

SGMA Meets CEQA

While CEQA does not apply to the preparation and adoption of GSPs, it does apply to projects to implement actions taken pursuant to GSPs.

Background



Groundwater Sustainability Plans (GSPs) have been, or will soon be, adopted and submitted to the Department of Water Resources (DWR), triggering the 20-year implementation period to achieve sustainability.

- Nearly 50 GSPs have already been adopted and submitted to DWR.
- Many more GSPs for high- and medium-priority basins not in critical overdraft are scheduled to be submitted to DWR by Jan. 31, 2022.
- View submitted GSPs and comments on [DWR's SGMA Portal](#).

Management Actions & Projects



To meet sustainability goals, GSAs will undertake management actions or projects to ensure that the basin operates within its sustainable yield targets. (California Code of Regulations Section 354.44.) Such management actions may include, but are not limited to:

- Recharge
- Groundwater banking
- Water trading/water markets or fallowing.

GSAs can also include existing projects in their GSP, such as those taken under GMPs, IRWMPs, UWMPs, WMPs and AWMPs.

Intersection of SGMA and CEQA



Courts are already attuned to the intersection of SGMA and CEQA:

- The Fifth District Court of Appeal recently agreed that it was speculative for Kern County to analyze future localized groundwater use prior to approval of a GSP. However, the Court also found that Kern County's reliance on future GSP actions to mitigate the water supply impacts of a new oil drilling ordinance violated CEQA's prohibition of deferred mitigation as the future actions lacked performance standards. (*King and Gardiner Farms, LLC v. County of Kern* (2020) Case No. F077656 at p. 23, 47-48.)

Analyzing GSP Projects Under CEQA



How a GSA will analyze GSP projects under CEQA will vary:

- The nature of the project, environmental setting and potential environmental impacts determine the appropriate course of action (e.g., EIR, negative declaration, CEQA exemption).
- The Legislature is considering streamlining CEQA review for certain groundwater recharge projects. (See [AB 2720 \(Salas\)](#).)
- A GSA will need to consider all of its options when determining the most efficient and effective path for satisfying CEQA.