

**CALENDAR ITEM
C99**

A)	04/26/2013
	Statewide	C2013-04, C2013-05
S)	C2013-06
		J. Trout
		D. Brown, A. Abeleda

**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO
EXECUTE AGREEMENTS AND AUTHORIZE EXPENDITURES FROM KAPILOFF
LAND BANK FUNDS FOR THE MANAGEMENT OF BOLSA CHICA LOWLANDS
RESTORATION PROJECT FOR BUDGET FISCAL YEAR 2013-2014**

PARTY:

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

PROJECT BACKGROUND:

The State Lands Commission acquired 880 acres of restorable wetlands at Bolsa Chica in 1997 as part of a project to mitigate adverse impacts of fill at the Ports of Long Beach and Los Angeles. Various aspects of the Bolsa Chica Lowlands Restoration Project (Project) have been before the Commission over the last 17 years. Commission staff provided an update on the status of the Project at the May 2012 Commission meeting (Calendar Item 78).

Subsequent to the acquisition, the Commission along with seven other state and federal agencies undertook the planning, design, environmental review and construction of the wetlands restoration. Including the acquisition, the Project cost approximately \$151 million. Most of the funding has come from the ports along with \$20 million in Proposition 40 and 50 grant funds through the Wildlife Conservation Board and California Coastal Conservancy. Restoration construction began in October 2004 and was largely completed in 2006.

As part of permit approvals for the restoration, the California Coastal Commission and Army Corps of Engineers imposed conditions requiring monitoring and reporting of the restored wetlands for at least ten years. Monitoring plans and follow-up plans were prepared by the U. S. Fish & Wildlife Service.

PROPOSED ACTIVITY

The Executive Officer requests authority to execute Agreements for Budget Fiscal Year 2013-2014. Items 1 and 2 below are existing agreements requiring renewal; Item 3 would be to solicit bids, award, and execute an agreement to replace an existing contract for similar services that is expiring:

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1. California Department of Fish and Wildlife Contract No. C2013-04

In 2006, the Project lands were leased for 33 years to the Department of Fish and Wildlife (DFW) for long-term operation and management. In conjunction with the lease, the Commission also entered into an Interagency Agreement with DFW to provide funding from the Kapiloff Land Bank Fund for the performance of its responsibilities as land manager for the Project. The term of the current Interagency Agreement will expire on June 30, 2013. A new Interagency Agreement is now necessary to continue providing funds to DFW. The proposed agreement would be for three years ending on June 30, 2016. The total cost of the agreement is estimated at \$800,000.

2. Orange County Vector Control District Contract No. C2013-05

The Orange County Vector Control District provides services to control mosquitoes and other pests within the Project area to protect public health and safety in the surrounding residential areas. The proposed agreement would be for three years ending on June 30, 2016. The total cost of the agreement is estimated at \$150,000.

3. On-Call Maintenance Services Contract No. C2013-06

Solicit for a Contractor that will provide routine on-call maintenance services to perform work such as grading and repairing erosion of levees, berms and structures, grading of levee-top roads and dredge launching area, and other work as required by the State Project Manager. The proposed agreement would be for three years ending on June 30, 2016. The total cost of the agreement is estimated at \$800,000.

All agreements shall be consistent with State policies and procedures as specified in the State Administrative Manual and State Contract Manual. All agreements are subject to sufficient funding availability in the Kapiloff Land Bank Fund designated specifically for the Project. Multi-year agreements are subject each year to certification of the availability of funds. As of December 31, 2012, unencumbered Project funds totaled approximately \$7.4 million.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Administrative Manual Section 1200
- C. State Contracting Manual (rev 10/05)
- D. Public Contracts Code Section 10108 (Authority of the Commission to perform Public Works Projects)
- E. Public Contract Code Section 10335 et seq. (Consulting Services Contracts)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

AUTHORIZATION:

1. Find that the Commission is acting in its capacity as Land Bank Trustee under the Kapiloff Land Bank Act, Public Resources Code section 8600 et seq.
2. As Trustee of the Kapiloff Land Bank Fund, authorize expenditures from the fund for the purpose of continued operation and management of the Bolsa Chica Lowlands Restoration Project using the funds held in trust for such purposes, and such other funds that may become available for the same purposes.

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3. Authorize the Executive Officer or Designee to execute the Interagency Agreements described herein in accordance with current State policies and procedures.
4. Authorize the Executive Officer or Designee to solicit bids for On-Call Maintenance Services as described herein, award, and execute a contract with the qualified bidder in accordance with competitive bidding requirements of the Public Contract Code and current State policies and procedures.