

**CALENDAR ITEM
C71**

A Statewide

04/23/14

Bid Log 2013-15

PRC 858.1, RA 14013

S Statewide

A. Abeleda, D. Brown, K. Keen

**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO SOLICIT
STATEMENTS OF INTEREST FOR CONSULTANT SERVICES, NEGOTIATE FAIR
AND REASONABLE PRICE, AWARD AND EXECUTE AGREEMENTS FOR
PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR THE EL SEGUNDO
GENERATING STATION CLOSURE OF EXISTING OCEAN CONDUITS LOCATED
IN LOS ANGELES COUNTY**

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

BACKGROUND:

NRG El Segundo Power, LLC (NRG ESP or Applicant), owner of the El Segundo Generating Station (ESGS), has applied to the California State Lands Commission (CSLC) to implement the El Segundo Power Plant Closure of Units 1 & 2 Ocean Conduits Project (Project) in Los Angeles County. Ocean conduits associated with the ESGS are located offshore on sovereign land leased from the CSLC pursuant to Lease No. PRC 858.1; these include the intake and outfall once-through-cooling (OTC) conduits that once serviced the now retired Units 1 & 2 of the ESGS power plant. In June 2011, Units 1 & 2 were decommissioned and the intake and outfall conduits were plugged with concrete at the property line. Both OTC conduits together have a total of 14 manhole shafts (extending 1 to 4 feet above the seabed), as well as a 14-foot diameter intake/discharge structure, marked with a buoy, that rises approximately 8 to 14 feet above the seafloor. CSLC Lease No. PRC 858.1 requires NRG ESP to reach an agreement with the CSLC on a plan for the final closure and disposition of the two OTC conduits.

PROPOSED PROJECT:

The Applicant is proposing to leave the two OTC conduits, previously utilized by the ESGS, in place to naturally fill with sand and sediments. From an anchored barge, a dive team would remove the manhole riser pipes to the seabed and install marine mammal exclusion device grates flush with the present sediment surface at each location to prevent entry. The manhole riser pipes would then be gently lowered by a crane and placed at the terminal end of the conduits adjacent to the existing rip rap to

CALENDAR ITEM NO. **C71** (CONT'D)

become part of the hard surface marine habitat. Permanent marine mammal exclusion device gratings would also be placed over the seaward entrances to the inlet and outfall pipes at the terminal end of the conduits, which would gradually fill with sand and sediments. Additionally, the existing marker buoys would be permanently removed.

PROPOSED ACTIVITY:

From the information that NRG ESP has provided, in consultation with the other California responsible and/or trustee agencies for the whole Project, and in accordance with Public Resources Code section 21067 and the California Code of Regulations, Title 14, section 15051, the Commission has determined that it has the principal responsibility for carrying out or approving the Project, which may have a significant effect upon the environment, and is therefore the lead agency under the California Environmental Quality Act (CEQA).

Consideration of this proposed Project will require environmental documentation, and possibly monitoring, in accordance with CEQA. The Executive Officer requests delegation of authority to engage a consultant for this purpose. Consultant selection shall be conducted in accordance with the procedures as specified in Commission 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 Applicant.

The environmental documentation will address potential impacts from Project activities to State- and federal-listed species and their habitats, air quality, cultural resources, and other applicable environmental factors listed in Appendix G of the State CEQA Guidelines. The environmental documentation will also provide measures to reduce impacts as much as possible. The Commission staff may recommend that a monitoring plan with appropriate guidelines be adopted to ensure that any proposed mitigation measures would be accomplished.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that the subject proposal solicitation does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

CALENDAR ITEM NO. **C71** (CONT'D)

2. Approval of this item by the Commission does not constitute approval of the proposed Project; 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 (rev. 11/12)
- C. Public Contract Code section 6106
- D. Government Code section 4526
- E. California Administrative Code, Title 2, Article 13 sections 2980.0 - 2990.0
- F. Government Code section 19130
- G. California Administrative Code, Title 14, section 15045

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the subject proposal solicitation is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.
2. Find that the services are of limited duration and are of such urgent, temporary and occasional nature that the delay in their implementation under civil service would frustrate their very purpose as specified in Government Code section 19139, subdivision (b)(10).
3. Find that the selection of consultants under this process does not affect small businesses as defined in Government Code section 11342.610, because they will be accorded equal opportunity to submit statements of qualifications and performance data.
4. 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 2980.0 - 2980.9.

CALENDAR ITEM NO. **C71** (CONT'D)

5. Authorize the Executive Officer or her 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.
6. Authorize the Executive Officer or her designee to enter into an agreement with the Project Applicant to recover costs incurred in the consideration of this Project.