

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

916.574.1800

TTY CA Relay Service: 711 or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: (916) 574-2320

August 2, 2022

File Ref.: PRC 5607

Sent via Electronic Mail Only
wendy.rocha@foth.com

Wendy P. Rocha
Sr. Client Manager
Foth & Van Dyke and Associates, Inc.
755 Baywood Drive, Ste 228
Petaluma, CA 94954

Subject: Letter of Non-Objection to Conduct Maintenance Dredging at the city of Petaluma Turning Basin in the Petaluma River, city of Petaluma, Sonoma County

Dear Ms. Rocha:

This letter is in response to your request on behalf of the City of Petaluma (City) for a Letter of Non-Objection from the staff of the California State Lands Commission (Commission) to conduct dredging at the city of Petaluma Turning Basin in the Petaluma River, city of Petaluma, Sonoma County, in the Fall of 2022 (September 1, 2022 through November 30, 2022).

Based on the information you provided to us, we understand the following regarding the proposed activities:

1. Dredging will be conducted from a dump scow with a mechanical clamshell excavator bucket.
2. Approximately 30,000 cubic yards (cy) of sediment will be dredged.
3. The removed sediment will be transported by barge to the San Pablo Bay Disposal Site (SF-10), the Shollenberger Dredged Material Placement Site, or the Cullinan Ranch Restoration Site.

The objective of the proposed dredging is to maintain navigational depths for recreational watercraft. Due to a limited environmental window and limited available funding that is required to be spent in 2022, the dredging must take place during the Fall of 2022. On July 28, 2022, the City submitted application A3725 for amendment of Lease Number PRC 5607 to include maintenance dredging of approximately 30,000 cy of sediment over the remaining term of the lease from the Petaluma Turning Basin, South Docks in the vicinity of the Petaluma Yacht Club, and south of the Water Street pedestrian bridge adjacent to the floats. The maintenance dredging will be limited to the Fall of 2022.

Commission staff does not object to the City utilizing sovereign lands for the proposed project, subject to the following conditions:

1. That the State of California, its officers, agents, and employees shall not be liable for any claims, damages, or injuries of any kind and from any cause arising out of or connected in any way with the proposed action, and that City shall indemnify, hold harmless, and, at the option of the State, defend the State, its officers, agents, and employees, against and for any and all liability for any claims, damages, or injuries of any kind and from any cause, arising out of or connected in any way with the proposed action; and
2. That the City shall comply with any and all terms and conditions imposed by Commission staff; and
3. That the dredged material may not be sold; and
4. That the City shall obtain and secure, prior to commencement of the project, all approvals necessary or appropriate from any and all other agencies or governmental entities having jurisdiction; and
5. That disturbance of the property under the Commission's jurisdiction shall be kept to a minimum area consistent with the nature and purpose of the proposed action, and that the City shall take all necessary and appropriate precautions to prevent littering or pollution on sovereign lands, waterways, and adjoining properties; and
6. That the City shall be responsible for any damage, destruction, or loss occurring to State lands, waterways, adjoining property, the State's lessees, or other members of the public; and

7. That the City shall provide Commission staff notice prior to any actual work or activity taking place pursuant to the approvals given and shall provide Commission staff with any information requested as to the work completed; and
8. That the City shall provide Commission staff satisfactory evidence of insurance coverage as requested by Commission staff with the Commission named as an additional insured; and
9. That no refueling, maintenance, or repairs to any equipment or vehicles will be permitted on lands subject to the Commission's jurisdiction; and
10. That all personal property, tools, equipment, or other materials taken onto or placed upon State lands shall remain the property of the City or its contractors. Such property shall be promptly removed from State lands upon completion of the project. The Commission does not accept any responsibility for any damage, including damages to any property, including equipment, tools, machinery, or other materials placed on State land; and
11. That no heavy machinery or equipment, other than the use of the dump scow with a mechanical clamshell excavator bucket shall be allowed on the State land; and
12. That upon request, the City shall provide photos and a written description of the condition of the site before starting work and upon completion; and
13. That this Letter of Non-Objection shall become effective upon the date executed by the City and shall remain in effect for three months.

The City acknowledges that Commission staff's issuance of this Letter of Non-Objection for the project is no assurance that future use of State lands would be allowed. Each time the Commission takes action to approve or reject a project, it is exercising its authority and responsibility as trustee of the State's Public Trust lands as authorized by law (Public Resources Code section 6301 and 6216). The City also acknowledges that its use of State land is non-exclusive.

This letter is not intended, nor shall it be construed as, a waiver or any limitation of any right, title, or interest of the California State Lands Commission in any lands under its jurisdiction.

Wendy P. Rocha
Sr. Client Manager
Foth & Van Dyke and Associates, Inc.
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The Executive Officer finds that the project is exempt from the California Environmental Quality Act as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304(g), maintenance dredging.

Please have an authorized representative of the City sign in the space provided below, accepting the conditions as set forth in this letter and return the signed original to this office. You may provide a digital or scanned copy of the executed letter, however if the signed original is not received within 10 business days after receipt of this letter, this Letter of Non-Objection shall be null and void.

If you have any questions, please contact Marlene Schroeder, Public Land Management Specialist, at marlene.schroeder@slc.ca.gov or at (916) 574-2320.

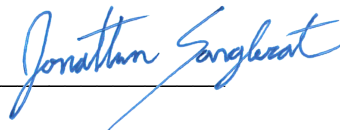
Sincerely,



Brian Bugsch, Chief
Land Management Division

Accepted by:
City of Petaluma

By: Jonathan Sanglerat



Title: Engineering Manager

Date: 8/3/2022

cc: (on next page)

Wendy P. Rocha
Sr. Client Manager
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cc: Marlene Schroeder, Commission
Eric Gillies, Commission
jsanglerat@cityofpetaluma.org
Jonathan Sanglerat, P.E.
Senior Civil Engineer
City of Petaluma