

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

Staff Report – Encroachment Permit

**Pacific Gas & Electric Company
Power Line, Sutter County**

1.0 – ITEM

Consider approval of Permit No. 18759 (Attachment B)

2.0 – APPLICANT

Pacific Gas & Electric Company

3.0 – LOCATION

The project is located on the east levee of the Sacramento River adjacent to the Garden Highway in Sutter County.
(Sacramento River, Sacramento County, see Attachment A)

4.0 – DESCRIPTION

To authorize an existing 12 KV power pole crossing the east levee on the Sacramento River.

5.0 – PROJECT ANALYSIS

The existing power line crossing is in compliance with Title 23 Standards Article 8 Section 123 (b) (2).

5.1 – Hydraulic Analysis

A Hydraulic Analysis is not needed as the project is an aerial power line crossing

5.2 – Geotechnical Analysis

A Geotechnical Analysis is not needed as the project is an aerial power line crossing.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District 1000 has endorsed this project with an undated letter that 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 CEQA determination:

The Board, acting as the CEQA lead agency, has determined the project is categorically exempt in accordance with CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities.

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:

The existing project should not be affected by any reasonable projected future events.

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.

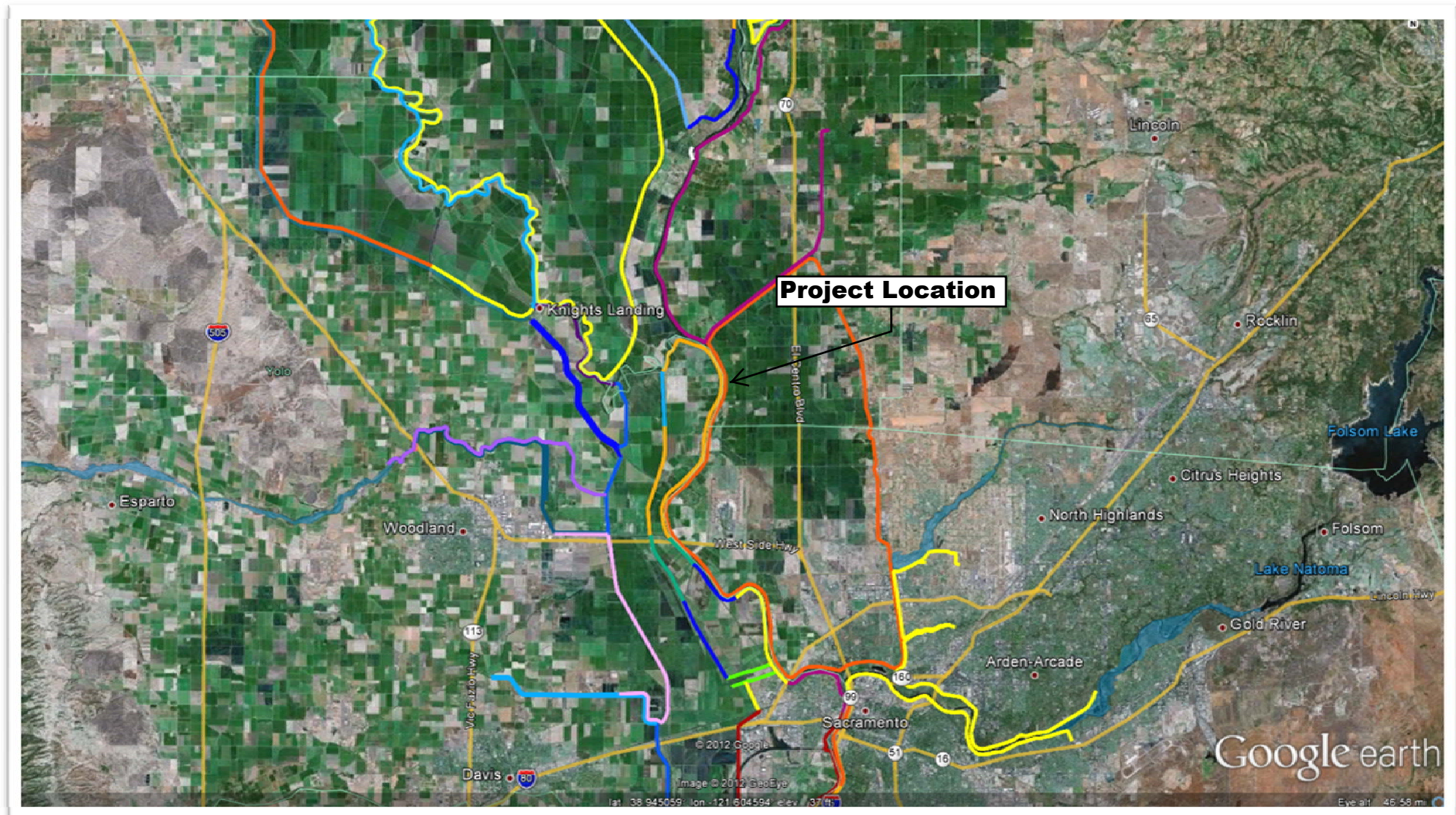
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and photos
- B. Draft Permit No. 18759
- C. Drawings

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

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Regional Map





NORTH



POLE - A -



4 NORTH

POLE - B -



DRAFT

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

PERMIT NO. 18759 BD

This Permit is issued to:

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

To authorize an existing 12kV power pole crossing the east levee on the Sacramento River. The project is located on the east levee of the Sacramento River adjacent to the Garden Highway in Sutter County. (Section 36, T11N, R3E, MDB&M, 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. 18759 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 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, Reclamation District No. 1000 or any other agency responsible for maintenance.

FIFTEEN: 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.

SIXTEEN: 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.

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

EIGHTEEN: 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.

NINETEEN: 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.

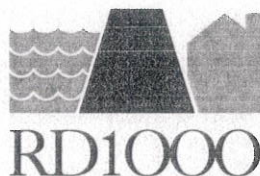
TWENTY: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-ONE: Any additional encroachment(s) in the floodway, on or over the levee section or within 10 feet of the landward levee toe require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

TWENTY-TWO: The permittee shall comply with all conditions set forth in the letter from reclamation District 1000 dated received April 3, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-THREE: 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.

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RECLAMATION
DISTRICT 1000

Permit Conditions



Permit Application No. Unnumbered

Location: Sacramento River (Approx RM 77.2 L)

Applicant: Pacific Gas and Electric

Description: Electrical Conduit on waterside of Garden Highway to serve existing private river irrigation pump (APN 35-030-008)

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. Permittee shall promptly remove and/or repair any downed utility lines or poles which interfere with the Districts operation and maintenance of the levee system.
9. Pole heights and clearances shall be as shown on attached drawing dated 12-9-11 (amended clearance above levee of 29.5 feet))

Resolution No. 2010-02

WHEREAS, Reclamation District No. 1000 (District) operates and maintains levees under the authority of the California Central Valley Flood Protection Board (CCVFPB) and the California Water Code; and

WHEREAS, the CCVFPB and Title 23 of the California Water Code require any encroachment on or adjacent to the levee or within the designated floodway have an encroachment permit be issued by the CCVFPB with appropriate conditions to insure they do not impede or impair the operations and maintenance of the flood control system; and

WHEREAS, such permit applications are reviewed and endorsed by the local maintaining agency responsible for the operations and maintenance of the levee system where the encroachment is proposed and allows for conditions to be included in the permits to address issues including, but not limited to, operations, maintenance, public safety and flood emergency response; and

WHEREAS, endorsement of the permit applications for levees surrounding the Natomas basin are the purview of the District and various actions through the years by past District Boards have granted authority to the General Manager to endorse permit applications; and

WHEREAS, the Board desires to enumerate a clear policy on how future permit applications are to be reviewed and endorsed by the District

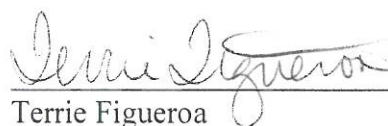
NOW, THEREFORE BE IT RESOLVED:

The Reclamation District No. 1000 Board of Trustees desires to delegate their authority to endorse encroachment permit applications to the District General Manager for routine encroachments and those which do not involve District policy issues. A determination as to which permits will be endorsed by the General Manager shall be left to his or her judgment, provided however, that all such endorsements shall be presented to the Board of Trustees at the next scheduled Board meeting.

Those permit applications which are not routine in nature, present policy issues or are likely to be controversial shall be brought to the Board for consideration and action at which time the Board may delegate signature authority to the General Manager if approved. This will include all permit applications where the General Manager is recommending denial to the California Central Valley Flood Protection Board.

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2010-02 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 8, 2010 and made a part of the minutes thereof.

A handwritten signature in cursive script, appearing to read "Terrie Figueroa", written over a horizontal line.

Terrie Figueroa
District Secretary

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 PERMITApplication No. _____
(For Office Use Only)

1. Description of proposed work being specific to include all items that will be covered under the issued permit.

Obtain permit for existing 12kv pole line crossing Sacramento east levee to serve agricultural water pump, pole line erected in 1969.

2. Project

Location: Verona, Sutter County County, in Section 36
 Township: 11 N. (N) (S), Range: 3 E. (E) (W), M. D. B. & M.
 Latitude: _____ Longitude: _____
 Stream: Sacramento, Levee: East side Designated Floodway: RD 1000
 APN: _____

3. Pacific Gas and Electric Company of 350 Salem Street
 Name of Applicant / Land Owner Address
Chico California 95928 530-896-4255
 City State Zip Code Telephone Number
rsg4@pge.com
 E-mail

4. Steve Gimblin of PG&E Company
 Name of Applicant's Representative Company
same same same same
 City State Zip Code Telephone Number
same
 E-mail

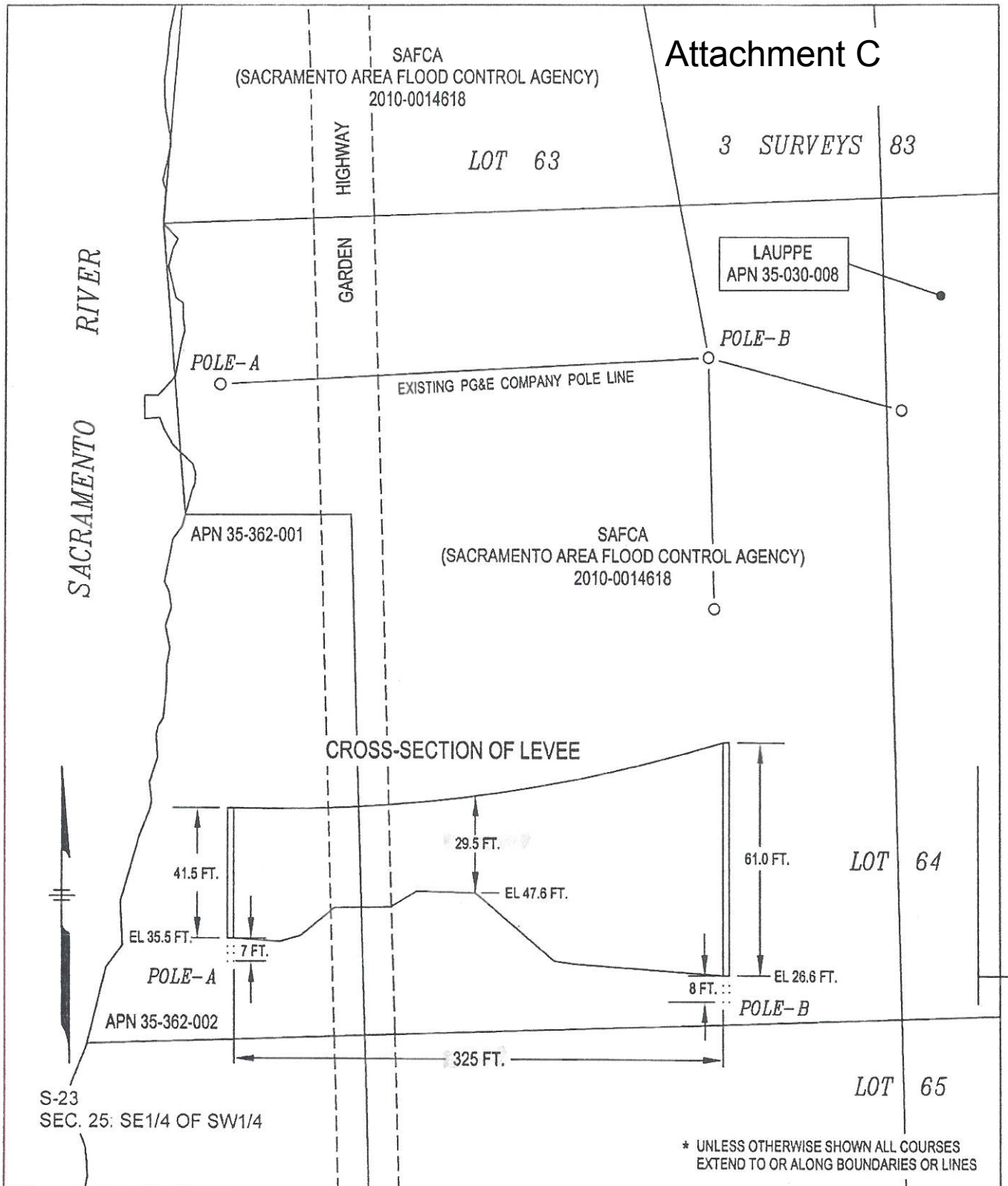
5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):

We, the Trustees of RD 1000 approve this plan, subject to the following conditions:
 Name of LMA

☐ Conditions listed on back of this form☒ Conditions Attached☐ No Conditions

Paul A. P. 03/23/2012
 Trustee Date Trustee Date
Not required by Resolution 2010-02
adopted by the Board of Trustees
January 8, 2010
copy attached
 Trustee Date Trustee Date

Attachment C



Applicant:

LEVEE CROSSING (LAUPPE)

SCALE

NONE

DATE

12-9-11

SECTION

36

TOWNSHIP

11N

RANGE

3E

MERIDIAN

MDB&M

COUNTY OF: SUTTER

CITY OF:

F.B.:

DR.BY:

rsq4

CH.BY:

PLAT MAP S-23

REFERENCES 2011-Sutter-30891627b.ohE

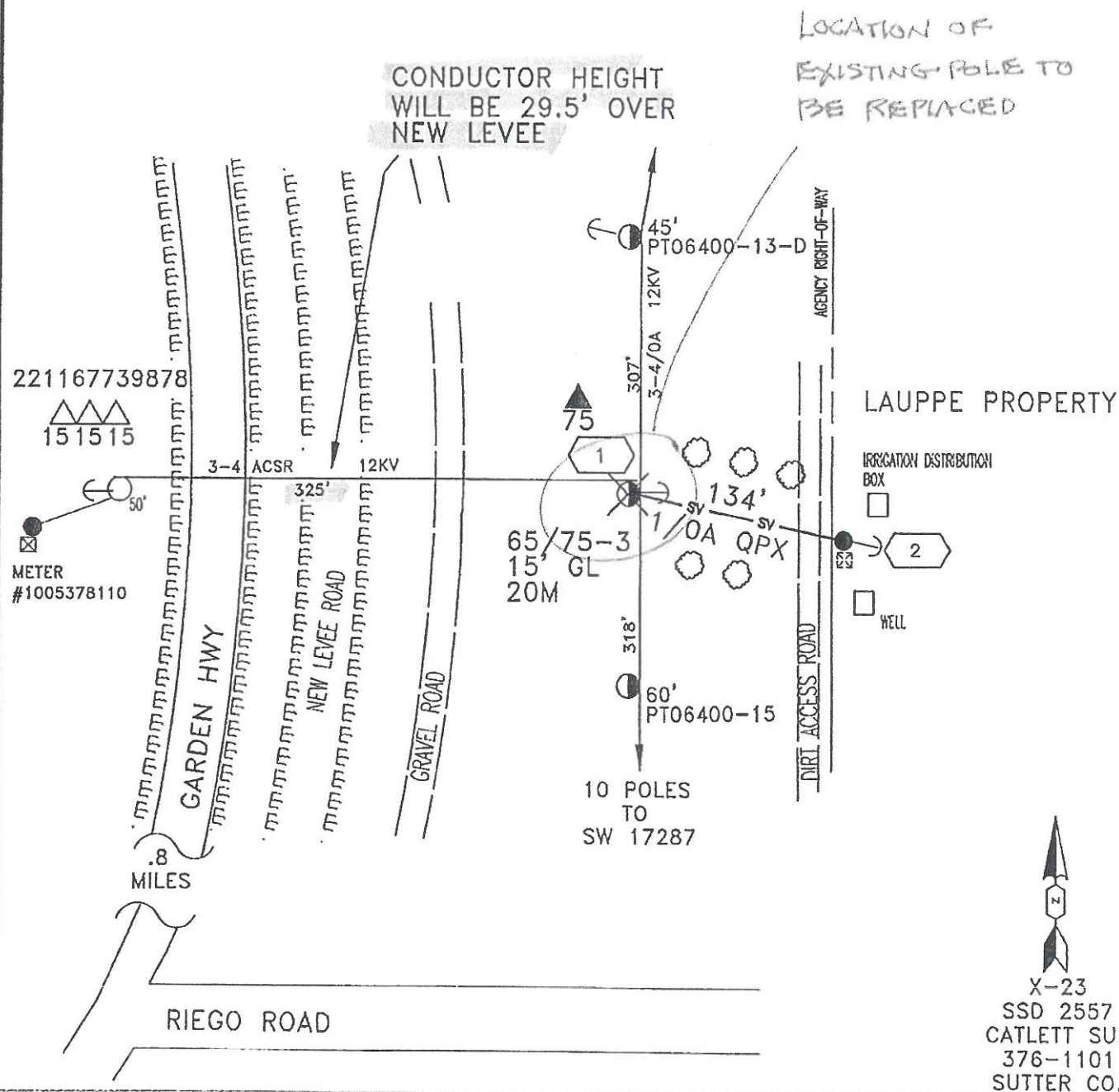
PG&E

SIERRA
DIVISION

30891627
AUTHORIZ

A 11-3-36
DRAWING NO.

PRELIMINARY DRAWING TO REPLACE
65' POLE WITH A 75' SET 8' DEEP
TO CORRECT INFRACTION OVER NEW
LEVEE TO BE DONE ON ORIGINAL
PM 30651463.



EST: GHC3 634-6452
ADE: PATTY UNANGST
SUPV: CHARMAINE DE SOUSA
REP: GABRIELA H. GARNIC
PLNR: NONE
SCALE: NONE
DATE: 1/6/12



SAUCA for LAUPPE FARMS
GARDEN HWY ES 335' N/O RIEGO RD .8 MILES
NICOLAUS
PACIFIC GAS AND ELECTRIC COMPANY

CO:
SD:
NOTIF: 105338475
OTHER:
SHT: 1 OF 1 SHEETS
PM: 30867517 REV.

PROJECT CONDITIONS STAMP

Type(s) of Work:

- ☒ New Business
☐ PG&E Maintenance & Construction

Project Conditions:

- ☐ NONE APPARENT (if project design changes, contact ADE)
 or
☒ CONDITIONS APPLY:

- ☐ PERMITS ☒ TAILBOARD ☐ OTHER

(Provide additional information on line below)

APPLICANT RESPONSIBILITY

BY:

SIGNATURE, NAME, [CORPORATE ID], DATE

CUSTOMER TO:

- INSTALL A MINIMUM HEIGHT 35' POLE WITH ANCHOR DUE TO SERVICE LENGTH AND NO CLOSER THAN 10' FROM WELL.
- MEAD & HUNT TO PROVIDE A RIGHT-OF-WAY THROUGH SAFCA PROPERTY TO SERVE NEW PUMP.
- PROVIDE PROPER TREE CLEARANCES.
- PROVIDE A COPY OF ANY ENVIRONMENTAL PERMITS PRIOR TO PG&E ACCESSING PROPERTY.

PG&E TO:

- INSTALL OVERHEAD TRANSFORMER AND RUN NEW SERVICE TO CUSTOMER POLE.
- INSTALL NEW POLE AT LOCATION 3 DUE TO CLEARANCE PROBLEM OVER NEW LEVEE ROAD (G.O.95).
- AVOID DRIVING TRUCK OR EQUIPMENT THROUGH WOODLAND CORRIDOR DUE TO SHALLOW IRRIGATION LINES.

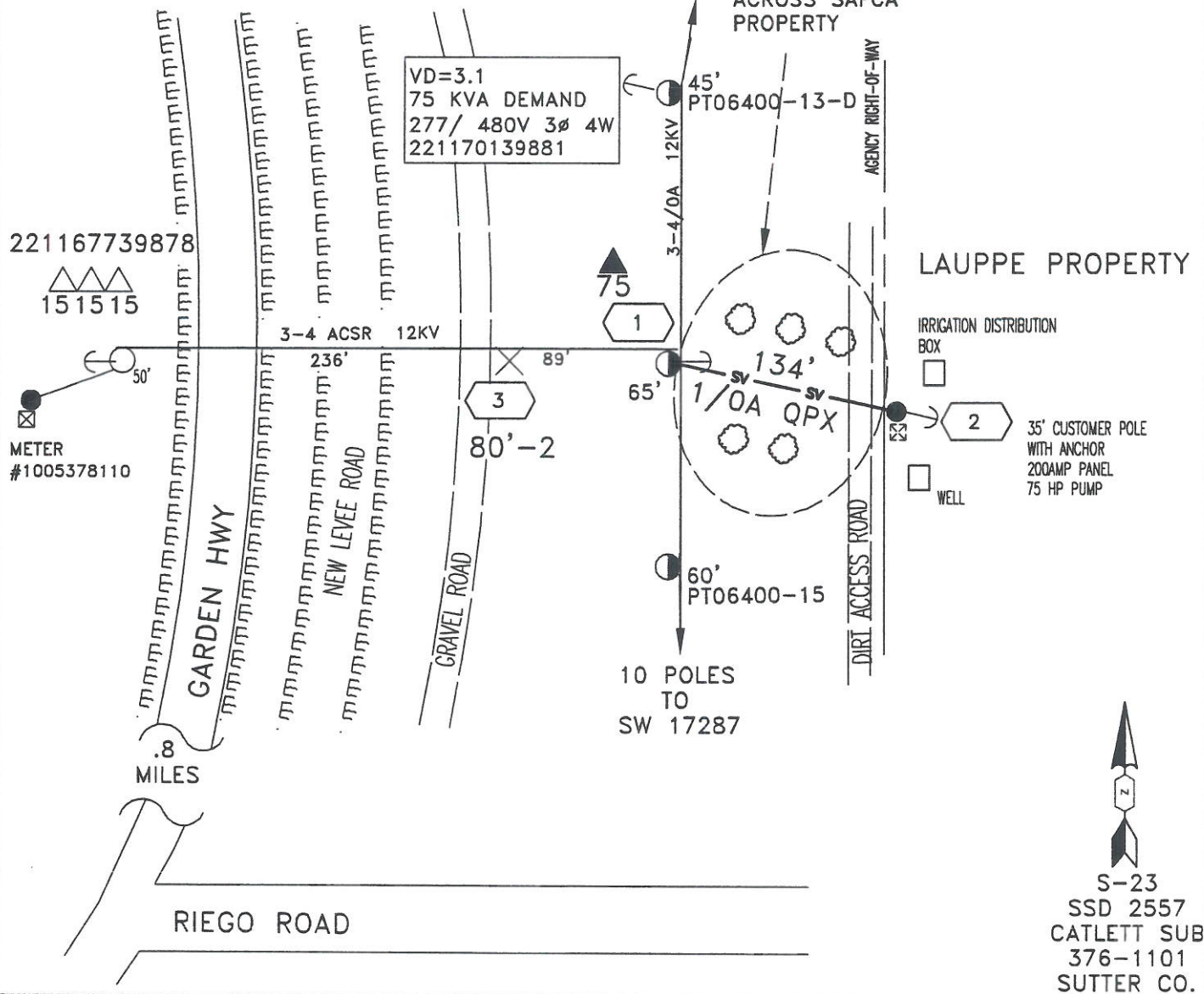
NOTIFIED U.S.A.

DATE:

TICKET #

BY:

NOTE TO CREW:
LOCATION 3 SET IN
ROCK 6' DEEP



EST: GHG3 634-6452

ADE: PATTY UNANGST

SUPV: CHARMINE DE SOUSA

REP: GABRIELA H. GARNIC

PLNR: NONE

SCALE: NONE

DATE: 9/28/11



SAFCA for LAUPPE FARMS
 GARDEN HWY ES 335' N/O RIEGO RD .8 MILES
 NICOLAUS

PACIFIC GAS AND ELECTRIC COMPANY

CO:

SD:

NOTIF: 105338475

OTHER:

SHT: 1 OF 1 SHEETS

PM:

30867517

REV.