

Place: 55 International Drive – Board Conference Room

Watch Meeting Via Live Stream: 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 October 19, 2023 * (Lamson)**
- III. Public Comment:**
- IV. Consent Agenda Items:**
 - A. Consent Agenda Approvals * (Fournier):**
 - 1. Legal Services * (Ferrini)
 - 2. Diagnostic Scan Tool Package * (Parker)
 - 3. 165 Arboretum LLC – 165 Arboretum Drive – Site Plan Approval Extension * (Levesque)
 - 4. Executive Air Dock - 5, 7, 19 and 21 Hampton Street - Site Plan Approval Extension * (Conard)
 - 5. Annual Leave Buy Back * (Lamson)
- V. Finance:**
 - A. Executive Summary ***
 - B. Reports:**
 - 1. FY2024 Financial Report for the Two Month Period Ending September 30, 2023 *
 - 2. Cash Flow Projections for the Nine Month Period Ending July 31, 2024 *
- VI. Licenses/Rights of Entry/Easements/Rights of Way:**
 - A. Report *:**
 - 1. City of Portsmouth – Right of Entry – 255 Corporate Drive
 - 2. Jalbert Leasing, Inc. dba C&J Bus Lines – Right of Entry - 42 Durham Street; 47 Durham Street, Hampton Street & 14 Aviation Avenue for Valet Parking
- VII. Leases:**
 - A. Report *:**
 - 1. Sublease between 222 International, LP and Bridge Appliances, Inc. – 195 New Hampshire Avenue (Suite #100)
 - 2. Sublease between Aviation Avenue Group LLC and Fidelitone Freight Forwarding Services, LLC

VIII. Contracts:

A. Report *:

1. Granite State Glass – Window Replacement – 55 International Drive

IX. 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) October 2023 *

X. Division of Ports and Harbors:

A. Reports:

1. Diesel Direct, LLC – Right of Entry *

B. Approval:

1. Hampton Harbor Marina – Addendum #3 to Special Use Permit to Facilitate the 2023 Hampton Beach Jetty Repair * (**Conard**)
2. Final Adoption of the Pda 600 Rules * (**Levesque**)

XI. New Business:

A. Report:

1. 2024 Insurance Renewal – Presentation by Fred C. Church Insurance *

XII. Upcoming Meetings:

Golf Committee	December 18, 2023 @ 8:30 a.m.
Finance Committee	December 18, 2023 @ 9:00 a.m.
Board of Directors	December 21, 2023 @ 8:30 a.m.
Noise Committee	December 21, 2023 @ 6:30 p.m.

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

XIII. Directors' Comments:

XIV. Adjournment:

XV. 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 Lamson:

I make a motion to accept the meeting minutes of the Board of Directors' meeting held on October 19, 2023.

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

Thursday, October 19, 2023

Presiding: Neil Levesque, Vice Chair
 Present: Thomas G. Ferrini, Treasurer; Steve Fournier; Margaret F. Lamson; Susan B. Parker, and Karen Conard
 Absent: Stephen M. Duprey, Chairman
 Attending: Paul E. Brean, Pease Development Authority ("PDA") Executive Director; Anthony I. Blenkinsop, Deputy Director / General Counsel; Michael R. Mates, Director of Engineering; Suzy Anzalone, Finance Director; Tracy Shattuck, Chief Harbormaster representing the Division of Ports and Harbors ("DPH"); Scott DeVito, Pease Golf Course ("PGC") General Manager; Jared Sheehan, Environmental Compliance Manager; Andrew Pomeroy, Director of Aviation Planning & Regulatory Compliance; Chasen Congreves, Director of Operations, Greg Siegenthaler, IT Director; and Melanie Walsh, Executive Administrative Assistant

AGENDA

I. Call to Order:

Vice-Chair Levesque ("Levesque") called the meeting to order; the meeting commenced at **8:30 a.m.**

II. Acceptance of Meeting Minutes: Board of Directors' Meeting of September 21, 2023

Director Fournier **moved** the **motion** and Director Lamson **seconded** to approve the minutes of the Pease Development Authority Board of Directors' meeting dated Thursday, September 21, 2023.

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

III. Public Comment:

No Public Comment

IV. Consent Agenda Items:

A. Consent Agenda Approvals:

Director Lamson requested to pull item 9 from the consent agenda and Director Parker asked to pull item 3 from the Consent Agenda.

Director Conard **moved** the **motion** and Director Lamson **seconded** the Pease Development Authority Board of Directors hereby moves that item numbers 1, 2, 4, 5, 6, 7, 8, 10, & 11 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. Ricoh Multifunction Copier / Scanner / Printer
4. Piscataqua Landscaping & Tree Service, LLC - Snow Removal Services
5. Pease Golf Course – Golf Complete Inc. dba ForeUp Golf Software - Point of Service System
6. Lonza Biologics, Inc. – Parking License for 55 International Drive
7. Thermo Fisher Scientific, Inc. f/k/a Fisher Scientific International, Inc. – Amendment No. 6 – 23 Hampton Street (aka Building 215)
8. KOALD Designs, LLC – Lease Amendment No. 1 – 47 Durham Street
10. Holiday Tree Donation to City of Portsmouth
11. Lonza Biologics, Inc. – Improvements

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

9. EnviroVantage - Building Demolition – 65 Aviation Avenue

Director Conard moved the motion and Director Lamson seconded that the Pease Development Authority Board of Directors hereby authorizes the Executive Director to enter into a contract with EnviroVantage, of Epping, NH in an amount not to exceed \$298,519.00 for the demolition, abatement and disposal of the former New England Computer Brokers building located at 65 Aviation Avenue; all in accordance with the memorandum of Jared Sheehan, Environmental Compliance Manager, dated October 4, 2023.

In accordance with the provisions of RSA 12–G:8, VIII, the Board justifies the waiver of the RFP requirement as EnviroVantage is a State of New Hampshire approved vendor.

Discussion: Lamson asked Paul Brean (“Brean”) Executive Director what the area being demolished would be utilized for; Brean stated as highlighted in the memo the building would be demolished leaving the concrete slab. Brean further spoke to the concern of asbestos; therefore, the site would be remediated, with the demolition.

Disposition: Resolved by unanimous roll call vote for; motion carried.

3. T-Aviation, LLC – Lease of Hangar 5 at Skyhaven Airport

Director Fournier moved the motion and Director Conard seconded that the Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to complete negotiations and to execute a lease agreement with T-Aviation, L.L.C. for the premises known as Hangar 5, including certain surrounding apron area, located at Skyhaven Airport (DAW); substantially in accordance with the memorandum from Andrew Pomeroy, Director of Aviation Planning and Regulatory Compliance, dated October 5, 2023.

Discussion: Parker requested this item be pulled out for discussion to shed light on the employment market. This item contains a lot of foresight as there is a mechanics shortage to work on airplanes and this lease will assist in meeting the demand and an increase in the industry.

Disposition: Resolved by unanimous vote for; motion carried.

V. Committees:

A. Report:

1. Port Committee

Levesque briefly discussed the Committee meeting and indicated at the meeting there was discussion of Pda 600 Rules and Berthing Fees, the fee which had been inadvertently omitted in the Pda 600 rules.

VI. Finance:

A. Executive Summary

B. Reports:

- 1. FY2024 Financial Report for the Two Month Period Ending August 31, 2023**
- 2. Cash Flow Projections for the Nine Month Period Ending June 30, 2024**

Suzy Anzalone (“Anzalone”) Director of Finance spoke to the two reports and stated the operating revenues are unfavorable to budget and operating expenses are underbudget; even though PDA is only two months into the budget it is still operating favorable to budget. Further, Anzalone indicated non-operating expenses includes interest income and CARES Act grant received for Skyhaven.

Anzalone spoke to maintenance expenses at Skyhaven and expenditures due to a lightning strike.

Further Anzalone spoke to the Division of Ports and Harbors being under budget and highlighted areas such as wharage and dockage fees, fuel sales and parking; anticipates increase as the year goes on. With respect to capital expenses year-to-date related to the main pier rehabilitation, Anzalone spoke to various BUILD grant expenses.

Over the next nine months anticipating \$18 million in cash inflows and \$22 million in cash outflows, including both grant and non-grant, in capital expenses as well as normal operating expenses.

3. Audit Presentation by Berry Dunn

- a. Auditor Communications and Summary of Audit Engagement**
- b. Auditor Required Communications Letter**
- c. Management Representation Letter**

Anzalone introduced individuals from Berry Dunn (“BD”) present to provide the audit presentation being Robert Smalley (“Smalley”), Katie Balukas (“Balukas”) and Kate Skrocki (“Skrocki”). Smalley spoke to the audit being in draft form until it has been reviewed and accepted by the Board, after which the reports would be finalized. Expecting to produce an unmodified audit report which is the highest given as auditors. Smalley spoke to the audit report and detailed responsibilities of both the auditors and management. This year there were two new accounting pronouncements which had no effect on the accounting. There was limited discussion regarding the various requirements regarding GASB while outlining PDA’s tenancy terms and tenants (both current and future). Smalley spoke of management, position for the year and the various reasons why things change which is a big part of the financials; it is not necessarily opined on. Smalley spoke of three low level / pass level adjustments which were significant enough to inform the Board and proposed adjustments.

Skrocki spoke to the balance sheet and increase of assets, driven from increases in cash, capital assets and receivables. Total liabilities and deferred inflows increased with liabilities staying consistent year over year. Therefore, the increase results from the deferred inflows which is commonly referred to as deferred revenue. PDA's net position increased with Skrocki speaking to the variables to the increase and how pension and post-employment benefits affect these expenses. She also spoke to salaries and wages expenses driven by market adjustments made to salaries and the addition of employees. There was a decrease in non-operating income due to COVID funding no longer being received and an increase in grant related funds received due to the various capital improvement projects to the port facilities and the runways. Skrocki spoke to a decrease in operating revenues from the previous year's net increase which equated to COVID funding and the sale of 30 NH Avenue. However, PDA did maintain a positive change in its net position. Skrocki also spoke of the various footnotes provided and their content.

Balukas stated within the yellow book audit report, BD considers internal controls when planning for audit procedures as well as compliance with laws. There were no controlled deficiencies found that would be deemed a material / sufficient deficiency or non-compliance with contracts/agreements. Where PDA receives several awards, \$750,000+ during year, PDA is required to have an audit of federal awards; BD will be issuing an unmodified opinion on this audit. Two programs reviewed were through the US Dept. of Transportation - BUILD Grant and Dept. of Treasury - NH GOPHER funds with an ultimate review of approximately 81% of total federal grants. Within this audit there was also another audit opinion provided on the Schedule of Expenditures which is an inventory of expenses per grant; BD issued an unmodified or clean opinion done by management. There were also no current or prior year audit findings that needed to be reported on. Balukas indicated that the Finance team was cooperative, easy to work with, prepared and responsive to requests. The Management Representation Letter is a letter executed by management that will allow BD to issue the audit in final over the next few days. Balukas spoke to the consultation of other matters being where management may talk to other auditors for counsel regarding an opinion that came out of the BD audit which the PDA may want a second opinion on. Further, as previously mentioned by Smalley, there were three adjustments that came out of the audit from past audit adjustments. One which management did opt to post. The other two which were not posted as they were situations as of 6/30/2023 the numbers were correct regardless of entries being posted, it was situations which should have been reported in prior years that were captioned in this year. Balukas provided information regarding the postings, the circumstances in the recordings and the adjustments made. Discussions were held with the Finance team and suggestions made as a way to catch any issues moving forward.

Parker asked of unearned revenues unique to business which are reflective of the work being performed as well as a cross checking under revenues; Balukas indicated a lot of unearned revenues are under the golf course with memberships paid in advance. Parker's inquiry was regarding mooring permits; Balukas spoke to schedules prepared by management in its determination on the calculation performed on recording prepaid revenue. Parker asked if there is a way to determine what came in and match it back to billables; Balukas affirmed.

C. Approval:

1. Certified Annual Financial Statements and the Uniform Guidance Audit of Federal Awards

Director Ferrini moved the motion and Director Lamson seconded that the Pease Development Authority (PDA) Board of Directors accepts and approves 1.) receipt of the draft Certified Annual Financial Statements for the years ending June 30, 2023 and June 30, 2022, and the Uniform Guidance Audit of Federal Awards for the year ending June 30, 2023, *both attached in draft form*, all as otherwise prepared and submitted by PDA's independent auditor Berry, Dunn, McNeill and Parker, LLC; and 2.) authorizes the Executive Director to forward the Certified Financial Statements to the State of New Hampshire when final for inclusion in the Comprehensive Annual Financial Report.

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

VII. Licenses/Rights of Entry/Easements/Rights of Way:

A. Report:

1. **Apex Design Build – Right of Entry – 360 Corporate Drive**
2. **Jalbert Leasing, Inc. d/b/a C&J Bus Lines – Right of Entry – Hampton Street South Lot**
3. **Skyhaven Flying Club, Inc. Flight Simulator – Skyhaven Airport**
4. **ATDG, LLC – Right of Entry – 360 Corporate Drive**

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: Apex Design & Build
License: Right of Entry
Location: 360 Corporate Drive
Purpose: For vehicle parking and the installation of a construction trailer
Term: September 18, 2023 through January 31, 2024

2. Name: Jalbert Leasing, Inc. d/b/a C&J Bus Lines
License: Right of Entry
Location: Hampton Street South Lot
Purpose: Parking C&J customer vehicles on a valet basis only
Term: September 22, 2023 through November 30, 2023

3. Name: Skyhaven Flying Club, Inc.
License: Right of Entry
Location: Skyhaven Airport
Purpose: Housing and Using a Flight Simulator
Term: Exercise last option through September 30, 2024

4. Name: ATDG, LLC
 License: Right of Entry
 Location: 360 Corporate Drive
 Purpose: Geotechnical review and site survey purposes
 Term: September 27, 2023 through January 31, 2024

Ferrini informed the Board while there is no motion pending, regarding item #2 regarding Jalbert Leasing, Inc., he has abstained from voting and abstained from discussions on this item.

Parker stated Jalbert Leasing frequently comes up as a Right of Entry and inquired to the frequency for there is a perennial need for extra parking due to the valet parking service; Brean stated the activity is fluid and based on the school and vacation schedules. The lots used are vacant parking lots that are not in current use. Therefore, PDA keeps the ROEs short in nature in the event a potential development may look to utilize those areas.

VIII. Leases:

A. Report:

1. **Sublease between 222 International, LP and Accellion USA LLC dba Kiteworks – 195 New Hampshire Avenue (Suite #150)**

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

1. Tenant: Accellion USA LLC dba Kiteworks
 Space: 195 New Hampshire Avenue (Suite # 150)
 Use: General Office use which must confirm to the uses authorized by the Pease Development Authority
 Term: Six (6) Years

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

IX. Contracts:

A. Report:

1. **US Ecology – Agreement for Emergency Spill Response & Waste Disposal Services – Exercise Last One-Year Option**
2. **Jacobs Engineering Group – On-Call Engineers Consult Regarding Eversource Expansion on the Tradeport**

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

1. Project Name: US Ecology (fka NRC East Environmental Services, Inc.)
 Board Authority: Board approval at its August 22, 2019 meeting
 Summary: Exercise PDA’s last one-year option of Agreement for Emergency Spill Response & Waste Disposal Services

2. Project Name: Jacobs Engineering Group, Inc.
 Board Authority: Director Fournier
 Summary: Eversource Consult Scope of Services
 Cost: \$2,180.00

X. Executive Director:

A. Reports:

1. Golf Course Operations

Scott DeVito ("DeVito"), Pease Golf Course ("PGC") General Manager, spoke to 69,500 rounds as of October 18th and anticipates an additional 3,000 to 4,000 rounds of play to end-of-year. Even with the inclement weather this year, that would mean the rounds of golf played would surpass last year.

Grill 28 will have its last outdoor outing under the tent on October 21st. Next week the tent will be removed, as well as the covering for the patio area.

Due to the weather and amount of play, the golf course will be transitioning to 18 holes; maintenance will start its annual turf culture at the course. Anticipate bringing a couple of capital items to the Board in December.

2. Airport Operations

a) Portsmouth International Airport at Pease (PSM)

Brean spoke to strong annual enplanements of approximately 60,000 with an even split of Allegiant and civil reserve air fleet charters. Further, parking revenues and fuel sales are strong and there is a continued uptick in general aviation. Regarding fuel, PSM is low for the Northeast Region but very good in comparison overall. There are two major FAA awarded grants underway at PSM being the design of taxiway Alpha reconstruction and the domestic Arrivals Hall upgrade.

Brean spoke to the recent issue regarding Aircraft Rescue & Fire Fighting ("ARFF") equipment and reported the Air Force is back as Airport Index E which supports the KC-46 squadron and Airport Index B which supports the PSM airport activity which is required by FAA. This was accomplished by a lot of hard work by both ANG and PSM/PDA staff. There are some older pieces of equipment that have been systemic in its maintenance. PSM was restored to Index B upon the lease of a vehicle on Saturday (midday), the following Tuesday was restored to Index E to support the KC-46 missions, and a third leased vehicle is enroute. PSM had not previously lost its firefighting capabilities; while this was a challenge, it was overcome quickly. Brean informed the Board that the Saturday prior, PSM held its triennial training drill which had Index B capability.

Levesque stated the ANG owns the fire trucks and asked if PDA has any jurisdiction over those; Brean stated PDA does not. He further stated what the airport has is a joint use agreement with the military and the commercial with a payment mechanism which identifies cost shares. Historically the ANG cost share is the Air Traffic Control ("ATC") with DOD ATC Management and personnel that man the ATC and ARFF with PDA providing the maintenance (snow removal, line painting, vegetation control, pavement repair, etc.) of the runway. Levesque asked if PDA were able to request inspection of the fire trucks; Brean indicated PDA/PSM does not have that capability. Levesque indicated Allegiant bussed its passengers to Boston, provided passengers with a \$250 voucher, not to say and reputation damage, who paid for those vouchers. Brean stated that Allegiant did through its Customer Care. Levesque stated PDA/PSM has no say on an important airport requirement.

Parker asked if the lack of PDA/PSM's ability to inquire is a result of FAA or military rules; Brean stated in this matter PDA/PSM does not control its own destiny. Further, Brean spoke to FAA equipment going down such as the Instrument Landing System ("ILS"). Brean stated he and staff are looking at ways to strengthen ways to be able to maintain Index B and has held discussions with ANG and other airport stakeholders.

Ferrini asked the term of the joint use agreement for the provision of that service; Brean stated it is limited and PDA/PSM is working on an agreement that is technically expired. PDA/PSM has been trying to strengthen the document legally but there are underlying issues [ANG] doesn't want to commit to. Ferrini asked if PDA/PSM should consider purchasing two units for the airport with cross training of both ANG and PDA/PSM staff. By doing this PDA/PSM would not have to blindly rely upon military equipment and would allow a redundancy in order to maintain operations. Ferrini spoke to being informed of the issue, his thoughts were those of military concerns.

Brean provided an overview of the ANG having five (5) fire trucks (water, aqueous foam and dry chemical) that support the KC-46, where PDA/PSM would require one. Trucks go down at times and we would be notified a truck was down but during the last thirty (30) years it has never pushed the limit that PDA couldn't at least meet Index B. ANG was down all trucks, with the exception of one small one.

Andrew Pomeroy, Director of Aviation Planning & Regulatory Compliance, indicated there is a level of service that PDA/PSM wouldn't otherwise have that ANG provides. If PDA/PSM only had one truck we wouldn't be able to bring in large aircraft; PDA/PSM gets business because of the level of service provided by ANG.

Ferrini again stated redundancy makes sense.

Parker spoke of being in a new era, globally; believes PDA/PSM needs to think proactively / realistically and if there is any way to operate with Index B readiness, she would opt for that.

Conard suggested staff review / evaluate other Joint Use airport agreements with respect to ARFF requirements. Anthony I. Blenkinsop ("Blenkinsop"), Deputy Director / General Counsel, stated what is found in the agreements is a reluctance on the Air Force to commit to things beyond requirements for its mission. PDA will certainly try to get the new Airport Joint Use Agreement ("AJUA") in place to replace the one which is currently being relied on.

Brean spoke to the impact to PSM operations, two Allegiant flights were impacted (a bus service was provided for transportation to Boston, while the other flight rebooked / rescheduled its passengers), six Altas civil service flights, 11 military flights and there was a lag until the word got out that PSM was back up and operational.

b) Skyhaven Airport (DAW)

Brean spoke to Skyhaven and the T-Aviation lease and providing an amenity of mechanical service at the airport.

c) Noise Line Report
(i) September 2023

Brean indicated there were five (5) noise inquires for the month of September which were mainly rotercraft / military related.

Brean informed the Board that PSM had its annual audit from the FAA, Part 139 inspection, and there were two letters of recommendation received. One was with respect to fire issue on the apron and since PDA/PSM is not the firefighting authority inquired who has a concern to sign off on the training. Therefore, working with stakeholders on how to best handle the situation. Lastly, during the runway project PSM installed thermoplastic signs which are peeling, this is a vendor issue; PDA is working on proper resolution. Otherwise had a great inspection.

XI. Division of Ports and Harbors:

A. Reports:

Tracy Shattuck ("Shattuck"), Chief Harbormaster, was in attendance at the meeting as Director of Ports and Harbors' Geno Marconi was unable to attend the Board meeting.

1. Luciano's Excavation, Inc. – Right of Entry – Hampton Harbor Jetty Repair Project

Shattuck informed the Board that this ROE is an impact on the harbor side of the street for parking and storage to support the project.

2. Port Advisory Council Meeting Minutes of September 13, 2023

3. Bauer Construction, Co., LLC – Right of Entry, Rye Harbor Marine Facility

Shattuck stated this entity is doing bank / shoreline stabilization with large boulders which are being stored on the property. Bauer's storage of the boulders is done in an area that will bolster DPH stonework while at the harbor, helping the DPH facility.

4. Jones Snow Plowing Services – Exercise of First Option

Jones is exercising its option to renew its snow plowing services.

5. Update of Finished Rye Harbor Marine Facility – Hexagonal Gatehouse approved at June 15, 2023 meeting

Shattuck said the gatehouse was delivered, it is removable so it can be put in place for the season and removed to prevent damage.

Shattuck informed the Board regarding the fuel system replacement at Rye Harbor to indicate removal of the old fuel piping and containment sumps, waiting on results of soil sampling, installation of new fuel piping and containment sumps have been installed as well as the electrical conduit and wiring; DES inspection to backfill was approved. The concrete has been poured with a new manhole installed and site cleaned up. The remaining items include installing a new dispenser, both hose reels, the QT terminal, finalize the electrical and inspection with DES to operate and calibrate the pump.

6. Commercial Mooring Transfer – Dobre to Golter

This mooring transfer is located in Sagamore Creek.

Ferrini asked that a copy of the Jones Snow Plowing Services contract be provided for review.

B. Approvals:

1. Conditional Approval Response Pda 600 - State-Owned Commercial Piers and Associated Facilities

Director Parker moved the motion and Director Conard seconded that in accordance with the provisions of RSA 541-A, the Administrative Procedure Act, the Pease Development Authority (PDA) Board of Directors hereby approves the text of the Conditional Approval Response and amending the proposed administrative rules, Pda 600 State-Owned Commercial Piers and Associated Facilities, consistent therewith, as conditionally approved by the Joint Legislative Committee on Administrative Rules on September 21, 2023;

Further, the PDA Board of Directors hereby authorizes the Director of the Division of Ports and Harbors to take any necessary or recommended action in accordance with RSA 541-A, in furtherance of this matter; all in accordance with the Memorandum of Geno Marconi, Division Director, dated October 9, 2023.

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

2. Establishment of Overnight Berthing Fee at Hampton and Rye Harbor Marine Facilities

Director Lamson moved the motion and Director Parker seconded that in accordance with RSA 12-G:42, the Pease Development Authority (PDA) Board of Directors hereby approves of the Initial Proposed Overnight Berthing Fee in the Schedule of Fees for Commercial Piers and authorizes the Director of the Division of Ports and Harbors to proceed with the process to establish an Overnight Berthing Fee; all in accordance with the Memorandum of Geno J. Marconi, Director of Ports and Harbors, dated October 12, 2023,

Discussion: Lamson indicated the information was very well explained.

Levesque indicated this has been something that has been omitted and is now being clarified.

Disposition: Resolved by unanimous vote for; motion carried.

XII. New Business:

XIII. Special Event:

A. Report:

Executive Director Brean spoke to the following special events:

1. Seacoast New England Mountain Bike Association held a mountain bike scavenger hunt from September 14, 2023 through September 18, 2023 upon the Pease Tradeport Biking Trails and surrounding area;

2. Newington School Supporters held a road race on September 23, 2023, on a portion of the road network situated on the Pease International Tradeport; and
3. New England Seacoast Region Chapter 225 of the Experimental Aircraft Association ("EAA") entered upon a portion of Skyhaven Airport to host an Annual EAA225 Young Eagle Pancake Breakfast held on October 14, 2023.

XIV. Upcoming Meetings:

Board of Directors

November 16, 2023 @ 8:30 a.m.

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

XV. Directors' Comments:

Conard thanked the PDA for the donation of the holiday tree in Market Square which will be put in its place the week of Thanksgiving.

XVI. Non-Public Session:

1. NH RSA 91-A:3, II (e); and
2. NH RSA 91-A:3, II (l).

Director Conard moved the motion and Director Fournier seconded that the Pease Development Authority Board of Directors will enter non-public session pursuant to NH RSA 91-A:3 for the purpose of discussing:

1. Consideration of Pending Claims or Potential Litigation [NH RSA 91-A:3, II (e)]; and
2. Consideration of Legal Advice provided by Legal Counsel [NH RSA 91-A:3, II (l)].

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

XVII. Vote of Confidentiality:

Director Fournier moved the motion and Director Lamson seconded that be it resolved, pursuant to NH RSA 91-A:3, the Pease Development Authority Board of Directors hereby determines that the divulgence of information discussed and decisions reached in the non-public session of its October 19, 2023, meeting for the consideration of pending claims or potential litigation and the consideration of legal advice from legal counsel are matters which, if disclosed publicly, would render the proposed actions ineffective and further agrees that the minutes of said meeting be held confidential until, in the opinion of a majority of the Executive Committee, the aforesaid circumstances no longer apply.

Discussion: Disposition: Resolved by unanimous vote for; motion carried.

XVIII. Adjournment:

Director Levesque **moved** the **motion** and Director Conard **seconded** to **adjourn the Board meeting. Meeting adjourned at 10:11 a.m.**

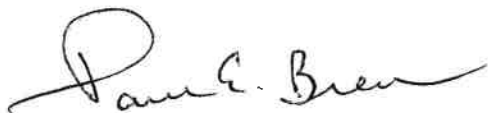
Discussion: Disposition: Resolved by **unanimous** vote for; motion **carried**.

XIX. Press Questions:

No questions from the press.

XX. Consultation with Counsel:

Respectfully submitted,



Paul E. Brean
Executive Director

MOTION

Director Fournier:

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. Legal Services * (Ferrini)
2. Diagnostic Scan Tool Package * (Parker)
3. 165 Arboretum LLC - 165 Arboretum Drive - Site Plan Approval Extension * (Levesque)
4. Executive Air Dock - 5, 7, 19 and 21 Hampton Street - Site Plan Approval Extension * (Conard)
5. Annual Leave Buy Back * (Lamson)

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MOTION

Director Ferrini:

The Pease Development Authority Board of Directors approves of and authorizes the Executive Director to expend funds in the amount of \$3,028.50 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 November 6, 2023, attached hereto.

MEMORANDUM

To: Pease Development Authority Board of Directors
From: Anthony I. Blenkinsop, Deputy Director / General Counsel *AB*
Date: November 6, 2023
Re: Legal Services

Sheehan Phinney Bass & Green provided legal services to the Pease Development Authority (“PDA”) in the month of September 2023 in a total amount of **\$3,028.50**, as follows:

September 1, 2023 – September 30, 2023	
(for Tradeport General Representation)	\$1,201.50
(for Permit Implementation)	\$ 725.00
(for Ports and Harbors)	<u>\$1,102.00</u>
	\$3,028.50

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

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: General Representation - Trade Port

CLIENT/CASE NO. 14713-10167
BILLING ATTORNEY: Lynn J. Preston

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$1,201.50
TOTAL EXPENSES:	\$0.00

TOTAL THIS BILL:	\$1,201.50

BALANCE DUE:	\$1,201.50

PAYMENT DUE 30 DAYS FROM INVOICE DATE

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

AMOUNT PAID... \$ _____

To pay by CREDIT CARD, please visit www.sheehan.com, scroll to the bottom and click " ClientPay " or contact our office directly.

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

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: Permit Implementation

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

TOTAL FOR PROFESSIONAL SERVICES RENDERED:	\$725.00
TOTAL EXPENSES:	\$0.00

TOTAL THIS BILL:	\$725.00

BALANCE DUE:	\$725.00

PAYMENT DUE 30 DAYS FROM INVOICE DATE

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

AMOUNT PAID... \$ _____

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

SERVICE AND EXPENSE MAILBACK SUMMARY

RE: Market Street Terminal Reconstruction

CLIENT/CASE NO. 14713-17464

BILLING ATTORNEY: Lynn J. Preston

TOTAL FOR PROFESSIONAL SERVICES RENDERED: \$1,102.00

TOTAL EXPENSES: \$0.00

TOTAL THIS BILL: \$1,102.00

BALANCE DUE: \$1,102.00

PAYMENT DUE 30 DAYS FROM INVOICE DATE

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

AMOUNT PAID... \$ _____

To pay by CREDIT CARD, please visit www.sheehan.com, scroll to the bottom and click " ClientPay " or contact our office directly.

MOTION

Director Parker:

The Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into an agreement with Gene Vizena / Mac Tools of Fremont, New Hampshire for the purchase of a Diagnostic Scan Tool Package for a price not to exceed \$17,099.50; all in accordance with the memorandum from Ken Conley, Maintenance Manager; dated November 8, 2023, attached hereto.

N:\RESOLVES\2023\Scan Tool Package (11-16-2023).docx

Memorandum

To: Paul Brean, Executive Director *LB*
From: Ken Conley-Maintenance Manager *KC*
Date: 11/8/2023
Subj: Equipment Replacement, Diagnostic Scan Tool package

This is a request to purchase a Scan Tool Package as identified in PDA's FY24 capital budget. A request for bid was advertised in October 2023, with the bid openings taking place on November 8, 2023. One bid was received:

Gene Vizona / Mac Tools Fremont NH	\$17,099.50
---------------------------------------	-------------

The primary use of this equipment will be as a replacement and upgrade to a 2014 Matco MAXXIS system that is no longer operational. This diagnostic support aid is crucial to keeping PDA's vehicle fleet operational. The ability to quickly diagnose and repair vehicle issues is an absolute necessity with today's highly complex and computerized vehicles. This is especially true in the case of PDA's snow removal equipment as these vehicles must be available for winter service with minimal downtime. Additionally, as the PDA operates as its own State of New Hampshire vehicle inspection station, it is required to maintain this on-board diagnostic "OBD" equipment in order to scan and perform emissions and safety checks of all vehicles.

Based on Gene Vizona / Mac Tools submitting the lowest qualified bid, please request authorization from the PDA Board of Directors to enter into an agreement to purchase a Scan tool package including (one) ET9200, (one) ET8250, and (one) BSTCBLKT11 from Gene Vizona / Mac Tools, for a price not to exceed \$17,099.50.

MOTION

Director Levesque:

The Pease Development Authority Board of Directors hereby approves of and authorizes a one (1) year extension to the Site Review approval granted in January, 2023, to 165 Arboretum, LLC for the development of a facility at 165 Arboretum Drive; all in accordance with the memorandum of Michael R. Mates, P.E., Director of Engineering, dated October 30, 2023; attached hereto.

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Memorandum

To: Paul E. Brean, Executive Director *lab*
From: Michael R. Mates, P.E., Director of Engineering *MRM*
Date: October 30, 2023
Subject: 165 Arboretum Drive Site Review Approval Extension

In January of 2023, 165 Arboretum, LLC received approval of Site Review and Subdivision applications for development of a 182,200 square foot facility at 165 Arboretum Drive in Newington, just south of the NHDOT roundabout. The end user has been identified as Sig Sauer, an existing PDA tenant, and the development would include space for light manufacturing, warehouse and office uses.

Recognizing that developer is working through details with the USAF concerning the removal of long-closed DOD fuel lines that transverse the center of the proposed property and would be beneath the proposed building, the applicant has requested a one-year extension of its Site Review approval. As per section 407.01(a) of the PDA's Land Use controls, "The Board may, for good cause shown, extend such time period by as much as one year if requested and acted upon prior to the expiration date."

At the November Board meeting, please seek the requisite Board approval to grant a one-year extension to 165 Arboretum, LLC for its Site Review Approval.

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MOTION

Director Conard:

The Pease Development Authority Board of Directors hereby approves of and authorizes a one (1) year extension to the Site Review approval granted in December, 2021, to Executive AirDock, LLC for a development on the premises located at 5, 7, 19 and 21 Hampton Street; all in accordance with the memorandum of Michael R. Mates, P.E., Director of Engineering, dated November 3, 2023; attached hereto.

N:\RESOLVES\2023\Executive AirDock - Site Review & Subdivision Extension (11-16-23).docx

Memorandum

To: Paul E. Brean, Executive Director *PEB*
From: Michael R. Mates, P.E., Director of Engineering *MRM*
Date: November 3, 2023
Subject: Executive AirDock Site Review Extension

In December of 2021, Executive AirDock, LLC (“Executive AirDock”) received approval of its Site Review and Subdivision applications for development of hangars on land at 5, 7, 19, and 21 Hampton Street. In November of 2022, the PDA Board approved a one-year extension of Executive AirDock’s Site Review approval.

At this time Executive AirDock continues to market the hangars. As such, they have requested the PDA Board grant an additional one-year extension of its Site Review approval. As per section 407.01(b) of the PDA’s Land Use Controls, “An applicant may request, in writing, additional one-year extensions. Request for extensions shall be evaluated by the Building Inspector who...shall forward the request to the Board for action.” Section 407.01(c) states, “A time extension may be granted if determined that no change has taken place that would affect the currently approved site plan in regard to, but not limited to:

1. Traffic flow, volume, or congestion;
2. Pedestrian safety;
3. Drainage;
4. Water availability;
5. Sewer capacity;
6. Design standards;
7. Landscape elements;
8. Zoning compliance.”

It is the opinion of the Engineering Department that no change regarding the above items has taken place that would affect the currently approved site plan. At the November Board meeting, please seek the requisite Board approval to grant a one-year extension to Executive AirDock’s Site Review Approval.

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MOTION

Director Lamson:

The Pease Development Authority Board of Directors hereby authorizes the Executive Director to conduct a voluntary 2023 annual leave buy-back program for qualified PDA employees on the terms and conditions set forth in the memorandum from Tanya Coppeta, Employee Relations Manager, dated November 3, 2023, attached hereto.

Memorandum

To: Paul Brean, Executive Director *PAB*
From: Tanya Coppeta, Employee Relations Manager *MC*
Date: November 3, 2023
Subj: Annual Leave Buy-back 2023
CC: Suzy Anzalone, Finance Director

I am requesting that the Pease Development Authority (PDA) Board of Directors authorize the implementation of a voluntary Annual Leave Buy-back program for 2023.

Over the years this has been a popular program with PDA employees as we have had upwards of 60% of eligible employees participate each year since it was initially introduced in 2009. As you may recall, the program allows full-time, non-classified, eligible employees to "cash out" up to 40 hours of accumulated annual leave, while mandating that the employee maintain a balance of not less than 40 hours after the draw down. The program gives the employee the option to receive payment in either 2023 or 2024. The buy-back is based on the employee's rate of pay as of December, 2023.

The benefit of the program is two-fold. First, it provides the participating employee the opportunity to receive incremental cash during the holiday season. Second, it benefits the PDA by lowering the vacation liability it carries on the balance sheet.

Based upon prior participation, it is estimated that approximately 30 employees (50% of full-time staff) will elect to participate in this voluntary program. With this estimate, we anticipate that the cash flow impact to the PDA will be approximately \$44,000.

Thank you for your consideration.

Memorandum

Date: November 3, 2023
To: Paul Brean, Executive Director
From: Suzy Anzalone, Director of Finance
Re: Executive Summary- Financial Reports



In anticipation of the upcoming November 16, 2023 Pease Development Authority Board meeting, the following is an Executive Summary of the financial results for the three months ended September 30, 2023:

Consolidated Results

Pease Development Authority - Consolidated			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	5,791	5,808	(18)
Operating Expenses	3,963	4,470	507
Operating Income	1,828	1,338	490
Depreciation	1,801	1,871	70
Non Oper. (Inc)/Exp	(165)	(21)	144
Net Operating Income (Loss)	193	(512)	705

Consolidated operating revenues for September were strong, which improved our year-to-date revenue shortfall to just \$18,000 (0.3%) under budget. Wharfage and dockage fees and fuel sales represent the significant line items continuing to trend lower than budget. Offsetting this was higher revenue in fuel flowage fees and golf fees.

Year-to-date operating expenses of \$3.9 million are trending under budget by \$507,000 (11.3%). Significant cost underruns include full-time wages, employee benefits, utilities, professional services and fuel purchases (due to lower fuel sales). Line items trending over budget on a year-to-date basis consist of part-time wages, overtime pay and airfield pavement maintenance.

Non-operating income includes year-to-date interest income of \$133,000.

Year-to-date net operating income (NOI) results remain solid, as we ended the first quarter with NOI of \$193,000, performing favorably against the budgeted loss of (\$512,000).

Business Unit Performance

Portsmouth Airport

Portsmouth Airport (PSM) incl Security			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	605	564	41
Operating Expenses	919	984	64
Operating Income	(314)	(420)	106
Depreciation	1,066	1,169	103
Non Oper. (Inc)/Exp	(0)	0	0
Net Operating Income (Loss)	(1,380)	(1,589)	209

Year-to-date revenues for Portsmouth Airport are higher than budget by \$41,000 (7.3%), mainly attributable to fuel flowage fees. Airport operating expenses on a year-to-date basis are under budget by 6.5% (\$64,000) and include cost underruns in law enforcement security expenses, IT expenses (both due to inconsistent billing from vendors) and utilities.

Skyhaven Airport

Skyhaven (DAW)			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	61	61	(0)
Operating Expenses	100	62	(38)
Operating Income	(39)	(1)	(38)
Depreciation	104	117	13
Non Oper. (Inc)/Exp	(32)	0	32
Net Operating Income (Loss)	(111)	(118)	7

Year-to-date operating revenues at Skyhaven are budget neutral. Operating expenses are over budget by \$38,000. Part-time wages are trending higher as staff are working to catch up on various maintenance needs. We also incurred significant expenses for repairs due to a lightning strike in June. We will be submitting an insurance claim for this and expect to be reimbursed for some of these expenses later in the year. You will also note non-operating revenue of \$32,000 which represents grant funds received for COVID related expenses in prior years.

Tradeport

Tradeport			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	2,672	2,657	14
Operating Expenses	111	157	46
Operating Income	2,561	2,500	61
Depreciation	194	205	10
Non Oper. (Inc)/Exp	0	0	0
Net Operating Income (Loss)	2,367	2,296	71

Year-to-date revenues at the Tradeport are performing favorably by \$14,000 as facilities rent is trending slightly higher than budget. Expenses are trending under budget by \$46,000 year-to-date, driven by cost underruns in environmental testing expenditures which can vary during the fiscal year.

Golf Course

Pease Golf Course			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	1,613	1,456	157
Operating Expenses	786	787	2
Operating Income	828	669	159
Depreciation	93	94	1
Non Oper. (Inc)/Exp	(109)	(0)	109
Net Operating Income (Loss)	843	575	269

Year-to-date revenue at the golf course is trending higher than budget by \$157,000 (10.8%) attributable to higher revenue in golf fees and merchandise sales. Expenses are favorable by \$2,000 year-to-date.

Division of Ports and Harbors-Unrestricted

Division of Ports and Harbors (Unrestricted)			
(\$ 000's)	YTD Actual	YTD Budget	Variance Fav (unfav)
Operating Revenues	807	1,027	(221)
Operating Expenses	758	985	227
Operating Income	49	43	6
Depreciation	301	245	(55)
Non Oper. (Inc)/Exp	(21)	(1)	21
Net Operating Income (Loss)	(230)	(202)	(28)

Year-to-date unrestricted operating revenues for the DPH were \$221,000 (21.5%) lower than budget, mainly due to lower wharfage and dockage fees and fuel sales. September results were favorable for wharfage and dockage fees as well as concession fees which improved the revenue deficit. Operating expenses continue to trend under budget as year-to-date operating expenses are favorable by \$227,000 (23%), largely attributable to lower wages and benefits (due to open positions and lower benefits expense), fuel purchases and utilities expense.

Balance Sheet/Statement of Net Position (Consolidated)

(\$ 000's)	As of 9/30/2023	As of 9/30/2022
Assets		
Current Assets	22,871	20,950
Restricted Assets	1,492	1,451
Non-Current Assets	311,612	293,408
Total Assets	335,975	315,810
Deferred Outflows of Resources	3,049	3,705
Liabilities		
Current Liabilities	5,190	4,707
Non-Current Liabilities	11,473	12,006
Total Liabilities	16,663	16,713
Deferred Inflows of Resources	213,258	201,506
Net Position		
Net Invest. in Cap Assets	98,481	96,177
Restricted	1,364	1,313
Unrestricted	9,258	3,805
Total Net Position	109,103	101,296

The September balance sheet consists of \$22.8 million in current assets which include \$16 million in unrestricted cash (both PDA and DPH), \$6 million in trade and lease receivables, and 0.8 million in inventory and prepaid expenses. Restricted assets total \$1.6 million and consist primarily of the Revolving Loan Fund.

Year-to-date capital expenditures totaled \$1.9 million with most costs incurred for the rehabilitation of the Main Pier at Market Street (BUILD grant project), but also include some equipment purchases and various airport improvement projects.

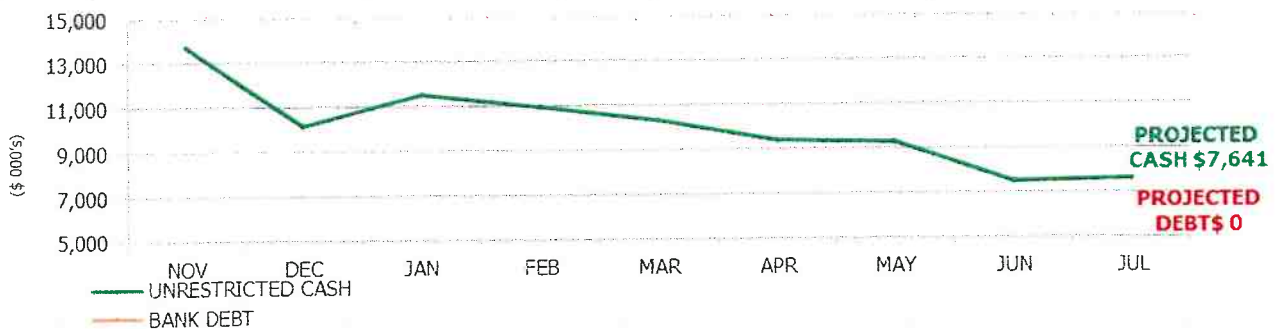
Current liabilities of \$5.2 million represent trade accounts payable, retainage and various accrued expenses.

Cash Flow Projections for the Nine Month Period Ending July 31, 2024 (Excluding Division of Ports and Harbors)

During the next nine-month period, cash inflows are projected at \$19.2 million, mainly provided by operating revenues but also include \$4.7 million in grant funding.

Cash outflows of \$25.4 million during this same period incorporate \$12 million in both grant and non-grant related expenditures, as well as outflows from normal operating expenses. 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 \$7.6 million. The chart below outlines cash and debt balances over the next nine-month period.

PROJECTED CASH AND DEBT BALANCES



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

PEASE DEVELOPMENT AUTHORITY FY2024 FINANCIAL REPORT FOR THREE TWO MONTH PERIOD ENDING SEPTEMBER 30, 2023



**BOARD OF DIRECTORS MEETING
NOVEMBER 16, 2023**



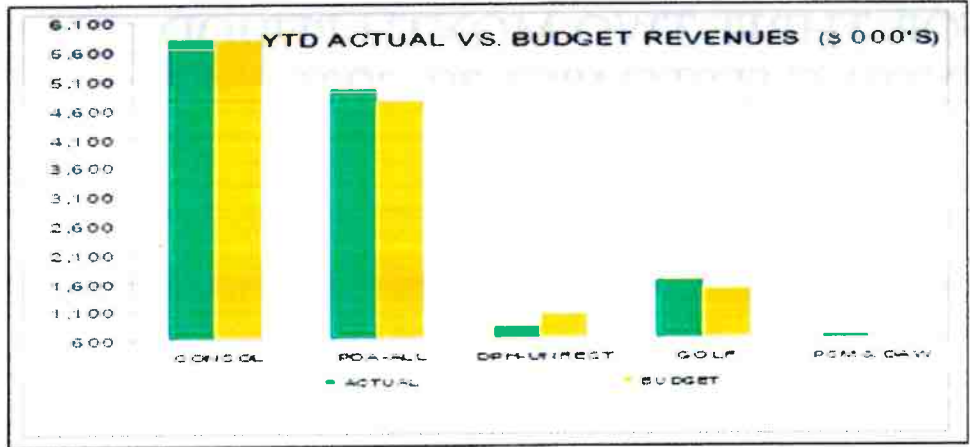
PEASE DEVELOPMENT AUTHORITY

Revenues and Expenditures –Three Months Ended September 30, 2023

Trends:

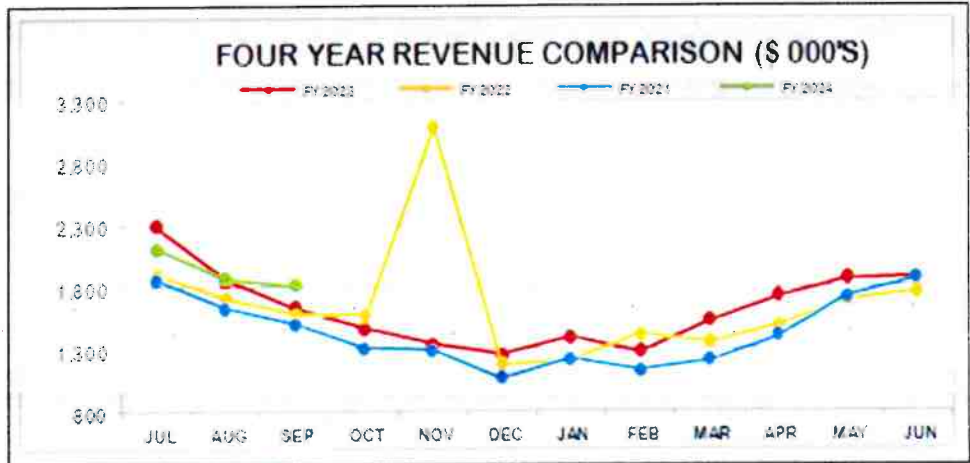
YTD revenue lower by (0.3)%:

- Wharfage and Dockage fees, Fuel Sales, Mooring fees and Registration fees trending lower than budget.
- Offset by higher revenue in fuel flowage fees, golf fees and golf merchandise sales.



Trends:

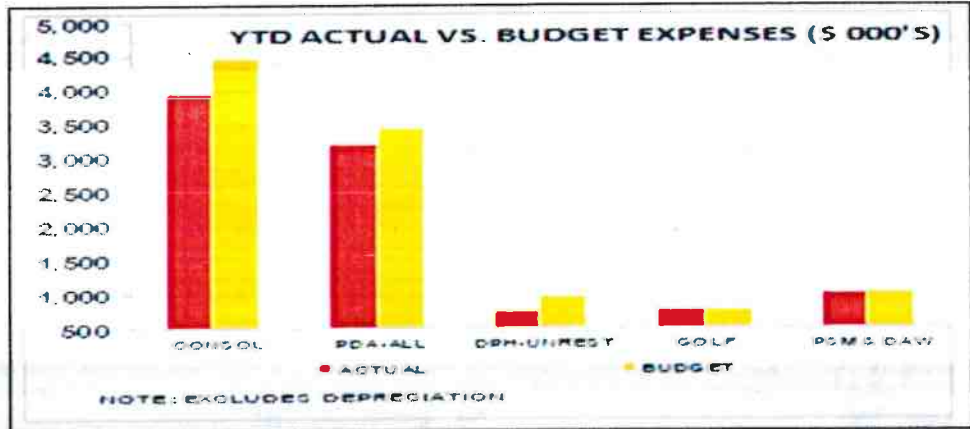
- **November 2021** includes sale of 30 NH Ave
- **July revenues** include annual rent payment-Great Bay Comm. College
- **June revenues** include increase in Golf fee revenue



Trends:

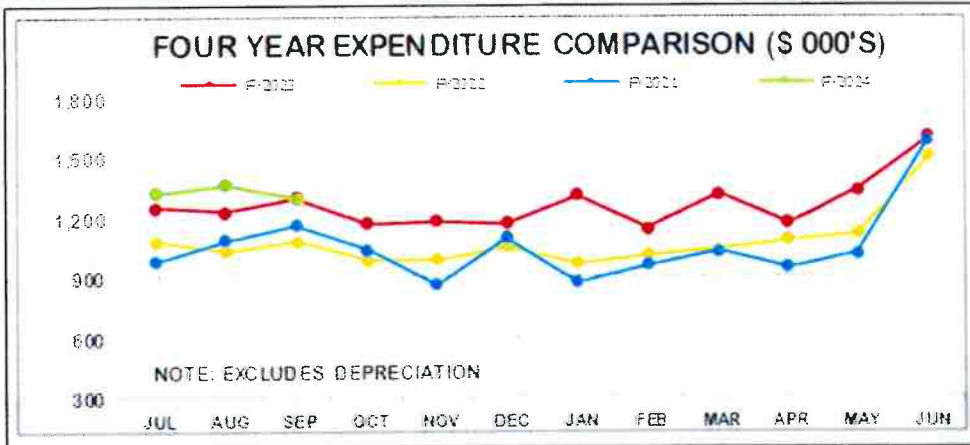
YTD Operating Expenses lower by 11.3%:

- Total Wages & Benefits, Utilities, Professional Svcs., Fuel Purchases trending lower than budget.
- Offset by cost overruns in Airfield Maintenance, Overtime wages and Part-Time Wages.



Trends:

June 2020-June 2023 – Retirement OPEB year end adjustments



PEASE DEVELOPMENT AUTHORITY
Consolidated Statement of Revenues and Expenses
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL								
FACILITIES	\$918,312	\$909,149	\$9,163	1.0%	\$2,984,842	\$2,966,174	\$18,668	0.6%
CARGO AND HANGARS	14,698	14,643	55	0.4%	44,164	43,727	437	1.0%
	<u>933,010</u>	<u>923,792</u>	<u>9,218</u>	<u>1.0%</u>	<u>3,029,006</u>	<u>3,009,901</u>	<u>19,106</u>	<u>0.6%</u>
CONCESSION REVENUE	80,909	51,442	29,467	57.3%	214,017	187,213	26,804	14.3%
FEE REVENUE								
AVIATION FEES								
FUEL FLOWAGE	77,547	71,641	5,905	8.2%	261,844	199,260	62,583	31.4%
PSM TSALEO REVENUE		1,833	(1,833)	(100.0%)	6,234	5,500	734	13.3%
PSM SECURITY REVENUE	2,645	1,917	728	38.0%	6,595	5,750	845	14.7%
GOLF FEES	328,745	270,235	58,510	21.7%	1,105,681	973,542	132,138	13.6%
GOLF SIMULATORS	3,730	248	3,482	1406.3%	6,616	2,668	3,948	148.0%
GOLF MEMBERSHIPS	50,689	50,625	64	0.1%	152,066	151,875	191	0.1%
GOLF LESSONS	3,125	4,192	(1,067)	(25.5%)	19,975	20,957	(982)	(4.7%)
MOORING FEES	37,677	39,583	(1,907)	(4.8%)	113,030	118,750	(5,720)	(4.8%)
PARKING	35,375	31,768	3,607	11.4%	150,717	153,886	(3,169)	(2.1%)
PIER USAGE FEES	3,988	9,167	(5,179)	(56.5%)	16,777	27,500	(10,723)	(39.0%)
REGISTRATIONS	9,154	18,917	(9,763)	(51.6%)	48,871	56,750	(7,879)	(13.9%)
TERMINAL FEES								
WHARFAGE AND DOCKAGE	80,061	51,667	28,394	55.0%	80,061	155,001	(74,940)	(48.3%)
	<u>632,736</u>	<u>551,793</u>	<u>80,942</u>	<u>14.7%</u>	<u>1,968,467</u>	<u>1,871,439</u>	<u>97,028</u>	<u>5.2%</u>
FUEL SALES	84,633	118,909	(34,276)	(28.8%)	302,324	483,838	(181,515)	(37.5%)
INTEREST INCOME								
LOAN INTEREST								
	3,397	3,000	397	13.2%	8,124	9,000	(876)	(9.7%)
OTHER REVENUES								
MERCHANDISE								
	45,602	35,627	9,976	28.0%	156,366	133,787	22,579	16.9%
ALL OTHER	33,090	29,200	3,890	13.3%	112,414	113,087	(673)	(0.6%)
	<u>78,692</u>	<u>64,827</u>	<u>(13,866)</u>	<u>(21.4%)</u>	<u>268,780</u>	<u>246,874</u>	<u>(21,906)</u>	<u>(8.9%)</u>
TOTAL OPERATING REVENUE	1,813,377	1,713,763	99,614	5.8%	5,790,718	5,808,265	(17,547)	(0.3%)
OPERATING EXPENSES								
WAGES AND FRINGE BENEFITS								
WAGES								
BENEFITED REGULAR	382,321	420,994	38,673	9.2%	1,199,621	1,279,650	80,028	6.3%
BENEFITED OVERTIME	43,020	28,793	(14,227)	(49.4%)	80,457	55,211	(25,246)	(45.7%)
NON-BENEFITED REGULAR	92,713	92,421	(293)	(0.3%)	358,972	326,774	(32,198)	(9.9%)
NON-BENEFITED OVERTIME	4,616	4,525	(91)	(2.0%)	9,445	11,226	1,781	15.9%
ACCRUED VACATION BENEFITS	16,342	250	(16,092)	(6436.8%)	11,571	750	(10,821)	(1442.8%)
ACCRUED SICK TIME BENEFITS	2,073	333	(1,740)	(522.0%)	6,310	1,000	(5,310)	(531.0%)
	<u>541,085</u>	<u>547,316</u>	<u>6,230</u>	<u>1.1%</u>	<u>1,666,376</u>	<u>1,674,611</u>	<u>8,233</u>	<u>0.5%</u>
WAGE TRANSFERS OUT								
	<u>541,085</u>	<u>547,316</u>	<u>6,230</u>	<u>1.1%</u>	<u>1,666,376</u>	<u>1,674,611</u>	<u>8,233</u>	<u>0.5%</u>
BENEFITS								
DENTAL INSURANCE	5,411	6,971	1,561	22.4%	16,346	20,914	4,569	21.8%
HEALTH INSURANCE	106,009	115,305	9,296	8.1%	318,832	345,914	27,082	7.8%
LIFE INSURANCE	110	2,987	2,877	96.3%	3,616	8,961	5,346	59.7%
NEW HAMPSHIRE RETIREMENT	53,189	65,342	12,153	18.6%	159,124	196,027	36,903	18.8%
POST RETIREMENT BENEFITS	10,922	12,015	1,092	9.1%	32,767	36,044	3,277	9.1%
EMPLOYEE DRUG TEST	100	170	70	41.2%	357	510	153	30.0%
OPEB EXPENSE								
EMPLOYER FICA	37,673	42,604	4,931	11.6%	121,549	128,040	6,491	5.1%
UNEMPLOYMENT INS								
	<u>213,414</u>	<u>245,394</u>	<u>31,980</u>	<u>13.0%</u>	<u>652,591</u>	<u>736,410</u>	<u>83,820</u>	<u>11.4%</u>
BENEFIT TRANSFERS OUT								
	<u>213,414</u>	<u>245,394</u>	<u>31,980</u>	<u>13.0%</u>	<u>652,591</u>	<u>736,410</u>	<u>83,820</u>	<u>11.4%</u>
TOTAL WAGES & BENEFITS	754,499	792,710	38,210	4.8%	2,318,967	2,411,021	92,053	3.8%

PEASE DEVELOPMENT AUTHORITY
Consolidated Statement of Revenues and Expenses
For the Three Months Ending September 30, 2023

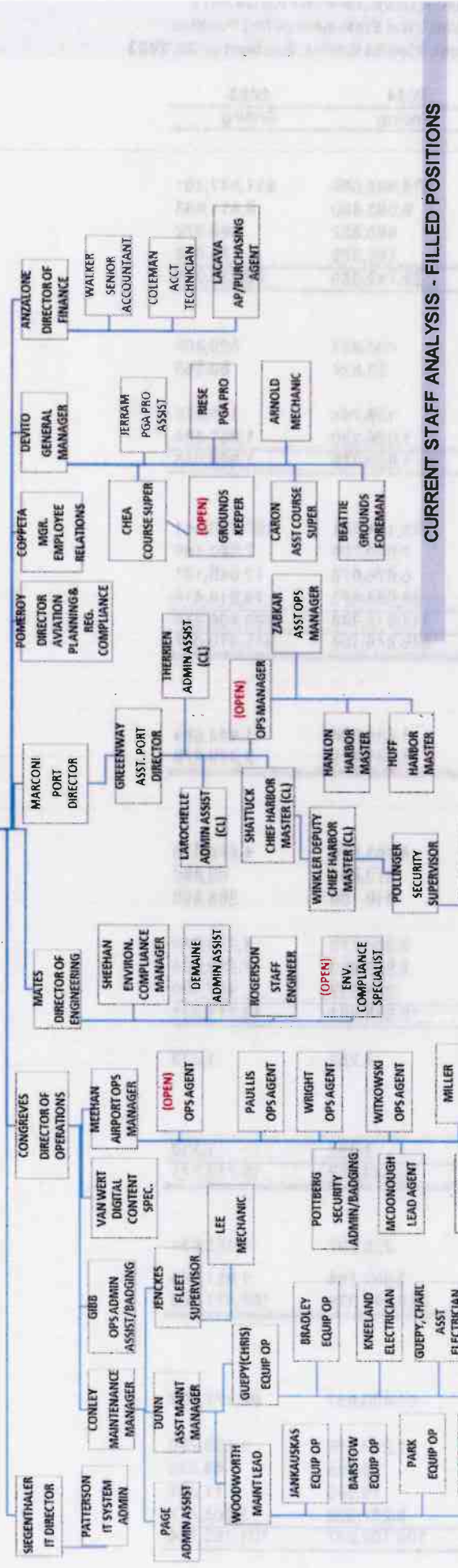
	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
BUILDING AND FACILITIES								
AIRFIELD MAINTENANCE	23,174	4,875	(18,299)	(375.4%)	47,328	14,625	(32,703)	(223.6%)
COVID-19	-	-	-	-	-	-	-	-
SOIL & VEGETATION CONTROL	4,839	10,588	5,749	54.3%	37,962	31,763	(6,199)	(19.5%)
ENVIRONMENTAL TESTING	25,012	14,398	(10,614)	(73.7%)	33,883	43,194	9,311	21.6%
EQUIPMENT MAINTENANCE	34,408	40,884	6,476	15.8%	109,248	108,405	(843)	(0.8%)
FACILITIES MAINTENANCE	59,889	95,739	35,850	37.4%	238,306	277,217	38,912	14.0%
LANDSCAPING	245	3,177	2,932	92.3%	11,324	11,139	(185)	(1.7%)
NAVIGATION MAINTENANCE	261	4,792	4,531	94.6%	971	14,375	13,404	93.2%
OTHER EXPENSES	1,500	-	(1,500)	-	1,500	-	(1,500)	-
SECURITY	6,913	13,325	6,412	48.1%	24,070	44,714	20,644	46.2%
SNOW REMOVAL	-	-	-	-	-	-	-	-
EXPENSE TRANSFERS	-	-	-	-	-	-	-	-
	156,241	187,778	31,537	16.8%	504,592	545,432	40,841	7.5%
WAGE & BENEFIT TRANSFER IN	-	-	-	-	-	-	-	-
	156,241	187,778	31,537	16.8%	504,592	545,432	40,841	7.5%
GENERAL AND ADMINISTRATIVE								
BAD DEBT EXPENSE	-	-	-	-	-	-	-	-
BANK FEES	12,225	15,211	2,986	19.6%	50,529	55,213	4,684	8.5%
COMPUTER EXPENSES	10,452	9,167	(1,285)	(14.0%)	16,638	27,500	10,862	39.5%
DISCOUNTS AND LATE FEES	(254)	(189)	65	(34.4%)	(1,164)	(568)	597	(105.1%)
EQUIPMENT UNDER \$5,000	11,993	8,234	(3,759)	(45.6%)	31,351	24,970	(6,381)	(25.6%)
FEES AND LICENSES	3,575	6,344	2,769	43.7%	12,843	19,233	6,390	33.2%
INSURANCE	35,505	35,373	(132)	(0.4%)	106,515	106,581	66	0.1%
OFFICE EQUIPMENT	1,710	1,922	211	11.0%	5,898	5,765	(133)	(2.3%)
PROFESSIONAL DEVELOPMENT	5,583	4,393	(1,190)	(27.1%)	7,166	13,178	6,011	45.6%
SUPPLIES	3,435	7,092	3,657	51.6%	20,742	21,277	535	2.5%
TELEPHONES AND COMMUNICATIONS	17,377	17,075	(302)	(1.8%)	47,803	51,225	3,422	6.7%
TRAVEL AND MILEAGE	5,370	3,192	(2,178)	(68.3%)	8,378	9,575	1,197	12.5%
OTHER EXPENSES	7,864	5,777	(2,087)	(36.1%)	11,749	17,331	5,583	32.2%
	114,835	113,591	(1,245)	(1.1%)	318,448	351,280	32,832	9.3%
UTILITIES								
ELECTRICITY	45,709	82,251	36,542	44.4%	178,610	248,114	69,504	28.0%
ELECTRICITY TRANSFERS	-	-	-	-	-	49	49	100.0%
HEATING OIL	-	-	-	-	-	-	-	-
NATURAL GAS	1,033	1,142	109	9.5%	4,063	3,686	(377)	(10.2%)
NATURAL GAS TRANSFERS	-	-	-	-	-	-	-	-
PROPANE	1,542	2,301	759	33.0%	10,158	7,197	(2,961)	(41.1%)
WASTE REMOVAL	5,052	7,007	1,956	27.9%	16,662	25,353	8,691	34.3%
WASTE REMOVAL TRANSFERS	-	-	-	-	-	-	-	-
WATER	3,302	9,671	6,369	65.9%	9,775	32,580	22,805	70.0%
WATER TRANSFERS	-	-	-	-	-	-	-	-
	56,638	102,372	45,735	44.7%	219,268	316,979	97,710	30.8%
PROFESSIONAL SERVICES								
AUDIT	16,114	9,692	(6,423)	(66.3%)	34,560	29,075	(5,485)	(18.9%)
INFORMATION TECHNOLOGY	11,928	13,790	1,862	13.5%	34,187	41,370	7,183	17.4%
LEGAL	434	15,600	15,166	97.2%	16,426	46,800	30,374	64.9%
LEGAL PERMIT IMPLEMENT	-	14,583	14,583	100.0%	13,021	43,750	30,729	70.2%
ADMINISTRATIVE SERVICES	7,735	16,617	8,882	53.4%	16,445	49,852	33,408	67.0%
	36,211	70,282	34,070	48.5%	114,639	210,847	96,209	45.6%
MARKETING AND PROMOTION								
ADVERTISING	2,764	3,242	478	14.7%	10,337	9,726	(611)	(6.3%)
OTHER MARKETING	43,237	20,783	(22,455)	(108.0%)	70,189	62,348	(7,841)	(12.6%)
FLIGHT INCENTIVES	-	-	-	-	-	-	-	-
	46,001	24,025	(21,977)	(91.5%)	80,526	72,074	(8,451)	(11.7%)
OTHER OPERATING EXPENSES								
COAST TROLLEY	10,000	10,000	-	-	30,000	30,000	-	-
FUEL	64,308	91,147	26,839	29.4%	216,593	369,735	153,142	41.4%
GOLF CART LEASE	20,717	20,717	0	0.0%	62,515	62,151	(364)	(0.6%)
MERCHANDISE	28,500	26,720	(1,780)	(6.7%)	97,015	100,340	3,325	3.3%
	123,525	148,584	25,060	16.9%	406,123	562,226	156,102	27.8%
TOTAL OPERATING EXPENSES	1,287,950	1,439,342	151,391	10.5%	3,962,563	4,469,859	507,295	11.3%
OPERATING INCOME/(LOSS)	525,427	274,421	251,004	91.5%	1,828,155	1,338,406	489,748	36.6%
DEPRECIATION	583,795	611,017	27,222	4.5%	1,800,543	1,870,955	70,412	3.8%
AMORTIZATION	-	-	-	-	-	-	-	-
NON-OPERATING (INCOME)/EXPENSES								
INTEREST EXPENSE	-	833	833	100.0%	-	2,500	2,500	100.0%
INTEREST INCOME	(46,501)	(7,735)	38,765	(501.1%)	(133,083)	(23,206)	109,877	(473.5%)
NON-OPERATING GRANT FUNDING	-	-	-	-	(32,000)	-	32,000	-
GAIN/LOSS ON ASSETS	-	-	-	-	-	-	-	-
OTHER NON-OPERATING	-	-	-	-	-	-	-	-
	(46,501)	(6,902)	39,599	(573.7%)	(165,083)	(20,706)	144,377	(697.3%)
NET OPERATING INCOME/(LOSS)	(11,867)	(329,694)	317,825	(96.4%)	192,695	(511,843)	704,537	(137.6%)

CURRENT ORGANIZATION CHART

AS OF 10/30/23

TOTAL BENEFITED POSITIONS

FDA	FILLED	OPEN
DRH	52	7
TOTAL	11	1
	63	8



CURRENT STAFF ANALYSIS - FILLED POSITIONS

	Salary/ Benefitted	Hourly/ Benefitted	Hourly/ Non-Benefitted	Seasonal	TOTAL
MAINTENANCE	-	17	4	4	25
PSM AIRPORT SECURITY	2	8	7	-	17
PORT AUTHORITY	1	1	5	-	7
GOLF COURSE	2	9	10	16	37
FINANCE	3	4	3	48	58
ENGINEERING	2	2	0	-	4
LEGAL	3	1	1	-	5
DAW AIRPORT TECHNOLOGY	1	1	4	-	2
HUMAN RESOURCES	1	1	-	-	2
MARKETING EXECUTIVE	1	0	-	-	1
	1	1	1	-	1
	1	1	1	-	3
	17	46	35	68	166

PEARL DEVELOPMENT AUTHORITY
Consolidated Statement of Net Position
For the Three Months Ending September 30, 2023

	2024	2023
	Ending	Ending
ASSETS		
Cash and Investments	\$15,995,659	\$11,847,501
Accounts Receivable - Net	6,083,490	8,411,593
Inventories	480,832	395,972
Prepays	182,376	179,945
	<u>22,742,358</u>	<u>20,835,011</u>
RESTRICTED ASSETS		
Cash and Investments	406,821	329,434
Current Receivables	58,524	60,555
Loans Receivable - NHFL		
Due within 1 Year	128,744	115,376
Due in more than 1 Year	1,026,290	1,061,384
TOTAL RESTRICTED ASSETS	<u>1,620,379</u>	<u>1,566,748</u>
NON-CURRENT ASSETS		
Leases Receivable-Net of Current Portion	213,131,431	197,230,941
Land	7,520,786	7,520,786
Construction-in-Process	5,876,678	12,046,131
Other Capital Assets - Net	85,083,473	76,610,419
TOTAL NON-CURRENT ASSETS	<u>311,612,368</u>	<u>293,408,278</u>
TOTAL ASSETS	<u>335,975,105</u>	<u>315,810,037</u>
DEFERRED OUTFLOWS OF RESOURCES		
Pension	1,426,696	1,424,984
OPEB	1,621,805	2,279,876
	<u>3,048,501</u>	<u>3,704,860</u>
LIABILITIES		
ACCOUNTS PAYABLE AND ACCRUED EXPENSES		
Retainage	573,891	66,280
Unearned Revenues	349,106	368,895
Long-Term Liabilities		
Net Pension Liability	5,286,773	4,279,644
Net OPEB Liability	5,835,603	7,378,664
Due in more than 1 Year	350,536	347,400
	<u>16,658,987</u>	<u>16,711,202</u>
RESTRICTED LIABILITIES		
Current Liabilities	4,252	1,539
Long-Term Liabilities		
Due within 1 Year		
Due in more than 1 Year		
	<u>4,252</u>	<u>1,539</u>
TOTAL LIABILITIES	<u>16,663,239</u>	<u>16,712,741</u>
DEFERRED INFLOWS OF RESOURCES		
Pension	228,607	1,382,954
OPEB	2,087,794	1,651,884
Lease Revenue	210,941,329	198,471,605
	<u>213,257,730</u>	<u>1,993,230</u>
NET POSITION		
Net Investment in Capital Assets	98,480,937	96,177,336
Restricted For:		
Revolving Loan Fishery Fund	1,269,558	1,253,230
Harbor Dredging and Pier Maintenance	78,425	48,348
Foreign Trade Zone	15,895	11,382
Unrestricted	9,257,822	3,805,417
TOTAL NET POSITION	<u>109,102,637</u>	<u>101,295,714</u>

PEASE DEVELOPMENT AUTHORITY
Statement of Revenues and Expenses - PORTSMOUTH AIRPORT *incl Security*
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL	\$58,542	\$56,824	\$1,718	3.0%	\$213,228	\$210,895	\$2,333	1.1%
CARGO AND HANGARS	\$2,738	\$2,713	\$25	0.9%	\$8,120	\$8,038	\$82	1.0%
CONCESSION REVENUE	\$734	\$1,643	(\$909)	(55.3%)	\$7,059	\$21,691	(\$14,632)	(67.5%)
FEE REVENUE	\$90,451	\$87,742	\$2,709	3.1%	\$328,602	\$274,650	\$53,952	19.6%
FUEL SALES								
INTEREST								
MERCHANDISE								
OTHER REVENUE	\$12,941	\$16,250	(\$3,309)	(20.4%)	\$48,282	\$48,750	(\$468)	(1.0%)
TOTAL OPERATING REVENUES	165,406	165,172	234	0.1%	605,291	564,024	41,267	7.3%
EXPENSES								
WAGES AND FRINGE BENEFITS	125,156	126,750	1,594	1.3%	365,938	368,077	2,139	0.6%
BUILDING AND FACILITIES	71,330	95,723	24,393	25.5%	251,872	267,662	15,790	5.9%
GENERAL AND ADMINISTRATIVE	45,329	44,237	(1,092)	(2.5%)	112,623	133,525	20,902	15.7%
UTILITIES	27,872	54,661	26,789	49.0%	114,584	164,700	50,116	30.4%
PROFESSIONAL SERVICES	7,781	9,316	1,535	16.5%	18,698	27,950	9,252	33.1%
MARKETING AND PROMOTION	37,500	7,292	(30,208)	(414.3%)	55,741	21,875	(33,866)	(154.8%)
OTHER OPERATING EXPENSES								
TOTAL OPERATING EXPENSES	314,968	337,979	23,011	6.8%	919,456	983,789	64,333	6.5%
OPERATING INCOME	(149,562)	(172,807)	23,245	13.5%	(314,165)	(419,765)	105,600	25.2%
NON-OPERATING (INCOME) EXPENSE	(1)	0	1	-	(4)	0	4	-
DEPRECIATION	345,058	382,516	37,458	9.8%	1,065,918	1,169,306	103,388	8.8%
NET OPERATING INCOME	(494,619)	(555,323)	(60,704)	10.9%	(1,380,079)	(1,589,071)	(208,992)	13.2%

PEASE DEVELOPMENT AUTHORITY
Statement of Revenues and Expenses - SKYHAVEN AIRPORT
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL								
CARGO AND HANGARS	11,960	11,930	30	0.3%	36,044	35,690	354	1.0%
CONCESSION REVENUE		267	(267)	(100.0%)		800	(800)	(100.0%)
FEE REVENUE								
FUEL SALES	10,853	8,373	2,479	29.6%	24,710	23,982	727	3.0%
INTEREST								
MERCHANDISE								
OTHER REVENUE		92	(92)	(100.0%)	(50)	275	(325)	(118.2%)
TOTAL OPERATING REVENUES	22,813	20,662	2,151	10.4%	60,704	60,747	(43)	(0.1%)
EXPENSES								
WAGES AND FRINGE BENEFITS	8,354	3,891	(4,464)	(114.7%)	27,512	11,848	(15,664)	(132.2%)
BUILDING AND FACILITIES	14,956	3,595	(11,361)	(316.0%)	31,663	10,785	(20,878)	(193.6%)
GENERAL AND ADMINISTRATIVE	3,357	3,686	329	8.9%	10,906	11,059	153	1.4%
UTILITIES	1,574	2,484	910	36.6%	5,051	5,876	825	14.0%
PROFESSIONAL SERVICES	476	1,028	552	53.7%	2,104	3,085	981	31.8%
MARKETING AND PROMOTION	225	125	(100)	(80.0%)	225	375	150	40.0%
OTHER OPERATING EXPENSES	11,242	6,698	(4,544)	(67.8%)	22,557	19,185	(3,372)	(17.6%)
TOTAL OPERATING EXPENSES	40,184	21,507	(18,678)	(86.8%)	100,018	62,213	(37,804)	(60.8%)
OPERATING INCOME	(17,371)	(845)	(16,526)	1954.7%	(39,314)	(1,466)	(37,848)	2580.5%
NON-OPERATING (INCOME) EXPENSE					(32,000)		32,000	-
DEPRECIATION	33,968	38,060	4,092	10.8%	104,168	116,716	12,548	10.8%
NET OPERATING INCOME	(51,339)	(38,905)	(12,435)	32.0%	(111,482)	(118,182)	6,700	(5.7%)

PEASE DEVELOPMENT AUTHORITY
Statement of Revenues and Expenses - TRADEPORT OPERATIONS
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL	\$821,929	\$815,161	\$6,768	0.8%	\$2,663,907	\$2,651,119	\$12,787	0.5%
CARGO AND HANGARS								
CONCESSION REVENUE								
FEE REVENUE								
FUEL SALES								
INTEREST								
MERCHANDISE								
OTHER REVENUE	3,255	2,083	1,172	56.3%	7,880	6,250	1,630	26.1%
TOTAL OPERATING REVENUES	825,184	817,244	7,940	1.0%	2,671,787	2,657,369	14,417	0.5%
EXPENSES								
WAGES AND FRINGE BENEFITS								
BUILDING AND FACILITIES	5,028	25,570	20,542	80.3%	32,233	76,709	44,477	58.0%
GENERAL AND ADMINISTRATIVE	13,402	7,884	(5,518)	(70.0%)	28,534	23,652	(4,882)	(20.6%)
UTILITIES	5,283	8,983	3,700	41.2%	19,854	25,584	5,730	22.4%
PROFESSIONAL SERVICES		247	247	100.0%		740	740	100.0%
MARKETING AND PROMOTION		83	83	100.0%		250	250	100.0%
OTHER OPERATING EXPENSES	10,000	10,000	-	-	30,000	30,000	-	-
TOTAL OPERATING EXPENSES	33,713	52,767	19,054	36.1%	110,621	156,935	46,314	29.5%
OPERATING INCOME	791,471	764,477	26,994	3.5%	2,561,166	2,500,434	60,731	2.4%
NON-OPERATING (INCOME) EXPENSE								
DEPRECIATION	63,339	66,742	3,403	5.1%	194,239	204,512	10,273	5.0%
NET OPERATING INCOME	728,132	697,735	30,397	4.4%	2,366,927	2,295,922	71,004	3.1%

Statement of Revenues and Expenses - GOLF COURSE
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL								
CARGO AND HANGARS								
CONCESSION REVENUE	62,666	48,932	13,734	28.1%	167,189	159,922	7,267	4.5%
FEE REVENUE	386,289	325,299	60,989	18.7%	1,284,338	1,149,042	135,296	11.8%
FUEL SALES								
INTEREST								
MERCHANDISE	45,602	35,627	9,976	28.0%	156,366	133,787	22,579	16.9%
OTHER REVENUE	403	4,442	(4,040)	(90.9%)	5,245	13,327	(8,082)	(60.6%)
TOTAL OPERATING REVENUES	494,960	414,300	80,660	19.5%	1,613,138	1,456,078	157,060	10.8%
EXPENSES								
WAGES AND FRINGE BENEFITS	111,952	111,519	(433)	(0.4%)	374,226	364,987	(9,239)	(2.5%)
BUILDING AND FACILITIES	23,303	29,170	5,867	20.1%	112,442	89,118	(23,324)	(26.2%)
GENERAL AND ADMINISTRATIVE	17,424	23,165	5,741	24.8%	74,515	76,936	2,422	3.1%
UTILITIES	12,875	22,977	10,102	44.0%	47,052	71,293	24,241	34.0%
PROFESSIONAL SERVICES	2,334	3,301	967	29.3%	6,967	9,902	2,935	29.6%
MARKETING AND PROMOTION	2,737	4,142	1,404	33.9%	10,902	12,425	1,522	12.3%
OTHER OPERATING EXPENSES	49,216	47,437	(1,779)	(3.8%)	159,530	162,491	2,961	1.8%
TOTAL OPERATING EXPENSES	219,841	241,711	21,869	9.0%	785,634	787,152	1,517	0.2%
OPERATING INCOME	275,119	172,589	102,528	59.4%	827,504	668,926	158,577	23.7%
NON-OPERATING (INCOME) EXPENSE	(38,978)	(17)	38,961	(233722.1%)	(108,655)	(50)	108,605	(217166.5%)
DEPRECIATION	29,668	30,649	981	3.2%	92,813	94,264	1,451	1.5%
NET OPERATING INCOME	284,429	141,957	142,471	100.4%	843,346	574,712	268,633	46.7%

BUSINESS UNIT ANALYSIS	PRO SHOP	COURSE OPERATIONS	FOOD/BEV	SIMULATOR	TOTAL
OPERATING REVENUES	156,366	1,282,528	167,628	6,616	1,613,138
OPERATING EXPENSES* *Excluding Depreciation	110,266	593,301	66,747	15,320	785,634
OPERATING INCOME	46,100	689,227	100,881	(8,704)	827,504

Statement of Revenues and Expenses - DIVISION OF PORTS AND HARBORS-UNRESTRICTED
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL	\$37,841	\$37,164	\$677	1.8%	\$103,708	\$102,160	\$1,548	1.5%
CARGO AND HANGARS				-				-
CONCESSION REVENUE	17,509	600	16,909	2818.2%	39,769	4,800	34,969	728.5%
FEE REVENUE	148,920	125,001	23,919	19.1%	323,441	406,497	(83,056)	(20.4%)
FUEL SALES	73,780	110,535	(36,755)	(33.3%)	277,614	459,856	(182,242)	(39.6%)
INTEREST				-				-
MERCHANDISE				-				-
OTHER REVENUE	18,238	9,424	8,814	93.5%	62,038	53,760	8,279	15.4%
TOTAL OPERATING REVENUES	296,288	282,724	13,563	4.8%	806,570	1,027,073	(220,502)	(21.5%)
EXPENSES								
WAGES AND FRINGE BENEFITS	127,536	146,620	19,084	13.0%	428,844	462,095	33,251	7.2%
BUILDING AND FACILITIES	33,851	19,385	(14,466)	(74.6%)	53,341	58,156	4,815	8.3%
GENERAL AND ADMINISTRATIVE	14,017	13,267	(751)	(5.7%)	33,449	41,853	8,404	20.1%
UTILITIES	8,106	12,864	4,758	37.0%	30,374	48,313	17,939	37.1%
PROFESSIONAL SERVICES	8,354	7,629	(725)	(9.5%)	17,523	22,886	5,362	23.4%
MARKETING AND PROMOTION		217	217	100.0%	249	650	401	61.7%
OTHER OPERATING EXPENSES	53,065	84,449	31,384	37.2%	194,036	350,550	156,514	44.6%
TOTAL OPERATING EXPENSES	244,929	284,431	39,501	13.9%	757,816	984,503	226,686	23.0%
OPERATING INCOME	51,359	(1,707)	53,064	(3111.6%)	48,754	42,570	6,183	14.5%
NON-OPERATING (INCOME) EXPENSE	(6,571)	(183)	6,388	(3484.2%)	(21,474)	(550)	20,924	(3804.4%)
DEPRECIATION	97,607	80,052	(17,555)	(21.9%)	300,710	245,493	(55,217)	(22.5%)
NET OPERATING INCOME	(39,677)	(81,576)	41,897	(51.4%)	(230,482)	(202,373)	(28,110)	13.9%

BUSINESS UNIT ANALYSIS	RYE HARBOR	HAMPTON HARBOR	PORTS. FSH PIER	MARKET ST.	HARBOR MGMT	ADMIN	TOTAL
OPERATING REVENUES	179,725	188,546	87,053	191,825	159,421	0	806,570
OPERATING EXPENSES*	112,358	186,211	101,086	129,405	129,749	99,007	757,816
*Excluding Depreciation							
OPERATING INCOME	67,367	2,335	(14,033)	62,420	29,672	(99,007)	48,754

PEASE DEVELOPMENT AUTHORITY
Statement of Revenues and Expenses - FOREIGN TRADE ZONE
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL	-	-	-	-	\$4,000	\$2,000	\$2,000	100.0%
CARGO AND HANGARS	-	-	-	-	-	-	-	-
CONCESSION REVENUE	-	-	-	-	-	-	-	-
FEE REVENUE	-	-	-	-	-	-	-	-
FUEL SALES	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-
MERCHANDISE	-	-	-	-	-	-	-	-
OTHER REVENUE	-	-	-	-	-	-	-	-
TOTAL OPERATING REVENUES	-	-	-	-	4,000	2,000	2,000	100.0%
EXPENSES								
WAGES AND FRINGE BENEFITS	-	-	-	-	-	-	-	-
BUILDING AND FACILITIES	-	-	-	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	-	104	104	100.0%	-	313	313	100.0%
UTILITIES	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-
MARKETING AND PROMOTION	1,539	708	(830)	(117.2%)	1,539	2,125	586	27.6%
OTHER OPERATING EXPENSES	-	-	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	1,539	812	(726)	(89.4%)	1,539	2,438	899	36.9%
OPERATING INCOME	(1,539)	(812)	(726)	89.4%	2,461	(438)	2,899	(662.6%)
NON-OPERATING (INCOME) EXPENSE	0	0	0	(33.3%)	(1)	(1)	0	29.3%
DEPRECIATION	-	-	-	-	-	-	-	-
NET OPERATING INCOME	(1,539)	(812)	(726)	89.4%	2,462	(437)	2,899	(664.1%)

PEASE DEVELOPMENT AUTHORITY
Statement of Revenues and Expenses - HARBOR DREDGING
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL	-	-	-	-	-	-	-	-
CARGO AND HANGARS	-	-	-	-	-	-	-	-
CONCESSION REVENUE	-	-	-	-	-	-	-	-
FEE REVENUE	4,430	10,000	(5,570)	(55.7%)	19,257	30,000	(10,743)	(35.8%)
FUEL SALES	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-
MERCHANDISE	-	-	-	-	-	-	-	-
OTHER REVENUE	450	583	(133)	(22.9%)	1,400	1,750	(350)	(20.0%)
TOTAL OPERATING REVENUES	4,880	10,583	(5,703)	(53.9%)	20,657	31,750	(11,093)	(34.9%)
EXPENSES								
WAGES AND FRINGE BENEFITS	-	-	-	-	-	-	-	-
BUILDING AND FACILITIES	-	5,917	5,917	100.0%	-	17,750	17,750	100.0%
GENERAL AND ADMINISTRATIVE	25	1,000	975	97.5%	91	3,000	2,909	97.0%
UTILITIES	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	-	-	-	-	-	-	-	-
MARKETING AND PROMOTION	-	-	-	-	-	-	-	-
OTHER OPERATING EXPENSES	-	-	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	25	6,917	6,892	99.6%	91	20,750	20,659	99.6%
OPERATING INCOME	4,855	3,666	1,188	32.4%	20,566	11,000	9,566	87.0%
NON-OPERATING (INCOME) EXPENSE	(701)	(35)	666	(1901.8%)	(2,165)	(105)	2,060	(1961.9%)
DEPRECIATION	5,863	5,917	54	0.9%	17,980	17,750	(230)	(1.3%)
NET OPERATING INCOME	(307)	(2,216)	1,908	(86.1%)	4,751	(6,645)	11,396	(171.5%)

PEASE DEVELOPMENT AUTHORITY
Statement of Revenues and Expenses - REVOLVING LOAN FUND
For the Three Months Ending September 30, 2023

	Actual Sept FY 2024	Budget Sept FY 2024	Variance From Monthly Budget	% Variance	Actual YTD FY 2024	Budget YTD FY 2024	Variance From YTD Budget	% Variance
OPERATING REVENUES								
FACILITY RENTAL	-	-	-	-	-	-	-	-
CARGO AND HANGARS	-	-	-	-	-	-	-	-
CONCESSION REVENUE	-	-	-	-	-	-	-	-
FEE REVENUE	-	-	-	-	-	-	-	-
FUEL SALES	-	-	-	-	-	-	-	-
INTEREST	3,397	3,000	397	13.2%	8,124	9,000	(876)	(9.7%)
MERCHANDISE	-	-	-	-	-	-	-	-
OTHER REVENUE	448	75	373	497.3%	448	225	223	99.1%
TOTAL OPERATING REVENUES	3,845	3,075	770	25.0%	8,572	9,225	(653)	(7.1%)
EXPENSES								
WAGES AND FRINGE BENEFITS	-	-	-	-	-	-	-	-
BUILDING AND FACILITIES	-	-	-	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	-	42	42	100.0%	68	125	57	45.8%
UTILITIES	-	-	-	-	-	-	-	-
PROFESSIONAL SERVICES	4,252	1,250	(3,002)	(240.2%)	5,571	3,750	(1,821)	(48.6%)
MARKETING AND PROMOTION	-	-	-	-	-	-	-	-
OTHER OPERATING EXPENSES	-	-	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	4,252	1,292	(2,960)	(229.2%)	5,639	3,875	(1,764)	(45.5%)
OPERATING INCOME	(407)	1,783	(2,191)	(122.8%)	2,933	5,350	(2,417)	(45.2%)
NON-OPERATING (INCOME) EXPENSE	(13)	-	13	-	(52)	-	52	-
DEPRECIATION	-	-	-	-	-	-	-	-
NET OPERATING INCOME	(394)	1,783	(2,177)	(122.1%)	2,985	5,350	(2,364)	(44.2%)

REVOLVING LOAN FUND (\$ 000's)	BALANCE AT 9-30-2023	BALANCE AT 06-30-2023
CASH BALANCES		
GENERAL FUNDS	117	194
SEQUESTERED FUNDS	-	-
	<u>117</u>	<u>194</u>
LOANS OUTSTANDING (21)		
CURRENT	129	117
LONG TERM	1,026	954
	<u>1,155</u>	<u>1,071</u>
TOTAL CAPITAL BASE	<u>1,272</u>	<u>1,265</u>
CAPTIAL UTILIZATION RATE -% *	<u>90.8%</u>	<u>84.7%</u>

*EXCLUDES SEQUESTERED FUNDS

**SUMMARY OF INTERGOVERNMENTAL RECEIVABLES
AS OF SEPTEMBER 30, 2023**

(\$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	10,447	10,086	905	(20)	663	218	98
SKYHAVEN AIRPORT	158	150	3	0	0	3	0
DIVISION OF PORTS AND HARBORS	25,028	25,028	16,574	0	15,087	952	952
	<u>35,633</u>	<u>35,264</u>	<u>17,482</u>	<u>(20)</u>	<u>15,750</u>	<u>1,173</u>	<u>1,050</u>

**SUMMARY OF CONSTRUCTION WORK IN PROCESS
AS OF SEPTEMBER 30, 2023**

(\$000's)

<u>PROJECT NAME</u>	<u>BALANCE AT 06-30-23</u>	<u>CURRENT YEAR EXPENDITURES</u>	<u>TRANSFER TO PLANT IN SERVICE</u>	<u>NET CURRENT YEAR CHANGE</u>	<u>BALANCE AT 9-30-23</u>
PORTSMOUTH AIRPORT					
SNOW REMOVAL EQUIPMENT (AIP 74)	11	-	-	-	11
TERMINAL EXPANSION PROJECT	46	-	(46)	(46)	-
ALPHA NORTH TAXIWAY RECONSTRUCTION	79	32	-	32	111
NH AVE RIGHT HAND TURN LANE	49	8	-	8	57
BADGE TRAINING & SOFTWARE	45	-	-	-	45
TERMINAL ACCESS CONTROL UPGRADE	-	42	-	42	42
JET BRIDGE REHAB	-	45	-	45	45
PAINT MACHINE UPGRADES	-	7	(7)	-	-
PAINT GRINDER	-	50	(50)	-	-
ARRIVALS HALL EXPANSION (AIP 76)	103	-	-	-	103
ARRIVALS HALL EXPANSION (NON-GRANT)	726	60	-	60	786
PSM MOBILE RADIO PURCHASE	-	-	-	-	-
	<u>1,059</u>	<u>244</u>	<u>(103)</u>	<u>141</u>	<u>1,200</u>
SKYHAVEN AIRPORT					
JOHN DEERE PULL ROTARY CUTTER	11	-	-	0	11
SRE CARRIER VEHICLE WITH PLOW	-	3	-	3	3
	<u>11</u>	<u>3</u>	<u>0</u>	<u>3</u>	<u>14</u>
GOLF COURSE					
WATER FILLING STATION	4	-	-	-	4
	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>
IT/ADMIN/TRADEPORT					
WEBSITE UPGRADES	-	12	-	12	12
HVAC REPLACEMENT (55 INTERNATIONAL)	80	45	(125)	(80)	-
	<u>80</u>	<u>57</u>	<u>(125)</u>	<u>(68)</u>	<u>12</u>
MAINTENANCE					
JOHN DEERE CAB TRACTOR	97	-	-	0	97
JOHN DEERE FLEX WING ROTARY CUTTER	32	-	-	0	32
JOHN DEERE Z997R TRACTOR	22	-	(22)	(22)	0
	<u>151</u>	<u>0</u>	<u>(22)</u>	<u>-22</u>	<u>129</u>
DIVISION OF PORTS AND HARBORS (DPH)					
MAIN PIER (BUILD GRANT)	2,653	1,564	-	1,564	4,217
FUNCTIONALREPLACEMENT - BARGE DOCK	-	3	-	3	3
HAMPTON DOCK REPLACEMENT (ARPA)	131	-	-	-	131
PPF BRACING & DECKING (ARPA)	123	9	-	9	132
RYE GATE HOUSE	-	21	-	21	21
RYE FUEL DISPENSER	13	-	-	-	13
	<u>2,920</u>	<u>1,597</u>	<u>0</u>	<u>1,597</u>	<u>4,517</u>
TOTAL	<u>4,225</u>	<u>1,901</u>	<u>(250)</u>	<u>1,651</u>	<u>5,876</u>

PEASE DEVELOPMENT AUTHORITY CASH FLOW PROJECTIONS FOR THE NINE MONTH PERIOD ENDING JULY 31, 2024



BOARD OF DIRECTORS MEETING
NOVEMBER 16, 2023

PEASE DEVELOPMENT AUTHORITY CASH FLOW SUMMARY OVERVIEW NOVEMBER 1, 2023 TO JULY 31, 2024

(EXCLUDING DIVISION OF PORTS AND HARBORS)

(\$ 000's)

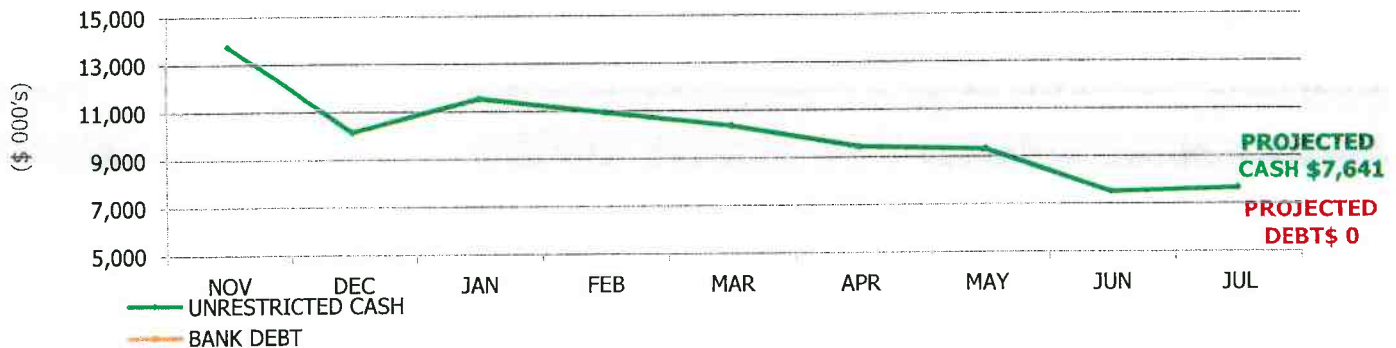
(\$000's)	AMOUNT
OPENING FUND BALANCE	<u>13,840</u>
SOURCES OF FUNDS	
GRANT AWARDS (SEE PAGE 4)	4,714
TRADEPORT TENANTS	8,388
MUNICIPAL SERVICE FEE (COP)	2,241
GOLF COURSE FEE AND CONCESSION REVENUES	2,131
REVOLVING LINE OF CREDIT (PROVIDENT BANK)	0
PSM AIRPORT- LEASES, FUEL FLOWAGE FEES AND PARKING	1,524
SKYHAVEN AIRPORT HANGAR AND FUEL REVENUES	202
	<u>19,200</u>
USES OF FUNDS	
OPERATING EXPENSES	10,555
CAPITAL EXPENDITURES- NON-GRANT (SEE PAGE 5)	6,478
CAPITAL EXPENDITURES- GRANT (SEE PAGE 4)	5,566
MUNICIPAL SERVICE FEE (COP)	2,800
	<u>25,399</u>
NET CASH FLOW	<u>(6,199)</u>
CLOSING FUND BALANCE	<u>7,641</u>

TOTAL FUND BALANCES	BALANCE AT 10-31-2023	BALANCE AT 6-30-2023
UNRESTRICTED	13,840	9,568
DESIGNATED	14	14
TOTAL	<u>13,854</u>	<u>9,582</u>

DISCUSSION

AT THIS TIME, THE PDA DOES NOT ANTICIPATE THE NEED TO UTILIZE IT'S 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	Oct-23	Oct-22
CURRENT INTEREST RATE	8.03%	4.15%

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

(\$000's)

CASH FLOW - PDA	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	TOTAL
OPENING FUND BALANCE	13,840	13,709	10,136	11,525	10,933	10,336	9,425	9,296	7,496	13,840
SOURCES OF FUNDS										
GRANT AWARDS (SEE PAGE #4)	97	132	1,869	337	367	517	495	450	450	4,714
TRADEPORT TENANTS	937	895	910	940	884	916	929	884	1,093	8,388
MUNICIPAL SERVICE FEE	147	147	453	147	147	453	147	147	453	2,241
GOLF COURSE	156	61	36	65	90	273	450	523	477	2,131
PORTSMOUTH AIRPORT- (PSM)	32	36	36	32	154	40	65	87	61	543
PSM PAY FOR PARKING	36	37	32	50	87	105	56	32	36	471
PSM FLOWAGE FEES	46	60	34	66	47	88	50	60	59	510
SKYHAVEN AIRPORT	23	20	18	19	23	22	26	28	23	202
EXTERNAL FINANCING- NET	-	-	-	-	-	-	-	-	-	-
	<u>1,474</u>	<u>1,388</u>	<u>3,388</u>	<u>1,656</u>	<u>1,799</u>	<u>2,414</u>	<u>2,218</u>	<u>2,211</u>	<u>2,652</u>	<u>19,200</u>
USE OF FUNDS										
CAPITAL- GRANT RELATED (SEE PAGE #4)	190	2,001	370	370	570	535	510	510	510	5,566
CAPITAL- NONGRANT (SEE PAGE 5)	307	367	496	730	613	1,620	645	885	815	6,478
OPERATING EXPENSES	1,108	1,193	1,133	1,148	1,213	1,170	1,192	1,216	1,182	10,555
MUNICIPAL SERVICE FEE	-	1,400	-	-	-	-	-	1,400	-	2,800
	<u>1,605</u>	<u>4,961</u>	<u>1,999</u>	<u>2,248</u>	<u>2,396</u>	<u>3,325</u>	<u>2,347</u>	<u>4,011</u>	<u>2,507</u>	<u>25,399</u>
NET CASH FLOW	(131)	(3,573)	1,389	(592)	(597)	(911)	(129)	(1,800)	145	(6,199)
CLOSING FUND BALANCE	13,709	10,136	11,525	10,933	10,336	9,425	9,296	7,496	7,641	7,641

PEASE DEVELOPMENT AUTHORITY

GRANT REIMBURSEMENT CAPITAL PROJECTS (EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

GRANT FUNDED PROJECTS	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	TOTAL
<u>PORTSMOUTH AIRPORT</u>										
ARRIVALS HALL EXPANSION	130	150	300	300	500	500	500	500	500	3,380
PEASE BOULEVARD-ARBORETUM DR RT TURN LN	10	10	10	10	10	10	10	10	10	90
ALPHA NORTH TAXIWAY DESIGN	50	50	-	-	-	-	-	-	-	100
SNOW REMOVAL EQUIPMENT (AIP 69)	-	377	-	-	-	-	-	-	-	377
SNOW REMOVAL EQUIPMENT (AIP 74)	-	1,211	-	-	-	-	-	-	-	1,211
	190	1,798	310	310	510	510	510	510	510	5,158
<u>SKYHAVEN AIRPORT</u>										
WILDLIFE FENCE DESIGN	-	35	35	35	35	-	-	-	-	140
TERMINAL PARKING LOT DESIGN	-	15	25	25	25	25	-	-	-	115
SNOW REMOVAL EQUIPMENT	-	153	-	-	-	-	-	-	-	153
	-	203	60	60	60	25	-	-	-	408
<u>TRADEPORT</u>										
	-	-	-	-	-	-	-	-	-	-
TOTAL GRANT REIMBURSEMENT PROJECTS	190	2,001	370	370	570	535	510	510	510	5,566

PEASE DEVELOPMENT AUTHORITY

GRANT RECEIPT AWARDS (EXCLUDING THE DIVISION OF PORTS AND HARBORS)

(\$ 000's)

GRANT AWARDS	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	TOTAL
<u>PORTSMOUTH AIRPORT</u>										
ARRIVALS HALL EXPANSION	-	117	135	270	270	450	450	450	450	2,592
PEASE BOULEVARD-ARBORETUM DR RT TURN LN	-	15	-	15	-	15	-	-	-	45
ALPHA NORTH TAXIWAY DESIGN	97	-	-	-	45	-	45	-	-	187
SNOW REMOVAL EQUIPMENT (AIP 69)	-	-	377	-	-	-	-	-	-	377
SRE CARRIER VEHICLE (AIP 74)	-	-	1,150	-	-	-	-	-	-	1,150
	97	132	1,662	285	315	465	495	450	450	4,351
	-	-	-	-	-	-	-	-	-	-
<u>SKYHAVEN AIRPORT</u>										
WILDLIFE FENCE DESIGN	-	-	31	31	31	31	-	-	-	124
TERMINAL PARKING LOT DESIGN	-	-	31	21	21	21	-	-	-	94
SNOW REMOVAL EQUIPMENT	-	-	145	-	-	-	-	-	-	145
	-	-	207	52	52	52	-	-	-	363
<u>TRADEPORT</u>										
	-	-	-	-	-	-	-	-	-	-
TOTAL GRANT RECEIPT AWARDS	97	132	1,869	337	367	517	495	450	450	4,714

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

(\$ 000's)

NON-GRANT CAPITAL PROJECTS	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	TOTAL
TECHNOLOGY/ADMINISTRATION										
OFFICE 365 MIGRATION	18	-	-	-	-	-	-	-	-	18
PAYCHEX PAYROLL KIOSKS **	-	5	-	-	-	-	-	-	-	5
WEBSITE UPGRADES	28	-	-	-	-	-	-	-	-	28
	46	5	-	-	-	-	-	-	-	51
GOLF COURSE										
COURSE EQUIPMENT	-	-	-	-	43	140	-	-	-	183
EVENTS CENTER STUDY**	-	-	10	20	20	20	20	20	20	130
VIDEO SURVEILLANCE SYSTEM	-	-	-	-	-	-	-	-	20	20
IRRIGATION REPAIRS**	-	-	75	-	-	-	-	-	-	75
	-	-	85	20	63	160	20	20	40	408
PORTSMOUTH AIRPORT										
MOBILE RADIO UPGRADE	-	20	50	-	-	-	-	-	-	70
FENCE CONSTRUCTION **	-	-	-	-	-	-	-	40	-	40
GENERATOR UPGRADE **	-	-	-	10	-	-	-	-	-	10
ATC TOWER HVAC IMPROVEMENTS	-	-	-	55	-	-	-	-	-	55
JETBRIDGE REHAB	-	-	-	106	-	-	-	-	-	106
PAY FOR PARKING UPGRADES	-	35	-	-	-	-	-	-	-	35
SRE (AIP 69) NON-FUNDED	-	-	-	-	150	-	-	-	-	150
PEDESTRIAN SIDEWALKS**	-	-	-	-	-	-	-	75	75	150
ARRIVALS HALL EXPANSION-CONSTRUCTION	70	100	200	200	200	200	200	200	200	1,570
PDA HANGAR DESIGN & CONSTRUCTION**	-	-	-	200	200	400	400	400	500	2,100
FLIGHLINE RD PIPE RELOCATION**	-	-	-	-	-	750	-	-	-	750
	70	155	250	571	550	1,350	600	715	775	5,036
SKYHAVEN AIRPORT										
SRE DOOR REPLACEMENT**	20	-	-	-	-	-	-	-	-	20
FUEL SYSTEM CREDIT CARD **	-	5	-	-	-	-	-	-	-	5
RENOVATION WORK-TERMINAL BLDG	-	15	-	-	-	-	-	-	-	15
TOW BEHIND MOWER ATTACHMENT	11	-	-	-	-	-	-	-	-	11
	31	20	-	-	-	-	-	-	-	51
SECURITY - PORTSMOUTH AIRPORT										
CCTV SECURITY GATES	-	-	-	50	-	-	-	-	-	50
BADGE PRINTER REPLACEMENT**	-	-	-	-	-	20	-	-	-	20
REPLACE BADGING WORKSTATIONS	-	-	-	-	-	90	-	-	-	90
DURESS ALARM SYSTEMS	-	-	-	-	-	-	-	-	-	-
TRAINING VIDEO PRODUCTION	-	27	-	-	-	-	-	-	-	27
BADGE READER & MEDIA REPLACEMENT	-	-	-	89	-	-	-	-	-	89
SECURITY SYSTEM UPGRADE	30	-	136	-	-	-	-	-	-	166
	30	27	136	139	-	110	-	-	-	442
SECURITY - SKYHAVEN AIRPORT										
	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-
TRADEPORT										
STORMWATER UPGRADES	-	-	25	-	-	-	25	-	-	50
	-	-	25	-	-	-	25	-	-	50
MAINTENANCE										
VEHICLE FLEET REPLACEMENT	-	-	-	-	-	-	-	-	-	-
BUILDING INFRASTRUCTURE **	-	50	-	-	-	-	-	-	-	50
JD DIESEL TRACTORW/TOW BEHIND MOWER	130	-	-	-	-	-	-	-	-	130
PAINT REMOVAL MACHINE	-	50	-	-	-	-	-	-	-	50
SIGN ROUTER/PRINTER	-	60	-	-	-	-	-	-	-	60
SNOW MELTER/HAUL	-	-	-	-	-	-	-	150	-	150
	130	160	-	-	-	-	-	150	-	440
TOTAL NON-GRANT CAPITAL PROJECTS	307	367	496	730	613	1,620	645	885	815	6,478

NOTE: **PENDING BOARD APPROVAL

DIVISION OF PORTS AND HARBORS (UNRESTRICTED FUNDS)

CASH FLOW SUMMARY OVERVIEW

NOVEMBER 1, 2023 TO JULY 31, 2024

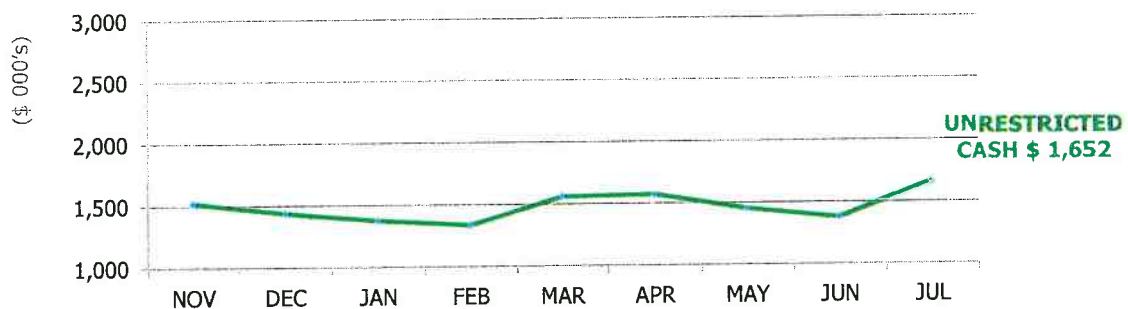
(\$ 000's)

(\$000'S)	AMOUNT
OPENING FUND BALANCE	<u>1,627</u>
SOURCES OF FUNDS	
FACILITY RENTALS AND CONCESSIONS	396
FUEL SALES	560
REGISTRATIONS / WHARFAGE	630
MOORING FEES	475
PARKING FEES	56
	<u>2,117</u>
USES OF FUNDS	
PERSONNEL SERVICES AND BENEFITS	1,138
FUEL PROCUREMENT	312
OPERATING EXPENSES	492
CAPITAL EXPENDITURES AND OTHER	150
	<u>2,092</u>
NET CASH FLOW	<u>25</u>
CLOSING FUND BALANCE	<u>1,652</u>

TOTAL FUND BALANCES	BALANCE AT 10/31/23	BALANCE AT 06/30/23
UNRESTRICTED FUNDS	1,627	1,931
DESIGNATED FUNDS	<u>168</u>	<u>445</u>
	<u>1,795</u>	<u>2,376</u>

CASH FLOW PROJECTION SENSITIVITIES INCLUDE: 1) ACCURACY OF CAPITAL EXPENDITURES FORECAST AND USE OF HARBOR DREDGING AND PIER MAINTENANCE FUNDS 2) FUEL CONSUMPTION AND 3) CONTINUED OVERSIGHT OF OPERATING EXPENSES

PROJECTED UNRESTRICTED CASH BALANCES



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

(\$000's)

CASH FLOW - DPH	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	TOTAL
OPENING FUND BALANCE	<u>1,627</u>	<u>1,514</u>	<u>1,432</u>	<u>1,369</u>	<u>1,330</u>	<u>1,554</u>	<u>1,566</u>	<u>1,446</u>	<u>1,370</u>	<u>1,627</u>
SOURCES OF FUNDS										
FACILITY RENTALS AND CONCESSIONS	42	37	31	34	52	47	47	38	68	396
FUEL SALES	46	37	34	34	42	51	75	124	117	560
MOORING FEES	-	-	-	100	275	100	-	-	-	475
PARKING FEES	-	-	-	-	1	5	8	15	27	56
REGISTRATIONS / WHARFAGE	70	70	70	70	70	70	70	70	70	630
	<u>158</u>	<u>144</u>	<u>135</u>	<u>238</u>	<u>440</u>	<u>273</u>	<u>200</u>	<u>247</u>	<u>282</u>	<u>2,117</u>
USE OF FUNDS										
PERSONNEL SERVICES AND BENEFITS	136	146	129	127	142	144	140	174	-	1,138
FUEL PROCUREMENT	87	30	19	19	19	28	56	54	-	312
UTILITIES	10	13	13	18	17	30	9	13	-	123
GENERAL AND ADMINISTRATIVE	11	10	10	11	11	12	13	13	-	91
BUILDINGS AND FACILITIES	20	20	20	20	20	40	20	61	-	221
PROFESSIONAL SERVICES	7	7	7	7	7	7	7	8	-	57
CAPITAL EXPENDITURES AND OTHER	-	-	-	75	-	-	75	-	-	150
	<u>271</u>	<u>226</u>	<u>198</u>	<u>277</u>	<u>216</u>	<u>261</u>	<u>320</u>	<u>323</u>	<u>-</u>	<u>2,092</u>
NET CASH FLOW	(113)	(82)	(63)	(39)	224	12	(120)	(76)	282	25
CLOSING FUND BALANCE	<u>1,514</u>	<u>1,432</u>	<u>1,369</u>	<u>1,330</u>	<u>1,554</u>	<u>1,566</u>	<u>1,446</u>	<u>1,370</u>	<u>1,652</u>	<u>1,652</u>

DIVISION OF PORTS AND HARBORS (RESTRICTED FUNDS)

CASH FLOW SUMMARY OVERVIEW

NOVEMBER 1, 2023 TO JULY 31, 2024

(\$ 000's)

HARBOR DREDGING FUND

(\$ 000's)	<u>AMOUNT</u>
OPENING FUND BALANCE	<u>196</u>
<u>SOURCES OF FUNDS</u>	
PIER USAGE FEES	81
REGISTRATIONS	9
GRANT FUNDING	-
	<u>90</u>
 <u>USES OF FUNDS</u>	
BUILDINGS AND FACILITIES	104
GENERAL AND ADMINISTRATIVE	6
PROFESSIONAL SERVICES	-
ALL OTHER- (CBOC)	100
	<u>210</u>
NET CASH FLOW	<u>(120)</u>
CLOSING FUND BALANCE	<u>76</u>

REVOLVING LOAN FUND

(\$ 000's)	<u>AMOUNT</u>
OPENING FUND BALANCE	<u>126</u>
<u>SOURCES OF FUNDS</u>	
LOAN REPAYMENTS	99
INTEREST INCOME-LOANS	30
INTEREST INCOME-FUND BALANCE	-
	<u>129</u>
 <u>USES OF FUNDS</u>	
NEW LOANS PROJECTED	100
GENERAL AND ADMINISTRATIVE	6
PROFESSIONAL SERVICES	15
	<u>121</u>
NET CASH FLOW	<u>8</u>
CLOSING FUND BALANCE	<u>134</u>

FOREIGN TRADE ZONE

(\$ 000's)	<u>AMOUNT</u>
OPENING FUND BALANCE	<u>14</u>
<u>SOURCES OF FUNDS</u>	
FACILITY RENTALS	10
ALL OTHER	-
	<u>10</u>
 <u>USES OF FUNDS</u>	
GENERAL AND ADMINISTRATIVE	2
PROFESSIONAL SERVICES	-
OTHER	8
	<u>10</u>
NET CASH FLOW	<u>-</u>
CLOSING FUND BALANCE	<u>14</u>

TOTAL FUND BALANCES	BALANCE AT 10/31/23	BALANCE AT 06/30/23
HARBOR DREDGING	196	248
REVOLVING LOAN FUND	126	194
FOREIGN TRADE ZONE	14	3
	<u>336</u>	<u>445</u>

MEMORANDUM

TO: Pease Development Authority Board of Directors

FROM: Paul E. Brean, Executive Director 

DATE: November 6, 2023

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/Agreement:

1. Name: City of Portsmouth
License: Right of Entry
Location: 255 Corporate Drive
Purpose: Site inspection purposes
Term: September 27, 2023 through November 30, 2023

2. Name: Jalbert Leasing, Inc. d/b/a C&J Bus Lines
License: Right of Entry
Location: 42 Durham Street; 47 Durham Street, Hampton Street & 14 Aviation Avenue
Purpose: Parking C&J customer vehicles on a valet basis only
Term: 42 Durham Street; 47 Durham Street; and Hampton Street lot, commencing November 1, 2023 through April 28, 2024 and 14 Aviation Avenue commencing December 1, 2023 through April 28, 2024

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 *PEB*
DATE: November 3, 2023
SUBJECT: Lease Report

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

1. Tenant: Bridge Appliances, Inc.
Space: 195 New Hampshire Avenue (Suite #100)
Use: Research and Development, Light Manufacturing and General Office use which must confirm to the uses authorized by the Pease Development Authority
Term: Two (2) Years

2. Tenant: Fidelitone Freight Forwarding Services, LLC
Space: 100 New Hampshire Avenue
Use: Warehouse and General Office use which must confirm to the uses authorized by the Pease Development Authority
Term: Four (4) Years

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

MEMORANDUM

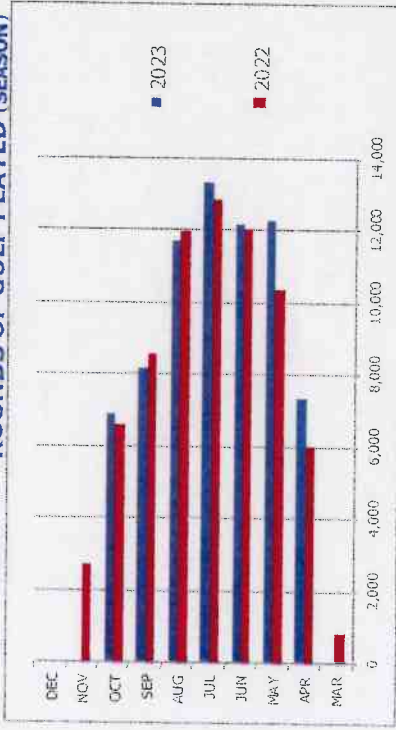
TO: Pease Development Authority Board of Directors
FROM: Paul E. Brean, Executive Director *PEB*
DATE: November 6, 2023
SUBJECT: Contract Reports

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

1. **Project Name:** Granite State Glass
Board Authority: Director Ferrini
Summary: Replacement of specified windows at PDA offices at 55 International Drive
Cost: \$8,173.50

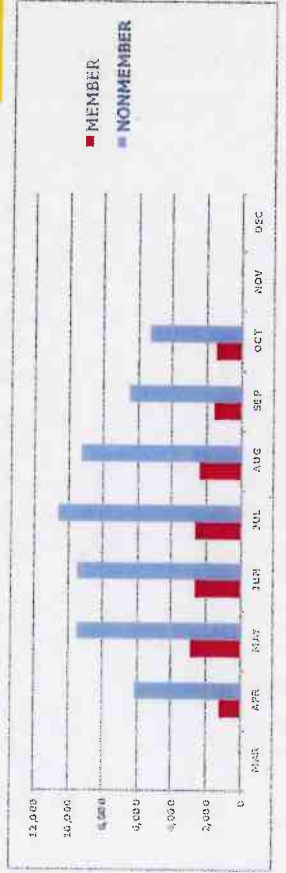
KEY GOLF COURSE BENCHMARKING DATA

ROUNDS OF GOLF PLAYED (SEASON)



SEASON	2021	2022	2023
ROUNDS PLAYED	66,590	71,985	71,786
RAIN DAYS	49	51	55

2023 MEMBER / NONMEMBER ROUNDS (SEASON)



GRILL 28 GROSS SALES	FY 2023	FY 2024	CONCESSION FEES EARNED (17%)	FY 2024	CONCESSION FEES EARNED (17%)	FY 2023	CONCESSION FEES EARNED (17%)
JULY	\$495	\$1,799	55,601	327,065	296,042	50,327	50,327
AUGUST	\$827	\$1,107	59,256	348,564	360,829	61,341	61,341
SEPTEMBER	\$1,509	\$280	52,332	307,833	297,268	50,536	50,536
OCTOBER	\$4,441	\$3,403	41,346	243,213	227,600	38,692	38,692
NOVEMBER	\$13,652	-	0	0	147,784	25,123	25,123
DECEMBER	\$21,235	-	0	0	171,720	29,192	29,192
JANUARY	\$27,493	-	0	0	144,384	24,545	24,545
FEBRUARY	\$26,027	-	0	0	141,590	24,070	24,070
MARCH	\$27,745	-	0	0	156,867	26,667	26,667
APRIL	\$5,099	-	0	0	229,175	38,960	38,960
MAY	\$280	-	0	0	329,489	56,013	56,013
JUNE	\$1,255	-	0	0	347,121	59,011	59,011
TOTAL	\$130,058	\$6,589	\$208,535	\$1,226,675	\$2,849,869	\$484,478	\$484,478

CLUB / COURSE FUNCTIONS	FY 2024 YTD	FY 2023 YTD
GROUPS 20-59	39,380	47,680
TOURNAMENT PLAY	147,159	136,882
LEAGUES	37,346	41,088
FOOD AND ROOM FEES	185,814	164,901

2023 ROUNDS-SEASON	MEMBER	NONMEMBER	TOTAL
MEMBER	15,255	56,531	71,786
NONMEMBER	15,533	56,452	71,985
TOTAL	15,533	56,452	71,985



AIRPORT REPORT PERIOD ENDING OCTOBER 2023

SEPTEMBER ENPLANEMENTS	2023
Scheduled Enplanements	2,765
Chartered Enplanements	2,605
Total Enplanements	5,370
2023 Enplanements YTD	60,016

REVENUE PARKING

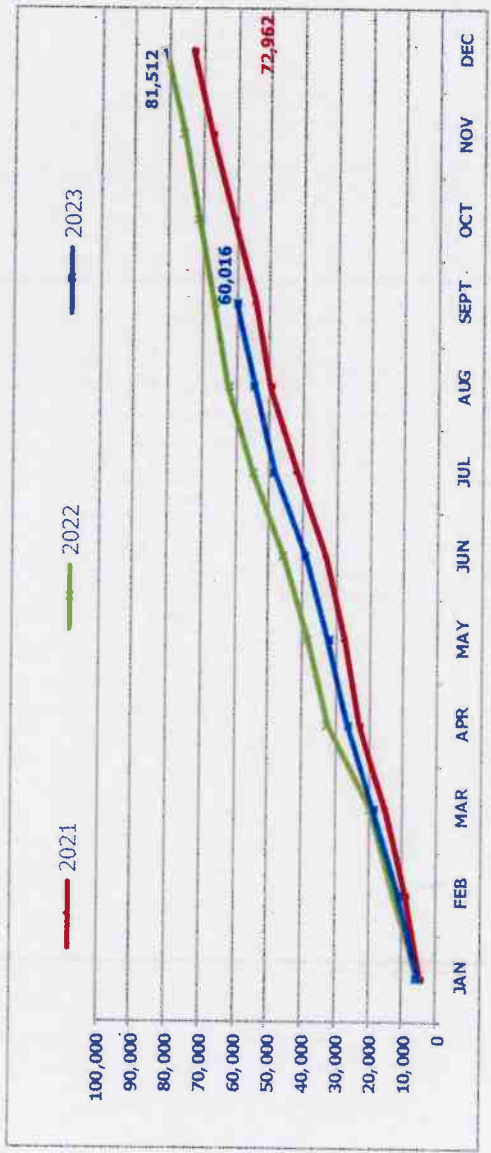
\$22,183

540 Transactions @ \$41.07

FUEL FLOWAGE FEES

\$71,237.30

- Total Gallons 1,187,288
- CRAF and DOD 68%
- Commercial 13%
- General Aviation 19%



Fuel Pricing

- Port City Air Retail; \$6.45 Jet A
- Port City Air Retail; \$5.90 100LL
- Northeast Avg; \$6.80 Jet A, \$7.04 100LL

Grant Projects

- Domestic Arrivals Hall Upgrades
- Taxiway Alpha

ARFF INDEX E

AIR BRIDGE UPTICK

Memorandum

To: John Meehan, Airport Operations Manager *JM*
From: Sandy McDonough, Airport Community Liaison *SM*
Date: October 31, 2023
Re: Noise Report for October, 2023

The Portsmouth International Airport at Pease ("PSM") received three (3) noise inquiries in October, 2023, from the areas of Portsmouth, NH, Salem, NH and New York, NY.

- October 26, 2023: Portsmouth, NH resident of the neighborhood located southeast of the airfield called concerning a small, single engine aircraft that flew over his home when coming into land at PSM. I was able to identify the aircraft and contacted the owner. The owner is going to have the pilot that was flying that day contact me to discuss the noise sensitive area and how to avoid it when possible.
- October 27, 2023: Resident of New York City submitted a noise complaint concerning an aircraft flying low. I attempted multiple times to return his call but his mailbox was full and I was unable to determine if he was referring to an area in New Hampshire.
- October 29, 2023: Salem, NH resident called concerning aircraft flying over Nashua, NH in an unsafe manner.

PEASE DEVELOPMENT AUTHORITY
DIVISION OF PORTS AND HARBORS

RIGHT OF ENTRY

Pease Development Authority, Division of Ports and Harbors ("PDA-DPH"), 55 International Drive, Portsmouth, NH 03801, under authority set forth in NH RSA 12-G, grants a Right of Entry to Diesel Direct, LLC., ("Diesel Direct") with a mailing address of 74 Maple St., Stoughton, MA 02072 a corporation registered to conduct business in the State of New Hampshire, to use property of the State of New Hampshire ("Premises") pursuant to the terms of this Right of Entry ("ROE") and for the following purposes and for no other uses unless expressly authorized:

- PREMISES:** Hampton Marina, Hampton, NH / Rye Marina, Rye, NH / Market Street Port Terminal, Portsmouth, NH / & Portsmouth Fish Pier, Portsmouth, NH
- PURPOSE OF ROE:** Sale of Fuel to Party Boat Operators, Commercial Fishermen, and Commercial Vessels
- PERIOD OF USE:** November 1, 2023 to April 30, 2024
- COMMISSION FEE:** As Set Forth in Section 4

This ROE is given subject to the following conditions:

1. The term of this ROE shall be from November 1, 2023 through April 30, 2024.
2. Subject to the terms and conditions of this ROE, Diesel Direct is granted a non-exclusive right to sell fuel to:
 - A. Party Boat Operators at Hampton Marina and Rye Marina;
 - B. Commercial Fishermen at Portsmouth Fish Pier, Hampton Marina, and Rye Marina; and
 - C. Commercial Vessels at the Market Street Port Terminal.
3. Diesel Direct shall only provide deliveries of diesel fuel (gasoline prohibited) at Hampton Marina and Rye Marina between the hours of 5:30 AM and 7:30 AM, or after 6:00 PM, except in an emergency. The Market St. terminal has regular hours, Monday – Friday, from 6:00 AM to 4:00 PM, deliveries outside of these hours must be approved by PDA-DPH.

4. For the term of this ROE, fuel sold to Party Boat Operators and Commercial Fishermen, Diesel Direct agrees to pay PDA-DPH on a monthly basis, a commission of \$0.10 per gallon on each gallon of fuel sold. For fuel sold to Commercial Vessels (excluding Commercial Fishermen and Party Boat Operators) at the Market Street Port Terminal, Diesel Direct agrees to pay \$.01 per gallon for the first 50,000 gallons sold per vessel and \$.005 (1/2 cent) per gallon for any amount of fuel sold in excess of 50,000 gallons to each respective vessel. In instances where an order for an individual vessel exceeds the 50,000 gallon amount the \$.005 (1/2 cent) rate shall be applicable to the first 50,000 gallons of fuel sold.

Should a commercial vessel with tank capacity of less than 10,500 gallon fuel capacity, and with an approved variance from the Office of the State Fire Marshal require refueling at the Market Street Terminal, Diesel Direct will first request permission from the Division and justify the need to refuel at the Market Street Terminal. Once receiving permission from the Director or his designee, the standard rate of 0.10 per gallon will apply.

5. Payments shall be made within 10 days following the end of each month. Payments shall be accompanied by a report of the total gallons of fuel sold, by vessel and location, for each applicable time period and shall be made payable to "**Pease Development Authority, Ports and Harbors Fund**" and forwarded to PDA-DPH, 555 Market St., Portsmouth, NH 03801. PDA-DPH reserves the right to audit or inspect Diesel Direct's financial records to ensure compliance with the obligation to pay the fuel fee commission.
6. This ROE does not contain an option to renew. In no event shall the term of this ROE extend beyond April 30, 2024. Requests to extend the ROE past April 30, 2024 shall be requested in writing on or before March 1, 2024.
7. Diesel Direct shall indemnify, defend and hold the State of New Hampshire and PDA-DPH harmless against and from any and all claims, judgments, damages, penalties, fines, assessments, costs and expenses, liabilities and losses (including without limitation, sums paid in settlement of claims, attorney's fees, consultant's fees and experts' fees) resulting or arising during the term of this ROE:
 - A. from any condition of the Premises including any building structure or improvement thereon for which Diesel Direct has taken possession of hereunder;
 - B. from any breach or default on the part of Diesel Direct to be performed pursuant to the terms of this ROE, or from any act or omission of Diesel Direct, or any of its agents, contractors, servants, employees, licensees or invitees; or
 - C. from any accident, injury, death, loss or damage whatsoever caused to any person or property occurring during the term of this ROE, on or about the areas (including ramp and parking areas) arising out of or incidental to the use, management or control of the area(s) by Diesel Direct and activities which are the subject of this ROE.

8. On or before the effective date of this ROE, Diesel Direct shall provide PDA-DPH with a certificate of insurance evidencing the existence of a Commercial General Liability insurance policy protecting the parties hereto and naming the State of New Hampshire and PDA-DPH as additional insureds from loss or damage because of the liability that may be incurred by the State of New Hampshire, PDA-DPH and Diesel Direct in connection with uses authorized under this ROE, when such liability is imposed on account of injury or death of a person or persons or property damage. Said policy shall provide for a liability limit on account of each accident resulting in bodily injury, death or property damage to a limit of not less than \$2,000,000.00 per occurrence, and automobile liability insurance in the amount of \$1,000,000.00. Diesel Direct shall also provide Pollution Liability coverage in an amount not less than \$1,000,000.00 per occurrence to cover losses arising from fuel spills at facilities where fuel is dispensed under the terms of this ROE. The Pollution Liability coverage is in addition to the \$2,000,000.00 per occurrence in required Commercial General Liability coverage. Insurance provided pursuant to this ROE shall be primary and non-contributing with respect to any coverages, self-insured, or otherwise carried by PDA-DPH, contain a waiver of subrogation and may not be canceled without providing PDA-DPH with at least thirty (30) days advance written notice by registered mail.

Notwithstanding the foregoing, no provision of this ROE shall be deemed to constitute or effect a waiver of the sovereign immunity of the State of New Hampshire and no provision of this ROE shall be deemed to constitute or effect a waiver of the sovereign immunity of PDA-DPH as a body politic and corporate of the State of New Hampshire. The sovereign immunity of the State of New Hampshire is reserved to the State of New Hampshire to the fullest extent allowed under law and the sovereign immunity of PDA-DPH is reserved to it to the fullest extent allowed under law subject, however, to contractual claims arising under this ROE to the extent such are permitted by New Hampshire NH RSA Ch. 491:8, as the same may be amended.

9. Diesel Direct shall obtain advance approval for all signs and advertisements posted on the Premises. In all cases the decision of PDA-DPH shall be final.
10. Diesel Direct may cancel this ROE by giving PDA-DPH thirty (30) days' notice in writing.
11. This ROE may be canceled by PDA-DPH in the event of the failure of Diesel Direct to perform, keep, and observe any of the conditions of the ROE and the failure of Diesel Direct to correct the default or breach within the time specified by PDA-DPH by giving Diesel Direct thirty (30) days written notice of cancellation. This ROE may be canceled immediately by PDA-DPH in the event Diesel Direct fails to provide proof of insurance coverage or engages in any activity which is deemed to compromise public safety and health.
12. In the performance of this agreement, Diesel Direct is, in all respects, an independent contractor, and is neither an agent nor employee of the State of New Hampshire or PDA-DPH. Neither Diesel Direct nor any of its officers, employees, agents, or members shall have the authority to bind the State of New Hampshire or PDA-DPH nor is any ROE holder

entitled to any of the benefits, Worker's Compensation or emoluments provided by the State of New Hampshire or PDA-DPH to its employees.

13. In connection with the performance of this ROE, Diesel Direct agrees to comply with all statutes, laws, regulations, rules and orders of federal, state, county or municipal authorities which shall impose any obligation or duty on Diesel Direct for delivery of diesel fuel over water directly to a vessel from a tank truck including, but not limited to, the following:
 - 33 CFR and 46 CFR for vessels whose fuel capacity is 10,500 gallons or more;
 - Office of the State of NH Fire Marshall per NFPA 30 for vessels whose capacity is less than 10,500 gallons;
 - Per PDA rules for all vessels desiring to receive fuel deliveries from Division properties.
14. Diesel Direct shall obtain all necessary permits and provide copies of them to PDA-DPH at the time of execution of this document including, but not limited to, and subject to the following:
 - Diesel Direct must provide proof of compliance with applicable sections of 33 CFR and 46 CFR.
 - Diesel fuel will only be delivered to vessels (less than 10,500 gallon capacity) that have a contractual agreement with PDA-DPH to receive deliveries including a variance issued by the Office of the State of NH Fire Marshall in accordance with Bulletin #2015-07 as may be amended from time to time.
 - Diesel fuel (gasoline prohibited) will only be delivered to commercial vessels (greater than 10,500 gallon capacity) at the Market Street Marine Terminal with prior permission of PDA-DPH.
15. Diesel Direct is responsible for providing all necessary and required safety equipment and training as may be required and appropriate to the uses allowed under this ROE.
16. This ROE may not be assigned or transferred without the express written approval of PDA-DPH.

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PEASE DEVELOPMENT AUTHORITY
Division of Ports and Harbors

Date: 11/6/2023

Raelin A. O'Neil
Witness

Paul E. Brean
Paul E. Brean, Executive Director

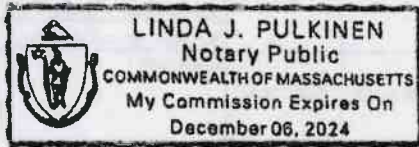
Diesel Direct, LLC.

Date: 11/6/23

Adam Nataupsky
Adam Nataupsky
National Safety and Compliance Director

Linda J. Pulkinen
Witness Signature

Linda J. Pulkinen
Witness Printed Name





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/18/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Hilb Group New England, LLC dba Dowling & O'Neil 973 Iyannough Road Hyannis MA 02601		CONTACT NAME Kelly Bolton, CPCU, CIC, CRM PHONE (A/C, No. Ext): (800) 640-1620 FAX (A/C, No.): (508) 778-1218 E-MAIL ADDRESS: kbolton@hilbgroup.com															
INSURED Diesel Direct, LLC 74 Maple Street Stoughton MA 02072		INSURER(S) AFFORDING COVERAGE <table border="1"> <tr> <th>INSURER</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: ACE American Insurance Company</td> <td>22657</td> </tr> <tr> <td>INSURER B: Federal Insurance Company</td> <td>20281</td> </tr> <tr> <td>INSURER C: Indemnity Insurance Co of NA</td> <td>43575</td> </tr> <tr> <td>INSURER D: Illinois Union Insurance Company</td> <td>27960</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>		INSURER	NAIC #	INSURER A: ACE American Insurance Company	22657	INSURER B: Federal Insurance Company	20281	INSURER C: Indemnity Insurance Co of NA	43575	INSURER D: Illinois Union Insurance Company	27960	INSURER E:		INSURER F:	
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INSURER F:																	


COVERAGES CERTIFICATE NUMBER: CL22121619888 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	ADDL INSO	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y	Y	HD0647160754	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COM/OP AGG \$ 4,000,000 Premises \$	
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	ISAH10771110	01/01/2023	01/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ MCS90 \$	
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEE RETENTION \$			78167780	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 8,000,000 AGGREGATE \$ 8,000,000 \$	
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below.	Y/N	N/A	Y	WLRC50742763	01/01/2023	01/01/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000 Each Claim \$10,000,000
D	Pollution Liability			PPLG71477952005	01/01/2023	01/01/2024		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

On-site diesel fleet fueling service. Certificate Holder Pease Development Authority Division of Ports and Harbors and the State of New Hampshire are added as an Additional Insured only as required by written contract. Insurance provided by General Liability and Auto Liability coverage is on a primary and non-contributory basis over other insurance. Notice of Cancellation to the certificate holder is 30 days unless State law requires a shorter time frame. Waiver of Subrogation applies ONLY as required by written contract. Auto liability includes CA-9948 or equivalent providing Broadened Pollution Liability Coverage and MCS90 endorsement.

CERTIFICATE HOLDER Pease Development Authority Division of Ports of Harbors 555 Market Street Portsmouth NH 03801	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/18/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Hilb Group New England, LLC dba Dowling & O'Neil 973 Iyannough Road Hyannis MA 02601		CONTACT NAME: Kelly Bolton, CPCU, CIC, CRM PHONE (A/C No. Ext): (800) 640-1620 E-MAIL ADDRESS: kbolton@hilbgroup.com FAX (A/C No.): (508) 778-1218	
INSURED Diesel Direct, LLC 74 Maple Street Stoughton MA 02072		INSURER(S) AFFORDING COVERAGE	
		INSURER A: ACE American Insurance Company	NAIC # 22667
		INSURER B: Federal Insurance Company	20281
		INSURER C: Indemnity Insurance Co of NA	43575
		INSURER D: Illinois Union Insurance Company	27960
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL22121619888 **REVISION NUMBER:**


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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	HDOG47360754	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Premises \$	
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY	Y	Y	ISAH10771110	01/01/2023	01/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ MCS90 \$	
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			78187780	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 8,000,000 AGGREGATE \$ 8,000,000 \$	
C	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	Y	WLRC50742763	01/01/2023	01/01/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000
D	Pollution Liability			PPLG71477952005	01/01/2023	01/01/2024	Each Claim \$10,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

On-site diesel fleet fueling service. Certificate Holder, Pease Development Authority Division of Ports and Harbors and the State of New Hampshire are added as an Additional Insured only as required by written contract. Insurance provided by General Liability and Auto Liability coverage is on a primary and non-contributory basis over other insurance. Notice of Cancellation to the certificate holder is 30 days, unless State law requires a shorter time frame. Waiver of Subrogation applies ONLY as required by written contract. Auto liability includes CA-9948 or equivalent providing Broadened Pollution Liability Coverage and MCS90 endorsement.

CERTIFICATE HOLDER**CANCELLATION**

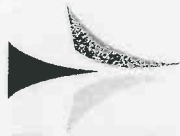
Pease Development Authority Division of Ports of Harbors 555 Market Street Portsmouth NH 03801	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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MOTION

Director Conard:

The Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into Addendum #3 regarding the previously approved Special Use Permit (“SUP”), as amended from the Department of Natural and Cultural Resources, Division of Parks and Recreation (“Division”), regarding access to Division property by the US Army Corps of Engineers (“ACOE”) in connection with the 2023 Hampton Beach Jetty Repair; substantially in accordance with the memorandum from Geno J. Marconi, Division Director dated October 31, 2023 and the draft Addendum #3, attached hereto.

N:\RESOLVES\2023\DPH – ACOE ROE for Hampton Harbor Jetty Repair (Addendum #3) 11-16-2023.docx



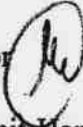
PEASE

INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

To: Pease Development Authority Board of Directors

From: Capt. Geno J. Marconi, Director 

Re: Addendum to Special Use Permit-Hampton Harbor Federal Navigation Improvement Project

Date: October 31, 2023

In December 2022, the Pease Development Authority Board of Directors authorized the PDA-DPH to enter into a Special Use Permit (SUP) with the New Hampshire Department of Natural and Cultural Resources, Division of Parks and Recreation regarding the Hampton Harbor Federal Navigation Improvement Project, attached hereto. This agreement allows the Army Corps of Engineers (ACOE) to access PDA-DPH and Parks and Recreation property in order to effect repairs to the Hampton Harbor North Jetty. Recently, Parks and Recreation has asked the PDA to enter into Addendum #3 to the SUP, also attached hereto, which modifies the agreement to address electricity usage.

At the Board's November 16, 2023, meeting, please authorize the Executive Director to execute the SUP Addendum # 3 agreement with the Department of Natural and Cultural Resources, Division of Parks and Recreation.

○○○○ TAKING YOU THERE

ph: 603-436-8500

fax: 603-436-2780

www.peasedev.org



NH Department of Natural and Cultural Resources
Division of Parks and Recreation
172 Pembroke Road
Concord, NH 03301 Phone: 603/271-3556 Fax: 603/271-3553



Special Use Permit Package

SUP ADDENDUM #3

Permittee: Pease Development Authority
Event: Hampton Harbor Jetty Repair
Addendum Date: 10/12/23

This addendum grants the following addition to the above referenced permit:

- Page 4 of the original document, and subsequent SUP Addendums #1 and 2, shall have the following added:
 28. The Permittee shall be allowed to install a temporary crane onsite no earlier than October 10, 2023, and for the duration of the Permit. The crane shall be located in the area outlined in blue on Exhibit A rev1.
 - A. The Permittee shall be allowed to install hard pack to level the area in which the crane will be installed.
 - i. The Permittee shall work with the Regional Supervisor to confirm materials to be used for the hard pack.
 - ii. The Permittee shall agree to donate the hard pack to the State at the end of the project. Hard pack will be left in the location in which it was installed and will become property of the State.
- Page 4 of the original document, shall have the following added:
 31. The Permittee shall have access to electricity from the campground sites as preapproved by the State.
 - A. The Permittee shall not use an electrical source currently being used by a camper that require 50 amp service.
 - B. The Permittee shall reimburse the State for use of electricity at the rate of \$20 per day.
 32. The Permittee shall be allowed to dig a temporary trench in the dirt road within the campground that will allow them to bury a heavy-duty extension cord for protection purposes.
 - A. The Permittee shall work directly with the Regional Supervisor to determine exact location and prior approval for the depth of the trench.
 - B. The Permittee shall agree to regrade the road when they remove the cord. This shall be completed prior to the end of the contract.

All other contract items listed in the original permit shall remain true to its original form. The above change is in addition to the original permit only.

Paul Brean, Executive Director
Pease Development Authority

Date

Brian J. Wilson, Director, or Authorized Designee
NH Division of Parks and Recreation

Date

Concur:

NH Department of Resources and Economic Development – Division of Parks and Recreation
Special Use Permit Addendum 2 continued

Sarah L. Stewart, Commissioner
Department of Natural and Cultural Resources

Date

MOTION

Director Levesque:

In accordance with the provisions of RSA 12-G:42, X (d), 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 600 Rules with the Director of Legislative Services pursuant to RSA 541-A:12; all in accordance with the Memorandum of Geno J. Marconi, Director of Ports and Harbors, dated November 1, 2023, attached hereto.



PEASE

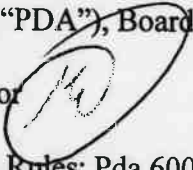
INTERNATIONAL

PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

Date: November 1, 2023

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

From: Geno Marconi, Division Director 

Subject: Final Adoption, Administrative Rules; Pda 600, State-Owned Commercial Piers and Associated Facilities

In accordance with RSA 12-G:42 X (d), the Pease Development Authority ("PDA"), acting through its Division of Ports and Harbors (the "Division"), shall adopt administrative rules pursuant to RSA 541-A. The Division has been working to readopt, with amendments, Administrative Rules Chapter Pda 600 State-Owned Commercial Piers and Associated Facilities (the "Pda 600 Rules") and is now in the final stages of the rule making process.

In accordance with RSA 541-A, the Division prepared a Conditional Approval Response ("CAR") which was presented to, and approved by, the PDA Board of Directors at its October 19, 2023, meeting. The approved CAR was submitted to OLS on October 23, 2023. On October 24, 2023, OLS provided confirmation that the Board has complied with the conditional approval and that the Pda 600 Rules may be adopted (see attached letter).

Therefore, the Division of Ports and Harbors recommends that the PDA Board of Directors approve the Final Adoption of Administrative Rules Chapter Pda 600 (attached) to be submitted to OLS and become effective the day after they are received at the Office of Legislative Services, all pursuant to RSA 541-A:14. Once OLS receives the Pda 600 Final Adopted Rule text, it will prepare a draft manuscript of the Pda 600 Rules for PDA's review and certification before publication.

○○○○ TAKING YOU THERE

ph: 603-436-8500

fax: 603-436-2780

www.peasedev.org

November 16, 2023

David K. Alukonis, Director
Office of Legislative Services
Administrative Rules
25 Capitol Street
State House Annex, Room 219
Concord, NH 03301-6312
Via email to: adminrules@leg.state.nh.us

Re: Notice # 2023-80, Pda 600, Rules Regarding State Owned Commercial Piers and Associated Facilities

Dear Director Alukonis,

By letter dated October 24, 2023, your office notified the Pease Development Authority – Division of Ports and Harbors (PDA-DPH) that the PDA-DPH's Conditional Approval Response, dated October 19, 2023, matches JLCAR's conditional approval of September 21, 2023. At its meeting on November 16, 2023, the PDA Board of Directors voted to readopt as amended Pda 600 (the "Rules").

Attached is a true copy of the Rules as adopted by the PDA on November 16, 2023, including an appendix containing the cross-reference table for the Rules. Please note, there are a few additional editorial changes that were made to the Adopted Rule text based on recommendations from OLS Committee Attorney, Rebecca Ricard, which are noted here:

- 1) Pda 601.07 (a)(2) and Pda 601.07 (b)(2): changed "his or her" to "their", these two references were missed in the Final Proposal,
- 2) Pda 606 through Pda 608, various sections to update numbering and lettering,
- 3) Pda 602.06 and Pda 609.07 (b)(7): changed the word "a" to "an".

As always, the PDA thanks the Committee and its staff for comments and assistance during the rulemaking process.

Sincerely,

Stephen M. Duprey
Chairman of the Board

Enclosure

cc: Anthony Blenkinsop, General Counsel, Pease Development Authority
Geno Marconi, Director, Division of Ports and Harbors

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

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

October 24, 2023

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

Re: Conditional Approval Confirmation of Final Proposal 2023-80

Dear Board Members:

At its meeting on September 21, 2023, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, V(a), to conditionally approve Final Proposal 2023-80 of the Pease Development Authority (Board) containing Pda 600 relative to state-owned commercial piers and associated facilities. The Committee's approval was conditioned on amending Final Proposal 2023-80 as specified in the Board's conditional approval request dated September 19, 2023 and based on the oral testimony as follows:

- Amending Pda 609.01 to include the requirements "pier use location" and "if a Skiff Permit is required" into the rule text;
- Amending Pda 609.02 to include the requirements "pier use location" and which address the applicant requests be used as the correspondence address by the division;
- Amending Pda 609.04 to remove the requirement for a business fax, if the applicant has one, from the rule text and to include in the certification statement in the rule text to say "my placement";
- Amending Pda 609.06 to remove the option of "Seasonal Overnight" in the "Parking For" section on the "Daily Seasonal Parking Application and Permit" form; and
- Amending Pda 609.010 to remove the requirement in the rule text that the application include the season for which the seasonal overnight parking permit is sought.

On October 23, 2023, our office received your written response indicating how Final Proposal 2023-80 was amended in accordance with the conditional approval. We have reviewed the explanation pursuant to RSA 541-A:13, V(a), and we have determined that Final Proposal 2023-80 has been amended in accordance with the conditional approval and RSA 541-A:13, V(a). Therefore, you may now adopt and file the rules in Final Proposal 2023-80, as amended.

Our office noted that several editorial changes were made in the written response, but these changes did not affect compliance with the Committee's conditional approval. In the future, please wait until the adoption phase to make editorial changes.

Pease Development Authority
Division of Ports and Harbors
October 24, 2023
FP 2023-80
Page 2

If you have any questions concerning the provisions of RSA 541-A relative to responses or adoptions, please contact me at rebecca.ricard@leg.state.nh.us.

Sincerely,



Rebecca Ricard
Committee Attorney

cc: Geno Marconi, Division Director, Division of Ports and Harbors, PDA
Brenda Therrien, Administrative Assistant, Division of Ports and Harbors, PDA

Readopt with amendment PART Pda 601 through 603.01, effective 11-1-13 (Document # 10441), to read as follows:

CHAPTER Pda 600 STATE-OWNED COMMERCIAL PIERS AND ASSOCIATED FACILITIES

PART Pda 601 DEFINITIONS

Pda 601.01 "Chandlery items" means supplies or equipment for vessels or other marine-related purposes.

Pda 601.02 "Commercial fisherman" means the owner or operator of any commercial fishing vessel.

Pda 601.03 "Off-site business" means a commercial entity:

- (a) That has a business purpose for using the facilities of a business-use pier; and
- (b) With a principal place of business at a location other than a state-owned commercial pier or associated facilities.

Pda 601.04 "Recreational-use pier berthing area" means the area(s) of a recreational-use pier located at Rye Harbor or Hampton Harbor designated by the division director or designee for the berthing of vessels.

Pda 601.05 "Seasonal" or "season" means between April 1 and October 31.

Pda 601.06 "Transient commercial fishing vessel" means a commercial fishing vessel without an annual pier use permit for a business-use pier that utilizes a business-use pier on a one-time basis for repairs, take-out, or other purpose consistent with rules under Pda 600 relating to the use of business-use piers.

Pda 601.07 "Unattended," at a state-owned commercial pier, in reference to a:

- (a) Vessel, means that the person in charge of the vessel and able to move the vessel is:
 - (1) Either:
 - a. Not on the state-owned commercial pier or associated facilities; or
 - b. On the state-owned commercial pier or associated facilities but out of direct line of sight to the vessel; and
 - (2) Has failed to place in charge of the vessel during their absence from the vessel another person who is capable of operating the vessel and who is properly licensed under state and, if applicable, federal law to operate such vessel; and
- (b) Vehicle, means that the person in charge of the vehicle and able to move the vehicle is:
 - (1) Either:
 - a. Not on the state-owned commercial pier or associated facilities; or

b. On the state-owned commercial pier or associated facilities but out of direct line of sight to the vehicle; and

(2) Has failed to place in charge of the vehicle during their absence from the vehicle another person who is capable of operating the vehicle and who is properly licensed to operate such vehicle.

PART Pda 602 PERMITS AND STICKERS REQUIRED

Pda 602.01 Pier Use Permit Required at Business-Use Piers. No person shall secure a vessel to a business-use pier unless a pier use permit has been issued by the division under Pda 600, except as provided in Pda 603.02(f).

Pda 602.02 Pier Use Permit Required for Charter Boat. No charter boat shall be secured to a recreational-use pier unless a pier use permit has been issued to the owner or operator of the charter boat for the charter boat by the division under Pda 600.

Pda 602.03 Skiff Permit and Sticker Required at Skiff Dock. No person shall secure a skiff to a skiff dock unless a skiff permit and skiff sticker have been issued for the skiff by the division under Pda 600.

Pda 602.04 Business-Use Pier Vehicle Sticker Required. No person shall operate or park a vehicle on a business-use pier or in a business-use pier parking area unless the vehicle displays a valid business-use pier vehicle sticker, except as provided in Pda 603.03(d).

Pda 602.05 General Use Parking Lot. No person shall park a vehicle in a general use parking lot located on associated facilities except as provided in Pda 603.04(c)(1-2).

Pda 602.06 Annual Berthing Permit Required at Portsmouth Pier Berthing Area. No person shall secure a vessel in the Portsmouth pier berthing area unless an annual berthing permit has been issued by the division under Pda 600.

PART Pda 603 USE OF STATE-OWNED COMMERCIAL PIERS AND ASSOCIATED FACILITIES

Pda 603.01 Recreational-Use Piers.

(a) No vessel shall be secured or attempted to be secured to a recreational-use pier if the vessel would interfere with the use of the pier by another vessel already approaching, departing from, or secured to the pier, except that a private recreational vessel already secured to the pier shall comply with (g) below.

(b) Only the following shall be secured to a recreational-use pier:

(1) Private recreational vessels;

(2) A charter boat for which a pier use permit has been issued under Pda 600;

(3) A vessel for which an overnight recreational-use pier berthing permit has been issued under Pda 600; and

(4) Vessels with permission obtained pursuant to (d) below.

(c) A vessel may be secured to a recreational-use pier for the following purposes:

(1) Loading or unloading of passengers or equipment, or both, provided that the loading or unloading of passengers by a charter boat shall be allowed only in accordance with the terms of a written contractual agreement with the authority;

(2) Use of state-owned facilities or other businesses located on the pier or associated facilities by passengers or crew of the vessel;

(3) Overnight berthing in accordance with Pda 604.07;

(4) For emergency repairs; or

(5) For any purpose authorized by the division pursuant to (d)(1) below.

(d) Except as provided in Pda 604.07 for a vessel for which an overnight berthing recreational-use pier berthing permit has been issued, no vessel shall be secured to a recreational-use pier for longer than 30 minutes, unless the vessel operator requests permission to be so secured and the division director or an employee of the division:

(1) Determines that:

a. 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

b. One or more of the following applies:

1. The crew or passengers, or both, of the vessel are making use of state-owned facilities on the pier or in the vicinity of the pier and the use requires more than 30 minutes;

2. The vessel is undergoing emergency repairs that take longer than 30 minutes;

3. Because of volume or complexity, the loading or unloading of passengers or equipment, or both, lasts longer than 30 minutes;

4. A charter boat requires more than 30 minutes for provisioning, preparation, or cleanup before its departure or after its arrival;

5. Weather or tide conditions make it hazardous for the vessel not to be secured to the pier;

6. A medical emergency exists involving a passenger or crew member;

7. 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; or

8. A vessel is scheduled to be hauled out or launched and the haulout or launching fee for the vessel has been paid by the owner or operator of the vessel or by a third party that has a written agreement with the authority; and

(2) Gives the owner or operator of the vessel oral permission to remain at the pier longer than 30 minutes but only as long as necessary to accomplish the purpose for which the vessel is secured to the pier.

(e) No vessel shall be left unattended while secured to a recreational-use pier, except a skiff with a skiff permit secured to a skiff dock.

(f) No fishing shall be allowed from a recreational-use pier, or from a vessel attached to any recreational pier.

(g) Operators of private recreational vessels shall remove their vessels from a recreational-use pier when an authorized or permitted charter boat approaches the pier.

Readopt with amendment Pda 603.02, effective 11-1-13 (Document # 10441), as amended effective 9-16-16 (Document # 11179), to read as follows:

Pda 603.02 Business-Use Piers; Restrictions; Skiffs; Emergency Use Allowed.

(a) Only a commercial fishing vessel or commercial cargo vessel with a pier use permit shall be secured to a business-use pier, except as provided in (d), (f), and (g) below.

(b) The loading or unloading of a commercial cargo vessel shall be allowed only in accordance with the terms of a written contractual agreement with the authority.

(c) No vessel shall be left unattended while secured to a business-use pier, except:

(1) A vessel with a berthing permit in the Portsmouth pier berthing area; or

(2) A skiff with a skiff permit secured to a skiff dock.

(d) No commercial fishing vessel or commercial cargo vessel shall be secured for more than 30 minutes, and no other vessel shall be secured at any time to a business-use pier, except a commercial fishing vessel with a berthing permit or as provided in (e) or (f) below, unless the vessel owner or operator requests permission to be so secured and the division director or an employee of the division:

(1) Determines that one or more of the following applies:

a. The volume or complexity of loading or offloading harvested seafood or equipment or both requires longer than 30 minutes;

b. The vessel requires repairs or maintenance that take longer than 30 minutes;

c. Weather or tide conditions make it hazardous for the vessel not to be secured to the pier;

d. A medical emergency exists involving a passenger or crew member; or

e. 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

(2) Gives the owner or 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 and space is available.

(e) A commercial fishing vessel or a commercial cargo vessel waiting to unload cargo shall be allowed to be secured to a business-use pier between sunset and sunrise, if the operator of the vessel expects a vehicle to arrive before 12:00 noon to pick up the vessel's cargo. A vessel shall not remain secured to a business-use pier pursuant to this paragraph for more than 24 hours without seeking additional approval from the division pursuant to (d) above.

(f) A vessel without a pier use permit may be secured to a business-use pier for up to 30 minutes, if the vessel operator requests permission to be so secured and the division director or an employee of the division:

(1) Determines that:

a. 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

b. The crew or passengers, or both, of the vessel are making use of state-owned facilities or other businesses located on the pier or associated facilities to obtain fuel, chandlery items, or another justifiable purpose; and

(2) 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.

(g) The holder of a mooring permit issued under Pda 505 for which a skiff permit has been issued under Pda 606.02 shall be allowed to tie one skiff at the designated skiff dock. Such skiff shall be identified by a skiff sticker issued under Pda 604.04 attached to the skiff in a conspicuous location.

(h) No fishing shall be allowed from a business-use pier, or from a vessel attached to any business-use pier.

(i) Vessel maintenance on a business-use pier shall be scheduled so as not to interfere with ongoing commercial activity in posted loading and unloading areas.

Readopt with amendment Pda 603.03 through 603.10, effective 11-1-13 (Document # 10441), to read as follows:

Pda 603.03 Vehicles and Trailers on Piers.

(a) The provisions of this section relating to vehicles shall also apply to trailers towed by vehicles and the parking of trailers.

(b) No vehicle shall be parked or operated on a recreational-use pier, except:

(1) Vehicles on the pier for purposes of law enforcement or emergency response;

(2) A vehicle servicing property owned or operated by the authority; and

(3) Vehicles necessary for emergency repair of a vessel secured to the pier, if the division director or an employee of the division determines that:

- a. An emergency repair is required for the vessel; and
- b. A vehicle(s) requires access to the pier to accomplish the emergency repair.

(c) A vehicle shall be operated or parked on a business-use pier only when the vehicle is:

- (1) A vehicle on the pier for purposes of law enforcement or emergency response;
- (2) Being used to load or unload a commercial fishing vessel or commercial cargo vessel owned or operated by the holder of a pier use permit;
- (3) Necessary for the maintenance or repair of a commercial fishing vessel or commercial cargo vessel;
- (4) Directly associated with the provision of commercial service(s) to a vessel secured to the pier;
- (5) Being used for purposes of an off-site business by the holder of a pier use permit; or
- (6) Servicing property owned or operated by the authority.

(d) All vehicles shall display a business-use pier vehicle sticker while being operated or parked on a business-use pier, except:

- (1) Vehicles on the pier for purposes of law enforcement or emergency response; and
- (2) Vehicles allowed access to the pier under (c)(3), (4), or (6) above.

(e) No vehicle shall restrict access to a state-owned commercial pier or associated facilities.

(f) No vehicle shall impede the work of commercial activity.

(g) No vehicle shall be left unattended on a business-use pier.

(h) The operator of any vehicle operated or parked on a business-use pier for the purposes of (c) above after 6:00 p.m. shall notify the harbormaster or the division by telephone or in person of the presence of the vehicle, the purpose for which the vehicle is being used, and the estimated time the work requiring the vehicle will be completed.

(i) The harbormaster or the division shall grant permission under (h) above if:

- (1) The requested additional time is necessary to complete the work involving the vehicle;
- (2) The vehicle will not be left unattended;
- (3) The work requiring the vehicle does not restrict access to state-owned commercial piers or associated facilities or impede the work of commercial activity; and
- (4) The work does not pose a hazard to persons or property.

Pda 603.04 Parking in Parking Areas Located on Associated Facilities.

(a) The division shall designate areas for short-term parking, long-term parking, business-use pier parking, and general use parking, as needed.

(b) All parking at state-owned commercial piers and associated facilities shall be on a first-come, first-served basis, subject to available space. All parking shall be subject to the control and direction of employees of the division consistent with Pda 600.

(c) Parking shall be allowed:

(1) In general use parking lots for:

a. The holder of a valid:

1. Daily parking ticket;
2. Overnight parking permit;
3. Seasonal overnight parking permit;
4. Seasonal daily parking permit; or
5. Business-use pier vehicle sticker, if the business-use pier parking area is at capacity;
or

b. Pursuant to a written contractual agreement with the authority; or

c. First responders responding to an emergency situation, conducting training, or for any other legitimate purpose; and

(2) In a business-use pier parking area, by:

a. The holder of a valid business-use pier vehicle sticker; or

b. A person servicing a commercial fishing vessel, a commercial cargo vessel, or property owned or operated by the authority, pursuant to Pda 603.03(c)(3) or (6).

(d) Short-term parking shall:

(1) Not exceed 30 minutes; and

(2) Be available only for a person visiting a state-owned commercial pier for a purpose related to the state-owned commercial pier and associated facilities.

(e) Overnight parking of vehicles in the Portsmouth, Rye Harbor, or Hampton Harbor business-use pier parking areas shall be allowed only for vehicles for which a business-use pier parking sticker has been issued by the division and is displayed in accordance with (h) below.

(f) Overnight parking of vehicles in a general use parking area shall be allowed only for vehicles for which:

(1) A business-use vehicle sticker has been issued by the division;

(2) An overnight parking permit has been issued by the division and is displayed in accordance with (g) below;

(3) A seasonal overnight parking permit and sticker have been issued by the division and the seasonal overnight parking sticker is displayed in accordance with (h) below; or

(4) Parking is allowed pursuant to a written contractual agreement with the authority.

(g) Each vehicle operator of a vehicle for which an overnight parking permit or daily parking ticket has been issued shall display the permit or ticket in the vehicle in a visible location.

(h) Each vehicle operator of a vehicle for which a parking sticker has been issued shall affix the parking sticker on the vehicle in a clearly visible location using the adhesive provided on the sticker.

Pda 603.05 Removal of Vehicles or Trailers from Piers and Associated Facilities. If the owner or operator of a vehicle or trailer parked in violation of Pda 603.03 or Pda 603.04 is not available or refuses to move the vehicle or trailer, the division shall remove or arrange for the removal of such vehicle or trailer or both from the pier or associated facilities at the owner's expense.

Pda 603.06 General Safety Requirements: Attachments to Piers.

(a) All vessel operators shall exercise caution when approaching, leaving, or securing a vessel to a state-owned commercial pier.

(b) No person shall dive or swim from a state-owned commercial pier, except when doing so for pier or vessel maintenance.

(c) No person shall attach any object to a state-owned commercial pier other than lines to secure a vessel, unless such use is authorized under a written contractual agreement with the authority.

(d) No person shall create a condition on a state-owned commercial pier or associated facilities that would result in a violation of the law, including any rule set forth in Pda 600, create an imminent and substantial threat to human health, public safety, or the environment, or be likely to result in immediate and substantial damage to division property.

(e) The division director or a division employee shall require any person or vessel to leave a state-owned commercial pier or associated facilities if that person's or vessel's presence is in violation of the law, including any rule set forth in Pda 600, 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.

(f) If prevailing conditions require that a vessel be removed from a state-owned commercial pier because failure to remove the vessel would result in a violation of the law, including any rule set forth in Pda 600, an imminent and substantial threat to human health, public safety, or the environment, or immediate and substantial damage to division property, a representative of the division shall remove or arrange for the removal of the vessel from the pier.

(g) Any person who is the owner or custodian of any animal, while on a state-owned commercial pier or associated facilities, shall at all times have said animal on a standard or retractable leash not greater than six

feet in length, or under their immediate control by means of personal presence and attention, and shall properly dispose of any waste or garbage the animal excretes or causes to be scattered on the property.

Pda 603.07 Dumping of Fish and Other Marine Species and Waste Disposal at State-Owned Commercial Piers and Associated Facilities.

(a) No person shall deposit in the waters adjacent to a state-owned commercial pier or associated facilities any dead fish or other marine species, or parts thereof, or fish smothered or injured to such an extent that they will die.

(b) No person shall dispose of waste at a state-owned commercial pier or associated facilities except in containers designated for that purpose.

(c) In the absence of a designated container or when a container is full, a person shall remove their own waste from state property.

(d) Any waste container located on a business-use pier shall be only for the use of persons authorized to use the business-use pier.

(e) Any waste container designated for use only by the holder of a pier use permit shall be used only by the holder of a pier use permit.

(f) No person shall dispose of any of the following at a state-owned commercial pier or associated facilities:

(1) Hazardous waste as defined in RSA 147-A:2, VII;

(2) Hazardous materials as defined in RSA 147-B:2, VIII; or

(3) Oil, gas, or other petroleum product(s) except as allowed in (b) above.

Pda 603.08 Fuel.

(a) Fuel containers shall not be left unattended on any state-owned commercial pier or associated facilities.

(b) No person shall dispense fuel on a state-owned commercial pier, except a person:

(1) Dispensing fuel from facilities:

a. Located on the state-owned commercial pier; and

b. Designated by the division for the purpose of dispensing fuel;

(2) Dispensing fuel under the terms of a written contractual agreement with the authority; or

(3) Employed by a person or entity dispensing fuel under the terms of a written contractual agreement with the authority.

Pda 603.09 Welding and Hot Work. No person shall perform welding and hot work on a state-owned commercial pier, except a person performing such work under the terms of a written contractual agreement with the authority.

Pda 603.10 Storage of Property at State-Owned Commercial Piers Restricted.

(a) No person shall store any vessel, trailer, equipment, or other property at a state-owned commercial pier or associated facilities unless the person has entered into a written contractual storage agreement with the division.

(b) Lobster bait shall not be stored on a state-owned commercial pier or associated facilities in excess of 24 hours.

(c) The division shall maintain wait lists for summer and winter vessel storage in accordance with Pda 605.01 when a vessel storage facility is at capacity.

(d) The division shall designate summer or winter storage areas, or both, at state-owned commercial piers.

Readopt with amendment Pda 603.11, effective 11-1-13 (Document # 10441), as amended effective 9-16-16 (Document # 11179), to read as follows:

Pda 603.11 General Restrictions and Limitations.

(a) There shall be no camping or sleeping on state-owned commercial piers or associated facilities.

(b) The consumption of alcohol at state-owned piers or associated facilities shall be prohibited, unless permission has been granted in accordance with the terms of a written contractual agreement with the authority. The service and consumption of alcohol pursuant to such a contract shall comply with the relevant provisions of RSA 178, RSA 179, Liq 400, Liq 500, and Liq 700.

Readopt with amendment Pda 604 through 609, effective 11-1-13 (Document # 10441), to read as follows:

PART Pda 604 PERMITS AND STICKERS

Pda 604.01 Types of Permits and Stickers. The following types of permits and stickers shall be issued under Pda 600:

- (a) Annual pier use permits;
- (b) Business-use pier vehicle stickers;
- (c) Skiff permits and skiff stickers;
- (d) Single-use pier permits;
- (e) Annual berthing permits;
- (f) Overnight recreational-use pier berthing permits;
- (g) Daily seasonal parking permits and stickers;

- (h) Daily seasonal launch permits and stickers;
- (i) Overnight parking permits; and
- (j) Seasonal overnight parking permits and stickers.

Pda 604.02 Granting of Annual Pier Use Permits; Modification, Duration, and Transferability.

- (a) The division director or designee shall grant annual pier use permits pursuant to Pda 606.01.
- (b) The following shall be permitted to apply for an annual pier use permit:
 - (1) The owner or operator of a commercial fishing vessel;
 - (2) The owner or operator of an off-site business;
 - (3) The owner or operator of a commercial cargo vessel; and
 - (4) The owner or operator of a charter boat.
- (c) Any person listed under (b) above may make application for an annual pier use permit by:
 - (1) Submitting a completed application form as described in Pda 609.01 to the division; and
 - (2) Paying the annual pier use permit fee.
- (d) An annual pier use permit shall allow:
 - (1) A commercial fishing vessel to be secured to the Portsmouth, Rye Harbor, and Hampton Harbor business-use piers and to use division hoists on these piers;
 - (2) An off-site business that needs access to facilities at a business-use pier for its business purposes to access such pier(s);
 - (3) A commercial cargo vessel to be secured to the Portsmouth, Rye Harbor, and Hampton Harbor business-use piers, provided that the loading or unloading of cargo shall be allowed only in accordance with the terms of a written contractual agreement with the authority; or
 - (4) A charter boat to be secured to the recreational-use piers at Rye Harbor and Hampton Harbor between the hours of sunrise and 11:59 p.m., provided that loading or unloading of passengers shall be allowed only in accordance with the terms of a written contractual agreement with the authority.
- (e) The holder of an annual pier use permit shall be permitted to remain secured to the pier to conduct its business that requires use of the pier only as long as necessary to complete its business, provided that the time period shall not exceed 12 hours.
- (f) An annual pier use permit shall be valid for a one-year period from January 1 to December 31. All annual pier use permits issued during the time period from January 1 to December 31 shall expire on December 31.
- (g) Annual pier use permits shall not be transferable.

(h) An annual pier use permit for a commercial fishing vessel, commercial cargo vessel, or charter boat 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 pier use permit:

- a. Written notice of any changes to vessel information under Pda 609.01(b)(11); 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 pier use permit, the permit holder pays to the division an amount equal to the difference in the amount, if any, that the permit fee for the modified permit exceeds the permit fee paid for the original permit.

(i) The expiration date of a permit modified under (h) above shall be the same as the originally issued permit.

(j) Modification of an annual pier use permit under (h) above shall not result in modification of a berthing permit issued in conjunction with the annual pier use permit. A berthing permit shall be modified in accordance with Pda 606.07.

(k) In order to maintain updated information with the division, each permit holder shall notify the division in writing, within 30 days of the change, of any changes to information required pursuant to Pda 609.01(b)(1)-(10).

Pda 604.03 Granting of Business-Use Pier Vehicle Stickers: Duration and Transferability.

(a) Business-use pier vehicle stickers shall be issued without an additional fee to:

(1) The holder of an annual pier use permit for a commercial fishing vessel, commercial cargo vessel, or charter boat, for:

- a. A vehicle owned or leased by the permit holder; and
- b. Up to 10 vehicles of vessel crew members or employees, as needed; and

(2) The holder of an annual pier use permit for an off-site business, for vehicle(s) owned or leased by the permit holder or by an employee of the permit holder and used for the business purposes for which the pier use permit was issued.

(b) A business-use pier vehicle sticker shall be valid for the same period of time as the permit in conjunction with which it is issued.

(c) Business-use pier vehicle stickers shall not be transferable.

(d) If a vehicle for which a business-use pier vehicle sticker was issued is replaced during the term of a permit, the division shall, upon written request of the permit holder and provision of the following information and documentation relating to the replacement vehicle, issue a replacement sticker:

(1) The name and address of the vehicle operator;

- (2) The registration number of the vehicle; and
- (3) A photocopy of the current state vehicle registration for the vehicle.

Pda 604.04 Granting of Skiff Permits: Duration and Transferability.

- (a) The division director or designee shall grant skiff permits pursuant to Pda 606.02.
- (b) The holder of a mooring permit for a mooring located in Portsmouth Harbor, Rye Harbor, or Hampton Harbor shall be permitted to apply for a skiff permit for a skiff dock located at a state-owned commercial pier in the same harbor where the mooring is located.
- (c) Any person listed under (b) above may make application for a skiff permit by:
 - (1) Submitting a completed application form as described in Pda 609.02 to the division; and
 - (2) Paying the skiff permit fee.
- (d) A skiff permit shall allow the permit holder to secure a skiff at the skiff dock designated on the skiff permit, on a first-come, first-served, space available basis.
- (e) A skiff permit shall be valid for the same period of time as the permit in conjunction with which it is issued under (b) above.
- (f) Skiff permits shall not be transferable.
- (g) In order to maintain updated information with the division, each permit holder shall notify the division in writing, within 30 days of the change, of any changes to information required in Pda 609.02(b)(1)-(3).

Pda 604.05 Granting of Single-Use Pier Permits: Duration and Transferability.

- (a) The division director or designee shall grant single-use pier permits only for transient commercial fishing vessels on a space available basis pursuant to Pda 606.03.
- (b) The owner or operator of a transient commercial fishing vessel shall be permitted to apply for a single-use pier permit.
- (c) A single-use pier permit shall allow the transient commercial fishing vessel to be secured to the business-use pier specified in the permit and to use division hoists on the pier, subject to the restrictions in Pda 603.
- (d) A single-use pier permit shall be valid for a one-time use of the pier for the period of time needed to load or off load marine species, provided that the time period shall not exceed 12 hours. The permit may be renewed on a daily basis, subject to the payment of the required permit fee.
- (e) A single-use pier permit shall not be transferable.
- (f) Any person who qualifies for a single-use pier permit may make application for a permit by:
 - (1) Submitting an application as described in Pda 606.03 to the division; and

- (2) Paying the single-use pier permit fee.

Pda 604.06 Granting of Annual Berthing Permits: Duration and Transferability.

(a) The division director or designee shall grant annual berthing permits for the Portsmouth pier berthing area pursuant to Pda 606.04.

(b) Only the owner or operator of a commercial fishing vessel who has obtained an annual pier use permit shall be permitted to apply for an annual berthing permit.

(c) Any person eligible under (b) above may make application for an annual berthing permit by:

- (1) Submitting a completed application form as described in Pda 609.04 to the division; and

- (2) Paying the annual berthing permit fee.

(d) An annual berthing permit shall allow a commercial fishing vessel to be secured, unattended, and for any length of time during the permit term, in the Portsmouth pier berthing area at a location designated by the division in accordance with the LOA, width and draft of the vessel, and the potential for storms, wind, waves, tides, currents, and wash at the berthing location.

(e) The holder of an annual berthing permit shall be billed by the division for each quarterly period from January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.

(f) Annual berthing permits shall not be transferable.

(g) In order to maintain updated information with the division, each permit holder shall notify the division in writing, within 30 days of the change, of any changes to information required pursuant to Pda 609.04(b)(1)-(6).

(h) Modification of an annual berthing permit shall be in accordance with Pda 606.07.

Pda 604.07 Granting of Overnight Recreational-Use Pier Berthing Permits: Duration and Transferability.

(a) The division director or designee shall grant overnight berthing permits for a recreational-use pier berthing area pursuant to Pda 606.08.

(b) An overnight berthing permit shall allow a vessel to be berthed from 6:00 p.m. of one day to 6:00 p.m. of the following day.

(c) Any person may make application for an overnight berthing permit by:

- (1) Submitting a completed application form as described in Pda 609.05 to the division; and

- (2) Paying the overnight berthing permit fee.

(d) An overnight berthing permit shall allow a vessel to be secured and attended overnight in the recreational-use pier berthing area at a location designated by the division in the accordance with the LOA, width and draft of the vessel, and the potential for storms, wind, waves, tides, currents, and wash at the berthing location.

(e) An overnight berthing permit shall only be valid from 6:00 p.m. of one day to 6:00 p.m. of the following day.

(f) Overnight berthing permits shall not be transferable.

Pda 604.08 Daily Parking at Hampton Harbor and Rye Harbor: Trailer Parking and Boat Launching.

(a) Upon receipt of payment of the appropriate fee, established under Pda 610, and on a space available basis, the division shall issue, unless such issuance is prohibited by Pda 607.03, a daily parking ticket for:

(1) Vehicle only;

(2) Combination vehicle and trailer or;

(3) Buses carrying groups visiting a business that holds a pier use permit such as a whale watch operation, transportation service, or a charter boat.

(b) Daily parking shall only be available at state-owned commercial piers and associated facilities located in Hampton Harbor and Rye Harbor.

(c) A daily parking ticket shall allow the holder to park one vehicle on the day of purchase at the location where the ticket was purchased.

(d) Daily parking tickets are nontransferable and expire 30-minutes after the business or event the daily parking ticket holder was engaged in ends.

(e) A daily combination parking ticket shall allow the holder to park one vehicle and one trailer in the general use parking area at Rye Harbor or Hampton Harbor on the day of purchase at the location where the ticket was purchased. The ticket holder shall also be allowed to launch and recover a boat at the boat launch area associated with that location.

(f) Daily combination parking tickets are nontransferable and expire 30-minutes after the business or event the daily combination parking ticket holder was engaged in ends.

(g) Daily bus parking tickets shall allow the holder to park one bus in the general use parking area at Rye Harbor or Hampton Harbor on the day of purchase at the location where the ticket was purchased.

(h) Daily bus parking tickets are nontransferable and expire 30-minutes after the business or event the daily bus parking ticket holder was engaged in ends.

Pda 604.09 Duration, Transferability, and Validity of Daily Seasonal Parking Permits at Hampton Harbor and Rye Harbor.

(a) The division director or designee shall grant daily seasonal parking permits and stickers for Hampton Harbor and Rye Harbor pursuant to Pda 606.09.

(b) A daily seasonal vehicle only parking permit shall allow the holder to park one vehicle in a general use parking area at the state-owned commercial pier and associated facilities specified in the permit between sunrise and 11:59 p.m. on any day during the season on a space available basis.

(c) A daily seasonal combination parking permit shall allow the holder to park one vehicle and one trailer in a general use parking area on any day during the season between sunrise and 11:59 p.m. at the state-owned commercial pier and associated facilities specified in the permit on a space available basis. The permit holder shall also be allowed to launch and recover a vessel between sunrise and 11:59 p.m. at the boat launch area associated with that location.

(d) Daily seasonal parking permits, and stickers shall be nontransferable. Daily seasonal permits and stickers shall be valid only for the single vehicle specified in the seasonal parking permit application, unless the division has issued a replacement sticker under (f) below for a replacement vehicle. Each daily seasonal parking permit and sticker shall be marked with the vehicle registration number of the vehicle specified in the daily seasonal parking permit application.

(e) In order to maintain updated information with the division, each permit holder shall notify the division in writing, within 30 days of the change, of any changes to information required pursuant to Pda 609.06 (b)(1)-(6).

(f) If a vehicle for which a daily seasonal parking sticker was issued is replaced during the term of a permit, the division shall issue a replacement sticker upon:

- (1) Written request of the permit holder;
- (2) Provision of a copy of the replacement vehicle's registration; and
- (3) Return of the daily seasonal parking sticker previously issued by the division.

Pda 604.10 Duration, Transferability, and Validity of Overnight Parking Permits for General Use Lots.

(a) The division director or designee shall grant overnight parking permits pursuant to Pda 606.10 on a space available basis.

(b) Overnight parking permits shall only be available at the state-owned commercial piers and associated facilities located in Hampton Harbor and Rye Harbor. Each permit issued shall specify the single state-owned commercial pier and associated facilities for which the permit is valid.

(c) Upon receipt of payment of the appropriate fee, established under Pda 610, and on a space available basis, the division shall issue a multi-night overnight vehicle only parking permit allowing the parking of one vehicle from 6:00 p.m. of one day to 6:00 p.m. of the following day for up to 6 consecutive nights during the season in a general use parking area at the state-owned commercial pier and associated facilities specified in the permit. Only one multi-night permit under this paragraph shall be issued for any one vehicle during the season. A multi-night overnight vehicle only parking permit shall be purchased on the day of use or, if applicable, on the initial day of use from 2 to 6 consecutive nights. There shall be no limitation on the number of overnight vehicle only parking permits purchased for non-consecutive nights.

(d) Upon receipt of payment of the appropriate fee, established under Pda 610, and on a space available basis, the division shall issue a multi-night overnight combination parking permit allowing parking from 6:00 p.m. of one day to 6:00 p.m. of the following day for up to 6 consecutive nights during the season for a vehicle and trailer, including the right to launch and recover the vessel from the boat launch associated with the state-owned commercial pier and associated facilities specified in the permit. Only one multi-night overnight permit under this paragraph shall be issued for any one vehicle and trailer combination during the season. A multi-night overnight combination parking permit shall be purchased on the day of use, or, if applicable, on the initial

day of use from 2 to 6 consecutive nights. There shall be no limitation on the number of overnight combination parking permits purchased for non-consecutive nights.

(e) Overnight parking permits shall be nontransferable. Each overnight parking permit shall be marked with the vehicle registration number of the vehicle specified in the overnight parking permit application.

Pda 604.11 Duration, Transferability, and Validity of Seasonal Overnight Parking Permits for Seasonal Overnight Parking at Hampton Harbor and Rye Harbor.

(a) The division director or designee shall grant seasonal overnight parking permits and stickers for Hampton Harbor and Rye Harbor pursuant to Pda 606.11.

(b) A seasonal overnight vehicle only parking permit shall allow the holder to park one vehicle for any period of time at any time during the season, on a space available basis, in the Hampton Harbor or Rye Harbor general use parking area.

(c) Seasonal overnight parking permits and stickers shall be nontransferable. Seasonal overnight parking permits and stickers shall be valid only for the single vehicle specified in the seasonal overnight permit application, unless the division has issued a replacement sticker under (e) below for a replacement vehicle. Each seasonal overnight parking permit and sticker shall be marked with the vehicle registration number of the vehicle specified in the seasonal overnight parking permit application.

(d) In order to maintain updated information with the division, each permit holder shall notify the division in writing, within 30 days of the change, of any changes to information required pursuant to Pda 609.10(b)(1)-(6).

(e) If a vehicle for which a seasonal overnight parking sticker was issued is replaced during the term of a permit, the division shall issue a replacement sticker upon:

- (1) Written request of the permit holder;
- (2) Provision of a copy of the replacement vehicle's registration; and
- (3) Return of the seasonal overnight parking sticker previously issued by the division.

PART Pda 605 WAIT LISTS

Pda 605.01 Wait List Applications for Vessel Storage or Annual Berthing Permits.

(a) The division shall establish and maintain wait lists in accordance with (b) and (c) below for:

- (1) Any area at a state-owned commercial pier or associated facilities designated by the division for vessel storage when the division determines that the storage area is at capacity; or
- (2) Annual berthing permits for the Portsmouth business-use pier, when the division determines that the Portsmouth business-use pier is at capacity for annual berthing permits.

(b) A person seeking to be placed on a vessel storage wait list shall obtain a "Vessel Storage Wait List Application" form:

(1) In person, from the:

- a. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
- b. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
- c. Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

(2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(c) A person seeking to be placed on an annual berthing permit wait list shall obtain an “Annual Berthing Permit Wait List Application” form:

(1) In person, from the:

- a. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801; or
- b. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

(2) By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(d) The applicant shall provide the information required on the wait list application form, as provided in Pda 609.08 or Pda 609.09.

(e) The applicant shall attach to the application the vessel storage wait list fee or annual berthing permit wait list fee, provided that fees paid in the form of a check or a money order shall be made payable to “Pease Development Authority, Division of Ports and Harbors” or “PDA-DPH.”

Pda 605.02 Placement on Wait Lists.

(a) The division shall place the applicant’s name on the wait list for:

- (1) Vessel storage at the storage area that the applicant has indicated on the wait list application, if the applicant has paid the vessel storage wait list fee(s); or
- (2) An annual berthing permit at the Portsmouth business-use pier, if the applicant has paid the annual berthing permit wait list fee.

(b) No wait list applicant shall be listed more than once on a vessel storage or annual berthing permit wait list.

(c) The applicant's position on the wait list shall be determined by the date and time a completed wait list application is received by the division, with the earliest received application being placed higher on the list for the requested storage area or for berthing at the Portsmouth business-use pier.

Pda 605.03 Wait List Procedures.

(a) For purposes of this section, "written notice" means notice sent by certified mail.

(b) The following procedures shall apply to the vessel storage wait list(s):

(1) The division shall maintain separate vessel storage wait lists for summer storage and winter storage for each storage area. Summer storage shall last from May 1 to October 31, and winter storage shall last from November 1 to April 30;

(2) When a vessel storage location becomes available at a storage area, the division director or designee shall send written notice to the first 5 persons on the wait list for that storage area that a vessel storage location(s) might be available. Each person contacted shall indicate their interest in entering into a storage agreement with the division within 10 days of the receipt of written notice by the division. If the number of storage location(s) available exceeds the number of persons expressing an interest in a storage location, the division director or designee shall send written notice to the next 5 persons in order of priority on the wait list. For purposes of this paragraph, wait lists shall be divided into groups of 5 according to placement on the wait list, and mailings shall be sent out in groups of 5, or, if there are fewer than 5 persons in a group, to each person in the group;

(3) The division director or designee shall notify the person highest on the wait list contacted under (2) above who expressed a timely interest in entering into a storage agreement with the division. If that person does not enter into a storage agreement with the division within 10 days following notification by the division under this subparagraph, the division director or designee shall follow the procedures in (2) above and send written notice to persons on the wait list in order of priority; and

(4) Any person on a vessel storage wait list offered an opportunity to enter into a storage agreement with the division, and who does not enter into such an agreement within 10 days as provided in (3) above, shall not be offered a second opportunity to enter into an agreement with the division for 180 days from the date of expiration of the 10-day period. Although the division director or designee shall not offer the wait list applicant an opportunity to enter into a storage agreement during this 180-day period, the wait list applicant shall retain their position on the applicable wait list. If a wait list applicant refuses a second opportunity to enter into a storage agreement for the requested storage area, the wait list applicant shall be removed from the wait list.

(c) The following procedures shall apply to the annual berthing permit wait list:

(1) When a berthing location becomes available at the Portsmouth business-use pier, the division director or designee shall send written notice to the first 5 persons on the annual berthing permit wait list that a berthing location(s) might be available. Each person contacted shall indicate their interest in obtaining an annual berthing permit within 10 days of the receipt of written notice by the division. If the number of berths available exceeds the number of persons expressing an interest

in a berthing permit, the division director or designee shall send written notice to the next 5 persons in order of priority on the wait list. For purposes of this paragraph, wait lists shall be divided into groups of 5 according to placement on the wait list, and mailings shall be sent out in groups of 5, or, if there are fewer than 5 persons in a group, to each person in the group;

(2) The division director or designee shall notify the person highest on the wait list contacted under (1) above who expressed a timely interest in obtaining an annual berthing permit that the person may file an annual berthing application for the available berthing location. The person shall complete an initial annual berthing permit application within 10 days of notification;

(3) The division director or designee shall review and process the application in accordance with Pda 606 and Pda 607; and

(4) Any person on an annual berthing permit wait list offered an opportunity to apply for an annual berthing permit pursuant to this section, and who refuses the opportunity, shall not be offered a second opportunity to obtain a berthing permit for 180 days from the date of refusal. Although the division director or designee shall not offer the berthing permit wait list applicant an opportunity to apply for a berthing permit during this 180-day period, the berthing permit wait list applicant shall retain their position on the berthing permit wait list. If a berthing permit wait list applicant refuses a second opportunity to obtain a berthing permit, the berthing permit wait list applicant shall be removed from the wait list.

(d) A person's name on a vessel storage wait list or annual berthing permit wait list shall be removed from the list:

(1) When the wait list applicant, in writing, requests the division to remove their name from the list;

(2) When a vessel storage wait list applicant enters into a storage agreement with the division;

(3) When an annual berthing permit wait list applicant is granted an annual berthing permit;

(4) If the wait list applicant fails to submit a completed wait list reapplication and wait list fee or late fee in accordance with Pda 605.04 on or before the deadline specified in Pda 605.04; or

(5) If a vessel storage wait list or annual berthing permit wait list applicant refuses 2 opportunities to obtain a vessel storage or an annual berthing permit in accordance with (b)(4) or (c)(4) above.

Pda 605.04 Wait List Reapplications.

(a) An applicant who seeks to remain on a wait list(s) shall reapply annually by March 1 of each year by submitting a wait list application in accordance with Pda 605.01 and payment of the wait list fee, or within 10 business days after March 1 by submitting a wait list application in accordance with Pda 605.01 and payment of the wait list late fee.

(b) The division shall mail a wait list application form once annually on or before January 15 to each applicant on a wait list, to the address specified by the applicant on the wait list application, or, if none is specified, to the applicant's permanent address.

(c) If an undeliverable wait list application form is returned to the division, the division shall not re-mail the form. The wait list applicant shall be responsible for timely reapplication without receipt of a reapplication notice from the division.

Pda 605.05 Notification of Changes in Wait List Information. In order to maintain updated information with the division, any person on a wait list shall notify the division in writing, within 30 days of the change, of any change of address or telephone number.

PART Pda 606 PERMIT APPLICATIONS; PROCESSING OF APPLICATIONS

Pda 606.01 Annual Pier Use Permit: Application Requirements; Processing.

(a) An applicant for an annual pier use permit shall:

(1) Obtain an "Annual Pier Use Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
3. Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the annual pier use application form, as provided in Pda 609.01(b), (d), and (e); and

(3) Attach to the application the following:

a. If the vessel described on the application is a commercial fishing vessel, a photocopy of:

1. The applicant's New Hampshire or other state registration for a commercial vessel;
2. The New Hampshire fish and game department saltwater fishing license or New Hampshire fish and game department commercial lobster license, if any, of the applicant, or, if the applicant is a business entity, of at least one officer or one member of the business entity; and
3. The applicant's New Hampshire marine species wholesale license, if applicable;

b. If the vessel described on the application is a commercial cargo vessel, a photocopy of the applicant's New Hampshire or other state registration for a commercial vessel;

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

d. If the applicant seeks to obtain a business-use pier vehicle sticker(s), a photocopy of the vehicle registration for each vehicle;

e. A completed "Annual Hoist Safety Acknowledgement Sheet", revised January 2023, submitted to the Division, with the applicant's signature acknowledging the following:

"I have read and understand the OPERATING AND SAFETY INSTRUCTIONS as listed above, and agree to exercise all caution and safety practices when operating the electric change/line hoists or any hoist at the commercial pier under the management of the Division of Ports and Harbors (Port Authority) and failure to comply with the OPERATING AND SAFETY INSTRUCTIONS may result in revocation of permits."; and

f. Payment of the annual pier use 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 609.01;

(2) The application has attached the documentation required under (a)(3) above;

(3) The vessel information on the New Hampshire or other state registration or federal documentation is the same vessel information provided on the application;

(4) The annual pier use 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 no reason to deny the application under Pda 607.02; and

(6) 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 607.

(e) If the applicant is granted an annual pier use permit under Pda 607, the division director or designee shall:

(1) Issue an annual pier use permit to the applicant;

- (2) Issue a vehicle sticker(s), if requested under Pda 604.03(a);
- (3) Sign and date the permit(s); and
- (4) 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 606.02 Skiff Permit; Application Requirements; Processing.

(a) A holder of a mooring permit for a mooring located in Portsmouth Harbor, Rye Harbor, or Hampton Harbor who is applying for a skiff permit for a skiff dock located at a state-owned commercial pier in the harbor where the mooring is located shall:

(1) Obtain a "Skiff Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
3. Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the skiff permit application form, as provided in Pda 609.02(b); and

(3) Attach to the application the following:

a. A photocopy of the mooring permit; and

b. Payment of the skiff 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 under (a) above shall sign the application.

(c) Upon receipt of the application form from an applicant under (a) above by the division, the division director or designee shall verify that:

(1) The applicant has provided all applicable information required under Pda 609.02;

(2) The applicant has attached the documentation required under (a)(3) above;

(3) The skiff 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;

(4) There is no reason to deny the application under Pda 607.02; and

(5) The applicant has signed the application.

(d) Within 30 days of receipt of an application under (a) above by the division, the division director or designee shall grant or deny the application consistent with the provisions of Pda 607.

(e) If the applicant is granted a skiff permit under Pda 607, the division director or designee shall:

(1) Issue a skiff permit and skiff sticker to the applicant;

(2) Sign and date the permit; and

(3) Mail a photocopy of the permit 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 606.03 Single-Use Pier Permit: Application Requirements: Processing.

(a) Only the owner or operator of a transient commercial fishing vessel shall be eligible to apply for a single-use pier permit.

(b) Prior to or immediately upon securing a vessel to a business-use pier, an applicant for a single-use pier permit shall make an oral application by providing the information required in Pda 609.03(a) to the division either:

(1) By telephone in accordance with signage posted by the division at business-use piers that displays the telephone number(s) of the division, or

(2) In person to the division at the pier.

(c) If the applicant contacts the division by telephone, the division director or an employee of the division shall 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.

(d) Once the vessel is secured to the pier, the applicant shall:

(1) Display to the division director or employee of the division:

a. The applicant's New Hampshire or other state registration for a commercial vessel;

b. The New Hampshire fish and game department saltwater fishing license or New Hampshire fish and game department commercial lobster license, if any, of the applicant, or, if the applicant is a business entity, of at least one officer or one member of the business entity; and

c. The applicant's New Hampshire marine species wholesale license, if applicable;

(2) Make payment of the single-use pier 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 "Single-Use Application and Permit" form.

(e) Upon receipt of a signed application and tender of the single use pier permit fee, the division director or employee shall grant or deny the application consistent with the provisions of Pda 607.

(f) If the applicant is granted a single-use pier permit under Pda 607, and meets the requirements of (d) 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 pier permit to the applicant.

Pda 606.04 Annual Berthing Permit: Application Requirements: Processing.

(a) An applicant for an annual berthing permit shall:

(1) Obtain an "Annual Berthing Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801; or

2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the annual berthing permit application form, as provided in Pda 609.04(b); and

(3) Attach to the application the following:

a. A copy of the applicant's annual pier use permit;

b. Payment of the annual berthing 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 609.04;
- (2) The applicant has attached the documentation required under (a)(3) above;
- (3) The vessel information on the New Hampshire or other state registration or federal documentation is the same vessel information provided on the application;
- (4) The annual berthing 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) A berth is available at the Portsmouth pier berthing area;
- (6) There is no reason to deny the application under Pda 607.02; 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 607.

(e) If the applicant is granted an annual berthing permit under Pda 607, the division director or designee shall:

- (1) Issue an annual berthing 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 606.05 Annual Berthing Permit Initial Applications: When Fee Returned. Any person holding a pier use permit and seeking an annual berthing permit shall submit a completed initial annual berthing permit application form in accordance with Pda 606.04. If the division determines that there are no berthing locations available, the division shall return the applicant's initial application form and annual berthing permit application fee, and the applicant may file an annual berthing permit wait list application in accordance with Pda 605.

Pda 606.06 Annual Berthing Permit Applications for Holders of Permits for Berths.

(a) No later than 21 days before the expiration of an annual berthing permit, the division shall mail annual berthing permit applications to current annual berthing permit holders. The division shall pre-enter all of the permit holder's information on the permit application relating to the applicant and the vessel, as provided on the applicant's current permit, except the date the applicant is required to specify when signing the application.

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

(c) Any applicant filing an annual berthing 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 14 days before expiration of the permit then in effect. 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 607, unless the applicant files a completed application with the required information, documentation, permit fee, and late application fee within 10 business days after the date on which the permit application was due. An applicant who fails to comply with the regular deadline or the late application deadline shall not submit an application under this section, but may make an application pursuant to Pda 606.04, including possible placement on a wait list under Pda 605.

(d) Failure to meet the late application deadline, including submission of all materials as specified in (c) above, shall result in denial of the application in accordance with Pda 607.02.

(e) If an application is in compliance with Pda 606.04 and the division grants a permit under Pda 607, the division shall mail, by first class mail, a photocopy of the permit to the annual berthing permit applicant within 10 business days of permit issuance. The mailing shall be sent to the annual berthing permit applicant at the address specified by the applicant on the annual berthing permit application, or, if none is specified, to the applicant's permanent address.

Pda 606.07 Annual Berthing Permit Application: Alteration of Information Relating to Vessel Prohibited; Modification of Permit; Correction of Certain Incorrect Pre-entered Information.

(a) When a current annual berthing permit holder makes an application for an annual berthing permit pursuant to Pda 606.06, the applicant shall not alter information pre-entered on the application by the division relating to the vessel. If any pre-entered information relating to the vessel identified in the permit in such an application requires revisions, or if the applicant has a newly-acquired vessel, the applicant shall follow the procedures in (b) below.

(b) An annual berthing 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 10 days before berthing a modified or replacement vessel in the location assigned under the berthing permit:

a. Written notice of any changes to vessel information under Pda 609.04(b)(7); and

b. If there is a new registration for the vessel, a copy of such registration;

(2) The division director or designee determines that the berth assigned in the berthing permit can accommodate the modified or replacement vessel; and

(3) The permit holder pays to the division an amount equal to the difference in the amount, if any, that the permit fee for the modified permit would exceed the permit fee paid for the original permit.

(c) The expiration date of a permit modified under (b) above shall be the same as the originally issued permit.

(d) If any pre-entered information as specified in (e) below is incorrect, the applicant shall make the necessary correction(s) on the application form. The applicant shall return the signed and completed application, the permit fee, and the vessel registration, on or before the deadline specified in Pda 606.06. All

applications pursuant to Pda 606.06 shall be returned to the division on or before the deadline specified in Pda 606.06.

(e) The applicant shall correct, on the application form, any pre-entered incorrect information relating to the following:

- (1) Any typographical or apparent clerical error, provided that no change to vessel information shall be considered correction of a typographical or clerical error; or
- (2) An applicant's name, address, business, or contact information as described in Pda 609.04(b)(1)-(6).

Pda 606.08 Overnight Recreational-Use Pier Berthing Permit: Application Requirements: Processing.

(a) An applicant for an overnight recreational-use pier berthing permit shall:

(1) Obtain an "Overnight Recreational-Use Pier Berthing Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
 2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
 3. Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842;
- or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the overnight recreational-use pier berthing permit application form, as provided in Pda 609.05(b); and

(3) Attach to the application the following:

- a. A copy of the current New Hampshire or other state registration for the vessel, unless the vessel is not required to be registered;
- b. A photograph of the vessel, if the vessel is not required to be registered; and
- c. Payment of the overnight recreational-use pier berthing 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 609.05;
- (2) The applicant has attached the documentation required under (a)(3) above;
- (3) The vessel information on the New Hampshire or other state registration or federal documentation is the same vessel information provided on the application;
- (4) The overnight recreational-use pier berthing 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) A berth is available at the recreational-use pier berthing area;
- (6) There is no reason to deny the application under Pda 607.02; and
- (7) The applicant has signed the application.

(d) If the application is received during normal business hours, the division director or designee shall grant or deny the application as expeditiously as possible, not to exceed 24 hours, consistent with the provisions of Pda 607.

(e) If the applicant is granted an overnight recreational-use pier berthing permit under Pda 607, the division director or designee shall:

- (1) Issue an overnight recreational-use pier berthing permit to the applicant, specifying the dates and times for which the permit is valid;
- (2) Sign and date the permit; and
- (3) If the applicant:
 - a. Has requested that the permit be mailed, mail a photocopy of the permit 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; or
 - b. Is present when the division completes the processing of the application, deliver the permit to the applicant.

Pda 606.09 Daily Seasonal Parking Permit: Application Requirements: Processing.

(a) Daily seasonal parking permits shall only be available for the state-owned commercial piers and associated facilities located at Hampton Harbor and Rye Harbor. Each permit issued shall specify the single state-owned commercial pier and associated facilities for which the permit is valid.

(b) An applicant for a daily seasonal parking permit shall:

- (1) Obtain a "Daily Seasonal Parking Permit Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
 2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
 3. Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842;
- or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the daily seasonal parking permit application form, as provided in Pda 609.06(b); and

(3) Attach to the application the following:

- a. A photocopy of the registration of the vehicle for which the applicant wishes to receive a daily seasonal parking permit; and
- b. Payment of the daily seasonal parking 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."

(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 609.06(b);

(2) A copy of the current state vehicle registration is attached to the application for the vehicle for which the applicant wishes to receive a daily seasonal parking permit;

(3) The daily seasonal parking permit fee is paid for vehicle only or for combination vehicle and trailer, 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;

(4) There is no reason to deny the application under Pda 607.02; and

(5) 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 607.

(e) If the applicant is granted a daily seasonal parking permit under Pda 607, the division director or designee shall:

- (1) Issue a daily seasonal parking permit to the applicant specifying the date(s) of the season for which the permit is valid and marked with the vehicle registration number of the vehicle identified in the permit application;
- (2) Issue a daily seasonal parking sticker marked with the vehicle registration number of the vehicle identified in the application;
- (3) Sign and date the permit; and
- (4) If the applicant:
 - a. Has requested that the permit be mailed, mail a photocopy of the permit 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; or
 - b. Is present when the division completes the processing of the application, deliver the permit to the applicant.

Pda 606.10 Overnight Parking Permit: Application Requirements: Processing.

(a) An applicant for an overnight parking permit shall:

(1) Obtain an "Overnight Parking Permit Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
3. Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the overnight parking permit application form, as provided in Pda 609.07(b); and

(3) Attach to the application the following:

a. A photocopy of the registration of the vehicle for which the applicant wishes to receive an overnight parking permit; and

b. Payment of the overnight parking 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) 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 required under Pda 609.07 (b);
- (2) Space is available in the general use parking area for the type of permit applied for;
- (3) A copy of the current state vehicle registration is attached to the application for the vehicle for which the applicant wishes to receive an overnight parking permit;
- (4) The overnight parking permit fee is paid for vehicle only or for combination vehicle and trailer, 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 no reason to deny the application under Pda 607.02; and
- (6) The applicant has signed the application.

(c) If the application is received during normal business hours, the division director or designee shall grant or deny the application as expeditiously as possible, not to exceed 24 hours, consistent with the provisions of Pda 607.

(d) If the applicant is granted an overnight parking permit under Pda 607, the division director or designee shall:

- (1) Issue an overnight parking permit to the applicant, specifying the date(s) for which the permit is valid;
- (2) Sign and date the permit; and
- (3) If the applicant:
 - a. Has requested that the permit be mailed, mail a photocopy of the permit 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; or
 - b. Is present when the division completes the processing of the application, deliver the permit to the applicant.

Pda 606.11 Seasonal Overnight Parking Permit: Application Requirements; Processing.

(a) Only the holder of a mooring permit for a mooring located in Hampton Harbor or Rye Harbor shall be permitted to apply for a seasonal overnight parking permit at Hampton Harbor or Rye Harbor.

(b) An applicant for a seasonal overnight parking permit shall:

- (1) Obtain a "Seasonal Overnight Parking Application and Permit" form:

a. In person, from the:

1. Division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
2. Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
3. Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

b. By sending a request in writing, including a self-addressed, stamped envelope to the division office at the following address:

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

(2) Provide the information required on the seasonal overnight parking permit application form, as provided in Pda 609.10(b); and

(3) Attach to the application the following:

a. A photocopy of the registration of the vehicle for which the applicant wishes to receive a seasonal overnight parking permit; and

b. Payment of the seasonal overnight parking 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."

(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 required under Pda 609.10(b);

(2) A copy of the current state vehicle registration is attached to the application for the vehicle for which the applicant wishes to receive a seasonal overnight parking permit;

(3) The applicant is the holder of a valid mooring permit for Hampton Harbor or Rye Harbor;

(4) The seasonal overnight parking permit fee is paid for vehicle only, 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 no reason to deny the application under Pda 607.02; and

(6) 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 607.

(e) If the applicant is granted a seasonal overnight parking permit under Pda 607, the division director or designee shall:

- (1) Issue a seasonal overnight parking permit to the applicant, specifying the date(s) of the season for which the permit is valid and marked with the vehicle registration number of the vehicle identified in the permit application;
- (2) Issue a seasonal overnight parking sticker marked with the vehicle registration number of the vehicle identified in the application;
- (3) Sign and date the permit; and
- (4) If the applicant:
 - a. Has requested that the permit be mailed, mail a photocopy of the permit 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; or
 - b. Is present when the division completes the processing of the application, deliver the permit to the applicant.

PART Pda 607 GRANT OR DENIAL OF PERMIT APPLICATION; REVOCATIONS; HEARINGS

Pda 607.01 Annual Pier Use Permit, Skiff Permit, Single-Use Pier Permit, Annual Berthing Permit, Overnight Recreational-Use Pier Berthing Permit, Daily Seasonal Parking Permit, Overnight Parking Permit, and Seasonal Overnight Parking Permit. Applications under Pda 606 for annual pier use permits, skiff permits, single-use pier permits, annual berthing permits, overnight recreational-use pier berthing permits, daily seasonal parking permits, overnight parking permits, and seasonal overnight parking permits shall be granted unless denied by the division in accordance with Pda 607.02.

Pda 607.02 Reasons for Denial of Application.

- (a) The director shall deny a permit application for an annual pier use permit, skiff permit under Pda 604.04, single-use pier permit, annual berthing permit, overnight recreational-use pier berthing permit, daily seasonal parking permit, overnight parking permit, or seasonal overnight parking permit if the applicant:
 - (1) Is not a qualified applicant under Pda 604.02(b), Pda 604.04(b), Pda 604.05(b), Pda 604.06(b), or Pda 606.11(a), as applicable;
 - (2) Has not included the required permit fee;
 - (3) Has not provided the required information and documentation under Pda 609 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 606 or Pda 609;
 - (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 division 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;

(6) Has not signed the application; or

(7) Failed to submit a complete application in accordance with any application filing deadline established under Pda 606.

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

(c) The division director shall deny a permit application for an annual berthing permit at the Portsmouth pier berthing area or an overnight recreational-use pier berthing permit at a recreational-use pier berthing area if no berth is available to accommodate the applicant's vessel.

(d) The division director shall deny a permit application for a daily seasonal parking permit if, on 2 or more occasions during 2 out of the 5 immediately preceding seasons, the applicant had a daily seasonal parking permit or daily seasonal parking sticker revoked for violation of Pda 604.09(d).

(e) The division director shall deny a permit application for a seasonal overnight parking permit if the applicant:

(1) Is not the holder of a valid mooring permit for Hampton Harbor or Rye Harbor; or

(2) On 2 or more occasions during 2 out of the 5 immediately preceding seasons, had a seasonal overnight parking permit or seasonal overnight parking sticker revoked for violation of Pda 604.11(c).

Pda 607.03 Daily and Overnight Parking Restrictions. Parking at associated facilities shall be subject to the following restrictions:

(a) Parking shall be available on a space available basis only in the appropriate parking area(s) of the general use parking lot;

(b) No overnight parking shall be allowed that would violate any provision of Pda 604.10;

(c) Parking shall not be available to any person who has failed to:

- (1) 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 purchase is attempted or the application for a permit is made;
- (2) 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 purchase is attempted or the application for a permit is made; or
- (3) Obey any lawful order of the division 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 purchase is attempted or the application for a permit is made.

Pda 607.04 Revocation of Permit.

(a) The director shall revoke an annual pier use permit, skiff permit, annual berthing permit, recreational-use pier berthing permit, single-use pier permit, overnight parking permit, daily seasonal parking permit, or seasonal overnight parking permit for any of the following reasons, as applicable to the type of permit:

- (1) The permit was transferred in violation of Pda 604.02(g), Pda 604.04(f), Pda 604.05(e), Pda 604.06(f), Pda 604.07(f), Pda 604.08(e), Pda 604.09(d), Pda 604.10(e), or Pda 604.11(c);
- (2) A vehicle sticker was transferred to another person or vehicle in violation of Pda 604.03(c), 604.09(d), or Pda 604.11(c);
- (3) 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 609;
- (4) The permit holder's use of the pier or associated facilities is in violation of the law, including any rule set forth in Pda 600, 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;
- (5) 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 division 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;
- (6) The permit holder ceases to have any ownership interest in a vessel identified in the permit holder's permit;
- (7) The permit holder returned the permit to the division in accordance with Pda 607.07;

(8) The permit holder did not provide the written notification to the division required under Pda 607.07(a);

(9) The permit holder failed to provide the notifications required by Pda 604.02(k), Pda 604.04(g), Pda 604.06(g), Pda 604.09(e), or Pda 604.11(d), as applicable; or

(10) Following prior written notification from the division that a sticker is incorrectly displayed, the permit holder failed to display a parking sticker as specified in Pda 603.04(h).

(b) The division director shall provide notice and opportunity for a hearing before revocation of an annual pier use permit, annual berthing permit, skiff permit, single-use pier permit, daily seasonal parking permit, overnight parking permit, or seasonal overnight parking permit.

(c) Revocation of a pier use permit shall invalidate any annual berthing permit or business-use pier vehicle stickers issued in connection with the pier use permit.

(d) Revocation of a mooring permit shall invalidate any skiff permit or seasonal overnight parking permit issued in connection with the mooring permit.

Pda 607.05 Hearings; Notice of Denial.

(a) Any hearing required pursuant to Pda 607.04 shall be held by the director or designee.

(b) If a permit is denied under Pda 607.02 or revoked under Pda 607.04(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 607.06 Removal of Vessel from Berth if Annual Berthing Permit Revoked. Within 10 days of receipt of a notice of revocation of an annual berthing permit pursuant to Pda 607.05(b), or, if the applicant or annual berthing permit holder files a request for reconsideration pursuant to Pda 608, within 10 days of receipt of a notice of decision under Pda 608.03(b), the vessel for which the annual berthing permit was issued shall be permanently removed from its berth. 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 berth. The owner of the vessel shall be responsible for any costs incurred by the division in removing the vessel from its berth.

Pda 607.07 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 pier use permit or annual berthing permit has been issued; or

(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 608 RECONSIDERATION

Pda 608.01 Reconsideration; Who May Petition. Any holder of an annual pier use permit, skiff permit, single-use pier permit, annual berthing permit, daily seasonal parking permit, overnight parking permit, or seasonal overnight parking permit issued under Pda 600 whose permit was revoked by the division director

pursuant to Pda 607.04 and any applicant for an annual pier use permit, skiff permit, single-use pier permit, annual berthing permit, overnight recreational-use pier berthing permit, daily seasonal parking permit, overnight parking permit, or seasonal overnight parking permit whose application was denied by the division director pursuant to Pda 606.01(d), Pda 606.02(d), Pda 606.03(e), Pda 606.04(d), Pda 606.06(c), Pda 606.08(d), Pda 606.09(d), Pda 606.10(c), or Pda 606.11(d) may petition the division director for reconsideration pursuant to Pda 608.

Pda 608.02 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 608.03 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 607.04; or
- (2) Denial of a permit pursuant to Pda 606.01(d), Pda 606.02(d), Pda 606.03(e), Pda 606.04(d), Pda 606.06(c), Pda 606.08(d), Pda 606.09(d), Pda 606.10(c), Pda 606.11(c), or Pda 606.10(d).

(b) The division director shall review a petition for reconsideration within 10 days of receipt and notify the petitioner of 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.

PART Pda 609 FORMS

Pda 609.01 Annual Pier Use Permit Application Form.

(a) Each person seeking an annual pier use permit shall complete an "Annual Pier Use Application and Permit" form provided by the division and:

(1) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
- b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
- c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the annual pier use permit application form:

- (1) The applicant's full legal name;
- (2) If the vessel described in the application is a commercial fishing vessel, the name and address of the applicant's commercial fishing business;
- (3) If the vessel described in the application is a commercial cargo vessel, the name and address of the applicant's commercial cargo business;
- (4) If the vessel described in the application is a charter boat, the name and address of the applicant's charter boat business;
- (5) If the applicant is an owner or operator of an off-site business, the reasons the applicant needs to use the facilities of a business-use pier and which facilities the applicant needs to use;
- (6) The applicant's mailing address, if different from the permanent address;
- (7) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
- (8) The applicant's type of business organization;
- (9) The applicant's telephone number(s) including:
 - a. Business telephone number;
 - b. Home telephone number;
 - c. Business fax number, if the applicant has a business fax number;
 - d. Emergency telephone number; and

- e. Cell telephone number, if different from permanent telephone number;
- (10) The applicant's e-mail address, if the applicant has an e-mail address; and
- (11) The following information pertaining to the vessel, if any:
 - a. Vessel name;
 - b. New Hampshire or other state registration number;
 - c. Federal documentation number, if applicable;
 - d. Vessel LOA;
 - e. Vessel width;
 - f. Vessel draft;
 - g. Vessel color; and
 - h. Type of vessel.
- (12) The location for which the pier use permit is applied for; and
- (13) Whether or not a skiff permit is required.
- (c) The applicant shall attach the documentation required under Pda 606.01(a)(3).
- (d) The applicant shall provide the registration number for each vehicle for which a business-pier vehicle use sticker is sought as provided in Pda 604.03.
- (e) If the application is for the use of a business-use pier by a vessel, the applicant shall indicate whether or not the applicant desires a skiff permit.
- (f) By 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 pier use permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

- (g) The applicant shall sign and date the application.

Pda 609.02 Skiff Permit Application Form.

- (a) Each person seeking a skiff permit under Pda 604.04(b) shall complete a "Skiff Application and Permit" form provided by the division and:
 - (1) Deliver the completed application to:
 - a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;

b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the skiff permit application 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, if different from permanent telephone number; and

d. An emergency contact telephone number.

(4) The location for which the pier use permit is applied for;

(5) Which address the applicant requests to be used as the correspondence address by the division, if different from the permanent address;

(c) The applicant shall attach the documentation required under Pda 606.02(a)(3).

(d) By 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 skiff permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant shall sign and date the application.

Pda 609.03 Single-Use Pier Permit Application Form.

(a) The single-use pier permit application form shall require the division director or an employee of the division to enter the following information provided by an applicant under Pda 606.03(b):

(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, if different from permanent telephone number; and
 - d. An emergency contact telephone number;
- (4) The following information pertaining to the vessel and registration and identification numbers:
 - a. Vessel name;
 - b. New Hampshire or other state registration number, or federal documentation number, as applicable;
 - c. The identification number(s) for any applicable fishing permits held by the applicant;
 - d. Vessel LOA;
 - e. Vessel width;
 - f. Vessel draft;
 - g. Vessel color; and
 - h. Type of vessel; and
- (5) The reason(s) the applicant wishes to use the pier.

(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 606.03(d)(1).

(c) By 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 pier use permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(d) The applicant shall sign and date the application.

Pda 609.04 Annual Berthing Permit Application Form.

(a) Each person seeking an annual berthing permit shall complete an "Annual Berthing Application and Permit" form provided by the division and:

(1) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801; or
- b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the annual berthing permit application form:

- (1) The applicant's full legal name;
- (2) The name and address of the applicant's commercial fishing business;
- (3) The applicant's mailing address, if different from the permanent address;
- (4) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
- (5) The applicant's telephone number(s) including:
 - a. Business telephone number;
 - b. Home telephone number;
 - c. Emergency telephone number; and
 - d. Cell telephone number, if different from permanent telephone number;
- (6) The applicant's e-mail address, if the applicant has an e-mail address; and
- (7) The following information pertaining to the vessel:
 - a. Vessel name;
 - b. New Hampshire or other state registration number;
 - c. Federal documentation number, if applicable;
 - d. Vessel LOA;
 - e. Vessel width;
 - f. Vessel draft;
 - g. Vessel color; and
 - h. Type of vessel.

(c) The applicant shall attach the documentation required under Pda 606.04(a)(3).

(d) By 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 annual berthing permit or my placement on an annual berthing permit wait list may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information.”

(e) The applicant shall sign and date the application.

Pda 609.05 Overnight Recreational-Use Pier Berthing Permit Application Form.

(a) Each person seeking an overnight recreational-use pier berthing permit shall complete an “Overnight Recreational-Use Pier Berthing Application and Permit” form provided by the division and:

(1) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
- b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
- c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the overnight recreational-use pier berthing permit application form:

- (1) The applicant’s full legal name;
- (2) The applicant’s permanent address;
- (3) The applicant’s mailing address, if different from the permanent address;
- (4) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
- (5) The applicant’s telephone number(s) including:
 - a. Business telephone number;
 - b. Home telephone number;

- c. Business fax number, if the applicant has a business fax number;
 - d. Emergency telephone number; and
 - e. Cell telephone number, if different from permanent telephone number;
- (6) The dates of the overnight for which the overnight recreational-use pier berthing permit is sought; and
- (7) The following information pertaining to the vessel:
- a. Vessel name;
 - b. New Hampshire or other state registration number;
 - c. Federal documentation number, if applicable;
 - d. Vessel LOA;
 - e. Vessel width;
 - f. Vessel draft;
 - g. Vessel color; and
 - h. Type of vessel.
- (c) The applicant shall attach to the application the following:
- (1) A copy of the current New Hampshire or other state registration for the vessel, unless the vessel is not required to be registered;
 - (2) A photograph of the vessel, if the vessel is not required to be registered; and
 - (3) Payment of the overnight recreational-use pier berthing permit fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH;"
- (d) By 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 berthing permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."**
- (e) The applicant shall sign and date the application.

Pda 609.06 Daily Seasonal Parking Permit Application Form.

- (a) Each person seeking a daily seasonal parking permit shall complete a "Daily Seasonal Parking Application and Permit" application form provided by the division and:

(1) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
- b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
- c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the daily seasonal parking permit application form:

- (1) The applicant's full legal name;
- (2) The applicant's permanent address;
- (3) The applicant's mailing address, if different from the permanent address;
- (4) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
- (5) The applicant's telephone number(s) including:
 - a. Business telephone number;
 - b. Home telephone number;
 - c. Business fax number, if the applicant has a business fax number;
 - d. Emergency telephone number; and
 - e. Cell telephone number, if different from permanent telephone number;
- (6) The applicant's e-mail address, if the applicant has an e-mail address;
- (7) The state registration number of the vehicle for which the applicant wishes to receive a daily seasonal parking permit;
- (8) The type of daily seasonal parking permit applied for, which shall be:
 - a. Vehicle only; or
 - b. Combination; and

(9) The state-owned commercial pier and associated facilities for which the daily seasonal permit is requested.

(c) The applicant shall attach:

(1) A photocopy of the current New Hampshire or other state registration for the vehicle listed on the permit application; and

(2) The daily seasonal parking permit fee for vehicle only or for vehicle and trailer, provided that a check or money order is made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) By their signature, the applicant shall certify the following:

(1) "I hereby certify that I either own or lease the vehicle described in this application;" and

(2) "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 daily seasonal parking permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant shall sign and date the application.

Pda 609.07 Overnight Parking Permit Application Form.

(a) Each person seeking an overnight parking permit shall complete an "Overnight Parking Application and Permit" form provided by the division and:

(1) Mail the completed application to:

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

(2) Deliver the completed application to:

a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;

b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842.

(b) The applicant shall provide the following information on the overnight parking permit application form:

(1) The applicant's full legal name;

(2) The applicant's permanent address;

- (3) The applicant's mailing address, if different from the permanent address;
 - (4) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;
 - (5) The applicant's telephone number(s) including:
 - a. Business telephone number;
 - b. Home telephone number;
 - c. Business fax number, if the applicant has a business fax number;
 - d. Emergency telephone number; and
 - e. Cell telephone number, if different from permanent telephone number;
 - (6) The type of overnight parking permit applied for, which shall be:
 - a. Vehicle only; or
 - b. Combination vehicle and trailer;
 - (7) The state registration number of the vehicle for which the applicant wishes to receive an overnight parking permit; and
 - (8) The dates for which the overnight parking permit is sought.
- (c) The applicant shall attach:
- (1) A photocopy of the valid state registration for the vehicle listed on the permit application; and
 - (2) The overnight parking permit fee, provided that a check or money order is made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."
- (d) By their signature, the applicant shall certify the following:
- (1) "I hereby certify that I either own or lease the vehicle described in this application;" and
 - (2) "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 overnight parking permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."
- (e) The applicant shall sign and date the application.

Pda 609.08 Vessel Storage Wait List Application Form.

- (a) Each person seeking to be placed on the division's summer or winter vessel storage wait list shall complete a "Vessel Storage Waitlist Application" form provided by the division and:
- (1) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;
- b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or
- c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the vessel storage wait list application form:

- (1) The applicant's full legal name;
- (2) The applicant's permanent or home address;
- (3) The applicant's permanent or home telephone number;
- (4) Type of vessel for which storage is sought, indicating sail or power;
- (5) The LOA, width, and draft of the vessel;
- (6) Whether the applicant is applying for summer storage, winter storage, or both; and
- (7) The desired vessel storage location(s).

(c) The applicant shall attach:

- (1) A copy of the current New Hampshire or other state registration for the vessel, unless the vessel is not required to be registered;
- (2) A photograph of the vessel, if the vessel is not required to be registered; and
- (3) The vessel storage wait list fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) The applicant shall sign and date the application.

Pda 609.09 Annual Berthing Permit Wait List Application Form.

(a) Each person seeking to be placed on the division's annual berthing permit wait list shall complete an "Annual Berthing Permit Wait List Application" form provided by the division and:

- (1) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801; or
- b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

(2) Mail the completed application to:

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

(b) The applicant shall provide the following information on the wait list application form:

- (1) The applicant's full legal name;
- (2) The applicant's permanent or home address;
- (3) The applicant's permanent or home telephone number;
- (4) The type of vessel for which an annual berthing permit is sought, indicating sail or power; and
- (5) The LOA, width, and draft of the vessel.

(c) The applicant shall attach:

- (1) A copy of the current New Hampshire or other state registration for the vessel, unless the vessel is not required to be registered;
- (2) A photograph of the vessel, if the vessel is not required to be registered; and
- (3) The annual berthing permit wait list fee, provided that fees paid in the form of a check or a money order shall be made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) The applicant shall sign and date the application.

Pda 609.10 Seasonal Overnight Parking Permit Application Form.

(a) Each person seeking a seasonal overnight parking permit shall complete a "Seasonal Overnight Parking Application and Permit" form provided by the division and:

(1) Mail the completed application to:

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

(2) Deliver the completed application to:

- a. The division office located at 555 Market Street, Portsmouth, New Hampshire, 03801;

b. The main office of the Rye Harbor Marine Facility, 1870 Ocean Blvd., Rye, New Hampshire, 03870; or

c. The main office of the Hampton Harbor Marine Facility, 1 Ocean Blvd., Hampton, New Hampshire, 03842.

(b) The applicant shall provide the following information on the seasonal overnight parking permit application form:

(1) The applicant's full legal name;

(2) The applicant's permanent address;

(3) The applicant's mailing address, if different from the permanent address;

(4) Which address the applicant requests be used as the correspondence address by the division, if different from the permanent address;

(5) The applicant's telephone number(s) including:

a. Business telephone number;

b. Home telephone number;

c. Business fax number, if the applicant has a business fax number;

d. Emergency telephone number; and

e. Cell telephone number, if different from permanent telephone number;

(6) The applicant's e-mail address, if the applicant has an e-mail address;

(7) The state registration number of the vehicle for which the applicant wishes to receive a seasonal overnight parking permit; and

(c) The applicant shall attach:

(1) A photocopy of the valid state registration for the vehicle listed on the permit application; and

(2) The seasonal overnight parking permit fee for vehicle only, provided that a check or money order is made payable to "Pease Development Authority, Division of Ports and Harbors" or "PDA-DPH."

(d) By their signature, the applicant shall certify the following:

(1) "I hereby certify that I either own or lease the vehicle described in this application;" and

(2) "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 seasonal overnight parking permit may be withdrawn by the Pease Development Authority for submitting false statements or information or omitting required statements or information."

(e) The applicant shall sign and date the application.

Pda 610, Effective 4-17-15 (Document # 10818, Exempt), to read as follows:

PART Pda 610 PERMIT FEES

Pda 610.01 Fee Schedule.

(a) Following adoption of a Pda 600 fee schedule, Pda 600 fees shall remain in effect until new fees are adopted in accordance with (b) below. At least once a year the division director shall review the schedule of Pda 600 fees. If the division proposes to modify Pda 600 fees, the process shall be as described in (b) below.

(b) The following shall govern the adoption of Pda 600 fee schedules:

- (1) The division director shall prepare a proposed schedule of Pda 600 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 600 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 600 fees;
- (4) Within 60 days of publication of notice pursuant to (2) above, the division director shall submit the proposed schedule of Pda 600 fees to the authority for review and approval;
- (5) The authority may:
 - a. Adopt the approved schedule of Pda 600 fees;
 - b. Adopt the approved schedule of Pda 600 fees in part; or
 - c. Adopt the approved schedule of Pda 600 fees in part and modify the schedule in part;
- (6) The Pda 600 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 600 fees shall be made available to any person who requests a copy.

Pda 610.02 Types of Fees. The following types of fees shall be set by the schedule of fees determined under Pda 610.01:

- (a) Annual pier use permit fee;
- (b) Skiff permit fee;
- (c) Skiff sticker replacement fee;
- (d) Business-use pier vehicle sticker replacement fee;

- (e) Single-use pier permit fee;
- (f) Daily parking ticket fee for vehicle only;
- (g) Daily parking ticket fee for combination vehicle and trailer;
- (h) Daily parking ticket for bus;
- (i) Seasonal parking permit fee for vehicle only;
- (j) Seasonal parking permit fee for combination vehicle and trailer;
- (k) Seasonal parking sticker replacement fee;
- (l) Overnight parking permit fee for vehicle only;
- (m) Overnight parking permit fee for combination vehicle and trailer;
- (n) Berthing permit fee;
- (o) Berthing permit application late fee under Pda 606.06;
- (p) Berthing permit wait list fee;
- (q) Berthing permit wait list renewal fee;
- (r) Berthing permit wait list renewal late fee;
- (s) Vessel storage wait list fee, per storage area;
- (t) Vessel storage wait list renewal fee, per storage area;
- (u) Vessel storage wait list renewal late fee, per storage area;

**Schedule of Fees for Commercial Piers
 Portsmouth, Hampton Harbor and Rye Harbor, NH
 Effective October 7, 2005 unless otherwise noted**

*PFP = Portsmouth Fish Pier	FEE
Annual Pier Use (effective January 1, 2020)	\$12.00 per ft. (\$200 minimum)
Skiff Permit Fee	\$50.00
Skiff Sticker Replacement Fee	\$10.00
Business Use Pier Vehicle Sticker Replacement Fee	\$10.00

Single Use Pier Permit (effective January 1, 2020)	Hampton/Rye/PFP	\$6.00 per ft.
Daily Parking – Car Only - Ticket		\$5.00
Daily Parking – Bus - Ticket		\$25.00
Daily Parking – Combo Vehicle/Trailer Fee-Ticket		\$10.00
Seasonal Parking Permit Fee – Vehicle Only		\$75.00 entire season
Seasonal Overnight Parking Permit – Vehicle Only (effective January 1, 2008)		\$150.00 entire season
Seasonal Parking Permit Fee – Vehicle/Trailer		\$150.00 entire season
Seasonal Parking Sticker Replacement Fee		\$10.00
Overnight Parking Permit Fee – Vehicle Only		\$10.00
Overnight Parking Permit Fee – Vehicle/Trailer		\$20.00
Berthing Permit Fee	PFP Outside PFP Inside	\$8.00 per foot per quarter used \$12.50 per foot per quarter used
Berthing Permit Application Late Fee		\$50.00
Berthing Permit Wait List Fee		\$5.00
Berthing Permit Wait List Renewal Fee		\$5.00
Berthing Permit Wait List Renewal Late Fee		\$10.00
Vessel Storage Wait List Fee, per storage area (effective March 8, 2006)		\$5.00
Vessel Storage Wait List Renewal Fee (effective March 8, 2006)		\$5.00
Vessel Storage Wait List Renewal Late Fee (effective March 8, 2006)		\$10.00

Pda 610.03 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 600 shall not be waived for any type of applicant for or holder of a permit issued pursuant to Pda 600 or any user of state-owned commercial piers or associated facilities, except in accordance with (c) below.

(c) Any fee required under Pda 600 for any permit, sticker, or use of the commercial piers or associated facilities 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 610.03 shall:

(1) Identify the government agency that he or she 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 commercial pier or associated facilities.

Pda 610.04 Fees Nonrefundable: Payment of Fees.

(a) All Pda 600 fees shall be nonrefundable, except as provided in Pda 606.05.

(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."

Rule number	State Statute/Federal Regulation Implemented
Pda 600 (Specific Pda 600 rules implementing specific statutes are listed below)	RSA 12-G:42, IX, X (d)
Pda 601.04	RSA 12-G:2, XIX-a
Pda 601.07	RSA 12-G:2, XXIII-a
Pda 603.07 (a)	RSA 1:16

EXECUTIVE SUMMARY
2023 Annual Risk Management Report

PEASE DEVELOPMENT AUTHORITY

November - Insurance Renewal Summary Review & Risk Management Report

NOVEMBER 7, 2023



Fred C. Church
INSURANCE

EXECUTIVE SUMMARY

2023 Annual Risk Management Report

The goal of the annual risk assessment report is to provide the Pease Development Authority (PDA) a resource to facilitate informed decision-making regarding risk management efforts and the overall management of the commercial insurance program.

This report addresses various aspects of insurance buying and risk management, including:

- Risk identification & evaluation,
- Insurance renewal coverage details, and
- Insights into current industry trends of the commercial insurance market.

Ultimately, our goal is to equip PDA with detailed information to enhance its risk management practices and optimize its overall cost of risk.

In September 2022, Fred C. Church transitioned into the role of the PDA's full-service Insurance Broker and Risk Manager. I must admit, this last year has been both professionally rewarding and personally fulfilling to have had the privilege to work so closely with the exceptional staff at PDA. During this period, we have garnered a wealth of knowledge regarding the unique risks and exposures associated with your operations and we are enthusiastic about building upon the groundwork we have accomplished collectively during this past year.

Despite the challenging landscape of the commercial insurance market, we are pleased with the results achieved in our renewal negotiations to-date. The Fred C. Church Team is openly optimistic for a positive outcome to this year's 12/31/23 commercial insurance renewal. We look forward to continuing our close work and collaboration with the staff of PDA to continue to provide valuable insights and recommendations that will contribute to a more effective risk management and insurance buying strategy. We value and appreciate the trust you have placed with us to serve as your risk management partner and look forward to a great 2024.

Devin Gallagher

Devin Gallagher
Client Executive
FRED C. CHURCH, INC.

BECAUSE IT'S NOT JUST THE POLICY. IT'S THE PEOPLE.®

Pease Development Authority
Premium Summary
Policies Effective December 31, 2023 - 2024

Line of Coverage	Carrier AM Best Rating	2022-2023 Premium	2023-2024 Premium	Premium Change	Percentage Change	Comments
Commercial Property	Chubb A++	\$177,326	\$186,891	+\$9,565	+5.4%	<ul style="list-style-type: none"> • Property values increased 5% • Optional Quotes provided for Higher Deductibles • Golf Course Buildings, EDP & Equipment removed from Schedule - Coverage is moved to the Golf Course Policy (values totalling \$11,206,288) • Payable to Fred C. Church - Annual
Builders Risk	ACE A++		\$8,419	+\$8,419		Policy term 9/11/2023 - 11/15/2024 Arrival Hall Construction
Commercial Package (General Liability & Personal Property)	Hanover A	\$43,366	\$26,093	-\$17,273	-39.8%	<ul style="list-style-type: none"> • Golf Course Exposure Removed - Coverage moved to the Golf Course Policy • 14 Aviation Ave vacant Hangar building removed - Coverage is provided under the Aviation Policy. • Payable to Hanover - Annual
Commercial Auto	Safety A	\$25,505	\$27,492	+\$1,987	+7.8%	• Payable to Safety Insurance - Annual
Workers Compensation	MEMIC A	\$89,705	\$74,888	-\$14,817	-16.5%	<ul style="list-style-type: none"> • Payrolls increased 12% • Experience modification decreased from 1.02 to 0.96 • Payable to MEMIC - Annual
Commercial Package (Golf Course)						• FCC is still negotiating terms with a number of insurance carriers.

This document is a summary of coverage only; the policies contain additions, exclusions, and/or limitations that are not shown here. Please refer to the policy or contact Fred C. Church for complete coverage details.

Excess Liability	Burlington A	\$37,824		-\$37,824	-100.0%	• FCC is still negotiating renewal terms with Burlington
Pollution Liability	Admiral A+	\$7,298		-\$7,298	-100.0%	• FCC is still negotiating renewal terms with Admiral
Cyber Liability	Tokio Marine A++	\$5,089	\$5,089	-\$0	-0.0%	• Premium includes \$195 Fee and \$148.23 NH Surplus Lines Tax • Payable to Fred C. Church - Annual
Aviation Liability	AIG A	\$23,634	\$25,091	+\$1,457	+6.2%	• Payable to Schragger Hampson - Annual
Crime	Hanover A	\$5,232	\$5,232	+\$0	+0.0%	• Original 3 year policy term 12/31/21 - 12/31/24 • Payable to Fred C. Church - Annual
Employment Practices Liability	Chubb A++	\$8,152		-\$8,152	-100.0%	• FCC is still negotiating renewal terms with Chubb
Fee in lieu of commission		\$37,574	\$37,276			• Annual Fee is reduced by commission collected under the Safety Auto policy (\$4,123.80)
Totals		\$460,704.69	\$396,471.20	-\$64,233	-13.9%	November renewal proposal

Notes:

Please be advised that the Auto Liability policy through Safety Insurance will be issued as a commission based policy. Accordingly, Fred C. Church will adjust the fee amount to reflect the amount of commission at binding. Any mid-term endorsements will not increase or decrease the fee.

PROPERTY:

Current Insurer: Chubb Insurance: AM Best Rating: A++

Commercial Insurance Property Market 2023:

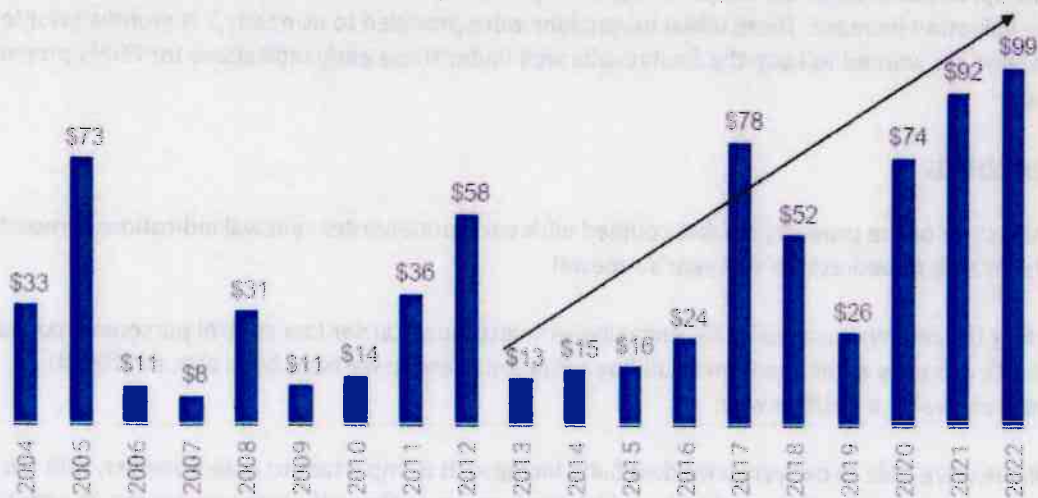
The Council of Insurance Agents & Brokers' (CIAB) Commercial Property/Casualty Market Report for Q2 2023 reports: "Q2 2023 was the 23rd consecutive quarter of premium increases, at 9.7% average increase in premiums for large-sized accounts. Commercial property had the highest reported increase out of all lines, at 18.3%. Natural catastrophe losses and rising property values were among the primary drivers of these increases. Issues with reinsurance capacity led to difficulties placing property policies in the admitted market, especially for coastal property, as well as non-renewals from some carriers on existing accounts."

This report summarizes accurately the challenges faced as we work to secure renewal proposals for PDA's insurance program and specifically for the property market that remains in a hard market. The term "hard market" refers to the upswing in the insurance market cycle when premiums increase, coverage terms are restricted, and capacity for insurance decreases.

We hear from property underwriters repeatedly that the increasing frequency and severity of natural disasters (or CAT catastrophic losses) such as wildfires, hurricanes, floods, sever wind, hail and deep freezes resulting in burst pipes / water damage claims are the primary driver. For reference, below is a graph outlining CAT losses in the US over the last two decades (chart provided by Liberty Mutual, 2023).

Annual insured property losses due to natural disasters show steep and steady increase in CAT loss activity. 2020-2022 US CAT losses exceeded \$265B, the highest ever 3-year total for US insurers. The first half of 2023 exceeded \$50B.

Insured Property losses due to natural disasters in US¹
(in billion US dollars)



Reinsurers, who play a crucial role in providing financial backing to insurance companies, have become more selective in their underwriting processes. In an effort to protect their own profitability and stability, reinsurers are scrutinizing the risk profiles of primary insurers more closely. This has led to tighter terms and conditions for reinsurance agreements, with reinsurers demanding higher premiums from insurance carriers. This in turn, trickles down into the commercial property insurance market. Consequently, organizations face the challenge of elevated premiums and potentially reduced coverage options, making it essential to engage in thorough risk management practices to navigate this challenging landscape effectively.

2023 Property Insurance renewal:

Loss control visit:

In February of 2023, the PDA staff along with Fred C. Church Risk Management Director, conducted a property loss control site visit in Portsmouth with Chubb Insurance. As you will see in the confirmation letter from the loss control team that follows, Chubb was extremely impressed with the PDA's operations reviewed and the existing safety measures in place. We look forward to continuing these loss control visits with the property insurer.

Property assessment / building valuations:

With your close collaboration, a comprehensive property assessment for all PDA property was conducted. Our property review and efforts focused on reviewing properties owned and leased by Pease Development. The objective was to verify and confirm the property's characteristics and COPE (*Construction, Occupancy, Protection, Exposure*) information and building location. Accurate exposure information is crucial for accurately assessing, rating, and insuring PDA's assets.

Early engagement with the underwriter:

Early engagement with the underwriter was a key strategy for this year's property renewal. While most underwriters do not start working on a given risk prior to 30-45 days from renewal, we were able to put PDA on the radar and pressed for early rate projections. With a well-established underwriter / broker relationship, initial underwriter indications and projections came back at 15% rate increase with 5-8% building valuation increase. These initial projections were provided to us nearly 2 ½ months prior to renewal and we worked to keep the final results well under these early indications for PDA's property renewal.

Renewal results:

Given the state of the property market coupled with early underwriter renewal indications, property was a focal area to address for this year's renewal.

By starting the renewal process early, engaging with insurance carrier loss control personnel, conducting an in-depth property assessment and building valuation exercise we have been able to affect this property renewal in a positive way.

Overall, we were able to delivery a modest 5.4% increase. It is important to note however, that the year-over-year comparison for this specific line of business removes the golf course exposures. We continue to market that risk separately.

Lastly, Fred C. Church will continue our work with the PDA Staff to finalize the property proposal and discuss the cost saving options for increased property deductible limits. Overall, this property renewal proposal is incredibly positive given market conditions and trends in the industry.

Builders risk policy: Arrival Hall:

A new property policy for builders risk was put into place for Pease development for the Arrival Hall Project. This policy runs from 9/11/23-11/15/2024 and the premium is \$8,419.

2024 Goals: Continue to engage with Chubb's loss control team. We will schedule visits to PDA's Portsmouth property locations not previously visited in 2023. Schedule SkyHaven loss control visit to review and assess risk at that property location.

Chubb
1 Financial Ctr Fl 22
Boston, Massachusetts 02111

O 617-997-3305
M
Noah.Puchovsky@chubb.com

April 7, 2023

Chasen Congreves
Pease Development Authority
55 International Dr
Portsmouth, NH 03801

CHUBB

Subject: Risk Engineering Services for 55 International Drive, Portsmouth, NH 03801
Insured: Pease Development Authority
Policy: MOD PROP / 000036052272

Dear Chasen,

Thank you for choosing Chubb as your insurance carrier. On February 09, 2023, Trey Guerrini and I visited your facility to conduct a risk engineering survey as part of your insurance program with the policies listed above. We appreciate the time that you took to answer our questions and tour the facility.

No recommendations resulted from this visit. We were impressed with the controls in place in regards to the property and equipment breakdown exposures throughout the PDA campus. We thank you for your commitment to loss prevention.

It was a pleasure to meet with you and we appreciate the time that you took to provide information for the assessment. If you have any questions, please contact me at 617-997-3305 or Noah.Puchovsky@chubb.com.

Sincerely,

Noah Puchovsky

Noah Puchovsky, Property & Casualty Risk Engineer
Risk Engineering Services

cc: Jim Castrataro, jcastrataro@fredcchurch.com
Devin Gallagher, dgallagher@fredcchurch.com
Carol Connelly, cconnelly@chubb.com
Aline Gomes De Oliveira, aparada@chubb.com
Trey Guerrini, trey.guerrini@chubb.com

This document is advisory in nature. It is offered as a resource to be used together with your professional insurance advisors in maintaining a loss prevention program. Evaluations, reports, and recommendations are made solely to assist the insurer in underwriting and loss control. Evaluation for any hazard or condition does not imply that it is covered under any policy. No liabilities or warranties are assumed or provided by the information contained in this document.

Fuel Tank Pollution:

Current Insurer: Admiral Insurance: AM Best Rating: A+

PDA relies on the use and storage of various fuel tanks for its operations. The storage of fuel presents an inherent risks of spills, leaks, and contamination. Recognizing the potential consequences of tank pollution is crucial to protecting the environment, PDA's reputation, and financial exposures. Storage Tank Pollution Liability provides coverage for corrective action, bodily injury and property damage resulting from a release of a scheduled storage tank.

There is currently one tank at SkyHaven Airport being insured. In working with the PDA staff to survey this exposure, it was noted that the maintenance garage and golf course also have fuel tanks for their respective operations. After consultation with the PDA Staff and the collection of the tank exposure details that include their contents, locations, and current compliance status, we continue our work to provide coverage options to these newly added locations. These options will be reviewed with the PDA Staff and final proposal details will be reviewed for approval at the December Board meeting.

2024 Goals: Evaluation of PDA's spill response and prevention protocols, training programs, and emergency procedures will provide insights into the preparedness for mitigating tank pollution incidents. While we have not had detailed conversations about your training and protocols, this is an area we look forward to learning more.

General liability:

Current Insurer: Hanover Insurance: AM Best Rating: A

General liability risks encompass a wide range of potential scenarios, including bodily injury, property damage, and personal injury claims. These risks are inherent to PDA's operations and may arise from various sources. It is crucial to recognize that, although some risks can be mitigated through preventive measures and rigorous safety protocols, they cannot be entirely eliminated. Therefore, risk assessment must focus on identifying the most significant areas of exposure and developing effective strategies to manage and reduce these risks.

Hanover Insurance with a longstanding relationship with PDA, has provided the general liability insurance for exposures outside airport operations. This also includes the golf course exposures. In September of 2023 Hanover gave notice that it would be non-renewing the golf course. This carrier decision is not a reflection on PDA or golf course operations however, it is a result of an internal appetite shift at Hanover to not to continue to write this type of risk going forward.

As you will see from the renewal summary, the commercial package is down nearly 40% from \$43,336 to \$26,093. Fred C. Church has turned to the markets to find an alternative solution for the golf course operations and exposures. We will provide coverage options once marketing work has been completed.

2024 Goals: Lead by Fred C. Church Risk Management Director, we will engage with Hanover Loss Control to schedule visit to PDA for loss control services. Engage with the new golf course carrier's loss control team to provide future loss control visits.

Cyber:

Current Insurer: Houston Casualty Insurance Co. Am Best Rating: A++

After three years of hardening conditions, the cyber insurance market has finally begun to show signs of stabilization. From a premium perspective, cyber insurance buyers are finally seeing smaller rate increases and flat renewals. We are pleased to report that the detailed work in addressing and proactively protecting PDA's network security has resulted in a flat year-over-year renewal.

Pease Development staff continues to work diligently in safeguarding against cyber-attacks and recently implemented Multi-factor Authentication (MFA).

Multi-factor Authentication significantly enhances the security of an organization's systems and accounts by requiring multiple forms of verification, typically something you know (like a password) and something you have (like a mobile device). This additional layer of security reduces the risk of unauthorized access and data breaches, which are common causes of cyber insurance claims. MFA making it more challenging for cybercriminals to compromise accounts, steal sensitive information, or initiate malicious actions that could result in a cyber incident. This is an area that PDA continues to implement and build out.

With the recent implementation of MFA and with a flat renewal, we have continued our work in the market to potentially find a cost savings option. If an improved solution presents itself, Fred C. Church will propose that option before the 12/31/23 renewal effective date.

Lastly, we are please to present the following non-intrusive cyber risk analysis report conducted in September 2023 by the incumbent cyber insurance carrier.

2024 Goals: Ongoing risk assessment required for your cyber exposure and building on the network security improvements implemented by the PDA staff in recent years.



Cyber & Professional Lines Cyber Risk Report

Risk Assessment for Pease Development Authority
peasedev.org
September 11, 2023
NetGuard® Plus

Tokio Marine HCC- Cyber & Professional Lines

CONTENTS

The risk assessment has valuable information regarding your network and any exposures you need to be aware of, including:

- Summary of Findings
- Ransomware Initial Access Exposures Detected
 - RCE CVEs: Remote Code Execution Vulnerabilities
 - Valid Accounts and Brute-Force
 - Internal Network Access for Sale
- Possible Malware Infection Detected
 - Possible Indicators of Compromise Detected on Network
- Dangerous Misconfigurations and Exposures Detected
 - Risky Configuration Detected

Tokio Marine HCC has been innovating Cyber Liability Insurance worldwide, for over 20 years. Our dedicated global team is made up of Cyber insurance and in-house claims experts with deep industry knowledge and a wealth of Cyber security experience. We promote active knowledge exchange, making us a global leader when it comes to Cyber risk, while keeping you at the forefront of emerging threats on the ever-evolving Cyber landscape.



From offices in the U.S., our **Cyber & Professional Lines Group (CPLG)** team performs a diverse range of security and network scans that specifically focus on vulnerabilities and exposures actively targeted by threat-actors. Our CyberThreat-Intelligence team utilizes a combination of non-intrusive scans and security tools to identify opportunities for Initial Access based on the latest observed attack-vectors and known ransomware groups' Tactics, Techniques and Procedures (TTPs).

Threat-Intelligence is the cornerstone of our monitoring and alerting system that produces actionable insight on potential exposures throughout the policy life cycle. We continuously track developments in attack-vectors and alert you of any discovered exposures on your network, while providing additional support during the remediation process. This proactive approach focused on specific attack-vectors allows for considerable risk-reduction, while diminishing response-time and impact to your workload.

Our Threat-Intelligence driven scans detect exposures that make you vulnerable to potentially catastrophic Cyber incidents. Throughout this report we will walk you through these results, how we obtained them, and their importance.

A handwritten signature in black ink, appearing to read 'J. Ingerslev'.

Jacob Ingerslev / Senior Vice President
Cyber & Professional Lines Group

SUMMARY OF FINDINGS

New threats will continue to emerge as bad actors grow stealthier and more sophisticated, but CPLG's Threat-Intelligence team is on the frontlines to aid you in detecting and remediating exposures. Diligence in adhering to notices and ensuring you enforce cyber security controls, such as multi-factor authentication, across your entire organization can dramatically reduce your risk.

Cyber extortion events can be costly and complex – even organizations with secure, cloud-based backups incur business interruption losses during the restoration of critical operations. Paying a ransom demand is only one of many expenses.

For an organization of your size, here is a breakdown of common expenses



RANSOM PAYMENT



BUSINESS INTERRUPTION



INCIDENT RESPONSE

CPLG's non-intrusive scan detected the below exposures and will continue to scan for them throughout the policy period.

Ransomware Initial Access Exposures Detected: 0

Possible Malware Infection Detected: 0

Dangerous Misconfigurations and Exposures Detected: 0



Myth: Ransomware only targets large companies.

Organizations of all sizes can be the target of ransomware, and ransomware is frequently aimed at small and medium-sized organizations. An SMB can be used as a vector to attack a larger parent organization or the supply chain of a large target.

RANSOMWARE INITIAL ACCESS EXPOSURE

Our scanner looks for internet-facing devices vulnerable to exploits favored by ransomware gangs, and regularly targeted to gain Initial Access to corporate networks. These exploits are well-known and widely shared in the underground community. These vulnerabilities should be patched immediately.



The term **Initial Access** (or Initial Access Vector) refers to the techniques and actions taken by the attacker to gain an initial foothold into the victim's network.

We also check for internet-facing ports and services that are exploited by ransomware groups and **Initial Access Brokers (IABs)** through brute-forcing, password spraying and "credentials reuse". These ports and services should be closed immediately, or ensure they are properly protected by MFA (Multi-Factor Authentication) to counter the likelihood of successful exploitation. The scanner also checks for sales of employee credentials in underground markets, as these corporate credentials can also be leveraged to gain an initial foothold into your internal network.

Remote Code Execution (RCE) and Common Vulnerabilities and Exposures (CVEs)

We performed a non-intrusive scan of your network focused on detecting exposures to specific Remote Code Execution vulnerabilities. These vulnerabilities are a preferred method of Initial Access for multiple criminal threat-groups and affect most enterprise services and technology, including VPN devices, mail servers and firewalls.

Our non-intrusive vulnerability scan has detected 0 RCE CVE(s) that your organization may be vulnerable to; up to two results are listed below. If nothing was detected, this section will be blank.



RCE CVE is short for Remote Code Execution and Common Vulnerabilities and Exposures.

This subset of software vulnerabilities can be exploited to allow the attacker to run commands and control the attacked system.

At policy issuance you will receive a comprehensive risk report with details regarding the domain, IP, and port that are exposed to these critical vulnerabilities along with details regarding how to apply the necessary patches to protect your organization.

Throughout the policy period our continuous monitoring system promptly alerts you of these exposures, while constantly tracking newly discovered RCE CVEs exploited by threat-actors.

Valid Accounts and Brute-Force:

Threat-actors continuously scan the internet for opportunities to gain access to internal corporate networks. We performed a non-intrusive scan focused on detecting applications and services known to be targeted through the use of "Valid Accounts", "Brute-Forcing" or "Credential Stuffing". Besides Remote Desktop Protocol (RDP), internet-facing applications like ConnectWise, VNC, AnyDesk and other legitimate remote management tools are often targeted and should always be protected by MFA (Multi-Factor Authentication).

Our non-intrusive scan has detected 0 remote services that can be exploited by ransomware gangs; up to two results are listed below. If nothing was detected, this section will be blank.

At policy issuance you will receive a comprehensive risk report with details regarding the domain, IP, and port that are exposed to these critical vulnerabilities along with details regarding how to apply the necessary patches to protect your organization.

Throughout the policy period we scan and monitor for the presence of these services on your network to ensure you are aware of any possible risk-exposure. These services are leveraged by threat-actors to maintain access to a victim's network; timely alerting can provide you with an opportunity to thwart an ongoing attack.



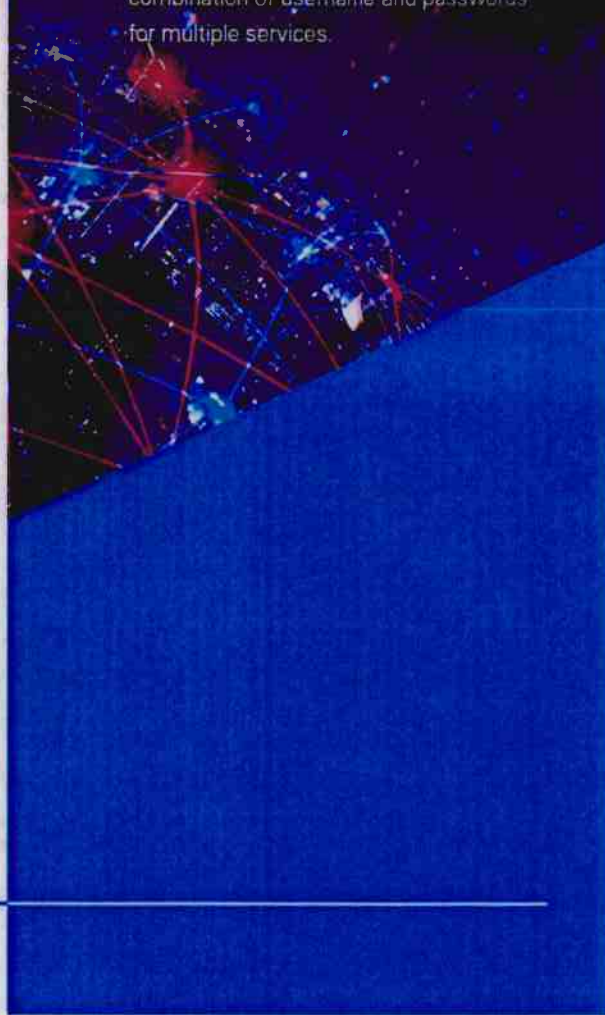
Valid Accounts are credentials, current and correct login information containing username and passwords that can be used to access networks and computer systems.



Brute-Forcing refers to an attack in which the attacker tries to log into a system by trying all possible username and password combinations, until the correct one is found. This is usually an automated attack and does not require the attacker to input each combination manually.



In **Credential Stuffing**, the attacker collects a large amount of username and password combinations from a previous breach and attempts to utilize the same combination to log into other services belonging to the breached users, in the hope that those users rely on the same combination of username and passwords for multiple services.



Network Access for Sale:

Ransomware gangs often rely on Initial Access Brokers (IABs) to gain an initial foothold into a corporate network. IABs have been observed as utilizing corporate account credentials exfiltrated through the use of InfoStealer malware. InfoStealer malware is delivered to an employee's computer through "drive-by compromise" or bundled into "freeware" downloads and torrents. Our scan detects whether a corporate machine on your network was infected by InfoStealer malware, which resulted in an employee's corporate access being available for sale in criminal underground markets.



We detected 0 set(s) of credentials as being offered for sale.

At policy issuance you will receive a comprehensive risk report with details regarding the compromise date, domain, username, computer name, operation system, computer IP, URL login, date of infection, and malware along with details regarding how to take appropriate next steps to protect your organization.



InfoStealer malware gathers and exfiltrates login data like usernames and passwords from a computer system, it is usually delivered to an employee's computer by visiting a malicious website or bundled into free software downloads and torrents

Throughout the policy period we perform periodic checks for the sale of network access in underground markets that could provide an opportunity for threat-actors to compromise your corporate resources. You can benefit from our ability to monitor and alert on exfiltration of corporate credentials before they are exploited.

POSSIBLE MALWARE INFECTION DETECTED

Our scanner checks your internet-facing network for indicators of compromise suggesting the presence of an active malware infection. We detect a variety of common malware families like coinminers and botnets, but also the presence of more severe detections, indicating the presence of persistence mechanisms, backdoors and exfiltration of corporate credentials. While some of these malware detections can have limited impact to the overall performance of your network and the devices within it, some can lead to more wide-spread issues, and even be precursors to very severe compromises, like ransomware.

Possible Indicators of Compromise Detected on Network:

We scanned your network for indications of active infections and compromise. Our scanner checked for the presence of persistence mechanisms like "webshells", tools like CobaltStrike, phishing pages, as well as more common malware families.

Our non-intrusive scan has detected 0 possible indicator(s) of compromise on your network; up to two results are listed below. If nothing was detected, this section will be blank.

At policy issuance you will receive a comprehensive risk report with details regarding the IP this indicator was detected on along with details regarding how to appropriately address it.

Throughout the policy period we perform periodic scans of your network and alert you of possible severe detections, this provides you with an opportunity to address the exposure before its severity increases.



An active **malware infection** is an infection on a computer system that has not been addressed or remediated.



Persistence mechanisms are any technique or task that allows the attacker to maintain current, ongoing access to a compromised computer system or network.

DANGEROUS MISCONFIGURATIONS & EXPOSURES DETECTED

Our scanner checks for a variety of **misconfigured** services that may allow **threat-actors** an opportunity to gain an initial foothold into your network. By addressing any **misconfiguration** found, you will lower your **risk-exposure** and avoid any possible compliance issues.

Risky Configuration Detected

We scanned your **internet-facing** devices for the presence of **End-of-Life Windows servers**, **exposed** remote network management login pages, **TOR** (The Onion Router) nodes, **exposed** FTP servers, open **databases**, and additional detections that might provide you with an opportunity to harden your perimeter.

We identified 0 potential exposures; up to two results are listed below. If nothing was **detected**, this section will be blank.

At policy issuance you will receive a comprehensive risk report with details regarding how to take appropriate next steps to protect your organization.



Aviation liability:

Current Insurer: AIG Insurance: AM Best Rating: A

In 2022 the PDA Board voted to approve a strategic move of insurance carriers from Starr Insurance to AIG for aviation liability. This was done for a number of reasons, most importantly, improvements in coverage coupled with significant cost savings. For this upcoming renewal on 12/31/2023, AIG quoted a renewal premium of \$25,091, which reflects a 6.2% increase over the expiring premium of \$23,634.00. This is an excellent outcome given current aviation market conditions.

Below are two topics regarding PDA's aviation liability & exposure that are noteworthy in our risk assessment:

Wavier of Governmental Immunity coverage endorsement on PDA's airport liability policy:

As an agency of the State of New Hampshire, Pease Development Authority (PDA) has statutory immunity against allegations of liability on behalf of the organization, and its directors, officers and employees while performing duties within the scope of their work for PDA. PDA's insurer, AIG, has included a "Waiver of Governmental Immunity Endorsement" which states that the insurer will not take avail of the PDA's statutory immunity to defend a claim on the basis the insured is not liable due to the performance of governmental functions unless such defense is requested by PDA. This allows PDA to settle a liability claim with policy limits in lieu of exercising immunity at PDA's discretion. This might be desirable in a situation where members of the public sustain bodily injury and PDA wishes to make them whole in a measure of goodwill vs. facing the negative publicity and loss of public trust that could be associated with PDA exerting its right to immunity and leaving injured parties with no recourse.

Pease Air show collection of Certificates of Insurance (COI) – best practices:

As Pease Development currently follows this best practice, we suggest you continue to confirm that Pease Development Authority has obtained a Certificate of Insurance from airshow organizers, showing evidence of general liability insurance, business auto, and workers compensation and naming Pease Development Authority as additional insured on a primary and non-contributory basis with a wavier of subrogation in favor of Pease Development Authority.

We are pleased to present the AIG loss control visit confirmation letter and valuable insights into the aviation market authored by aviation broker specialist for the PDA, David Hampson.

2024 Goals: Reengage with AIG loss control Team and broker specialist Hampson Aviation to continue their work to provide loss control services through 2024.



Vijal Desai
Senior Risk Consultant
Risk Consulting | AIG

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Date: June 7, 2023

Chasen Congreves
Pease Development Authority
36 Airline Ave
Portsmouth, NH 03801
c.congreves@peasedev.org

Re: Confirmation of Risk Control Meeting on May 15, 2023

Dear Mr. Congreves:

On May 15, 2023, AIG Casualty Risk Consulting performed risk control survey with the purpose of evaluating third party health & safety exposures and controls at your Portsmouth International Airport and Skyhaven Airport locations.

The meeting consisted of a discussion regarding your overall operations, management of third parties on site, risk transfer controls, facility maintenance, site security and emergency planning. Following the initial discussion, a facility walkthrough was conducted for both sites. It was a pleasure to learn more about your operations. I was impressed with the overall condition and maintenance of your facilities along with controls for site security and emergency response.

There are no **recommendations** resulting from our discussion and facility walkthrough. I have attached a document that provides additional information on services offered by AIG Casualty Risk Consulting. If you have any questions or would like to learn more about services offered by AIG, please feel to reach out to me.

Cordially,

Vijal Desai

Vijal Desai
Senior Risk Consultant

Copy:

Andrew Pomeroy, Pease Development Authority
Ashely Maguire, Schragger Hampson Aviation Insurance Group
David Hampson, Schragger Hampson Aviation Insurance Group
Devin Gallagher, Fred C. Church, Inc.
Gregory Sterling, AIG
Matt Kelly, AIG

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PREDICTABLE UNPREDICTABILITY

The insurance market has stabilized—somewhat.

BY DAVID HAMPSON

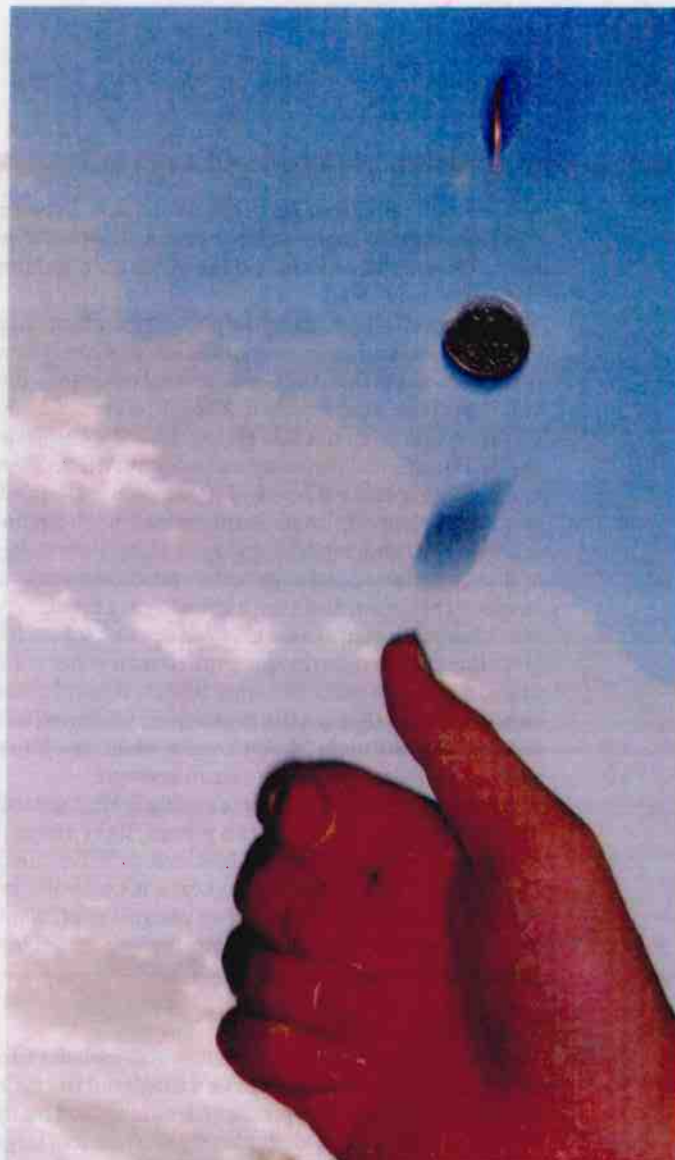
ALL THIS TALK about a “new normal” of predictable unpredictability at first seemed like a post-pandemic cliché to me, but I’m beginning to think there’s more to it. Who would have thought we’d see inflation reaching high single digits, mortgage rates exceeding 7 percent amid an economy headed to an elusive “soft landing,” regional airline first officers earning more than fast-food wages, or me flying an instrument approach to near minimums through smelly wildfire smoke to get into Teterboro, New Jersey?

The aviation insurance market hasn’t proven to be any more predictable than the world at large. One would expect rates to stabilize after five years of increases, but they are still going up. Similarly, underwriting criteria haven’t loosened and are still tightening in certain areas, such as war risk. This volatility is driven by largely unforeseen domestic and global factors. On a domestic level, inflation of parts and labor and stubborn supply chain issues continue to increase costs to settle hull claims. Also, attorney rates and litigation costs are rising, so insurers pay more even if they prevail in successful defense of their insureds. Globally, the market is facing billions of dollars of unexpected claims because of the Russia-Ukraine conflict, followed closely by the \$3 billion Boeing 737 Max claims saga. And to add insult to the injury of unpredictable outcomes, aircraft that were destroyed in the Sudanese conflict earlier this year could result in another \$250 million to \$300 million of losses.

It’s worth reiterating that aviation premiums are collectively small on both a national and global scale, and aviation breaks the “law of large numbers,” a cardinal rule in actuarial science that predicts outcomes with reasonable accuracy if there are enough similar exposures to consider. At the risk of oversimplifying a complex underwriting process, we can demonstrate this concept with a simple coin-flip exercise.

We can predict the outcome of a standard coin flip will result in heads 50 percent of the time. Try flipping a coin 10 times and see if you get five heads. You probably won’t. Now try flipping a coin 100 times or even 500 times if you’re ambitious. I’m sure it will be much closer to a 50 percent outcome. With so few similar exposures in aviation insurance, we are the 10-coin-flip gamble of the insurance world, whereas on a relative basis boat insurance would be about 900 coin flips and auto insurance would be 10,000 coin flips.

You might be wondering what this all means for where aviation insurance is headed in the next two



to three years, and we’ll address that. But first let me paint a picture of where we are today.

Piston Aircraft

The good news is insurance rates for pleasure and non-commercial, business-use piston aircraft—being further removed from international shock losses—have largely stabilized, and we are seeing increases in line with inflation. This is particularly the case for basic trainers and common models with many serial numbers in service. Factors that continue to pose an underwriting challenge include low-time pilots in high hull value and/or retractable gear aircraft, make/models with limited parts availability, experimental aircraft, and older multiengine pistons.

While pilots over 70 years of age will continue to face challenges finding options for new aircraft purchases, we find most underwriters willing to renew coverage for pilots who have demonstrated loyalty to the same insurer over many years, though liability limits may be lowered, and operations under BasicMed might be off the table. More underwriters are now willing to insure

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new aircraft purchases for pilots as old as 79 in basic, fixed-gear models such as a Piper PA-28, Cessna 172, or even a Cessna 182, especially if the pilots are high time and instrument rated.

Commercial operators flying piston aircraft, such as flight schools and charter companies, will likely face higher increases than non-commercial operators, but still lower than what we saw in 2020 through 2022, unless there has been notable claims activity. Unfortunately, commercial piston operators may still find few competitive options at renewal time because these accounts are manually rated. Insurers have not been immune to staff shortages that plague many industries, and underwriters need to prioritize what they work on because they often don't have time to get through every submission on their desk. If you are unhappy with your incumbent insurer for some reason other than price and want to make a change, it helps if your broker communicates that sentiment to their underwriters because they are more likely to quote when they know there is a realistic chance to win an account.

Another positive sign we are seeing is that several new insurers are entering the piston/light aircraft market. It is too early to tell how competitive these new insurers will be and to what extent they will disrupt the market status quo, but an expansion of insurers is usually a sign of a hard insurance market about to turn the corner.

Turbine: Owner Flown

The owner-flown turbine segment, which includes turboprops and jets, continues to be a tough nut to crack. Because rates were so depressed for so long, and many insurers suffered high-dollar losses as a result of large hull values and liability limits, it's taking longer for this sector to recover.

Increases here will generally be higher than inflation and may come with decreased liability limits, fewer ancillary coverages, and higher hull deductibles. But most insurers are still willing to renew existing accounts until pilots reach their mid-70s.

Pilots new to the turbine market need to be strategic about their transition plans. It helps to find an airplane that is as similar as possible to the one you've been flying. For example, a Cirrus SR22 to a SF50 Vision Jet, or a Piper Malibu to a Piper Meridian are the sort of transitions that are viewed favorably by underwriters if a pilot is instrument rated with at least 1,000 hours total time.

With regard to training, I implore turbine transition pilots not to request "in-aircraft" initial or recurrent training for the first three years. I've already heard every possible justification for it and so have your underwriters. Nothing is going to change the fact that simulator training is the gold standard to insurers because of its thoroughness and standardization, and requesting a waiver early on in your turbine career may negatively bias how underwriters perceive your atten-

tion to risk management, safety, and training. High-time turbine pilots with substantial make/model time who are under 70 may be able to obtain approval for in-aircraft recurrent training if not annually, then at least in alternating years.

On the positive front, we can usually obtain an insurance solution for even the lowest time turbine transition pilots if they're prepared to pay, able to accept basic liability limits, and willing to allow a mentor CFI to babysit them from the right seat for 50- to 100-plus hours. For example, we recently quoted a student pilot in a Cessna Caravan for a six-figure insurance premium and have written Cirrus Vision Jets for sub-400-hour pilots at around a \$75,000 annual premium.

Turbine: Professionally Flown

Corporate or commercially operated turboprops and jets fall into a different and more favorable rating tier than owner-flown risks. Accounts with favorable loss history are generally seeing increases at least in line with inflation but less than owner-flown turbine accounts. War hull and liability coverages have doubled in many cases because of the aforementioned global conflicts, but these coverages are fortunately a small component of the total premium for domestic aircraft without significant international exposure.

Many commercial operators have seen flight activity pick up in recent years. While premiums aren't normally rated or audited for annual hourly utilization, claims activity in the form of weather events, bird strikes, and hangar rash usually increase with utilization. We're seeing the effects of this reflected in higher loss ratios and rate increases greater than average for commercial operators who are flying more.

There remains competition for and favorable treatment of "best-in-class" risks in the professionally flown turbine world. You can separate yourself from the rest by living and breathing a culture of risk management, pilot proficiency, and safety that goes far beyond an SMS program. Top accounts in this segment will proactively seek input from their insurer's safety and loss control departments for improvement and select one or several underwriters to partner with to achieve a long-term, mutually profitable relationship for both insurer and insured.

Future Market

Now to predict the unpredictable, let's circle back to my earlier exercise and flip another coin. I call heads, the market gets better, and tails the market gets worse. I can tell you with nearly 100 percent certainty that one of these two outcomes will be correct and also that we'll be in for an interesting and unforeseen ride along the way. ●

DAVID HAMPSON is president of Schrageer Hampson Aviation Insurance Group and an instrument-rated commercial pilot. He can be reached at: david@planeinsurance.com.

Workers Compensation:

Current Insurer: MEMIC Insurance: AM Best Rating: A

Projected payroll has increased 12%. The PDA's experience modification for 2024 is decreasing 6%, from 1.02 to a .96. Total overall premium is down -17% from \$89,705 to \$74,888 (-\$14,817).

Below is a year-over-year review outlining the Workers Compensation renewal calculation:

2022					2023				
Carrier: MEMIC Indemnity Co.					Carrier: MEMIC Indemnity Co.				
Stat Class		Premium	Rate	Estimated	Stat Class		Premium	Rate	Estimated
		Basis Total	Per	Annual			Basis Total	Per	Annual
		Estimated	\$100 of	Premium			Estimated	\$100 of	Premium
	Aviation - All Other					Aviation - All Other			
NH 7403	Employees & Drivers	\$2,240,000	4.4200	\$99,008	NH 7403	Employees & Drivers	\$2,464,000	3.6200	\$89,197
8810	Clerical Office	\$1,525,000	0.1600	\$2,440	8810	Clerical Office	\$2,136,000	0.1400	\$2,990
9012	Apartment Property	\$0	1.2200	\$0	9012	Apartment Property	\$0	1.1300	\$0
	Owner or Lessee or Real Estate Management Firm - All Other					Owner or Lessee or Real Estate Management Firm - All Other			
9015	Employees	\$0	3.8800	\$0	9015	Employees	\$0	3.5100	\$0
9060	Country Club - Golf	\$1,503,000	2.3700	\$35,621	9060	Country Club - Golf	\$1,292,000	2.1800	\$28,166
MA 8810	Clerical Office	\$0	0.0600	\$0	MA 8810	Clerical Office	\$0	0.0400	\$0
Manual Premium				\$137,069	Manual Premium				\$120,353
Increased Limits (500/500/500)		\$137,069	0.0080	\$1,097	Increased Limits (500/500/500)		\$120,353	0.0080	\$963
Experience Modification		\$138,166	1.0200	\$2,763	Experience Modification		\$121,316	0.9600	(\$4,853)
Scheduled Credit		\$140,929	0.7500	(\$35,232)	Scheduled Credit		\$116,463	0.7500	(\$29,116)
Premium Discount		\$105,697	0.8950	(\$11,098)	Premium Discount		\$87,347	0.8970	(\$8,997)
Expense Constant				\$180	Expense Constant				\$295
Expense Reduction Plan		\$94,599	0.9300	(\$6,622)	Expense Reduction Plan		\$78,350	0.9300	(\$5,485)
Terrorism		\$5,268,000	0.0090	\$474	Terrorism		\$5,892,000	0.0090	\$530
Catastrophe		\$5,268,000	0.0200	\$1,054	Catastrophe		\$5,892,000	0.0200	\$1,178
Total Estimate				\$89,685	Total Estimate				\$74,868
MA Loss Constant				\$20	MA Loss Constant				\$20
Final Total				\$89,705	Final Total				\$74,888

Division of Ports and harbors:

Workers compensation coverage does not extend to employees of the Division of Ports and Harbors who have been historically covered, and continued to be covered, by the State of New Hampshire's self-insured Workers Compensation program.

Following is a detailed claims summary provided by MEMIC outlining the past six years of performance.

2024 Goals: With the recent visit of MEMIC's loss control specialist Adam Levesque, an action plan has been formulated for on-site support to ensure employee safety - as it has in the past - remains a priority.

CLAIM SERVICE SUMMARY

PEASE DEVELOPMENT AUTHORITY AN
POLICY NUMBER: 3102800857

PERIOD COVERED: 12/31/2022 - 12/31/2023
AS OF: 08/17/2023

LOSS INFORMATION

GROSS INCURRED PERIOD COVERED

Loss Ratio: 5.71%



Indemnity

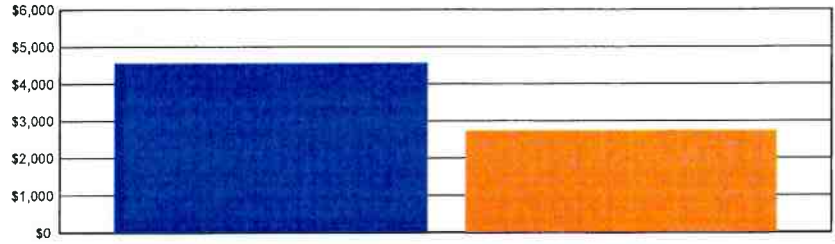
GROSS INCURRED 6 YEAR ANALYSIS

Loss Ratio: 34.9%



Indemnity Medical

MEDICAL PERIOD COVERED



Sum of Medical Billed \$4,558.88
Sum of Medical Saved \$2,737.16

Medical Savings: 60%

LOSS TYPE ANALYSIS

PERIOD COVERED

Type	Count	Gross Incurred	Net Incurred
Medical	0	\$-	\$0
Indemnity	1	\$29,269	\$29,269

6 YEAR ANALYSIS

Type	Count	Gross Incurred	Net Incurred
Indemnity	6	\$150,753	\$150,753
Medical	10	18,917	\$18,917

TOP 5 BODY PARTS 6 YEAR ANALYSIS

Body Part	Num	Percent
UPPER BODY	5	27.78%
HEAD	4	22.22%
BACK	3	16.67%
LOWER BODY	2	11.11%
MISCELLANEOUS	2	11.11%

DAYS TO REPORT LOSS

PERIOD COVERED

Category	Num	Percent
0-3 Days	0	0%
4-7 Days	0	0%
8-14 Days	1	100%
15+ Days	0	0%

6 YEAR ANALYSIS

Category	Num	Percent
0-3 Days	7	43.75%
4-7 Days	4	25%
8-14 Days	4	25%
15+ Days	1	6.25%

TOP 5 CAUSES 6 YEAR ANALYSIS

Cause	Num	Percent
FALL	6	33.33%
OVEREXERTION	4	22.22%
RUBBED / ABRADED	2	11.11%
STRUCK AGAINST	2	11.11%
STRUCK BY	2	11.11%

LOSS HISTORY BY POLICY YEAR

Policy Period	Claim Count	Gross Incurred	Recoveries	Net Incurred	Loss Ratio
2022-12-31 - 2023-12-31	1	\$29,269	0	\$29,269	5.71%
2021-12-31 - 2022-12-31	2	\$6,706	0	\$6,706	7.79%
2020-12-31 - 2021-12-31	3	\$92,122	0	\$92,122	131.51%
2018-12-31 - 2019-12-31	5	\$32,915	0	\$32,915	43.81%
2017-12-31 - 2018-12-31	5	\$8,658	0	\$8,658	14.68%
2016-12-31 - 2017-12-31	6	\$33,033	0	\$33,033	49.8%
2015-12-31 - 2016-12-31	5	\$9,896	0	\$9,896	17.13%
2014-12-31 - 2015-12-31	4	\$26,893	1	\$26,893	47.25%
2013-12-31 - 2014-12-31	8	\$4,770	1	\$3,972	6.53%
2012-12-31 - 2013-12-31	5	\$6,153	0	\$6,153	10.05%
2011-12-31 - 2012-12-31	6	\$9,260	0	\$9,260	14.24%

TOP 5 OCCUPATIONS 6 YEAR ANALYSIS

Occupation	Num	Percent
Equipment Operator	3	16.67%
Electricians	2	11.11%
Unknown	2	11.11%
'maintenance Worker'	1	5.56%
Accountants And Auditors	1	5.56%

TOP 5 LOCATIONS 6 YEAR ANALYSIS

Location	Num	Total
36 AIRLINE AVE PORTSMOUTH 038...	1	\$63,286
D SKYHAVEN AIRPORT 7 LEE ST PO...	8	\$52,313
D SKYHAVEN AIRPORT 55 INTERNAT...	6	\$41,169
D SKYHAVEN AIRPORT 36 AIRLINE ...	1	\$4,512
D SKYHAVEN AIRPORT 200 GRAFTON.	1	\$4,291

YOUR CLAIM SPECIALIST

Kelley Phelps

KPhelps@MEMIC.COM

(603) 314-0605

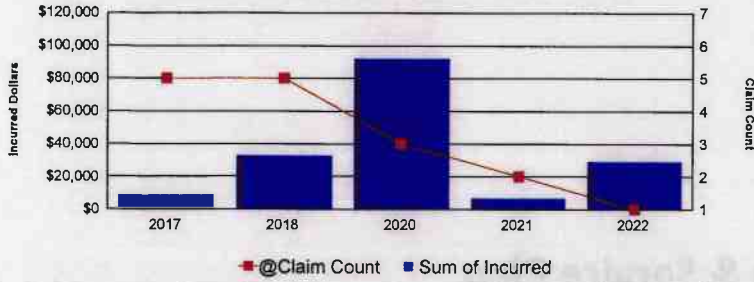
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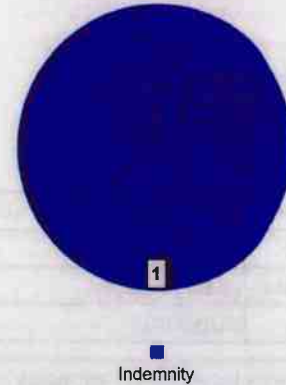
LOSS INFORMATION

GROSS INCURRED & CLAIM COUNT BY POLICY YEAR

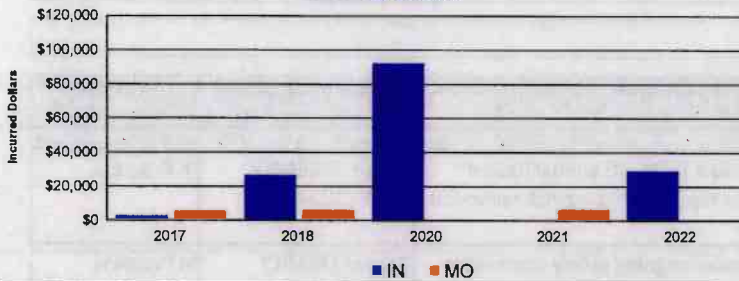


Year	2017	2018	2020	2021	2022
Incurred Dollars	\$8,658	\$32,915	\$92,122	\$6,706	\$29,269
Claim Count	5	5	3	2	1

CLAIM COUNT BY STATUS PERIOD COVERED

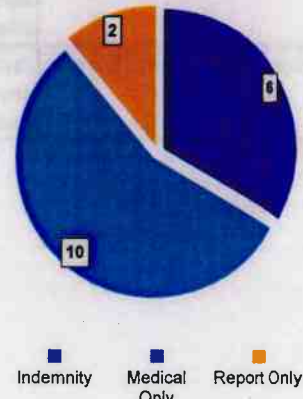


CLAIM SEVERITY

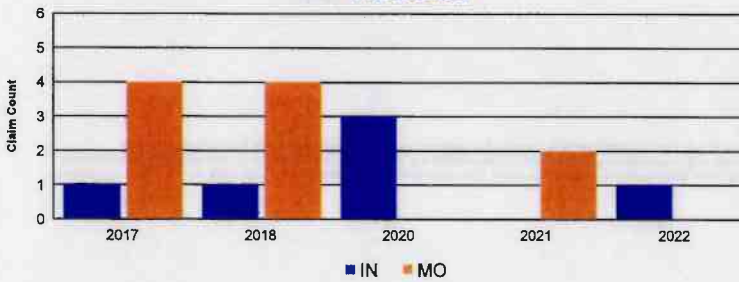


Year	2017	2018	2020	2021	2022
IN	\$2,802	\$26,561	\$92,122	\$0	\$29,269
MO	\$5,856	\$6,354	\$0	\$6,706	\$0

CLAIM COUNT BY STATUS 6 YEAR ANALYSIS



CLAIM FREQUENCY



Year	2017	2018	2020	2021	2022
IN	1	1	3	0	1
MO	4	4	0	2	0

YOUR CLAIM SPECIALIST

Kelley Phelps

KPhelps@MEMIC.COM

(603) 314-0605



Action & Service Plan

Customer Name:	PEASE DEVELOPMENT AUTHORITY AN	<i>It is our goal to provide you, our customer, with the expertise, guidance, and services necessary to achieve and maintain "zero" workplace injuries. This Action and Service Plan is designed in partnership with you, so that we may work together at enhancing your safety culture.</i>
Policy Number:	3102800857	
Safety Consultant:	Adam Levesque	
Date:	11/06/2023	

Goal : No indemnity losses for current policy year.

CUSTOMER NEED	ACTION/SERVICE STEPS	PERSON RESPONSIBLE/ TARGET DATE	STATUS
Hazard Assessment Partnership	Partner with MEMIC to conduct (at least) annual hazard assessment walkthroughs to support ongoing risk reduction efforts.	Chase / MEMIC/ 09/29/2024	In Progress
Safety Committee Development / Support	Partner with MEMIC to support ongoing safety committee development including meeting attendance, training, routine guidance, etc.	Tanya/ MEMIC/ 09/29/2024	In Progress

ATTENTION: Workplace Safety Is Your Responsibility. MEMIC makes no representation or warranty that any recommendation, report, statement, or other communication made by us or any of our service providers are in compliance with any rule, law, and/or regulation. Our recommendations, reports, statements, or other communications relate primarily to underwriting concerns and do not constitute an assumption or undertaking by us or our service providers of your obligations to provide a safe work environment pursuant to applicable rules, laws and/or regulations. We exercise no control over your premises, operations or employees, and have no responsibility or authority to implement any loss control recommendations, reports, statements, or other communications, the implementation of which is your choice and your sole responsibility.

Directors & Officers:

Current Insurer: State of New Hampshire

CHAPTER 99-D DEFENSE AND INDEMNIFICATION OF STATE OFFICERS AND EMPLOYEES

Directors and Officers (*D&O or also known as Board Liability*) insurance protects the Directors and Officers in the event they are sued by employees, vendors, competitors, investors, customers, or other parties for actual or alleged wrongful acts in their acting capacity as PDA Board members.

After review of the current insurance program, PDA currently does not transfer this risk to the private insurance market. However, this coverage and indemnification is provided by the State of New Hampshire in - TITLE VI: PUBLIC OFFICERS AND EMPLOYEES CHAPTER 99-D, DEFENSE AND INDEMNIFICATION OF STATE OFFICERS AND EMPLOYEES.

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 99-D

DEFENSE AND INDEMNIFICATION OF STATE OFFICERS AND EMPLOYEES

Section 99-D:2

99-D:2 Defense and Indemnification. – If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the Pease development authority, division of ports and harbors, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, members and employees of the lakeshore redevelopment planning commission, or directors, officers, and employees of the land and community heritage investment authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by

compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

Source. 1978, 43:1. 1979, 466:2. 1985, 144:11. 1986, 113:1. 1988, 169:1. 1989, 124:3. 1990, 161:11, 12; 207:1, 2. 2001, 158:11, eff. July 1, 2001; 290:8, eff. July 1, 2001 at 12:01 a.m. 2017, 240:2, eff. July 18, 2017.



Commercial Auto:

Current Insurer: Safety Insurance: AM Best Rating: A

Insurance renewal:

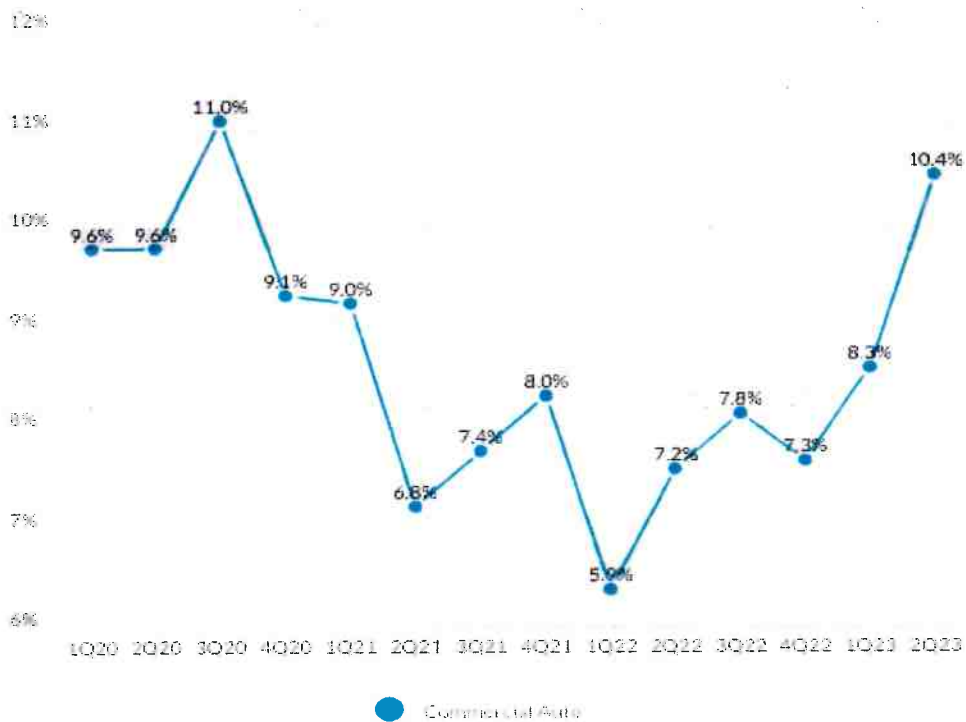
Commercial auto is set to renew with (35) vehicles. Premium is up 8% to \$27,492 from expiring of \$25,505 which remains under the market average of 10.4%. This is a competitive renewal proposal with the average cost to insure each vehicle at \$785.

Note: The PDA self-insures the comprehensive / collision on approximately half of the fleet (applies to older fleet vehicles). This is a prudent cost savings measures that we deem is reasonable & recommended.

Below is quarterly year-over-year rate change. You will see that we are renewing under market averages of over 10%.

CIAB's Commercial Market Pricing Survey

Commercial auto - year-over-year quarterly rate change



Source: Fitch Ratings, Council of Insurance Agent & Brokers.

FitchRatings

2024 Goals: Fleet safety has been identified as an area of focused work for 2024. We will work to provide vendor options & solutions for the Staff of PDA to potentially conduct in-house Motor Vehicle Record (MVR) checks. Fred C. Church's Risk Management Director will take lead to assist with reviewing current fleet procedures and safety measures.

It was reviewed that in-house MVR checks are not needed for employees obtaining an airport badge. This, consequently, represents a majority of the PDA staff. Those employees will continue to undergo a constant Criminal History Record Check (CHRC) through the TSA. If by chance something significant, such as DUIs or suspended licenses do occur, the PDA will be notified immediately rather than waiting for the annual insurance carrier MVR checks. It is our understanding that while CHRC checks do not alert to minor infractions such as speeding tickets or other relatable items resulting in fines, if these occur regularly, the State of NH would issue a habitual offender case and the PDA would subsequently then be notified.

Checking motor vehicle records for approved drivers of PDA-owned vehicles is important for the safety of employees and the public, legal compliance, cost savings, and protecting PDA's reputation. It will help you make informed decisions about who should be allowed to drive company vehicles and ensures that they are taking steps to minimize the associated risks. In-house MVR checks would be focused to golf course employee authorized to operate PDA owned vehicles. If PDA chooses to run your own MVR checks, below outlines a sample matrix to determine driver acceptability:

Driver Acceptability Matrix

Number of Moving Violations Within Past Five Years	Number of Accidents Within Past Five Years				Number of DUI or DWI Within Past Five Years
	0	1	2	3	
0	Clear	Acceptable	Borderline	Prohibited	Prohibited
1	Acceptable	Acceptable	Borderline	Prohibited	Prohibited
2	Acceptable	Borderline	Prohibited	Prohibited	Prohibited
3	Borderline	Prohibited	Prohibited	Prohibited	Prohibited
4	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
5	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Acceptable
Borderline
Prohibited

Can operate a vehicle
 Motor Vehicle Report will be checked every 6 months; insurability subject to no deterioration in the record.
 Employer must prohibit driver from driving company vehicles or using personal vehicle on company business.

Major Violations include but are not limited to

Driving while intoxicated, DWI or under the influence, DUI or illegal possession of drugs or alcohol driving with a suspended or revoked license, homicide, assault or felony arising from the operation of a motor vehicle, leaving the scene of an accident (hit & run), evading arrest, misrepresentation to avoid arrest operating a motor vehicle without and owners authority (grand theft), permitting an unlicensed person to drive, reckless driving, racing/drag racing, etc.

This is for general reference only. Please refer to your auto policy contract or consult a licensed commercial insurance broker or loss control representative at Fred C. Church, Inc. for assistance.

Crime:

Current Insurer: Hanover Insurance: AM Best Rating: A

In December of 2022, The Board of Directors approved a multi-year policy for the PDA's crime exposures. This is advantageous, as we locked in rates for the next three years. Year-over-year premium of \$5,232 remains flat and will extend into next year at the same annual cost. This coverage provides limits for exposures related to PDA's financial operations.

2024 Goals: Fred C. Church will focus on reviewing PDA's crime exposure in 2024 and provide a more in-depth detailed risk report in November of 2024.

Employment Practices Liability:

Current Insurer: Chubb Insurance: AM Best Rating: A++

Employment Practices Liability Insurance (EPLI) serves as a safeguard with the increasing tide of legal claims brought by their employees alleging infringements of their rights. Employment practices coverage is designed to shield the PDA from various employee lawsuits, including those related to sexual harassment, discrimination, wrongful termination, breach of employment contracts, and more.

To proactively prevent employee lawsuits, Fred C. Church advises PDA to educate its managers and employees, continue to practice effective hiring and screening procedures, clearly communicate policies, train managers and employees regarding impermissible behaviors, and diligently document all actions taken to prevent and resolve employee disputes.

2023 Insurance renewal: As of early November of 2023, we are working to finalize negotiations and renewal of this line of insurance.

2024 Goals: Fred C. Church will work with the PDA staff to assess this risk and learn more about policies and procedures currently in place. From what we currently know, we are confident that PDA has proper policies and procedures in place.

Risk management – General information:

Tenant Certificate of Insurance (COI) review:

As discussed in our mid-year meeting, attached are sample Certificate of Insurance (COI) highlighting the contractual insurance requirements for tenants of PDA. Our goal in providing these documents will aid your staff in quickly reviewing submitted COI's to ensure proper documentation. There will be more information provided on the certificates however, the attached redlines will assist you to key in on what is most important and contractually required.

A few notes for consideration:

- In preparing these marked up sample certificate, we reviewed the tenant "Discovery Child Enrichment Center" Insurance requirements. We assume the insurance requirements in that lease are standard for all tenants. If there are variations of lease agreements, there may be discrepancies in the tenant insurance requirements. We are happy to provide additional samples if there is the need.
- In addition to collecting Certificates of Insurance from tenants, we recommend collecting actual copies of the Additional Insured, and Lender's Loss Payable endorsements from the tenant's insurance carrier - not just the reliance of that being stated on the certificate of insurance.
- Lastly, we have a program in our online Risk Management Center that can assist in tracking Certificate of Insurance (COI). Below is an overview of the COI track. If you would like access and training supplied to your staff member's responsible for collecting incoming Certificates of Insurance, this may prove to be a useful tool.



EVIDENCE OF COMMERCIAL PROPERTY INSURANCE

DATE (MM/DD/YYYY)

9/29/2023

THIS EVIDENCE OF COMMERCIAL PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

PRODUCER NAME, CONTACT PERSON AND ADDRESS		PHONE (A/C. No. Ext):	COMPANY NAME AND ADDRESS		NAIC NO:
FAX (A/C. No.):		E-MAIL ADDRESS:		IF MULTIPLE COMPANIES, COMPLETE SEPARATE FORM FOR EACH	
CODE:	SUB CODE:		POLICY TYPE		
AGENCY CUSTOMER ID #:			LOAN NUMBER	POLICY NUMBER	
NAMED INSURED AND ADDRESS Named insured and address			EFFECTIVE DATE	EXPIRATION DATE	<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED
ADDITIONAL NAMED INSURED(S)			THIS REPLACES PRIOR EVIDENCE DATED:		

PROPERTY INFORMATION (ACORD 101 may be attached if more space is required) BUILDING OR BUSINESS PERSONAL PROPERTY

LOCATION / DESCRIPTION	Location / address of property
------------------------	--------------------------------

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION	PERILS INSURED	BASIC	BROAD	SPECIAL
COMMERCIAL PROPERTY COVERAGE AMOUNT OF INSURANCE:	\$ Replacement cost of building should be indicated here			DED:
<input type="checkbox"/> BUSINESS INCOME <input type="checkbox"/> RENTAL VALUE	YES	NO	N/A	
BLANKET COVERAGE			X	If YES, LIMIT: Actual Loss Sustained; # of months:
TERRORISM COVERAGE			X	If YES, indicate value(s) reported on property identified above: \$
IS THERE A TERRORISM-SPECIFIC EXCLUSION?			X	Attach Disclosure Notice / DEC
IS DOMESTIC TERRORISM EXCLUDED?			X	
LIMITED FUNGUS COVERAGE			X	If YES, LIMIT: DED:
FUNGUS EXCLUSION (If "YES", specify organization's form used)			X	
REPLACEMENT COST	X		X	
AGREED VALUE			X	
COINSURANCE			X	If YES, %
EQUIPMENT BREAKDOWN (If Applicable)			X	If YES, LIMIT: DED:
ORDINANCE OR LAW - Coverage for loss to undamaged portion of bldg			X	If YES, LIMIT: DED:
- Demolition Costs			X	If YES, LIMIT: DED:
- Incr. Cost of Construction			X	If YES, LIMIT: DED:
EARTH MOVEMENT (If Applicable)			X	If YES, LIMIT: DED:
FLOOD (If Applicable)			X	If YES, LIMIT: DED:
WIND / HAIL INCL <input type="checkbox"/> YES <input type="checkbox"/> NO Subject to Different Provisions:			X	If YES, LIMIT: DED:
NAMED STORM INCL <input type="checkbox"/> YES <input type="checkbox"/> NO Subject to Different Provisions:			X	If YES, LIMIT: DED:
PERMISSION TO WAIVE SUBROGATION IN FAVOR OF MORTGAGE HOLDER PRIOR TO LOSS			X	

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

<input type="checkbox"/> CONTRACT OF SALE	<input checked="" type="checkbox"/> LENDER'S LOSS PAYABLE	<input checked="" type="checkbox"/> LOSS PAYEE	LENDER SERVICING AGENT NAME AND ADDRESS
<input type="checkbox"/> MORTGAGEE			
NAME AND ADDRESS Pease Development Authority			AUTHORIZED REPRESENTATIVE

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Fred C. Church

I N S U R A N C E

Risk Management Center

Comprehensive Risk Management, Employee Safety and Compliance Platform

Help protect your company with the Risk Management Center, a unique web-based software suite of safety and risk management tools designed to empower your organization's risk prevention efforts.

The Risk Management Center allows you to reduce risk and improve workplace safety by creating effective risk mitigation programs. It is easy to access and use, and provides a cost-effective risk reduction and safety center for your entire organization.

The Risk Management Center is right for any organization that wants to proactively manage risk exposures to reduce claims, losses, and associated costs.



Safety Library

Access a database of document templates and training courses, created to help companies mitigate risk and reduce losses.



Online Training

Deliver employee safety training efficiently and effectively.



Incident Management Tools

Automate safety audits, field inspections, and corrective action reporting while complying with OSHA reporting requirements.



HR Compliance Solutions

Access HR best-practice templates, training, news alerts, and expert advice.



Tools to Enhance Your Compliance



COI Track

Manage the Certificate of Insurance (COI) process and ensure your business is protected from unexpected liability.



Incident Track

Report claims and reduce incidents. Track employee injuries and related time off of work, conduct incident analyses, and run OSHA 300 Logs.



SDS Track

Comply with the new Globally Harmonized System.



Audit Track

Create audits, surveys, questionnaires, and self-assessments.



HR Essentials

Achieve HR compliance, enabled through online educational materials, an HR & Benefits library, and access to on-demand experts.



BBS Track

Cultivate a safety culture throughout your organization with a Behavior-Based Safety (BBS) Program. Ensure employees are doing their jobs safely.



Safety Observation Track

Perform and track safety observations and demonstrate job compliance.



Job Description Track

Build job descriptions that clearly communicate employee responsibilities and job-related health and safety requirements.



Training Track

Automate your entire employee training process. Schedule, track, and document training with a database of training titles.



Online Risk Management Library

Access a multitude of bilingual risk management documents and resources.



Loss Control Inspection Services

Attain certified experts to analyze current workplace conditions and environmental waste disposal programs, conduct on-site training, and assist with the management, tracking, and reporting of compliance issues.



MORE INFORMATION

To learn more or for first time registration assistance contact Zach Collins at zcollins@fredchurch.com or 978-322-7278. You can also watch a Risk Management Center overview video - <https://kpapartnerresources.com/videos/>

Getting Started

*Certificate Name:

*Vendor:

General Liability Expirat

Umbrella Expiration Dat

Automobile Expiration D

Worker's Comp Expiratio

Other Expiration Date:

Attachments

Save

Full Form



Fred C. Church
INSURANCE

Risk Management Center

Manage Your *Certificates of Insurance* to Prevent Unexpected Liabilities with COI Track®

COI Track streamlines certificate of insurance management to ensure you minimize risk by maintaining up-to-date vendor records. Avoid the liability from uninsured or under-insured vendors, contractors, suppliers or tenants.

- Ensure Coverage Limits Meet Your Requirements
- Track and Monitor Policy Expiration Dates
- Automatically Notify Non-Compliant Vendors
- Automatic Reporting to Provide You with Complete Documentation
- Generate Needed Analysis by Vendor, Project or Location
- Scan in ACORD 24 Forms With Optical Character Recognition
- Address a Critical, but Often Overlooked, Risk Management and Loss Control Discipline

Use COI Track to:

- Prevent significant potential liabilities
- Save time and improve accuracy
- Streamline vendor relations
- Document and demonstrate compliance required by your insurance carrier

Holistic Solution

COI Track has full reporting capabilities to provide you with the complete documentation required by your insurance carrier.

COI Track is part of the KPA Risk Management Center, a comprehensive suite of insurance risk management, workplace safety and compliance software tools.

In conclusion, our hope is that this risk assessment report will provide a comprehensive foundational overview of the risk management activities we have accomplished together in 2023 and the steps taken to secure a positive outcome for this year's insurance renewal. We look forward to your feedback and recommendations to improve this report. Your input is invaluable in the continuous improvement process and will play a central role in shaping our risk management strategies with PDA into the coming years.

Lastly, thank you to Members of the Board of Directors, Executive Director Brean, Anthony, Chase, Tanya, Suzy and all of the exceptional staff from PDA who worked so closely with us over this last year. Thank you again for the opportunity to serve as your trusted risk management partner. We are looking forward to a great 2024.