

NOTICE OF INTENT TO EXCAVATE

RSA 72-B

(Assigned by Municipality)

For Tax Year April 1, _____ to March 31, _____

YR	TOWN	OP#	
			E

PLEASE TYPE or PRINT (If filling in form on-line; use TAB key to move through fields)

- Town/City of: _____
- Tax Map/Block/Lot #: _____
- Name of Access Road: _____
- Total Acreage of Lot: _____
- Date of Permit per RSA 155-E:2: _____
or (Municipal Excavation Permit)
- Date of Report, if required, per RSA 155-E:2, I (d): _____
- Permit Number per RSA 485-A:17, if any: _____
(Alteration of Terrain Permit)
- Incidental Construction/155-E:2-a Exception: Check if YES ☐
- Total Permitted Area (acres): _____
- Excavation Area (acres) as of April 1: _____
- Reclaimed Area (acres) as of April 1: _____
- Remaining Cubic Yards of Earth to Excavate: _____
- Type of Ownership:
 - ☐ Owner of land
 - ☐ Previous owner retaining deeded earth excavation rights
 - ☐ Owner of earth or earth excavation rights on public lands (Fed., State, Municipal, etc) or, removes earth from public lands or right-of-ways

14. DESCRIPTION OF EARTH TO BE EXCAVATED DURING TAX YEAR

EARTH TYPE	ESTIMATED CUBIC YARDS (CY)
GRAVEL	
SAND	
LOAM	
STONE PRODUCTS	
OTHER ()	
TOTAL	

15. CHECK THE BOX THAT DESCRIBES THIS INTENT

- ☐ ORIGINAL WITH \$100 FEE
(check payable to State of New Hampshire)
- ☐ ORIGINAL WITH NO FEE
(excavation of 1,000 cubic yards or less)
- ☐ SUPPLEMENTAL WITH \$100 FEE
(exceeding original estimate of 1,000 cubic yards or less)
- ☐ SUPPLEMENTAL WITH NO FEE
(fee previously paid with original intent)

16. We hereby assume responsibility for reporting all earth excavated within 30 days of completion or by the end of the tax year, whichever comes first. (If a Corporation, an Officer must sign.)

PRINT CLEARLY OR TYPE NAME OF OWNER

SIGNATURE (in ink) OF OWNER(S) OR OFFICER(S)

DATE SIGNED

PRINT SIGNATORY NAME (AND TITLE IF APPLICABLE)

SIGNATURE (in ink) OF OWNER(S) OR OFFICER(S)

DATE SIGNED

PRINT SIGNATORY NAME (AND TITLE IF APPLICABLE)

MAILING ADDRESS

CITY OR TOWN

STATE

ZIP CODE

E-MAIL ADDRESS

HOME PHONE (Enter number without dashes)

CELL PHONE (Enter number without dashes)

DATE INTENT SENT TO TOWN: _____

E-MAIL REPORT & CERTIFICATE?

YES ☐ NO ☐

If NO, Report and Certificate will be mailed to the address above.

TO BE COMPLETED BY MUNICIPAL ASSESSING OFFICIALS

Amount of Security Required \$ _____

Security Posted (Bond, Certified Check, etc.) \$ _____

SIGNATURES OF MUNICIPAL ASSESSING OFFICIALS & DATE

The Municipal Assessing Officials hereby acknowledge receipt of the Notice of Intent to Excavate and certify that:

- All owners of record have signed the Intent;
- If the land is in Current Use, the land use change tax shall be assessed on the non-qualifying land;
- The form is complete; and
- Any bond required under RSA 72-B:5 has been received.
- The Tax Collector shall be notified within 30 days of signing the Intent pursuant to RSA 72-B:8

SIGNATURE OF MUNICIPAL ASSESSING OFFICIAL

DATE

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DATE

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DATE

FOR DRA USE ONLY

SIGNED ORIGINAL COPY - RETAINED BY CITY/TOWN

SIGNED COPY TO - OWNER, RETURNED BY MUNICIPAL ASSESSING OFFICIALS

SIGNED COPY TO - DEPT. OF REVENUE, MUNICIPAL & PROPERTY DIVISION

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
NOTICE OF INTENT TO EXCAVATE
 GENERAL INSTRUCTIONS

FORM
PA-38
 Instructions

WHO TO CONTACT	Any person who may have questions pertaining to the completion of this form may contact the Department of Revenue Administration, Municipal & Property Division, at (603) 230-5950.
WHO MUST FILE	Every owner who intends to excavate earth shall file a Form PA-38 with the municipal assessing officials in the town or city where such excavation is to take place. Owners shall include: 1. Any person who owns land upon which earth is excavated; 2. A previous owner who retains earth excavation rights to the land and who registers a claim with the registry of deeds; or 3. Any person who has purchased excavated earth or earth excavation rights upon public lands, or removes earth from a public right-of-way.
WHEN TO FILE	A separate Form PA-38 must be filed for each tract of land where the excavation will occur: 1. Prior to excavation; and 2. At the beginning of the tax year (April 1) for excavation not yet completed or in progress.
ADMINISTRATION & ENFORCEMENT	The original Form PA-38 must be accompanied by the \$100 administration and enforcement fee if the estimated amount of earth to be excavated exceeds 1,000 cubic yards during the tax year. MAKE CHECKS PAYABLE TO: STATE OF NEW HAMPSHIRE and submit it to your municipal assessing officials along with the completed PA-38.
SUPPLEMENTAL NOTICE OF INTENT TO EXCAVATE	Every owner who has filed a Form PA-38 under RSA 72-B:8 shall file a supplemental Form PA-38 for the amount of earth which exceeds the original amount of earth estimated. If the owner originally stated an estimate of 1,000 cubic yards or less and was exempt from the \$100 enforcement fee, the owner shall provide the \$100 enforcement fee with the supplemental Form PA-38 if the total excavated volume exceeds 1,000 cubic yards. If the owner paid the \$100 enforcement fee with the original Form PA-38, no additional fee is required for the supplemental intent. Failure to file a supplemental Form PA-38 and failure to provide the required enforcement fee shall constitute a violation by the owner or any other person doing the excavation, or both.
BOND	If an owner does not own land in the town in which the owner intends to excavate and has filed a Form PA-38, the municipal assessing officials shall notify the owner in writing of the amount and conditions of any other security deemed necessary to secure the payment of the excavation tax. If an owner ceases to own land in the town where such owner is excavating after filing a Form PA-38, such owner shall notify the municipal assessing officials and the Department in writing of the change in ownership within 15 days of the change. An owner who neglects to so notify the municipal assessing officials or the Department shall be guilty of a misdemeanor. Any person who commences excavation or continues to excavate without furnishing a bond or other securities as deemed necessary by the municipal assessing officials shall be guilty of a misdemeanor. Bonding is for excavation purposes only, not for reclamation purposes. Unless a bond or other security is provided, all excavation tax assessments create a lien upon the land on the date of excavation on account of which it is made and against the owner of record of such land.
LIEN	Excavation before the appropriate Form PA-38 has been filed with and signed (in ink) by the municipal assessing officials shall constitute a violation.
PENALTY	The owner shall file the Form PA-38 with the municipal assessing officials. After the municipal assessing officials sign the Form PA-38, the following distribution will occur: 1. The municipal assessing officials will retain the original; 2. A signed copy will be provided to the owner; and 3. A signed copy will be mailed, with enforcement fee (if applicable), to: NH DEPT OF REVENUE ADMINISTRATION MUNICIPAL & PROPERTY DIVISION PO BOX 487 CONCORD NH 03302-0487
DISTRIBUTION	Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department. TDD Access: Relay NH 1-800-735-2964.
TDD ACCESS	