

**CALENDAR ITEM
C70**

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W40808, R21706
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**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 THE PROPOSED TRUCKHAVEN GEOTHERMAL LEASING
AREA IN IMPERIAL COUNTY**

PARTY:

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

BACKGROUND:

The Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) analyzing the potential impacts of proposed leasing and development of federally owned geothermal resources in the Truckhaven Geothermal Leasing Area in Imperial County, California. The area of analysis is located in western Imperial County, north of State Route (SR) 78, generally west of SR-86 and south of County Highway S-22. It is located east of the Anza-Borrego Desert State Park and lies almost entirely within the boundaries of the Ocotillo Wells State Vehicular Recreation Area.

PROPOSED ACTIVITY:

The California State Lands Commission (CSLC) has received applications for prospecting permits pursuant to Public Resources Code section 6910, and a nomination pursuant to Public Resources Code section 6911 & 2 C.C.R. § 2249 requesting the Commission to conduct a competitive lease sale, each covering geothermal resources underlying lands within the Truckhaven Geothermal Leasing Area. The CSLC intends to use the EIS prepared by the BLM as the basis for preparing a programmatic Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the potential issuance of State leases for geothermal resources on areas where the CSLC has jurisdiction over mineral interests. Any specific exploration or production activities involving surface disturbance proposed in the future would be subject to further review under the CEQA and approval by the Commission.

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From the information that BLM 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 California Lead Agency for the whole action of the Proposed Project.

Consideration of this proposed project will require environmental documentation, and possibly monitoring, in accordance with the 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.

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. The CSLC may recommend that a monitoring plan with appropriate guidelines be adopted to ensure that any proposed mitigations measures would be accomplished.

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 Vol. I Section 1 1.00 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

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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, 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.