

Supervisors postpone Dutra discussion

Dan Johnson, Petaluma Argus-Courier, 1-5-10

The Sonoma County Board of Supervisors has postponed its discussion and possible vote regarding the proposed Dutra asphalt plant until March 16, after the U.S. Coast Guard determined that the plant “would create a navigational hazard to other users of the channel.”

Leland R. Selna Jr., general counsel to the CSW/Stuber-Stroeh Engineering Group, requested a postponement in a letter dated Dec. 30 to board chair Paul Kelley. A discussion about the plant was scheduled for the Jan. 12 meeting.

The letter was sent after Coast Guard Capt. P.M. Gugg sent one to the engineering group, expressing concerns about the plant, on Dec. 29.

“Based on the new information that barges moored at your proposed facility would encumber approximately 50 feet of the 100-foot federally maintained navigation channel, your facility will create a navigation hazard to other users of the channel,” Gugg wrote. “The moored barge or barges as proposed would result in a violation of the federal anchorage regulations ... prohibiting vessels from anchoring or mooring in such a manner as to extend into an adjacent channel or fairway.”

Gugg went on to write that his office grants waivers from the regulation on a temporary, but not a permanent, basis.

In his letter to Kelley, Selna wrote, “In reviewing the (Gugg) letter, our outside legal counsel advises that the citation of federal anchorage regulations ... does not appear to be applicable to the Petaluma River, which is not identified as one on the restricted anchorages ...

“In addition to the question of applicability of the regulation, the Coast Guard letter broadens the question to whether other existing moorings and commercial traffic on the river pose questions of navigational safety. This position may jeopardize the ability of the county of Sonoma and the city of Petaluma to obtain federal funds to dredge the river, which among other concerns, may impair commercial and recreational use, and reduce the future flood capacity of the river.

“Because we believe the next step should involve meeting with the Coast Guard to discuss the regulations, the impact on use of the river and to otherwise address the issues, we are asking for a postponement of our hearing before the Sonoma County Board of Supervisors ...”

Selna also sent a reply to Gugg on Dec. 30 stating that Dutra is “disappointed” by his determination and believes that the Coast Guard's interpretation of federal regulations is “incorrect.”

“Equally important, referencing your stated understanding that other facilities block the navigation channel, the impairment of existing commercial use of the Petaluma River could have significant adverse consequences, including the loss of Corps of Engineers dredging and eventual loss of the river to ... commercial, flood control and recreational use,” Selna wrote.

“Dutra has a strong commitment to navigational safety and to the maintenance of the river, on which its barges have operated safely for more than 20 years. Jerico, Shamrock and Westar — companies that also operate

barges on the river — have provided written confirmation that the proposed Haystack Landing barge offloading facility would pose no navigational safety concerns,” he added.

Selna's letter concludes by requesting a meeting with Gugg “at the earliest convenient opportunity,” and suggests that other potentially affected barge operators be invited.

The Dutra Group's retained engineer, Al Cornwell of CSW/Stuber-Stroeh Engineering Group, previously said there are no plans to widen the river channel on either side to accommodate its 50-by-200-foot barges that will transport raw material to make asphalt as well as aggregate to store on-site for road repair.

“They don't have to carve out any more room to let other traffic pass,” Cornwell told the Argus-Courier earlier this month. “There will be no cutting into the bank.”

Gugg wrote a letter dated Dec. 4 to the engineering group in which he stated that the Coast Guard would like to “fully analyze the river's uses regarding recreational vessel traffic to mitigate any hazards and/or infringements to all parties under this waterway.”

Dutra has asked to bring 125 barges a year up the river, approximately two each week. Each barge would take about four hours to unload, resulting in potential river-traffic problems. The frequency could change if the company contracts to do government work that calls for 24-hour operation seven days a week to cut expenses, such as planned widening of Highway 101 north and south of Petaluma.

The letter dated Dec. 4 prompted the Sonoma County Board of Supervisors to postpone a discussion and possible vote on the Dutra plant, originally slated for their Dec. 8 meeting, and reschedule them for the Jan. 12 meeting.

San Rafael-based Dutra Group — which previously operated an asphalt plant a half mile upstream for more than 20 years — has been pursuing the project, sited on unincorporated land subject to county jurisdiction, for more than five years. The current, modified version was proposed earlier this year after the Sonoma County Board of Supervisors voted 3-2 to deny a more ambitious project that included a recycling plant.

The proposed Dutra plant has stirred considerable controversy in the Petaluma community. This month, the Petaluma City Council unanimously approved sending a letter opposing the project to the Sonoma County Board of Supervisors.

A resolution was passed by the council, stating that scaled-down plans to build the plant do not change “the project's impact on biological resources, geology and soils, cultural resources, hazards and hazardous materials and land use.”