

**STAFF REPORT
C79**

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REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO SOLICIT STATEMENTS OF INTEREST FOR ON-CALL CONSULTANT SERVICES, NEGOTIATE A FAIR AND REASONABLE PRICE, AND AWARD AND EXECUTE AGREEMENTS FOR SUPPORTING COMMISSION STAFF IN THE PREPARATION OF NEGATIVE DECLARATIONS, MITIGATED NEGATIVE DECLARATIONS, AND OTHER ENVIRONMENTAL TECHNICAL STUDIES AS NEEDED

PARTY:

California State Lands Commission

BACKGROUND:

The Commission is seeking up to five on-call consultant(s) to support staff in the preparation of Negative Declarations (NDs), Mitigated Negative Declarations (MNDs), and other environmental technical studies as needed for various projects for the use of lands under the jurisdiction of the Commission. Types of projects include but are not limited to leases for pipelines, fiber-optic cables, artificial reefs, and infrastructure decommissioning.

PROPOSED ACTIVITY:

The proposed action is to seek up to five on-call consultant(s) to conduct environmental or Public Trust review of applications the Commission has received, or anticipates it will receive, for various types of projects on State-owned sovereign land (as well as non-Public Trust lands). The on-call consultant may also be given specific tasks to conduct other environmental technical studies as needed by Commission staff. The purpose of seeking up to five on-call consultants is so staff may have maximum flexibility to utilize the consultant most suited for a project.

During the course of the contract(s), the Commission staff's project manager will issue work orders for the tasks and services as they become necessary and the work will not exceed the allocated work order budget. As evaluation of projects become necessary, the consultant preparing the environmental document will develop task-specific work plans including cost estimates based on the subject work orders. The work plan shall provide services to be performed as separate and distinct tasks. Examples of the tasks to be performed include the following:

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- Prepare documents under the California Environmental Quality Act (CEQA), particularly NDs and MNDs using the Commission's standard document format
- Review potential impacts to Public Trust resources and values (e.g., see http://www.slc.ca.gov/Info/CEQA/Broad_Beach.html)
- Analyze and provide third-party reviews (or demonstrate the ability to engage experts) on matters relating to the following issue areas:
 - air quality
 - greenhouse gas emissions
 - terrestrial, aquatic, and marine biology
 - geologic resources and engineering (e.g., levee restoration, slope and shoreline stabilization, rock revetment removal/restoration, structural demolition, pipeline removal, dynamic pipe ramming, cofferdam installation, etc.)
 - coastal processes
 - hazardous materials and accident/spill prevention
 - water and sediment quality and hydrology
 - groundwater
 - sea-level rise
 - cultural resources
 - Tribal cultural resources
 - noise
 - Public Trust resources and values
 - environmental justice
- Conduct modeling, field studies and surveys, engineering analyses, hazards and spill prevention assessments, and literature searches to address issues related to:
 - air quality modeling (e.g., California Emissions Estimator Model [CalEEMod])
 - Tribal and all other cultural resource assessments (e.g., field surveys, literature searches, resource significance assessments, State Historic Preservation Office consultation, etc.)
 - sea-level rise modeling, planning, and vulnerability assessments
 - wetland and biological surveys (e.g., waters of the United States, special status species and habitats, mitigation recommendations, etc.)
 - acoustic modeling and analyses for sensitive receptors
 - hazardous materials inspections, assessments, agency consultations, remediation methods, and mitigation recommendations for accident/spill prevention (e.g., oil/gas pipelines and marine terminals; waste discharge pipelines;

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- groundwater, soil, and sediment contamination; asbestos containment and removal; aquatic toxicology; etc.)
- Impact assessment on littoral drift, sedimentation processes, and channel/shoreline morphology from removal of sediment barriers
- Implement, or assist in the implementation of, Mitigation Monitoring Programs during project implementation activities.
- Complete tasks expeditiously with superior quality assurance/ quality control.

Work conducted under the contract(s) related to project applications will be reimbursed by the project applicant through a reimbursement agreement.

STAFF ANALYSIS AND RECOMMENDATION:

Authority and Other References:

Public Resources Code section 6106; State Contracting Manual, Volume 1, Chapter 11.00 A & E method (rev. 11/12); Public Contract Code section 6106; Government Code section 4526; California Code of Regulations, title 2, sections 2980 through 2990.12; California Code of Regulations, title 14, section 15045.

Public Trust and State's Best Interests Analysis:

The Commission has management jurisdiction over the State's ungranted sovereign land. These lands are held in trust to be used to further statewide Public Trust purposes and values such as, but not limited to, water-dependent uses, water-related commerce, navigation, fishing, recreation, open space, and habitat preservation. The Commission also has management jurisdiction over the State's school lands. The proposed action is to seek up to five on-call consultant(s) to conduct environmental or Public Trust review of applications the Commission has received, or anticipates it will receive, and other environmental technical studies as needed for various types of projects on State sovereign land, school lands, and other lands requiring a discretionary action by the Commission.

The Commission adopted regulations authorizing the use of on-call consultants in 2014. In the review, the on-call consultant(s) will identify and analyze environmental impacts and impacts to Public Trust resources and values as needed to evaluate the proposed project. Therefore, the hiring of up to five on-call consultants to conduct environmental or Public Trust review of applications is considered to be generally consistent with the common law Public Trust Doctrine and in the State's best interests.

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OTHER PERTINENT INFORMATION:

1. The term of any contract for on-call consultant services shall not exceed 4 years.
2. Authorization to solicit proposals is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Approval of this item by the Commission does not constitute approval of any project on State lands; it only authorizes solicitation for consultant contracts for environmental or Public Trust impacts review and analysis.
4. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed activity will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values, is generally consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

1. 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 through 2980.12.
2. Authorize the Executive Officer or her designee to solicit proposals, negotiate a fair and reasonable price, and award and execute contracts with up to five on-call consultants in accordance with the Commission's regulations, policies, and procedures.

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3. Authorize the Executive Officer or her designee to enter into an agreement with individual project applicants to recover costs incurred in the consideration of work orders prepared under the on-call contract(s).