

**Meeting of the Central Valley Flood Protection Board
August 24, 2012**

Staff Report – Encroachment Permit

**PG&E
Power Line, Kings County**

1.0 – ITEM

Consider approval of Permit No. 18702 (Attachment B w/Exhibit A)

2.0 – APPLICANT

PG&E

3.0 – LOCATION

The project is located ¼ mile west of 22nd Avenue alignment and immediately south of Kent Avenue in the city of Lemoore in Kings County.
(Kings River, see Attachment A)

4.0 – DESCRIPTION

Applicant proposes to install underground electric service drop line running easterly from an existing power pole to a new agricultural pump on the east side of the Kings River Designated Floodway.

5.0 – PROJECT ANALYSIS

The applicant proposes to install underground electric service line, inside a 5-inch-diameter conduit, running 104-linear-feet to the east and then 275-linearfeet to the south to a new service meter. The proposed project is compatible with Title 23 Article 8 Section 123 (b) (2).

5.1 – Hydraulic Analysis

A Hydraulic Analysis is not necessary as no portion of the proposed project is within the project channel.

5.2 – Geotechnical Analysis

A Geotechnical Analysis is not necessary as the proposed project is only an underground electric power line.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- The Kings River Conservation District has endorsed this application in a letter dated October 27, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.
- The U.S. Army Corps of Engineers 208.10 comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

The Board has determined that the project is categorically exempt from CEQA under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of structures.

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 facilities of the State Plan of Flood Control, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

“The project has no adverse effect on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan”.

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

In the future if a modification to the existing flood control structures is required the proposed project may need to be modified or relocated.

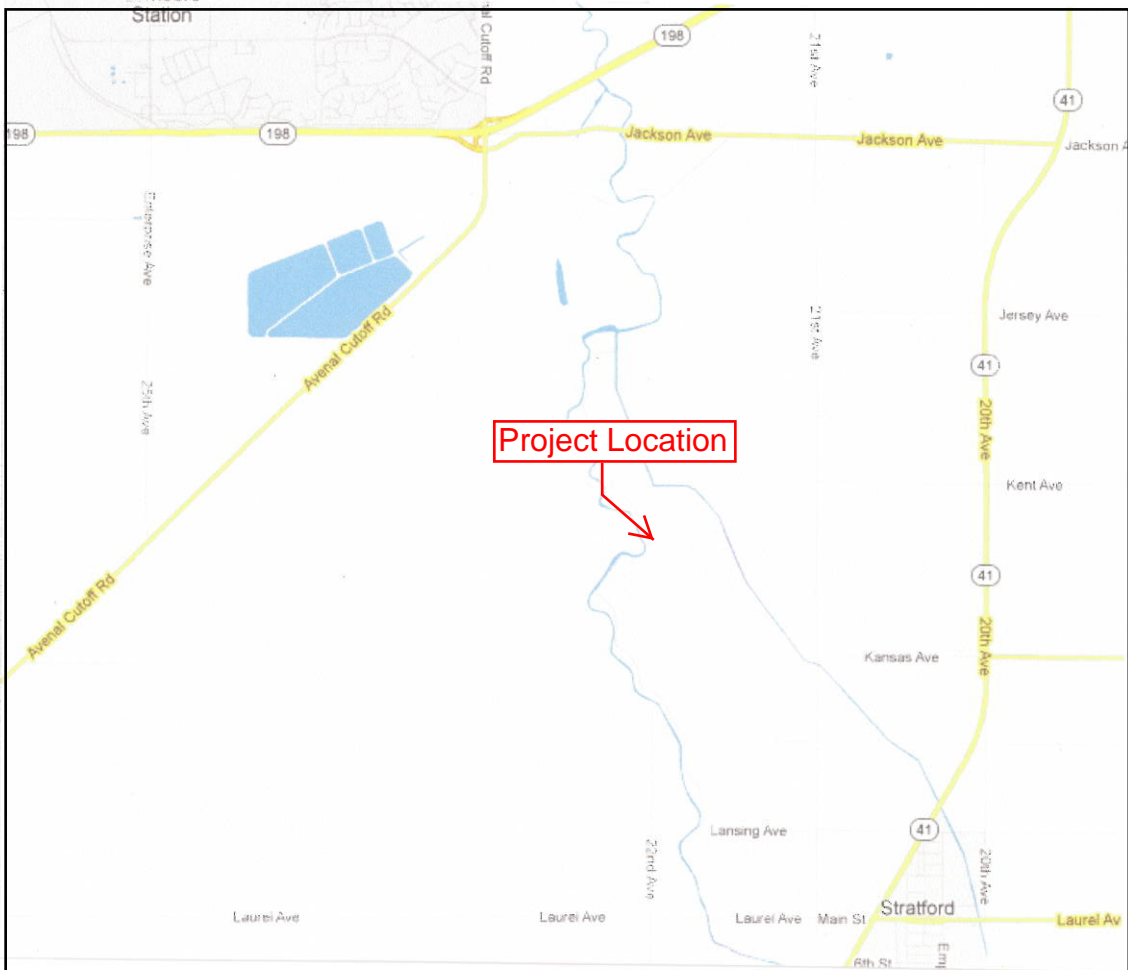
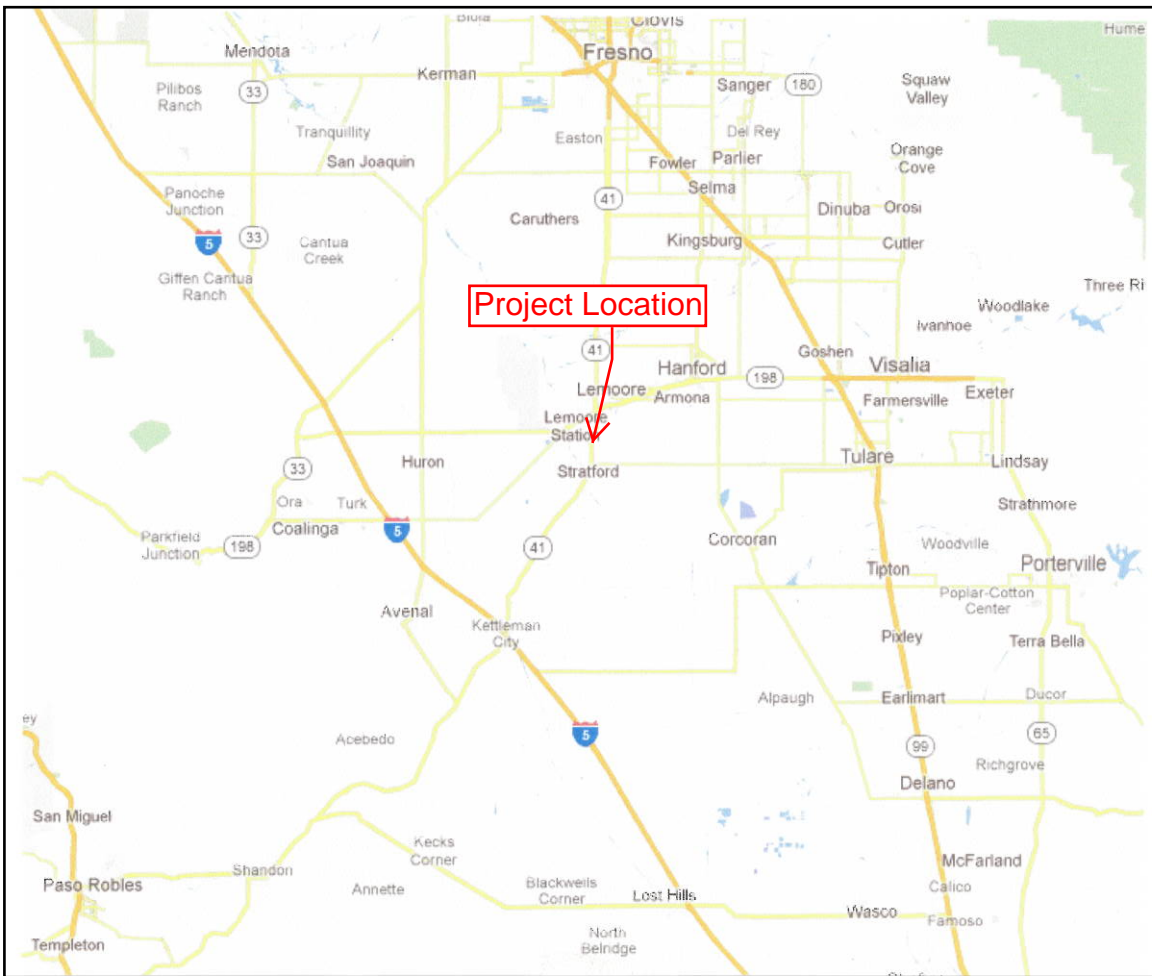
9.0 – STAFF RECOMMENDATION

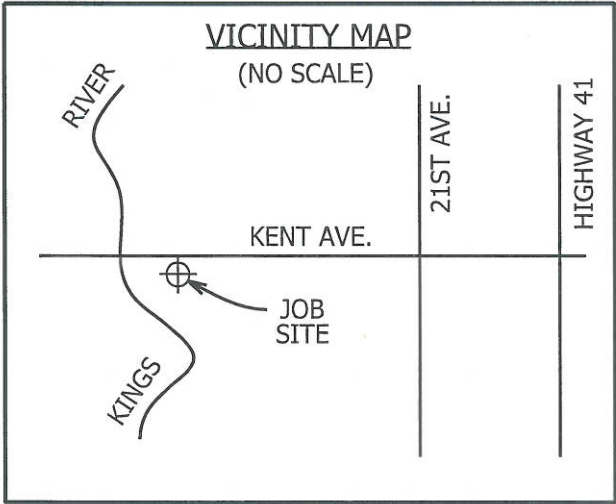
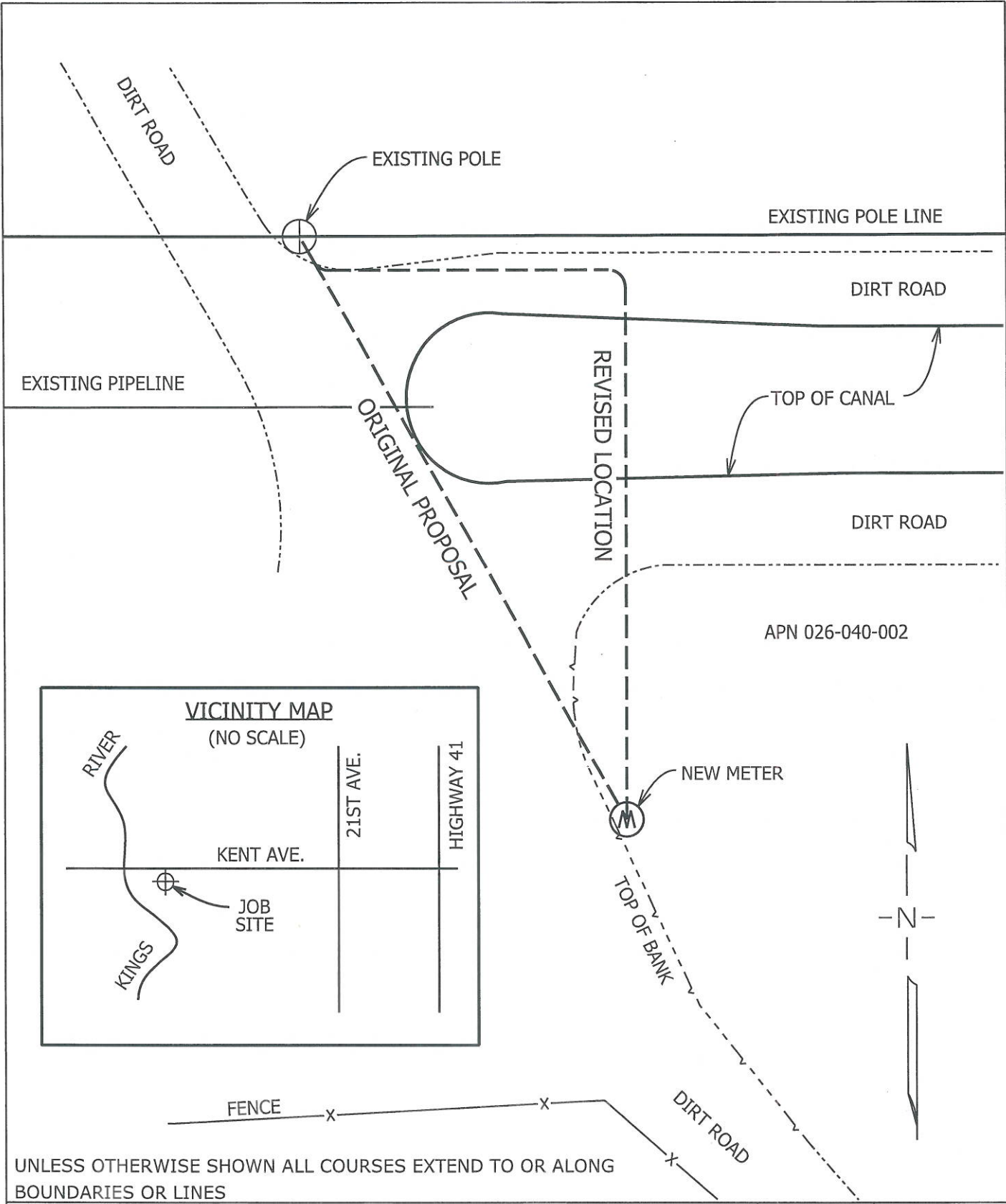
Staff recommends that the Board find the project exempt from CEQA, approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Exemption with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18702
- C. Project Plans

Design Review:	Steve Dawson
Environmental Review:	James Herota/Andrea Mauro
Document Review:	Mitra Emami/Len Marino





UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG BOUNDARIES OR LINES

Applicant: **STONE LAND CO. - ELECTRIC SERVICE TO NEW WELL** SCALE: **1" = 40'** DATE: **9/15/11**

SECTION 1	TOWNSHIP 20S	RANGE 19E	MERIDIAN MDM	COUNTY OF: KINGS	CITY OF: N/A	
				F.B.: DAV0	DR.BY: ADGA	CH.BY: DAV0

PLAT MAP REFERENCES	20191	PG&E	FRESNO DIVISION	FRESNO AUTHORIZ	30741946-KRCD-REV2	DRAWING NO.
------------------------	--------------	-----------------	------------------------	------------------------	---------------------------	--------------------



Project Location

Kre 115v

227 6000

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

PERMIT NO. 18702 BD

This Permit is issued to:

PG&E
650 O Street
Bag 23
Fresno, California 93760

To install underground electric service drop line running easterly from an existing power pole to a new agricultural pump on the east side of the Kings River Designated Floodway. Located 1/4 miles west of 22nd Avenue alignment and immediately south of Kent Avenue in the city of Lemoore in Kings County (Section 1, T20S, R19E, MDB&M, Kings River Conservation District, Kings River, Kings 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. 18702 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 shall notify the Kings River Conservation District, 4886 East Jensen Avenue, Fresno, California 93725, telephone (209) 237-5567, at least three days prior to commencement of work.

FIFTEEN: 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, Kings River Conservation District or any other agency responsible for maintenance.

SIXTEEN: Upon receipt of a signed copy of the issued (not approved only) permit 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.

SEVENTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) within the Kings River Designated Floodway resulting from flood fight, operation, maintenance, inspection, or emergency repair.

EIGHTEEN: 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.

NINETEEN: The permittee shall be responsible for repair of any damages to the Kings River Designated Floodway, project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: 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.

TWENTY-ONE: 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.

TWENTY-TWO: 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-THREE: No construction work of any kind shall be done during the flood season from November 1 to July 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-FOUR: The 5-inch-diameter conduit shall be placed in the center of an open trench 2 feet wider than the diameter of the conduit.

TWENTY-FIVE: 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-SIX: The Kings River Designated Floodway and project levee shall be restored to at least the condition that existed prior to commencement of work.

TWENTY-SEVEN: Polyvinyl chloride plastic pipe Schedule 40, or better, may be used as a conduit for power or communication cables.

TWENTY-EIGHT: All debris generated by this project shall be disposed of outside the Kings River Designated Floodway and off the levee section .

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the Kings River Conservation District dated October 27, 2010, which is attached to this permit as Exhibit A and

is incorporated by reference.

THIRTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated August XX, 2012, which is attached to this permit as Exhibit B and is incorporated by reference.



4886 East Jensen Avenue
Fresno, California 93725

Tel: 559-237-5567
Fax: 559-237-5560

www.krcd.org

October 27, 2010

Mr. Mike Patterson
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite LL40
Sacramento, California 95821

Re: Application KRC D No. 800.05.250 Pacific Gas and Electric Company,
Underground Electric Service to Pump

Dear Mr. Patterson:

Without the authorization of the Central Valley Flood Protection Board or Kings River Conservation District (District) partial construction has begun on the installation of an underground electrical service line along the landside berm of the project levee on the South Fork of the Kings River. Enclosed are four (4) copies of an application and accompanying data submitted by Ms. Amy D. Galvan on behalf of Pacific Gas and Electric Company, for approval to construct, operate and maintain a 4-inch diameter conduit electric service line. The project is designed to convey power from an existing power pole on the landside hinge point of the project levee to a landside 300 H.P. agricultural pump. The project is located in Unit 12, Section 36, T.19S., R.19E., M.D.B. & M. of Kings County.

The District has no objection to the approval of this application subject to the following conditions:

1. The applicant shall maintain the project works within the utilized area in the manner required and as requested by the District.
2. The applicant shall repair any damages within the utilized area caused by its operations under this permit.
3. The applicant shall assume all responsibility for removal or protection of the project in the event reconstruction is necessary.
4. The portion of the proposed electrical conduit within the project levee section shall be of schedule 40 PVC conduit or equivalent.
5. The density of backfill is equal to that of the adjacent levee. A density test by a certified materials laboratory will be required to verify compaction of backfill.

BOARD OF DIRECTORS

Division I, NORMAN B. WALDNER, Dinuba • Division II, MASARU YOSHIMOTO, Fowler • Division III, GILDO NONINI, Fresno • Division IV, MARK McKEAN, Riverdale • Division V, BRENT GRAHAM, Hanford
Division VI, CEIL W. HOWE, JR., Stratford • At Large, DR. DAVID CEHRS, Sanger

OFFICERS

MARK McKEAN, President • BRENT GRAHAM, Vice President • DAVID ORTH, General Manager-Secretary • RANDY SHILLING, Auditor

