

## DE FACTO DEREGULATION OF WEATHER MODIFICATION IN CALIFORNIA

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In 1978, legislation was passed in California which provided for State regulation of all weather modification activities except agricultural frost protection. The new law went into effect in October 1979. State licenses were required for individuals authorizing them to design and conduct weather resources management projects. State permits were needed by persons or organizations to conduct specific weather resources management projects in California. The permits set forth the conditions under which individual weather modification project activities could be conducted, including suspension criteria in the interest of public health and safety.

Prior to 1979, weather modifiers were required to obtain a license and to report to the Department of Water Resources at the end of the year on the manner and extent of their work. Those earlier licenses were nondiscretionary and they were issued to any individual or organization who paid the fee. The licensee then could conduct one or more weather modification projects.

Under the new law, licenses and permits were discretionary, with minimum qualifications and standards. Since permits were discretionary, the permit process also needed to comply with the environmental requirements in the California Environmental Quality Act. (Eight projects qualified for a 10 year permit under a first-year "grandfather" exception to the environmental review process for those projects which had been underway for 10 years). The new law called for monthly and detailed annual reporting on project activities.

By January 1, 1980, 20 licenses and 9 permits had been granted. Three years later in January, 1983, 18 licenses and 13 permits were in effect. All projects dealt with augmenting rain or snowfall within particular watersheds. The 1978 law set the maximum annual license fee at \$50, the permit fee at \$500 (normally for 4 years), and permit renewal fees at \$250. Late in 1981, as a result of the continuing financial pinch on State general fund programs, and perhaps some skepticism as to the effectiveness of cloud seeding, the State administration proposed to make the Weather Resources Management program self supporting by requiring that the fees pay for the cost of administering the program. In the early summer of 1982, the law was changed to permit the Director of the Department of Water Resources to set the fees and general funds for the program were deleted from the 1982-83 State Budget. A companion bill which would have permitted 3 year terms for licenses, simplified and reduced reporting, and streamlined environmental review requirements did not become law. As a result the Department of Water Resources was left with the 1978 law but with no funds to carry out its provisions.

Regulations were then proposed to revise the

fee structure to provide annual payments of \$100 for a license and \$2500 a year for each permit. These fees were expected to provide about \$30,000 per year to administer the program and prepare the annual State report. There was some question whether those 8 projects with 10 year "grandfather" permits could be assessed an annual fee. At any rate, the Office of Administrative Law, another State review agency, rejected the regulations for the fee increase. The Director of the Department of Water Resources then decided to repeal all weather modification regulations, reasoning that the Legislature had made a de facto repeal by not providing funding.

Hearings on the repeal were held in September 1982 and the process should be complete by spring 1983. As of January, 1983, the old regulations are still in force so, in the interim, the Department of Water Resources has been renewing licenses and did issue one new permit for a small project. There is no enforcement or review activity; the monthly and annual reports which come in are being filed. When the regulation repeal has been completed, there will be no State regulation of weather modification activities in California.

In January 1983, a new governor took office. However, the new administration faces severe financial problems and there is no indication that the repeal of the California weather modification regulations will be halted or reversed.