



Action Item: Consideration of Annual Fee Regulations

Summary

In 2017, Senate Bill 92 required the Department of Water Resources (DWR) to write regulations to cover the cost of supervising dam safety. DWR adopted emergency regulations in March 2018. The emergency regulations expire March 25, 2019. DWR has prepared permanent fee regulations as part of the rulemaking process and is seeking Commission approval of the regulations before they are submitted to Office of Administrative Law for review. DWR staff will brief the Commission on the proposed regulations for annual fees to support the Division of Safety of Dams (DSOD). The Commission will consider and may approve the regulations.

Background

California's Dam Safety Program, which oversees the regulation of 1,246 jurisdictional dams, was established in 1929, following the 1928 failure of St. Francis Dam. Until 2003, the program was principally funded by General Fund monies. In 2004, Water Code section 6307 was amended to fund the program solely through the collection of the application fees and an amended annual dam fee schedule. Annual fees were increased by a specified percentage, when necessary, to cover the Department's periodic cost of living increases. Each year, the Department provided a schedule of fees reflecting the cost of living increase, if any, to the Legislature and to dam owners.

Senate Bill 92, signed by Governor Brown on June 27, 2017, amended several sections of the California Water Code relevant to dam safety, including Section 6307. Section 6307 requires the Department to adopt a schedule of fees to cover the reasonable regulatory costs of the Department's regulatory program, including reviewing inundation maps, performing more detailed re-evaluation studies of appurtenant structures, repaying budgetary loans, and maintaining a prudent reserve. Accordingly, DWR adopted emergency regulations in March 2018, which included a schedule of fees based, in part, on the height of the dam. These emergency regulations expire on March 25, 2019.

The Department briefed the Commission on the emergency and permanent fee regulations in September 2018.

The DSOD has prepared permanent regulations that adopt a methodology to calculate fees to cover the Department's costs to supervise the dam safety program. Information about the proposed rulemaking, including the initial statement of reasons, the proposed regulations, and related documents, may be found [here](#).

Agenda Item: 10
Meeting Date: February 20, 2019
Page 2

This is an action item.

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