WATERTOWN, SOUTH DAKOTA
FLOOD RISK MANAGEMENT
GENERAL INVESTIGATIONS STUDY

FINAL INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

APPENDIX I: REAL ESTATE PLAN

OMAHA DISTRICT
NORTHWESTERN DIVISION

July 2026

Contents

1. STATEMENT OF PURPOSE

1.1. **Purpose** – The Real Estate Plan (REP), prepared in accordance with ER 405-1-12, presents the real estate requirements for the Watertown, General Investigation (GI) Study and supports the Integrated Feasibility Report and Environmental Assessment. This plan is tentative in nature, subject to change, and is preliminary for planning purposes only. The plan includes estimated land values and costs associated with the acquisition of lands, easements, and rights-of-way, relocations and disposal areas (LERRDs) required for construction and operation and maintenance of the recommended plan. It also identifies any facility/utility relocations necessary to implement the project. All versions include the date on the cover page. Please reference the most up to date version based on the date provided. All old versions are superseded by the most recent report.

1.2. **Study Authorization** – This study is being conducted by the U.S. Army Corps of Engineers, Omaha District (USACE). Section 201(a)(81) WRDA 2022 Big Sioux River, South Dakota, authorizes a review of the Flood Risk Management (FRM) alternatives to address historic flooding in and around the vicinity of Watertown, South Dakota, shown in Exhibit A.

1.3. **Non-Federal Sponsor** – The City of Watertown signed and submitted a feasibility Cost Sharing Agreement on August 19th, 2022.

2. REAL ESTATE REQUIREMENTS

2.1. **Recommended Plan** – Alternative 3 has been selected as the Recommended Plan. The footprint map is attached as Exhibit A.

2.1.1. **Structural Plan** – The plan includes a combination of constructing an earthen levee along the left bank, and channel widening of the Big Sioux River.

2.1.2. **Environmental Mitigation** – The plan considered Natural and Nature-Based Features (NNBF) as stand-alone measures and integrated into hybrid FRM measures. Some features include restoration of a mosaic wetland, riparian, and upland habitat types within 18 acres along mud creek and a detention basin adjacent to the mitigation site. A detailed description of environmental mitigation measures can be found within the main feasibility report under the Executive Summary: 5. Significant Resources/Environmental Considerations.

2.2. **Required Lands, Easements, and Rights-of-Way** – The recommended footprint map is attached as Exhibit A. The recommended footprint has a total of ±183.42 acres of impacted LERs. Below outlines a list of standard estates and how each LER relates to project features.

2.2.1. **Fee** – The project will require ±101.28 acres of fee land, which will be utilized for features of the project that will be permanent in nature and features that will need future operation and maintenance. Fee lands will also be utilized for mitigation and disposal sites.

2.2.2. **Channel Improvement Easement** – The project will require ±43.25 acres of channel improvement easement, which will be utilized to widen and clear the channel to allow for increased flow capacity. This easement will be perpetual to allow the sponsor to maintain and operate the channel.

2.2.3. **<u>Flood Protection Levee Easement</u>** – The project will require ±1.63 acres of flood protection levee easement, which will be used to accommodate the levee being constructed on the left bank of the channel. This easement will be perpetual to allow the sponsor to maintain and operate the levee.

2.2.4. **<u>Temporary Work Area Easement</u>** – The project will require ±37.26 acres of temporary work area easement to accommodate construction of the project. The easement will be temporary and will last until construction is complete.

TABLE 1: LER ACRES	
Estate Type	**Acres**
Fee	101.28
Channel Improvement Easement	43.25
Flood Protection Levee Easement	1.63
Temporary Work Area Easement	37.26
Total:	**183.46**

2.3. **<u>Land Value Estimate</u>** – A land cost estimate was prepared by a review appraiser from the Omaha District, on March 10, 2026. The land cost estimate is not an appraisal. See table 2 below for estimated land values:

TABLE 2: LER VALUES	
Estate Type	**Value**
Fee	$918,000
Channel Improvement Easement	$1,776,000
Flood Protection Levee Easement	$159,000
Temporary Work Area Easement	$653,000
Total:	**$3,507,000.00**

3. <u>REAL ESTATE OWNED BY THE NON-FEDERAL SPONSOR</u>

The Sponsor owns ±134.36 acres of land within the footprint of the recommended plan, of that 11.14 acres have no tax id and are assumed City of Watertown property. The sponsor will need to provide deeds for lands they hold within the project footprint. Once the deeds have been received by USACE, a review will be completed to verify and determine the sufficiency for these lands to be made available for the project.

4. <u>NONSTANDARD ESTATES</u>

The TSP does not require the use of a non-standard estate.

5. <u>EXISTING FEDERAL PROJECTS</u>

There are no federal projects within the footprint.

6. FEDERALLY OWNED LAND

There are no federal lands within the footprint.

7. FEDERAL NAVIGATION SERVITUDE

The Federal Navigational Servitude doctrine arises from two related components: navigation power which is derived from the commerce clause of the U.S. Constitution giving Congress regulatory power over navigable waters; and navigation servitude which provides that certain private property may be taken without compensation to the landowner if the taking is necessary to exercise the navigation power. Private ownership of land below navigable or tidal waters is acquired and held subject to the dominant public right of navigation. This dominant public right may be exercised by Congress without giving rise to a compensable taking. The exercise of the Government's Navigation Servitude rights is not anticipated.

8. REAL ESTATE MAPPING

See Exhibit A for LERRDs required for the project.

9. INDUCED FLOODING

It has been determined, based on information found within Appendix B (Hydraulics), an analysis of parcel inundation maps, and discussion with office of counsel, that this real estate plan will not incorporate any takings. Parcels were identified to have seen a rise, however due to engineering uncertainty, those parcels will not amount to a taking, at this time. The PDT made the risk informed decision not to include these parcels due to the engineering uncertainties in the modeling. It was also discussed that the dollar value of potentially acquiring flowage easements in these areas was less than the contingency that was applied to the land and damages account.

10. BASELINE COST ESTIMATE FOR REAL ESTATE (BCERE)

A Baseline Cost Estimate for Real Estate (BCERE) was created for the project. The BCERE outlines the cost associated with the acquisition of real estate for the project. A contingency cost was included for the following uncertainties: unknowns caused by a lack of study definition at this preliminary stage; potential cost and value increases from potential development pressures and/or zoning changes; negotiation of purchase price above estimated market value; and potential for excessive condemnation costs and awards. See table 4 below for costs associated with the BCERE:

TABLE 4: BCERE (01 & 02 are 100% NFS responsibility)			
Cost Account	**Cost**	**Contingency**	**Total**
01 – Lands & Damages	$3,505,000	$1,437,050	$4,942,050
02 – Relocations (Utility & Facility)	$716,730	$293,860	$1,010,590
30 – Planning, Engineering, & Design	$132,000	$54,120	$186,120

11. UNIFORM RELOCATION ASSISTANCE (PUBLIC LAW 91-646)

There are no displaced persons, residences, farms or business entitled to relocation assistance as defined in the uniform relocation assistance and real property acquisitions policy act of 1948, as amended (P.L. 91-646), for this project. See table 5 below for URA impacts:

12. MINERALS AND TIMBER ACTIVITY

There are no known existing third-party mineral rights or interests including oil, gas, timber or any other outstanding rights that may need to be resolved for the construction, operation, and maintenance of the project. There is no anticipated mineral activity within the vicinity of the proposed project area.

13. NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT

An assessment of the NFS Real Estate Acquisition Capability has been prepared by the NWO Real Estate Division and is attached as Exhibit B.

14. LAND USE ZONING

The project will not require zoning ordinances to be enacted to facilitate acquisition of land.

15. REAL ESTATE ACQUISITION SCHEDULE

USACE real estate and project management will work with the non-federal sponsor to develop a schedule upon the approval of the real estate plan and the feasibility study during the design phase. The non-federal sponsor must acquire the appropriate lands for the project. Prior to advertisement of the construction contract, the non-federal sponsor must provide copies of all deeds and easements for the tracts of land required by the project footprint, and certification by their attorney that they have met the requirements to acquire the minimum estates required for the project, including compliance with P. L. 91-646. No construction will take place until documentation of the acquisitions has been provided, reviewed, and confirmed, as stated in the PPA.

The non-federal sponsor will be notified that any acquisitions conducted prior to the signing of the PPA may not be approved for LERRD crediting. The anticipated real estate project activities duration begins with the execution of the PPA. Additional refinements to the project schedule will be made as needed. See table 6 below for schedule of real estate milestones:

TABLE 6: ACQUISITION SCHEDULE	
MILESTONE	**FORCASTED DATES**
*PPA Execution**	August 2027
Notice to proceed with Acquisition	November 2027
Acquisition Complete / Sponsor's Authorization for Entry	May 2028
USACE Certification of Real Estate	July 2028
USACE Solicitation for Construction Contracts	August 2028
USACE Award of Construction Contracts	September 2028

16. FACILITY AND UTILITY RELOCATIONS

Based on current design for alternative 3, there will be a sewer line that will be replaced near the recycling center. This relocation cost is under 30% of project cost, only requiring a real estate assessment at this point. This type of relocation would be eligible for compensation under the substitute facilities doctrine, but the PDT does not have sufficient evidence that this sewer line is owned by the City of Watertown (NFS). There is uncertainty about utility impacts, as there are not sufficient records of utility lines within the City. A survey is being conducted to determine the depths and locations of all utilities near the recycling center. When the survey and data are delivered to the PDT, updates will be made to the reports and a preliminary attorney's opinion of compensability will be completed by Omaha District, Office of Counsel. All costs for this utility relocation have been captured under the 02 account. The NFS will be responsible for all utility/facility relocations.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

17. ENVIRONMENTAL CONTAMINATION

The preliminary investigation by members of the PDT indicated that there were no known or suspected contaminants located within the proposed project site.

18. PROJECT PUBLIC SUPPORT

During the public engagement thirty-four commentors voiced their concerns, support, and neutrality for the project; twenty-eight people opposed the project, two supported and four were neutral. Comments came from three primary groups: Lake Kampeska Residents, 6th Street Circle Townhome Residents and advocacy groups (Izaak Walton League, Kampeska Water Project District). The lake will no longer see seasonal lake lowering, which was one of the main concerns from Lake Kampeska Residents. However, the current alternative will still include widening of the existing channel, which garnered great concern among the townhome residents. Concerns included loss of recreational amenities, natural habitat and property value impacts. The residents suggest that the river rarely floods, and the widening could create mud flats. The townhome residents not only voiced their concerns but sent in formal letters in opposition to this project.

See Appendix J for a detailed breakdown of themes from public comments. Appendix J also contains attachments including public meeting materials, scanned comment forms, scanned sign-in sheets, and public notices.

19. NON-FEDERAL SPONSOR RISK NOTIFICATION

The non-federal sponsor will be notified in writing of the risks associated with acquiring land before the execution of the PPA and the government's formal notice to proceed with acquisition.

20. OTHER PERTINENT INFORMATION

The Omaha District Real Estate Division recommends the project for approval.

PREPARED BY:

Grant E. Haynes
Senior Realty Specialist
Civil Branch, Real Estate Division

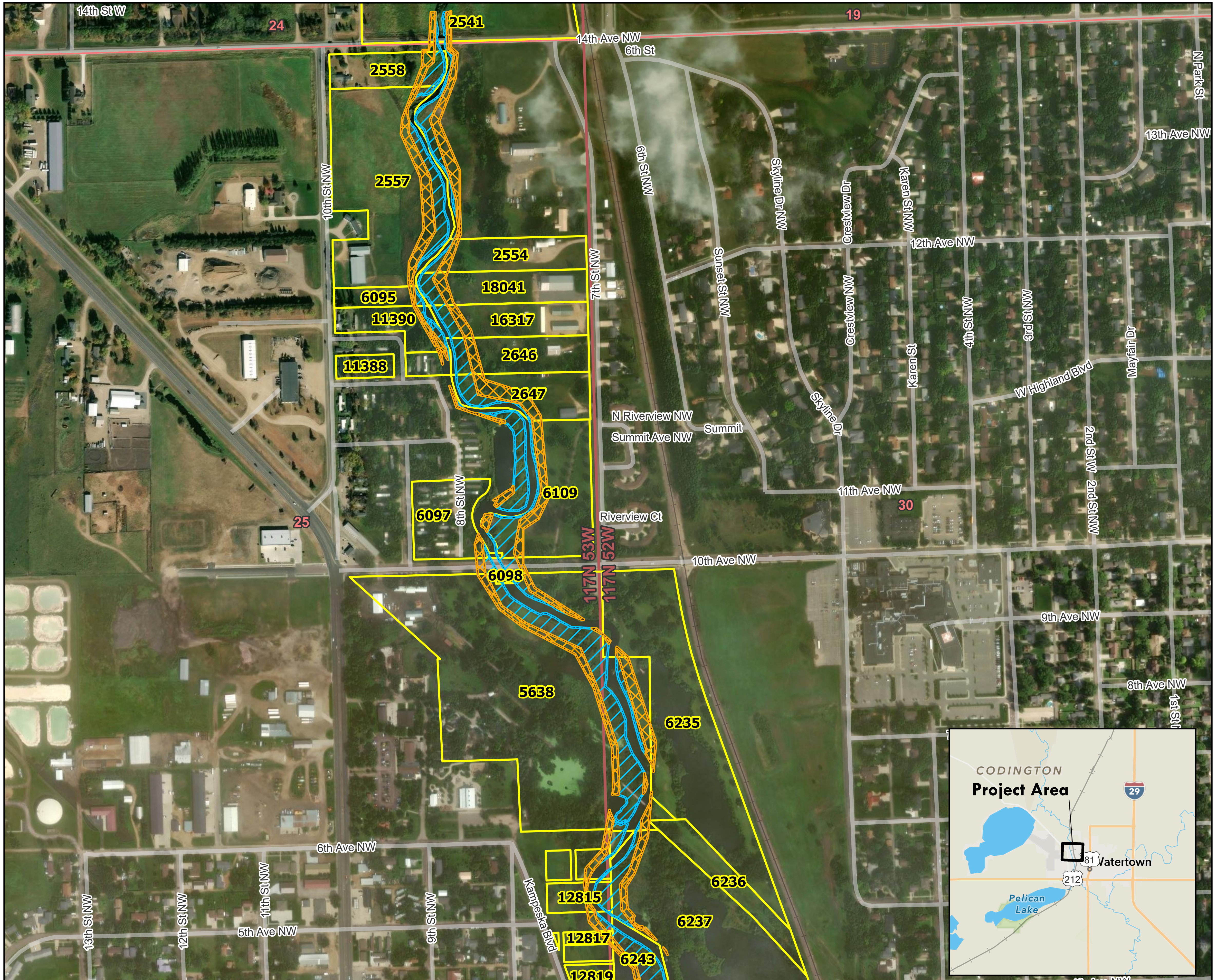
REVIEWED BY:

David J. Beberwyk
Civil Works Branch Chief
Real Estate Division

APPROVED BY:

Amanda M. Simpson
Chief, Real Estate Division
Real Estate Contracting Officer

EXHIBIT A: REAL ESTATE MAPS



Watertown

Alternative 3

N

Codington County, SD
T 117N, R 52W & R 53W
5th P.M.

Legend

- Township
- Sections
- Impacted County Parcel
- Channel Improvement Easement ± 43.25 acres
- Fee (Mitigation) ± 20.01 acres
- Fee (Material Disposal) ± 81.27 acres
- Flood Protection Levee Easement ± 1.63 acres
- Temporary Work Area Easement ± 37.26 acres

0 250 500 1,000
Feet

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Real Estate
CENWO-RE-S

Produced By: Andrew Groves	US Army Corps of Engineers ® Omaha District
Production Date: 17-APR-2025	
Revised By: Justin Ahern	
Revision Date: 26-MAY-2026	

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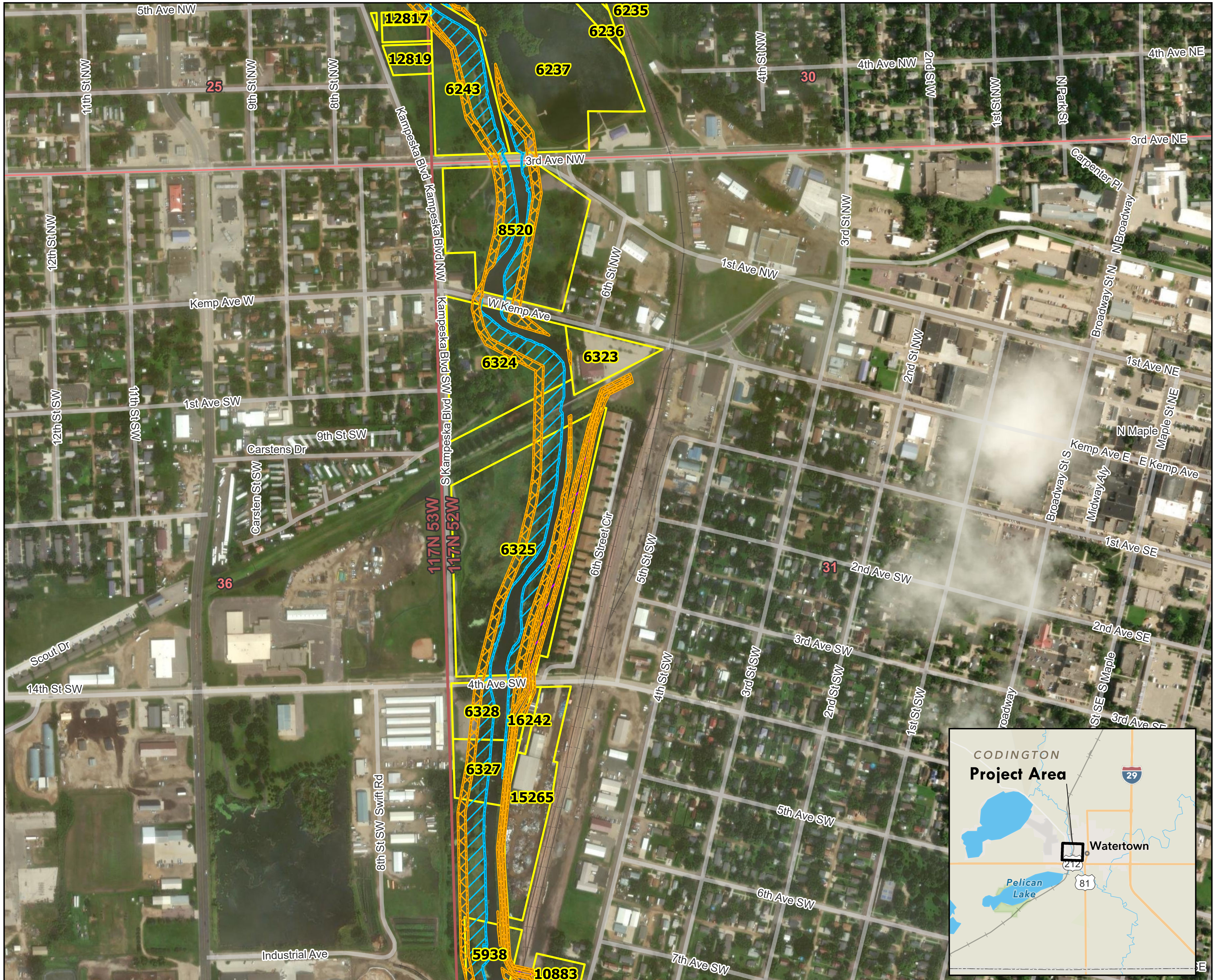
Exhibit "A"
Segment 1 of 6



Watertown

Alternative 3

N

Codington County, SD
T 117N, R 52W & R 53W
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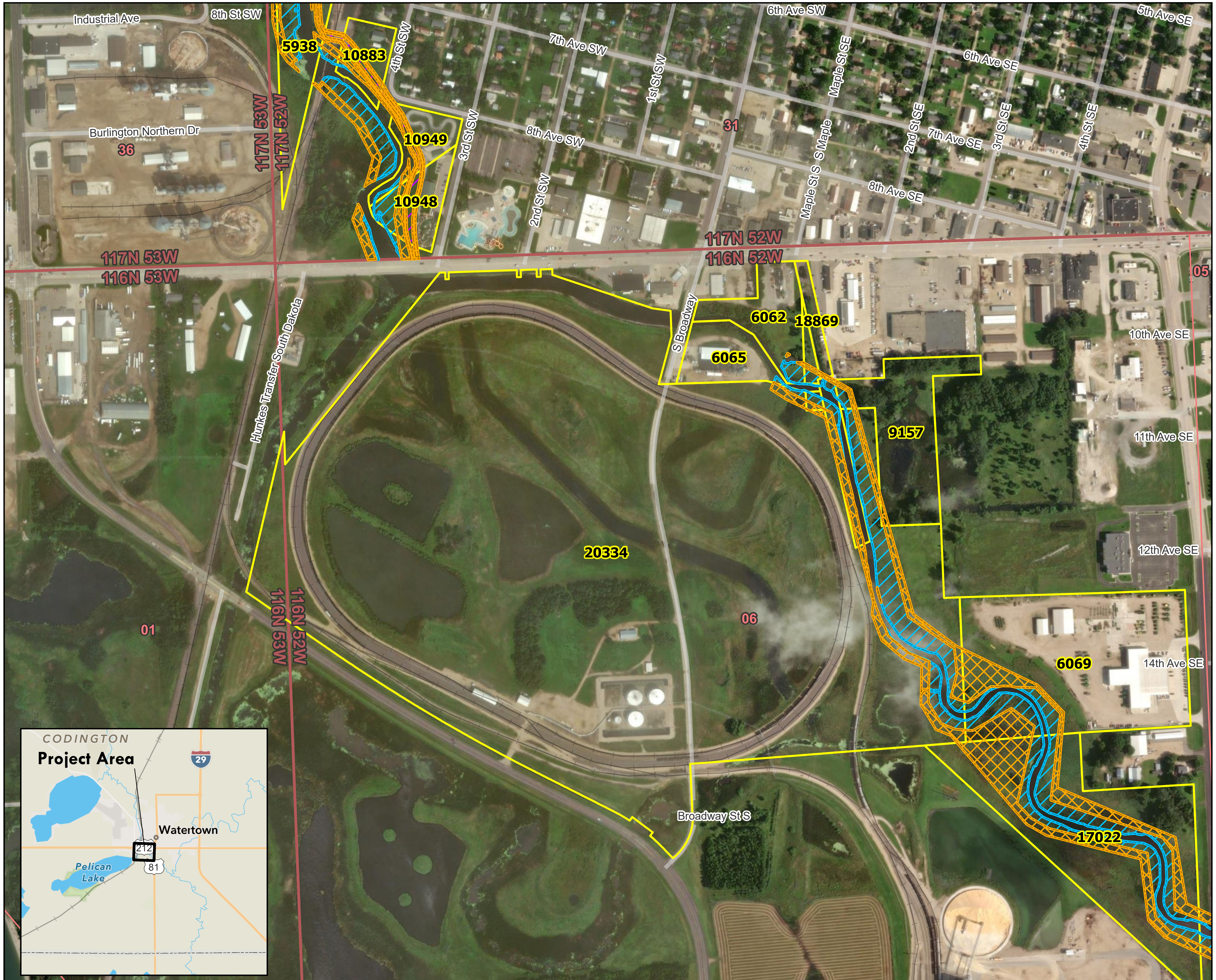
Exhibit "A"
Segment 2 of 6



Watertown

Alternative 3

N

Codington County, SD
T116N & T117N, R 52W & R 53W
5th P.M.

Legend

- Township
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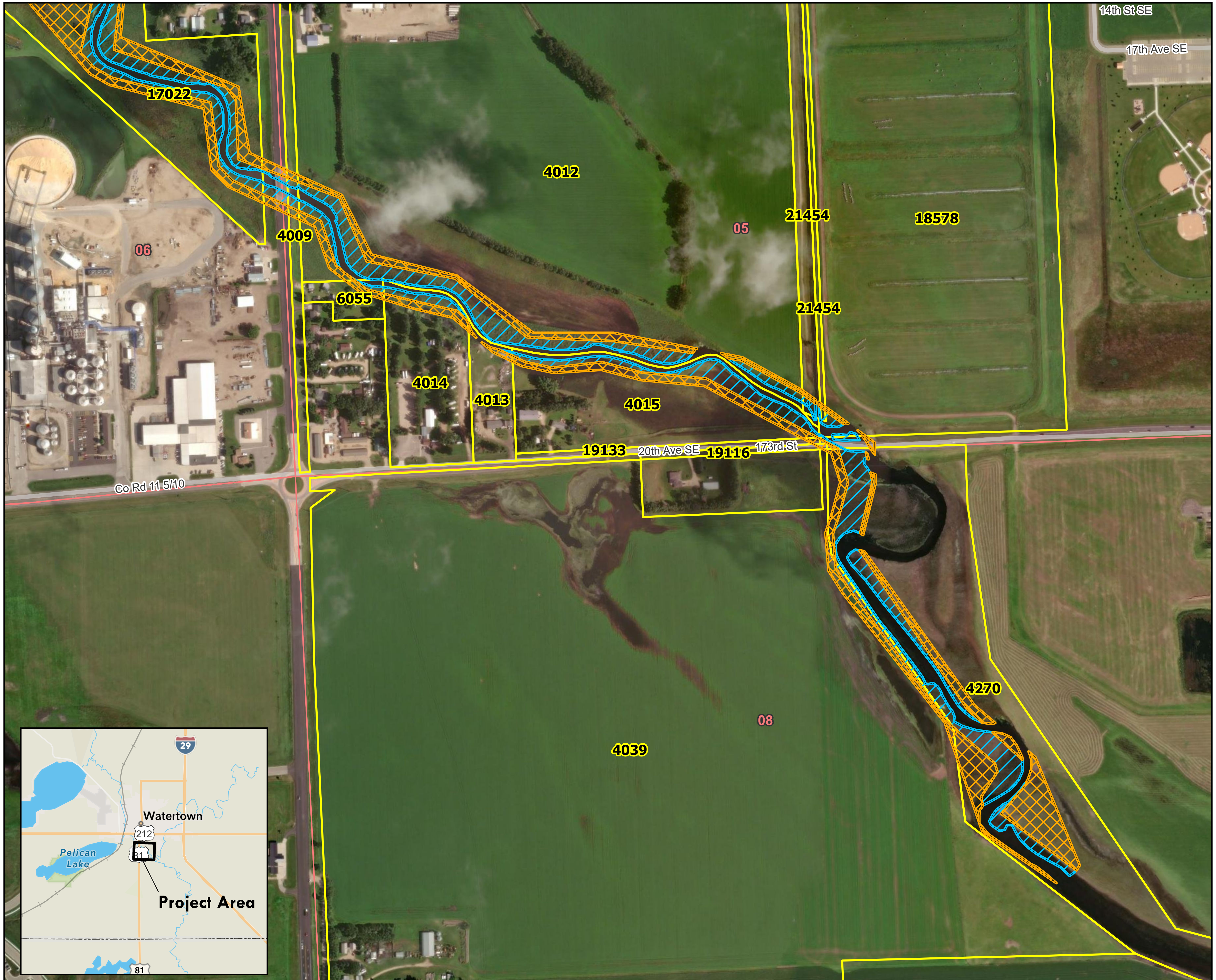
Exhibit "A"
Segment 3 of 6



Watertown

Alternative 3

N

Codington County, SD
T 116N, R 52W
5th P.M.

Legend

- Township
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Andrew Groves

Production Date:
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Revision Date:
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US Army Corps of Engineers ®
Omaha District

File Location:
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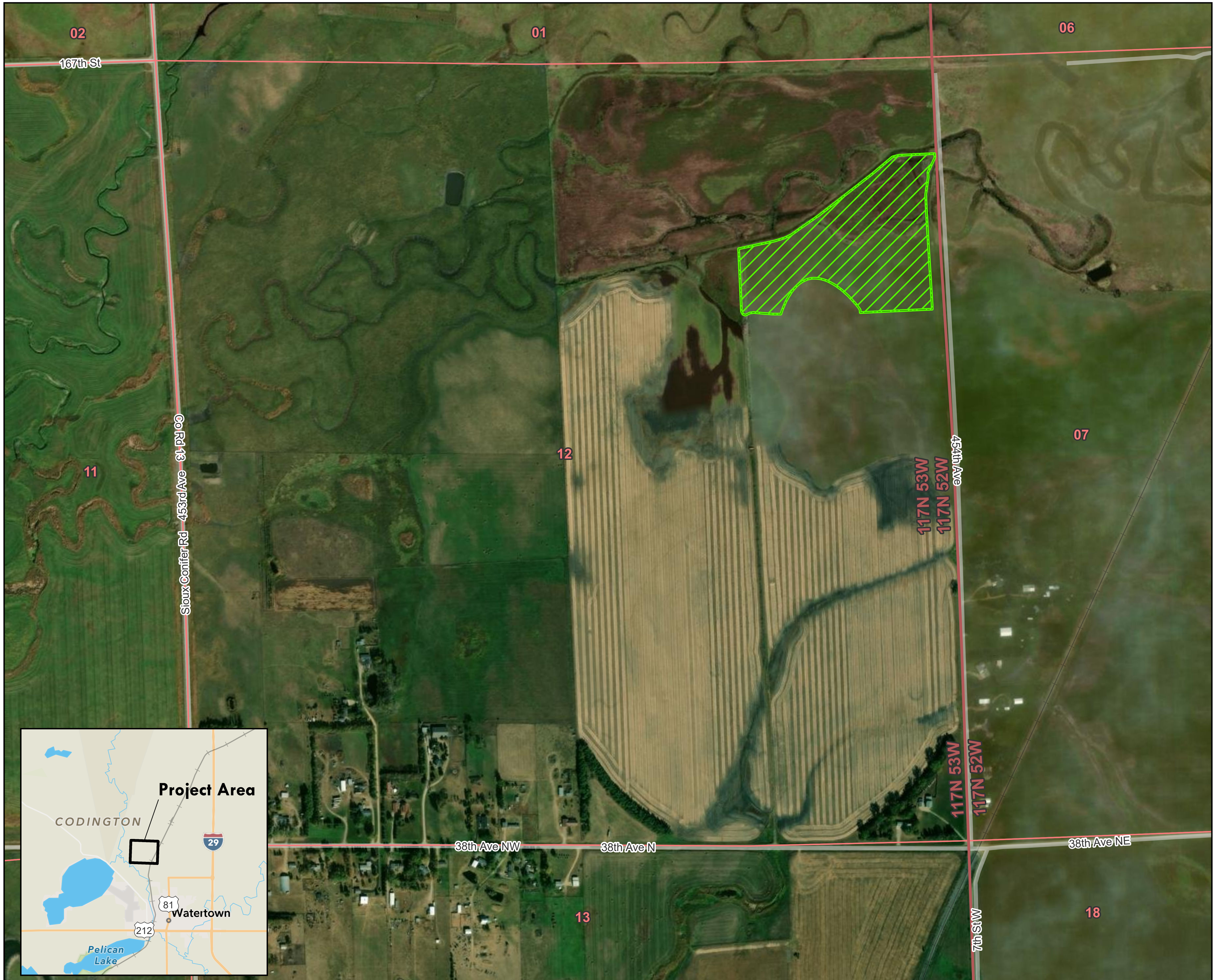
Exhibit "A"
Segment 4 of 6



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0 400 800 1,600 Feet

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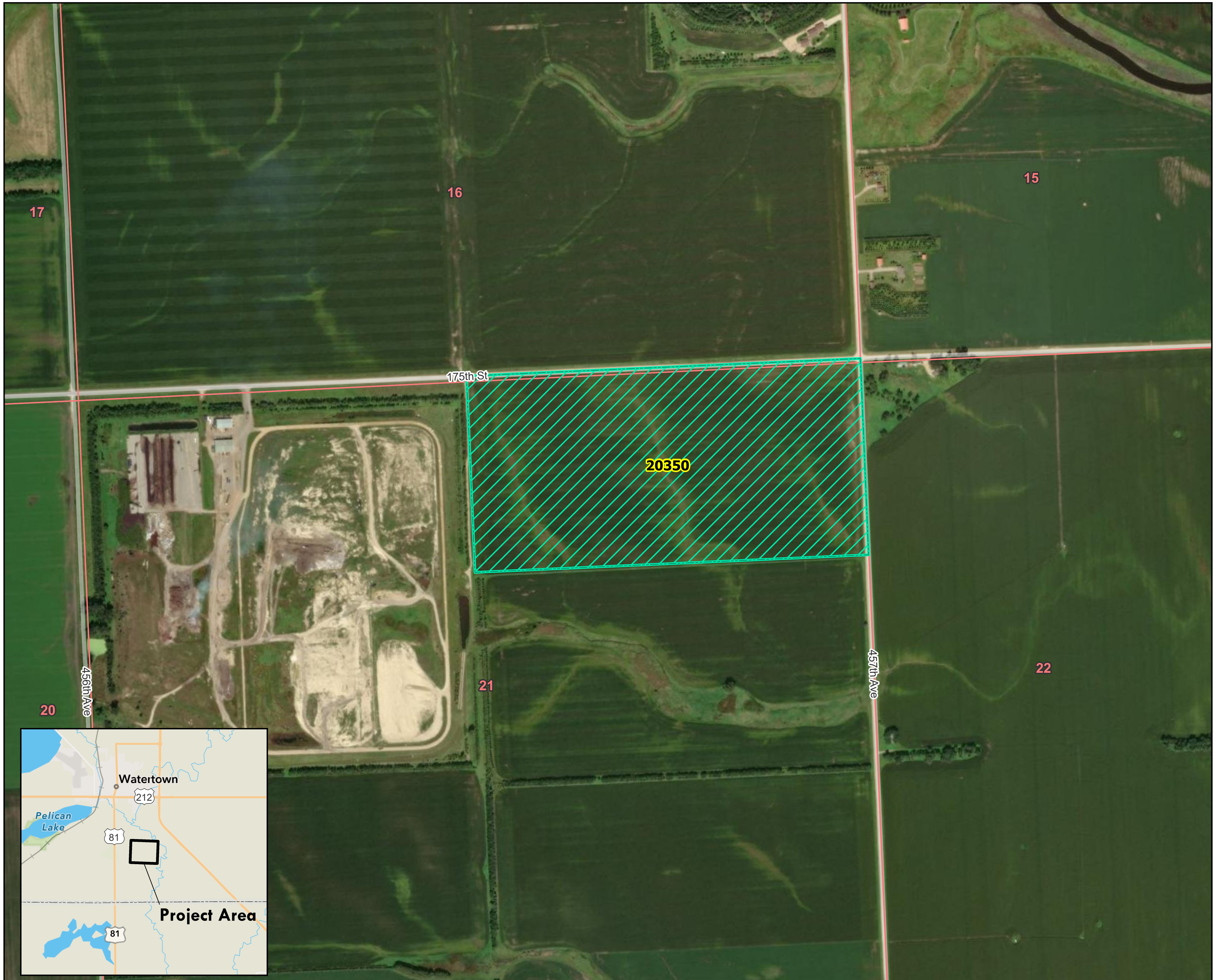
Exhibit "A"
Segment 5 of 6



Watertown

Alternative 3

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5th P.M.

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Omaha District

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Exhibit "A"
Segment 6 of 6

EXHIBIT B: NFS REAL ESTATE CAPABILITY ASSESSMENT

Non-Federal Sponsor Capability Checklist

Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability

Note: This document is for planning purposes only.

Project	**Non-Federal Sponsor** **and Point of Contact(s)**
Watertown General Investigation Study	

I. Legal Authority.

a. Does the non-Federal Sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes___X___ No_____________

Non-Federal Sponsor is authorized to acquire and own land by authority of

___State Law____

____.

Note: If NO; who will acquire LERRD? Who will hold title?

____

____.

b. Does the non-Federal Sponsor have the power of eminent domain for project purposes?

Yes__X______ No____________

The exercise of eminent domain is authorized by
Title 9 of South Dakota Codified Law

Note: If NO, who will acquire tracts if condemnation is required? Any non-Federal Sponsor limitations on eminent domain may affect implementation and must be addressed here and in the Real Estate Plan.*

c. Does the non-Federal Sponsor have quick take authority for project purposes?

Yes__X______ No____________

The exercise of quick take is authorized by
Title 9 of South Dakota Codified Law

Note: If NO; will lack of "quick take" authority impact the project schedule? Research the State process to understand how long it may take for the non-Federal Sponsor to obtain title and possession.

d. Are any of the lands/interests in land required for the project located outside of the non-Federal sponsor's policy boundary?

Yes__X______ No____________

Note: If NO; what is the plan for acquiring? Can the non-Federal Sponsor hold title to land outside of their political boundary? Address if a second non-Federal Sponsor is needed.

Hold discussions with landowners to purchase.

This will depend on the Alternative that is selected. Currently there are 3 alternatives that are bring analyzed.

e. Are any of the proposed required project lands or interests in land owned by an entity whose property the non-Federal Sponsor cannot condemn?

Yes__X________ No_____________

Note: If YES; what is the plan for acquiring? This may result in a non-standard estate or need to engage USACE for acquisition support.

Hold discussions with landowners to purchase.

This is dependent on what alternative is selected and if it is outside of Watertown boundary.

II. Human Resource Requirements

a. Does the non-Federal Sponsor have sufficient capability with in-house staffing, or contract capability, to provide the necessary services such as surveys, appraisals, title, negotiations, condemnations, closings, and relocation assistance?

Yes__X________ No_____________

Note: If work will be done in-house give brief summary, staff size, expertise, experience,etc. If through contracting support, elaborate on whether a contractor is already in place or time will be needed to obtain a contractor after PPA execution.

City would contract with entities for real estate.

b. Will the non-Federal Sponsor in-house staff require training to become familiar with the real estate requirements of Federal projects, including compliance with the Uniform Act?

Yes__X________ No_____________

Note: In addition to providing guidance on relocation assistance benefits, the Uniform Act contains a procedural section on land acquisition that must be followed for Federal and Federally assisted projects. If the answer is YES, has a reasonable plan been developed to obtain or provide training? Additional USACE project oversight funding may be required.

The City will hire an outside firm to assist with land acquisitions.

c. Does the non-Federal Sponsor have sufficient real estate acquisition experience to meet its responsibilities?

Yes___X_______ No_____________

Note: Describe their prior land acquisition experience, particularly for prior Federal projects. Proper analysis here enables development of realistic and attainable land acquisition schedules and administrative costs.

City would rely on contract for real estate assistance.

d. Is the non-Federal Sponsor located within a reasonable proximity to the project site?

Yes___X_______ No_____________

e. Is it anticipated for the non-Federal Sponsor to request USACE assistance in requesting assistance?

Yes___X_______ No_____________

Note: If YES; provide a summary of the level of support that will be requested. This request may require approval from Headquarters USACE, and a Memorandum of Agreement is generally required to be executed between the non-Federal Sponsor and USACE that includes a detailed scope and cost of the work to be performed.

A detailed plan will be developed with the Sponsor ad USACE, so the sponsor has all assitance to comply with URA.

III. Other Project Variables

a. Is the non-Federal Sponsor located within a reasonable proximity to the project site?

Yes___X_______ No_____________

a. Has the non-Federal sponsor performed satisfactorily on other USACE projects?

Yes__________ No____________ Not Applicable____X_______

Note: If YES, identify the project and year.

____

____.

b. Has the non-Federal Sponsor reviewed and approved the proposed real estate acquisition milestone schedule, found it to be realistic and attainable, and indicated their willingness and ability to provide the required lands or interests in lands?

Yes__________ No____X_____

Note: Significant coordination and effort should be put into detailing the land acquisition process and proposed schedule with the non-Federal Sponsor. A schedule developed without their input will almost never be realistic or fully informed.

____

____.

c. Has the non-Federal sponsor indicated its understanding, capability, and willingness, to the maximum extent probable, to provide the Government with documents sufficient to determine the amount of credits to be provided for real property interests no later than 3 months after it provides the Government with an authorization for entry onto a real property interest or pays compensation to the owner, whichever occurs later?

Yes____X_____ No__________

Note: If a multi-year phased project discuss plan for interim submittals.

____

____.

IV. Capability

With regard to this project, the non-Federal Sponsor is anticipated to be:

______________________________.

Note: Choices are: fully capable, moderately capable, marginally capable, andinsufficiently capable.

a. Fully Capable: *Previous experience. Authority to hold title. Can perform, with in- house staff,* *the necessary services (survey, appraisal, title, negotiation,closing, relocation assistance, condemnation & “quick-take” authority) required to provide LERRD.*

b. Moderately Capable: *Authority to hold title. Can provide, with in-house staff or contractor support, the necessary services (survey, appraisal, title, negotiation, closing, relocation assistance and condemnation authority) required to provide LERRD.*

c. Marginally Capable: *Authority to hold title. Will rely on approved contractors to provide the necessary services (survey, appraisal, title, negotiation, closing, and relocation assistance).*

d. Insufficiently Capable: *Will rely on approved contractors to provide the necessary services (survey, appraisal, title, negotiation, closing, and relocation assistance).*

V. Coordination

It is my opinion that the risks associated with LERRD acquisition and fiscal closeout have been properly identified, discussed with the non-Federal sponsor and mitigation procedures are in place.

District Chief of Real Estate:

Signature: ______________________ Date: ______________________

Printed Name: ______________________

Non-Federal Sponsor Representative:

Signature: ______________________ Date: ______________________

Printed Name: ______________________ Title: ______________________