



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

Rulemaking Notice Form

Notice Number: 2026-191

Rule Number: Env-Wr 800

1. **Agency:** Department of Environmental Services
Dam Related Programs
Agency Address: Department of Environmental Services
Dam Related Programs
29 Hazen Drive PO Box 95
Concord, NH 03302
2. **RSA Authority:** RSA 482:89, V
3. **Federal Authority:** N/A
4. **Action(s):** Adoption
5. **Short Title:** Administrative Fine Schedule Re: Dams, Mills, and Flowage
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

The New Hampshire Department of Environmental Services (Department) is proposing to adopt a schedule of administrative fines as required by RSA 482:89, V(a) for violations of RSA chapter 482, as defined in RSA 482:89, I

_ Does this rule implement a state statute for the first time?

No

6. **(b) Brief description of the groups affected:**

The proposed rules will affect dam owners, contractors, and any other person who may be subject to an administrative fine for a violation specified in RSA 482:89, I.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Wr 800	RSA 482:89, V

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Aron Johnson	Title: Legal Coordinator
Address: 29 Hazen Drive PO Box 95 Concord, NH 03302	Phone Number: (603) 271-2464
	FAX Number:
	Email: aron.b.johnson@des.nh.gov

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:

Monday, October 26, 2026

☐ Fax

☒ Email nhdesrules@des.nh.gov

☒ Other: [NHDES Administrative Rules Public Comment Form](#)

9. Public hearing scheduled for:

Date: Monday, October 19, 2026

Time: 2:00 PM

Place: Room 208C, NHDES Offices, 29 Hazen Drive, Concord, NH 03301

NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver's license). If you plan to attend the public hearing in person, please bring photo identification with you.

Electronic Access, if applicable:

Microsoft Teams:

[Join the meeting now](#)

Meeting ID:244 512 344 673 020

Passcode:RL9t6Z2q

Dial in by phone:

[603-931-4944](tel:6039314944) United States, Concord

[Find a local number](#)

Phone conference ID: 106 940 847#

If you have any questions or technical issues connecting to the hearing, please contact Aron Johnson. at [603-271-2464](tel:603-271-2464) or via email at aron.b.johnson@des.nh.gov.

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS #: 26:182, dated: Friday, September 11, 2026

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

Not applicable as these are new rules.

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

No federal mandate, no impact on state funds.

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

The proposed rules establish a schedule of administrative fines for violations of RSA chapter 482, which concerns dams, mills, and flowage, including requirements related to dam construction, reconstruction, maintenance, permits, fees, orders, and other dam safety requirements. RSA 482:89,V authorizes the Commissioner to impose administrative fines of up to \$2,000 per violation and requires the Commissioner to adopt rules establishing a fine schedule. The proposed rules establish fines of \$2,000 per violation for major violations and \$1,000 per violation for moderate violations. Certain minor violations are subject to a \$500 fine or a fine equal to twice the applicable fee, up to a maximum of \$2,000, including failures to submit required fees or timely review and update required operation, maintenance, and response information. For violations for which a specific fine is not established, the proposed rules establish fines ranging from \$100 to \$2,000 based on the extent of the violation and potential for harm.

A. To State general or State special funds:

The proposed rules may increase State General Fund revenue by an indeterminable amount from administrative fines.

B. To State citizens and political subdivisions:

The proposed rules may result in an indeterminable increase in costs to State citizens and political subdivisions that violate applicable requirements and are assessed an administrative fine.

C. To independently owned businesses:

The proposed rules may result in an indeterminable increase in costs to certain independently owned businesses that violate applicable requirements and are assessed an administrative fine.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not impose a change to an underlying function, duty, or activity performed or to be performed by a local government, and therefore do not violate Part I, Article 28-a of the New Hampshire Constitution.