

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

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September 02, 2010

In Reply Refer To: COE100616B

Alicia E. Kirchner  
Chief, Planning Division  
Department of the Army  
U.S. Army Engineer District  
Sacramento Corps of Engineers  
1325 J Street  
Sacramento, California 95814-2922

Re: Continued Consultation Regarding Application for Permission Pursuant to Section 408 of the Rivers and Harbors Act for the Upper Yuba River Levee Improvement Project, Yuba County, California.

Dear Ms. Kirchner:

Thank you for continuing to consult with my office, in your current letter of July 28, 2010, regarding the project noted above. The U.S. Army Engineer District, Sacramento Corps of Engineers, is seeking my concurrence on the effects that this project will have on historic properties, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The proposed undertaking, the Upper Yuba River Levee Improvement Project, requires permission by the COE pursuant to Section 408 of the Rivers and Harbors Act. The COE has identified this action as an undertaking subject to review under Section 106 of the NHPA. In addition to your letter, you have submitted the following documents in support of your efforts to identify and evaluate historic properties in the project Area of Potential Effects (APE):

- *Cultural Resource Investigation for the Upper Yuba Levee Improvement Project* (HDR/DTA: July, 2010).

Previously in this consultation (SHPO letter of June 22, 2010), I requested that you submit additional information regarding your determinations of National Register of Historic Places (NRHP) eligibility for the historic properties identified in the project APE and reconsider your strategy regarding Section 106 compliance for the South Yuba River Levee (CA-YUB-1442H). After reviewing your current letter, supporting documentation, and reviewing the initial consultation for this undertaking, I have the following comments:

1) I concur that the cultural resources identified as Locus 2 (segment of abandoned railroad tracks imbedded in the levee), Locus 3 (mid-20<sup>th</sup> century refuse scatter), and Locus 4 (scatter of historic brick and concrete fragments) are not eligible for the NRHP under any criteria.

2) I acknowledge that, for the purposes of this undertaking only, the COE is treating the South Yuba River levee (CA-YUB-1442H) as eligible for the NRHP under criterion A. Under this strategy, the COE has determined that the proposed undertaking consists of standard maintenance and repair actions, and that the South Yuba Levee will still maintain, post-project, its appearance and function that impart NRHP eligibility.

3) I concur that a finding of No Adverse Effect is appropriate pursuant to 36 CFR Part 800.5(b).

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 Part 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, Associate State Archeologist at phone 916-445-7022 or email [wsoule@parks.ca.gov](mailto:wsoule@parks.ca.gov).

Sincerely,

*Susan H Stratton for*

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer