EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-14-26

WHEREAS on September 21, 2026, I proclaimed a State of Emergency to exist statewide due to the 2026–2027 El Niño event; and

WHEREAS in the weeks since that proclamation, California has already experienced significant impacts linked to El Niño, including severe coastal flooding and unusual precipitation caused by Tropical Storm Rachel; and

WHEREAS El Niño has continued to strengthen significantly, and has not yet reached its peak; and

WHEREAS although no particular storm can be predicted months in advance, forecasts continue to project wet conditions for California during the fall and winter, leading to heightened risk of flooding, debris flows, and similar impacts; and

WHEREAS elevated sea levels and high surf additionally raise the risk of further coastal flooding and erosion, particularly when combined with potential fall and winter storms; and

WHEREAS public agencies throughout the state have warned that preparations to mitigate these impacts must begin now if they are to be ready in time for potential fall and winter storms; and

WHEREAS when I proclaimed a State of Emergency, I directed the California Environmental Protection Agency and the California Natural Resources Agency to prioritize work to help local agencies prepare to mitigate the anticipated impacts of El Niño; and

WHEREAS I further directed the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency to submit a joint recommendation as to whether further emergency suspensions or other actions are necessary to support and expedite this work; and

WHEREAS the California Environmental Protection Agency and the California Natural Resources Agency have since engaged with flood control districts and other local agencies to support their preparations for the anticipated impacts of El Niño and to identify further ways to support and expedite this work; and

WHEREAS the suspension of certain state statutes and regulations (subject to approval by the Secretary of the Natural Resources Agency, and subject to other conditions to protect public health and the environment) will support critical work to mitigate the expected impacts of El Niño, including by preparing flood-control infrastructure and other infrastructure for flooding, landslides, mud and debris flows, erosion, and other impacts related to El Niño; and

WHEREAS the suspension of certain planning requirements imposed by section 1242.1(a)(1) of the Water Code will allow the diversion of potentially dangerous floodflows by agencies that have not yet completed those

planning requirements but would otherwise be authorized to divert floodflows; and

WHEREAS the deferral of certain fees and the suspension of certain timelines under title 23 of the California Code of Regulations will allow the Central Valley Flood Protection Board to prioritize and expedite applications for permits to mitigate the anticipated impacts of El Niño; and

WHEREAS the suspension of section 30600 of the Public Resources Code, to the extent it would otherwise apply to the creation or placement of sand berms and sandbags, will facilitate the use of sand berms and sandbags to mitigate the anticipated impacts of El Niño; and

WHEREAS the State Water Resources Control Board has adopted an emergency permit to expedite certain projects upon proclamation of a state of emergency, which the State Water Board and Regional Water Quality Control Boards will continue using to help municipalities, flood control districts, and other local agencies prepare for the anticipated impacts of El Niño; 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 the El Niño event.

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. Subject to review and approval by the Secretary of the Natural Resources Agency or his designee, consistent with Paragraph 2, and subject to the further conditions in Paragraphs 3 and 4:

   State statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, commissions, councils, departments, and offices within the California Natural Resources Agency are hereby suspended to the extent necessary to expedite or otherwise support action by a public agency to prevent or mitigate impacts from flooding (including coastal flooding), landslides, mud and debris flows, or erosion (including coastal erosion) anticipated to be caused by El Niño. Such action includes, but is not limited to, local efforts to repair levees, dams, and other flood management infrastructure; the management or removal of sediment, vegetation, or debris, or similar measures to improve channel capacity; and the protection of bridges, sea walls, and other structures.

   Statutes and regulations subject to suspension under this Paragraph 1 include, but are not limited to, Division 13 (commencing with section 21000) of the Public Resources Code; Chapter 10 (commencing with section 1900) and Chapter 11.5 (commencing with section 1927) of Division 2 of the Fish and Game Code; Chapter 6 (commencing with section 1600) of Division 2 of the Fish and Game Code; Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game

Code; sections 3503, 3503.5, 3511, 4700, 5050, 5515, 5901, and 5948 of the Fish and Game Code, and section 5504 of the Fish and Game Code to the extent it imposes a 30-day limit on authorizations pursuant to that section; Division 35 (commencing with section 85000) of the Water Code; and any regulations adopted pursuant to any of the foregoing statutes.

2. Persons or other entities that desire to conduct activities under the suspension of statutes, rules, regulations, or requirements specified in Paragraph 1 shall first request that the Secretary of the Natural Resources Agency (or his designee) make a determination that the proposed activities are eligible to be conducted under the suspension. The Secretary (or his designee) shall use sound discretion in applying his authority under Paragraph 1 to ensure that the suspension serves the purpose of mitigating the anticipated impacts of El Niño, while also protecting public health and the environment. The California Natural Resources Agency shall maintain on its public website a list of all suspensions approved under Paragraph 1.

3. Any suspension under Paragraph 1 shall be subject to all of the following conditions, as applicable:

    a. If the suspension applies to the removal of sediment, vegetation, or debris, or similar measures to improve channel capacity, such action shall be conducted in a manner that:

        i. Does not involve excavation resulting in the creation of a new low-flow channel—i.e., a new channel that may split water from existing channels and reduce passage for fish once flows diminish—that did not exist prior to September 21, 2026;

        ii. Serves either to reestablish a functional low-flow channel or to clear sediment or debris from the stream channel near bridges or other structures;

        iii. Maintains the natural contour of the relevant stream or other waterway, including the downstream slope of the flow line;

        iv. Does not impede fish passage or cause fish stranding;

        v. For the removal of sediment or vegetation from the channel of a stream or other waterway, is limited to portions of the channel that are dry; and

        vi. Does not remove more than thirty percent, per mile, of native vegetation from the channel and bank of a stream or other waterway.

    b. If the suspension applies to the repair of levees, the levees shall either be set back from their previous location (increasing channel capacity) or be rebuilt as they existed prior to September 21, 2026.

    c. If the suspension applies to the repair of a dam, it shall not apply in any way to the construction of a new dam or to the raising of an

existing dam beyond the height for which it was authorized as of September 21, 2026.

d. The action shall not involve disposal or placement of sediments or debris into waters of the state or at locations or in a manner where sediments or debris may be washed into waters of the state by rainfall or runoff.

e. The action shall be accompanied by reasonable, feasible measures to minimize impacts to all of the following, as applicable:

    i. Listed or protected species;

    ii. Nesting birds; and

    iii. Beneficial uses of any impacted waterways and other bodies of water.

f. If the Delta Reform Act (including regulations adopted pursuant thereto) is to be suspended, in whole or in part, with respect to an action, the suspension shall not apply in any way to the Delta Conveyance Project.

4. No suspension under Paragraph 1 may remain in effect after January 31, 2027, unless that date is extended by future Executive Order.

5. In addition to suspensions pursuant to Paragraph 1, the following statutes and regulations are suspended as applied to actions to mitigate the anticipated impacts of El Niño:

    a. Section 1242.1(a)(1) of the Water Code, to the extent it requires the adoption of a local plan of flood control or consideration of flood risk in a general plan as a prerequisite for the diversion of floodflows pursuant to section 1242.1. This suspension applies only to local or regional agencies that are otherwise able to comply with the notice requirement in section 1242.1(a)(1) and that would otherwise be authorized to divert floodflows under section 1242.1.

    b. The following sections of title 23 of the California Code of Regulations:

        i. Section 8, to the extent it requires submission of the required fee prior to the Central Valley Flood Protection Board's review of an application or issuance of a permit.

        ii. Section 9, to the extent it imposes timelines in connection with the Central Valley Flood Protection Board's review of applications or issuance of permits, so that the Board may prioritize applications for permits related to the anticipated impacts of El Niño. The Board is directed to review such applications and (as appropriate) issue such permits as quickly as possible.

    c. Section 30600 of the Public Resources Code, to the extent it would otherwise apply to the creation or placement of sand berms and

sandbags to mitigate flooding, erosion, or other impacts in the coastal zone.

6. The California Environmental Protection Agency and the California Natural Resources Agency—in consultation with the Governor's Office of Emergency Services, the Department of Finance, and other relevant public agencies—are directed to continue to remain vigilant for obstacles that may inhibit efforts to mitigate the anticipated impacts of El Niño, and to bring any such obstacles to my office's attention as appropriate for potential further action.

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 27th day of October 2026.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State