

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY <b>California Ocean Protection Council</b>			AGENCY FILE NUMBER (If any)

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <b>Proposition 4 Coastal and Ocean Resilience Grant Program</b>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT <b>Sections 42000 through 42008</b>	
TITLE(S) <b>14</b>		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100.)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON <b>Kaitlyn Kalua</b>		TELEPHONE NUMBER <b>(916) 653-5656</b>	FAX NUMBER (Optional)
			E-MAIL ADDRESS (Optional) <b>Kaitlyn.Kalua@resources.ca.gov</b>

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

For use by Office of Administrative Law (OAL) only

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 14. NATURAL RESOURCES**  
**DIVISION 21. CALIFORNIA OCEAN PROTECTION COUNCIL**  
**CHAPTER 1. PROPOSITION 4 COASTAL AND OCEAN RESILIENCE**  
**GRANT PROGRAM**

**FINAL TEXT OF PROPOSED REGULATIONS**

**Article 1. General Provisions**

**§ 42000. Applicability and Scope**

- (a) This Chapter shall be known as the California Ocean Protection Council Proposition 4 Coastal and Ocean Resilience Grant Program. These regulations apply to Grants funded by the Council from Proposition 4, otherwise known as Senate Bill 867 (Allen 2024), The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

Note: Authority cited: Sections 35621, 35625, 30972, 30973, and 90000, Public Resources Code. Reference: Sections 30972, 30973, 90133, 90135, 92000, 92020, 92030, and 92050, Public Resources Code.

**§ 42001. Definitions**

The following definitions shall apply wherever the terms are used throughout this Chapter.

- (a) “Council” means the California Ocean Protection Council established pursuant to Public Resources Code Section 35600.
- (b) “Disadvantaged Community” means a community with a median household income of less than 80 percent of the area average or less than 80 percent of statewide median household income consistent with Public Resources Code section 90100.
- (c) "Environmental Justice" means the fair treatment of people of all races, cultures, income, and national origin with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies

consistent with Public Resources Code Section 72000.

- (d) "Grant" means an award of funds made by the Council, in the form of advance payment or reimbursement to the Grantee for actual expenditures incurred in performing an eligible project.
- (e) "Grant Agreement" means an arrangement between the State and grantee specifying the payment of funds by the State for the performance of specific objectives by the grantee within a specific project performance period by the grantee.
- (f) "Grantee" means an applicant that has a Grant Agreement.
- (g) "Joint Powers Authority" means any entity formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if at least one of the parties to the joint powers agreement qualifies as an eligible applicant consistent with section 1002.
- (h) "Nonprofit Organization" means any nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code consistent with Public Resources Code section 90100.
- (i) "Secretary" means the Secretary of the Natural Resources Agency consistent with Public Resources Code section 90100.
- (j) "Severely Disadvantaged Community" means a community with a median household income of less than 60 percent of the area average or less than 60 percent of statewide median household income consistent with Public Resources Code section 90100.
- (k) "Tribe" means a federally recognized Native American tribe or a non-federally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission consistent with Public Resources Code section 90100.
- (l) "Vulnerable Population" means a subgroup of a population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts consistent with Public Resources Code section 90100.

Note: Authority cited: Sections 35550, 35621, 35625, 90000, and 90100, Public Resources Code. Reference: Sections 30972, 30973, 90110, 90133, 90135, and 90140, Public Resources Code.

## **Article 2. Eligibility and Eligible Costs**

### **§ 42002. Applicant Eligibility**

- (a) Eligible Applicants are public agencies, local agencies, nonprofit organizations, special districts, joint powers authorities, tribes, public utilities, local publicly owned utilities, and mutual water companies.

Note: Authority cited: Sections 90000, 90100, and 90135, Public Resources Code. Reference: Sections 30972, 30973, 35621, 35625, 35650, 90110, 90133, 92000, 92020, 92030, and 92050, Public Resources Code.

### **§ 42003. Project Eligibility**

The following projects are eligible for a Grant:

- (a) Projects that increase coastal and ocean resilience from the impacts of climate change.
- (b) Projects that purchase and install ocean current mapping infrastructure and new maritime research infrastructure to reduce emissions.
- (c) Projects that implement acre-based targets to advance habitat recovery or that contribute to protecting and restoring kelp forests, eelgrass meadows, and native oyster beds.
- (d) Projects that advance climate-ready fisheries management by expanding opportunities for experimentation and adaptive cooperative management, modernizing electronic fisheries data management systems.
- (e) Projects that help local and regional governments update local and regional land use plans to take into account sea level rise and related investments to implement sea level rise adaptation plans, consistent with implementation of the California Sea Level Rise Mitigation and Adaptation Act of 2021 (Public Resources Code section 30970 et seq.).

Note: Authority cited: Sections 35621, 35625, 92000, 92020, 92030, and 92050, Public Resources Code. Reference: Sections 30972, 30973, 35650, 90100, 90110, and 90135, Public Resources Code.

### **Article 3. Application**

#### **§ 42004. Letters of Intent and Request for Proposals**

(a) The Council shall solicit letters of intent on its website from interested applicants when grant funding is available. In its request for letters of intent, the Council shall identify priority project types for the funding opportunity as provided in section 1003, any program priorities listed in section 1006(b)(2), or fiscal limitations applicable to the available funding. Letters of intent shall be short-form documents intended to allow technical staff to ascertain whether the applicant and/or project are eligible for program funding prior to submitting a more detailed application and proposal. At a minimum, all letters of intent shall include the following information:

- (1) Name of applicant and preferred email or mail address or other preferred contact information.
- (2) Applicant's eligibility pursuant to section 1002.
- (3) Project type.
- (4) Project summary.
- (5) Project location and description of anticipated public access if the project includes acquisition or restoration of real property.
- (6) An explanation of the project's eligibility under section 1003.
- (7) Amount sought by the grant.
- (8) Project duration.
- (9) Does the project have matching funds? (Yes/No — if yes, specify source and amount)
- (10) Does the applicant or project serve or provide meaningful and direct benefits to a Vulnerable Population, a Disadvantaged Community, or a Severely Disadvantaged Community.

(b) Letters of intent will undergo an administrative review to determine whether applicant and project eligible requirements in section 1002 and 1003 respectively are met. Applicants or projects determined ineligible will be disqualified. Applicants

or projects determined eligible will be invited to submit full applications and proposals.

Note: Authority cited: Sections 35621, 35625, 90000, and 90135, Public Resources Code. Reference: Sections 30972, 30973, 35650, 90100, 90110, 90133, 90140, 92000, 92020, 92030, and 92050, Public Resources Code.

#### **Article 4. Application Submittal, Proposal Review, and Grant Awards**

##### **§ 42005. Applications and Proposals.**

(a) Each applicant deemed eligible pursuant to section 1004(b) shall be invited to submit a full application and proposal which shall, at a minimum, include the following information:

- (1) Name of applicant and preferred email or mail address or other preferred contact information.
- (2) Project description and amount sought.
- (3) Introduction summarizing applicant's interest, goals, and project, and rationale for the project goals and approach.
- (4) A scope of work and narrative description illustrating how the project would advance one or more of the goals and objectives identified in section 1 of Proposition 4.
- (5) Approach and methods.
- (6) Anticipated outcomes and deliverables.
- (7) Anticipated community engagement and benefits, including workforce education and training, contractor, or job opportunities for Vulnerable Populations.
- (8) Proposed project timeline.
- (9) Proposed budget, including need for advance funding and description of external sources of funding (not required for project selection).

- (10) Project team experience and qualifications, including the use of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.
  - (11) Identification of relevant permit compliance requirements and a plan to obtain applicable permits.
  - (12) Website accessibility compliance where relevant.
- (b) Grants shall be awarded as funding is available and authorized.
- (c) Allocation of funds is contingent on the enactment of the state budget. The Council does not disburse funds until the budget has passed and is signed by the Governor.

Note: Authority cited: Sections 35621, 35625, 90000, and 90135, Public Resources Code. Reference: Sections 30972, 30973, 35650, 90100, 90110, 90133, 90140, 90150, 90610, 92000, 92020, 92030, and 92050, Public Resources Code.

#### **§ 42006. Evaluation of Proposals.**

- (a) All proposals shall be reviewed by a review committee of state-staff experts on ocean and coastal resilience, climate change, tribal traditional ecological knowledge, or other relevant qualifications based on the nature of the funding available and the Council's priorities.
- (1) If state staff with relevant expertise are unavailable, the Council may invite non-state staff experts to participate in the review committee.
  - (2) All review committee members are subject to applicable laws on conflict of interest.
- (b) Each Proposal will be evaluated based on the following criteria:
- (1) Alignment with and response to the program declarations listed in Section 1 of Proposition 4, including advancing funding to Vulnerable Populations, Disadvantaged Communities, or Severely Disadvantaged Communities, and advancement of Environmental Justice principles.
  - (2) Alignment with program priorities which shall include the following:

- (A) Ability to protect, conserve, and restore marine wildlife and healthy ocean and coastal ecosystems, including, but not limited to estuarine habitat, forests, eelgrass meadows, and native oyster beds, or maintain the state's system of marine protected areas or support sustainable fisheries.
  - (B) Ability to install or develop ocean current mapping infrastructure or maritime research infrastructure to reduce emissions.
  - (C) Ability to protect and restore island and other ecosystems by mitigating the threat of invasive species and advancing biosecurity initiatives.
  - (D) Ability to advance climate-ready fisheries management by expanding opportunities for experimentation and adaptive cooperative management, or modernizing electronic fisheries data management systems.
  - (E) Ability to support restoration and management of kelp ecosystems.
  - (F) Ability to support local and regional governments in updating local and regional land use plans to take into account sea level rise and implementation of sea level rise adaptation plans, consistent with implementation of the California Sea Level Rise Mitigation and Adaptation Act of 2021.
- (3) Demonstration of public benefits anticipated to be derived from the project, including direct and meaningful community benefits, workforce development and training, or the inclusion of community partnerships, where applicable, including tribally-led projects or partnerships.
  - (4) Demonstration of readiness and capacity to complete the proposed project.
  - (5) Inclusion of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.



(6) Inclusion of innovative and/or effective methodology supported by science.

(7) Relative need of the project, based on geographic or environmental vulnerability factors, as described in the request for proposals pursuant Section 1004.

Note: Authority cited: Sections 35621, 35625, 90000, and 90135, Public Resources Code. Reference: Sections 30972, 30973, 35650, 90100, 90110, 90133, 90140, 90150, 90610, 92000, 92020, 92030, and 92050, Public Resources Code.

#### **§ 42007. Grant Awards.**

(a) The review committee will consider which proposed Grant projects will best meet the criteria in section 1006(b) and make award recommendations to the Council for the full or partial amount requested, or denied, based on the extent to which proposed projects best satisfy the goals of Proposition 4. Each applicant that submits a full application pursuant to section 1005 shall be notified of the review committee's recommendation prior to the Council meeting for final decision. A notice of intent to award a grant for the full or partial amount requested will be based on the following factors:

(1) Amount of available funding;

(2) Number of Applicants;

(3) Amount of funding requested by Applicants; and

(4) The Council's funding priorities.

(b) The review committee will submit its recommendations for funding to the Council. The Council shall review the review committee recommendations and will approve, modify, or deny these recommendations based on the information provided and the record before it. Upon a final vote, the Council shall notify successful applicants of a Grant Award, including the amount of a Grant.

Note: Authority cited: Sections 35621, 35625, 90000, and 90135, Public Resources Code. Reference: Sections 30972, 30973, 35650, 90100, 90110, 90130, 90133, 90140, 90150, 90160, 90610, 90620, 92000, 92020, 92030, and 92050, Public Resources Code.

**§ 42008. Grant Agreements.**

(a) The terms and conditions of a Grant shall be set forth in a Grant Agreement entered into by the Council staff and the Grantee. A Grantee has the sole responsibility for the fiscal management of Grant funds, project-specific recordkeeping and reporting, performance of the Project, and all other aspects of compliance with this Chapter and the Grant Agreement. The Grant Agreement shall include, but is not limited to, the following:

- (1) Grant amount and any need for advance payment.
- (2) Grantee contact information.
- (3) Grant duration.
- (4) Scope of the Project funded by the Grant award.
- (5) Budget.
- (6) The Grantee's agreement to comply with existing laws.
- (7) Other project-specific terms as may be necessary to protect the state in administering its fiduciary obligations.

Note: Authority cited: Sections 35621, 35625, 90000, and 90135, Public Resources Code. Reference: Sections 30972, 30973, 35650, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 90620, 92000, 92020, 92030, and 92050, Public Resources Code.