



Consideration of Department of Water Resources' Dam Safety Regulations (Action Item)

Introduction

The Department of Water Resources' (DWR) Division of Safety of Dams (DSOD) regulates approximately 1,230 non-federal jurisdictional-sized dams for the purpose of safeguarding life and property from dam failures. In July 2025, DSOD staff provided an [informational update](#) to the Commission on dam safety permitting and proposed changes that would allow DWR to issue dam safety permits in phases for large and complicated projects.

One of the statutory responsibilities of the California Water Commission is to approve DWR's proposed regulations not pertaining to the management and administration of the Department (Water Code, section 161.) Here, DSOD seeks to add to and modify existing dam safety regulations as outlined below.

California Code of Regulations, Title 23, Division 2, Chapter 1 (Title 23):

- Article 2. Applications for Construction, Enlargement, Repair, Alteration, or Removal of Dams or Reservoirs (modify)
- Article 5. Dams Owned by the Department of Water Resources (modify)
- Article 6. Inundation Maps (modify)
- Article 7. Administrative Enforcement (modify)
- Article 8. Annual and Periodic Adjustments to Application Fees (new)
- Article 9. Application Fee Refunds (new)
- Article 10. Phased Approvals (new)

Background

The California Water Code, Division 3 and the California Code of Regulations, Title 23, Division 2, Chapter 1 broadly define dam safety requirements that include the application process DSOD uses to administer the permitting for the construction of new dams or reservoirs and the enlargement, alteration, repair, or removal of existing dams or reservoirs.

The proposed additions and modification to existing dam safety regulations are necessary to align Title 23 with recent changes to the Water Code by Senate Bill 122 (effective July 10, 2023), as well as to update and clarify DSOD's regulatory practices.

Modifications to Article 2 will:

- Clarify that application requirements apply to dam alterations, repairs, and removals to align with recent changes to Water Code section 6300,

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- Clarify options for owners to remedy unlawfully constructed dams, and
- Include minor edits and clarifications to existing regulations.

Modifications to Article 5 will:

- Require the DWR's State Water Project (SWP) to cover DSOD labor costs incurred related to Director's Safety Review Boards (DSRB), which are required for dams owned by DWR and regulated by DSOD, and
- Remove the option to allow a Federal Energy Regulatory Commission to be used in place of a DSRB.

Modifications to Article 6 will:

- Remove the requirement that a hard copy of a technical memorandum related to the modeling for inundation maps be submitted to DSOD, and
- Include minor edits/clarifications to existing regulations.

Modifications to Article 7 will:

- Add an option for written civil administrative enforcement hearings, and
- Clarify the process for initiating property liens against non-compliant dam owners.

The addition of Article 8 will:

- Provide a methodology to annually update the application fee schedule using Consumer Price Index as required by section 6300(e) of the Water Code, and
- Provide a methodology to periodically update the application fee schedule to align with DSOD's incurred costs as required by section 6300(f) of the Water Code.

The addition of Article 9 would provide for instances when application fees could be refunded as allowed by section 6300(g) of the Water Code.

The addition of Article 10 would formalize a current DSOD practice of phasing application approvals for dam projects when requested by dam owners.

This agenda item is related to Goal Five of the [Commission's Strategic Plan](#), which calls on the Commission to exercise statutory authorities to ensure transparency, accountability, and sound public processes.

Meeting Overview

At the April meeting, DSOD Assistant Division Manager, Shawn Jones, will provide an overview of the proposed additions and modification to dam safety regulations, the rulemaking schedule, and a summary of public comments. Following Tribal and public comment and Commission discussion, the Commission will vote on whether to approve the regulations.

This is an action item.

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