

**STAFF REPORT
C105**

A Statewide

08/23/18

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**CONSIDER GRANTING AUTHORITY FOR THE EXECUTIVE OFFICER
TO SOLICIT BIDS, PROPOSALS FOR CONSULTANT SERVICES, NEGOTIATE A
FAIR AND REASONABLE PRICE, AND AWARD AND EXECUTE AGREEMENTS
FOR ANALYSIS OF AB 691 SUBMISSIONS**

PARTY:

California State Lands Commission

BACKGROUND:

The California State Budget Act of 2018 appropriated funds in the amount of \$500,000 to the Commission to implement AB 691 (Muratsuchi), Chapter 592 of the Statutes of 2013. Pursuant to AB 691, sovereign land grantees of the State with gross revenues over \$250,000 per year must inventory their trust assets, assess their vulnerability to sea-level rise, and begin to formulate feasible and effective adaptation and resiliency measures. Written assessment reports are due to the Commission by July 1, 2019. The Commission will expend these funds on resources to support the sea-level rise planning efforts of the grantees and analyze the submissions to identify common public trust asset vulnerabilities and preferred adaptation strategies to address those risks.

The Commission intends to support sea-level rise planning by expanding its capacity to provide publicly available spatial mapping resources. The Commission developed an internal sea-level rise viewer to assist staff with reviewing lease applications for sea-level rise considerations and will use a portion of the available funds to bolster its existing GIS technology, to improve the public's ability to consume and interact with spatial data.

Additionally, the Commission will support the development and review of grantees' assessments by using a portion of the available funds to host a second California Sea Grant Fellowship position in 2019. The Fellowship position will support the maintenance of the publicly-available sea-level rise viewer and AB 691 webpage, assist grantees with resources and information needed to draft effective assessments, and support the submission review process which will be undertaken by a consultant.

The consultant will specialize in climate science, resiliency planning and ocean economics. The consultant will work with Commission staff to synthesize the

STAFF REPORT NO. C105 (CONT'D)

submitted assessments, understand common risks and adaptation approaches, evaluate the economic impacts to assets, and recommend next steps for grantee resiliency planning and financing strategies for State lands and resources.

PROPOSED ACTIVITY:

The Executive Officer requests delegation of authority to expend these funds to purchase additional public server capabilities for content delivery of the CSLC sea-level rise viewer; host a second 2019 California Sea Grant Fellowship position; and engage a consultant for the purpose of supporting the development and review of AB 691 submissions. Consultant selection shall be conducted consistent with 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.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code section 21065; California Code of Regulations, title 14, section 15378, subdivision (b)(5); Public Resources Code section 6106 (Delegation to execute written instruments); Public Contract Code section 6106; California Administrative Code, Title 2, Article 13, sections 2980.0 - 2990.0; California Administrative Code, Title 14, section 15045; Government Code section 19130; Government Code section 4526; State Contract Manual Volume 1 Chapter 11.00 A & E method (rev. 11/12) and Volume 3; State Administrative Manual section 4819.2; Public Contract Code section 12100 et. seq.; Education Code section 67327.

Public Trust and State's Best Interests Analysis:

The proposed authorization would ensure that the appropriated funds support sea-level rise planning efforts that are crucial to the protection and enhancement of Public Trust lands granted to local jurisdictions. These public lands, and the assets therein, are threatened by sea-level rise and other coastal climate change-related impacts, including temporary and permanent inundation, erosion, and structural degradation due to more frequent and intense storms. Though both the rate of sea-level rise and the exact amounts vary regionally and depend on present and future greenhouse gas emission scenarios, the phenomena will affect the entire California coast, and therefore all of the State's grantees in tidally-influenced areas. The required AB 691 assessments will illuminate what assets and lands statewide are most at risk, and the approaches for adaptation that are being considered most frequently at the local level based on their effectiveness and feasibility. The appropriated funds will be expended on resources to guarantee that the assessments are rigorous

STAFF REPORT NO. **C105** (CONT'D)

and maximize Public Trust resource protection and adaptation. They will also provide for a subsequent statewide analysis that will lead to recommendations for short-term and long-term strategies to assist granted lands partners in safeguarding Public Trust lands and assets for decades to come.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. This action is also consistent with Strategy 1.4 of the Strategic Plan to incorporate strategies to address climate change, adapt to sea-level rise, incentivize water conservation, and reduce greenhouse gas emissions and the generation of litter and marine debris into all the Commission's planning processes, project analyses and decisions. Specifically, it is an action that will directly implement Strategy 1.4.1 to provide applicants and grantees with the best available science on the impacts of climate change, sea-level rise, and adaptation strategies. It is consistent with Strategy 1.4.2 to coordinate with lessees, grantees and agency partners to implement actions, and where appropriate require lessees, to address impacts of climate change, adapt to sea-level rise, promote and incentivize water conservation, reduce greenhouse gas emissions, and reduce generation of marine debris and litter. Finally, this action will be consistent with Strategy 1.4.3 from the Strategic Plan to adopt flexible, adaptive approaches to address sea-level rise that protect vulnerable populations and give priority to natural infrastructure solutions consistent with the public's trust needs and the State's climate change adaptation strategy "Safeguarding California" and Executive Order B-30-15 on climate adaptation.
3. The authorization to solicit proposals is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

RECOMMENDED ACTION:

It is recommended that the Commission:

1. Find that the selection a consultant under this process does not affect small businesses as defined in Government Code section 11342, subdivision (h), because they will be accorded equal opportunity to submit statements of qualifications and performance data.

STAFF REPORT NO. **C105** (CONT'D)

2. Find that the selection a consultant 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 – 2980.9.
3. Authorize the Executive Officer or her designee to: solicit proposals, negotiate fair and reasonable price, award and execute a consultant agreement to perform the work described herein using a portion of the AB 691 appropriated funds; use a portion of the AB 691 appropriated funds to purchase additional server capacity; and use a portion of the AB 691 appropriated funds to host a 2019 Sea Grant Fellowship position to assist with AB 691 implementation.