

This Calendar Item No. C51 was approved as Minute Item No. 51 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

CALENDAR ITEM  
C51

A 25, 29

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06/07/04  
Bid Log 2003-27  
PRC 8250.9;  
W30157  
D. Brown  
A. Abeleda  
J. Smith  
E. Gillies

REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER  
TO SOLICIT PROPOSALS FOR CONSULTANT SERVICES, NEGOTIATE FAIR AND  
REASONABLE PRICE, AWARD AND EXECUTE AGREEMENTS FOR  
PREPARATION OF ENVIRONMENTAL DOCUMENTATION AND MITIGATION  
MONITORING FOR ANALYSIS OF THE REPAIR, RECONSTRUCTION OR  
REMOVAL OF EXISTING IMPROVEMENTS IN THE SAN JOAQUIN RIVER,  
NORTHWEST OF PINEDALE, FRESNO AND MADERA COUNTIES

PARTY:

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

BACKGROUND:

At its meeting on April 5, 2004, pursuant to Minute Item 32, the Commission authorized the issuance of a lease to James and Carolyn Moen and Calaveras Materials Inc. (Lessees), for maintenance of existing bridge/ culvert structures consisting of two existing metal bridges, two earthen dams (land bridge crossings) and three corrugated metal pipe culvert bridges located in the San Joaquin River, northwest of the community of Pinedale, in Fresno and Madera counties. The Lessees are also required to conduct a study of potential remediation and/or removal of these structures, and post signs, within 45 days following Commission authorization, warning those who recreate and navigate on the River of the existence of the culverts and identifying the location of an appropriate portage site.

CALENDAR ITEM NO. C51 (CONT'D)

**PROPOSED ACTIVITY:**

To enable the Commission to determine the final disposition of the affected crossings, the Lessees will submit, within 90 days of the execution of the proposed lease, a work plan that will enable the Commission to make its determination. Such work plan shall address, at a minimum:

1. A structural evaluation of the safety of the northern bridge for its intended use and a recommendation of whether to repair the northern bridge crossing, including the approach that was washed out in 1997, or to remove the bridge and restore the area of the crossing; and,
2. The modification or removal of all or portions of the southern crossings. Regardless of whether modification or removal of the southern crossings is proposed, the plan shall also provide for modification to the main channel crossing to allow for safe navigation by canoes and other recreational craft.

Consideration of such an action will require environmental documentation, including monitoring, in accordance with the California Environmental Quality Act (CEQA). The Executive Officer requests delegation of authority to engage a consultant for this purpose. Consultant selection shall be conducted consistent with procedures as specified in Commission 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 shall be recovered from project applicant.

**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 a particular project; it only authorizes consultant contracts for environmental review.

CALENDAR ITEM NO. C51 (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 TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 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 CONTRACT IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES.
- 5. 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.