

Staff Report 31

APPLICANT:

Crockett Public Services, Inc.

PROPOSED ACTION:

Issuance of a General Lease – Other.

AREA, LAND TYPE, AND LOCATION:

2.02 acres, more or less, of sovereign land located in the Carquinez Strait, adjacent to 1909 Dowrelio Drive, Crockett, Contra Costa County (as shown in Figure 1).

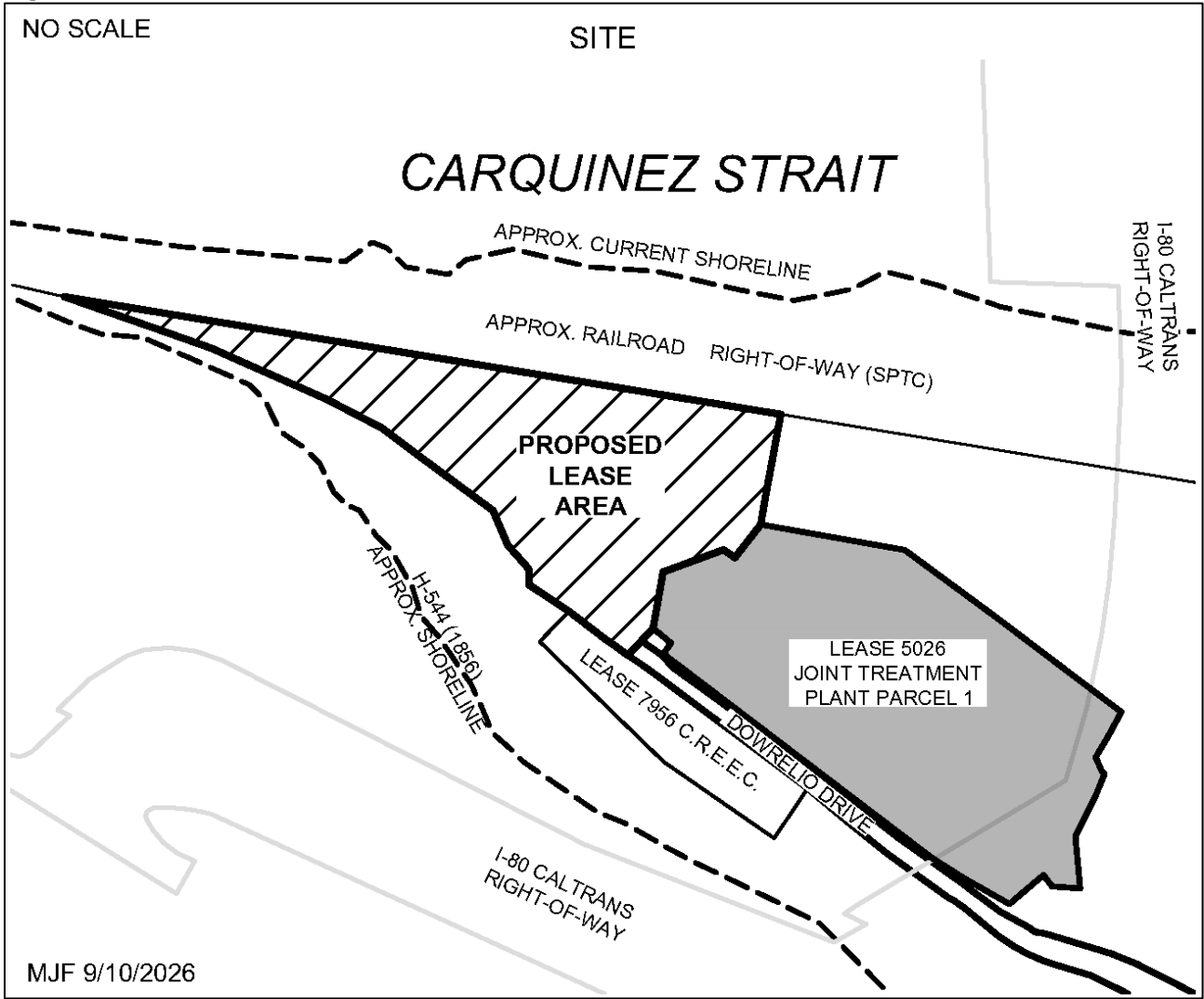
Figure 1. Location



AUTHORIZED USE:

Construction, use, and maintenance of a parking lot water drainage system using a bioretention basin, rainwater garden, and permeable surface bordered by bioswales for the Crockett Flood Mitigation Project (Project) (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:

20 years, beginning October 21, 2026.

CONSIDERATION:

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.

SPECIFIC LEASE PROVISIONS:

- Provisions require Lessee to comply with certain safety and construction standards.
- All structural modifications, abandonment, or removal of the authorized improvements on the Lease Premises shall require prior review and approval by Lessor.

BACKGROUND:

The Carquinez Waterfront is an area situated west of the Interstate 80 freeway, next to the Carquinez Bridge, and adjacent to the town of Crockett. Over the decades, the Commission has authorized leases for various uses along and near the Crockett shoreline. These uses included 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. The upland area adjacent to the restaurant has traditionally been used as a parking lot. But because of the proximity to the freeway and the industrial nature of the area, it was largely unmonitored at night and became a popular place for illegal dumping and was even the site of an illegal vehicle 'chop shop' for a period of time.

In 2017, the Commission partnered with CalRecycle and C&H Sugar Company, Inc. (C&H) and cleared the upland parking lot area and the waterfront of approximately 12 metric tons of trash amassed from years of illegal dumping. As part of this project, staff installed a gate on Dowrelia Road and K-rail in the parking lot area to restrict access to a large portion to try and prevent a recurrence of the illegal dumping.

On December 3, 2018, the Commission terminated Lease Number 2649, issued to Crockett Marine Service, Inc., due to their inability to fulfil obligations to maintain its improvements ([Item 30](#)). Crockett Marine Service had operated a marina, boat repair facility, and the Nantucket Restaurant. Only the Nantucket remained in use and in good condition at the time of lease termination, however, the restaurant closed on February 17, 2019, and in March 2019, the Commission paid to board up the restaurant. On December 6, 2019, the Commission authorized a one-year

General Lease – Other, to The Nantucket Revitalization LLC to rehabilitate the existing restaurant ([Item 16](#)). However, this project failed.

On August 25, 2021, the Commission authorized the Executive Officer to award and execute contracts for Crockett removal activities ([Item 40](#)). These activities included the removal of the Nantucket Restaurant, removal and disposal of a sunken workboat and landing craft, a partially sunken steel barge, boat section, and small pontoon boat, a small crane and miscellaneous debris, and the “Army Pier” walkway and support piles. To date removal activities have been completed and the Crockett shoreline is clean of marine debris and restored to its most natural condition in decades.

The former parking lot to the Nantucket Restaurant, which is the subject area of this lease, is a difficult place to monitor, and has been used for illegal dumping and other unauthorized uses over the past decade. It is in the state’s best interests to have someone under lease to maintain and monitor this area. The property is dry upland located in a pocket area at the base of a hill adjacent to the water but waterward of the railroad. The location is filled upland landward of the railroad but is frequently inundated during heavy rains and high tide events. Drainage is poor throughout the property even moderate rains historically result in flooding, which occurs regularly year-round.

On November 24, 2025, the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) adopted Order R2-2025-1022 (Order) for a Settlement Agreement between SFBRWQCB and C&H and Stipulation for Entry of Administrative Civil Liability. The Order imposed an administrative civil liability against C&H in the amount of \$734,000 for alleged violations of its National Pollutant Discharge Elimination System (NPDES) Permit and a technical order. However, the Order allowed \$374,000 to be suspended pending completion of a Supplemental Environmental Project to fund the Contra Costa Resource Conservation District's Crockett Shoreline Flood Mitigation Project (Project); the SFBRWQCB reviewed the proposed Project as part of adopting the Order.

The Project aims to restore the local habitat at the waterfront and improve the quality of water flowing into Carquinez Strait by building green infrastructure to filter pollutants and address seasonal flooding. This includes installing a bioretention basin, rainwater garden, and permeable surface bordered by bioswales to slow down and filter stormwater runoff while promoting groundwater recharge.

PROJECT DESCRIPTION:

The Project includes the installation of a bioretention basin, rainwater garden, and permeable surface bordered by bioswales.

1. **Bioretention basin:** The site is currently subject to heavy flooding during the wet weather season and receives run-off from a road that is heavily used by large trucks and vehicles. The retention basin will reduce the amount of sitting water in the area and allow the water to be moved or held until it can be properly distributed back through the ground and/or into Carquinez Strait. The bioretention basin will also serve as a natural filtration system, absorbing and purifying water through native vegetation and soil layers comprised of 2.25 feet of mulch, 18-inch minimum bioretention soil mix (30-40 percent compost, 60-70 percent sand, with 10 inches per hour permeability), 3-inch to 4-inch chocking course of construction-grade aggregate (ASTM No. 9), and 8-inch minimum aggregate storage layer (ASTM No. 7). These layers and dimensions are the starting basis of the design and will be calibrated to the site conditions during project design. The bioretention basin will also incorporate between 8 and 12 inches of freeboard.
2. **Rainwater garden:** The slope of the shoreline will be adjusted to direct stormwater runoff toward a rainwater garden filled with native plants. The native plants will act as an additional filter for the stormwater prior to flowing into Carquinez Strait. The combination of pre-treatment filters, soils, and native plants will target the removal of pollutants, including nutrients, metals, organics, bacteria, oils, and some sediment.
3. **Permeable surface:** Portions of the existing gravel parking area will be reconstructed with a permeable surface with voids open to layers of sand and gravel that can filter and temporarily store runoff before infiltration. Nutrients, sediment, metals, and bacteria are pollutants targeted for removal. The permeable surface will be bordered by bioswale(s) designed to remove silt and pollutants, including nutrients, organics, and bacteria similar to the system described above in paragraph 2.

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:

The Applicant is applying for a General Lease – Other for construction, use, and maintenance of a bioretention basin, rainwater garden, and permeable surface bordered by bioswales as part of the Project.

While the proposed Project will temporarily impact Public Trust uses during construction, the Applicant has agreed to limit such impacts to the extent necessary to protect the public health and safety. Given the overall public value of this project, staff believe the proposed Project does not constitute an unreasonable interference with the Public Trust uses at this time and is in the best interests of the State.

The Project's purpose is to directly benefit surface water quality by reducing pollutants commonly found in stormwater runoff and improve the water quality of water emptying into Carquinez Strait as well as enhance the ecosystem through local habitat restoration. Water quality enhancement and restoration activities are a statewide benefit.

Staff also believes that having a lessee at this location to maintain and monitor the area will reduce the chances it will fall into disrepair, prevent illegal dumping and other hazards that have historically plagued this location, and improve public access to the waterfront. Once completed, the Project will reduce the incidence of flooding and increase the number of days this area is open and accessible to the public.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and requires the Applicant to conduct all construction and maintenance work safely and indemnify the Commission in the event of any liability resulting from the proposed action.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. The proposed lease site, located adjacent to the Carquinez Strait, near the City of Crockett, is partially occupied by a degraded gravel parking lot. Local topography directs stormwater runoff from an industrial road onto the site, leading to significant flooding during periods of heavy seasonal rainfall.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. 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	Intermediate-High (feet)	High (feet)
2040	0.7	0.8
2060	1.0	1.3
2080	2.2	2.9
2100	4.8	6.5

Source: Table 6, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

The proposed Project includes activities that are designed and intended to support local habitat at the waterfront and improve the quality of water flowing into Carquinez Strait by using a bioretention basin, rainwater garden, and permeable surface bordered by bioswales to filter pollutants and reduce seasonal flooding. The Project will serve to help offset localized flooding from climate change impacts by improving hydrologic function, water quality, and creating wildlife habitat at the Crockett waterfront.

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and facilities from sea level rise. At 6.6 feet of sea level rise, the lease premises will become regularly flooded from the Carquinez Strait and subjected to stronger and more frequent wave impacts and erosion, potentially damaging any structures or improvements on the lease premises. Based on sea level rise projections in Table 1, this could occur between 2080 and 2100. However, the lease premises are already subjected to heavy flooding during the storm seasons, and episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, increase the vulnerability of the already-flooded lease premises and exacerbate flooding, wave runoff and overtopping, and erosion impacts.

As a result, the improvements may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain their function. The increased saltwater exposure from higher sea levels and rising groundwater can accelerate the corrosion of metal components and the deterioration of concrete infrastructure.

RECOMMENDATIONS:

The Crockett Shoreline Flood Mitigation Project aims to restore the local habitat at the waterfront and improve the quality of the water flowing into Carquinez Strait by building green infrastructure to filter pollutants and address seasonal flooding. Periodic inspections should be performed to ensure runoff water entering the permeable parking lot area flows to the basins without causing new ponding water on site. In addition, the inspections would monitor plant health and replace dead or unhealthy plants to maintain reduced surface water flow and organic pollutants and toxin absorption.

Please refer to Section Four of the Commission's [2023 Shoreline Adaptation and the Public Trust](#) report for more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular inspection and maintenance of the improvements, as referenced in the terms of the lease, may reduce the likelihood of severe degradation or dislodgement. Pursuant to the proposed lease, the Lessee acknowledges that the lease premises are located in an area that may be subject to the effects of climate change, including increased stormwater runoff, sea level rise, and rising groundwater levels.

CONCLUSION:

For all the reasons stated above, staff believe the issuance of the 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. The proposed lease area is adjacent to the Crockett wastewater treatment facility. A new lease for this facility (Lease 5026) is also on the October agenda.
2. 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 would not be allowed to construct and implement the Project on the lease premises. The lessee has no right to a new lease or to renewal of any previous lease.
3. 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.
4. 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 2, Replacement or Reconstruction; California Code of Regulations, title 2, section 2905,

subdivision (b) and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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 through the combination of the following exemptions: Class 2, Replacement or Reconstruction; California Code of Regulations, title 2, section 2905, subdivision (b) and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not cause an unreasonable interference with the public rights to navigation, fishing, and commerce or 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 – Other to the Applicant beginning October 21, 2026 for a term of 20 years, for construction, use, and maintenance of a parking lot water drainage system using a bioretention basin, rainwater garden, and permeable surface bordered by bioswales as part of the Crockett Shoreline Flood Mitigation Project; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.