

**Meeting of the Central Valley Flood Protection Board
April 22, 2011**

Staff Report – Encroachment Permit

**Pacific Gas and Electric Company
Palermo to East Nicolaus 115-kV Transmission System Reconstruction Project,
Yuba County**

1.0 – ITEM

Consider approval of Permit No. 18648-1 (Attachment B)

2.0 – APPLICANT

Pacific Gas and Electric Company

3.0 – LOCATION

The proposed project is an element of the Palermo to East Nicolaus 115-kV Transmission System Reconstruction Project. This element is located approximately 1.4 miles east of Hwy 70 in the Honcut Creek Floodway parallel to the Union Pacific RR; 1.4 mls south of Ramirez Road and 1.25 mls east of Hwy 70; and near the intersection of Jack Slough Road and Kimball Lane.

(Honcut Creek and Jack Slough, Yuba County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to remove twelve (12) 115kV transmission towers and replace with eleven (11) hybrid transmission poles inside of the Honcut Creek Floodway; To authorize the aerial crossing of the 115kV transmission lines over the left (south) bank levee of Honcut Creek; To remove an existing transmission tower (tower 128) from the Project Works on the landside of the East Levee of Reclamation District No. 10; To authorize the aerial crossing of the 115kV transmission lines over the East Levee of Reclamation District No. 10; To authorize the aerial crossing of the 115kV transmission lines over Jack Slough; All are elements of the Palermo to East Nicolaus 115-kV Transmission System Reconstruction Project.

5.0 – PROJECT ANALYSIS

Pacific Gas and Electric Company is proposing to reconstruct the 41-mile long Palermo to East Nicolaus 115-kV Transmission System (Project) serving Butte, Yuba, and Sutter counties to meet present and forecasted electric demands for the area. The Project will require the replacement of the existing 100-year old lattice steel transmission towers with hybrid tubular steel pole transmission towers to support the higher tension loads of the new system. The reconstruction Project crosses several waterways, some of which are components of the Sacramento River Flood Control Project and some that are regulated streams. The proposed reconstruction Project was divided into four (4) segments for permit review based on impacted waterways and Local Maintain Agency (LMA) boundaries.

Application No. 18648-1 includes the portion of the Project (about 12-miles) that crosses Honcut Creek, continuing south along the East Levee for Reclamation District No. 10, crossing Jack Slough, and to the Right (north) bank levee of the Yuba River. Reclamation No. 10 is the LMA for this area.

All new transmission towers will be installed a minimum of 15-feet from any levee toe and all aerial crossings over levees will exceed 25-feet in height as per Title 23 standards.

5.1 – Hydraulic Analysis

Twelve (12) existing transmission towers will be removed from the Honcut Floodway and replaced with eleven (11) new transmission poles. Area calculations show that the new transmission poles will block less than 1.0% of the floodway (0.59%); therefore a hydraulic analysis is not required.

5.2 – Geotechnical Analysis

A geotechnical analysis is not required.

5.3 – Additional Staff Analysis

One existing transmission tower (tower 128) is located near the landside toe of the East Levee of Reclamation District No. 10. This transmission tower will be eliminated and not replaced. The tower's foundation will be removed and backfilled per Title 23 standards.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- Reclamation District No. 10 has endorsed the proposed project with conditions on February 4, 2011. The project conditions will be incorporated into the permit as Exhibit A.
- The U.S. Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff the letter will be incorporated into the permit as Exhibit B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA findings:

The Board, as a responsible agency under CEQA, has reviewed Initial Study/Mitigated Negative Declaration (SCH Number: 2010082014, September 2010) and Mitigation Monitoring, Reporting, and Compliance Program for the Palermo–East Nicolaus 115-kV Transmission Line Reconstruction Project prepared by the lead agency, the California Public Utilities Commission. These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2011/04-22-2011.cfm> under a link for this agenda item. These documents are also available for review in hard copy at the Board and the Butte, Sutter, and Yuba County Libraries.

The California Public Utilities Commission has determined that the project would not have a significant effect on the environment and adopted Decision 10-11-008 (Application 09-02-023) on November 19, 2010 and filed a Notice of Determination on November 22, 2010 with the State Clearinghouse. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the project proponent's Mitigation Monitoring, Reporting, and Compliance Program and address impacts to air quality, biological resources, cultural resources, hazards and hazardous materials, water quality, geologic resources, noise, public services, and transportation. The description of the mitigation measures are further described in the adopted Mitigation Monitoring, Reporting, and Compliance Program.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

Reconstruction of the Palermo to East Nicolaus 115kV Transmission System will result in an overall improvement to the State Plan of Flood Control due to the removal of existing towers from the Project Works and hydraulic improvements to the impacted floodways.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

There will be no effects to the Palermo to East Nicolaus 115kV Transmission System from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA Findings, approve Permit No. 18648-1 conditioned upon receipt of a USACE 208.10 letter of determination confirming that the Corps has no objection to the project, and direct the Executive Officer to take necessary actions to execute the permit and to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18648-1
- C. Design Drawings

Design Review:	Gary W. Lemon P.E.
Environmental Review:	James Herota
Document Review:	Mitra Emami P.E., Len Marino P.E.

This page intentionally left blank.

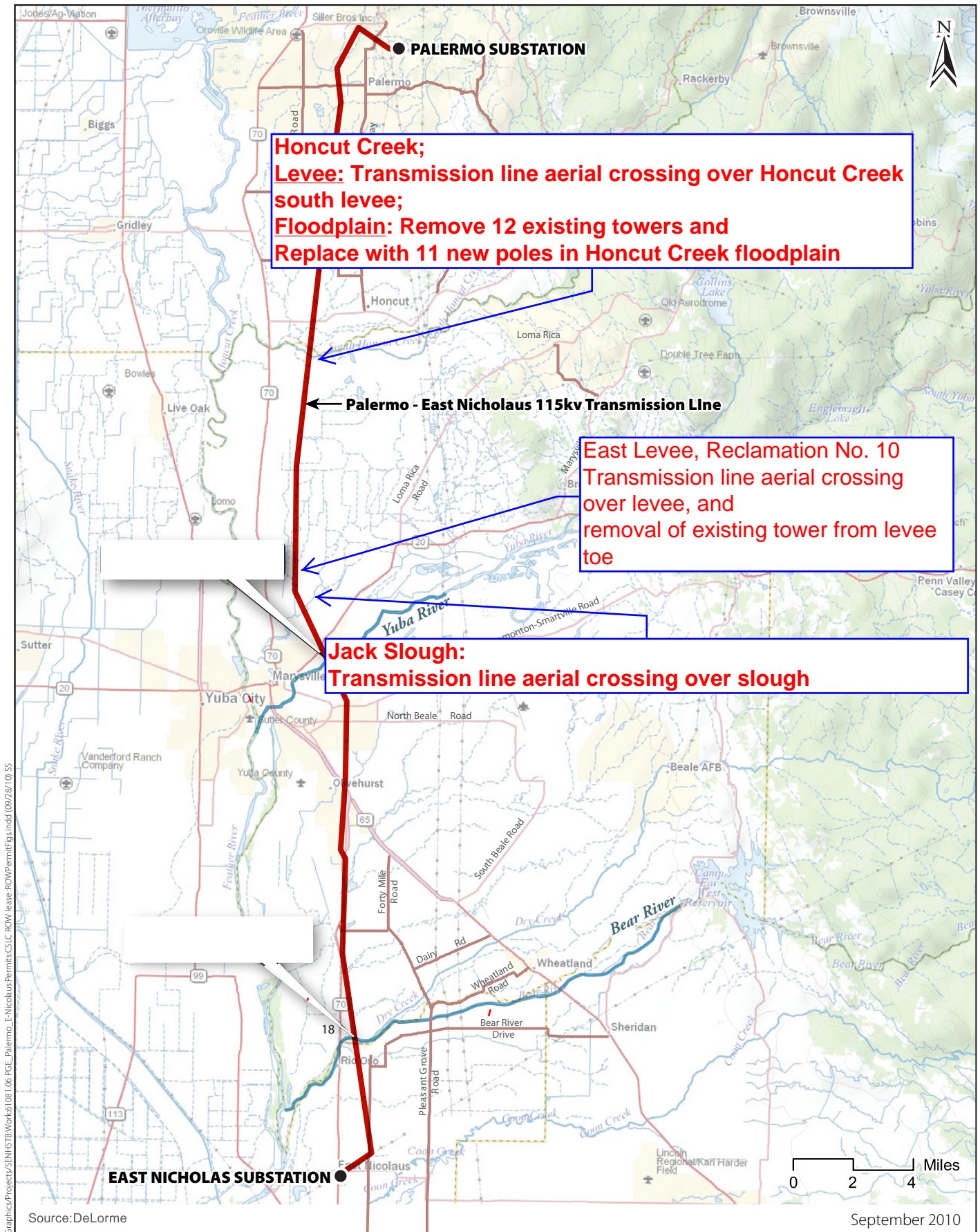
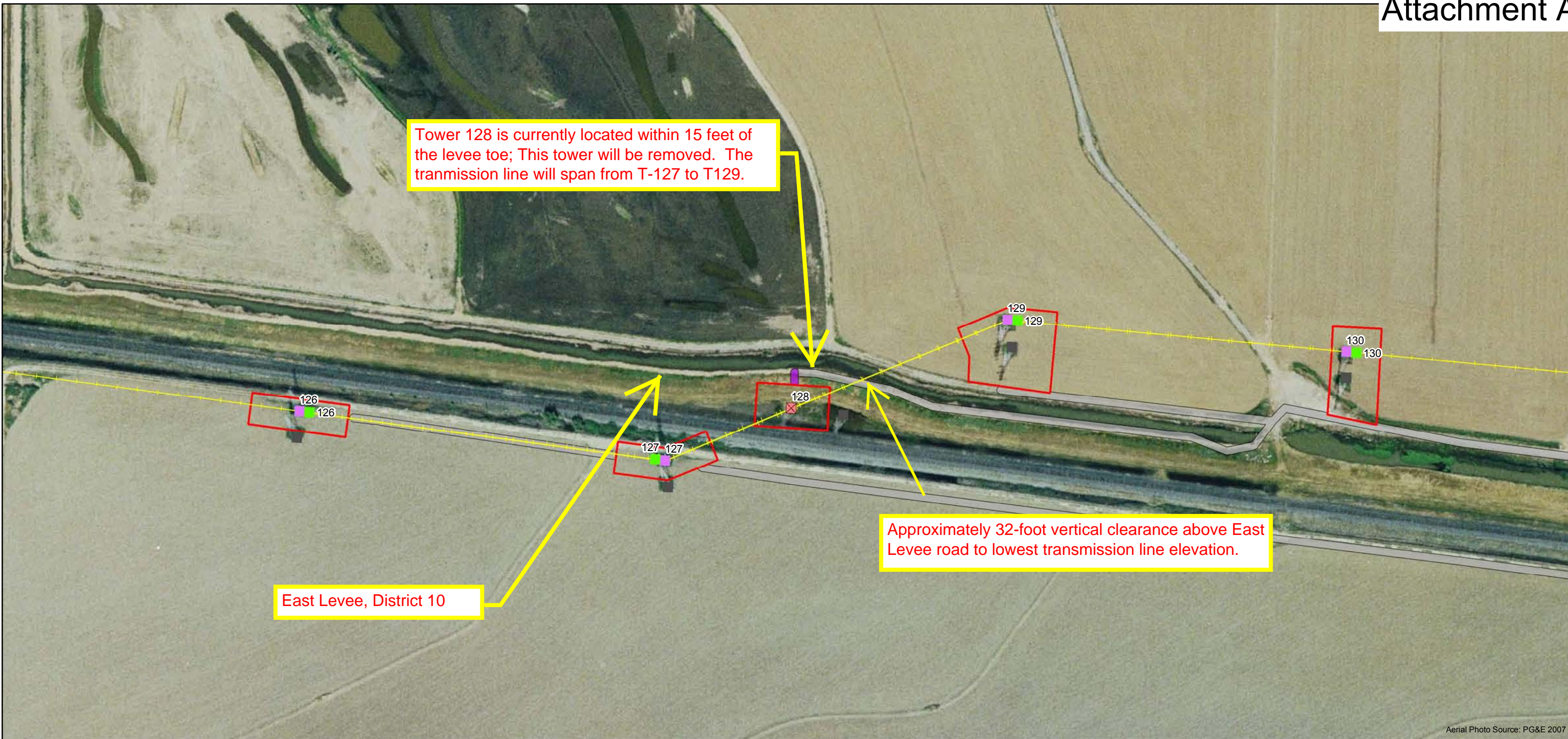


Figure 1
Project Vicinity



Honcut Creek Levee, looking east at tower 13/99.

Q:\PROJECTS\PG&E\61081_06\MAPDOC\BA_EXHIBIT_B1_PALERMO_BRANCHIOPOD_VELB_L_TO_2400_V16.MXD, SS (06-04-10)



Aerial Photo Source: PG&E 2007

Project Activities	Project Activities	Existing Facilities	Listed Branchiopod Habitat Locations	Branchiopod Impact Type	Elderberry Shrubs
Work Area Work Area, Work Done During the "Wet Season" Work Area, Work Done During the "Wet Season," Not Hydrologically Connected Special Work Area Special Work Area, Work Done During the "Wet Season"	250 Foot Buffer of "Not Hydrologically Connected Wet Season Work Area" 250 Foot Buffer of "Wet Season Work Area" New Tower Site* Replace Existing Tower with New Tower* Bridge Crossing Temporary Access Road**	Eliminate Tower* Existing Tower - No Structure Work* Tower on Adjacent Line - No Structure Work* Transmission Line Existing Access Road**	Listed Branchiopods Confirmed Absent Listed Branchiopods Confirmed Present Listed Branchiopods Presumed Present	Temporary Direct Impact Temporary Indirect Impact***	Elderberry Shrub Elderberry Shrub Cluster

* Towers symbols are not to scale, they appear larger than their true size, approximately 7.5 feet in diameter.

** Temporary and existing access roads are assumed to be 16 feet wide.

*** Temporary Indirect Impact are within 250 feet of a work area, where construction is conducted during the "wet season," unless not hydrologically connected.

Permanent direct impacts called out on sheets: 27-3, 29-1, 29-2, 30-1. Impacts not shown where listed branchiopods are confirmed absent.

Sheet: 16-2

RD-10 - East Levee
 Authorization for aerial crossing of levee, and removal of existing tower from levee prism

This page intentionally left blank.

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18648-1 BD

This Permit is issued to:

Pacific Gas & Electric Company
350 Salem Street
Chico , California 95928

To remove twelve (12) 115kV transmission towers (Palermo to East Nicolaus line) and replace with eleven (11) hybrid poles inside of the Honcut Creek Floodway; To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over the left (south) bank levee of Honcut Creek; To remove an existing tower (tower 128) from the Project Works on the landside of the East Levee of Reclamation District No. 10; To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over the East Levee of Reclamation District No. 10; To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over Jack Slough. The project is located approximately 1.4 miles east of Hwy 70 in the Honcut Creek Floodway parallel to the Union Pacific RR; 1.4 mls south of Ramirez Road and 1.25 mls east of Hwy 70; and near the intersection of Jack Slough Road and Kimball Lane (Section MULTIPLE, TN/A, RN/A, n/a, Reclamation District 10, Honcut Creek and Jack Slough, Yuba County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18648-1 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion

FIFTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its

defense, in its sole discretion.

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No.10 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: If the construction project extends onto land owned in fee and/or easement by the Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board (Board), the permittee should secure an easement, license, or temporary entry permit from the Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

NINETEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY: All existing tower footings located inside the Honcut Creek Floodway shall be removed, backfilled, and compacted to a density equal to that of the adjacent undisturbed material.

TWENTY-ONE: All existing tower footings within the levee section and within 15-feet from the levee toe shall be removed and backfilled with material having 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50; and shall be free of stones or lumps exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material.

TWENTY-TWO: Fill material within the levee section and within 15-feet of the levee toe shall be placed in 4- to 6-inch layers and compacted at or above optimum moisture content to not less than 90 percent relative compaction per ASTM Method D1557-91.

TWENTY-THREE: All new transmission towers shall be located off the levee section a minimum of 15-feet from the levee toe.

TWENTY-FOUR: A minimum clearance of 25-feet shall be provided between the levee crown and the overhead 115kV wire crossing.

TWENTY-FIVE: All work areas shall be restored to at least the condition that existed prior to the commencement of work.

TWENTY-SIX: Any debris that may accumulate around the transmission poles within the Honcut Creek Floodway shall be completely removed from the floodway following each flood season.

TWENTY-SEVEN: The permittee is responsible for repairing any damage to the levees or to the Honcut Creek Floodway caused by the installation or maintenance of the transmission towers or the 115kV power lines.

TWENTY-EIGHT: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of

the Department of Water Resources or any other agency responsible for maintenance.

TWENTY-NINE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

THIRTY-ONE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-TWO: The mitigation measures approved by the CEQA lead agency and the permittee are found in its Mitigation and Monitoring Reporting Program (MMRP) adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures.

THIRTY-THREE: The permittee shall comply with all conditions set forth by Reclamation District No.10 dated February 4, 2011, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-FOUR: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated _____, which is attached to this permit as Exhibit __ and is incorporated by reference.

**APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD
ENCROACHMENT PERMIT**

Application No. _____
(For Office Use Only)

1. Description of proposed work:

To remove twelve 115kV transmission towers (Palermo to East Nicolaus line) and replace with 11 hybrid poles inside of the Honcut Creek Floodway; To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over the left (south) bank levee of Honcut Creek; To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over the East Levee of Reclamation No. 10; To remove Tower 128 from the East Levee; To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over Jack Slough.

Township: _____ (N)
(S), Range _____ (W), M. D. B. & M.

3. J. Viscarra of Pacific Gas & Electric Company of 350 Salem Street
Name of Applicant Address

Chico CA 95928 (530) 896-4263
City State Zip Code Telephone Number

Fax Number

4. Endorsement: (of Reclamation District)

We, the Trustees of Reclamation District 10, Yuba County (Honcut)
Name and District Number

approve this plan, subject to the following conditions:

- Conditions listed on back of this form Conditions Attached No Conditions

Thomas Schmitt Pres. 2/14/2011
Trustee Date

Trustee Date

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

See attached list of adjacent property owners.

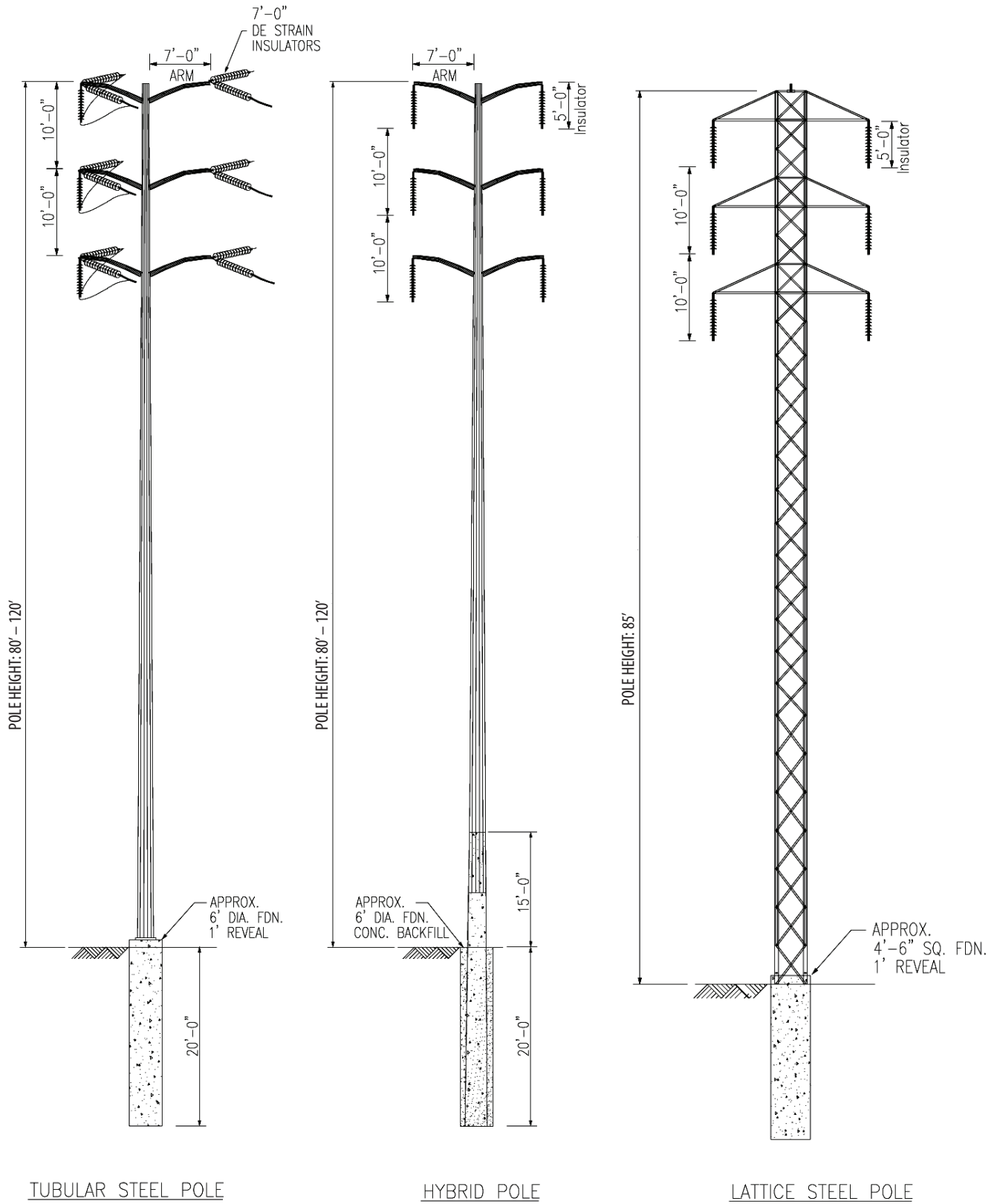
Name Address Zip Code

Proposed encroachment should not interfere with levee maintenance and operations.

Applicable removal and repairs should be made only when flow and weather conditions permit.

Backfill should be consistent with applicable engineered fill material standards.

Reference: Fig. 3-3, Conceptual Structure Drawings, *Proponent's Environmental Assessment, Palermo-East Nicolaus 115 kV Transmission Line Reconstruction Project*, ICF Jones & Stokes, February 2009



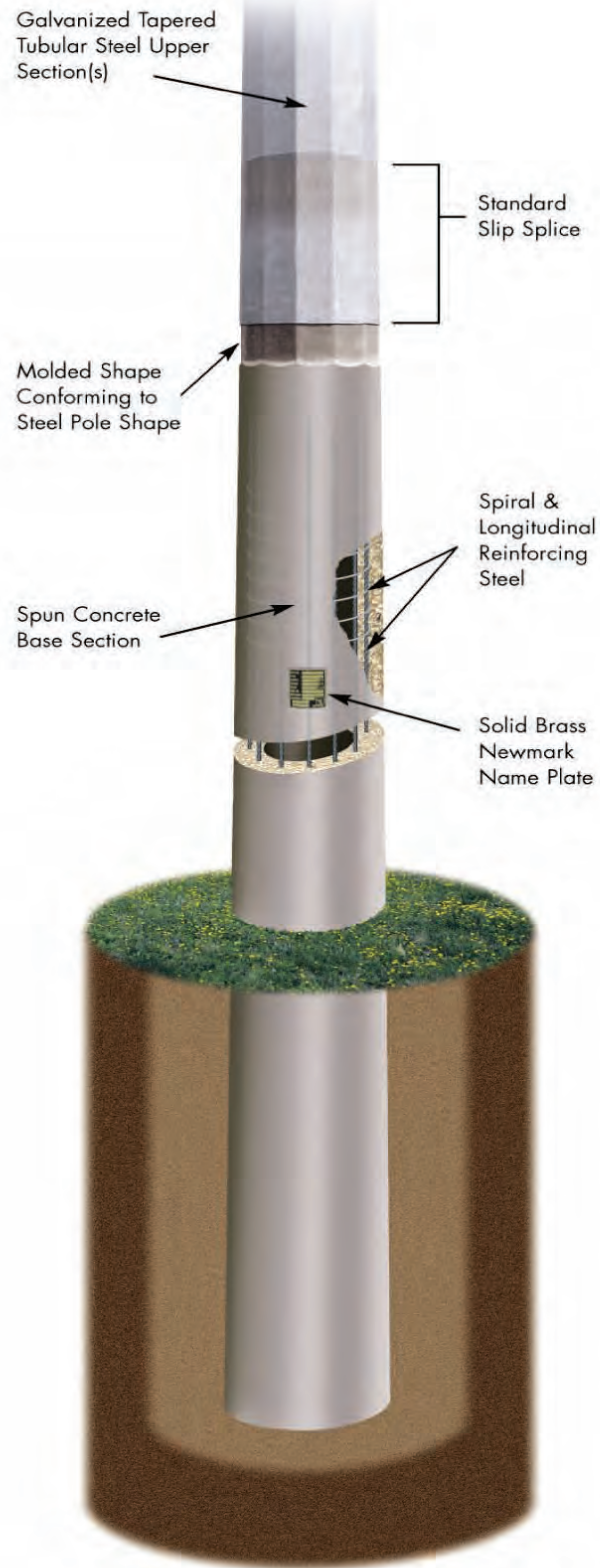
PALERMO-EAST NICOLAUS 115-KV TRANSMISSION LINE

002803.CP10.03.r (2009 CORP CD Archives - Vol 4) 06/24/2010

Figure 1.8-3

Conceptual Structure Drawings

005333.08 Proj Description (12-08)



PALERMO-EAST NICOLAUS 115-KV TRANSMISSION LINE

002803.CP10.03.s (2009 CORP CD Archives - Vol 4) 06/24/2010

Figure 1.8-4

Hybrid Pole Typical Design