



**US Army Corps
of Engineers®**



WATERTOWN, SOUTH DAKOTA FLOOD RISK MANAGEMENT GENERAL INVESTIGATIONS STUDY

FINAL INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

APPENDIX H: Cultural Resources

OMAHA DISTRICT
NORTHWESTERN DIVISION

July 2026



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1.0 INTRODUCTION

Cultural resources are finite and non-renewable resources that must be considered during the planning process. This appendix documents the USACE efforts to identify the presence of these resources within the project area, details the ways in which consideration of these resources informed the planning process for this study, and considers what effects the proposed project could have on these resources. As part of this effort, the Appendix also documents USACE compliance with 54 U.S.C. § 306108 (Section 106) of the National Historic Preservation Act of 1966, as amended.

2.0 AUTHORITY

Under the authority of the National Historic Preservation Act (NHPA) of 1966, as amended; the Archeological Resources Protection Act of 1979, as amended (ARPA); the Antiquities Act of 1906; the Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA); the National Environmental Policy Act of 1969; and ER 1105-2-103; the USACE is authorized to preserve eligible cultural resources that may be affected by the operation and management of its projects. The Watertown study itself was authorized under Section 8201(a)(81) of the Water Resources Development Act (WRDA) 2022.

3.0 CONSULTATION AND COORDINATION

Consultation and coordination was initiated in a letter dated 5 January 2023. Appendix K details all Tribal and Agency Consultation, Coordination, and Outreach efforts in greater detail. Appendix J details all Public coordination and outreach. The list below provides a summary of these activities as they relate to Cultural Resources:

- 4 January 2023 and 2 June 2023: South Dakota SHPO coordinated with USACE regarding project initiation and attendance at the initial scoping meeting, and subsequently regarding the potential efficacy and recommended considerations regarding creation of a Programmatic Agreement for this undertaking.
- 5 January 2023: USACE mailed a formal letter initiating Section 106 consultation and soliciting Tribal participation in the NEPA process. This letter was also provided to Standing Rock Sioux Tribe (SRST) and the Assiniboine and Sioux Tribes of the Fort Peck Reservation on 9 February 2023 after the Sisseton Wahpeton Oyate (SWO) Tribal Historic Preservation Office (THPO) requested their participation in the Study.
- 27 January 2023: SWO THPO, Dianne Desrosiers, emailed USACE staff requesting a formal meeting in-person between SWO and USACE Omaha District. The meeting was delayed multiple times due to adverse weather but was held in June 2023.
- 9 February 2023: USACE hosted a virtual meeting with consulting Tribes.
- 20 June 2023: USACE study team members met with SWO representatives in-person in Sisseton, SD to provide an overview of the study in response to the 27 January request.
- 4 October 2023: USACE Study team members met with SWO Tribal Council in-person in Sisseton, SD to discuss the alternatives that, at that time, would have occurred on lands within the external boundaries of the Lake Traverse Reservation. SWO representatives indicated that no alternatives should occur within the Lake Traverse Reservation.

USACE has since screened from consideration or modified any alternatives that would have occurred within the Reservation.

- 17 January 2024: USACE District Commander provided a formal response to Chairman Renville (SWO) regarding the results of the 4 October 2023 meeting and provided further description of the remaining alternatives under consideration at that time.
 - 12 MARCH 2024: USACE sent a letter inviting consulting parties to participate in creation of a Programmatic Agreement for the Study, and inviting those parties to attend a virtual meeting regarding the PA. This letter also updated consulting parties on the measures and alternatives under consideration.
 - 20 MARCH 2024: USACE submitted documentation to ACHP inviting their participation in the development of the PA. On 21 MARCH 2024, ACHP responded, indicating that their “participation may be premature,” and further requested that USACE continue preparing and coordinating on the PA. ACHP further requested that USACE provide them an update on the progress of these efforts within 180 days of USACE receipt of ACHP’s response.
 - 19 April 2024: USACE held a virtual meeting to formally introduce and initiate consultation on a project-specific Programmatic Agreement for the purposes of complying with Section 106.
 - 10 June 2024: USACE Staff meet with SWO Tribal Council to discuss the project.
 - 10 September 2024: USACE makes Draft PA Publicly Available through posting on Project Website.
 - 27 September 2024: USACE notifies Consulting Parties of PA availability by letter and requests their review.
 - 23 October 2024: SD SHPO provides comments on Draft PA.
 - 10 June 2024: USACE Staff Meeting with SWO Tribal Council
 - 4 March 2025: SWO THPO provides comments on Draft PA.
 - 14 March 2025: USACE mails letter to SWO Chairman describing the Tentatively Selected Plan and requesting a meeting between USACE and SWO to discuss. During meeting planning, USACE and SWO agreed that the USACE District Commander would attend and this would be a formal Government-To-Government meeting.
 - 7 April 2025: USACE sends updated documentation to ACHP offering their participation in the Programmatic Agreement.
 - 10 April 2025: USACE sends Second Draft PA to consulting parties for review and Comment.
 - 11 April 2025: ACHP responds to USACE stating that they will not participate in the PA.
 - 5 May 2025: SD SHPO provides comments on PA Second Draft to USACE.
 - 9 June 2025: USACE and SWO hold Government-to-Government Meeting.
 - 26 June 2025: USACE implements SD SHPO comments and sends PA third draft to SWO as requested in Government-to-Government meeting.
 - 15 July 2025: SWO THPO notifies USACE that they do not have any additions/deletions to PA V3.
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- 18 November 2025: USACE makes PA revisions and submits PA V4, with a supporting Cover Letter, for review by all Consulting Parties. No revision requests are made.
- 14 April 2026: Programmatic Agreement is Executed.
- 20 April 2026: USACE sends Cover Letter and Executed PA to Signatories and Consulting Parties. Concurrently, USACE submits the Executed PA and supporting documentation to be filed with ACHP.

Consulting parties included in these efforts are: Advisory Council on Historic Preservation; Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of Fort Peck; Bureau of Indian Affairs; Cheyenne and Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe; City of Watertown; Codington County Historical Society; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Belknap Indian Community Gros Ventre and Assiniboine Tribes; Lower Brule Sioux Tribe; Lower Sioux Indian Community; Shakopee Mdewakanton Sioux Community; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Prairie Island Indian Community; Rosebud Sioux Tribe; Santee Sioux Nation; Sisseton-Wahpeton Oyate; South Dakota State Historic Preservation Office; Spirit Lake Sioux Tribe; Standing Rock Sioux Tribe; Upper Sioux Community; and Yankton Sioux Tribe.

4.0 BACKGROUND RESEARCH

USACE received a formal records search from the South Dakota State Archaeological Research Center (SARC) detailing all previously recorded cultural resources and previously conducted historic property identification surveys within the preliminary study area on 21 July 2023. Within this area, there are a total of 546 resources. This includes one listed historic district, 28 archaeological sites, 18 historic bridges, four cemeteries, and 495 historic structures. The purpose of this initial search is to provide context about the types of historic properties that may be impacted by the USACE undertaking, and to allow consideration of those properties in formation of measures and alternatives.

On 7/25/2024, USACE conducted a more refined search of the data received from SARC to identify what cultural resources are present within the project area for the final array of construction alternatives. Of the 546 cultural resources known in the larger study area, 8 of these are within the area for the final array of construction alternatives. These include CD00000009 (Kemp Avenue Bridge) listed on the National Register of Historic Places (NRHP), 39CD2000 (Burlington Northern Railroad) and 39CD2003 (Chicago Northwestern Railroad), both determined eligible for the NRHP, CD00000455 (Round Building of the Railroad) and CD00000432 (Railway Bridge Over the Sioux River) both unevaluated for the NRHP, CD00000577 and CD00000579, both historic bridges determined Not Eligible for the NRHP, and CD00000458 (Watertown Light and Power Company Plant) that was previously listed on the NRHP, but has since been demolished and removed from listing.

5.0 IDENTIFICATION OF EFFECTS REGARDING ALTERNATIVES

USACE has defined the current Area of Potential Effects (APE), produced on 26 June 2025, as the area of Direct Effects associated with the implementation of Alternatives 3, 7, and 8. The APE will be updated as necessary through consultation in Preconstruction Engineering and

Design Phase (PED) in accordance with the stipulations of the PA. Alternative 11b and alternative 11c are not retained in the current APE, but are discussed in-depth below. These alternatives are not currently anticipated for implementation but could be included in the APE if that changes. The physical extents of Alternative 12 have not been fully identified, and therefore cannot be fully considered within the APE. If Alternative 12 is selected for implementation, effects to historic properties under that alternative will be considered on a case-by-case basis. A map of the current APE is provided in Figure 1. The APE will be updated as alternatives are refined throughout the Study and throughout PED in accordance with the Stipulations of the PA. Activities that may affect historic properties associated with each alternative are provided below.

Alternative 1 – No Action Alternative:

Under the no action alternative, USACE would not implement any flood risk reduction measures in the City of Watertown. As a result, frequent inundation within the City would continue to occur. These inundation events impact many standing buildings and structures whenever they occur. Among those buildings and structures impacted are numerous historic properties, mostly associated with the creation and growth of the City of Watertown itself. Inundation of these historic properties is likely causing deterioration and adversely affecting their integrity. Inundation also leads to additional erosion which can adversely affect subsurface cultural resources and historic properties wherever present.

Alternative 3 – Channel Widening + Levee Left Bank (No Closures)

Channel widening of the Big Sioux River would occur from approximately 14th Ave to the north extending approximately 1,600-feet to the south of the 20th Ave Bridge. The channel is approximately 50-feet wide and would be widened to approximately 150-feet wide. Channel widening would require use of heavy equipment and would involve extensive subsurface impact immediately along the Big Sioux River. This activity would almost certainly adversely affect or destroy any historic property within the channel widening extent. No standing structures are identified within the extents of channel widening, and the measure was designed to avoid impacts to bridges crossing the Big Sioux River. There is a reasonable chance that buried historic properties could exist within the widening extents, especially south of 9th Ave where disturbance from development of the City itself is limited.

The APE formulated to encompass impacts from the construction of the Left-Bank Levee encloses three previously identified cultural resources. These are CD00000432 (Railway Bridge Over the Sioux River; Unevaluated), CD00000455 (Round Building of the Railroad; Determined Eligible), and CD00000458 (Watertown Light and Power Company Plant; Destroyed but Previously Listed). The levee alignment also crosses unrecorded but still extant segments of 39CD2003 (Chicago Northwestern Railroad; Determined Eligible) and 39CD2000 (Burlington Northern Railroad; Determined Eligible) visible from modern aerial imagery. Alternatives have been formulated to avoid any modification to the extant bridges, and therefore USACE does not anticipate causing impacts to CD00000432. CD00000455 is located near the eastern edge of the APE adjacent to the proposed levee alignment. The section of the alignment adjacent to this

resource is proposed to be constructed using a floodwall rather than an earthen levee embankment. This would minimize the physical impacts in the area and is likely to minimize or avoid effect to CD00000455, though further assessment is needed as the alternative is refined. CD00000458 is on the edge of the Left-Bank Levee APE, across the railroad from any proposed construction. If the resource was extant, construction of the Left-Bank Levee would be unlikely to affect it. Additionally, the resource is recorded as destroyed, and therefore construction is highly unlikely to cause additional impact. Construction of the Left-Bank Levee is likely to impact remnant railroad grades, including segments of 39CD2003 and 39CD2000, though it is unclear whether that impact would be considered significant or adverse.

The APE formulated for channel widening encompasses all resources discussed alongside the Left Bank Levee measure above, as well as CD00000009 (Kemp Avenue Bridge; Listed), CD00000579 (historic bridge; not eligible), and an additional segment of 39CD2003 (Chicago Northwestern Railroad; Determined Eligible). All alternatives have been formulated to avoid modifications to extant bridges, therefore USACE does not anticipate impact to CD00000009 or CD00000579. Channel widening is likely to impact remnant railroad grades, including segments of 39CD2003, though it is unclear whether that impact would be considered significant or adverse.

Alternative 7 – Lowering Lake Kampeska to Elevation 1718-feet and Construction of a Left Bank Levee without Closure Structures:

Under alternative 7, the operating pool of Lake Kampeska would be lowered approximately 0.8-feet from its present level to 1718-feet through altering operations of the Lake Kampeska Weir. This measure is entirely operational and would not involve structural modification to the weir. Lake Kampeska's pool under current operation fluctuates both above and below 1718-feet. The change in operations may expose additional shoreline that is typically inundated. The newly exposed shoreline would then be subject to erosion and would be accessible to the public which may increase risk of impact from unauthorized collection of any historic properties present along this portion of shoreline. Given the above facts, USACE anticipates that the impacts of lowering Lake Kampeska to 1718-feet to historic properties would be low. The shore of Lake Kampeska has already been heavily modified by development. Sedimentation in the Lake has likely further buried any historic properties that may have been present in any area that will be newly exposed, making it less likely that erosion would adversely affect any historic properties newly exposed.

Under alternative 7, a levee would be constructed on the left (east) bank of the Big Sioux River generally between West Kemp Ave. and US Highway 212. A segment of this levee between approximately 4th Ave SW and Industrial Ave would utilize a floodwall instead of an earthen levee embankment. Construction of an earthen levee embankment involves ground-surface stripping to create a good surface for levee construction. Once the surface is prepared, earthen fill would be placed using heavy construction equipment to create the levee prism. Many levees require drainage features to avoid levee damage from underseepage and throughseepage of water from riverside to landside. These features come in a wide variety of types, but many of the

most common, such as relief wells and toe drains, involve subsurface excavation of several feet or more along portions of the levee toe. Installation of the floodwall would require additional subsurface excavation when compared to the earthen levee but has a significantly smaller horizontal impact area. Floodwall installation would require excavation of approximately 4.5-feet in depth and 12-feet in width.

The APE formulated to encompass impacts from the construction of the Left-Bank Levee encloses three previously identified cultural resources. These are CD00000432 (Railway Bridge Over the Sioux River; Unevaluated), CD00000455 (Round Building of the Railroad; Determined Eligible), and CD00000458 (Watertown Light and Power Company Plant; Destroyed but Previously Listed). The levee alignment also crosses unrecorded but still extant segments of 39CD2003 (Chicago Northwestern Railroad; Determined Eligible) and 39CD2000 (Burlington Northern Railroad; Determined Eligible) visible from modern aerial imagery. Alternatives have been formulated to avoid any modification to the extant bridges, and therefore USACE does not anticipate causing impacts to CD00000432. CD00000455 is located near the eastern edge of the APE adjacent to the proposed levee alignment. The section of the alignment adjacent to this resource is proposed to be constructed using a floodwall rather than an earthen levee embankment. This would minimize the physical impacts in the area and is likely to minimize or avoid effect to CD00000455, though further assessment is needed as the alternative is refined. CD00000458 is on the edge of the Left-Bank Levee APE, across the railroad from any proposed construction. If the resource was extant, construction of the Left-Bank Levee would be unlikely to affect it. Additionally, the resource is recorded as destroyed, and therefore construction is highly unlikely to cause additional impact. Construction of the Left-Bank Levee is likely to impact remnant railroad grades, including segments of 39CD2003 and 39CD2000, though it is unclear whether that impact would be considered significant or adverse. Research and consultation on this point are ongoing.

The APE formulated for the Lowering of Lake Kampeska encompasses CD00000577, a historic bridge previously determined Not Eligible. No structural modifications are proposed related to the lowering of the Lake Kampeska pool, and the measure is highly unlikely to impact CD00000577. Lake Kampeska already sees frequent pool fluctuation, and the change in operation is unlikely to significantly alter this in such a way that would impact the resource.

Alternative 8 - Lowering Lake Kampeska to Elevation 1718-feet, channel widening of portions of the Big Sioux River, and Construction of a Left Bank Levee without Closure Structures:

The effects of lowering Lake Kampeska and installing a left-bank levee were previously described for Alternative 7, and the effects would be the same for Alternative 8. Channel widening of the Big Sioux River would occur from approximately 14th Ave to the north extending approximately 1,600-feet to the south of the 20th Ave Bridge. The channel is approximately 50-feet wide and would be widened to approximately 150-feet wide. Channel widening would require use of heavy equipment and would involve extensive subsurface impact immediately along the Big Sioux River. This activity would almost certainly adversely affect or destroy any

historic property within the channel widening extent. No standing structures are identified within the extents of channel widening, and the measure was designed to avoid impacts to bridges crossing the Big Sioux River. There is a reasonable chance that buried historic properties could exist within the widening extents, especially south of 9th Ave where disturbance from development of the City itself is limited.

The APE formulated to encompass impacts from the construction of the Left-Bank Levee encloses three previously identified cultural resources. These are CD00000432 (Railway Bridge Over the Sioux River; Unevaluated), CD00000455 (Round Building of the Railroad; Determined Eligible), and CD00000458 (Watertown Light and Power Company Plant; Destroyed but Previously Listed). The levee alignment also crosses unrecorded but still extant segments of 39CD2003 (Chicago Northwestern Railroad; Determined Eligible) and 39CD2000 (Burlington Northern Railroad; Determined Eligible) visible from modern aerial imagery. Alternatives have been formulated to avoid any modification to the extant bridges, and therefore USACE does not anticipate causing impacts to CD00000432. CD00000455 is located near the eastern edge of the APE adjacent to the proposed levee alignment. The section of the alignment adjacent to this resource is proposed to be constructed using a floodwall rather than an earthen levee embankment. This would minimize the physical impacts in the area and is likely to minimize or avoid effect to CD00000455, though further assessment is needed as the alternative is refined. CD00000458 is on the edge of the Left-Bank Levee APE, across the railroad from any proposed construction. If the resource was extant, construction of the Left-Bank Levee would be unlikely to affect it. Additionally, the resource is recorded as destroyed, and therefore construction is highly unlikely to cause additional impact. Construction of the Left-Bank Levee is likely to impact remnant railroad grades, including segments of 39CD2003 and 39CD2000, though it is unclear whether that impact would be considered significant or adverse.

The APE formulated for the Lowering of Lake Kampeska encompasses CD00000577, a historic bridge previously determined Not Eligible. No structural modifications are proposed related to the lowering of the Lake Kampeska pool, and the measure is highly unlikely to impact CD00000577. Lake Kampeska already sees frequent pool fluctuation, and the change in operation is unlikely to significantly alter this in such a way that would impact the resource.

The APE formulated for channel widening encompasses all resources discussed alongside the Left Bank Levee measure above, as well as CD00000009 (Kemp Avenue Bridge; Listed), CD00000579 (historic bridge; not eligible), and an additional segment of 39CD2003 (Chicago Northwestern Railroad; Determined Eligible). All alternatives have been formulated to avoid modifications to extant bridges, therefore USACE does not anticipate impact to CD00000009 or CD00000579. Channel widening is likely to impact remnant railroad grades, including segments of 39CD2003, though it is unclear whether that impact would be considered significant or adverse.

Alternatives 11B and 11C - Lowering Lake Kampeska to Elevation 1718-feet and Construction of both a Left Bank and right bank Levee with either one (11B) or two (11C) closure structure(s):

The effects of both lowering Lake Kampeska and left-bank levee construction were previously discussed under Alternative 7. The general effects of right-bank levee construction are the same as described for the left-bank under Alternative 7. For this analysis, it is worth specifically noting that the right-bank levee would include a floodwall located generally between 10th Ave NW and 13th Ave NW. The right-bank levee is significantly longer than the left-bank levee, running between 14th Ave NW and US Highway 212. Alternative 11C would have slightly more impact than Alternative 11B since the levee under 11C is higher and wider than under 11B.

The APE formulated to encompass impacts from the construction of the Left-Bank Levee encloses three previously identified cultural resources. These are CD00000432 (Railway Bridge Over the Sioux River; Unevaluated), CD00000455 (Round Building of the Railroad; Determined Eligible), and CD00000458 (Watertown Light and Power Company Plant; Destroyed but Previously Listed). The levee alignment also crosses unrecorded but still extant segments of 39CD2003 (Chicago Northwestern Railroad; Determined Eligible) and 39CD2000 (Burlington Northern Railroad; Determined Eligible) visible from modern aerial imagery. Alternatives have been formulated to avoid any modification to the extant bridges, and therefore USACE does not anticipate causing impacts to CD00000432. CD00000455 is located near the eastern edge of the APE adjacent to the proposed levee alignment. The section of the alignment adjacent to this resource is proposed to be constructed using a floodwall rather than an earthen levee embankment. This would minimize the physical impacts in the area and is likely to minimize or avoid effect to CD00000455, though further assessment is needed as the alternative is refined. CD00000458 is on the edge of the Left-Bank Levee APE, across the railroad from any proposed construction. If the resource was extant, construction of the Left-Bank Levee would be unlikely to affect it. Additionally, the resource is recorded as destroyed, and therefore construction is highly unlikely to cause additional impact. Construction of the Left-Bank Levee is likely to impact remnant railroad grades, including segments of 39CD2003 and 39CD2000, though it is unclear whether that impact would be considered significant or adverse. Research and consultation on this point are ongoing.

The APE formulated for the Lowering of Lake Kampeska encompasses CD00000577, a historic bridge previously determined Not Eligible. No structural modifications are proposed related to the lowering of the Lake Kampeska pool, and the measure is highly unlikely to impact CD00000577. Lake Kampeska already sees frequent pool fluctuation, and the change in operation is unlikely to significantly alter this in such a way that would impact the resource.

The APE formulated to encompass impacts from the construction of the Right-Bank Levee encloses segments of both 39CD2003 (Chicago Northwestern Railroad; Determined Eligible) and 39CD2000 (Burlington Northern Railroad; Determined Eligible), as well as CD00000009 (Kemp Avenue Bridge; Listed), and CD00000579 (historic bridge; not eligible). Specifically, the current Right-Bank Levee alignment would utilize a recorded segment of 39CD2003 near the

Bramble Park Zoo where it has been converted to a paved trail. Construction of the Right-Bank Levee is likely to impact remnant railroad grades, including segments of 39CD2003 and 39CD2000, though it is unclear whether that impact would be considered significant or adverse. Research and consultation on this point are ongoing.

Alternative 12 – Nonstructural:

Nonstructural measures would primarily effect above-ground buildings and structures. Non-structural measures include a suite of techniques that do not involve the construction of a “structural measure” such as a levee or a dam. Common non-structural measures include use of warning systems to alert individuals of upcoming flooding, raising or floodproofing of individual buildings or structures, and buyouts of buildings and structures located within areas heavily impacted by flooding. Many of these measures directly impact buildings and structures that may be historic properties, often involving modifications to their facades and/or foundations, and occasionally involving their removal from the area. The impact of fully implementing the Nonstructural alternative to historic properties would likely be high.

All action alternatives within the final array would require installation of temporary haul roads and could require soil borrow acquisition. Additionally, these alternatives may require mitigation for environmental impacts. These impacts would be incurred across any of the action alternatives and are therefore described together here. Soil borrow and wetland mitigation are both likely to involve subsurface excavation that would adversely affect any historic properties present in the area. Installation of temporary haul routes involves limited subsurface excavation, often followed by surfacing of the road with material such as gravel. Haul routes, mitigation areas, and borrow areas have not been fully identified at this time, but they will all be fully considered for their effects to historic properties once their footprints are determined but prior to initiation of any construction.

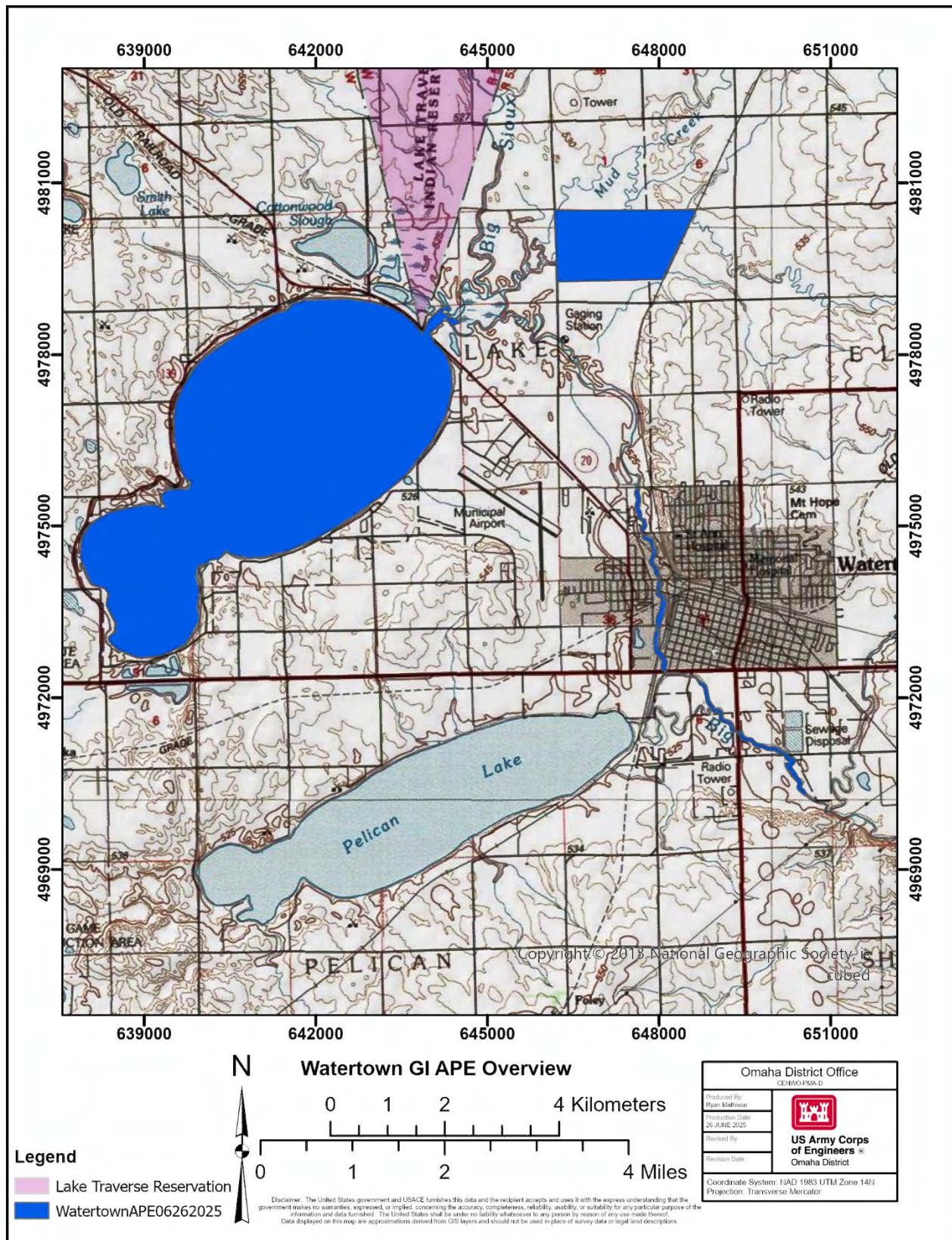


Figure 1: Watertown GI Study APE Overview

6.0 COMPARISON OF ALTERNATIVES

All six action alternatives have the ability to adversely affect historic properties, if present. Impacts from implementation of Alternative 7 are likely low. There is relatively little subsurface disturbance associated with construction of a levee, especially when compared to other types of structural alternatives. The impacts of construction for alternatives 11B and 11C are considered medium. They are more impactful than Alternative 7 because they require construction of significantly more levee. However, they still only involve limited subsurface excavation as discussed with Alternative 7. Impacts of construction for Alternative 8 are likely medium-to-high. Channel widening is likely to impact subsurface historic properties overlooking the Big Sioux River. With that said, much of the widening will occur in areas already heavily impacted by City development. Impacts of implementation of Alternative 3 are functionally the same as Alternative 8, though minimally lower since Lake Lowering is not involved – still Medium-to-High. Impacts of implementation of Alternative 12 are considered the highest of any of the action alternatives, as it generally involves significant modification to individual structures, many of which are greater than 50-years old.

7.0 MITIGATION OF HISTORIC PROPERTIES

Section 208 of the NHPA Amendments of 1980 (Public Law 96-515, codified in 54 U.S.C. 312507), requires that, if mitigation of historic properties is required for a construction project that the cost of that mitigation may not exceed 1% of the total amount appropriated for the project. USACE Planning Policy (ER 1105-2-100 Appendix C) further clarifies that the 1% amount is calculated using the total Federal appropriations for a project, describes and outlines a waiver process with the Office of the Assistant Secretary of the Army for Civil Works if data recovery costs would exceed the 1% limit, and describes how these costs are cost-shared. If a waiver is not pursued, any costs beyond the 1% would be the responsibility of the non-federal sponsor. Mitigation costs have not been estimated, as it is unknown at this time if mitigation will be required. Determinations regarding the need for mitigation will occur following Feasibility but prior to construction and will utilize the results of cultural resources investigations as the basis for estimation.

8.0 PROGRAMMATIC AGREEMENT

Given the large geographical scope of the current project and given limitations in schedule and budget in the current phase, USACE targeted a Programmatic Agreement to fulfill its responsibilities under the NHPA. The PA defers Identification of Historic Properties, and any relevant Determination of Effect or evaluation of Historic Properties, related to the project until Preconstruction Engineering and Design Phase (PED) as described in ER 1105-2-100 Appendix C-4(d)(6)(b).

USACE sent a letter to consulting parties dated 8 March 2024 inviting them to participate in the formulation of this PA, and to attend a meeting about the project and the formulation of a project-specific PA. In the meeting on April 19, 2024, USACE described the current status of the Study and detailed the reasons for pursuing a PA, and sought input from attendees regarding its creation. USACE submitted documentation to ACHP inviting their participation in the

development of the PA on 20 March 2024. On 21 March 2024, ACHP responded, indicating that their “participation may be premature,” and further requested that USACE continue preparing and coordinating on the PA. ACHP further requested that USACE provide them an update on the progress of these efforts within 180 days of USACE receipt of ACHP’s response. USACE contacted ACHP on September 13, 2024 indicating PA formulation would take additional time. On April 7, 2025 USACE provided ACHP with the requested updated information and again invited their participation. On April 11, 2025, ACHP responded indicating that they would not participate in PA Formulation.

USACE received comments from both SD SHPO and SWO THPO on the first Draft of the PA. Their comments were implemented, and a second Draft was sent for review. SD SHPO also commented on the second Draft of the PA. SWO THPO requested that a third draft be produced incorporating SHPO’s comments for SWO’s review. That third draft was produced and provided. SWO responded on 15 July 2025 that they had no recommended changes to PA V3. USACE subsequently made revisions to PA V3. All prior revisions were incorporated into a fourth version of the PA (PA V4), which was provided to Consulting Parties, alongside a Cover Letter, on 18 November 2025. No revisions were proposed to V4. USACE therefore moved to Execute the PA with the Signatories. The PA was officially Executed on April 14, 2026. The Executed PA, alongside a Cover Letter, was submitted to all Signatories and Consulting Parties on April 20, 2026. Concurrently, the Executed PA was submitted to ACHP for filing. USACE will adhere to the Stipulations of the Programmatic Agreement for any future design and implementation.

**PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES ARMY CORPS OF
ENGINEERS OMAHA DISTRICT;
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER;
AND
SISSETON-WAHPETON OYATE OF THE LAKE TRAVERSE RESERVATION
REGARDING THE WATERTOWN GENERAL INVESTIGATION STUDY IN THE VICINITY
OF WATERTOWN, SD**

WHEREAS, the United States Army Corps of Engineers, Omaha District (USACE) is conducting the Watertown General Investigation Study (Study) pursuant to the authorization provided under Section 8201(a)(81) of the Water Resources Development Act (WRDA) of 2022; and

WHEREAS, the Study would assess an array of alternatives that may reduce flood risk in and around the City of Watertown, SD to include forecasted weir operations at Lake Kampeska to elevation 1718'; installing levees/flood walls along the left bank of the Big Sioux River within the City of Watertown; widening portions of the Big Sioux River channel in and adjacent to the City of Watertown to increase the River's ability to convey floodwaters; and incorporation of Nonstructural measures including but not limited to wet and dry floodproofing of existing structures, raising of existing structures, and creation or enhancement of flood warning systems; and

WHEREAS, the areas of potential effects (APE) encompass all areas that would be directly impacted by execution of the project including any levee/flood wall construction, channel widening, weir modifications, forecasted weir operations that control lake levels, modifications to existing structures associated with nonstructural alternatives, access roads, material and equipment use and storage, and mitigation land modification that would occur under this project; and

WHEREAS, USACE, as a Federal agency, is required to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (54 U.S.C. § 306108) and its implementing regulations, "Protection of Historic Properties," codified in 36 CFR Part 800, as amended; and

WHEREAS, in accordance with 36 CFR §§ 800.4(b)(2) and 800.5(a)(3), USACE has elected to use a phased process to conduct identification and evaluation of historic properties, and for application of the criteria of adverse effect, respectively, because the scope and nature of the Study make it unreasonable to identify historic properties or determine the effects prior to completion of National Environmental Policy Act (NEPA) requirements or prior to completion of the Feasibility Study, and because the project may be designed and implemented by USACE in phases; and

WHEREAS, 36 CFR § 800.14(b)(1)(ii), allows USACE to negotiate a programmatic agreement (PA) to govern the implementation of a particular program or the resolution of adverse effects from complex project situations or multiple undertakings when effects on historic properties cannot be fully determined prior to approval of an undertaking; and,

WHEREAS, USACE has determined that implementation of a Project identified in the Study may have an adverse effect on historic properties which are either listed in or eligible for listing in the National Register of Historic Places, and has consulted with the South Dakota State Historic Preservation Officer (SHPO) and the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation (SWO), through the

Tribal Historic Preservation Officer (THPO) pursuant to 36 CFR Part 800; and

WHEREAS, USACE has consulted with and will continue to consult with the following parties Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of Fort Peck; Bureau of Indian Affairs; Cheyenne and Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe; City of Watertown; Codington County Historical Society; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Belknap Indian Community Gros Ventre and Assiniboine Tribes; Lower Brule Sioux Tribe; Lower Sioux Indian Community; Shakopee Mdewakanton Sioux Community; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Prairie Island Indian Community; Rosebud Sioux Tribe; Santee Sioux Nation; Sisseton-Wahpeton Oyate; South Dakota SHPO; Spirit Lake Sioux Tribe; Standing Rock Sioux Tribe; Upper Sioux Community; and Yankton Sioux Tribe, to define and implement process for taking into consideration the effects of Study implementation on historic properties; and

WHEREAS, the Non-Federal Sponsor, The City of Watertown, will participate as an Invited Signatory; and

WHEREAS, USACE provided opportunities for public review and comment on this PA by publishing it on the USACE website as part of the Public Review of the Draft Environmental Assessment on September 10, 2024 where the Public could provide electronic comment on the document, and USACE will continue engaging the Public, as appropriate, through the NEPA and NHPA processes throughout the life of the Project; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1)(i)(C)), the Advisory Council on Historic Preservation (ACHP) has been provided the required documentation and responded on April 11, 2025 stating that “we do not believe our participation in the consultation to resolve adverse effects is needed” and notified USACE that the Final agreement document must be filed with ACHP; and

NOW, THEREFORE, USACE, the South Dakota SHPO, and the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

USACE shall ensure that the following measures are carried out:

I. STANDARDS

- A.** All cultural resource activities including site identification, National Register of Historic Places (NRHP) eligibility evaluations and, as appropriate, mitigation measure creation for adverse effects to historic properties required under the terms of this PA will be carried out by or under the direct in-field supervision of appropriate professional(s) or by contractors who meet, at a minimum, the *Secretary of the Interior’s Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983).
- B.** All Traditional Cultural Property (TCP) surveys will conform to the standards and guidelines of the SWO THPO.
- C.** All architectural surveys carried out pursuant to this PA will be undertaken in accordance with the current *South Dakota Architectural Survey Manual*, the current *South Dakota Guidelines for Complying with Federal and State Preservation Laws*, and the *Secretary of the Interior Standards*

for the Treatment of Historic Properties (36 CFR Part 68).

- D. All archaeological investigations carried out pursuant to this PA will be undertaken in accordance with the current *South Dakota Guidelines for Complying with Federal and State Preservation Laws*, the standards and guidelines of the SWO THPO, and the Secretary of the Interior *Standards for the Treatment of Historic Properties* (36 CFR Part 68).

II. Confidentiality

- A. USACE will safeguard information about historic properties of religious and cultural significance to federally recognized Indian Tribes, including location information, or non-public information provided by federally recognized Indian Tribes to assist in the identification of such properties, to the extent allowed by Section 304 of NHPA (54 U.S.C. § 307103), and other applicable laws.

III. Identification of Historic Properties

- A. In consultation with signatories and consulting parties, USACE will complete the identification and evaluation of historic properties within the APE prior to Study implementation in accordance with 36 CFR § 800.4(a), (b) and (c).
- B. USACE will conduct cultural resource surveys to identify historic properties in the APE in accordance with Section 106 of the NHPA and in consultation with signatories and consulting parties.
 - 1. Cultural resource identification (survey) methods must be adequate to identify cultural resource sites, if present, as determined in consultation with signatories and consulting parties. As appropriate, methods may include but are not limited to pedestrian survey, shovel testing, coring, geomorphological evaluations, remote sensing, architectural surveys, and traditional cultural property surveys.
 - 2. In consultation with signatories and consulting parties, survey methods may appropriately exclude land shown to be recently accreted or disturbed to an extent that it is unlikely that cultural resources would be present in the area, and lands that have been previously adequately surveyed using methodologies that meet those documented in Stipulation I, as determined in consultation with signatories and consulting parties.
 - 3. Cultural resource survey results will be documented in report(s) meeting the standards in Stipulation I. Survey reports will be made available to signatories and consulting parties for their review and comment, and these parties will have thirty (30) Calendar Days to comment from receipt of said document.

IV. Evaluation of Historic Properties

- A. In consultation with signatories and consulting parties, USACE will evaluate cultural resources identified according to Stipulation III above to determine their eligibility status pursuant to the NRHP criteria (36 CFR § 60.4) according to the processes laid out by the National Park Service under the Department of the Interior in *National Register Bulletin 15; How to Apply the National Register Criteria for Evaluation*.
 - 1. Eligibility determinations will be made in concurrence with the signatories and in consultation with concurring parties and other interested parties. If the signatories do not agree on NRHP eligibility, USACE will request a formal determination of eligibility from the

Keeper of the NRHP, whose determination shall be final.

2. If a property is determined to be eligible for the NRHP, in concurrence with the SHPO and THPO and in consultation with the concurring parties, USACE will determine in accordance with Stipulation V.A below if the historic property will be adversely affected by the Undertaking and, if adversely affected, ways to resolve the adverse effect(s).

V. Treatment of Historic Properties

- A. Cultural resources determined to be eligible for listing on the NRHP (historic properties) will be treated by USACE in the following manner:
 1. USACE will first attempt to resolve adverse effects to historic property by determining if avoidance is feasible through redesign of the project or altering the project for a finding of no adverse effect.
 2. If USACE determines that avoidance is impracticable or not feasible, USACE will reach a determination of adverse effect and develop mitigation measures, in consultation with signatories and consulting parties, to resolve the adverse effects. Following consultation regarding mitigation measures USACE will prepare and submit treatment plans to signatories and consulting parties for a thirty (30) Calendar day review and comment period to determine whether the measures are sufficient for resolving the adverse effects. USACE will take into account the comments and ensure that appropriate plans are implemented for the resolution of the adverse effects.
 3. If there are disputes and/or disagreements on the resolution of adverse effects, USACE will seek to resolve such objection through consultation in accordance with procedures outlined in Stipulation X.

VI. Curation

- A. Any collection resulting from investigations undertaken as part of this agreement on non-federal land(s) are the property of the landowner at the time the collection was made. USACE does not retain ownership of any collection removed from non-federal land(s). If the collection is identified by the THPO to be of Tribal origin, USACE shall request the object(s) be given to the THPO. The THPO acknowledges USACE shall only request, however is not a guarantee the THPO will receive the object(s).
- B. USACE will ensure that all collections resulting from the identification and evaluation of surveys, data recovery operations, or other investigations pursuant to this PA are maintained in accordance with 36 CFR Part 79 until the collection is turned over to the non-federal landowner.
- C. USACE shall be responsible for consulting with landowners regarding the curation of collections resulting from archaeological surveys, data recovery operations, or other studies and activities pursuant to this agreement. USACE shall coordinate the return of collections to non-Federal landowners. If landowners wish to donate the collection, USACE, in coordination with the signatories, will determine an appropriate entity to take control of the collection and in conjunction with paragraph A above.
- D. USACE shall be responsible for the preparation of any Federally owned collections and the associated records in accordance with the standards of the curation facility.

VII. DURATION

- A. This PA will expire if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, USACE may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XI below. The PA duration may be extended following concurrence of all signatories and execution of an amendment according to the processes in Stipulation XI

VIII. POST-REVIEW DISCOVERIES

- A. **Discovery of Unanticipated Cultural Resources Encountered During Construction:** In the case of unanticipated discovery of cultural resources during construction, USACE agrees to comply with the requirements of 36 CFR § 800.13(b-d) and will ensure the following activities are conducted.
 1. The contractor will be instructed to cease all ground-disturbing activities within 100-feet of the discovery.
 2. The contractor will be instructed to immediately notify USACE of the discovery and implement interim measures, as appropriate, to protect the discovery from damage, looting, and vandalism, such as protective fencing and covering of the discovery with appropriate materials.
 3. USACE will notify the signatories and consulting parties within 48-hours of the discovery to consult regarding the nature of the find, National Register eligibility, and the assessment and resolution of adverse effects, if identified.
 - a) If it is determined that the unanticipated discovery is not eligible for the National Register, then the suspension of work in the area of the discovery will end.
 - b) If it is determined that the cultural resource is eligible for the National Register, then USACE will work with signatories and consulting parties to resolve adverse effect to the property per 36 CFR § 800.6 and Stipulation V.
 - c) If there is disagreement on the appropriate course of action related to the discovery, USACE will follow the procedures in Stipulation X.
- B. **Inadvertent Discoveries of Human Remains or Unmarked Burials:** In the case of unanticipated discovery of Human Remains or unmarked burials, all work will cease within 100-feet of the discovery and USACE will take the following steps:
 1. The contractor will immediately notify USACE of the discovery.
 2. USACE will immediately notify appropriate law enforcement, signatories, and consulting parties within 24 hours of the discovery, or as soon as otherwise practicable, via telephone or email.
 3. The contractor will secure the area to the best of its ability and will mark the 100-foot “no-work” area clearly with available materials such as snow fence or pin flags to avoid any additional disturbance, as appropriate. USACE will consult with the signatories and consulting parties regarding additional steps to be followed.
 4. USACE will comply with the appropriate Federal, Tribal, or State burial laws and ordinances.
 - a) In the case of discovery on Federal land, USACE will follow the procedures outlined by NAGPRA and ARPA regulations (43 CFR Part 10, Subpart B and 43 CFR Part 7, respectively).
 - b) If the human remains are not American Indian, or are not on Federal Land, USACE will comply with South Dakota Codified Law (SDCL) 34-27 *Cemeteries and Burial Records*.
 5. Measures to protect the human remains and any associated artifact(s) will remain in effect until an appropriate treatment plan for the discovery (if applicable) has been completed for the remains and associated artifacts. USACE will consider redesign of components of the

undertakings to avoid effects to human remains and any associated artifacts(s). The contractor will not resume work in the vicinity of the find until USACE has granted clearance to do so.

- C. USACE will communicate the procedures to be observed under Parts A and B of this Stipulation with its contractors and personnel.

IX. MONITORING AND REPORTING

- A. Each year following the execution of this PA until it expires or is terminated, USACE shall provide all parties to this PA and the ACHP, if appropriate, a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in USACE's efforts to carry out the terms of this PA.

X. DISPUTE RESOLUTION

- A. Should any signatory¹ or consulting party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, USACE shall consult with such party to resolve the objection. If USACE determines that such objection cannot be resolved, USACE will forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the ACHP. The ACHP shall provide USACE with its advice on the resolution of the objection within thirty (30) Calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. USACE will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) Calendar day time period, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA and provide them and the ACHP with a copy of such written response.
- C. USACE's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.
- D. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation.

XI. AMENDMENTS

- A. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XII. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation X, above. If within thirty (30) Calendar days (or another time period agreed to by all

¹ For the purpose of this document, the term "signatory" includes both signatories and invited signatories.

signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

- B.** Once the PA is terminated, and prior to work continuing on the undertaking, USACE must either (a) execute a new PA pursuant to 36 CFR § 800.14(b) or (b) comply with 36 CFR §§800.4 through 800.6 for all Undertakings that would otherwise be reviewed under this PA. USACE shall notify the signatories and consulting parties as to the course of action it will pursue.

XIII. ANTI-DEFICIENCY ACT

- A.** All requirements set forth in this PA requiring the expenditure of funds by USACE are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act, as amended (31 U.S.C. 1341 *et seq.*). No obligation undertaken by USACE under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If USACE cannot perform any obligation set forth in this PA because of the unavailability of funds that obligation must be renegotiated among the signatories as necessary through the processes outlined in Stipulations X or XI.
- B.** Execution of this PA by the USACE, THPO, and SHPO, and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES ARMY CORPS OF
ENGINEERS OMAHA DISTRICT;
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER;
AND
SISSETON-WAHPETON OYATE OF THE LAKE TRAVERSE RESERVATION;
REGARDING THE WATERTOWN GENERAL INVESTIGATION STUDY IN THE VICINITY
OF WATERTOWN, SD**

SIGNATORY

United States Army Corps of Engineers, Omaha District

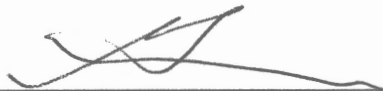
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Col. Robert J. Newbauer, District Commander

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AND
SISSETON-WAHPETON OYATE OF THE LAKE TRAVERSE RESERVATION;
REGARDING THE WATERTOWN GENERAL INVESTIGATION STUDY IN THE VICINITY
OF WATERTOWN, SD**

SIGNATORY:

South Dakota State Historic Preservation Officer

BY:



Garry Guan, State Historic Preservation Officer

Date:

2/18/2026

PROGRAMMATIC AGREEMENT
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REGARDING THE WATERTOWN GENERAL INVESTIGATION STUDY IN THE VICINITY
OF WATERTOWN, SD

SIGNATORY:

Sisseton-Wahpeton Oyate of the Lake Traverse Reservation

BY:

J. Garret Renville, Tribal Chairman

Date:

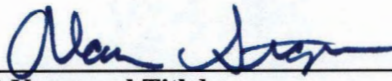
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**PROGRAMMATIC AGREEMENT
AMONG THE
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REGARDING THE WATERTOWN GENERAL INVESTIGATION STUDY IN THE VICINITY
OF WATERTOWN, SD**

INVITED SIGNATORY:

City of Watertown

BY: 
[Insert Name and Title]

Date: March 18, 2026