persons, artificial persons, corporations, partnerships, organizations, and associations, and to sovereigns, governments, nations, states, municipalities, and agents and/or their instruments thereof.
- 27. PIER – The fixed structure along the water’s edge to which is a Vessel may be tied up and moored.
- 28. POINT OF REST – An area on the Terminal where Cargo ordinarily would be deposited when received, subject to noninterference with Terminal operations; or the actual point at which the Cargo is placed following discharge or receipt, as applicable.
- 29. PORT – All lands in and around Portsmouth comprising the Market Street Terminal located at 555 Market Street, Portsmouth NH, 03801 that are owned, controlled, and/or operated by the Port Authority, including the Dock, submerged lands, tidelands, and upland sections.
- 30. PORT AUTHORITY – The Pease Development Authority, Division of Ports and Harbors, its governing authority, or its duly authorized representative, including, but not limited to, the Port Director or designee. The Port Authority is synonymous with the registered “New Hampshire Port Authority” trade name.
- 31. PORT DIRECTOR – Means the Director of the Pease Development Authority, Division of Ports and Harbors or, in his or her absence, the Assistant Director. The Port Director may delegate and designate designees, officers, employees, and representatives of the Port Authority to undertake certain functions and tasks, all of whom collectively shall be the local representative responsible for the management of the designated Terminal and Port, under the direction and control of the Port Director.
- 32. SEAFOOD – Any species of fish, shellfish, or other aquatic animal harvested from any body of water.
- 33. SLIP – A Berth for smaller Vessels.
- 34. STEVEDORE – Any management company or entity engaged in the management of the Handling of Cargo and/or passengers, on behalf of the Vessel Operator, at marine facilities.
- 35. TENANT – Any party that has a right of entry, license, lease, or other contractual right for exclusive or non-exclusive use of the Port or Terminal.

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36. **TERMINAL** – Terminal shall include all land, Docks, Piers, Slips, wharves, ramps, bulkheads, dolphins, sea walls, buildings, warehouses, structures, ramps, roadways, Cargo-Handling equipment, property, and other infrastructure associated with the marine facilities under the management and control of the Port Authority within the Port.
37. **TERMINAL OPERATOR** – The Port Authority or an entity authorized by the Port Authority to handle Cargo operations at the Terminal and approved to do so by the Port Director or designee.
38. **TERMINAL STORAGE** – The service of providing warehouse or other Terminal facilities for the storage of inbound or outbound Cargo after the expiration of Free Time, including Wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage, and refrigerated storage, after storage arrangements have been made.
39. **TON** – 2,000 pounds U.S.
40. **USAGE** – The use of Terminal facility by any rail carrier, lighter operator, trucker, shipper or consignee, its agents, servants, and/or employees, when it performs its own car, lighter or truck Loading or Unloading or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified.
41. **USER** – Any party undertaking operations on Port property, including transportation providers, Terminal Operators, Stevedores, longshoremen, Cargo Owners, or other entities responsible for operations on Port property.
42. **VEHICLE** – Any car, truck, or other mobile unit, either self-propelled or not self-propelled by nature of design or inoperative, including cars, trucks, wheeled equipment, cranes, construction and heavy equipment and mobile weapons.
43. **VESSEL** – Any floating craft, self-propelled or non-self-propelled, including commercial vessels and boats; fishing boats; recreational boats; Barges, skiffs, or similar craft; as well as public Vessels and craft.
44. **VESSEL OPERATOR** – The operator, agent, owner, or their designee, of a Vessel.
45. **WHARF** – The Cargo Handling area located on the Terminal.
46. **WHARF DEMURRAGE/STORAGE** – A charge assessed against Cargo remaining in or on Terminal facilities after the expiration of Free Time unless prior arrangements have been made for storage.
47. **WHARFAGE** – The charge assessed against Freight, Cargo, Passengers, and/or Seafood passing or conveyed over, onto or under Wharves or between Vessels or overside Vessels when Berthed at Wharf or moored in Slip adjacent to Wharf; it is the charge for use of Wharf and does not include charge for any other service.

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## SECTION III. GENERAL RULES AND REGULATIONS

### A. GENERAL

1. PUBLIC THOROUGHFARES – The Port and its associated properties are not public thoroughfares except as indicated by posted signage or other conspicuous indicators. All Persons entering thereon do so at their own risk.
2. ACCESS TO PORT FACILITIES – The Port Director or designee shall at all times have the right to refuse access to any property, Dock, or Terminal facility by any Person or Vessel or to remove, or cause to remove, any Vessel, Person, or Cargo at any time from any property, Dock, or Terminal facility. This right shall be reserved at all times to the Port Director or designee without responsibility for Demurrage, loss, or damage when:
  - a. Previous arrangements for use, space, receiving, or Unloading have not been made with the Port Director or designee;
  - b. The Vessel is unsafe or hazardous and may pose a risk to life or property;
  - c. The value of the vessel, in the opinion of the Port Director or designee, is less than the probable service charges and other charges related to its use of the Dock or Terminal facilities;
  - d. During periods of congestion, or in cases of emergency, when, in the judgment of the Port Director or designee, the circumstances then prevailing or likely to occur will prevent the Dock or Terminal facilities, or any portion of them, from providing customary services to the public; or
  - e. Persons have violated federal, state, municipal, or Port regulations.
3. DAMAGE TO FACILITIES –
  - a. Liability for Damage: Vessel Operators and all other Users are held liable for any damage to facilities resulting from their use. Vessel Operators and Users shall be held responsible and indemnify the Port Authority for any and all damage done to the Dock when landing, laying alongside, or when leaving the Dock. The Port Authority reserves the right to repair, contract, or cause to be repaired, any and all damage to Docks, Wharves, buildings, utilities, and equipment caused by Vessels, their owners and/or agents, operators, or other parties and hold the same responsible for payment and indemnification. Any repair charges will be billed to Users at cost plus 25% within 30 days. All repairs must be reviewed and approved by the Port Director or designee.
  - b. Requirement to Report Damage: In the event any damage is done to Terminal or Pier property, the Person or Persons responsible for said damage, or in any way involved, shall give a full report to the Port Director or designee giving date and hour said damage occurred, names and addresses or description of the witnesses or other Persons, Vessels, Vehicles or instrumentalities involved, as well as any other pertinent facts and information which may be available. The Person, Persons, or entity causing the damage

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will be held responsible for reimbursing the Terminal for the cost of repairing said damage, including the cost of any emergency actions required to be taken by the Port Director or designee, the Terminal, the U.S. Coast Guard, and/or other emergency services to limit the scope of such damage.

**B. HANDLING OF MATERIALS INCLUDING FREIGHT AND CARGO**

1. **RIGHT TO REFUSE CARGO** – The Port Director or designee shall at all times have the right to refuse to accept, receive or Unload, or permit a Vessel to Load or discharge:
  - a. Cargo for which previous arrangements for space, receiving, Unloading or Handling has not been made with the Port Director or designee by the Cargo Owner;
  - b. Cargo not suitably packed for safe transportation;
  - c. Cargo with a Cargo Owner that is responsible for outstanding charges that have not been paid;
  - d. Cargo deemed by the Port Director or designee, in the reasonable exercise of their discretion, to be offensive, perishable, obnoxious, or hazardous.
  - e. Hazardous Cargo not prepared for shipment in accordance with the applicable Department of Transportation regulations (including, but not limited to, 49 C.F.R. Parts 171-179);
  - f. Cargo, the value of which may, in the opinion of the Port Director or designee, be less than the probable service charges and other charges related to it;
  - g. Cargo, during a period of congestion, or in cases of emergency, when, in the judgment of the Port Director or designee, the circumstances then prevailing or likely to occur will prevent the Docks or Terminal facilities, or any portion of them, from providing customary service to the public;
  - h. Cargo not properly labeled;
  - i. Cargo over the posted weight limit;
  - j. Cargo not properly Packaged or contained;
  - k. Hazardous Cargo that is mislabeled and/or was not previously granted permission to be accommodated; and/or
  - l. Cargo of a nature that may create a safety concern for the Port or when the Terminal is not properly equipped to handle such Cargo.
2. **HAZARDOUS OR OFFENSIVE FREIGHT** – Hazardous or offensive Freight, which, by its nature, is likely to damage Freight or the Terminal is subject to immediate removal either from

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the Wharf or Wharf premises or to other locations within said premises with all expense and risk of loss or damage, for the account of the Cargo Owner.

3. **RIGHT TO REMOVE, TRANSFER, OR WAREHOUSE CARGO** – The Port Director or designee may move or remove Cargo from the Terminal to safeguard life and property, for the convenience of the Port Director or designee, or if Freight remaining on Wharf or Wharf premises remains after expiration of Free Time. Freight shut out at time of clearance of Vessel may be piled or re-piled to make space, transferred to other locations or receptacles within the Wharf premises, or removed to public or private warehouses with all expenses and risk of loss or damage for account of the owner, shipper, consignee, Vessel Operator, or carrier as responsibility may appear.
4. **ACCESS TO CARGO RECORDS** – The Vessel Operator will be required to allow the Port Director or designee to have access to the Manifest of Cargo, Loading list, or other transportation documents at the earliest time that such documents are available and no later than 48 hours prior to the time that Cargo and/or passengers are to be Loaded to or discharged from a Vessel. Such documents must be provided for the purpose of supervising the proper use of the Terminal and obtaining the data necessary to permit the correct determination of charges. Any such information shall not be disclosed to any Person other than a member of the Port Authority staff carrying out official duties, unless a formal request is received and a legal determination is made which requires the release of this information.
5. **CARGO STORAGE LOCATION** – The Port Authority reserves the right at its option to require the Cargo Owner to store in a public warehouse, or to move to another location on the Terminal at the entire risk and expense of the Cargo Owner, all cargo which is not removed at the expiration of the prescribed Free Time.
6. **ABANDONED CARGO OR EQUIPMENT** – If Cargo (such as damaged or unsaleable Cargo) or equipment is abandoned and left upon the Terminal, the Cargo Owner will be responsible for removal of such Cargo at its own expense and for reimbursement to the Port Authority if any Wharfage, Demurrage, or other charges have accumulated. The Port Director or designee may, at their discretion, require a delay in departure of the Vessel until such Cargo or equipment has been removed, and all accrued charges have been paid in full. Cargo or equipment abandoned on the Terminal may be disposed of in a manner determined by the Port Director or designee including disposal or sale of the Cargo or equipment as appropriate.
7. **HAZARDOUS CARGO** – Notice shall be given to the Port Director or designee of any Vessel, truck, rail, Vehicle, or any other conveyance carrying Cargo which is hazardous, extremely flammable, corrosive, explosive, or otherwise possesses a significant risk of harm to property or Persons at least seventy-two (72) hours prior to landing or use of Docks. Such notice shall include Material Safety Data Sheets (MSDS) for all Hazardous Cargo. All Hazardous Cargo must be properly labeled in accordance with Federal HAZMAT and International HAZCOM

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requirements. Failure to have proper labeling will result in Cargo being refused entry into the Terminal.

8. **EXPLOSIVES AND DANGEROUS OR OBNOXIOUS CARGOES** – No gunpowder, explosives or other dangerous or Obnoxious Cargoes listed in USDOT Hazard Classification System Classes 1 through 9 inclusive shall be discharged or Loaded upon the Terminal except by written permission of the Port Director or designee. Firearms, civilian or military, and military equipment shall be considered as dangerous Cargo under this item.
9. **EXPLOSIVES OR VOLATILE CARGO PERMIT** – The following shall apply to all Users, Cargo Owners, Vessel Operators, and Persons entering the Port:
  - a. The acceptance, Handling, or storage of explosives, highly flammable, corrosive, highly volatile material shall be subject to special arrangements with and permission of the Port Director or designee and governed by rules and regulations of federal, state, local authorities, and the Rules and Regulations of the Port of Portsmouth, NH.
  - b. Written applications for the transfer or movement of explosives and dangerous or Obnoxious Cargoes through the Terminal shall be made to the Port Director or designee. Such application shall, at a minimum, include the following information:
    1. Names, addresses, telephone numbers and other pertinent information regarding Persons and agencies to contact in the event of emergency;
    2. Description of the Cargo, including DOT Hazard Classification System Class 1 through 9 designation, as established by 49 CFR 173.2 ;
    3. Amount of Cargo, including the number and weight of Packages or Containers;
    4. Copies of relevant Safety Data Sheets (SDS) that clearly state the nature of the Cargo or other materials brought on site and specific emergency response actions to be taken in the event of spillage, fire or other emergency;
    5. Copies of all relevant DOT shipping documents specifying the shipping name of the Cargo, hazard class or division thereof, packing group, and emergency response requirements; and
    6. Copies of relevant documentation for Cargoes comprised of firearms, firearms components, and/or military equipment, including required End-User Certificates, along with relevant shipping and clearance documents.
  - c. All explosives or other dangerous or Obnoxious Cargoes, if permitted to be Loaded or Unloaded at the Terminal, shall be clearly labeled in accordance with all applicable federal, state, and municipal laws and regulations governing the transportation, storage, and Handling of Hazardous Cargoes.
  - d. The Handling, Loading, Unloading and storage of explosives and/or other dangerous articles or substances shall be subject to all applicable laws, rules and regulations

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promulgated by the United States of America, the State of New Hampshire, the City of Portsmouth, and other proper and competent authorities.

- e. If Handling is permitted, Cargo of class 1 (explosive) or class 7 (radioactive) designation, or acids, corrosive liquids, or poisons, for Loading to or discharging from a Vessel, shall not be allowed on the Terminal until it can be Loaded aboard a Vessel or be allowed to remain on the Terminal beyond what is necessary to transfer the Cargo from the Vessel or to the Vessel. The Port Director or designee shall be notified as far in advance as possible of the date and time of receiving such Cargo, in order that a suitable location may be designated for a temporary Point of Rest for such Cargo pending Loading and removal from the Terminal. Such notification shall include any special provisions for Cargo Handling and security, the cost of which shall be the responsibility of the Vessel or owner. Cargo as described in this subparagraph shall be removed from the Terminal forthwith on the day it is discharged.
  - f. The Port Director or designee may require the Vessel Operator and/or Cargo Owner to employ special watchmen or security at the operator's or owner's expense, to watch over any dangerous Cargo on the Terminal when in the judgment of the Port Director or designee such action is necessary to protect the public safety, property and Cargoes against fire or other hazards until the Cargo has been removed from the Terminal.
  - g. In the event of spillage, breakage, release, fire, or other emergency event, the Vessel Operator and/or Cargo Owner of the dangerous Cargo shall have sole responsibility for the costs of emergency response, including the costs of any clean-up and repair actions required to make the Terminal safe for general use.
10. **OWNER'S RISK** – Glass, liquids, and fragile articles will be accepted only at the Cargo Owner's risk for breakage, leakage, or chafing. Freight subject to damage due to extremes of temperature will be accepted only at Cargo Owner's risk. Freight in open storage on Wharf platforms or ground is at Cargo Owner's risk for loss or damage. Timber and logs or lumber rafts, and all watercraft, if and when permitted by the Port Director or designee to be moored in Slips at fleeting areas, moorage dolphins, at Wharf, or alongside Vessels, are at Cargo Owner's and/or Vessel Operator's risk for loss or damage.
11. **LIVESTOCK** – The acceptance and Handling of Livestock shall be subject to special arrangements with the Port Director or designee, and governed by rules and regulations of federal, state, and local authorities.
12. **OVERWEIGHT CARGO** – Users are held liable for all claims, losses, costs, or expenses by reason of property damage, personal injury or death which may occur, directly or indirectly as the result of overweight or improperly stowed Cargo, without regard as to whether such omissions be intentional or accidental.

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**C. RIGHTS OF THE TERMINAL**

1. **RIGHT TO BOARD VESSEL AND INSPECT** – The Port Director or designee may enter upon and inspect any Vessel at the Terminal to determine the kind and quantity of Cargo aboard or to identify safety or security concerns. No Person or Persons shall hinder, molest, or refuse entrance upon such Vessel for the stated purposes above.
2. **MANIFESTS REQUIRED OF VESSELS** – Vessel Operators, shippers, operators, or their agents are required to furnish the Port Director or designee with complete copies of Vessel Manifests showing names of consignees or consignor and the weights or measurements of all Freight Loaded or discharged at the Docks or Terminal facilities. Such Manifests must be certified as correct by an authorized official of the company and must also designate the basis of weight or measurement on which ocean Freight was assessed. In lieu of Manifests, Freight bills containing all information as required above may be accepted.
3. **PORT AUTHORITY LIEN RIGHTS:** All Cargo Owners and Vessel Operators grant the Port Authority a lien on the goods while in the possession of the Port Authority to provide security for the payment of amounts due the Port Authority pursuant to this Schedule. As additional security for said amounts due the Port Authority, all Cargo Owners and Vessel Operators grant the Port Authority a consensual lien on all other goods, Cargo, Vessel, and personal property of the Cargo Owner or Vessel Operator. The Port Authority may assert its lien rights at any time, and in furtherance thereof may hold and/or store such goods, Cargo, and/or personal property until full payment is received and/or sell such goods, Cargo, and/or personal property publicly or privately; in the event of a sale, proceeds shall first be applied to Port Authority's sale costs, then to amounts due the Port Authority, with the balance, if any, to be remitted to the Cargo Owner or Vessel Operator. The liens stated in this paragraph are in addition to, and not in place of, any and all maritime liens that do or may arise by operation of law.

**D. ENVIRONMENTAL**

1. **COMPLIANCE** – All Users, Cargo Owners, Vessel Operators, and Persons entering the Port shall comply with all environmental regulations of the Federal government, State of New Hampshire, the New Hampshire Department of Environmental Services, the City of Portsmouth, and the Port Authority. All Users, Cargo Owners, Vessel Operators, and Persons entering the Port shall comply with, and shall not in any way cause or contribute to cause a violation of, the Stormwater Pollution Prevention Plan for the Market Street Marine Terminal as may be amended from time to time, publicly available on the Port Authority's website.
2. **RUBBISH** – No rubbish or materials of any kind shall be dumped overboard from Vessels or onto wharves. Rubbish, refuse, or other materials placed temporarily on the Terminal must, upon demand, be removed from the Terminal by the Person or Persons placing it there. The Port Director or designee reserves the right to remove or cause to be removed, rubbish at the expense

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of the party responsible at cost plus 25%. Rubbish may only be removed from the Terminal by contractors approved by the Port Director or designee.

**3. DISCHARGE OF LIQUIDS –**

- a. Vessels may not discharge fluids overboard including black water, graywater, or other liquids while at the Terminal. This shall not include cooling water from engines or treated wastewater from systems compliant with the federal and state sewage treatment equipment regulations.
- b. Oceangoing tankers over 150 gross tons and all other oceangoing ships over 400 gross tons that visit the Market Street Marine Terminal must be in possession of all legally required certificates.
- c. Discharge by Vessels must be in compliance with all federal, state and local regulations. Vessels must get permission from the Port Director or designee prior to discharge.

**4. STACK EMISSIONS –** Vessels may not produce visible or noxious stack emissions at any time while alongside the Terminal.

**5. DUNNAGE –**

- a. All Dunnage entering the Terminal utilized for import or export to or from international locations shall be certified infestation-free and marked accordingly with an ISPM 15 mark or equivalent.
- b. If Dunnage material, packaging material, wires, bands, or refuse of any kind have accumulated on the Terminal during Cargo storage, Loading or Unloading, the Vessel Operator will be held responsible for the prompt removal of such material immediately at the completion of Loading, Unloading, or Handling operations, and such removal is to be at Vessel Operator's expense. If such requirement is not promptly complied with, the Port Director or designee will immediately remove, or cause to be removed, such material, and the expense incurred will be charged to the Vessel Operator or shipper.

**6. HAZARDOUS MATERIAL STORAGE AND WASTE –**

- a. No dangerous or hazardous waste materials may be stored on the Terminal by any Persons without written permission of the Port Director or designee.
- b. All such materials, liquid or solid, must be promptly removed from the premises at the completion of Loading, Unloading, or maintenance operations at the expense of the

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Persons responsible for such materials.

- c. All Persons at the Port shall comply with all relevant provisions of federal, state, municipal, and Port Authority laws and regulations in the storage, Handling, and disposal of hazardous waste materials.
- d. Compliance shall be in such a manner to avoid environmental harm and to create no liability or response costs for the Port Authority.

**E. VESSEL MOORING**

**1. BERTHED – Vessels Berthing at the Terminal must:**

- a. Be properly managed by the owner or operator at all times, including watch standers, as required;
- b. Have the ability to accept and make telephone calls and/or communicate by radio at all times;
- c. Utilize only gangways that are properly secured and tended, and deploy safety nets and/or rat guards if required by the Port Director or designee;
- d. Be properly lit at all times of dusk, darkness, and/or limited visibility;
- e. Have available sufficient personnel and equipment to move the Vessel immediately; and
- f. Meet and comply with this Schedule, international, federal, and the Port Authority's Facility Security and Safety Guide regulations and applicable law including properly licensed and documented personnel.

**2. APPROACH AND DEPARTURE FROM BERTHS – Vessels approaching or departing Berths when passing in and out of federal and state channels, over submerged lands outside of the immediate Terminal Berths, do so at their own risk and shall not hold the Port, Port Authority, or the terminal responsible for any Vessel damage or casualty during such transit.**

**3. APPLICATION FOR BERTHING – All Vessels desiring a Berth at the Terminal shall, as far in advance of the date of Docking as possible, and no less than 72 hours in advance of the scheduled time of arrival, make application for Berthing to the Port Director or designee. Applications for Berthing are provided by the Port Director or designee on request.**

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4. **ASSIGNED BERTH** – All Vessels receiving Berth assignments from the Port Director or designee, shall Dock or fleet at their respective assigned location at the Pier and in fleeting areas, at the time and for the period stated in their application, and shall be solely responsible for making prior arrangements for Docking assistance and related services, and for notifying the Port Director or designee of such arrangements. Vessels Berthing at the Terminal must provide confirmation of Berthing to the Port Director or designee at least 24 hours in advance of arrival.
5. **NOTICE OF RELEASE OF BERTH** – When for reasons over which the applicant has no control, it becomes necessary to cancel or postpone Berthing assignments, due notice (at least 24 hours) shall be given sufficiently in advance to prevent any loss of Dockage charges; otherwise the Port Authority reserves the right to assess against the Vessel, owner or operator the Port Authority's amount of actual lost revenue the Port Authority would have realized but for the cancellation or postponement.
6. **NON-INTERFERENCE** – All Vessels are responsible for ensuring that personnel providing Docking assistance or Loading, Unloading, or Handling services do not interfere in any way with the rights of other Terminal Users or Tenants to free access or use of their pertinent leased, licensed, or designated areas of the Terminal, and that such personnel exit the Terminal upon completion of the relevant services.
7. **OPERATIONAL SPACE** – No Vessel personnel providing Docking assistance or Loading, Unloading, or Handling services shall be allowed to enter into or infringe upon any space upon the Pier other than that required for Docking and Cargo/passenger Loading and Unloading, and designated by the Port Director or designee for such purposes. All Vessel Docking, Loading and Unloading, embarkation and disembarkation, and departure operations shall be conducted by the Vessel in a manner that will not interfere with the operation of other Users, including the movement of trucks, personnel, equipment, to or from any other part of the Terminal.
8. **SCHEDULING OF VESSELS** – The Port Director or designee reserves the right to establish Vessel Berthing schedules and the use of all Terminal facilities for the convenience of the Port. If there are any Vessel traffic or Berthing conflicts, the Port Director or designee shall have final authority over Berthing assignments.
9. **RIGHT OF TERMINAL TO MOVE VESSELS** – The following shall apply:
  - a. Whenever necessary for the proper and safe operation of the Terminal and/or its facilities, the Port Director or designee may order a Vessel or its associated Barges to depart the Terminal or to move to such other place as they direct at the expense of the Vessel Operator.
  - b. The Port Director or designee reserves the right to have a Vessel moved or removed at the expense of the Vessel Operator when the order to comply is not acted upon.

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- c. If any damage occurs to the Pier or other property as a result of such a move, or should any equipment and/or labor be rendered idle by such a move, all expenses shall be charged to the Vessel Operator.
  - d. The Port Director or designee may order a Vessel to move, to such a place as directed, at the Vessel Operator's expense when, in the opinion of the Port Director or designee:
    - 1. It is necessary for the proper operation of the facility;
    - 2. There is an emergency;
    - 3. Terminal congestion may be ameliorated by such a move;
    - 4. A Vessel is offensive or hazardous;
    - 5. A Vessel contains Hazardous Cargo or Cargo that is labile to damage other Vessels, Cargo, or Port facilities; or
    - 6. The Vessel's Berthing is in conflict with another Vessel who had previous arrangements.
10. **VESSELS DOCKING WITHOUT PERMISSION** –Vessels, whether under load or in ballast, Docking or making fast to the Wharf without the express permission of the Port Authority may be subject to fines per applicable law. Such Vessels shall also be subject to all Dockage and other applicable charges as laid out in this Schedule and may be ordered to immediately vacate the Berth at the discretion of the Port Director or designee.

**F. LIABILITY, INDEMNITY, AND INSURANCE**

- 1. **LIABILITY** – The Port Authority, its officers, agents, or employees shall not be held responsible for loss or damage by whomever causes loss or damage to Vessels, Persons, or Cargo or to any other property in or upon, or moving or being moved over, in, through, or under any Pier, Wharf or other structure or property owned, controlled, or operated by the Port Authority, resulting from any cause whatsoever, including but not limited to, loss or damage which in any manner is caused by or results from the following: theft; pilferage; animals, including rats, mice, and other rodents; birds; insects; shrinkage, wastage, seepage, or leaking Containers; heating; evaporation; fire or the extinguishing thereof; dampness; rain, floods, freezing, frost, or other action of the elements or acts of God; collapse of walls, Piers, or other structures; breakdown of plant, machinery, or equipment; damaged Cargo Containers or packaging; floats, logs, or pilings required to breast Vessels away from wharves; sabotage, insurrection, revolution, or war; riot; strikes; or any combination of the foregoing, including clerical errors or omissions in the dispatch of Cargo.
- 2. **NO CONSEQUENTIAL DAMAGES:** The Port Authority, its officers, agents, or employees shall not be held responsible for any indirect, consequential, and/or special damages of any type or nature whatsoever, including, without limitation, any damages consisting of lost profits, lost

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income, lost business opportunity, interruption of business, loss of use and/or loss of ability to use undamaged components or system parts, regardless of whether such damages may have been foreseeable.

3. SOVEREIGN IMMUNITY: The Port Authority and its employees enjoy sovereign immunity. Nothing in this Schedule is in any way intended to affect, waive, or in any way limit such sovereign immunity.
4. ASSUMPTION OF RISK AND INDEMNITY: All Users, Cargo Owners, Vessel Operators, and Persons (collectively "Customers") entering the Port specifically understand, acknowledge and agree that any and all providing of, access to and/or use of the Terminal and/or Port and/or services of the Port Authority shall be at Customer's sole risk and expense. Aside from loss/damage to the goods themselves, Customer assumes sole responsibility for, and agrees to defend, indemnify, and hold the Port Authority and its employees harmless from and against (including legal fees and costs), all other loss, damage, expense, claim, liability, suit, fine and/or penalty, environmental liability, environmental penalty or fine, or of any type or nature whatsoever which in any way arises out of and/or relates to any providing of, access to and/or use of the Terminal and/or the Port and/or Port Authority services, including, without limitation, loss/damage to the property of Port Authority, Customer or any other as well as those respecting the personal injury, illness and/or death claims of any Person, including without limitation of any agent, employee, representative, guest, invitee, vendor and/or subcontractor of the Port Authority, Customer or any other, howsoever caused and even if resulting in whole or part from the negligence (active or passive) or other legal fault of Port Authority or its employees. In furtherance of the foregoing, Customer shall and does irrevocably waive any sovereign immunity, governmental immunity, or other immunity from suit, exclusivity of remedy, and limitation upon liability or damages or remedy.
5. RESPONSIBILITY FOR SAFETY, SECURITY – Vessel Operators shall be solely responsible for the safety and security of Cargo (Loaded or Unloaded), personnel, crew, and passengers, embarked or disembarked, at the Terminal.
  - a. Vessel Operators shall make proper provision, in consultation with the Port Director or designee, for safety and security.
  - b. Tenants leasing storage space or other facilities at the Port shall be solely responsible for the condition, safety, and security of stored goods and personnel providing services within their respective licensed or leased space.
  - c. Users agree to cooperate with the Port Director or designee and enforce all applicable rules and regulations of the Port Authority as contained in this Schedule, or supplemental rules, regulations, or agreements, with respect to its agents, employees, contractors,

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guests, and invitees.

6. **INSURANCE FOR SERVICES** – The rates contained herein do not include insurance of any kind. The Port Authority shall be under no obligation to provide insurance of any type for any Vessel, Cargo, or liability arising out of use of the Terminal.
7. **INSURANCE** – The Port Director or designee reserves the right to require Users to carry specific insurance and may request certificates for Users to confirm they have required levels to cover operations. The Port Director or designee shall furnish the User the requirements for insurance and minimum levels required. The Port Authority can specify additional insurance for operations or Users. Requirements for Users as applicable may include but are not limited to:
  - a. Workers' Compensation, including Social Security, Unemployment, and Longshore and Harbor Workers endorsements, required under all applicable federal and state statutes and municipal ordinances for all the User's employees performing its work, in amounts established by the federal or state law, and Employer's Liability Insurance in the amount of not less than \$1 Million (\$1,000,000.00);
  - b. Comprehensive/Commercial General Liability Insurance (including coverage for automobile liability, broad form contractual liability, and property in the insured's care, custody, and control) against all claims for bodily injury, death, or property damage occurring on, in, or about any Vessels being Loaded or discharged by a party, or the Port, and the adjoining areas, with limits as to bodily injury or death and property damage of not less than \$4 Million (\$4,000,000.00) for each occurrence;
  - c. Stevedore and Terminal Operators' Liability;
  - d. Property Damage Insurance;
  - e. Commercial Automobile Liability;
  - f. Excess Public Liability and Property Damage Liability;
  - g. Protection and Indemnity, and Hull Insurance with Wreck Removal rider;
  - h. Marine Pollution Insurance (also known as Vessel Pollution Insurance or Pollution Liability Insurance);
  - i. Cargo Insurance;
  - j. Warehousing Legal Liability; and

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- k. Professional liability coverage in a minimum amount of One (1) million dollars per occurrence.
  - l. Other such insurance coverage as deemed appropriate by the Port Director or designee.
  - m. "Pease Development Authority, Division of Ports and Harbors" and the "State of New Hampshire" must be named as additional insureds on all liability coverages except workers compensation insurance.
  - n. A 30-day notice of cancellation (with the exception of a 10-day notice for non-payment of premium) must be provided.
  - o. With the exception of workers' compensation coverage, a statement that a waiver of subrogation is included with respect to applicable coverage.
  - p. A provision that any liability coverage required to be carried shall be primary and noncontributory with respect to any insurance required.
  - q. Certificates of insurance must be received before Cargo transfer and start of any work.
8. **FORCE MAJEURE** – In the case of occurrence of unusual circumstances, without any fault of the Port Authority, including without limitation, damage or destruction to premises, including Vessels or Cargo, by fire, flood, civil disturbance, earthquake, tidal wave, wind, explosion, public enemies, war, Acts of God, marine casualty, government action, labor actions, or similar circumstance, the Port Authority shall not be held liable for any impacts on Users, Vessels, Persons, or Cargo.

**G. MISCELLANEOUS**

- 1. **VERIFIED GROSS MASS REQUIREMENTS** – The Port Authority does not currently provide scale and weighing services for Container, truck, or Cargo weight information. All Users must comply with verified gross mass requirements as applicable.
- 2. **CAPABILITIES** – The Port Director or designee reserves the right to refuse to permit the Handling of Cargo that exceeds the maximum allowable weights on the Terminal or any portion thereof, or is, in the determination of the Port Director or designee, outside of the safe operating parameters of the Terminal.
- 3. **PIER LOADING WRITTEN PERMISSION** – Written permission of the Port Director or designee shall be required for the Handling of any Cargo requiring crane equipment contracted from outside of the Terminal, or Cargo which, in the opinion of the Port Director, requires an engineering survey to be handled safely. Such written permission shall only be granted upon presentation of a detailed engineering survey provided by the party Handling the crane and Cargo

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and at the cost of the party requesting written permission.

4. **STEVEDORING SERVICES** – The services of Handling, linehandling, Loading, and Unloading, and other services not specified herein, shall be provided only by Stevedores as authorized in writing by the Port Director or designee for provision of those services. Handling, Loading, and Unloading rates are furnished upon request by the service provider.
5. **MOVEMENT OF CARGO AND PERSONNEL** – Temporary storage, Loading, and Unloading of Cargo at the Terminal shall be accomplished within the Free Time specified in this Schedule unless written arrangements for additional time are made with the Port Director or designee. In addition:
  - a. Embarking and disembarking of personnel shall be accomplished within the time specified in prior written arrangements made with the Port Director or designee. Vessel Operators shall be responsible for the safety and security of personnel crossing the Pier, with pedestrian routes to be clearly designated and marked at the expense of Vessels.
  - b. Vessel Operators and/or Cargo Owners are solely responsible for making any necessary arrangements for required inspections of Cargo by the U.S. Customs, and for bonded storage or other clearances when required. The Port Director or designee shall be informed of arrangements made for U.S. Customs inspection and/or bonded storage and of any requirements for Cargo, personnel and equipment movements at the Terminal for such purpose.
  - c. The Port Director or designee may bar passengers or visitors from the Terminal for the purposes of safety or security as deemed necessary by the Port Director or designee.
6. **AVAILABILITY OF CARGO FOR DELIVERY** – The Vessel Operator shall be responsible for making inward or outward bound Cargo on the Terminal available for delivery to consignees or the Vessel. The Vessel Operator shall notify the Port Director or designee of such arrangements for delivery of Cargo to consignees, including the estimated number of trucks and the relative timing of Cargo pickup/delivery by truck.
7. **VEHICLE PARKING** – No Persons shall be allowed to park automobiles on the premises without express permission from the Port Director or designee. When such permission is granted, parking shall be entirely at the risk of the owner and/or operator, and the Port Authority shall not be held liable for any loss or damage resulting from such parking. The Port Director or designee shall designate those areas on the Terminal or other Port property where parking is permitted, and may issue, or cause to be issued, parking permits for Vehicles. Any Vehicles not properly parked in designated areas, may be towed by the Port Authority at the owner's expense.
8. **VEHICLE SAFETY** – All Persons operating a Vehicle on Port property must wear seatbelts. Vehicle speed may not exceed five (5) miles per hour on Port property. Vehicles may not be left idling when unattended. All users operating a vehicle must stay on designated roads and/or

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parking areas, and must never overtake or go around heavy equipment operating within the Port.

9. **SMOKING** – There is no smoking allowed in any of the buildings in the Port. Smoking is not allowed on Port property except in approved areas or locations specifically designated by the Port Director or designee for that purpose. Persons violating this rule may be barred, at the discretion of the Port Director or designee, from further use of the Port or any portion thereof, and in addition, shall be subject to prosecution under the applicable federal, state, and municipal laws.
10. **HOT WORK** – It shall be unauthorized and unlawful for any Person to weld, perform hot work, use any open fire, or to cause or permit any welding or the use of any open fire at the Terminal unless the requirements of subparagraphs (a) through (k) below are met. Should a fire or other hazard occur, all cutting, welding, or other hot work operations and equipment are shut down immediately.
  - a. Written permission of the Port Director or designee is granted;
  - b. The User wishing to perform the hot work complies with all federal, state, and municipal laws, ordinances, and regulations governing the performance of hot work, including those set forth in 33 CFR 126;
  - c. The User wishing to perform the hot work notifies the City of Portsmouth Fire Department of where the user wishes to perform the work, the distance of that area from any dangerous cargoes, and the work plan the user has generated;
  - d. All flammable vapors, liquids, and/or solids have been completely removed from any container, pipe, or transfer pipe to be worked on;
  - e. Any tanks to be worked on that are typically used for the storage of flammable or combustible substances are tested and certified gas-free;
  - f. No gas-freeing operations, related to bulk Cargo operations involving flammable or combustible materials, are occurring within 100 feet (30.5 meters) of the planned work area;
  - g. No fueling is occurring within 100 feet (30.5 meters) of the planned work area;
  - h. No hazardous materials are within 50 feet (15.25 meters) of the planned work area;
  - i. Any hot work on the boundary of a compartment (e.g. a bulkhead, wall, or deck) has a fire watch stationed in the adjoining compartment (in addition to fire watch(es) required by NFPA 51B);

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- j. Crew or contractors on fire watch have no other duties other than to watch for the presence of fire and prevent the development of hazardous conditions;
  - k. All safety precautions in relation to purging, inerting, and/or venting related to hot work on containers are followed; and
11. **EQUIPMENT** – Cranes and other equipment to be used for Vessel Loading, Unloading, or Cargo Handling on the Terminal, or for the movement of Cargo stored within Terminal facilities, shall be operated by authorized personnel only, shall be properly load-rated for such use, and shall be operated in a manner to prevent damage to property or harm to personnel. Vessel Operators shall be responsible for making arrangements for the availability of such equipment as required for Cargo Loading and Unloading and for notification of the Port Director or designee of such arrangements.
12. **REQUIRED STORAGE CLEARANCES** – When storing Cargo on the Terminal, the clearances in subparagraphs (a) through (d) below shall be maintained. In addition, when storing Cargo on the Terminal the conditions and requirements of subparagraphs (e) through (h) below shall be observed and followed.
- a. At least two (2) feet of clear and open space shall be maintained free of rubbish, Dunnage, or other obstructions between Cargo, Freight, merchandise, bulkheads, partitions, doors, windows, bollards, cleats, or other material piles and fire lanes.
  - b. At least four (4) feet of clearance and open operating space on all sides of fire hydrants, fire alarm boxes, standpipes, fire hoses, sprinkler valves, fire doors, deck hatches, or first aid appliances.
  - c. When other safety equipment or deck hatches are located in a space surrounded by Cargo, Freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three (3) feet in width running therefrom to the center aisle. This space shall be kept clear of rubbish, Dunnage, and other obstruction.
  - d. A main aisle of at least twenty (20) feet in width shall be maintained on Port property to allow fire trucks or other emergency Vehicles to have access throughout all Port property.
  - e. Free and unobstructed operation of all automatic operating fire gates.
  - f. Free, unobstructed, and direct access to all buildings and fire hydrants by the fire department.
  - g. Flammable or combustible Cargo, Freight, merchandise, or other material, not including bulk Cargo, shall not be tiered higher than twelve (12) feet.

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- h. No Cargo shall be placed or stacked on any portion of the facility unless it has been approved by the Port Director or designee, nor will Persons be allowed pedestrian access to any restricted areas of the Terminal unless properly isolated under the Terminal's Facility Security Plan (FSP).
- 13. **LIMITING WEIGHTS** – Cargo must be stored or stacked so as not to exceed-property weight limits as posted, or if no limit is posted the Cargo owner shall contact the Port Director for applicable weight limits. In general, Cargo shall be stacked or piled on the Pier or Terminal so as to produce a uniform Loading.
- 14. **COMPLIANCE FOR STORAGE** – Storage undertaken in any part of the premises shall be done in such a manner as to prevent damage to the Terminal, and to comply with the regulations of the United States Coast Guard, United States Environmental Protection Agency, the State of New Hampshire and all cognizant regulatory agencies.
- 15. **OPERATING AREA AS AUTHORIZED** – All Users shall confine their operations to the area designated by the Port Director or designee, or by the terms of relevant licenses, rights of entry, or leases. Users involved in work for a Vessel or Tenant may not enter or encroach upon areas designated by the Port Director or designee for use by other Users.
- 16. **HANDLING OF LOOSE MATERIAL** – Any Vessels, operators, or Users Handling loose, granular material shall control all dust generated by such Handling so that Port property and other Tenants are not impacted. Users shall meet all prevailing safety requirements and will mitigate all potential fire, explosive, or health hazards arising from the Handling of loose material.
- 17. **SNOW REMOVAL AND DISPOSAL** - All snow removal must be done in accordance with applicable law.
- 18. **PERSONAL PROTECTIVE EQUIPMENT** - All persons at the Terminal shall wear highly-visible safety vests or outer clothing, and shall utilize such other safety equipment such as hard hats, protective clothing and shoes, safety eyewear, hearing protection, gloves, chemical resistant boots, and/or other protective equipment as required by law and/or the Port Director. All persons working near the edges of Docks, Piers, and Berths shall wear floatation equipment while working in those areas in addition to any other equipment required.
- 19. **DUNNAGE AND PALLETS** - All Dunnage entering the port utilized for import or export to or from international locations shall be certified infestation-free and marked accordingly with an ISPM 15 Mark or equivalent. No Dunnage or pallets may be left at the Terminal without permission of the Port Director. Broken material or material slated for disposal must be removed immediately. The Port Director reserves the right to have any waste removed at the expense of the User(s) responsible.

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20. CONDUCT - All persons at the Terminal shall conduct themselves in an orderly and lawful manner.

## SECTION IV. RATES, CHARGES, TERMS AND CONDITIONS

### A. PAYMENT OF CHARGES

1. APPLICABILITY – All Users of the Terminal shall be subject to the following fees, terms, and conditions as published in this Schedule.
2. PAYMENT DUE – All payments are due and payable to the Port Authority upon presentation of an invoice.
3. DELINQUENCY – If payment is not received within the specified period, the responsible party will be placed on a delinquent list. Such party shall be denied further use of the Terminal until all outstanding charges have been paid.
4. FINANCE CHARGE – Invoices not paid within thirty (30) days are subject to a finance charge of 18% of outstanding balance per month.
5. PAYMENT APPLICATION – The Port Director or designee may apply any payment received against the oldest outstanding invoices.
6. RESPONSIBILITY FOR PAYMENT – The Vessel Operator, shipper, operator, agent, or assignee agrees to guarantee and pay all Terminal charges which are assessed against the Vessel and/or Cargo in accordance with the terms and conditions specified in this Schedule. Agents or representatives are held fully responsible for all charges on behalf of who they represent if they arrange for facilities, equipment, or other chargeable services according to the terms outlined in this Schedule.
7. PREPAYMENT OF CHARGES – The Port Director or designee may, at their discretion, require a pre-paid deposit of sufficient funds to cover all charges under any of the following conditions:
  - a. If a written guarantee for payment of charges is not provided;
  - b. Where a party does not have approved credit;

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- c. If the parties representing a Vessel have habitually been delinquent in payment of charges due; or
  - d. If the Vessel Operator or Cargo Owner is unknown to the Port Director or designee and, in the opinion of the Port Director or designee, prepayment is warranted.
8. COLLECTIONS – Accounts referred to an attorney or an agency for collection are subject to a 25% surcharge and additional court and collection costs.
9. WITHHOLDING OF CARGO – The Port Director or designee reserves the right to withhold delivery of any Cargo until all accrued Terminal charges have been paid in full.
10. RIGHTS AGAINST VESSEL FOR NON-PAYMENT – The Port Director or designee reserves the right to detain a Vessel; establish a maritime lien upon the Vessel, its Cargo, and Freights; or arrest a Vessel for all unpaid charges due the Terminal.
11. DENIAL OF USE – The Port Director or designee reserves the right to deny anyone the use of any Terminal until all past due accounts are paid.
12. DISPOSITION OF CARGO – The Port Authority may refuse delivery or Loading of Cargo or passengers until all past charges have been paid.
13. ALTERNATIVE ARRANGEMENTS – The Vessel Operator or Cargo Owner may request alternative arrangements for use of the Terminal and any attendant charges or payment terms prior to the arrival of a Vessel or Handling of Cargo to the satisfaction of the Port Director or designee. The Port Director or designee and the Port Authority are under no obligation to grant any requested alternative arrangements and may do so at their sole discretion.
14. CURRENCY – All currency amounts in this Schedule are in United States Dollars (USD).

**B. RATES, CHARGES, AND FEES**

1. RIGHT TO ADJUST RATES – The Port Authority, at its discretion, reserves the right to adjust rates on an annual or as-needed basis, provided notice is given as required by applicable law.
2. DOCKAGE
- a. Applicability – Dockage shall be assessed against the Vessel, its owners, agents, or operators on the basis of the Length Overall (LOA) of the Vessel for the period the Vessel remains Docked, moored, or fleeted at the Port. The maximum length, published in Lloyd's Register of Shipping, or as listed on the Vessel's Certificate of Registry (COR), or as measured and accepted by the Port Director or designee shall be used in determining the LOA for the Vessel. Dockage shall be assessed against the Vessel, its



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3	Containers 20' and 40' (empty on return cycle)	Each	\$20.00	
4	Heavy Lift Cargo	Per Ton	\$10.00	1
5	NOS Cargo	Net Ton	\$5.00	2
6	NOS Breakbulk	Net Ton	\$7.00	2
7	Passengers	Per Person	\$20.00	3
8	Seafood (non-containerized)	Per Ton	\$10.00	

*Commodity Notes –*

1. Applies to any non-containerized lift of 4 Tons or more. Minimum charge of \$1000 per pick.
2. Minimum charge of \$500 per Vessel
3. This fee will apply to all paying passengers embarking, disembarking, or port-of-call passengers. Charge assessed on per-call basis at the Terminal.

**d. Wharfage Rate Modifications –**

1. Vessel gear – Strongbacks, lines, hatch covers, Barge covers, and other such Vessel's gear placed on the Wharf during Loading/Unloading operations shall be exempt from Wharfage charges.
2. Stores & Bunkers – Ship's stores and bunkers (fuel) intended for the Vessel's own use is exempted from Wharfage charges.
3. Potable Water – Potable water provided by Port Authority is exempt from Wharfage charges but is subject to separate charge as set forth below in this Schedule.

**4. TERMINAL STORAGE/WHARF DEMURRAGE**

- a. Applicability – Any Cargo that remains at the Terminal following the expiration of Free Time shall be subject to assessment of Wharf Demurrage charges to the Cargo Owner.
- b. Free Time – Applies as follows:
  1. Free Time begins at 8 AM on the first calendar day after cargo has been received at the Terminal. Free Time expressed herein is in "calendar days."
  2. Inbound Cargo, Cargo that has been discharged from a Vessel, will receive five (5) days Free Time following the completion of discharge operations of the Vessel on which the Cargo arrives.
  3. Outbound Cargo, Cargo that is to be Loaded onto a Vessel, will receive five (5) days Free Time following the delivery of the Cargo to a Point of Rest on the Terminal.

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4. Cargo that is to be transshipped between Vessels shall receive Free Time as though it were outbound Cargo as specified in this Schedule.

c. Lay-Down Areas –

1. No Cargo is to be stored in the Port without the express permission of the Port Director or designee.
2. The Port Director or designee may, at the request of a Cargo Owner, assign designated lay-down area within the Port for Cargo to be stored.
3. Cargo and Freight in the Port, not placed in a designated lay-down area, must be immediately removed or relocated upon order of the Port Director or designee.
4. A Cargo Owner who refuses to move such Cargo or Freight on demand will be assessed storage/Demurrage at five (5) times the applicable rate. In addition, the Port Director or designee may, at their discretion, move, remove, or cause to be removed such Cargo or Freight at the expense of the Cargo Owner, excepting any damages caused by lack of ordinary care by the Port Director or designee.

d. Terminal Storage Rates –

1. Terminal Storage shall apply to any Cargo or Freight stored on the Terminal - including the Dock, Pier, or Wharf - except for Freight stored within railcars.
2. After the expiration of Free Time, Terminal Storage for Containers, autos, trailers, and chassis will be assessed at \$25 per day. All other Cargo, Freight, or other laydown Usage will be assessed storage at \$2.50 per square foot per annum.

5. **EQUIPMENT RENTAL** – The following equipment may be available for operation by Terminal Operators, on request and with the permission of the Port Director or designee.

- a. Crane Rental – All cranes are the responsibility of the customer either by rental or ownership. Documentation of crane certifications and certificates of insurance must be produced for inspection. Certified operators only.
- b. Forklift/Small Equipment Rental – All equipment is the responsibility of the customer either by rental or ownership. Documentation of certifications (where applicable) and certificates of insurance must be produced for inspection. Users may only engage certified equipment operators to operate equipment.
- c. Lights – \$175.00 per night.

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6. SECURITY

- a. Security Surcharge – The Market Street Marine Terminal is a secure-restricted facility under the Marine Transportation Security Act of 2002. The Port Director will determine the necessary level of security for all operations, and the cost shall be billed to Users at a rate of \$60.00 per hour outside of normal hours of the Port Authority Administrative Offices as stated above in this Schedule.
- b. Maritime Security – Security rates and staffing are subject to increase at the discretion of the Port Director or designee in the event that the prevailing Maritime Security (MARSEC) level is increased.

7. LINEHANDLING

- a. All linehandling must be provided by vendors authorized by the Port Authority.
- b. The Port Authority can provide linehandling on request. Users will provide a start time for line handlers to be available. The charges for linehandling shall be as follows:
  - 1. \$250 for the first hour
  - 2. Cost + 25% for each hour thereafter.

8. SHORE POWER

- a. General – Prior to connecting any electrical equipment to any Port Authority facility, Users must obtain the permission of the Port Director or designee.
- b. Rates – Shore power may be available upon request. Rates to be agreed upon in advance.

9. POTABLE WATER

- a. Potable water is available at the Port. Requests for potable water must be submitted to the Port Director or designee.
- b. Potable water shall be charged \$20 per 100 cubic feet, with a minimum charge of \$100 per delivery.

10. WAREHOUSE SPACE

- a. \$10.00 per sq. ft., per annum, net of utilities

11. GATE FEES

NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS

- a. Any Vehicle entering the secure area of the Terminal to provide services related to a Vessel and/or convey passengers and/or crew to/from the Wharf shall be assessed a fee of \$120 each time it enters the secure area of the Terminal.

12. RAILROAD TRACK USAGE

- a. General – All railcars arriving the Terminal will be subject to a rail Usage fee of \$25 per railcar, Loaded or Unloaded. This fee is an addition to any other applicable fees or charges that the railcars may be subject to. The Port Director reserves the right to designate a location for any railcars arriving at the Terminal.
- b. Rail Storage – Railcars receive Free Time per this Schedule as though they are Cargo following their arrival at the Terminal. After Free Time expires, railcars are subject to a rail storage fee:

Days 1-6	\$25 per day per car
Days 7+	\$45 per day per car

13. PARKING

- a. Applicability - The Port Director may designate parking areas on the Terminal, issue permits for parking, and/or assess parking fees for Vehicles parking at the Terminal.
- b. Fees –
  - 1. Passenger Cars \$10 per day
  - 2. All other Vehicles \$20 per day

14. FLUIDS TRANSFER

- a. All fuel and bunkers deliveries are by Port Authority approved vendors only. Agents and/or ships should contact the Port Director or designee for approved vendors.
- b. Gasoline is prohibited.
- c. Proof of compliance with applicable sections of 33 CFR and 46 CFR required.
- d. Unless a written contract with the Port Authority specifies a different fee, the following flow fees for fuel and bunkers deliveries apply:
  - 1. \$0.16 (ten cents) per gallon for vessels with tank capacity of less than 10,500 gallons;
  - 2. \$0.02(one cent) per gallon for with a tank capacity of greater than 10,500 gallons;

NEW HAMPSHIRE DIVISION OF PORTS AND HARBORS  
MARKET STREET MARINE TERMINAL  
SCHEDULE OF RATES, RULES, AND REGULATIONS

15. SPECIAL CHARGES AND CHANGES IN CHARGES

- a. Charges – The Port Authority may make special charges as they may deem necessary, concerning the use of Piers or open spaces in the vicinity of the terminal, buildings on the Terminal or the use of the Terminal by commercial, State, or federal Vessels, or by contractors working on federal or state contracts and for use of tracks, sheds, the Pier or other structures.
- b. Additional Costs – In the event that governmental agencies or operational requirements impose increased costs, the Vessel Operator or Cargo Owner agrees to pay those costs and any related surcharges.
- c. Charges for Specialized Services or Operations – The Port Director or designee is authorized to develop and charge rates and fees for specialized services and those services not specified in the Schedule as requested by the party requesting those services and by mutual consent.
- d. Right to Refuse – Except where otherwise required by law, the Port Director or designee has the authority to refuse to provide or to arrange for the provision of special services.
- e. Special Services – Any services rendered by the Port Director or designee or the Port Authority not otherwise noted in this Schedule will be billed to the Person requesting such services at the Port Authority's actual cost (including labor, equipment Usage, mileage, and other costs) plus 15%. Any services arranged by the Port Director or designee or Port Authority, but provided by a third party, will be charged to the Person requesting such service at a flat fee of \$500.

Attest:

Adopted:

\_\_\_\_\_  
Paul E. Brean, Secretary of the Pease Development  
Authority Board of Directors

**END OF SCHEDULE**

## MOTION

Director Levesque,

The Pease Development Authority Board of Directors hereby authorizes the Executive Director to finalize and execute a contract between the Division of Ports and Harbors and Northeast Scale for the purchase and installation of a replacement truck scale, as well as the removal of the old scale at the Market Street Terminal, in an amount not to exceed \$104,640.00.

In accordance with the provisions of RSA 12-G:8, VIII, the Board justifies the waiver of the RFP requirement for the purchase, installation and removal of the old scale for the reasons stated in the memorandum of Richard Hartley, Assistant Director of Ports and Harbors dated May 29, 2025; attached hereto.

N:\RESOLVES\2025\Truck Scale at Market St Terminal (6-17-25)

To: Pease Development Authority (PDA), Board of Directors  
Date: May 29, 2025  
From: Richard Hartley, Asst. Director of Ports and Harbors *R. Hartley*  
Re: Truck Scale Purchase, Market St. Marine Terminal

The Division of Ports and Harbors ("the Division") respectfully requests the PDA Board of Directors approve a waiver of the formal bid process for the procurement and installation of a new truck scale at the Market Street Terminal together with removal and disposal of the existing scale, and to expend \$104,640.00 from the Ports and Harbors Operating Fund.

By way of brief background overview, the Division owns and maintains a truck scale at the Market Street Terminal that is used by tenants to weigh outgoing salt trucks. The Division's existing truck scale is well over 10 years old and, by all accounts, is beyond its service life and at risk of failure. In 2024, the Division prepared a request for proposals ("RFP") for replacing the scale. During that procurement, certain bidders raised questions about the proposed scope of work and whether it included installing the new scale and removing the old scale. In response, the Division released an addendum to the RFP asking bidders to provide costs of removal, installation, and certain warranty information. The Division ultimately received bid results—five bidders quoted a scale cost as follows:

• Northeast Scale	\$93,950.00	28 weeks lead time
• Maine Scale	\$100,000.00	28 weeks lead time
• Technology International	\$104,200.00	42 weeks lead time
• Advance Scale	\$94,963.00	28 weeks lead time
• Fairbanks Scales	\$75,561.00 (quoted wrong scale <sup>1</sup> )	6 weeks lead time

As shown above, Northeast Scale's bid was the lowest responsive bid for the correct scale. Two of these five bidders also quoted costs of removing the old scale and installing the new one, of which Northeast Scale was also the lowest bidder. Northeast Scale quoted new scale installation at \$6,000 and removal of the old scale at \$2,500. Fairbanks quoted new scale installation at \$6,600 and removal of the old scale at \$5,100.

Ultimately, the Division did not move forward with seeking to award any scale contract in 2024 for a variety of reasons. Still, the truck scale remains in need of replacement and could fail imminently. Division staff have been exploring options. Most recently, however, doubts over funding had been an impediment to moving forward with the scale project, but recently the Division and PDA's Finance department were able to identify sufficient funds to move ahead and

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<sup>1</sup> This bidder did not provide pricing on the requested scale, but instead quoted an unapproved alternate scale.

undertake the scale project.

Against this backdrop, the Division is requesting that the Board enable the Division to move forward with the scale replacement by Northeast Scale by waiving any RFP requirement that applies.<sup>2</sup> The Division respectfully submits that the following reasons support granting a waiver of the statutory RFP requirement and award of the contract to Northeast Scale:

- Northeast Scale, the low bidder from last year's RFP process, is offering what amounts to virtually the same competitively bid price from 2024 (covering the scale, installation, and removal), but now with an even shorter lead time quoted.
- Northeast Scale's price is well under the amount budgeted for this improvement (\$150,000 budgeted).
- Northeast Scale's product meets the Division's technical and operational needs.
- Northeast Scale has inspected and serviced the existing scale as a vendor in the past, meaning: (i) the Division is familiar with Northeast Scale, and (ii) Northeast Scale is familiar with the site conditions.
- The Division only has a narrow window of time over the summer and early fall to accomplish the scale replacement in time for the upcoming road salt season. The Division has concerns that lead times for all scales may increase in the near future due to the effect of tariffs and/or supply chain disruptions or uncertainty. Importantly, Northeast Scale has confirmed a lead time that allows for full installation and commissioning before the start of the 2025 salt season. This timeline is critical to ensuring readiness for peak operational demand.
- The Division has an existing contractual commitment to provide an operable truck scale for use by tenants. The Division is firmly committed to supporting its tenants and ensuring the reliable operation of terminal services. Notably, salt handling accounts for a significant portion of the Division's annual revenue, and uninterrupted access to an accurate and operational scale is essential to serving this high-volume, revenue-generating activity—particularly during the fall and winter seasons.

Supporting documentation is attached for the Board's review. Given the specialized nature of the equipment, the urgency of the timeline, and the vital role this infrastructure plays in supporting one of the Division's core revenue streams, the Division respectfully requests approval to proceed with a waiver from any statutorily required RFP process and to approve the expenditure of up to \$104,640.00 from the Ports and Harbors Operating Fund.

Thank you for your consideration. The Division is happy to provide additional information or answer any questions the Board may have.

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<sup>2</sup> RSA 12-G:8, VIII requires that contracts in excess of \$10,000 be made with "requests for proposal", though the Board may waive that requirement by vote of 5 members (with the justification for the waiver recorded in the minutes). Currently, the Division is proposing to use the apparent low bidder from the 2024 procurement process. Given the 2024 competitive bid process and its competitive pricing that resulted, and that the lowest responsive bidder from 2024 is effectively still honoring its 2024 pricing, it may be that the 2024 procurement met the statutory RFP requirement (and no waiver is required). However, since the 2024 bid has now technically expired without award last year, the Division is now requesting waiver of the RFP requirement, out of an abundance of caution.

# QUOTE



Solutions for all your  
"Weighing Needs!"

Date: 5/21/2025

Quote # TL-5-21-25-BTS-  
rev3

Quote valid for 15 days

Northeast Scale Co., Inc  
40 Londonderry Turnpike 2-E  
Hooksett, NH 03106  
603-622-0080  
Fax 603-622-4561  
tlewis@northeastscale.com

To: NH Port Authority

Qty	Item #	Description	Your Cost
1	CT-7010-AT	70x11x3/8" BTEK Steel deck truck scale / 100K CLC/ Includes DD700 Desktop indicator & TM 295 ticket printer	\$62,390
1	Installation	Complete installation and calibration	\$6,300
1	Freight	Estimated freight (actual to be billed to final invoice)	\$7,000
1	Option	Safety yellow side rails	\$5,710
1	Option	Hot dip galvanized scale weighbridge and load cell stands	\$20,740
1	Option	NES labor to remove old scale	\$2,500
1	Total	Total to supply the above	\$104,640

# QUOTE

Date: 5/21/2025  
Quote # TL-5-21-25-BTS-  
rev3  
Quote valid for 15 days

Northeast Scale Co., Inc  
40 Londonderry Turnpike 2-E  
Hooksett, NH 03106  
603-622-0080  
Fax 603-622-4561  
tlewis@northeastscale.com

To: NH Port Authority

## Customers Responsibilities:

Crane / disposal of old scale

### Terms:

50% Down Payment  
40% upon shipment of equipment  
10% Upon completion of scale install

## MOTION

Director Conard:

*Should the Board wish to take action on the appeal of John Cacace at this meeting (2 options – 1. Deny Appeal or 2. Grant Appeal):*

### *Deny Appeal*

Having considered the record pursuant to Pda 514.09(b), the Pease Development Authority ("PDA") Board of Directors hereby accepts the report of the PDA Board designee and determines that the appellant, John Cacace, has not met his burden of proof and denies his appeal pursuant to the provisions of New Hampshire administrative rules Pda 514.10 and Pda 514.11.

### *OR*

### *Grant Appeal*

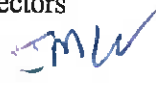
Having considered the record pursuant to Pda 514.09(b), the Pease Development Authority Board ("PDA") of Directors hereby determines that the appellant, John Cacace, has met his burden of proof and grants his appeal pursuant to the provisions of New Hampshire administrative rules Pda 514.10 and Pda 514.11; Further the PDA Board remands this matter to the Director of the Division of Ports and Harbors for the purpose of

issuing John Cacace his 2025 mooring permit contingent on the provisions of Pda 514.11(c) being satisfied.

***Should the Board wish to instead postpone further action until its next regular meeting:***

The Pease Development Authority Board of Directors moves to postpone further consideration of this matter until its next regular meeting.

## Memorandum

To: Pease Development Authority Board of Directors  
From: Joshua M. Wyatt, Deputy General Counsel   
Date: June 5, 2025  
Subj: Mooring Appeal of John Cacace

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The PDA Board of Directors' agenda for June 17, 2025 includes an Appeal of John Cacace, which concerns the denial of a renewal of a mooring permit by the Division of Ports and Harbors ("DPH") due to Mr. Cacace's failure to timely file for renewal of the subject mooring permit.

By letter dated April 14, 2025, Executive Director Paul Brean, acting as Division Director<sup>1</sup>, affirmed the Division's denial of the mooring permit due to untimeliness.

Mr. Cacace then timely appealed the denial to the Pease Development Authority pursuant to New Hampshire Administrative Rules Pda 514. Per the administrative rules, Board Chairman Duprey designated Director Fournier to review the appeal. Director Fournier received and reviewed the appeal material, and noticed and conducted a meeting with Mr. Cacace and DPH Assistant Director Richard Hartley consistent with the applicable rules. Thereafter, Director Fournier issued his recommended decision to the PDA Board of Directors. The PDA has provided Mr. Cacace with written notice, pursuant to the requirements of Pda 514.09(a), of the recommended disposition and that the Board would consider this matter at its June 17<sup>th</sup> meeting.

The appeal file prepared in accordance with Pda 514 has been provided for Board review.

At its meeting on June 17, 2025, the PDA Board of Directors shall consider and act on the appeal pursuant to Pda 514.09-11, which provides as follows (emphasis added):

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:

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<sup>1</sup> On March 11, 2025, the PDA Board of Directors approved the Executive Director temporarily acting as Division Director for the limited purposes of mooring reconsideration petitions.

- (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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11  
(See Revision Note at chapter heading for Pda 500);  
ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11  
(See Revision Note at chapter heading for Pda 500);  
ss by #12958, eff 12-24-19

**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 Pda 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11  
(See Revision Note at chapter heading for Pda 500);  
ss by #12958, eff 12-24-19

May 22, 2025

Via E-Mail & First Class Mail: [johncacace@yahoo.com](mailto:johncacace@yahoo.com)

John Cacace  
1735 VT Route 103  
Cuttingsville, VT 05738

**RE: Mooring Permit #7408 Appeal**

Dear Mr. Cacace,

Pursuant to Pda 514.08, enclosed please find a copy of the written recommendation of Pease Development Authority Board Designate, Director Steve Fournier, regarding the captioned. Per Pda 514.09, this matter will be placed on the June 17, 2025, PDA Board meeting agenda. Please be advised that the meeting will be held at the above address and is scheduled to commence at 8:30 a.m. The meeting will be recorded. You may bring counsel or a personal representative to the meeting if you wish.

Let me know if you have any questions.

Sincerely,

/s/

Joshua M. Wyatt  
Deputy General Counsel

enclosure

cc: Paul E. Brean, Executive Director  
Richard Hartley, Assistant Director of Ports and Harbors Director

**PEASE DEVELOPMENT AUTHORITY  
DIVISION OF PORTS AND HARBORS**

**ADMINISTRATIVE APPEAL OF JOHN CACACE**

**REPORT AND RECOMMENDATION OF PDA BOARD DESIGNATE<sup>1</sup>**

Mr. John Cacace, 1735 VT Route 103 Cuttingsville Vermont, had general use mooring #7408 at Hampton Harbor which he obtained from the waitlist on June 27, 2014. He reapplied for and received the permit in the succeeding years since. General Use permit applications for the 2025-2026 season were mailed by the Division of Ports and Harbors on January 2, 2025. The March 1st deadline was stamped in red letters and highlighted both on the envelope and the application. There was a 10-business day late filing period. Because March 1<sup>st</sup> and March 15<sup>th</sup> both fell on a Saturday, the initial filing deadline was brought forward (by the Division) to the next Monday, March 3, 2025, with the late filing period determined by the Division to end March 17, 2025.<sup>2</sup>

The application was received by the Division of Ports and Harbors on March 3, 2025 but was incomplete as the vessel registration was not enclosed. It was returned to the applicant, and he was called to advise of the deficiency. The application was received again on April 9, 2025 with the registration which had been issued on March 17, 2025. Mr. Cacace contends that he sent his application package to the Division by overnight mail on March 19, 2025 (which presumably would have arrived at the Division on March 20, 2025), yet the Division contends it did not receive a package from Mr. Cacace until April 9, 2025. I find no need to reach this disputed issue of fact given that there is no dispute that the application, even if sent on March 19, 2025, was already after the initial and late filing deadlines.

Mr. Cacace contacted the Division and requested a reconsideration under the *New Hampshire Code of Administrative Rules Chapter PDA 500 Moorings and Anchorages*.

The following administrative rule, in part, governs appeals to the Board:

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<sup>1</sup> The factual information contained within this Report is based upon the written submissions of both parties (John Cacace and the Division of Ports and Harbors).

<sup>2</sup> I find no need to reach the issue whether the Division properly extended these two deadlines, as the filings at issue in this appeal occurred after the deadlines at issue, whether they be March 1/March 15 or March 3/March 17.

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.

N.H. Code of Admin. Rules, Pda 514.06.

The basis for Mr. Cacace's request for reconsideration is:

First, Mr. Cacace asserts that the delay in receiving his boat registration was caused by the N.H. DMV's failure to mail the renewal form to his new address in Vermont, instead of his previous address in Massachusetts. He also stated that he had not provided notification to the N.H. DMV of his new address. Upon realizing this, he or his wife downloaded the necessary form online and submitted the form and self-calculated payment they understood would be due, but later learned their payment calculation was under by \$3.00. So, after learning their initial payment was \$3 short, they planned to visit the Keene N.H. DMV. However, Mr. Cacace asserts he then became ill with norovirus (though he provided no documentary proof of a medical evaluation or visit or bill was paid) and was unable to make the trip. As a result, his son went to the N.H. DMV in Keene on March 14, but was only allowed to submit the documents via drop box. The registration was processed on March 17, received by Mr. Cacace on March 19, and then, he says, overnighted on March 19, 2025 (which falls after the late filing deadline) to the Division.

Second, the applicant disputes the accuracy of two items in the Division's reconsideration letter, both typographical/scribener errors. Mr. Cacace's letter was properly addressed to him but the greeting line underneath (Dear \_\_\_\_ ) incorrectly referenced another person. Mr. Cacace also highlighted an erroneous reference to a commercial mooring permit in one area of his appeal denial, though he holds a general use mooring.

The Division of Ports and Harbors reviewed his request for reconsideration. It determined that his requests for reconsideration did not meet the standards set forth in the Administrative Rules to excuse an untimely filing.

Mr. Cacace then requested appeal to the Authority pursuant to NH Admin Rules Pda 514.08. Chairman Duprey designated me to review that appeal and make a recommendation to the Board.

On May 8, 2025, I met with Mr. Cacace in accordance with the administrative rules. Also in attendance were Richard Hartley, Assistant Director of Ports and Harbors Division; Adam Winkler, Deputy Chief Harbormaster of Ports and Harbors Division; Tom Maciel, Operations Manager of Division of Ports and Harbors Division; Joshua M. Wyatt, Deputy General Counsel of PDA; Raeline O'Neil, Executive Administrative Assistant; and Lana LaRochelle, Administrative Assistant at Division of Ports and Harbors (logged on via Teams). Pursuant to the rules, I asked Mr. Cacace to then explain his situation, and he did via testimony<sup>3</sup>. I then asked if he had any questions of the Division, and he stated that he did not. I then asked the Assistant Director of the Division had any questions and he indicated that it did not. I then closed the meeting.

Admittedly, the failure to timely renew a mooring is a difficult situation, but mooring holders are given ample opportunity to submit a completed renewal application, with both an initial and late filing deadline in the rules. In turn, the applicable administrative rules provide the Division of Ports and Harbors with a rigid permit renewal framework to protect both the mooring permit holder, as well as those who may be on a mooring permit waitlist.

In the case of a late filing such as Mr. Cacace's, which was admittedly untimely with respect both the initial and late filing deadlines, the administrative rules provide only the following four excuses:

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.

N.H. Code of Admin. Rules, Pda 514.04(d)(1)(c).

Mr. Cacace appears to be asserting that the late filing was caused by a state or governmental agency. However, after reviewing all the information in the record, I agree with the Division's

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<sup>3</sup> Mr. Cacace requested, and was allowed, to attend remotely via Teams due to his residence in Vermont and his job responsibilities.

conclusion that there is no evidence to show that a state or governmental agency caused the delay in the application. Mr. Cacace admitted that he failed to provide the required information in time per the New Hampshire Administrative Rules. Mr. Cacace did not make sure that his boat registration address was changed to his new mailing address. In addition, if he knew that mooring applications were due, he had ample time to get the boat registration and complete and file his mooring renewal in time. I find Mr. Cacace has not carried his burden of demonstrating that any valid excuse applies.<sup>4</sup> I recommend that the Board affirms the Division's decision.

Respectfully submitted this 22 day of May 2025.

/s/ Steve Fournier

Steve Fournier  
PDA Board Designate

cc: Joshua M. Wyatt, Deputy General Counsel (via e-mail: [j.wyatt@peasedev.org](mailto:j.wyatt@peasedev.org))  
Richard Hartley, Assistant Director of Ports and Harbors (via e-mail: [r.hartley@peasedev.org](mailto:r.hartley@peasedev.org))  
John Cacace (via first class mail and e-mail at: [johncacace@yahoo.com](mailto:johncacace@yahoo.com))

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<sup>4</sup> The scrivener/typographical errors in the Division Director's denial letter are of no relevance in this appeal, as they did not cause or contribute to any late filing by Mr. Cacace.

April 29, 2025

Via E-Mail & First Class Mail: [johncacace@yahoo.com](mailto:johncacace@yahoo.com)

John Cacace  
1735 VT Route 103  
Cuttingsville, VT 05738

**RE: Mooring Permit #7408 Appeal**

Dear Mr. Cacace,

Please be advised that I have been designated by Pease Development Authority Board of Directors Chair Stephen Duprey to hear the above-referenced appeal pursuant to New Hampshire Administrative Rule Pda 514.08. Pursuant thereto, I will prepare a recommended decision regarding the appeal for consideration and action by the PDA Board of Directors.

In advance of that, I will provide you or your representative, if someone other than you, an opportunity to meet with me at 55 International Drive, Portsmouth, NH on Thursday, May 8, 2025, at 11:00 a.m., to present your information and argument regarding the appeal. A Division of Ports and Harbors representative will also be asked to attend this meeting. This meeting will be audio recorded. You may bring counsel or a personal representative to this meeting.

Any written information, testimony, or argument not previously submitted during reconsideration by the Division Director shall be submitted to me not later than five (5) business days before the date of the meeting. I recommend that you familiarize yourself with the procedures under Pda 514 (see attached) in advance of the meeting.

Sincerely,

/s/

Steve Fournier

attachment

cc: Richard Hartley, Assistant Director of Division of Ports and Harbors  
Joshua M. Wyatt, Deputy General Counsel

p:\portauthority\moorings\cacace\cacace ltr re meeting

## 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.

Source. #7940, eff 8-23-03; ss by #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #7940, eff 8-23-03; and by #8775, eff 12-16-06; renumbered by #9641 (formerly Pda 514.01); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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), state the reason for the late filing; and
- (f) Shall bear the petitioners signature including 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."

Source #7940, eff 8-23-03; amd by #8184, eff 10-1-04; ss by #9641, eff 2-1-10 (formerly Pda 514.02); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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 is 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.

Source. #7940, eff 8-23-03; and by #8184, eff 10-1-04; ss by #9641, eff 2-1-10 (formerly Pda 514.03); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source #9641, eff 2-1-10 (formerly Pda 514.04); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

#### 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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."

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

#### 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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 Pda 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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 or she 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19



John Cacace  
1735 VT Route 103  
Cuttingsville, VT 05738

New Hampshire Port Authority  
Division of Ports & Harbors  
555 Market Street  
Portsmouth, NH 03801

April 23, 2025

Re: Appeal to Authority Request for Mooring Permit

Hello,

I am writing to request an Appeal to Authority (pursuant Pda 514.06) for customer number 6920, mooring permit number 7408. We received the attached division director's denial letter on April 18, 2025.

Based on the errors in the letter, we feel that the information reviewed was inaccurate and therefore unreasonable. Specifically, refer to the notes in the letter as stated below:

1. The letter is addressed to the incorrect person (we are not "Mr. Fisher")
2. The updated application was overnighted to the PDA on March 19. Therefore, the PDA received the updated application on March 20 (just 3 days past the deadline), not "received on April 9".
3. We did not "file for a commercial mooring permit #8237". We are not a commercial entity. We are a family with a small pleasure boat that has a cottage in Hampton Beach. We are teachers who use the mooring for 2 months of the year.

In addition, we have attached the email correspondence with Lana LaRochelle on March 17 to inform the PDA of our good faith efforts leading up to the March 17 deadline. We believe the division director was not aware of this correspondence (see note 4 in denial letter).

To clarify some questions in the denial letter; The root of my boat registration issue was the DMV's failure to mail me the registration renewal form which would have shown the proper amount I owe. When we received the mooring renewal letter (thank you), we realized we had never received the registration renewal and therefore obtained the DMV form online. After I received the reply from the DMV that our initial registration amount was incorrect by a mere \$3, I was planning on going to the DMV in Keene, NH. However, I became incapacitated because I got the norovirus and was both vomiting and exhibiting diarrhea and therefore could not drive the 1.5 hours to the DMV in Keene, NH. That is why I sent my son to the DMV on March 14. We thought he would be able to get the registration in person that day, but the DMV would not process it in person. His only option was to place it in their "drop box," which then was processed on March 17 and we received it on March 19 and paid \$30 to overnight it to the PDA.

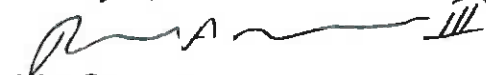
We hope that someone from the board of directors will be able to review this additional information and reconsider our application. We sincerely hope they will be able to see the human side of the unfortunate string of circumstances that led to us getting the completed

application to the PDA just 3 days past the March 17 deadline and essentially grant us an extension of the deadline so that we can get our mooring permit.

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.

Our family has really enjoyed using our recreational boat in Hampton Beach and hopes to continue to do so this summer as well.

Thank you,

A handwritten signature in black ink, appearing to read 'John Cacace', with a stylized flourish at the end.

John Cacace  
johncacace@yahoo.com  
781-266-8796

Encl: April 14 division director denial letter, March 30 mooring application appeal letter, mooring application, March 17 email correspondence

## Re: 2025 Mooring Permit

From: John Cacace (johncacace@yahoo.com)

To: l.larochelle@peasedev.org

Date: Monday, March 17, 2025 at 02:17 PM EDT

Hello,

I just wanted to give you an update. My wife and I work as teachers in Vermont. Friday, we sent our son to New Hampshire to get the boat registered in person and were planning to overnight the registration to you. The DMV would not provide the registration to my son because his name is not on it so he dropped the application in the drop box. I assume they will send us the registration in a week or two. I had no idea this would happen. I apologize for not having the registration for you as promised but we have done everything we can at this point. We will submit the \$50 late fee and boat registration as soon as we get it.

My apologies.

John Cacace

On Friday, March 14, 2025 at 08:15:54 AM EDT, Lana LaRochelle <l.larochelle@peasedev.org> wrote:

Hi John,

Best thing to do would be to go to DMV in Dover, they should be able to take care of it.

Just remember, needs to be in the office by 4 pm Monday.

Lana

**From:** John Cacace <johncacace@yahoo.com>

**Sent:** Thursday, March 13, 2025 6:08 PM

**To:** Lana LaRochelle <L.LaRochelle@peasedev.org>

**Subject:** Re: 2025 Mooring Permit

April 14, 2025

John Cacace III  
1735 VT Route 103  
Cuttingsville, VT 05738

**RE: Request for Reconsideration Mooring Permit #7408**

① Dear Mr. Fisher,

The Division of Ports and Harbors is in receipt of your Request for Reconsideration for mooring permit #7408 dated March 30, 2025, and received at the Division office on April 9, 2025. The mooring permit was denied because a completed application was not timely received by the Division in accordance with the New Hampshire Code of Administrative Rules Part 500. You have appealed that denial. For the reasons set forth below, I<sup>1</sup> deny your appeal and request for reconsideration.

The following are facts in evidence that you have presented with your request:

- Your written Request for Reconsideration.

The following are facts in evidence at the Division Director level:

- Application received on March 3, 2025, was incomplete as the vessel registration was not enclosed.
- (41) • Documentation returned to applicant, who was also called to advise of the deficiency.
- ② • The updated application was received on April 9, 2025, with the registration which had been issued on March 17, 2025.

Pda 506.04 Mooring Permit Applications for Existing Moorings.

(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.

<sup>1</sup> For reference, this letter constitutes the decision of the Division Director, whose role I as Executive Director have temporarily taken on for purposes of mooring reconsideration petitions, pursuant to a vote of the PDA Board of Directors on March 11, 2025.

Page Two

April 14, 2025

**RE: Request for Reconsideration Mooring Permit #7408**

*You state in your Request for Reconsideration that your permit be reinstated as you, "... did not receive the boat registration renewal form from the state of New Hampshire DMV and therefore did not know the proper amount due. When I sent in a new boat renewal registration form to the DMV, I miscalculated the amount owed and therefore the form was returned. "*

However, Pda 506.04 (d) requires that mooring applications must be returned to the Division office no later than March 1<sup>st</sup> or within the 10-business day late filing period. The Division has not received a completed application timely filed in accordance with the requirements of Pda 506.04 (d).

Pda 514.04 Reconsideration by Division Director; Granting of Permit under Certain Circumstances sets the criteria by which the Division Director may grant or deny a permit in the context of reconsideration. A copy of that section is attached for your review. In relevant part concerning untimely filings, Pda 514.04 provides as follows:

(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:

...

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

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April 14, 2025

RE: Request for Reconsideration Mooring Permit #7408

In your Request for Reconsideration you state the following:

- "I did not receive the boat registration renewal form from the state of New Hampshire DMB and therefore did not know the property amount due."
- "When I sent in a new boat renewal registration form to the DMV, I miscalculated the amount owed and therefore the form was returned."
- "It was now past the March 1 deadline, but I was incapacitated for 3 days and could not go to a DMV in person."
- "On March 14, I sent my son with the proper documentation to the DMV in Keene, NH. However, they would not process the forms in person for him. They would only allow him to put the forms in the drop-box."
- "We received the 2025 boat registration on March 19 and overnighted it to the Pease Development Authority to be received on March 20."

Your request for reconsideration is denied for the following reasons/findings:

- (3)
- Your April 9, 2025 filing for commercial mooring permit #8237 was admittedly untimely per Pda 514.04.
  - There is insufficient evidence establishing any valid excuse for an untimely filing within the meaning of Pda 514.04(d)(1)(c). Your petition alludes to both incapacity and failure to receive a governmental form, each of which is discussed below:
    - Failure to Receive DMV Form: You assert that you "sent in a new boat renewal registration form to the DMV, [but] I miscalculated the amount owed therefore the form was returned. It was now past the March 1 deadline . . . ." These facts do not suggest that "[t]he late filing was caused by the failure or any state or governmental agency to timely provide" the documentation within the meaning of Pda 514.04(d)(1)(c)(3). In other words, you have neither alleged nor proven that there was any untimely action by the DMV per applicable law. Instead, the root cause of the delay in receiving the registration appears to have been the error in calculating the amount due, which caused the registration form to be rejected by DMV and sent back to you. There is no or insufficient explanation of why you could not have obtained the DMV form sooner, particularly having been advised by the Division that your initial submission to PDA on March 3rd was incomplete.
    - Incapacity: You further allege that you were "incapacitated for 3 days", but you have not explained how you were incapacitated. See N.H. Code of Admin. Rules, Pda 514.01(b) ("Incapacitated means a physical or mental condition that results in . . . [t]he inability of an individual to . . . [w]alk unassisted; or . . . [d]rive unassisted; or [t]he confinement of an individual to a location[] for the purposes of receiving medical or rehabilitative treatment or care."). More is required to prove incapacity. Nor have you provided the documentation of incapacity required by the applicable rule. See N.H. Code of Admin. Rules, Pda 514.04(d)(2)(c)(2)(i).
  - Pda 514.04(e) requires that the Division Director to deny the request for reconsideration where, in the case of a late filing under Pda 506.05(d), "the petitioner failed to meet the requirements under (d)(1)c. above."

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April 14, 2025

RE: Request for Reconsideration Mooring Permit #7408

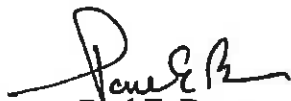
Please be advised that the Code of Administrative Rules, Pda 514.06 through Pda 514.14, provide an opportunity to further appeal this decision of the Division Director to the Pease Development Authority. Attached is a copy of those sections of the rules for your review and consideration. These rules provide:

**\*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.**

The complete Administrative Rules PART 500 MOORINGS AND ANCHORAGES may be found on the Divisions web site; [www.portofnh.org](http://www.portofnh.org), or the State's website [http://www.gencourt.state.nh.us/rules/state\\_agencies/pda100-700.html](http://www.gencourt.state.nh.us/rules/state_agencies/pda100-700.html).

I know this is not the outcome you sought, but I am constrained by the timeliness excuses set forth in the administrative rule and the evidence presented. Please notify the Pease Development Authority consistent with the requirements of Pda 514.06-.07 if you would like to pursue an appeal to the Pease Development Authority's Board of Directors.

Sincerely,



Paul E. Brean  
Executive Director

enclosure

John Cacace  
1735 VT Route 103  
Cuttingsville, VT 05738

New Hampshire Port Authority  
Division of Ports & Harbors  
555 Market Street  
Portsmouth, NH 03801

March 30, 2025

Re: Reconsideration and Appeal for Mooring Permit

Hello,

I am writing to ask you to reconsider my mooring application for customer number 6920, Permit number 7408.

We have had this mooring permit for many years and I have always renewed without a problem.

This year, a combination of the following factors prevented us from meeting the deadline because we did not have the 2025 boat registration:

- I did not receive the boat registration renewal form from the state of New Hampshire DMV and therefore did not know the proper amount due.
- When I sent in a new boat renewal registration form to the DMV, I miscalculated the amount owed and therefore the form was returned.
- It was now past the March 1 deadline, but I was incapacitated for 3 days and could not go to a DMV in person.
- On March 14, I sent my son with the proper documentation to the DMV in Keene, NH. However, they would not process the forms in person for him. They would only allow him to put the forms in the drop-box.
- We received the 2025 boat registration on March 19 and overnighted it to the Pease Development Authority to be received on March 20.

I hope you reconsider my mooring application. Our family has really enjoyed using our recreational boat in Hampton Beach and hopes to continue to do so this summer as well.

Thank you,

John Cacace  
johncacace@yahoo.com  
781-266-8796

Encl: mooring application, 2025 boat registration, permit check, late fee check

3920

Customer Number	6920	Mooring Field	Hampton 3	Date/Time Received	
Permit Number	7408	Permit Fee	\$216.00	Check/Receipt No.	



# PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS

555 Market Street Portsmouth, NH 03801-3532

Office (603) 436-8500 Fax (603) 436-2780

[www.portofnh.org](http://www.portofnh.org)

Due By March 1st

2025 -2026

## GENERAL USE MOORING APPLICATION AND PERMIT

Mailing Address:

Permanent Address:

(if different than mailing address)

JOHN ANTHONY CACACE III

~~162 BARBARA RD~~ 1735 VT Route 103

~~WALTHAM, MA 02453~~ Cuttingsville, VT 05738

16A BRAGG AVE

HAMPTON BEACH, NH 03842-

### SECTION I - APPLICANT INFORMATION

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON THE REVERSE SIDE OF FORM.

MAR 3 25 1:34PM

Applicant's Full Legal Name: JOHN ANTHONY CACACE III

E-mail Address: johncacace@yahoo.com

Send Mail To: Mailing Address ☒ Permanent Address ☐

Telephone Number (including Area Code): Permanent: (781) 209-8535 Cell: (781) 266-8796

Business: Emergency:

### SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

DO NOT CHANGE ANY PRE-ENTERED INFORMATION - SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM

VESSEL NAME	STATE REG. #.	*LENGTH OVERALL	**PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL (sail/power/other)
UNKNOWN	NH2536KT	18.0	\$216.00	1.0	GRY	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 502.13 as the distance in feet of the vessel from stem to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/19; \$12.00 per foot length overall (LOA), a minimum of \$200 for all general use permitted moorings, and an \$50 initial Application fee when applicable.

Mooring Location:

### SECTION III - CERTIFICATION AND SIGNATURE

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."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable and permit number. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

Signature of Applicant:

Date: 2/26/25

PERMIT WILL NOT BE APPROVED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

### SECTION IV - GENERAL USE MOORING PERMIT

This permit once approved by the Harbor Master is valid from April 1, 2025 until March 31, 2026.

Approved by Harbormaster:

Date:

April 14, 2025

John Cacace III  
1735 VT Route 103  
Cuttingsville, VT 05738

**RE: Request for Reconsideration Mooring Permit #7408**

Dear Mr. Fisher,

The Division of Ports and Harbors is in receipt of your Request for Reconsideration for mooring permit #7408 dated March 30, 2025, and received at the Division office on April 9, 2025. The mooring permit was denied because a completed application was not timely received by the Division in accordance with the New Hampshire Code of Administrative Rules Part 500. You have appealed that denial. For the reasons set forth below, I<sup>1</sup> deny your appeal and request for reconsideration.

The following are facts in evidence that you have presented with your request:

- Your written Request for Reconsideration.

The following are facts in evidence at the Division Director level:

- Application received on March 3, 2025, was incomplete as the vessel registration was not enclosed.
- Documentation returned to applicant, who was also called to advise of the deficiency.
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Pda 506.04 Mooring Permit Applications for Existing Moorings.

(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.

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April 14, 2025

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However, Pda 506.04 (d) requires that mooring applications must be returned to the Division office no later than March 1<sup>st</sup> or within the 10-business day late filing period. The Division has not received a completed application timely filed in accordance with the requirements of Pda 506.04 (d).

Pda 514.04 Reconsideration by Division Director; Granting of Permit under Certain Circumstances sets the criteria by which the Division Director may grant or deny a permit in the context of reconsideration. A copy of that section is attached for your review. In relevant part concerning untimely filings, Pda 514.04 provides as follows:

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(1) One or more of the following:

...

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

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April 14, 2025

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Your request for reconsideration is denied for the following reasons/findings:

- Your April 9, 2025 filing for commercial mooring permit #8237 was admittedly untimely per Pda 514.04.
- There is insufficient evidence establishing any valid excuse for an untimely filing within the meaning of Pda 514.04(d)(1)(c). Your petition alludes to both incapacity and failure to receive a governmental form, each of which is discussed below:
  - Failure to Receive DMV Form: You assert that you "sent in a new boat renewal registration form to the DMV, [but] I miscalculated the amount owed therefore the form was returned. It was now past the March 1 deadline . . . ." These facts do not suggest that "[t]he late filing was caused by the failure or any state or governmental agency to timely provide" the documentation within the meaning of Pda 514.04(d)(1)(c)(3). In other words, you have neither alleged nor proven that there was any untimely action by the DMV per applicable law. Instead, the root cause of the delay in receiving the registration appears to have been the error in calculating the amount due, which caused the registration form to be rejected by DMV and sent back to you. There is no or insufficient explanation of why you could not have obtained the DMV form sooner, particularly having been advised by the Division that your initial submission to PDA on March 3rd was incomplete.
  - Incapacity: You further allege that you were "incapacitated for 3 days", but you have not explained how you were incapacitated. See N.H. Code of Admin. Rules, Pda 514.01(b) ("Incapacitated means a physical or mental condition that results in . . . [t]he inability of an individual to . . . [w]alk unassisted; or . . . [d]rive unassisted; or [t]he confinement of an individual to a location[] for the purposes of receiving medical or rehabilitative treatment or care."). More is required to prove incapacity. Nor have you provided the documentation of incapacity required by the applicable rule. See N.H. Code of Admin. Rules, Pda 514.04(d)(2)(c)(2)(i).
- Pda 514.04(e) requires that the Division Director to deny the request for reconsideration where, in the case of a late filing under Pda 506.05(d), "the petitioner failed to meet the requirements under (d)(1)c. above."

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April 14, 2025

RE: Request for Reconsideration Mooring Permit #7408

Please be advised that the Code of Administrative Rules, Pda 514.06 through Pda 514.14, provide an opportunity to further appeal this decision of the Division Director to the Pease Development Authority. Attached is a copy of those sections of the rules for your review and consideration. These rules provide:

**\*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.**

The complete Administrative Rules PART 500 MOORINGS AND ANCHORAGES may be found on the Divisions web site; [www.portofnh.org](http://www.portofnh.org), or the State's website [http://www.gencourt.state.nh.us/rules/state\\_agencies/pda100-700.html](http://www.gencourt.state.nh.us/rules/state_agencies/pda100-700.html).

I know this is not the outcome you sought, but I am constrained by the timeliness excuses set forth in the administrative rule and the evidence presented. Please notify the Pease Development Authority consistent with the requirements of Pda 514.06-.07 if you would like to pursue an appeal to the Pease Development Authority's Board of Directors.

Sincerely,



Paul E. Brean  
Executive Director

enclosure

**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.

**Source.** #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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."

**Source.** #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

(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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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 Pda 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

(e) The division director, authority or board designate shall grant the request if he or she 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19



# PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Paul Brean, Executive Director

From: Tracy R. Shattuck, Chief Harbormaster *TS*

Re: Permit number 7408

Date: April 9, 2025

---

John Cacace, III held General Use Mooring permit #7408 in Hampton Harbor area 3 which he obtained from the waitlist on June 27, 2014. He reapplied for and received the permit in the succeeding years since.

General Use permit applications for the 2025-2026 season were mailed by this office on January 2, 2025. The March 1st deadline was stamped in red letters and highlighted both on the envelope and the application. There was a 10 business day late filing period. Because March 1<sup>st</sup> and March 15<sup>th</sup> both fell on a Saturday the deadline was brought forward to the next Monday, the 3<sup>rd</sup> and 17<sup>th</sup> respectively. A notice of the application deadline was printed in the Portsmouth Herald and the Manchester Union Leader.

The application was received by this office on March 3, 2025 but was incomplete as the vessel registration was not enclosed. It was returned to the applicant and he was called to advise of the deficiency. The application was received again on April 9, 2025 with the registration which had been issued on March 17, 2025, and with a letter requesting reconsideration.

John Cacace  
1735 VT Route 103  
Cuttingsville, VT 05738

New Hampshire Port Authority  
Division of Ports & Harbors  
555 Market Street  
Portsmouth, NH 03801



March 30, 2025

Re: Reconsideration and Appeal for Mooring Permit

Hello,

I am writing to ask you to reconsider my mooring application for customer number 6920, Permit number 7408.

We have had this mooring permit for many years and I have always renewed without a problem.

This year, a combination of the following factors prevented us from meeting the deadline because we did not have the 2025 boat registration:

- I did not receive the boat registration renewal form from the state of New Hampshire DMV and therefore did not know the proper amount due.
- When I sent in a new boat renewal registration form to the DMV, I miscalculated the amount owed and therefore the form was returned.
- It was now past the March 1 deadline, but I was incapacitated for 3 days and could not go to a DMV in person.
- On March 14, I sent my son with the proper documentation to the DMV in Keene, NH. However, they would not process the forms in person for him. They would only allow him to put the forms in the drop-box.
- We received the 2025 boat registration on March 19 and overnighted it to the Pease Development Authority to be received on March 20.

I hope you reconsider my mooring application. Our family has really enjoyed using our recreational boat in Hampton Beach and hopes to continue to do so this summer as well.

Thank you,

John Cacace  
johncacace@yahoo.com  
781-266-8796

Encl: mooring application, 2025 boat registration, permit check, late fee check

Customer Number	6920	Mooring Field	Hampton 3	Date/Time Received	
Permit Number	7408	Permit Fee	\$216.00	Check/Receipt No.	



**PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS**

555 Market Street Portsmouth, NH 03801-3532

Office (603) 436-8500 Fax (603) 436-2780

[www.portofnh.org](http://www.portofnh.org)

**Due By March 1st**

**2025 -2026**

**GENERAL USE MOORING APPLICATION AND PERMIT**

**Mailing Address:**

**Permanent Address:**

(If different than mailing address)

JOHN ANTHONY CACACE III  
~~162 BARBARA RD~~ 1735 VT Route 103  
~~WALTHAM, MA 02453~~ Cuttingsville, VT 05738

16A BRAGG AVE  
 HAMPTON BEACH, NH 03842-

**SECTION I - APPLICANT INFORMATION**

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON THE REVERSE SIDE OF FORM.

Applicant's Full Legal Name: JOHN ANTHONY CACACE III

E-mail Address: johncacace@yahoo.com

Send Mail To: Mailing Address X Permanent Address       

Telephone Number (including Area Code): Permanent: (781) 209-8535 Cell: (781) 266-8796  
 Business:        Emergency:       

**SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT**

DO NOT CHANGE ANY PRE-ENTERED INFORMATION - SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM

VESSEL NAME	STATE REG. #.	*LENGTH OVERALL	**PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL (sail/power/other)
UNKNOWN	NH2536KT	18.0	\$216.00	1.0	GRY	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 502.13 as the distance in feet of the vessel from stern to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/19; \$12.00 per foot length overall (LOA), a minimum of \$200 for all general use permitted moorings, and an \$50 Initial Application fee when applicable.

Mooring Location:       

**SECTION III - CERTIFICATION AND SIGNATURE**

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."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable and permit number. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

Signature of Applicant: John A. Cacace III

Date: 2/26/25

PERMIT WILL NOT BE APPROVED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

**SECTION IV - GENERAL USE MOORING PERMIT**

This permit once approved by the Harbor Master is valid from April 1, 2025 until March 31, 2026.

Approved by Harbormaster:       

Date:



LEGAL ADDRESS  
162 BARBARA RD  
WALTHAM MA 02453  
SEASONAL ADDRESS

JOHN A CACACE  
1735 VT ROUTE 103  
CUTTINGSVILLE VT 05738

THIS APPLICATION IS SIGNED AND NOT ADDITIONAL  
INFORMATION IS REQUIRED FOR THE  
INTERPOL APPLICATION. PLEASE PRINT IN BLOCK LETTERS.

X *John A. CACACE*

O W N E R S

CACACE JOHN A

RENEW REGISTRATION

17MAR2025 5008.0001 3913 1217 1 \$68.30



N.H.S.D. - M.V.  
OFFICIAL DIRECTOR  
VALIDATION # 2062

NOT VALID WITHOUT DIRECTOR'S SEAL

THE BOAT DESCRIBED HEREON IS EQUIPPED  
AS TO PRECLUDE THE DISCHARGE OF  
SEWAGE OR WASTEWATER TO THE WATERS  
OF THE STATE IN COMPLIANCE WITH RSA  
407:10 and RSA 407:11.

CHANGE ADDRESS IN SPACE ABOVE

RDAL413, RPL4137A, DMVIFSC.DDXX

State of New Hampshire

BOAT REGISTRATION CERTIFICATE

03/17/2025

BOAT# NH2536KT USE PP ST NH BRD 014926 BFD B014926  
MAKE BAYL STYLE OUTB FUEL G PROP OB HP 115.00 ENGINE S  
YEAR 2018 LEN 18 4 CLR GRV HIN BLBX4146D818  
HULL PL TOILET N SINK N SHOWER N INLAND/TIDAL I WB

12/31/2025

STATE FEES

BOAT FEE	\$14.80
REGISTRATION FEE	\$34.00
TAX COLL FEE	\$1.00
TOTAL FEES	\$49.80

BOAT DECAL FEES

BOAT DECAL FEE	\$3.00
EXTC AOTC PLANTS	\$4.00
MILFOL FEE	\$5.50
PUBLIC ACC FEE	\$5.00
SRCH RESC FEE	\$1.00
TOTAL FEES	\$18.50

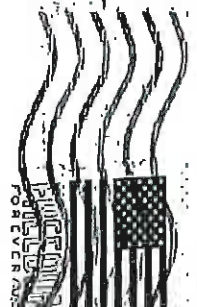
BOAT FEES

TOTAL FEES	\$0.00
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MUNICIPAL COMMENT:

Pursuant to RSA 261:55, the Director  
must be notified in writing within 30  
days when moving from the address  
printed on this certificate.

WHITE RIV JCT VT 050  
7 APR 2025 PM 2:1



New Hampshire Port Authority  
Division of Ports + Harbors  
555 Market St.  
Portsmouth, NH 03801

03801-343335



LOOK FOR FRAUD DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAIL'S ON BACK.

MEMO 6920 - 7408  
XX Citizens' Katie Cacer

PAY TO THE ORDER OF POA-DPH two hundred sixteen & 00/100  
DOLLARS \$216- Real Reactive INK

DATE 2/24/25

KATIE M. CACACE  
JOHN A. CACACE III  
162 BARBARA ROAD  
WALTHAM, MA 02453

6-7017/2110

123

LOOK FOR FRAUD DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAIL'S ON BACK.

MEMO Manning & Co  
XX Citizens' Katie Cacer

PAY TO THE ORDER OF Peace Development & Authority fifty & 00/100  
DOLLARS \$50- Real Reactive INK

DATE 3/19/25

KATIE M. CACACE  
JOHN A. CACACE III  
162 BARBARA ROAD  
WALTHAM, MA 02453

6-7017/2110

126



COPY

NEW HAMPSHIRE PORT AUTHORITY

To: John Cacace

Date: March 20, 2025

From: Division of Ports and Harbors

Hi John,

I am returning the copy of your registration and check because you missed the March 1<sup>st</sup> deadline and the March 17<sup>th</sup> deadline (with the \$50 late fee).

Currently, there is a waitlist in Hampton.

I have included the waitlist application.

If you would like to appeal, I have included the rules.

If you have any questions, please let me know.

Thank you.

Division of Ports & Harbors

(603) 436-8500

Enc; waitlist application, vessel registration, check, Pda 514 Reconsideration and Appeal.



# PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

TO: John Cacace

FROM: Division of Ports & Harbors

DATE: 3/18/25

RE: Return of Mooring Permit Application

Enclosed is your mooring Permit application and check. It is being returned because a completed application was not received before the March 1<sup>st</sup> deadline, or within the 10-day late application period.

According to the New Hampshire Code of Administrative Rules part Pda 506.04 (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 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."

Thank you,

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

Return —

**Lana LaRochelle**

---

**From:** John Cacace <johncacace@yahoo.com>  
**Sent:** Monday, March 17, 2025 2:17 PM  
**To:** Lana LaRochelle  
**Subject:** Re: 2025 Mooring Permit

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello,

I just wanted to give you an update. My wife and I work as teachers in Vermont. Friday, we sent our son to New Hampshire to get the boat registered in person and were planning to overnight the registration to you. The DMV would not provide the registration to my son because his name is not on it so he dropped the application in the drop box. I assume they will send us the registration in a week or two. I had no idea this would happen. I apologize for not having the registration for you as promised but we have done everything we can at this point. We will submit the \$50 late fee and boat registration as soon as we get it.

My apologies.

John Cacace

On Friday, March 14, 2025 at 08:15:54 AM EDT, Lana LaRochelle <l.larochelle@peasedev.org> wrote:

Hi John,

Best thing to do would be to go to DMV in Dover, they should be able to take care of it.

Just remember, needs to be in the office by 4 pm Monday.

Lana

**From:** John Cacace <johncacace@yahoo.com>  
**Sent:** Thursday, March 13, 2025 6:08 PM  
**To:** Lana LaRochelle <L.LaRochelle@peasedev.org>  
**Subject:** Re: 2025 Mooring Permit

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello,

I appreciate you reaching out today regarding our mooring permit application. I spoke with my wife and we did some digging in our files and found that our boat registration permit application, originally dated 2/16/25, was returned to us because we wrote the check in the wrong amount (\$3 short). See image below.

As I mentioned on the phone, we will try to remedy this as soon as possible, but this has been an honest (and clumsy) mistake on our part (really, my wife, but I don't want to blame her :) I'll be in touch as soon we get the boat registration completed.

We appreciate your patience.

John Cacace

**Lana LaRochelle**

---

**From:** John Cacace <johncacace@yahoo.com>  
**Sent:** Friday, March 14, 2025 8:26 AM  
**To:** Lana LaRochelle  
**Subject:** Re: 2025 Mooring Permit

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Yep. We are going to the DMV today. I'll keep you posted.

Thanks  
John

On Friday, March 14, 2025 at 08:15:54 AM EDT, Lana LaRochelle <l.larochelle@peasedev.org> wrote:

Hi John,

Best thing to do would be to go to DMV in Dover, they should be able to take care of it.

Just remember, needs to be in the office by 4 pm Monday.

Lana

**From:** John Cacace <johncacace@yahoo.com>  
**Sent:** Thursday, March 13, 2025 6:08 PM  
**To:** Lana LaRochelle <L.LaRochelle@peasedev.org>  
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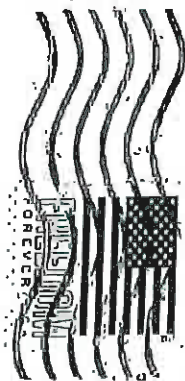
We appreciate your patience.

John Cacace

told him he  
had to next  
day after today  
Reg + \$50  
left message on cell  
emailed 3/13/28  
called back - he said he  
would pay

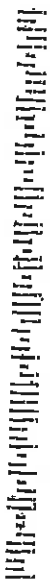
No  
Registration  
on cell  
for Reg + \$50  
by 3/17/28

WHITE RIV JCT VT 050  
28 FEB 2025 PM 2 L



PDA-DPH  
555 Market St.  
Portsmouth, NH 03801-3532

03801-343333



## Lana LaRochelle

---

**From:** Lana LaRochelle  
**Sent:** Thursday, March 13, 2025 9:36 AM  
**To:** 'johncacace@yahoo.com'  
**Subject:** 2025 Mooring Permit

**Importance:** High

Hi John,  
Writing to remind you about permit. The final deadline is March 17<sup>th</sup> with a \$50 late fee.  
Still waiting on your valid registration. I recommend you send it next day if you haven't sent it already.  
Please call if you have any questions.  
Lana

Lana LaRochelle  
*New Hampshire Port Authority*  
555 Market Street  
Portsmouth NH 03801  
(603) 766-9219 (d)  
(603) 436-2780 (f)



**Lana LaRochelle**

---

**From:** Lana LaRochelle  
**Sent:** Friday, March 14, 2025 8:16 AM  
**To:** 'John Cacace'  
**Subject:** RE: 2025 Mooring Permit

Hi John,  
Best thing to do would be to go to DMV in Dover, they should be able to take care of it.  
Just remember, needs to be in the office by 4 pm Monday.  
Lana

**From:** John Cacace <johncacace@yahoo.com>  
**Sent:** Thursday, March 13, 2025 6:08 PM  
**To:** Lana LaRochelle <L.LaRochelle@peasedev.org>  
**Subject:** Re: 2025 Mooring Permit

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Hello,

I appreciate you reaching out today regarding our mooring permit application. I spoke with my wife and we did some digging in our files and found that our boat registration permit application, originally dated 2/16/25, was returned to us because we wrote the check in the wrong amount (\$3 short). See image below.

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We appreciate your patience.

John Cacace



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Still waiting on your valid registration. I recommend you send it next day if you haven't sent it already.

Please call if you have any questions.

Lana

Lana LaRochelle

*New Hampshire Port Authority*

555 Market Street

Portsmouth NH 03801

(603) 766 -9219 (d)

(603) 436-2780 (f)

3920

Customer Number	6920	Mooring Field	Hampton 3	Date/Time Received	
Permit Number	7408	Permit Fee	\$216.00	Check/Receipt No.	



# PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS

555 Market Street Portsmouth, NH 03801-3532

Office (603) 436-8500 Fax (603) 436-2780

[www.portofnh.org](http://www.portofnh.org)

Due By March 1st

2025 -2026

## GENERAL USE MOORING APPLICATION AND PERMIT

Mailing Address:

Permanent Address:

(If different than mailing address)

JOHN ANTHONY CACACE III

16A BRAGG AVE

HAMPTON BEACH, NH 03842-

~~102 BARBARA RD~~ 1735 VT Route 103  
~~WALTHAM, MA 02453~~ Cuttingsville, VT 05738

### SECTION I - APPLICANT INFORMATION

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON THE REVERSE SIDE OF FORM.

Applicant's Full Legal Name: JOHN ANTHONY CACACE III

E-mail Address: Johncacace@yahoo.com

Send Mail To: Mailing Address ☒ Permanent Address ☐

Telephone Number (Including Area Code): Permanent: (781) 209-8535 Cell: (781) 266-8796  
 Business: Emergency:

### SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

DO NOT CHANGE ANY PRE-ENTERED INFORMATION - SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM

VESSEL NAME	STATE REG. #	*LENGTH OVERALL	**PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL (sail/power/other)
UNKNOWN	NH2536KT	18.0	\$216.00	1.0	GRY	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 502.13 as the distance in feet of the vessel from stem to stern plus the length of any pulpils, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/18; \$12.00 per foot length overall (LOA), a minimum of \$200 for all general use permitted moorings, and an \$50 Initial Application fee when applicable.

Mooring Location:

### SECTION III - CERTIFICATION AND SIGNATURE

"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 wall list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable and permit number. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

Signature of Applicant:

Date: 2/26/25

PERMIT WILL NOT BE APPROVED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

### SECTION IV - GENERAL USE MOORING PERMIT

This permit once approved by the Harbor Master is valid from April 1, 2025 until March 31, 2026.

Approved by Harbormaster:

Date:

**State of New Hampshire**  
**Department of Health and Human Services**  
**Division of Public Health**

**Notice of Public Hearing**

The State of New Hampshire is holding a public hearing on the proposed rulemaking for the State of New Hampshire's Department of Health and Human Services. The hearing will be held on the 13th day of March, 2025, at 10:00 AM in the State Capitol Building, Room 1000, Concord, New Hampshire.

The purpose of the hearing is to provide an opportunity for the public to comment on the proposed rulemaking. The proposed rulemaking is for the State of New Hampshire's Department of Health and Human Services. The proposed rulemaking is for the State of New Hampshire's Department of Health and Human Services.

The hearing will be held on the 13th day of March, 2025, at 10:00 AM in the State Capitol Building, Room 1000, Concord, New Hampshire.

The public is invited to attend the hearing and provide comments on the proposed rulemaking. The public may provide comments in writing or orally at the hearing. The public may also provide comments by email at [publiccomment@nh.gov](mailto:publiccomment@nh.gov).

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**Public Comment Period**

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**State of New Hampshire**  
**Department of Health and Human Services**  
**Division of Public Health**

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<b>Public Comment Period</b>	March 13, 2025 to March 20, 2025
<b>Public Hearing</b>	March 13, 2025 at 10:00 AM in the State Capitol Building, Room 1000, Concord, New Hampshire
<b>Public Comment Period</b>	March 13, 2025 to March 20, 2025
<b>Public Hearing</b>	March 13, 2025 at 10:00 AM in the State Capitol Building, Room 1000, Concord, New Hampshire

## MOTION

Director Semprini:

*Should the Board wish to take action on the appeal of Derek Fisher at this meeting (2 options – 1. Deny Appeal or 2. Grant Appeal):*

### *Deny Appeal*

Having considered the record pursuant to Pda 514.09(b), the Pease Development Authority (“PDA”) Board of Directors hereby accepts the report of the PDA Board designee and determines that the appellant, Derek Fisher, has not met his burden of proof and denies his appeal pursuant to the provisions of New Hampshire administrative rules Pda 514.10 and Pda 514.11.

### *OR*

### *Grant Appeal*

Having considered the record pursuant to Pda 514.09(b), the Pease Development Authority Board (“PDA”) of Directors hereby determines that the appellant, Derek Fisher, has met his burden of proof and grants his appeal pursuant to the provisions of New Hampshire administrative rules Pda 514.10 and Pda 514.11; Further the PDA Board remands this matter to the Director of the Division of Ports and Harbors for the purpose of

issuing Derek Fisher his 2025 mooring permit contingent on the provisions of Pda 514.11(c) being satisfied.

***Should the Board wish to instead postpone further action until its next regular meeting:***

The Pease Development Authority Board of Directors moves to postpone further consideration of this matter until its next regular meeting.

## Memorandum

To: Pease Development Authority Board of Directors  
From: Joshua M. Wyatt, Deputy General Counsel *JMW*  
Date: June 5, 2025  
Subj: Mooring Appeal of Derek Fisher

The PDA Board of Directors' agenda for June 17, 2025 includes an Appeal of Derek Fisher, which concerns the denial of a renewal of a mooring permit by the Division of Ports and Harbors ("DPH") due to Mr. Fisher's failure to timely file for renewal of the subject mooring permit.

By letter dated April 14, 2025, Executive Director Paul Brean, acting as Division Director<sup>1</sup>, affirmed the Division's denial of the mooring permit due to untimeliness.

Mr. Fisher then timely appealed the denial to the Pease Development Authority pursuant to New Hampshire Administrative Rules Pda 514. Per the administrative rules, Board Chairman Duprey designated Director Fournier to review the appeal. Director Fournier received and reviewed the appeal material, and noticed and conducted a meeting with Mr. Fisher and DPH Assistant Director Richard Hartley consistent with the applicable rules. Thereafter, Director Fournier issued his recommended decision to the PDA Board of Directors. The PDA has provided Mr. Fisher with written notice, pursuant to the requirements of Pda 514.09(a), that the Board would consider this matter at its June 17<sup>th</sup> meeting.

The appeal file prepared in accordance with Pda 514 has been provided for Board review.

At its meeting on June 17, 2025, the PDA Board of Directors shall consider and act on the appeal pursuant to Pda 514.09-11, which provides as follows (emphasis added):

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:

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<sup>1</sup> On March 11, 2025, the PDA Board of Directors approved the Executive Director temporarily acting as Division Director for the limited purposes of mooring reconsideration petitions.

- (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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11  
(See Revision Note at chapter heading for Pda 500);  
ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11  
(See Revision Note at chapter heading for Pda 500);  
ss by #12958, eff 12-24-19

**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 Pda 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11  
(See Revision Note at chapter heading for Pda 500);  
ss by #12958, eff 12-24-19

May 22, 2025

**Via E-Mail & First Class Mail:** [dfisherconstruction78@yahoo.com](mailto:dfisherconstruction78@yahoo.com)

Derek Fisher  
48 Polly Ann Park  
Dover, NH 03820

**RE: Mooring Permit #8237 Appeal**

Dear Mr. Fisher,

Pursuant to Pda 514.08, enclosed please find a copy of the written recommendation of Pease Development Authority Board Designate, Director Steve Fournier, regarding the captioned. Per Pda 514.09, this matter will be placed on the June 17, 2025, PDA Board meeting agenda. Please be advised that the meeting will be held at the above address and is scheduled to commence at 8:30 a.m. The meeting will be recorded. You may bring counsel or a personal representative to the meeting if you wish.

Let me know if you have any questions.

Sincerely,

/ s /

Joshua M. Wyatt  
Deputy General Counsel

enclosure

cc: Paul E. Brean, Executive Director  
Richard Hartley, Assistant Director of Ports and Harbors Director

**PEASE DEVELOPMENT AUTHORITY  
DIVISION OF PORTS AND HARBORS**

**ADMINISTRATIVE APPEAL OF DEREK FISHER**

**REPORT AND RECOMMENDATION OF PDA BOARD DESIGNATE<sup>1</sup>**

Mr. Derek Fisher, 48 Polly Ann Park, Dover, New Hampshire, had commercial mooring #8237 at Hampton Harbor through a commercial transfer from David Goethel on May 20, 2022. Mr. Fisher successfully reapplied for and received the permit for the 2023 and 2024 seasons.

Commercial mooring permit applications for the 2025–2026 season were mailed by the Division on December 3, 2024. The mailing included a notice of the date that office would be at the Dover DMV with NH Fish & Game to assist commercial applicants in obtaining all necessary licenses. The application clearly indicated the March 1 deadline, which was stamped in red and highlighted on both the envelope and the application. A 10-business-day late filing period was also provided. Because March 1<sup>st</sup> and March 15<sup>th</sup> both fell on a Saturday, the initial filing deadline was brought forward (by the Division) to the next Monday, March 3, 2025, with the late filing period determined (by the Division) to end March 17, 2025.<sup>2</sup>

Mr. Fisher called the office on March 17, but only inquired about the pier use permit. He then visited the office on March 31, requesting to reapply for the mooring permit. At that time, he was informed that the filing period had lapsed and was provided with a copy of the reconsideration process.

Mr. Fisher contacted the Division and requested a reconsideration under the *New Hampshire Code of Administrative Rules Chapter PDA 500 Moorings and Anchorages*.

The basis for his request for reconsideration is:

First, Mr. Fisher claims eligibility for reconsideration under Pda 514.05(d)(1)(c)(1)(ii)<sup>3</sup> due to a severe back spasm that left him bedridden from February 27 to March 2, 2025—within the final ten days of the application window. Although he did not seek medical treatment, he submits a sworn statement under penalty of perjury and asks that it be accepted as sufficient evidence of temporary medical incapacitation

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<sup>1</sup> The factual information contained within this Report is based upon the written submissions of both parties (Derek Fisher and the Division of Ports and Harbors).

<sup>2</sup> I find no need to reach the issue whether the Division properly extended these two deadlines, as the filings at issue in this appeal occurred after the deadlines at issue, whether they be March 1/March 15 or March 3/March 17.

<sup>3</sup> Mr. Fisher's appeal to the Board referenced "Pda 514.04(k)(1)(c)(ii)", which presumably intended to reference to the provision cited above in Pda 514.04(d).

Second, he is appealing under Pda 514.08(b), arguing this enables the Authority to, in his words, “reverse a denial if it was not lawfully or reasonably justified, or if it failed to weight equitable factors.” (emphasis removed). However, the administrative rule Mr. Fisher references does not allow reversal on such grounds. Even so, Mr. Fisher asserts that he admittedly missed the March 1 deadline, as he stated he was confused by an expiration notice listing March 31, and he had a genuine misunderstanding of the renewal process. He emphasizes his good faith effort, lack of intent to violate rules, and willingness to pay any late fees, arguing that permanent forfeiture is a disproportionate consequence for an honest mistake. Unfortunately, these are not grounds in the administrative rules for excusing a late filing.

The Division of Ports and Harbors reviewed his request for reconsideration. It determined that his requests for reconsideration did not meet the standards set forth in the Administrative Rules.

Mr. Fisher then requested a member of the Pease Development Authority Board of Directors review his appeal and make a recommendation to the full board pursuant to NH Admin Rules Pda 514.08. Chairman Duprey designated me to review that appeal.

On May 8, 2025, I met with Mr. Fisher in accordance with the administrative rules. Also in attendance were Richard Hartley, Assistant Director of Ports and Harbors Division; Adam Winkler, Deputy Chief Harbormaster of Ports and Harbors Division; Tom Maciel, Operations Manager of Division of Ports and Harbors Division; Joshua M. Wyatt, Deputy General Counsel of PDA; and Raeline O’Neil, Executive Administrative Assistant. Pursuant to the rules, I asked Mr. Fisher to explain his situation and he did. Mr. Fisher provided sworn testimony relating the asserted facts as stated herein. I then asked if he had any questions of the Division, and he stated that he did not. I then asked the Assistant Director of the Division had any questions and he indicated that it did not. I then closed the meeting.

Admittedly, the failure to timely renew a mooring is a difficult situation, but mooring holders are given ample opportunity to submit a completed renewal application. In turn, the applicable administrative rules provide the Division of Ports and Harbors with a rigid permit renewal framework to protect both the mooring permit holder, as well as those who may be on a mooring permit waitlist.

In the case of a late filing such as Mr. Fisher’s, which was admittedly untimely with respect both the initial and late filing deadlines, the administrative rules provide only the following four excuses:

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.

N.H. Code of Admin. Rules, Pda 514.04(d)(1)(c).

After reviewing all the information, testimony, and documents provided, I agree with (and find no basis to disagree with) the Division's conclusions. Even crediting Mr. Fisher's facts and assertions, which might be construed to argue that a state or governmental agency was at fault, here there is no evidence to show that a state or governmental agency caused the delay in the application. Mr. Fisher's equitable arguments are not a basis to reconsider a later filing. Similarly, I agree with the Division that, to prove temporary incapacity as a basis for excusing a late filing, the administrative rules expressly require either: "(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 service for the petitioner." N.H. Code Admin. Rules, Pda 514.04(d)(2). Mr. Fisher testified to being temporarily incapacitated during a portion of the filing period in question, but failed to provide any of these forms of required documentation and he openly acknowledged he did not seek medical care during the period of asserted temporary incapacity. Accordingly, I find Mr. Fisher received the renewal information in time per the New Hampshire Administrative Rules. Mr. Fisher had ample time to submit the mooring permit application as needed. In his own evidence, he provided an envelope that clearly states "Mooring Application Enclosed. Due March 1<sup>st</sup>". I find Mr. Fisher has not carried his burden of demonstrating that any valid excuse applies. Given that there is no information to allow me to recommend any differently or excuse the late filing, I recommend that the Board affirm the Division's decision.

Respectfully submitted this 22 day of May 2025.

/s/ Steve Fournier

Steve Fournier  
PDA Board Designate

cc: Joshua M. Wyatt, Deputy General Counsel (via e-mail: [j.wyatt@peasedev.org](mailto:j.wyatt@peasedev.org))  
Richard Hartley, Assistant Director of Ports and Harbors (via e-mail: [r.hartley@peasedev.org](mailto:r.hartley@peasedev.org))  
Derek Fisher (via first class mail and e-mail at: [dfisherconstruction78@yahoo.com](mailto:dfisherconstruction78@yahoo.com))

April 29, 2025

**Via E-Mail & First Class Mail:** [dfisherconstruction78@yahoo.com](mailto:dfisherconstruction78@yahoo.com)

Derek Fisher  
48 Polly Ann Park  
Dover, NH 03820

**RE: Mooring Permit #8237 Appeal**

Dear Mr. Fisher,

Please be advised that I have been designated by Pease Development Authority Board of Directors Chair Stephen Duprey to hear the above-referenced appeal pursuant to New Hampshire Administrative Rule Pda 514.08. Pursuant thereto, I will prepare a recommended decision regarding the appeal for consideration and action by the PDA Board of Directors.

In advance of that, I will provide you or your representative, if someone other than you, an opportunity to meet with me at 55 International Drive, Portsmouth, NH **Thursday, May 8, 2025, at 10:30 a.m.**, to present your information and argument regarding the appeal. A Division of Ports and Harbors representative will also be asked to attend this meeting. This meeting will be audio recorded. You may bring counsel or a personal representative to this meeting.

Any written information, testimony, or argument not previously submitted during reconsideration by the Division Director shall be submitted to me not later than five (5) business days before the date of the meeting. I recommend that you familiarize yourself with the procedures under Pda 514 (see attached) in advance of the meeting.

Sincerely,

/s/

Steve Fournier

attachment

cc: Richard Hartley, Assistant Director of Division of Ports and Harbors  
Joshua M. Wyatt, Deputy General Counsel

p:\portauthority\moorings\fisher\ltr re meeting

## 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.

Source. #7940, eff 8-23-03; ss by #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #7940, eff 8-23-03; amd by #8775, eff 12-16-06; renumbered by #9641 (formerly Pda 514.01); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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), state the reason for the late filing; and
- (f) Shall bear the petitioners signature including 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."

Source. #7940, eff 8-23-03; amd by #8184, eff 10-1-04; ss by #9641, eff 2-1-10 (formerly Pda 514.02); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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 is 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.

Source. #7940, eff 8-23-03; and by #8184, eff 10-1-04; ss by #9641, eff 2-1-10 (formerly Pda 514.03); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10 (formerly Pda 514.04); ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

#### 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.

**Source.** #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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."

**Source.** #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

#### 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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 Pda 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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 or she 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

APR 25 2025

**Derek Fisher**  
48 Polly Ann Park  
Dover, NH 03820  
dfisherconstruction78@yahoo.com  
207-459-8281

April 20, 2025

**RE: Formal Appeal of Reconsideration Denial – Mooring Permit #8237**

Dear Members of the Pease Development Authority,

I respectfully submit this formal appeal pursuant to **Pda 514.08**, requesting a reversal of the Division Director's April 14, 2025 denial of my petition for reconsideration of Mooring Permit #8237. My renewal application was formally first submitted on **March 31, 2025**, which I mistakenly believed to be the operative deadline based on the permit's stated expiration date. However, I now understand the true renewal deadline was **March 1** (with a grace period), and that my submission was technically late.

## Action Being Appealed

This appeal seeks reversal of the denial of my reconsideration request, which involves the late filing of my mooring renewal application. The Division denied my application under **Pda 506.04(d)**, and subsequently denied reconsideration, citing a lack of qualifying hardship under **Pda 514.04(k)(1)**.

## Grounds for Reversal Under Pda 514.04(k)(1)(c)(ii)

I qualify for reconsideration under **Pda 514.04(k)(1)(c)(ii)** due to a verifiable and acute medical incapacitation during the final ten days of the application window. Specifically, on **February 27, 2025**, I was suddenly bedridden by a severe back spasm, a recurring condition I've suffered throughout my decades working in physically demanding industries such as construction and commercial lobster fishing. I remained immobile through **March 2** and was physically unable to attend to filing responsibilities during that time. I did not seek medical care, but I make this statement under penalty of perjury and respectfully request that it be accepted as sufficient evidence.

I respectfully ask the Authority to accept this sworn statement as qualifying evidence under **Pda 514.04(k)(1)(c)(ii)**, which provides relief for applicants incapacitated for one or more days during the final 10 days of the application window.

## Factual Clarification and Good Faith Effort

I also would respectfully reiterate the following facts and timeline of this situation:

- On **March 31**, I dropped by, in person, and submitted my completed mooring renewal application, sincerely believing that the **permit expiration date** was also the **filing deadline**. This turned out to not be the case.
- At no point was I aware that the actual administrative deadline was **March 1**, nor that a late submission would **permanently forfeit my mooring**, rather than result in a **late fee or administrative penalty**.
- Had I understood the true consequences of a late filing, I would have taken every precaution to submit well before the deadline.
- My mooring has been held in **good standing for over two years**, with no prior compliance issues, infractions, or lapses.
- I am very willing to pay any fair and commensurate Late Fee or other financial penalty in order to renew my mooring and become in good standing.

## Equitable Grounds and Request for Discretion

While I recognize that I missed the formal March 1 deadline (for both medical reasons as well as due to some ambiguity around the due date for filing the renewal paperwork), I very humbly ask the Authority to consider:

- The fact that, per **Pda 514.04(k)(1)(c)(ii)**, I was **medically incapacitated** for several days and lying on my back in bed between Feb 27, 2025 – Mar 2, 2025.
- The **confusing nature** of the expiration notice, which clearly marked March 31 as the expiration date - implying, I believe understandably, that March 31 was the **last acceptable date** to renew. At the time, I misunderstood the system, as in many other areas of life (such as other leases or licenses), the expiration date typically signals the *renewal deadline*. I now understand the distinction, and will be vigilant going forward.
- The **absence of willful neglect or disregard** of rules. My submission on March 31 was made in earnest and in the belief that I was being fully compliant.
- The **disproportionate consequence** of complete forfeiture of the mooring, especially in light of a minor and unintended clerical error from an otherwise compliant and responsible permit holder.

- My **willingness to pay any reasonable or even punitive late fee** deemed appropriate by the Authority to resolve the matter without further escalation.

## Legal and Procedural Basis for Relief

At least one element of my appeal falls under the enumerated “excuses” listed in Pda 514.04(k)(1)(c). Additionally, I believe other avenues of this appeal are also valid under **Pda 514.08(b)**, which allows the Authority to reverse a denial if it was **not lawfully or reasonably justified**, or if it failed to properly weigh equitable factors.

In this case, the denial of reconsideration also:

- Imposes an **unduly harsh penalty** for a good-faith administrative error,
- Will **unequivocally impact my ability to make a living** as a commercial fisherman,
- Does not advance any compelling public interest,
- And is contrary to the broader purposes of the mooring program, which seeks orderly management and continuity—not punitive exclusion of long-standing permit holders due to technical missteps.

## Request for Remedy

In light of both the qualifying incapacitation and the totality of circumstances, I respectfully request that the Pease Development Authority:

1. **Reverse the denial of reconsideration** and retroactively accept my March 31 application, or
2. Grant a **conditional reinstatement** of my mooring, subject to any administrative or punitive late fee the Authority deems appropriate.

I remain eager to comply with all regulations and timelines moving forward, and I ask only for the opportunity to correct this isolated, unintended lapse.

## Certification

I hereby certify, under penalty of perjury, that I have personally examined and am familiar with the information submitted herein, and to the best of my knowledge and belief, the information is true, complete, and accurate.

Thank you for your time, attention, and consideration of this appeal.

Sincerely,  
**Derek Fisher**

Derek Fisher

04/20/25

April 14, 2025

Derek Fisher  
48 Polly Ann Park  
Dover, NH 03820

**RE: Request for Reconsideration Mooring Permit #8237**

Dear Mr. Fisher,

The Division of Ports and Harbors is in receipt of your Request for Reconsideration for mooring permit #8237 dated March 31, 2025, and received at the Division office on March 31, 2025. The mooring permit was denied because a completed application was not timely received by the Division in accordance with the New Hampshire Code of Administrative Rules PART 500. You have appealed that denial. For the reasons set forth below, I<sup>1</sup> deny your appeal and request for reconsideration.

The following are facts in evidence that you have presented with your request:

- Your hand-written Request for Reconsideration.
- You assert "[t]his was an unfortunate oversight on our part, and we deeply regret any inconvenience this may have caused. We fully understand the importance of adhering to the harbor deadlines and procedures and we are prepared to pay the full renewal fee and any applicable late charges to make this right."
- You request "granting us a one-time exception or 'mulligan' for this honest mistake."
- You state in your Request for Reconsideration that your permit be reinstated as, *"we mistakenly conflated the expiration date of our current permit with the due date for renewal, and as a result, we were under the mistaken belief that the renewal was due by March 31<sup>st</sup> not March 1<sup>st</sup> as is actually required"*.

The following are facts in evidence at the Division Director level:

- Existing mooring reapplications were timely mailed by the Division to permit holders, including Mr. Fisher, no later than December 3<sup>rd</sup>, as required in Pda 506.04;
- No application for mooring #8237 was received at the Division office until March 31, 2025.

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<sup>1</sup> For reference, this letter constitutes the decision of the Division Director, whose role I as Executive Director have temporarily taken on for purposes of mooring reconsideration petitions, pursuant to a vote of the PDA Board of Directors on March 11, 2025.

Page Two

April 14, 2025

RE: Request for Reconsideration Mooring Permit #8237

Relevant here, Pda 506.04 Mooring Permit Applications for Existing Moorings provides as follows:

(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.

Pda 506.04 (d) in essence requires that mooring applications must be returned to the Division timely, either by March 1<sup>st</sup> or at least within the 10-business day late filing period. There is no dispute that Mr. Fisher did not file, and the Division has not received, a timely completed application filed in accordance with the requirements of Pda 506.04 (d).

With respect to reconsideration filed in the current context, Pda 514.04 Reconsideration by Division Director; Granting of Permit under Certain Circumstances sets forth the criteria by which the Division Director may grant or deny a permit in the context of reconsideration. A copy of that section is attached for your review. In relevant part concerning untimely filings, Pda 514.04 provides as follows:

(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:

...

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

Page Three

April 14, 2025

RE: Request for Reconsideration Mooring Permit #8237

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

N.H. Code of Admin. Rules, Pda 514.04.

Your request for reconsideration is unfortunately denied for the following reasons:

- Your March 31, 2025 filing for commercial mooring permit #8237 was admittedly untimely per Pda 514.04.
- You did not identify any of the enumerated excuses within Pda 514.04(d)(1)(c).
- You have not provided (and there is no) evidence establishing any valid excuse for an untimely filing within the meaning of Pda 514.04(d)(1)(c).
- Pda 514.04(e) requires that the Division Director deny a request for reconsideration where, as here in the case of a late filing under Pda 506.05(d), "the petitioner failed to meet the requirements under (d)(1)c. above."

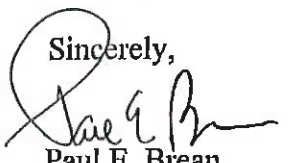
Your petition for reconsideration is therefore denied. However, please be advised that the Code of Administrative Rules, Pda 514.06 through Pda 514.14, provide an opportunity to further appeal this decision of the Division Director to the Pease Development Authority. Attached is a copy of those sections of the rules for your review and consideration. These rules provide:

**\*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.**

The complete Administrative Rules PART 500 MOORINGS AND ANCHORAGES may be found on the Divisions web site; [www.portofnh.org](http://www.portofnh.org), or the State's website [http://www.gencourt.state.nh.us/rules/state\\_agencies/pda100-700.html](http://www.gencourt.state.nh.us/rules/state_agencies/pda100-700.html).

In closing, I know this is not the outcome you probably hoped for, but I am constrained by the timeliness excuses set forth in the administrative rule. Please notify the Pease Development Authority consistent with the requirements of Pda 514.06-.07 if you would like to pursue an appeal to the Pease Development Authority's Board of Directors.

Sincerely,



Paul E. Brean  
Executive Director

enclosure

**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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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."

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

**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.

(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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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 Pda 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19

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.

(e) The division director, authority or board designate shall grant the request if he or she 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.

Source. #9641, eff 2-1-10; ss by #9975, eff 8-20-11 (See Revision Note at chapter heading for Pda 500); ss by #12958, eff 12-24-19



**PEASE**

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Paul Brean, Executive Director

From: Tracy R. Shattuck, Chief Harbormaster *TRS*

Re: Permit number 8237

Date: April 2, 2025

---

Derek Fisher held permit #8237 In Hampton Harbor area 1 which he obtained from David Goethel on May 20, 2022 in a commercial transfer. He reapplied for and received the permit in the succeeding years, 2023 and 2024.

Commercial permit applications for the 2025-2026 season were mailed by this office on December 3, 2024 with a notification of the date upon which our office would be at Dover DMV with NH Fish & Game to allow commercial applicants the opportunity to obtain all of their licenses. The March 1st deadline was stamped in red letters and highlighted both on the envelope and the application. There was a 10 business day late filing period. Because March 1<sup>st</sup> and March 15<sup>th</sup> both fell on a Saturday the deadline was brought forward to the next Monday, the 3<sup>rd</sup> and 17<sup>th</sup> respectively.

Derek called the office on March 17<sup>th</sup> but asked only about the pier use permit. .

Derek came to the office on March 31<sup>st</sup> and asked to reapply for the mooring permit. He was told that the filing period had lapsed and was given a copy of the reconsideration process.

RECEIVED APR 01 2025

3/31/2025

Dear Director

I am a lobsterman who fishes out of Hampton harbor year round and I am writing to sincerely apologize for the delay in renewing our mooring Permit. We mistakenly conflated the expiration date of our current Permit with the due date for renewal, and as a result, we were under the mistaken belief that the renewal was due by March 31<sup>st</sup> not March 1<sup>st</sup> as is actually required.

This was an unfortunate oversight on our part, and we deeply regret any inconvenience this may have caused. We fully understand the importance of adhering to harbor deadlines and procedures, and we are prepared to pay the full renewal fee and any applicable late charges to make this right.

We respectfully ask for your consideration in granting us a one-time exception or "Mulligan" for this honest mistake. We assure you that we take this responsibility seriously and have already set reminders to ensure it never happens again.

3/31/2025

Thank you for your time, understanding  
and service you provide to our  
boating community. we hope you will  
look favorably upon our request.

with sincere apologies

Derek Fisher

Derek Fisher  
48 Polly Ann Park  
Dover NH 03820  
207-459-8281  
DFisherconstruction78@yahoo.com

Vessel name Joey D

Derek Fitzhugh  
48 Ballymore Park  
Dover NH 03820

Director

Moving Permits mailed 12/3/24

Due March 1, 2025

March 17, 2025 (\$50 late fee)

Derek called the office on the 17<sup>th</sup> but only asked about Pier Use, nothing about his moving permits.

Derek then came in to the office on the 31<sup>st</sup> to pay the permit. I gave him the reconsideration paperwork.

## Business Information

### Business Details

Business Name: FISHER LOBSTER LLC	Business ID: 895348
Business Type: Domestic Limited Liability Company	Business Status: Good Standing
Management Style: Manager Managed	
Business Creation Date: 03/08/2022	Name in State of Formation: Not Available
Date of Formation in Jurisdiction: N/A	
Principal Office Address: 48 Polly Ann Park, Dover, NH, 03820, USA	Mailing Address: 48 Polly Ann Park, Dover, NH, 03820, USA
Citizenship / State of Formation: Domestic/New Hampshire	
	Last Annual Report Year: 2024
	Next Report Year: 2025
Duration: Not Stated	
Business Email: filings@corpnet.com	Phone #: NONE
Notification Email: filings@corpnet.com	Fiscal Year End Date: NONE

### Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	OTHER / Capture and sale of lobster and other fish in NH	

Page 1 of 1, records 1 to 1 of 1

### Principals Information

Name/Title	Business Address
Derek Fisher / Member	48 Polly Ann Park, Dover, NH, 03820, USA
Dempsey Digital LLC / Member	20 Patriots Rd, Stratham, NH, 03885, USA
Sean Dempsey / Manager	20 Patriots Rd, Stratham, NH, 03885, USA

Page 1 of 1, records 1 to 3 of 3

**Registered Agent Information**

Name: REGISTERED AGENTS INC

Registered Office 84 W BROADWAY, STE 200, DERRY, NH, 03038, USA  
Address:Registered Mailing 84 W BROADWAY, STE 200, Derry, NH, 03038, USA  
Address:**Trade Name Information**

No Trade Name(s) associated to this business.

**Trade Name Owned By**

No Records to View.

**Trademark Information**

Trademark Number	Trademark Name	Business Address	Mailing Address
------------------	----------------	------------------	-----------------

No records to view.

Filing History	Address History	View All Other Addresses	Name History	Shares
----------------	-----------------	--------------------------	--------------	--------

Businesses Linked to Registered Agent	Return to Search	Back
---------------------------------------	------------------	------

NH Department of State, 107 North Main St. Room 204, Concord, NH 03301 -- [Contact Us](#)  
([/online/Home/ContactUS](#))

© 2022 State of New Hampshire.

7648

Customer Number	7648	Mooring Field	Hampton 1	Date/Time Received	2-29-24
Permit Number	8237	Permit Fee	\$480.00	Check/Receipt No.	1252922



# PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS

555 Market Street, Portsmouth, NH 03801-3532

(603) 436-8500 Office (603) 436-2780 Fax

www.portofnh.org

Due By March 1st

2024 - 2025

## COMMERCIAL USE MOORING APPLICATION AND PERMIT

Mailing Address:

DEREK PAUL FISHER  
48 POLLYANN PARK  
DOVER, NH 03820-

Permanent Address:

(If different than mailing address)

48 POLLYANN PARK  
DOVER, NH 03820-

### SECTION I - APPLICANT INFORMATION

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON REVERSE SIDE OF FORM.

Applicant's Full Legal Name: DEREK PAUL FISHER

Business Name (if applicable):

Contact Name/Phone Number:

E-mail Address: dfisherconstruction78@yahoo.com

Telephone Number (Area Code): Permanent/Home Cell: (207) 459-8281

Business:

Fax:

Emergency:

Send Mail To: Permanent Address X Mailing Address Type of Activity: Commercial Fishing

Type of Entity: Sole Proprietorship Partnership Corporation LLC Trust Association Other

### SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

DO NOT CHANGE ANY PRE-ENTERED INFORMATION, SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM.

VESSEL NAME	STATE REGISTRATION NO.	LENGTH OVERALL*	PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL (ex: sail/power)
Joey B	NH2614GE	40.0	\$480.00	3.0	BLU	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 502.13 as the distance in feet of the vessel from stern to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/19; \$12.00 per foot length overall (LOA), a minimum of \$200 for all commercial use permitted moorings, and an \$50 Initial Application fee when applicable.

Location:

### SECTION III - CERTIFICATION AND SIGNATURE

(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 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;" (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."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable and permit number. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

SIGNATURE OF APPLICANT

Derek Fisher

DATE

2/29/24

PERMIT WILL NOT BE ACCEPTED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

### SECTION IV - COMMERCIAL USE MOORING PERMIT

This permit once approved by the Harbor Master is valid from April 1, 2024 until March 31, 2025.


Approved by Harbormaster:

Date:

2/15/24

Revised September 2023 Pg. 1 of 3

**UNITED STATES OF AMERICA****DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES COAST GUARD****NATIONAL VESSEL DOCUMENTATION CENTER****CERTIFICATE OF DOCUMENTATION**

VESSEL NAME JOEY D		OFFICIAL NUMBER 607652	IMO OR OTHER NUMBER NONE	YEAR COMPLETED 1978	
HAILING PORT HAMPTON NH		HULL MATERIAL FRP (FIBERGLASS)		MECHANICAL PROPULSION YES	
GROSS TONNAGE 21 GRT	NET TONNAGE 18 NRT	LENGTH 35.9	BREADTH 13.1	DEPTH 5.9	
PLACE BUILT E BLUE HILLS ME (HULL) BROOKSVILLE ME (COMPLETED)					
OWNERS FISHER LOBSTER LLC COMPRISED OF ONE MEMBER		OPERATIONAL ENDORSEMENTS FISHERY			
MANAGING OWNER FISHER LOBSTER LLC 48 POLLYANN PARK DOVER NH 03820					
RESTRICTIONS NONE					
ENTITLEMENTS NONE					
REMARKS NONE					
ISSUE DATE JUNE 29, 2023		 DIRECTOR, NATIONAL VESSEL DOCUMENTATION CENTER			
THIS CERTIFICATE EXPIRES JULY 31, 2024					





N.H. FISH GAME DEPARTMENT  
11 Hazen Drive  
Concord, New Hampshire 03301

No: CS240754

Name: DEREK P FISHER  
Address: 48 POLLY ANN PARK  
DOVER, NH 03820  
DOB

Height: 6' 1"  
Weight: 225  
Vessel Name: JOEY

Eyes: BLUE  
Official No: NH 2614 CL  
Hair: BRO

License	Fees
RES COMMERCIAL SALTWATER	\$50.00
DERELICT FISH GEAR SURCHG	\$15.00
TOTAL LICENSE FEES	\$65.00

Date Issued: 2/29/2024  
Time Issued: 11:37 AM

This license shall be for the resident operator of the boat, vessel or gear and holpers. The license is not valid for the taking of lobsters or shrimp within state waters. It will expire December 31 of the year issued unless sooner revoked. (RSA 214:49-b)

Licensed subject to the penalties for making unsworn false statements under RSA 641:3.

Sportsperson statement: I certify that my privileges to fish, hunt, trap, gild, take or land lobsters, or engage in commercial marine fishing activities are not under suspension or revocation in any state or province (RSA 214:18b) and further certify that I am aware that any conviction of certain felonies in any state or province prohibits the possession of a firearm or other dangerous

Signature of Licensee

Executive Director

THIS LICENSE EXPIRES DECEMBER 31, 2024

[illegible]

7648

Customer Number	7648	Mooring Field	Hampton 1	Date/Time Received	1-7-23
Permit Number	8237	Permit Fee	\$480.00	Check/Receipt No.	203



# PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS

555 Market Street, Portsmouth, NH 03801-3532  
(603) 436-8500 Office (603) 436-2780 Fax

2023 - 2024

Due By March 1st

## COMMERCIAL USE MOORING APPLICATION AND PERMIT

### Mailing Address:

DEREK PAUL FISHER FISHER LOBSTER LLC  
48 POLLYANN PARK  
DOVER, NH 03820-

### Permanent Address:

(If different than mailing address)

48 POLLYANN PARK  
DOVER, NH 03820-

### SECTION I - APPLICANT INFORMATION

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON REVERSE SIDE OF FORM.

Applicant's Full Legal Name: DEREK PAUL FISHER

Business Name (if applicable): FISHER LOBSTER LLC

Contact Name/Phone Number:

If different than business name

E-mail Address: dfisherconstruction78@yahoo.com

Telephone Number (Area Code): Permanent/Home Cell: (207) 459-8281

Business:

Fax:

Emergency:

Send Mail To: Permanent Address ☒ Mailing Address ☐ Type of Activity: Commercial Fishing

Type of Entity: Sole Proprietorship ☐ Partnership ☐ Corporation ☐ LLC ☐ Trust ☐ Association ☐ Other ☐

### SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

DO NOT CHANGE ANY PRE-ENTERED INFORMATION, SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM.

VESSEL NAME	STATE REGISTRATION NO.	LENGTH OVERALL*	PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL (ex: power/sail)
Not-A-Clue	NH2614CL	40.0	\$480.00	3.0	BLU	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 502.13 as the distance in feet of the vessel from stern to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/19: \$12.00 per foot length overall [LOA], a minimum of \$200 for all commercial use permitted moorings, and an \$50 Initial Application fee when applicable.

Location: Tax Map Lot No.

### SECTION III - CERTIFICATION AND SIGNATURE

(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, 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;" (5) 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 mooring permit or placement on a mooring wall list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable, and permit number by May 1st. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

SIGNATURE OF APPLICANT

*Derek Fisher*

DATE 12/12/22

PERMIT WILL NOT BE ACCEPTED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

### SECTION IV - COMMERCIAL USE MOORING PERMIT

This permit once approved by the Harbor Master is valid from April 1, 2023 until March 31, 2024.

Approved by Harbormaster:

*[Signature]*

Date:

1/12/23

## State of New Hampshire

## BOAT REGISTRATION CERTIFICATE

ISS 01/07/2023

EX 12/31/2023

BOW# NH2614CL USE CP ST NH VSN 0004875 HP 405.00  
MAKE MISC FUEL D STYLE RNBT PROP IB ENGINE S  
YEAR 1978 LEN 40 0 CLR BLU HIN WBR400111178  
HULL OT TOILET N SINK N SHOWER N INLAND/TIDAL T V/B  
DOB/ID LAST NAME SUFFIX FIRST NAME M  
NHB18814203 FISHER LOBSTER LLC

OWNERS



N.H.S.D. - M.V.  
OFFICIAL DIRECTOR  
VALIDATION # 3021

## RENEW REGISTRATION

07JAN2023 5021.0001 3919 1206 1 \$89.50

NOT VALID WITHOUT DIRECTOR'S SEAL

THE BOAT DESCRIBED HEREIN IS EQUIPPED  
SO AS TO PRECLUDE THE DISCHARGE OF  
SEWAGE OR WASTEWATER TO THE WATERS  
OF THE STATE IN COMPLIANCE WITH RSA 437.

LEGAL ADDRESS  
48 POLLY ANN PARK  
DOVER NH 03820  
SEASONAL ADDRESS

FISHER LOBSTER LLC  
48 POLLY ANN PARK  
DOVER NH 03820

(THIS APPLICATION IS BEARED AND ANY ADDITIONAL  
INFORMATION IS OFFERED UNDER PENALTY OF  
PERJURY OR FALSIFICATION PURSUANT TO RSA 611.3)

X

Desk f3w

CHANGE ADDRESS IN SPACE ABOVE

BOMV 611

OWNER'S COPY

## STATE FEES

MILFOIL FEE	\$5.50
PUBLIC ACC FEE	\$5.00
REGISTRATION FEE	\$72.00
EXTC AQTC PLANTS	\$4.00
SRCH RESC FEE	\$1.00
HRBR DREDGING	\$2.00

TOTAL DUE \$89.50

## BOAT FEES

TOTAL DUE \$0.00

## MUNICIPAL COMMENT:

Pursuant to RSA 261:65, the Director  
must be notified in writing within 30  
days when moving from the address  
printed on this certificate



N.H. FISH & GAME DEPARTMENT  
11 Hazen Drive  
Concord, New Hampshire 03301

No: T-CS230999

TEMPORARY RESIDENT COMMERCIAL SALTWATER LICENSE

Name: DEREK FISHER

DOB:

Address: 48 POLLYANN PARK  
DOVER, NH 03820

Height: 73

Weight: 225

Eyes: BLUE

Hair: BROWN

Name of Vessel: JOEY D

Official No: NH2614LL

This license shall be for the resident operator of the boat vessel or gear and helps. The license is not valid for the taking of lobsters or shrimp within state waters. It will expire upon receipt of issued permanent license unless revoked. RSA 211:49-b.

Date Issued: 01/07/2023

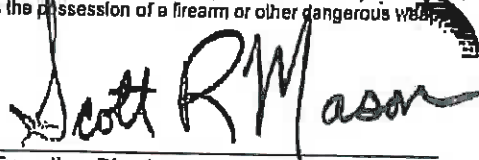
Time Issued: 11:53 AM

PRICE.....\$50.00

Licensee subject to the penalties for making unsworn false statements under RSA 641:3.

Sportsperson statement: I certify that my privileges to fish, hunt, trap, guide, take or land lobsters, or engage in commercial marine fishing activities are not under suspension or revocation in any state or province (RSA 214.18b) and further certify that I am aware that any conviction of certain felonies in any state or province prohibits the possession of a firearm or other dangerous weapon.

\_\_\_\_\_  
Signature of Licensee

  
\_\_\_\_\_  
Executive Director

EXPIRES 12/31/2023



Pease Development Authority  
**NEW HAMPSHIRE STATE PORT AUTHORITY**  
555 Market Street, Portsmouth, NH 03801  
Office: (603) 436-8500 Fax: (603) 436-2780  
[www.portofnh.org](http://www.portofnh.org)

To: Permit Applicant - Derek Fisher

12-15-22

From: NH Division of Ports and Harbors

Subject: 2023 Permit Application

Your permit application is being returned for the following reasons:

- ☒ Failure to submit a validated copy of your current 2022 vessel registration.
- ☐ If Shorefront permit, failure to submit most recent copy of tax bill.
- ☒ Commercial Fishing;
  - NH Fishing license (saltwater or lobster) X
  - A Landing slip X
- ☐ Commercial Charter;
  - Failure to submit NH Fishing license (saltwater or lobster) \_\_\_\_\_
  - Captains License \_\_\_\_\_
  - A minimum of 2 items of business (brochure, business card etc.) \_\_\_\_\_
- ☐ Other Commercial business;
  - Secretary of State showing business status \_\_\_\_\_ A minimum of 2 items of bus. (brochure, bus. card etc.) \_\_\_\_\_
- ☐ Permit holder's name does not appear on registration.
- ☐ Check for permit fee not included with the permit application.
- ☐ Late fee not included with permit application.
- ☐ Other

---

COMPLETE PERMIT APPLICATIONS ARE DUE NO LATER THAN MARCH 1<sup>st</sup>, OR WITHIN 10 BUSINESS DAYS WITH LATE FEE.

If you have any questions, please call the office at (603) 436-8500.

Thank you.



Pease Development Authority  
NEW HAMPSHIRE STATE PORT AUTHORITY  
555 Market Street, Portsmouth, NH 03801  
Office: (603) 436-8500 Fax: (603) 436-2780  
[www.portofnh.org](http://www.portofnh.org)

To: Permit Applicant - Derek Fisher

12-15-22

From: NH Division of Ports and Harbors

Subject: 2023 Permit Application

Your permit application is being returned for the following reasons:

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- ☐ If Shorefront permit, failure to submit most recent copy of tax bill.
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  - NH Fishing license (saltwater or lobster) X
  - A Landing slip X
- ☐ Commercial Charter;
  - Failure to submit NH Fishing license (saltwater or lobster) \_\_\_\_\_
  - Captains License \_\_\_\_\_
  - A minimum of 2 items of business (brochure, business card etc.) \_\_\_\_\_
- ☐ Other Commercial business;
  - Secretary of State showing business status \_\_\_\_\_ A minimum of 2 items of bus. (brochure, bus. card etc.) \_\_\_\_\_
- ☐ Permit holder's name does not appear on registration.
- ☐ Check for permit fee not included with the permit application.
- ☐ Late fee not included with permit application.
- ☐ Other

DEREK FISHER DBA  
FISHER CONSTRUCTION  
48 POLLY ANN PARK  
DOVER, NH 03820

203

54-7/114  
11

12/12/22

Date

COMPLETE  
WITH LATI  
If you hav

Pay to the  
Order of

Pease Development Authority \$ 480-

Four hundred eighty

Dollars



Photo  
Safe  
Deposit  
Decal

1AYS



Bank

America's Most Convenient Bank®

Thank you

For

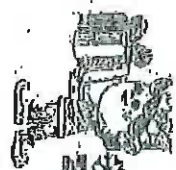
Derek Fisher

MP

O Fish  
48 Jollyman Port  
Dover NH 03820

Peace development Authority  
555 Market St  
Portsmouth NH 03801

MANCHESTER NH 030  
13 DEC 2022 PM 1 L



03801-34985



7648

Customer Number	7648	Mooring Field	Hampton 1	Date/Time Received	
Permit Number	8237	Permit Fee	\$480.00	Check/Receipt No.	



# PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS

555 Market Street, Portsmouth, NH 03801-3532  
(603) 436-8500 Office (603) 436-2780 Fax

2023 - 2024

Due By March 1st

## COMMERCIAL USE MOORING APPLICATION AND PERMIT

Mailing Address:

DEREK PAUL FISHER FISHER LOBSTER LLC  
48 POLLYANN PARK  
DOVER, NH 03820-

Permanent Address:

(If different than mailing address)

48 POLLYANN PARK  
DOVER, NH 03820-

### SECTION I - APPLICANT INFORMATION

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON REVERSE SIDE OF FORM.

Applicant's Full Legal Name: DEREK PAUL FISHER

Business Name (if applicable): FISHER LOBSTER LLC

Contact Name/Phone Number:

If different than business name

E-mail Address: dfisherconstruction78@yahoo.com

Telephone Number (Area Code): Permanent/Home Cell: (207) 459-8281

Business: Fax: Emergency:

Send Mail To: Permanent Address ☒ Mailing Address ☐ Type of Activity: Commercial FishingType of Entity: Sole Proprietorship ☐ Partnership ☐ Corporation ☐ LLC ☐ Trust ☐ Association ☐ Other ☐

### SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

DO NOT CHANGE ANY PRE-ENTERED INFORMATION, SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM.

VESSEL NAME	STATE REGISTRATION NO.	LENGTH OVERALL*	PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL (ex: power/sail)
Not-A-Cue	NH2614CL	40.0	\$480.00	3.0	BLU	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 602.13 as the distance in feet of the vessel from stem to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/19: \$12.00 per foot length overall (LOA), a minimum of \$200 for all commercial use permitted moorings, and an \$50 Initial Application fee when applicable.

Location: Tax Map Lot No.

### SECTION III - CERTIFICATION AND SIGNATURE

(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 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;" (5) 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 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."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable, and permit number by May 1st. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

SIGNATURE OF APPLICANT Derek Fisher DATE 12/12/22  
PERMIT WILL NOT BE ACCEPTED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

### SECTION IV - COMMERCIAL USE MOORING PERMIT

This permit once approved by the Harbor Master is valid from April 1, 2023 until March 31, 2024.

Approved by Harbormaster:

Date:

## Bait



INTERNAL USE ONLY

STATE OF NEW HAMPSHIRE  
DIVISION OF PORTS AND HARBORS  
555 Market Street Portsmouth, NH 03801  
Office: (603) 436-8500 Fax: (603) 436-2780

MOORING PERMIT VESSEL AND/OR GPS CHANGE

Name of Permit Holder Derek Fisher

Permit # 8237 Mooring Field Hampton

Vessel Change ☒ GPS/Mooring Field Change ☐

VESSEL CHANGE

Original Vessel:

Proposed Vessel:

Length 20

Length 40

Registration NH24062W

Registration NH2614CL

GPS CHANGE

Previous Harbor: \_\_\_\_\_

Current Harbor: \_\_\_\_\_

Previous GPS: \_\_\_\_\_  
\_\_\_\_\_

New GPS: \_\_\_\_\_  
\_\_\_\_\_

Harbor Change: Yes ☐ No ☐ If yes, new harbor name: \_\_\_\_\_

Reason for GPS change: \_\_\_\_\_

FOR DIVISION USE ONLY

Date Received: \_\_\_\_\_

Fee Amount: 280

Received By: \_\_\_\_\_

Check #: 162

Date & Initials of Map quest change: \_\_\_\_\_

Date & Initials of Office update: PR

Harbormaster Signature \_\_\_\_\_

Date \_\_\_\_\_

Chief or Deputy Chief Signature TKS

4-15-22

Date \_\_\_\_\_

State of New Hampshire

BOAT REGISTRATION CERTIFICATE

05/23/2022

BOW# NH2614CL

USE CP ST NH VSN 0074726 HP 405.00

MAKE MISC

FUEL C

STYLE RNBT

PROP IB ENGINE S

12/31/2022

YEAR 1978

LEN 40 0

CLR BLU

HIN WBR400111178

HULL OT TOILET N SINK N SHOWER N INLAND/TDAL T

WB

Q

DOB/D LAST NAME SUFFIX FIRST NAME M

W NHB18814203 FISHER LOBSTER LLC

NEW REGISTRATION

23MAY2022 5008.0001 3919 1206 1 \$89.50



N.H.S.D. - M.V.

OFFICIAL DIRECTOR

VALIDATION # 3021

NOT VALID WITHOUT DIRECTOR'S SEAL

THE BOAT REGISTRATION FEE IS EQUIPPED  
SO AS TO PRECLUDE THE DISCHARGE OF  
SEWAGE OR WASTEWATER TO THE WATERS  
OF THE STATE IN COMPLIANCE WITH RSA 417.

LEGAL ADDRESS  
48 POLLY ANN PARK  
DOVER NH 03020

FISHER LOBSTER LLC  
48 POLLY ANN PARK  
DOVER NH 03820

SEASONAL ADDRESS

X

CHANGE ADDRESS IN SPACE ABOVE

RDW/ 611

OWNER'S COPY

Pursuant to RSA 261:55, the Director  
must be notified in writing within 30  
days when moving from the address  
printed on this certificate.

MUNICIPAL COMMENT:

STATE FEES

MILFOIL FEE	\$5.50
PUBLIC ACC FEE	\$5.00
REGISTRATION FEE	\$72.00
EXTC ACIC PLANTS	\$4.00
SRCH RESC FEE	\$1.00
HRBR DREDGING	\$2.00

TOTAL DUE \$89.50

BOAT FEES

TOTAL DUE \$0.00

FOR DIVISION USE ONLY

Customer Number 7648 Permit Fee 240 Date/Time Rec'd 4.29.22  
 Permit Number 8237 Initial Fee \$50.00 Check / Rcpt # 713  
 Mooring Field/Subfield Hampton Total Application Fee \$240 Received By \_\_\_\_\_



PEASE DEVELOPMENT AUTHORITY: DIVISION OF PORTS AND HARBORS

555 Market Street, Portsmouth, NH 03801  
 Office: (603) 436-8500 Fax: (603) 436-2780

2022 - 2023

INITIAL COMMERCIAL USE MOORING APPLICATION AND PERMIT

SECTION I - APPLICANT INFORMATION \*\*SEE INSTRUCTIONS ON REVERSE SIDE OF PAGE\*\*

Applicant's Full Legal Name: Derek Paul Fisher  
 Business Name (if applicable): Fisher Lobster LLC  
 Contact Name and Number: Derek Fisher 207-459-8281  
 Mailing Address: 48 Polly Ann Park Business Address (if different): \_\_\_\_\_  
 Street Number and Name \_\_\_\_\_ Street Number and Name \_\_\_\_\_  
 P.O. Box Number/Apt. No. \_\_\_\_\_ P.O. Box Number/Apt. No. \_\_\_\_\_  
 City/Town Dover State NH Zip Code 03820 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Send Mail To Address: Mailing ☒ Business \_\_\_\_\_ E-mail Address \_\_\_\_\_  
 Telephone Numbers: Home: \_\_\_\_\_ Business: \_\_\_\_\_ Fax: \_\_\_\_\_ Emergency: \_\_\_\_\_ Cell: ☒  
 Type of Activity: ☒ Commercial \_\_\_\_\_ Charter \_\_\_\_\_ Water Dependent \_\_\_\_\_  
 Type of Entity: \_\_\_\_\_ Sole Proprietorship \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation ☒ LLC \_\_\_\_\_ Trust \_\_\_\_\_ Association \_\_\_\_\_ Other \_\_\_\_\_

SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

VESSEL NAME	NH STATE REGISTRATION NO.	LENGTH OVERALL	DRAFT	COLOR	TYPE OF VESSEL FISHING - CHARTER - OTHER
<u>Not-A-<del>Toe</del></u> <u>Clue</u>	<u>NH 24562W</u>	<u>20'</u>	<u>3'</u>	<u>Red/White</u>	<u>Fishing</u>

\* Length Overall is defined in NH Code of Administrative Rules Pda 602.13 as the distance in feet of the vessel from stern to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\* (Effective 4/1/19), \$12.00 per foot length overall (LOA), a minimum fee of \$200 for all commercial use permitted moorings, and an additional \$50 Initial Application fee when applicable.

PERMIT FEE \_\_\_\_\_

Location Description: \_\_\_\_\_ Tax Map \_\_\_\_\_ Lot No. \_\_\_\_\_

SECTION III - CERTIFICATION AND SIGNATURE

(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, 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;" (5) "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 mooring permit or placement on a mooring wall list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

Derek Fisher  
 Signature of Applicant (Sole Proprietorship or Partnership)  
 Or Signature and Title of duly authorized officer or member of Applicant \_\_\_\_\_ Title \_\_\_\_\_

4/9/2022  
 Date

SECTION IV - COMMERCIAL USE MOORING PERMIT (to be completed by Division)

This permit once approved by the Harbor Master is valid until March 31, 2023

Dan A. [Signature]  
 Approved by Harbormaster

5/2/22  
 Date

## SECTION VI - APPLICATION INSTRUCTIONS

1. Please clearly print or type all information.
2. All information must be completed. Incomplete applications will not be accepted.
3. Make check or money order payable to: Pease Development Authority; Division of Ports and Harbors (or PDA/DPH).
4. Return completed Commercial Use Mooring Application and Permit with documentation and payment to:  
Pease Development Authority; Division of Ports and Harbors (or PDA/DPH), 555 Market Street Portsmouth NH 03801
5. Upon approval of the mooring permit application by the Harbor Master, a fully executed copy of the mooring application and permit will be sent to you.

### SECTION I INSTRUCTIONS:

1. For business applicants, the person authorized to sign and certify the application on behalf of the business should insert his or her name in the line marked "Applicant's Full Legal Name".
2. Write in any corrections to incorrect pre-entered information in Section 1.
3. If you plan to modify or replace the vessel listed in the Section II during the term of this permit, contact the Division for a determination of whether the new vessel will fit on the mooring and the mooring location.

### SECTION II INSTRUCTIONS:

1. Do not change any pre-entered information in Section II. Altered applications will not be accepted.
2. If the vessel for which a mooring permit is requested is different from the vessel pre-entered in Section II, Applicant should immediately notify the Division in writing of the change of vessel for a determination of whether the existing mooring and mooring location may be used for the vessel as provided in Pda 505.03. All vessel information must be finalized by March 1.
3. If you plan to modify or replace the vessel listed in Section II during the term of this permit, contact the Division for a determination of whether the new vessel will fit on the mooring and the mooring location.

### INSTRUCTIONS FOR REAPPLICANTS:

Payment of all fees owed to the division, the permit reapplication fee and completed application along with all required documentation are due no later than March 1st. Reapplications received after March 1st during the late filing period must be received within 10 business days from the close of business on March 1st and shall include the late filing fee (\$50), in addition to the required documentation and payment. If the reapplication fee and late filing fee is not paid and/or the application is not completed and received with proper documentation by the Division of Ports and Harbors by the end of the late filing period, the mooring permit application will not be accepted and the mooring location will be reassigned by the harbor master.

## SECTION VII - COMMERCIAL USE MOORING REQUIREMENTS

1. The mooring permit holder shall write in permanent ink his or her last name and the mooring permit number on the mooring buoy letters and numbers at least 2 inches in size above the water line, to ensure visibility.
2. Only one vessel shall be attached to a mooring.
3. The Mooring tackle must be placed within 30 days from the date of issuance of the mooring permit if issued between April 1 and September 30. If the mooring permit is issued between October 1 and March 31, the mooring equipment shall be set on or before May 1.
4. Make no changes to your mooring. If the mooring shifts in location, notify the Harbor master for your mooring field.
5. If a mooring permit holder acquires a replacement vessel or modifies an existing vessel, the mooring permit holder is required to:
  - a) Send the division a copy of the replacement vessel registration
  - b) Obtain written approval from the division for replacement or modification of existing vessel.
6. No person other than the mooring permit holder for a specific mooring may use that mooring.
7. Your mooring permit will become invalid if you cease to be an owner of the vessel described in this permit.
8. If you no longer require the mooring, or if you sell or otherwise dispose of the vessel described in this permit, you must notify the division within 15 days.

The information in Section VII does not include all mooring requirements. You may obtain the Division rules relating to mooring requirements (Pda 500) from the Division office for a fee or at no charge on the website of Pease Development Authority, Division of Ports and Harbors: [www.portofnh.org/moorings.html](http://www.portofnh.org/moorings.html)

2281 trans

May 20, 2022

David Goethel  
23 Ridgeway Terrace  
Hampton, NH 03842

RE: Request to Transfer Commercial Mooring  
Commercial Mooring No. 1581, Hampton Harbor Mooring Field, New Hampshire

Dear Mr. Goethel:

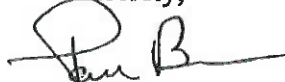
Please be advised that Pease Development Authority - Division of Ports and Harbors has approved of your request to transfer the above referenced commercial mooring to Derek Fisher 48 Polly Ann Park, Dover, NH in connection with the sale of your commercial business.

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

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

Thank you for your attention to this matter.

Sincerely,



Paul Brean  
Executive Director

Enclosure

cc: Geno Marconi, Director PDA-DPH  
Derek Fisher  
PDA Legal Dept.

## PART Pda 508 TRANSFER OF MOORING PERMITS

### Pda 508.01 Transfer of Commercial Use Mooring Permits.

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

(1) The buyer's submitting an application for a commercial use mooring permit for the same type of business or another type of business that would qualify for a commercial use mooring permit and all applicable documentation;

(2) Payment of the commercial use mooring permit transfer fee for transfers pursuant to Pda 508.01(a), provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development authority, Division of Ports and Harbors;" and

(3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial use mooring permit.

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

(1) The buyer's submitting an application for a commercial use mooring permit for a water-dependent business as described in Pda 502.30(b) and all applicable documentation;

(2) Payment of the commercial use water dependent business mooring permit transfer fee for transfers pursuant to Pda 508.01(b), provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors;" and

(3) Approval of the transfer by the authority upon the buyer's showing that he or she has complied with all the requirements for a commercial use mooring permit.

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

**Deliver To:**

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

**Mail To:**

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

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

## State of New Hampshire

## BOAT REGISTRATION CERTIFICATE

ISSUED  
EX

03/24/2022

12/31/2022

BOW# NH2456ZW USE CP ST NH VSN 0041698 HP 110.00  
 MAKE GLAS FUEL G STYLE OUTB PROP OB ENGINE S  
 YEAR 1973 LEN 20 0 CLR WHI/RED HIN NHZ917980413  
 HULL PL TOILET N SINK N SHOWER N INLAND/TIDAL T WB  
 DOB/ID LAST NAME SUFFIX FIRST NAME M  
 NHB18814203 FISHER LOBSTER LLC

OWNERS

## NEW REGISTRATION

24MAR2022 6003.0001 2501 1168 1 \$51.50



N.H.S.D. - M.V.  
 OFFICIAL DIRECTOR  
 VALIDATION # 3182

NOT VALID WITHOUT DIRECTOR'S SEAL

THE BOAT DESCRIBED HEREIN IS EQUIPPED  
 SO AS TO PRECLUDE THE DISCHARGE OF  
 SEWAGE OR WASTEWATER TO THE WATERS  
 OF THE STATE IN COMPLIANCE WITH RSA 117

CHANGE ADDRESS IN SPACE ABOVE

## STATE FEES

MILFOIL FEE	\$5.50
PUBLIC ACC FEE	\$5.00
SRCH RESC FEE	\$1.00
REGISTRATION FEE	\$34.00
EXTC AQTC PLANTS	\$4.00
HRBR DREDGING	\$2.00

TOTAL DUE \$51.50

## BOAT FEES

TOTAL DUE \$0.00

## MUNICIPAL COMMENT:

Pursuant to RSA 261:55, the Director  
 must be notified in writing within 30  
 days when moving from the address  
 printed on this certificate.

LEGAL ADDRESS  
 48 POLLY ANN PARK  
 DOVER NH 03820  
 SEASONAL ADDRESS

FISHER LOBSTER LLC  
 48 POLLY ANN PARK  
 DOVER NH 03820

(THIS APPLICATION IS SIGNED AND ANY ADDITIONAL  
 INFORMATION IS OFFERED UNDER PENALTY OF  
 PERJURY UNDER RSA 103:12.)

X *Derek Fisher*



N.H. FISH GAME DEPARTMENT  
 11 Hazen Drive  
 Concord, New Hampshire 03301

No: LB221949

## LICENSES TO TAKE LOBSTER AND CRAB

Name: DEREK P FISHER

DOB

Address: 48 POLLY ANN PARK, DOVER, NH 03820

Age: 44 Height: 6'1

Hair: BRO

Eyes: BLU

License	Fees
PART-TIME COMM LOBS -100	\$125.00
TOTAL LICENSE FEES	\$125.00

Vessel Name or No.: NH 2456 ZW

Barrel Colors: RED/WHITE

Spindle Colors: RED

Date Issued: 1/21/2022

Time Issued 09:07AM ☐ FEDERAL LOBSTER PERMIT

EXACT COLORS MUST BE DISPLAYED ON BOAT RSA 211:33.  
 Reports required by selected lobstermen by the 10th of each month for the previous month. (FIS 608:01)(RSA 211:18 RSA 211:20) Licensee subject to penalties for making unsworn false statements under RSA 641:3.

Sportsperson statement: I certify that my privileges to fish, hunt, trap, guide, take or land lobsters, or engage in commercial marine fishing activities are not under suspension or revocation in any state or province (RSA 214:18b) and further certify that I am aware that any conviction of certain felonies in any state or province prohibits the possession of a firearm or other dangerous weapon.

Signature of Licensee

Executive Director

THIS LICENSE EXPIRES DECEMBER 31, 2022



Internal Use Only

## INITIAL MOORING PERMIT APPLICATION FORM

HARBORMASTER Don A. Barakat

MOORING FIELD Hampton SUBFIELD 1

PERMIT TYPE Commercial

### CUSTOMER CONTACT INFORMATION

NAME DEREK PAUL FISHER

BUSINESS NAME Fisher Lobster

EMAIL d.fisherconstruction78@yahoo.com

HOME PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_

### PERMIT INFORMATION

Does this Permit Area have a Waitlist? Yes \_\_\_\_\_ No ☒ If yes, was it offered from the waitlist?  
If yes, what number was applicant? N/A

If no, was the waitlist area cleared? \_\_\_\_\_ Or is this a Non-waitlist area? \_\_\_\_\_

Waterfront? If yes, is the tax bill, deed and map included? \_\_\_\_\_  
What is the; Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Is This a New Mooring Site? Yes \_\_\_\_\_ No ☒  
If No, who was the previous permit holder DAVID BOETLIG

GPS #'s if available: \_\_\_\_\_

ADDITIONAL COMMENTS: Commercial transfer

HARBOR MASTER APPROVAL: D.A. Barakat DATE: 5/14/22

### FINAL APPROVAL

DEPUTY CHIEF HARBORMASTER: unavailable DATE: \_\_\_\_\_

CHIEF HARBORMASTER: Phatt DATE: 5.17.22

2281

Customer Number	2281	Mooring Field	Hampton 1	Date/Time Received	6/1/22 12/11/21
Permit Number	1581	Permit Fee	\$528.00	Check/Receipt No.	1148



# PEASE DEVELOPMENT AUTHORITY; DIVISION OF PORTS AND HARBORS

555 Market Street, Portsmouth, NH 03801-3532  
(603) 436-8500 Office (603) 436-2780 Fax

2022 - 2023

Due By March 1st

## COMMERCIAL USE MOORING APPLICATION AND PERMIT

Mailing Address:

DAVID T GOETHEL  
23 RIDGEVIEW TERRACE  
HAMPTON, NH 03842

Permanent Address:

(If different than mailing address)

23 RIDGEVIEW TERRACE  
HAMPTON, NH 03842

### SECTION I - APPLICANT INFORMATION

IF PRE-ENTERED INFORMATION IS INCORRECT, SEE SECTION I INSTRUCTIONS ON REVERSE SIDE OF FORM.

Applicant's Full Legal Name: DAVID T GOETHEL

Business Name (if applicable):

Contact Name/Phone Number: DAVID GOETHEL

E-mail Address: egoethel@comcast.net

Telephone Number (Area Code): Permanent/Home (603) 926-2165 Cell: (617) 966-4605

Business: (603) 926-2165 Fax: Emergency: (603) 926-2165

Send Mail To: Permanent Address ☒ Mailing Address ☐ Type of Activity: Commercial FishingType of Entity: ☒ Sole Proprietorship ☐ Partnership ☐ Corporation ☐ LLC ☐ Trust ☐ Association ☐ Other

### SECTION II - VESSEL INFORMATION, FEES AND MOORING EQUIPMENT

DO NOT CHANGE ANY PRE-ENTERED INFORMATION, SEE SECTION II INSTRUCTIONS ON REVERSE SIDE OF FORM.

VESSEL NAME	NH STATE REGISTRATION NO.	LENGTH OVERALL*	PERMIT FEE	DRAFT	COLOR	TYPE OF VESSEL
ELLEN DIANE	NH9808AR	44.0	\$528.00	6.0	WHT	Power

\*Length Overall is defined in NH Code of Administrative Rules Pda 502.13 as the distance in feet of the vessel from stem to stern plus the length of any pulpits, anchors, davits, swim platforms, dinghies, or other attachments to the vessel. \*\*Mooring Fee Schedule effective 4/1/19; \$12.00 per foot length overall (LOA), a minimum of \$200 for all commercial use permitted moorings, and an \$50 initial Application fee when applicable.

Location: HAMPTON - AREA 1

Tax Map

Lot No.

### SECTION III - CERTIFICATION AND SIGNATURE

(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 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;" (5) 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 mooring permit or placement on a mooring wall list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

Pursuant to Pda 510.02, all mooring balls must be marked with the last name of the permit holder, if an individual, or the name of the business organization, trust or not-for-profit entity, as applicable, and permit number by May 1st. Failure to comply with the requirements of Pda 510.02 may result in revocation of your mooring permit.

SIGNATURE OF APPLICANT: David T. GoethelDATE: 12/11/2021

PERMIT WILL NOT BE ACCEPTED UNLESS SIGNED AND RETURNED WITH APPLICABLE DOCUMENT(S) AND FEE(S).

### SECTION IV - COMMERCIAL USE MOORING PERMIT

This permit once approved by the Harbor Master is valid from April 1, 2022 until March 31, 2023.

Approved by Harbormaster: John A. BrownDate: 1-10-22

## State of New Hampshire

## BOAT REGISTRATION CERTIFICATE

ISS 12/11/2021

EX 12/31/2022

BOAT# NH9808AR USE CP ST NH VSN 0007685 HP 380.00  
MAKE MISC FUEL D STYLE RNBT PROP IB ENGINE S  
YEAR 1983 LEN 44 0 CLR WHI HIN JMW440300183  
HULL PL TOILET N SINK N SHOWER N INLAND/TIDAL T WB 07  
DOB/D LAST NAME SUFFIX FIRST NAME M

OWNERS  
GOETHEL DAVID T

RENEW REGISTRATION

11DEC2021 5018.0003 3919 1206 1 \$89.50



N.H.S.D. - M.V.  
OFFICIAL DIRECTOR  
VALIDATION # 3021

NOT VALID WITHOUT DIRECTOR'S SEAL

THE BOAT DESCRIBED HEREIN IS EQUIPPED  
SO AS TO PRECLUDE THE DISCHARGE OF  
SEWAGE OR WASTEWATER TO THE WATERS  
OF THE STATE IN COMPLIANCE WITH RSA 411:

LEGAL ADDRESS  
23 RIDGEVIEW TERR  
HAMPTON NH 03842  
SEASONAL ADDRESS

DAVID T GOETHEL  
23 RIDGEVIEW TERR  
HAMPTON NH 03842

(THIS APPLICATION IS SIGNED AND ANY ADDITIONAL  
INFORMATION IS COVERED UNDER PENALTY OF  
PERJURY PURSUANT TO RSA 611:3)

X

ROMV 611

OWNER'S COPY

## STATE FEES

MILFOIL FEE	\$5.50
PUBLIC ACC FEE	\$5.00
REGISTRATION FEE	\$72.00
EXTC AQTC PLANTS	\$4.00
SRCH RESC FEE	\$1.00
HRBR DREDGING	\$2.00

TOTAL DUE \$89.50

## BOAT FEES

TOTAL DUE \$0.00

## MUNICIPAL COMMENT:

Pursuant to RSA 261:55, the Director  
must be notified in writing within 30  
days when moving from the address  
printed on this certificate.



N.H. FISH & GAME DEPARTMENT  
11 Hazen Drive  
Concord, New Hampshire 03301

No: T-CS220039

TEMPORARY RESIDENT COMMERCIAL SALTWATER LICENSE

Name: DAVID GOETHEL

DOB:

Address: 23 RIDGEVIEW TERRACE  
HAMPTON, NH 03842

Height: 72

Weight: 210

Eyes: BLUE

Hair: BLONDE

Name of Vessel: ELLEN DIANE

Official No: NH9808AR

This license shall be for the resident operator of the boat vessel or gear and helps. The license is not valid for the taking of lobsters or shrimp within state waters. It will expire upon receipt of issued permanent license unless revoked. RSA 211:49-b.

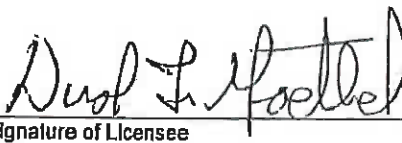
Date Issued: 12/11/2021

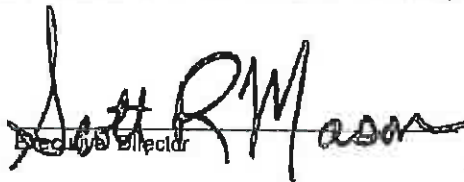
Time Issued: 10:45 AM

PRICE.....\$50.00

Licensee subject to the penalties for making unsworn false statements under RSA 641:3.

Sportsperson statement: I certify that my privileges to fish, hunt, trap, guide, take or land lobsters, or engage in commercial marine fishing activities are not under suspension or revocation in any state or province (RSA 214.18b) and further certify that I am aware that any conviction of certain felonies in any state or province prohibits the possession of a firearm or other dangerous weapon.

  
Signature of Licensee

  
Regulatory Director

EXPIRES 12/31/2022

**Yankee Fisherman's Cooperative - INVOICE**  
**Ocean Blvd. Seabrook, NH 03874**  
**Federal Permit # 1478**

BOAT NAME: Ellen Diane  
 ATCH DATE: 11/27/2021

SOLD TO:  
 SOLD DATE:  
 SAFIS  
 YFC SLIP #: 196988  
 Federal 240738  
 Port Seabrook

VTR 211127  
 Gear Type O  
 sector YES

NMFS Co	FISH	Pounds	Price	Dollars	NMFS Co	FISH	Pounds	Price	Dollars
1470	Hadd				1691	Lg Halibut			
1475	Scrod				1592	Md Halibut			
1479	Snapper	4.00	1.2500	5.00	1593	Sm Halibut			
0810	Whale C				1690	Chx Halibut			
0811	LC				3651	Lg Wings			
0813	Mkl C	84.00	2.5900	217.56	1242	CC DAB			
0814	Scrod C	41.00	2.0000	82.00	1222	CC GRAY			
0815	Sci C				2120	Mackerel			
0960	Lg Cusk				1250	Sand Dabs			
0960	Sm Cusk				3474	DOGS			
0960	Sci Cusk				8020	Squid	15.00	0.2500	3.75
5120	Cat				1551	scup	2.00	0.5000	1.00
1536	Lg Hake				8009	Balt Ling			
1537	Md Hake				1685	Balt Whiting			
1530	Sm Hake				100	Scallops			
1530	Sci Hake								
2401	Lg Red Fish	4.00	0.4000	1.60					
2402	Sm Red Fish								
2696	Lg Poll								
2693	Md Poll	5.00	1.4000	7.00					
2698	Sm Poll								
2691	Sci Poll								
0122	Sm Monk T	6.00	2.0000	12.00					
0121	Lg Monk T	10.00	2.5000	25.00					
0128	Sm Monk W								
0128	Lg Monk W								
0123	Monk Livers								
5091	Kw								
5090	Rw	93.00	0.4000	37.20					
0232	Blue Fish								
1202	LBB								
1203	SBB								
1206	MBB	20.00	1.8000	36.00					
1241	LDAB								
1244	MDAB								
1242	SDAB	49.00	0.6000	29.40					
1231	LYT								
1232	SYT								
1233	MYT	64.00	0.6000	38.40					
1221	LGS								
1224	MGS								
1222	SGS	2.00	1.2500	2.50					
0511	Butterfish								
	Subtotal	399.00	1.25	498.41					
	Commission	498.41	*6%	29.90					
	S&H	399.00	*6%	23.94					
	Sector			\$14.45					
	TOTAL	1.08		430.12					
	GRAND TOTAL			\$430.12					

NMFS Co DOGFISH Pounds Not Paid Net Total  
 3521 ATCH TOTAL:

NET TOTALx95%:	Price	Dollars
DOG	0.2000	
Commission:		
DOG	0.2000	
Commission:		
	Net Pay:	
	Net Pay:	
	TOTAL	

NMFS Co	SHRIMP	Pounds	Price	Gross Pay
7360	Unculled			0.00
	(Shipping&Handling)	0.00	(Commission)	
			Net Pay	
	Large			0.00
	(Shipping&Handling)	0.00	(Commission)	
			Net Pay	
	Medium			0.00
	(Shipping&Handling)	0.00	(Commission)	
			Net Pay	
	Small			0.00
	(Shipping&Handling)	0.00	(Commission)	
			Net Pay	
	Pins			0.00
	(Shipping&Handling)	0.00	(Commission)	
			Net Pay	
	TOTAL			

## Tracy Shattuck

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**From:** David Goethel <egoethel@comcast.net>  
**Sent:** Friday, April 29, 2022 4:44 PM  
**To:** Tracy Shattuck  
**Subject:** Re: bill of sale for mooring transfer

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Tracy,

He is buying the mooring. My boat has been sold out of state. I am keeping my pier use permit and skiff for now until I see how my cancer treatments go.

Thanks,

David

Sent from my iPad

On Apr 29, 2022, at 3:50 PM, Tracy Shattuck <[T.Shattuck@peasedev.org](mailto:T.Shattuck@peasedev.org)> wrote:

He just left. May I assume that you are selling him the gear? Any other fishing equipment changing hands?

Thanks

Tracy R. Shattuck  
Chief Harbormaster  
NH Port Authority  
555 Market St  
Portsmouth, NH  
(603) 436-8500 office  
(603) 365-0505 cell

**From:** [egoethel@comcast.net](mailto:egoethel@comcast.net) [<mailto:egoethel@comcast.net>]  
**Sent:** Friday, April 29, 2022 1:07 PM  
**To:** Tracy Shattuck <[T.Shattuck@peasedev.org](mailto:T.Shattuck@peasedev.org)>  
**Subject:** bill of sale for mooring transfer

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Tracy,

Here is the bill of sale for my mooring. Please let me know if it works or if I need to make any changes. I believe that Derek wants to finalize the paperwork before you close today. Let me know what time he can come in.

Thanks,

David

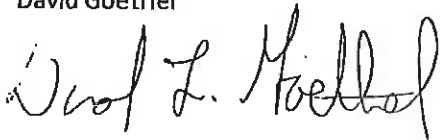
David Goethel  
23 Ridgeview Ter  
Hampton, NH 03842

**Bill of Sale**

April 29, 2022

I David Goethel hereby sell the rights to my commercial mooring permit number 1581 located in Hampton Area 1, Hampton, NH, to Derek Fisher for use by his commercial vessel. I understand that the sale will not be final until Derek Fisher provides proof that he is entitled to a commercial mooring permit to the Pease Development Authority; Division of Ports and Harbors and when David Goethel receives payment for said mooring.

David Goethel

A handwritten signature in black ink, appearing to read "David L. Goethel", written in a cursive style.

**PEASE DEVELOPMENT AUTHORITY**

Division of Ports and Harbors ~ DBA NH Port Authority  
555 Market Street, Portsmouth, NH 03801-3532



**Mooring Application Enclosed  
Due March 1st**

Date: June 4, 2025

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

From: Richard Hartley, Assistant Director Ports and Harbors *R. Hartley*

Subject: Grant Application, Port Infrastructure Development Program

This is to inform the PDA Board of Directors that the Division of Ports and Harbors (the "Division") intends to apply for a Maritime Administration ("MARAD") Port Infrastructure Development Program ("PIDP") Grant. The Division falls under the eligibility of 'a special purpose district with a transportation functions.' And will be targeting a portion of the \$125M specified for 'small projects at small ports.' This designation comes with several special benefits:

- Potential increased federal cost share of eligible projects (in lieu 80% default rate)
- Reimbursement for previously incurred costs (PFP building construction)
- Presumed increased likelihood of award (as opposed to \$11.25M + projects)
- Reduced application requirements and restrictions

The main goal of this application is to broaden the potential types of cargo handled and vessels received at Market Street Terminal ("MST"), with a secondary, but no less important, objective of obtaining reimbursement for the building construction and to fund the additional items, such as cold storage for market fish, and an ice making machine at the Portsmouth Fish Pier. These funds will provide a large Return on Investment as they will open MST to new revenue and ensure NH's commercial fishing fleet is well-equipped and supported by the Division.

Project objectives include:

- Securing funds for dredging of shoaling alongside MST pier (\$1.4M)
- Tractor-trailer scale replacement (reimbursement likely)
- Obtaining heavy equipment to support MST Tenants
  - Rough terrain forklift
  - Telehandler/Lull
  - Yard patrol UTV
- Security camera upgrades (MST or all facilities)
- Reimbursement for PFP costs incurred (\$234K)
- Options for PFP (cold storage, roll-top door, paving, ice machine, etc.)

Small projects at small ports are limited to \$11.25M in funding. Current rough estimates for this application fall between \$3.4 and \$5M. The Division's cost share maximum will be 20%, and could be as low as 0% for this grant.

## MEMORANDUM

To: Pease Development Authority Board of Directors

From: Paul E. Brean, Executive Director *PEB*

Date: June 5, 2025

Re: Special Event

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I am advising the Board that the Wings and Wheels Event sponsored by the Rochester Police Department and Flight 4CF Inc., previously reported to the Board at the May 20, 2025, meeting, has been rescheduled due to the inclement weather. The event will now be held on Saturday, July 12, 2025, at Skyhaven Airport.

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