

**CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

**TITLE: PROPOSITION 4 FOREST RESILIENCE GRANT PROGRAM**

**DIVISION 1.5**

**CHAPTER 9.6**

**FINAL TEXT OF PROPOSED REGULATIONS**

**Article 1. General Provisions.**

**§ 1546. Applicability and Scope.**

This chapter shall be known as the Proposition 4 Forest Resilience Grant Program. These regulations apply to Grants to restore the health and resilience of forests and forest landscapes funded by the Department from Proposition 4, otherwise known as SB 867 (Allen 2024), The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

Note: Authority cited: Sections 4799.02, 90135, and 91520 Public Resources Code. Reference: Sections 4799.05, 90050, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 Public Resources Code.

**§ 1546.1. Definitions.**

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

- (a) “Biomass utilization” means activities that 1) utilize woody biomass for wood products such as post and pole, firewood, dimensional lumber, plywood, or other products that allow for continued carbon storage; 2) generate energy through combustion or gasification, which displaces carbon-intensive fossil fuel-based energy; or 3) utilize woody biomass to help develop markets for beneficial uses of the material.
- (b) “Cultural burning” means the intentional application of fire to land by a California Native American tribe, a tribal organization, or a cultural fire practitioner to achieve cultural goals or objectives, including for sustenance, ceremonial activities, biodiversity, or other benefits consistent with Public Resources Code section 4002.4.
- (c) “Department” means the California Department of Forestry and Fire Protection consistent with Public Resources Code section 4003.
- (d) “Director” means the Director of Forestry and Fire Protection consistent with Public Resources Code 4004.
- (e) “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.

- (f) “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.
- (g) “Forest land” is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits consistent with Public Resources Code section 12220(g).
- (h) “Forest fuels reduction” means activities to treat trees and brush with the goal of reducing fire hazards, improving tree growth, stabilizing carbon in retained trees, and increasing forest resilience. Forest fuels reduction activities can be manual or mechanical, including prescribed burning, cultural burning, and prescribed grazing, and must be designed to change stand structure to: (1) concentrate carbon storage in widely spaced and larger trees that are more resilient to wildfire, drought, and pest outbreaks; and (2) reduce the likelihood of wildfire transitioning from the forest floor into the forest canopy.
- (i) “Grant” means an award of funds made by the Department, in the form advance payment or reimbursement to the Grantee for actual expenditures incurred in performing an eligible project.
- (j) “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.
- (k) “Grantee” means an applicant that has a Grant Agreement.
- (l) “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.
- (m) “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.
- (n) “Pest management” means activities that address pest control and related forest health improvement, while reducing pest-related mortality, improving tree growth, stabilizing.
- (o) “Prescribed burning” means the planned application and confinement of fire to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: (1) Prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; (2) Watershed management; (3) Range improvement; (4) Vegetation management; (5) Forest improvement; (6) Wildlife habitat improvement; (7) Air quality maintenance, consistent with Public Resources Code section 4464(e).
- (p) “Prescribed grazing” means the lawful application of grazing by a specific kind of livestock at a determined season, duration, and intensity to accomplish defined vegetation or conservation goals, including reducing the risk of wildfire by reducing fuel loads, controlling undesirable or invasive plants, and promoting biodiversity and habitat for special status species. Prescribed grazing may involve any or multiple kinds of livestock consistent with Public Resources Code section 4004.5.

- (q) “Reforestation” means the planting of trees to establish a diverse, native forest with site-appropriate trees, which will result in stable carbon sequestration and storage, improved watershed and habitat functions, forest resilience, and prevent the conversion of previously forested land to shrub fields that suppress future reforestation. Reforestation includes all activities required to accomplish reforestation, including the preparation of sites for planting and the collection or purchase of cones and seeds.
- (r) “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.
- (s) “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.
- (t) “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 4799.02, 91500 and 91520 Public Resources Code. Reference: Sections 4799.05, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 Public Resources Code.

## **Article 2. Eligibility**

### **§ 1546.2. Applicant Eligibility**

Eligible applicants are public agencies, local agencies, nonprofit organizations, special districts, joint powers authorities, tribes, public utilities, local publicly owned utilities, or mutual water companies.

Note: Authority cited: Sections 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90110, and 91520 Public Resources Code.

### **§ 1546.3. Project Eligibility**

Each grant project shall, at a minimum, meet the following criteria:

- (a) Improve forest health through forest fuels reduction, pest management, reforestation, biomass utilization, forest watershed restoration, upper watershed, riparian, and mountain meadow restoration, or research thereof.
- (b) Directly or indirectly reduce greenhouse gas emissions through one or more of the following:
  - (1) Treatment activities;
  - (2) Avoided future wildfire and fossil fuel use;
  - (3) Reforestation or growth and yield of remaining vegetation; or

(4) Other activities, including research, that will result in emissions reductions, improved long-term carbon storage and sequestration, improved quantitative assessment of greenhouse gas impacts, or improved management actions or improved policy related to the California Forest Carbon Plan or other State climate mitigation and adaptation strategies.

Note: Authority cited: Sections 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90100, 90135, 91500, and 91520 Public Resources Code.

### **Article 3. Application.**

#### **§ 1546.4. Concept Proposals and Request for Proposals.**

(a) The Department shall solicit concept proposals on its website from interested applicants when grant funding is available. In its request for concept proposals, the Department shall identify priority project types for the funding opportunity as provided in section 1546.3, any program priorities listed in section 1546.7(b)(2), or fiscal limitations applicable to the available funding. Concept proposals 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 concept proposals 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 1546.2.
- (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 1546.3.
- (7) Amount sought for the Grant.
- (8) Project duration.
- (9) Does the project have matching funds? (Yes/No — if yes, specify source and amount).
- (10) Whether the applicant anticipates the project will serve or provide meaningful and direct benefits to a Vulnerable Population, a Disadvantaged Community, or a Severely Disadvantaged Community.

(b) Concept proposals will undergo an administrative review to determine whether applicant and project eligibility requirements in section 1546.2 and 1546.3, respectively, are met. Applicants or projects determined ineligible will be disqualified.

(c) The Director or the Director's designee(s) will review concept proposals from eligible applicants for eligible projects to determine whether the applicant will be invited to submit a full application, according to the following criteria:

- (1) Consistency with the goals and objectives of the 2024 Climate Bond.
- (2) Demonstrated need for the project.
- (3) Demonstrated effectiveness of the project's methodology to accomplish the project's goals.
- (4) Whether the applicant or project is anticipated to serve or provide meaningful and direct benefits to a Vulnerable Population, a Disadvantaged Community, or a Severely Disadvantaged Community.
- (5) The project's readiness to proceed with the project upon funding.
- (6) The reasonableness of the estimated project budget and extent to which the project leverages funding from alternate sources.
- (7) Amount of funding available compared to amount of funding requested by applicants.

Note: Authority cited: Sections 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90100, 90133, 90135, 90140, 90610, 91500, and 91520 Public Resources Code.

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

##### **§ 1546.5. Applications and Proposals.**

- (a) Each applicant invited to submit a full application shall submit an 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.
- (13) Letters of support from members of the affected community, project partners, or experts in ecology, forest resilience, climate change, tribal traditional ecological knowledge or other relevant qualifications based on the nature of the funding available and the Department's priorities.

(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 Department does not disburse funds until the budget has passed and is signed by the Governor.

Note: Authority cited: Sections 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90050, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 Public Resources Code.

#### **§ 1546.6. Evaluation of Proposals**

- (a) Applications that meet the requirements of this Chapter shall be reviewed by a review committee of experts on ecology, forest resilience, climate change, tribal traditional ecological knowledge or other relevant qualifications based on the nature of the funding available and the Department's priorities.
  - (1) All review committee members are subject to applicable laws on conflicts 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 improve forest health and resilience by directly or indirectly increasing fuels management, fire reintroductions, and reforestation of forests degraded by overcrowding, drought, pest infestation, and catastrophic fire; or
      - (B) Ability to directly or indirectly reduce greenhouse gas emissions by one or more of the following: 1) treatments activities, 2) avoided future wildfire and fossil fuel use, or 3) reforestation or growth and yield of remaining vegetation.
    - (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) Demonstration of the effectiveness of the project's methodology to accomplish the proposed project goals.
- (6) 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.
- (7) Inclusion of innovative and/or effective methodology supported by science.
- (8) Relative need of the project, based on geographic or environmental vulnerability factors, as described in the request for proposals pursuant to section 1546.4.

Note: Authority cited: Sections 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90050, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 Public Resources Code.

#### **§ 1546.7. Grant Awards.**

- (a) The review committee will consider which proposed Grant projects will best meet the criteria in section 1546.7(b) and make recommendations to the Director to award the full or partial amount requested in an application or deny an award. Recommendations to award the full or partial amount requested will be based on the following factors:
  - (1) The results of the evaluation carried out pursuant to 1546.7(b);
  - (2) Amount of available funding;
  - (3) Number of applicants;
  - (4) Amount of funding requested by applicants; and
  - (5) The Department's funding priorities.
- (b) The review committee will submit its recommendations for funding to the Director for final selection. The Director shall review the review committee recommendations and will approve, modify, or deny these recommendations based on the information provided and the record before him or her. Upon the Director's decision, the Department shall notify each Applicant of the Grant award, including the amount, or the denial of a Grant.
- (c) The Director's selection(s) are final and not subject to administrative appeal.

Note: Authority cited: Sections 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90050, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 Public Resources Code.

#### **§ 1546.8. Grant Agreement**

The terms and conditions of a Grant shall be set forth in a Grant Agreement entered into by the Department 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 4799.02, 91500, and 91520 Public Resources Code. Reference: Sections 4799.05, 90050, 90100, 90110, 90130, 90133, 90135, 90140, 90150, 90610, 91500, and 91520 Public Resources Code.