

**PEASE DEVELOPMENT AUTHORITY
PORT COMMITTEE MEETING
MINUTES**

Monday October 16, 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 Brean, PDA Executive Director;
Anthony Blenkinsop, PDA General Counsel;
Brad Cook, Chair, Port Advisory Council- Ex officio member

I. Call to Order

Director Levesque, Committee Chair, called the meeting to order at **9:00 a.m.** in the boardroom of the Pease Development Authority at 55 International Dr. Portsmouth, NH.

II. Acceptance of Committee Meeting Minutes: April 6, 2023

Director Fournier **moved** the **motion** and Director Conard **seconded** that the Pease Development Authority Port Committee accept the Minutes of the **April 6, 2023** Port Committee meeting.

Discussion: None

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

III. Public Comment:

No public comment.

IV. New Business:

a. **Update on Pda 600 Rules, Conditional Approval Response-** In the meeting package there is a letter received from the Office of Legislative Services (OLS which outlines the items to be addressed under the Joint Legislative Committee on Administrative Rules (JLCAR) Pda 600 Conditional Approval from their meeting on September 21, 2023. The items are related to the rule text vs. the forms. OLS staff reviewed the rules and compared the rule text to the forms, most of the items required language to be updated in the rule text to match the form, or visa versa. This is new to the Division as these concerns hadn't been brought up in the past. The item up for approval is the Divisions "Conditional Approval Response" and includes the full set of the rules, annotated to show all of the proposed changes. Director Marconi reminded the committee members that the draft of the rules could not be submitted to OLS until the PDA Board

approved the language of the initial proposal. The next step will be to get approval from the PDA Board on Thursday, submit to OLS for review, and then move on to Final Adoption of the Rules.

b. Discussion on Establishing an Overnight Berthing Fee- At the August PDA Board meeting a question was asked about this fee. Director Marconi indicated he misunderstood the question and submitted a clarification memo to Paul that was included in the September board package. For clarification, a number of years ago the setting of fees were taken out of the RSA 541-A Rulemaking process and are now set by the Pease Development Authority. An overnight recreational-use permit was created and added to the rule text and a form was created, but a fee was not set in the actual schedule of fees. Through all these years no one caught it until Director Levesque brought it up at the August meeting. Discussion included who is required to pay the fee, if someone has a pier use permit can they stay at the pier overnight? A vessel can stay on the recreational pier, with Division approval, and if they not already have a pier use permit, they are charged a single use pier use fee, which is \$6.00 per foot. The Pda 600 rules say that anyone using the pier (for commercial activities) shall apply for and secure a pier use permit and is limited to 30 minutes, and includes allowances for exceptions, such as needing more time to unload, or do repairs, etc. By contract with PDA, the vessels that are operating on the recreational side (whale watch, charter boats) must secure a pier use permit and the same rules apply to them that apply to the commercial fishermen, they can tie up and conduct their activities, sometimes it takes longer than 30 minutes. For anyone who wants to stay overnight on the commercial or recreational dock, they have to ask for and receive approval from the Division. If they have a pier use permit, no additional fees are required. If it's someone that does not have a pier use permit, they would be required to apply for an overnight berthing permit. There was a discussion about certain boats being tied up overnight several times at the recreational dock in Rye over the summer. The Director and Chair agreed to disagree on the number of times 2 particular boats were tied up overnight on the recreational pier. The concern is that the perception is the rules appear to not apply to everyone that uses the pier. For clarification, a vessel that wants to tie up overnight on the recreational pier needs to request approval from the Division and have a pier use permit. Typically the Division does not allow the same boat to stay overnight on the recreational dock for several nights in a row. Back to the fee, the \$6.00 is the same fee that is charged for a single-use pier use permit, which is one half the cost of the annual pier use permit.

c. Update on Rye Harbor Fueling System Installation-The fuel lines have been rehabilitated, photos are included in the packet. The project had unexpected delays due to receiving no bids on the installation of the fuel enclosure and a delay in receiving a part for the equipment that Lakes Region needed. The remainder of the project will begin on or around April 1st, 2024. On a side note, the new ticket kiosk for Rye has been delivered to the Market St. Terminal and will be installed in the spring as well. It will be moved

back a little bit to allow for more turnaround space for vehicles. The kiosk will be moved in the winter to protect it from storms.

d. Port Sponsorship of the USCG Cutter “William Sparling”- The Division always tries to support federal, state, and municipal agencies to carry out their missions on the water. The Division is a Gold sponsor for the commissioning of the new CG cutter, which will take place at the Coast Guard station in New Castle on Thursday Oct 19th at 11 AM. The cutter is tied up at the UNH dock, the story of the namesake of the vessel is interesting. This vessel is a “fast response cutter” at around 150’ in length.

V. Old Business:

No old business.

VI. Press Questions

No Press present.

VII. Adjournment

Director Conard **moved** the **motion** and Director Fournier **seconded** to adjourn the Port Committee meeting. Meeting adjourned at **9:28 a.m.**

DRAFT