

**MINUTE ITEM**

This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

**CALENDAR ITEM  
C57**

A		04/17/06
	Statewide	Bid Log 2005-09
S		WP 18.1, R07201
		WP1589.1, R14400
		WP2757, R22294
		W26136, R23505
		A. Abeleda, D. Brown,
		D. Sanders

**REQUEST DELEGATION FOR EXECUTIVE OFFICER  
TO SOLICIT PROPOSALS, NEGOTIATE FAIR AND REASONABLE PRICE, AWARD  
AND EXECUTE AGREEMENTS FOR PREPARATION OF ENVIRONMENTAL  
DOCUMENTATION FOR PROPOSED PROJECT APPLICATIONS**

**PARTY:**

California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202

**BACKGROUND:**

The Commission has received applications for the proposed projects involving the consideration for continued use of three industrial leases in the Carquinez Straits area of Contra Costa County and a natural gas pipeline right-of-way lease in the Sacramento-San Joaquin Delta. The projects include:

- PRC 2757.1 - Tesoro - Continued use and maintenance of an existing industrial wharf located in New York Slough, City of Pittsburg, Contra Costa County. The wharf exports petroleum coke and imports caustic soda.
- Chapter Lease 18.1 - Dow Chemical - Continued use and maintenance of an existing industrial wharf; bank protection, idle salt barge, two Coast Guard navigation lights and dolphins, New York Slough and the San Joaquin River, City of Pittsburg, Contra Costa County. The wharf imports Alpha Picoline and Caustic Soda.

CALENDAR ITEM NO. C57 (CONT'D)

- Chapter 1589.1 - GP Gypsum Corporation - Continued use and maintenance of an existing industrial wharf, storm water outfalls, and appurtenances located in the San Joaquin River near the City of Antioch, Contra Costa County. The wharf imports gypsum (calcium Sulfate dehydrate) for making wallboard.
- W 26136 - Pacific Gas and Electric Company - Proposed construction of a natural gas pipeline (Line 108) under the Mokelumne and Cosumnes Rivers, San Joaquin and Sacramento counties.

**PROPOSED ACTIVITY:**

An environmental review of each of the applications is required by the California Environmental Quality Act. These are separate and distinct projects that may require the use of one or more consultants to prepare environmental documentation for consideration by the Commission.

The Commission will act as Lead Agency under the California Environmental Quality Act and prepare environmental documentation for these projects. Staff proposes that one or more consultants be selected to prepare the requisite documentation under the direction of Commission staff.

Consultant selection shall be conducted consistent with procedures as specified in CSLC Regulations and in the State Contracting Manual on the basis of demonstrated competence and qualifications for the types of services to be performed and at a fair and reasonable price. All costs incurred by Commission staff and consultants shall be recovered from project applicants.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. Approval of this item by the Commission does not constitute approval of the proposed lease; it only authorizes consultant contracts for environmental review.

CALENDAR ITEM NO. C57 (CONT'D)

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Contracts Manual Section 11.00 (A & E method)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 Article 13 Section 2980.0 - 2990.0

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 15378.
2. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS DOES NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE SECTION 11342, SUB. (H), BECAUSE THEY WILL BE ACCORDED EQUAL OPPORTUNITY TO SUBMIT STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA.
3. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS FOR PROFESSIONAL SERVICES OF ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LAND SURVEYING OR CONSTRUCTION PROJECT MANAGEMENT SERVICES WILL BE CONSISTENT WITH PROCEDURES AND POLICIES ADOPTED BY THE COMMISSION AS SPECIFIED IN GOVERNMENT CODE SECTION 4526 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS 2980 -2980.9.
4. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO SOLICIT PROPOSALS, NEGOTIATE FAIR AND REASONABLE PRICE, AWARD AND EXECUTE CONTRACTS FOR ENVIRONMENTAL DOCUMENTATION AND MITIGATION MONITORING IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO AGREEMENTS WITH PROJECT APPLICANTS TO RECOVER COSTS INCURRED IN THE CONSIDERATION OF THIS PROJECT.