

DEPARTMENT OF WATER RESOURCES

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**Notice to Dam Owners
Division of Safety of Dams
California Dam Safety Program**

**Amendments to Filing Fees for Applications Submitted after June 30, 2023
August 2, 2023**

The Department of Water Resources' Division of Safety of Dams (DSOD) is committed to its mission of protecting life and property from dam failures in California in the most cost-effective manner. The California Dam Safety Program (Program), implemented by DSOD, is funded through annual fees and application filing fees. While annual dam fees are generally adjusted annually, the application filing fee schedule in section 6300, Part 1, Division 3 of the California Water Code (Water Code) has remained unchanged since 1991.

Senate Bill (SB) 122, enacted on July 10, 2023, amended sections 6300, 6302, 6304, and 6305 of the Water Code pertaining to the application filing fee schedule and associated requirements. Enclosed with this notice are the amended sections of the Water Code.

Application filing fees are required to be included with applications submitted to DSOD for review and approval for new dam construction, and the enlargement, alteration, repair, and removal of existing dams. The amended application filing fee schedule is effective for applications submitted after June 30, 2023. Complete applications, as defined in Section 311 of Title 23 of the California Code of Regulations (CCRs), submitted on or before June 30, 2023, remain on the 1991 fee filing schedule.

Additionally, SB 122 adds new language to the Water Code regarding annual adjustments to the filing fee schedule based on the Consumer Price Index for goods and services, clarifies costs to be included in the estimated project costs when determining an application filing fee, and sets the minimum filing fee to be included with an application for it to be considered by DSOD.

DSOD remains committed to providing dam owners with timely information regarding any future adjustments to the application filing fee schedule in accordance with section 6300 of the Water Code and any proposed changes to the CCRs to support implementation of the Program under the Water Code.

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If you have any questions or need additional information, please contact Design Engineering Branch Manager Erik Malvick at (916) 820-7820 or Assistant Division Manager Shawn Jones at (916) 565-7802.

Sincerely,

A handwritten signature in blue ink that reads "Sharon K. Tapia". The signature is written in a cursive style with a large initial 'S' and 'T'.

Sharon K. Tapia, P.E.
Division Manager
Division of Safety of Dams

Enclosure:
Water Code Sections 6300, 6302, 6304, and 6305

Amended Water Code Sections 6300, 6302, 6304, and 6305

6300. (a) The application for a new dam or reservoir, or the enlargement, repair, alteration, or removal of an existing dam or reservoir, shall set forth the estimated cost, as defined in this article, of the new dam or reservoir, or the enlargement, repair, alteration, or removal of the existing dam or reservoir, and shall be accompanied by a filing fee based upon the estimated cost and according to the following schedule:

(1) For the first one million dollars (\$1,000,000), a fee of 3.25 percent of the estimated cost.

(2) For the next four million dollars (\$4,000,000), a fee of 2.5 percent.

(3) For the next fifteen million dollars (\$15,000,000), a fee of 2 percent.

(4) For the next thirty million dollars (\$30,000,000), a fee of 1.75 percent.

(5) For the next one hundred million dollars (\$100,000,000), a fee of 1.25 percent.

(6) For the next three hundred fifty million dollars (\$350,000,000), a fee of 0.75 percent.

(7) For all costs in excess of five hundred million dollars (\$500,000,000), a fee of 0.5 percent.

(b) In no case, however, shall the minimum fee be less than one thousand dollars (\$1,000).

(c) The fee schedule in subdivision (a) applies to complete applications, as described in Section 311 of Title 23 of the California Code of Regulations, received after June 30, 2023. Any complete applications received on or before June 30, 2023, shall comply with the filing fee requirements of subdivision (a) as that subdivision read on January 1, 2023.

(d) The estimated project cost may be amended by the dam owner and additional filing fees may be paid to the department up until the date that construction commences.

(e) The department shall annually adjust the fee schedule in subdivision (a) to reflect changes in the Consumer Price Index for goods and services published by the United States Bureau of Labor Statistics.

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(f) The department shall adopt, by regulation, a process to adjust the fees to ensure the filing fees collected cover the department's reasonable costs for application work, which may include, but is not limited to, design review and construction oversight.

(g) The department may refund filing fees paid by an owner pursuant to this section if requested by the owner. The department may adopt, by regulation, a methodology for determining the criteria and process for filing fee refunds requested by an owner.

6302. For the purposes of this part, the estimated cost of a new dam or reservoir, or the enlargement, repair, alteration, or removal of an existing dam or reservoir shall include all of the following:

(a) The cost of all labor and materials entering into the construction of the dam and appurtenant works or reservoir.

(b) The cost of preliminary investigations and surveys.

(c) The cost of the construction plant properly chargeable to the cost of the dam or reservoir.

(d) The labor costs of the owner for preparing environmental documentation to meet the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(e) Any and all other items entering directly into the cost of the dam or reservoir.

6304. An application shall not be considered by the department until at least 20 percent of the filing fee is received, unless the department, in its discretion, decides to consider the application. The application shall not be approved by the department until the filing fee is received in full.

6305. In the event the actual cost exceeds the estimated cost by more than 15 percent, a further fee shall be required by the department and shall be 115 percent of the amount by which the original fee is less than it would have been had the cost it was based upon been the same as the actual cost. No further fee shall be required, however, if that fee is to be computed at less than five hundred dollars (\$500).