

April 15, 2026

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
CALIFORNIA WATER COMMISSION
RESOLUTION NUMBER: 2026-04

RESOLUTION TO APPROVE DAM SAFETY REGULATIONS

WHEREAS, the Department of Water Resources (Department or DWR), through its Division of Safety of Dams (DSOD), implements Part 1 of Division 3 of the California Water Code, which is often referred to as the Dam Safety Program. The Dam Safety Program, a regulatory program established in 1929, currently regulates approximately 1,230 jurisdictional dams located throughout California;

WHEREAS, Senate Bill 122, signed by Governor Newsom on July 10, 2023, modernized section 6300 of the California Water Code;

WHEREAS, The Department developed modifications to the California Code of Regulations, Title 23, Division 2, Chapter 1. (Title 23), Article 2 to align with changes made to the Water Code by Senate Bill 122;

WHEREAS, The Department developed new regulations that provide processes for adjusting the application fee schedule set in Water Code section 6300 and as required by section 6300. These regulations establish processes for annually adjusting the schedule using the Consumer Price Index for goods and services and for periodically adjusting the schedule to ensure that the fees collected cover DSOD's reasonable costs for application-related work. These provisions are included in Article 8, which is proposed to be added to Title 23;

WHEREAS, The Department developed a new regulation that provides methodology and criteria for refunding application fee schedule as allowed by Water Code section 6300. This provision is included in Article 9, which is proposed to be added to Title 23;

WHEREAS, The Department developed modifications to the following Title 23 articles to align and provide clarity to DSOD practices;

WHEREAS, the Department developed modifications to Title 23, Article 2 to add clarity to DSOD's practices regarding unlawfully constructed dams. The additions to Article 2 clearly outline how the owner of an unlawfully constructed dam can abate the dam's unlawful status;

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WHEREAS, the Department developed modifications to Title 23, Article 5 to update current practices related to Director's Safety Review Boards that pertain only to dams owned by the Department;

WHEREAS, the Department developed modifications to Title 23, Article 6 to remove the requirement that a hard copy of a technical report be submitted when an inundation map is submitted to the Department and to make minor clarifications;

WHEREAS, the Department developed modifications to Title 23, Article 7 to add a paper hearing option when enforcement actions are being taken against a dam owner and to amend/clarify the process the Department would take when imposing property liens;

WHEREAS, the Department developed new regulations that provide a process and criteria for phased approvals of work related to an application, which will allow phases of a project that have reached full design to move forward to construction while other phases are still under design. These provisions are included in Article 10, which is proposed to be added to Title 23;

WHEREAS, the above modifications to existing Title 23 articles and proposed new articles to Title 23 will collectively be referred to as Dam Safety Regulations;

WHEREAS, on November 14, 2025, the Notice of Public Availability for the Dam Safety Regulations was published in the California Regulatory Notice Register, posted on the Department's website, and mailed to dam owners and other interested persons;

WHEREAS, the Department held a public hearing on January 9, 2026, and accepted written comments through January 9, 2026, providing a 56-day public comment period. During this process, the Department received three written comment letters/emails and received comments from one commenter during the public hearing. The Department made revisions to the text of the Dam Safety Regulations that are sufficiently related to the text of the regulations that was initially proposed and noticed;

WHEREAS, on February 6, 2026, the Department circulated the modified text of the Dam Regulations and provided 21 days for public comment. The Department received one comment letter/email during the comment period but made no revisions to the Dam Safety Regulations based on the comment;

WHEREAS, Water Code section 161 authorizes the California Water Commission to approve rules and regulations of the Department;

WHEREAS, the Dam Safety Regulations are hereby presented to the California Water Commission for consideration and approval;

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WHEREAS, the approval of the Dam Safety Regulations is exempt from the California Environmental Quality Act (CEQA) because adoption of these regulations is an action by the Department to enforce Water Code Division 3, Part 1, and the modifications and additions will not result in a major disturbance to an environmental resource. (Pub. Res. Code §§ 21065, 21080, subd. (b)(8), 14 CCR §§ 15061, 15321, 15378.)

NOW, THEREFORE, BE IT RESOLVED that the California Water Commission:
Approved the Dam Safety Regulations at its meeting on April 15, 2026.

Signed:

Fern Steiner, Chair

Date

Attest:

Laura B. Jensen, Executive Officer
California Water Commission

Date