



Staff Recommendation

December 9, 2025

Item 9

Consent Item:

Consideration and Adoption of Proposition 4 Emergency Regulations

Kaitlyn Kalua, Deputy Director

Recommended Action: Adopt an emergency regulation package to implement Proposition 4, submit to the Office of Administrative Law, and delegate authority to the Council Chair, Executive Director, and Deputy Director to make necessary changes for Office of Administrative Law approval.

Location: Statewide

Exhibits:

Exhibit A: Finding of Emergency and Notice of Emergency Rulemaking Action

Exhibit B: Form 400. Proposed Regulations

Exhibit C: Form 399. Economic and Fiscal Impact Statement

Findings and Resolution:

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:

“Based on the accompanying staff report, OPC hereby finds that:

1. The proposed action is consistent with the purposes of Division 26.5 of the Public Resources Code, the California Ocean Protection Act;
2. The proposed action is consistent with Public Resources Code section 90135(e)(1), which authorizes the adoption of program guidelines and selection criteria for Proposition 4 grants through the emergency regulation process; and
3. The proposed action is not a ‘legal project’ that triggers the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations section 15378.”

Staff further recommends that OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

“OPC hereby adopts the proposed emergency regulations to implement Proposition 4, the 2024 Climate Bond and submit the emergency regulation package to the Office of Administrative Law.

The proposed emergency regulations together with the Finding of Emergency and Notice of Emergency Rulemaking Action, Form 399, and Form 400, which were posted on November 26, 2025, are approved and adopted by the Council for submission to the Office of Administrative Law. The Chair, Executive Director, and Deputy Director of the Council are each hereby authorized and directed to take such actions, including making or causing to be made such changes to the regulations as may be required for approval thereof by the Office of Administrative Law, and to execute and deliver any and all documents that they may deem necessary or advisable in order to effectuate the purposes of this resolution.”

Emergency Regulations Summary

On November 5, 2024, California voters approved the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, also known as the 2024 Climate Bond or Proposition 4 (Public Resources Code sections 90000 to 95015). OPC was allocated two separate allocations in Proposition 4: \$135 million for projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems (Public Resources Code section 92020) and \$75 million to implement the California Sea Level Rise Mitigation and Adaptation Act of 2021 (commencing with PRC section 30970; Public Resources Code section 92030). OPC has also received separate appropriations to administer funding for Public Resources Code section 92050 through the Budget Act of 2025 to protect and restore island ecosystems, advance climate-ready fisheries, and support the restoration and management of kelp ecosystems.

In 2025 the California Legislature adopted Assembly Bill (AB) 149 (Chapter 106, Statutes of 2025), which added section 90135 subd. (e)(1) to the Public Resources Code, which states “a regulation for the purpose of developing and adopting program guidelines and selection criteria needed to effectuate or implement the programs” under Proposition 4 may be adopted through the emergency regulation process with the Office of Administrative Law. To comply with AB 149, staff developed an emergency regulation package implementing Proposition 4 for approval by the Council. The emergency rulemaking provides regulatory clarity to support implementation and allocation of these bond funds, including how OPC will select eligible and priority projects.

The processes established by these emergency regulations clarify existing process of OPC project selection and grant administration and therefore will not have an impact on staff time or any other administrative fiscal impact.

The emergency regulation package was posted online on November 26, 2025, prior to the December 9, 2025 Council Meeting. If approved by the Council, the package will then be transmitted to Office of Administrative Law, which has ten business days to approve or disapprove the emergency regulations. The public may comment on the emergency regulation package by submitting comments to OAL, as described in the Finding of Emergency and Notice of Emergency Rulemaking Action (Exhibit A). OPC staff may be required to work with Office of Administrative Law to remedy any defects during the Office’s review or any required resubmission process. Because finalization of emergency regulations may require modifications to the package as proposed to the Council, staff also request the Council delegate authority to the Council Chair, Executive Director, and Deputy Director to make any required changes and/or resubmit the emergency regulation package until OPC receives approval for its emergency regulations by the Office of Administrative Law.

Staff Recommendation:

Staff recommend that OPC approve this action as proposed, delegate authority to the Council Chair, Executive Director, and Deputy Director to make necessary changes for Office of Administrative Law approval.

Consistency with California Ocean Protection Act:

The proposed activities under this action are consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with the purposes of the Council, pursuant Public Resources Code Section 35625 “to administer its affairs and provide the services that the Council needs to carry out this division, including, but not limited to ... [a]dministering grants and expenditures authorized by the Council.”

Compliance with the California Environmental Quality Act (CEQA):

The proposed action is not a ‘legal project’ that triggers the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations section 15378.