

State Water Resources Control Board

SECOND REVISED

Notice of Public Comment, Consideration of a Resolution to Adopt Guidelines and Emergency Regulations to Administer the Appropriation of Proposition 4 US Mexico Border Funding

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will accept public comments on the draft ~~Emergency Regulations and~~ Guidelines to Administer the Proposition 4 US Mexico Border Funding.

Public written comments must be submitted no later than **12:00 noon on March 13, 2026**. Public written comments must be submitted per the procedures in the "Submission of Comments" section of this public notice.

NOTICE IS HEREBY GIVEN that State Water Board staff will conduct two in-person meetings as staff workshops to go through the Guidelines, Emergency Regulations, Application Requirements and Scoring Criteria. ~~These are~~ This is an informal workshop~~s~~ where a quorum of the State Water Board Members may be present, but the State Water Board will take no formal action. The dates, meeting locations, and times can be found below:

San Diego (In Person or Virtual) March 5, 2026, from 1pm – 3pm

In Person Attendance:

San Diego Regional Water Quality Control Board
Board Hearing Room
2375 Northside Drive, Suite 100
San Diego, CA

Virtual Attendance:

Please register below to get zoom link.

Registration is required for both in-person and virtual options for the San Diego Meeting:
https://waterboards.zoom.us/webinar/register/WN_VeJCnRBwTCSEZ_zb6A618g

Calexico (In Person Only) March 6, 2026, from 10am – 12pm City of Calexico – City Hall 608 Heber Ave Calexico, CA 92231

NOTICE IS HEREBY GIVEN that the State Water Board will consider the adoption of the draft guidelines ~~and emergency regulations~~ to administer the appropriation of Proposition 4 US Mexico Border Funding no earlier than:

Tuesday April 21, 2026- 9:00 a.m.
Coastal Hearing Room – Second Floor
Joe Serna Jr. - CalEPA Building
1001 I Street, Sacramento

And via Video and Teleconference (For public commenters)

Participation Option(s)

Review the Available Documents

Review the Draft Guidelines ~~and Draft Emergency Regulations~~ through the following link. Physical copies of the available documents may be mailed to you upon request by contacting staff as described below.

https://waterboards.ca.gov/water_issues/programs/grants_loans/swgp/prop4/us-mexico-border/

Attend the Public Meeting(s)

- Participate in person for Guidelines Workshop either in San Diego or Calexico.
- Watch the Guidelines Workshop on March 5 from 1-3pm.
- Participate in person to observe or provide a comment on April 21, 2026 at the CalEPA Headquarters Building.
- Participate in the meeting remotely on April 21, 2026 through Zoom or by phone: https://www.waterboards.ca.gov/board_info/remote_meeting/.
- Watch the meeting online through the CalEPA webcast on April 21, 2026: video.calepa.ca.gov

Submit Written Comments

Written comments on the draft Guidelines ~~or Emergency Regulations~~ to Administer the Proposition 4 US Mexico Border Funding must be received by **12:00pm (noon) on March 13, 2026**. Comments received after this time and date may not be considered.

Please email your written comments to commentletters@waterboards.ca.gov and jennifer.toney@waterboards.ca.gov include **“Comment Letter – Draft US Mexico Border Funding”** in the subject line. You may also mail, or hand deliver your written comments to the following address:

State Water Resources Control Board
Attention: Courtney Tyler, Clerk to the Board
P.O. Box 100, Sacramento, CA 95812-0100 (by mail)
1001 I Street, 24th Floor Sacramento, CA 95814 (hand delivery)

Language Services

This meeting will be offered in English. To request translation of a written document, interpretation services for the meeting, or sign language services, please use one of the following options as soon as possible and no later than ten (10) business days before the Board Meeting (by April 10, 2026):

- Submit an online request: bit.ly/LanguageAccessForm
- Call (916) 341-5254
- Email languageservices@waterboards.ca.gov

Contact us to request information in your language.

Comuníquese con nosotros para solicitar servicios lingüísticos o información en su idioma.

Свяжитесь с нами, чтобы запросить информацию на вашем языке.

귀하의 언어로 작성된 정보를 요청하려면 저희에게 문의하십시오.

ਆਪਣੇ ਭਾਸ਼ਾ ਵਿਚ ਜਾਣਕਾਰੀ ਪਾਤਰ ਕਰਨ ਲਈ ਸਭ ਨਾਲ ਸੰਬੰਧ ਕਰੋ।

Makipag-ugnayan sa amin para humiling ng impormasyon sa iyong wika.

Accessibility

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at (800) 735-2929 or the teletype (TTY) voice line at (800) 735-2922.

Any person who requires a reasonable accommodation to participate in the meeting should email contact@waterboards.ca.gov or call (916) 341-5254, at least ten (10) business days prior to the meeting. Learn more about accessibility within Zoom at www.zoom.com/en/accessibility.

Building and Parking Information for April 21st Board Meeting

- Directions to the Joe Serna, Jr. (CalEPA) Building and public parking information: <http://www.calepa.ca.gov/headquarters-sacramento/location/>.
- Visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance on 10th Street.
- Please allow 5 to 10 minutes to receive security clearance.

Background

On November 5, 2024, Proposition 4 was approved by voters and made available, upon appropriation by the Legislature, \$50,000,000 is available for projects that will address water quality problems arising in the California-Mexico cross border rivers and coastal waters. Proposition 4 allows up to seven percent (7%) for administrative cost and there are additional statewide bond costs. After accounting for these costs, there is \$46,151,000 available for eligible projects.

The Administrative Procedure Act (APA) requires state agencies to follow certain procedures when adopting any rule of general application which implements or interprets the law, unless an exemption to the APA applies. The guidelines, rules, and policies which govern the administration of funding programs are rules of general

application which, absent an exemption, must comply with the APA process. While Proposition 4 did not **originally** provide an exemption to the APA, section 90135(e) of the Public Resources Code ~~permits~~ **permitted** the rules and guidelines which govern Proposition 4 funds to be adopted as emergency regulations, ~~as a way of complying with the APA. Unless changes to the law occur, emergency regulations proposed in this Resolution will be used to administer the Proposition 4 US Mexico Border Program, while the Guidelines document merely explains in more detail what the emergency regulations will require, to enhance shared understandings. The Guidelines document is not independently enforceable, and any adopted regulations will supersede the content of the Guidelines documents in the unlikely event of inconsistencies. However, pending legislation (Assembly Bill 35) would exempt Proposition 4 program guidelines from the APA. Should such an exemption be enacted into law before any regulations are adopted, the Guidelines document will serve as the legally enforceable framework governing project solicitation and evaluation for the Prop. 4 US Mexico Border Funding Program.~~ **On February 20, 2026, Assembly Bill 107 was signed into law, exempting any guidelines and selection criteria governing the Budget Act of 2025 appropriations of Proposition 4 funds from the APA. This exemption applies to the total \$46,151,000 of US Mexico Border Funding, which was appropriated in its entirety by the Budget Act of 2025 (see section 166 of Assembly Bill 105). Therefore, no promulgation of emergency regulations is required for the US Mexico Border Funding Program, and the proposed Guidelines will serve as the sole legal framework governing project solicitation and evaluation for the Proposition 4 US Mexico Border Funding Program, once adopted.**

Contact Information

- Program contact: jennifer.toney@waterboards.ca.gov
- Website: https://waterboards.ca.gov/water_issues/programs/grants_loans/swgp/prop4/us-mexico-border/

March 3, 2026

Date



Courtney Tyler
Clerk to the Board