

**Meeting of the Central Valley Flood Protection Board
March 22, 2013**

Staff Report – Encroachment Permit

**Pacific Gas & Electric
Gas Pipeline Authorization, San Joaquin County**

1.0 – ITEM

Consider approval of Permit No 18813 (Attachment B)

2.0 – APPLICANT

Pacific Gas & Electric

3.0 – LOCATION

The project is located on the left bank of the Mokelumne River adjacent to East Kirschenman Road, in San Joaquin County.
(Mokelumne River Designated Floodway, San Joaquin County see Attachment A)

4.0 – DESCRIPTION

Applicant proposes to have authorized an existing 8-inch-diameter high pressure steel gas main.

5.0 – PROJECT ANALYSIS

PG&E discovered that the existing 8-inch-diameter high pressure steel gas main had become exposed where it crosses a dirt road near the boundary of the Mokelumne River Designated Floodway. A Letter of Authorization was issued by the Chief Engineer allowing PG&E to bury the pipeline 36-inches below the ground surface (see Attachment C). This application is to authorize the existing 8-inch diameter gas main that crosses the Mokelumne River Designated Floodway.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- There is no local maintaining agency in the project area.
- The U.S. Army Corps of Engineers comment letter has been received for this application. The District Engineer has no comments or recommendations concerning the project because the proposed work does not affect a federally constructed project. The letter is attached to the permit as Exhibit A in reference to the project.

7.0 – CEQA ANALYSIS

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

The Board has determined the project is categorically exempt in accordance with CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering repair or maintenance of 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 entire State Plan of Flood Control:

This project will have no effects on the entire State Plan of Flood Control as the gas main was in existence prior to the adoption of the Mokelumne River Designated Floodway which occurred on January 10, 1977 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:

This project will have no effects from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board find the project exempt from CEQA, approve the permit, and direct staff to file a Notice of Exemption with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Map
- B. Draft Permit No. 18813
- C. Letter of Authorization issued November 18, 2011, with photos.

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

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Location Map



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DRAFT

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

PERMIT NO. 18813 BD

This Permit is issued to:

Pacific Gas & Electric
2730 Gateway Oaks Dr. Ste. 220
Sacramento, California 95833

To authorize an existing 8-inch-diameter high pressure steel gas main that crosses the Mokelumne River Designated Floodway. The project is located on the left bank of the Mokelumne River adjacent to East Kirschenman Road, in San Joaquin County. (Section 34, T4N, R7E, MDB&M, Mokelumne River, San Joaquin 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. 18813 BD

THIRTEEN: 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.

FOURTEEN: The Central Valley Flood Protection Board and 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.

FIFTEEN: 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.

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

SEVENTEEN: 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.

EIGHTEEN: 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.

NINETEEN: 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: Any additional encroachment(s) in the floodway 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-ONE: The letter from the Department of the Army dated February 26, 2013 is attached to this permit as Exhibit A is in reference to this project.

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (18813)

FEB 26 2013

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed a permit application by Pacific Gas & Electric (application number 18813). This project includes authorizing the repairs to an existing 8 inch diameter high pressure steel gas main. The project is located on the left bank of the Mokelumne River, adjacent to East Kirschenman Road, at 38.149842°N 121.19587°W NAD83, San Joaquin County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

Based upon the information provided, no Section 10 or Section 404 permit is needed.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

A handwritten signature in black ink, appearing to read "Meegan G. Nagy".

Meegan G. Nagy, P.E.
Chief, Flood Protection and Navigation Section

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Lonn Maier
Supervisor
Environmental Planning &
Permitting

2730 Gateway Oaks Dr, 220
Sacramento, CA 95833
916-923-7020
916-704-4370
LCMK@pge.com

Mr. Len Marino, P.E.
Chief Engineer
Central Valley Flood Protection Board
3310 El Camino Avenue, Ste. LL40
Sacramento, CA 95821

November 18, 2011

Subject: Immediate Repair Request for Exposed Gas Pipeline near the Mokelumne River

Dear Mr. Marino:

The Pacific Gas and Electric Company (PG&E) is requesting authorization from the Central Valley Flood Protection Board (CVFPB) to undertake immediate repairs to an exposed gas pipeline within a CVFPB designated floodway pursuant to the emergency temporary permitting authority contained within Section 17 of Title 23 of the Code of California Regulations (Title 23).

In October 2011, PG&E discovered that the earthworks protecting a gas pipeline near the Mokelumne River had eroded, exposing the pipeline. The pipeline, which is located approximately at 38.149842° , - 121.195870° approximately 4.4 miles northeast of the city of Lodi in San Joaquin County, is within a designated floodway and the jurisdiction of the CVFPB. Photographs of the exposed pipeline are enclosed with this letter as **Attachment A**.

As shown in the photographs attached to this letter, the pipeline crosses a dirt road used by the public to access the Mokelumne River. Although the pipeline was originally buried some distance underground, years of public access have eroded the earth covering the pipeline to the point where it is exposed and vulnerable to damage. Since this dirt road is used by farmers hauling agricultural equipment, this pipeline is vulnerable to scrape and puncture damage. Consequently, it is a safety hazard presenting an imminent risk to life and property. In such situations, PG&E takes immediate action to remedy such a potential risk, while at the same time ensuring that impacts to environmental resources are minimized.

PG&E proposes to bury the portion of the pipeline crossing the dirt road 36" below the surface. A construction drawing showing the proposed work is attached to this letter as **Attachment B**. The construction work, which is anticipated to take approximately five days, will not require the removal of any vegetation. A 3-foot wide trench at least 36" deep will be excavated across the 25-foot wide road, and will be backfilled with native material pursuant to the standards of Section 123 of Title 23. A layer of gravel will be spread over the construction area to prevent erosion. A photograph showing the extent of the excavation necessary to accomplish this emergency work is included within **Attachment A**.

As required by Title 23, section 17, subdivision (d), PG&E will submit a full application meeting the standards of section 8 of Title 23 within 30 days following the date of the commencement of emergency work.

Please review the above information, and indicate the CVFPB's approval of this request for authorization where indicated below. Please feel free to contact me or PG&E's consultant, Daniel Neal of Cardno ENTRIX at 916-386-3851, if you have any questions.

Sincerely,



Lon Maier
Supervisor, Environmental Planning and Permitting

DPN:dpn

Enc: Attachment A: Site Photographs
Attachment B: Construction Diagram

cc: Robert Day, Land Agent, Pacific Gas and Electric Company, 4040 West Lane, Stockton, CA 95204

John Houbein, Gas ADE, Pacific Gas and Electric Company, 4040 West Lane, Stockton, CA 95204

The request for CVFPB authorization to carry out the proposed emergency work, as described above, is hereby approved.

Approved by:



Len Marino, P.E., Chief Engineer
Central Valley Flood Protection Board

Date:

11/18/11

Attachment A: Site Photographs



1. Photo showing the exposed gas pipeline and the extent of the excavation that will be required to lower the gas pipeline 36" below the grade.



2. Detail of the exposed gas pipeline.