

SB 110-FN - AS AMENDED BY THE SENATE

03/06/2025 0516s

2025 SESSION

25-1050

06/11

SENATE BILL ***110-FN***

AN ACT relative to terrain permitting.

SPONSORS: Sen. Lang, Dist 2; Sen. Pearl, Dist 17; Rep. Moffett, Merr. 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill establishes fees for applications for terrain alteration and requires the department of environmental services to adopt rules to establish a permit by notification for certain projects with plans encompassing an area less than 150,000 square feet.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to terrain permitting.

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

1 1 Terrain Alteration. Amend RSA 485-A:17, II(a) to read as follows:

2 II.(a) The department shall charge a fee for ~~[each review of plans]~~ **applications**, including
3 project inspections, required under this section.~~[The plan review fee shall be based on the total area~~
4 ~~to be disturbed.]~~ **For projects that qualify for a permit by notification allowed by paragraph**
5 **II-a, the application fee for a permit by notification shall be \$3,125.** Except for ~~[property~~
6 ~~subject to RSA 483-B:9]~~ **projects that qualify for a permit by notification allowed by**
7 **paragraph II-a**, the fee for ~~[review of plans]~~ **applications** encompassing an area of at least
8 ~~[100,000]~~ **150,000** square feet but less than 200,000 square feet shall be ~~[\$3,125]~~ **\$6,250.** ~~[For the~~
9 ~~property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at least 50,000~~
10 ~~square feet but less than 200,000 square feet shall be \$3,125.]~~ An additional fee of ~~[\$1,250]~~ **\$2,500**
11 shall be assessed for each additional area of up to 100,000 square feet to be disturbed. **For any**
12 **property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at**
13 **least 50,000 square feet but less than 150,000 square feet shall be \$5,000. For all other**
14 **projects, the fee shall be \$500 plus \$0.005 per square foot of disturbance.** No application shall
15 be accepted by the department until the fee required by this paragraph is paid. All fees required
16 under this paragraph shall be paid when plans are submitted for review and shall be deposited in
17 the water resources fund established in RSA 482-A:3, III.

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

21 2 Permit by Notification. RSA 485-A:17, II-a is repealed and reenacted to read as follows:

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

25 3 Effective Date. This act shall take effect 60 days after its passage.

SB 110-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0516s)

AN ACT relative to terrain permitting.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$660,000	\$1,320,000	\$1,132,000
<i>Revenue Fund(s)</i>	Water Resources Fund			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	Water Resources Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Less than \$10,000/year	Less than \$10,000/year	Less than \$10,000/year
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Less than \$10,000/year	Less than \$10,000/year	Less than \$10,000/year

METHODOLOGY:

This bill establishes fees for applications for terrain alteration and requires the Department of Environmental Services to adopt rules to establish a permit by notification for certain projects with plans encompassing an area less than 150,000 square feet.

The Department of Environmental Services provided the following information concerning the fiscal impact of this bill:

- There would be no fiscal impact associated with adopting rules because the rules will be prepared by existing staff.
- The Department reviewed 10 years of alteration of terrain applications. The current fees were compared to the fees proposed by the bill to determine the revenue impact. The

average annual revenue under the existing fee structure was \$1,433,565. With the new fees, the average annual revenue would be \$2,753,252, an increase of \$1,319,688.

- The increased fees will take effect 60 days after passage, which would be in the first or second quarter of FY 2026. For FY 2026, the Department assumed half of the expected annual increase in revenue.
- The addition of the “catch all” fee for all other projects (\$500 plus \$0.005 per square foot of disturbance) and the change to the amendment request fee will result in negligible changes in revenue but will simplify the process for applicants and Department staff.
- There will be no increase in state expenses to collect the higher fees or to review the applications.
- The fiscal impacts to county or local government are indeterminable and will depend on whether these governments apply for permits subject to the increased fees. The total impacts on county and local expenditures expenses are expected to be less than \$10,000 per year.

AGENCIES CONTACTED:

Department of Environmental Services