

STATUS OF WEATHER MODIFICATION REGULATION IN CALIFORNIA

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In 1984, a new California law on weather modification, AB 2576, was passed and signed by the Governor. The new law became effective on January 1, 1985, and essentially deregulates State Control of weather modification activities. Previous requirements of licenses for operators and permits for weather resources management projects were repealed. The only remaining requirements are Notices of Intention, some record keeping by operators, and a requirement for evaluation reports. The Notice insures that the public, the affected counties and the Department of Water Resources are notified before weather modification project activities commence. The new law does keep one important provision of the old law. This is that new water produced by weather modification activities shall, for the purpose of water rights determination, be considered as if it occurred as natural precipitation.

The Department of Water Resources is beginning the process of repealing all the existing regulations. There will be a public hearing on repeal in Sacramento probably near the end of April. If no significant valid objections are raised, the next steps are final approval by the California Water Commission and submission to the State Office of Administrative Law.

Some questions remain. For example, the new law doesn't specify the contents of a Notice of Intention nor the content of an evaluation report. The Department will probably request that the Legislature amend the new law to include minimum contents in 1986 (it's already too late for 1985 legislation). This will fulfill the intent of the new law without requiring new regulations.

Current plans are to ask that Notices include at least:

1. Name, address and telephone number of the sponsoring agency or person.
2. Name and address of the project operator who will supervise the proposed weather modification.
3. The purpose and nature of the proposed project.

4. The location of the target area, the operation areas and any other areas which may reasonably be foreseen to be affected.
5. The approximate season or time periods during which operations will be conducted.
6. The type of seeding agent(s) to be used and how it will be applied.

Most of this information had been pretty standard in California Notices of Intention previously.

The requirements for evaluation reports aren't quite as clear. As a minimum, the project sponsors should include their method and approach to weather resources management and provide their best technical judgment on the estimated effect of the project compared to its original purpose. When precipitation augmentation is the goal, this would include quantitative estimates of additional precipitation or runoff. The new law continues to require operators to keep records on all operations, including the equipment used, the methods, and the types, amounts, times and places of seeding agents involved and the name and address of persons participating or assisting on the operations. But probably only the type and amounts of seeding agent dispersed, the times and amounts of seeding, and whether it was aerial or ground application are pertinent to evaluation reports.

I don't really expect to see much change in weather modification activity in California as a result of the new law. If a public agency is involved, compliance with the California Environmental Quality Act is still required before starting a project. Most projects have been underway, at least intermittently, for years and there would be little difference except a small reduction in reporting requirements.