

**CALENDAR ITEM
C74**

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05/24/12
Bid Log 2012-03
W26559, RA 25111
A. Abeleda, D. Brown, C. Herzog

**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO SOLICIT
STATEMENTS OF INTEREST FOR CONSULTANT SERVICES, NEGOTIATE FAIR
AND REASONABLE PRICE, AWARD AND EXECUTE AGREEMENTS FOR
PREPARATION OF ENVIRONMENTAL DOCUMENTATION AND MITIGATION
MONITORING FOR THE PROPOSED SORREL SOLAR FARM PROJECT IN SAN
BERNARDINO COUNTY:**

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

BACKGROUND:

Sorrel Solar, LLC, a Delaware limited liability company, is planning the development, construction and operation of the Sorrel Solar Farm Project (Project), a large utility scale solar energy project in Lucerne Valley, San Bernardino County. Energy from this Project is intended to supply a wide variety of markets in Southern California.

PROPOSED PROJECT:

The proposed Project is located in the southwest portion of San Bernardino County, approximately 11 miles northeast of Apple Valley, east of I-15, south of I-40, and immediately adjacent to State Route 247. The Project is made up of 11 parcels, totaling 4,872 acres, and includes three phases: Phase I (1,263 acres), Phase II (1,532 acres), and Phase III (1,755 acres). The entire Project area consists of State lands administered by the California State Lands Commission (Commission). All three Project phases are within the unincorporated Lucerne Valley planning area.

PROPOSED ACTIVITY:

From the information that Sorrel Solar, LLC has provided, in consultation with the other California responsible and/or trustee agencies for the whole project, and in accordance with Public Resources Code section 21067 and the California Code of Regulations, Title 14, section 15051, the Commission has determined that it has the principal responsibility for carrying out or approving the Project, which may have a significant

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effect upon the environment, and is therefore the lead agency under the California Environmental Quality Act (CEQA).

Consideration of this proposed Project will require environmental documentation, and possibly monitoring, in accordance with CEQA. The Executive Officer requests delegation of authority to engage a consultant for this purpose. Consultant selection shall be conducted in accordance with the procedures as specified in Commission Regulations and in the State Contract 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 shall be recovered from the Project applicant.

The environmental documentation will address potential impacts to sensitive habitat of state- and federally listed species, cultural resources, and potential impacts from other proposed Project activities. For sensitive areas which cannot be avoided, the environmental documentation will provide measures to reduce impacts as much as possible. The Commission may recommend that a monitoring plan with appropriate guidelines be adopted to ensure that any proposed mitigations measures would be accomplished.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that the subject proposal solicitation does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (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.

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 (rev. 10/05)
- C. Public Contract Code section 6106
- D. Government Code section 4526
- E. California Administrative Code, Title 2, Article 13 sections 2980.0 - 2990.0
- F. Government Code section 19130
- G. California Administrative Code, Title 14, section 15045

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IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the subject proposal solicitation is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.
2. Find that the services are of limited duration and are of such urgent, temporary and occasional nature that the delay in their implementation under civil service would frustrate their very purpose as specified in Government Code section 19139, subdivision (b)(10).
3. Find that the selection of consultants under this process does not affect small businesses as defined in Government Code section 11342.610, because they will be accorded equal opportunity to submit statements of qualifications and performance data.
4. 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 California Code of Regulations, Title 2, sections 2980–2980.9.
5. Authorize the Executive Officer or his designee to solicit proposals, negotiate a fair and reasonable price, award and execute contracts for environmental documentation and mitigation monitoring in accordance with State policies and procedures.
6. Authorize the Executive Officer or his designee to enter into an agreement with Project applicant to recover costs incurred in the consideration of this Project.