Summary of 2026 El Niño-related Executive Orders and Emergency Proclamation

Background: In 2026, Gov. Gavin Newsom issued two executive orders and one emergency proclamation in response to El Niño, a climate phenomenon characterized by above-average sea surface temperatures in the Equatorial Pacific Ocean. El Niño conditions could significantly impact California by contributing to severe flooding, unusual precipitation, coastal erosion, and heightened debris flow. The executive orders detail how California can mitigate the effects of El Niño. Below is a summary of the orders and proclamation, including where cities can use the statutory suspensions and streamlining efforts to prepare for El Niño in their communities.

El Niño Executive Order N-14-26

Executive Order N-14-26 issued: October 27, 2026

On Oct. 27, the Governor issued Executive Order N-14-26, which became effective immediately. Per the order, the Secretary of the California Natural Resources Agency (CNRA) will review and approve the suspension of state statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, commissions, councils, departments, and offices within the CNRA. The order is intended to expedite or support actions by public agencies that mitigate impacts from flooding, landslides, mud and debris flows, or erosion. The following resources are available on the CNRA webpage for interested applicants to submit projects or activities:

- CNRA El Niño Storm Preparation Webpage
- Project Request Form
- Email Contact: StormPrepSuspensions@resources.ca.gov

I. El Niño Storm Preparation

Persons or entities that wish to conduct activities using the provisions listed below must first request that the Natural Resources Agency Secretary determine that the proposed activities are eligible under the order's suspensions. Eligible activities or authorized suspensions are outlined below and can also be found on the CNRA website. *Note: None of the suspensions listed in this section may remain in effect after Jan. 31, 2027, unless extended by a future executive order.*

A. Authorized Suspensions

The following statutes shall be considered as part of the authorized suspension for eligible projects:

Environmental Quality – California Natural Resources Agency

- California Environmental Quality Act (Division 13 (commencing with §21000), Public Resources Code)

Wildlife – California Department of Fish and Wildlife

- California Endangered Species Act (Chapter 1.5 (commencing with §2050) of Division 3, Fish and Game Code and regulations adopted pursuant to that Chapter)
- Lake or Streambed Alteration Agreement, notification of significant alteration to stream channel, bank, or bed (Fish and Game Code §1600 et seq.)
- Native Plant Protection Act (Fish and Game Code §1900 et seq.)

Wildlife – California Department of Fish and Wildlife, cont.

- Western Joshua Tree Conservation Act (Fish and Game Code §1927 et seq.)
- Protection for bird nests and eggs and birds of prey (Fish and Game Code §3503 and §3503.5)
- California Fully Protected Birds (Fish and Game Code §3511)
- California Migratory Bird Protection Act (Fish and Game Code §3513)
- California Fully Protected Mammals (Fish and Game Code §4700)
- California Fully Protected Reptiles and Amphibians (Fish and Game Code §5050)
- 30-day deadline for marine resources authorization (Fish and Game Code §5504)
- California Fully Protected Fish (Fish and Game Code §5515)
- Fish passage (Fish and Game Code §5901)
- Obstruction of streams (Fish and Game Code §5948)

Water – Delta Stewardship Council

- Delta Reform Act (Part 1 (commencing with §85000) of Division 35, Water Code and regulations adopted pursuant to that Part)

B. Project Conditions

The order states that one of the following conditions must be met for the project to be considered for the authorized suspension. The project must be accompanied by reasonable and feasible measures to minimize impacts to listed or protected species, nesting birds, and beneficial uses of any impacted waterways and other bodies of water. Eligible project conditions are below:

I. The removal of sediment, vegetation, or debris, which:
   - Does not involve an excavation resulting in the creation of a new low-flow channel that did not exist prior to Sept. 21, 2026.
   - Reestablishes a functional low-flow channel or clears sediment/debris from the stream channel near bridges or other structures.
   - Maintains the natural contour of the stream or waterway, including the downstream slope of the flow line.
   - Shall not impede fish passage or cause fish stranding.
   - Is limited to portions of the channel that are dry for the removal of sediment or vegetation.
   - Does not remove more than 30%, per mile, of native vegetation from the channel and bank of a stream or other waterway.

II. The repair of levees, which shall either be set back from their previous location or rebuilt as they existed prior to Sep. 21, 2026.

III. The repair of a dam, which shall not apply to the construction of a new dam or to the raising of an existing dam beyond the height authorized on Sept. 21, 2026.

C. Unauthorized Actions:

The action shall not involve the disposal or placement of sediments or debris into waters of the state or at locations in a manner where sediments or debris may be washed into waters of the state by rainfall or runoff. Additionally, if the Delta Reform Act is suspended with respect to an action, the suspension shall not apply in any way to the Delta Conveyance Project.

II. Additional Statute/Regulatory Suspensions

The order also suspends the following statutes and regulations. *Note: The suspensions listed in this section may remain in effect after Jan. 31, 2027.*

Flood Control

- The diversion of flood flows for groundwater recharge shall not require 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 flood flows. This suspension applies only to local or regional agencies that are otherwise able to comply with the requirements in Section 1242.1(a)(1) of the Water Code.

Central Valley Flood Protection

- The submission of the required fee prior to the Central Valley Flood Protection Board's review of an application or issuance of an encroachment permit for any construction, excavation, landscaping, or other modifications within the Board's flood control jurisdiction shall be suspended (Section 8 of Title 23 of the California Code of Regulations).
- The Central Valley Flood Protection Board, to the extent it imposes timelines, must review applications or issue permits to the anticipated impacts of El Niño as quickly as possible (Section 9 of Title 23 of the California Code of Regulations).

Coastal Zones

- Any coastal development permit, to the extent it would otherwise apply, for the creation or placement of sand berms and sandbags to mitigate flooding and erosion shall be suspended in the coastal zone (Section 30600 of the Public Resources Code).

El Niño Executive Order N-13-26

Executive Order N-13-26 issued: October 27, 2026

On Oct. 27, the Governor issued Executive Order N-13-26, which became effective immediately. The order details the potential impacts of El Niño conditions on the Pacific Coast Highway (Highway 1), an iconic road that runs 656 miles along California's Coast. Cities that overlap Highway 1 should review this order.

The Highway 1 Task Force: The California State Transportation Agency and the California Natural Resources Agency will convene a Highway 1 Task Force with other state agency representatives. The task force will assess the vulnerability of Highway 1 and neighboring communities — especially those under an immediate threat of damage — that are facing increasing threats from sea level rise, coastal erosion, landslides, and storms. The task force will develop a long-term adaptation strategy, including the Big Sur Coast Highway Management Plan, which outlines fiscal and planning analyses for the future of the Big Sur Highway 1 Coastal Corridor.

The Highway 1 Task Force Report: The task force will develop a climate change assessment, which will be presented in a report to the Governor's Office by Dec. 15, 2026. The report will include, but is not limited to, the following:

- An assessment of (1) the corridor's compounded climate risks and areas where communities and infrastructure are most vulnerable, (2) existing tools and guidance that can help prioritize investments concerning the protection, repair, and realignment of vulnerable segments of Highway 1, and (3) how general plans, local coastal programs, hazard mitigation plans, and infrastructure decisions can include the corridor's changing risks, and how state, technical, and regional coordination can help communities prepare for El Niño.
- A prioritized list of actions, funding, maintenance, and critical response needs required to mitigate identified threats.
- Identification of efforts to streamline and expedite planning, permitting, and implementation, including potential emergency suspensions.
- Identification of an advanced approval process for preventative projects designed to minimize roadway closures on the Big Sur Coast.

Mitigation Strategies: The California Department of Transportation (DOT) will monitor and assess landslide risk in areas of Highway 1 that have previously experienced landslides or have recent burn scars. In coordination with other state agencies, DOT will streamline the management of debris flows that could impact Highway 1. DOT will request immediate assistance through the Federal Highway Administration's Emergency Relief Program (U.S. Code, Title 23, section 125) for road and highway repairs to address damage when El Niño conditions make it appropriate to do so.

The California Department of Parks and Recreation will also assess potential impacts on the land it owns and manages that result from the closure or repair of Highway 1, including state parks, public access, and recreation, among others.

El Niño State of Emergency Proclamation

State of Emergency Proclamation Issued: September 21, 2026

On Sept. 21, the Governor issued an emergency proclamation that became effective immediately.

State Agency Preparedness Actions: The Governor's Office of Emergency Services (CalOES) shall coordinate statewide preparedness activities for potential severe weather, flooding, coastal flooding, erosion, mud and debris flows, and related impacts associated with conditions resulting from the El Niño event, including atmospheric rivers and other severe storm systems. All state agencies are to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of CalOES and the State Emergency Plan.

CalOES shall coordinate with the Department of Water Resources (DWR) and other appropriate government agencies to prepare pre-position personnel, equipment, supplies, commodities, and other resources based on forecast conditions, local needs, and identified risks.

DWR shall take appropriate action to procure, maintain, stage, pre-position, distribute, and replenish flood-fight supplies, equipment (including, but not limited to, sandbags, riprap and other rock materials, plastic sheeting, and pumps), and other materials necessary to support statewide flood preparedness, response, and protective actions in connection with the El Niño event. DWR shall coordinate with appropriate government agencies to identify priority areas for flood-fight material staging and plans to make these materials available where they are needed, when they are needed.

The California Department of Transportation (DOT) and California State Transportation Agency shall identify state highways, bridges, culverts, drainage facilities, slopes, and other transportation infrastructure most at risk of flooding, erosion, debris flows, rockslides, mudslides, or other significant impacts from severe storms caused by the El Niño event, and transmit to CalOES a prioritized list of projects to address such risks within 30 days of this proclamation.

DOT shall develop plans to preposition personnel and materials (including directional signage, traffic control devices, road-closure devices, warning signs, delineators, emergency communications equipment, and other resources) at or near locations that may be identified as at risk of severe impacts from the El Niño event. This shall include plans to prepare and pre-position snow removal, snow-control, and ice-control equipment, as appropriate, to maintain safe travel and restore access on state highways during the El Niño event.

The Adjutant General and the California Military Department shall, in coordination with CalOES, identify California National Guard personnel, equipment, and capabilities that

may be available to support state and local emergency operations, if activated or tasked, in relation to this El Niño event.

California Volunteers, in coordination with CalOES and other appropriate agencies, shall prepare to mobilize volunteers and trained service members, consistent with their training, mission, safety requirements, and applicable law, to support state and local preparedness, response, and recovery activities in connection with the El Niño event.

The California Conservation Corps shall prepare to deploy corpsmembers, consistent with its statutory mission, training, available resources, safety requirements, and applicable law, to support severe weather preparedness and response activities in connection with the El Niño event.

The California Energy Commission, the Office of Energy Infrastructure Safety, and the State Water Resources Control Board and Regional Water Quality Control Boards are directed, and the California Public Utilities Commission is requested, to coordinate, consistent with their respective authorities, with electrical, natural gas, water, wastewater, telecommunications, transportation, and other critical-service providers to enhance readiness and support timely restoration of essential services following storm impacts.

CalOES, in consultation with relevant state agencies, shall expand accessible, multilingual public preparedness communications related to severe weather, flooding, emergency alerts, evacuation readiness, power outages, safe travel, disaster assistance, and household emergency planning.

Coordination and Outreach with Local Governments: CalOES shall work with local and tribal governments to support emergency planning, resource coordination, and requests for state assistance. To protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency.

As necessary to assist local governments and for the protection of public safety and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of this emergency.

The California Environmental Protection Agency and the California Natural Resources Agency, including boards, departments, and offices within those agencies, shall prioritize work to help local agencies prepare for anticipated impacts from the El Niño event. In particular, those state agencies shall prioritize permitting, consultation, and technical assistance to support local efforts to prevent or mitigate impacts from anticipated or potential flooding, landslides, and mud and debris flows, including local efforts to expedite levee and other flood management infrastructure repairs, vegetation management, debris removal, sediment management, bridge scour protection, and channel-capacity improvements.

State agencies shall work with local agencies to issue any necessary permits or other approvals for such efforts as quickly as possible, including by identifying and invoking existing emergency authorities or other pathways for streamlined review.

DWR's Division of Safety of Dams shall conduct outreach to owners of jurisdictional dams regarding potential severe conditions during the El Niño event and shall reiterate to dam owners their responsibilities to inspect, operate, maintain, repair, and safely manage their dams and appurtenant structures in accordance with applicable law, permit conditions, emergency action plans, and state directives.

CalOES, in coordination with DWR, shall conduct outreach to counties, cities, and other relevant local agencies that are responsible for levees, flood control facilities, and associated structures that may be vulnerable to impacts of the El Niño event to take appropriate actions to procure, maintain, stage, pre-position, distribute, and replenish flood-fight supplies, commodities, equipment, and materials necessary to support flood preparedness, response, and protective actions.

DWR, in coordination with the State Water Resources Control Board, shall conduct outreach and education to advance groundwater recharge projects and to use flood flows to recharge groundwater aquifers under existing law, with the goal of reducing flood impacts and strengthening local water supplies.

Streamlined Permitting in the Coastal Zone: The California Coastal Commission shall expedite review and action on proposed development by coastal communities to prepare for the impacts of this El Niño event. Coastal communities are encouraged to submit permit applications, as appropriate, to facilitate timely Commission review, technical assistance, and other support for El Niño preparations. After an application is received, the Commission shall respond with notification of any incomplete items within five days. After an application is complete, it shall be scheduled for hearing at the next Commission meeting. For emergency permit requests, the Commission shall accept both written and oral requests to its district offices. When necessary to address an urgent need related to this emergency, the Commission shall take action on emergency permit requests as quickly as possible and within 24 hours of receipt.