STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0115

California Legislature

October 19, 2026

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Sent electronically via email

RE: Request for Additional Action to Prepare for Super El Niño

Dear Governor Newsom,

With the onset of the forecasted Super El Niño, we write to urge you to build on your September 21, 2026, Emergency Proclamation (the proclamation) and take further executive action to help California communities prepare for the extreme precipitation and flooding anticipated this winter.

Super El Niño Predictions are Getting More Certain

On October 8, 2026, National Oceanic and Atmospheric Administration issued a notice stating that El Niño continues to strengthen and that there is a greater than 83% chance of a very strong El Niño starting in January through March 2027. Though the precise timing, location, and severity of the winter storms is unknown, monitoring indicates that ocean temperatures are higher than any other time on the observational record (4 °C above normal), thereby increasing the probability of extreme weather events this coming winter.

Anticipated Detrimental Impacts

El Niño can bring wetter-than-normal winters to California, increasing the risk of flooding and coastal erosion, while also contributing to commercial and recreational fishery closures and the degradation of marine ecosystems. These impacts are detrimental to communities, infrastructure, the environment, and the economy. *It is imperative that we do everything we can to anticipate and prepare for these impacts by protecting public safety and infrastructure.*

The proclamation recognized the danger that the Super El Niño may bring and it was a critical first step in preparing state agencies and local partners to face the looming threat. That said, we maintain that more can, and should, be done. To that end, prior to the arrival of winter storms we urge you to:

Expedite Debris Removal

Expedite projects undertaken by local agencies to repair flood control facilities and increase the capacity of stormwater and flood control channels through debris and sediment removal and vegetation management to accommodate increased flows [consistent with action taken via Executive Order (EO) N-10-23 on August 4, 2023].

Expediting the above debris removal work can be accomplished by taking the following executive actions:

- Suspend Lake and Streambed Alteration Agreements (Fish and Game Code § 1600 *et seq*.) requirements through January 1, 2027; and
- Suspend California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq*.) requirements through January 1, 2027.
- Suspend California Endangered Species Act requirements (Fish and Game Code § 2050 *et seq*.) requirements through January 1, 2027 (consistent with action taken via Emergency Proclamation on March 1, 2025).
- Expedite or waive the issuance of Clean Water Act Section 401 Certifications to support flood preparations and responses through January 1, 2027.
- Suspend waste discharge requirements subject to conditions specified in paragraph 4 of EO N-10-23.

Prepare Our Coast For Elevated Sea-Levels

Provide clear direction that preparation work for the impacts of Super El Niño, including coastal protective measures (e.g., rip rap, beach berms), sediment grading, vegetation treatment, flood protection facility repair, and debris and sediment removal activities by local agencies are covered as "immediate action[s]…to protect property from imminent danger…" under Public Resources Code, Section 30611 and thus eligible for Coastal Act Emergency Permitting through March 31, 2027 (similar to action taken via EO-N-4-25 on January 12, 2025).

Take Advantage of Excess Water By Enhancing the Ability to Capture It

With such risk, there may also be opportunity. A Super El Niño may bring much-needed precipitation to help address water scarcity in different regions of California. To capitalize on this potential, we urge you to take the following actions to prepare for the opportunity to capture storm water, recharge groundwater, and increase water supply resilience:

- **Make "Imminent Floodflows" Determinations Easier By Suspending the Flood Control Plan Requirement.** Suspend the requirement that a local flood control plan be the basis for a local agency's determination of when "floodflows" are imminent through March 31, 2027 (consistent with action taken previously via EO N-16-25 on January 31, 2025).

- **Provide State Guidance as to "Imminent Flooflows" Determinations.** Direct the Department of Water Resources (DWR) and the State Water Resources Control Board to develop a methodology for determining when "floodflows" are imminent to assist local agencies in making this determination by December 1, 2026 so it will allow for diversions to underground storage pursuant to Water Code § 1242.1.
- **Modify Temporary Permitting Requirements to Enhance Underground Storage.** Suspend CEQA (Public Resources Code § 21000 *et seq*.) for temporary permits (180-day or 5-year) that are for the purpose of diverting water to underground storage through March 31, 2027 (consistent with action taken via EO B-36-15 on November 13, 2015).
- **Supply Temporary Pumps.** Direct DWR to make temporary pumps available to landowners and local agencies to facilitate their groundwater recharge efforts beginning now and through March 31, 2027.

Thank you for considering these recommendations as you identify steps the State can take to prepare our communities for the potential significant impacts this coming winter.

Sincerely,



Assemblymember Diane Papan
Chair, Assembly Committee on Water, Parks, and Wildlife



Assemblymember Rhodesia Ransom
Chair, Assembly Committee on Emergency Management

CC: Christine Aurre, Legislative Affairs Secretary, Office of Governor
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