

**CALENDAR ITEM  
C57**

A 11

04/06/11  
PRC 2546.1  
E. Milstein

S 07

**CONSIDER AUTHORIZATION TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO: REDRESS BREACH OF LEASE PRC 2546; CAUSE PAYMENT OF BACK RENT; THE REMOVAL OF IMPROVEMENTS; AND THE RESTORATION OF THE LEASE PREMISES**

**PARTY:**

Crockett Marine Services, Inc.  
PO Box 367  
Crockett, CA 94525

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Carquinez Straits, San Pablo Bay, adjacent to Highway 80 in the town of Crockett, Contra Costa County.

**UNAUTHORIZED USE:**

Facilities used to dock vessels.

**BACKGROUND INFORMATION:**

In 1960, the Commission entered into a lease with the California & Hawaiian Sugar Refining Corporation (C&H) for tide and submerged lands to be used as a docking facility. Eventually, C&H subleased a portion of the leasehold to the Dowrelio Boat Works. Crockett Marine Services Incorporated (Crockett Marine) assumed this sublease in 1978. Ultimately, in 1984, the Commission approved assignment of the entire lease from C&H to Crockett Marine. This lease expired on August 19, 2009.

Commission staff has been attempting to contact the lessee, since prior to the August 19<sup>th</sup> expiration date, to address the status of the lease and rents due without success. Further investigation indicates that while the property has fallen into a state of disrepair, Crockett Marine continues to unlawfully occupy and utilize the leasehold property. Further, Crockett Marine is currently subleasing a portion of the leasehold premises to a restaurant and collecting rent for this sublease without authorization from the Commission. Staff is therefore seeking authorization to take all steps necessary, including litigation, to redress breach of the terms of PRC 2546; to cause payment of back rent, including penalty and interest; to remove a trespass; and to seek restoration of the lease premises to the satisfaction of the Commission.

**CALENDAR ITEM NO. C57 CONT'D)**

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the activity, as proposed, is consistent with its use classification.

**EXHIBIT:**

- A. Location and Site Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the lands pursuant to Public Resources Code sections 6370, et seq.

**AUTHORIZATION:**

1. Find that Crockett Marine Services, Inc. is unlawfully occupying and in trespass on state-owned land located in the Carquinez Straits as shown on the attached Exhibit A.
2. Authorize staff of the State Lands Commission and the Office of the Attorney General to take all necessary steps, including litigation, to redress breach of the terms of Lease PRC 2546; to cause payment of back rent, including penalty and interest; to remove a trespass; and to seek restoration of the lease premises to the satisfaction of the Commission.