

PROPOSITION 4 EMERGENCY IMPLEMENTATION REGULATIONS

NOTICE OF PROPOSED EMERGENCY RULEMAKING ACTION

REGARDING

CALIFORNIA CODE OF REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 1.5. DEPARTMENT OF FORESTRY AND FIRE PROTECTION

CHAPTER 9.6. PROPOSITION 4 FOREST RESILIENCE GRANT PROGRAM

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

**PROPOSITION 4 SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT
PREPAREDNESS, AND CLEAN AIR BOND ACT OF 2024**

FOREST RESILIENCE GRANT AWARDS PROCESS

Notice Published January 22, 2026

NOTICE IS HEREBY GIVEN that the California Department of Forestry and Fire Protection (Department) proposes to adopt emergency regulations necessary to protect public health, safety, and the environment, by ensuring the immediate implementation of Proposition 4's requirements that the Department issues grants for projects that improve forest health and resilience from the effects of Climate Change. This action is being taken in accordance with Government Code sections 11346.1 and 11349.6 of the California Administrative Procedure Act, and Public Resources Code section 91520. It is authorized by Public Resources Code sections 4799.05 and 91520.

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.

PUBLIC COMMENT

The proposed regulatory language for the emergency regulations can be accessed through our website at: <https://www.fire.ca.gov/what-we-do/grants>.

If you wish to comment on the proposed emergency action, please submit your comment directly to both OAL and the Department 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 Department at the following addresses:

OAL Reference Attorney
300 Capital Mall, Suite 1250
Sacramento, CA 95814
staff@oal.ca.gov

Department of Forestry and Fire Protection
715 P Street, 10th Floor
Sacramento, CA 95814
Attn: Proposition 4: Forest Resilience Grant Program Regulations
Alison.leary@fire.ca.gov

OAL will confirm that the Department 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 Department 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

This was deemed an emergency pursuant to Public Resources Code 90135, subdivision (e) which states the following:

(1) 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.

(2) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted pursuant to this subdivision shall be filed with, but not be repealed by, the Office of Administrative Law, and shall remain in effect until repealed or amended by the adopting state agency.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 4799.02, 90135, 91500, and 91520 of the Public Resources Code, and to implement, interpret, or make specific sections 4799.05, 90050, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 of the Public Resources Code, the Department is proposing changes to Division 1.5 of Title 14 of the California Code of Regulations as follows: the addition of Chapter 9.6, consisting of sections 1546, 1546.1, 1546.2, 1546.3, 1546.4, 1546.5, 1546.6, 1546.7, and 1546.8.

INFORMATIVE DIGEST / POLICY STATEMENT

Existing Law

Pursuant to Public Resources Code section 4799.05, the Department’s Forest Health Grant Program, Forest Health Research Grant Program, Tribal Wildfire Resilience Grant Program, and Wildfire Resilience Block Grant Program (collectively, “Forest Resilience Grant Programs”) provide funds to entities throughout California for the implementation and administration of projects and programs to directly or indirectly improve forest health and reduce greenhouse gas emissions. New funding for the Forest Resilience Grant Programs administered by the Department pursuant to Public Resources Code § 4799.05 is a result of the passage of the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (“Proposition 4”), specifically Public Resources Code section 91500 and 91520, which allocates, upon appropriation by the Legislature, a portion of the bond revenue to the Department for projects and grants to improve forest health and resilience.

Objectives and Benefits of the Emergency Regulations

This emergency rulemaking is intended to interpret and make specific certain provisions of Public Resources Code section 4799.05 and Proposition 4. The proposed regulations establish general grant provisions, grant project types, application requirements, grant evaluation criteria, and necessary administrative procedures for the effective implementation of the Forest Resilience Grant Programs funded by Proposition 4. This proposed regulatory action is necessary to ensure the Forest Resilience Grant Programs have uniform standards, internal controls, and guidelines to ensure effective grant administration, consistent with Proposition 4.

Pursuant to Public Resources Code section 90115, the Legislature is authorized through Proposition 4 to enact legislation necessary to implement the program funding in the bond. The Department has received appropriations to distribute funds from section 91520 in the Budget Act

of 2025 (see, Senate Bill 105, Chapter 104, Statutes of 2025) and expects that future budget allocations will include Legislative appropriations from section 91520 for it to distribute in the form of grants.

Non-Duplication Justification

Some of the proposed regulations duplicate state statutes. Where a state statute is duplicated, the duplication is necessary to satisfy the “clarity” standard of Government Code section 11349.1(a)(3). The duplication will benefit those affected by the regulations by concentrating applicable requirements, such as defined terms and eligibility requirements, in one location—specifically the proposed regulations.

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

- **Proposed section 1546. Applicability and Scope.**

This section identifies that only Proposition 4 grants to restore the health and resilience of forests and forest landscapes are encompassed by the emergency regulations.

- **Proposed section 1546.1. Definitions.**

This section provides definitions for those terms used in the Public Resources Code and Proposition 4 that were either defined by statute, but difficult to locate, or not defined. It is necessary to assist applicants in knowing the requirements of the bond and statutes governing the administration of the funding. Below are specific points regarding the defined terms.

- The definition of “Cultural burning” is derived from Public Resources Code section 4002.4.
- The definition of “Department” is derived from Public Resources Code section 4003.
- The definition of “Director” is derived from Public Resources Code 4004.
- The definition of “Disadvantaged Community” is derived from Public Resources Code section 90100(d).
- The definition of “environmental justice” is derived from Government Code 65040.12 and Public Resources Code Section 72000.
- The definition of “Forest land” is derived from Public Resources Code section 12220(g).
- The definition of “Grant” derived from the State Contracting Manual section 4.06.
- The definition of “Grant Agreement” is derived from the State Contracting Manual section 4.06.
- The definition of “Grantee” is derived from the State Contracting Manual section 4.06.
- The definition of "Joint Powers Authority" is derived from Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

- The definition of "Nonprofit Organization" is derived from Public Resources Code section 90100.
- The definition of "Prescribed burning" is derived from Public Resources Code section 4464(e).
- The definition of "Prescribed grazing" is derived from Public Resources Code section 4004.5.
- The definition of "Severely Disadvantaged Community" is derived from Public Resources Code section 90100.
- The definition of "Tribe" is derived from Public Resources Code section 90100.
- The definition of "Vulnerable Population" is derived from Public Resources Code section 90100.

The duplication of the above definitions is necessary to give contextual clarity to the regulations.

The definitions of biomass utilization, forest fuels reduction, pest management, and reforestation are necessary to specify and clarify the types of activities that the Department has determined through its expertise and experience restore the health and resilience of forests and forest landscapes and are, therefore, eligible activities for grant projects or programs pursuant to Public Resources Code section 4799.05, 91500, and 91520.

- **Proposed Section 1546.2. Applicant Eligibility.**

This section identifies the statutory requirements for applicant eligibility and is derived from Public Resources Code section 90110. It is necessary to assist potential applicants with understanding the statutory limitations relative to which entities are able to apply.

- **Proposed section 1546.3. Project Eligibility.**

This section identifies what class of projects may be funded by the Department through the Proposition 4 Forest Resilience Grant Program and are based on the permissible use of funding in Public Resources Code section 4799.05, 91500, and 91520.

- **Proposed section 1546.4. Concept Proposals and Request for Proposals.**

This section specifies that the Department will ask for short form concept proposals so that it can provide an initial review for project and applicant eligibility before it requests longer, more expensive requests for proposals. It is necessary to help applicants avoid the cost and administrative burden of submitting full applications on projects that may not be eligible for available funding. Concept proposals will undergo an initial review to determine whether the applicant and project eligibility requirements are met and whether project proposals meet the Department's funding priorities to ensure that applicants or projects that are not legally eligible, or unlikely to receive an award based on the Department's funding priorities, do not waste time submitting full applications.

The phrase "at a minimum" in the provision permits applicants to supplement their materials with additional information beyond what is required in subsections (1)-(10) in subsection (a).

The minimum information required is necessary to allow the Department to ascertain applicant and project eligibility, communicate with the applicant, and gain essential information about each applicant and the proposed project.

- **Proposed section 1546.5. Applications and Proposals.**

This section specifies how the Department will accept applications and the minimum information it will need in each proposal to be able to evaluate an application. The phrase “at a minimum” in this section permits an applicant to supplement their proposal with additional information beyond what is required in paragraphs (1)-(13) of subdivision (a).

It is necessary to assist applicants to identify those universal information requirements the Department and its staff needs to administer the program effectively, and consistently with the statutory requirements. The information required in subsections (1)-(13) of subsection (a) is necessary for the Department to evaluate each proposal, communicate with the applicant, and gain additional information about each applicant and proposed project beyond the basic information in 1546.4(a). This information is essential to the review committee’s evaluation of each proposal pursuant to 1546.6.

- **Proposed section 1546.6. Evaluation of Proposals.**

Pursuant to subsection (a) all proposals that meet the requirements of this Chapter will be reviewed by a review committee of experts applicable to the various grant applications that may be received. The experts chosen will be based on the nature of future funding available, and the Department’s priorities. Subsection (a)(1) is necessary to prevent self-dealing and ensure the awards are made on a fair and equal basis.

This section identifies what factors the Department via experts will use to evaluate proposals. These factors are based on statutory requirements and program priorities, including alignment with Proposition 4 priorities to provide direct and meaningful benefits for Vulnerable Populations, alignment to meet program priorities consistent with the funding source, and technical factors that demonstrate project readiness. It is necessary to help applicants understand how the Department will set funding priorities, and to ensure that applicants know the statutory preferences the Department is obligated to consider. Program priorities identified in subsection (b)(2) are derived from Public Resources Code sections 4799.05.

- **Proposed section 1546.7. Grant Awards.**

Proposition 4 authorizes the award of grants. Grants of the type being issued by the Department are not subject to the State Contracting process, and as such the Department must independently develop a process for their award. (See the State Contracting Manual section 4.06.)

This section also explains how the Department will review and make award recommendations for the selection of grants funded by Proposition 4. This section also specifies how the Director’s decision will be based on the information provided and the record before him or her.

A decision to award for the full or partial amount requested will be based on the factors listed in paragraphs (1)-(5) of subsection (a). These factors were chosen because they further the direction provided in Proposition 4 while also allowing the Department to balance the needs of all eligible projects for funding.

- **Proposed section 5146.8. Grant Agreements.**

This section identifies those required terms and conditions all Grants awarded by the Department shall contain regardless of project type or applicant and makes it clear that terms that protect the Department's fiduciary and legal obligations to the State will be included in those Grant Agreements, as necessary, based on the unique projects before it. Because every project is different, this provision is necessary to allow the Department to craft Grant Agreements that allow disbursement of the funding while protecting the State bond funds at issue here.

Lastly, the phrase "but is not limited to" is included in the provision because each Grant Agreement will likely contain project-specific terms and conditions beyond what is listed in paragraphs (1)-(7) of subsection (a).

Evaluation of Inconsistency and Incompatibility

The Department has determined that these regulations are not inconsistent or incompatible with existing state or federal regulations. After conducting a review for any regulations that relate to or affect the area, the Department has concluded these are the only regulations in California concerning the issues presented. No comparable federal regulations exist.

Other Findings

- **Mandate on Local Agencies or School Districts:** None
- **Documents Relied Upon:** State Contracting Manual [SCM V1 Chapter 4 June 2025 Edition \(2\).pdf](#)
- **Cost or Savings to Any State Agency:** None
- **Reimbursable Cost to Any Local Agency or School District:** None
- **Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None
- **Cost or Savings in Federal Funding to the State:** None