

DEPARTMENT OF WATER RESOURCES

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February 6, 2026

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
Notice of Proposed Rulemaking
Add, Amend, Repeal Sections in Articles 2, 5, 6, and 7
Add Articles 8, 9, and 10
Chapter 1, Division 2, Title 23, California Code of Regulations
Notice of Public Availability of Modified Text and
21-Day Comment Period

Deadline for Public Comment: 5:00 p.m. on Friday February 27, 2026

On November 14, 2025, proposed regulations were published that are related to California's Dam Safety Program¹, which is implemented by the Department of Water Resources (Department). The Department is proposing changes to the proposed regulations that are sufficiently related to the text that was published in the Office of Administrative Law Notice Register on November 14, 2025. The Department is making these changes available for public comment for at least 15-days as required by Government Code section 11346.8.

The originally-proposed regulatory additions and deletions are shown in single underline and ~~single strikethrough~~ format, respectively. New additions and deletions to the proposed language that are made public with this notice are shown in double underline and ~~double strikethrough~~ format, respectively. Only new additions and deletions are currently open for public comment.

The Administrative Procedure Act requires that the Department respond to comments received regarding all noticed changes. All written comments received by the **February 27, 2026**, deadline **that pertain to the modified text shown in double strikeout and double underline** will be responded to in the Final Statement of Reasons. Even though comments at this time are limited to the changes reflected in double strikeout and double underline, all timely comments received by the Department during the initial 56-day comment period will also be responded to in the Final Statement of Reasons.

Summary of Proposed Modifications

After careful consideration of the comments received and further review of the proposed regulation's text, modifications to the text of the regulations that was published on November 14, 2025, have been proposed. The following summarizes revisions made to specific sections and subsections; it does not include all modifications to correct typographical or grammatical errors, or all non-substantive revisions made to improve clarity.

¹ Dam Safety Program means the Department's program to regulate and supervise the safety of dams under Division 3, Part 1 of the Water Code.

CCR Title 23. Article 2. Section 315. Remedy of Unlawful Dams

This section was relabeled to section 314 as section 315 already exists in Article 3.

Subsection (a)(1). This subsection was modified to clarify that compliance with section 303 is not required when submitting a construction application to abate a dam's unlawful status.

CCR Title 23. Article 8 Section 360. Periodic Application Fee Adjustments

Subsections (c) and (d) were revised to clarify that the total amount of application fees collected by the Department is to be over the same period as application associated costs incurred by the Department, as determined by the Department in accordance with subsection (b).

Subsection (d) was also revised to specify when dam owners shall be informed of periodic changes to the application fee schedule.

CCR Title 23. Article 8 Section 370. Application Fee Schedule

This section was added to clearly state that the application fee schedule in effect when the Department considers the application complete will remain in effect until the application is closed out or terminated.

CCR Title 23. Article 9 Section 400. Application Fee Refunds

This section was modified to add clarity as to when a dam owner may request a refund of application fees.

Written Comment Period

The Department will address written comments on the changes identified in the noticed text that are indicated by double underline and ~~double strikethrough~~. Interested members of the public may submit comments by postal mail or email and any comments must be **received by the Department on or before 5 p.m. Friday February 27, 2026**, and must be addressed to the following:

Email:

Shawn Jones, Assistant Division Manager
Division of Safety of Dams
Shawn.Jones@water.ca.gov
(916) 565-7802

Postal Mail:

Shawn Jones, Assistant Division Manager
Division of Safety of Dams
2720 Gateway Oaks, Suite 300
Sacramento, CA 95833
(916) 565-7802

Please note that under the California Public Records Act (Government Code, § 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g. address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Comments must be directed to the Department in one of the two forms described above and **received** by the Department by **5 p.m. Friday February 27, 2026**. Only comments received during this comment period and that relate to the above-described changes to the text of the regulations will be responded to by the Department in the Final Statement of Reasons.

Availability of Proposed Regulations

This Notice, the modified text, the Initial Notice of Regulatory Action, Initial Statement of Reasons, the express terms of the regulation initially proposed, and all information upon which the proposed regulations are based are available on the Department's website at:

<https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams/Statutes-and-Regulations>

All subsequent regulatory documents, including the final statement of reasons, when completed, will be made available on the above website.

Department Contact Persons

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Questions regarding the proposed regulatory action may be directed to:

Shawn Jones, Assistant Division Manager
Division of Safety of Dams
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Sacramento, CA 95833
Shawn.Jones@water.ca.gov
(916) 565-7802

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