



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

June 1, 2021

Regulatory Division

SUBJECT: File Number SPN-2021-00066

**LETTER OF PERMISSION**

City of Petaluma, Public Works Department  
Attn: Mr. Emmanuel Ursu  
11 English Street  
Petaluma, California 94952  
[EURSU@cityofpetaluma.org](mailto:EURSU@cityofpetaluma.org)

Dear Mr. Ursu:

You are hereby granted Department of the Army authorization to remove and reconstruct an existing 3,800-square-foot wooden dock and gangway with either a floating concrete or steel dock of the same dimensions along with associated infrastructure, located at the Petaluma River Turning Basin, in the City of Petaluma, Sonoma County, California; Latitude 38.23562°, Longitude -122.63792°. The above activity must be performed in accordance with the enclosed plans and drawings (Enclosure 1).

This authorization is issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403 *et seq.*) and is subject to the enclosed conditions (Enclosure 2), as applicable. You may require additional authorization from the Regional Water Quality Control Board (RWQCB) prior to starting this activity.

You are advised that the U.S. Army Corps of Engineers (Corps) has established an Administrative Appeal Process, as described in our regulations at 33 C.F.R. § 331 (65 Fed. Reg. 16486; March 28, 2000) and outlined in the enclosed flowchart (Enclosure 3) and Notification of Administrative Appeal Options, Process and Request for Appeal (NAO-RFA) form (Enclosure 4). The following two options are available to you in your evaluation of this Letter of Permission:

1. You may accept the Letter of Permission as offered, and your project is authorized. If you accept this permit, you waive all rights to appeal the permit, including its terms and conditions. Please complete the appropriate parts of the "Project Status" form (Enclosure 5) and return it to this office as your work progresses. You are responsible for ensuring that the contractors or workers executing the activity authorized herein are knowledgeable of the terms and conditions of this authorization.

2. You may decline the Letter of Permission because you object to certain terms and conditions, and you may request that the permit be modified. If you decline the permit, you must return the permit to the District Engineer and may not proceed with your project until notified by the District Engineer. You must outline your objections to the terms and conditions of the permit by completing Section II of the NAO-RFA form. Your objections must be received by the District Engineer within 60 days of the date of this letter, or you will forfeit your right to request changes to the terms and conditions of the permit.

Upon receipt of the completed NAO-RFA form, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your objections; (b) modify the permit to address some of your objections; or (c) not modify the permit, having determined that the permit should be issued as previously written. In any of these three cases, the District Engineer will send you a final permit for your reconsideration, as well as a second NAO-RFA form. Should you decline the final proffered permit, you can appeal the declined permit by submitting the completed NAO-RFA form to the Division Engineer. The NAO-RFA form must be received by the Division Engineer within 60 days of the date of the second transmittal letter, or you will forfeit your right to pursue an appeal.

You may refer any questions on this matter to William Connor by telephone at (415) 503-6631 or by e-mail at [William.M.Connor@usace.army.mil](mailto:William.M.Connor@usace.army.mil). Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available through the Forms and Contacts Block on our website: <https://www.spn.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,



William M. Connor  
Senior Project Manager  
Regulatory Division

Enclosures

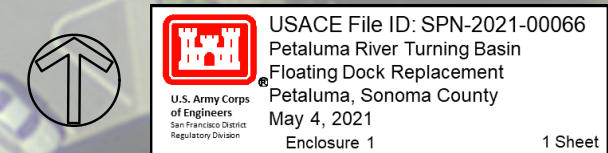
cc:

City of Petaluma, DPW, Jonathan Sanglerat, [jsanglerat@cityofpetaluma.org](mailto:jsanglerat@cityofpetaluma.org)  
US NMFS, Dan Logan, [dan.logan@noaa.gov](mailto:dan.logan@noaa.gov)



- 1 REMOVE, DISPOSE AND REPLACE FLOATING DOCK, APPROXIMATELY 462 LF or 3800 SF, INCLUDING IN-DOCK UTILITIES. EXISTING DOCK WIDTH VARIES AS INDICATED, REPLACEMENT DOCK SHALL BE 8' IN WIDTH.
- 2 NEW FLOATING TO BE ATTACHED TO EXISTING PILES. PILES VARY IN MATERIAL AND DIAMETER, WOOD (W) OR STEEL (S) AS INDICATED BELOW
- 3 TIE IN TO EXISTING WATER AND ELECTRIC SERVICES
- 4 REMOVE AND REPLACE DISTRIBUTION PEDESTALS, CONNECT TO SERVICE TIE IN
- 5 BID ALTERNATE - REMOVE AND DISPOSE GANGWAY AND PIER STRUCTURE, STRUCTURE. INSTALL NEW GANGWAY
- 6 GANGWAY TO REMAIN, CONFIGURE TO NEW FLOATING DOCK

1. PROTECT ALL PIERS INDICATED
2. CONTRACTOR TO PROVIDE SUBMITTAL ON NEW PIERS AND ATTACHMENT MECHANISMS
3. REPLACE ALL UTILITIES IN KIND UNLESS OTHERWISE DIRECTED BY ENGINEER
4. NEW DOCKS ARE TO BE FURNISHED WITH CLEATS. NEW CLEATS ARE TO BE SPACED 10' TO 12' ON CENTER ALONG THE FULL LENGTH OF THE DOCK
5. DISTRIBUTION PANELS SHALL BE NEMA 3 MINIMUM RATING
6. CITY WILL CONFIRM IN FIELD PIER STRUCTURE (ITEM 5) TO BE REMOVED



DATE: JUNE - 2020
DESIGNED BY: JS
DRAWN BY: JS
CHECKED BY: KE

PROJECT NO.  
14502024

**CITY OF PETALUMA**  
PUBLIC WORKS & UTILITIES  
202 N. McDowell Blvd., PETALUMA, CALIFORNIA, 94954  
PH. 707-778-4546 FAX. 707-778-4508



# TURNING BASIN FLOATING DOCK REPAIR

## WORK ELEMENTS

SHEET

# C1

2 OF 2

**CONDITIONS TO LETTER OF PERMISSION**

**PERMITTEE:** City of Petaluma, Public Works Department

**FILE NO.:** SPN-2021-00066

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on June 1, 2026. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. You understand and agree that if future operations by the United State require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



## **SPECIAL CONDITIONS:**

1. The NMFS concurred with the determination that the project was not likely to adversely affect Central California Coast steelhead (*Oncorhynchus mykiss*), North American green sturgeon southern DPS (*Acipenser medirostris*), and designated critical habitat for these species. This concurrence was premised, in part, on project work restrictions outlined in enclosure 6. These work restrictions are incorporated as special conditions to the LOP authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. The Corps initiated consultation with the NMFS to address project related impacts to Essential Fish Habitat. The conservation recommendations outlined on page 7 in enclosure 6 shall be fully implemented as stipulated.
3. In-water construction activities shall be restricted to the period between June 15 and November 30.

## **FURTHER INFORMATION:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403 *et seq.*).

2. Limits of this authorization:

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associate with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate. (See Item 4 above.)
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. § 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- 6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

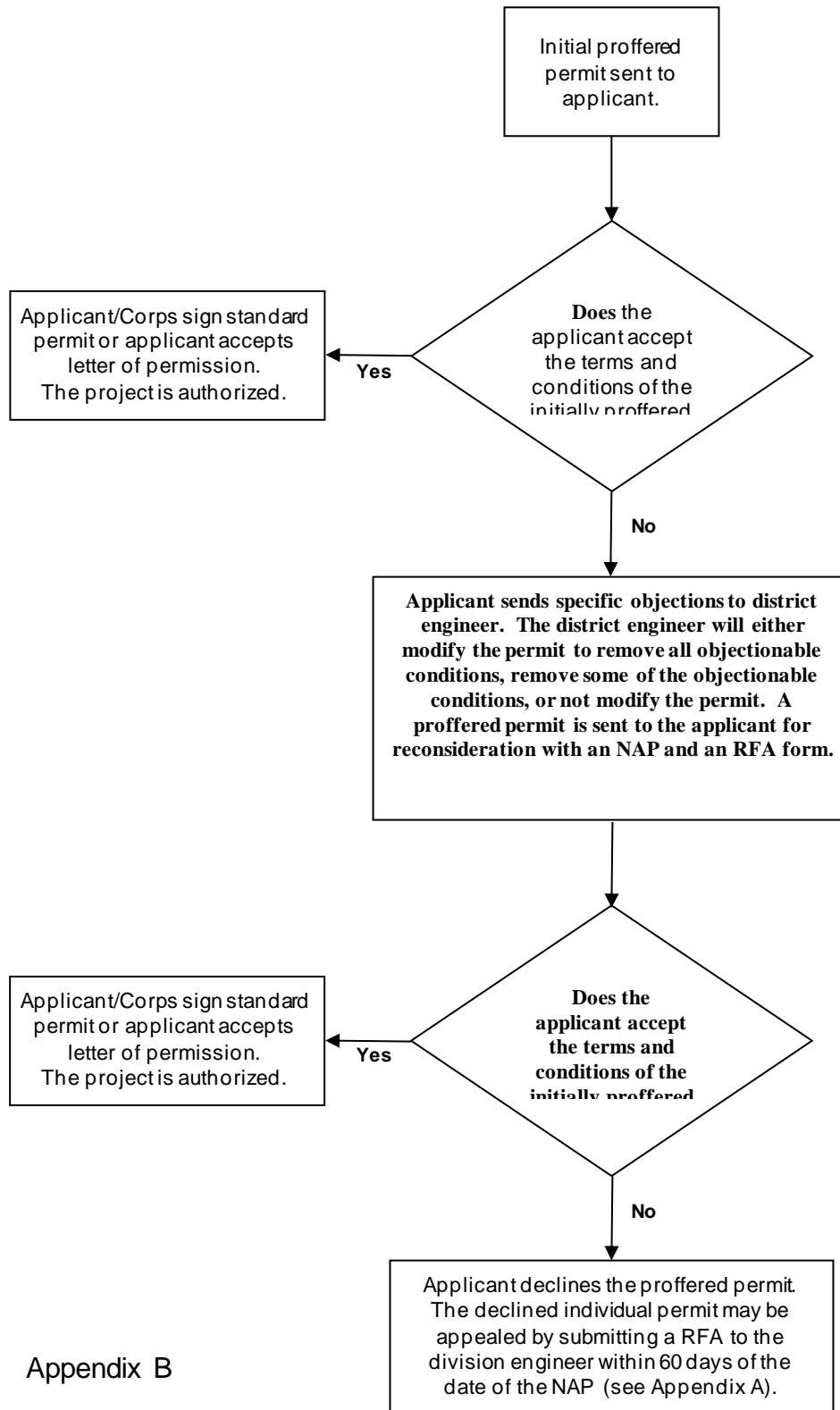
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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(TRANSFEREE)

(DATE)

## Applicant Options with Initial Proffered Permit



Appendix B

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
PROFFERED PERMIT (Standard Permit or Letter of permission)		B
PERMIT DENIAL		C
APPROVED JURISDICTIONAL DETERMINATION		D
PRELIMINARY JURISDICTIONAL DETERMINATION		E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

L. Kasey Sirkin  
Acting North Branch Chief, Regulatory Division  
San Francisco District, U.S. Army Corps of Engineers  
450 Golden Gate Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102-3404  
Phone: (707) 443-0855 Email: [L.K.Sirkin@usace.army.mil](mailto:L.K.Sirkin@usace.army.mil)

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh  
Administrative Appeal Review Officer,  
U.S. Army Corps of Engineers  
South Pacific Division  
450 Golden Gate Avenue, 6<sup>th</sup> Floor  
San Francisco, California 94102-3406  
Phone: (415) 503-6574 Fax: (415) 503-6646  
Email: [thomas.j.cavanaugh@usace.army.mil](mailto:thomas.j.cavanaugh@usace.army.mil)

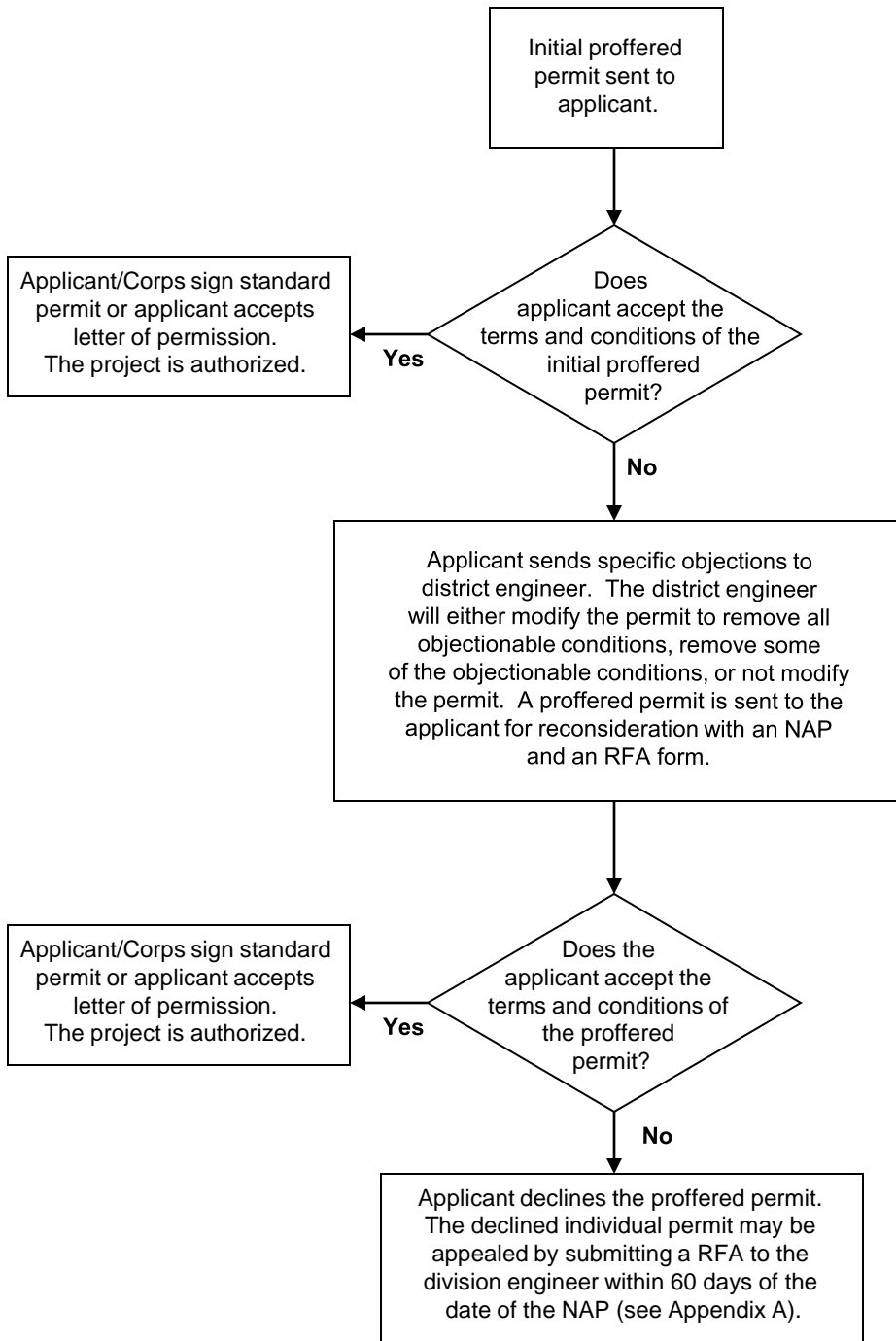
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

## Applicant Options with Initial Proffered Permit



**PROJECT STATUS**

Please use the forms below to report the dates when you start and finish the work authorized by the enclosed permit. Also, if you suspend work for an extended period of time, use the forms below to report the dates you suspended and resumed work. If you find that you can not complete the work within the time granted by the permit, please apply for a time extension at least one month before your permit expires. If you materially change the plan or scope of the work, it will be necessary for you to submit new drawings and a request for a modification of your permit.

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(cut as needed)

Date: \_\_\_\_\_

**NOTICE OF COMPLETION OF WORK** under Department of the Army Permit No. SPN-2021-00066

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102

In compliance with the conditions of Permit No. SPN-2021-00066, this is to notify you that work was completed on

Date: \_\_\_\_\_

Permittee: City of Petaluma, Address: 11 English Street Petaluma California, 94952

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(cut as needed)

Date: \_\_\_\_\_

**NOTICE OF RESUMPTION OF WORK** under Department of the Army Permit No. SPN-2021-00066

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102

In compliance with the conditions of Permit No. SPN-2021-00066, this is to notify you that work was resumed on

Date: \_\_\_\_\_

Permittee: City of Petaluma, Address: 11 English Street Petaluma California, 94952

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(cut as needed)

Date: \_\_\_\_\_

**NOTICE OF SUSPENSION OF WORK** under Department of the Army Permit No. SPN-2021-00066

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102

In compliance with the conditions of Permit No. SPN-2021-00066, this is to notify you that work was suspended on

Date: \_\_\_\_\_

Permittee: City of Petaluma, Address: 11 English Street Petaluma California, 94952

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(cut as needed)

Date: \_\_\_\_\_

**NOTICE OF COMMENCEMENT OF WORK** under Department of the Army Permit No. SPN-2021-00066

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102

In compliance with the conditions of Permit No. SPN-2021-00066, this is to notify you that work was commenced on

Date: \_\_\_\_\_

Permittee: City of Petaluma, Address: 11 English Street Petaluma California, 94952