

CHAPTER 142  
SB 56-FN - FINAL VERSION

02/09/2023 0404s  
06/15/2023 2098EBA

2023 SESSION

23-0993  
09/10

SENATE BILL ***56-FN***

AN ACT relative to payments for restoration of certain jurisdictional resource losses.

SPONSORS: Sen. Watters, Dist 4

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill establishes a method for the department of environmental services to determine the compensatory payments for upland resource losses.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to payments for restoration of certain jurisdictional resource losses.

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

1            142:1 Aquatic Resource Compensatory Mitigation; Fund Established. Amend RSA 482-A:29, I and II  
2 to read as follows:

3            I. There is hereby established the aquatic resource compensatory mitigation fund into which  
4 payments made under this subdivision shall be deposited. The fund shall be a separate, nonlapsing fund  
5 continually appropriated to the department to be used only as specified in this subdivision for costs related  
6 to wetlands creation or restoration, stream and river restoration, stream and river enhancement,  
7 ***restoration or enhancement of any jurisdictional area identified under RSA 482-A:30-b***, preservation of  
8 upland areas adjacent to wetlands and riparian areas, and the subsequent monitoring and maintenance of  
9 such areas.

10           II. A separate, non-lapsing account shall be established within the fund into which all  
11 administrative assessments collected under RSA 482-A:30, III, [and] RSA 482-A:30-a, II, ***and RSA 482-***  
12 ***A:30-b, III*** shall be placed. Such account moneys shall be used for administration of the fund, including  
13 staff, and aquatic resource mitigation related projects.

14           142:2 New Section; Payment For Other Jurisdictional Losses. Amend RSA 482-A by inserting after  
15 section 482-A:30-a the following new section:

16           482-A:30-b Payment for Other Jurisdictional Resource Losses. For losses to sand dunes,  
17 undeveloped portions of duly-established 100-foot buffers of designated prime wetlands, and  
18 undeveloped tidal buffer zones, the in-lieu payment shall be the sum of:

19           I. The cost that would have been incurred if a resource of the same type was restored at the  
20 ratios adopted by the department, based on a price of \$65,000 per acre of resource area created, to be  
21 adjusted at the beginning of the calendar year according to the annual simple rate of interest on  
22 judgments established by RSA 336:1;

23           II. The area of resources impacted, as used in the calculation performed under paragraph I, times  
24 the cost of land in the municipality where the impact is occurring as calculated by the total assessed land  
25 values in the municipality, as determined by the department of revenue administration, which are  
26 equalized, divided by the number of acres in the municipality to yield a per acre equalized land value; and

27           III. An administrative assessment equal to 20 percent of the amount in paragraphs I and II.

28           142:3 Effective Date. This act shall take effect upon its passage.

Approved: June 30, 2023  
Effective Date: June 30, 2023

