

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Interim Rulemaking Notice Form and Cover Sheet

Proposed Interim Rule Number: INT 2026-21

Rule Number: Env-Wt 1100

1. **Agency:** Department of Environmental Services
Wetlands Programs

Agency Address: Department of Environmental Services
Wetlands Programs
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. **RSA Authority:** RSA 482-A:26, III(c)
3. **Federal Authority:** N/A
4. **Action(s):** Adoption
5. **Filing Date:** 2026-08-27
6. **Short Title:** Authorization for Modification of Existing Dwellings Over Water
7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Courtney Lockwood	Title: LRM Attorney
Address: 238 Oak Hill Rd Concord, NH 03301	Phone Number: (603) 271-8614
	FAX Number:
	Email: courtney.l.lockwood@des.nh.gov

8. **Summary explaining the effect of the rule and, if the rules are being proposed to implement a state statute for the first time, identification of the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a):**

The Department of Environmental Services (Department) is proposing interim rules to implement Chapter 14:1 of the Laws of 2026, effective May 26, 2026, which amended RSA 482-A:26, III to change the requirements that apply when the owner of a dwelling over public waters is allowed to make modifications to the footprint or outside dimensions of such dwelling by adding an external feature or expanding a legally-existing external feature. Such modifications require authorization by the Department and must meet the requirements set by the law.

Chapter 14:2 of the Laws of 2026 requires the Department to adopt rules within 120 days of the effective date of Chapter 14:1 of the Laws of 2026. Therefore, interim rules are necessary to meet this deadline. The proposed interim rules set the process and application fee for requesting such authorization and explain how to calculate the square footage of modifications.

The proposed interim rules would implement the new statutory provision for the first time.

9. **Listing of people, enterprises, and government agencies affected by the rule:**

The proposed interim rules would affect any owner of an existing dwelling over public waters subject to RSA 482-A:26 who wishes to add an external feature or expand a legally-existing external feature.

10. **Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule(s)	State Statutes Implemented
Env-Wt 1100	RSA 482-A:26, III

11. **Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.**

☒ Yes

12. **Summary of the effect upon the state if the rule were not adopted:**

If the interim rules are not adopted, an owner of an existing dwelling over public waters subject to RSA 482-A:26 would be unable to make any modifications to the footprint or outside dimensions of the dwelling. Additionally, the Department would miss the deadline set by law to have rules in place.

13. **Proposed date of review by the Joint Legislative Committee on Administrative Rules:**

2026-09-17

FIS #: 26:167 , dated: 2026-08-25

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable as these are new interim rules.

2. Cite the Federal mandate. Identify the impact on state funds:

There is no federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed interim rules establish a new authorization process and application fee for modifications to legally existing dwellings over water of \$600 with an additional \$6.00 per square foot for every square foot of modifications requiring authorization, if allowed due to the amount of owned frontage.

A. To State general or State special funds:

The proposed interim rules will increase state restricted revenue to the Water Resources Fund from application fees. The increase is indeterminable because the Department does not know the number of dwellings over public waters or the number of owners who may apply for authorization.

No impact on the state general fund.

B. To State citizens and political subdivisions:

The proposed interim rules will increase costs to certain state citizens and political subdivisions that apply for authorization to modify a legally existing dwelling over water due to the required application fee. The Department anticipates few to no dwellings over water are owned by political subdivisions.

C. To independently owned businesses:

The proposed interim rules will increase costs to certain independently owned businesses that apply for authorization to modify a legally-existing dwelling over water due to the required application fee.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: 2026-08-27 **Name:** Robert R. Scott **Title:** Commissioner

**('Adopting authority' is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)*



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

VIA ELECTRONIC FILING

August 27, 2026

Douglas Osterhoudt, Director
OLS, Administrative Rules Office
25 Capital Street
State House Annex, Room 234
Concord, NH 03301

Re: Interim Rulemaking Notice and Proposed Rules, INT Env-Wt 1100

Dear Director Osterhoudt:

In accordance with RSA 541-A:19, enclosed please find the Interim Rulemaking Notice and proposed interim rules for the following rules:

INT Env-Wt 1100 Authorization for Modification of Existing Dwellings Over Water

The proposed adoption of interim rules is necessary for the department to conform with an amended codified state statute or chaptered session law, pursuant to RSA 541-A:19, I(a), as described in the interim rulemaking notice.

I, the adopting authority, hereby certify that the above and the enclosures are an accurate statement explaining why an interim rule is necessary.

Sincerely,

Robert R. Scott
Commissioner

Enclosures

Interim Rulemaking Notice and Proposed Interim Rules - Env-Wt 1100
Proposed Interim Form NHDES-W-06-092

ec: Aron Johnson, NHDES Legal Unit
Courtney Lockwood, NHDES Legal Unit