HB 1141 - VERSION ADOPTED BY BOTH BODIES

5Mar2026... 0532h
05/07/2026 1723s
4Jun2026... 2162EBA

2026 SESSION

26-2360
04/09

HOUSE BILL ***1141***

AN ACT relative to permitting and fee authority for mining and prospecting.

SPONSORS: Rep. Caplan, Merr. 8; Rep. Bixby, Straf. 13; Rep. N. Germana, Ches. 15; Rep. Parshall, Ches. 8; Rep. Read, Rock. 10

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill adds definitions for mining-related terms, authorizes rulemaking for permitting, reclamation, and fees based on mineral volume, ceases disturbance of human remains encountered during permitted mining or prospecting activities, and establishes a transition period for pending applications under the current law.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to permitting and fee authority for mining and prospecting.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Definition; Dimension Stone. Amend RSA 485-A:2 by inserting after paragraph III-a the following new paragraph:

III-b. "Dimension stone" means rock that is cut, shaped, or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and used for external or interior parts of buildings, foundations, curbing, flagging, bridges, or revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined in RSA 155-E:1, I.

2 New Paragraphs; Definitions; Mining; Operator. Amend RSA 485-A:2 by inserting after paragraph VII-a the following new paragraphs:

VII-b. "Mining" means all activities performed in the extraction of minerals and that create or make use of one or more components of a mine.

VII-c. "Mineral" means copper, gold, silver, diatomite, feldspar, garnet, lime, thorium, uranium, and any similar solid material or metal substance to be excavated or extracted from natural deposits or formations on or in the earth or in or underneath water, and shall include those solid materials made up of minerals, such as rock and dimension stone, sand, gravel, and construction aggregate to be excavated from natural deposits or formations on or in the earth or in or underneath water, or for quarrying or crushing of rock or bedrock for the purpose of producing construction aggregate.

3 New Section; Exemptions. Amend RSA 485-A by inserting after section 2 the following new section:

485-A:2-a Exemptions. The following shall not be subject to this chapter:

I. Mining activities in existence before August 24, 1979.

II. The crushing of rock for the purpose of producing construction aggregate regulated pursuant to RSA 155-E.

4 New Paragraphs; Definitions; Reclamation; Rock; Septage. Amend RSA 485-A:2 by inserting after paragraph IX-a the following new paragraphs:

IX-b. “Reclamation” means the restoration of the affected site by grading, backfilling, compacting, and landscaping to a comparable natural contour and the reestablishment of a diverse, effective, permanent vegetative cover of the same variety previously occurring in the area which is

capable of self-regeneration and plant succession equal to or greater than the land's productive capacity prior to the mining activities.

IX-c. "Rock" means granite, schist, quartzite, and any other solid material consisting of minerals.

IX-d. “Prospect” means to explore for ores, rocks, or minerals performed by a company or professional agent in the business of mineral deposit exploration and development, using mechanized equipment such as a core drill.

5 New Paragraph; Mining and Prospecting Activities; Rulemaking. Amend RSA 485-A:17 by inserting after paragraph VIII the following new paragraph:

VIII-a. The requirements for mining and prospecting activities permitted under RSA 485-A:17, including requirements for financial assurance, reclamation, and public hearings. Such rules for public hearings shall also include a deadline by which the department shall issue a decision after the public hearing.

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

I. Any person proposing to dredge, excavate, place fill, mine, ***prospect,*** transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible to submit to the department detailed plans concerning such proposal and any additional relevant information requested by the department, at least 30 days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives a permit from the department. The department shall have full authority to establish the terms and conditions under which any permit issued may be exercised, giving due consideration to the circumstances involved and the purposes of this chapter, and to adopt such rules as are reasonably related to the efficient administration of this section, and the purposes of this chapter. Nothing contained in this paragraph shall be construed to modify or limit the duties and authority conferred upon the department under RSA 482 and RSA 482-A.

II.(a) The department shall charge a fee for applications, including project inspections, required under this section. 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 projects that qualify for a permit by notification allowed by paragraph II-a, the fee for [~~,~~]applications 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 $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~~] ***$250*** plus [~~$0.005~~] ***$0.04*** 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.

(b) The department shall charge a non-refundable fee of $500 for each request to amend a permit that requires plans to be reviewed.

7 New Paragraphs; Water Pollution and Waste Disposal; Enforcement. Amend RSA 485-A:17 by inserting after paragraph V the following new paragraphs:

VI. In addition to the fees provided for in paragraph II, the commissioner shall establish a fee based on the volume of minerals, except for excavation of earth as defined in RSA 155-E:1 extracted by mining or prospecting permitted by the department. The fee, as determined by the commissioner, shall be adequate to cover all costs associated with reviewing and acting upon permits issued under this section, monitoring compliance, enforcement and all other costs associated with permits issued under this section. All fees required under this paragraph shall be deposited in the water resources fund established in RSA 482-A:3, III.

VII. During the transition period, the following provisions shall apply:

(a) Any applications filed in accordance with RSA 12-E and pending with the commissioner of the department of natural and cultural resources as of the date the department's rules become effective shall be processed in accordance with RSA 12-E and rules adopted in accordance with RSA 12-E.

(b) The commissioner of the department of natural and cultural resources will consult with the commissioner regarding any terms and conditions of permits issued during the transition period under subparagraph (a).

(c) Upon the date the department's rules authorized under this section become effective, all subsequent applications will be filed and processed in accordance with this section and rules promulgated by the department. The provisions of RSA 12-E shall not apply to such applications.

(d) All permits issued during the transition period in accordance with subparagraph (a) will be treated as being issued in accordance with this section for purposes of applications for permit modification, monitoring, enforcement and renewal.

8 Discovery of Remains and Notification of Authorities; Permitted Mining or Prospecting Activities. Amend RSA 227-C:8-a, II to read as follows:

II. If the unmarked human burials or human remains are encountered as a result of construction***, mining or prospecting activities permitted under RSA 485-A,*** or agricultural activities, disturbance of the remains shall cease immediately and shall not resume without authorization from either the county medical examiner or the state archaeologist, as provided in RSA 227-C:8-b, III or IV.

9 Department of Environmental Services; Geological Survey. Amend RSA 21-O:12, II to read as follows:

II. Geology shall be under the direction of the state geologist, who shall be the director of the New Hampshire geological survey. The geological survey shall collect data and perform research on the land, mineral, and water resources of the state, and disseminate the findings of such research to the public through maps, reports, and other publications. The state geologist shall[~~: consult with the commissioner of the department of natural and cultural resources relative to the issuance of mining permits under RSA 12-E;~~] assist the directors of the divisions of water and waste management as necessary[~~;~~] and perform such other duties as may be assigned by the commissioner. The state geologist and all members of the New Hampshire geological survey shall be staff members of the commissioner's office. The state geologist shall advise the department, and all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geologic agencies and with the state university. The state geologist shall also serve as a voting member of the board of professional geologists.

10 Local Regulation Excavations; Exceptions. Amend RSA 155-E:2-a, I(c) to read as follows:

(c) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA [~~12-E~~]***485-A:17***.

11 New Hampshire Rivers Management and Protection Program; Mining Permit. Amend RSA 483:12-a, I to read as follows:

I. Any state agency considering any action affecting any river or segment designated under this chapter shall ensure that the rivers coordinator and the local river management advisory committee are notified prior to taking any such action. Such agency shall forward to the rivers coordinator and the local river management advisory committee for review and comment copies of all notices of public hearings, or, where a public hearing is not required, shall ensure that a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-C, RSA 485-A, RSA 483-B, [~~RSA 12-E,~~] RSA 270:12, RSA 482, RSA 482-A is provided, except notifications for minimum impact activities under RSA 482-A:3, V and XII and for routine roadway maintenance under RSA 482-A:3, XVI on land used for agricultural purposes, RSA 149-M, RSA 430, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, 483:9-aa, or 483:9-b, such agency shall deny the application.

12 Repeal. The following are repealed:

I. RSA 12-E, relative to mining and reclamation.

II. RSA 6:12, I(b)(107), relative to the mining and reclamation dedicated fund.

III. RSA 482-A:3, XI(c), relative to mining permits that exceed the limits of small motor mineral dredging.

13 Effective Date.

I. Sections 9 through 12 of this act shall take effect 2 years after its passage.

II. The remainder of this act shall take effect upon its passage.

LBA
26-2360
05/11/2026

HB 1141-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT # 2026-1723s)

AN ACT relative to permitting and fee authority for mining and prospecting.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than $10,000 in each of the fiscal years 2027 through 2029.

AGENCIES CONTACTED:

Department of Environmental Services and Department of Natural and Cultural Resources