MINUTE ITEM
This Calendar Item No. C62 was approved as Minute Item No. 62 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-02 meeting.

CALENDAR ITEM
C62

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12/16/02
W40102
Bid Log Number 2002-11
G. Pelka, C. Oggins, D. Brown, A. Cueva

REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO ACCEPT FUNDS FROM THE STATE DEPARTMENT OF CONSERVATION, OFFICE OF MINE RECLAMATION, AND TO SOLICIT PROPOSALS, AWARD AND EXECUTE AGREEMENTS TO ELIMINATE POTENTIAL PUBLIC SAFETY HAZARDS AT UP TO THREE ABANDONED MINES ON STATE SCHOOL LANDS.

APPLICANT:

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

PROPOSAL:

The Executive Officer requests delegation of authority to accept funds from the Department of Conservation (DOC), to solicit proposals, and enter into agreements for services to eliminate potential safety hazards at abandoned mine sites on State school lands.

BACKGROUND INFORMATION:

During the course of inspections performed for leasing and land management duties, as well as mineral evaluation work performed as part of the California Desert Protection Act exchange program, the Commission staff has documented a number of abandoned mines that exist on State school lands. The majority of this mining activity often preceded the State's acquisition of the property and therefore was not conducted under a permit or lease by the Commission.

The DOC Office of Mine Reclamation, which was created in 1991 to administer and meet the requirements of the Surface Mining and Reclamation Act of 1975, provides assistance to cities, counties, State agencies and mine operators to review mine reclamation plans and minimize residual hazards to public health and safety. DOC staff has discussed providing funds from the Surface Mining and Reclamation Account to the Commission to eliminate potential hazards associated with abandoned mines on State school lands parcels in San Bernardino County. Project work involves closing mine openings with polyurethane foam or installing bat gates or fencing.

Commission staff will review all project activities pursuant to the California Environmental Quality Act (CEQA) and return to the Commission for approval. Benefits include removal of physical hazards, reduction in the State's liability, and interagency coordination.

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 because it involves a feasibility or planning study for possible future action which the Commission has not approved, adopted, or funded.

Authority: Public Resources Code Section 21102 and Title 14, California Code of Regulations, Section 15262.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code § 6106 (Delegation to execute written instruments)
B. State Contracts Manual (rev. 09/01)
C. Public Contract Code § 6106
D. Public Contract Code § 10335 et seq. (Contracts for Services)
E. Public Contract Code § 10355 et seq. (Consulting Services)
F. Government Code §11256 Interagency Agreements

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS 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 21102 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15262, FEASIBILITY OR PLANNING STUDY FOR POSSIBLE FUTURE ACTION WHICH THE COMMISSION HAS NOT APPROVED, ADOPTED, OR FUNDED.

2. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE ACCEPT A GRANT OF FUNDS, SOLICIT PROPOSALS, AWARD AND EXECUTE NECESSARY CONTRACTS AND INTERAGENCY AGREEMENTS IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES TO CARRY OUT THE OBJECTIVES OF THE GRANT.