

Staff Report 29

APPLICANT:

Carquinez Regional Environmental Education Center, Inc.

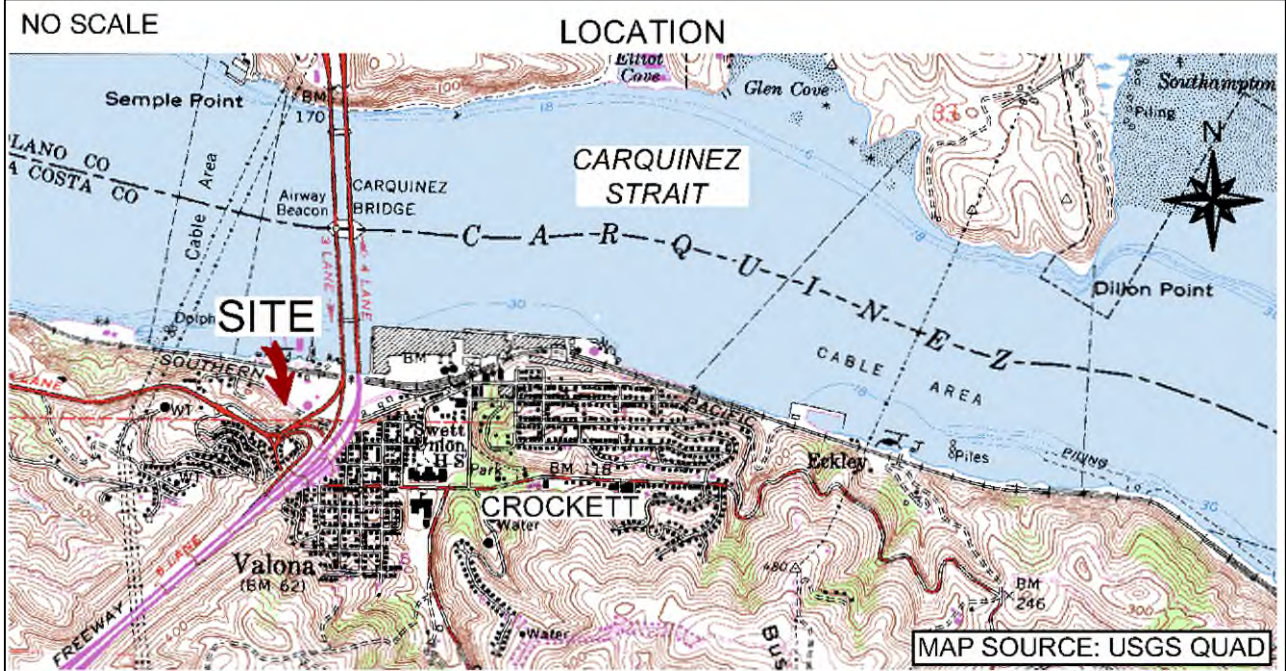
PROPOSED ACTION:

Issuance of a General Lease – Agricultural Use.

AREA, LAND TYPE, AND LOCATION:

Filled sovereign tidelands, along the southern shore of the Carquinez Strait, at 1694 Dowrelio Drive, Crockett, Contra Costa County (as shown in Figure 1).

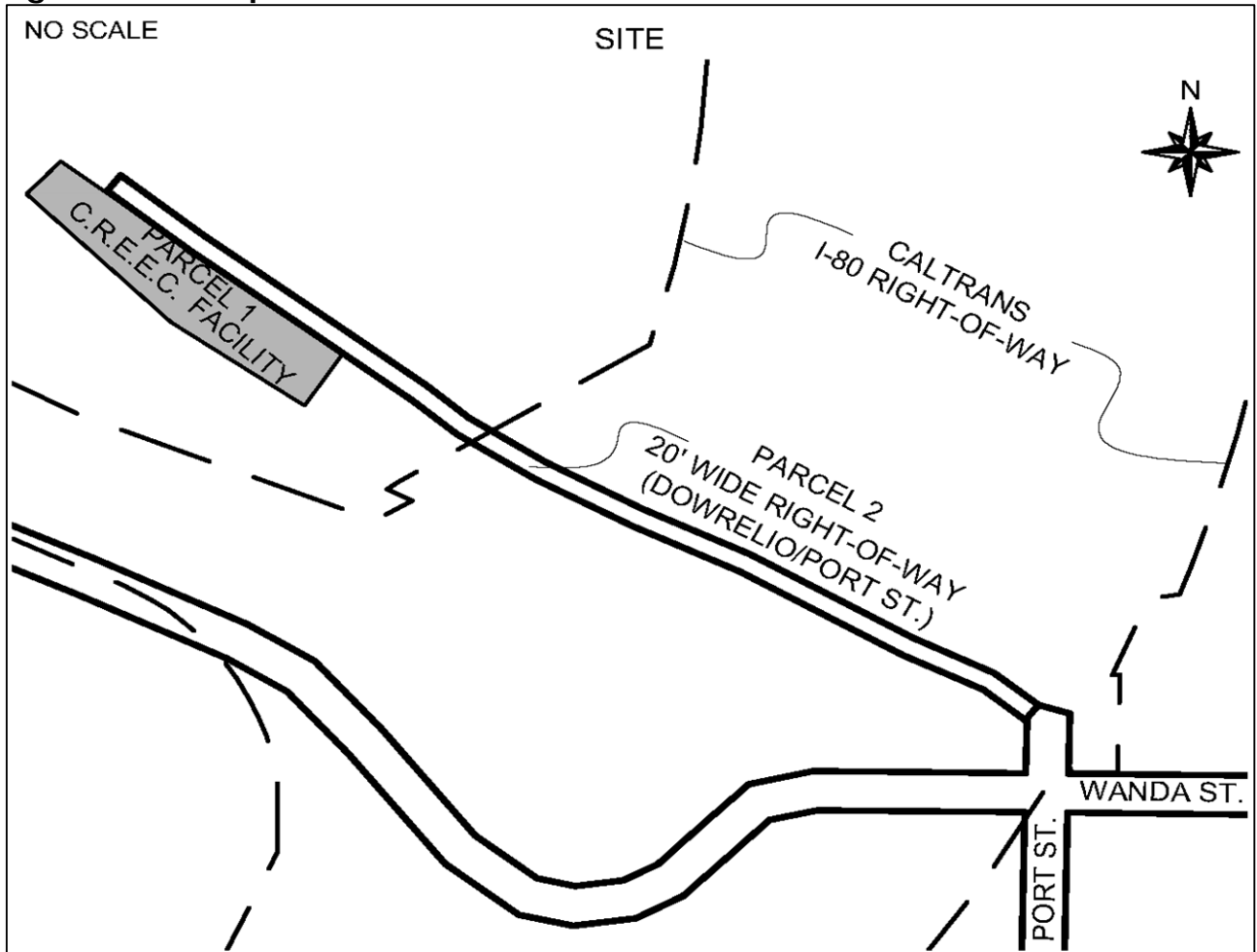
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of an existing horticulture center and appurtenant facilities, previously authorized by the Commission and an access road not previously authorized by the Commission (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

10 years, beginning August 29, 2024.

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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 26, 2013, the Commission authorized a 10-year General Lease – Agricultural Use to the Carquinez Regional Environmental Education Center, Inc. (CREEC) for the use and maintenance of an existing horticulture center on filled sovereign tidelands along the southern shore of the Carquinez Strait ([Item 74, April 26, 2013](#)). That lease expired on March 31, 2023.

The Applicant is a nonprofit public benefit corporation based in Crockett. The Applicant's CREEC Youth Program (Program) provides educational opportunities for local youth to aid in preserving native wildlife species, plant care, and butterfly propagation through habitat restoration and environmental enhancement projects along the Carquinez Strait Watershed. The Program's tasks are designed to create hands-on learning experiences in environmental restoration, basic horticulture, environmental science, nonprofit management, and basic work skills.

The CREEC Horticulture Center consists of a 24-foot by 48-foot polycarbonate greenhouse with appurtenant utilities, two equipment storage sheds, material bins, and shaded plant tables enclosed within a chain link wire fence. An existing road provides access to the lease premises and is now being included in the lease area. The Commission did not previously authorize the access road because staff did not have the necessary information regarding ownership. Staff coordinated with Contra Costa County to determine that the access road is under the Commission's jurisdiction and was most likely built during the construction of the nearby railroad line. Staff are now requesting that the access road be included in this lease.

The Applicant has working partnerships with the Contra Costa Resource Conservation District, Crockett Community Foundation, C&H Sugar, and Phillips 66. For instance, in 2021, C&H Sugar provided funds for CREEC to continue the student and volunteer effort to restore coast live oak forest and other native trees to the

area under the neighboring Carquinez Bridge. Also in 2021, Phillips 66 provided support to CREEC and the Contra Costa Resource Conservation District to institute a new onsite education program for middle school students and helped fund native oak woodland plantings and other projects for the area. In 2020 and 2021, the Crockett Community Foundation funded irrigation system improvements and greenhouse improvements that helped make the CREEC nursery more functional and environmentally efficient.

The Applicant's goal is to effect wildlife habitat enhancement and maintenance and restoration projects in the communities and open lands surrounding the Carquinez Strait. The proposed action is considered beneficial because it will enhance the area around the Carquinez Strait for recreational use, habitat, and open space, which are recognized Public Trust uses. Additionally, the action will not impede or impair any other Public Trust uses in the area. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 10-year term, does not grant the Lessee exclusive rights to the lease premises, and requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon.

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 facilities are located on filled sovereign tidelands upland of the Carquinez Strait, which is a tidally influenced site at higher risk of flood exposure given projected scenarios of sea level rise.

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 lease area 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 could increase the Carquinez Strait’s inundation levels within the lease area. In addition, as stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate change induced droughts could decrease water levels and flow for extended periods of time. Climate change and sea level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The combination of these projected conditions could increase the likelihood of damage and affect access to the Horticulture Center within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm events may expose the facility to higher flood risks and cause facilities to be damaged. The facility is also more vulnerable to sea level rise and more frequent flood events, therefore the structures may need more frequent repair and maintenance to ensure they do not become degraded, and to reduce safety risks to the public using the Horticultural Center.

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

CONCLUSION:

For all the reasons above, staff believes approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the 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. If the Commission denies the application, the Applicant must remove the improvements and restore the property to its original condition. The lessee has no right to a new lease or to 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. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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 15061 and California Code of Regulations, title 2, section 2905.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity 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 the proposed lease will not substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Agricultural Use to the Applicant beginning August 29, 2024, for a term of 10 years, for the use and maintenance of an existing horticulture center and appurtenant facilities previously authorized by the Commission and an access road not previously authorized by the Commission; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.