

MINUTE ITEM

This Calendar Item No. C111 was approved as Minute Item No. 111 by the California State Lands Commission by a vote of 3 to 0 at its 12/16/98 meeting.

**CALENDAR ITEM
C111**

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12/16/98
C98021
D. Brown

**RATIFY DELEGATION OF AUTHORITY FOR EXECUTIVE OFFICER
TO AWARD AND EXECUTE AGREEMENTS
FOR REMEDIATION OF HAZARDOUS CONDITION**

PARTY:

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

PROPOSED ACTIVITY:

Executive Officer requests ratification of authority to execute a sole source contract for repair and rehabilitation of Petaluma River levee in vicinity of State Lands Commission property between Highway 37 and Highway 116 in Sonoma County. The levee fronts the property which was subject of White vs. State of California 21 C.A.3rd 738 (1971). Title to the parcel was quieted in the State as a result of the litigation.

Last winter's El Niños driven storms resulted in significant deterioration and undermining of the entire levee system along the Petaluma River. Staff engineer inspected the levee at the parcel on November 5, 1998. Noted were three significant boil areas with significant amounts of earth sloughing off the levee on the landward side. The levees to the north and south have been improved to a higher level than the levee fronting the State parcel. The engineer's report states that the levee will likely not survive any substantial erosive force of exceptionally high tides coupled with higher than average winter storm surge. The area north of the State parcel fronts a large equestrian facility with many buildings and livestock. Failure of the levee poses an immediate threat to public health and safety for the occupants of the facility. Immediate remedial action was recommended.

Staff contacted Cooper Crane & Rigging Inc. which is presently on the levee conducting repairs for an adjacent landowner. Cooper Crane has been contracted to continue the levee capping on the State parcel commensurate with the height of the adjacent levees. The cost was estimated at \$20,400 to raise the levee 3-4 feet. An agreement has been executed with Cooper Crane. The project will be funded through the Kapiloff Land Bank pursuant to Public Resources Code Section 8625 (c).

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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).

This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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)

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-STRICKEN AREA IN WHICH A STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE GOVERNOR.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE

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- CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.
3. 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.
 4. AS TRUSTEE, AUTHORIZE EXPENDITURE OF FUNDS WITHIN THE KAPILOFF LAND BANK FUND IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 8625 (c) FOR PURPOSES OF THIS CONTRACT.