

2024 CLIMATE BOND GRANTS EMERGENCY IMPLEMENTATION REGULATIONS

NOTICE OF PROPOSED EMERGENCY RULEMAKING ACTION REGARDING

CALIFORNIA CODE OF REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 20. WILDLIFE CONSERVATION BOARD

CHAPTER 1. 2024 CLIMATE BOND GRANTS

Notice Published November 12, 2025

NOTICE IS HEREBY GIVEN that the Wildlife Conservation Board (WCB or Board) proposes to adopt emergency regulations necessary to protect the environment, by ensuring the immediate implementation of a grant funding program administered by WCB pursuant to Proposition 4 (Public Resources Code section 90000, *et seq.*). This action is being taken in accordance with Government Code sections 11346.1 and 11349.6 of the California Administrative Procedure Act.

These regulations will be submitted to the Office of Administrative Law (OAL) on November 24, 2025, with an intended effective date of February 6, 2026.

Government Code section 11346.1, subdivision (a)(2), requires that, at least five working days prior to submission of a proposed emergency action to OAL, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency action to OAL, OAL shall post the notice of proposed emergency action on its website and allow interested persons five calendar days to submit comments on the proposed emergency regulations, as set forth in Government Code section 11349.6. The Board provided notice to the public on November 12, 2025.

PUBLIC COMMENT

If you wish to comment on the proposed emergency action, please submit your comment directly to both OAL and the Board within five calendar days of OAL's posting of the proposed emergency regulations on the OAL website. You may submit comments to OAL and the Board at the following addresses:

2024 Climate Bond Grants Emergency Implementation Regulations Notice of Proposed
Emergency Rulemaking Action

OAL Reference Attorney
300 Capital Mall, Suite 1250

Sacramento, CA 95814

staff@oal.ca.gov

Wildlife Conservation Board

P.O. Box 944209

Sacramento, CA 94244-2090

Attn: Prop. 4 Emergency Regulation

wcb@wildlife.ca.gov

OAL will confirm that the Board has received each comment before considering it.

Pursuant to California Code of Regulations, title 1, section 55, subdivision (b)(1) through (4), the comment must state that it is about an emergency regulation currently under OAL review and include the topic of the emergency.

Adoption of emergency regulations does not require response to submitted comments.

Where responses are issued by the Board, they will be submitted to OAL within eight calendar days following the date of submission of the proposed emergency regulations to OAL, unless specific exceptions are applicable.

FINDING OF EMERGENCY

Government Code section 11346.1, subdivision (b), allows a state agency to adopt emergency regulations if the agency makes a finding that the adoption of a regulation is necessary to address a situation calling for immediate action to avoid serious harm to the public peace, health, safety, or general welfare. WCB finds that emergency adoption of the regulations proposed herein regarding Proposition 4 grants is necessary for immediate preservation of the public peace, health, safety, or general welfare.

Basis for the Finding of Emergency:

Proposition 4 was approved by the voters of California in November 2024. Proposition 4 allocated funding to the Board to augment existing grant programs or implement new grant programs created by Proposition 4. Proposition 4 was later amended by Assembly Bill 149 Public resources trailer bill (2025). AB 149 added Public Resources Code section 90135(e)(1) which includes an express legislative declaration that adoption of regulations for the purpose of developing and adopting guidelines and selection criteria for Proposition 4 shall, for purposes of the Administrative Procedure Act, be considered an “emergency” necessary for the immediate preservation of public peace, health, safety, and general welfare. The declaration and findings appear in Public Resources Code section 90135(e)(1) which states:

“A regulation for the purpose of developing and adopting program guidelines and selection criteria needed to effectuate or implement the programs included in Chapter 2

(commencing with Section 91000) to Chapter 9 (commencing with Section 94500), inclusive, of this division may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare, and a state agency is hereby exempted from the requirement that it describe facts showing the need for immediate action.”

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 90135(e) of the Public Resources Code, and to implement, interpret, or make specific Public Resources Code section 90000, *et seq.*, including sections 90050, 90100, 90130, 90135, 90150, and 93060 of the Public Resources Code, the Board is proposing to add Division 20, Chapter 1, to Title 14 of the California Code of Regulations as follows: the addition of Article 1, consisting of section 41000; Article 2, consisting of sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, and 41013; and Article 3, consisting of sections 41014, 41015, and 41016.

INFORMATIVE DIGEST/POLICY STATEMENT

Existing Law

The Board was created by Fish and Game Code section 1320. Under Fish and Game Code section 1350(c), the Board is authorized to award grants to nonprofit organizations, local government agencies, federal agencies, state agencies, and California Native American tribes “for the purposes of fish and wildlife habitat restoration, enhancement, management, protection and improvement of riparian resources, and for development of compatible public access facilities.” To implement these purposes, the Board has been awarded various funds throughout its history from general fund allocations (see generally the Habitat Conservation Fund at Fish and Game Code section 2786 and various budget acts) to bond funding through voter approved propositions (e.g. Propositions 1, 50, 68, and 84). In implementing its grant making function, legislation and bond acts created various programs within WCB including, but not limited to, the Oak Woodlands Program (Fish and Game Code section 1360, *et seq.*), the Monarch Butterfly and Pollinator Rescue Program (Fish and Game Code section 1374, *et seq.*), the California Riparian Habitat Conservation Program (Fish and Game Code section 1385, *et seq.*), the Inland Wetlands Conservation Program (Fish and Game Code section 1400, *et seq.*), the California Desert Conservation Program (Fish and Game Code section 1450, *et seq.*), the Lower American River

Conservancy Program (Public Resources Code section 5845, *et seq.*), the California Streamflow Enhancement Program (Water Code section 79700, *et seq.*), and the Rangeland, Grazing Land, and Grassland Protection Program (Public Resources Code section 10330, *et seq.*).

In furtherance of these programs and funding sources, WCB implements a grant award program that is governed by individual funding sources; provisions of the Fish and Game Code, Water Code, and Public Resources Code (e.g. Public Resources Code section 31116); and existing policies and procedures adopted by the voting board of WCB to implement existing programs. WCB awards grants for four primary purposes: land acquisition, habitat restoration, public access, and project planning/technical assistance. Projects are approved at quarterly public meetings of the Board and post approval, staff enter into grant agreements to implement the project approvals.

Necessity, Objectives, and Benefits of the Emergency Regulations

This emergency rulemaking is intended to interpret and make specific certain provisions of the Public Resources Code as necessary for WCB to implement those specific statutory imperatives regarding Proposition 4 implementation, pursuant to Public Resources Code section 90000, *et seq* and administer a grant program for awards of Proposition 4 bond funds. The benefit of these proposed regulations is that it will establish a uniform program and process for: applicants to submit project proposals to WCB for Proposition 4 bond funds, WCB's evaluation of those proposals for potential funding, and WCB's administration of grants awarded by WCB's voting members. This program will result in the following benefits: conservation and restoration of fish and wildlife habitat across California; benefits to disadvantaged communities, severely disadvantaged communities, and vulnerable populations; and increases in public access opportunities.

More specifically, the proposed language of the emergency regulations is necessary and will accomplish the following:

- **Proposed Section 41000 Scope** This section describes and clarifies the intended function of all the regulations within the newly created Title 14, Division 20, Chapter 1, Articles 1-3. This section is necessary to identify that this Division and Chapter only applies to WCB's implementation of its 2024 Climate Bonds Grants program.
- **Proposed Section 41001 Pre-application Contents** This section describes and clarifies the information an applicant needs to submit to WCB as part of its pre-application for grant funding. This section is necessary to provide grant applicants with the information that is required for a pre-application to be reviewed and considered for invitation for a full application. The contents identified in the pre-

application are criteria that allow WCB to make an initial evaluation of the proposal (see Proposed Section 41002 below) to determine if it aligns with the requirements of Proposition 4 and applicable programs identified in Proposition 4 so it can then determine if submittal of a full application is warranted.

- **Proposed Section 41002 Pre-application evaluation** This section describes the criteria WCB staff will consider when evaluating a pre-application to determine if a full application will be requested. This section is necessary to inform grant applicants with the criteria that will be evaluated by WCB in determining if it will request a full application. In addition, these criteria establish a uniform standard of review for all pre-applications received by WCB.
- **Proposed Section 41003 Implementation and Planning Full Application Contents** This section describes the contents required to be in a full application for both implementation and planning grants. This section is necessary to provide grant applicants with all the required information that needs to be included in a implementation and planning full application requesting funding from WCB. These criteria allow WCB to determine if a proposed project aligns with the requirements of Proposition 4 and applicable programs identified in Proposition 4.
- **Proposed Section 41004 Purpose and Need statement** This section describes the purpose behind the request for funding and the needs the funding is meant to address as identified in Proposed Section 41003(g) and Proposed Section 41011(a)(3). This section is necessary because the information contained in this statement allows WCB to evaluate the full application for achievement of Proposition 4 goals, WCB funding objectives, and importance of funding the project.
- **Proposed Section 41005 Implementation and Planning Approach statement** This section describes the project approaches to remedy the identified problem and the methodologies and approaches the applicant intends to implement as part of the proposed project as identified in Proposed Section 41003(g). This section is necessary because the information contained in this statement allows WCB to evaluate if the methodologies proposed will address and remedy the problem to potentially be funded with Proposition 4 bond funds.
- **Proposed Section 41006 Consistency with State, Federal, Regional, and Local Plans statement** This section describes information requested regarding how the proposed project aligns with various governmental plans associated with habitat conservation and restoration as identified in Proposed Section 41003(g). This section is necessary because it is identified in Public Resources Code section 93060 but also because proposed project alignment with various habitat conservation and restoration plans allows WCB to evaluate the proposed project in

the context of its importance in achieving articulated goals in various planning documents.

- **Proposed Section 41007 Durability and Climate Resiliency statement** This section describes requested information in the application as to how the project achieves climate resiliency efforts and management and monitoring efforts to ensure effectiveness of the project as identified in Proposed Section 41003(g). This section is necessary because it provides information to WCB to evaluate how the project will achieve climate resiliency goals, how the project applicant intends to implement long-term management and monitoring efforts for project effectiveness, and how the project aligns with plans identified in Public Resources Code section 93060.
- **Proposed Section 41008 Community Support and Collaboration statement** This section describes requested information in the application about whether the project benefits certain identified disadvantaged and vulnerable communities and whether the California Conservation Corps, certified community conservation corps, or tribes were consulted as identified in Proposed Section 41003(g). This section is necessary because it is identified in provisions of Prop. 4 (Public Resources Code sections 90100 and 90150), benefits to these communities is an important goal of WCB and the State of California, use of the California Conservation Corps or certified community conservation corps is important for potential project implications, and consultation with tribes fulfills state executive orders to meaningfully consult with tribes on potential projects (Executive Orders B-10-11 (Sep. 2011) and N-15-19 (June 2019)).
- **Proposed Section 41009 Implementation Full Application Scoring** This section describes the scoring criteria that WCB technical reviewers will apply in scoring implementation full applications for potential funding. This section is necessary because it provides the criteria that WCB technical reviewers will use in scoring implementation full applications so project applicants can understand the desired project components that WCB is evaluating in scoring projects. These criteria help WCB determine which proposed projects result in the greatest public benefit and consistency of the project with Proposition 4 funding. In addition, this provides WCB technical reviewers with a uniform standard of scoring to be applied to all implementation full applications received.
- **Proposed Section 41010 Planning Full Application Scoring** This section describes the scoring criteria that WCB technical reviewers will apply in scoring planning full applications for potential funding. This section is necessary because it provides the criteria that WCB technical reviewers will use in scoring planning full applications so project applicants can understand the desired project components

that WCB is evaluating in scoring projects. These criteria help WCB determine which proposed projects result in the greatest public benefit and consistency of the project with Proposition 4 funding. In addition, this provides WCB technical reviewers with a uniform standard of scoring to be applied to all planning full applications received.

- **Proposed Section 41011 Acquisition Full Application Contents** This section describes the contents required to be in an acquisition full application for acquisition grants. This section is necessary to provide grant applicants with all the required information that needs to be included in an acquisition full application requesting funding from WCB. These criteria allow WCB to determine if a proposed project aligns with the requirements of Proposition 4 and applicable programs identified in Proposition 4.
- **Proposed Section 41012 Acquisition Full Application Scoring** This section describes the scoring criteria that WCB technical reviewers will apply in scoring acquisition full applications for potential funding. This section is necessary because it provides the criteria that WCB technical reviewers will use in scoring acquisition full applications so project applicants can understand the desired project components that WCB is evaluating in scoring projects. These criteria help WCB determine which proposed projects result in the greatest public benefit and consistency of the project with Proposition 4 funding. In addition, this provides WCB technical reviewers with a uniform standard of scoring to be applied to all acquisition full applications received.
- **Proposed Section 41013 Full Application Selection** This section describes the factors that will inform and determine whether WCB staff recommends funding (full or partial) of a project to its voting Board to be voted upon at a public meeting or decides not to fund the request from the project applicant. This section is necessary to provide a framework of determinative factors by which WCB will recommend projects for funding or deny projects for funding to ensure consistency in project selection across all full applications. This section also identifies the public process that will occur for projects that are recommended for funding to WCB's voting board. Applicants of projects that are awarded funded will need to enter into grant agreements with WCB as identified in Proposed Section 41014.
- **Proposed Section 41014 Grant Agreements** This section describes that applicants that are awarded Prop. 4 funding from WCB shall enter into a grant agreement with WCB that contains certain minimum terms. This section also describes that the grantee is solely responsible for fiscal management of the project. This section is necessary to set forth certain minimum terms that are required to be included in a grant agreement of Prop. 4 funds including, but not

limited to, terms to ensure the project is properly administered, that the grantee and amount of grant funds are accurately identified, and that the project applicant demonstrates certain requirements necessary to implement its project.

- **Proposed Section 41015 Advance Payments** This section describes the requirements a WCB grantee must comply with in order to receive advance funding under a Prop. 4 funded grant agreement. This section is necessary because Public Resources Code section 90130 identifies that administering agencies shall adopt additional requirements regarding the use of advance payments and this section complies with section 90130 by identifying requirements that grant recipients must comply with to qualify for and use of advance payments as identified in Government Code section 11019.3 and applicable to WCB.
- **Proposed Section 41016 Reporting** This section describes reporting requirements of Prop. 4 grantees across implementation, planning, and acquisition grants including the timing of required reporting and contents required in such reporting. This section is necessary because provisions of Prop. 4 (Public Resources Code sections 90050(c) and 90135(c)) require reporting on expenditures and reporting to ensure successful implementation of projects; this section implements reporting requirements across different types of grant projects to ensure the project is successfully implemented and that the expenditures align with the requirements and purposes of Prop. 4 and WCB's fiduciary duties as a grant making entity.

Consistency with Federal Regulation and Statute

The proposed regulations are an administrative framework for implementing specific and express provisions of Proposition 4 (Public Resources Code section 90000, *et seq.*). The proposed regulations are not inconsistent or incompatible with federal statutes and regulations.

Consistency with Existing State Regulations

The proposed regulations are an administrative framework for implementing provisions of Prop. 4 (Public Resources Code section 90000, *et seq.*) applicable to the Board. The proposed regulations, while specific to WCB, are intended to complement other existing requirements or regulations adopted by other state funding entities that received funding under Proposition 4 to award grants for natural resource protection, restoration, public access, and technical assistance. The proposed regulations are not inconsistent or incompatible with existing state regulations.

Local Mandate

The proposed regulations do not impose a mandate on local agencies or school districts.

Costs or Savings to State Agencies

Costs or Savings to State Agencies: Impacts on WCB will be limited to costs associated with review of project applications and administration of projects awarded grant funding.

Non-discretionary Costs or Savings to Local Agencies, Including Costs to any Local Agency or School District Requiring Reimbursement Pursuant to Government Code section 17500, *et seq.*: There will be no impact to local agencies.

Costs or Savings in Federal Funding to the State: There will be no impact on federal funding to the state.

Documents Relied Upon

The Board relied upon the following documents in proposing this rulemaking action:

- Proposition 4, Public Resources Code section 90000, *et seq.*
- Assembly Bill 149, Chapter 106, 2025, Public resources trailer bill