PROPOSITION 4 EMERGENCY IMPLEMENTATION REGULATIONS

NOTICE OF PROPOSED EMERGENCY RULEMAKING ACTION

REGARDING

CALIFORNIA CODE OF REGULATIONS

TITLE 14. ADMINISTRATION

DIVISION 15. BALDWIN HILLS CONSERVANCY

CHAPTER 1.

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

GRANT AWARDS PROCESS

Notice Published March 9, 2026

NOTICE IS HEREBY GIVEN that the Baldwin Hills & Urban Watersheds Conservancy (BH UWC) 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 BH UWC issues grants for protection of biodiversity, accelerating nature based climate solutions and reducing the risks of climate change impacts projects. 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 sections 92020, 92030, 90135. It is authorized by Public Resources Code section 32555 and 93020 (a) (1).

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

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

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

Baldwin Hills & Urban Watersheds Conservancy
4859 W. Slauson Ave #364
Los Angeles, CA 90056
Attn: Proposition 4: Regulations

OAL will confirm that the Conservancy 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 Conservancy 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

Authority cited: Sections **32550, 32551, 32555, 32565.5, 32566 , 32568, 325698 32573 , 32575,** 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, and 90140 of the Public Resources Code.

INFORMATIVE DIGEST / POLICY STATEMENT

Existing Law

The Baldwin Hills Conservancy Act, PRC Section 32555 mandates the conservancy to:

(a) To acquire and manage public lands within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area, and to provide recreational, open space, wildlife habitat restoration and protection, and lands for educational uses within the area.

(b) To acquire lands for open space within the territory of the conservancy.

(c) To provide for the public's enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of lands and resources in the area.

The BH UWC has statutory authority to award grants to local public agencies, state agencies, federal agencies, and non-profit organizations pursuant to PRC Section 32569.

Objectives and Benefits of the Emergency Regulations

This emergency rulemaking is intended to interpret and make specific certain provisions of Proposition 4 funding in Public Resources Code sections 93020 (a) (1) so that grants can be issued for projects that reduce the risks of climate change impacts on communities, fish and wildlife, and natural resources, and increase public access, and for climate adaptation improvements to protect, conserve and restore the health and resilience of the Southern Ballona Creek Watershed.

Pursuant to these regulations, and subject to appropriation, the BH UWC will distribute funds made available by Public Resources Code section 93050 for the purposes of its division. Pursuant to Public Resources Code 90115, the Legislature is authorized through Proposition 4 to enact legislation necessary to implement the program funding in the bond. BH UWC expects that future budget allocations will include Legislative appropriations from section 93050 for it to distribute in

the form of grants. Importantly, BH UWC jurisdictional boundaries include the Southern Ballona Creek Watershed as defined in Public Resources Code section 32533 (2) (a). Given unique geographical and jurisdictional definition, BH UWC expects the Legislature will allocate funds from section 93050 to the BH UWC As a result, these regulations also seek to implement that provision in the event of future, anticipated allocations.

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 111349.1(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 27001. Applicability and Scope.**

This section identifies that only Proposition 4 grants are encompassed by the emergency regulations.

●**Proposed section 27002. Definitions.**

This section provides definitions for those terms used in Proposition 4 and that were either defined throughout the bond, but difficult to locate. 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 some of the defined terms.

- The definition of "Conservancy" is derived from Public Resources Code Section 32553 (b).
- 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 "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 "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 definition of "Southern Ballona Creek Watershed" is derived from Public Resources Code 32553 (2) (A).

● **Proposed Section 27003. 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 27004. Project Eligibility.**

This section identifies what class of projects may be funded with Prop 4 dollars by the Conservancy and are based on the permissible use of funding in Public Resources Code section 93020 (a) (1) and 93050.

● **Proposed section 27005. Concept Proposals**.

This section specifies that the Conservancy will ask for concept proposals so that it can provide an administrative review for project and applicant eligibility before it requests longer, more extensive requests for full applications. 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 administrative review to determine whether the applicant and project eligibility requirements are met to ensure that applicants or projects that are not legally eligible do not waste time applying on full submittals.

The phrase "at a minimum" in the provision permits applicants to supplement their materials with additional information beyond what is required in subsection (a) (1)-(10). The minimum information required is necessary to allow CNRA to ascertain applicant and project eligibility, communicate with the applicant, and gain essential information about each applicant and the proposed project.

● **Proposed section 27006. Full Applications.**

This section specifies how the Conservancy will accept applications and the minimum information it will need to be able to evaluate an application.

It is necessary to assist applicants to identify those universal information requirements the Conservancy and its staff need to administer the program effectively, and consistently with the statutory requirements. The information required under subsection a is necessary for the Conservancy to evaluate each application, communicate with the applicant, and gain additional information about each applicant and proposed project beyond the basic information in subsection (a) (1)-(14). This information is essential to the review committee's evaluation of each application pursuant to 27006.

● **Proposed section 27007. Application Evaluation**
This section specifies that all applications shall be scored by a review committee of state staff experts applicable to various grant applications that may be received. The state staff experts chosen will be based on the nature of future funding available, and the Conservancy's priorities. If state staff with relevant experience are unavailable to participate, the Conservancy may invite non-state staff experts to participate in the review committee process. This will ensure there is adequate expertise to evaluate each proposal.

Subsections b) (1) and (2) identify what factors the Conservancy via state staff or non-state 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 Conservancy will set funding priorities, and to ensure that applicants know the statutory preferences the Conservancy is obligated to consider. Program priorities identified in subsection (b) are derived from Public Resources Code sections 93020 (a) (1) and 93050

● **Proposed section 27008. Grant Awards**.

Proposition 4 authorizes the award of grants. Grants of the type being issued by the Conservancy are not subject to the State Contracting process, and as such the Conservancy must independently develop a process for their award. (See the State Contracting Manual section 4.06.) Pursuant to subsection (b) notice of the review committee's recommendations will be sent to each applicant and provides them with notice prior to the Conservancy meeting to approve, modify, or deny these recommendations. Conservancy's award decision will be based on the information provided and the record before it

A notice of intent to award for the full or partial amount requested will be based on the factors listed in section (a) (1)-(4). These factors were chosen because they further the

direction provided in the bond while also allowing the Conservancy to balance the needs of all eligible projects for funding.

● **Proposed section 27009. Grant Agreements.**

This section identifies those required terms and conditions all grants awarded by BH UWC shall contain regardless of project type or applicant and makes it clear that terms that protect the Conservancy's fiduciary and legal obligations to the State will be included in those grants as necessary based on the unique projects before it. Because every project is different, this provision is necessary to allow the Conservancy to craft 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 section (a) (1)-(7).

Evaluation of Inconstancy and Incompatibility

BH UWC 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. BH UWC has concluded that 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