

**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**

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**1.0 – ITEM**

Consider approval of Permit No. 18648-2 (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 northeast of Marysville near State Highway 20.  
(Yuba River, Yuba County, see Attachment A)

**4.0 – DESCRIPTION**

The applicant proposes to replace the 115kV transmission lines over the right (north) bank levee of the Yuba River.

**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. 18648-2 includes the portion of the Project that involves the replacement of the 115kV line and the authorization of the aerial crossing over the Right (north) bank levee of the Yuba River. The elevation of the transmission line will be a minimum of 25-feet over the levee crown as per Title 23 standards.

### **5.1 – Hydraulic Analysis**

A hydraulic analysis is not required.

### **5.2 – Geotechnical Analysis**

A geotechnical analysis is not required.

## **6.0 – AGENCY COMMENTS AND ENDORSEMENTS**

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

- Marysville Levee District endorsed the proposed project with conditions on February 24, 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.

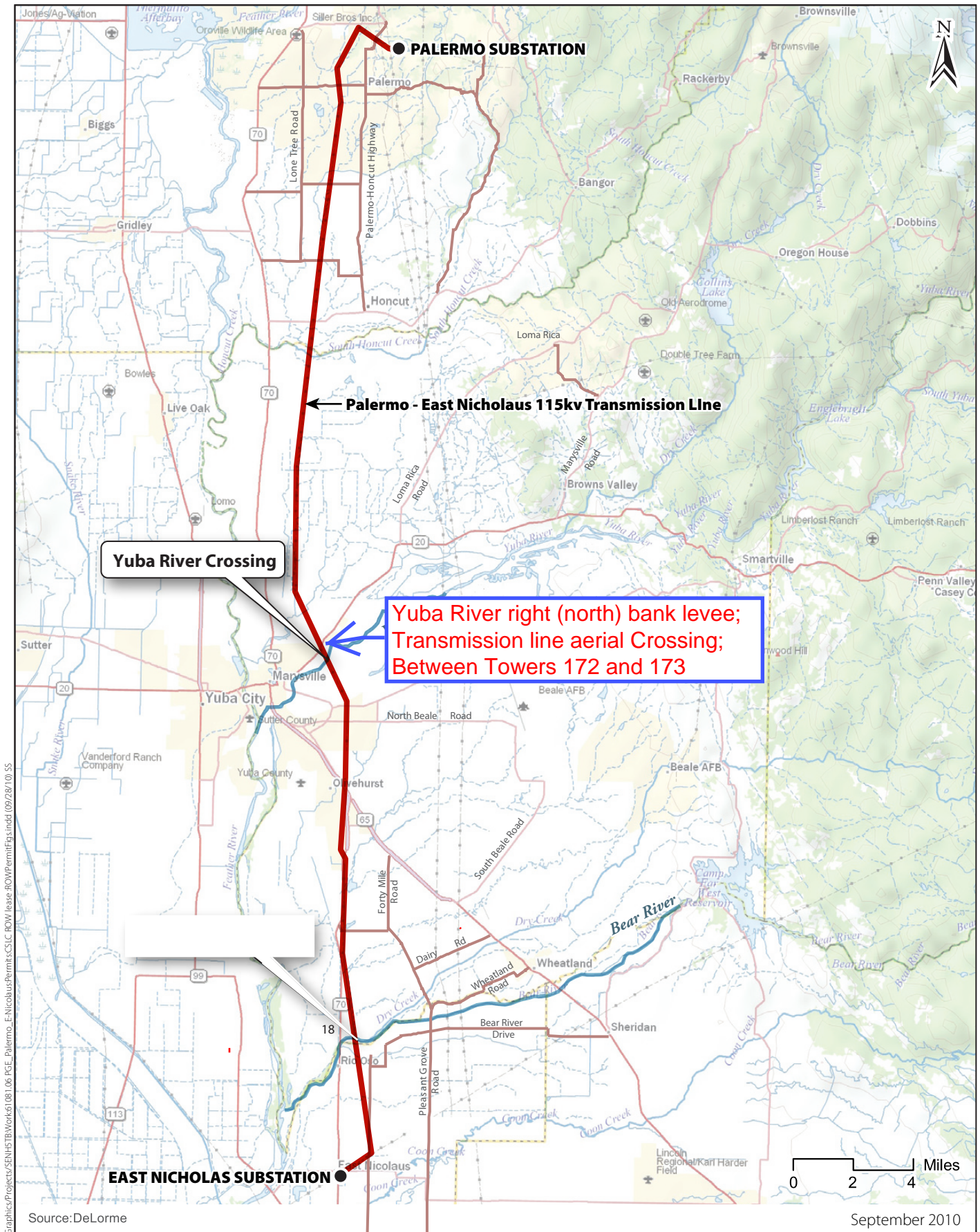
### **9.0 – STAFF RECOMMENDATION**

Staff recommends that the Board adopt the CEQA Findings, approve Permit No. 18648-2 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**

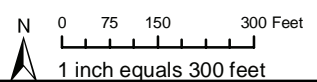
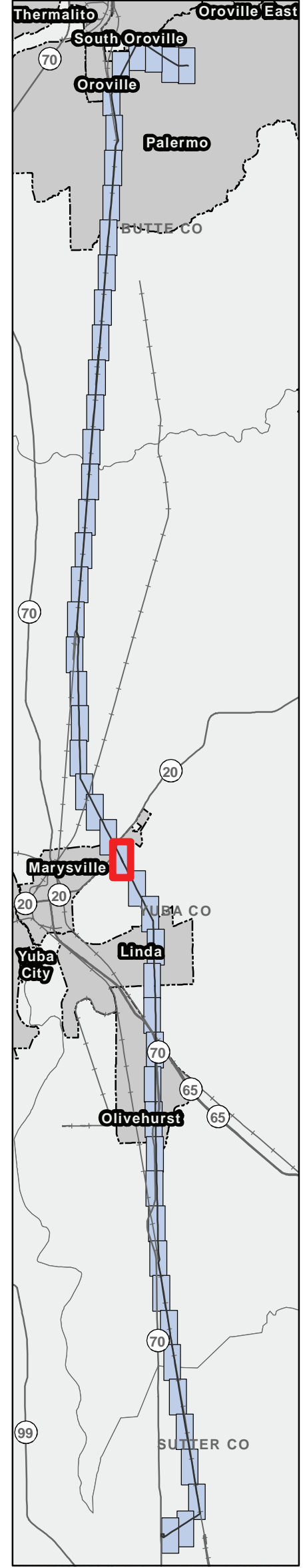
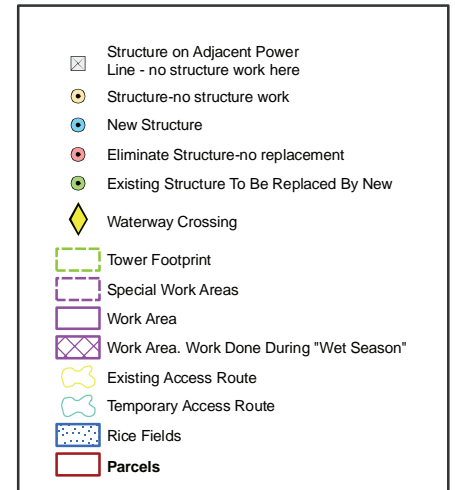
- A. Location Maps and Photos
- B. Draft Permit No. 18648-2

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



Graphics/Projects/SEN/HETB/Work/61081.06\_PGE\_Palermo\_E-NicholasPermits/CSC ROW/Issue ROW/PermitErgs.txd (09/28/10) 55

Figure 1  
Project Vicinity



**DRAFT**

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

**PERMIT NO. 18648-2 BD**

**This Permit is issued to:**

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

To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over the right (north) bank levee of the Yuba River. The project is located northeast of Marysville near State Highway 20 (Section 8, T15N, R4E, MDB&M, Marysville Levee District, Yuba River, 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. 18648-2 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 Marysville Levee District 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: A minimum clearance of 25-feet shall be provided between the levee crown and the overhead 115kV wire crossing.

TWENTY-ONE: The permittee is responsible for repairing any damage to the levees caused by the installation or maintenance of the 115kV power lines.

TWENTY-TWO: The project area shall be restored to at least the condition that existed prior to the commencement of work.

TWENTY-THREE: 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-FOUR: 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.

TWENTY-FIVE: 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.

TWENTY-SIX: 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.

TWENTY-SEVEN: 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.

TWENTY-EIGHT: The permittee shall comply with all conditions set forth by the Marysville Levee District dated February 24, 2011, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the

Department of the Army dated April XX, 2011, which is attached to this permit as Exhibit B and is incorporated by reference.

State of California

DEPARTMENT OF WATER RESOURCES  
CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD  
ENCROACHMENT PERMIT

Application No. **18648-2**  
(For Office Use Only)

1. Description of proposed work:

To authorize the aerial crossing of the 115kV transmission lines (Palermo to East Nicolaus line) over the right (north) bank levee of the Yuba River.

2. Location: Yuba River County, in Section 8

Township: 15N (N) (S) Range 4E (W), M. D. B. & M.

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

Chico CA 95928 (530) 896-4262  
City State Zip Code Telephone Number

Fax Number

4. Endorsement: (of Reclamation District)  
We, the Trustees of Marysville Levee District, Yuba County  
Name and District Number

approve this plan, subject to the following conditions:

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

[Signature] 03-24-11  
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.

Trumon Cooper 018-240-003 766 Crestmont Ct, Yuba City, CA 95991  
Name Address Zip Code

Empire Land Co. 018-240-039 PO Box 3686 Yuba City, CA 95992  
Name Address Zip Code

**APPLICATION CONDITIONS**

1. Pacific Gas and Electric Company will be responsible for the cost of repairing any and all damage caused to the levee crown and roadway that may be caused by the use of heavy equipment or vehicles.
2. Do not block access to existing businesses or vehicle traffic on North Levee Road.