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## Scoping Report

Spring and Buffalo Creeks Watershed Plan –  
Environmental Assessment

January 4, 2021

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# 1 Public Scoping

## 1.1 Outreach

The Central Platte Natural Resources District (District) hosted an online public scoping meeting for the Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) in place of an in-person public meeting due to COVID-19 public gathering guidelines and recommendations. The public was notified of the online public scoping meeting via legal notice posted in the Lexington Clipper-Herald (published October 28, 2020 and November 18, 2020), the Grand Island Independent (published October 28, 2020 and November 17, 2020), and the Kearney Hub (published October 28, 2020 and November 17, 2020). A press release was also published on October 28, 2020 to notify area media outlets. Project fact sheets were printed and delivered to public agencies, as needed. The District website also displayed information regarding the online public scoping meeting. If individuals did not have internet access, outreach provided contact information to obtain hardcopy alternatives for the meeting. If individuals needed meeting materials translated into Spanish, outreach provided contact information for a translator.

See Attachment A for all outreach information.

Additional data from the online public scoping meeting, as well as copies of outreach and submitted comments, are attached to this memo.

## 1.2 Public Comments

The self-guided online meeting was posted on the District website at, <http://cpnrd.org/> and was available for review and comment for 45 days (Wednesday, October 28, 2020 through Saturday, December 12, 2020). During the 45 days, the website had 88 total visitors and drew seven total comments from the general comment form, the comment mapping tool, and email. See Table 1 below for a complete list of comments and Attachment A for submitted comments. See Figure 1 for the comment mapping tool comment key.

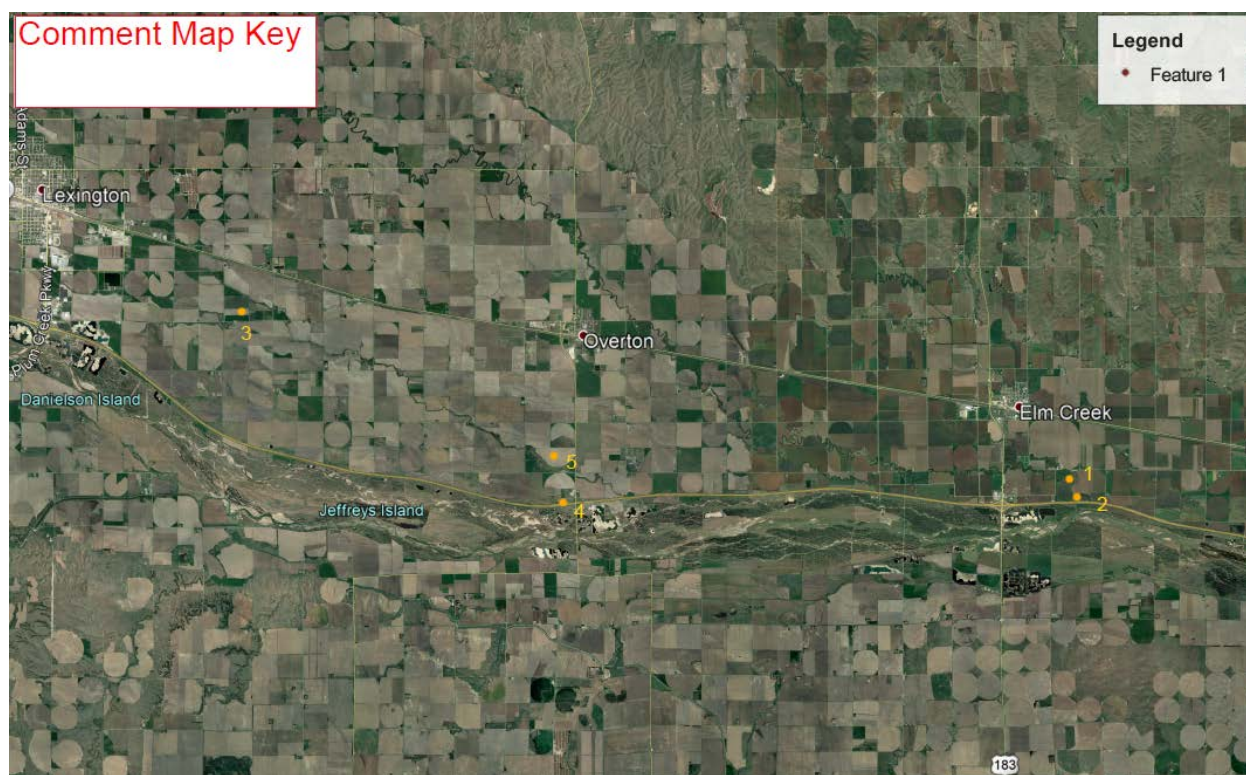
**Table 1-1. Comment Submissions throughout the Comment Period**

<b>Timestamp</b>	<b>Comment Source</b>	<b>Comment</b>
11/27/2020 16:36	Online meeting comment form	<p>What types of flooding and/or drainage problems have you experienced within the study area? Personal Property, Farm Ground</p> <p>How does flooding affect you? Basement flooded in July 2019. Residential access was washed out.</p> <p>Do you have any suggestions on approaches or types of solutions to address this flooding? Cleaning and Maintenance of Buffalo Creek. Let Flow et to River easier.</p> <p>Have you experienced groundwater level declines within the study area? If so, where, and how has this affected you? No</p> <p>Are you aware of any special circumstances that we should be aware of when developing a list of initial solutions to address the flooding problems in the study area? Concerns that Diversion in Platte River affect the flow from nearby creeks.</p> <p>Any other comments or questions for the project team? At some point I hope you have public in-person meeting to get input and provide everyone with your ideas.</p> <p>Would you like someone from the project team to follow up with you? Yes, please follow up with me!</p>
11/27/2020 14:24	Comment Map (1)	I believe that cleaning and maintenance of Buffalo Creek would help reduce problems. My belief is that it is not going to solve problems if the complete waterway is not cleaned and maintained
11/27/2020 14:26	Comment Map (2)	Another issue I have concerns about is the Diversion in the Platte River. I believe this contributes to slowing the discharge from Buffalo Creek
11/29/2020 15:04	Comment Map (3)	The segment of Spring Creek from Lexington to the mouth on the Platte is always out of channel after a two-inch rain if the area soils are saturated. The water tables are high in this area naturally.
11/29/2020 15:06	Comment Map (4)	The channel on spring creek below Lexington is too small.
11/29/2020 15:12	Comment Map (5)	The ground water tables are high naturally and contribute to flooding easily with saturated soils and



Timestamp	Comment Source	Comment
11/29/2020 17:45	Email	I live several miles downstream of Lexington on Spring Creek. We get major flooding in our area where the land drains toward the creek rather than away from the creek as it does above Lexington. There is a drainage district that drains lands that starts North of Darr and travels thru South Lexington and dumps into Spring Creek on my land. This increases our flooding significantly. This is also a major source of flooding in South Lexington. I would think diverting the drainage ditch to west and south of Lexington and possibly immediately to the river would be especially effective. There is also flooding of lands North of and along the interstate from just Southeast of Lexington on toward Overton. A berm North of Lexington would protect North Lexington from flooding. Most flooding of Lexington stopped after the creek was straightened around the town. Capture structures at headwaters of the creeks of course will help, but significant flooding will still occur to Southern Lexington and downstream.
12/11/2020 09:35	Phone Call	Comment received through a telephone conversation with a landowner who noted the presence of an existing drain extending east of Cozad to Darr that, over time, has experienced a significant decrease in conveyance capacity. Clearing of brush and debris from the drain could be a viable opportunity to reduce local flooding impacts.

Figure 1-1. Comment Mapping Tool Comment Key



## 2 Agency Scoping

Twenty-three (23) state, county, and local agencies were sent an agency scoping packet on October 29, 2020. The early coordination packet and distribution list can be found in Attachment B. A response was requested within 30 days of receipt of the letter. The agency scoping packet included an introduction and background, a description of the project and alternatives, anticipated impacts, a description of the US Department of Agriculture – Natural Resources Conservation Service’s (USDA – NRCS) procedures, and a schedule. A project area figure was provided. Five agencies provided comment and the comments are summarized in Table 2-1.

**Table 2-1. Agency Scoping Comments**

Date	Agency	Comment
11/9/2020	Nebraska Department of Natural Resources	We have a current floodplain mapping project in the part of the watershed in Custer County. At this time, we are not far enough in the project to be able to share any of the engineering data. Please contact Katie Ringland for additional information about our mapping projects.
11/13/2020	Nebraska Department of Natural Resources	Aging dams pose a risk of failure and a threat of flooding. There are 43 dams on the Nebraska Dam Inventory in the study area. Twenty-one of the dams are more than 50 years old. Eight dams in the study area, most of them privately owned, are currently listed in poor condition. In addition, fifteen dams are listed as unapproved and cannot be rated due to a lack of information about how they were constructed. A significant reinvestment will be required to assure the existing dams in the study area continue to provide flood control benefits. New dams should not be constructed in the study area without first looking for opportunities to increase the flood control capacity of existing dams in need of repair. Reinvesting in existing dams to maximize flood control benefits will have the added benefit of reducing flood risk associated with dam failures.

Date	Agency	Comment
11/18/2020	Nebraska Department of Environment and Energy	<p>As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirements or permits:</p> <p>Air Quality: Fugitive Dust Title 129 Chapter 32 regulations shall apply to all demolition, grading, and construction activities.</p> <p>Construction Storm Water: Since the project could disrupt acreage above one acre, the Department would require a Construction Storm Water Permit (CSW), General Permit (GP). The notice of intent (NOI) will require an endangered species evaluation. The project may also require a NPDES dewatering general permit (NEG671000)</p> <p>Wastewater: No comments for this project.</p> <p>Water Quality: This project is on a Title 117 stream and is impairment for E. coli and aquatic life. The project will be required to comply with § 401 of the Clean Water Act of 1977, as amended by the Water Quality Act of 1987, and Nebraska Titles 120 and 117.</p> <p>Wetland and stream impacts may occur in this project. If the project will result in a possible discharge of dredge and fill material into federally jurisdictional waters, a 404 Permit from US Army Corps of Engineers, 401 Water Quality Certification from NDEE, and compensatory mitigation may be required. It is recommended that during the project planning phase the applicant contact the Section 401 Program Coordinator at NDEE to discuss the project to ensure that it will not violate Nebraska Title 117 Water Quality Standards for Wetlands.</p> <p>The project is located within a Wellhead Protection (WHP) area, check with the city of Lexington to see if they have ordinances within their WHP boundaries.</p> <p>Spring Creek (MP2-20300) is identified in the 2018 Nebraska Integrated Report as being impaired for recreational use by E. coli bacteria and for aquatic life use by ammonia. The Middle Platte River (segment MP2-20000), the receiving water for Spring Creek, is identified in the 2018 Nebraska Integrated Report as meeting all of its designated use and assessed to be unimpaired. However, a TMDL for coliform bacteria was approved for this segment of the Platte River in 2003.</p> <p>NDEE currently supports implementation of a watershed management plan in the nearby South Loup River watershed. Projects in that watershed focus on abating runoff of E. coli bacteria that impair the recreation use of the South Loup River. To the extent possible, we encourage that the Spring Creek/Bufalo Creek plan be comparable to the South Loup watershed management plan that addresses the nine elements of a successful watershed plan as identified by EPA.</p> <p>Specifically, we encourage the identification of nonpoint source pollutant sources, quantification of nonpoint source pollutant loads and calculation of the reduction of pollutant loads necessary to achieve water quality standards in Spring Creek. Further, we encourage strong consideration for using non-structural conservation practices to reduce flooding as well as reducing pollutant runoff.</p> <p>Waste Disposal: No Waste Permit Required. As this is a plan being implemented to study the area and evaluate risk, not actual earthworks, the following is rough guidance on future activity.</p> <p>All waste generated or discovered on site must be properly handled, contained, and disposed as per all applicable regulations found in NE Title 128 - Nebraska Hazardous Waste Regulations and NE Title 132 - Integrated Solid Waste Management Regulations. This includes proper waste determinations and characterization before disposal.</p>
11/23/2020	City of Lexington	Please refer to the City's comments provided in July and August.

Date	Agency	Comment
11/24/2020	Nebraska Game and Parks Commission	<p>General comments on the Plan-EA</p> <ul style="list-style-type: none"> <li>- Non-structural measures are the preferred methods NGPC would like to see used in this plan. The implementation of natural flood risk reduction solutions such as wetlands, stream buffers, cover crops, and terraces would provide water storage and improve water quality.</li> <li>- NGPC supports maintaining the natural hydrology of the system. The construction of reservoirs, basins, levees, dams and other storage structures change the natural function of streams. Creation of these structures need to provide considerable benefit if we are to support them over non-structural alternatives.</li> <li>- If the intent to create reservoirs is for recreational purposes, we would recommend that they be designed that the watershed to reservoir surface area ration is low. When a reservoir is too small for a watershed it will be subject to water quality issues, harmful algae blooms, and will not support a desired fishery.</li> </ul> <p>The proposed study area falls within the range of the state and federally listed endangered blowout penstemon (<i>Penstemon haydenii</i>), interior least tern (<i>Sternula antillarum athalassos</i>), and whooping crane (<i>Grus americana</i>); the state and federally listed threatened American burying beetle (<i>Nicrophorus americanus</i>), northern long-eared bat (<i>Myotis septentrionalis</i>), piping plover (<i>Charadrius melodus</i>), and western prairie fringed orchid (<i>Platanthera praeclara</i>); and the state-listed threatened finescale dace (<i>Phoxinus neogaeus</i>), northern redbelly dace (<i>Phoxinus eos</i>), river otter (<i>Lontra Canadensis</i>), and small white lady's slipper (<i>Cypripedium candidum</i>).</p> <p>We recommend that before construction, the area be surveyed for suitable habitat for blowout penstemon.</p> <p>It is important that construction will not interfere or disturb least terns or piping plovers during nesting season. If construction must occur during the breeding season all attempts must be made to minimize disturbance to the surrounding area. Subsequently, should construction take place within 0.25 miles of the Loup River, the Commission requests that surveys be completed to determine if potential nesting habitat (sandbar) is within 0.25 miles of construction. To avoid adverse impacts to NLEB, Nebraska Game and Parks Commission staff recommend that any tree clearing, which may be required as part of this project, be timed to avoid potential impacts to NLEB during the summer maternity roosting period (June 1 – July 31). Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15.</p> <p>It is recommended that the potential for instream flow depletions be addressed to determine what, if any, impacts the proposed actions may have on the Lower Platte River system.</p> <p>The following NGPC properties can be found within the Plan-EA study area: Bittern's Call WMA, Blue 6 Hole WMA, Darr WMA, Dogwood WMA, and Overton WMA. Any NGPC property within or adjacent to the study area should not be negatively affected or altered. We would expect close coordination on any parts of this project if possible impacts would be anticipated to our properties.</p>

Date	Agency	Comment
11/25/2020	US Environmental Protection Agency	<p>If there are jurisdictional waters and/or wetlands of the United States impacted by any proposed actions, we recommend early 404 coordination with our Program, and would be delighted to be on any 404 Pre-application calls or site visits. We highly recommend the use of the 404 Pre-application process to go over any details, comments and concerns prior to the permit application being submitted. It appears the structural alternatives have a high potential to require a 404 permit.</p> <p>We have found that early coordination gives us the opportunity to provide our comments early, and if they are addressed it often eliminates the need for us to comment when the PN is out for review. We advise avoiding and minimizing impacts to wetlands and streams as much as possible before determining the amount of compensatory mitigation that is required. During the avoidance and minimization process, we recommend following the 404(b)(1) Guidelines. After avoiding and minimizing impacts to wetlands and streams, if mitigation is needed, the 2008 Mitigation Rule gives preference to mitigation being provided by an available CWA 404 mitigation bank, then an in-lieu-fee program before permittee responsible mitigation. We recommend the mitigation should follow the Corps' mitigation guidelines for Nebraska, and if permittee responsible mitigation is approved by the Corps, to occur in the same HUC 8 or smaller watershed as the location of the project impacts</p>

USDA – NRCS is conducting the early National Environmental Policy Act (NEPA) coordination and initiation of National Historic Preservation Act (NHPA) Section 106 consultation. A letter to the Deputy State Historic Preservation Officer was sent on October 19, 2020.

### 3 Tribal Scoping

USDA – NRCS sent early NEPA coordination and initiation of NHPA Section 106 consultation letter to 11 tribes on October 20, 2020. An example of the tribal coordination letter and distribution list can be found in Attachment C. Two responses have been received to date. Pawnee Nation determined that the proposed project lies within a Pawnee cultural travel corridor and may contain undiscovered burials, camp sites, and settlement areas. Pawnee used trails in the area to travel to and from their buffalo hunting area. Wood River holds many settlement sites and burials. The Northern Cheyenne Tribe requested any Class I and/or Class II survey information for the project area of potential effect (APE). The Tribe also requested to participate in the archeological survey. USDA – NRCS provided the Northern Cheyenne Tribe with a summary of the Class I file search on December 3, 2020.



## Attachment A. Public Scoping

**ONLINE PUBLIC SCOPING MEETING FOR SPRING AND BUFFALO CREEKS WATERSHED PLAN AND ENVIRONMENTAL ASSESSMENT**

Lines 84 Times 2 Amount \$ 69.96

**AFFIDAVIT OF PUBLICATION**

ck 56930

The State of Nebraska } ss:  
The County of Buffalo }

Shon Barenklau, being first duly sworn, says that he is Editor of The KEARNEY HUB, a daily newspaper printed in whole and published in its entirety at its office maintained in Kearney, in said county and of general circulation therein and been published for more than 52 weeks in said county prior to the first publication of the annexed notice and has a bona fide circulation of more than 300 copies, and that the notice, a true copy of which is hereto annexed, was published in said paper as follows:

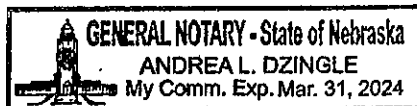
the first publication being on the 28 day of October, 2020,  
and subsequent publication(s) on the

17 day of NOVEMBER, 2020  
\_\_\_\_ day of \_\_\_\_\_, 2020  
\_\_\_\_ day of \_\_\_\_\_, 2020  
\_\_\_\_ day of \_\_\_\_\_, 2020  
\_\_\_\_ day of \_\_\_\_\_, 2020

*Sh B*

Subscribed in my presence and sworn to before me this

17 day of NOV., 2020



*Andrea L. Dzingle*  
Notary Public

The Central Platte Natural Resources District (CPNRD) has entered into an agreement to develop a watershed plan and environmental assessment document (Watershed Plan-EA) for the Spring and Buffalo Creeks Watershed, under the Watershed and Flood Prevention Operations program administered by the Natural Resources Conservation Service (NRCS). As part of this process, CPNRD is hosting an online public scoping meeting to inform the public of the project and to gather input on the most relevant issues. The online public scoping meeting will be available from Wednesday, October 28, 2020, through Monday, November 30, 2020, at: <http://cpnrd.org>

The Spring and Buffalo Creeks Watershed Plan-EA study area is approximately 266,870 acres. The land is primarily agricultural and consists of grass/pasture and row crops. The city of Lexington is located within the study area, and the communities of Cozad and Overton are immediately adjacent. Spring and Buffalo Creeks have historically experienced flooding. Specifically, significant flooding occurred in March and July 2019 that impacted homes, businesses, infrastructure, and agricultural properties. The Watershed Plan-EA will help identify structural and non-structural alternatives to provide flood damage reduction as well as opportunities for groundwater recharge, threatened and endangered species habitat improvements, and recreation.

This project is being evaluated in accordance with the National Environmental Policy Act (NEPA). The NEPA process includes a written record of the analysis of potential impacts on the environment resulting from the proposed project. Impacts on both the natural and socioeconomic environment are evaluated.

If you or someone you know does not have internet access, information may be obtained through: Jesse Mintken, Assistant Manager, (308) 385-6282 [mintken@cpnrd.org](mailto:mintken@cpnrd.org) | Central Platte Natural Resources District, 215 Kaufman Ave, Grand Island, NE 68803 or John Engel, PE (402) 326-7110 [John.Engel@hdrinc.com](mailto:John.Engel@hdrinc.com) | HDR 1917 S. 67th St., Omaha, NE 68106

Comments on the Watershed Plan-EA will be accepted through November 30, 2020, and can be submitted through the online meeting or the contacts above.

\*\*If you need language assistance Spanish, or another language, please contact Jose Gaytan. \*\*Si necesita asistencia de idiomas en español u otro idioma, póngase en contacto con José Gaytan (308)383-9892 [jggaytan1978@gmail.com](mailto:jggaytan1978@gmail.com)

State of Nebraska }  
County of Dawson } ss.

Heather Heinemann

being by me first duly sworn on oath says that she is employed by the Lexington Clipper-Herald, a newspaper published in Lexington, Nebraska, and personally knows that said newspaper is a legal twice weekly, newspaper under the statutes of the state of Nebraska, having a bonafide circulation of over three hundred copies, has been published in said county for more than fifty-two successive weeks prior to the first publication of the attached notice and is published in said office maintained in the city of Lexington, in said county, which said city is the place of its publication; that the notice hereto attached was published in said newspaper in the regular issues thereof.

That the attached notice has been published 2 consecutive weeks/times in said newspaper, the first publication therefore having been made on the

28 day of October, 2020

and the last publication on the

18 day of November, 2020.

Heather Heinemann  
Subscribed and sworn to before me

Dated this 18 day of November, 2020

Christina K. Wagener  
Notary Public



Fee: \$ 79.77  
For court information only  
(This is not an invoice. Please pay from statement/invoice when billed.)

CL 5624

**NOTICE OF ONLINE  
PUBLIC SCOPING MEETING  
FOR SPRING AND  
BUFFALO CREEKS  
WATERSHED PLAN AND  
ENVIRONMENTAL  
ASSESSMENT**

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The Spring and Buffalo Creeks Watershed Plan-EA study area is approximately 266.870 acres. The land is primarily agricultural and consists of grass/pasture and row crops. The city of Lexington is located within the study area, and the communities of Cozad and Overton are immediately adjacent. Spring and Buffalo Creeks have historically experienced flooding. Specifically, significant flooding occurred in March and July 2019 that impacted homes, businesses, infrastructure, and agricultural properties. The Watershed Plan-EA will help identify structural and non-structural alternatives to provide flood damage reduction as well as opportunities for groundwater recharge, threatened and endangered species habitat improvements, and recreation.

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AFFIDAVIT OF PUBLICATION

THE STATE OF NEBRASKA  
HALL COUNTY

Grand Island Independent

CENTRAL PLATTE NATURAL RESOURCES DIST  
215 KAUFMAN AVE

GRAND ISLAND NE 68803

REFERENCE: 10021900  
20602422  
Spring\_Buffalo Creek WFPO

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*Diane Cook*

PUBLISHED ON:  
10/28/20 11/17/20

TOTAL COST: 89.46  
AD SPACE:

Subscribed in my presence and sworn to before me this 17 th  
day of November, 2020.

My commission expires

Notary Public

NOTICE OF ONLINE PUBLIC  
SCOPING MEETING FOR  
SPRING AND BUFFALO  
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AND ENVIRONMENTAL  
ASSESSMENT

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28-17

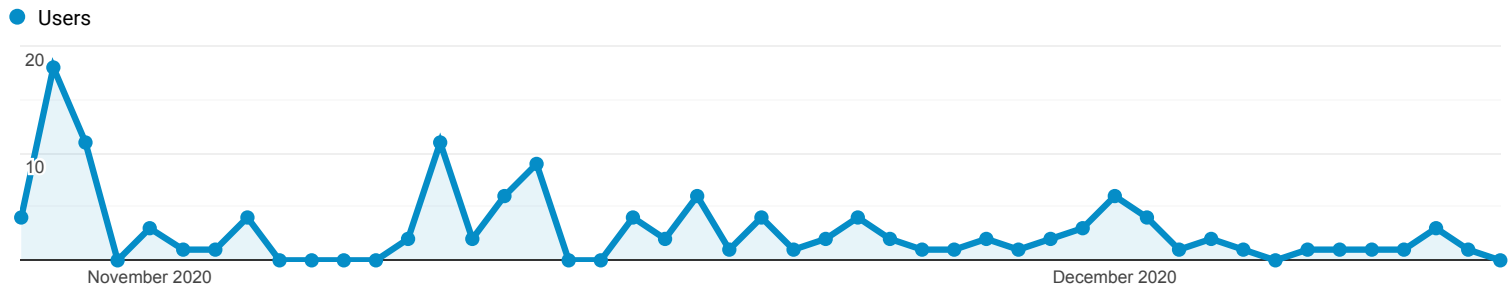


Audience Overview

All Users  
100.00% Users

Oct 28, 2020 - Dec 13, 2020

Overview



Users

88

New Users

81

Sessions

145

Number of Sessions per User

1.65

Pageviews

186

Pages / Session

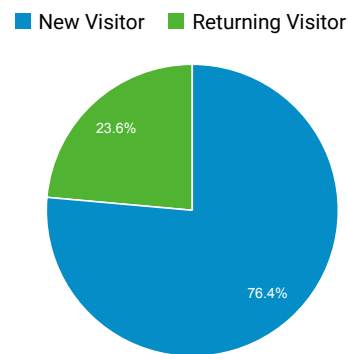
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Avg. Session Duration

00:02:33

Bounce Rate

71.03%



Language		Users	% Users
1.	en-us	81	92.05%
2.	en	6	6.82%
3.	en-gb	1	1.14%

Acquisition Overview

All Users

100.00% Users

Oct 28, 2020 - Dec 13, 2020

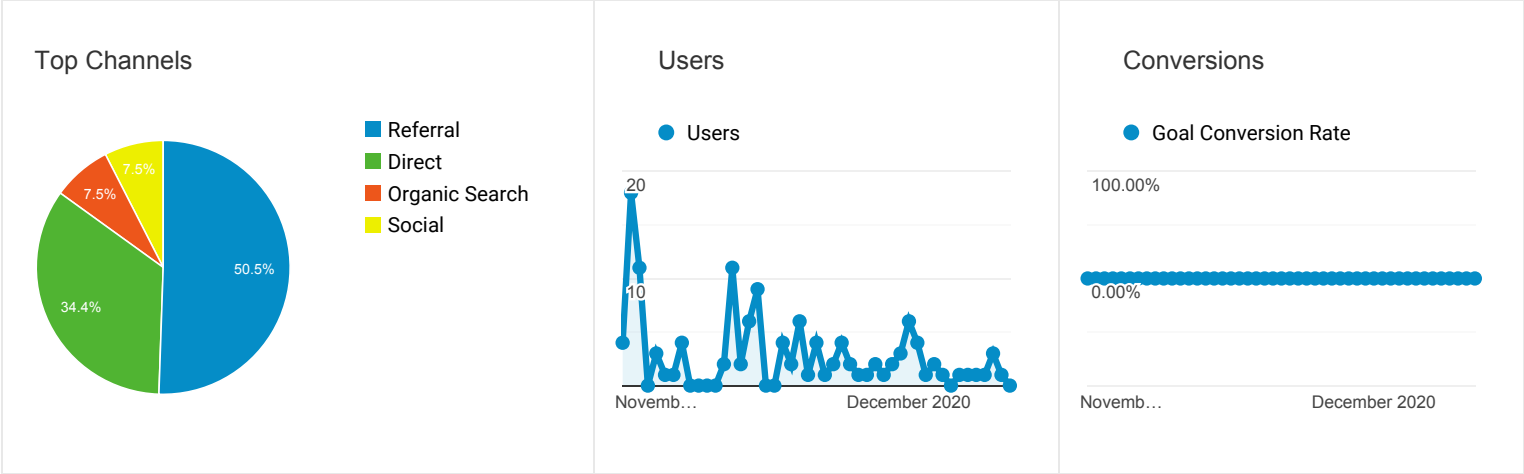
Primary Dimension: 

Top Channels

Conversion: 

All Goals


[Edit Channel Grouping](#)



		Acquisition		Behavior	
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		81	145	1.28	00:02:33
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2	Direct	32		78.05%	
3	Organic Search	7		77.78%	
4	Social	7		85.71%	

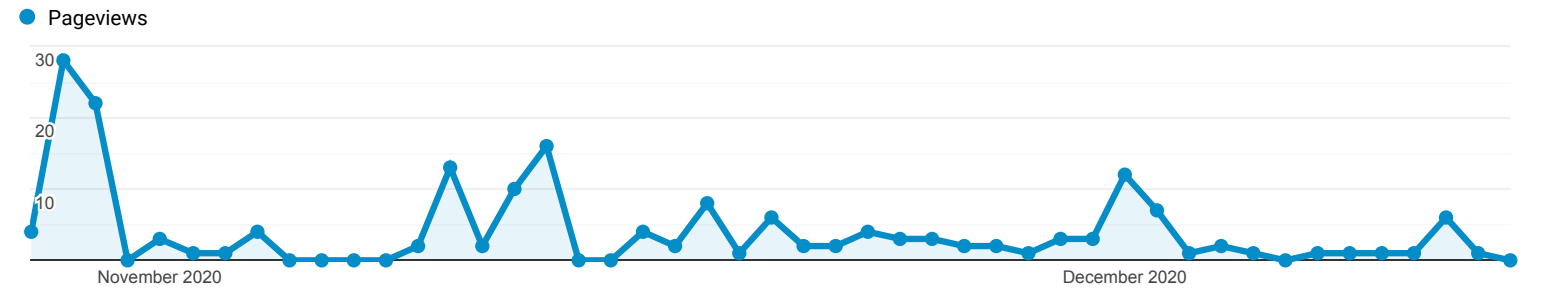
To see all 4 Channels click [here](#).

Overview

 All Users  
100.00% Pageviews


Oct 28, 2020 - Dec 13, 2020

Overview




Pageviews

186




Unique Pageviews

146




Avg. Time on Page

00:08:47




Bounce Rate

71.03%



% Exit

77.42%



Page		Pageviews	% Pageviews
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2.	/stories/156c1ab8ad0344108a13560a17f2cef7?fbclid=IwAR0i4mMaxm1glCXKM9WivNtisaXS_178yVSVaJbo6JlxPrrE_PoklV3sLtc	1	<div></div> 0.54%
3.	/stories/156c1ab8ad0344108a13560a17f2cef7?fbclid=IwAR0Y6e6wtk89zmA9cLk5rLtVhh7mo4FOSfELOqW5j3QTOL1KbXUrPPjagWA	1	<div></div> 0.54%
4.	/stories/156c1ab8ad0344108a13560a17f2cef7?fbclid=IwAR0yvLs3pFbNRsz8yiBrDWB6eFYqNcSPB83zQP7u3K1Nl_AplBDwsj16fjM	1	<div></div> 0.54%
5.	/stories/156c1ab8ad0344108a13560a17f2cef7?fbclid=IwAR10fx9Usx_6KsPtM5hqxjO86apyy0_u2Sbv7fz5vpheV8crqsK0xFyKKAc	1	<div></div> 0.54%
6.	/stories/156c1ab8ad0344108a13560a17f2cef7?fbclid=IwAR3FSHI8VT4dCtnDpd-FznXha4isB2KmpcTJrXoUUGcnyl28U7koBfgfRWI	1	<div></div> 0.54%
7.	/stories/156c1ab8ad0344108a13560a17f2cef7?fbclid=IwAR3UoQ2p81H8PbJyepxqaLLhlct9BEHzdetTo2ZPsdlp2oLAOcettphvHZ8	1	<div></div> 0.54%
8.	/stories/156c1ab8ad0344108a13560a17f2cef7/print	1	<div></div> 0.54%

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, November 27, 2020 8:16:03 AM  
**Last Modified:** Friday, November 27, 2020 8:36:15 AM  
**Time Spent:** 00:20:12  
**IP Address:** 70.57.186.245

---

Page 1

Q1

Contact Information

First and Last Name	Willian Simmerman
Email Address	muniauto@gmail.com

---

Q2

What types of flooding and/or drainage problems have you experienced within the Study Area? (i.e., personal property, agricultural land, irrigation canals, roadways, etc)

Personal Property, Farm ground

---

Q3

How does flooding affect you? Road closures? Loss of utilities (electric/water)?

Basement flooded in July 2019    Residential access was washed out

---

Q4

Do you have any suggestions on approaches or types of solutions to address this flooding?

Cleaning and maintenance of Buffalo Creek. Let Flow get to River easier

---

Q5

Have you experienced groundwater level declines within the Study Area? If so, where, and how has this affected you?

no

---

Q6

Are you aware of any special circumstances that we should be aware of when developing a list of initial solutions to address the flooding problems in the Study Area?

Concerns that Diversion in Platte River affect the flow from nearby creeks.

---

**Q7**

Any other comments or questions for the project team?

At some point I hope you have public inperson meetings to get input and provide everyone with your ideas.

---

**Q8**

**Yes, please follow up with me!**

Would you like someone from the project team to follow up with you?

---

OBJECTID	Comment	CreationDate	Creator	EditDate	Editor	x	y
4	I believe that cleaning and maintenance of Buffalo Creek would help reduce problems. My belief is that it is not going to solve problems if the complete waterway is not cleaned and maintained	11/27/2020 14:24		11/27/2020 14:24		-99.3544542	40.6975913
5	Another issue I have concerns about is the Diversion in the Platte River. I believe this contributes to slowing the discharge from Buffalo Creek	11/27/2020 14:26		11/27/2020 14:26		-99.3516004	40.692434
6	The segment of Spring Creek from Lexington to the mouth on the Platte is always out of channel after a two inch rain if the area soils are saturated. The water tables are high in this area naturally.	11/29/2020 15:04		11/29/2020 15:04		-99.6665727	40.7459734
7	The channel on spring creek below Lexington is too small.	11/29/2020 15:06		11/29/2020 15:06		-99.5455137	40.6914192
8	The ground water tables are high naturally and contribute to flooding easily with saturated soils and	11/29/2020 15:12		11/29/2020 15:12		-99.5489437	40.7046954

## Attachment B. Agency Scoping



Spring and Buffalo Creeks Watershed Plan-EA  
Agency Early Coordination Contacts

FirstName	LastName	JobTitle	Agency	Email	Address	City	State	Zip	Phone
Drue	DeBerry	Field Supervisor	US Fish and Wildlife Service	<a href="mailto:drue_deberry@fws.gov">drue_deberry@fws.gov</a>	9325 South Alda Road	Wood River	NE	68883	(308) 382-6468 ext: 204
Eliodora	Chamberlain	Section 404 Coordinator	US Environmental Protection Agency, Region 7	<a href="mailto:Chamberlain.Eliodora@epa.gov">Chamberlain.Eliodora@epa.gov</a>	11201 Renner Blvd	Lenexa	KS	66219	913-551-7945
John	Moeschen	NE State Program Manager	US Army Corps of Engineers, Omaha Regulatory	<a href="mailto:John.L.Moeschen@usace.army.mil">John.L.Moeschen@usace.army.mil</a>	8901 South 154th Street	Omaha	NE	68138-3636	402-896-0896
Paul	Taylor	Regional Administrator	Federal Emergency Management Administration (FEMA), Region VII	<a href="mailto:paul.taylor@fema.dhs.gov">paul.taylor@fema.dhs.gov</a>	2323 Grand Boulevard, Suite 900	Kansas City	MO	64108-2670	816-283-7061
Jim	Macy	Director	Nebraska Department of Environment and Energy	<a href="mailto:jim.macy@nebraska.gov">jim.macy@nebraska.gov</a>	1200 N Street, Suite 400, PO Box 98922	Lincoln	NE	68509-8922	402-471-2186
Jesse	Bradley	Interim Director	Nebraska Department of Natural Resources	<a href="mailto:jesse.bradley@nebraska.gov">jesse.bradley@nebraska.gov</a>	301 Centennial Mall South, PO Box 94676	Lincoln	NE	68509-4676	402-471-2363
Melissa	Marinovich	G&P Division Assistant Manager	Nebraska Game & Parks Commission	<a href="mailto:melissa.marinovich@nebraska.gov">melissa.marinovich@nebraska.gov</a>	2200 N 33rd Street	Lincoln	NE	68503	402-471-5422
Dannette	Smith	CEO	Nebraska Department of Health and Human Services	<a href="mailto:dannette.smith@nebraska.gov">dannette.smith@nebraska.gov</a>	301 Centennial Mall South	Lincoln	NE	68509	402-471-9433
Gary	Thayer	District 6 Engineer	Nebraska Department of Transportation	<a href="mailto:gary.thayer@nebraska.gov">gary.thayer@nebraska.gov</a>	1321 North Jeffers St, PO Box 1108	North Platte	NE	69103-1108	308-535-8031
Joe	Pepplitsch	City Manager	City of Lexington, NE	<a href="mailto:jpepp@cityoflex.com">jpepp@cityoflex.com</a>	406 E 7th Street, PO Box 70	Lexington	NE	68850	308-324-2341
Nikki	Schwanz	City Administrator	City of Cozad, NE	<a href="mailto:cozadcty@cozadtel.net">cozadcty@cozadtel.net</a>	215 West 8th Street, PO Box 309	Cozad	NE	69130	(308) 784-3907
Jennifer	Freeman	City Clerk	Village of Overton, NE	<a href="mailto:villageofoverton@gmail.com">villageofoverton@gmail.com</a>	PO Box 236	Overton	NE	68863	308-987-2433
Mark	Streit	Surveyor	Dawson County	<a href="mailto:Mark.streit@dawsoncountyne.org">Mark.streit@dawsoncountyne.org</a>	700 North Washington Street, Rm G	Lexington	NE	68850	(308) 324-3541
Mark	Christiansen	Highway Superintendent	Dawson County	<a href="mailto:Mark.christiansen@dawsoncountyne.org">Mark.christiansen@dawsoncountyne.org</a>	700 North Washington Street, Rm H	Lexington	NE	68850	308.324.4256
Chris	Jacobsen	Highway Superintendent	Custer County	<a href="mailto:custerroads@gpcom.net">custerroads@gpcom.net</a>	43700 Ryno Road	Broken Bow	NE	68822	308-872-5132
John	Maul	Highway Superintendent	Buffalo County	<a href="mailto:road@buffalocounty.ne.gov">road@buffalocounty.ne.gov</a>	9730 Antelope Avenue	Kearney	NE	68847	308-236-1237
Brian	Depew	Executive Director	Center for Rural Affairs	<a href="mailto:briand@cfra.org">briand@cfra.org</a>	145 Main St, PO Box 136	Lyons	NE	68038	402-687-2100 x1015
Jason	Farnsworth	Executive Director	Platte River Recovery Implementation Program	<a href="mailto:farnsworthj@headwaterscorp.com">farnsworthj@headwaterscorp.com</a>	411 4th Avenue, Suite 6	Kearney	NE	68845	308-237-5728
Randy	Zach	Water Resources Advisor	Nebraska Public Power District	<a href="mailto:rrzach@nppd.com">rrzach@nppd.com</a>	1414 15th Street, PO Box 499	Columbus	NE	68602-0499	402-563-5377
Chris	Derickson	WS Maintenance and Construction Leader	Nebraska Public Power District	<a href="mailto:cederic@nppd.com">cederic@nppd.com</a>					308-535-5957
Mike	Schmeeckle	Manager	Cozad Ditch Company	<a href="mailto:cozadditch@outlook.com">cozadditch@outlook.com</a>	905 Meridan Ave	Cozad	NE	69130	308.529.0978
Eric	Miller	Attorney	Drainage District Nos. 1 & 2	<a href="mailto:emiller@cozadtel.net">emiller@cozadtel.net</a>	PO Box 229	Cozad	NE	69130	308.784.4580
Joe	Carlson	President	Drainage District No. 4	<a href="mailto:sonoma1@cozadtel.net">sonoma1@cozadtel.net</a>	905 Meridan Ave	Cozad	NE	69130	308.529.2004

## **Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA)**

### **Dawson, Custer, and Buffalo Counties, Nebraska**

#### **INTRODUCTION AND BACKGROUND**

The Central Platte Natural Resources District (the District), in coordination with the US Department of Agriculture – Natural Resources Conservation Service (USDA - NRCS), is initiating the preparation of a Watershed Plan and Environmental Assessment (Plan-EA) for Spring and Buffalo Creeks Watershed in Dawson, Custer, and Buffalo Counties, Nebraska (study area). See attached figure for general project location. The project seeks to provide flood damage reduction within the study area. The project is needed due to the current risk of flood events and the related flood damages occurring as a result of flood events.

The study area has historically produced significant flooding including the most recent March and July 2019 events which resulted in damage and economic losses to Dawson, Custer and Buffalo Counties; the Cities of Cozad and Lexington; the Village of Overton; as well as agricultural properties and canal infrastructure throughout the watershed. The watersheds originate in the rolling hills north of the Platte River Valley, before entering the dissected plains of the Platte River Valley. Sediment erosion, transport, and deposition processes have a tremendous effect on the stream channels themselves, as well as agricultural lands in the surrounding floodplain.

#### **PROJECT DESCRIPTION**

The Spring and Buffalo Creeks Watershed Plan-EA study area is approximately 296,300 acres (see attached figure). Land use in the study area is primarily agricultural and consists of grass/pasture and row crops. The Watershed Plan-EA will also cover the City of Lexington, with a population of 10,024 people, the City of Cozad, with a population of 3,977 people, and the Village of Overton, with a population of 564 people.

The overall goal of this project is to provide flood damage reduction within the study area. The project is needed due to the current risk of flood events and the related flood damages that occur as a result of flood events. The following general alternative concepts have been identified for initial consideration. As part of the Watershed Plan-EA development process, alternatives will be refined based on further study, public feedback and additional exploration of problems and opportunities.

##### **No Action Alternative**

A no action alternative means that no improvements would be implemented. The no action alternative is being evaluated as a baseline comparison for other alternatives.

##### **Structural Measures Alternative**

This alternative consists of new structures to help address issues in the watershed. Structural measures could include:

- Small dams (1 to 20 acres)
- Large dams (21 to 160+ acres)
- Levees/berms
- Channel improvements
- Grassed waterways
- Drainage infrastructure capacity modifications

## Non-Structural Measures Alternative

This alternative consists of ways to address issues in the watershed that do not involve new structures. Non-structural measures could include:

- Watershed best management practices (BMPs), such as cover crop, terracing, and stream buffers
- Flood easements
- Relocations

The Watershed Plan-EA development process involves combines two processes, the National Environmental Policy Act (NEPA) process and NRCS planning process, into one cohesive and more efficient watershed planning process. An EA is a NEPA document that determines whether or not a federal action has the potential to cause significant environmental effects. The EA will generally consist of the need for the proposal; alternatives; the environmental (natural and socioeconomic) impacts of the proposed action and alternatives; and a listing of agencies and persons consulted.

## ANTICIPATED IMPACTS

A wide spectrum of resources will be evaluated including floodplains, fish and wildlife (including threatened or endangered species) habitat, water quality, recreation, public safety, infrastructure and the built environment, socioeconomic resources, Section 4(f) properties, cultural resources, noise, and air quality. Impacts may vary depending on the design elements of the project. Potential impacts will be determined as planning activities continue.

## DEVELOPMENT PROCEDURES

In July 2019, the District requested assistance from the USDA - NRCS under the Watershed and Flood Prevention Operations (WFPO) program to address flood prevention and other resource concerns in the Spring and Buffalo Creek Watersheds. The USDA - NRCS accepted the District's request in March 2020, which initiated the development of the Watershed Plan-EA.

Primary elements of participation in the WFPO program includes:

- Evaluation of options to protect watersheds and vital infrastructure from erosion, floodwater, and sediment.
- NRCS technical assistance with the project feasibility report and the preliminary investigation for flood prevention and other resource concerns.
- NRCS provides financial and technical assistance in planning, design, and construction.
- Can receive up to 100% Federal funding for planning, engineering, and construction depending on the project type.

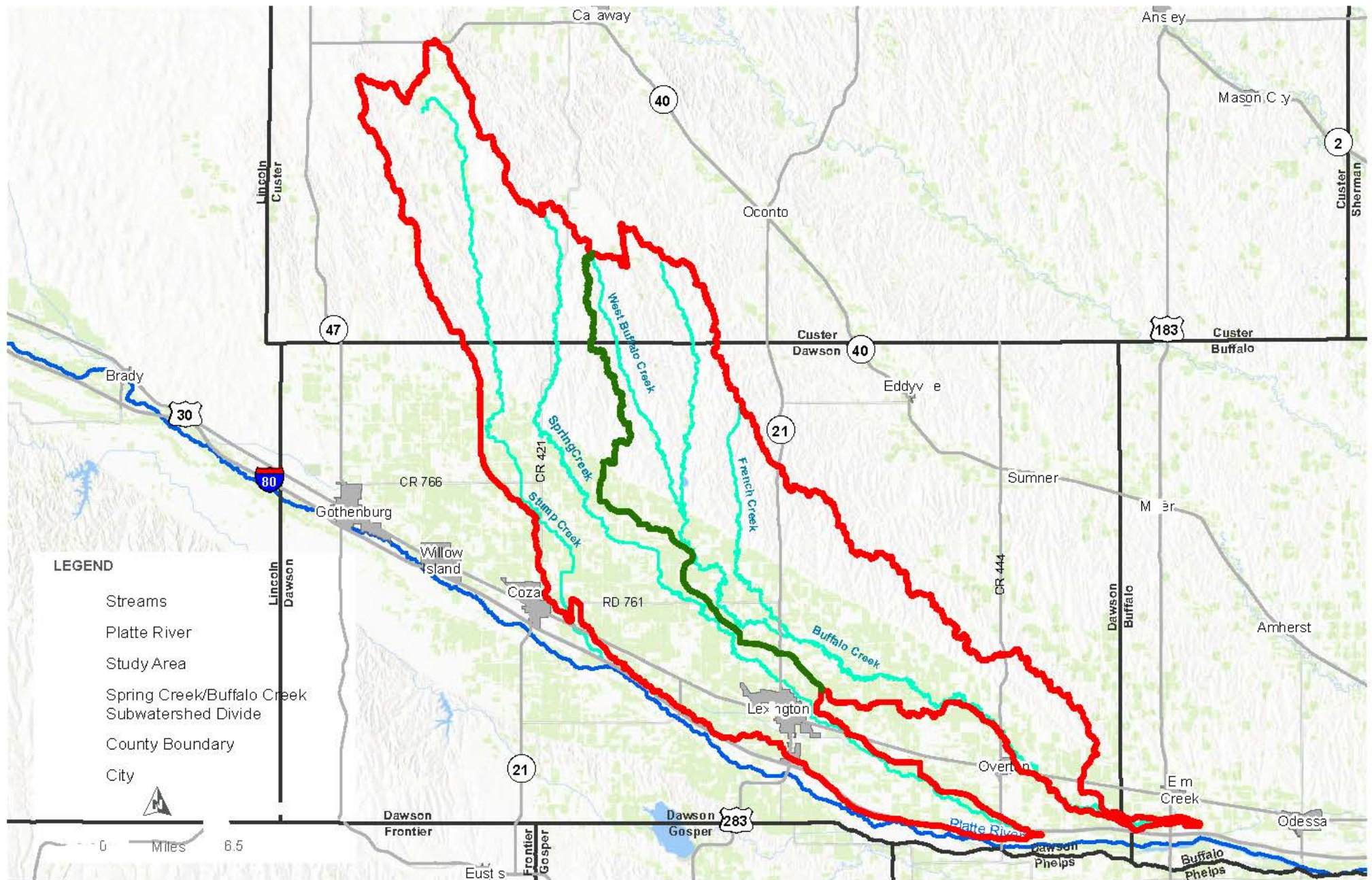
Current regulations governing development of federally funded projects require early coordination with units of government who may have interests in the project or its potential impacts. This is intended to provide early notification of the proposed project and to solicit comments regarding the potential impacts of such an action. Several federal, state and local agencies will also be contacted directly to request their early input as part of the project impact identification process.

## SCHEDULE

The project team takes several steps to analyze the project area and determine what needs to be included in the final Watershed-Plan EA. This process began in August of 2020 and will continue until the publication of the final Environmental Assessment, anticipated to occur in Spring 2022.

In addition to this early coordination, the process of developing the Watershed-Plan EA involves two major opportunities for public, as well as agency comment. First, an online public scoping meeting ([cpnrd.org](http://cpnrd.org)) will be available from October 28 to November 27, 2020, will allow you to provide your input in identifying problem areas in the project area. Once the Draft Watershed Plan-EA is prepared, there will be another public meeting with an opportunity to review and provide comment on the Watershed-Plan EA, anticipated winter 2022.





**PROJECT AREA**  
**SPRING & BUFFALO CREEKS WATERSHED**

**FIGURE 1-1**



DATA SOURCE: Source: ESRI, TIGER, USGS, Orion

**From:** [Jesse Mintken](#)  
**To:** [Engel, John](#)  
**Subject:** FW: Spring & Buffalo Creeks Watershed Plan-EA Public Scoping Meeting Comment  
**Date:** Monday, November 16, 2020 8:44:11 AM

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**From:** Zheng, Shuhai <shuhai.zheng@nebraska.gov>  
**Sent:** Monday, November 9, 2020 10:06 AM  
**To:** Jesse Mintken <mintken@cpnrd.org>  
**Cc:** Ringland, Katie <katie.ringland@nebraska.gov>  
**Subject:** Spring & Buffalo Creeks Watershed Plan-EA Public Scoping Meeting Comment

Hi Jesse,

Just wanted to share with you that we have a current floodplain mapping project in the part of the watershed in Custer County. At this time we are not far enough in the project to be able to share any of the engineering data. Please contact Katie Ringland for additional information about our mapping projects.

We are happy to see your district in conducting the Spring & Buffalo Creek Watershed EA and identifying flood risk reduction measures. If you need information from our agency, please contact us.

Thanks, Shuhai

**Shuhai Zheng, PhD, PE, CFM**  
DIVISION HEAD | ENGINEERING & TECHNICAL SERVICES  
**Nebraska Department of Natural Resources**  
301 Centennial Mall South  
P.O. Box 94676  
Lincoln, Nebraska 68509

CELL 402-471-3936 / FAX 402-471-2900  
[shuhai.zheng@nebraska.gov](mailto:shuhai.zheng@nebraska.gov)

[dnr.nebraska.gov](http://dnr.nebraska.gov)

**From:** [Engel, John](#)  
**To:** [Carrette, Laurie](#); [Pillard, Matt](#)  
**Subject:** FW: The Spring and Buffalo Creeks Watershed Plan-EA study  
**Date:** Friday, November 13, 2020 4:11:35 PM

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**From:** Zheng, Shuhai <shuhai.zheng@nebraska.gov>  
**Sent:** Friday, November 13, 2020 4:02 PM  
**To:** Jesse Mintken <mintken@cpnrd.org>  
**Cc:** Engel, John <John.Engel@hdrinc.com>; Gokie, Tim <tim.gokie@nebraska.gov>  
**Subject:** The Spring and Buffalo Creeks Watershed Plan-EA study

**CAUTION: [EXTERNAL]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jesse,

Our Dam Safety Chief, Tim Gokie would like to provide following comments for your consideration when you develop the Spring and Buffalo Creeks Watershed Plan.

“Aging dams pose a risk of failure and a threat of flooding. There are 43 dams on the Nebraska Dam Inventory in the study area. Twenty-one of the dams are more than 50 years old. Eight dams in the study area, most of them privately owned, are currently listed in poor condition. In addition, fifteen dams are listed as unapproved and cannot be rated due to a lack of information about how they were constructed.

A significant reinvestment will be required to assure the existing dams in the study area continue to provide flood control benefits. New dams should not be constructed in the study area without first looking for opportunities to increase the flood control capacity of existing dams in need of repair. Reinvesting in existing dams to maximize flood control benefits will have the added benefit of reducing flood risk associated with dam failures”.

If you have questions about Tim’s comment, please contact him at [tim.gokie@nebraska.gov](mailto:tim.gokie@nebraska.gov) or myself.

Thanks, Shuhai

**Shuhai Zheng, PhD, PE, CFM**  
DIVISION HEAD | ENGINEERING & TECHNICAL SERVICES

**Nebraska Department of Natural Resources**  
301 Centennial Mall South  
P.O. Box 94676  
Lincoln, Nebraska 68509

CELL 402-471-3936 / FAX 402-471-2900  
[shuhai.zheng@nebraska.gov](mailto:shuhai.zheng@nebraska.gov)

[dnr.nebraska.gov](http://dnr.nebraska.gov)





Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY



Pete Ricketts, Governor

November 18, 2020

ATTN: Mr. Matt Pillard

RE: Spring and Buffalo Creeks Watershed Plan

Dear Mr. Pillard,

The Nebraska Department of Environment and Energy (NDEE) has reviewed the above referenced project. As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirements or permits:

	<u>Contact</u>	<u>Phone</u>
Air Quality	Lindsey Hollmann	(402) 471-4212
Construction Storm Water	Reuel Anderson	(402) 471-1367
Wastewater	Hillary Stoll	(402) 471-4252
Water Quality	Dane Pauley	(402) 471-1056
Waste Disposal	Erik Waiss	(402) 471-8308

**Air Quality:** Fugitive Dust Title 129 Chapter 32 regulations shall apply to all demolition, grading, and construction activities.

**Construction Storm Water:** Since the project could disrupt acreage above one acre, the Department would require a Construction Storm

Water Permit (CSW), General Permit (GP). The notice of intent (NOI) will require an endangered species evaluation. The project may also require a NPDES dewatering general permit (NEG671000)

**Wastewater:** No comments for this project.

**Water Quality:** This project is on a Title 117 stream and is impairment for E. coli and aquatic life. The project will be required to comply with § 401 of the Clean Water Act of 1977, as amended by the Water Quality Act of 1987, and Nebraska Titles 120 and 117.

Wetland and stream impacts may occur in this project. If the project will result in a possible discharge of dredge and fill material into federally jurisdictional waters, a 404 Permit from US Army Corps of Engineers, 401 Water Quality Certification from NDEE, and compensatory mitigation may be required. It is recommended that during the project planning phase the applicant contact the Section 401 Program Coordinator at NDEE to discuss the project to ensure that it will not violate Nebraska Title 117 Water Quality Standards for Wetlands.

The project is located within a Wellhead Protection (WHP) area, check with the city of Lexington to see if they have ordinances within their WHP boundaries.

Below is information on the water quality status of the watershed and suggestions to consider in conducting the resources inventory and developing the watershed plan.

Spring Creek (MP2-20300) is identified in the 2018 Nebraska Integrated Report as being impaired for recreational use by E. coli bacteria and for aquatic life use by ammonia. The Middle Platte River (segment MP2-20000), the receiving water for Spring Creek, is identified in the 2018 Nebraska Integrated Report as meeting all of its



designated use and assessed to be unimpaired, However, a TMDL for coliform bacteria was approved for this segment of the Platte River in 2003.

NDEE currently supports implementation of a watershed management plan in the nearby South Loup River watershed. Projects in that watershed focus on abating runoff of E. coli bacteria that impair the recreation use of the South Loup River. To the extent possible, we encourage that the Spring Creek/Buffalo Creek plan be comparable to the South Loup watershed management plan that addresses the nine elements of a successful watershed plan as identified by EPA. Specifically, we encourage the identification of nonpoint source pollutant sources, quantification of nonpoint source pollutant loads and calculation of the reduction of pollutant loads necessary to achieve water quality standards in Spring Creek. Further, we encourage strong consideration for using non-structural conservation practices to reduce flooding as well as reducing pollutant runoff.

**Waste Disposal:** No Waste Permit Required. As this is a plan being implemented to study the area and evaluate risk, not actual earthworks, the following is rough guidance on future activity.

All waste generated or discovered on site must be properly handled, contained, and disposed as per all applicable regulations found in [NE Title 128 - Nebraska Hazardous Waste Regulations](#) and [NE Title 132 - Integrated Solid Waste Management Regulations](#). This includes proper waste determinations and characterization before disposal.

If you have questions about the permitting process, or any other questions, feel free to contact me at [sam.capps@nebraska.gov](mailto:sam.capps@nebraska.gov), (402) 471-2588, or contact the individual listed above. For more information, please visit our website at [deq.ne.gov](http://deq.ne.gov)

Sincerely,

A handwritten signature in black ink, appearing to read 'Samantha Capps', with a stylized, flowing script.

**Samantha Capps**  
PROGRAM ASSOCIATE II  
EMERGENCY RESPONSE

**From:** [Joe Pepplitsch](#)  
**To:** [Pillard, Matt](#)  
**Cc:** [Jesse Mintken](#); [Vaughn, Richard - NRCS, Lincoln, NE](#)  
**Subject:** RE: Spring and Buffalo Creeks Watershed Plan and Environmental Assessment - Early Coordination  
**Date:** Monday, November 23, 2020 3:17:09 PM

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Matt and Jesse,

Are the comments I shared with HDR in July and August of this year early sufficient for the City of Lexington's comments requested below?

Joe Pepplitsch  
City Manager  
406 E 7<sup>th</sup> Street  
Lexington, NE 68550  
308-324-2341 Phone  
308-325-4682 Cell  
308-324-4590 Fax

---

**From:** Pillard, Matt <Matt.Pillard@hdrinc.com>  
**Sent:** Thursday, October 29, 2020 10:57 AM  
**To:** Pillard, Matt <Matt.Pillard@hdrinc.com>  
**Cc:** Jesse Mintken <mintken@cpnrd.org>; Vaughn, Richard - NRCS, Lincoln, NE <richard.vaughn@usda.gov>  
**Subject:** Spring and Buffalo Creeks Watershed Plan and Environmental Assessment - Early Coordination

Dear agency representative:

For the purpose of complying with the National Environmental Policy Act (NEPA), the Central Platte Natural Resources District (the District), in coordination with the US Department of Agriculture – Natural Resources Conservation Service (NRCS), is initiating the preparation of a Watershed Plan and Environmental Assessment (Plan-EA) for Spring and Buffalo Creeks Watershed in Dawson, Custer, and Buffalo Counties, Nebraska.

As a part of early coordination, we are requesting comments from your agency regarding the proposed project as it relates to your agency's area of expertise. The comments and material you supply will be used to determine if the proposed project may have impacts that warrant further consideration and are consistent with future long-term development plans within the watersheds. Your comments will be incorporated into the environmental planning process and Environmental Assessment document as appropriate.

The attached information should help you understand the nature of the project. A response would be appreciated within 30 days of receipt of this letter. If you have any questions about the project please contact Matt Pillard, HDR, at 402.399.1186 or by email at [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com) or Jesse Mitken, Assistant General Manager, the District, at 308-385-6282 or by email at [mitken@cpnrd.rog](mailto:mitken@cpnrd.rog).

Matt Pillard, AICP  
*Senior Environmental Planner*

HDR  
1917 S. 67<sup>th</sup> Street  
Omaha, NE, 68106  
D 402.399.1186 M 402.660.7998  
[matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com)

[hdrinc.com/follow-us](http://hdrinc.com/follow-us)



2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641

November 24, 2020

Matt Pillard  
HDR  
1917 S. 67<sup>th</sup> Street  
Omaha, NE 68106

**Re: Scoping Comments for the Spring and Buffalo Creeks Watershed Plan – Environmental Assessment (Plan-EA)**

Dear Mr. Pillard:

Please make reference to your letter dated October 29, 2020. This letter is in response to your request for technical assistance regarding the proposed project and the potential impacts it may have on endangered and threatened species. As we understand it, the Plan-EA is being developed to address flood damage reduction solutions within the Spring and Buffalo Creeks Watershed within Buffalo, Custer, and Dawson Counties, Nebraska. As requested in your email dated October 29, we offer the following scoping comments for consideration during development of the Watershed Plan and Environmental Assessment (Plan-EA).

General comments on the Plan-EA

- Non-structural measures are the preferred methods NGPC would like to see used in this plan. The implementation of natural flood risk reduction solutions such as wetlands, stream buffers, cover crops, and terraces would provide water storage and improve water quality.
- NGPC supports maintaining the natural hydrology of the system. The construction of reservoirs, basins, levees, dams and other storage structures change the natural function of streams. Creation of these structures need to provide considerable benefit if we are to support them over non-structural alternatives.
- If the intent to create reservoirs is for recreational purposes, we would recommend that they be designed that the watershed to reservoir surface area ration is low. When a reservoir is too small for a watershed it will be subject to water quality issues, harmful algae blooms, and will not support a desired fishery.

**Endangered and Threatened Species**

The proposed study area falls within the range of the state and federally listed endangered blowout penstemon (*Penstemon haydenii*), interior least tern (*Sternula antillarum athalassos*), and whooping crane (*Grus americana*); the state and federally listed threatened American burying beetle (*Nicrophorus americanus*), northern long-eared bat (*Myotis septentrionalis*), piping plover (*Charadrius melodus*), and western prairie fringed orchid (*Platanthera praeclara*); and the state-listed threatened finescale dace (*Phoxinus neogaeus*), northern redbelly dace (*Phoxinus eos*), river otter (*Lontra Canadensis*), and small white lady's slipper (*Cypripedium candidum*).

### Blowout Penstemon

Blowout penstemon is the rarest plant species native to the Great Plains (Nebraska Game and Parks Commission 1997). It grows only in open, sandy habitat of blowouts. It blooms in May and June and has large lavender flower heads. They can grow up to 2 feet in height. After blooming, this plant can still be identified by a qualified biologist.

We recommend that before construction, the area be surveyed for suitable habitat. Suitable habitat is blowouts; rounded wind-excavated depressions in dune tops. If no suitable habitat is found, document these findings with photographs and submit to Kristal Stoner at NGPC with a request for a “No Effect” determination. If suitable habitat is found, surveys for blowout penstemon need to be completed by a qualified biologist. These surveys should be completed in suitable habitat in the area directly impacted by the excavation as well as areas that will be used as temporary roads to access the sites. If assistance is needed to accomplish vegetation surveys, please contact Kristal Stoner or Gerry Steinauer at NGPC.

Nebraska Game and Parks Commission. 1997. *Nebraska’s Threatened and Endangered Species: Blowout Penstemon*. Nebraska Game and Parks Commission. Lincoln, NE.

### Interior Least Tern and Piping Plover

The least tern is a state and federally listed endangered species. The piping plover is a state and federally listed threatened species. Both species nest on un-vegetated or sparsely vegetated sandbars in river channels and can also utilize sandpits. The nesting season for the least tern and piping plover is from April 15 through August 15. Channel constrictions and obstructions that disrupt natural flows in the river and influence sandbar complexes in the river limit potential habitat for these birds. Depletions of instream flows from the Platte River may also have negative impacts. Human activity in the vicinity of feeding and nesting habitats can disturb least terns and piping plovers.

It is important that construction will not interfere or disturb least terns or piping plovers during nesting season. If construction must occur during the breeding season all attempts must be made to minimize disturbance to the surrounding area. Subsequently, should construction take place within 0.25 miles of the Loup River, the Commission requests that surveys be completed to determine if potential nesting habitat (sandbar) is within 0.25 miles of construction. If potential habitat is within this distance of construction, the Commission requests that surveys be completed for least tern and piping plover nesting three times per week according to the standardized protocol developed by Nebraska Department of Roads. If there are topographic features or visual obstruction between the construction site and the Loup River, the Commission requests that photographic documentation be provided and request to reconsider the survey requirement.

### Whooping Crane

Whooping crane is a federally and state listed endangered species. Whooping cranes use shallow, sparsely vegetated streams, rivers, and wetlands to feed and roost during their migration. They also frequently stopover near ponds and lakes, and may feed in crop fields or hay meadows that are in close proximity to roosting locations. The migration period in Nebraska is approximately March 6 through April 29 and from October 9 through November 15. In addition, a 3-mile wide, 56 mile long reach of the Platte River from Lexington to Shelton, Nebraska has been federally listed as critical habitat for whooping cranes. Alterations to feeding and roosting habitats, human disturbance (i.e. noise, construction-related activities, infrastructure, etc.) and depletions of instream flows have negative impacts on whooping cranes. Although the project area falls within the migration corridor, impacts are not anticipated due to lack of suitable habitat.

### American Burying Beetle

The American burying beetle (*Nicrophorus americanus*) is a member of the carrion beetle family Silphidae. They are an important part of the nutrient cycling process as they recycle decaying materials back into the ecosystem. These beetles are nocturnal and search widely for carrion. This species is found in a variety of habitats including grassland prairie, forest edge, scrubland and mesic areas such as wet meadows, streams, and wetlands. Carrion availability is a more important component of habitat than a specific type of vegetation. The causes for the decline of this species are complex and remain unresolved, but likely relate to habitat fragmentation, use of artificial lighting, and degradation of habitats that result in declines of small birds and mammals (200 grams or less) that the American burying beetle uses for reproduction purposes (Nebraska Game and Parks Commission 1995). In Nebraska, the American burying beetle has been observed from April 1 to October 29, with peak periods of activity extending from June through August.

Nebraska Game and Parks Commission. 1995. *Nebraska's Threatened and Endangered Species: American Burying Beetle*. Nebraska Game and Parks Commission, Lincoln, Nebraska.

### Northern Long-eared Bat

During the summer, northern long-eared bats (NLEB) typically roost singly or in colonies underneath bark or in cavities, crevices or hollows of live and dead trees and/or snags (typically  $\geq 3$  inches dbh). This species of bat seems opportunistic in selecting roosts, using trees based on the presence of cavities, crevices or peeling bark. They forage on insects in upland and lowland woodlots and tree lined corridors. NLEBs typically overwinter in hibernacula that include caves and abandoned mines, but may also use other structures resembling caves or mines, such as abandoned railroad tunnels, storm sewer entrances, dry wells, aqueducts and other similar structures. To avoid adverse impacts to NLEB, Nebraska Game and Parks Commission staff recommend that any tree clearing, which may be required as part of this project, be timed to avoid potential impacts to NLEB during the summer maternity roosting period (June 1 – July 31).

### Western Prairie Fringed Orchid

Western prairie fringed orchid is a state and federally listed threatened species. Western prairie fringed orchid occurs in native tall or mixed-grass prairies that are associated with wet meadows. Although the plant can be a colonizer species and grow on disturbed areas, it is found in greatest abundance on high quality prairie. This plant blooms in late June to July. Declines in western prairie fringed orchid populations have been caused by the drainage and conversion of its habitat to agricultural production, channelization, siltation, road and bridge construction, over-grazing, and the application of herbicides. Impacts to this plant may be caused by alterations to the hydrology of sub-irrigated wetland areas along the Platte River resulting from depletions to the Platte River system.

### Finescale Dace and Northern Redbelly Dace

The finescale dace and northern redbelly dace are members of the minnow family. Both fish range in size from 2-5 inches, but on average, finescale dace are larger than redbelly dace. The finescale dace has a brown-gray back and each side has an iridescent, silvery band with a dark, thick gold-orange stripe beneath it. It has a stout body and a large mouth. The northern redbelly dace has an olive-brown colored back, and each side has an iridescent, silvery band in between two dark bands. Redbelly dace have cream to yellow colored bellies, except for breeding males whose bellies are yellow-orange to red. In Nebraska, these two dace species are often found together in the headwaters of clear, cool, high quality streams. Spawning periods are dependent on water temperature. Finescale dace spawn from

April to June and redbelly dace spawn from May to August (Nebraska Game and Parks Commission 2013). These species would be impacted by a reduction in flows or impairment of stream quality.

Nebraska Game and Parks Commission. 2013. *Nebraska's Threatened and Endangered Species: Northern Redbelly & Finescale Dace*. Nebraska Game and Parks Commission, Lincoln, Nebraska.

#### River Otter

River otter is a state-listed threatened species. River otters require a large amount of space to meet their annual requirements. During a year, an otter may occupy 50 or more miles of stream course and will often move from one area to another. River otters are most often active from early evening through early morning, but may also be active during the day. This is a highly mobile species, and if present, is likely to leave during disturbance. However, otters are susceptible when they have young pups in the natal den. In Nebraska, female otters enter the natal den beginning in late February through April. The pups are helpless until about seven weeks of age. River otters use dens that were dug by other species such as beaver and utilize upland dens that can be up to ½ mile from the nearest water body (i.e. river, stream, wetland, lake, pond, sandpit, etc.).

#### Small White Lady's Slipper

Small white lady's slipper is a state threatened species. The small white lady's slipper grows in clumps with one flower at the tip of a flowering stem consisting of a white, pouch-shaped "slipper." This insect pollinated plant is found in moist to wet prairies, fens and sedge meadows. This orchid flowers from mid-May to June in Nebraska.

#### Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Under the Eagle Act, "take" of eagles, their parts, nests or eggs is prohibited without a permit issued by the Secretary of the Interior. Disturbance resulting in injury to an eagle or a decrease in productivity or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior is a form of "take."

Bald eagles use mature, forested riparian areas near rivers, streams, lakes, and wetlands and occur along all the major river systems in Nebraska. The bald eagle southward migration begins as early as October and the wintering period extends from December-March. Additionally, many bald and golden eagles nest in Nebraska from mid-February through mid-July. Disturbances within 0.5-miles of an active nest or within line-of-sight of the nest could cause adult eagles to discontinue nest building or to abandon eggs. Both bald and golden eagles frequent river systems in Nebraska during the winter where open water and forested corridors provide feeding, perching, and roosting habitats, respectively. The frequency and duration of eagle use of these habitats in the winter depends upon ice and weather conditions. Human disturbances and loss of wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These affects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species.

#### Migratory Bird Treaty Act

Under the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 *as amended*) (MBTA) construction activities in grassland, wetland, stream, woodland, and river bank habitats that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the

forementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10. For more information about the MBTA and avoiding impacts to migratory birds, or to report active bird nests that cannot be avoided by planned construction activities, please contact Nebraska Field Office, U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, NE 68883.

#### Depletions

The Platte River Recovery Implementation Program (Program) was signed in 2006 by the governors of Colorado, Nebraska and Wyoming. The Program addressed Endangered Species Compliance for water users in the Platte River basin upstream of the Loup River confluence in Nebraska for effects on endangered and threatened species and critical habitat. Due to the cumulative effects of many water depletion projects in the Platte River basin, the Commission considers any depletion of flows (direct or indirect) from the Platte River system to be significant. It is recommended that the potential for instream flow depletions be addressed to determine what, if any, impacts the proposed actions may have on the Lower Platte River system.

#### Biologically Unique Landscape (BUL)

The **Central Loess Hills** occupy the loess hills region of central Nebraska which includes the agricultural areas and communities within the project area of the proposed Mud Creek Watershed Improvement Plan. The landscape consists of rolling to steep loess hills, dissected by the valleys of the Loup River system. The hills are now a mosaic of mixed-grass prairie and cropland. Lack of grazing managed for biological diversity values, exotic plant invasion, and herbicide spraying have degraded the majority of prairies. The flatter tablelands of this landscape contain playa wetlands that are used by whooping cranes and numerous other aquatic birds during migration. The northern portion of the study area can be found within the Central Loess Hills. More information on this and other BULs can be found in The Nebraska Natural Legacy Project – State Wildlife Action Plan located at <http://outdoornebraska.gov/naturallegacyproject/>.

The **Central Platte River** includes the Platte River channel and the floodplain from central Dawson County eastward to central Hamilton County. The central Platte River is a large, shallow, braided stream. Sandbars and wooded islands are common within the channel. Much of the stream-bank is also wooded, with cottonwood and eastern red-cedar as dominants. Sand pits are common along the river, many with housing developments. Most of the river floodplain is in cropland, though there are scattered wet meadows in areas. Sand dune grasslands occur on the south side of the river in areas.

The spring staging of Sandhill cranes on the Platte River is a world-renowned phenomenon. Each spring more than 500,000 cranes concentrate on the central Platte, roosting in the tens of thousands at scattered sites and foraging in adjacent cornfields and meadows. The loss of Platte River staging habitat is the most significant threat to the mid-continental crane population. The central Platte River is also an important spring waterfowl and shorebird migration stopover point in the central flyway. Five federal and/or state listed species occur along the Central Platte, including the whooping crane, interior least tern, piping plover, bald eagle, and river otter. This reach of the Platte is designated as critical habitat for whooping cranes. The Platte River Whooping Crane Maintenance Trust, the Audubon Society, The Nature Conservancy, and the Nebraska Game and Parks Commission own and manage a number of protected areas within this BUL.

The following NGPC properties can be found within the Plan-EA study area: Bittern's Call WMA, Blue



Hole WMA, Darr WMA, Dogwood WMA, and Overton WMA. Any NGPC property within or adjacent to the study area should not be negatively affected or altered. We would expect close coordination on any parts of this project if possible impacts would be anticipated to our properties.

This information is being provided based on a review of the material you sent, aerial photographs, and our Nebraska Natural Heritage Database. Please note this correspondence does not satisfy requirements of Neb. Rev. Stat. §37-807 (3) of the Nongame and Endangered Species Conservation Act. Under authority of Neb. Rev. Stat. §37-807 (3), all Nebraska state agencies are required to consult with the Commission to ensure any actions authorized, funded or carried out by them do not jeopardize the continued existence of a state listed species. This requirement would extend to any permit issued or authorized by a state agency.

Thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me at (402) 471-5423 or [shannon.sjolie@nebraska.gov](mailto:shannon.sjolie@nebraska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Sjolie', with a stylized flourish at the end.

Shannon Sjolie  
Environmental Analyst Supervisor  
Planning and Programming Division

ec: USFWS (Jeff Runge)

**From:** [Chamberlain, Eliodora](#)  
**To:** [Pillard, Matt](#)  
**Cc:** [Weilert, Steven](#)  
**Subject:** RE: Spring and Buffalo Creeks Watershed Plan and Environmental Assessment - Early Coordination  
**Date:** Wednesday, November 25, 2020 5:25:34 PM  
**Attachments:** [image003.jpg](#)

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**CAUTION: [EXTERNAL]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

I reviewed the cover letter. As the Nebraska 404 Coordinator, I reviewed the documents for any CWA Section 404 issues or concerns. If there are jurisdictional waters and/or wetlands of the United States impacted by any proposed actions, we recommend early 404 coordination with our Program, and would be delighted to be on any 404 Pre-application calls or site visits. We highly recommend the use of the 404 Pre-application process to go over any details, comments and concerns prior to the permit application being submitted. It appears the structural alternatives have a high potential to require a 404 permit.

We have found that early coordination gives us the opportunity to provide our comments early, and if they are addressed it often eliminates the need for us to comment when the PN is out for review. We advise avoiding and minimizing impacts to wetlands and streams as much as possible before determining the amount of compensatory mitigation that is required. During the avoidance and minimization process, we recommend following the 404(b)(1) Guidelines. After avoiding and minimizing impacts to wetlands and streams, if mitigation is needed, the 2008 Mitigation Rule gives preference to mitigation being provided by an available CWA 404 mitigation bank, then an in-lieu-fee program before permittee responsible mitigation. We recommend the mitigation should follow the Corps' mitigation guidelines for Nebraska, and if permittee responsible mitigation is approved by the Corps, to occur in the same HUC 8 or smaller watershed as the location of the project impacts.

We thank you for the opportunity to review and provide comments. If you have any questions relating to CWA Section 404, please feel free to contact me.

Eliodora Chamberlain



**Cruise through our Region 7 ESTP Sharepoint Site**

(<https://usepa.sharepoint.com/sites/R7/WWPD/WPIB/ESTP/Forms/AllItems.aspx>)!

Save a Spot on your calendars for these upcoming Region 7 ESTP Activities:

vNov 2, 2020: R7 CWA 401 Work Group Discussion #2 on Nationwide Permits

vNov 9, 2020: R7 WPDG Grantees give presentation with ASWM

vNov 5, 2020 : FY20 & FY21 WPDG Tribal Set-Aside RFA release **DUE 1/15/2021**

Nov. 30, 2020: ESTP CEF Revisions Webinar

TBD 2021: FY21 Region 7 WPDG RFA release

1<sup>st</sup> or 2<sup>nd</sup> week of May 2021: Corps Wetland Delineation Training

May 24-28, 2021: 2021 NWCA Training

Nov 2-4, 2021: Region 7 ESTP Conference

---

**From:** Pillard, Matt <Matt.Pillard@hdrinc.com>

**Sent:** Thursday, October 29, 2020 10:57 AM

**To:** Pillard, Matt <Matt.Pillard@hdrinc.com>

**Cc:** Jesse Mintken <mintken@cpnrd.org>; Vaughn, Richard - NRCS, Lincoln, NE <richard.vaughn@usda.gov>

**Subject:** Spring and Buffalo Creeks Watershed Plan and Environmental Assessment - Early Coordination

Dear agency representative:

For the purpose of complying with the National Environmental Policy Act (NEPA), the Central Platte Natural Resources District (the District), in coordination with the US Department of Agriculture – Natural Resources Conservation Service (NRCS), is initiating the preparation of a Watershed Plan and Environmental Assessment (Plan-EA) for Spring and Buffalo Creeks Watershed in Dawson, Custer, and Buffalo Counties, Nebraska.

As a part of early coordination, we are requesting comments from your agency regarding the proposed project as it relates to your agency's area of expertise. The comments and material you supply will be used to determine if the proposed project may have impacts that warrant further consideration and are consistent with future long-term development plans within the watersheds. Your comments will be incorporated into the environmental planning process and Environmental Assessment document as appropriate.

The attached information should help you understand the nature of the project. A response would be appreciated within 30 days of receipt of this letter. If you have any questions about the project please contact Matt Pillard, HDR, at 402.399.1186 or by email at [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com) or Jesse Mitken, Assistant General Manager, the District, at 308-385-6282 or by email at [mintken@cpnrd.org](mailto:mintken@cpnrd.org).

Matt Pillard, AICP  
*Senior Environmental Planner*

HDR  
1917 S. 67<sup>th</sup> Street  
Omaha, NE, 68106  
D 402.399.1186 M 402.660.7998  
[matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com)

[hdrinc.com/follow-us](http://hdrinc.com/follow-us)

## Attachment C. Tribal Scoping

Spring and Buffalo Creeks Watershed Plan-EA  
Tribal Early Coordination Contacts

First Name	Last Name	Tribe	Address	City	State	Zip
Boyd	Gourneau	Lower Brule Sioux Tribe	187 Oyate Circle	Lower Brule	SD	57548
Sherman	Isaac	Omaha Tribe of Nebraska	PO Box 368	Macy	NE	68039
Wright, Jr.	Larry	Ponca Tribe of Nebraska	2523 Woodbine Street PO Box 288	Niobrara	NE	68760
Spoonhunter	Lee	Northern Arapaho Tribe	PO Box 396	Fort Washakie	WY	82514
Mark	Fox	Mandan, Hidatsa, and Arikara Nation	404 Frontage Road	New Town	ND	58763
Oliver	Little Cook	Ponca Tribe of Indians of Oklahoma	20 White Eagle Drive	Ponca City	OK	74601
Reggie	Wassana	Cheyenne & Arapaho Tribes of Oklahoma	PO Box 38	Concho	OK	73022
Rynalea	Whiteman Pena	Northern Cheyenne Tribe	PO Box 128	Lame Deer	MT	59043
Julian	Bear Runner	Ogalala Sioux Tribe	PO Box 2070	Pine Ridge	SD	57770
Rodney	Bordeaux	Rosebud Sioux Tribe	PO Box 430	Rosebud	SD	57570
Walter	Echo-Hawk	Pawnee Nation of Oklahoma	881 Little Dee Drive	Pawnee	OK	74058

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Mr. Julian Bear Runner, President  
Oglala Sioux Tribe  
P.O. Box 2070  
Pine Ridge, South Dakota, 57770

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

President Bear Runner:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

The plan-EA is in the initial stages of development, and as part of the early coordination efforts we are requesting comments from your Tribe regarding the proposed project. The comments and material you supply will be used to determine if the proposed project may have impacts that warrant further consideration and are consistent with future long-term development plans within the watersheds. Your comments will be incorporated into the environmental planning process and Environmental Assessment document as appropriate. We kindly request that you provide your comments on this undertaking within 30 days of receiving this letter. In addition to coordinating with federal, Tribal, state, and local agencies, a public comment period will be open from October 28-November 27.



The initial area of potential effects (APE) includes the entire watershed as depicted on the enclosed map (Enclosure A), but the APE will be refined as the planning process progresses and a preferred alternative is selected. The enclosed document (Enclosure B) provides additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the plan-EA. Archeological surveys will take place after a preferred alternative is selected and the final area of potential effects is determined. Additional NHPA Section 106 consultation will occur throughout the NEPA process, including the submission of the archeological survey report for review when available. Presently we are asking for general information regarding resources of concern within the APE.

Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING**

Digitally signed by ALLEN  
GEHRING

Date: 2020.10.22 07:47:50 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Thomas Brings, Tribal Historic Preservation Officer, Oglala Sioux Tribe, SD  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS



**Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA)  
Dawson, Custer, and Buffalo Counties, Nebraska  
Early Coordination Information Packet**

## INTRODUCTION AND BACKGROUND

The Central Platte Natural Resources District (the District), in coordination with the US Department of Agriculture – Natural Resources Conservation Service (USDA - NRCS), is initiating the preparation of a Watershed Plan and Environmental Assessment (Plan-EA) for Spring and Buffalo Creeks Watershed in Dawson, Custer, and Buffalo Counties, Nebraska (study area). See attached figure for general project location. The project seeks to provide flood damage reduction within the study area. The project is needed due to the current risk of flood events and the related flood damages occurring as a result of flood events.

The study area has historically produced significant flooding including the most recent March and July 2019 events which resulted in damage and economic losses to Dawson, Custer and Buffalo Counties; the Cities of Cozad and Lexington; the Village of Overton; as well as agricultural properties and canal infrastructure throughout the watershed. The watersheds originate in the rolling hills north of the Platte River Valley, before entering the dissected plains of the Platte River Valley. Sediment erosion, transport, and deposition processes have a tremendous effect on the stream channels themselves, as well as agricultural lands in the surrounding floodplain.

## PROJECT DESCRIPTION

The Spring and Buffalo Creeks Watershed Plan-EA study area is approximately 266,870 acres (see attached figure). Land use in the study area is primarily agricultural and consists of grass/pasture and row crops. The Watershed Plan-EA will also cover the City of Lexington, with a population of 10,024 people, the City of Cozad, with a population of 3,977 people, and the Village of Overton, with a population of 564 people.

The overall goal of this project is to provide flood damage reduction within the study area. The project is needed due to the current risk of flood events and the related flood damages that occur as a result of flood events. The following general alternative concepts have been identified for initial consideration. As part of the Watershed Plan-EA development process, alternatives will be refined based on further study, public feedback and additional exploration of problems and opportunities.

### No Action Alternative

A no action alternative means that no improvements would be implemented. The no action alternative is being evaluated as a baseline comparison for other alternatives.

### Structural Measures Alternative

This alternative consists of new structures to help address issues in the watershed. Structural measures could include:

- Small dams (1 to 20 acres)
- Large dams (21 to 160+ acres)
- Levees/berms
- Channel improvements
- Grassed waterways
- Drainage infrastructure capacity modifications

## Enclosure B

### Non-Structural Measures Alternative

This alternative consists of ways to address issues in the watershed that do not involve new structures. Non-structural measures could include:

- Watershed best management practices (BMPs), such as cover crop, terracing, and stream buffers
- Flood easements
- Relocations

The Watershed Plan-EA development process involves combines two processes, the National Environmental Policy Act (NEPA) process and NRCS planning process, into one cohesive and more efficient watershed planning process. An EA is a NEPA document that determines whether or not a federal action has the potential to cause significant environmental effects. The EA will generally consist of the need for the proposal; alternatives; the environmental (natural and socioeconomic) impacts of the proposed action and alternatives; and a listing of agencies and persons consulted.

### ANTICIPATED IMPACTS

A wide spectrum of resources will be evaluated including floodplains, fish and wildlife (including threatened or endangered species) habitat, water quality, recreation, public safety, infrastructure and the built environment, socioeconomic resources, Section 4(f) properties, cultural resources, noise, and air quality. Impacts may vary depending on the design elements of the project. Potential impacts will be determined as planning activities continue.

### DEVELOPMENT PROCEDURES

In July 2019, the District requested assistance from the USDA - NRCS under the Watershed and Flood Prevention Operations (WFPO) program to address flood prevention and other resource concerns in the Spring and Buffalo Creek Watersheds. The USDA - NRCS accepted the District's request in March 2020, which initiated the development of the Watershed Plan-EA.

Primary elements of participation in the WFPO program includes:

- Evaluation of options to protect watersheds and vital infrastructure from erosion, floodwater, and sediment.
- NRCS technical assistance with the project feasibility report and the preliminary investigation for flood prevention and other resource concerns.
- NRCS provides financial and technical assistance in planning, design, and construction.
- Can receive up to 100% Federal funding for planning, engineering, and construction depending on the project type.

Current regulations governing development of federally funded projects require early coordination with units of government who may have interests in the project or its potential impacts. This is intended to provide early notification of the proposed project and to solicit comments regarding the potential impacts of such an action. Several federal, state and local agencies will also be contacted directly to request their early input as part of the project impact identification process.

### SCHEDULE

The project team takes several steps to analyze the project area and determine what needs to be included in the final Watershed-Plan EA. This process began in August of 2020 and will continue until the publication of the final Environmental Assessment, anticipated to occur in Spring 2022.

## Enclosure B

In addition to this early coordination with government agencies, the process of developing the Watershed-Plan EA involves two major opportunities for public comment. An online public scoping meeting (<http://cpnrd.org/latest-news-2/>) will be available from October 28 to November 27, 2020, to allow the public an opportunity to provide input in identifying problem areas in the project area. Once the Draft Watershed Plan-EA is prepared, there will be a second public meeting with another opportunity to review and provide comment on the Watershed-Plan EA. Agency review of the draft Plan-EA will also occur at this time. The draft Plan-EA is anticipated to be available Winter 2021.

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Mr. Rodney M. Bordeaux, President  
Rosebud Sioux Tribe  
P.O. Box 430  
Rosebud, SD 57570

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Rodney M. Bordeaux, President:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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The initial area of potential effects (APE) includes the entire watershed as depicted on the enclosed map (Enclosure A), but the APE will be refined as the planning process progresses and a preferred alternative is selected. The enclosed document (Enclosure B) provides additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the plan-EA. Archeological surveys will take place after a preferred alternative is selected and the final area of potential effects is determined. Additional NHPA Section 106 consultation will occur throughout the NEPA process, including the submission of the archeological survey report for review when available. Presently we are asking for general information regarding resources of concern within the APE.

Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:46:35 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Ben Rhodd, Tribal Historic Preservation Officer, Rosebud Sioux Tribe of Indians, SD  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Mr. Walter Echo-Hawk, President  
Pawnee Nation of Oklahoma  
881 Little Dee Drive  
Pawnee, OK 74058

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Walter Echo-Hawk, President:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:48:56 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Joseph Reed, Tribal Historic Preservation Officer, Pawnee Nation of Oklahoma  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Mr. Mark N. Fox, Chairman  
Mandan, Hidatsa, and Arikara Nation  
404 Frontage Road  
New Town, ND 58763

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Mark N. Fox, Chairman:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:47:10 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Elgin Crowsbreast, Tribal Historic Preservation Officer, Mandan, Hidatsa, and Arikara Nation  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Mr. Boyd Gourneau, Chairman  
Lower Brule Sioux Tribe  
187 Oyate Circle  
Lower Brule, South Dakota, 57548

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Boyd Gourneau, Chairman:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:50:24 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Oliver Little Cook, Chairman  
Ponca Tribe of Indians of Oklahoma  
20 White Eagle Drive  
Ponca City, OK 74601

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Chairman Oliver Little Cook:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:50:59 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Staci Hesler, Tribal Historic Preservation Officer, Ponca Tribe of Indians of Oklahoma  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Isaac Sherman, Chairman  
Omaha Tribe of Nebraska  
PO BOX 368  
Macy, Nebraska 68039

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Chairman Isaac Sherman:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:49:57 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Thomas Parker, Tribal Historic Preservation Officer, Omaha Tribe of Nebraska  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SENT VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 19, 2020

Jill Dolberg  
Deputy State Historic Preservation Officer  
History Nebraska  
1500 R St.  
Lincoln, NE 68508-1651

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Ms. Dolberg:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.19 15:19:47 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:  
A. Project Area Map  
B. Early Coordination Information Packet

CC:  
Allen Gehring, State Conservation Engineer, NRCS State Office  
Rich Vaughn, Watershed Program Coordinator, NRCS State Office  
Melissa Baier, Archaeologist, NRCS State Office

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Mr. Lee Spoonhunter, Chairman  
Northern Arapaho Tribe  
P.O. Box 396  
Fort Washakie, Wyoming, 82514

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Chairman Lee Spoonhunter:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

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Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:48:23 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Ben Ridgley, Tribal Historic Preservation Officer, Northern Arapaho Tribe, WY  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Hon. Reggie Wassana, Governor  
Cheyenne & Arapaho Business Committee  
Cheyenne & Arapaho Tribes of Oklahoma  
P.O. Box 38  
Concho, OK 73022

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Honorable Governor Wassana:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

The plan-EA is in the initial stages of development, and as part of the early coordination efforts we are requesting comments from your Tribe regarding the proposed project. The comments and material you supply will be used to determine if the proposed project may have impacts that warrant further consideration and are consistent with future long-term development plans within the watersheds. Your comments will be incorporated into the environmental planning process and Environmental Assessment document as appropriate. We kindly request that you provide your comments on this undertaking within 30 days of receiving this letter. In addition to coordinating with federal, Tribal, state, and local agencies, a public comment period will be open from October 28-November 27.



The initial area of potential effects (APE) includes the entire watershed as depicted on the enclosed map (Enclosure A), but the APE will be refined as the planning process progresses and a preferred alternative is selected. The enclosed document (Enclosure B) provides additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the plan-EA. Archeological surveys will take place after a preferred alternative is selected and the final area of potential effects is determined. Additional NHPA Section 106 consultation will occur throughout the NEPA process, including the submission of the archeological survey report for review when available. Presently we are asking for general information regarding resources of concern within the APE.

Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:51:27 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Max Bear, Tribal Historic Preservation Officer, Cheyenne & Arapaho Tribes of Oklahoma  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Rynalea Whiteman Pena, President  
Northern Cheyenne Tribe  
P.O. Box 128  
Lame Deer, Montana, 59043

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

President Rynalea Whiteman Pena:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

The plan-EA is in the initial stages of development, and as part of the early coordination efforts we are requesting comments from your Tribe regarding the proposed project. The comments and material you supply will be used to determine if the proposed project may have impacts that warrant further consideration and are consistent with future long-term development plans within the watersheds. Your comments will be incorporated into the environmental planning process and Environmental Assessment document as appropriate. We kindly request that you provide your comments on this undertaking within 30 days of receiving this letter. In addition to coordinating with federal, Tribal, state, and local agencies, a public comment period will be open from October 28-November 27.



The initial area of potential effects (APE) includes the entire watershed as depicted on the enclosed map (Enclosure A), but the APE will be refined as the planning process progresses and a preferred alternative is selected. The enclosed document (Enclosure B) provides additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the plan-EA. Archeological surveys will take place after a preferred alternative is selected and the final area of potential effects is determined. Additional NHPA Section 106 consultation will occur throughout the NEPA process, including the submission of the archeological survey report for review when available. Presently we are asking for general information regarding resources of concern within the APE.

Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:52:00 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Teanna Limpy, Tribal Historic Preservation Officer, Northern Cheyenne Tribe, MT  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**SEND VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

October 20, 2020

Larry Wright, Jr., Chairman  
Ponca Tribe of Nebraska  
2523 Woodbine Street  
PO BOX 288  
Niobrara NE 68760

RE: Spring and Buffalo Creeks Watershed Plan - Environmental Assessment (Plan-EA) Early  
NEPA Coordination and Initiation of NHPA Section 106 consultation

Chairman Larry Wright, Jr.:

In compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), the Natural Resources Conservation Service (NRCS) is initiating consultation with you regarding the development of a Watershed Plan-Environmental Assessment (EA) for the Spring and Buffalo Creeks watershed in Dawson, Custer, and Buffalo Counties, Nebraska. The watershed planning document is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans for watershed improvements to prevent erosion, prevent flood damage, improve water quality, and/or enhance fish and wildlife habitat. NRCS is partnering with the Central Platte Natural Resources District (CPNRD) to develop the plan-EA, and HDR has been retained as the consultant in charge of preparing the plan and environmental document. The plan-EA will evaluate alternatives to reduce flood damage to agriculture and infrastructure within the Spring and Buffalo Creeks watershed.

The plan-EA is in the initial stages of development, and as part of the early coordination efforts we are requesting comments from your Tribe regarding the proposed project. The comments and material you supply will be used to determine if the proposed project may have impacts that warrant further consideration and are consistent with future long-term development plans within the watersheds. Your comments will be incorporated into the environmental planning process and Environmental Assessment document as appropriate. We kindly request that you provide your comments on this undertaking within 30 days of receiving this letter. In addition to coordinating with federal, Tribal, state, and local agencies, a public comment period will be open from October 28-November 27.





The initial area of potential effects (APE) includes the entire watershed as depicted on the enclosed map (Enclosure A), but the APE will be refined as the planning process progresses and a preferred alternative is selected. The enclosed document (Enclosure B) provides additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the plan-EA. Archeological surveys will take place after a preferred alternative is selected and the final area of potential effects is determined. Additional NHPA Section 106 consultation will occur throughout the NEPA process, including the submission of the archeological survey report for review when available. Presently we are asking for general information regarding resources of concern within the APE.

Please send responses to Melissa Baier, NRCS archaeologist, [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or the address in the letterhead. If you have any questions about the project, please contact Melissa Baier, NRCS, at 402.437.4065 or [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). You may also contact Matt Pillard, HDR, at 402.399.1186 or [matt.pillard@hdrinc.com](mailto:matt.pillard@hdrinc.com); or Jesse Mitken, Assistant General Manager, CPNRD at 308.385.6282 or [mitken@cpnrd.org](mailto:mitken@cpnrd.org). Thank you in advance for your consideration of this project.

Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN  
GEHRING  
Date: 2020.10.22 07:49:26 -05'00'

ALLEN GEHRING (Acting)

CRAIG DERICKSON  
State Conservationist

Enclosures:

- A. Project Area Map
- B. Early Coordination Information Packet

CC:

Dwight Howe, Tribal Historic Preservation Officer, Ponca Tribe of Nebraska  
Allen Gehring, State Conservation Engineer, Nebraska NRCS  
Rich Vaughn, Watershed Program Coordinator, Nebraska NRCS  
Melissa Baier, Archaeologist, Nebraska NRCS

**From:** [Baier, Melissa - NRCS, Lincoln, NE](#)  
**To:** [Pillard, Matt](#)  
**Subject:** FW: Buffalo and Spring Creeks Watershed Improvement Plan Scoping Request  
**Date:** Tuesday, December 1, 2020 8:53:59 AM  
**Attachments:** [Buffalo and Spring Creeks Watershed.pdf](#)

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**CAUTION:** [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

Attached is a copy of the scoping response from the Pawnee Nation.

Thanks,  
Missy

**Melissa (Missy) Baier**

Archeologist  
USDA--NRCS  
100 Centennial Mall North  
Lincoln, NE 68508-3866  
Office: 402-437-4065  
Work cell: 402-317-1005  
[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)

Sent from [Mail](#) for Windows 10

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**From:** [Joseph Reed](#)  
**Sent:** Monday, November 30, 2020 3:29 PM  
**To:** [Baier, Melissa - NRCS, Lincoln, NE](#)  
**Subject:** RE: Buffalo and Spring Creeks Watershed Improvement Plan Scoping Request

Nawa,  
I'm back in the office and was able to look at the watershed shapefiles that you sent me. I wasn't quite sure how to phrase it but the watersheds lie across an area that was habitually used twice a year for travel to and from our buffalo hunting area. The trails correspond to sites that date back to the early CPT. The Wood River, the drainage just to the east, holds a lot of settlement sites and burials. To date I have not been able to compile a list of known sites in Dawson county, so there may be a lot there that I just haven't become aware of yet.  
Nawa iri,  
Matt

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**From:** Baier, Melissa - NRCS, Lincoln, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>

**Sent:** Tuesday, October 27, 2020 3:47 PM

**To:** Joseph Reed <jreed@pawneenation.org>

**Subject:** Buffalo and Spring Creeks Watershed Improvement Plan Scoping Request

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

Attached is a copy of a scoping letter that was mailed last week in regards to the Buffalo and Spring Creeks Watershed Improvement Plan. The letter should have been delivered to President EchoHawk today. Your copy of the letter should have delivered today too, but I haven't gotten a copy of the delivery receipt from USPS. There will be no physical or virtual meeting for this scoping request. Instead the NRD is just asking for comments on potential impacts on resources, copies of existing data that could be used in the analysis for the environmental assessment (previous flood impact studies, hydrological studies, photos of flood damage, etc.), and/or recommendations for locations where flooding has been an issue. Government agencies and Tribes are requested to respond with feedback by November 28<sup>th</sup> or within 30 days of receiving the scoping letter (whichever is later). The public comment period is open from October 27-November 28<sup>th</sup>. I have also attached a map of the watershed and an information packet about the plan-ea. Here is a link to the project webpage <http://cpnrd.org/public-meetings/> which has a tentative project schedule and a list of questions for the public scoping effort. There isn't much information on the webpage right now, but I suspect they will add more details and information as the plan progresses.

**Melissa (Missy) Baier**

Archeologist

USDA--NRCS

100 Centennial Mall North

Lincoln, NE 68508-3866

Office: 402-437-4065

Work cell: 402-317-1005

[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)

Sent from [Mail](#) for Windows 10

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information

# Pawnee Nation

Monday, November 30, 2020

Melissa Baier  
Archaeologist  
USDA-NRCS

**RE: Section 106 Consultation & Review on:**  
***Buffalo and Spring Creeks Watershed Improvement Plan***  
***Dawson, Buffalo, and Custer counties, Nebraska***

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 1065 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800.

Given the information provided, you are hereby notified that the proposed project/s lies within a Pawnee cultural travel corridor and may contains undiscovered burials, camp sites, and settlement areas and affect the cultural landscape of the Pawnee Nation.

This information is provided to assist you in complying with 36 CFR Part 800 for Section 106 Consultation procedures. Should you have questions, please do not hesitate to contact me at [jreed@pawneenation.org](mailto:jreed@pawneenation.org) or by phone at 918-762-2180 ext 220. Thank you for your time and consideration.

Sincerely,  
Matt Reed  
Historic Preservation Officer  
Pawnee Nation of Oklahoma

Historic Preservation Office  
Matt Reed  
Phone: 918.762.2180  
E-mail: [jreed@pawneenation.org](mailto:jreed@pawneenation.org)  
P.O. Box 470  
Pawnee, Oklahoma 74058



Outlook

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**RE: Spring Buffalo Creeks Watershed Plan- EA Comment- NCTHPO**

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**From** Baier, Melissa - NRCS, Lincoln, NE <Melissa.Baier@usda.gov>

**Date** Fri 12/4/2020 11:03 AM

**To** Teanna Limpy <teanna.limpy@cheyennation.com>

**Cc** Mackling, Elisha - NRCS, Lincoln, NE <elisha.mackling@usda.gov>

 4 attachments (5 MB)

Spring and Buffalo Creeks Watershed Improvement Plan.docx; Survey Locations.pdf; Site Locations.pdf; Sites and Surveys.pdf;

Good morning Ms. Limpy,

I have compiled a Class I file search summary document that lists all recorded archeological sites and surveys within the watershed study area, as well as the sources that I have checked to date. I have also attached maps that show the general location of these sites and surveys within the study area. I hope these documents help with your review. Please let me know if additional information would aid you further.

The APE for direct and indirect effects will be considerably smaller than the current study area once the engineers identify what types of improvements would be most beneficial and where those improvements should be constructed, so I don't anticipate the need for a phased study. Our plan is to complete the archeological surveys after the preferred alternative is identified so that the results of the survey and Section 106 consultation can be included in the draft environmental assessment. If there are issues with accessing portions of the APE for the archeological survey, then we will have to develop a PA to allow for those kinds of delays, but otherwise an agreement document shouldn't be necessary at this point in time.

We would like to have a conversation with you about how you would like to participate in the pedestrian survey. We're not opposed to the idea, but we just aren't sure how to work out the logistics. The survey will be completed by a subcontractor that's been hired by the local sponsor's consulting firm, so NRCS isn't directly involved in the survey. And Covid presents unique challenges to everything these days. Would you be willing to talk with us a little further about what level of involvement you would like to have in the surveys?

Sincerely,  
Missy

*Melissa (Missy) Baier*

Archeologist  
USDA--NRCS  
100 Centennial Mall North  
Lincoln, NE 68508-3866  
Office: 402-437-4065  
Work cell: 402-317-1005  
Melissa.Baier@usda.gov

Sent from [Mail](#) for Windows 10

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**From:** [Teanna Limpy](#)

**Sent:** Tuesday, November 24, 2020 6:00 PM

**To:** [Baier, Melissa - NRCS, Lincoln, NE](#)

**Subject:** Spring Buffalo Creeks Watershed Plan- EA Comment- NCTHPO

Ms. Baier,

I have reviewed the information provided regarding the development of an environmental assessment(EA) for the proposed watershed plan at Spring and Buffalo Creeks in Dawson, Custer and Buffalo Counties, NE. To better assess any potential impacts this project may have on cultural resources, this office is requesting copies of any Class I and/or Class III Survey Information for the project APE. Although you mention that a pedestrian survey will be completed, of which this office would participate in, there should be existing information from any previously recorded site within project areas. Given the size of this project, it may be phased, so perhaps a programmatic agreement and/or other guiding document can be developed to implement any potential phased process that could occur within the direct APE of the overall project. Please let me know what you think regarding this correspondence.

Respectfully,

**TEANNA LIMPY |THPO**

**Northern Cheyenne Tribe**

**P.O. Box 128 |Lame Deer, MT. 59043**

**W:: (406) 477-4839/4838 | C::(406) 740-0420**





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA EMAIL

November 25, 2024

Mark Porath  
U.S. Fish and Wildlife Service – Ecological Services  
9325 South Alda Road, Ste B  
Wood River, Nebraska 68883

### **Subject: Initiation of P.L. 83-566 Section 12 Consultation, Spring Creek Watershed Plan-EA, Custer and Dawson Counties, Nebraska**

Dear Mark Porath:

In accordance with Section 12 of Pub. L. 83-566, the Natural Resources Conservation Services (NRCS) is notifying the Department of the Interior that we are investigating a water resource project. The Central Platte Natural Resources District (CPNRD) requested NRCS assistance through the NRCS Watershed and Flood Protection Program (Public Law 83-566). This letter serves as formal notification that the project has been approved for assistance and NRCS will consult with U.S. Fish and Wildlife Service on technically and economically feasible works of improvement for wildlife purposes recommended. Please reply within 30 days of receiving this notice whether your Agency intends to make surveys, investigations, or recommendations concerning the conservation and development of wildlife resources; or otherwise participate in preparing the plan for works of improvement for this project.

The project sponsors and USDA-NRCS are preparing the Environmental Assessment (Plan-EA) to evaluate alternatives to meet the project's need. NRCS is the lead agency preparing the Watershed Plan for the Spring Creek Watershed Project. The purpose of the Spring Creek Watershed Plan-EA is to prevent flooding and reduce flood damage in the Spring Creek Watershed, including the cities of Cozad and Lexington. In alignment with the objectives set forth in PL 83-566, the primary purpose is flood prevention (flood damage reduction) within the Spring Creek Watershed. The project is needed due to the ongoing risk of flooding and associated damages to public and private infrastructure. Flooding has been a reoccurring issue in the watershed, with multiple significant flood events in recent years, despite past efforts at channel snagging and clearing. Historical studies and local accounts highlight major flood events in 1947, May 2008, March 2019, and July 2019, underscoring the continued need for comprehensive flood prevention measures. These trends of recurring flooding present ongoing challenges to the

agricultural economy and necessitate an integrated approach to flood water reduction within the watershed.

The preferred alternative for the Spring Creek Watershed project involves channel conveyance, which includes a combination of channel improvements, flood protection berms, and diversion channels to manage water flow and reduce flood risks. These measures will enhance groundwater recharge, control excess runoff, and protect urban areas, especially in Cozad and Lexington. Additionally, the plan involves replacing undersized drainage structures and making road improvements to ensure better water conveyance.

Overall, the channel conveyance aims to provide effective flood control, support agricultural and rural community needs, meet the project purpose and need, offer ecosystem service benefits, align with the Federal Objective, and is the locally preferred option. It also offers a positive monetary benefit-to-cost ratio, making it acceptable, complete, effective, efficient, and meets all planning criteria.

If you have any questions, concerns or information you want to contribute during the planning process, please contact Melissa Baier, Assistant State Conservationist -Water Resources and Easements, by email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) or by phone at 402.437.4065.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2024.11.25 13:02:07 -06'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosure:  
Map of Spring Creek Watershed

cc:  
Melissa Baier, ASTC -Water Resources and Easements, NRCS – Lincoln State Office  
Nicole Zimmerman, Acting Watershed Planning Coordinator, NRCS – Lincoln State Office  
Ritch Nelson, State Biologist, NRCS – Lincoln State Office  
Joseph Debebe, NEPA Specialist, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

Chelsea Rose  
Preservation Archeologist  
History Nebraska  
1500 R Street  
Lincoln, NE 68508

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear Chelsea Rose:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Signatory. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

---

#### **Natural Resources Conservation Service**

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The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, earthen berm footprints, alterations to existing roads, drains, bridges, canals, and streams, sediment disposal, borrow areas, etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

#### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a

cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or

individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

#### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will

have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Signatory. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Signatory.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official logo of the United States Department of Agriculture (USDA). It features the word "USDA" in a bold, serif font, with a stylized landscape graphic below it. Overlaid on the logo is the name "Robert D. Lawson" in a cursive script.

Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:01:48  
-05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Jade Mendoza, Interim Sec. 106 Review and Compliance Coordinator, History Nebraska – Lincoln  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Boyd I Gourneau  
Lower Brule Sioux Tribe  
187 Oyate Circle  
Lower Brule, South Dakota 57548

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Boyd I Gourneau:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.



### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official logo of the United States Department of Agriculture (USDA), which includes a stylized mountain and tree graphic. Overlaid on the logo is the handwritten signature of Robert D. Lawson in cursive script.

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LAWSON  
Date: 2025.04.15 12:02:34 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Mary Jane Gourneau, Director, LBST Environmental Protection Office, 187 Oyate Circle, Lower Brule, South Dakota

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Candace Schmidt  
Ponca Tribe of Nebraska  
PO Box 288  
Niobrara, Nebraska 68760

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Candace Schmidt:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.



### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The



underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON

Date: 2025.04.15 12:03:19 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Theresa Foley, THPO, Ponca Tribe of Nebraska, 5701 S. 85th Circle, Omaha, NE  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Durell Cooper III  
Apache Tribe of Oklahoma  
PO Box 1330  
Anadarko, Oklahoma 73005

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Durell Cooper III:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The



underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:04:30 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

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- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Darrin Cisco, NAGPRA contact, Apache Tribe of Oklahoma Cultural Department, P.O. Box 1330, Anadarko, OK

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Frank Star Comes Out  
Oglala Sioux Tribe  
PO Box 2070  
Pine Ridge, South Dakota 57770

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Frank Star Comes Out:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

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The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:05:09 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Justin Pourier, THPO, Oglala Sioux Tribe, OST Cultural Affairs & Historic Preservation Office  
320 Pineridge, Kyle, South Dakota  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Janet Alkire  
Standing Rock Sioux Tribe of North and South Dakota  
PO Box D  
Fort Yates, South Dakota 58538-0522

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Janet Alkire:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

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#### Undertaking Description

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#### Natural Resources Conservation Service

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The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.



### **Cultural Resource Identification**

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The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

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The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:05:42 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Jon Eagle, THPO, Standing Rock Sioux Tribe-North and South Dakota, P.O. Box D, Fort Yates, ND  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Jason Sheridan  
Omaha Tribe of Nebraska  
PO Box 368  
Macy, Nebraska 68039

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Jason Sheridan:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

---

#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.



### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The



underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:06:18  
-05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Jarell Grant, THPO, Omaha Tribe of Nebraska, PO Box 368, Macy, NE  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

Jeremy Grauf  
Omaha District, Regulatory Branch - Corp  
8901 S. 154th Street, Ste. 2  
Omaha, Nebraska 68138-3635

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear Jeremy Grauf:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The



underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:06:51 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Kathleen Wooden Knife  
Rosebud Sioux Tribe  
PO Box 430  
Rosebud, South Dakota 57570

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Kathleen Wooden Knife:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

---

#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:07:33 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Ione Quigley, THPO, Rosebud Sioux Tribe, PO Box 750, Rosebud, SD  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Mark N. Fox  
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota  
404 Frontage Road  
New Town, North Dakota 58763

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Mark N. Fox:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

---

#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*



The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

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The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:08:10 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Allen Demaray, THPO, Director, Mandan, Hidatsa, and Arikara Nation, Tribal Historic Preservation Office, 404 Frontage Road , New Town, ND  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Misty M. Nuttle  
Pawnee Nation of Oklahoma  
PO Box 470  
Pawnee, Oklahoma 74058

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Misty M. Nuttle:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

---

#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*



The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.



### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official logo of the United States Department of Agriculture (USDA) on the left, which consists of the letters "USDA" in a serif font above a stylized landscape with a sun rising over hills. To the right of the logo is a handwritten signature in cursive script that reads "Robert D. Lawson".

Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:08:52 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Matt Reed, THPO, Repatriation Committee, Pawnee Nation of OK, P.O. Box 470, Pawnee, OK  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Oliver Little Cook  
Ponca Tribe of Indians of Oklahoma  
101 White Eagle Drive  
Ponca City, Oklahoma 74601

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Oliver Little Cook:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.



### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.



The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON

Date: 2025.04.15 12:10:00 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Staci Hesler, THPO, Ponca Tribe of Indians of Oklahoma, 20 White Eagle Drive, Ponca City, OK  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Peter Lengkeek  
Crow Creek Sioux Tribe of the Crow Creek Reservation  
PO Box 50  
Forth Thompson, South Dakota 57339

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Peter Lengkeek:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.



The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The



underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:11:09  
-05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

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- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Merle Marks, THPO, Crow Creek Sioux Tribe of the Crow Creek Reservation, P.O. Box 50, Fort Thompson, SD

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Reggie Wassana  
Cheyenne and Arapaho Tribes of Oklahoma  
PO Box 38  
Concho, Oklahoma 73022

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Reggie Wassana:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

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NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The



underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a



Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:11:55  
-05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Max Bear, THPO, Cheyenne and Arapaho Tribes of Oklahoma, P.O. Box 167, Concho, OK  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Ryman LeBeau  
Cheyenne River Sioux Tribe  
PO Box 590  
Eagle Butte, South Dakota 57625-0590

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Ryman LeBeau:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer, and lender.*

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a



Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:13:19 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

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- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Steven Vance, THPO, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, P.O. Box 590, Eagle Butte, SD

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Serena Wetherelt  
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana  
PO Box 128  
Lame Deer, Montana 59043

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Serena Wetherelt:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

#### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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#### Natural Resources Conservation Service

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The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24-feet and maximum top width of 108-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:14:32 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Gary LaFranier, 106 Coordinator, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation-Montana, P.O. Box 128, Lame Deer, MT  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office





## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

April 15, 2025

The Honorable Lloyd Goggles  
Northern Arapaho Tribe of the Wind River Reservation - Wyoming  
PO Box 396  
Forth Washakie, Wyoming 82514

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,  
Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear The Honorable Lloyd Goggles:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

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#### Natural Resources Conservation Service

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As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 mile north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable.

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#### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

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The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

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No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts to Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The

underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect to Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion weir to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features was identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources' investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a

Concurring Party. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times.

Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font above a stylized graphic of a mountain range and a river. Below the logo is a handwritten signature in cursive that reads "Robert D. Lawson".

Digitally signed by ROBERT  
LAWSON  
Date: 2025.04.15 12:15:07  
-05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures (available for download at <https://tinyurl.com/4mutvp4f>):

- A. Table 1: Architectural Resources
- B. APE Maps
- C. Williams, David T. 2025. *A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska*
- D. Draft Programmatic Agreement
- E. Spring Creek Planned Measures

cc:

Crystal C'bearing, Director, Northern Arapaho Tribal Historic Preservation Office, P.O. Box 273  
Riverton, WY

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office

**Nebraska State Office**

NRCS State Office, Room 360  
1121 Lincoln Mall  
Lincoln, NE 68508

*Subject:* LNU-Farmland Protection  
Spring Creek Project  
NEPA/FPPA Evaluation  
Dawson County, Nebraska

*Date:* November 1, 2024

*To:* HDR Inc

*Attn:* Matt Wray, Sr. Environmental Planner (matt.wray@hdrinc.com)

We have reviewed the information provided in your correspondence dated October 26, 2024, concerning the flood control project located in Dawson County, Nebraska. This review is part of the National Environmental Policy Act (NEPA) evaluation for the US Department of Agriculture Natural Resources Conservation Service (USDA-NRCS). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site contains areas of Prime Farmland and Statewide Important Farmland and we have completed the Farmland Conversion Impact Rating form (CPA-106) for the proposed site. The combined rating of the site is 145. The FPPA law states that sites with a rating less than 160 will need no further consideration for protection and no additional evaluation is necessary. We encourage the use of accepted erosion control methods during the construction of this project.

If you have further questions, please contact Elizabeth Gray at 402-437-4068 or by email at Elizabeth.gray@usda.gov (preferred).

Sincerely,

**ELIZABETH GRAY**

Digitally signed by ELIZABETH  
GRAY

Date: 2024.11.01 15:43:03 -05'00'

**Elizabeth Gray**  
USDA-NRCS Nebraska Assistant State Soil Scientist

Attachment: Spring Creek Project\_NE047



FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>10/25/24</b>	4. Sheet <b>1</b> of <b>1</b>
1. Name of Project <b>Spring Creek Project</b>		5. Federal Agency Involved <b>NSRF</b>	
2. Type of Project <b>constrcut berms and weirs for flood control</b>		6. County and State <b>Dawson County Nebraska</b>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>11/1/24</b>	2. Person Completing Form <b>Elizabeth Gray</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated <b>264,554</b>	Average Farm Size <b>958</b>
5. Major Crop(s) <b>Corn, Soybeans, Small Grains</b>	6. Farmable Land in Government Jurisdiction Acres: <b>593,788</b> % <b>91</b>	7. Amount of Farmland As Defined in FPPA Acres <b>311,826</b> % <b>48</b>	
8. Name Of Land Evaluation System Used <b>NCCPI</b>	9. Name of Local Site Assessment System <b>NONE</b>	10. Date Land Evaluation Returned by NRCS <b>11/1/24</b>	

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
	<b>Corridor A</b>	<b>Corridor B</b>	<b>Corridor C</b>	<b>Corridor D</b>
A. Total Acres To Be Converted Directly	<b>526</b>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0</b>			
C. Total Acres In Corridor	<b>526</b>			

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland	<b>401</b>			
B. Total Acres Statewide And Local Important Farmland	<b>0</b>			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	<b>0.09</b>			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	<b>46</b>			

<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>	<b>75</b>			
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	<b>Maximum Points</b>				
1. Area in Nonurban Use	<b>15</b>	<b>11</b>			
2. Perimeter in Nonurban Use	<b>10</b>	<b>10</b>			
3. Percent Of Corridor Being Farmed	<b>20</b>	<b>19</b>			
4. Protection Provided By State And Local Government	<b>20</b>	<b>20</b>			
5. Size of Present Farm Unit Compared To Average	<b>10</b>	<b>1</b>			
6. Creation Of Nonfarmable Farmland	<b>25</b>	<b>0</b>			
7. Availability Of Farm Support Services	<b>5</b>	<b>4</b>			
8. On-Farm Investments	<b>20</b>	<b>5</b>			
9. Effects Of Conversion On Farm Support Services	<b>25</b>	<b>0</b>			
10. Compatibility With Existing Agricultural Use	<b>10</b>				
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>70</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	<b>100</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Corridor Assessment (From Part VI above or a local site assessment)	<b>160</b>	<b>70</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>145</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used?  YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part:

DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor



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## CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

- (1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points  
90 to 20 percent - 14 to 1 point(s)  
Less than 20 percent - 0 points

- (2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points  
90 to 20 percent - 9 to 1 point(s)  
Less than 20 percent - 0 points

- (3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points  
90 to 20 percent - 19 to 1 point(s)  
Less than 20 percent - 0 points

- (4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points  
Site is not protected - 0 points

- (5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)  
As large or larger - 10 points  
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

- (6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points  
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)  
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

- (7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points  
Some required services are available - 4 to 1 point(s)  
No required services are available - 0 points

- (8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points  
Moderate amount of on-farm investment - 19 to 1 point(s)  
No on-farm investment - 0 points

- (9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points  
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)  
No significant reduction in demand for support services if the site is converted - 0 points

- (10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points  
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)  
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

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Natural Resources Conservation Service  
Nebraska State Office  
Federal Building, Room 152  
100 Centennial Mall North  
Lincoln, NE 68508-3866  
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

**SENT VIA USPS ELECTRONIC SIGNATURE CONFIRMATION**

April 20, 2021

Mr. John Moeschen  
United States Army Corps of Engineers  
Nebraska Regulatory Office  
8901 South 154th Street  
Omaha, Nebraska 68138-3621

RE: Request to be a Cooperating Agency for Watershed and Flood Prevention Operations (WFPO) Work Plan-Environmental Assessment (Plan-EA) for Spring & Buffalo Creeks.

Mr. Moeschen:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is requesting that your agency become a cooperating agency in the planning and development of this Plan-EA.

The project is located in Buffalo, Dawson and Custer County, Nebraska and one of the municipalities near the center of the project area is Lexington. Enclosed are two files: a list of project milestones and basic project background information as found in the funding application.

This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to this project. The Plan-EA is being prepared to fulfill NRCS's NEPA compliance responsibilities pertaining to the federal financial assistance received through the Watershed Protection and Flood Prevention Act (P.L. 83-566) for this project. Because your agency may also have NEPA compliance or permitting responsibilities concerning this project, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and meet NEPA's intent of reducing duplication and delay between agencies.

If your agency is unable to participate as a cooperating agency, then please return a written explanation as to why your agency cannot participate. Please note that a response declining to be a cooperating agency is also required to be submitted to the Council on Environmental Quality per 40 CFR Part 1501.6(c).

Please respond by May 7, 2021, to help ensure that the project continues on schedule. If you have any questions or comments, please contact Richard Vaughn, Watershed Planning Coordinator, at [richard.vaughn@usda.gov](mailto:richard.vaughn@usda.gov) or by phone at 402.437.4127.



Sincerely,

**ALLEN GEHRING** Digitally signed by ALLEN GEHRING  
Date: 2021.04.20 14:44:26 -05'00'

ALLEN GEHRING, Acting

JEFF VANDER WILT  
Acting State Conservationist

Enclosures:

1. WFPO Milestones Spring & Buffalo Creeks
2. Project Application Spring & Buffalo Creeks

cc:

Allen Gehring, State Conservationist Engineer, NRCS State Office  
Richard Vaughn, Watershed Planning Coordinator, NRCS State Office

**Nebraska State Office**

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

August 27, 2024

Jeremy Grauf  
Nebraska Section Chief  
U.S. Army Corps of Engineers, Omaha District, Regulatory Branch  
8901 South 154<sup>th</sup> Street, Suite 2  
Omaha, NE 68138-3635

**Subject: Formal Request to be a Cooperating Agency for Multiple WFPO Projects Across the State of Nebraska**

Dear Jeremy Grauf,

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that your agency be a cooperating agency in the planning and development of multiple projects across the State of Nebraska requiring either a Plan-Environmental Assessment (Plan-EA) or a Plan-Environmental Impact Statement (Plan-EIS).

Formal request letters were previously sent out by NRCS prior to the initial scoping meetings conducted for each of these projects. USACE accepted the requests at that time and assigned each of those projects with an USACE ID Number. However, there are no copies of the correspondence from USACE in our files. This request letter is intended to document USACE's role as a cooperating agency in the projects listed below.

Please see the Table below for a list of the projects across the State of Nebraska that NRCS is requesting your agency to participate as a Cooperating Agency on:

Project Name	Project Purpose	Project Sponsor	Project Location	Original USCAE ID Number
Battle Creek WFPO	Flood Prevention (Flood Damage Reduction) and Recreation	Lower Elkhorn NRD	Madison County	2020-00988-WEH
Box Butte Creek WFPO	Agriculture Water Management and Flood Prevention (Flood Damage Reduction)	Upper Niobrara White NRD	Box Butte County	2020-02136-WEH

Middle Snake River WFPO (Cherry County B)	Watershed Protection	Middle Niobrara NRD	Cherry County	2021-00300-WEH
Rat and Beaver Lake WFPO (Cherry County E)	Watershed Protection	Middle Niobrara NRD	Cherry County	2021-00843-WEH
Upper Snake River WFPO (Cherry County A)	Watershed Protection	Middle Niobrara NRD	Cherry County	2020-02283-WEH
Spring and Buffalo Creeks WFPO	Flood Prevention (Flood Damage Reduction)	Central Platte NRD	Custer, and Dawson Counties	2021-00836-WEH

This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to these projects. The Plan-EAs or Plan-EISs are being prepared to fulfill NRCS NEPA compliance responsibilities pertaining to the federal financial assistance received through the Watershed Protection and Flood Prevention Act (P.L. 83-566) for this project. As your agency may have permitting authority and NEPA compliance responsibilities concerning the project evaluated in either one of the Plan-EAs or Plan-EISs, preparation of any one of these should also assist in fulfilling environmental review requirements for your agency and meet NEPA's intent of reducing duplication and delay between agencies. A map containing each of the projects mentioned in the table above is attached for your reference.

If your agency is unable to participate as a Cooperating Agency, please return a written explanation as to why your agency can not participate. Please note that a response declining to be a Cooperation Agency is also required to be submitted to the Council on Environmental Quality per 40 CFR Part 1501.6(c). Upon acceptance of this invitation, roles can be defined in an informal agreement, or a formal memorandum of understanding (MOU) can be established. Please respond to Melissa Baier, Assistant State Conservationist (ASTC)-Water Resources and Easements by email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov) within 30 days after the receipt of this letter.

If you have any questions or would like additional information, please contact Melissa Baier, ASTC-Water Resources and Easements, by phone at 402.437.4065 or by email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov).

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2024.08.27 07:07:15 -05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosure: Map of WFPO Projects in Nebraska

cc:

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office  
Nicole Zimmerman, Acting Watershed Coordinator, NRCS – Lincoln State Office  
Joseph Debebe, NEPA Specialist, NRCS – Lincoln State Office  
Ritch Nelson, State Wildlife Biologist and Forester, NRCS – Lincoln State Office



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**NEBRASKA REGULATORY OFFICE**  
**8901 SOUTH 154<sup>TH</sup> STREET, SUITE 2**  
**OMAHA, NEBRASKA 68138-3635**

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>

September 12, 2024

Regulatory Branch, Nebraska Section, Cooperating Agency Acceptance, Multiple WFPOs  
Across the State of Nebraska

Mr. Robert Lawson  
U.S. Department of Agriculture  
Natural Resources Conservation Services  
Federal Building, Room 343  
100 Centennial Mall North  
Lincoln, NE 68508-3866

Dear Mr. Lawson:

We are responding to your August 27, 2024, request for the U.S. Army Corps of Engineers (Corps) to participate as a cooperating agency under the National Environmental Policy Act for the preparation of an Environmental Assessment or Environmental Impact Statement for the following projects:

Project Name	Project Sponsor	Project Location	USACE Project Number	USACE PM
Battle Creek Watershed	Lower Elkhorn NRD	Madison County	NWO-2020-00988-WEH	Will Pigott
Box Butte Creek Watershed	Upper Niobrara White NRD	Box Butte County	NWO-2020-02136-WEH	Will Pigott
Middle & Upper Snake River Watershed	Middle Niobrara NRD	Cherry County	NWO-2021-00300-WEH	Will Pigott
Rat and Beaver Lake Watershed	Middle Niobrara NRD	Cherry County	NWO-2021-00843-WEH	Will Pigott
Spring and Buffalo Creeks Watershed	Central Platte NRD	Custer and Dawson Counties	NWO-2021-00836-WEH	Will Pigott

The Corps' jurisdiction over the proposed project is under the authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. In accordance with Title 40 of the Code of Federal Regulations Part 1501.6, the Corps agrees to participate as a cooperating agency in the preparation of the EA or EIS.

Please refer to identification number listed above in any correspondence concerning this project. If you have any questions, please contact Will Pigott by email at [william.l.pigott@usace.army.mil](mailto:william.l.pigott@usace.army.mil). For more information regarding our program, please visit our website at:  
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Grauf', written in a cursive style.

Jeremy Grauf  
Chief, Nebraska Section



## Baier, Melissa - FPAC-NRCS, NE

---

**From:** Stanek, Katrina G CIV USARMY CENWO (USA) <Katrina.G.Stanek@usace.army.mil>  
**Sent:** Friday, May 2, 2025 9:33 AM  
**To:** Baier, Melissa - FPAC-NRCS, NE  
**Subject:** RE: [External Email]RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Hi Missy,

Jeremy and I reviewed the draft PA and decided that it may be easier if USACE does not sign the agreement as a concurring party. Please let me know if you need something more formal than this email for our notification.

I'm sure you are aware that the Corps typically evaluates 106 effects through the SOP described in Appendix C. In order for USACE to sign this agreement as a concurring party, we would request a section describing the "permit area" and Appendix C review procedures be added to the agreement.

Jeremy believes our normal review process for projects with a different lead federal agency will be a more efficient and easier way for USACE to concur with NRCS's effects determination.

Please let me know if you have any questions or would like to discuss this further.

Thank you,

Katrina Stanek  
Project Manager  
US Army Corps of Engineers  
Omaha District, Nebraska Field Office  
8901 South 154th Street Suite 2  
Omaha, Nebraska 68138-3635

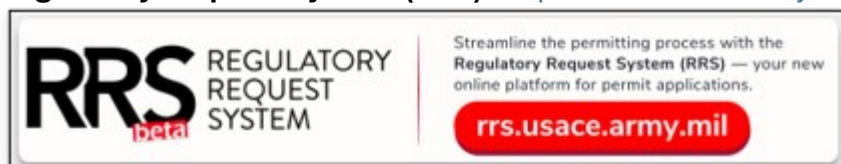
Office: (402) 896-0896

Cell: (402) 512-2298

\*\*\*\*\*

Applications and other requests should be submitted through the **Regulatory Request System (RRS)** or sent to [NE404REG@usace.army.mil](mailto:NE404REG@usace.army.mil).

**Regulatory Request System (RRS):** <https://rrs.usace.army.mil/rrs>



---

**From:** Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>

**Sent:** Thursday, April 24, 2025 10:27 AM

**To:** Stanek, Katrina G CIV USARMY CENWO (USA) <Katrina.G.Stanek@usace.army.mil>

**Subject:** [Non-DoD Source] RE: [External Email]RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Thanks!

Melissa Baier

Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office



**U.S. DEPARTMENT OF AGRICULTURE**

Natural Resources Conservation Service  
1121 Lincoln Mall Room 360, Lincoln, NE 68508  
p: (402) 437-4065 | c: (402) 317-1005

---

**From:** Stanek, Katrina G CIV USARMY CENWO (USA) <[Katrina.G.Stanek@usace.army.mil](mailto:Katrina.G.Stanek@usace.army.mil)>

**Sent:** Thursday, April 24, 2025 10:11 AM

**To:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>

**Subject:** [External Email]RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

---

**[External Email]**

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;  
Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

Missy,

Received, thank you! I will review the draft and send any comments next week.

Regards,

Katrina Stanek

Project Manager

US Army Corps of Engineers

Omaha District, Nebraska Field Office

8901 South 154th Street Suite 2

Omaha, Nebraska 68138-3635

Office: (402) 896-0896

Cell: (402) 512-2298

\*\*\*\*\*

Applications and other requests should be submitted through the **Regulatory Request System (RRS)** or sent to [NE404REG@usace.army.mil](mailto:NE404REG@usace.army.mil).

**Regulatory Request System (RRS):** <https://rrs.usace.army.mil/rrs>



---

**From:** Stanek, Katrina G CIV USARMY CENWO (USA)

**Sent:** Thursday, April 24, 2025 8:54 AM

**To:** 'Baier, Melissa - FPAC-NRCS, NE' <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>  
**Subject:** RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Haha! No worries, I should've been more specific. I am happy to have the plan documents as well. It looks like we needed a few of those documents anyway.

You should see a new link shortly.

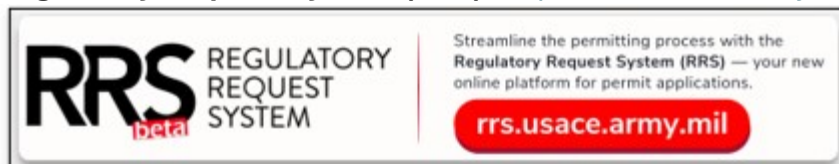
Katrina Stanek  
Project Manager  
US Army Corps of Engineers  
Omaha District, Nebraska Field Office  
8901 South 154th Street Suite 2  
Omaha, Nebraska 68138-3635

Office: (402) 896-0896  
Cell: (402) 512-2298

\*\*\*\*\*

Applications and other requests should be submitted through the **Regulatory Request System (RRS)** or sent to [NE404REG@usace.army.mil](mailto:NE404REG@usace.army.mil).

**Regulatory Request System (RRS):** <https://rrs.usace.army.mil/rrs>



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**From:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>  
**Sent:** Thursday, April 24, 2025 8:43 AM  
**To:** Stanek, Katrina G CIV USARMY CENWO (USA) <[Katrina.G.Stanek@usace.army.mil](mailto:Katrina.G.Stanek@usace.army.mil)>  
**Subject:** [Non-DoD Source] RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Oh shoot!!! I wasn't thinking about the Section 106 consultation. I was thinking CWA and NEPA. I sent you the plan and its appendices and not the attachments from the 106 letter. Can you send me another DOD Safe link so I can send you the correct files?

**Melissa Baier**  
Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office

 **U.S. DEPARTMENT OF AGRICULTURE**  
Natural Resources Conservation Service  
1121 Lincoln Mall Room 360, Lincoln, NE 68508  
p: (402) 437-4065 | c: (402) 317-1005

---

**From:** Stanek, Katrina G CIV USARMY CENWO (USA) <[Katrina.G.Stanek@usace.army.mil](mailto:Katrina.G.Stanek@usace.army.mil)>  
**Sent:** Thursday, April 24, 2025 8:31 AM

**To:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>  
**Subject:** RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Thank you, Missy!

I can open all documents. Was the draft programmatic agreement included in the drop off? I did a quick review of the draft EA, cultural resources survey, and appendix D with no luck. Please let me know if I am missing something obvious!

Jeremy and I are interested in reviewing before we send a formal acceptance, so I would appreciate it if you could direct me where to find it. Apologies for the back-to-back emails.

Regards,

Katrina Stanek  
Project Manager  
US Army Corps of Engineers  
Omaha District, Nebraska Field Office  
8901 South 154th Street Suite 2  
Omaha, Nebraska 68138-3635

Office: (402) 896-0896  
Cell: (402) 512-2298

\*\*\*\*\*

Applications and other requests should be submitted through the **Regulatory Request System (RRS)** or sent to [NE404REG@usace.army.mil](mailto:NE404REG@usace.army.mil).

**Regulatory Request System (RRS):** <https://rrs.usace.army.mil/rrs>



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**From:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>  
**Sent:** Thursday, April 24, 2025 7:54 AM  
**To:** Stanek, Katrina G CIV USARMY CENWO (USA) <[Katrina.G.Stanek@usace.army.mil](mailto:Katrina.G.Stanek@usace.army.mil)>  
**Subject:** [Non-DoD Source] RE: NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Will do!

**Melissa Baier**  
Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office

 **U.S. DEPARTMENT OF AGRICULTURE**  
Natural Resources Conservation Service  
1121 Lincoln Mall Room 360, Lincoln, NE 68508  
p: (402) 437-4065 | c: (402) 317-1005

---

**From:** Stanek, Katrina G CIV USARMY CENWO (USA) <[Katrina.G.Stanek@usace.army.mil](mailto:Katrina.G.Stanek@usace.army.mil)>  
**Sent:** Thursday, April 24, 2025 7:52 AM  
**To:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>  
**Subject:** NRCS Spring Creek Watershed Plan, NWO-2021-00845-WEH

Hi Missy,

This request has been assigned to me. I am unable to access the enclosures through the provided link. Would you mind sending them over to me via DoD SAFE? You should see an email request follow this one.

Thank you!

Katrina Stanek  
Project Manager  
US Army Corps of Engineers  
Omaha District, Nebraska Field Office  
8901 South 154th Street Suite 2  
Omaha, Nebraska 68138-3635

Office: (402) 896-0896  
Cell: (402) 512-2298

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Applications and other requests should be submitted through the **Regulatory Request System (RRS)** or sent to [NE404REG@usace.army.mil](mailto:NE404REG@usace.army.mil).

**Regulatory Request System (RRS):** <https://rrs.usace.army.mil/rrs>



## Baier, Melissa - FPAC-NRCS, NE

---

**From:** Rose, Chelsea <Chelsea.Rose@nebraska.gov>  
**Sent:** Wednesday, May 7, 2025 3:30 PM  
**To:** Baier, Melissa - FPAC-NRCS, NE; Mendoza, Jade  
**Subject:** RE: USDA-NRCS, Spring Creek, Dawson County, Nebraska Section 106 consultation request

Hi Missy,

Thank you for the opportunity to be involved in the development of a Programmatic Agreement for the Spring Creek Watershed Project. We would absolutely like to be involved in the development of that agreement. At present, I concur with the SAO's initial determination that no archaeological resources will be affected within the surveyed portions of the APE. Of course, I recognize that portions of the APE have not yet been surveyed, but I just wanted to provide you with a brief update now that I have reviewed Dave's cultural resource report. I am sure Jade will have more to share once she is able to review the Architectural Resources.

Do you have a deadline that you would like comments on the PA by? Please let us know!

Have a great day,

**Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist**



P: (531) 350-8840 | [chelsea.rose@nebraska.gov](mailto:chelsea.rose@nebraska.gov)  
1500 R Street, Lincoln, NE 68508  
[history.nebraska.gov](http://history.nebraska.gov)



---

**From:** Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>  
**Sent:** Friday, May 2, 2025 10:09 AM  
**To:** Rose, Chelsea <Chelsea.Rose@nebraska.gov>; Mendoza, Jade <Jade.Mendoza@nebraska.gov>  
**Subject:** USDA-NRCS, Spring Creek, Dawson County, Nebraska Section 106 consultation request

Good morning, Chelsea and Jade,

The Natural Resources Conservation Service in Lincoln, Nebraska, recently sent a NHPA Section 106 consultation request to your office for the Spring Creek Watershed Plan-EA (attached). The consultation letter included a link to an online folder containing the cultural resource inventory report and other supporting documents associated with this proposed undertaking. To help you access the materials more easily, here is the link to the folder mentioned in the letter:

<https://nracs.box.com/s/kmkufk9h6v6br9yit04rogp1ssaqqgbz>

Thank you very much for your review and consideration of this project. I look forward to hearing from you.

Sincerely,

Missy

**Melissa Baier**

Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office



**U.S. DEPARTMENT OF AGRICULTURE**

Natural Resources Conservation Service  
1121 Lincoln Mall Room 360, Lincoln, NE 68508  
p: (402) 437-4065 | c: (402) 317-1005

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May 16, 2025

Melissa Baier  
Assistant State Conservationists, Water Resources and Easements  
USDA, Natural Resources Conservation Service  
VIA EMAIL

RE: HP# 2504-071-01; Spring Creek Watershed Plan-EA in Dawson Co., NE

Dear Melissa Baier,

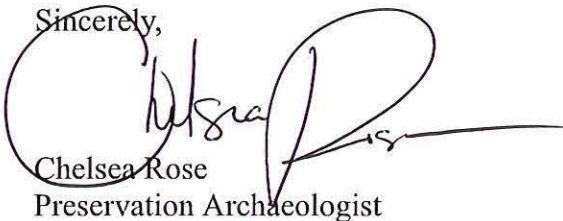
Thank you for submitting information for the above-referenced undertaking for the Nebraska State Historic Preservation Office (NESHPO) to review and comment on. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Based on the information provided, NESHPO concurs with the proposed Spring Creek Watershed Plan-EA in that there will likely be no adverse effect on cultural resources listed in the National Register of Historic Places or eligible for such a listing. Should any changes to the project plan be made, please notify NESHPO of the changes before further planning continues.

Please be advised that NESHPO's determination does not necessarily reflect the opinion of Native American Tribes that may have an interest in the area, nor does it pertain to Traditional Cultural Properties, if they exist in the area.

Please retain this correspondence to demonstrate consultation efforts with NESHPO in compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at [chelsea.rose@nebraska.gov](mailto:chelsea.rose@nebraska.gov).

Sincerely,

  
Chelsea Rose  
Preservation Archaeologist

**1500 R Street  
Lincoln, NE, 68508-1651  
<https://history.nebraska.gov>**



***Hinono'ainino'***  
Northern Arapaho Tribe  
TRIBAL HISTORIC PRESERVATION OFFICE  
P.O. Box 273, Riverton, Wyoming 82501  
PH: 307.856.1628 FX: 307.856.1974



**Date:** 5/9/25

**Contact Name:** Melissa Baier

**Contact Phone:** (402) 437 - 4065

**Email Address:** Melissa.Baier@usda.gov

**Company Name:** USDA NRCS Nebraska State Office

**Company Address:** 1121 Lincoln Mall Rm 360

**City:** Lincoln

**State:** NE

**Zip Code:** 68508

**RE:** *Spring Creek Watershed Plan*

Dear Sir or Madam:

After reviewing your request under the Section 106 process of the NHPA, and NEPA, our office would like to comment on the proposed project. The Northern Arapaho Tribal Historic Preservation Office makes the following determination:

***The Northern Arapaho THPO concurs with the determination***

Site Visit: No Tribal Monitor: No

Our office has come to this determination by drawing conclusions from the survey and file search from maps depicting the provenience of sites regarding the Direct and Visual APE.

Within the Area of Potential Effect, there are:

Cultural Resources: NONE

Eligible Historic Properties: NONE

Probability of properties of religious and cultural significance to the Northern Arapaho: LOW

If traditional cultural properties, rock features, or human remains are found during excavation with any new ground disturbance, we request to be contacted and a report provided.

Thank you for consulting with the Northern Arapaho THPO.

Sincerely,

Crystal C'Bearing

THPO Director

crystal.cbearing@northernarapaho.com

397

## Baier, Melissa - FPAC-NRCS, NE

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**From:** gary.lafranier@cheyennenation.com  
**Sent:** Tuesday, June 3, 2025 12:23 PM  
**To:** Baier, Melissa - FPAC-NRCS, NE  
**Subject:** [External Email]6 Projects

**Importance:** High

### [External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;  
Use caution before clicking links or opening attachments.  
Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

Good Morning,

USDA-NRCS, Spring Creek Watershed Plan, Dawson County, Nebraska: Northern Cheyenne concurs with findings of No Adverse Effect.

Box Butte Watershed Plan-EA, Box Butte and Sheridan Counties, Nebraska: Northern Cheyenne concurs with findings of No Historic Properties.

Turkey Creek Watershed Plan-EA, Furnas and Gosper Counties, Nebraska, USDA-NRCS: Northern Cheyenne will like to participate and also request a cultural survey to be completed before ground disturbance activities begin.

Blackwood Creek Site 11-A Dam Rehabilitation: Northern Cheyenne concurs with findings of No Historic Properties.

West Branch Thirty-Two Mile Creek Watershed: Northern Cheyenne concurs with findings of No Historic Properties.

Dry Creek South Site 2-A Dam Rehabilitation: Northern Cheyenne concurs with findings of No Adverse Effect.

Thank You,

*Gary LaFranier*

FCC/ Section 106 Coordinator

(406) 477-8113

Lame Deer, MT. 59043

## Baier, Melissa - FPAC-NRCS, NE

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**From:** Rose, Chelsea <Chelsea.Rose@nebraska.gov>  
**Sent:** Tuesday, June 17, 2025 11:23 AM  
**To:** Baier, Melissa - FPAC-NRCS, NE  
**Subject:** RE: USDA-NRCS, Spring Creek, Dawson County, Nebraska Section 106 consultation request  
**Attachments:** NRCS Spring Creek PA Draft SHPO Comments.docx

Hi Missy,

My comments on the PA are attached! I don't have any immediate concerns that come to mind regarding the PA. Will another draft be available for us to review after changes are made (prior to NRCS HQ review)? Please do let me know.

Have a great day,

**Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist**



P: (531) 350-8840 | [chelsea.rose@nebraska.gov](mailto:chelsea.rose@nebraska.gov)  
1500 R Street, Lincoln, NE 68508  
[history.nebraska.gov](http://history.nebraska.gov)



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**From:** Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>  
**Sent:** Wednesday, May 7, 2025 4:29 PM  
**To:** Rose, Chelsea <Chelsea.Rose@nebraska.gov>; Mendoza, Jade <Jade.Mendoza@nebraska.gov>  
**Subject:** RE: USDA-NRCS, Spring Creek, Dawson County, Nebraska Section 106 consultation request

Thanks, Chelsea! Could I have please your comments by June 17<sup>th</sup>?

Just to give you a timeline for the planning process, the plan is under review at our National Water Management Center right now. They should get us comments on the plan and draft PA back by the end of May. We usually have some revisions to make after that review, then we send the plan to our headquarters for a higher-level programmatic review (probably end of June, early July). Once the programmatic review is done, then we post the plan and EA for public and agency comments for 30 days (probably mid-August). Then we respond to comments, write a FONSI, and send the FONSI and final plan-EA out for a final public review (hopefully by mid-late October). I'll need to have all revisions to the PA done by the public comment period (August), but since the public is allowed to comment on the PA, we won't sign it until after the public comment period.

I also still need to file the e106 request with ACHP, but I was waiting until I had at least an initial response from you before I did that. I'll probably send the ACHP invitation in the next two weeks. I'll cc you on that correspondence when it goes out.

Melissa Baier

Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office



**U.S. DEPARTMENT OF AGRICULTURE**

Natural Resources Conservation Service  
1121 Lincoln Mall Room 360, Lincoln, NE 68508  
p: (402) 437-4065 | c: (402) 317-1005

---

**From:** Rose, Chelsea <[Chelsea.Rose@nebraska.gov](mailto:Chelsea.Rose@nebraska.gov)>

**Sent:** Wednesday, May 7, 2025 3:30 PM

**To:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>; Mendoza, Jade <[Jade.Mendoza@nebraska.gov](mailto:Jade.Mendoza@nebraska.gov)>

**Subject:** RE: USDA-NRCS, Spring Creek, Dawson County, Nebraska Section 106 consultation request

Hi Missy,

Thank you for the opportunity to be involved in the development of a Programmatic Agreement for the Spring Creek Watershed Project. We would absolutely like to be involved in the development of that agreement. At present, I concur with the SAO's initial determination that no archaeological resources will be affected within the surveyed portions of the APE. Of course, I recognize that portions of the APE have not yet been surveyed, but I just wanted to provide you with a brief update now that I have reviewed Dave's cultural resource report. I am sure Jade will have more to share once she is able to review the Architectural Resources.

Do you have a deadline that you would like comments on the PA by? Please let us know!

Have a great day,

**Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist**



P: (531) 350-8840 | [chelsea.rose@nebraska.gov](mailto:chelsea.rose@nebraska.gov)  
1500 R Street, Lincoln, NE 68508  
[history.nebraska.gov](http://history.nebraska.gov)



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**From:** Baier, Melissa - FPAC-NRCS, NE <[Melissa.Baier@usda.gov](mailto:Melissa.Baier@usda.gov)>

**Sent:** Friday, May 2, 2025 10:09 AM

**To:** Rose, Chelsea <[Chelsea.Rose@nebraska.gov](mailto:Chelsea.Rose@nebraska.gov)>; Mendoza, Jade <[Jade.Mendoza@nebraska.gov](mailto:Jade.Mendoza@nebraska.gov)>

**Subject:** USDA-NRCS, Spring Creek, Dawson County, Nebraska Section 106 consultation request

Good morning, Chelsea and Jade,

The Natural Resources Conservation Service in Lincoln, Nebraska, recently sent a NHPA Section 106 consultation request to your office for the Spring Creek Watershed Plan-EA (attached). The consultation letter included a link to an online folder containing the cultural resource inventory report and other supporting documents associated with this proposed undertaking. To help you access the materials more easily, here is the link to the folder mentioned in the letter:

<https://nrqs.box.com/s/kmkufk9h6v6br9yit04rogp1ssaqqqbz>

Thank you very much for your review and consideration of this project. I look forward to hearing from you.

Sincerely,

Missy

**Melissa Baier**

Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office



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Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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## Baier, Melissa - FPAC-NRCS, NE

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**From:** Joseph Reed <jreed@pawneenation.org>  
**Sent:** Wednesday, June 18, 2025 12:02 PM  
**To:** Baier, Melissa - FPAC-NRCS, NE  
**Subject:** RE: USDA-NRCS, Spring Creek Watershed Plan, Dawson County, Nebraska Section 106 consultation request

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA) and 36 CFR Part 800.

Given the information provided, you are hereby notified that the following proposed project/s is should not adversely affect the cultural landscape of the Pawnee Nation.

However, be advised that additional undiscovered properties could be encountered, and they must immediately be reported to us under both the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act regulations.

This information is provided to you in complying with 36CFR Part 800 for Section 106 Consultation procedures. Should you have questions, please do not hesitate to contact me at [jreed@pawneenation.org](mailto:jreed@pawneenation.org) or by phone at 918-762-9728. Thank you for your time and consideration.

Sincerely,



Matt Reed  
Historic Preservation Officer  
Pawnee Nation of Oklahoma



*Kukâkû'ut*

**Matt Reed**

Tribal Historic Preservation Officer

**Phone:** (918) 762- 2180

**Email:** [jreed@pawneenation.org](mailto:jreed@pawneenation.org)

881 Little Dee Drive  
Pawnee, OK 74058

[www.PawneeNation.org](http://www.PawneeNation.org) ✦



---

**From:** Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>

**Sent:** Friday, May 2, 2025 10:09 AM

**To:** Joseph Reed <jreed@pawneenation.org>

**Subject:** USDA-NRCS, Spring Creek Watershed Plan, Dawson County, Nebraska Section 106 consultation request



Good morning, Matt,

The Natural Resources Conservation Service in Lincoln, Nebraska, recently sent a NHPA Section 106 consultation request to your office for the Spring Creek Watershed Plan-EA (attached). The consultation letter included a link to an online folder containing the cultural resource inventory report and other supporting documents associated with this proposed undertaking. To help you access the materials more easily, here is the link to the folder: <https://nracs.box.com/s/kmkufk9h6v6br9yit04rogp1ssaqqbz>

Thank you very much for your review and consideration of this project. I look forward to hearing from you.

Sincerely,  
Missy

**Melissa Baier**

Assistant State Conservationist – Water Resources and Easements  
Nebraska NRCS State Office



**U.S. DEPARTMENT OF AGRICULTURE**

Natural Resources Conservation Service  
1121 Lincoln Mall Room 360, Lincoln, NE 68508  
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## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Nebraska State Office

1121 Lincoln Mall  
Room 360  
Lincoln, NE 68508

### SENT VIA EMAIL

July 7, 2025

Reid J. Nelson  
Executive Director  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request, Spring Creek Watershed Plan-EA, Dawson County, Nebraska

Dear Reid J. Nelson:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Dawson County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to 46 acres of the APE was restricted during the cultural resources inventory, and historic property identification efforts are incomplete. As such, NRCS cannot make a final determination of effect for the entire project at this time.

Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Signatory. NRCS is also requesting concurrence on the determination that the undertaking will have no adverse effects on the Dawson County Canal, Lateral No. 1, Drainage Ditch No. 4, Beatty Ditch, Dawson County Drain No. 1, and Cozad Country Club and Golf Course.

### Undertaking Description

NRCS is providing financial assistance to the Central Platte Natural Resources District (CPNRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Cozad and Lexington, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, CPNRD, and HDR, Inc., are preparing an environmental assessment as part of the watershed

planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the CPNRD previously held a public and agency scoping period regarding the watershed plan from October 28-November 27, 2020. We anticipate that the draft Plan-EA will be available for public review in Summer 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels in Cozad and Lexington, Nebraska. The earthen berms will typically be 2-5 feet in height with 3:1 side slopes. The berms in Lexington will have an average top width of 20 feet. The berms in Cozad will have an average top width of 10 feet.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. Beginning at O Street, an earthen flood control berm would be constructed on the south side of an existing tributary from 0.25 miles north of W 24th Street to Drainage Ditch No. 4. A gated structure would be installed at Ditch No. 4 to maintain normal flows. The berm would divert higher flows through a new diversion ditch that would extend east to Newell Street. On the east side of Newell Street, the existing roadside ditch would be improved to carry flows south. This existing roadside ditch continues along the east side of Newell Street to its confluence with Drainage Ditch No. 4. A gated structure would be installed to maintain normal flows. Just south of E 16th Street, a new drainage diversion would carry higher flows from Drainage Ditch No. 4 to the east. A gated structure would be installed on an existing drainage ditch to maintain normal flows. The diverted flow would be carried to an existing drainageway (through a stabilized drop structure) that drains into Stump Ditch just east of Country Club Road. Improvements to the existing drainageway and the existing Stump Ditch would continue to the upstream side of its existing intersection with the Dawson County Canal. A gated structure would be installed at the Stump Ditch transition to a new drainage ditch to maintain normal flows in Stump Ditch. From this point, a new drainage diversion ditch would be constructed to carry flow around the east border of the Cozad Country Club through the intersection of County Road 760. An underdrain would be installed for the Dawson County Canal to be carried under the new drainage ditch. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201feet. A 25 foot ROW would be maintained on each side of these improvements, where applicable.

In Lexington, the proposed action calls for includes a small earthen flood control berm beginning on the south side of County Road 757 at North Airport Road. It would continue east to Spring Creek east of Nebraska Highway 21. East of Nebraska Highway 21, the Spring Creek channel would be improved south to County Road 437. The improved channel would typically have a maximum bottom width of 24 feet and maximum top width of 108 feet. A 25 foot ROW would be maintained on each side of these improvements, where applicable. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. All the improvements are located on the northeast and east sides of Lexington.

### **Area of Potential Effects (APE)**

The APE totals 382 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates; access routes; staging areas; excavation; grading; tree removal; earthen berm footprints; alterations to existing roads, drains, bridges, canals, and streams; sediment disposal; borrow areas; etc., as well as visual and other effects to cultural resources.

The APE for Lexington is 207 acres in size and is located in Sections 31, 32, and 33, Township 10 North, Range 21 West; and Sections 53, 4, 9, 10, 11, 13, and 14 Township 9 North, Range 21 West. The APE for Cozad is 175 acres and is located in Sections 31 and 32, Township 11 North, Range 23 West and Sections 4, 5, 6, 9, and 16, Township 10 North, Range 23 West. Maps and photographs of the APE are available in the cultural resources inventory report which can be downloaded from <https://tinyurl.com/4mutvp4f>.

### **Cultural Resource Identification**

The State Archaeology Office (SAO) of the Nebraska State Historical Society conducted the cultural resources investigation of the APE. Prior to the field investigation, SAO staff completed a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations; recorded archaeological sites, architectural properties, and bridges; and historic trails.

The desktop review indicated that 26 cultural resource surveys have taken place within one mile of the APE in Lexington, and five cultural resource surveys have occurred within one mile of the Cozad APE. Three archaeological sites are recorded within one mile of the Lexington APE, and one archaeological site is recorded within one mile of the Cozad APE. There are no archaeological sites or standing structures recorded within the boundaries of the Lexington or Cozad APEs. The Mormon Pioneer National Historic Trail is within ½ mile of the Cozad APE, but the mapped route of the trail does not intersect the APE.

SAO completed the cultural resources field investigation of the Spring Creek APE between November 2021 and May 2022. The survey covered 678 acres, which included 83 acres of land near Overton and 272 acres of land southwest of Lexington that are no longer included in this undertaking. (The Overton and Lexington SW alternatives were eliminated from the preferred alternative because they did not provide enough benefits to justify the potential costs of construction.) The entire APE in Lexington was investigated for cultural resources, but landowners denied access to approximately 50 acres within the Cozad APE. These 50 acres will need to be investigated for historic properties prior to project implementation.

Field survey methods included pedestrian visual inspection supplemented by shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 20 meters intervals and one shovel test. Architectural resources within the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas can be downloaded from <https://tinyurl.com/4mutvp4f>.

No archaeological resources or standing structures were identified during the investigation. No artifacts were observed on the ground surface or recovered from the

shovel test. All cultural resources documented by the survey are irrigation/drainage ditches or straightened stream channels.

The cultural resource inventory in Cozad identified the Dawson County Canal (referred to as Dawson County Lateral No. 1 on the maps in the cultural resources inventory report), straightened sections of Stump Slough, an unnamed drainage channel northwest of town built between 1951 and 1971, and sections of Drainage Ditch No. 4.

The Dawson County Canal was developed in 1894 by the Farmers and Merchants Canal Company. The canal initially measured 80 miles long and irrigated almost 80,000 acres of land. The canal was extended in 1929 and now irrigates 96,000 acres. The Dawson County played a crucial role in the agricultural history of Dawson County and is eligible for inclusion in the NRHP under Criterion A.

Drainage Ditch No. 4 was originally part of a natural drainage called the Spring Creek Slough on the 1904 Dawson County Atlas. The slough was straightened and channelized sometime between 1919 and 1951, either as part of flood control efforts or irrigation system improvements. No information was found about the development of Drainage Ditch No. 4. The ditch has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with agricultural development in Dawson County.

The straightened sections of Stump Slough and the unnamed drainage ditch are earthen ditches with no unique architectural features. There is no evidence that the Stump Slough was straightened by an individual or group as part of an identified irrigation or flood control project. There is no evidence that the unnamed drainage ditch is associated with any significant events or individuals in history. There is low research potential associated with techniques used to construct the ditch and straighten the stream. NRCS has determined that Stump Slough and the unnamed drainage are not eligible for the NRHP under any criteria.

The cultural resource inventory in Lexington documented one drainage ditch (Lateral No. 1), a straightened section of Spring Creek within the Lexington APE, the Beatty Ditch diversion weir, and the Dawson County Drain No. 1. Lateral No. 1 intersects the APE at Airport Road as an open ditch, but transitions to a buried pipe shortly thereafter. Lateral No. 1 drains to unnamed open drainage ditch in Section 32, Township 10 North, Range 21 West, which then drains into Spring Creek. Based on historic aerial photographs and maps, Lateral No. 1 appears to have been constructed between 1938 and 1951. Portions of the ditch/canal were enclosed in the 1970s when residential neighborhoods were developed. Lateral No. 1 has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

Most sections of Spring Creek that will be affected by this project have been previously straightened or channelized. The segments in Sections 31 and 32 of Township 10 North, Range 21 West were straightened between 1963 and 1969. The segment in the north half of Section 4 Township 9 North, Range 21 West was straightened between 1919 and 1938. The section in the southeast quarter of Section 4 Township 9 North, Range 21 West was straightened between 1951 and 1963. The portions of Spring Creek within Sections 3 and 10 Township 9 North, Range 21 West were straightened between 1938 and 1951. The segment in Section 14 was straightened after 1969. The NRCS has determined that the straightened sections of Spring Creek are not eligible for inclusion in the NRHP under any

criteria. No significant individuals or events are associated with the creek straightening, and there are no unique architectural features associated with the stream. Research potential into the techniques used to straighten the channel is low.

The headgate for Beatty Ditch consists of a concrete weir with wooden stoplogs and a catwalk. Beatty Ditch was constructed between 1938 and 1951. The age of the headgate is unknown, but it may be an original gate that has undergone regular maintenance. Beatty Ditch has not been evaluated for the NRHP but is being treated as eligible under Criterion A for association for Dawson County agricultural development.

The Dawson County Drain No. 1 is a drainage canal that was built between 1919 and 1951. It may have been built as early as 1930. The Drain has not been evaluated for the NRHP and is being treated as eligible under Criterion A for association with Dawson County agricultural development.

The Cozad Country Club and Golf Course was not documented during the cultural resources inventory, but the golf course is adjacent to the APE. The original portion of the golf course was built between 1938 and 1951. The course was only nine holes until it was expanded to an 18-hole course in the late 1990s. The Country Club has not been evaluated for the NRHP but is being treated as eligible under Criterion A for recreational development in Dawson County.

### **Impacts on Historic Properties**

The Dawson County Canal is eligible for inclusion in the NRHP under Criterion A. The project calls for an underdrain to carry water from the canal under the diversion channel. There are no existing gates or other original features of the canal at this location that would be modified. NRCS has determined that the underdrain will have no adverse effect on the Dawson County Canal. The underdrain will not alter any of the characteristics of the canal that make it eligible for the NRHP under Criterion A.

Gated structures would be installed where Drainage Ditch No. 4 intersects the new diversion channel. The gates would direct high flows through the new diversion channel but allow normal flows to pass through Drainage Ditch No. 4. NRCS has determined that the proposed gates will have no adverse effect on Drainage Ditch No. 4. The gates will allow the ditch to operate as normally designed. Although the gates are a new feature, they do not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The undertaking will have no adverse effect on Lateral No. 1. There are no gates or other features where the diversion channel intersects Lateral No. 1. The undertaking will not alter any of the characteristics of Lateral No. 1 that make it potentially eligible for inclusion in the NRHP.

The diversion to the Beatty Ditch will be replaced with a new weir. NRCS has determined that the new weir will have no adverse effect on Beatty Ditch. Replacement of the weir will be in kind and will not alter any of the characteristics that make the ditch potentially eligible for inclusion in the NRHP.

The Lexington NE channel conveyance will drain into Dawson County Drain No. 1. A gate may be installed to control flows. There are no existing gates or other original features of



the drain at this location that would be modified. The undertaking will not alter any of the characteristics Dawson County Drain No. 1 that make it potentially eligible for inclusion in the NRHP.

The Cozad Country Club and Golf Course has not been evaluated for the NRHP and is being treated as eligible for inclusion in the NRHP. The project calls for a new diversion channel along the eastern edge of the golf course. There will be no physical changes to the golf course, but the channel may be visible from the golf course. The channel will be shallow and vegetated in grasses, and the change in view is unlikely to alter any characteristics of the golf course that make it potentially eligible for inclusion in the NRHP. This undertaking will have no adverse effect on the Cozad Country Club and Golf Course.

This undertaking will have no effect on the Mormon Pioneer National Historic Trail. The Trail is ½ mile south of the project. No trail related archeological sites or features were identified during the cultural resources inventory.

Approximately 50 acres of APE in Cozad have not been investigated for historic properties because landowners restricted access to those parcels during the cultural resources investigation. Historic properties may be present within this portion of the Cozad APE. If historic properties are present, project activities may damage or destroy all or part of the properties. Additional investigations are required to determine whether project activities will have an adverse effect on historic properties within the uninvestigated portion of the Cozad APE.

### **Determination of Effects**

As the historic property identification efforts are incomplete, there may be an adverse effect to historic properties. NRCS cannot determine the effects of this undertaking on historic properties until the identification efforts are complete. Review timelines associated with the NEPA require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. In accordance with 36 CFR 800.4(b)(2), NRCS would like to defer final identification and evaluation of historic properties on the remaining 50 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Signatory. A draft of the Programmatic Agreement is available for review and comment at <https://tinyurl.com/4mutvp4f>.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Signatory.



If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, at 402.437.4065 or by email at [melissa.baier@usda.gov](mailto:melissa.baier@usda.gov). If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT  
LAWSON  
Date: 2025.07.07 12:19:33  
-05'00'

**ROBERT D. LAWSON**  
State Conservationist

Enclosures:

- Section 106 Correspondence
- Consulting Party Contact List
- e106 Form

Supporting Documentation available for download at <https://tinyurl.com/4mutvp4f>

- Table 1: Architectural Resources
- APE Maps
- Williams, David T. 2025. A Class III Intensive Cultural Resources Survey for the Development of Spring and Buffalo Creeks Watershed Improvement Project Work Plan, Dawson County, Nebraska)
- Draft Programmatic Agreement
- Spring Creek Planned Measures

cc:

Chelsea Rose, Preservation Archeologist, Nebraska State Historical Society – Lincoln, NE  
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office  
Chris Pappas, Acting Federal Preservation Officer, NRCS – National Water Management Center, Little Rock, AR  
Lyndon Vogt, General Manager, CPNRD – Grand Island, NE



July 15, 2025

Robert Lawson  
State Conservationist  
Natural Resources Conservation Service  
100 Centennial Mall North, Rm 152  
Lincoln, NE 68508

Ref: *Spring Creek Watershed Plan*  
*Dawson County, Nebraska*  
*ACHP Project Number: 023276*

Dear Mr. Lawson:

On July 9, 2025, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Nebraska SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Alexis Clark at (202) 517-0208 or by e-mail at [aclark@achp.gov](mailto:aclark@achp.gov) and

reference the ACHP Project Number above.

Sincerely,

A handwritten signature in black ink that reads "Dana Daniels". The signature is written in a cursive, flowing style with a large initial "D" and a prominent "D" at the end.

Dana Daniels  
Historic Preservation Technician  
Office of Federal Agency Programs

**Nebraska State Office**

1121 Lincoln Mall, Room 360  
Lincoln, NE 68508

August 18, 2025

Mark Porath  
Nebraska Project Leader/Field Supervisor  
US Fish & Wildlife Services  
9325 South Alda Road  
Wood River, NE 68883

Melissa Marinovich  
Assistant Division Administrator  
NE Game & Parks Commission  
2200 North 33<sup>rd</sup> Street  
Lincoln, NE 68503

RE: Initiation of Informal Consultation on the Spring Creek Watershed Plan-EA in Custer and Dawson Counties, Nebraska

Dear Mr. Porath and Ms. Marinovich:

This letter is to initiate Section 7 informal consultation pursuant to the Endangered Species Act (ESA) of 1973 with the U.S. Fish and Wildlife Service (USFWS) and the Nebraska Nongame and Endangered Species Conservation Act (NESCA) with the Nebraska Game and Parks Commission (NGPC) for NEPA purposes as it relates to the Spring Creek Watershed Plan-Environmental Assessment (Plan-EA) located in Custer and Dawson Counties, NE. The project is administered by the Natural Resources Conservation Service (NRCS) in cooperation with Central Platte Natural Resources District (CPNRD) and their consultant, HDR, Inc. The primary purpose of the project is flood damage reduction.

This consultation is only for NEPA compliance as it relates to any significant impacts identified in the Plan-EA. Future consultation with both agencies will be required when the project moves into the design and construction phases when more is known about the specific locations and designs of the preferred alternative. A Biological Assessment will be provided, at that time, to compile and document any impacts, determinations, surveys, or additional information required for the preferred alternative prior to any construction efforts. **The newest draft of the Plan-EA has been added for reference.**

### Background

The project is needed due to the history of flood damage that has occurred in the watershed and continued risk of flooding and flood-related damages to public and private infrastructure. Flooding has occurred in the project area on multiple occasions and is a significant issue of concern. The worst flooding occurred in 1947. More recently, the watershed was severely



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impacted by flooding in May 2008, March 2019, and July 2019. Over 9,000 acres of the watershed are within the 100-year floodplain and are at risk of future flood damage.

The preferred alternative identified in the Plan-EA includes a combination of earthen berms, improvements to existing drainage conveyance channels, and construction of new drainage conveyance channels near Cozad and Lexington, Nebraska.

As part of the Cozad Channel Conveyance alternative, four new conveyance channels would be installed, and three existing conveyance channels would be improved. A constructed berm is also planned to divert higher flows through a new diversion ditch. Gated structures would be used to maintain normal flows. The diverted flows would be carried to the southeast of Cozad. New drainage diversions/ditches and improved drainageways would have a maximum bottom width of 102-feet and maximum top width of 201-feet. The berm will generally be 2-5 feet in height with a 3:1 side slope and a top width of 10 feet. A 25-foot ROW would be maintained on each side of these improvements, where applicable. All improvements are located on the northeast and east sides of Cozad.

In Lexington, the proposed action includes a small earthen flood control berm approximately 2-5 feet in height with a 3:1 side slope and a top width of 20 feet. Flood flows would be routed to the Spring Creek channel which would be improved with a maximum bottom width of 24-feet and maximum top width of 108-feet. A new weir structure to divert flow from Spring Creek to Beatty Ditch would also be installed. A 25-foot ROW would be maintained on each side of these improvements, where applicable. All the improvements are located on the northeast and east sides of Lexington.

#### Species Pursuant to both ESA and NESCA Requirements

Data was used from the USFWS Information for Planning and Consultation (IPaC) database on July 14, 2025, as well as the NGPC Conservation and Environmental Review Tool (CERT) on the same date, to focus on species impacts within the watershed and the vicinity of Affected Resource Areas (ARAs). This information, along with additional coordination with the two agencies, identified a total of 13 species to be considered within the Plan-EA along with one designated critical habitat and four proposed species.

- American burying beetle (*Nicrophorus americanus*; federal and state threatened)
- Black-footed ferret (*Mustela nigripes*; federal and state endangered)
- Blowout penstemon (*Penstemon haydenii*; federal and state endangered)
- Eastern black rail (*Laterallus jamaicensis* spp. *jamaicensis*; federal and state threatened)
- Eskimo curlew (*Numenius borealis*; federal and state endangered)
- Gray wolf (*Canis lupus*; federal and state endangered)
- Interior least tern (*Sternula antillarum athalassos*; state endangered)
- Northern long-eared bat (*Myotis septentrionalis*; federal and state endangered)
- Pallid sturgeon (*Scaphirhynchus albus*; federal and state endangered)
- Piping plover (*Charadrius melodus*; federal and state threatened)
- Rufa red knot (*Calidris canutus rufa*; federal and state threatened)
- Western prairie fringed orchid (*Platanthera praecleara*; federal and state threatened)
- Whooping crane (*Grus americana*; federal and state endangered)

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The watershed also includes designated whooping crane critical habitat.

The proposed species consist of tricolored bat (*Perimyotis subflavus*), monarch (*Danaus plexippus*), Western regal fritillary (*Argynnis idalia occidentalis*), and Suckley's cuckoo bumble bee (*Bombus suckleyi*).

#### Species Effects Analysis for ESA and NESCA Requirements

All species noted have the potential to occur within the watershed. However, NRCS has determined that seven of those species would be a "No Effect" due to the rationale noted. The species which do not have a known population within or near the watershed or suitable habitat is absent or marginal include: black-footed ferret, blowout penstemon, Eastern black rail, Eskimo curlew, gray wolf, and rufa red knot. Additionally, the project will not result in any reduced flows on the Platte River and will therefore, result in no effect to the pallid sturgeon where populations are known to occur downstream of the ARA's.

Listed below are the six species that do have a range that overlaps the ARAs or could be affected by impacts to suitable habitat located downstream of the ARAs. They are being submitted for consideration subject to both ESA and NESCA compliance:

**American burying beetle:** The ARA's are within the boundaries of the known range of the American burying beetle. However, the areas of perennial vegetation occurring in mesic soils are absent or very limited. These marginal areas will be evaluated using a Determination Key during the design phase of the proposed alternatives. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the American burying beetle.

**Interior least tern and piping plover:** The ARA's are within the boundaries of the known range of the Interior least tern and piping plover. Suitable habitat for these species would only exist on a temporary basis during or immediately following construction when bare sand in proximity to a water source is present as a result of recent disturbance. Any potential impacts could be reduced or eliminated by conducting a presence/absence survey for these species or avoiding additional disturbance during the nesting and brood rearing timeframe (April 15 – August 15). The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the Interior least tern and piping plover.

**Western prairie fringed orchid:** The ARA's are located within the range of the Western prairie fringed orchid. However, suitable habitat for the orchid consists of high quality wet meadows and is mostly absent or very limited. Any areas which might support the species will be surveyed by a qualified botanist during the design phase and prior to any construction occurring. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the Western prairie fringed orchid.

**Whooping crane:** The ARA's are within the migration corridor for whooping crane and in proximity to the designated critical habitat for whooping crane. The proposed actions will not significantly alter suitable habitat for whooping cranes within the ARA boundaries. Conservation measures to either avoid construction during the migration periods (March 6 – April 29 and October 9 – November 15) or conduct a morning survey for the presence of whooping cranes if work is done during the migration periods will be



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implemented. Seeding of disturbed areas will consist of native and non-invasive plant species and not include woody species that reach a height greater than 4 feet. The initial determination is that the preferred alternative “may affect – but is not likely to adversely affect” the whooping crane.

The proposed conveyance channels and associated berms will not result in any flow depletions to the Platte River and no adverse modifications will occur to critical habitat for the whooping crane.

**Northern long-eared bat:** The ARA's are located within the range of the Northern long-eared bat (NLEB). There are a small number of trees as well as existing bridges or culverts located within the boundaries of the ARA's which could potentially provide roost habitat for this species. Final designs of the preferred alternative may require these features to be removed or modified. There are no known or potential hibernacula within 5.0 miles of the ARA's. It may be possible to conduct a presence/absence survey for the species. Additionally, tree removal or modifications to culverts and bridges may need to occur outside of the active season to avoid any impacts to the species. The initial determination is that the preferred alternative “may affect – but is not likely to adversely affect” the Northern long-eared bat.

### Consultation Requests


NRCS consults in accordance with its' ESA obligations and requests concurrence on the finding of “may affect- but is not likely to adversely affect” on the federally listed American burying beetle, piping plover, Western prairie fringed orchid, and Northern long-eared bat for all on-site and downstream habitat impacts for NEPA purposes as it relates to the Spring Creek Watershed Plan-EA.

NRCS consults in accordance with its' NESCA obligations and requests concurrence on the finding of “may affect- but is not likely to adversely affect” on the state listed American burying beetle, Interior least tern, piping plover, Western prairie fringed orchid, and Northern long-eared bat for all on-site and downstream habitat impacts for NEPA purposes as it relates to the Spring Creek Watershed Plan-EA.

If you need any further information, please contact me at (402) 437-4100 or by e-mail [ritch.nelson@usda.gov](mailto:ritch.nelson@usda.gov)

Respectively,

RITCHIE  
NELSON

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**Ritch Nelson**

State Wildlife Biologist

State Forester

Nebraska – Natural Resources Conservation Service