# Dam Safety and Climate Resilience Local Assistance Program Response to Comments August 4, 2026

The questions are numbered for ease of review and commenting.

## Question 1

Reimbursement for DSOD-Mandated Work: We recently completed a vital safety phase (April 2026) involving a temporary porta dam to ensure structural integrity, following DSOD guidance. Given that Section 2 currently limits reimbursement to costs incurred after agreement execution, could DWR consider expanding reimbursement eligibility to include critical safety work performed since November 2024? This would ensure that agencies taking immediate action to protect public safety are not financially disadvantaged compared to those who wait for a grant award.

### Response

The Department cannot extend grant reimbursement to cover project costs incurred prior to the date of formal award.

## Question 2

Clarification on "Discrete Phases": The PSP mentions that funds support "discrete phases of larger, multi-year projects". Could DWR clarify if temporary structural measures required to maintain a facility while a permanent capital asset is being designed or built, qualify as reimbursable construction or risk reduction activities?

### Response

A 'discrete phase' refers to a specific, manageable portion of a larger project, such as planning, engineering design, or a specific construction stage, that can be completed within the grant's performance period. Temporary structural measures may qualify as reimbursable activities provided that the applicant demonstrates that the funded measure is a critical step in a viable path toward the construction of the capital asset.

## Question 3

Incentivizing Readiness: Our completed work demonstrates high "Project Readiness" as defined in Section 4.6. Would it be possible for the final PSP to allow reimbursement for these immediate "readiness" phases, rather than only crediting them toward the local match?

**Response**

The Department cannot expand direct reimbursement to include "readiness" phases completed prior to the date of formal award.

## Question 4

We are local ranchers and landowners who have an approximately 90-acre foot reservoir on our property that DWR is requiring we repair. This repair is estimated to cost 400,000 to 500,000 dollars. This is an untenable cost for a private ranch that earns it's income off of cattle. We were very excited to hear that funding was available to help us fix our dam. But upon looking into the program further we found we did not qualify as our dam was classified as low hazard. I believe that the scope of this funding should be expanded to allow any dam that DWR is requiring to be fixed or otherwise improved be eligible, regardless of assessed hazard level. It is unfair to require private landowners to foot the bill of repair without allowing them access to funding that on its face seems explicitly intended to improve the safety of dams like ours.

**Response**

This eligibility restriction is based on the legal requirements of Proposition 4, which mandates that bond funds be allocated to projects providing the greatest public benefit. Furthermore, the Water Code requires that these funds provide a clear public benefit, with public safety as the primary priority. Because low-hazard dams are defined by the state as having no probable loss of human life and economic losses that are principally limited to the owner’s private property, they do not meet the public safety threshold required of the program or provide the necessary public benefit to justify the use of taxpayer-funded general obligation bonds.

## Question 5

According to the scoring criteria, up to 15 points may be awarded based on the existing condition and hazard classification of the dam. Is there a points system based on Condition Assessment (Satisfactory, Fair, Poor) and Downstream Hazard (Extremely High, High, Significant)? If yes, can you share the points per classification?

**Response**

The program does not include a strict point-by-point breakdown in the solicitation documents. To give applicants better visibility into how they will be evaluated, the following sentence will be added to PSP Section 4.1.1:

"Facilities carrying the highest downstream hazard potentials and the lowest condition assessments will receive the highest relative scores within the category."

## Question 6

Under Project Funding in the Program Application (page 10), there is a box to check if you will be requesting a local cost share reduction, a box indicating the need to provide financial statements, and another box to indicate the reduced cost share, but no indication of a box to describe the rationale behind the requested reduction. In the Program Guidelines PDF, Section 5.2 it states under item A.3 Financing Constraints: A statement regarding the applicants inability to secure alternative funding or qualify for a loan to cover the local match. Where would this statement be included in the Program Application?

**Response**

Per the PSP Section 3.2 Proposal Instructions, for Local Cost Share Reductions, applicants must submit a financial hardship justification as a supplemental attachment.

## Question 7

For Part D of the Application, the (S)DAC population estimate following guidelines in Appendix C of the PSP, the required output are downloaded copies of the maps showing the populations.  How are these documents to be labeled and organized in the application file set?  Are they pasted into the text box with supporting language or are they anticipated to be attachments?

**Response**

Map submissions for the (S)DAC population estimate must be included as an attachment to the proposal package rather than being pasted directly into the template's text boxes. The language has been updated in the PSP, Section 3.2:

*“Any supplemental files shall be submitted as an attachment to the DSCR Application template”*

## Question 8

"Planning and design project must demonstrate that the proposed scope will directly lead to the successful implementation of a capital asset." (pg. 5 on PSP). Is DSCR looking for specific ways to demonstrate that the project will be a capital asset? If so, what are they?

### Response

The Department does not require a specific method to demonstrate that a planning or design project will lead to a capital asset; rather, it is up to the applicant to articulate a viable path toward construction and project completion.

## Question 9

If we have more than one project to submit, should we submit a separate application for each project?

### Response

Yes, applicants must submit a separate application for each project, as every proposal is evaluated as a discrete action with its own project-specific template and supporting documentation.

## Question 10

Is the scoring breakdown from DSCR's presentation (Public Info Session 2/24/26) for the Climate Resilience criteria still applicable? The PSP doesn't show a breakdown of the scoring within the criteria. Also, is the total scoring points for Climate Resilience now 9 points and not 15 points?

### Response

The 2026 DSCR Guidelines and the Proposal Solicitation Package (PSP) are the only valid documents used for evaluating and scoring applications, superseding all prior informational materials and presentations. Consequently, the total score for the Climate Resilience category is 9 points as specified in the current PSP, which does not provide a further breakdown of scoring within that criterion.

## Question 11

The period of performance (POP) is fairly short to procure contractors and execute work (regardless of project phase). Will DWR allow for extensions and/or consider extending the POP past 2 years?

### Response

The period of performance can be extended to March 31, 2030. The PSP has been updated to reflect the updated date.

## Question 12

Will DWR consider lowering the local share requirement from 50%?

### Response

The Department cannot lower the baseline 50 percent local cost-share requirement. This matching funding ratio is a requirement established under California Water Code Section 6700(e). However, the program guidelines do allow DWR to reduce or waive the cost-share requirement on a case-by-case basis if an applicant can demonstrate that the match would cause extreme financial hardship and that the dam poses an unacceptable public safety risk. Refer to Section 5.1 (Local Cost-Share) for details.

## Question 13

Is there additional information DWR can share regarding when the grant program expected to open? And how long is the solicitation period open?

### Response

The Department does not have an expected date for the grant solicitations to open at this time. DWR does anticipate that the solicitation period will be open for 60 days.

## Question 14

Prop 4 requires that at least 40% of its funds benefit Severely Disadvantaged (SDAC), Disadvantaged (DAC), or Vulnerable Communities. Can you confirm that the Dam Safety and Climate Resilience draft guidelines and PSP give equal scoring weight to projects benefiting each of these three categories? In other words, does DWR intend to give greater scoring weight to projects benefiting SDAC communities than to projects benefiting Vulnerable Communities?

### Response

The Department concurrently evaluates the direct and meaningful benefits a project brings to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), and Vulnerable Populations in a parallel review process.

However, because each of these categories is governed by distinct statistical, economic, or geographic definitions, the evaluation methodology incorporates a blend of qualitative assessments and quantitative mapping. Therefore, final point allocations may vary and are not explicitly structured to be identical across the three categories.

## Question 15

Page 11 of the draft PSP, Section 4.4.1....Third sentence of the second paragraph only mentions (S)DAC benefits. Is the omission of a reference to Vulnerable Communities a simple error or is it intentional?

**Response**

The omission of Vulnerable Populations in this specific sentence is intentional, as that paragraph outlines the baseline quantitative mapping step which calculates standard, census-tract-defined (S)DAC population percentages. The DSCR S(DAC) mapping tool is unable to identify vulnerable populations. Direct and meaningful benefits to Vulnerable Populations are evaluated concurrently, but they are captured through separate qualitative narrative justifications rather than the mapping tool. The language has been adjusted to read:

“If the (S)DAC population within the dam inundation is low, then up to 6 points may still be earned if the project can demonstrate meaningful and direct benefits to DAC, SDACs, or vulnerable populations.”

## Question 16

Could you please provide clarification as to whether the replacement of a dam versus rehabilitation of a dam is an eligible project under the Prop 4 Dam Safety grant program?

**Response**

While dam replacements are not explicitly listed in the program guidelines, we recognize that replacing a structure can sometimes be the most effective engineering solution for long-term rehabilitation. A dam replacement project can be considered eligible under the DSCR program, provided that the replacement is a direct remedy to address a documented dam safety deficiency, the height of the dam is not raised, and there is no increase in water storage capacity.

## Question 17

Increase Period of Performance to Reflect the Variability of Project Development Timelines. It is recommended that the DSCR Program increase the period of performance to up to five years and incorporate flexibility, including the option for extensions where justified, to ensure that projects remain viable and fully implementable under the Program.

The proposed two-year period of performance may present challenges given the evolving nature of dam safety projects. These projects often require complex and iterative planning, design, environmental review, and stakeholder coordination, and schedules may shift as technical analyses are completed and scopes are refined.

With only two years to expend the grant funds, any project delay could jeopardize an applicant's ability to complete the work and fully utilize funding within the grant period. For construction projects, applicants need substantial lead time – often one year between grant award notice and construction bid award – to incorporate grant requirements into the bid documents and the procurement process. As a result, there would only be one year remaining within the two-year period of performance to expend the funds and accomplish the proposed scope of work. For agencies like ours which requires significant lead time, the limited period of performance may constrain the types of projects that can be competitively pursued through this Program.

### Response

The period of performance can be extended to March 31, 2030. The PSP has been updated to reflect the new timeline.

## Question 18

Clarification on Scoring Criteria for Existing Condition and Hazard Classification. We respectfully requests clarification on the DSCR Program's proposed scoring criteria, specifically the methodology for which a dam's existing condition and hazard classification are scored. Section 4.1.1 of the draft proposal solicitation package says, "Up to 15 points may be awarded based on the existing condition and hazard classification of the dam." Table 4-1 says, "Downstream hazard classification level and dam condition assessment (as determined by DSOD)". Neither explanation clearly defines how the Program will score the dam based on these qualifications. If a detailed scoring breakdown based on condition assessment and downstream hazard already exists internally, we requests for that breakdown to be shared transparently in the Program's scoring rubric. Greater clarity would allow applicants to more accurately self-score and assess their competitiveness, enabling them to weigh the required investment of staff and consultant time and resources against the likelihood of submitting a high-scoring application. For applicants with multiple dam-safety projects, greater scoring criteria transparency will allow for better candidate project selection and alignment with DSCR Program objectives.

### Response

To keep the review process fair and flexible for all different types of dams, the program does not include a strict point-by-point breakdown in the solicitation documents. To give applicants better visibility into how they will be evaluated, the following sentence will be added to PSP Section 4.1.1:

"Facilities carrying the highest downstream hazard potentials and the lowest condition assessments will receive the highest relative scores within the category."

## Question 19

Please mention if there is an award ceiling and if so, how much.

**Response**

There is no maximum award cap or funding ceiling for individual proposals submitted under the DSCR program. Applicants may request any funding amount justified by their project's scope of work.

## Question 20

Need for Continuity and Priority Across Funding Programs. We recommends that the DSCR Program provide priority scoring if the applicant’s project has received grant funding through another program administered by the Department of Water Resources. A cross-program funding strategy bolsters an applicant’s ability to complete multi-benefit dam improvement projects while maximizing public investment. Given the multi-year nature of dam safety projects, establishing a clear and transparent pathway—and providing meaningful scoring consideration—for projects that are currently awarded under at least one other DWR grant program would help ensure continuity and effective implementation of safety improvements. Securing and administering a grant requires a significant investment of staff time and resources, so providing incentives for projects that meet DWR’s grant objectives across different programs would enable applicants to develop stable budgeting and resource planning strategies.

**Response**

To ensure a fair and competitive process, the DSCR program evaluates each application on its own technical merit and risk reduction benefits. However, under Category F (Project Readiness), projects that have already secured alternative funding sources can demonstrate financial feasibility and a clear path to project execution. Additionally, in the event of a tie between proposals, projects that successfully leverage multiple funding sources will be given priority during the final selection process.

## Question 21

Can this grant be combined with other grants provided through DWR for the same project?

**Response**

Yes, applicants are eligibe to receive other State funds to cover the total project cost. Refer to Section 5.1 (Local Cost-Share) for additional details and restrictions on other funding sources.

## Question 22

Create a Separate Evaluation Criterion for Financial Need and Funding Availability. The Guidelines appropriately recognize “extreme financial hardship” as a basis for reducing or waiving local cost-share requirements. However, financial hardship should also be considered during project ranking and award selection. We recommend that DWR establish a separate scoring criterion addressing Financial Need and Availability of Alternative Funding. Applicants that demonstrate limited access to other grant programs, disaster assistance, public financing mechanisms, or commercial borrowing capacity should receive additional consideration during the competitive evaluation process. Such a criterion would directly advance the Legislature’s objective of assisting dam owners that otherwise lack the ability to secure funding necessary to address critical dam safety deficiencies.

**Response**

To keep project selection focused on the programs core goals, the competitive scoring process ranks projects based on downstream public safety risk and climate resilience rather than an applicant's financial status.

## Question 23

Check all hyperlinks, the link in Section 4.2.2 of the 2026 DSCR Guidelines did not work.

**Response**

The Department has checked and adjusted the hyperlink in the DSCR Guidelines.

## Question 24

Recognize Lack of Alternative Funding Sources as a Positive Scoring Factor.

The Proposal Solicitation Package appropriately encourages leveraging of local, federal, and private funding sources. However, an exclusive emphasis on leveraging may unintentionally favor larger public agencies and applicants with access to multiple funding programs. We recommend that DWR also recognize situations where applicants have no practical access to alternative funding sources. Small nonprofit utilities and mutual water companies should not be disadvantaged simply because they lack access to federal disaster assistance, public bonding authority, tax-supported revenues, or other public financing mechanisms. The absence of alternative funding sources should be treated as a factor weighing in favor of funding assistance rather than against it.

**Response**

To keep project selection focused on the program's core goals, the competitive scoring process ranks projects based on downstream public safety risk and climate resilience rather than an applicant's financial status. Priority given to projects that leverage private, federal, and local funding only comes into play in the event of a tie between proposals. Projects qualifying for a Local Cost-Share Reduction shall be considered to have maximized their fiscal leverage. Therefore, a lack of alternative funding sources will not disadvantage an application during the competitive review.

## Question 25

Establish a Funding Set-Aside for Small Dam Owners and Small Water Systems. We are concerned that a limited number of large-scale projects could consume a substantial portion of available program funding, leaving little opportunity for smaller but equally deserving applicants. We recommend that DWR reserve a portion of available funding for small dam owners, nonprofit organizations, mutual water companies, and small water systems. A dedicated allocation would help ensure geographic diversity and broad statewide participation while supporting projects that may otherwise be overshadowed by larger applicants.

**Response**

To make sure the program can respond to the actual mix of projects that apply, the Department will not lock in strict, predefined funding set-asides before the solicitation opens. The Department has added the following language to the PSP, Section 2:

"DWR reserves the right to manage and adjust final funding allocations across different project sizes, types, and development phases (such as planning, design, and construction) during the final selection process. If final rankings are found to heavily favor or concentrate awards within a single project size or category, DWR may adjust funding distributions to protect program diversity."

## Question 26

Recognize Wildfire Response and Fire Protection Benefits. The Guidelines should expressly recognize reservoirs that serve as operational water supplies for wildfire suppression and emergency Response. Many reservoirs throughout California provide water supplies for firefighting helicopters and other emergency Response operations. Preservation and restoration of these facilities provides substantial public safety and climate resilience benefits. We recommend that DWR clarify that such benefits are eligible for consideration under Public Safety, Climate Resilience, Water Supply Reliability, and other applicable scoring categories.

**Response**

The Department confirms that wildfire suppression and emergency Response features are eligible benefits under Category B (Climate Resilience) and Category C (Project Benefits). Because dams can provide many different types of unique public benefits, the program cannot list every potential eligible benefit. It is the applicant's responsibility to clearly detail, explain, and justify their dam's specific benefits within their application narratives to secure points during the technical review.

## Question 27

Provide Additional Consideration for Disaster-Damaged Facilities. We recommend that DWR consider awarding additional scoring consideration to projects addressing damage caused by recent declared disasters or extraordinary storm events. Projects arising from natural disasters frequently present urgent public safety concerns and often impose financial burdens that exceed the capabilities of local dam owners. Providing additional consideration for such projects would help ensure timely restoration of critical infrastructure while reducing future public safety risks.

**Response**

The DSCR program scores projects based on how the project will reduce risk to downstream public safety, rather than the specific event that caused the damage. Facilities with severe physical damage from recent storm events will inherently be competitive due to the immediate safety risk they present.

## Question 28

Prioritize Advance Funding for Small Nonprofit Applicants. The availability of advance funding is an important feature of the proposed program. However, many small nonprofit dam owners and mutual water companies lack the cash reserves necessary to initiate engineering, environmental, and construction activities pending reimbursement. We recommend that DWR expressly prioritize advance funding requests from small nonprofit organizations and mutual water companies that demonstrate limited financial reserves and immediate dam safety needs.

**Response**
The program will maintain the current case-by-case review process for advance funding. This current evaluation method ensures that funds are directed based on real-time cash flow constraints and project urgency. Nonprofits and mutual water companies that demonstrate limited reserves alongside active dam safety needs are strongly positioned to meet the program's eligibility standards for advance payment.

## Question 29

As currently written, the Program will provide funding for "repairs, rehabilitation, enhancements, and other dam safety projects" for dams that were in service prior to January 1, 2023. First and foremost, Program funds should be available for dam removal, given the most cost-effective and permanent way to deal with obsolete, unsafe dams is to remove them. Nationwide, there are tens of thousands of dams that no longer serve their intended purpose and whose removal could eliminate the cost and liability associated with owning a dam.

More dams are failing every year, posing risks to communities. "From January 2005 through June 2013, state dam safety programs reported 173 dam failures and 587 'incidents' - episodes that, without intervention, would likely have resulted in dam failure." Unless dams are well-maintained, their condition only gets worse every year. Removal is one way to address a failing dam while permanently eliminating any associated safety risks. Thus, dam removal can frequently be 30-40% the cost of rehabilitation or repair.

**Response**
Pursuant to Assembly Bill 269 (AB 269), the program's statutory authority is limited to funding repairs, rehabilitation, and safety enhancements for dams. Consequently, full facility demolition or removal cannot be considered an eligible scope of work under current program guidelines.

## Question 30

Conservation Organizations understand the Program's prioritization of restoring and enhancing water supply capacity at existing projects throughout the State. Consequently, we suggest that alternatives to on-channel storage be paired with dam removal to further the climate resilience of the State's water supply projects. Such alternatives may include flood managed aquifer recharge projects, the installation of infiltration galleries, and the co-location of diversion points to reduce the volume of in-water infrastructure that puts our communities and biodiversity at risk. By funding multi-benefit dam removal projects, which incorporate upgraded diversion infrastructure and climate resilient water supply alternatives, the Program would encourage the development of projects that meet the following priorities of the Program Guidelines:

> A. Project Benefits (Guidelines section 3.3): (1) protection of public safety and flood risk reduction through the permanent mitigation of increased storm severity, which may overwhelm outdated dam design;5 (2) enhancing, protecting, and restoring habitats for fish and wildlife, particularly climate refugia for endangered salmonid species; (3) protecting and enhancing water quality by eliminating dams and reservoirs, which exacerbate climate-related threats by raising water temperature, reducing dissolved oxygen, causing harmful algal blooms, and releasing methane; and (4) restoring water storage by creating opportunities for groundwater recharge, which is resilient to the effects of evaporation.
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> B. General Eligibility Criteria (Guidelines section 3.5), including: (1) addressing dam safety issues by removing facilities that have reduced utility, which impacts future maintenance funding;6 (2) taking into account the current and future impacts of climate change, such as the economic damages and liabilities associated with changing hydrology;7 and (3) providing workforce education and training, contractor, and job opportunities for vulnerable populations.
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> C. Additional Project Considerations (Guidelines section 4), including: (1) Climate Resilience, such as changes to inflow hydrology, increased wildfire hazard and sedimentation, and extreme heat;9 (2) permanently reducing risk intensification to vulnerable communities, which tend to reside downstream of dams due to lower real estate values associated with floodplain development;10 and (3) Workforce and Economic Co-Benefits, such as job creation and utilizing the Conservation Corps.

**Response**

Pursuant to Assembly Bill 269 (AB 269), full dam removal is an ineligible activity under this funding solicitation. Eligible scopes of work are legally limited to repairs and enhancements of existing jurisdictional dams. However, complementary resilience features built into an eligible rehabilitation project, such as infiltration galleries or groundwater recharge components are eligible.

## Question 31

The Program Guidelines should incorporate criteria for evaluating when dam removal, rather than repair, will be funded. California infrastructure includes well-maintained dams that are critical to California’s water supply and public safety. “The public depends on them for 70% of state's water supply, 15% of the power, as well as for flood control, recreation, fisheries and wildlife habitat." However, dams are not designed to last forever, and deferring dam maintenance can jeopardize downstream communities. In fact, the American Society of Civil Engineers' 2019 infrastructure report card gave California dams a C-, mainly based on age and hazard status.

In instances where dam maintenance has been deferred for a lengthy period, the cost of dam rehabilitation may often outweigh the cost of dam removal.13 Where this is the case, the most effective way to address a failing dam is dam removal. Removal improves public safety by permanently eliminating the risk of failure to downstream communities and to river users. Removal also eliminates the need for ongoing maintenance and liability for dam owners, both of which may be challenging as extreme weather accelerates.14 Dam removals restore natural river conditions, providing opportunities for underground water storage and climate refugia for keystone species that nourish our working agricultural lands. Where the cost of dam repair exceeds the costs of removal, removal should instead be funded, allowing for extensive river restoration benefits.

**Response**

Due to the statutory requirements of Assembly Bill 269 (AB 269), the DSCR program does not have the legal authority to fund dam removal or the complete decommissioning of facilities. Because the law restricts funding exclusively to repairs, rehabilitation, and safety enhancements for dams remaining in service, the program cannot incorporate evaluation criteria for dam removal into the guidelines.

## Question 32

The Program Guidelines should prioritize funding repairs, rehabilitation, enhancements, and other dam safety projects for dams that are aged 50 years or more. According to the Association of State Dam Safety Officials, the average life expectancy of a dam is 50 years. Once a dam reaches 50 years of age, enhanced maintenance and investment is required to protect downstream communities, which have grown significantly in size since the development of California's water infrastructure. "Over half of California's 1,476 state, federal and locally owned dams are considered high hazard dams, meaning their failure would result in probable loss of human life and economic damage. Approximately 70% of the dams are greater than 50 years old."16 Given the age and downstream hazard potential associated with a majority of California's dams, repair of ageing structures should be prioritized for funding through Grant Program criteria.

**Response**

To ensure grant funds address the most critical public safety concerns, the competitive scoring process ranks projects based on active physical risk rather than a chronological age. Older dams that need urgent repairs because of their age will already score very high under the current scoring.

## Question 33

The Program Guidelines should provide match reductions for projects that contribute to environmental enhancement at the dam or downstream and upstream from the dam. Currently, the Guidelines do not provide a reduction for such projects, but previously provided a 5% match reduction. Projects that provide environmental enhancements further numerous of the State's objectives related to climate resilience and salmonid recovery. In fact, projects that provide environmental and habitat enhancements have the potential to address the recovery of salmonids listed under the federal and/or State Endangered Species Act ("ESA" and "CESA," respectively). Moreover, projects that address habitat rehabilitation and enhancement are typically associated with lower permitting costs, given availability of streamlined permitting options and ease of compliance with ESA and CESA. Consequently, we urge DWR to reinstitute and increase the match reduction for projects that provide environmental enhancements.

**Response**

The program maintains that local cost-share reductions or waivers are strictly reserved for cases where the standard match would cause extreme financial hardship to the grant recipient and the dam poses an unacceptable public safety risk. To make the program more flexible and equitable, DWR has removed rigid, pre-determined reduction tiers (such as the previous 5% reduction rule for environmental enhancements) from the guidelines. Instead, the program evaluates the proposed project and its benefits alongside the applicant's financial constraints.

## Question 34

Section 4.2.2 Determination of Public Safety and Risk Reduction. We are concerned that the DSCR's reliance on a Severely Disadvantaged Communities (S(DAC))-based tool is inconsistent with Prop 4 bond language and misses an opportunity to deliver meaningful benefits to vulnerable communities within the state that may not meet S(DAC) definitions. The Dam Safety program guidelines identify the DSCR Web Application as the "preferred resource" for determining public safety and risk reduction in a project submittal's corresponding dam inundation areas. However, the web app relies exclusively on (S)DAC ratios, excluding any criteria for social vulnerability. The (S)DAC Ratio, (S)DAC Population at Risk, and the final Population Impact Weight are requirements of the application package.

We suggest DWR revise its approach in reviewing and scoring Disadvantaged, Severely Disadvantaged, and Vulnerable Communities to reflect Prop 4 bond language, which placed vulnerable communities as co-equal beneficiaries alongside (S)DACs. From the bond language, "(d) At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities, severely disadvantaged communities, or vulnerable populations." In addition to the clear bond language cited above, California Natural Resource Agency's (CNRA) guidance document from September 2025, "Delivering a Successful Climate Bond," includes the following direction to all state agencies' Prop 4 bond programs:

Utilize Common Method to Determine Meaningful & Direct Benefits for Disadvantaged Communities (DAC), Severely Disadvantaged Communities (SDAC), and Vulnerable Populations. Use common CNRA-approved framework to calculate the bond's requirement that at least 40% of overall bond funds are allocated to projects that provide direct and meaningful benefits to DACs, SDACs, and vulnerable populations. This is required for all state agencies' bond programs.

Identify Climate Benefits with Common Framework: Use CNRA-approved framework to identify and report climate change-related benefits of funded projects.

The Draft Proposal Solicitation Package includes language regarding direct benefits to disadvantaged and vulnerable communities. However, Section 4.4 D. Equity and Disadvantaged Communities of the Proposal Evaluation and Scoring Criteria states, "First, points are awarded based on the (S)DAC populations within the dam inundation area."

We suggest this be changed to "First, points are awarded based on the (S)DAC populations or Vulnerable Populations within the dam inundation area."

Requiring that proposals include (S)DAC-based analyses disadvantages projects serving vulnerable populations that do not meet (S)DAC criteria and misses an opportunity for the DSCR program to earn benefit credit toward Prop 4 requirements. The Governor's Office of Land Use and Climate Innovation invested in building the Vulnerable Communities Platform (VCP) this past year, introducing a new conceptual framework (hazard-coded social vulnerability indices) as well as new set of indicators for statewide application.

We urge DWR to modify the DSCR program guidelines and scoring to establish the VCP framework as a priority tool for evaluating community vulnerability, ascribing it the same weight as the DAC framework for meeting the 40% criteria in Prop 4. Guidance for using the VCP is currently not included in the draft Proposal Solicitation Package.

**Response**

This interactive tool is only the preferred resource for determining meaningful and direct public safety and flood risk reduction benefits to DACs and SDACs within a dam inundation area, as described in Guidelines Section 4.2.2 (Determination of Public Safety and Risk Reduction). The tool is not intended to identify vulnerable populations, nor is it designed to calculate whether a project fulfills the overall Proposition 4 mandate to target 40% of total funds to disadvantaged or vulnerable communities. Instead, it serves to inform baseline quantitative scoring under the Proposal Solicitation Package (PSP) Category D (Equity and Disadvantaged Communities).

While PSP Section 4.4.1 states that points are initially awarded based on map-verified populations, it explicitly notes that if the mapping yield is low, points may still be earned if the project demonstrates other meaningful and direct benefits. These meaningful and direct benefits can be for S(DAC)s or vulnerable populations as stated in the PSP Section 4.1.1. Guidelines Section 4.2 outlines multiple pathways to demonstrate these benefits to both S(DAC) and vulnerable populations. Because the mapping tool cannot isolate non-census-tract social indicators, applicants serving vulnerable populations should follow Guidelines Section 4.2.3 and utilize the CNRA Meaningful and Direct Benefits Assessment guidance to substantiate their claims. In PSP Section 4.4.1, the sentence has been modified to the following; "If the (S)DAC population within the dam inundation is low, then up to 6 points may still be earned if the project can demonstrate other meaningful and direct benefits to DAC, SDACs, or Vulnerable Populations."

## Question 35

Phased Project Timeline Compatibility with Regulatory Approvals (Draft Guidelines §3.4.1). While Sections 3.4 and 3.4.1 of the Draft Guidelines define eligible project categories and require that planning and design activities be tied to eventual construction of a capital asset, the guidelines do not clearly address the treatment of project schedules where regulatory approvals may delay advancement from planning/design to construction.

Given that projects of this nature frequently depend on approvals from DWR Division of Safety of Dams and other federal, State, and local agencies, applicants may encounter delays outside of their control that affect the timing of subsequent phases. In such cases, strict adherence to the agreement performance period without flexibility could impede the progression of otherwise viable projects that satisfy the DCSR Local Assistance Program’s capital asset objectives.

Accordingly, we recommend clarifying that DWR may, at its discretion, extend the agreement performance period for planning, design, or phased projects where the funding recipient demonstrates that delays in regulatory approvals have materially impacted the project schedule despite the recipient's diligent efforts. This clarification is particularly important where the funded phase is expressly intended to support future construction of an eligible capital asset, consistent with Section 3.4.1.

Providing for such flexibility would better align the Draft Guidelines with the realities of dam safety and infrastructure projects, while preserving DWR's ability to ensure that funded activities remain tied to a viable and implementable capital improvement pathway.

**Response**

The period of performance can be extended to March 31, 2030. The PSP has been updated to reflect the new timeline.

## Question 36

Public Records Exposure of Critical Energy Infrastructure Information (CEII) and Proprietary Project Data (Draft Guidelines §6.2). The current language of Section 6.2 of the Draft Guidelines references applicable conflict-of-interest requirements and disclosure obligations under the California Public Records Act (CPRA). However, the section should be revised to expressly recognize and provide safeguards for sensitive information, including CEII and commercially sensitive project data, consistent with federal and state law.

As currently drafted, the statement that applicants "waive their rights to the confidentiality of the contents of the proposal" and that "all proposals are subject to disclosure" could be interpreted as overriding established statutory exemptions. This language should be clarified to reflect that disclosures remain subject to the exemptions and protections set forth in the CPRA (Gov. Code, § 7920 et seq.).

In particular, we recommend adding language to acknowledge that:

The CPRA expressly exempts from corporate proprietary information including trade secrets are exempt from disclosure (Gov. Code, § 7927.605(a)); and

Infrastructure-related information may also be protected where disclosure could compromise the security of critical systems, consistent with the treatment of CEII under Section 215A(d) of the Federal Power Act and Federal Energy Regulatory Commission regulations at 18 C.F.R. § 388.113)

Infrastructure-related information may also be protected under the North American Electric Reliability Corporation Critical Infrastructure Protection standards and state regulatory practices (including California Public Utility Commission treatment of confidential energy infrastructure data). To ensure alignment with these authorities, the guidelines should establish a clear process by which applicants may designate portions of their proposals as confidential or proprietary at the time of submission. Such a process should include:

- Identification and marking of specific materials claimed to be exempt from disclosure;
- A brief justification supporting the applicability of CPRA exemptions; and
- A statement that DWR will evaluate such designations in accordance with CPRA requirements prior to release, including providing notice to the applicant where disclosure is contemplated.

Accordingly, we recommend revising this section to clarify that proposal materials remain subject to CPRA exemptions and to incorporate a formal designation and review process for CEII and other confidential or commercially sensitive information. This will ensure consistency with governing law while appropriately protecting sensitive infrastructure and proprietary data.

**Response**

The program notes that standard CPRA exemptions, such as those governing trade secrets and critical infrastructure security, naturally apply to all grant submittals, and the draft language does not invalidate those statutory protections. DWR will process all public records requests under existing departmental legal protocols and governing state law; consequently, a separate, program-specific formal designation and notification framework will not be integrated into the Guidelines.

## Question 37

Propose changing the minimum notice provided by DWR in paragraph 11 of the grant agreement from 10 calendar days to 30 calendar days, which actually aligns with other provisions in the Grant Agreement.

**Response**

The Department has evaluated the proposed change; however, the minimum 10-day notice requirement in Paragraph 11 will be retained as drafted as this is the standard legal baseline across Department grant agreements.

## Question 38

Propose striking out certain (overly prescriptive) details in paragraph D.33 of Exhibit D to the grant agreement.

**Response**

The terms outlined in Exhibit D are mandatory standard contract conditions set by the Department of General Services (DGS) for State contracting and grant administration. The Department does not have the authority to alter or strike these required DGS provisions, the language in Paragraph D.33 will be retained as drafted in the final Grant Agreement template.

## Question 39

Clarification of DWR CEQA Review Process. We request clarification and flexibility regarding DWR's California Environmental Quality Act (CEQA) compliance requirements to ensure that the State's environmental review process does not inadvertently constrain project delivery. Through reviewing the draft program guidelines and program solicitation package (PSP), it is not clear how DWR's CEQA review process is conducted and how that could impact an awarded project that is already under construction.

Page 47 of the program guidelines (Template Grant Agreement Appendix D, Section D.8, CEQA) says the following, "Any work that is subject to CEQA and funded under this Agreement shall not proceed until documents that satisfy the CEQA process are received by the State's Project Manager, and the State has completed its CEQA compliance. Work funded under this Agreement that is subject to a CEQA document shall not proceed until and unless approved by DWR. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. If CEQA compliance by the Funding Recipient is not complete at the time the State signs this Agreement, once State has considered the environmental documents, it may decide to require changes, alterations, or other mitigation to the Project; or to not fund the Project."

The language here is confusing and contradicts the PSP, which states that grant funds may be applied to projects that have already started construction. We request clarification regarding timing and process for DWR certification of CEQA compliance. To support timely project delivery, we encourage DWR to ensure that its environmental review and certification process does not create any unnecessary delays to construction. We are also concerned that any delays with DWR's CEQA review could impact the construction schedule and reduce our ability to complete the project within the proposed two-year period of performance.

**Response**

The Department serves as a Responsible Agency under CEQA and must review the Lead Agency's environmental documentation prior to disbursing grant funds for construction activities subject to CEQA. The restriction that work "shall not proceed" without DWR's CEQA approval applies specifically to the release of state grant funds, not to ongoing project work funded through local resources prior to state approval. Applicants with completed CEQA documentation are encouraged to submit their Environmental Information Form and CEQA notices/filings immediately following award notification to reduce any delays.

## Question 40

California Environmental Quality Act (Draft Guidelines §6.5)

The current language of Section 6.5 of the Draft Guidelines could be interpreted to require completion of CEQA for those projects subject to CEQA prior to execution of a funding agreement. This requirement would impede effective program implementation by preventing applicants from using awarded funds to support engineering, design, and other pre-construction and project development activities that typically occur in parallel with, or in advance of, completion of CEQA review. Requiring CEQA completion prior to agreement execution would therefore limit applicants' ability to fully utilize program funding as intended.

We recommend revising Section 6.5 to clarify that DWR may execute funding agreements prior to completion of CEQA for those projects subject to CEQA, provided that (i) no funds are allocated or disbursed, and (ii) no activities subject to CEQA are initiated, until CEQA compliance has been completed and reviewed in accordance with DWR requirements. This clarification would maintain DWR's full discretionary authority to evaluate environmental documentation, require project modifications or mitigation measures, or decline funding based on CEQA outcomes, while avoiding unnecessary delay in agreement execution.

**Response**

To clarify, the restriction outlined in Section 6.5 applies specifically to project activities that are subject to CEQA (such as ground-disturbing construction or physical implementation). Pre-construction activities typical of project development under this program, including preliminary planning, engineering design, geotechnical investigations, technical reports, and environmental study development, are generally not considered activities subject to CEQA analysis. Therefore, CEQA completion is not a prerequisite to execute a funding agreement or to receive reimbursement for these eligible pre-construction activities.