

**PEASE DEVELOPMENT AUTHORITY
PORT COMMITTEE MEETING
MINUTES**

Thursday February 9, 2023

Presiding: Neil Levesque, Committee Chair

Present: Steve Fournier, Committee Member
Karen Conard, Committee Member

Attending: Geno J. Marconi, Division of Ports and Harbors Director;
Paul Breaun, PDA Executive Director;
Anthony Blenkinsop, PDA General Counsel;
Roger Groux, Port Advisory Council Chairman

I. Call to Order

Director Levesque, Committee Chair, called the meeting to order at 8:30 a.m. in the Conference Room at 55 International Dr.. Portsmouth, NH.

II. Acceptance of Committee Meeting Minutes: August 11, 2022

Director Fournier moved and Director Conard seconded that the Pease Development Authority Port Committee accept the Minutes of the **August 11, 2022** Port Committee meeting. Discussion: None. Motion passed.

III. Public Comment:

Members of the public made comments as follows:

Patrick Dennehy, commented that Director Marconi has been around for quite a while and knows what he is doing so there is no need to micromanage or question his authority. People don't come to Rye Harbor because it is a tourist destination, they come to Rye Harbor to visit the various charter businesses, which spend a fortune to get people to come to Rye Harbor.

Adam Baker, owner of Vintage Fish Company, in Rye Harbor since 2015. He's been involved in many of the ongoing discussions. Rye Harbor is a postage stamp size location which can't be increased. There is just enough space for the commercial fisheries, whale watch, charters, snack shack. Through these discussions, everyone has been trying to come up with ways to increase parking. Point is, we didn't have this problem until 2020, due to Covid everyone started to come to the harbor as a destination to visit the lobster pound. The lobster pound is complimentary to his tackle shop, however they have outgrown the space in the harbor and they are currently operating a restaurant out of a 2nd location. The lobster pound waiver should go away and everyone should be held to the terms of their current ROE as it was before and then all of the congestion problems will go away. Other than the sea level rising and the breakwater issue, the other issues will go away. Asked to rescind the waiver, everyone go back to their original ROE and allow us to run the businesses that we have all heavily invested in.

Rick Philbrick, small sailboat and charter for 25 years. Has a shack, biggest concern are the rumors of getting rid of the shacks and build a more commercial type structure. Which will require septic, encourage the board to keep the status quo and let the businesses continue to operate as they are.

Roger Groux, Chairman of the Port Advisory Council. Presented a report prepared by Brad Cook on the history of Rye Harbor. He also commented that the lobster pound has outgrown the facility and reminded the Committee that as PAC Chair, he is a de facto member of the Port Committee.

IV. Rye Harbor Report-Presentation by Assistant Port Director Grant Nichols

Assistant Port Director Grant Nichols gave a power point presentation to summarize the report that was included in the meeting packet. Grant recognized that there were several people involved in collecting the information in the report. The presentation lasted approximately 1hr. Highlights of the report included Jurisdiction and Authority, a history of Rye Harbor, aerial before and after photos of the Harbor, current business activity, commercial fishing activity, parking lot configuration, boat storage, federal navigation channel, importance of continuing to support commercial activity due to the Army Corp Dredge project ranking procedures, First Responder support, financial situation, existing fees, moorings, pier use permits, right of entry agreements, concession contract, comparable state contract, parking related permits, addition of the fire lane, fuel sales, vessel storage, environmental challenges, potential infrastructure improvements, challenges facing the harbor, and potential funding streams.

Discussion included vendors coming on site to purchase product from the commercial fisherman and possibly requiring a pier use permit, considering different parking fees for out of state visitors and per head passenger fees for the larger vessels, ownership of moorings as compared to ownership of the boat, the fact that the charter operations are the heart of the harbor, fees related to right of entries and differentiating between different business models, the waiver for the lobster pound and when will that expire. Mike Donahue from the Port Advisory Council commented to remember to consider for any future planning purposes: how proposed changes will relate to Hampton Harbor, out of state non-residents could be property owners in NH and paying property tax here (possibly consider a waiver program for those folks), in terms of the improvements mentioned, there may be an opportunity for substantial environmental improvement by raising the parking lot and treating drainage, which could assist with Building Resilient Infrastructure BRIC Grant funding.

Director Fournier made a motion to submit to present the Rye Harbor Study prepared by Assistant Director Nichols to the full PDA Board for review and ask Nichols present a draft concession agreement and draft right of entry agreements for the full PDA review. Director Conard seconded the motion. Discussion: None. A vote was taken and the motion passed.

V. New Business

Initial proposal Pda 600 Rules-State Owned Commercial Piers and Associated Facilities, the rules are expiring in October 2023 and the Division is in the process of reviewing and proposing a few amendments. Assistant Director Nichols explained the proposed changes, which were marked in red. Discussion included updating the parking “time limit”, the addition of requiring the Hoist Safety Sheet with the Pier Use permit application, added language to prohibit fishing from vessels attached to a pier, and addition of a section on animal control. The Initial Proposed Rules were recommended by the Port Advisory Council to submit to the PDA Board and was provided as a courtesy to the Committee as they are going to be presented for consideration to the full PDA Board at the March meeting. Further comment on the Hoist Safety sheet, this will work as an informational tool but also an enforcement tool, because operating the hoists improperly has created liability issues in the past. Director Marconi summarized the rulemaking process and noted there is a public comment period.

VI. Press Questions

There were no members of the press present.

VII. Adjournment

Director Fournier made a motion to adjourn, Director Conard seconded and the meeting adjourned at 9:50 AM.