

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE ORDER N-13-25

WHEREAS on January 7, 2025, I proclaimed a State of Emergency to exist in Los Angeles and Ventura Counties due to fire and windstorm conditions that have now caused multiple fires, including the Palisades, Eaton, Hurst, Lidia, Sunset, and Woodley Fires; and

WHEREAS since the fires began, I have issued several Executive Orders to bolster the emergency response to the rapid spread of these fires throughout Los Angeles and Ventura Counties, and to expedite recovery efforts in the impacted communities; and

WHEREAS these devastating fires have collectively burned over 40,000 acres, destroyed or damaged more than 12,000 structures, including homes and businesses, and created a substantial amount of ash, burnt structures and vegetation, and other debris over large areas of Los Angeles County; and

WHEREAS these fires have created burn scars, which will pose additional risks to surrounding communities if winter storms impact the area, because rainfall on burned soil is not absorbed at normal rates, leading to potential runoff, which can cause flash floods, mudslides, and debris flows; and

WHEREAS after the Thomas Fire devastated Santa Barbara and Ventura Counties in December 2017, mudslides caused by a series of winter storms in January 2018 caused significant damage, tragically resulting in 23 confirmed deaths and displacing tens of thousands of residents in the town of Montecito and surrounding communities; and

WHEREAS over the last several years, California has experienced significant rainfall during the winter months, including atmospheric river systems, which have caused significant damage to public and private property, residences, and critical infrastructure, including burn scars from previous fires; and

WHEREAS it is necessary to expedite ongoing work to mitigate the impact of anticipated winter rainstorms on burn scars resulting from these fires in Los Angeles County, to minimize additional damage to these communities; and

WHEREAS the State Water Resources Control Board (Water Board) has previously taken action to allow emergency-response activities that may impact waters of the United States and of the State; and

WHEREAS to provide a pathway for emergency dredge and fill activities in the waters of the United States, the Water Board has issued state water quality certifications (Water Board Emergency or Repair 401 Certification Orders) corresponding to U.S. Army Corps of Engineers Regional General Permits 5, 8, or 63 for Repair and Protection Activities in Emergency Situations and the Nationwide Permit 3 for Maintenance, Part (a), for repair, rehabilitation, or replacement of structure or fill (U.S. Army Corps Emergency or Repair Orders); and

WHEREAS to provide a pathway for emergency dredge and fill activities within waters of the State that are not waters of the United States, the Water Board has adopted waste discharge requirements (Water Quality Order No. 2023-0058-DWQ) that authorize emergency work when the Governor has suspended the California Environmental Quality Act (CEQA) during a state of emergency or when CEQA's emergency provisions apply; and

WHEREAS on January 8, 2025, I issued Executive Order N-2-25, which, among other things, suspended statutes and other rules that fall within the jurisdiction of the California Environmental Protection Agency and the California Natural Resources Agency, to expedite the removal and cleanup of debris from this emergency and other restoration and recovery activities, upon approval by the appropriate Agency Secretary; and

WHEREAS the removal and cleanup of debris, and other activities to prevent, contain, or otherwise reduce the impacts of flooding, landslides, mudslides, debris flows, and similar hazards, are necessary to respond to this emergency and carry out the provisions of the Emergency Services Act; and

WHEREAS under the provisions of Government Code section 8655, the State and its political subdivisions are not liable for claims based on the exercise or performance of discretionary functions or duties in carrying out the Emergency Services Act; and

WHEREAS under the provisions of Government Code section 8656, this same immunity applies when political subdivisions perform functions and duties under the Emergency Services Act outside their territorial limits; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of these fires and windstorm conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. All provisions contained in the above-referenced Proclamation of a State of Emergency and related Executive Orders shall remain in full force and effect, except as modified or withdrawn in subsequent Orders. In particular, nothing in this Order withdraws or otherwise limits any suspension under Executive Order N-2-25.
2. The suspensions in Paragraphs 3, 4, and 5 shall apply only to emergency-response activities by federal, state, or local agencies, or individuals or entities performing work at those agencies' direction, necessary to prevent, contain, or otherwise reduce the impacts of flooding, landslides, mudslides, debris flows, or similar hazards within, or originating from, the areas burned by 2025 fires in Los Angeles County. The suspensions in Paragraphs 3, 4, and 5 shall expire 90 days from the date of this Order, unless extended or otherwise modified by a future Executive Order.
3. The following provisions of state law are suspended as applied to all emergency-response activities described in Paragraph 2:
 - a. The California Environmental Quality Act, Division 13 (commencing with section 21000) of the Public Resources Code, and regulations adopted pursuant to that division.
 - b. Any requirement to obtain a permit under the California Coastal Act, Division 20 (commencing with section 30000) of the Public Resources Code.

4. To the extent the emergency-response activities described in Paragraph 2 occur outside the areas described in Paragraph 5 (concerning waterways)—including, but not limited, to activities needed to stabilize or contain upland slopes or hillsides to address the risk of landslides or mudslides—the following state laws are suspended:
 - a. Any provision of the Fish and Game Code, or regulations adopted under that code, that would delay or otherwise inhibit such emergency-response activities.
 - b. The following requirements under the jurisdiction of the Water Board and the California Regional Water Quality Control Boards (Regional Water Boards):
 - i. For an activity subject to Water Board NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order WQ 2022-0057-DWQ (NPDES Order No. CAS000002), or any other permit under the federal Clean Water Act, any state-law requirement to pay a fee associated with enrollment, including the first annual fee required by California Code of Regulations title 23, section 2200, subdivision (b).
 - ii. For an activity not in a water of the United States, sections 13260 and 13263 of the Water Code, and regulations adopted pursuant to those sections, to the extent they would otherwise apply.
5. To the extent the emergency-response activities described in Paragraph 2 occur within the beds of, on the banks of, or immediately adjacent to rivers, streams, or similar waterways, the following state laws are suspended with respect to debris removal; sediment removal; vegetation management; and the repair or replacement of existing levees, weirs, and other conveyance and flood-control infrastructure, subject to the conditions in Paragraphs 6 and 7:
 - a. Any provision of the Fish and Game Code, and regulations adopted pursuant to that code, that would delay or otherwise inhibit such emergency-response activities. This includes, but is not limited to, Chapter 6 (commencing with section 1600) of Division 2 and regulations adopted pursuant to that division.
 - b. The following requirements applicable to activities under the jurisdiction of the Water Board and the Regional Water Boards:
 - i. For an activity in a water of the United States that receives an authorization by the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act, both of the following:
 1. Any state-law requirement to pay a fee for enrollment under the applicable Water Board Emergency or Repair 401 Certification Order, including any such requirement in California Code of Regulations title 23, section 2200, subdivision (a),

and section 3833, subdivision (b)(3); and

2. Any enrollment criteria that may limit the permitting of the activity under a Water Board Emergency or Repair 401 Certification Order, including criteria limiting the scope of the Water Board Emergency or Repair 401 Certification Order to the scope of the corresponding U.S. Army Corps Emergency or Repair Order, conditioned on compliance with all other provisions set forth in the relevant Water Board Emergency or Repair 401 Certification Order.
 - ii. For an activity not in a water of the United States, sections 13260 and 13263 of the Water Code, and regulations adopted pursuant to those sections.
6. The suspensions in Paragraph 5 are subject to all of the following conditions, as applicable:
- a. Removal of sediment or vegetation, or both, serves to either reestablish a functional low flow channel or reestablish channel capacity, or clear sediment and debris from the river channel near structures such as bridges.
 - b. Removal of sediment or vegetation, or both, is carried out in a manner that maintains the natural contour of the stream.
 - c. Any levees are either set back from their previous location (increasing channel capacity) or are rebuilt as configured prior to this State of Emergency.
 - d. The activity minimizes impacts to beneficial uses of the water body.
7. The suspensions in Paragraph 5.b.ii apply only if the activity meets all of the following further conditions:
- a. The agency principally responsible for the activity (the "Responding Agency") complies with the Reporting and Notification Requirements of sections G.1.a, G.1.b, and G.1.c of Water Quality Order No. 2023-0058-DWQ.
 - b. Following any accidental discharge of a reportable quantity of a hazardous material (as defined in Health and Safety Code section 25501), sewage, or an unknown material, the Responding Agency shall follow the notification and reporting requirements of section G.3.b of Water Quality Order No. 2023-0058-DWQ.
 - c. The activity shall be undertaken so as to avoid causing a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters, as adopted in any applicable Regional Water Board or Water Board water quality control plan or state policy for water quality control, but in the event of a violation of water quality standards, the Responding Agency shall eliminate the source of any such discharge as soon as practicable. Water diversion activities must not result in the degradation of beneficial uses or exceedances

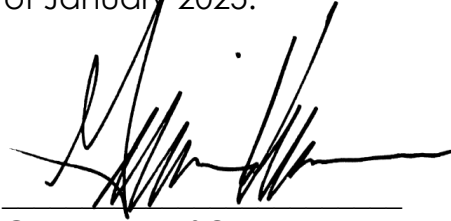
of water quality objectives of any of the receiving waters. Any temporary dam or other constructed obstruction must only be built from materials that will cause little or no siltation (e.g., clean gravel). Normal flows must be restored to the affected water immediately upon completion of work at that location.

- d. If there is a violation of a water quality standard, the Responding Agency shall comply with the notification and reporting requirements of section G.4 of Water Quality Order No. 2023-0058-DWQ.
 - e. If surface water is present, the Responding Agency shall conduct continuous visual surface water monitoring to detect accidental discharge of construction-related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete).
 - f. The Responding Agency shall keep all repairs and construction to the minimum necessary to reduce the impacts of the hazards described in Paragraph 2, and limited to in-kind replacement or refurbishment of on-site features, although the project may undertake minor upgrading if bioremediation or other environmentally sensitive solutions are used.
 - g. The Responding Agency shall implement effective best management practices to control erosion and runoff from areas associated with the relevant emergency-response activities, including access roads. All areas of temporary impacts and all other areas of temporary disturbance that could result in a discharge or a threatened discharge to waters of the United States and/or State must be restored. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.
 - h. The Responding Agency shall submit a Notice of Completion that fulfills the requirements of section G.2.a of Water Quality Order No. 2023-0058-DWQ within forty-five (45) calendar days of completion of the activity.
8. To the extent any activity under the suspensions in Paragraph 5.b.ii is not complete within 90 days from the date of this Order, the Water Board is directed to work with the Responding Agency to pursue completion of that activity under Water Quality Order No. 2023-0058-DWQ.
 9. State agencies shall, and local agencies are strongly encouraged to, work together across their respective jurisdictions to carry out the activities described in Paragraph 2, and to otherwise respond to this emergency and carry out the provisions of the Emergency Services Act.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 20th day of January 2025.

A handwritten signature in black ink, appearing to be "Gavin Newsom", written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH. D
Secretary of State