

DEPARTMENT OF WATER RESOURCES

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September 30, 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
Notice of Addendum to the Initial Statement of Reasons

Deadline for Public Comment: 5:00 p.m. on Thursday October 15, 2026

Notice of Public Availability of Modified Text

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. The first set of additions and deletions to the proposed language are shown in double underline and ~~double strikethrough~~ format, respectively. New additions and deletions to the proposed text that are made public through this notice are shown in **bold double underline** and ~~**bold double strikeout and underline**~~ or ~~**bold double strikeout and double underline**~~ 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 **October 15, 2026**, deadline **that pertain to the modified text shown in bold** will be responded to in the Final Statement of Reasons. Even though comments at this time are limited to the changes reflected in the bolded text, all timely comments received by the Department during the initial 56-day comment period, the public hearing held on January 9, 2026, and the second 21-day comment will also be responded to in the Final Statement of Reasons.

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.

Summary of Proposed Modifications

After further review of the proposed regulation's text, additional 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.

CCR Title 23. Article 6. Section 335.2. Definitions

In the regulation text published on November 14, 2025, "flow parameters" was added to the definition of "Two-dimensional hydraulic model" in subsection (28) but not underlined to indicate that it was an addition (see Notice of Addendum to the Initial Statement of Reasons below). To clearly show this addition, it has been bolded and double underlined.

CCR Title 23. Article 7. Section 337.17. Notice of Written Hearings (Non-OAH Cases)

Clarifications were made as to how notices will be publicly posted on the Department's website. Also, examples of what would constitute as "circumstances beyond their reasonable control or otherwise demonstrates good cause" with regards to setting new submittal deadlines were added.

CCR Title 23. Article 8. Section 350. Annual Application Fee Adjustments

To add additional clarity, this section was revised to provide a more detailed step-by-step process which the Department will use to annually use to modify the application filing fee schedule set in Water Code section 6300(a) to reflect changes to the United States Bureau of Labor Statistic's Consumer Price Index as required by Water Code section 6300(e).

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

To add additional clarity, this section was revised to provide a more detailed step-by-step process which the Department will periodically use to modify the application fee schedule set in Water Code section 6300(a) as required by Water Code section 6300(f).

CCR Title 23. Article 8. Section 365. Notification

Section 365 was added to clarify how and when the annually and periodically adjusted application filing fee schedule will be publicly posted.

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

As the application filing fee schedule may be adjusted annually and periodically, this section was revised to provide additional clarity regarding the application filing fee schedule to be used when calculating an application filing fee.

CCR Title 23. Article 10. Section 450. Purpose of Phased Approvals

Subsection (c) was modified to include Water Code sections related to the submission of an application to the Department for clarity.

Written Comment Period

The Department will address written comments on the changes identified in the noticed text that are indicated by **bold double underline** and ~~**bold double strikeout and underline**~~ or ~~**bold double strikeout and double underline**~~ formatting. 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. Thursday October 15, 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. Thursday October 15, 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.

Notice of Addendum to the Initial Statement of Reasons

The Department is adding an addendum to the Initial Statement of Reasons (ISOR). The addendum explains or provides further explanation of the necessity for certain provisions in the proposed regulations. The addendum to the ISOR is available on the Department's website at:

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

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. Thursday October 15, 2026**, and must be addressed to the following:

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Division of Safety of Dams
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All written comments received by September 18, 2026, that pertain to the Addendum to the ISOR, will be reviewed and responded to by the Department in this rulemaking file.

Availability of Proposed Regulations

This Notice, the modified text, the Initial Notice of Regulatory Action, Initial Statement of Reasons, the Addendum to the Initial Statement of Reason, 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

Questions regarding the proposed regulatory action may be directed to:

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

Backup Contact Person
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Peter.Thyberg@water.ca.gov
(916) 820-7564