

**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. 18648-3 (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 east of Marysville in the Yuba River Designated Floodway.
(Yuba River, Yuba County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to remove and replace twelve (12) 115kV transmission towers and authorize one (1) existing transmission tower, for a total of thirteen (13) transmission towers inside of the Yuba River Designated Floodway.

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. 18648-3 includes the portion of the Project (about 2-miles) that crosses the Yuba River Designated Floodway. The proposed project will remove and replace twelve (12) of the thirteen (13) transmission towers currently inside the Yuba River Designated Floodway. One tower (tower 176) has been determined to be structurally sound and will remain. The two transmission towers closest to the waterside toe of the levees will be installed a minimum of 15-feet from the toe of the levee.

5.1 – Hydraulic Analysis

Area calculations show that the transmission towers will block less than 1.0% of the floodway (0.33%); therefore 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:

- 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 A.
- There is no local maintaining agency for the Yuba River Designated Floodway.

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.

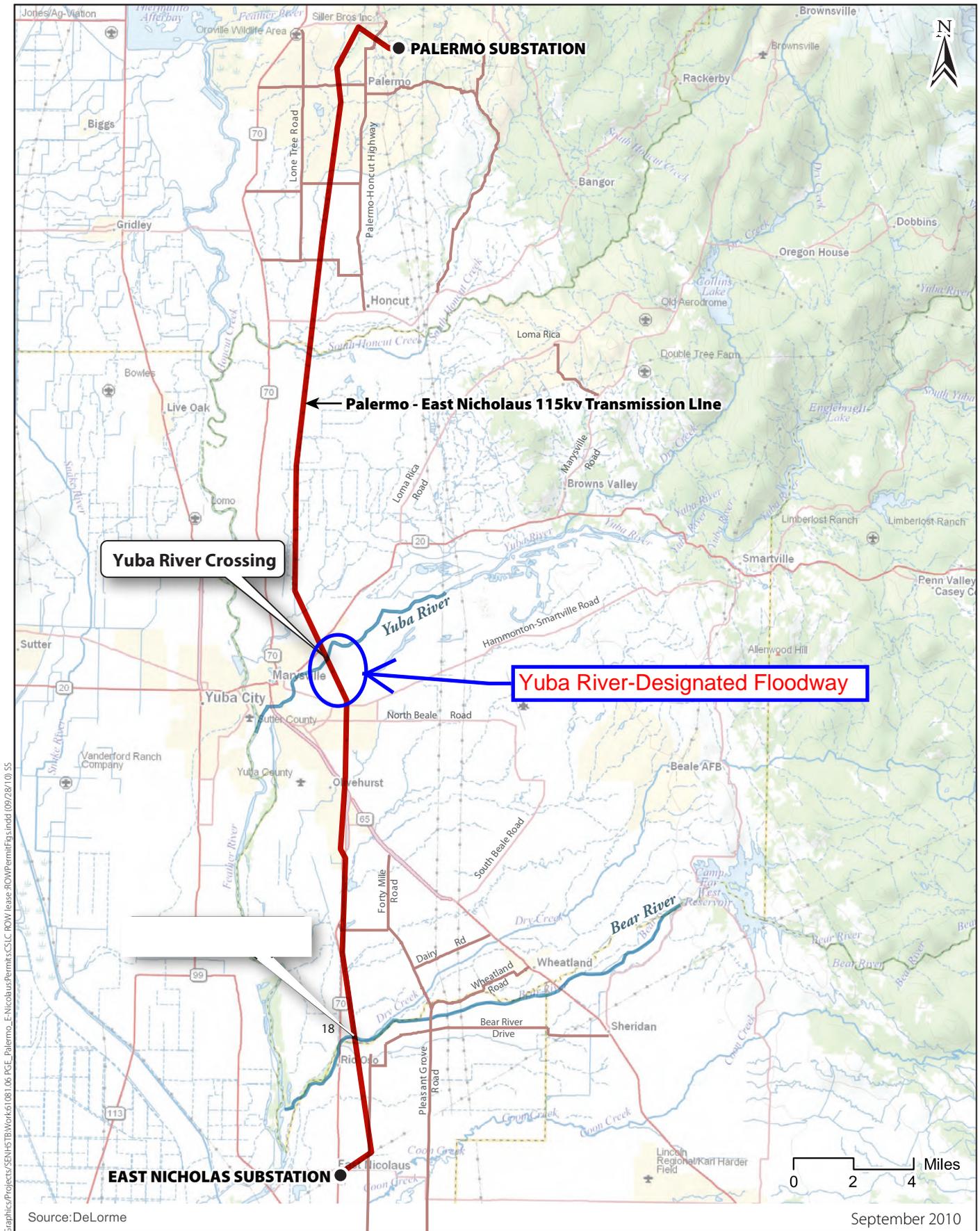
9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA Findings, approve Permit No. 18648-3 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

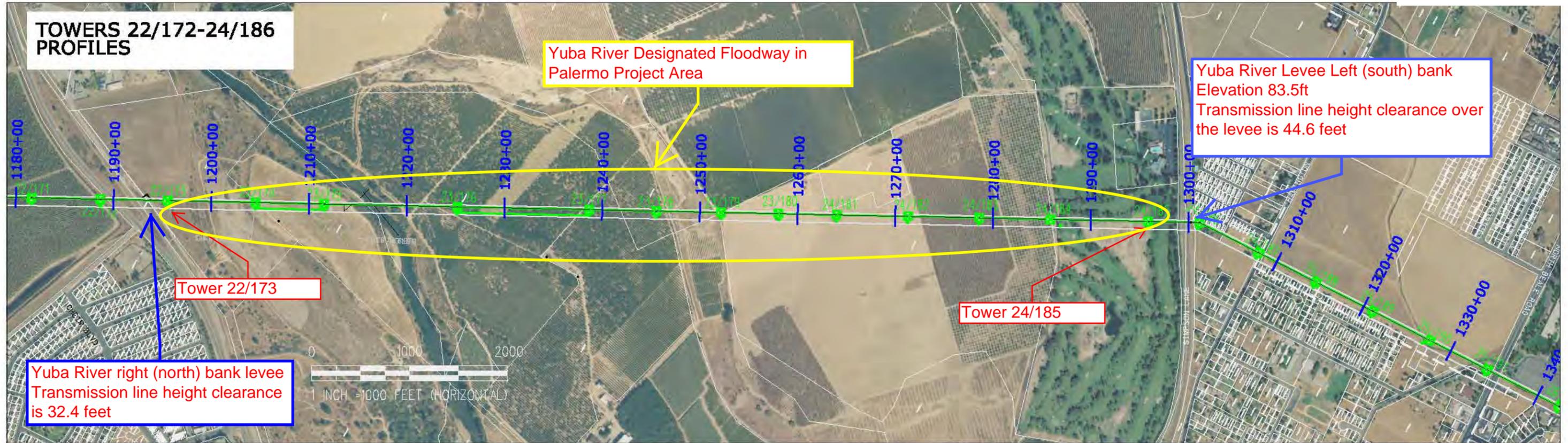
- A. Location Maps and Photos
- B. Draft Permit No. 18648-3
- C. Design Drawings

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/CSLC_ROW/Issue/ROWPermit/Ergs/Issd/09/28/10.55

Figure 1
Yuba River Designated Floodway



TOWER	LATITUDE	LONGITUDE	ELEVATION	TOWER	LATITUDE	LONGITUDE	ELEVATION
22/172	39 09 54.35351	121 33 35.13026	67.53	24/186	39 08 14.53296	121 32 32.19595	71.15
22/173	39 09 48.24243	121 33 31.27047	79.39				
22/174	39 09 40.26732	121 33 26.22787	78.89				
23/175	39 09 34.03202	121 33 22.31913	79.15				
23/176	39 09 21.91733	121 33 14.67773	78.06				
23/177	39 09 09.96235	121 33 07.14446	74.06				
23/178	39 09 03.86570	121 33 03.30217	74.32				
23/179	39 08 57.97067	121 32 59.59258	76.37				
23/180	39 08 52.78970	121 32 56.32127	73.71				
24/181	39 08 47.47901	121 32 52.99609	68				
24/182	39 08 41.02698	121 32 48.90503	67.56				
24/183	39 08 34.55453	121 32 44.81113	70.1				
24/184	39 08 28.07221	121 32 40.72994	72.74				
24/185	39 08 19.20026	121 32 35.14669	74.1				

NO.	DATE	DESCRIPTION	SEARCH SEC	COMPS. SEC	F. B.	SEC
REVISIONS						

APPROVED BY: [Signature]
 BY: DED2
 DWN.: KDP
 CHKD.: WRT6
 O.K.: WRT6
 DATE: 2/17/11

**PALERMO-EAST NICOLAUS
 PLAN VIEW**
 PACIFIC GAS AND ELECTRIC COMPANY

COUNTY : YUBA DIVISION :
 AUTH # :
 SHEET NO. 1 SHEETS 9
SA-234 REV.

DRAFT

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

PERMIT NO. 18648-3 BD

This Permit is issued to:

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

To remove and replace twelve (12) 115kV transmission towers and authorize one (1) existing tower for a total of thirteen (13) (Palermo to East Nicolaus line) inside of the Yuba River Designated Floodway. The project is located east of Marysville in the Yuba River Designated Floodway (Section 16, T15N, R4E, MDB&M, 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. 18648-3 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 or the Department of Water Resources 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 inside of the Yuba River Designated Floodway 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 Yuba River Designated Floodway shall be removed, backfilled, and compacted to a density equal to that of the adjacent undisturbed material.

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

TWENTY-TWO: Any debris that may accumulate around the transmission poles within the Yuba River Designated Floodway shall be completely removed from the floodway following each flood season.

TWENTY-THREE: The permittee is responsible for repairing any damage to the Yuba River Designated Floodway or its levees caused by the installation or maintenance of the transmission towers or the 115kV power lines.

TWENTY-FOUR: 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-FIVE: 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-SIX: 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.

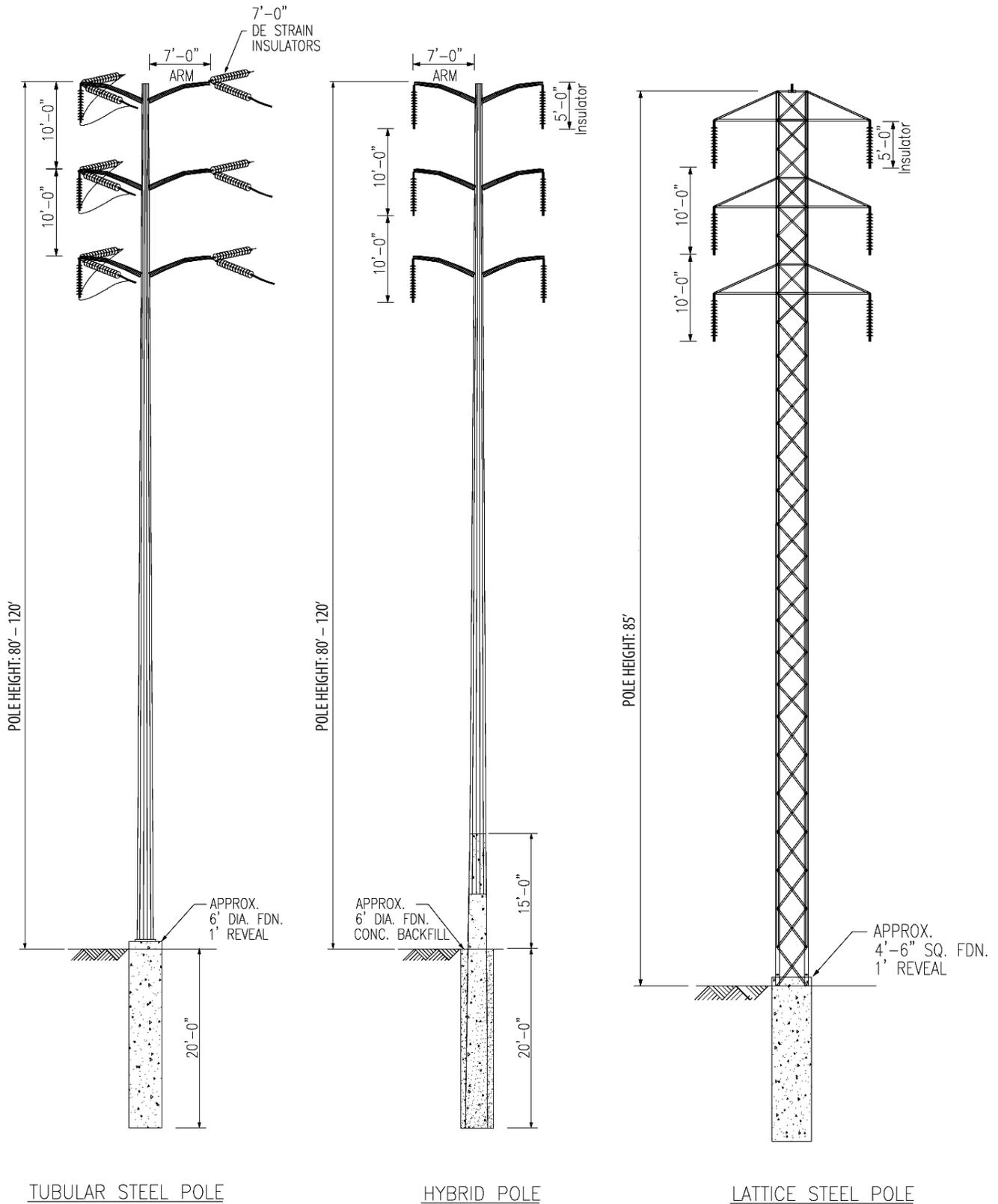
TWENTY-SEVEN: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-EIGHT: 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-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 A and is incorporated by reference.

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



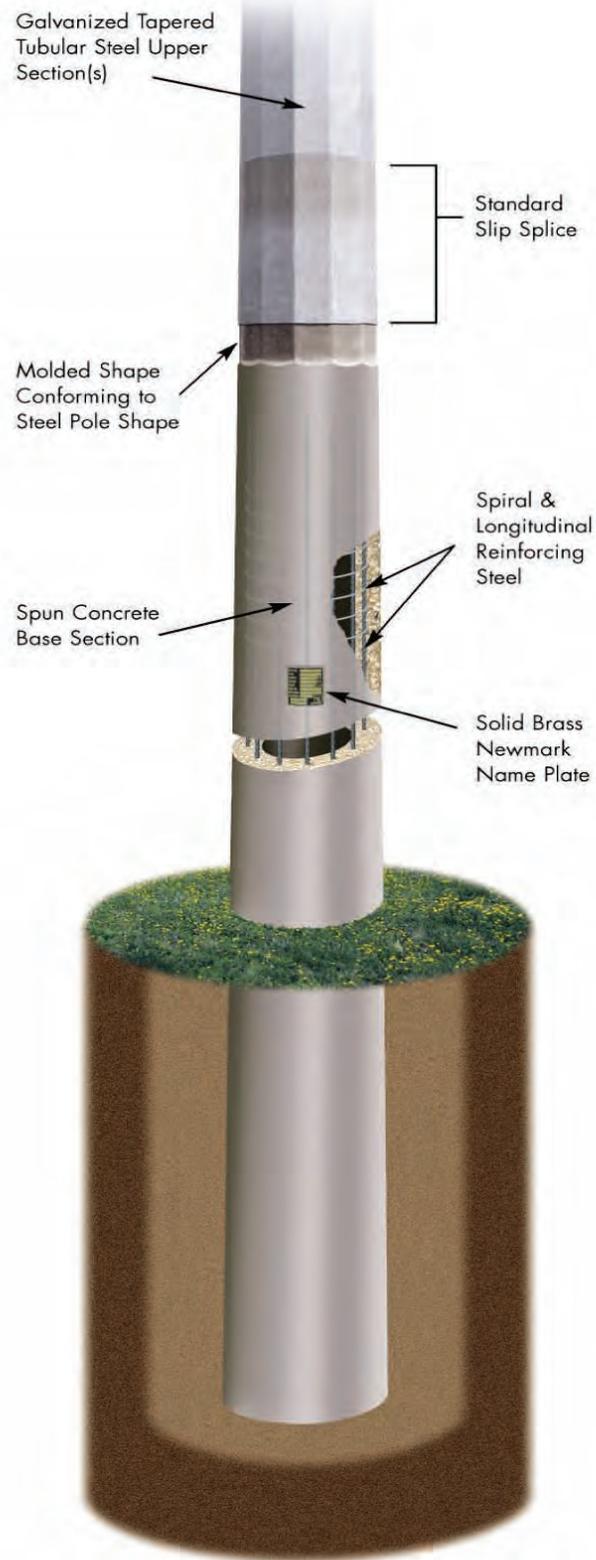
PALERMO-EAST NICOLAUS 115-KV TRANSMISSION LINE

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