

Executive Order N-7-22 Action 13: California Environmental Quality Act (CEQA) Relief for Groundwater Recharge Projects

On March 28, 2022, Governor Gavin Newsom signed [Drought Executive Order N-7-22](#) to respond to and mitigate drought impacts. As weather patterns are more variable and extreme from climate change -- resulting in more frequent and consequential droughts and high flow events -- the replenishment of depleted groundwater basins is becoming an essential part of the State's long-term water resilience and drought mitigation efforts.

Because California communities are increasingly reliant on groundwater supplies during drought years, projects that capture available precipitation or floodwaters to recharge depleted groundwater basins need to be initiated early and ready for the next wet season, typically October through April in California.



The purpose of Executive Order Action 13¹ is to help mitigate drought impacts by suspending CEQA and expediting the process to construct groundwater recharge projects that have State grant funding or technical assistance support, so as to increase the ability to capture high flows when available.

The following conditions are identified in Action 13 and defined below for groundwater recharge projects implemented under DWR's Flood Managed Aquifer Recharge or Sustainable Groundwater Management Grant Programs that are eligible for the CEQA suspension:

- ✓ **Open lands:** Open lands include those lands that are native or largely undeveloped from agricultural or industrial practices. Open lands can include flood bypasses, natural areas, wildlife preserves, or existing managed wetlands.

¹Executive Order N-7-22, Action 13

states: *With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.*

- ✓ **Working lands:** Working lands include those lands that were developed for agricultural or other industrial practices. Working lands can include active or fallowed agricultural lands, gravel and sand operations, open storage fields, or other similar working landscapes.
- ✓ **Mitigate groundwater conditions impacted by drought:** To mitigate groundwater conditions impacted by drought, projects should include the replenishment of groundwater resources to the subsurface, for the purpose of storage, temporary or otherwise. Drought impacts to groundwater conditions would include lowering of groundwater levels that may have occurred due to lack of sufficient natural recharge, with a particular emphasis on impacts to shallow aquifers. For projects to be eligible for the CEQA suspension, they must be initiated while the Executive Order Action 13 is still in effect, and project applicants must submit the Self-Certification Form.

Local agencies interested in pursuing the CEQA suspension described in Executive Order Action 13 must self-certify their project eligibility with DWR by completing the [Self-Certification Form](#).

DWR will review and concur if the project is eligible based on the documentation in the Self-Certification Form and will notify the project proponent once concurrence is complete. A list of projects that receive DWR concurrence for the CEQA suspension will be listed on the [DWR drought website](#).

Resources:

- For questions on Executive Order Action 13, please contact the Department of Water Resources at SGMPS@water.ca.gov.
- For more information on the Flood-MAR Program, please visit:
 - <https://water.ca.gov/Programs/All-Programs/Flood-MAR>
 - Flood-MAR guidance: [Flood-MAR Research and Data Development Plan](#)
 - The Appendices on the [Flood-MAR webpage](#) provide greater detail on key information for Flood-MAR project implementation
- For more information on the Sustainable Groundwater Management Grant Program, please visit: <https://water.ca.gov/Work-With-Us/Grants-And-Loans/Sustainable-Groundwater>
- For additional drought information and resources, please visit the State Drought Webpage: <https://drought.ca.gov/>.