

MINUTE ITEM

This Calendar Item No. C107 was approved as Minute Item No. 107 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

**CALENDAR ITEM
C107**

A 35 06/19/98
S 18 C97088
D. Brown

**APPROVE THE AWARD AND EXECUTION OF AGREEMENTS
FOR THE REMOVAL OF HAZARDOUS STRUCTURE AT MUSCLE SHOALS,
VENTURA COUNTY**

PARTY:

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

PROPOSED ACTIVITY:

Staff requests ratification of authority to execute a sole source contract for removal of newly revealed hazards to public health and safety at Mussel Shoals, Ventura County. The recent extreme tides and wave action caused by severe conditions exposed a well casing and pilings of an abandoned structure. The hazard consisted of corroded remnants of a well head and 31 "I" beams that constituted a pier and were worn to sharp points and located in the surf zone. These structures posed an immediate threat to anyone recreating in the area. The beach area is easily accessible to the public and is immediately adjacent to several homes. Any injury to persons caused by these structures would likely have resulted in tort liability action against the State as the structures were clearly on State lands and had been made know to the State by the local homeowners.

The record of the well and structure was found in Commission files, circa early 1930's. The record was reviewed and staff determined that the company that erected the structure no longer exists and there is no successor. The well and pilings were properly abandoned as prescribed by accepted practices of that time. The erosion of the beaches caused extreme weather conditions exposed these at Ventura and other structures at Goleta further up the coast in Santa Barbara County. Those at Goleta were identified as being the responsibility and liability of Mobil Oil Corporation. The Commission notified Mobil and they arranged removal of those hazards.

The Commission contacted a ocean structure removal contractor working in the area on oil platform removal and secured a bid of \$85,920 to remove the hazards. Based on prior experience in managing other hazard removal contracts, Commission staff felt this

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was a reasonable bid. The contractor was mobilized in the area and had the capacity to the hazards upon the next seasonally low tides, during the week of March 23, 1998. If the staff were to delay for the formal contract bid process, this window of opportunity would pass and the structures would have been significantly more expensive to remove at a later date.

Necessary approvals were secured through Resources Agency and the Department of General Services on the basis that the hazards posed and immediate threat to public health and safety. A contract was executed with Ceanic Corporation dba American Pacific Marine for \$85,920. The work has subsequently been completed and the hazard no longer poses a risk.

The Commission has requested funding to accommodate this expenditure pursuant to Government Code Section 8690 as this hazard is a direct cause of the weather events that resulted in Ventura County being declared a "Disaster Area" by the Governor. Staff have applied to the Office of Emergency Services for Federal Emergency Management Agency (FEMA) disaster relief funding to reimburse the State for 75% of the cost of the hazard removal.

OTHER PERTINENT INFORMATION

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves a project undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with section 8550) of Division 1, Title 2 of the Government Code.

Authority: Public Resources Code section 21080 (b) (3) and Title 14, California Code of Regulations, section 15269 (a).

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. Public Contract Code Section 10295 et. seq. (Public Works Contracts)
- C. State Administrative Manual Section 1200 (Contracts)

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b) (3) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15269 (a), TO MAINTAIN, REPAIR, RESTORE, DEMOLISH, OR REPLACE PROPERTY OR FACILITIES DAMAGED OR DESTROYED AS A RESULT OF A DISASTER IN A DISASTER-STRIKEN AREA IN WHICH A STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE GOVERNOR.

2. RATIFY ACTIONS OF THE EXECUTIVE OFFICER OR HIS DESIGNEE TO AWARD AND EXECUTE CONTRACT IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC CONTRACTS CODE AND CURRENT STATE POLICIES AND PROCEDURES.