

# CITY OF PETALUMA

## MEMORANDUM

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*Community Development Department, 11 English Street, Petaluma, CA 94952*  
*(707) 778-4301 Fax (707) 778-4498 E-mail: cdd@ci.petaluma.ca.us*

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DATE: May 5, 2023

TO: Olivia Ervin, Principal Environmental Planner

FROM: Wendy Rocha, Sr. Client Manager – Foth & Van Dyke and Associates, Inc.

SUBJECT: Petaluma River Turning Basin Float Replacement Project  
Class 1 Existing Facilities and Class 2 Repair and Replacement Exemptions

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In 2020, the U.S. Army Corps of Engineers (USACE) dredged the Petaluma River consistent with the Programmatic EIR/EIS prepared for the Long-Term Management Strategy (LTMS) for Placement of Dredged Material in the San Francisco Bay and the 1998 and 2015 Biological Opinions for the LTMS which specifically identify dredging of the Petaluma Marina Petaluma River Turning Basin. The proposed design involves replacing the floats and piles and upgrading the existing gangways to Americans with Disability Act (ADA) compliant gangways to promote and increase public accessibility and return the facility to good working conditions to allow for safe public use. As documented herein, the proposed Project is exempt under the following provisions of the California Environmental Quality Act (CEQA) Guidelines:

15301 (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood; and

15302 (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. involving negligible or no expansion of capacity.

### **Project Description**

The proposed project consists of the replacement 3,800 square feet (sf) (475 linear feet) of City docks 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 work proposed includes the following:

- Removal of the existing 3,800 sf wooden docks, to be replaced with 3,800 sf of non-ferrous concrete docks.
- Removal of six (6) 16-inch diameter steel and nine (9) 12-inch timber piles, to be replaced with (14), 16-inch diameter steel piles.
- Removal of the existing gangways and adjacent structures, to be replaced with ADA compliant steel gangways and gangway landings platforms.

- Bank restoration and planting in areas affected by gangway structures and landing platforms.

## **Construction Processes**

The proposed new docks are to be pre-fabricated and will be ready to install upon delivery. As such, construction within the river channel is limited to the installation of the piles to support the new docks. 14 new 16-inch steel piles will be driven to support the new concrete docks. A floating crane and rig will be utilized to drive piles and complete the new dock installation. In-water work will include removal and replacement of the 3,800 square feet (475 linear feet) of dock and gangways outside the mainstem of the river either by barge or by crane. Gangway reconstruction is anticipated to entail in-kind replacement on the east gangway side with access to the Cavanagh Landing Park to the greatest extent possible as well as the replacement of the supported landing platform on the west gangway side with access to the River Plaza shopping center. Work is anticipated to be limited to the minimal extents possible. Bank reconstruction and planting shall occur prior to the completion of construction.

The duration of all construction activities is expected to take approximately two months. All in-water work will occur within the environmental window (anticipated June 1 through November 30) in accordance with Nation Marine Fisheries guidelines to protect migrating fish species that may be present within the Petaluma River. Pile removal is anticipated to be conducted over the course of approximately 10 days, driving and float install is anticipated to be completed waterside within the Turning Basin and will consist of approximately 15 days, weather dependent. It is anticipated that the remainder of the construction activities, gangway reconstruction and bank restoration, will occur within the remainder of the construction timeline.

The following construction practices and processes are proposed by the project:

- Removal of existing timber piles shall be performed with a vibratory hammer. If pile breaks during the removal process, the contractor shall cut the pile below mudline.
- Work to be performed by barge mounted crane and supporting equipment as required.
- The proposed replacement piles are to be installed and held in place by a barge mounted crane in order to drive the piles.
- The proposed replacement piles are to be driven with a vibratory hammer to the greatest extent possible.
- Pile driving will be conducted within the shortest time as is practicable and in compliance with methodology approved by NMFS and CDFW.
- Where it is practical to do so, protective materials will be used to prevent materials from entering the waterway. This may include silt screens during pile driving and netting while work is performed on the dock and gangways.
- The number of access routes, and the number and size of staging areas, and the total area of the work site activity will be limited to the minimum necessary to complete the project. The dock will arrive via barge to minimize impacts to the riparian zone. Any work to be performed landside will be limited to the least extent possible to minimize any potential impacts.

- Erosion control materials (silt fence and straw wattles) will be installed along the bank to prevent sediment from washing into the river during construction.
- Toxic substances, particularly wood preservatives, will be prevented from falling into the water. In the event that any drilling or sawing of wood treated with preservatives is performed, all work will be conducted on land away from the river. The use of wood treated with preservatives is not anticipated.
- In the event of a forecasted storm produce at least 0.10 inch of precipitation within a 24-hour period all erosion control materials are to be located on-site and ready to be deployed. No phase of the project will be initiated if erosion control measures cannot be completely installed prior to the onset of a storm event predicted by 72-hour weather forecasts from the National Weather Service.
- Staging/storage areas for equipment, materials, fuels, lubricants, and solvents, would be located outside of the riparian area and above the top of bank as feasible. All equipment will be moved away from the riparian area prior to refueling and lubricating. The project manager will ensure that contamination of habitat does not occur during such operations due to accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- During all activities and once construction is over, all construction trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly.
- All temporarily disturbed areas will be restored to previous condition and covered with native grass seeding where appropriate.
- No trees are identified for full removal for the project, however if any trees are permanently impacted, they will be replaced by tree planting in the riparian zone at a ratio to be determined in resource agency permits (i.e. CDFW 1600 SAA). Only native shrubs and trees from the Petaluma River watershed, will be used for revegetation.
- Limbing and trimming of branches for equipment access will be kept to a minimum and be conducted under the supervision of the project manager.
- Any work done in the riparian zone that will disturb soil, will be treated for erosion control at the completion of project. This would include spreading native grass seeding and placement of erosion control materials such as biodegradable erosion control blankets and straw wattles.
- No heavy equipment will be stored or refueled in the resource areas.
- Contractor shall minimize impacts to coastal resource areas at all times during the proposed work.

### **Habitat Restoration**

The Project will take place in and adjacent to the mainstem of the Petaluma River. At the project location the Petaluma River is tidal. It is located 13 miles upstream from San Pablo Bay, which ultimately connects to the San Francisco Bay and the Pacific Ocean. The river is free flowing for its entire length with no dams or major diversions for municipal water use.

Biological communities present in the vicinity of the project were classified based on vegetation community descriptions, as outlined in the Manual of California Vegetation Online (CNPS 2022) and mapped on-site as part of the McNear Peninsula Restoration Project (CDFW 2014). The sensitive biological communities in the proposed project include the following habitats and the project includes the proposed restoration:

Habitat	Restoration Activity
Coastal Scrub/Riparian – Plant species include Coyote brush ( <i>Baccharis pilularis</i> ) and Arroyo willow ( <i>Salix lasiolepis</i> )	Any vegetation removed or disturbed during the project will be replanted in compliance with the ACOE 404 Permit, RWQCB 401 certification, and the CDFW 1600 Agreement.
Coastal Brackish Marsh - Plant species include California tule ( <i>Schoenoplectus californicus</i> ), marsh gumplant ( <i>Grindelia stricta</i> ), and pickleweed ( <i>Sarcocornia virginica</i> ).	The existing dock pilings are located in the marsh area at the water's edge. The replacement gangways will be connected to the upland portion of the bank and the replacement pilings will be placed within the approximate location of the existing piles as well as within the river channel to the greatest extent possible. Existing creosote treated piling will be replaced with non-toxic steel piles.
Waters of the United States	The replanting of the riparian habitat and the restoration of the marshland will reduce siltation and erosion into the river.

## Review for Exemption(s)

The project is eligible for categorical exemptions under Section 15301 (Class 1), which applies to projects consisting of repair and maintenance of existing structures involving negligible or no expansion of existing or former use to meet current standards of public health and safety, and Section 15302 (Class 2), which applies to projects consisting of replacement or reconstruction of existing structures where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced. In compliance with CEQA Guidelines 15061, the proposed project was reviewed to determine eligibility for an exemption under CEQA Guidelines Article 19. The project is eligible for the following exemptions:

### 15301 Existing Facilities

The proposed project will replace an existing dock facility on the Petaluma River at the Turning Basin. The proposed project will replace the existing dock with a similar dock generally of the same size and for the same use, which is an exempt activity under Class 1 of the CEQA guidelines as it will not result in an expansion of use.

### 15302 Replace or Reconstruct Existing Facilities

The proposed replacement dock will not increase capacity nor have more usage than the existing dock. The project will improve environmental conditions by replacing creosote treated piles with non-toxic steel pile. In addition, impacts on the marshlands and riparian habitat that was previously impacted by the existing dock will be avoided by restricting the ability for the floats to ground out at low tide. The proposed project will replace the existing dock with a similar dock generally of the same size, in the same general location,

and with the same use. Therefore, the proposed project qualifies as exempt under Section 15302 of the CEQA Guidelines.

### **15300.2 Exceptions to Exemptions**

The project was reviewed to determine if there were any exceptions to the exemptions as described in CEQA Guidelines 15300.2.

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.

*The proposed exemptions are Class 1 and Class 2 and therefore this exception does not apply to the project.*

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

*The proposed project is the replacement of an existing dock and not part of a larger project to develop the site or surrounding area. Therefore, there are no foreseeable cumulative impacts that could occur from successive projects of the same type in the same place and thus this exception does not apply to the project.*

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

*Due to the project's location adjacent to and within the Petaluma River, which is considered a Water of the United States, potential impacts of the proposed project to biological resources were analyzed including impacts to sensitive natural communities and special status plant and animal species.*

*A Biological Resources Assessment was prepared in December of 2022 and found that the project site contains non-sensitive biological communities and sensitive biological communities. Non-sensitive biological communities include ruderal habitat along the upper bank of the Petaluma River. Sensitive biological communities in the study area include water of US and State (Petaluma River), Coast Scrub Riparian (along the banks of the Petaluma River), and Coastal Brackish Marsh (narrow 2 foot wide fringe of salt marsh plant along the water's edge). Central California coast Steelhead which is listed as a federally threatened species and Sacramento splittail, which is listed as a species of special concern have documented occurrences within the Petaluma River, migrating upstream in the fall and winter to spawn in tributaries in the winter and spring. Although the Petaluma River is designated critical habitat for the steelhead, there are no habitat areas of particular concern identified in the project reach. Further, project design and construction parameters, ensure the avoidance of potential impacts on fish habitat and migration. No special status plant species or suitable habitat to support special status plant species were observed.*

*The project is designed to avoid potential impacts to special status fish species within the project area including installation of silt fencing, incorporation of best management practices (BMPs) to prevent discharge of materials into the waterway, and limiting the work window to occur when special status fish species have the lowest likelihood of being present.*

*The proposed project will include the replacement of an existing dock facility located on the bank of the Petaluma River. The dock replacement and ongoing operation will improve the quality of the environment by removing treated piles, avoiding the previously impacted marshland fringe habitat, and introducing*

*native plantings. Additionally, the project requires permits from the Army Corps of Engineers and the CA Department of Fish and Wildlife which will further ensure that there are no impacts to plant and animal species. Therefore, the project will not have a significant effect on the environment due to unusual circumstances and this exception does not apply.*

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

*The proposed project is not within the vicinity or viewshed of a scenic highway or highway eligible for scenic designation. The closest highway is Hwy 101, and the project would not be visible from the highway. Therefore, there are no impacts to scenic highways and this exception does not apply to the project.*

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

*A database search of Envirostor which lists all Federal Superfund Sites (NPL), State Response Sites, Voluntary Agreement Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, and Evaluation / Investigation Sites was conducted. There were no listings for the project site. A search of the State Water Resources Control Board GeoTracker site was also conducted. There were no LUST or Cleanup Program sites in the immediate vicinity of the project. Because the site is not a hazardous waste site, this exception does not apply to the project.*

f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

*There were no records of any prehistoric archaeological concerns related to the site and that no records of modern settlers living on the peninsula exist. As the site does not contain archaeological nor historic resources, the proposed project would not cause a substantial adverse change in the significance of a historic resource. Therefore this exception does not apply to the project.*

As none of the above exceptions apply, the project is found to be exempt under CEQA Guidelines 15301 and 15302.

Sincerely,  
Foth & Van Dyke and Associates, Inc.



Wendy P. Rocha

*Senior Client Manager*