

**STAFF REPORT
INFORMATIONAL
78**

A	14	10/24/19
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INFORMATIONAL UPDATE ON THE CROCKETT WATERFRONT

INTRODUCTION:

Crockett is a small unincorporated community in northwestern Contra Costa County. The Crockett waterfront is located on the south side of the Carquinez Strait where it meets San Pablo Bay. Even though Crockett's entire northern boundary is connected to the Carquinez Strait, the community is, in a way, disconnected from the Strait. There are scenic vistas of the Strait, but little shoreline access. The community's boundary with the Strait has both natural barriers, such as bluffs, and human-made barriers, such as industrial uses including a railroad line and sugar refinery.

Over the decades, the Commission has authorized leases for various uses along and near the Crockett shoreline. These uses include marine oil terminals, a sugar refinery, an interstate highway crossing, a boat repair facility, a marina, a restaurant, a fishing club, a fishing pier, a horticulture center, and a wastewater treatment facility.

Most of the public use of the shoreline exists in one specific location off Port Street. The area is close to Crockett's downtown and located at the shuttered Nantucket Restaurant. The area has struggled for many years but now sees renewed support to transform the area into a destination for locals and the statewide public. This staff report will update the Commission on current efforts to rejuvenate the area.

BACKGROUND:

Commission Jurisdiction

The Commission has jurisdiction over sovereign land in the original bed of the Carquinez Strait. The Carquinez Strait is generally located in the same place it was at statehood in 1850. However, a low-lying filled area adjacent to the Carquinez Strait exists in Crockett. Between 1867 and 1901, organizations and individuals began buying tidelands at the base of a hill to fill for railroad purposes. As staff understands it, the original railroad track meandered along the base of the hill. The curve of the track required trains to slow down, and the railroad had an interest in straightening the line. As tidelands were filled, new tidelands were

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created, and private parties continued to purchase and fill tidelands. These types of purchases are known as “stacked tidelands.”

Due to widespread abuses in tideland sales, California’s second Constitutional Convention in 1878 amended the Constitution to prohibit all tideland sales within 2 miles of an incorporated city. The tideland sales in Crockett were within 2 miles of Vallejo, an incorporated city at the time of sale. Consequently, the deeds transferring all tidelands after 1878 are invalid and ownership of the lands resides with the State, as sovereign land.

Eventually the stacked tideland parcels were transferred to California and Hawaiian Sugar Company (C&H Sugar), and, in 1974, the Commission informed C&H Sugar that the tideland parcels that C&H Sugar received from Southern Pacific Transportation Company were invalidly transferred.

Over time, C&H Sugar terminated all the leases it had with third parties within the stacked tideland area, and C&H Sugar entered into a lease with the Commission for its use of these public lands. To date, the Commission and C&H Sugar have not cleared the chain of title but have worked cooperatively to address complicated ownership issues created by the original tideland sales.

The Commission continues to assert jurisdiction over the filled tidelands adjacent to the Carquinez Strait that were part of a tideland sale, within 2 miles of the city of Vallejo, after 1878. The Commission has existing leases in this filled tideland area with the East Bay Municipal Utility District, Carquinez Regional Environmental Education Center, California Department of Transportation, C&H Sugar, Crockett Community Services District, and Kinder Morgan.

This staff report focuses on a very specific area of the filled tidelands and waterfront, as shown on Exhibit A, and further described below.

Crockett Marine Service, Inc.

The Crockett community and State benefited from *Crockett Marine Service, Inc.’s*, (CMS’s) operations for many years. However, since the 1990s, CMS struggled to keep the Nantucket Restaurant, boat repair business, and adjacent marina viable. CMS continued to struggle, and in 2011, the Commission found CMS to be in trespass and authorized staff and the Office of the Attorney General to take all action necessary to collect back rent and restore the lease premises. In an ongoing effort to keep the restaurant and marina as an asset to the community and the State, the Commission entered into mediation and subsequently agreed to a Release and Settlement Agreement (2013) that was followed by a new lease with CMS in 2014 ([Item 56, June 19, 2014](#)). The years that followed saw minor improvements followed by significant breaches of the

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Release and Settlement Agreement and lease. Ultimately, CMS was unable to fulfill its obligations to maintain the improvements which led to the Commission terminating the lease in 2018 ([Item 30, December 3, 2018](#)).

The entire area waterward of the railroad tracks was left by CMS in a state of disrepair and littered with debris. The area generally remains in the same condition; however, there has been an effort by stakeholders to keep the area from getting any worse and to begin the cleanup. The Contra Costa Sheriff's Department and Code Enforcement Officers check the site regularly. In addition, the neighboring Crockett Bass Fishing Club (Bass Club) has worked to dispose of debris along the shore.

Public Parking Lot Area

In 2017, Contra Costa County code enforcement began citing ongoing issues in the public parking lot area adjacent to the Nantucket Restaurant, and Commission staff worked with C&H Sugar and the California Department of Resources Recycling and Recovery (CalRecycle) to clean up the parking lot area landward to the railroad tracks. This project was very successful and was a catalyst for interagency coordination and engaging other interested parties. After the initial cleanup by CalRecycle, Commission staff placed K-rail to reduce the size of the parking lot and prevent opportunities for ongoing illegal dumping activities. Commission staff also installed two gates for access to the parking lot and distributed keys to the authorized parties. The parking is intended to be open during the daytime to allow for public access to the waterfront, but closed during the evenings to help maintain the property and discourage illegal dumping and other illicit activity. The County Code Enforcement Officers and Sheriff's Deputies have been key partners in this effort. Most recently, the Bass Club covered graffiti with fresh paint and the Contra Costa Resource Conservation District hosted clean up efforts on Earth Day and on California Coastal Cleanup Day when a large amount of garbage and debris were removed from the site.

ONGOING COMMISSION AND STAFF ACTIVITIES:

Staff is working through the contracting process to see how much in-water and shoreline debris can be removed using the Kapiloff Fund expenditure approved by the Commission on October 18, 2018 ([Item 81, October 18, 2018](#)). The entire cleanup is estimated to cost \$3 million. The Commission currently has only \$690,748 available.

Staff continues discussions with the Union Pacific Railroad (UP), which owns and operates the railroad. A portion of the debris, restaurant, and boat repair building are within its right-of-way, in an area that UP had leased to CMS.

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Staff has received two applications for use of this area. Both applications have the potential to help revitalize the Crockett community. One application is from the Contra Costa Resource Conservation District (District) for a passive park space landward of the railroad tracks. The District has also applied for an Urban Greening Grant through the California Natural Resources Agency to fund the project. The grant was not approved, but the District is hopeful to have one more chance under the Urban Greening Grant next year.

The second application is from Rod and Destinee Dixon for the rehabilitation of the former Nantucket Restaurant. Their application includes the cleanup of some of the former CMS lease area. The application is currently incomplete, and the applicants are working to complete their application.

One challenge is that to operate the restaurant, the Dixons would need access rights from UP due to the railroad crossing at this location. Staff understands this to be an expensive and time-consuming process. The railroad and Public Utilities Commission have standards that must be met to open and maintain a railroad crossing.

Staff has heard repeated requests from the County that the Commission not seek removal of the existing facilities waterward of the railroad tracks. The County would like to see the restaurant and supporting facilities reopened. While staff continues to process the application submitted and believes successful reuse of the restaurant is possible, the existing facilities are an ongoing hazard and source of blight. Staff has a duty to explore all options to address the existing facilities and one such option is to return the site to a natural state, thereby reducing the existing risk and liability to the State. This is an expensive proposal, for which funds are not currently available.

Staff has and continues to seek partnerships and funding mechanisms to removal all hazards and sources of blight. Should the partnerships and funding come together, staff would present any proposed restoration of the site to the Commission for its consideration at a properly noticed public meeting. While we have received authorization to conduct removal activities in the water at this site, staff is not authorized to pursue such removal of the restaurant and supporting facilities without specific authorization from the Commission.

Commission staff is currently working with the San Francisco Bay Conservation and Development Commission (BCDC) ~~to access funding from administrative penalties~~ for some ~~of the~~ in-water cleanup necessary within the defunct marina. Several sunken vessels have already been identified as eligible for removal with this funding source. Lind Marine (Lind) and Lehigh Hanson/Hanson Aggregates (Hanson) have proposed a vessel salvage and pile removal operation at the

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former Crockett Marina. The proposal would be undertaken to fulfill BCDC permit conditions, and ~~mitigation-a conservation measure included~~required by in the National Marine Fisheries Service's (NMFS, now known as NOAA Fisheries) Biological Opinion associated with Lind and Hanson's sand mining activities in the San Francisco Bay.

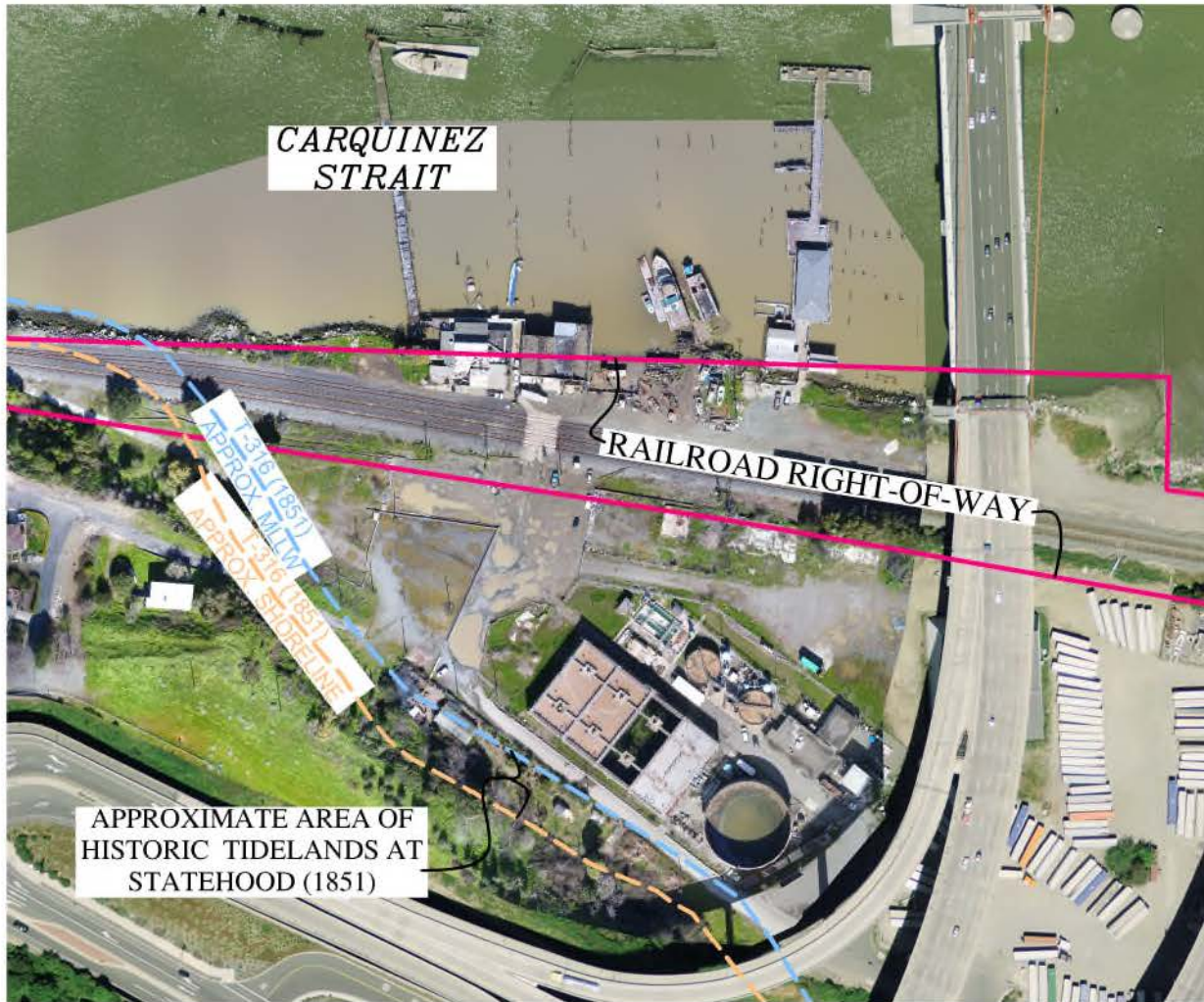
Any reuse of the area will require separate Commission authorization. Staff will continue to work with stakeholders regarding the use and cleanup of this area.

EXHIBIT:

- A. Site and Location Map

NO SCALE

SITE



Crockett, Carquinez Strait

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

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CROCKETT
CONTRA COSTA COUNTY

