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Executive Office

**FINDING OF NO SIGNIFICANT IMPACT  
408 PERMISSION (Permission No. 19486)  
CENTRAL VALLEY FLOOD PROTECTION BOARD  
for the  
BEAR RIVER SETBACK LEVEE PROJECT  
SUTTER & YUBA COUNTIES, CA**

I have reviewed and evaluated the information presented in the Environmental Assessment (EA) prepared for the Bear River North Levee Setback. The proposed project is located along the right (north) bank of Bear River in Sutter and Yuba Counties, CA. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Reclamation District (RD) No. 817 (requester) has requested permission through the Central Valley Flood Protection Board; (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Sacramento River Flood Control Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1917.

The RD 817 Bear River Setback Levee (BRSL) Project intends to remediate an active erosion area along the Bear River North Levee. The BRSL consists of three components: the setback levee (including the degrade of the existing levee), the levee buttress, and the borrow site. The setback levee is approximately 2,800 linear feet and will replace the Bear River North Levee embankment from River Mile 8.6 to River Mile 9.0, the levee buttress spans approximately 8,500 linear feet from near Pleasant Grove Road to the downstream end of the setback levee. The levee buttress construction will exclude short stretches along the existing levee due to existing features (i.e., a residence, access ramp, and walnut huller). The borrow site is approximately 18 acres and can be accessed from agricultural access roads via C Street, Nichols Road, or State Route 65.

The public was provided notice of the proposed project by an email sent to interested parties and concurrent posting on the Sacramento District Section 408 Public Notice website. The notice was available for public comment from March 15, 2021, to April 14, 2021. USACE did not receive any public comments.

The possible consequences of the work described in the EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. The USACE coordinated environmental effects with the U.S. Fish and Wildlife Service (USFWS), the State Historic Preservation Officer (SHPO), and other federal and state resource agencies. USACE determined the proposed project "may affect, but is not

likely to adversely affect” the federally listed threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). USACE received a letter dated May 13, 2021, from the USFWS concurring with the determination (08ESMF00-2021-I-1550-1).

USACE sent Area of Potential Effects (APE) letters to four (4) tribes: the Mechoopda Indian Tribe of Chico Rancheria, the Mooretown Rancheria of Maidu Indians, the Tsi Akim Maidu of the Taylorsville Rancheria, and the United Auburn Indian Community of the Auburn Rancheria (UAIC), on January 25, 2021. UAIC responded to the APE letter by email, dated February 24, 2021, stating that resources of cultural and religious significance may extend into the APE. Subsequently, UAIC requested cultural survey results and that a cultural study be conducted. USACE provided the requested information. USACE sent effects letters to the tribes and the SHPO on May 18, 2021, to initiate consultation. USACE received a letter (COE\_2021\_0518\_001), dated June 18, 2021, from the SHPO concurring with the USACE determination of no historic properties affected for this undertaking.

Based upon my independent review of the EA (incorporated herein by reference), information provided by the requester, and interested parties, I have determined this permission will not have a significant effect on environmental, social, or cultural resources. Based on these considerations, I conclude that there is no need to prepare an Environmental Impact Statement. Therefore, the EA and Finding of No Significant Impact provide adequate environmental documentation to grant 408 permission for the proposed action.

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Date

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Antoinette R. Gant  
Colonel, U.S. Army  
Commanding