

Staff Report 29

APPLICANT/LESSEE:

Crockett Community Services District

PROPOSED ACTION:

Termination of a General Permit – Public Agency Use; and Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Filled and submerged sovereign lands along the Carquinez Strait, Crockett, Contra Costa County.

AUTHORIZED USE:

Use and maintenance of an existing pump house, force main pipeline, equalization tank, and treated sewage wastewater outfall pipeline.

TERM:

25 years, beginning April 26, 2022.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee shall perform external inspections of the improvements and provide reports of such inspections to staff for review periodically throughout the lease term and as warranted by any emergency repairs.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6303, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 23, 1960, the Commission authorized a 49-year Sewer Outfall Easement, Lease No. PRC 2595.9, to Crockett-Valona Sanitary District for an easement 20-feet in width and 46-feet in length for a sewage wastewater outfall pipeline in the Carquinez Strait ([Item 07, June 23, 1960](#)). That easement expired on July 10, 2009.

On December 19, 1977, the Commission authorized a General Permit – Public Agency Use, Permit PRC 5420, to the Crockett-Valona Sanitary District for a pump house, force main pipeline, and equalization tank in the Carquinez Strait ([Item 01, December 19, 1977](#)). On December 3, 1999, the Commission authorized an amendment of Permit PRC 5420 for the relocation of an existing 12-inch-diameter sewage force main pipeline ([Item 50, December 3, 1999](#)). On April 24, 2001, the Commission authorized another amendment of Permit PRC 5420 for the construction and maintenance of a 967-foot long interceptor sewer line located between an existing sewer line and pump station to carry domestic sewage ([Item 76, April 24, 2001](#)). That permit expires on September 30, 2026. On July 11, 2006, Crockett-Valona Sanitary District submitted a name change notification to staff to update its name to Crockett Community Services District (Applicant). The Applicant is now requesting that Permit PRC 5420 be terminated and all existing improvements under that lease be included under Lease 2595.

The improvements are located in the Town of Crockett. The existing pump house, force main pipeline, and equalization tank are near Dowrelia Drive and located on filled tide and submerged lands. The existing sewage wastewater outfall pipeline extends from the uplands and out approximately 575 feet into the Carquinez Strait. The outfall is part of the Joint Treatment Facility between the Applicant and the neighboring C&H Sugar Company. This Joint Use Agreement was agreed upon and signed in 1976.

Staff reviewed the outfall inspection report for the sewage wastewater outfall pipeline. This inspection was conducted in February 2021 and finds the sewage wastewater outfall pipeline to be in good working condition. Flow through the diffusers is strong and there is no leaking noted at any of the joints in the pipeline. The Applicant maintains a National Pollutant Discharge Elimination System (NPDES)

permit, No. CA0005240, Order R2-2018-0012 from the San Francisco Regional Water Quality Control Board.

The improvements will not substantially interfere with the Public Trust needs and values at this location because the improvements are located either underground or on the floor of the Carquinez Strait, and along a portion of Dowrelio Drive which includes industrial uses and limited public recreation amenities. Moreover, the improvements provide an essential service to the people in the Applicant's jurisdiction.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease also has a limited 25-year term and does not grant the lessee exclusive rights to the lease premises, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located on the Carquinez Strait, in a tidally influenced site vulnerable to flooding at current sea levels that will be at high risk of flood exposure based on the projected scenarios of sea level rise in this area.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the region as listed in Table 1.

Table 1. Projected Sea Level Rise for San Francisco

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

Sea level rise will raise the total water levels of the Carquinez Strait and likely cause frequent inundation of the lease area if no measures are taken to control the

flooding and elevate the shoreline. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of storms and rain events, causing more flooding in low-lying areas. In rivers, creeks, and tidally influenced waterways, higher water levels from sea level rise and flooding may cause damage such as bank erosion to the lease area. Storm debris and water-borne contaminants may constitute additional hazards to the lease area and structures. Higher rates of erosion and sedimentation from flooding, storm flow, and runoff will likely increase scour and further decrease bank stability.

As the total water levels of the Carquinez Strait increase with sea level rise, the existing outfall pipe will not be able to rise and fall with storms and droughts, and will remain at higher risk of damage, degradation, and loss from the combined impacts of sea level rise, storms, and rain events. The existing outfall pipe has been used by the Applicant and the C & H Sugar Company through the shared joint treatment plant located upland from the bank since 1927. The lessee is responsible for protecting the lands, resources, and values of the Public Trust within the lease area and should be aware that these changes are very likely to occur and impact not only the current footprint of the lease area, but the adjacent upland area as well over the course of the lease.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are in an area that may be subject to the effects of climate change, including sea level rise.

CONCLUSION:

For the reasons stated above, staff believes the issuance of this lease will not substantially interfere with the public rights to navigation, fishing, and commerce, or substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or a renewal of any previous lease.

2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Termination of the permit is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that termination of the lease and issuance of the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for

the foreseeable term of the lease; are consistent with the Public Trust Doctrine; and are in the best interests of the State.

AUTHORIZATION:

1. Terminate, effective April 25, 2022, Permit Number PRC 5420, a General Permit – Public Agency Use, issued to the Applicant.
2. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning April 26, 2022, for a term of 25 years, for the use and maintenance of an existing pump house, force main pipeline, equalization tank, and sewage wastewater outfall pipeline, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; liability insurance in an amount no less than \$1,000,000 per occurrence; Applicant may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease.

EXHIBIT A

LEASE 2595

LAND DESCRIPTION

Ten (10) parcels of tide and submerged land, whether filled or unfilled, lying in the bed of the Carquinez Strait, near Crockett, Contra Costa County, California, more particularly described as follows:

PARCEL 1

Bounded on the west by a line running perpendicular to the Southern Pacific Transportation Company (SPTC) Right of Way station labeled 2863+81⁶⁵ EC =Orig/2863+64⁷⁵ per that 2007 Supplement State Board of Equalization Land Identification SBE Map No. 872-7-23E;

Bounded on south by the northerly right-of-way line of the SPTC;

Bounded on the east by a line lying parallel with and 530 westerly from said perpendicular line to said station;

Bounded on the north by a line lying parallel with and 220 feet northerly from said northerly right-of way line of SPTC as shown on said map.

PARCEL 2

BEGINNING at a point on the southerly line of the right-of-way line of SPTC from hereafter referred to as "POINT A" from which a U.S. Army Corps of Engineers (USACE) monument No. 33 having CCS27, Zone 3 coordinates of N(y)=571,181.39, E(x)=1,503,839.49 as shown on that map titled "Harbor Lines for Carquinez Strait" dated Mar 1, 1940 and on file with said USACE bears North 69°34'02" East 272.81 feet more or less; thence leaving said southerly line South 08°04'02" West 85.04 feet; thence South 80°06'38" East 14.96 feet to a point hereafter referred to as "POINT B"; thence South 80°06'38" East 70.08 feet; thence North 08°04'02" East 85.04 feet to a point on said southerly line hereafter referred to as "POINT C"; thence westerly along said southerly line North 80°06'38" West 85.04 feet to the POINT OF BEGINNING.

PARCEL 3

COMMENCING at the above described "POINT A" thence South 08°04'02" West 74.08 feet along the westerly line of the above described Parcel 2 to the POINT OF BEGINNING; thence along the following thirty seven (37) courses:

- 1) North 08°04'02" East 21.53 feet;
- 2) North 81°55'58" West 71.17 feet;
- 3) North 80°50'17" West 57.96 feet;

- 4) North 29°27'37" East 58.93 feet;
- 5) North 80°06'38" West 21.23 feet;
- 6) South 29°27'37" West 64.59 feet;
- 7) South 42°59'15" West 205.13 feet;
- 8) South 53°54'46" West 8.27 feet;
- 9) North 52°16'16" West 120.52 feet;
- 10) South 39°11'38" West 53.53 feet;
- 11) South 50°48'22" East 10.00 feet;
- 12) North 39°11'38" East 43.77 feet;
- 13) South 52°13'27" East 107.84 feet;
- 14) South 53°54'46" West 127.21 feet;
- 15) South 61°27'51" West 32.89 feet;
- 16) North 75°37'10" West 12.77 feet;
- 17) South 12°20'19" West 24.37 feet;
- 18) South 72°54'42" East 17.17 feet;
- 19) North 65°54'06" East 41.63 feet;
- 20) North 57°29'46" East 52.93 feet;
- 21) North 51°26'11" East 35.85 feet;
- 22) South 38°51'11" East 30.02 feet;
- 23) South 83°17'54" East 179.84 feet;
- 24) North 35°10'41" East 244.84 feet;
- 25) North 13°48'17" East 1.26 feet to the above described "POINT B";
- 26) North 80°06'38" West 14.96 feet;
- 27) North 08°04'02" East 10.97 feet;
- 28) North 82°00'35" West 4.01 feet;
- 29) South 13°45'08" West 7.04 feet;
- 30) South 35°11'15" West 229.11 feet;
- 31) North 83°17'54" West 159.76 feet;
- 32) North 38°51'11" West 21.57 feet;
- 33) North 52°11'12" East 51.52 feet;
- 34) North 43°03'14" East 199.79 feet;
- 35) South 81°12'51" East 61.48 feet;
- 36) South 82°00'35" East 72.70 feet;
- 37) South 82°00'35" East 4.01 feet to the POINT OF BEGINNING.

PARCEL 4

A 50 foot wide strip of land lying 25 feet on each side of the following described centerline:

COMMENCING at the above described "POINT B" thence along the southerly line of the above described Parcel 2 South 80°06'38" West 16.43 feet to the POINT OF BEGINNING; thence South 02°02'46" West 172.61 feet; thence South 01°53'24" West 176.96 feet; thence South 29°27'54" East 115.49 feet; thence South 26°32'40" West 154.43 feet; thence South 01°26'48" West 49.05 feet; thence South 07°40'11" West 20.41 feet; thence North 69°38'57" West 134.67 feet; North 80°07'51" West 180.40 feet;

thence South 40°31'44" West 108.87 feet more or less to a point on the historic shoreline of the Carquinez Strait.

Sidelines of said strip to be lengthened or shortened so as to terminate on the southerly line of the above described Parcel 2 and the Ordinary High Water Mark of the Carquinez Strait.

PARCEL 5

A 10 foot wide strip of land lying 5 feet on each side of the following described centerline:

BEGINNING at the above described "POINT A" thence South 27°00'52" East 47.87 feet; thence South 82°07'17" East; thence North 89°40'53" East 106.01 feet; thence South 81°32'40" East 488.67 feet; thence North 71°06'18" East 9.39 feet to a point hereafter referred to as "POINT D"; thence North 71°06'18" east 24.42 feet; thence North 65°57'32" East 207.37 feet; thence South 37°14'33" East 40.82 feet to a point hereafter referred to as "POINT E"; thence North 69°43'46" East 224.68 feet; thence North 73°58'24" East 44.34 feet to a point hereafter referred to as "POINT F"; thence South 00°38'56" West 167.49 feet; thence South 89°21'04" East 160.48 feet more or less to a point on the historic shoreline of the Carquinez Strait.

Sidelines of said strip to be lengthened or shortened so as to terminate on the easterly line of the above described Parcel 2, the southerly right-of-way line of the SPTC and the Ordinary High Water Mark of the Carquinez Strait.

PARCEL 6

A 30 foot wide strip of land lying 15 feet on each side of the following described centerline:

COMMENCING at the above described "POINT E" thence South 05°10'05" East 50.52 feet to the POINT OF BEGINNING; thence South 64°07'47" West 103.54 feet; thence South 65°03'46" West 185.32 feet; thence South 46°48'27" West 16.73 feet more or less to a point on the historic shoreline of the Carquinez Strait.

Sidelines of said strip to be lengthened or shortened so as to terminate on the westerly line of the below described Parcel 7 and the Ordinary High Water Mark of the Carquinez Strait.

PARCEL 7

A 50 foot wide strip of land lying 25 feet on each side of the following described centerline:

BEGINNING at the above described "POINT E" thence South 05°10'05" East 80.67 feet; thence South 06°21'09" East 125.95 feet; thence South 03°53'07" West 87.31 feet more or less to a point on the historic shoreline of the Carquinez Strait.

Sidelines of said strip to be lengthened or shortened so as to terminate on the southerly line of the above described Parcel 5 and the Ordinary High Water Mark of the Carquinez Strait.

PARCEL 8

A 30 foot wide strip of land lying 15 feet on each side of the following described centerline:

BEGINNING at the above described "POINT F" thence North 20°51'10" East 12.51 feet; thence North 84°17'18" East 85.72 feet; thence South 88°16'04" East 200.67 feet more or less to a point on the historic shoreline of the Carquinez Strait.

Sidelines of said strip to be lengthened or shortened so as to terminate on the northerly line of the above described Parcel 5 and the Ordinary High Water Mark of the Carquinez Strait.

PARCEL 9

A 50 foot wide strip of land lying 25 feet on each side of the following described centerline:

BEGINNING at the above described "POINT A" thence North 44°56'38" West 80.17 feet; thence North 04°55'55" East 79.91 feet; thence North 04°55'55" East 16.35 feet; thence North 60°02'44" East 57.12 feet; thence North 01°52'44" West 35.54 feet; thence North 01°45'14" West 227.96 feet; thence North 36°43'07" West 17.11 feet; thence North 01°48'21" West 323.22 feet to the POINT OF TERMINATION.

Sidelines of said strip to be lengthened or shortened so as to terminate on the northerly and southerly right-of-way lines of the SPTC and on a line lying perpendicular to the POINT OF TERMINATION.

PARCEL 10

A 20 foot wide strip of land lying 10 feet on each side of the following described centerline:

BEGINNING at the above described "POINT A" thence North 01°54'04" East 132.18 feet; thence North 01°25'41" East 46.08 feet; thence North 58°36'06" West 74.83 feet to the easterly line of the above described Parcel 9.

Sidelines of said strip to be lengthened or shortened so as to terminate on the northerly and southerly right-of-way lines of the SPTC and on the easterly line of the above described Parcel 9.

EXCEPTING THEREFROM any lands lying landward of the Ordinary High Water Mark of the Carquinez Strait.

ALSO EXCEPTING any validly patented tidelands.

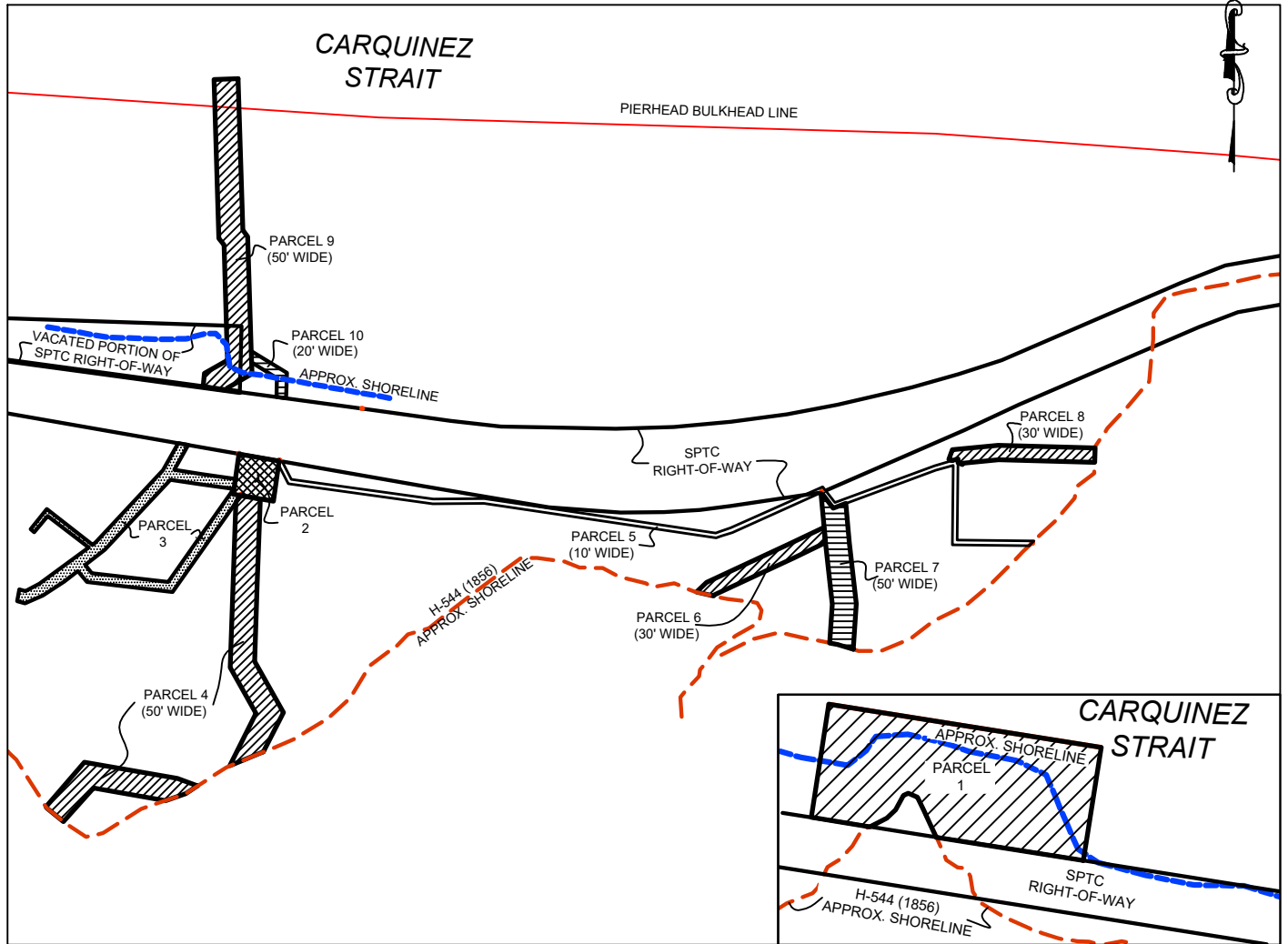
END OF DESCRIPTION

PREPARED THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT 4/07/2022



NO SCALE

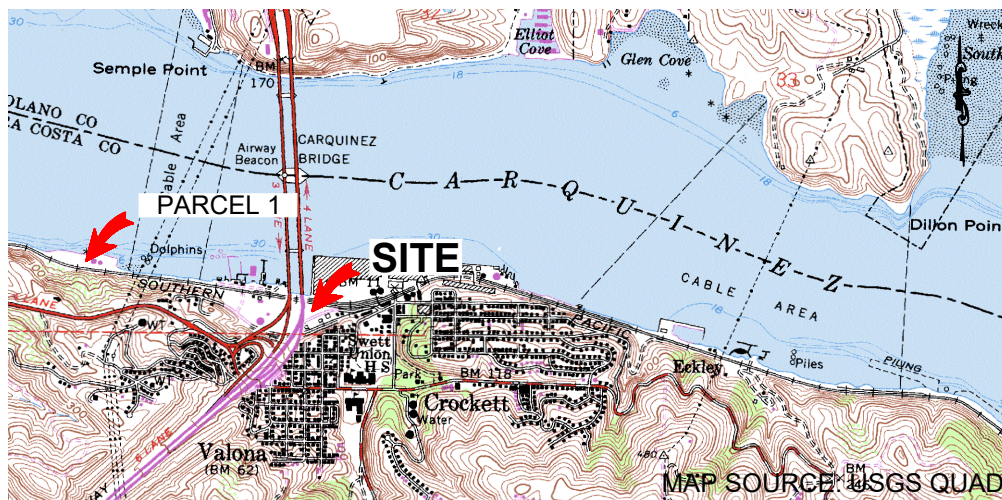
SITE



Crockett, Carquinez Strait

NO SCALE

LOCATION



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 B

LEASE 2595

CROCKETT COMMUNITY
SERVICES DISTRICT
GENERAL LEASE -
PUBLIC AGENCY USE
CONTRA COSTA COUNTY



SITE

MJF 4/07/2022