

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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September 1, 2005

In Reply Refer To: COE050815A

Andrew J. Rosenau
Chief, Regulatory Branch
Department of the Army
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

Dear Mr. Rosenau:

Re: Department of the Army Section 404 of the Clean Water Act Permit for the Feather-Bear-WPIC Levee Setback Project (Applicant: Three Rivers Levee Improvements Authority), Yuba County, California.

Pursuant to 36 CFR § 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act, the U.S. Army Engineer District, Sacramento, Corps of Engineers (COE) is seeking my comments on its determination of effects that the proposed undertaking will have on historic properties. The proposed project consists of construction of a foundation for a new setback levee, improvement of the existing levees on the Bear River upstream of the new setback levee and the Western Pacific Interceptor Canal (WPIC), the construction of detention basins north of the proposed setback levee, and the removal of orchards from the Bear River floodway (waterside of existing Bear River levee).

In addition to your letter of August 11, 2005 and several maps and other attachments, you have submitted the following documents in support of this undertaking:

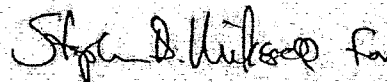
- *Cultural Resources Inventory and Evaluation Report for the Yuba-Feather Supplemental Flood Control Project Yuba County, California* (Jones & Stokes: November 2003).
- *Cultural Resources Inventory and Evaluation Report for the Bear River and Western Pacific Interceptor Canal Levee Improvements Project, Yuba County, California* (Jones & Stokes: May 2004).
- *Cultural Resources Inventory and Evaluation Report for the Proposed Feather-Bear Rivers Levee Setback Project, Yuba County, California* (EDAW: October 2004).
- *DRAFT Cultural Resources Inventory Report for Proposed Detention Basins for the Feather-Bear River Setback Levee Project, Yuba County, California* (Jones & Stokes: July 2005).

After reviewing your letter and supporting documentation, I have the following comments:

- 1) I concur that the Area of Potential Effects (APE) has been properly determined and documented as per 36 CFR § 800.4 (a) (1) and that the Efforts to Identify Historic Properties within the APE have been appropriate as per 36 CFR § 800.4.
- 2) I further concur that the following eight historic properties are *not* eligible to the National Register of Historic Places (NRHP):
 - RD 784 (Reclamation District 784)
 - Feather River Boulevard/Rd 512: P-58-1371-H (Road)
 - C-Olivehurst-2: P-58-1373-H (Remains of Bridge)
 - C-YCWA-1: P-58-1367-H (Ditch – element of RD 784)
 - C-YCWA-1: P-58-1368-H (Canal/ditch - element of RD 784)
 - C-YCWA-3: P-58-1369-H (Feather River Levee – element of RD 784)
 - FB 1: P-58-1365-H (Agricultural Building)
 - FB 2: P-58-1366-H (Bear River Levee – element of RD 784)
- 3) I further concur that the Western Pacific Railroad (P-58-137-H), an active railroad and historic property that is located within the project APE, and which has previously been found to be eligible to the NRHP under Criterion A (SHPO concurrence 6/20/01), will not be affected by the proposed undertaking.
- 4) I further concur that the finding of No Historic Properties Affected is appropriate as per 36 CFR § 800.4(d)(1) and that the documentation supporting this finding has been provided as specified in 36 CFR § 800.11(d).
- 5) Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the COE may have additional future responsibilities for this undertaking under 36 CFR § 800.

Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer