

August 1, 2024

Bill Epperson, Chairman
Town of Rye
10 Central Road
Rye, NH 03870

RE: Rye Harbor

Dear Chairman Epperson,

In response to your recent column in the Portsmouth Herald which raised concerns about the future of Rye Harbor, I look to provide clarity and explanation regarding the public process the Pease Development Authority has and will engage in. That said, we hear the general concern expressed, and I can assure you that the Pease Development Authority Board of Directors, which oversees the New Hampshire Division of Ports and Harbors, will be listening to all the constituencies and stakeholders of Rye Harbor before final decisions are made.

Under state law, the Pease Development Authority is required to make decisions with three impacts in mind: impact on the local community, the region, and the state as a whole. While located in Rye, New Hampshire, as state property the harbor belongs to us all. Just as the state park on Mt. Washington isn't reserved only for the communities surrounding it and decisions there aren't limited to only what is best for those communities, we must make decisions with the entire state's interests in mind. So yes, the concerns and goals of the community are an important consideration when the PDA Board makes decisions, but not the only consideration.

When the harbor was first created it was almost entirely a harbor to serve the then robust fishing industry in New Hampshire. Over time as our commercial fishing community has shrunk in size and the harbor evolved in purpose to accommodate ocean-going recreational uses like whale watches, sport fishing, and recreational boating. That expansion of uses was more of an ad hoc occurrence than the result of any well thought out plan. Over the years, some of the businesses that operated on the water were provided Rights of Entry to place shacks on harbor property for a set term to support their business. Wholesale sale of fishing products and catches occurred at the harbor and the retail sale of ready to eat food and beverage items began. During the pandemic, some of these operations exploded in popularity, which can be difficult to accommodate at a small, congested facility like Rye Harbor.

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Some users of the harbor and its facilities have permits. Some have rights of entry. The space along the harbor access drive where privately owned shacks and their related businesses have been permitted to operate is minimal. Given the ad hoc nature of the evolution of uses at the harbor, there is no discernable set of rules or regulations about who gets to place a shack on Rye Harbor property, how those spaces are made available, what is charged, or any other clear and equitable system for the placement of those small buildings on State property.

Our goals are pretty straightforward. First, there is a recognition that the harbor must be available simply for visitation by tourists, who may not want to fish or go looking for whales, but who want to stop along New Hampshire's scenic coastline, walk around a beautiful and historic little harbor, buy some live lobsters to take home, or maybe have a soda, or hot dog, or lobster roll. This kind of tourism is something that benefits the entire state. Future use of the harbor needs to anticipate and promote this.

Second, users of the harbor deserve to be treated fairly, subject to procedures that are transparent, clear, and straightforward. No one should get preferential treatment. In June, I asked the leadership of the Authority to review the history of how the current Rights of Entry have been granted, who gets to apply, and how decisions are made about who gets what and who pays what. Such a review of the history and current status is long overdue. That information, like virtually everything we do, will be made public and be considered by the full Board.

Third, as Rye citizens know too well, with every major storm there are flooding and storm damage issues at the harbor. These storms are occurring with more frequency and greater intensity. While substantial sums have been invested, it will take millions of dollars more to redo the harbor in a way that protects the infrastructure in the harbor and the marshes and waters around it. The Division of Ports and Harbors generally, and Rye Harbor specifically, runs at an annual deficit, and to be clear, the Division is not supported by State general funds. As such, we need to be sure we are generating sufficient revenue to operate and to help pay for projects that can help solve this problem.

One of our duties is to try to manage the Division's finances prudently. Private, for-profit businesses that operate on State-owned property must pay a reasonable rate for the privilege of doing so. They should not be given a leg up on similar businesses that operate from private property that must pay rent or a mortgage. Some of these Rye Harbor businesses are extremely profitable and it would be an abdication of our duty to ignore exploration of ways to maximize Division revenues that can be used to operate and maintain the harbor for years to come.

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Rye Harbor is a wonderful asset of the state of New Hampshire. Its many uses have evolved over the decades. Our goal is to ensure that it is a multi-use harbor that welcomes all of its diverse users, and to ensure that it can survive storms, not further degrade the environment around it, and operate in a financially sustainable way. By doing so we can help ensure that the small commercial fishing community we still have in New Hampshire is helped as much as possible, and that the other harbor users have the chance to thrive as well. That is our goal. We will reach that goal equitably and openly after listening to all our stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Duprey". The signature is fluid and cursive, with a large, sweeping initial "S".

Steve Duprey
Chairman
Pease Development Authority Board of Directors