

**CALENDAR ITEM
C44**

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W26428
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**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
AND MITIGATION MONITORING FOR THE PROPOSED OWENS LAKE MASTER
PLAN IN INYO COUNTY, CALIFORNIA**

PARTY:

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

BACKGROUND:

The Los Angeles Department of Water and Power (LADWP) has convened a broad collaborative process to develop a "Master Plan" for the Owens Lakebed. The Master Plan will be a document that identifies broadly supported goals and objectives to enhance the Owens Lakebed. A diversity of interest groups are working together to reach consensus on the Plan in 2010. The Plan will focus on dust mitigation, habitat and wildlife, water efficiency methods, and potential renewable energy development.

Several committees and forums have been established to facilitate development of the Master Plan including a Planning Committee, Agency Forum, and Stakeholder Forum. The decision making group is the Planning Committee whose members represent diverse interests. This group meets approximately once per month. The Agency Forum consists of state agencies and representatives from Inyo County and meets periodically to discuss and resolve regulatory and statewide policy issues. The Stakeholder Forum consists of a broad range of organizations and the general public interested in the Owens Lakebed. Forum members stay abreast of planning activities and provide input on the Plan's content and overall direction by attending workshops or briefings at key milestones.

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The Owens Lakebed Master Plan draft objectives currently include:

- Meeting all dust control requirements by implementing Best Available Control Measures (BACM);
- Comporting with public trust values and allowing for public access;
- Identifying areas on the lakebed favorable to wildlife habitat;
- Potentially designing a reserve that will provide wildlife habitat in perpetuity based on the tenets of conservation biology and landscape-scale reserve design;
- Optimizing habitat values and wildlife numbers in reserve areas;
- Developing sustainable wildlife habitats and increasing overall habitat diversity;
- Striving to significantly reduce the amount of aqueduct water currently used for dust control;
- Enhancing local economic vitality and considering related business and local government activities;
- Protecting cultural resources, and enhancing them when possible;
- Utilizing an adequately robust procedural/legal mechanism to allow for assurances during Plan implementation; and
- Encouraging the development of renewable energy resources and other waterless dust control measures.

It is anticipated that the Master Plan will be completed by December, 2010, and that an environmental document and mitigation monitoring and reporting program, prepared in accordance with the California Environmental Quality Act (CEQA), will need to be completed in 2011.

PROPOSED ACTIVITY:

From the information that LADWP has provided, in consultation with the other California Responsible and/or Trustee agencies for the whole project, and in accordance with the California Code of Regulations Title 14, Chapter 3, §15000 et seq., the CSLC has determined to act as the Lead Agency for the whole action of the Proposed Project 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 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.

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The environmental documentation will address potential impacts to sensitive habitat of state and federally-listed species, cultural resources, and potential impacts from other proposed project activities. For sensitive areas which cannot be avoided, the environmental documentation will provide measures to reduce impacts as much as possible. CSLC staff will prepare a mitigation and monitoring plan with appropriate guidelines for adoption by the Commission to ensure that all proposed mitigation measures will be implemented.

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 CEQA because it is not a "project" as defined by 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 any 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 (rev. 10/05)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 Article 13 Section 2980.0 - 2990.0
- F. Government Code Section 19130

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, Section 15060(c)(3) because the activity is not a project as defined by Public Resources Code Section 21065 and Title 14, California Code of Regulations, Section 15378.

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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 19130 (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 Title 2, California Code of Regulations 2980 –2980.9.
5. 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.
6. 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.