

**Meeting of the Central Valley Flood Protection Board
June 24, 2011**

Staff Report – Encroachment Permit

**Pacific Gas and Electric Company
Agricultural Pump Power Supply, Sutter County**

1.0 – ITEM

Consider approval of Permit No. 18650 (Attachment B)

2.0 – APPLICANT

Pacific Gas and Electric Company

3.0 – LOCATION

The project is located on the left (east) bank of the Sacramento River (RM 78.3), approximately 3,000 ft. downstream (south) of the Natomas Cross Canal. (Sacramento River, Sutter County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to authorize an existing power pole on the waterside levee slope of the Garden Highway, to include the aerial crossing of the power lines over the levee, and to install approximately 75-feet of 3-inch electrical conduit from the existing power pole to a waterside agricultural pump (Cummings Pump) on the left (east) bank of the Sacramento River (RM 78.3).

5.0 – PROJECT ANALYSIS

The power supply to the Cummings Pumping Plant was disrupted due to the construction of a new set-back levee that is a component of the Natomas Levee Improvement Project (NLIP). The NLIP is an ongoing effort by the Sacramento Area Flood Control Agency to bring 200-year level of protection to the Natomas Basin. The

new set-back levee will ultimately replace the Garden Highway as the project levee in this area.

This power supply project involves the reconnection of electrical power to the Cummings Pumping Plant which includes authorizing the electrical service pole that was relocated from the landside to the waterside of the Garden Highway. In addition, the project includes the trenching and placement of approximately 75-feet of electrical conduit from the electrical service pole to the electric panel that is located on the pump platform. The project conforms to all applicable standards listed in Title 23, Section 123, Pipelines, Conduits, and Utility Lines.

5.1 – Hydraulic Analysis

The proposed electrical conduit is primarily underground and the power pole will not present a hydraulic issue therefore a hydraulic analysis is not required.

5.2 – Geotechnical Analysis

The scope of work for this project does not require a geotechnical analysis.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District No. 1000 endorsed this project on December 16, 2010 with conditions. The 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, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 2 Categorical Exemption (CEQA Guidelines Section 15302) covering replacement or reconstruction of existing structures

and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

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:

The proposed project involves primarily buried electrical conduit to an existing agricultural pump and any effects on the State Plan of Flood Control are considered insignificant.

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

Effects from reasonable projected future events on the proposed project are anticipated to be minimal. Increases in flows due to climate change could require that the electrical conduit be relocated.

9.0 – STAFF RECOMMENDATION

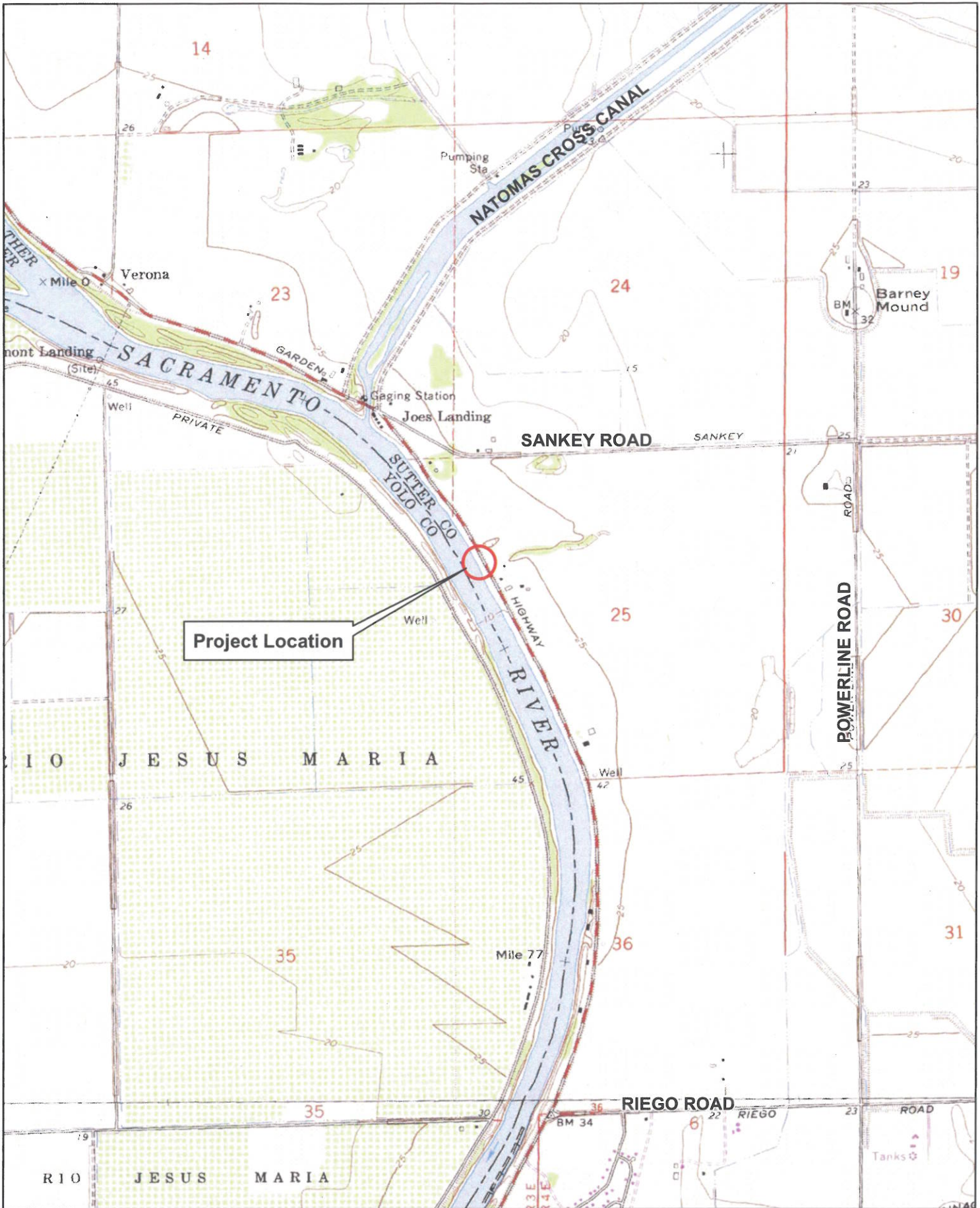
Staff recommends that the Board determine the project to be exempt from CEQA, approve Permit No. 18650 conditioned upon receipt of a USACE 208.10 letter of determination confirming that the Corps has no objection to the project, and direct the

Executive Officer to take necessary actions to execute the permit and to file a Notice of Exemption with the State Clearinghouse.

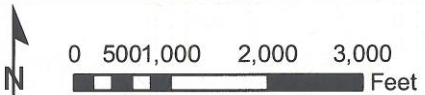
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18650
- C. Design Drawings

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



Project Location



Project Vicinity Map
Cummings River Pump Electrical Conduit
November 9, 2010



Photograph 1. Looking north along Garden Highway at electrical service pole at Cummings Pumping Plant.



Photograph 2. Looking west from Garden Highway towards Cummings Pumping Plant and Sacramento River.



Photograph 3. Looking east from Cummings Pumping Plant on Sacramento River towards electrical service pole at Garden Highway.



Photograph 4. Cummings River Pump.

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

PERMIT NO. 18650 BD

This Permit is issued to:

Pacific Gas & Electric Company
29 4th Street
Marysville, California 95901

To authorize an existing power pole on the waterside levee slope of Garden Highway and the aerial crossing of the power lines over the levee; To install approximately 75-feet of 3-inch electrical conduit from the existing power pole to a waterside agricultural pump (Cummings Pump). The project is located on the left (east) bank of the Sacramento River (RM 78.3), approximately 3,000 ft. south of the Natomas Cross Canal (Section 25, T11N, R3E, W, Reclamation District 1000, Sacramento River, Sutter 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. 18650 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. 1000 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee shall be responsible for the repair of any damages to the project levee

due to construction, operation, or maintenance of the proposed project.

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: Trees and brush cleared for construction shall be completely burned or removed from the floodway.

TWENTY-ONE: Electrical lines over 24 volts installed through the levee section and within 10 feet of the levee toes shall be encased in Schedule 40 PVC conduit or equivalent.

TWENTY-TWO: The electrical conduit shall be buried at least 12 inches below the levee slope and 24 inches below the waterside berm.

TWENTY-THREE: A minimum clearance of 21 feet shall be provided between the levee crown and the overhead wire crossing. Power cables over 750 volts shall have a minimum clearance of 25 feet.

TWENTY-FOUR: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

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

TWENTY-SIX: 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-SEVEN: 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-EIGHT: 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-NINE: 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: The permittee shall comply with all conditions set forth in correspondence from Reclamation District 1000 dated December 16, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated June XX, 2011, which is attached to this permit as Exhibit B and is incorporated by reference.

THIRTY-TWO: Upon completion of the project, the permittee shall submit as-built plans to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

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

Application No. _____
(For Office Use Only)

1. Description of proposed work:

Cummings Pumping Plant is located in southern Sutter County on the east bank of the Sacramento River on Garden Highway about 1/2 mile downstream of the confluence with the Natomas Cross Canal (Vicinity Map). Cummings Pumping Plant was reconstructed as part of the Natomas Levee Improvement Project. The main electrical service pole was relocated from the landside to the waterside of Garden Highway. The proposed project includes a new electrical conduit from an existing power pole on the waterside of Garden Highway to the Cummings Pumping Plant on the Sacramento River. The new conduit will be approximately 75 feet long with a minimum of 2 feet of cover.

2. Location: Sacramento River County, in Section 25,
Township: 11 N (N) (S), Range 3 E (W), M. D. B. & M.

3. Pacific Gas & Electric Company of 29 4th Street
Name of Applicant Address
Marysville CA 95901 (530) 634-6452
City State Zip Code Telephone Number
Fax Number

4. Endorsement: (of Reclamation District)
We, the Trustees of Reclamation District 1000
Name and District Number

approve this plan, subject to the following conditions:

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

Paul [Signature] 12/16/2010
Trustee Date
Not required by Resolution
2010-02, adopted by the Board
of Trustees January 8, 2010
(copy attached)

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.

Odysseus Farms PO Box H, Yuba City, CA 95992
Name Address Zip Code
Laupe Family 1997 Trust Et.Al



RECLAMATION
DISTRICT 1000

Permit Conditions

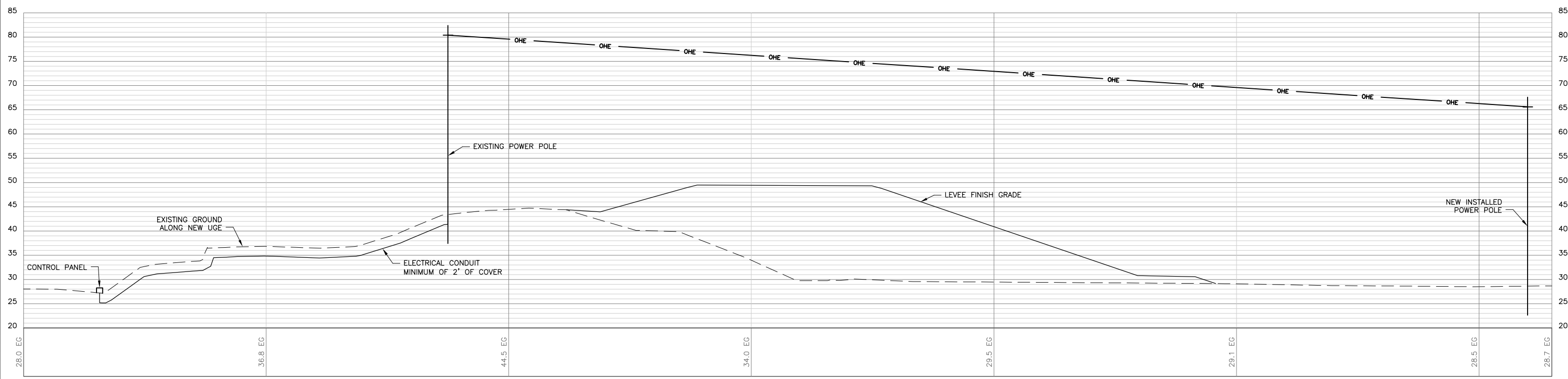
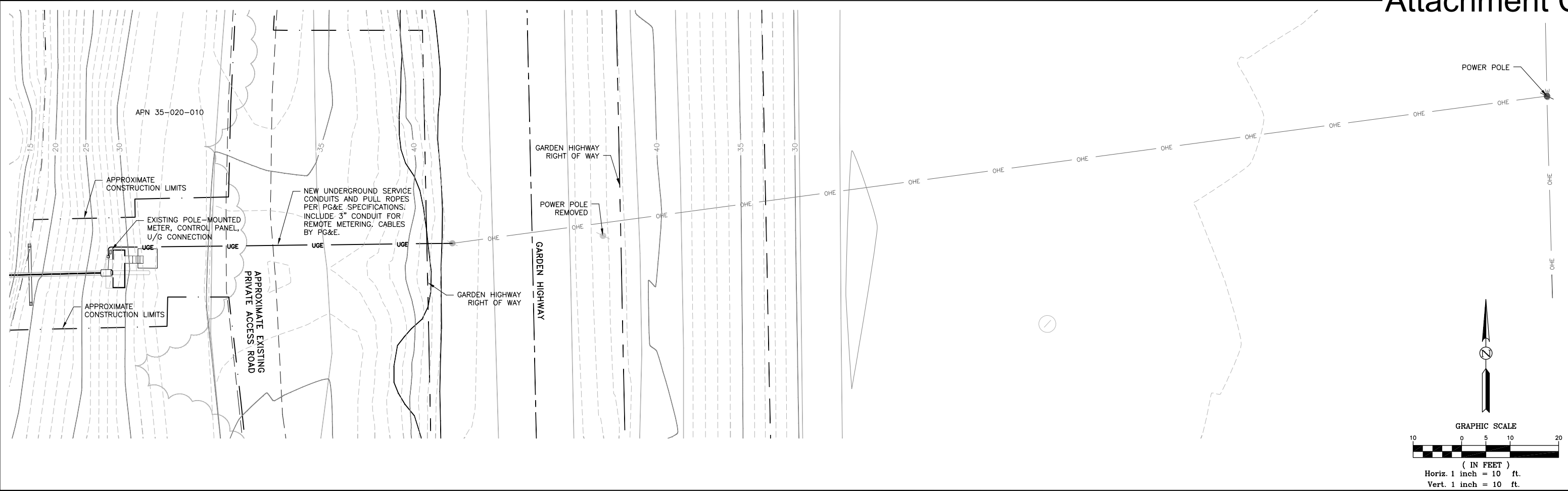
Permit Application No. Unnumbered
Location: Sacramento River (Approx RM 78.3 L)
Applicant: Pacific Gas and Electric
Description: Electrical Conduit on waterside of Garden Highway to serve existing private river irrigation pump

CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such 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 the encroaching facilities interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee(s) hereby agree(s) to indemnify and hold and save the District and its employees harmless from any damage, costs or liability, including all costs of defense, which may arise as result of the exercise of this Permit.
4. Permittee(s) agree(s) to replace or repair any District property used and/or damaged as a result of the exercise of this Permit
5. During construction, Permittee shall provide access for District personnel, vehicles and equipment at all times to allow for the District to conduct its operation and maintenance responsibilities.
6. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work
7. Permittee shall remain responsible for any damages to the flood control system caused by the permitted encroachment including, but not limited to, erosion on the waterside levee slope. Any such damage shall be repaired prior to the next flood season to the satisfaction of the District.

8. Permit application shall be signed by a representative of PG&E

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MEAD & HUNT
 www.meadhunt.com

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 180 Promenade Circle,
 Suite 240
 Sacramento, CA 95834
 916.971.3961
 fax: 916.971.0578

SACRAMENTO AREA FLOOD CONTROL AGENCY

CUMMINGS ELECTRICAL CONDUIT
 PLAN AND PROFILE

DATE
 MAR 2011

FIGURE
 2B