



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102-3404

Operations and Readiness Division

**PUBLIC NOTICE**

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS  
PROJECT UNDER SECTION 408**

**TITLE:** Petaluma River – Turning Basin Float Replacement, 408-SPN-2023-0002

Public notice comment period:

Begins: July 31, 2023

Ends: August 30, 2023

**REQUESTER:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, City of Petaluma (requester and non-federal sponsor of the federally authorized project) has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Petaluma River Project, an existing federal navigation channel, first authorized by Rivers and Harbors Act of 1880.

**LOCATION:** The proposed project is located in the city of Petaluma, adjacent to the Petaluma River Turning Basin, Sonoma County, California. (see attachment 1)

**REQUESTER'S PROPOSED ACTION:** The proposed project consists of replacing 3,800 square feet (sf) (475 linear feet) of existing City docks and pilings within the downtown Turning Basin on the Petaluma River. Existing, currently serviceable and deteriorating site structures include the pier access structure, metal gangways, floating docks, and piles. The project will replace the existing wooden dock with a concrete dock, existing steel and timber piles with new steel piles, and the existing gangways with ADA compliant steel gangways. (Attachment 2)

**ENVIRONMENTAL IMPACTS OF PROPOSED ACTION:** The Petaluma River is a brackish tidal slough connected to San Pablo Bay 16 miles to the south. The main slough channel passes through the extensive Petaluma Marsh Wildlife Area to the south of the proposed project area, the largest remaining natural tidal brackish marsh in California. The Petaluma River is dredged somewhat regularly to maintain shipping access; dredging of the Turning Basin was most recently completed in 2022/2023 dredge season to remove accumulated sediment to allow navigable ingress and egress of the project area for public benefit. The proposed project site is located within and immediately adjacent to the historically important Turning Basin, which serves as the northernmost navigable portion of the Petaluma River. The Turning Basin historically consisted of approximately 475± linear feet of timber floats connected by the east gangway to the Cavanagh Landing Park, and by the west gangway to the River Plaza

shopping center. Immediately south of the site is the recently upgraded Small Craft Center Extension. The proposed project would temporarily impact approximately 0.03 acre of the Petaluma River Project.

USACE determined suitable habitat for federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) in the vicinity of the project. Therefore, USACE will determine the effects to federally listed species, designated critical habitat, or essential fish habitat under the jurisdiction of the USFWS and/or NMFS and initiate consultation, if necessary.

After an initial review, USACE has determined no eligible or potentially eligible cultural resources may be affected by the proposed project. USACE will initiate consultation with the State Historic Preservation Officer and Native American Tribes under Section 106 of the National Historic Preservation Act, as appropriate.

Upon review of the Section 408 application and other supporting documentation, USACE has made a preliminary determination that the project qualifies for a Categorical Exclusion for the purposes of NEPA.

**AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C 408) ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

**LIMITS OF SECTION 408 AUTHORITY:** A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

**EVALUATION FACTORS:** The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for

alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the San Francisco District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The San Francisco District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from activities resulting in the temporary or permanent use, occupation, or alteration of any USACE civil works project. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Section 408 permission for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Operations and Readiness Division.

**PUBLIC INVOLVEMENT:** The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties

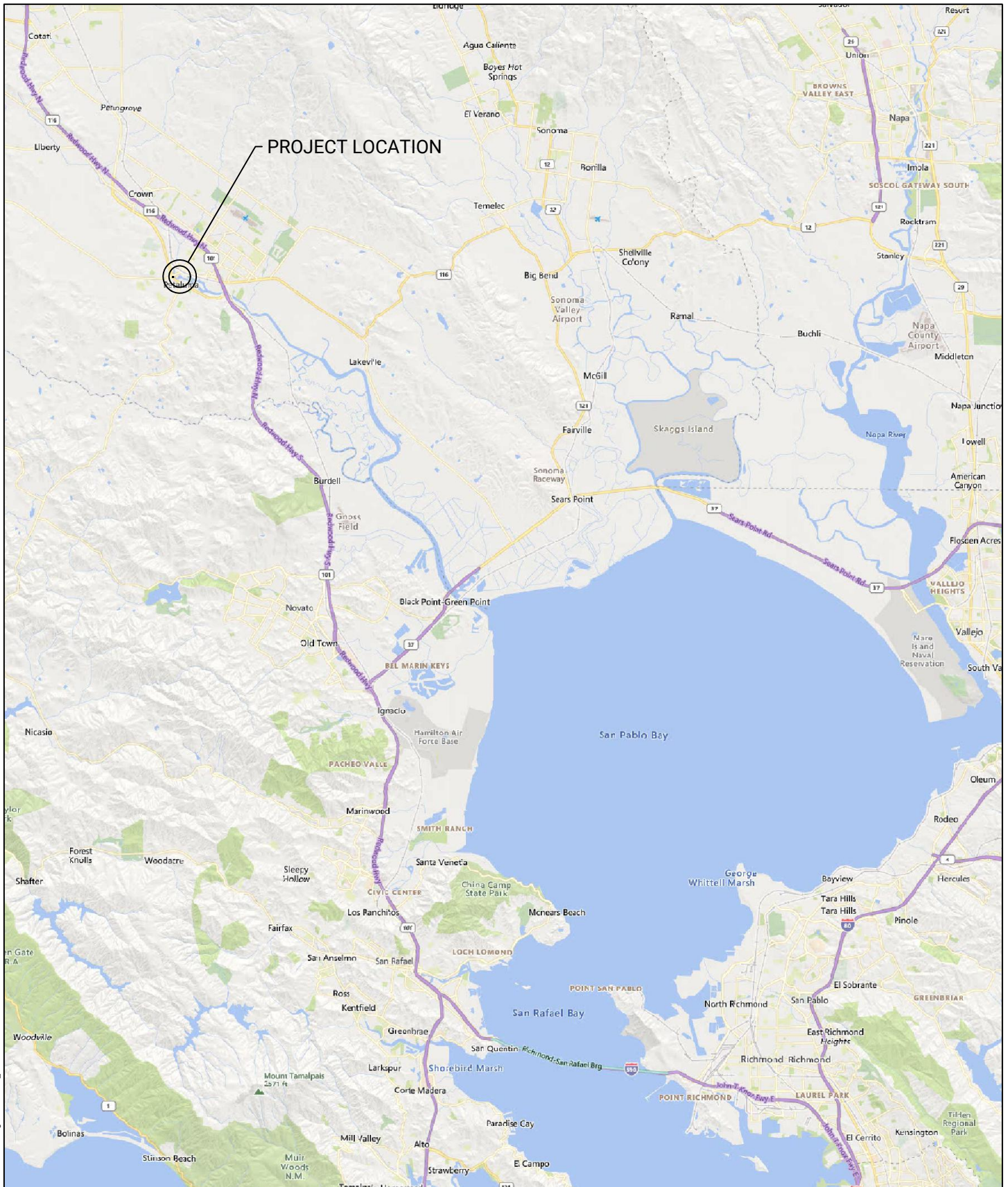
regarding the Petaluma River – Turning Basin Float Replacement, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Petaluma River Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Petaluma River Project. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

**SUBMITTING COMMENTS:** Written comments, referencing 408-SPN-2023-0002 must be submitted to the office listed below on or before August 30, 2023.

Jessica Vargas, Section 408 Coordinator  
U.S. Army Corps of Engineers, San Francisco District  
Operations and Readiness Division  
450 Golden Gate Avenue, 4<sup>th</sup> Floor, Room 1111  
San Francisco, California 94102-3404

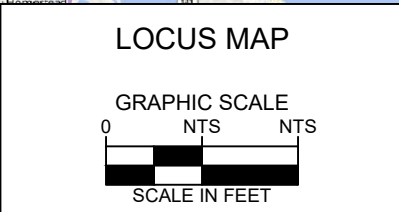
Email: *spn.operationsdivision@usace.army.mil*

**ATTACHMENTS:** Vicinity map, location map, and proposed project footprint in relation to federal project.



PURPOSE: PETALUMA RIVER TURNING BASIN FLOAT  
REPLACEMENT PROJECT  
DATUM:  
MLLW = 0.00  
NAVD88 = -0.29

FOTH & VAN DYKE AND ASSOCIATES, INC.  
755 BAYWOOD DRIVE, SUITE 228  
PETALUMA, CA 94954



CITY OF PETALUMA, CALIFORNIA

AT: PETALUMA TURNING BASIN  
COUNTY OF: SONOMA  
APPLICATION BY: CITY OF PETALUMA

DATE: APRIL 2023

SHEET 1 OF 5



Petaluma River Channel Boundary

Petaluma Small  
Craft Center

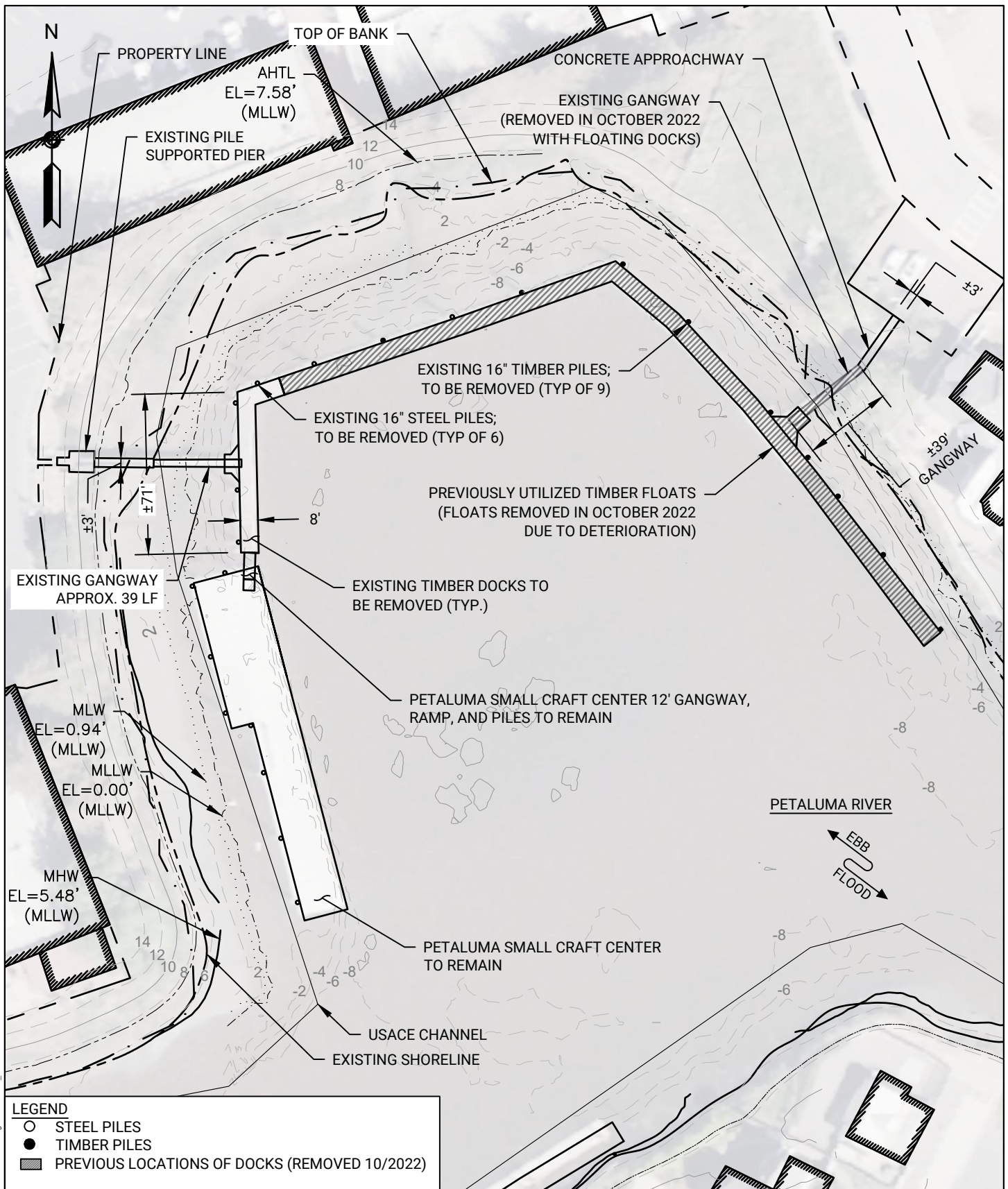
- Proposed Floating Docks
- Proposed Piles
- Existing Floating Docks
- Existing Piles



PETALUMA RIVER TURNING BASIN



0 15 30 60  
Feet



# LEGEND

- STEEL PILES
- TIMBER PILES
- ▨ PREVIOUS LOCATIONS OF DOCKS (REMOVED 10/2022)

PURPOSE: PETALUMA RIVER TURNING BASIN FLOAT REPLACEMENT PROJECT

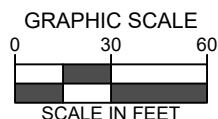
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## EXISTING SITE PLAN



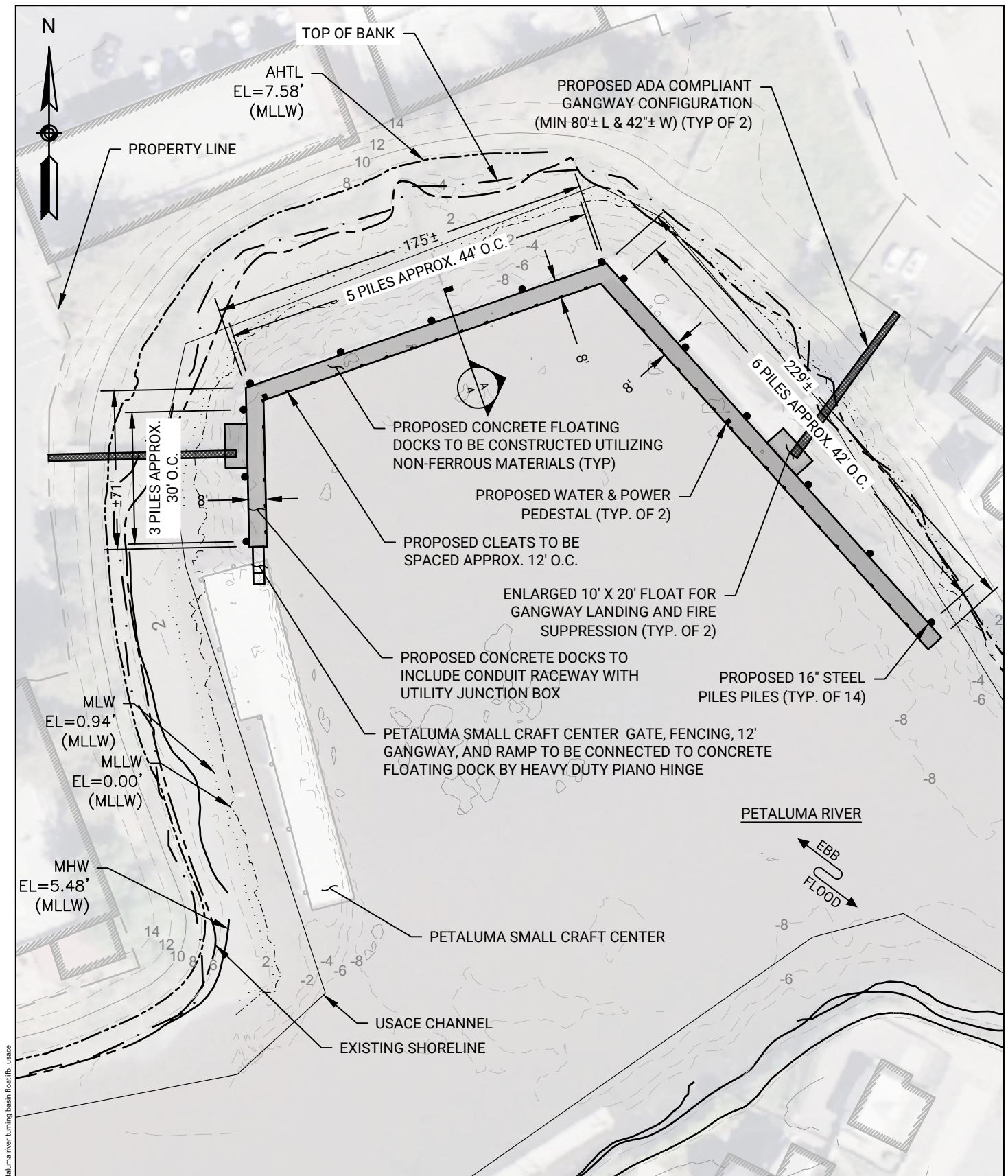
CITY OF PETALUMA, CALIFORNIA

AT: PETALUMA TURNING BASIN  
COUNTY OF: SONOMA  
APPLICATION BY: CITY OF PETALUMA

DATE: APRIL 2023

SHEET 2 OF 5

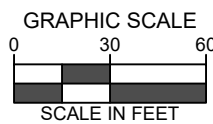




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PURPOSE: PETALUMA RIVER TURNING BASIN FLOAT REPLACEMENT PROJECT  
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 PETALUMA, CA 94954

### PROPOSED SITE PLAN



CITY OF PETALUMA, CALIFORNIA  
 AT: PETALUMA TURNING BASIN  
 COUNTY OF: SONOMA  
 APPLICATION BY: CITY OF PETALUMA  
 DATE: APRIL 2023