

Levee Unit 122

California Historical Resources Information System Primary Number:

P-57-001395

Description:

Levee Unit 122 is part of the Sacramento River Flood Control Project (SRFCP) and is a federal project levee (See Figure 1 below). This levee is an earthen levee that is approximately 15.4 miles long, with the levee crown measuring approximately 20 feet wide. The levee's character-defining features include: the compacted earth, slope, and crown. Within the context of flood management and the SRFCP, this levee is significant because its creation and improvements allowed for the successful agricultural development of Yolo County. It is also an integral part of a larger flood management district that includes other levees, bypasses, and weirs. This levee directly contributes to the flood management for the surrounding area. In this area of Yolo County, Levee Unit 122 also forms the eastern boundary of the Yolo Bypass. The Yolo Bypass, an approximately 69,000-acre system, is the largest floodplain in the Delta. It serves as a flood-conveyance feature to protect the adjacent cities and acreage in Sacramento, Sutter, and Yolo Counties against flooding. The two features were engineered to work in tandem. The idea to enhance the natural bypass dates back to as early as the late 1860s, when Will S. Green recommended a system of levees and weirs in strategic locations that could channel overflowing waters through the Yolo Bypass. Levee Unit 122 serves a dual purpose: to protect the lands situated away from the Yolo Bypass from potential flooding, and to keep the waters of the Yolo Bypass constrained to a specific alignment during flooding. Together, Levee Unit 122 and the Yolo Bypass have had a tremendous impact on the agricultural development of Yolo County, predominately rice farming in this area of the Bypass, and the surrounding region by assisting with protecting farmland and aiding in the prevention of mass flooding during times of high-water.

Levee Unit 122 is comprised of levees that served to protect Reclamation Districts (RDs) 537, 752, 785, and 827 (See Figure 2 below) (USACE 1955; provided in the folder of resources on the Historic Data Portal). RD 752 was short lived and contained within RD 785. As of July 1, 2020, Levee Unit 122 is managed by RD 537 and DWR (SBOE 2019; provided in the folder of resources on the Historic Data Portal). The consolidation of RDs 785, 827, and 537 is described further below. The three main levees that comprise Unit 122 are the West Levee of the Sacramento River, the East Levee of the Yolo Bypass, and the North Levee of the Sacramento Bypass (See Figure 3 below). The West Levee of the

Figure 1. Sacramento River Flood Control Project Levees Overview Map (USACE 2021)

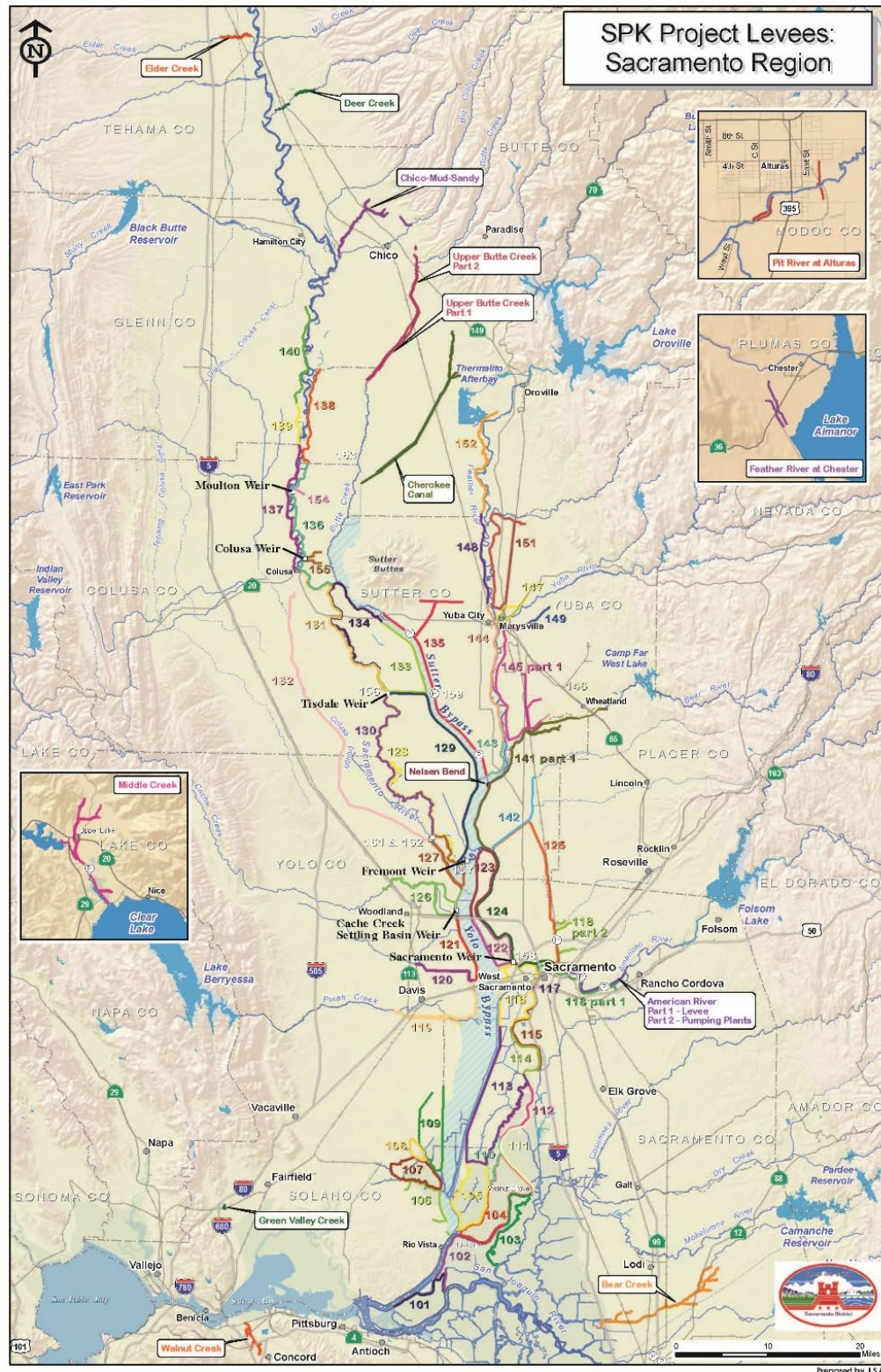


Figure 2. Map of Levee Unit 122 from the Operations and Maintenance Manual (USACE 1955)

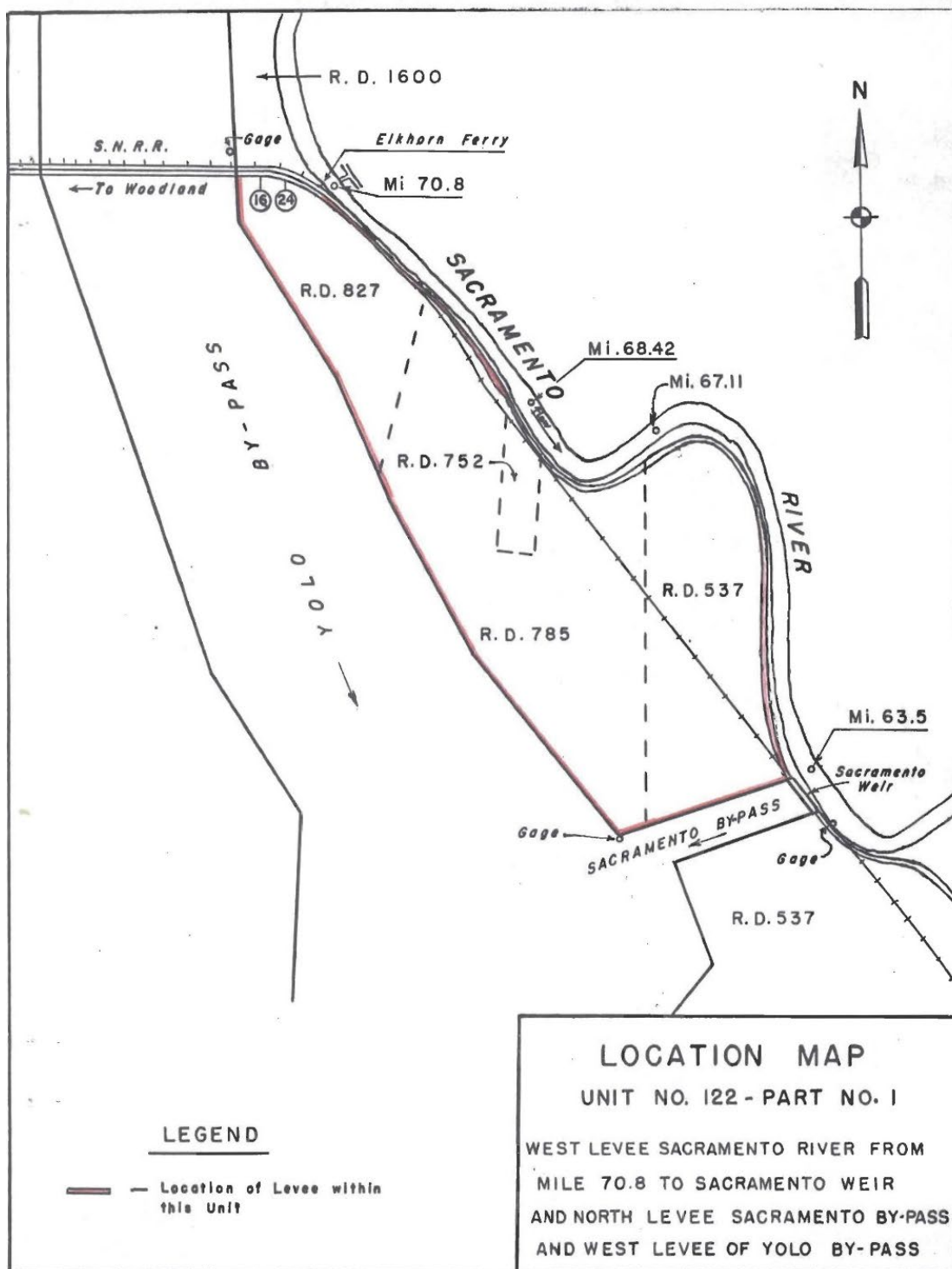
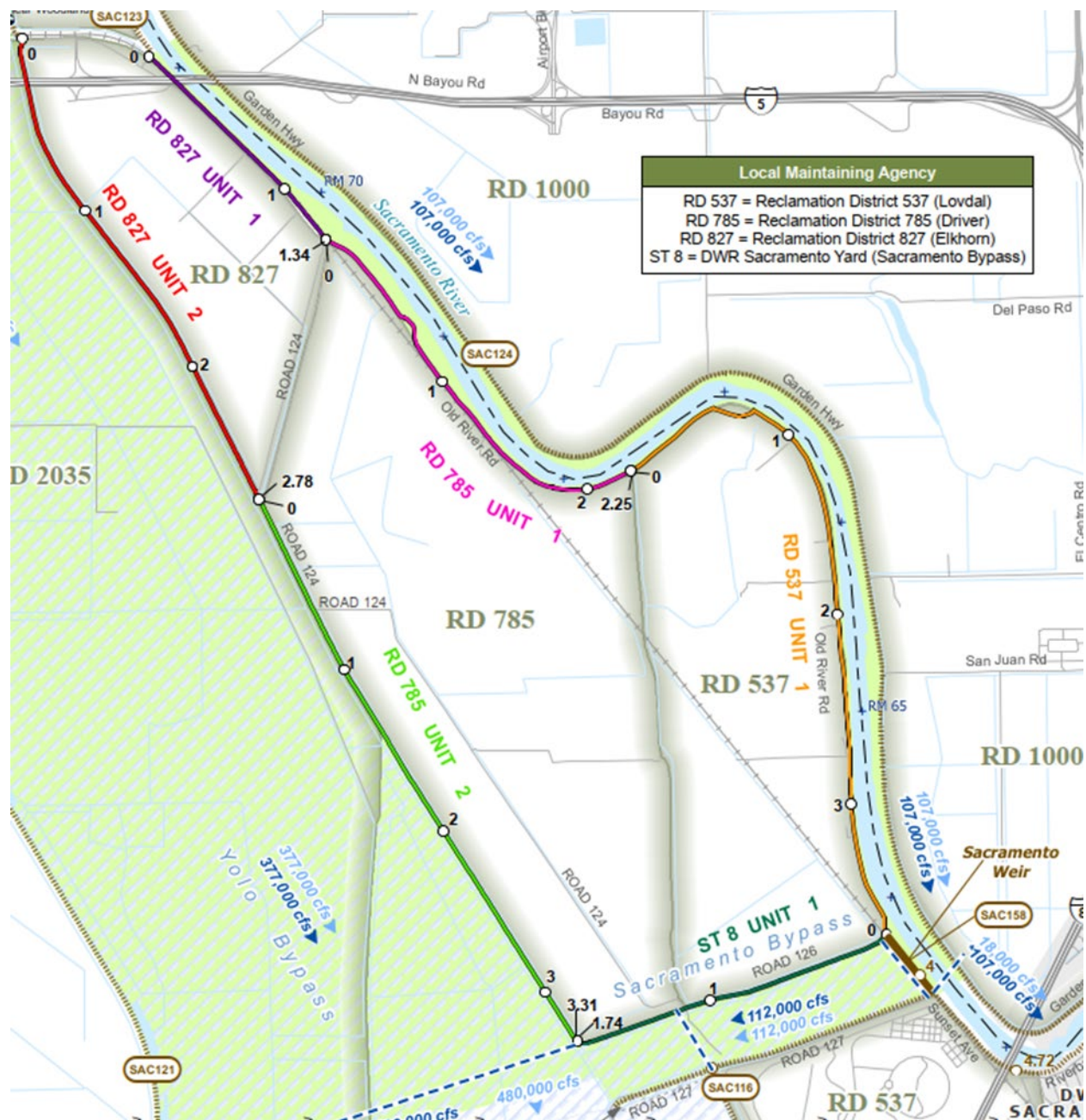


Figure 3. Modern-Era Map of Levee Unit 122 (DWR 2017)



Sacramento River stretches from river-mile (RM) 70.8 at the Elkhorn Ferry crossing, to RM 63.5 at the north end of the Sacramento Weir. The East Levee of the Yolo Bypass extends along the southern boundary of RD 1600 at the Woodland Highway (I-5), and crosses to the North Levee of the Sacramento Bypass. The North Levee of the Sacramento Bypass serves as the southern boundary of RD 537 within the unit. In addition, several pumps and pumphouses are located within the unit. The main channel of the Sacramento

River that travels the length of Levee Unit 122 from Elkhorn Ferry Crossing to the Sacramento Weir reaches a depth of 6 feet and has a capacity of 107,000 cfs (USACE 1955).

Location:

Township	Range	Sections (if applicable)	County
9N	3E	2, 3, 10, 11, 12, 13, 14, 23, 24	Yolo
9N	4E	7, 8, 17, 18, 19, 20, 29, 30	Yolo
10N	3E	34, 35	Yolo

Construction and Maintenance:

All levees in Levee Unit 122 were originally built by local interests. Flood control improvements were authorized by the Flood Control Act of 1917 as modified by the Acts of 1928, 1937, and 1941. See *Supplement to Standard Operation and Maintenance Manual Sacramento River Flood Control Project Unit No. 122-Part No. 1* (USACE 1955) for a description of improvements and repairs over time. Smaller scale operation and maintenance activities have been performed on a regular basis by RDs and the California Department of Water Resources (DWR) as shown in Figures 2 and 3.

The Lower Elkhorn Basin Levee Setback (LEBLS) project was the first multi-benefit flood management project developed by DWR in the Yolo Bypass, as part of the Central Valley Flood Protection Plan (CVFPP). The project continued the process of improving public safety by upgrading a critically important component of the Sacramento River Flood Control Project, by beginning to provide additional capacity and resiliency to the Yolo Bypass, while enhancing the regional ecosystem and supporting sustainable agriculture (DWR 2017; provided in the folder of resources on the Historic Data Portal).

The LEBLS Project also spurred discussion among the Elkhorn Basin RDs resulting in their November 2016 request for the *Elkhorn Basin Draft Governance Study for RD 537, 785, and 827*[LD1]. The study provided an opportunity for the RDs to collaborate, identify alternative governance options that might enhance local flood management, unify the local voice, and assess whether alternative governing methods could produce more effective flood management operations, maintenance, and implementation.

The study found that Yolo County residents would be better served if each basin provided a consistent level of maintenance and flood response, functioning either as one district or in a coordinated manner. It recommended a reorganization of the RDs, dissolving RDs 785 and 827, and annexing both RDs into RD 537 [LD2] to provide economies of scale,

consolidate maintenance and management, standardize levels of maintenance on the levees protecting the basin, and provide landowners with shared concerns a single voice.

Based on study results, the Local Agency Formation Commission recommended that the RDs responsible for levee operation, maintenance, repair, replacement and rehabilitation (OMRR&R) in each hydrologic basin develop governance solutions that would provide a uniform level of operation and maintenance so protected areas were not at risk because of inconsistent maintenance. Sacramento Area Flood Control Agency (SAFCA) is currently coordinating reorganization because the Yolo Bypass is a flood system feature that provides regional benefits and has proposed assisting with funding RD 537 OMRR&R for the new Yolo Bypass setback levee. This funding assistance is based on the premise that the LEBLS Project provides benefits to the cities of Sacramento, West Sacramento, and rural portions of Sacramento and Yolo counties along the Sacramento River, as stated in the May 2018 funding agreement between SAFCA and the three RDs.

Eligibility:

Levee Unit 122 was determined eligible for NRHP listing under Criterion A within a context of flood management and its association with the Sacramento River Flood Control Project; the period of significance was found to be 1917-1967 and its character defining features were defined as its compacted earth construction, slope, and crown (SHPO 2017). Based on the eligibility of Levee Unit 122, USACE submitted a finding of adverse effect for the Undertaking in a letter dated May 2, 2018. SHPO concurred in a letter dated May 31, 2018. See Appendix A for SHPO correspondence letter.

Levee Unit 122 appears to meet Criterion A of the NRHP within the context of flood management for its association with the SRFCP. Its period of significance begins in 1917, when U.S. Congress approved the Flood Control Act, marking the first comprehensive plan for flood management in California.

References:

California Department of Water Resources. 2017. *Lower Elkhorn Basin Levee Setback Project*. California Department of Water Resources, Sacramento, CA.

California Department of Water Resources. 2017. *State Plan of Flood Control: Map Book Operation and Maintenance*. Prepared by California Department of Water Resources. August 2017. On file with DWR.

California State Board of Equalization Property Tax Department. 2019. *Receipt for (LAFCO #928) REORG. OF LOWER ELKHORN RECLAMATION DISTRICTS 537, 785 & 827*. Sacramento, CA

U.S. Army Corps of Engineers. 1955 with subsequent updates. *Supplement to Standard Operation and Maintenance Manual Sacramento River Flood Control Project Unit No. 122-Part No. 1 West Levee of Sacramento River from Mile 70.8 to Sacramento Weir and North Levee of Sacramento Bypass and East Levee of Sacramento Bypass and East Levee of Yolo Bypass from Woodland Highway to Sacramento Bypass*. U.S. Army Corps of Engineers, Sacramento District, Sacramento, CA.

U.S. Army Corps of Engineers. 2021. *Levee Evaluation for the American River Common Features Project in Sacramento, Sutter, and Yolo Counties*. U.S. Army Corps of Engineers, Sacramento District, Sacramento, CA (accessed online 5 May 2025 at https://www.spk.usace.army.mil/Portals/12/documents/usace_project_public_notices/408_Documents/web_docs/SRFCP-ARCF-Levee-Evaluation.pdf)

**Appendix A: State Historic Preservation Officer (SHPO) Correspondence
(COE_2016_0907_001)**



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

Lisa Ann L. Mangat, *Director*

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December 21, 2017

In reply refer to: COE_2016_0907_001

Mr. Mark T. Ziminske – Chief,
Environmental Resources Branch
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

RE: Continuing Section 106 Consultation for the Lower Elkhorn Basin Levee Setback
Project, Yolo County, California

Dear Mr. Ziminske:

The State Historic Preservation Officer (SHPO) received your letter on November 30, 2017 continuing consultation on the Lower Elkhorn Basin Levee Setback Project in order to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 CFR Part 800. The Army Corps of Engineers (COE) is requesting comments on their updated Area of Potential Effects (APE), inventory results, and eligibility determinations, and have provided the following document for review:

- *Cultural Resources Inventory and Evaluation Report for the Lower Elkhorn Basin Levee Setback Project* (GEI Consultants, October 2017)

The proposed undertaking would issue a Clean Water Act Section 404 permit under the Clean Water Act and a Section 408 permit under Section 14 of Rivers and Harbors Act to the California Department of Water Resources (DWR) to improve flood management facilities in the Lower Elkhorn Basin and Sacramento Bypass areas. The COE previously consulted on their APE and I responded that the APE appears to be appropriately defined in a letter dated October 11, 2016. Since that time, DWR has added three proposed activities to the project that require modifications to the APE.

Previously described project activities included partial or complete removal of an "L"-shaped section of the Lower Elkhorn Basin East Levee and the Sacramento Bypass North Levee, and construction of a new "L"-shaped setback levee northeast of the existing levee segments to be removed. Modifications to the APE are required because DWR is additionally proposing to degrade two Reclamation District 785 cross levees and use the fill material for construction of the new setback levee; relocate a jet fuel pipeline

that traverses the Sacramento Bypass via horizontal directional drilling; and place engineered armoring material on a portion of the Sacramento Bypass South Levee for erosion protection. The COE has redefined the Area of Potential Effects (APE) to encompass the enlarged permit area, which is approximately 2,003-acres and includes all proposed construction activities. The vertical APE extends up to an estimated 200 feet below ground surface to account for excavation of borrow areas, levee degrade, cutoff wall and setback levee construction, relief wells, and utility removal and relocation. The new APE for both permit actions is the same.

Historic property identification efforts included a records search, archival research, pedestrian archaeological and built environment surveys, geoarchaeological investigation, and Native American consultation. A records search was conducted at the Northwest Information Center on February 09, 2016, which indicated that one previously recorded resource, the Sacramento Bypass and Weir (P-57-000586), is located in the APE. Pedestrian archaeological surveys were conducted in May and December 2016, and January, April, and May 2017. A geoarchaeological study which included excavation of 34 mechanical trenches was conducted in November-December, 2016. A built environment resource survey was conducted in December 2016. As a result, the following resources in Table 1 were identified in the APE and the COE has made eligibility determinations for these resources as follows:

Table 1: Archaeological and Built Environment Resources in Lower Elkhorn Basin Levee Setback Project APE

Resource	COE Eligibility Determination	SHPO Concurrence
Old Bryte Landfill	Not Eligible	Concur not eligible
Sacramento Weir and Bypass (P-57-000586)	Previously determined eligible	Previously concurred eligible (COE110201B)
Levee Unit 122 (includes the Sacramento Bypass North Levee and Yolo Bypass East Levee)	Eligible	Concur Eligible; Criterion A
Lower Elkhorn Cross Levees (North and South)	Not Eligible	Concur not eligible
18908 County Road 122	Not Eligible	Concur not eligible
20150 County Road 124	Not Eligible	Concur not eligible
21719 County Road 124	Not Eligible	Concur not eligible
21788 County Road 124	Not Eligible	Concur not eligible

DWR requested a Sacred Lands File search from Native American Heritage Commission (NAHC), which was negative, but the NAHC letter stated that APE is located in an area of high sensitivity. DWR has been engaged in ongoing tribal consultation with the Native American contacts identified by the NAHC. In addition, the COE is engaged in tribal consultation with the Yocha Dehe Wintun Nation, United Auburn Indian Community of the Auburn Rancheria (UAIC), and the Cortina Band of Indians, and has extended formal Section 106 consultation invitations to the Shingle Springs Band of Miwok Indians, Wilton Rancheria, and the Lone Band of Miwok Indians. The cultural report (GEI 2017:5-8) states that UAIC and the Shingle Springs Band of Miwok Indians identified potential village sites in the APE, but that ethnographic research conducted by the consultant

indicates that these conclusions are "based on incorrect information concerning the location of certain named villages."

Based on the above information, the COE is requesting comments on their revised APE, inventory results, and eligibility determinations. After reviewing the submitted materials, the following comments are provided:

- I have no comment on the new APE based on the provided description and maps. However, I request that the COE provide a map of the revised APE that depicts the specific project elements such as identified resources, and construction, access, and staging areas.
- Please clarify if the entirety of the revised APE was included in the records search.
- Pursuant to 36 CFR 800.4(c)(2), the COE has determined that Levee Unit 122 is eligible for listing on the NRHP under Criterion A. The period of significance is 1917-1967 and the character-defining features are the compacted earth construction, slope, and crown. **I concur.**
- Pursuant to 36 CFR 800.4(c)(2), the COE has determined that the following resources are not eligible for listing on the NRHP: Old Bryte Landfill, Lower Elkhorn Cross Levees (North and South,) 18908 County Road 122, 20150 County Road 124, 21719 County Road 124, and 21788 County Road 124. **I concur.**
- Please submit the DPR 523 forms for these resources to the North Central Information Center for assignment of primary numbers. For future consultations, OHP requests that primary numbers be assigned to resources prior to consulting on eligibility.
- Please keep me informed of the results of the COE's Native American consultation, including the COE's responses to concerns/comments received during the consultation process, and how the COE's finding of effect will be informed by this consultation. I would also appreciate learning more about the potential village sites identified in the APE, and how the COE has considered the potential effect of the undertaking on these locations.

I look forward to continuing consultation with the COE for this undertaking under 36 CFR Part 800. For more information or if you have any questions, please contact Koren Tippet, Archaeologist, at (916) 445-7017 or koren.tippet@parks.ca.gov or Kathleen Forrest, Historian, at (916) 445-7022 or kathleen.forrest@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer



**DEPARTMENT OF PARKS AND RECREATION
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May 31, 2018

In reply refer to: COE_2016_0907_001

Mr. Mark T. Ziminske – Chief,
Environmental Resources Branch
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Subject: Continuing Section 106 Consultation for the Lower Elkhorn Basin Levee
Setback Project, Yolo County, California

Dear Mr. Ziminske:

The California State Historic Preservation Officer (SHPO) received your letter on May 04, 2018 continuing consultation on the Lower Elkhorn Basin Levee Setback Project in order to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 CFR Part 800. The Army Corps of Engineers (COE) is responding to comments from the SHPO in a letter dated December 21, 2017 and is requesting concurrence on a finding of adverse effect for the proposed undertaking. In addition to the letter, the COE provided the following document for review:

- Memorandum for Record: Finding of Effect for the Lower Elkhorn Basin Levee Setback Project 408/404 Permits (Kraus 2018).

The proposed undertaking would issue a Clean Water Act Section 404 permit under the Clean Water Act and a Section 408 permit under Section 14 of Rivers and Harbors Act to the California Department of Water Resources (DWR) to improve flood management facilities in the Lower Elkhorn Basin and Sacramento Bypass areas. Project activities will include: partial or complete removal of an "L"-shaped section of the Lower Elkhorn Basin East Levee and the Sacramento Bypass North Levee; construction of a new "L"-shaped setback levee northeast of the existing levee segments to be removed; degrading two Reclamation District 785 cross levees for fill material; relocating a jet fuel pipeline that traverses the Sacramento Bypass via horizontal directional drilling; and place engineered armoring material on a portion of the Sacramento Bypass South Levee for erosion protection. The COE previously consulted on their APE and historic

property identification efforts. There are two resources in the APE that have been determined eligible for listing on the National Register of Historic Places (NRHP): Levee Unit 122 (includes the Sacramento Bypass North Levee and Yolo Bypass East Levee), and the Sacramento Weir and Bypass (P-57-000586).

In the December 21, 2017 letter, I requested a map of the revised APE that depicts the specific project elements such as identified resources, and construction, access, and staging areas. The COE has responded that DWR has not identified the locations of these features at this point in their design process. Via email on May 25, 2018, the COE and DWR provided maps of the current project alternatives and a teleconference was held between COE, DWR, Office of Historic Preservation (OHP) staff, and DWR's consultants (GEI) to clarify the project design. It was clarified that for all project alternatives at least ninety percent of the existing levees would be degraded and the location of the levees would shift to the east and north by approximately 1,500 feet.

In the previous letter I also requested to be kept informed about the COE's Native American consultation and requested more information about the potential village sites identified in the APE through consultation with the United Auburn Indian Community (UAIC) and the Shingle Springs Band of Miwok Indians, and how the COE has considered the potential effect of the undertaking on these locations. The COE has provided a memo (Kraus 2018) summarizing their Native American consultation to date. The memo notes that UAIC identified three village sites as "Material Tribal Cultural Resources" as well as a Non-Material Cultural Resource" identified as *Hoyo Sayo/Tah Sayo* (Sacramento River Area) in the APE. The COE provides an assessment of whether there are components of *Hoyo Sayo/Tah Sayo* within the APE that retain integrity and could be affected by the proposed undertaking. The COE's assessment focuses on the extent of remaining tule marsh habitat in the APE, as the UAIC identified tule reeds as important aspect of *Hoyo Sayo/Tah Sayo* as a potential Traditional Cultural Property (TCP). The COE has determined that "the wetland habitat in the APE does not retain any aspect of integrity that would support the integrity of condition, and thus render it a contributing element of a potential *Hoyo Sayo/Tah Sayo* TCP" (Kraus 2018:6).

The COE has determined that the proposed undertaking will result in an adverse effect to Levee Unit 122 and therefore have made a finding of *adverse effect*. After reviewing the submitted materials, the following comments are provided:

- The COE did not respond to my comment in the December 21, 2017 letter requesting clarification if all of the elements within the revised APE were included in the records search. Please clarify this point for the administrative record.
-

Mr. Mark Ziminske
May 31, 2018
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- I agree that the undertaking as currently designed will adversely affect Levee Unit 122 and therefore I do not object to the COE's finding of *adverse effect*, pursuant to 36 CFR 800.5(d)(2).
- I would appreciate learning if the consulting Native American tribes have provided any comments regarding the COE's assessment that there are no contributing elements of the Hoyo Sayo/Tah Sayo TCP within the APE. The COE's assessment also does not discuss the three identified village locations within the APE, except in relation to archaeological and documentary evidence. The COE does not discuss whether the tribes have ascribed values to these locations such that they should be evaluated as properties of potential cultural and religious significance separate from the TCP. Please provide this additional information prior to consulting on a draft Memorandum of Agreement to resolve adverse effects, pursuant to 36 CFR 800.6.

I look forward to continuing consultation with the COE for this undertaking under 36 CFR Part 800. For more information or if you have any questions, please contact Koren Tippet, Archaeologist, at (916) 445-7017 or koren.tippet@parks.ca.gov or Kathleen Forrest, Historian, at (916) 445-7022 or kathleen.forrest@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal stroke extending to the right.

Julianne Polanco
State Historic Preservation Officer