

SB 110-FN - AS INTRODUCED

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

ANALYSIS

This bill raises the threshold for alteration of terrain permitting from 100,000 square feet to 200,000 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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, including project
3 inspections, required under this section. The plan review fee shall be based on the total area to be
4 disturbed. Except for property subject to RSA 483-B:9, the fee for review of plans encompassing an
5 area of at least [~~100,000~~] **200,000** square feet but less than [~~200,000~~] **300,000** square feet shall be
6 \$3,125. For the property subject to RSA 483-B:9, the fee for review of plans encompassing an area of
7 at least 50,000 square feet but less than 200,000 square feet shall be \$3,125. An additional fee of
8 \$1,250 shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No
9 application shall be accepted by the department until the fee required by this paragraph is paid. All
10 fees required under this paragraph shall be paid when plans are submitted for review and shall be
11 deposited in the water resources fund established in RSA 482-A:3, III.

12 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 110-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to terrain permitting.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Decrease (\$100,000 to \$500,000)	Indeterminable Decrease (\$100,000 to \$500,000)	Indeterminable Decrease (\$100,000 to \$500,000)
<i>Revenue Fund(s)</i>	Water Resource Fund			
Expenditures*	\$0	\$0	Indeterminable Decrease (\$10,000 to \$100,000)	Indeterminable Decrease (\$10,000 to \$100,000)
<i>Funding Source(s)</i>	Water Resource 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	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase (\$500,000 to \$1,000,000)	Indeterminable Increase (\$500,000 to \$1,000,000)	Indeterminable Increase (\$500,000 to \$1,000,000)

METHODOLOGY:

This bill amends RSA 485-A:17 to increase the square footage thresholds for terrain alteration plan review fees. Specifically, for properties not subject to RSA 483-B:9, the threshold for the \$3,125 fee is raised from at least 100,000 square feet to at least 200,000 square feet, and for properties subject to RSA 483-B:9, the threshold remains at 50,000 square feet. All fees collected are deposited into the Water Resources Fund.

The Department of Environmental Services (NHDES) states to estimates the fiscal impact of this bill they based their assumptions on application trends and program requirements. Using FY2024 data as a representative year, NHDES anticipates that the proposed increase in square footage thresholds for Alteration of Terrain (AoT) applications would eliminate the need for 79 out of 228 applications submitted, reducing annual fee revenue by approximately \$250,000. While the exact decrease in revenue is indeterminable due to variations in application volume and project size, it is estimated to range between \$100,000 and \$500,000 annually. These changes would take effect in FY2026.

The bill's impact on state expenditures is also indeterminable. Smaller applications, which would no longer require review, tend to be the easiest to process, and NHDES staff currently face challenges meeting statutory review deadlines for remaining applications. Although fewer applications may reduce workload, staffing reductions are unlikely before FY2027 and only if the remaining workload is manageable within statutory timeframes. Potential expenditure reductions are estimated between \$10,000 and \$100,000 annually but remain indeterminable.

At the local level, municipalities may face increased costs to contract engineering firms for project reviews previously handled by AoT permits. NHDES estimates that 30-50% of the 79 projects removed from the state permitting process would require such reviews, at an average cost of \$20,000 per project. Additionally, some municipalities may incur costs for restoring areas affected by unregulated stormwater runoff. These combined local expenditures are expected to increase by \$500,000 to \$1,000,000 annually, though the exact figure is indeterminable.

AGENCIES CONTACTED:

Department of Environmental Services