



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
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**FINDING OF NO SIGNIFICANT IMPACT - DRAFT**

Supplemental Environmental Assessment (SEA)  
Sutter Basin Project  
Cultural Resources Mitigation Native Plant Garden  
Sutter County Museum, Yuba City, California

The U.S. Army Corps of Engineers, Sacramento District (USACE) has conducted an environmental analysis of the proposed project in accordance with the National Environmental Policy Act of 1969, as amended. The proposed Cultural Resources Mitigation Native Plant Garden (Project) is the result of consultation between USACE, the California State Historic Preservation Officer (SHPO), the United Auburn Indian Community of the Auburn Rancheria (UAIC), and the Enterprise Rancheria Estom Yumeka Maidu Tribe (Enterprise Rancheria), pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and will serve to mitigate for impacts to Cultural Resources that occurred during the construction of the Sutter Basin Project. The Project is authorized by Section 7002(2) of the Water Resources Reform and Development Act (WRRDA) of 2014 (Public Law 113-121). The Project is funded by Public Law 115-141, 23 MAR 2018, titled H.R.1625 - Consolidated Appropriations Act, 2018.

USACE proposes to provide funding to establish a native plant garden at the Sutter County Museum, supply a post-establishment maintenance plan for the garden to the museum for future use, and produce initial interpretive educational materials to inform garden visitors about the traditional use and ongoing stewardship of California native plant species by Native American people indigenous to the lands that now comprise Sutter County and the surrounding area. The museum would be responsible for the future maintenance and interpretation of the garden, in collaboration with representatives of the UAIC and Enterprise Rancheria. The attached Supplemental Environmental Assessment (SEA) supplements the *Sutter Basin Pilot Feasibility Final Report – Final Environmental Impact Report / Supplemental Environmental Impact Statement* (2013 Sutter Basin FEIR/SEIS) and evaluates the effects of the changes related to the native plant garden.

The SEA evaluates a No Action Alternative and the Proposed Action. Under the No Action Alternative, USACE would not fund the establishment of an interpretive native plant garden at the Sutter County Museum as mitigation for adverse effects to Native American historic properties caused by the Sutter Basin Project. The Proposed Action would involve USACE providing funding for the establishment of the native plant garden at the museum and its initial interpretation. This would entail continued consultation with UAIC and Enterprise Rancheria on the preferred plant palette and appropriate interpretive materials, as well as a contracting action that would include planning the garden layout, purchasing, and placing plants and associated landscaping, developing a

long-term garden maintenance plan for the museum to follow, and similar or related activities. Establishing the garden would require removing existing landscaping; placing native plants, landscaping materials, and interpretive signage; and installing drip or buried irrigation lines. Most of these activities would require some degree of ground disturbance, ranging from a few inches deep for sod removal and landscaping activities to a foot or more for plantings based on root ball size and other factors.

The potential effects associated with the Proposed Action are displayed in Table 1. For comparison purposes, Table 1 includes a column indicating significant impacts expected from construction of the overall Sutter Basin Project and identified in the 2013 Sutter Basin FEIR/SEIS. All impacts associated with changes to the Sutter Basin Project that constitute the Proposed Action will be less than significant with mitigation. All applicable laws, executive orders, regulations, and local government plans were considered in the evaluation of the Proposed Action and the No-Action Alternative.

**Table 1: Summary of Potential Effects of the Proposed Action (Native Plant Garden)**

	<b>Native Plant Garden</b> Less than significant effects <sup>1</sup>	<b>Native Plant Garden</b> Less than significant effects as a result of mitigation <sup>2</sup>	<b>Native Plant Garden</b> Resource unaffected by action	<b>Program Level</b> Program elements beyond the scope of this document disclosed in the 2013 Sutter Basin FEIR/FEIS as likely to cause significant adverse effects
Visual Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vegetation and Wildlife	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Federally listed Special-Status Species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fisheries	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hazards and Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology and Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Land Use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation and Circulation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Utilities and Service Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomics and Population	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<b>Native Plant Garden</b> Less than significant effects <sup>1</sup>	<b>Native Plant Garden</b> Less than significant effects as a result of mitigation <sup>2</sup>	<b>Native Plant Garden</b> Resource unaffected by action	<b>Program Level</b> Program elements beyond the scope of this document disclosed in the 2013 Sutter Basin FEIR/FEIS as likely to cause significant adverse effects
Environmental Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Climate Change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>1</sup> Less than significant effects are further described with NEPA descriptors in the SEA. Generally, less than significant effects are considered those that are minor or moderate adverse effects to a particular resource.

<sup>2</sup> 40 CFR 1505.2(C) all practicable means to avoid and minimize environmental harm are adopted.

Environmental effects were considered, and all practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Proposed Action. Best management practices (BMPs) as detailed in the Final SEA will be implemented, as appropriate, to minimize impacts.

Public review of the Draft SEA concluded on [DATE][[will be updated when Public Comments are received]]. All comments submitted during the public review period were responded to in the Final SEA and FONSI [to be added after the public comment period]. Comments from the public review period [did not result in any changes to the SEA] [resulted in minor revisions to Section 3.3.1 (Cultural Resources), Section 3.3.2 (Recreation), Section 3.3.3 (Visual Resources), and Section 3.3.4 (Vegetation and Wildlife)]. No significant changes to impact declarations or new mitigation measures were necessary.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, USACE previously consulted with the State Historic Preservation Officer (SHPO) and other parties and executed a Programmatic Agreement (PA) with the SHPO that governs Section 106 compliance for the Sutter Basin Project. The PA includes the process to follow if project related activities result in adverse effects to historic properties. All terms and conditions of the PA shall be implemented, as needed, during implementation of the Proposed Action in order to avoid, minimize, or mitigate adverse impacts to historic properties.

All applicable environmental laws have been considered. Coordination with appropriate agencies and officials has been completed. Effects of the Proposed Action to vegetation and wildlife, visual resources, and recreation would be less than significant. If any trees are to be removed, removal would occur during the winter to avoid encounters with nesting birds protected under the Migratory Bird Treaty Act.

All applicable laws, executive orders, regulations, and local government plans were considered in the evaluation of the alternatives. Based on the evaluation of the effects of the Proposed Action described in the Final Supplemental EA, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, I find that the Proposed Action will not cause any new significant impacts that have not already been disclosed in the Sutter Basin FEIR/SEIS. Accordingly, preparation of an Environmental Impact Statement is not required.

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Date

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Chad W. Caldwell, P.E.  
Colonel, U.S. Army  
Commander and District Engineer

**Draft**  
**Supplemental Environmental Assessment**  
**for the**  
**Sutter Basin Project**  
**Cultural Resources Mitigation**  
**Native Plant Garden**  
Sutter County Museum, Yuba City, California



*[Photo Courtesy of Robin Rosenau]*



**US Army Corps of Engineers**  
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**March 2023**

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## ACRONYMS

ACHP	Advisory Council on Historic Preservation
APE	area of potential effects
BP	before present
CAA	Clean Air Act
CWA	Clean Water Act
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
Enterprise Rancheria	Enterprise Rancheria Estom Yumeka Maidu Tribe
EO	Executive Order
ESA	Endangered Species Act
FEIR/SEIS	Final Environmental Impact Report / Supplemental Environmental Impact Statement
FONSI	Finding of No Significant Impact
FRM	Flood Risk Management
FRWLP	Feather River West Levee Project
HPTP	Historic Property Treatment Plan
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NHPA	National Historic Preservation Act
NMFS	National Oceanic and Atmospheric Administration National Marine Fisheries Service
NRHP	National Register of Historic Places
PA	programmatic agreement
P.L.	Public Law
SBFCA	Sutter Butte Flood Control Agency
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Officer
TCR	Tribal Cultural Resource
UAIC	United Auburn Indian Community of the Auburn Rancheria
USACE	U.S. Army Corps of Engineers, Sacramento District
USEPA	U.S Environmental Protection Agency
U.S.C.	United States Code



## **1.0 PURPOSE AND NEED FOR ACTION**

### **1.1 Proposed Action**

The U.S. Army Corps of Engineers, Sacramento District (USACE) proposes to fund the development of an interpretive native plant garden on the grounds of the Sutter County Museum, located in Yuba City, Sutter County, California (Figure 1). The purpose of the garden is to meet mitigation requirements under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108). The garden would serve to resolve adverse effects to significant Native American cultural resources that resulted from construction of the Sutter Basin Flood Risk Management Project, Cypress Avenue to Tudor Road (Sutter Basin Project).

### **1.2 Project and Proposed Action Locations**

This document describes an interpretive native plant garden (Proposed Action) that would be established on the grounds of the Sutter County Museum, located at 1333 Butte House Rd, in Yuba City, Sutter County, California.

### **1.3 Background, Purpose and Need**

#### **1.3.1 Sutter Basin Project Background**

The Sutter Basin Project is located on the Feather River west levee in south Sutter County, between Cypress Avenue to Tudor Road, about 10 miles south of Yuba City in Sutter County, California. This portion was originally referred to as the Sutter Basin Flood Risk Management Project (SBFRMP) – Cypress Avenue to Tudor Road. The project name was shortened to the Sutter Basin Project.

The Sutter Basin Project was a federally cost-shared project funded by USACE and its non-federal partners, the Sutter Butte Flood Control Agency (SBFCA), and the Central Valley Flood Protection Board (CVFPB). The project, constructed between 2019 and 2020, involved the installation of cutoff walls within an approximately five-mile segment of the Feather River West Levee in south Sutter County. Combined with the 41 miles of other levee improvements constructed by the NFS under CVFPB permits, the project when completed reduced flood risk in the Sutter Basin.

Pursuant to 36 C.F.R. § 800.16(y), any project that receives federal funding constitutes an undertaking that is subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). Accordingly, in June 2012, USACE executed a programmatic agreement (PA) with the California State Historic Preservation Officer (SHPO) to govern Section 106 compliance, including mitigation for adverse effects. The Sutter Basin Project PA has been amended twice: in November 2018, to change the requirement for the curation of cultural materials as originally stipulated, and in March 2022, to extend the duration of the PA until September 30, 2023. A separate PA for the FRWLP was executed among USACE, SBFCA, and the SHPO in July 2013 under the 408 Permissions Program.



Figure 1: Location of Sutter County Museum. Aerial imagery from Google Earth and Google Maps.

### 1.3.2 Purpose and Need

Under the Sutter Basin Project PA, USACE committed to develop and follow a Historic Property Treatment Plan (HPTP) to mitigate adverse effects on historic properties resulting from the project. Historic properties are significant cultural resources that are included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). Based on cultural resources investigations that were completed by USACE during the pre-construction engineering and design phase of the project (ECORP 2018a; 2018b), it was determined that significant Native American cultural resources (i.e., historic properties) would be adversely affected by cutoff wall construction.

In accordance with the PA, and in consultation with the SHPO, the United Auburn Indian Community of the Auburn Rancheria (UAIC), and the Enterprise Rancheria Estom Yumeka Maidu Tribe (Enterprise Rancheria), USACE prepared a HPTP titled *Historic Property Treatment Plan: Sutter Basin Flood Risk Management Project, Cypress Avenue to Tudor Road* (ECORP 2019). The HPTP identified various treatment methods to mitigate the adverse effects of the undertaking.

Among the identified treatment methods is the development of an ethnographic study or preparation of educational materials to interpret the Wollok District, a Native American traditional cultural landscape that was documented during FRWLP implementation. USACE, in consultation with the SHPO, UAIC, and Enterprise Rancheria, subsequently determined that the creation of a California native plant garden, to interpret Native American traditional and contemporary land use, would fulfill the educational materials mitigation requirement, as the garden would provide cultural and educational benefits to UAIC, Enterprise Rancheria, and the public. Through this consultative process, the Sutter County Museum was identified as an ideal location for the interpretive garden.

USACE and the Museum have executed a Memorandum of Understanding that defines their respective roles related to the establishment of and long-term responsibility for the garden. Specifically, USACE would fund the establishment and initial interpretation of the garden, which would then be maintained and interpreted in the future by the Museum, in collaboration with local Native American communities.

During a site visit in August 2022, representatives from UAIC, Enterprise Rancheria, the museum, Sutter County, and USACE met at the museum to discuss potential garden locations. During this meeting, it was determined that an open grassy area immediately west of and adjacent to the museum would be an appropriate area for the garden. This area is approximately 120 feet long on the north side, 160 feet long on the west side, and 70 feet long on the south side for a total area of approximately 0.35 acres (15,000 square feet) (see Figures 2-4). It is anticipated that the garden would occupy approximately 2,500 square feet within this larger area.





Figure 2: Overview of proposed project area. Aerial imagery from Google Earth.

## 1.4 Authority

The Sutter Basin Project is authorized by Section 7002(2) of the Water Resources Reform and Development Act (WRRDA) of 2014 (Public Law [P.L.] 113-121), and construction of the Sutter Basin Project was funded for completion under the Consolidated Appropriations Act of 2018 (P.L. 115-141).

## 1.5 Purpose of the Supplemental Environmental Assessment

The Sutter Basin Project was analyzed pursuant to the National Environmental Policy Act (NEPA) in the *Sutter Basin Pilot Feasibility Final Report – Final Environmental Impact Report / Supplemental Environmental Impact Statement* published in 2013. In 2013 Sutter Basin FEIR/SEIS, and in subsequent cultural resources studies prepared pursuant to the Sutter Basin Project PA, the study area and area of potential effects (APE) was limited primarily to the Feather River west levee and adjacent areas where the project would be implemented. The creation of a native plant garden at the Sutter County Museum as a mitigation measure was not contemplated under the 2013 Sutter Basin FEIR/SEIS, or when Section 106 cultural resources studies, the PA, and HPTP were initially developed.

This Supplemental Environmental Assessment (SEA) describes the existing environmental conditions within the proposed native plant garden APE and evaluates the anticipated environmental effects of the alternatives proposed, which consist of a No Action Alternative and a Proposed Action. It also identifies measures to avoid or reduce any adverse effects of the Proposed Action to a less-than-significant level, if necessary

and where practicable. This SEA has been prepared in accordance with the requirements of NEPA, to disclose the reasonably foreseeable environmental effects of the Proposed Action to the public.



*Figure 3: Proposed area for native plants located on the west side of the property.  
Photo: Courtesy of Steven McLemore*

## **1.6 Related Documents**

The following is a list of project documentation, or documentation for related actions, which may be relevant to this SEA:

1. June 2013, Final 408 Permission Environmental Impact Statement for the Feather River West Levee Project (2013 FRWLP FEIS);
2. August 2013, Final Environmental Impact Statement/Supplemental Environmental Impact Report for the Sutter Basin Final Feasibility Report (2013 Sutter Basin FEIR/SEIS);



3. June 2016, Final Supplemental Environmental Impact Report for the Feather River West Levee Project (2016 FRWLP SEIR);
4. February 2019, Historic Properties Treatment Plan (HPTP), (ECORPS 2019).



*Figure 4: Proposed garden area looking towards the street.  
Photo: Courtesy of Steven McLemore*

### **1.7 Decision Needed**

The District Engineer, Commander of the Sacramento District, must decide whether the Proposed Action qualifies for a Finding of No Significant Impact (FONSI) under NEPA guidelines, or whether a supplemental EIS must be prepared due to potentially significant environmental impacts.

## **2.0 ALTERNATIVES**

### **2.1 No Action Alternative**

NEPA requires the Federal lead agency (USACE) to analyze a “no action” alternative that describes the future conditions that would reasonably be expected to exist in the absence of Proposed Action implementation. The No Action alternative serves as the environmental baseline against which the adverse and beneficial effects of the action alternatives are evaluated. In this SEA, the No Action alternative consists of not providing funding to establish a native plant garden at the Sutter County Museum.

Under the No Action alternative, USACE would not fund the establishment of an interpretive native plant garden at the Sutter County Museum as mitigation for adverse effects to Native American historic properties caused by the Sutter Basin Project. The museum grounds would remain in their current condition but could be developed at a future date by Sutter County, as a native plant garden or for some other purpose. Under this alternative, USACE would be required to continue consultation to determine a different mitigation measure to fulfill responsibilities regarding Cultural Resources. Under the No Action alternative, environmental impacts of the Sutter Basin Project would remain as described in the 2013 Sutter Basin FEIR/SEIS.

### **2.2 Proposed Action Alternative**

The Proposed Action alternative would consist of USACE providing funding to establish a native plant garden at the Sutter County Museum, supplying a post-establishment maintenance plan for the garden to the museum for future use, and producing initial interpretive educational materials to inform garden visitors about the traditional use and ongoing stewardship of California native plant species by Native American people indigenous to the lands that now comprise Sutter County and the surrounding area. The museum would be responsible for the future maintenance and interpretation of the garden, in collaboration with representatives of the UAIC and Enterprise Rancheria.

By collaborating with the Sutter County Museum, UAIC, and Enterprise Rancheria to establish the garden, USACE aims to create a unique space for cultural engagement and educational exchange among the Native American communities with traditional ties to the Project area and members of the public. Maintenance of the site may include local volunteers, members of the community, and tribal members. Due to the collaborative nature of this project, the specific layout and components of the native plant garden is an ongoing effort and will not be complete prior to the finalization of this document.

## **3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

This section describes the effects of the Proposed Action alternative on the area’s environmental resources. Section 3.2 discusses those resources that were not evaluated in detail. Section 3.3 describes the environmental resources evaluated in

detail, including their existing conditions and the environmental consequences of the No Action alternative and the Proposed Action alternative.

### **3.1 Approach to Analysis**

As a supplemental NEPA document, this SEA focuses its analysis on the establishment of a native plant garden at the Sutter County Museum.

### **3.2 Environmental Resources Not Evaluated in Detail**

The following resources were omitted from further discussion in this SEA because the effects of the Proposed Action on these resources would be negligible or would not cause additional impacts beyond those already analyzed in the 2013 Sutter Basin FEIR/SEIS: Air Quality and Climate Change; Geology, Seismicity, Soils, and Mineral Resources; Agriculture, Land Use, and Socioeconomics; Fish and Aquatic Resources; Water Quality and Groundwater Resources; and Wildlife.

### **3.3 Environmental Resources Evaluated in Detail**

#### **3.3.1 Cultural Resources**

Cultural resources are locations and products of human activity, use, and systems of belief that depict human history and culture in the physical environment. Cultural resources include, but are not limited to, Native American and Euro-American archaeological objects, sites, and districts; historic-era buildings and structures; and resources or places that have traditional, religious, or sustained cultural significance to Native American peoples or other communities (i.e., traditional cultural landscapes, places, and properties).

Information related to the existing conditions for cultural resources associated with the Sutter Basin Project is described in section 4.12 of the 2013 Sutter Basin FEIR/FEIS, as well as in subsequent cultural resource reporting prepared for Section 106 compliance ahead of construction of that project (ECORP 2018a; 2018b). That information is not repeated here. The following information is specific to the existing conditions for cultural resources in the vicinity of the Proposed Action APE for Section 106 compliance, which comprises the location where the native plant garden would be established at the Sutter County Museum. The APE is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties if such properties exist (36 C.F.R. § 800.16[d]).

The Proposed Action APE is located on the west side of the main museum building, in an open grassy area bordered by bushes, shrubs, and trees. This area currently is irrigated via an underground sprinkler system and maintained (i.e., mowed, weeded, and pruned) by the Sutter County General Services Department. The Sutter County Museum grounds also include a central fountain, rose garden, 9/11 memorial, and a community flower and vegetable garden that was established and is cared for by local volunteers. A county-owned public park is located to the rear of the museum.



## **Environmental Consequences**

**Basis of Significance.** In general, USACE uses the Section 106 process described at 36 C.F.R. Part 800 to determine effects to cultural resources under the NHPA and NEPA. An alternative would be considered to have a significant effect on cultural resources under NEPA if it would result in an adverse effect on historic properties pursuant to Section 106 of the NHPA. An adverse effect to cultural resources results when a federal undertaking would alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (36 C.F.R. § 800.5[a][1]).

**No Action.** Under the No Action Alternative, USACE would not fund the establishment of an interpretive native plant garden at the Sutter County Museum as mitigation for adverse effects to Native American historic properties caused by the Sutter Basin Project. The museum grounds would remain in their current condition but could be developed at a future date by Sutter County, as a native plant garden or for some other purpose. Under the No Action alternative, USACE would be required to continue Section 106 consultation with the SHPO and consulting tribes to determine a different mitigation measure to fulfill its Section 106 responsibilities and to comply with the Sutter Basin PA and HPTP.

**Proposed Action Alternative.** The Proposed Action would involve USACE providing funding for the establishment of the native plant garden at the museum and its initial interpretation. This would entail continued consultation with UAIC and Enterprise Rancheria on the preferred plant palette and appropriate interpretive materials, as well as a contracting action that would include planning the garden layout, purchasing, and placing plants and associated landscaping, developing a long-term garden maintenance plan for the museum to follow, and similar or related activities.

Establishing the garden would require removing existing landscaping — primarily sod — through sheet mulching, solarization, or physical removal; placing native plants, landscaping materials, and interpretive signage; and installing drip or buried irrigation lines. Most of these activities would require some degree of ground disturbance, ranging from a few inches deep for sod removal and landscaping activities to a foot or more for plantings based on root ball size and other factors.

Any time ground disturbance occurs, the potential exists for buried cultural resources to be impacted if they exist in that location. Based on soil maps and geoarchaeological modeling (Rosenthal 2021), the Proposed Action APE is in an area characterized by “Early Holocene” and nearby “Latest Holocene” depositional landforms that underlie more recent historic-era floodplain deposits. Such deposits can be up to several feet thick. Overall, archaeological sites that date to the Early Holocene (approximately 11,700 to 8,200 years before present [BP]) are rare in California; Native American sites dating to the Latest Holocene (around 2,200-1,150 years BP), and more recently, are more common.

In the Sacramento Valley, sites dating to within the past 1,000 years frequently exist along or near waterways and often consist of sizeable villages. This is demonstrated by

the numerous Tribal villages and Native American ancestral remains encountered during both the FRWLP and Sutter Basin Project on the Feather River west levee (Rosenthal 2021), and other levee improvement projects along the lower Sacramento River. The names and locations of some villages are known through historical records; others are documented by UAIC, Enterprise Rancheria, and other Native American tribes with ties to these areas. Although Native American cultural resources could exist anywhere on the landscape, past research demonstrates that substantial deposits are more likely to occur near rivers, streams, springs, and other water sources.

In an effort to identify historic properties in the APE, USACE requested a records search through the UAIC Tribal Historical Resources Information System and conducted an intensive pedestrian survey of the APE and adjacent areas. USACE also requested information from the Sutter County Museum regarding the history of the museum to determine if the museum qualifies as a historic property.

The records search indicated that there are no known Native American cultural resources in or within a ¼-mile radius of the APE; one Tribal Cultural Resource (TCR) is located within ½-mile radius of the APE; and one TCR and another cultural resource included in the California Native American Heritage Commission sacred lands file are within a 1-mile radius of the APE. No Native American artifacts or cultural features were observed during the pedestrian survey, which covered the APE and adjacent areas on the museum grounds.

Because the museum could potentially be indirectly affected by new visual elements resulting from the native plant garden, USACE evaluated the buildings that comprise the museum as potential historic properties. The Sutter County Museum includes the original museum structure, which was completed in 1975; an expansion of that building in 1982, which added office space, a library, and collections storage space; an exterior storage building added in the mid-1980s; the Agricultural Wing constructed in 1997; the Multi-Cultural Wing built in 2005; and Ettl Hall, completed in 2012.

To qualify as a historic property eligible for NRHP inclusion, cultural resources, including historic-era buildings and structures, must meet one or more specific significance criteria, retain physical and locational integrity, and be at least 50 years old. USACE determined that since the Sutter County Museum is not yet 50 years old, it does not meet the minimum age threshold for consideration as a historic property and is not eligible for NRHP inclusion under any significance criteria.

Based on the absence of known historic properties in the APE, USACE reached a Section 106 finding of No Historic Properties Affected for this undertaking and determined there would be no significant impacts to cultural resources under NEPA from the Proposed Action. Pursuant to the requirements of the Sutter Basin Project PA, USACE initiated consultation with the SHPO, UAIC, and Enterprise Rancheria regarding the Section 106 finding of effect on December 6, 2022. Through correspondence dated January 5, 2023, the SHPO agreed that the Proposed Action would result in no historic properties affected. The receipt of SHPO concurrence concludes the Section 106 process for this undertaking. In the event that any historic properties are identified during activities associated with garden implementation, USACE would follow the post-review discovery process described at 36 CFR § 800.13(b).

### 3.3.2 Recreation

Existing recreation on the west side of the Sutter County Museum grounds currently involves a grassy park area. A few trees create shaded areas for picnics and play. The Sutter County Museum grounds also include a central fountain, rose garden, 9/11 memorial, and a community flower and vegetable garden that was established and is cared for by local volunteers. A county-owned public park is located to the rear of the museum, and the adjacent Harter Park offers recreational opportunities in the form of walking paths. The proposed action would not alter or impact areas outside of the Sutter County Museum grounds.

#### **Environmental Consequences**

Basis of Significance. An alternative would be considered to have a significant effect on recreation if it would result in the significant loss of recreational facilities, cause a substantial disruption in a recreational activity or opportunity, or substantially diminish the quality of the recreational experience.

No Action. Under the No Action Alternative, the native plant garden would not be built. Impacts of the Sutter Basin Project would remain as described in the 2013 Sutter Basin FEIR/SEIS. There would be no change in existing recreational facilities at the site.

Proposed Action Alternative. Installing a native plant garden on the west side of the building would alter recreational opportunities. Instead of an open grassy site, the grass would be removed, and native plants would be installed. It is currently anticipated that trees would remain in place, but non-native trees may be replaced with native trees. This action would cause a shift in recreation from grassy open areas typically used for picnics or lawn sports to a more focused area with walkways and interpretive signs. There would also be a temporary impact to recreation during the removal of sod and the establishment period. To mitigate for these temporary impacts, signage describing the project and its purpose could be placed around the area of the future native plant garden, as well as information at the Sutter County Museum. The layout and landscaping components of the garden have not yet been determined, but it is assumed that the garden would focus on small drought-tolerant plants with small paths between planting areas.

The installation of the native plant garden would act as an extension to the museum and increase the amount of recreation at the site. This would be included in the maintenance of the site, which would be incorporated into a maintenance plan that may include local volunteers, members of the community, and tribal members. Although the proposed action would alter recreational experiences and there would be a short term impact during the establishment period when sod is removed and native plants are being installed, there would be a less than significant effect on recreation since it would not cause a permanent loss of recreational opportunities or resources; severely restrict or eliminate access to recreational opportunities and facilities; cause a substantial disruption in a recreational use or activity; or substantially diminish the quality of the recreational experience.

### 3.3.3 Visual Resources

Visual resources on the west side of the Sutter County Museum grounds include views of an open, grassy park area with a few trees skirting the museum building itself.

#### **Environmental Consequences**

**Basis of Significance.** An alternative would be considered to have a significant effect on Visual Resources if it would significantly alter visual resources or substantially diminish the quality of the visual resource.

**No Action.** Under the No Action Alternative, USACE would not fund the establishment of an interpretive native plant garden at the Sutter County Museum as mitigation for adverse effects to Native American historic properties caused by the Sutter Basin Project. Under this alternative, USACE would be required to continue consultation to determine a different mitigation measure to fulfill responsibilities regarding Cultural Resources. Environmental impacts of the Sutter Basin Project would remain as described in the 2013 Sutter Basin FEIR/SEIS. There would be no change in existing visual resources at the site.

**Proposed Action Alternative.** Installing a native plant garden on the west side of the building would alter visual resources. Instead of an open grassy site, the grass would be removed, and native plants would be installed. It is currently anticipated that trees would remain in place, but non-native trees may be replaced with native trees such as live oak, valley oak, box elder, and sycamore. The layout and landscaping components of the garden have not yet been determined, but it is assumed that the garden would focus on small drought-tolerant plants with small paths between planting areas.

Establishing the garden would require removing existing landscaping — primarily sod — through sheet mulching, solarization, or physical removal; placing native plants, landscaping materials, and interpretive signage; and installing drip or buried irrigation lines. The establishment period would temporarily degrade visual resources, especially during the removal of the sod. During the removal of sod and the establishment period, signage describing the project and its purpose could be placed around the area of the future native plant garden, as well as information at the Sutter County Museum. Once the native plant garden is established, the variety of plants are anticipated to create a visually pleasing variety of colors and textures. Instead of a flat grassy area, native plants would add different colors, textures, differing heights, and rock patterns that would be pleasing to the eye. Maintenance requirements would also be reduced, resulting in a reduction in watering and mowing the area.

Although the proposed action would cause a temporary degradation in visual resources during the establishment period, the overall project would have a less than significant effect on visual resources. The project would not adversely affect scenic vistas, substantially degrade the visual character or quality of the site and surroundings, damage scenic resources, or create additional light or glare.

### 3.3.4 Vegetation and Wildlife

Existing vegetation in the project area includes landscaped sod and several trees. Native trees include three large live oaks and a box elder. Non-native trees include three white oaks, a large cork oak, a pine tree, and a magnolia tree. It is currently assumed that the existing trees will remain in place, but non-native trees may be replaced with native trees such as additional live oak and box elder, or other native trees such as valley oak and sycamore.

Wildlife in the area currently includes small mammals, such as the introduced eastern gray squirrel, ground squirrels and other rodents; local bird species such as scrub jay, house finch, black phoebe, turkey vulture; and other species that have adapted to developed areas.

#### **Environmental Consequences**

**Basis of Significance.** An alternative would be considered to have a significant effect on vegetation and wildlife if it would permanently remove or disturb sensitive native communities or significantly reduce the amount of native vegetation and wildlife habitat in the project area.

**No Action.** Under the No Action Alternative, USACE would not fund the establishment of an interpretive native plant garden at the Sutter County Museum as mitigation for adverse effects to Native American historic properties caused by the Sutter Basin Project. Under this alternative, USACE would be required to continue consultation to determine a different mitigation measure to fulfill responsibilities regarding Cultural Resources. Environmental impacts of the Sutter Basin Project would remain as described in the 2013 Sutter Basin FEIR/SEIS. There would be no change in existing vegetation and wildlife at the site.

**Proposed Action Alternative.** Installing a native plant garden on the west side of the building would alter existing vegetation. Instead of an open grassy site, the grass would be removed, and native plants would be installed. It is currently anticipated that trees would remain in place, but non-native trees may be replaced with native trees. The layout and landscaping components of the garden have not yet been determined, but it is assumed that the garden would focus on small drought-tolerant plants with small paths between planting areas.

Establishing the garden would require removing existing landscaped grass through sheet mulching, solarization, or physical removal; placing native plants, landscaping materials, and interpretive signage; and installing drip or buried irrigation lines. The establishment period would temporarily remove vegetation, specifically landscaped grass. If any trees are removed, they would be replaced with native species such as valley oak, sycamore, live oak, and box elder. If trees require removal, the trees would be removed during the winter (November through February) to reduce the potential for impacts on nesting birds. Once the native plant garden is established, vegetation in the area would have greater diversity and would be more drought tolerant. Local wildlife species may increase as native plants attract wildlife such as butterflies, bees, and hummingbirds, but it is not anticipated that there would be a recordable increase in



wildlife due to the small size of the garden area. Maintenance of the site may include local volunteers, members of the community, and tribal members. The shift in maintenance practices may also reduce the visual impacts of mowing. Plant selections would be drought tolerant species, which would reduce watering requirements.

Although the proposed action would cause a temporary degradation in vegetation during the establishment period, the overall project would have a less than significant effect on vegetation and is anticipated to have beneficial impacts due to reduced watering and mowing requirements. The project would not permanently remove or disturb sensitive native communities or significantly reduce the amount of native vegetation and wildlife habitat in the project area.

Figure 5 shows some native plants from a different, already established garden. While the layout and landscaping components of the garden have not yet been determined, it is assumed that the garden would focus on small drought-tolerant plants such as those shown below.



Figure 5. Examples of native plants

## 4.0 CUMULATIVE EFFECTS

NEPA regulations require that the cumulative effects of a proposed project be addressed when the cumulative effects are expected to be significant (40 CFR 1508.25[a][2]). Cumulative effects are effects on the environment that result from the incremental effects of a proposed project when added to other past, present, and reasonably foreseeable future projects (40 CFR 1508.7). Such effects can result from individually minor but collectively significant actions taking place over time.

The overall Feather River west levee had been studied extensively prior to the authorized Sutter Basin Project. In advance of the Sutter Basin Project, SBFCA had previously completed similar work on approximately 36 miles of the Feather River west levee, from Thermalito Afterbay to Star Bend, and along a small segment of levee adjacent to Laurel Avenue. The work completed by SBFCA, referred to as the Feather River West Levee Project (FRWLP), was permitted by USACE under 33 United States Code (U.S.C.) Section 408 (Section 408).

The June 2013 FRWLP FEIS identified the past, present, and reasonably foreseeable projects that could interact with Sutter Basin Project actions to create cumulative effects. Cumulative effects were identified, and mitigation was recommended for significant cumulative effects. This information is hereby incorporated by reference. All cumulative effects are adequately addressed in the 2013 FRWLP Final EIS and the 2013 Sutter Basin FEIR/SEIS. The funding for and installation of the native plant garden would not cumulatively add any other effects. The modifications proposed in the Sutter Basin Educational Materials proposal would not result in any new cumulative or substantially more severe cumulative significant direct and indirect effects than were analyzed in the 2013 FRWLP FEIS and 2013 Sutter Basin FEIR/SEIS.

## 5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Certain Federal laws and regulations require issuance of permits before project implementation; other laws and regulations require agency consultation but may not require issuance of any authorization or entitlements before project implementation. For each of the laws and regulations addressed in this Section, the description indicates either full compliance (indicated the term “Compliance”) or partial compliance (indicated by the term “Partial Compliance”); if partial compliance is indicated, full compliance will be achieved prior to issuance of a NEPA decision document.

Clean Air Act of 1963, as amended, 42 USC 7401, et seq. *Compliance.* The Federal Clean Air Act (CAA) requires the U.S Environmental Protection Agency (USEPA) to establish National Ambient Air Quality Standards (NAAQS). EPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, PM10, PM2.5, CO, NO2, SO2, and lead. The primary standards protect the public health, and the secondary standards protect public welfare. The CAA also requires each state to prepare an air quality control plan, referred to as a State Implementation Plan. If a federal action exceeds the *de minimus* thresholds set for a criteria pollutant within an air basin, then a general conformity analysis under the act is required.

The establishment of a native plant garden on Sutter County Museum grounds would be in compliance with this Act as the scope of its emissions of criteria air pollutants are expected to qualitatively compare with other small construction actions of less than one acre, which do not typically exceed federal *de minimus* thresholds even in severe and extreme non-attainment air basins.

Endangered Species Act of 1973, as amended, 16 USC 1531, et seq. Compliance. Pursuant to the Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (USFWS) and the National Oceanographic and Atmospheric Administration, National Marine Fisheries Service (NMFS) have regulatory authority over Federally listed species. Under the ESA, a permit to “take” a listed species is required for any Federal action that may harm an individual of that species. Take is defined under ESA Section 9 as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Under Federal regulation, take is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. ESA Section 7 outlines procedures for Federal interagency cooperation to conserve Federally listed species and designated critical habitat.

There are no Federally listed species known to occur within or near the Sutter County Museum, and compliance with this Act was fulfilled under the larger Feather River West Levee Project.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Compliance. The purpose of Executive Order (EO) No. 12,898 is to identify and address the disproportionate placement of adverse environmental, economic, social, or health effects from Federal actions and policies on Native American communities, minority communities, and/or low-income communities. EO 12898 requires that adverse effects on minority or low-income populations be considered during preparation of environmental and socioeconomic analyses of projects or programs that are proposed, funded, or licensed by Federal agencies.

Section 2-2 of EO No. 12,898 requires all Federal agencies to conduct programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons the benefits of, or subjecting persons to discrimination because of their race, color, or national origin. Section 1-101 of EO No. 12,898 requires Federal agencies to identify and address, as appropriate, disproportionately high, and adverse human health, or environmental effects of programs on minority and low-income populations.

By collaborating with the Sutter County Museum, UAIC, and Enterprise Rancheria to establish the garden, USACE aims to create a unique space for cultural engagement and educational exchange among the Native American communities with traditional ties to the Project area and members of the public. The Proposed Action would not have any adverse environmental, economic, social, or health impacts, and would not exclude persons or populations due to race, color, or national origin.



Executive Order 13112, Invasive Species, Compliance. EO No. 13,112 directs Federal agencies to take actions to prevent the introduction of invasive species, provide for control of invasive species, and minimize the economic, ecological, and human health impacts that invasive species cause. EO No. 13,112 also calls for the use of native plants and tree species for site stabilization and restoration. The Proposed Action would add native plants in a localized area that would not introduce or spread invasive species.

Federal Clean Water Act (CWA) as amended, 33 USC 1251, et seq. Compliance. EPA is the lead Federal agency responsible for water quality management. The CWA of 1972, as amended (33 USC 1251 et seq.), is the primary Federal law that governs and authorizes water quality control activities by EPA, as well as the State. The Proposed Action would result in less than one acre of ground disturbance; therefore, a Construction General Permit under CWA is not required. The Proposed Action is also anticipated to reduce water use by installing drought-resistant plants and installing drip irrigation. Water quality may be improved over time through the reduction in fertilizers and other chemicals that are currently used on the museum's lawn.

Fish and Wildlife Coordination Act of 1958, as amended, 16 USC 661, et seq. Compliance. The Fish and Wildlife Coordination Act ensures that fish and wildlife receive consideration equal to that of other project features for projects that are constructed, licensed, or permitted by Federal agencies. It requires that the views of USFWS, NMFS, and the applicable State fish and wildlife agency (CDFW) be considered when effects from water resources development projects are evaluated, and mitigation needs are determined.

Since the Proposed Action is not a water resources development project, coordination under the FWCA is not required. However, general fish and wildlife effects were considered for this document. Habitat in and near the Project Area currently includes developed land, landscaped lawns, and non-ESA habitat. Fish and wildlife have been considered, and it is not anticipated that there would be any impacts to fish and wildlife during the establishment of the garden. Habitat value may be improved with the installation of native plants as some flowering plants may attract local wildlife such as bees, hummingbirds, and butterflies.

Magnuson-Stevens Fishery Conservation and Management Act. Compliance. The Magnuson-Stevens Act requires that all Federal agencies consult with NMFS regarding actions or proposed actions permitted, funded, or undertaken that may adversely affect essential fish habitat. Essential fish habitat is defined as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." There is no designated essential fish habitat (EFH) in or near the Project Area. Consultation with NMFS is not required.

Migratory Bird Treaty Act of 1936, as amended, 16 USC 703 et seq. Compliance. The Migratory Bird Treaty Act (MBTA) domestically implements a series of international treaties that provide for migratory bird protection. The MBTA regulates the taking of migratory birds; the act provides that it would be unlawful, except as permitted by regulations, "to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird ..." (USC Title 16, Section 703). This prohibition includes both direct and

indirect acts, although harassment and habitat modification are not included unless they result in direct loss of birds, nests, or eggs. The current list of species protected by the MBTA includes several hundred species and essentially includes all native birds. Permits for take of nongame migratory birds can be issued only for specific activities, such as scientific collecting, rehabilitation, propagation, education, taxidermy, and protection of human health and safety and personal property.

The Proposed Action incorporates mitigation measures, as detailed in the 2013 FRWLP Final EIS, 2013 Sutter Basin FEIR/FEIS and Section 3.3.4 of this SEA, that minimize the potential for the take of migratory birds.

National Historic Preservation Act of 1966, as amended. *Compliance* Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations at 36 C.F.R. Part 800, require Federal agencies to take into account the effects of their undertakings on historic properties. Historic properties are cultural resources that are included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). Section 106 compliance is a consultative process that involves identifying, evaluating, and assessing the effects of an undertaking on historic properties. Adverse effects on historic properties are resolved through measures stipulated in a formal agreement document prepared in consultation with the State Historic Preservation Officer (SHPO), Native American Tribes, and other consulting parties.

Section 106 compliance for the Sutter Basin Project is governed by a PA between USACE and the SHPO. UAIC and SBFCA are concurring parties to the PA. The PA, and its tiering Historic Properties Treatment Plan, specify requirements for consulting on and resolving the adverse effects of the Sutter Basin Project on historic properties. Through correspondence dated December 6, 2022, USACE initiated consultation with the SHPO, UAIC, and Enterprise Rancheria regarding the APE and a finding of No Historic Properties affected for establishing the native plant garden at the Sutter County Museum. Through correspondence dated January 5, 2023, the SHPO agreed with that finding of effect. With the receipt of SHPO concurrence, USACE remains in full compliance with Section 106 of the NHPA.

## **6.0 COORDINATION OF THE SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

This Draft SEA will be circulated for 30 days (March 3 to April 2, 2023) to agencies, organizations, and individuals known to have a special interest in the project. Copies of this Draft SEA will be posted on the USACE website and made available by mail upon request. This project was coordinated with all appropriate Federal, State, and local governmental agencies including SBFCA, SHPO, UAIC, and Enterprise Rancheria prior to finalization of this document.

## 7.0 FINDINGS

This SEA evaluates the expected environmental effects of the Proposed Action. Potential adverse effects to the following resources were analyzed in detail: visual resources, cultural resources, recreation, and vegetation and wildlife. The analysis presented in this SEA, as well as related field visits and coordination with other agencies, indicate that the Proposed Action will have no new significant adverse effects on environmental resources beyond those already addressed in the 2013 FRWLP Final EIS and 2013 Sutter Basin FEIR/FEIS.

As described in 40 CFR, Section 1508.13, a FONSI may be prepared when an action will not have a significant adverse effect on the human environment, and for which an Environmental Impact Statement will not be prepared. Based on this evaluation and the CFR definition, the Proposed Action analyzed in this SEA qualifies for a FONSI.

## 8.0 REPORT WRITERS AND REVIEWERS

This SEA was prepared by USACE, Sacramento District.

The following individuals prepared the SEA, provided important background materials, or provided project description engineering clarifications:

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## 9.0 REFERENCES

ECORP Consulting, Inc.

2018a *Cultural Resources Inventory and Evaluation, Sutter Basin Flood Risk, Management Project, Cypress Avenue to Tudor Road, Sutter County, California.* On file at US Army Corps of Engineers, Sacramento District.

ECORP Consulting, Inc.

2018b *Cultural Resources Finding of Effect and Treatment and Discovery Plan, Sutter Basin Flood Risk Management Project, Cypress Avenue to Tudor Road, Sutter County, California.* On file at US Army Corps of Engineers, Sacramento District.

ECORP Consulting, Inc.

2019 *Historic Property Treatment Plan, Sutter Basin Flood Risk Management Project, Cypress Avenue to Tudor Road, Sutter County, California.* On file at US Army Corps of Engineers, Sacramento District.

Rosenthal, J.

2021 *Synthesis of Results from Archaeological Investigations at 15 Native American Sites on the Western Bank of the Lower Feather River: Volume 1a, Archaeological Investigations for the Feather River West Levee Improvements Project, Sutter and Butte Counties, California.* On file at US Army Corps of Engineers, Sacramento District.