

Division of Safety of Dams



Dam Safety Regulations



Agenda

- Modifications to Existing Regulations
- New Regulations
- Rulemaking Process Schedule
- Public Comments
- Final Regulation Text
- Next Steps



Existing Regulations

California Code of Regulations, Title 23, Division 2, Chapter 1

Article 1. General Provisions

★ Article 2. Applications for Construction, Enlargement, Repair, Alteration, or Removal of Dams or Reservoirs

Article 3. Annual Fee **Updated 2019**

Article 4. Small Dams Review Board

★ Article 5. Dams Owned by the Department of Water Resources

★ Article 6. Inundation Maps **New 2018**

★ Article 7. Administrative Enforcement **New 2022**

Article 7.1. Method of Calculating Administrative Civil Penalties **New 2022**



Article 2. - Applications for Construction, Enlargement, Repair, Alteration, or Removal of Dams or Reservoirs

Text modifications include:

- Clarifying that application requirements apply to dam alterations, repairs, and removals. *
- Clarifying when time extensions for start of construction must be approved by DSOD.
- Clarifying how unlawfully constructed dams are addressed.
- Minor edits/clarifications.



Article 5. - Dams Owned by the Department of Water Resources*

Text modifications include:

- Requiring the State Water Project to cover DSOD's labor costs incurred related to Director's Safety Review Boards (DSRB).
- Removes the option to allow a Federal Energy Regulatory Commission Board to be used in place of a DSRB.



Article 6. - Inundation Maps

Text modifications include:

- Removing the requirement that a hard copy of a technical memorandum to be submitted to DSOD.
- Minor edits/clarifications.



Article 7. - Administrative Enforcement

Text modifications include:

- Adding an option for written hearings.
 - Streamlined, cost effective hearing process for less complex cases.
- Cleaning up the property lien process.
 - Hearing by owner request only.
 - Minor edits/clarifications.



New Regulations



Article 8. - Annual and Periodic Adjustments to Application Fees

- Providing a methodology to annually update the application fee schedule using CPI.*
- Providing a methodology to periodically update fees to align with DSOD's costs and to clarify when the fee scheduled is effective.*



Article 9. - Application Fee Refunds

- Providing instances when application fees will be refunded.*



Article 10. - Phased Approvals

- Formalizing a current DSOD practice used for some dam projects at an owner's request.
 - Allows portions of a project under an application to be approved and constructed prior to approval of the full application.
 - CEQA and Water Rights requirements must be met first.



Public Comments

- 56-day public comment period – Initial Text
 - November 14, 2025 to January 9, 2026
 - Two entities provided written comments/questions
- Public Hearing – January 9, 2026
 - One attendee asked a question
- 21-Day public comment period – Modified Text
 - One entity had two questions



Written and Oral Comments/Questions*

Article 2 – None

Article 5 – None

Article 6 – None

Article 7 – None

Article 8 (Fee Adjustments) – 4 comments

Article 9 (Fee Refunds) – 2 comments & 3 questions

Article 10 – None



Comments Summarized

Key comments incorporated into the regulations:

- Provide further clarity regarding the Department's periodic adjustment of the application fee schedule.
- Provide further clarity with regards to the timeline for an owner to request a refund of application fees.



Comments Summarized

Key comments considered, with no resulting changes:

- Provide additional clarity regarding the process the Department would use when periodically adjusting the application fee schedule.
- Provide additional instances when an owner could be refunded application fees.



Final Regulations for Approval

Modifications to the text:

- Clarified that evidence of Water Right was not required to abate a dam's unlawful status.
 - Does not provide the dam owner with right to store water!
- Provided clarification regarding the time-period used by the Department in evaluating if application fees are covering the Department's costs incurred in reviewing the applications.
- Clarified the timeline when a dam owner could request a refund of application fees.



Next Steps

Month	Action
April	Seek California Water Commission Approval
May	Submit final rulemaking package to the Office of Administrative Law
November	Adopt approved regulations

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Thank You



Source: Association of State Dam Safety Officials

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