

MINUTE ITEM
This Calendar Item No. C26 was approved as
Minute Item No. 26 by the California State Lands
Commission by a vote of 3 to 0 at its
12-03-07 meeting.

**Minute Item
C26**

12/03/07
PRC 7264
D. Brown
A. Abeleda
V. Van Way
M. Clark

**CALIFORNIA STATE LANDS COMMISSION
(PARTY)**

Item C26 was moved from Consent to Regular.

Consent Calendar Item 26: The Commission was asked to grant authority for AT&T's installation of a fiber optic line. The item was approved as presented by a vote of 3-0.

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12/03/07
Bid Log 2007-09
WP 7264; R01807
D. Brown, A. Abeleda
V. Van Way, M. Clark

**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 PROPOSED INSTALLATION OF AT&T LAS VEGAS TO
VICTORVILLE FIBER OPTIC CABLE SYSTEM IN SAN BERNARDINO COUNTY**

PARTY:

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

BACKGROUND:

AT&T maintains a 190-mile Las Vegas, Nevada, to Victorville, California fiber optic cable route, constructed in 1988 and 1989, over existing rights-of-way, private land easements, and lands under jurisdiction of the U.S. Bureau of Land Management (BLM) and of the California State Lands Commission (CSLC). Although this system is only twenty years old, recently AT&T technicians found portions of this cable to be near the end of functional utility, and, being susceptible to further wear, requiring immediate replacement.

The CSLC, as Lead Agency, intends to prepare California Environmental Quality Act (CEQA) environmental documentation that would evaluate the potential for significant impacts from the proposed construction activities, and determine the need for preventative measures and/or monitoring during installation and replacement.

PROPOSED ACTIVITY:

AT&T plans to install and replace, in California, approximately 57.8 miles of deteriorating fiber optic cable and ancillary facilities. After completion of cable installation and transfer of full operation to the replacement cable, AT&T would abandon the old direct buried cable in place. Consideration of this proposed project consistent with the CEQA will require environmental documentation, and possibly mitigation

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monitoring. The Executive Officer requests delegation of authority to engage a consultant for this purpose. The CSLC shall select the Consultant in accordance with the procedures specified in the CSLC 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.

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 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)
- 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 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 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,

CALENDAR ITEM NO. C26 (CONT'D)

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 A FAIR AND REASONABLE PRICE, AWARD AND EXECUTE CONTRACTS FOR ENVIRONMENTAL DOCUMENTATION AND MITIGATION MONITORING 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.