

List of changes that need to be made in HB 2:

NHDES Wildlife Reviews Changes (Sections 2 to 5):

III. All other state departments and agencies, to the extent possible, consistent with their authorities and responsibilities, shall ~~[assist and cooperate with the executive director in the furtherance of the purposes of this chapter for the conservation of endangered or threatened species. They shall]~~ take such action as is reasonable and prudent to insure that actions authorized, funded, or carried out by them do not appreciably jeopardize the continued existence of such species or result in the destruction or modification of habitat of such species which is determined by the executive director to be critical, by requiring that all such action is designed to avoid ~~[and]~~, minimize, **and mitigate** harm to such species and habitat designated as critical. ~~[Those][O][o]ther departments and agencies may consult with the [department of environmental services][executive director or hire their own internal wildlife biologists] to carry out the requirements of this paragraph. The executive director shall assist the [other departments and agencies][department of environmental services] in carrying out this paragraph.~~ For the purpose of this statute, "appreciably jeopardize the continued existence of such species" shall be defined in rules adopted by the executive director pursuant to RSA 541-A. The provisions of RSA 212-A or any rule promulgated under this chapter shall not be applicable to a state department or agency when that state department or agency, in the process of undertaking an action, is required by federal law or regulation to address the environmental impact on wildlife or wildlife habitat, of that action.

IV. ~~T[o meet the requirements of paragraph III, t]he department of environmental services shall [complete the review for any permit, approval, or written authorization required pursuant to RSA 482-A, RSA 485-A, and RSA 236. The department of environmental services shall] adopt rules under RSA 541-A to implement the [requirements of paragraph III][the review process] and establish a fee schedule for any [requested] reviews[-necessary to carry out those requirements]. Such rulemaking shall commence within [30][180] days of the effective date of this paragraph. The revenue collected from this section shall be deposited into the water resources fund established in RSA 482-A:3, III.~~

V. Any reviews conducted to fulfill the requirements of paragraph III for any permit, approval, or written authorization shall be conducted as follows:

(a) ~~[The department shall develop rules to administer this section;~~

~~(b)~~ Reviews ~~[of any permit, approval, or written authorization]~~ shall not exceed 60 days from receipt of all information as required by rules developed pursuant to ~~[sub]~~ paragraph ~~([IV][a])~~;

~~([c][b])~~ The time to ~~[complete the]~~ review ~~[a pending application]~~ may be extended with written authorization from the applicant;

~~([d][c])~~ If the state agency or department performing the review requests additional information from the applicant necessary to complete ~~[the][a]~~ review~~[,]~~ ~~[of a submitted application]~~ the time it takes the applicant to respond shall not count against the 60 day timeline in subparagraph ~~([b][a])~~; and

~~([e][d])~~ If the review ~~[period passes][is not completed within the required timelines][60 days]~~, except as provided for in subparagraph ~~([d][c])~~, ~~[without a determination by the department]~~ then ~~[a decision on]~~ the ~~[applicable]~~ permit, approval, or written authorization ~~[shall be deemed to not appreciably jeopardize the continued existence of a threatened or endangered species]~~ ~~[shall be deemed approved subject to all conditions and obligations on the applicant as included in the submitted application and materials]~~.

~~[VI. The provisions of paragraph V(a) through (f) shall apply to permits, approvals, or written authorizations in the following chapters:~~

~~(a) RSA 485-A;~~

~~(b) RSA 482-A;~~

~~(c) RSA 483-B;~~

~~(d) RSA 485-A; and~~

~~(e) RSA 236.]~~

NHDES Environmental Reviews Changes (Sections 6 to 8):

7 Public Recreation; New Hampshire Native Plant Protection; Cooperation with Other State Agencies. Amend RSA 217-A:7 to read as follows:

217-A:7 Cooperation with Other State Agencies.

I. All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the commissioner to carry out the purposes of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species or exemplary natural community.

II. If another state agency or department requires an environmental review to meet its obligations in paragraph I, they shall consult with the department of environmental services. The department of environmental services may charge a fee of not less than \$50 for screening the database for instances of protected species and may charge a fee for providing an environmental review. Such fees shall be sufficient to cover the cost of building and maintaining a database for instances of protected species, for screening the database for instances of protected species, and for providing an environmental review. Fees shall be deposited in the water resources fund established in RSA 482-A:3, III. The commissioner of the department of natural and cultural resources shall be responsible for providing the data necessary for the database.

III. The department of environmental services shall adopt rules to establish the process for requesting a screening and for the environmental review process in paragraph II. Such rulemaking shall begin within ~~[30]~~[180] days of the effective date of this section. The commissioner shall assist and cooperate with the department of environmental services to ensure the agency has the information necessary to adequately complete the environmental review process.

Streamlining Permitting Changes (Section 13):

13 Water Management and Protection; Fill and Dredge In Wetlands; Administrative Provisions. Amend RSA 482-A:11, III(a) to read as follows:

III.(a) Upon written notification to the department by a municipal conservation commission[;] **or** a local river management advisory committee[; ~~or the New Hampshire Rivers Council~~] that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall not make its decision on the application that is the subject of the notice until it has received and acknowledged receipt of a written report from such commission[;] **[or]** local river management advisory committee, ~~[or the council;]~~ or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier[; ~~subject to an extension of up to 40 days, as permitted by the commissioner, for good cause shown~~]. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. ~~[Where the commissioner grants an extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended for up to 40 days as agreed to by the applicant and the department.]~~ If a conservation commission[;] **or** a local river management advisory committee[; ~~or the New Hampshire Rivers Council~~] makes a recommendation to the department in its report, the department shall specifically

consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation commission[;] **or** local river management advisory committee, [~~or the New Hampshire Rivers Council~~] pursuant to this paragraph, is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

Alteration of Terrain Fee Increases and Permit by Notification Changes (Section 14):

~~14 [Water Management and Protection; Water Pollution and Waste Disposal; Terrain Alteration. Amend RSA 482-A:17, II to read as follows:~~

~~II.(a) The department shall charge a fee for each review of [plans] **applications**, including project inspections, required under this section. The [plan review] **application** fee shall be based on the total area to be disturbed. Except for property subject to RSA 483-B:9, the fee for [review of] plans encompassing an area of at least 100,000 square feet but less than [200,000] **150,000** square feet shall be \$3,125. **The fee for plans encompassing an area of at least 150,000 square feet but less than 200,000 square feet shall be \$6,250.** For the property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at least 50,000 square feet but less than [200,000] **150,000** square feet shall be [\$3,125] **\$5,000 and the fee for plans encompassing an area of at least 150,000 square feet but less than 200,000 square feet shall be \$6,250.** An additional fee of [\$1,250] **\$2,500** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. **For all other projects, the fee shall be \$500 plus \$0.005 per square foot of disturbance.** No application shall be accepted by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the water resources fund established in RSA 482-A:3, III. **Starting July 1, 2027, the fees in this paragraph shall be increased annually each July 1 by the percentage increase in consumer prices measured over the previous 12-month period based on the change in the consumer price index, all items, as published by the United States Department of Labor Statistics or any successor or substitute index generally used to determine the purchasing power of the United States dollar. The joint legislative fiscal committee shall be required to approve or deny each requested increase. The commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.**~~

~~(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 fee per square foot of disturbance associated with the amendment request for each request to amend a permit that requires plans to be reviewed.~~

~~(c) The department shall adopt rules to establish a permit by notification for projects with plans encompassing an area less than 150,000 square feet. The following projects shall not qualify for such a permit by notification:~~

~~(1) A project that would result in a discharge of stormwater within one-quarter-mile of a class A surface water or within the watershed of a surface water of national forests and surface waters designated as natural under RSA 483:7-a, I, which are considered outstanding resource waters (ORW); or~~

~~(2) A project that is subject to RSA 483-B:9.]~~

Replace section 14 with the following:

[14 Terrain Alteration. Amend RSA 485-A:17, II(a) to read as follows:

II.(a) The department shall charge a fee for ~~[each review of plans]~~ **applications**, including project inspections, required under this section. ~~[The plan review fee shall be based on the total area to be disturbed.]~~ **For projects that qualify for a permit by notification allowed by paragraph II-a, the application fee for a permit by notification shall be \$3,125.** Except for ~~[property subject to RSA 483-B:9]~~ **projects that qualify for a permit by notification allowed by paragraph II-a**, the fee for ~~[review of plans]~~ **applications** encompassing an area of at least ~~[100,000]~~ **150,000** square feet but less than 200,000 square feet shall be ~~[\$3,125]~~ **\$6,250**. ~~[For the property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be \$3,125.]~~ An additional fee of ~~[\$1,250]~~ **\$2,500** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. **For any property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at least 50,000 square feet but less than 150,000 square feet shall be \$5,000. For all other projects, the fee shall be \$500 plus \$0.005 per square foot of disturbance.** No application shall be accepted by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the water resources fund established in RSA 482-A:3, III. **Starting July 1, 2027, the fees in this paragraph shall be increased annually each July 1 by the percentage increase in consumer prices measured over the previous 12-month period based on the change in the consumer price index, all items, as published by the United States Department of Labor Statistics or any successor or substitute index generally used to determine the purchasing power of the United States dollar. The joint legislative fiscal committee shall be required to approve or deny each requested increase. The commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.**

(b) The department shall charge a non-refundable fee of \$500 [~~plus a \$.10 fee per square foot of disturbance associated with the amendment request~~] for each request to amend a permit that requires plans to be reviewed.

Permit by Notification. RSA 485-A:17, II-a is repealed and reenacted to read as follows:

II-a. By January 1, 2026, the department shall adopt rules to establish a permit by notification for projects with plans encompassing an area less than 150,000 square feet that are not subject to RSA 483-B:9.

3 Effective Date. Paragraph II.(a) shall take effect January 1, 2026. Paragraph II-a shall take effect upon passage.

Solid Waste Site Evaluation Committee Changes (Section 19):

149-M:66 Definitions. In this subdivision:

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

II. "Administrator" means the administrator of the [site evaluation] committee established pursuant to RSA [162-H:3-a][~~149-M:67~~].

149-M:69 Administrator and Other Committee Support.

The administrator [~~of the committee~~] shall provide support to the committee. If the administrator is not available or the position is vacant, the committee may hire an independent contractor. The administrator shall be under the supervision of the chairperson when performing duties for the committee. The administrator shall be compensated for work performed for the committee as set forth in RSA 149-M:85. The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary.

149-M:72 Application for Certificate. –

IX. Within 180 days of the acceptance of an application, [~~or within 30 days after all other agency approvals have been obtained, whichever is later,~~] the committee shall issue or deny a certificate for the proposed major solid waste disposal facility.

149-M:76 Public Hearing; Studies –

I. At least 30 days prior to filing an application for a certificate, an applicant shall hold at least

one public information session in ~~[each affected]~~ **[the]** municipality where the proposed facility is to be located. This session may be held concurrent with a public session held as a requirement of any other state permit or approval.

II. The committee may order the applicant to provide such additional public information sessions **[in affected municipalities]** as are reasonable to inform the public of the proposed project.

III. Within 90 days after acceptance of an application for a certificate, the committee shall hold at least one public information session in ~~[each affected]~~**[the]** municipality **[where the proposed facility is to be located]**.

IV. Subsequent public hearings shall be in the nature of adjudicative proceedings under RSA 541-A and shall be held in the ~~[affected]~~ municipality in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the committee. The committee shall give adequate public notice of the time and place of each subsequent hearing.

149-M:86 Solid Waste Permit Applications Suspended –

The department shall not issue any permit approvals **[that authorize new capacity]** for major solid waste facilities until rules are adopted by the committee or for one year after the effective date of this section, whichever is later.

Elimination of Drinking Water Operator Permit Fee Changes (Section 160)

~~[160 Repeal. RSA 485:41, VIII, relative to the safe drinking water act, is repealed.]~~

Dam Easement Changes (Section 161):

161 New Paragraph; Acquisition by State of Certain Dams and Water Rights; Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph XI the following new paragraph:

XII. For a consideration of \$1, the department of environmental services may accept an easement from the abutting property owners of all rights necessary for access, and to store equipment during repair, reconstruction, maintaining, and operation of Pequawket Dam in the Town of Conway[,] ~~[and]~~ Horn Pond Dam in the Town of Wakefield[, and Souhegan Site #35 in the Town of New Ipswich] for the purpose of repairing and reconstructing such dams. The rights and easements the department is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the easements are held by the state. With the exception of such \$1

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consideration, nothing in this paragraph shall mandate or authorize the expenditure of any funds or capital relative to the provisions of this paragraph.