Wescott Park, Cherokee, Iowa, March 2019
Photo by Justin Pritts, Cherokee County Emergency Management

Environmental Assessment Draft

City of Cherokee
Wescott Park Relocation

CHEROKEE, IOWA

Public Assistance Program

Project Number DR-4421-IA-PW-01242-106535

December 2022

FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency, Region 7
11224 Holmes Road
Kansas City, MO 64131

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ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ASTM	American Society for Testing and Materials
BMP	Best Management Practices
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CO	Carbon Monoxide
CRS	Community Rating System
CWA	Clean Water Act
CY	Cubic Yards
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
GHG	Greenhouse Gas
IA	Iowa
IDNR	Iowa Department of Natural Resources
IPCC	Intergovernmental Panel on Climate Change
LF	Linear Feet
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NESCA	Nongame and Endangered Species Conservation Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NO2	Nitrogen Dioxide
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service

NRHP	National Register of Historic Places
O3	Ozone
PA	Public Assistance
Pb	Lead
PCB	Polychlorinated Biphenyl
PM	Particulate Matter
RA	Remedial Action
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
SF	Square Feet
SHPO	State Historic Preservation Officer
SO2	Sulfur Dioxide
THPO	Tribal Historic Preservation Officer
USC	United States Code
USCB	United States Census Bureau
USDA	United States Department of Agriculture
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Service
WOUS	Waters of the United States

1.0 INTRODUCTION

1.1 Project Authority

The City of Cherokee, located in Cherokee County, Iowa (Figure 1), has applied to the Federal Emergency Management Agency (FEMA) for assistance with the relocation of Wescott Park under FEMA's Public Assistance (PA) Program: PA-07-IA-4421-PW-01242_106535-City of Cherokee Category G Improved Project. FEMA's PA Program provides grants to local governments, states, tribes, territories and certain private nonprofit organizations for debris removal, life-saving emergency protective measures, and restoring public infrastructure. In accordance with 44 C.F.R. § 206.203(d)(1), FEMA may determine a project to be improved if a damaged facility was restored to a different design than existing pre-disaster and the change was not required by codes, specifications, or standards. FEMA refers to this as an Improved Project. The Improved Project must be a permanent project that benefits the general public, serving the same general area that was being served by the original facility. The City of Cherokee (Applicant) has determined that repairing Wescott Park facilities in its existing location in the floodplain where flood damage is repetitive does not best serve the public welfare of the community.

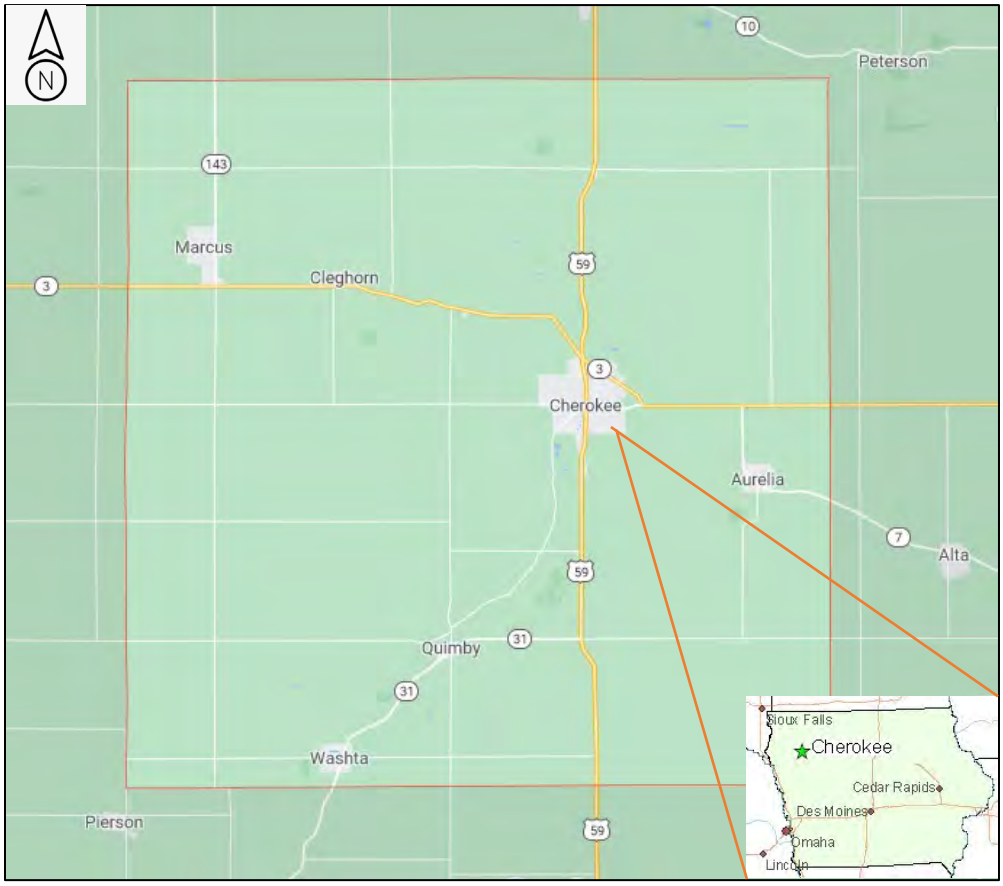

Figure 1: Cherokee County, Iowa Map

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality

(CEQ) regulation to implement NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and FEMA Directive 108-1 and FEMA Instruction 108-1-1. An EA provides an overview and outline of the evidence and analysis used to determine whether the proposed project, funded through a Federal grant, would have a significant adverse effect on human health and the environment. This EA addresses the environmental considerations associated with the FEMA grant funding applied to the relocation and construction of a new Wescott Park in Cherokee, Iowa.

FEMA funds are not being used for the acquisition of any property related to this project; the Applicant has previously purchased all land needed for the relocation of Wescott Park. The City owns the land in fee simple title at this time with no deed restrictions. FEMA funding will be utilized for the design and construction of the new recreational facilities at the proposed park location and the restoration of the existing Wescott Park site as a natural open space area, including the demolition of existing buildings.

1.2 Federal Decision to be Made

FEMA is the Federal decision maker concerning this Proposed Action and controls the Federal funds that would be used for its implementation, this is a Federal Proposed Action. The purpose of this EA is to inform decision makers of the potential environmental and human health effects of the Proposed Action and considered alternatives, before making a final Federal decision to move forward with any alternative. In this manner, Federal decision-makers can make a fully informed decision, aware of the potential environmental effects of the Proposed Action. Overall, the purpose of this EA is to:

1. Document the NEPA process;
2. Inform decision makers of the possible environmental and human health effects of the Proposed Action and alternatives, as well as methods to reduce any identified adverse effects;
3. Allow for general public, regulatory agency, and tribal input into the decision-making process; and
4. Allow for informed decision-making by the Federal funding agency.

This decision making includes identifying the actions that the Applicant as recipient of FEMA funding will commit to undertake to minimize any adverse environmental effects, as required under the NEPA, CEQ Regulations, and FEMA Directive 108-1 and instructions 108-1-1 for Environmental Planning and Historic Preservation.

The decision to be made is whether, having taken potential physical, environmental, cultural, and socioeconomic effects into account, FEMA will approve the Proposed Action in conformance with Federal law and environmental policy and that it may, as appropriate, fund the Proposed Action and allow for mitigation measures to reduce any associated adverse effects to natural and cultural resources. FEMA will ultimately decide if the action may be funded and constructed utilizing a Federal Public Assistance grant.

1.3 Environmental Decision Document

FEMA, as the Federal action agency for the Proposed Action, will document its decision in a Finding of No Significant Impact (FONSI), if appropriate. FEMA will carefully consider comments received from the consulting agencies, tribes, and the public. In accordance with FEMA Directive 108-1 and FEMA Instruction 108-1-1, this EA is being prepared pursuant to Section 102 of NEPA as implemented by the regulations promulgated by CEQ regulations 40 CFR Parts 1500-1508, and FEMA Directive 108-1 implementing NEPA. The purpose of this EA is to analyze the potential environmental impacts of the Applicant's Wescott Park Relocation project. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or FONSI for the project.

1.4 Project Location and Background

Wescott Park is a community park which runs along the south edge of the Little Sioux River on the east and west sides of Iowa Highway 59 (Figure 2). The east side of the park contains community ballfields, equipment storage sheds, a concession stand, and public restrooms. The Little Sioux River regularly floods Wescott Park, resulting in the loss of use for community residents during flooding events and the ensuing timeframe required for the clean-up and repair to the park. Additionally, repetitive damage to the existing facilities and buildings located within the park result in increased costs for the Applicant.

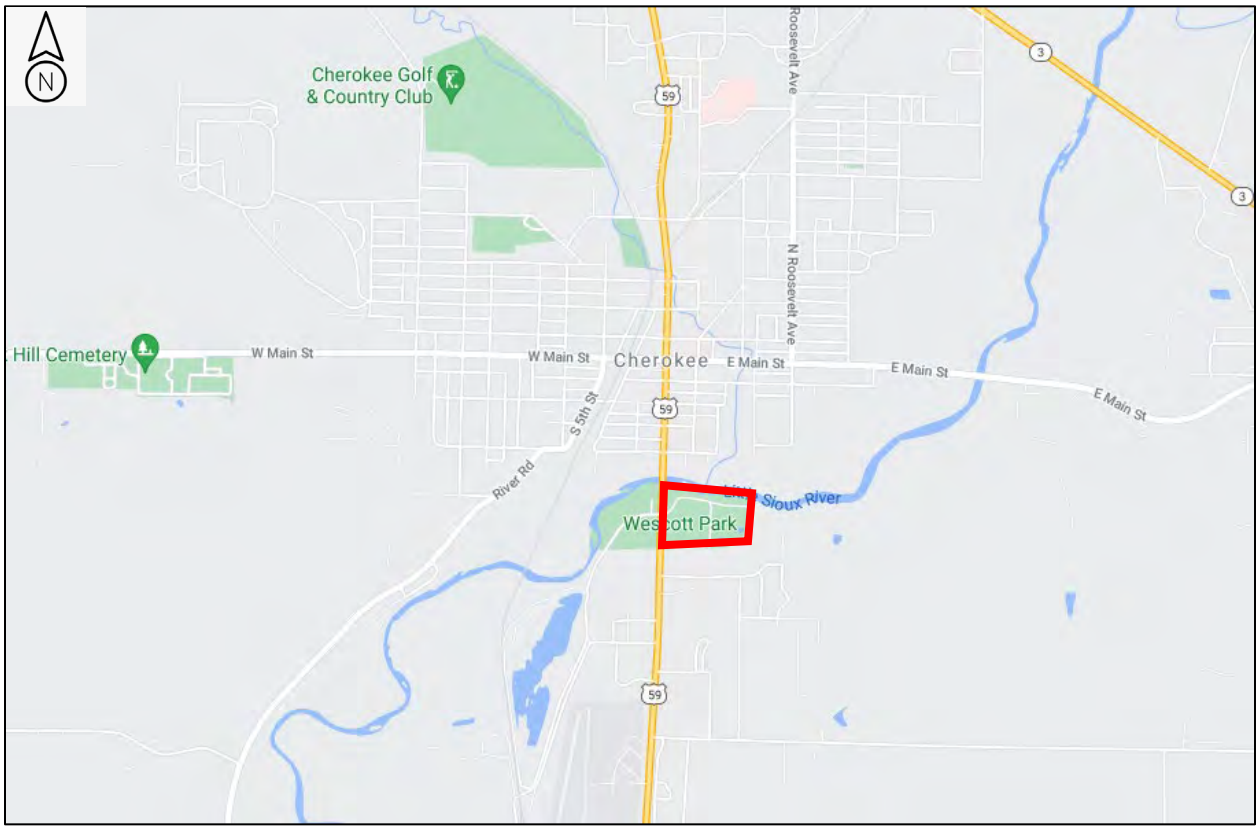

Figure 2: Current location of Wescott Park

Following repeated flooding events over the past several years, the Applicant has proposed to relocate the park to ground that would be more suitable for public park use and would not be subject to regular flooding events, loss of use, and damage. These flooding events, including six events over the past 10 years, have resulted in substantial damage to both public and private facilities, including damage to the existing Wescott Park.

2.0 PURPOSE AND NEED

2.1 Purpose

The purpose for relocating Wescott Park is to ensure the long-term use of the facilities in Wescott Park for future generations. The park facilities currently offered in Wescott Park are key recreational assets to the residents of and visitors to the City of Cherokee. Loss of the facilities due to flooding events, damage from floods, and time needed to clean up and repair damage can be significant when considering the limited available seasons of use for these facilities, baseball and softball particularly.

Wescott Park is located partially within the regulatory floodway as well as the 100-year floodplain of the Little Sioux River and has been subject to repetitive damage from flooding and is at risk from future natural disasters and flooding. The most recent damage occurred from severe storms and flooding between March 12 and June 15, 2019 when the Little Sioux River overtopped its banks and inundated Wescott Park. During severe storms and flooding loss of life may occur to individuals utilizing recreational facilities, or those providing emergency response. Disruption of recreation facilities can result in negative economic and environmental impacts, including a diminishment of the quality of life within a community.

The Applicant has identified a new park location where replacement recreational facilities can be constructed that are not in the floodplain. This site will provide the community with facilities that are not subject to frequent flooding and therefore not subject to repetitive damage and disruptions, which are currently experienced at the existing Wescott Park site.

2.2 Need

The frequency of flooding of the Little Sioux River is not expected to reduce. Between 2000 and 2020, Wescott Park has experienced 10 separate flooding events. The following chart shows a history of recent crests on the Little Sioux River at Cherokee since 1891 from data provided by the National Weather Service. Flood stage is 17 feet, moderate flood stage is 21 feet, and major flood stage is 24 feet.

Crest (in Feet)	Date		Crest (in Feet)	Date
16.38	May 28, 2020		19.70	April 24, 1985
28.40	March 13, 2019		23.84	June 18, 1984
27.00	September 21, 2018		23.90	June 21, 1983
19.83	May 4, 2016		20.16	July 14, 1982
25.55	June 19, 2014		15.67	June 5, 1980
27.90	May 27, 2013		23.90	April 7, 1969
22.70	July 19, 2011		27.20	April 7, 1965
27.30	June 27, 2010		21.90	June 20, 1954
20.50	March 21, 2007		22.70	June 11, 1953
19.70	September 16, 2004		22.30	April 6, 1951
16.80	April 14, 2001		21.60	April 29, 1947
19.35	June 21, 1996		21.20	March 12, 1945
20.36	June 28, 1994		18.60	June 13, 1944
27.08	July 18, 1993		19.00	July 5, 1943
19.41	March 19, 1992		25.70	January 1, 1891
17.40	May 17, 1986			

The increase in development within the watershed, along with an increase in intensity of storms, leaves Wescott Park at risk of future flooding from natural disasters. The existing Wescott Park location within the floodplain will continue to see extensive flooding resulting in continued damage if maintained or rebuilt in the existing location. Each time the park floods, public safety and quality of life in the City of Cherokee is compromised. Pollutants and contaminants, including untreated sewage deposited by floodwaters result in exposure during clean-up efforts. To eliminate the risk of repetitive flood damage, costs, and the associated environmental hazards, the Applicant desires to relocate Wescott Park to a site that is outside the floodplain as an alternative to repairing the park at the existing location.

The community's use of the existing Wescott Park is a key part of the overall recreational options provided to residents to improve quality of life. The Applicant believes that the proposed relocation of the park will enhance and improve upon the already positive benefits of the Applicant's recreational assets. The City has a unique opportunity to relocate Wescott Park and its associated recreational facilities out of the floodplain, with assistance from FEMA. The Proposed Action would minimize flood risk to Wescott Park a key recreation asset of the City of Cherokee and minimize the associated public safety, quality of life and environmental risks.

In addition to being located outside of the 100-year floodplain, to effectively provide the recreational benefits intended to the residents of the City of Cherokee, the new location needs to be in close proximity to residential neighborhoods and education facilities, accommodate any additional traffic associated with the proposed recreational facility, and be consistent with the Applicant's planning documents for future developments.

3.0 ALTERNATIVES ANALYSIS

NEPA requires the investigation and evaluation of reasonable project alternatives as part of the environmental review process for the proposed project. Executive Order (EO) 11988 requires the investigation of practicable alternatives prior to Federal agencies taking actions that provide direct or indirect support of floodplain development. Several alternatives were evaluated during the development of the proposed project which are presented in the following sections.

Alternatives were screened based on whether they met the project purpose and needs. The purpose of the Proposed Action is to relocate the existing Wescott Park outside of the 100-year floodplain to eliminate potential loss of life, reduce adverse economic and environmental impacts, and diminished quality of life for the community. The Applicant sought options to relocate Wescott Park from its current location to a site outside of the floodplain that provides the community with safe access to recreational facilities in general proximity to other community resources, residential neighborhoods, and education facilities, consistent with the City's planning documents and long-range goals. In looking for a location that would be best for the relocation for Wescott Park the Applicant desired a location that would be easily accessible by vehicles both for residents as well as visitors to the community. The Applicant also desired a site that would have sufficient space for future expansion of the park and would be in a location that would not impact future residential growth within the community. These guidelines narrowed the potential site locations for the Applicant to the identification of four potential sites that were investigated in more detail.

3.1 Alternatives Considered and Dismissed

3.1.1 Wescott Park Improvements

These alternatives would leave the current Wescott Park at its current location but would provide for enhancements to the park area to mitigate and remove the park facilities from the impacts of flooding from the Little Sioux River. To mitigate the impacts of flooding the City considered two potential alternatives.

1. Construction of dikes along Park Ridge Drive and the south bank of the Little Sioux River. The construction of adequately sized dikes would prevent the park area from flooding; however, because of the location and construction of the Highway 59 bridge, which effectively acts as a control structure along the Little Sioux River, the flood waters would be displaced to the north to a greater degree. This displacement would impact additional homes, businesses, and public infrastructure which is currently located outside of the floodplain. After a brief analysis it was determined that the future costs for damage, cleanup, and mitigation to these existing structures would be significantly higher than other feasible alternatives for Wescott Park.

2. A second alternative to provide relief to the existing Wescott Park site from flooding was to elevate on fill materials the existing park facilities. This alternative would have a significant cost to the City and while it may provide relief from flooding to the park facilities, an impact similar to the construction of dikes

alternative would occur, displacing floodwaters to the north of the Little Sioux River impacting a number of existing homes and businesses which are currently out of the floodplain. Elevating the existing park area is also prohibited by City and State regulations for floodplain management.

Based on the projection of significant impacts to the existing properties outside of the floodplain to the north of the Little Sioux River and the costs to install facilities to protect Wescott Park these alternatives were dismissed from further consideration.

Alternatives that retain Wescott Park within the floodplain were also dismissed to minimize future expenses related to reconstruction, clean-up, and repairs created from future flooding events to the area. The City has identified a feasible and practicable alternative location which is outside of the floodplain and accessible to residents.

3.1.2 Relocation of Wescott Park

The City investigated the relocation of Wescott Park to four potential sites (Figure 3). Three of the sites identified were considered but dismissed because they did not best meet the project purpose and need. Site 1 was determined to best meet the purpose and need and has been carried forward for detailed analysis in this EA.

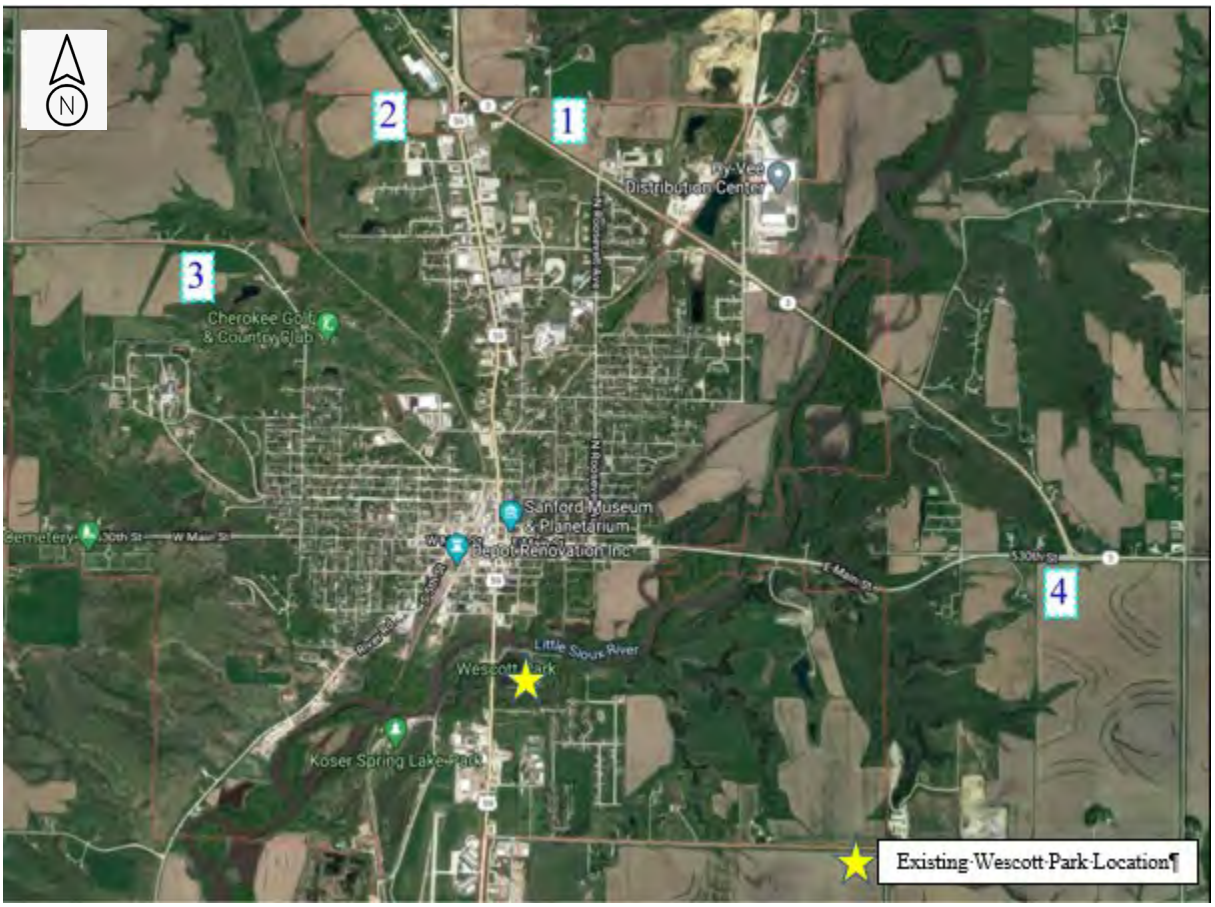

Figure 3:Map showing location of four alternative sites

3.1.2.1 Alternative Site No. 2

Site No. 2 (42.770917, -95.558171) was initially identified by the Applicant as a possible alternative location for Wescott Park; however, as the Applicant began looking more closely at the property as a location for the park, the Applicant identified several items that made this site infeasible for park development. These challenges included the following:

1. The land is not currently located within the City limits. While annexation of the land is an option the City strives to develop within the current City limits when possible before looking at land outside the City limits. The City desires to have the park located within the City limits.

2. Access to the site was another concern. Access is somewhat restricted due to ownership of adjacent parcels. The primary access to the land would have to be from Highway 59. High levels of traffic and proximity to the intersection of Highway 59 and Highway 3 potentially create the need for additional traffic control features on a State Highway. Additionally, the traffic leaving the facility at this location could back up within the park due to challenges with exiting the park onto the highway. These access issues and conflicts with existing State highways were

seen as a significant challenge to the use of this property as a viable relocation site for Wescott Park. The need for any additional traffic control features would increase the cost of the project and potentially make the project infeasible.

3. Finally, the current property owner is not a willing seller. While the City maintains the right to the use of eminent domain for essential community facilities, the City is not interested in using eminent domain to acquire land for the relocation of Wescott Park at this time.

Site No. 2 was dismissed because it doesn't meet the project needs and cannot be easily acquired. The site is outside the City limits and away from existing developed neighborhoods.

3.1.2.2 Alternative Site No. 3

Site No. 3 (42.763180, -95.570601) was initially identified by the Applicant as a possible alternative location for Wescott Park; however, as the Applicant began looking closer at the property as a location for the park the Applicant identified several items that made this site infeasible for park development. These challenges included the following:

1. While this site is located within the existing City limits and is in an area zoned Agricultural, the Applicant's Future Land Use Plan identifies the area as future growth for Public/Semi-Private facilities. Cherokee Mental Health, a State facility, is located just south of this location. During planning processes, the Applicant has reserved room for future growth of this facility which has been a significant economic driver within the community. The City would like to leave room for expansion of this facility, should it be needed in the future.

2. Access to this site is from a paved county road accessed through an established residential neighborhood. Use of the site for events with visitors coming from outside of the City would require significant signing and increased traffic through existing developed residential neighborhoods would occur. An increase in traffic in the established neighborhoods was seen as a potential negative impact to those properties, possibly resulting in decreased property values.

3. Finally, the current property owner is not a willing seller. While the City maintains the right to the use of eminent domain for essential community facilities, the City is not interested in using eminent domain to acquire land for the relocation of Wescott Park at this time.

Site No. 3 was dismissed because it doesn't meet the project needs. The site would not accommodate the additional traffic well and the site is not consistent with the Applicant's land use plan.

3.1.2.3 Alternative Site No. 4

Site No. 4 (42.748279, -95.514157) was initially identified by the Applicant as a possible alternative location for Wescott Park; however, as the Applicant begin looking closer at the property as a location for the park the Applicant identified several items that made this site infeasible for park development. These challenges included the following:

1. Site No. 4 is not located within the City limits. The site is a significant distance from the current City limits and would need to be contiguous to the existing limits or additional land would need to be annexed in order to bring the property into the City. While annexation of land is an option, the City strives to develop within the current City limits when possible before looking at land outside the City limits. The City desires to have the park located within the City limits.

2. Use of this site as a City park without annexation would require the City to maintain property outside of the City limits which would increase operational costs for parks maintenance and create challenges for providing public safety services to the facility.

3. Site No. 4 is located at the junction of Highway 3 and County Road 530th Street. This is currently a "T" intersection with limited traffic controls. The development of a park facility which has periods of high traffic flows could require additional traffic control features to ensure the safety of the general public. These enhance traffic controls would also increase the costs to the overall project potentially to a point that would make the project infeasible.

4. Finally, the current property owner is not a willing seller. While the City maintains the right to the use of eminent domain for essential community facilities, the City is not interested in using eminent domain to acquire land for the relocation of Wescott Park at this time.

Site No. 4 was dismissed because it doesn't meet the project needs. The site is beyond the City limits and away from existing developed neighborhoods.

3.2 Alternatives Studied in Detail

3.2.1 No Action Alternative

Inclusion of a No Action Alternative in the environmental analysis and documentation is required under NEPA. The No Action Alternative is defined as the City abandoning the existing Wescott Park facility, and over time as the City crews have the time, they would remove the existing fence and structures and let the area revegetate naturally.

Although this alternative would not meet the project purpose and need, it is being carried forward for analysis and is discussed in subsequent sections to establish a baseline for comparison. For the purposes of this alternative, the City would make no improvements to Wescott Park. Due to the

frequency of flooding at the current site the Applicant has determined that it is not feasible or an efficient and economical use of City resources to further repair and rehabilitate the site from the last flooding impacts or to make repairs to the existing facilities.

With a No Action Alternative the City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures and let the area revegetate naturally.

3.2.2 Relocation of Wescott Park to Site No. 1

After determining that relocation of Wescott Park is the preferred option, the Applicant looked at potential sites for relocation. Site No. 1 (42.769416, -95.545427) was identified as the best and most feasible option for relocation.

The Applicant proposes the relocation of Wescott Park to higher ground within the City away from the potential impacts of flooding along the Little Sioux River. Construction of new ballfields and related facilities out of the floodplain would be more cost effective than the construction of dikes or the raising of the existing facilities and reconstruction at the current park location. In addition, relocation would not impact other properties to the north of the Little Sioux River.

The proposed new park site will contain two baseball or softball fields, storage sheds, soccer fields, parking, sand volleyball courts, and a concession restroom building. One of the baseball/softball fields and the sand volleyball courts will be lighted with LED downcast lighting. See Figure 4 for a site plan and layout of the proposed Wescott Park on Site No. 1.

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Beck Engineering, Inc.
BEI
Civil Engineering Land Surveying
Landscape Architecture

Cherokee Wescott Park Relocation
(Overall Layout)

Checked by	BMB
BEI Project No.	E20021
Drawn 06/09/2020 By MJC	
Revised	
Sheet L1.00	

Figure 4: Proposed Wescott Park Layout on Site 1

The layout of the proposed new Wescott Park incorporates stormwater features to ensure that stormwater runoff from the site doesn't impact adjacent properties and uses. The layout also allows room for future growth and improvements. Future improvements may include a playground structure, open shelters, and additional park features. The site owned by the City includes land that is not part of the initial scope of a new Wescott Park and could be developed in the future in a manner that is in compliance with the City's zoning regulations and Future Land Use Plan.

Ingress to the park would be along 515th Street on the northern boundary of the property. The plan does not include any new access points off of State Highway 3; however, an alternative design exists that would tie in access to the park from an existing controlled access location for Industrial Road at the southern boundary of the property. Traffic from Highway 3 would exit to 515th Street or Industrial Road (if the alternative is constructed) and then proceed to the park. Traffic may also come from the east and northeast on 515th Street. There is sufficient stacking space within the proposed park layout to allow traffic to egress onto 515th Street and site visibility is sufficient at the intersection of Highway 3 and 515th Street to allow for safe ingress and egress to the highway by park users.

Adjacent properties to Site No. 1 are either agricultural or light industrial in nature. Directly to the southeast of Site No. 1 is the Applicant's maintenance facility, which will allow for ease of maintenance of the new park facilities. City water and sewer utilities are easily accessible. To the west across Highway 3 are residential neighborhoods; however, there is a significant grade change and open space between Highway 3 and the residential properties. The Cherokee School District has its Middle School in this general area as well. The Middle School campus has significant recreational facilities located on its complex including a track, football and soccer field, and seven ball diamonds. The Applicant does not anticipate that pedestrian traffic from these neighborhoods, nor from the school to the new park will occur due to elevation changes, the highway, and lack of existing pedestrian crossings across State Highway 3.

Site No. 1 is accessible for both residents and visitors to the community and will provide convenient access for the Applicant's staff to maintain and provide public safety services, if needed. Site No. 1 is also located within a short drive of convenient shopping including grocery stores, gas stations, fast food, and restaurants. Site No. 1 does not have pedestrian access.

Site No. 1 is currently zoned R2, Multiple-Family Residential District, and allows for public parks and open space along with medium density housing development. The R2 Zoning District is designed to provide for a medium density residential environment.

The Applicant has determined that Site No. 1 is the best overall location for the relocation of Wescott Park. Site No. 1 is also within the existing City limits and will not require any additional traffic control features which may have increased the cost of the project. Ultimately, Site No 1 best meets the needs of the Applicant and the project. As such, the Applicant has proceeded to analyze the environmental, cultural, and socio-economic impacts of the proposed site. This analysis is further outlined in the remaining portion of this EA.

The Applicant plans to retain ownership of the existing Wescott Park. Following relocation of the park, the Applicant will remove the existing ballfields and facilities that are located on the property

adjacent to the Little Sioux River and manage the area as a native habitat area and dog park. The Applicant plans to plant native prairie grasses and nectar-producing plants for pollinators in the area to help return the area to a natural state and encourage native habitat for birds, butterflies, and small mammals and reptiles. Additionally, the Applicant is considering the placement of supplemental habitat features including wood duck and bat houses in the area. The current Wescott Park will remain open space, allowing for future flood events to inundate the area as needed, providing additional open space for flood water retention and protection to developed properties to the north.

Restoration of the existing Wescott Park location would likely take place in the fall during optimal growing conditions for native plant species. Restoration of the area to native plantings and natural habitat will reduce the risk of damage from the impacts of future floods. While vehicular access will be preserved for maintenance, river access, and access to a dog exercise area, the access will be safe for those activities and can easily be closed off during periods of flooding.

4.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

This chapter discusses existing environmental conditions and the potential impacts and effects that may occur due to FEMA funding the Proposed Action of the Wescott Park Relocation Improved Project.

4.1 Resource Areas Eliminated from Consideration

The following were considered but eliminated from analysis because they are resources or regulations not applicable to the geographic project area.

1. Magnusson Stevens Fishery Conservation and Management Act (MSA). There is no documented Essential Fish Habitat in Iowa to which this law would apply. A map is available online at the following website https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper.

2. Seismic Risks. Executive Order (EO) 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction does not apply because there is low seismic risk in the project area based on seismic hazard maps developed by the U.S. Geological Survey (USGS, 2018).

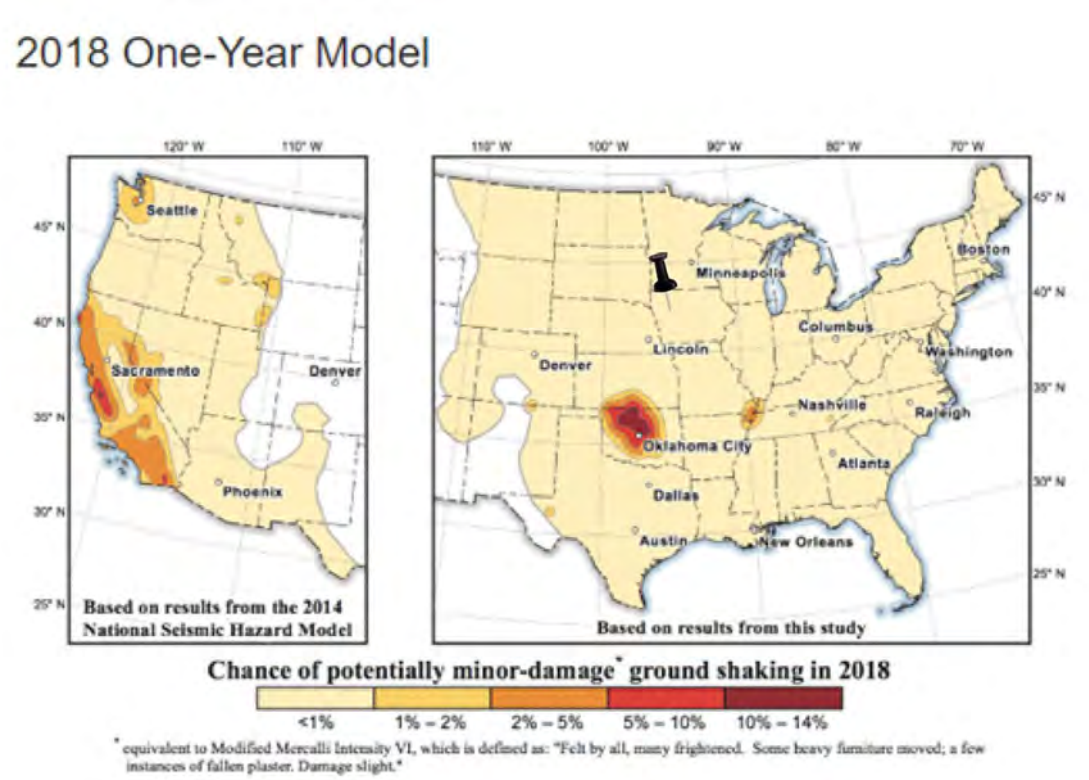

Figure 5: USGS 2018 One-Year Model Showing Chance of Minor Damage from Earthquakes. Cherokee Location Identified by Black Pin

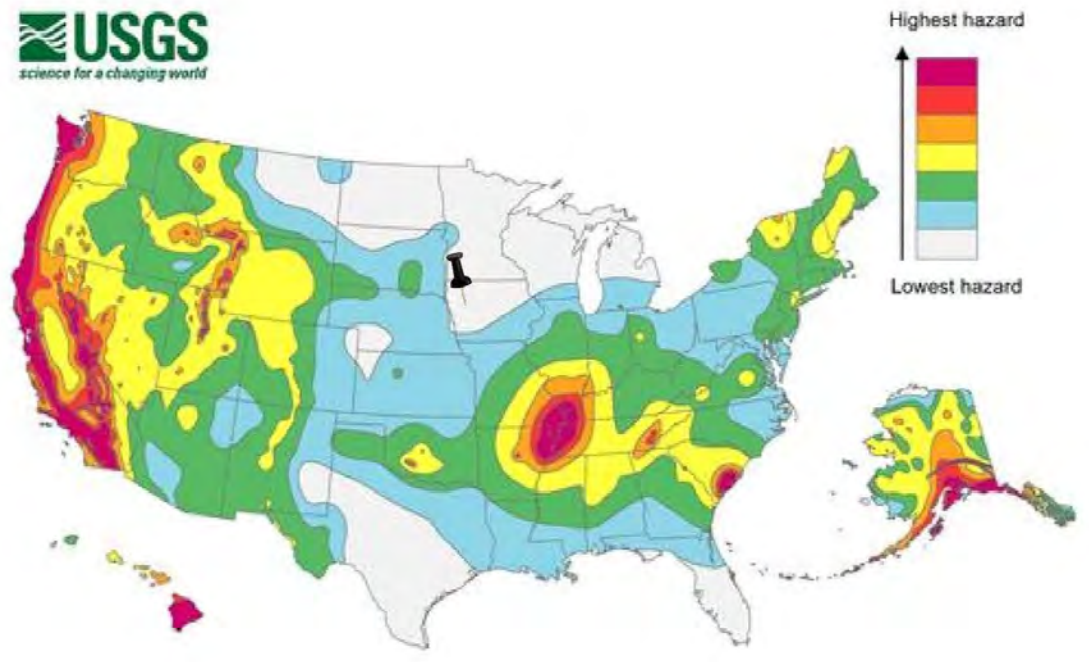

Figure 6: USGS Earthquake Hazard Map Showing Peak Ground Accelerations Having A Two Percent Probability of Being Exceeded in 50 Years. Cherokee Location Identified by Black Pin

3. Wild and Scenic Rivers Act. There are no Wild and Scenic Rivers located within the project site or within close proximity to the project area. The State of Iowa has no designated Wild and Scenic Rivers at the present time. Additional information and mapping for national Wild and Scenic Rivers can be found at https://www.rivers.gov/map.php.

4. Coastal Resources. There are no coastal zones or coastal resources within the project site or within proximity to the project area. Additional information on coastal management can be found at https://coast.noaa.gov/.

4.2 Physical Resources

The physical resources considered in this EA include soils, air quality, climate change, and visual resources. No significant impacts to physical resources are expected as discussed below.

4.2.1 Soils

As part of this EA, the existing soil conditions were reviewed to determine the existence of hydric soils, the potential for soil drainage, and any potential wetland areas. To determine the impact of the proposed relocation of Wescott Park to Site No. 1, a review of the US Department of Agriculture (USDA) Soil Survey, Lidar maps, Iowa Geographic Map Server, and soil samples tested during the Phase 1 Cultural Resources survey were used.

4.2.1.1 No Action Alternative

Soils would not be impacted by the No Action Alternative, as no new construction activity will occur.

4.2.1.2 Proposed Action, Relocation of Wescott Park to Site No. 1

General geological conditions will not be impacted by the Proposed Action, as the project involves a generally minor amount of excavation and grading work, resulting in an approximate total cut of just over 38,000 cubic yards - all of which will be retained onsite. No additional external fill material is expected to be brought onto the project site.

The Proposed Action will result in the disturbance of approximately 26.8 acres of land. There is a potential for short-term impacts of erosion from stormwater runoff; however, the Applicant will take steps to minimize those impacts during construction. Therefore, impacts to geology and soil conditions are not expected to be significant and can be mitigated.

The property has been a tilled, agricultural crop field for many years and is considered urban soils. Urban soils are those that have been changed due to human activities, such as dredging, land filling, land leveling, and surface removal (Natural Resources Conservation Service/USDA).

The common soil types present at the proposed relocation site are identified and described according to the USDA as follows:

The primary soil type present at the proposed site is “Galva silty clay loam, five to nine percent slopes,” identified in Figure 7 as 310C, which consists of 58 percent (16.4 Acres) of the soils in the area of interest. This type of soil is typically well drained, with a water table depth of more than 80 inches. The soil type is 90 percent Galva and similar soils, and 10 percent minor components.

The second most prevalent soil type is the “Galva silty clay loam, terrace, two to five percent slopes,” identified in Figure 7 as 810B, which consists of 21.5 percent (5.7 Acres) of the soils in the area of interest. This type of soil is typically well drained, with a water table depth of more than 80 inches. The soil type is 95 percent Galva, terrace, and similar types: and five percent minor components.

The third most common soil type is the “Colo-Judson silty clay loams, zero to five percent slopes, occasionally flooded,” identified in Figure 7 as 11B, which consists of 16 percent (4.2 Acres) of the soils in the area of interest. This type of soil is typically poorly drained, with a water table depth of about zero to 12 inches. The soil is comprised of 65 percent Colo, occasionally flooded, and similar soils, 25 percent Judson and similar soils, and 10 percent minor components.

Approximately 2.9 percent (0.8 Acres) of the area consist of the “Galva silty clay loan, two to five percent slopes,” identified in Figure 7 as 310B. This type of soil is typically well drained with a depth of water table of more than 80 inches. The soil type is 95 percent Galva and similar soils; and five percent minor components.

The second least common soil type found on the proposed site is “Everly clay loam, nine to 14 percent slopes, moderately eroded,” identified in Figure 7 as 577D2. This type of soil is moderately well drained with a water table depth of about 48 to 72 inches. The soil type is 100 percent Everly, moderately eroded, and similar soils.

The final soil type in the area of interest is the “Galva silty-clay loam, terrace, zero to two percent slopes,” identified in Figure 7 as 810, which consists of 1.4 percent (0.4 Acres) of the soil in the proposed site. This type of soil is typically well drained, with a water table depth of more than 80 inches. The soil is comprised of 95 percent Galva, terrace, and similar soils and five percent of minor components.

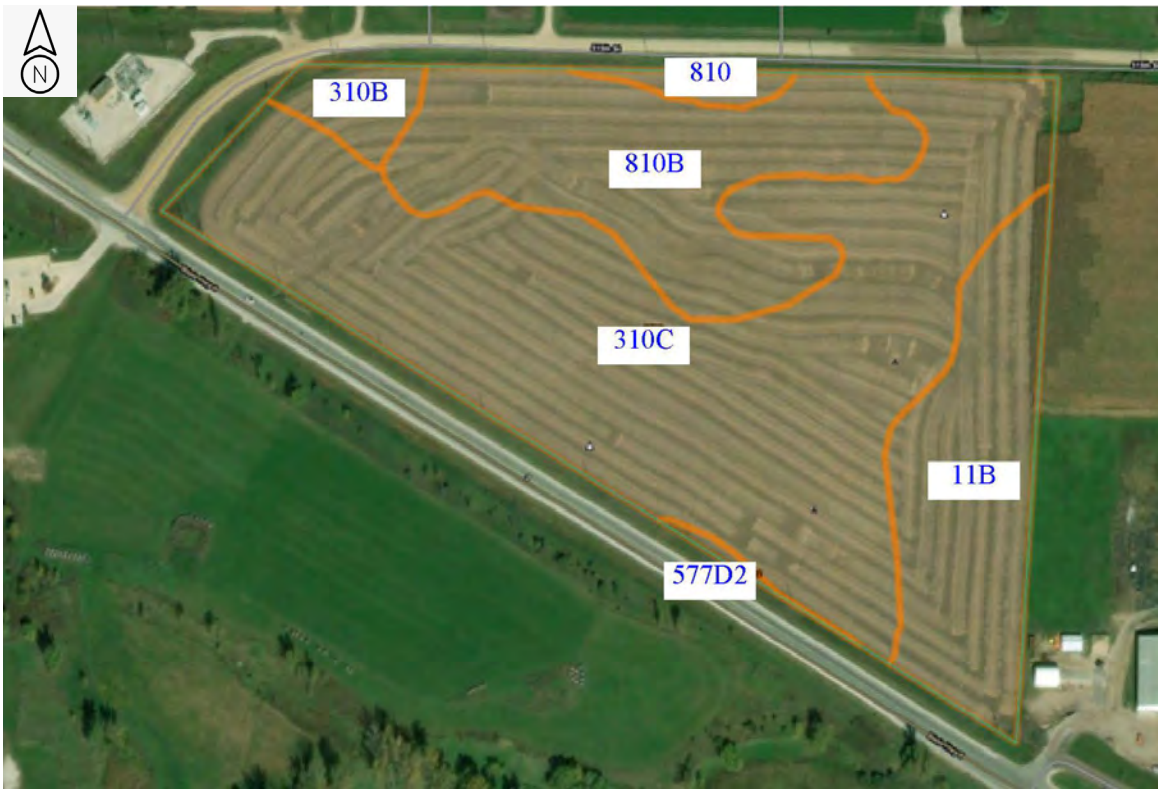

Figure 7: USDA Soil Type Map for Proposed Wescott Park Location

This data is supported by the findings of *Phase 1 Cultural Resources Investigation for the Proposed Relocation of Wescott Park. Cherokee Township, Cherokee County, Iowa,* Bear Creek Archeology, Inc. of Cresco, Iowa, November 2020. Four well-drained units belonging to Galva silty clay loam series combine to account for a majority of the soils, approximately 84.2 percent, of the project area.

The Iowa Geographic Map Server provides us with Lidar data on proposed Site No. 1, which shows drainage on the land to the southeast with water running off into the existing Highway 3 ditch and then to the Little Sioux River. The highest elevation of the land is in the northwest corner of the site at 1308 feet and the lowest elevation is in the southeast at 1260 feet a fall of about 48 feet.

Figure 8: Proposed Wescott Park Site 1 Showing Contours Based on Lidar Imaging. Map from Iowa Geographic Map Server

A review the resources identified in this section show that the land is suitable to a park and sports field use types with well drained soils and soils suitable to the development of turf grasses common in community park facilities.

4.2.1.3 Mitigation

Erosion and sediment controls are required during construction activities, such as the use of silt fencing or geogrid slope stabilization techniques. The Applicant, its project engineer, and the contractor for the project will obtain all necessary permits for the construction phase, such as the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater permits.

An erosion and sediment control plan will be developed and implemented to ensure that temporary impacts do not occur during construction activities. In addition, exposed soils at the new park site will be permanently stabilized at the completion of construction to prevent long term erosion.

A site grading concept plan, see Figure 9 below, has been developed by Beck Engineering, project engineer which shows limited site grading is needed on the project site. Additional stormwater management plans and features will be developed, in accordance with the Iowa Department of Natural Resources (IDNR) regulations as part of the design process to ensure that the long-term impacts from excess runoff do not occur at the new Wescott Park site.

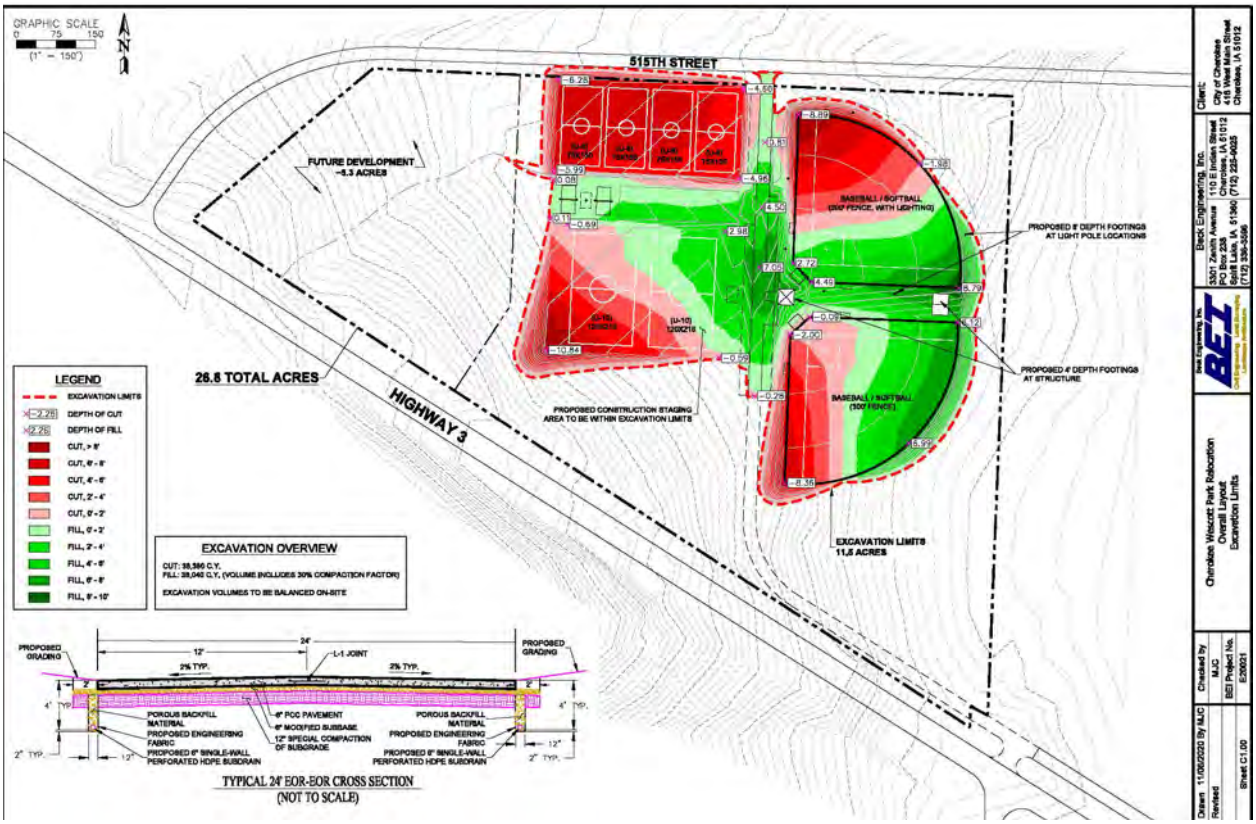

Figure 9: Proposed Grading Plan Wescott Park

The Applicant also plans to restore the existing site of Wescott Park as part of this project. The specific elements of this restoration include the following:

1. Removal of Existing Elements. The project will remove the existing fence on the east ballfield and the existing buildings including two existing shelters, dugout facilities, score board, press boxes, storage building, and concession stand building.

2. Retain West Ballfield Fence. The west ballfield fence will be retained to provide a limited enclosed area for a dog park (1.6 acres in size).

3. Native Restoration. The area of the east ballfield and the open shelter area between the west ballfield and the river will be restored to native prairie with native pollinator plants to establish habitat and feeding areas for monarch butterflies and other pollinators, birds, and small mammals. This area is a total of 11.7 acres in size. The City is also planning to work with local and regional conservation groups to install bird houses, bee hives, bat houses, and butterfly boxes to enhance the growth of native areas.

Funding for this portion of the Proposed Action is also anticipated to be paid for partially with the use of State and Federal funds and is part of the Improved Project. Figure 10 shows the proposed restoration plan for the existing Wescott Park site.

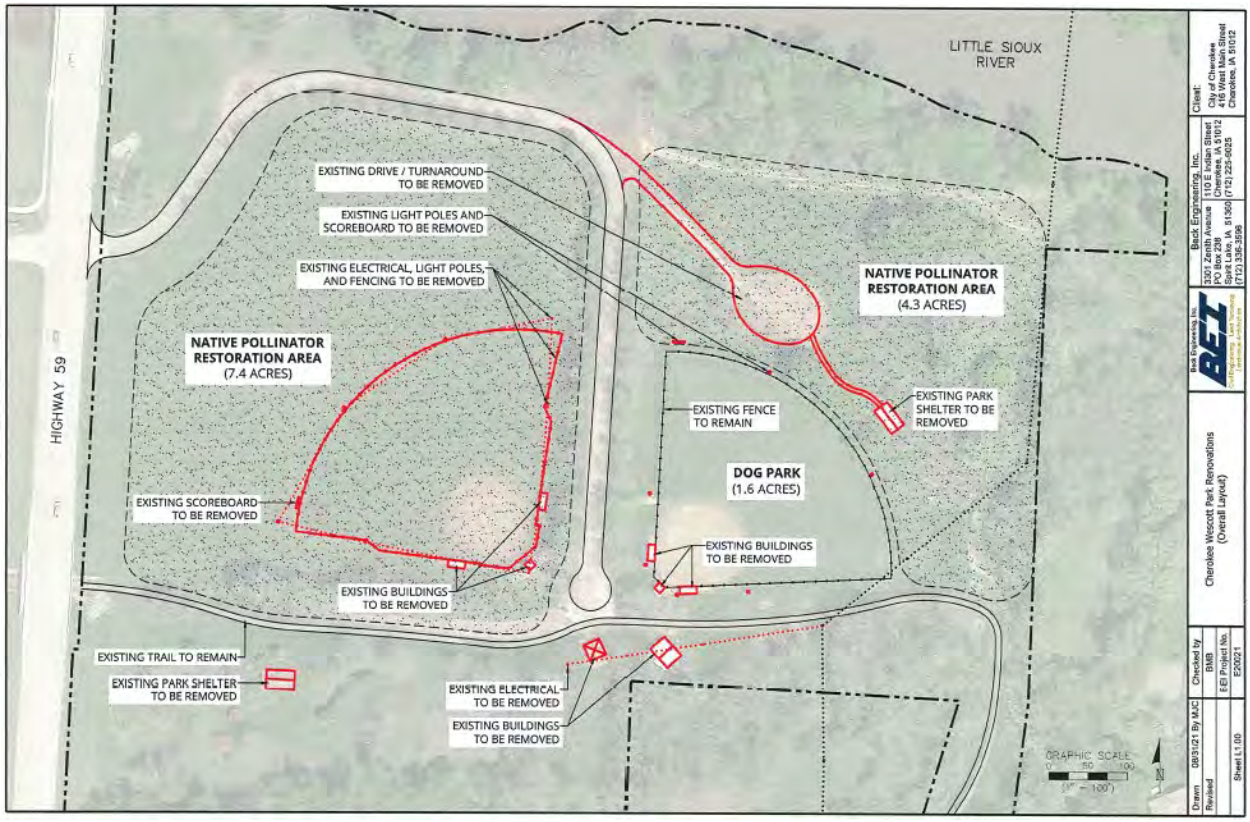

Figure 10: Concept Drawing of the Restoration Plan for the Existing Wescott Park

The Proposed Action, which includes the restoration of the current Wescott Park, will utilize appropriate erosion and sediment control practices to prevent impacts from construction work. Additionally, the project will ensure that long term positive stormwater management practices are implemented to protect the site and receiving streams long term.

4.2.2 Prime Farmland

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact of Federally funded projects on unnecessary and irreversible conversion of farmland to non-agricultural uses. For the purposes of FPPA, "farmland" includes prime farmland, unique farmland, and land of statewide or local importance as categorized by the Natural Resources Conservation Service (NRCS) division of the USDA. FPPA excludes projects on land already in an urban development area, used for water storage, or construction within an existing right-of-way purchased on or before August 4, 1984. See the Farmland Conversion Impact Rating Assessment in Appendix A. The farmland conversion impact rating for Site No. 1 was a total of 135 points which is below the level at which the FPPA recommends consideration of alternative sites (160 points).

4.2.2.1 No Action Alternative

Prime farmland, unique farmland, and land of statewide or local importance would not be impacted by this alternative, as no new construction activity would occur.

4.2.2.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed project location is currently a tilled, agricultural crop area. The NRCS website was consulted to determine whether the subject farmland was classified as prime, unique or land of statewide or local importance. The project area is identified as Prime Farmland and land of statewide importance.

As a result of the area being classified as prime farmland and land of statewide importance, an AD-1006 Farmland Conversion Impact Rating Assessment was submitted to the NRCS for completion (see Appendix A). NRCS concluded the Farmland Conversion Impact Rating assessment with an impact rating of 135. For project sites where the total points equal or exceed 160, alternative actions should be considered. The project as proposed complies with the FPPA.

4.2.2.3 Mitigation

Farmland Conversion Impact Rating assessment concluded an impact rating of 135. For project sites where the total points equal or exceed 160, alternative actions should be considered. Because this impact rating is below 160, no FPPA-related mitigation is required.

4.2.3 Air Quality

The U.S. Environmental Protection Agency (USEPA) Green Book provides detailed information about area National Ambient Air Quality Standards (NAAQS) designations, classifications and nonattainment status. The USEPA established NAAQS for six "criteria" pollutants; carbon monoxide (CO), nitrogen dioxide (NO2), ozone (O3), particulate matter (PM10 and PM2.5), sulfur dioxide (SO2), and lead (Pb), and define the allowable concentrations that may be reached but not exceeded in a given time period to protect human health (primary standard) and welfare (secondary standard) with a reasonable margin of safety. Primary and secondary standards for NAAQS have been established for most of the criteria pollutants. The USEPA is authorized to designate those locations that have not met the NAAQS as non-attainment and to classify these non-attainment areas according to their degree of severity. Attainment pertains to the compliance/violation of any of the NAAQS for the six criteria pollutants mentioned above.

USEPA Green Book Counties Designated Nonattainment site was consulted. The proposed project is not located within a USEPA-designated non-attainment area or maintenance area for one or more of the six "criteria pollutants."

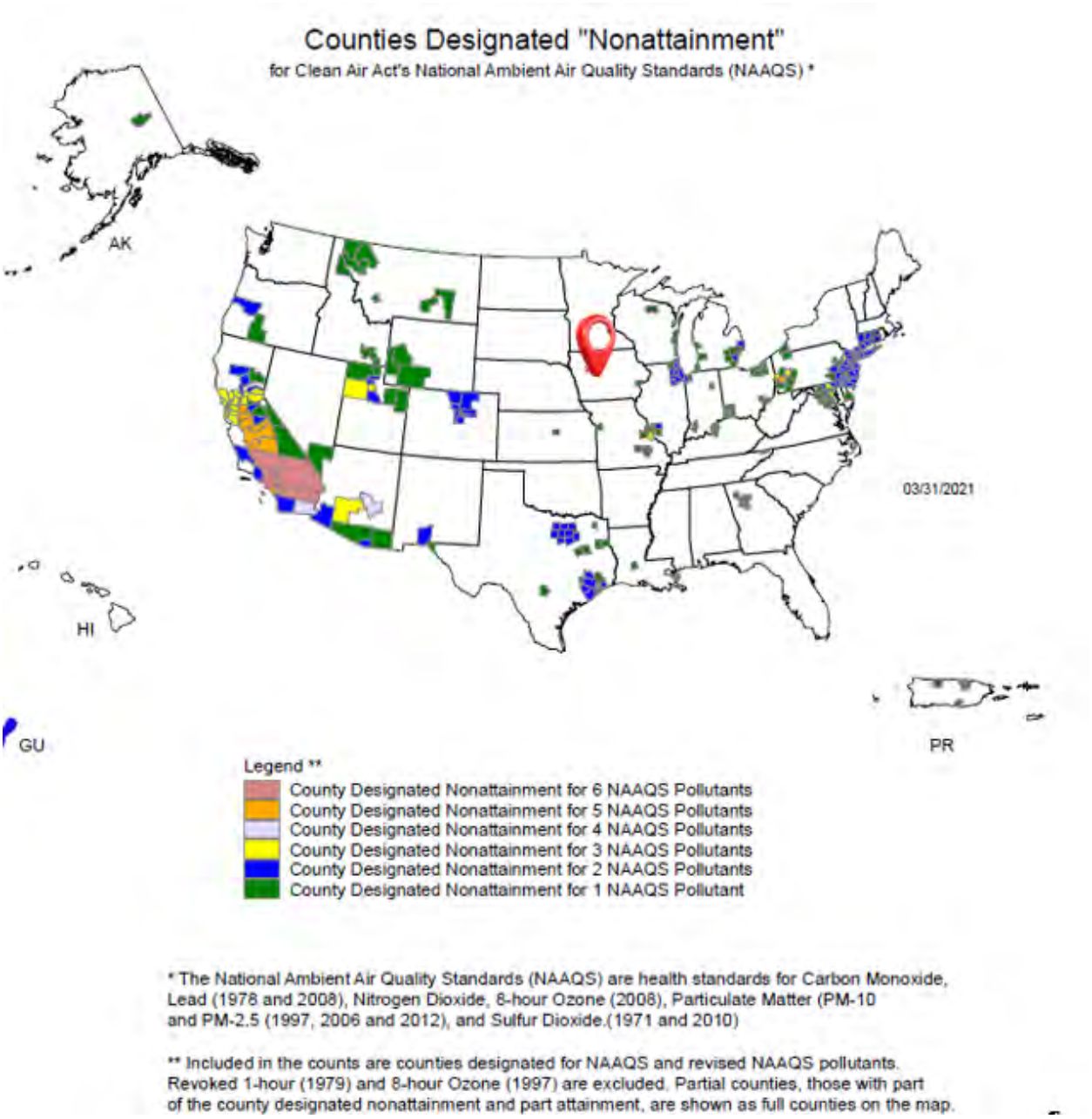

Figure 11: Map of the United States showing counties that have been designated as "nonattainment counties" for the Clean Air Act's National Ambient Air Quality Standards (NAAQS).

4.2.3.1 No Action Alternative

Air Quality would not be impacted by the No Action Alternative, as no new construction activity would occur.

4.2.3.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The Proposed Action would require the excavation of soil for construction, therefore short-term effects to air quality may occur during the construction phase due to the use of heavy construction equipment. The moving and handling of soil during construction would increase the potential for emissions of fugitive dust and exhaust emissions from diesel powered equipment; however, any deterioration of air quality would be a localized, short-term condition that would be discontinued when the project has been completed and disturbed soils have been stabilized or permanently covered.

Air quality impacts from associated increases in traffic emissions would have a minimal impact as the Applicant doesn't anticipate a significant increase in traffic due to the Proposed Action.

4.2.3.3 Mitigation

Construction activities will be required to minimize fugitive dust emissions through watering, controlling entrainment of dust by vehicles, and/or other measures to reduce the disturbance of particulate matter. Increases of air pollutants from construction activities would be minimal, localized, and temporary and would have a minor effect on local air quality. The Proposed Action is not expected to have long-term adverse impacts on the air quality of the area.

The proposed activity would include the planting of trees, bushes, and grasses that have a positive long-term impact on air quality in the area. Additionally, the redevelopment of the existing Wescott Park site with native grasses and plants would help to improve air quality within the immediate surroundings of that location.

4.2.4 Visual Resources

The project area is located along Iowa State Highway 3 in a partially developed area of the City. The site is located in the northeast part of the community. The area surrounding the project area includes rural agricultural land and industrial and commercial development.

4.2.4.1 No Action Alternative

The No Action Alternative would not change the visual resources of either the proposed new site or the existing Wescott Park location.

4.2.4.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The Proposed Action would have a short-term adverse impact on the visual resources near the project area as a result of construction activities and the presence of construction equipment. These impacts would be typical of construction activities that routinely occur in urban areas.

The Proposed Action would have a long-term positive effect on the visual resources in the project area by creating positive recreational space that can be used by the public. The Proposed Action would include lighting which would be downcast LED lights to minimize the impact on adjoining

properties and uses. Lighting of the ballfields would only be utilized during actual game events and turned off when games were over minimizing the impacts to neighboring properties and uses.

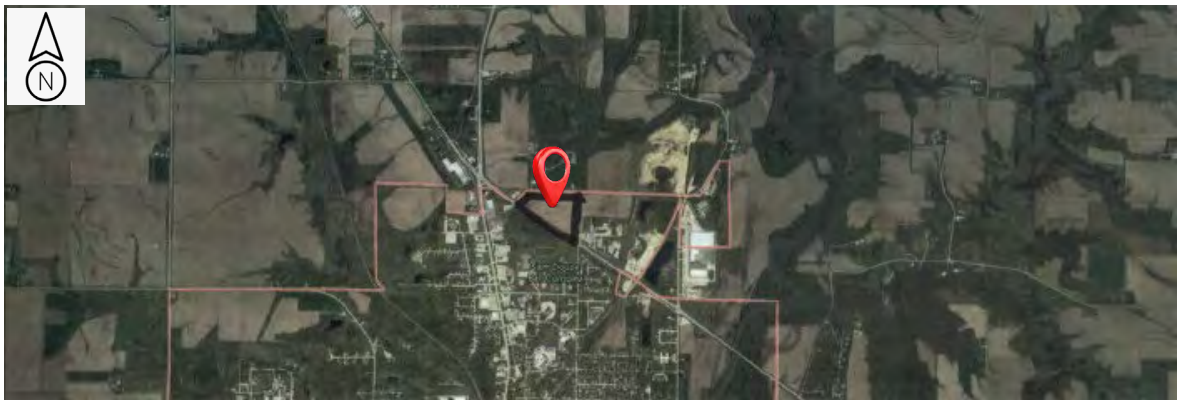

Figure12: Aerial photograph of the general location of the project site

Figure 13: Photograph of project area from ground level looking south, southwest from 515th Street. Date of Photograph is November 9, 2020

Figure 14: Photograph of project site from ground level looking southwest from 515th Street. Date of photograph is November 9, 2020.

Figure 15: Photograph of the project area from ground level looking west southwest from 515th Street. Date of photograph is November 9, 2020

4.2.4.3 Mitigation

The Proposed Action is not expected to have long-term adverse impacts on the visual resources of the area. Long-term impacts to visual resources will be positive for Site No. 1 and for the existing location of Wescott Park. Site No. 1 will include new lighting that will be downcast LED lighting to reduce night visual effects that may result from stadium type lighting. Additionally, stadium lights will only be in operation during games to minimize the overall timeframe of potential impacts.

The City's plan to remove the existing structures and fences in the current Wescott Park and replace them with native plants, pollinators, and other native habitat elements will create a natural environment that has long-term positive aesthetic impacts for the existing park location.

4.3 Water Resources

Water resources evaluated in this EA include water quality (sole source aquifer), surface waters, floodplains, and wetlands.

4.3.1 Water Quality

Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

Sole Source Aquifer (SSA) designations are one tool to protect drinking water supplies in areas where alternatives to the groundwater resource are few, cost-prohibitive, or nonexistent. The designation protects an area's ground water resource.

4.3.1.1 No Action Alternative

Water quality would not be impacted by the No Action Alternative, as no new construction activity would occur. The existing location of Wescott Park is not within an area designed by the USEPA as an SSA.

4.3.1.2 Proposed Action, Relocation of Wescott Park to Site No. 1

SSA information was checked on the USEPA's website for sole source aquifers. The proposed project locations are not located within an area of USEPA-designated sole source aquifer.

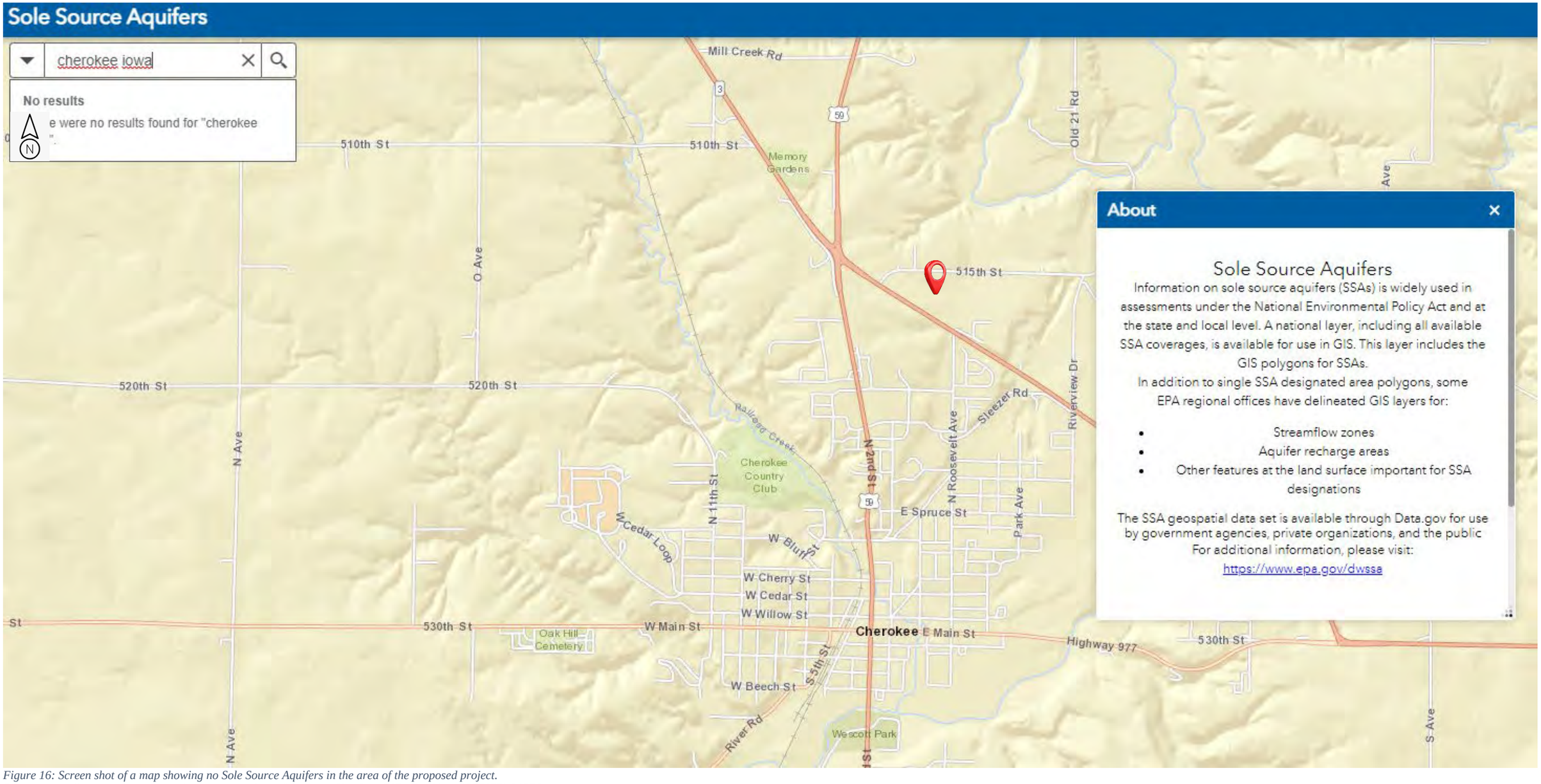

Figure 16: Screen shot of a map showing no Sole Source Aquifers in the area of the proposed project.
Source: https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b

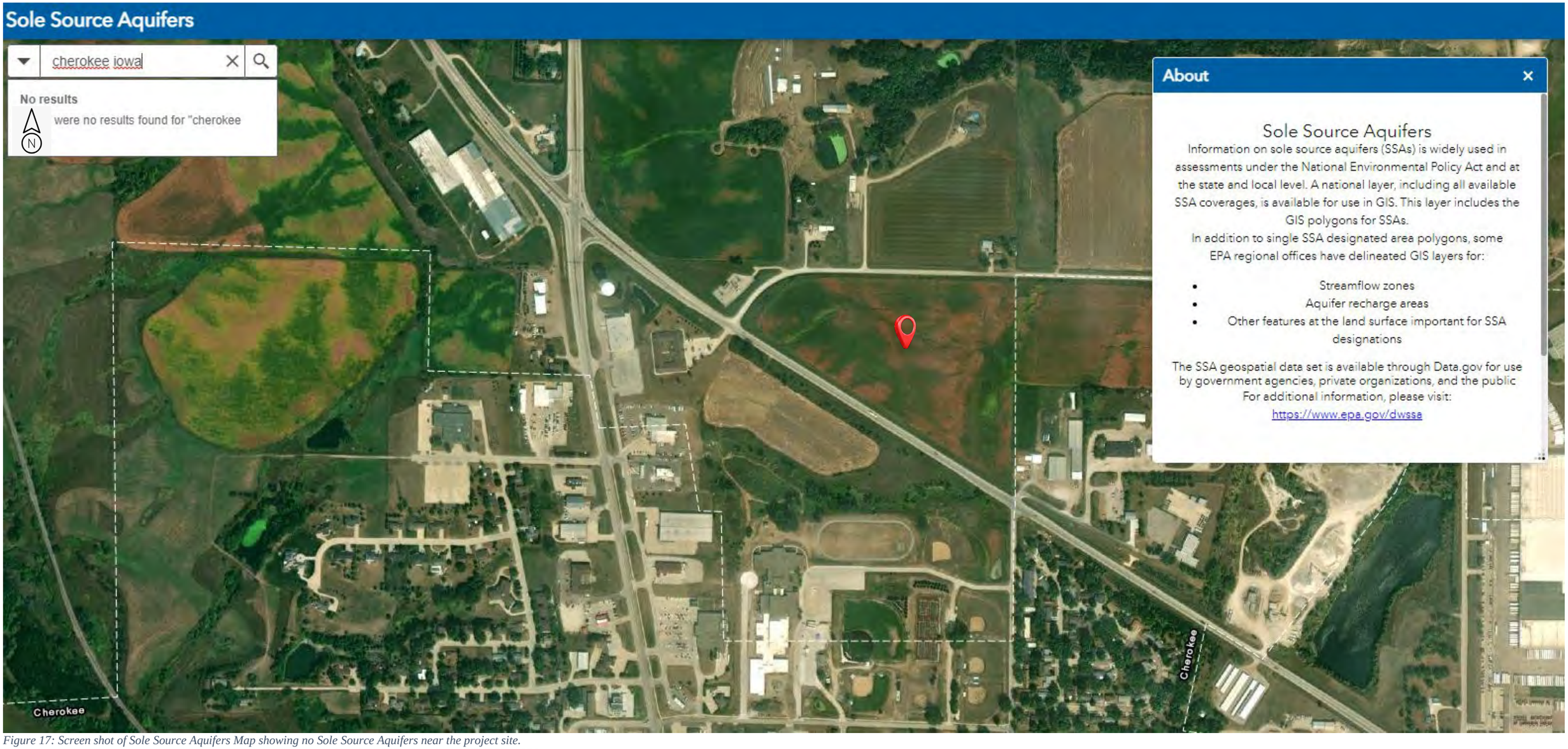

Figure 17: Screen shot of Sole Source Aquifers Map showing no Sole Source Aquifers near the project site.
Source: https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b

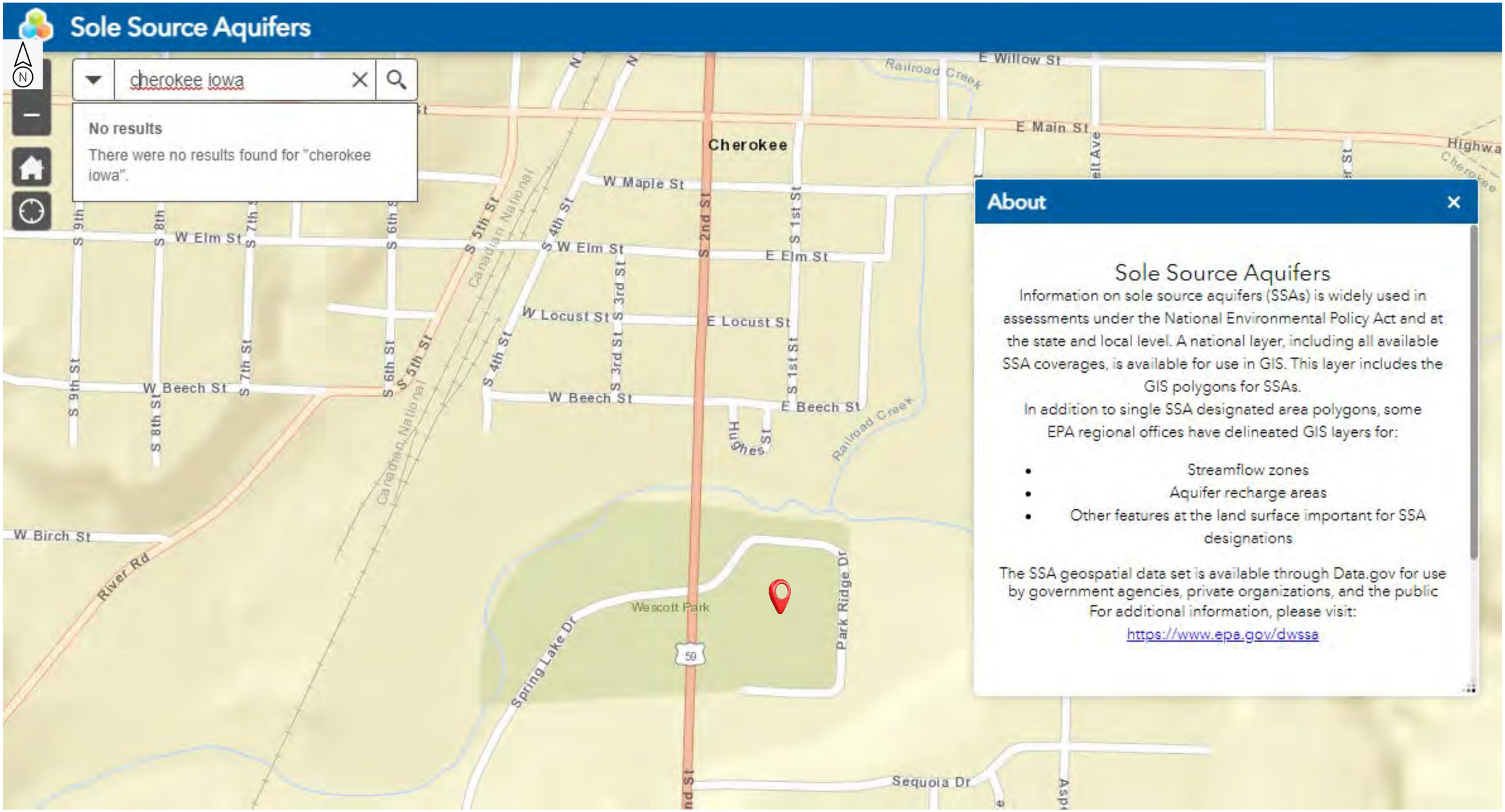

Figure 18 Sole Source Aquifers Map for Existing Wescott Park Location

4.3.1.3 Mitigation

SSA information was checked on the USEPA site for sole source aquifers. Neither the proposed project location nor the existing Wescott Park site is located within area of a USEPA-designated sole source aquifer; therefore, the project would not have an adverse impact on water quality and no mitigation is required.

4.3.2 Surface Waters

The U.S. Army Corps of Engineers (USACE) regulates the discharge of fill material into Waters of the United States (WOUS) under Section 404 of the Clean Water (CWA) (33 CFR, Part 320330). Two WOUS were identified in proximity to the project sites. Existing Wescott Park is located approximately 0.05 miles from the Little Sioux River and routinely experiences flooding during significant storm events. Mill Creek is located approximately 0.35 miles NE of the proposed park relocation site.

4.3.2.1 No Action Alternative

The No Action Alternative would not directly impact surface water. However, the Little Sioux River is anticipated to continue to have high crests and inundate the existing Wescott Park, which would result in potential debris and pollutant loading of the waterway.

4.3.2.2 Proposed Action, Relocation of Wescott Park to Site No. 1

Construction activities associated with the development of the relocated Wescott Park would not directly or indirectly impact Mill Creek. The demolition of the restrooms, dugouts, concession and equipment buildings along with the restoration of areas of the existing Wescott Park to native pollinator plants will occur adjacent to the Little Sioux River, however, no direct impacts would occur.

4.3.2.3 Mitigation

No direct impacts to the Little Sioux River or Mill Creek would occur as a result of the project. CWA permits under Section 404 would not be required.

4.3.3 Floodplains

Pursuant to Executive Order (EO) 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands), “recipients are required to protect the values and benefits of floodplains and wetlands. Recipients should reduce flood losses and wetlands destruction by not conducting, supporting, or allowing projects to be located in floodplains or wetlands unless it is the only practicable alternative. If it is determined that the proposed project must be located in the floodplain or wetland, then certain measures must be undertaken. These measures should minimize potential harm to beneficial floodplain and wetland values, reduce the hazard and the risk of flood loss; and minimize the impact of floods on human safety, health, and welfare.” Appendix B describes the

Eight-Step decision making process for both the No Action Alternative and the Proposed Action, Relocation of Wescott Park to Site No. 1.

FEMA Flood Map Service was checked. IDNR Flood Hazard maps were also reviewed. Site No. 1 for the relocation of Wescott Park is not located within a 100-year floodplain as identified by either resource.

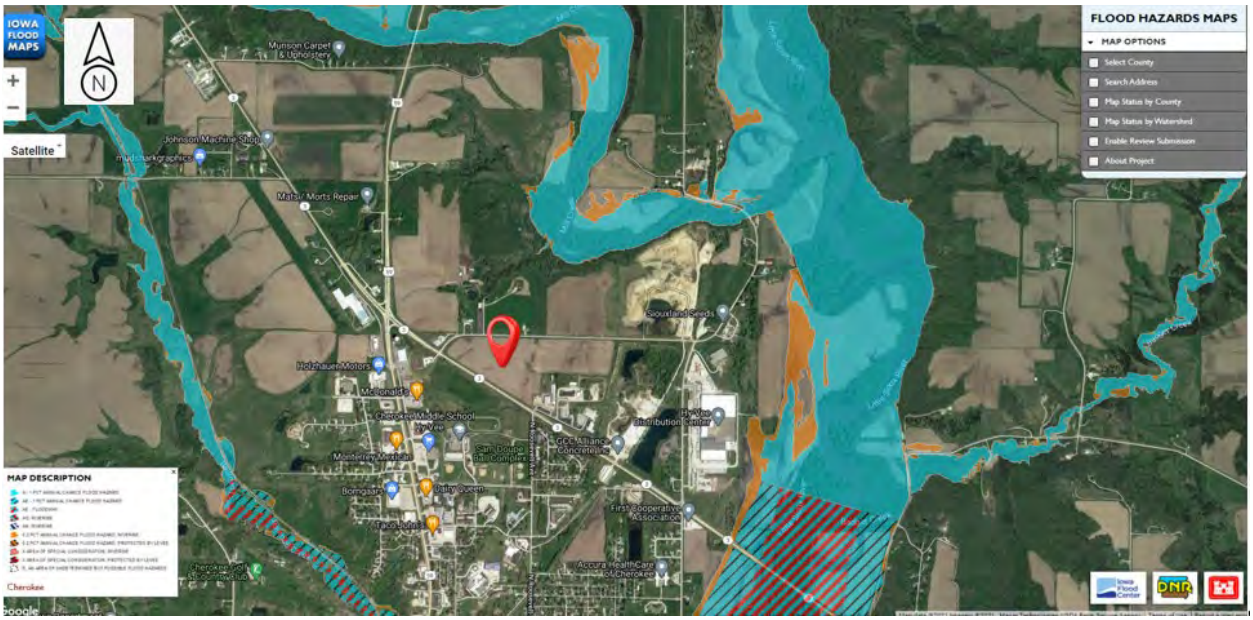

Figure 19: Iowa Flood Center Flood Map Showing Site No. 1 Relocated Wescott Park

The existing park is located primarily within the Regulatory Floodway Zone AE 100-year floodplain and subject to routine flooding. FEMA applied an Eight-Step Decision-making floodplain analysis process for the location included in the Improved Project request (Appendix B) including consideration of alternatives. In accordance with 44 CFR Part 9.12(c) FEMA will include the required information in the FONSI to constitute a final public notice. After providing the final notice, the Agency shall, without good cause shown, wait at least 15 days before carrying out the action.

The current location of Wescott Park will be restored to open space utilizing native plants and pollinators. The removal of the existing equipment buildings, concession, dugouts, and restrooms will increase capacity for retention of flood waters within the floodplain. native flood resistant plant species will be utilized to increase tolerance to the routine and frequent inundation of flooding from the Little Sioux River at that location.

4.3.3.1 No Action Alternative

With the No Action Alternative, the City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures and let the area revegetate naturally. The opportunity for increasing flood retention in the floodplain as a result of demolition of the existing features would not occur.

4.3.3.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed activities in the existing Wescott Park, including the demolition of the existing buildings and the planting of native flood resistant plants will have a positive impact on the floodplain of the Little Sioux River. These positive impacts include the removal of buildings that if retained may cause the diversion of floodwaters to areas where floodwaters may not regularly occur, the elimination of damage to manmade structures due to floodwaters, and the creation of native areas that are resilient to the impacts of routine flooding.

4.3.3.3 Mitigation

The proposed park relocation site is not located within a designated floodplain; therefore, the project would not have an adverse impact on floodplain values and no mitigation is required. The current park location is located within the Regulatory Floodway Zone AE (100-year) floodplain as mapped by FIRM Panel No: 19035C0256C dated December 2, 2021 (Figure 20).

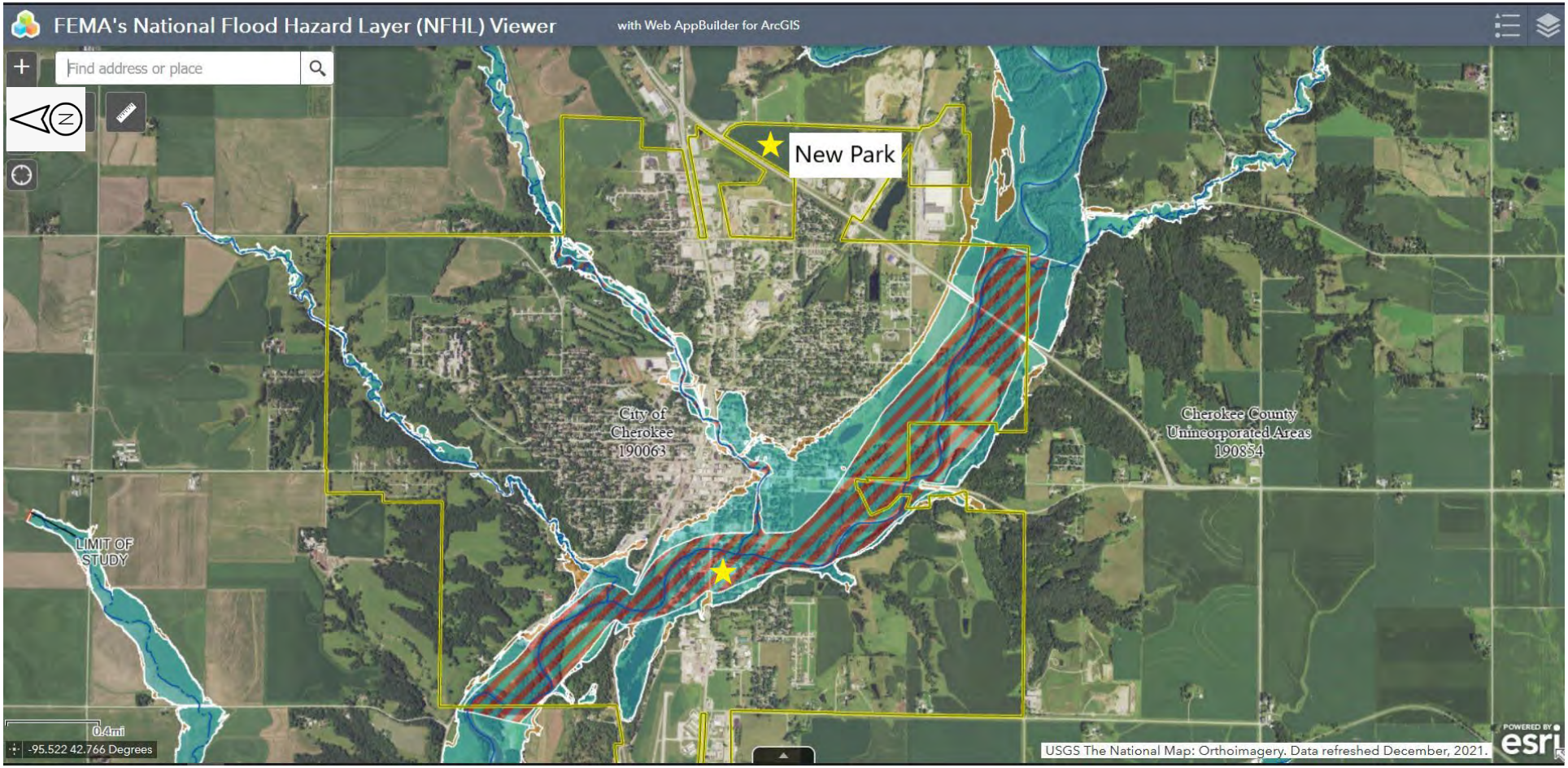

Figure 20 FEMA FIRM Dated December 2, 2021, showing location of existing Wescott Park in the Regulatory Floodway Zone AE and the location of Site No. 1.

Removal of existing facilities will result in a positive effect on the floodplain by increasing flood retention. The current Wescott Park will remain open space allowing for future flood events to inundate the area as needed providing additional flood water retention and protection to developed properties to the north.

4.3.4 Wetlands

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded.

Wetlands are defined by the United States Army Corps of Engineers (USACE) as "those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

EO 11990, Protection of Wetlands, requires Federal agencies to take action to minimize the destruction or modification of wetlands, by considering both direct and indirect impacts to wetlands that may result from Federally funded actions. FEMA employs an Eight-Step Decision-Making process when evaluating projects that have features within identified wetlands. This process is similar to the NEPA compliance process, which encourages public involvement starting at the early stages of project development, avoidance of floodplains and wetlands, evaluation of practicable alternatives, assessment of potential impacts, and minimization of impacts. U.S. Fish and Wildlife National Wetlands Inventory Maps were checked for both the current park location and the proposed new park location. Neither area is located in a mapped wetland.

The Inventory Map does show a small emergent wetland area across Highway 3 to the west of the proposed location for the new Wescott Park. These nearby mapped wetlands are higher than the project site, and Highway 3 acts a major separator. The project will not impact this wetland with run-off or soil erosion. Stormwater from the new site moves to the North and East through the project area, away from the only mapped emergent wetland in the area.

Figure 21 National Wetlands Inventory Map for Site No. 1 Wescott Park Proposed Location

The current location of Wescott Park does show a Palustrine Emergent (PEM) wetland located in the northeast corner of the site. The proposed restoration of this area will not impact the existing PEM wetland. Figure 22 shows the current Wescott Park location along with the identified PEM wetland.

Figure 22 Existing Wescott Park Location Map with Nation Wetland Inventory Identified

4.3.4.1 No Action Alternative

Wetlands would not be impacted by the No Action Alternative, due to absence of wetlands at or immediately adjacent to existing Wescott Park.

4.3.4.2 Proposed Action, Relocation of Wescott Park to Site No. 1

Wetlands would not be impacted by the relocation of Wescott Park to the Site 1 Alternative due to the absence of wetlands at or immediately adjacent to the proposed park site. The demolition of existing park buildings and restoration of the existing park site with seeding of native plants would not result in impacts to wetlands.

4.3.4.3 Mitigation

The existing park and proposed project areas are not located within, nor would they have an impact on, a wetland therefore no mitigation is required. Section 404 permits are not required for this project.

4.4 Biological Resources

Native or naturalized vegetation, wildlife, and the habitats in which they occur are collectively referred to as biological resources. The biological resources considered in this EA are vegetation including invasive species, terrestrial wildlife, fish, avian species, and threatened and endangered species. Existing information on plant and animal species and habitat types in the vicinity of the proposed site were reviewed with special emphasis on the presence of any species listed as threatened or endangered by Federal or State agencies to assess their sensitivity to the effects of the alternatives.

4.4.1 Vegetation

Vegetation describes the plant species present in an area based on soil conditions, geography, and climate patterns. Vegetation communities are a collection of flora species within a specific geographical area. Vegetation communities can greatly influence wildlife species by providing habitat, food, and travel corridors, and provide other important functions like soil stabilization, soil temperature and moisture control and soil enhancement, as well as aesthetics, food production, and wind buffering.

Cherokee County lies within the Northwest Iowa Loess Prairies of the Western Corn Belt Plains Ecoregion, which covers a good portion of northwest Iowa.

EO 13112 (Invasive Species) was created to prevent the introduction of invasive species and to provide for their control. The Federal government cannot fund or authorize actions that may promote the introduction or spread of invasive species. Iowa has ten state listed noxious weeds. The following are a list of invasive species known to be found in Cherokee County, Iowa:

Buckthorn
Bull Thistle
Canada Thistle
Field Bindweed
Hoary Cress
Leafy Spurge
Musk Thistle
Perennial Sow Thistle
Quackgrass
Russian Knapweed
Purple Loosestrife
Cocklebur
Curly Dock
Multiflora Rose
Puncturevine
Shattercane
Teasel
Velvet Leaf
Wild Carrot
Wild Mustard
Wild Sunflower

Iowa's Noxious Weed Law (Chapter 317 of the *Code of Iowa*) was created to protect landowners from invasion of weeds growing on neighboring properties and to reduce the likelihood of the spread of new weeds. The law gives each county the authority to order the destruction of weeds which are classified as noxious by the State of Iowa and if the landowner fails to address the noxious weed issues the county may assess fines and mitigate the weed issues abating the costs of such mitigation to the landowner. A list of Iowa's Noxious Weeds is included in Appendix C.

The proposed project area is a tilled agricultural field. Photos of the project site are shown in Figures 14, 15, and 16. Invasive species were not generally observed within the proposed relocation Site 1 project area. However, it is highly likely that other opportunistic or invasive species exist in roadside ditches and field edges given the disturbed conditions of the landscape in the vicinity of the project area.

Ms. Laura Jones the Cherokee County Naturalist and Director of County Parks performed a site survey of the current Wescott Park in July 2021 to determine the frequency and prevalence of tree, shrub, and herbaceous vegetation in the existing park area.

A variety of trees species are located within the existing park including Green Ash which is the most predominant species. Other dominate species include Silver Maple, Cottonwood, and Black Walnut. The park also includes an occasional number of Box Elder, American Elm, and Honey Locust (thornless) trees. A few Ohio Buckeye, Catalpa, Red Oak, and Bur Oak tree species are also present within the park.

An inventory of woody shrubs and bushes was also conducted. Identified were a few Lilac bushes occasional occurrences of Buckthorn (multiple species), Mulberry (multiple species), Chokecherry, Gooseberry, Wild Black Raspberry, and Honeysuckle (multiple species). Both the Buckthorn and Honeysuckle plants found in the park are considered invasive species by the IDNR and the Buckthorn is an Iowa noxious weed.

Annual and perennial herbaceous plants that were found onsite were identified. The dominant species found in the existing Wescott Park included Pigweed (multiple species), Mare's Tail, Yellow Sweet Clover, Mustard (multiple species), Common Mullein, Fleabane (multiple species), Lamb's Quarter, Field Bindweed, Common Ragweed, Giant Ragweed, and White Clover. Field Bindweed is identified as an Iowa noxious weed. Occasional occurrences of the following plants were also noted including, Wild Lettuce (multiple species), Plantain (multiple species), Canada Thistle, Dandelion, Giant Foxtail, and Goldenrod (multiple species). Plantain and Canada Thistle have been identified as noxious weeds in Iowa and the Canada Thistle has also been identified by IDNR as an invasive species.

A few occurrences of the following annual and perennial plants including Smooth Brome, Queen Anne's Lace, Virginia Wildrye, Sideoats Grama, Switchgrass, Musk Thistle, Bellflower, Smartweed, Reed Canary, Dock (multiple species), and Velvet Leaf were observed. Of these plants Smooth Brome, Queen Anne's Lace, Reed Canary, and Velvet Leaf have all been identified by IDNR as invasive species. Queen Anne's Lace, Dock, and Velvet Leaf are also identified as noxious weeds in Iowa.

4.4.1.1 No Action Alternative

Vegetation would not be impacted by the no build alternative as no construction or ground disturbance activity will occur.

4.4.1.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed project site is actively being farmed for agricultural purposes and is free of noxious weeds which are controlled by the farmer to ensure maximum yield of the agricultural crop. Construction of the new Wescott Park would create land disturbing activities which may support the establishment of weed species. Following relocation of the park from the current site, the City would restore the existing ballfields and facilities that are located on the property adjacent to the Little Sioux River to open space. The City plans to plant native prairie grasses and nectar producing plants for pollinators in the area to help return the area to a natural state and encourage native habitat for birds, butterflies, and small mammals and reptiles.

4.4.1.3 Mitigation

As a part of the specifications for construction of the new Wescott Park the City would require that the contractor control and eradicate any identified invasive species that are identified during construction. Seed mixes for the finished park site would be specified in the project plans to be free of noxious weeds and the contractor would provide certification from the vendor who supplies the seed that the product does not contain potential invasive or noxious weed species.

With the demolition of the existing buildings on the current site of Wescott Park and during the restoration of this site the City will required that the contractor control and eradicate any identified invasive species that are identified during construction. Seed mixes for the finished park site will be specified in the project plans to be free of noxious weeds and the contractor will provide certification from the vendor who supplies the seed that the product does not contain potential invasive or noxious weed species.

Invasive species and weed control will be pursued as part of the site preparation prior to seeding in native grasses and nectar producing forbs.

4.4.2 Fish, Wildlife, and Avian Species

The Migratory Bird Treaty Act of 1918 (MBTA) prohibits the taking of any migratory birds, their parts, nests, or eggs, except as permitted by regulations. The U.S. Fish and Wildlife Service (USFWS) consults on issues related to migratory birds. Trees and larger woody shrubs provide nesting habitat for some migratory bird species. Generally, migratory birds nest from April 1 to September 1.

Bald eagles are protected by the Federal government under the Bald and Golden Eagle Protection Act (BGEPA) of 1940. Under the BGEPA, a “take” includes, to pursue, shoot, poison, wound, kill, capture, trap, collect, molest, or disturb so that in interferes with normal breeding, feeding, or shelter habits causing injury, death or nest abandonment. Any work conducted, resulting in either tree removal or noise disturbance that would disturb bald or golden eagles must take place away from active nests, at a distance determined by the USFWS, until the nest becomes inactive if work must occur within the nest exclusionary zone a permit is required.

A review of the project areas utilizing the USFWS Information for Planning and Consultation (IPaC) system on June 13, 2021, identified two migratory bird species as potentially present at the project sites, the bald eagle and the redheaded woodpecker. The latter breeds from May 10 to September 10.

Large and small game species, small mammals, fish, reptiles, bird species and insects are expected to occasionally occupy work areas. Woodlands and naturalized riparian areas would provide the highest quality wildlife habitat for the widest variety of wildlife, including nesting habitat for migratory birds. Landscaped urban areas, as well as agricultural fields and roadsides also provide habitat for wildlife although the quality of this type of habitat is somewhat degraded and more limited for wildlife use.

The project is located in a rural area close to industrial/commercial and some residential areas. Habitat for wildlife species in the project area is limited and is used by species that can readily adapt to these conditions.

The proposed Site No. 1 does not support aquatic species. The habitat at the current park site is adjacent to the riparian corridor for the Little Sioux River. Riparian corridors are important for fish and wildlife movement and connectivity, particularly in areas with fragmented habitats such as urban/suburban landscapes.

4.4.2.1 No Action Alternative

Fish, Wildlife and Avian species would not be impacted by the No Action Alternative as no construction activity will occur.

4.4.2.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed project site primarily consists of habitat conducive to common generalist terrestrial and avian species found in developed and disturbed areas. The conversion of the proposed Wescott Park Site 1 from agricultural crop to recreational fields would not diminish the use of the site by generalist species, however, the conversion would change the mix of species that would be likely to inhabit the area. These species are expected to return to the site following construction disturbance. The Redheaded Woodpecker prefer open forests that contain dead or dying trees and sparse undergrowth. This habitat does not exist at the proposed park relocation site; therefore, this species would not be disturbed during construction. The Bald Eagle is not likely to nest within this area due to the lack of large trees and large open water bodies within 660 feet of the work areas.

Following relocation of the park from the current site, the City will restore the existing ballfields and facilities that are located on the property adjacent to the Little Sioux River to open space. The City plans to plant native prairie grasses and nectar producing plants for pollinators in the area to help return the area to a natural state and encourage native habitat for birds, butterflies, and small mammals and reptiles. Additionally, the City is considering the placement of supplemental habitat features including wood duck and bat houses in the area. Habitat values for wildlife and birds would be enhanced at the existing Wescott Park location. Increased use by avian and wildlife species including migratory birds and terrestrial invertebrates is expected. Additionally, the

riparian buffer for the Little Sioux River will be expanded providing additional protection for aquatic species.

The Redheaded Woodpecker prefers open forests that contain dead or dying trees and sparse undergrowth. This habitat does not exist at the existing Wescott Park fields where small recreational buildings will be demolished and habitat restoration will occur, however, the adjacent Little Sioux River riparian corridor may contain trees preferred by this species for foraging or nesting. Some short duration minor impacts due noise during the site restoration may temporarily impact this species.

The existing Wescott Park site is within the geographic range of nesting Bald Eagles and is adjacent to the Little Sioux River corridor which does provide large trees for nesting and a water source. This species may be present at the site and could experience minor impacts from construction noise during the small building demolitions and habitat restoration activities.

4.4.2.3 Mitigation

The existing Wescott Park site is within the geographic range of nesting Bald Eagles; therefore, the following measures will be undertaken to ensure the protection of Bald Eagles:

> *Prior to commencement of construction activities, the Applicant will determine if an eagle's nest is located in the vicinity of the construction zone. If an eagle's nest is visible from or identified within 660 feet (200 meters) of the construction zone, a permit may be required. If this is the case, the Applicant must notify FEMA and cooordinate with the U.S. Fish and Wildlife Service (USFWS) before work begins.*

The current park site will remain open space with plantings to help return the area to natural state and encourage native habitat. No trees or shrubs will be removed as part of this renovation.

4.4.3 Threatened and Endangered Species and Critical Habitat

This section identifies special status species known to occur or likely to occur within the project area and critical habitats. Included in this are Federal and state-listed species. An endangered species is in danger of extinction throughout all or a significant portion of its range. A threatened species is one that is likely to become endangered in the foreseeable future. Federally listed species are designated under the Endangered Species Act (ESA) of 1973. Section 7(a)(2) of the ESA of 1973, 50 CFR Part 402, as amended requires each Federal agency to address how its action may jeopardize the continued existence of any Federally listed endangered or threatened species and no such action can result in the destruction or adverse modification of habitat of such species that is determined to be critical. Section 7(a)(1) of the ESA obligates Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. FEMA is responsible for consulting with the USFWS to ensure compliance with Section 7 of the ESA.

A review of the project areas utilizing the USFWS IPaC system was conducted on October 6, 2022, and an official species list obtained (Appendix D) and any potential of impact was reviewed.

The list of Federally listed species for both project areas identifies three species that are Federally listed as threatened and subject to Section 7(a)(2) of the ESA: Northern Long-eared Bat, Prairie Bush-clover, and Western Prairie Fringed Orchid. There is no Designated Critical Habitat for any of these species within the proposed project areas. The Monarch Butterfly is a Candidate for Listing and Section 7(a)(2) of the ESA does not apply to this species until such time as it is proposed for listing. Section 7(a)(1) of the ESA is applicable for this species.

Northern Long-Eared Bat (*Myotis septentrionalis*)

This mammal overwinters by hibernating in caves and mines with constant temperatures, high humidity, and no air currents. Summer roosting habitat for this species is located underneath loose bark, in cavities, or in deep crevices of both live trees and snags (USFWS, 2020). The primary threat to this species is white nose syndrome (WNS) an introduced fungal disease. This species is currently Federally listed with a 4(d) rule that only prohibits take within the WNS zone when it (1) occurs within 0.25 miles (0.4 km) of a known northern long-eared bat hibernacula; or (2) when known occupied maternity roost trees, or any other trees within a 150-foot (45-meter) radius from known occupied maternity trees, are cut during the pup season (June 1 through July 31). There are trees adjacent to the existing Wescott Park, but no trees will be removed as part of the project. No known hibernacula are present within 0.25 miles of the project action area and no maternity roosts are known. The effects of the proposed relocation of Wescott Park to Site 1 and restoration of the existing Wescott Park are exempt from take prohibitions under the NLEB 4(d). This species is currently undergoing review for a proposed listing change that could render the current 4(d) ruling obsolete at the end of calendar year 2022. Since the work is anticipated to occur after this proposed listing change and the existing Wescott Park site presents suitable summer habitat for Northern Long-eared Bat; therefore, the following measures will be undertaken to ensure the protection of this species:

If the removal of trees is required to complete the project, the Applicant must notify FEMA and coordinate with the U.S. Fish and Wildlife Service (USFWS) before work begins.

Prairie Bush Clover (*Lespedeza leptostachya*)

Prairie bush clover is a prairie plant found only in the tallgrass prairie region of four midwestern states, including Iowa. Prairie bush clover persists on lightly grazed prairie pastures, haylands, and prairie remnants. Prairie with moderately damp to dry soils is favored by prairie bush clover. These lands are also prime cropland and only scattered remnants of prairie can be found remaining due to agricultural land use practices. Many of the remaining prairie bush clover populations occur at sites that escaped the plow because they were too steep or rocky (USFWS, 2009). These habitats are not present in the project areas; therefore, it is unlikely that this species is present at these sites.

Western Prairie Fringe Orchid (*Platanthera praeclara*)

The Western prairie fringed orchid is found in the tallgrass prairie landscapes. They occur in wet prairies and meadows. The Western prairie fringed orchid can also be found in the sandy soils of sub-irrigated meadows in the Sandhills (USFWS, 2020d). These habitats are not present in the project areas; therefore, it is unlikely that this species is present at these sites.

Monarch Butterfly (*Danaus plexippus*)

Much of the monarch butterfly's life is spent migrating between Canada, Mexico and the U.S. During the breeding season monarchs require milkweed plants upon which to rear their larvae and nectar sources to sustain the adults during reproduction. Nectar sources are also required by the butterflies to fuel the fall migration as well as the spring flights northward. The major summer breeding area is the grasslands of central North America, particularly the area known as the Corn Belt. Chemical-intensive agriculture, increasing acreage converted to row crops, and mowing/herbicide treatment of roadsides has contributed to a decline of milkweed, the only plant eaten by monarch caterpillars. Habitat for this species can be expected in the region of the project sites and some milkweed stems may be present at the edges of both sites where agricultural practices and mowing maintenance might be limited.

The Endangered Species review for the current Wescott Park area was processed on USFWS IPaC site. List of threatened and endangered species in current park project area was obtained and any potential of impact was reviewed. The list for the project area shows Northern Long-eared Bat as Threatened, Monarch Butterfly as Candidate, Prairie Bush-clover as Threatened, and Western Prairie Fringed Orchid as Threatened. There is no designated critical habitat within the proposed project area.

There is potential for the presence of Northern Long-Eared Bat habitat in the tree areas of the site, although there are no caves and mines. No trees will be removed for the project. There is no presence of the Prairie Bush-Clover as it is not a dry to mesic prairie with gravelly soil. There is no presence of Western Prairie Fringed Orchid as it is not mesic to wet unplowed tallgrass prairie or meadow.

4.4.3.1 No Action Alternative

Federally Threatened and Endangered Species and Designated Critical Habitat would not be impacted by the No Action Alternative as no construction activity would occur. The opportunity for habitat restoration at the existing Wescott Park that would improve habitat for the Monarch butterfly, other pollinator, and avian species would not occur.

4.4.3.2 Proposed Action, Relocation of Wescott Park to Site No. 1

Proposed project sites do not contain habitat conducive for the Federally threatened Prairie bush clover or Western prairie fringed orchid. There is no presence of the Prairie Bush-Clover as it is not a dry to mesic prairie with gravelly soil. There is no presence of Western Prairie Fringed Orchid as it is not mesic to wet unplowed tallgrass prairie or meadow. These are also found in old fields and roadside ditches; however, this field has been in operation as a plowed corn field. Work will not be done in the ditches and there is no evidence of Western Prairie Fringed Orchid in the surrounding ditches.

The proposed relocation Site 1 for Wescott Park does not have tree habitat suitable for roosting or hibernacula for the Northern Long-Eared Bat and tree removal will not occur as part of the project activities establishing this site in recreational facilities. Roosting tree habitat for the Northern

Long-Eared Bat occurs adjacent to the existing Wescott Park, however, no trees will be removed for the habitat restoration actions proposed at this site. If the removal of trees is required to complete the project, the Applicant must notify FEMA and coordinate with the U.S. Fish and Wildlife Service (USFWS) before work begins.

Following relocation of the park from the current site, the City will restore the existing ballfields and facilities that are located on the property adjacent to the Little Sioux River to open space. The City plans to plant native prairie grasses and nectar producing plants, including milkweed species, for pollinators in the area to help return the area to a natural state and encourage native habitat for birds, butterflies, and small mammals and reptiles. Additionally, the City is considering the placement of habitat facilities including wood duck and bat houses in the area. The current Wescott Park will remain open space. The restoration activities will provide additional habitat for the Monarch butterfly.

4.4.3.3 Mitigation

No mitigation is required for any of the Federal listed species.

FEMA, consistent with its ESA Section 7(a)(1) obligation, has encouraged proactive conservation of the Monarch Butterfly and pollinator species in general as part of the habitat restoration of the existing Wescott Park site.

4.5 Cultural Resources

Consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act (NHPA), as amended, and implemented by 36 CFR Part 800. The NHPA outlines federal policy to protect historic properties and promote historic preservation in cooperation with States, Tribal Governments, local governments, and other consulting parties. The NHPA established the National Register of Historic Places (NRHP) and designated the State Historic Preservation Office (SHPO) as the entity responsible for administering State-level programs. The NHPA also created the Advisory Council on Historic Preservation (ACHP), the Federal agency responsible for overseeing the Section 106 process and providing commentary on Federal activities, programs, and policies that affect historic properties.

The Section 106 process applies to any Federal undertaking that has the potential to affect historic properties. Under Section 106, Federal agencies are responsible for identifying historic properties within the Area of Potential Effects (APE) for an undertaking, assessing the effects of the undertaking on those historic properties, if present, and considering ways to avoid, minimize, and mitigate any adverse effects.

December 9, 2015, a Programmatic Agreement (Agreement) among the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA), the Iowa State Historic Preservation Officer (SHPO), and Iowa Department of Homeland Security and Emergency Management (HSEMD) (the Parties or Signatories) was signed and filed with the Advisory Council on Historic Preservation (ACHP). The Agreement is based on FEMA's Prototype Programmatic Agreement (PPA) that was designated by the ACHP on December 17, 2013. By

carrying out the terms of the Agreement, FEMA fulfills its responsibilities under Section 106 of the NHPA, and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800) for the review of its individual Undertakings in Iowa. The duration of the 2015 Agreement was seven (7) years, and it would expire December 8, 2022, unless the signatories collectively agree to extend its duration to cover additional calendar years in accordance with Stipulation IV.D.2. In accordance with Stipulation IV.D.1, the Agreement shall remain in effect for Declarations made prior to the expiration of the Agreement in order to minimize delays in delivery of FEMA assistance.

FEMA has reviewed the undertaking for compliance with Section 106 of the NHPA in accordance with the 2015 Agreement.

Figure 23: Direct effect, ground disturbance APE outlined in red, properties (labeled) evaluated for indirect effects within the indirect effects APE, outlined in yellow

FEMA Initiated Section 106 consultation with the Iowa SHPO for the proposed project scope of work on March 30, 2021 (Appendix E), and with eight (8) federally recognized tribes on March 22, 2021 (One (1) example Appendix G), with a finding of No Historic Properties Affected. FEMA received one tribal response (Appendix H). The Iowa SHPO concurred with FEMA's determination on January 13, 2022 (Appendix F). This concurrence concludes FEMA's responsibilities under the National Historic Preservation Act, in accordance with the 2015 Agreement and 36 CFR 800.

4.5.1 Archeological

4.5.1.1 No Action Alternative

The No Action Alternative would not impact any potential cultural resources in the project area.

No construction activities at the proposed location of Wescott Park would occur with the selection of the No Action Alternative, and the City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures within existing footprints of already disturbed ground, and would let the area revegetate naturally.

4.5.1.2 Proposed Action, Relocation of Wescott Park to Site No. 1

In accordance with Section 106 Consultation, FEMA determined the APE for the proposed Wescott Park relocation is limited to the area of direct effects at the new park location resulting from the proposed ground distributing activities that would take place at the approximately 25.9 acre (10.5 HA), parcel bounded by 515th Street, and State Highway Route 3 to the north and south, respectively, on the north side of the City.

Due to the proposed change in character and use of the current agricultural field, FEMA determined the indirect APE extends to three residential properties and a farmstead immediately north of the proposed park location, on the north side of 515th Street.

The APE also includes the existing Wescott Park location, which will be returned to a more natural use through the removal of the park-related facilities and seeding the area with native prairie grasses and nectar producing plants for pollinators to encourage native habitat for birds, butterflies, small mammals, and reptiles. For the demolition of the existing Wescott Park facilities, ground disturbing activities would not notably disturb more ground than was disturbed during the original construction of the park.

Due to the new ground disturbance resulting from the proposed relocation, a Phase 1 Archaeological Survey was commissioned by the Applicant to survey the location the for potential for previously unidentified cultural resources. *Phase 1 Cultural Resources Investigation of the Proposed Relocation of Wescott Park* was completed by Bear Creek Archeology, Inc. of Cresco, Iowa (BCA) in November 2020. Pedestrian survey was conducted at 5-10 m (16.4-32.8 ft) intervals and no archeological materials were discovered. Due to the negative findings, BCA recommends no further cultural resources work in association with this project.

4.5.2 Historic Properties

4.5.2.1 No Action Alternative

The No Action Alternative would not impact any potential cultural resources in the project area.

No construction or demolition activities at the proposed location of Wescott Park would occur with the selection of the No Action Alternative. The City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures within existing footprints of already disturbed ground, and would let the area revegetate naturally.

4.5.2.2 Proposed Action, Relocation of Wescott Park to Site No. 1

As a result of the *Phase 1 Cultural Resources Investigation for the Proposed Relocation of Wescott Par, Cherokee Township, Cherokee County, Iowa* that was completed in November 2020, by Bear Creek Archeology, Inc. of Cresco, Iowa (BCA 2823), regarding ground disturbing activities at the proposed new site, and FEMA's identification efforts regarding indirect effects, and at the original park location, no properties that are listed in or eligible for listing in the NRHP have been identified within the direct APE.

In addition, due to the proposed change in character and use of the current agricultural field, FEMA conducted a windshield survey of an approximate one-mile radius of the proposed Wescott Park location during its field site inspections to consider potential effects of the new land use and determined the indirect APE extends immediately north of the proposed park location to three residential properties and a farmstead, north of 515th Street.

The Phase 1 Cultural Resources Survey, BCA 2823, identified ten (10) previously recorded historic resources within a one-mile radius of the proposed new site for the park. FEMA has determined that all ten (10) previously recorded resources identified in BCA 2821 and recorded in the Office of the State Archaeologist's (OSA) I-Sites, online GIS and database of known cultural resources and survey areas, are separated from the project viewshed by roadways, buildings and structures, trees, hills, slopes, and distance. As indicated in BCA 2821, nine (9) of the ten (10) resources have been recommended *not eligible* for listing in the NRHP. The only NRHP-listed structure is the bridge of Mill Creek along Old 21 Road (18-00155) which is 0.9 miles away from the proposed park relocation property and not within the viewshed. Daily roadway traffic is carried by a bridge constructed in 2005 on Old 21 Road, and therefore any increase in traffic to the new park would not impact the NRHP-listed Mill Creek Bridge.

A review of Iowa's Century Farm database (https://centuryfarms.iowaagriculture.gov/) was also conducted, and there are no Century Farms located in the vicinity of the proposed location of Wescott Park. The closest Century Farm to the City is located south of the Applicant's incorporated limits. There are no listed Heritage Farms located in Cherokee County.

Regarding the change in character and use and removal of park-related infrastructure and facilities at the existing Wescott Park location, most of the infrastructure dates to 1990-1991, including restroom, concession building, open shelters, the baseball dugouts, and score box. The garage and several family picnic shelters were constructed slightly earlier, approximately 1985, and will all be demolished within its existing footprint as part of the park relocation project.

4.5.3 American Indian/Native American/Religious Sites

4.5.3.1 No Action Alternative

The No Action Alternative would not impact any potential cultural resources in the project area.

No construction activities at the proposed location of Wescott Park would occur with the selection of the No Action Alternative. The City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures within existing footprints of already disturbed ground, and would let the area revegetate naturally.

4.5.3.2 Proposed Action, Relocation of Wescott Park to Site No. 1

FEMA is required to consult with Federally recognized Tribes in a manner appropriate to the nature and scale of the undertaking. FEMA initiated consultation with a total of eight (8) Tribal Nations on March 22, 2021, regarding the proposed Wescott Park relocation project. The tribes contacted include the Apache Tribe of Oklahoma, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Menominee Indian Tribe of Wisconsin, Omaha Tribe of Nebraska, Otoe-Missouria Tribe of Indians, Oklahoma, the Sac and Fox Nation, Oklahoma, and Upper Sioux Community (USC), Minnesota (Appendix G).

FEMA received one response during the tribal consultation. Drew Brockman, Assistant to the Tribal Historic Preservation Officer (THPO) for the USC, Minnesota, responded to FEMA on May 21, 2021 and had no comment specific to the proposed location of Wescott Park (see Appendix H, 20210602 – DR-4421-IA – Project 106535 PW1242 Upper Sioux Community Response). However, Mr. Brockman required that in the event ground disturbance from this project inadvertently uncovers any human remains, funerary objects or artifacts, ongoing work must stop, and the Iowa SHPO and the USC THPO should be contacted as soon as possible.

4.5.3.3 Mitigation

In the event of the discovery or archaeological deposits (e.g., pottery, stone tools, shell, old house foundations, old bottles) during construction activities, the City and their contractor shall immediately stop all work in the vicinity of the discovery and take reasonable measure to avoid, or minimize, harm to the finds. The City and their contractor shall secure all archaeological discoveries and restrict access to the discovered sites. The City shall immediately report the archaeological discovery to Iowa Department of Homeland Security and Emergency Management (HSEMD) and the FEMA Region 7 Regional Environmental Officer; FEMA will determine the next steps.

In the event of the discovery of human remains, the City and its contractor shall immediately stop all work in the vicinity of the discovery and take all reasonable measures to avoid, or minimize, harm to the finds. The City and their contractor shall secure all human remains discoveries and restrict access to the discovered sites. The City and their contractor shall follow the provisions of applicable State laws, or any amendments or supplanting laws and regulations. Violation of State law will jeopardize FEMA funding for this project. The City will inform the Cherokee County Sheriff Department, HSEMD, and FEMA Region 7. FEMA will consult with the SHPO and, if remains are of tribal origin, Tribes. Work in sensitive areas may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the NHPA.

4.6 Socioeconomic Resources

4.6.1 Environmental Justice

EO 12898 – Environmental Justice for Low Income and Minority Populations (EJ) requires that, to the extent practicable and permitted by law, neither low-income nor minority populations may be subjected to disproportionately high or adverse effects as a result of a planned project. Appropriate and necessary steps must be taken to identify and address "disproportionately high and adverse" effects of Federal projects on the health or environment of low-income and minority populations. Information was obtained regarding the presence of minorities and/or low-income populations in the study area.

Environmental Justice and Census data was obtained from the EPA's EJ Screen mapper tool for low-income population and people of color population. According to the data available, the City's percentage of low-income population is seven points higher than the State of Iowa average, five points higher than the EPA Region, and three points higher than the United States average as a whole.

In terms of minority populations, the City's percentage of minority populations (5%) is significantly less than that of the United States and the EPA Region. The City's percentage of minority populations is nine points lower than that of the State of Iowa.

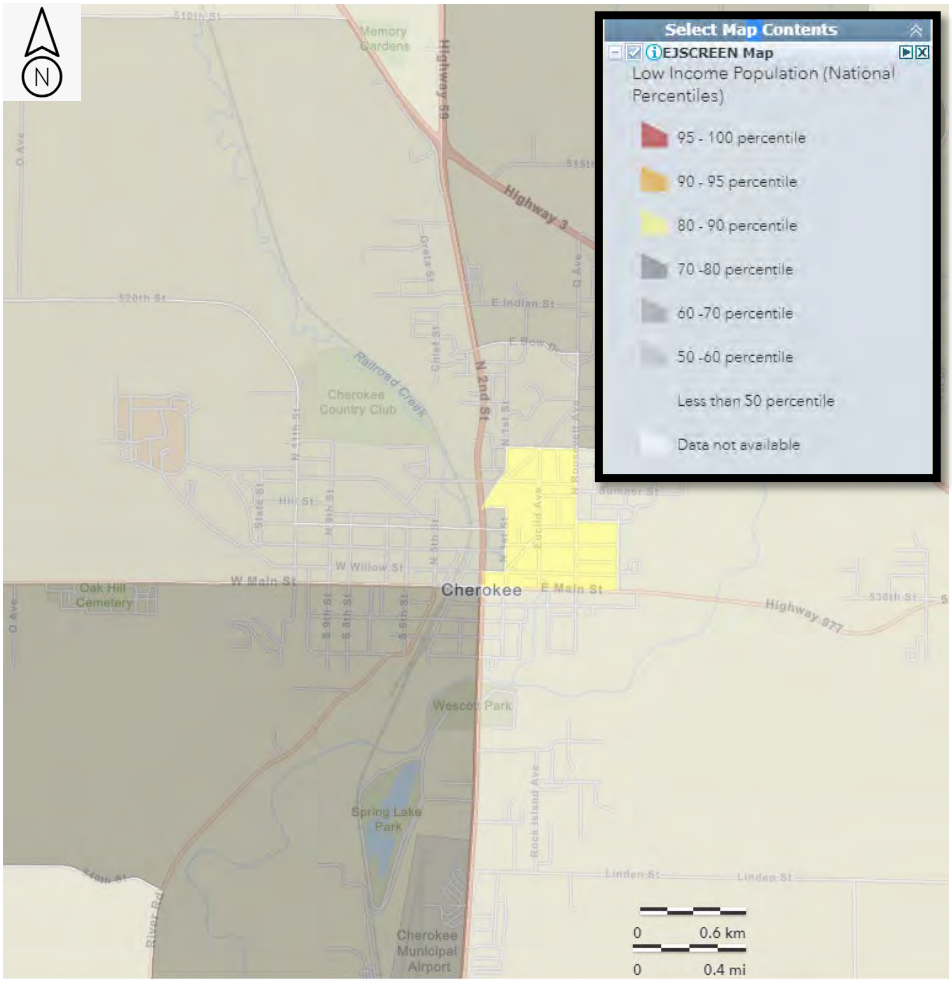

Figure 24 EJ Screens Map Showing Cherokee and Percentage of Low-Income Population

4.6.1.1 No Action Alternative

Under the No Action Alternative, the park would not be relocated. The City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures within existing footprints of already disturbed ground, and would let the area revegetate naturally. This loss of the recreational facility would continue to have a negative impact on the community, including minority populations. The no build alternative would have a negative impact on the wellbeing of all populations within the City and not a disproportionately positive or negative impact on minority populations.

4.6.1.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The existing Wescott Park is located on the south side of the Little Sioux River and on the east side of State Highway 59. The nature of the developments within the existing Wescott Park are such that the typical user of the park is going to access the park by motor vehicle and not by walking or riding a bike.

The current location of Wescott Park is unsafe for human use during and immediately after flooding events due to standing flood waters which inundate the park area. When the existing park is not flooded or damaged from the impacts of flooding access to the park is primarily by motor vehicles from State Highway 59. The existing park does have an existing pedestrian trail on the south side which connects to a small subdivision of moderately to high-end homes including newer homes. This access is by a paved trail however the trail winds down a fairly steep incline from the residential neighborhood to the park limiting its use by some pedestrians. This trail will not be removed as part of the project and will continue to provide access to the passive recreation created by the restoration of the existing park.

Since primary access to the existing park is by motor vehicle, the City believes that relocation would be best at a location where sufficient motor vehicle access is available to be comparably equitable to all populations.

Relocation of the park to Site No. 1 along State Highway 3, on the north side of the City, provides easy, sufficient, and safe access to and from the project site and is within close proximity to other recreational facilities. Using the EJ Screens data shown in Figure 23 Site No. 1 is within the same proximity as the existing facility as it relates to the higher density low-income populations.

Site No. 1 provides a sufficient amount of land in which the City can develop Wescott Park ensure adequate activities and space for the entire community to recreate without the impacts of a location that is subject to sever flooding and the resulting loss of access and damage to the park. Because of the similarities between the existing site and Site No. 1 the City doesn't anticipate any negative impacts on low income or minority populations as a result of the Proposed Action.

4.6.1.3 Mitigation

The proposed project will not adversely affect the wellbeing of the population of Cherokee at large and will improve quality of life for the community as a whole. The project will not alter the

demographic characteristics of the project area. No displacement or relocation will result from this project for individuals or families. The project will not increase or decrease employment or income patterns. No disproportionate impacts to minority or low-income populations are expected to occur.

No mitigation is proposed for this to offset potential impacts to minority and low-income populations. However, measures to reduce short-term, construction-related impacts (dust/particulate production, traffic limitations, noise, etc.) will be implemented to reduce nuisances and safety concerns for the surrounding population during construction activities at current Wescott Park location and proposed Wescott Park location.

4.6.2 Hazardous Materials

A substance is classified as hazardous if it has the potential to damage the environment and/or be harmful to humans and other living organisms. The presence of a hazardous substance/wastewithin, in the vicinity of, and/or upgradient of a project area is important in determining development constraints and the viability of an action.

Two of the main Federal laws that address hazardous and toxic materials issues are the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA).

4.6.2.1 No Action Alternative

Disturbance of potentially contaminated subsurface media would not occur in the No Action Alternative as no construction activities would occur.

4.6.2.2 Proposed Action, Relocation of Wescott Park to Site No. 1

A field inspection and review of environmental compliance was conducted. There are no known Leaking Underground Storage Tank (LUST) or Above Ground Storage Tank (AST) sites directly on the current Wescott Park location nor on the proposed relocation site. Furthermore, past land use at both sites does not show a history of any building sites that have contained tanks or hazardous materials. IDNR and EPA data bases were researched to determine potential hazards within the project location.

The IDNR Facility Explorer site shows three ASTs present within one mile of the proposed new location, Site 1. These sites are shown in Figure 25.

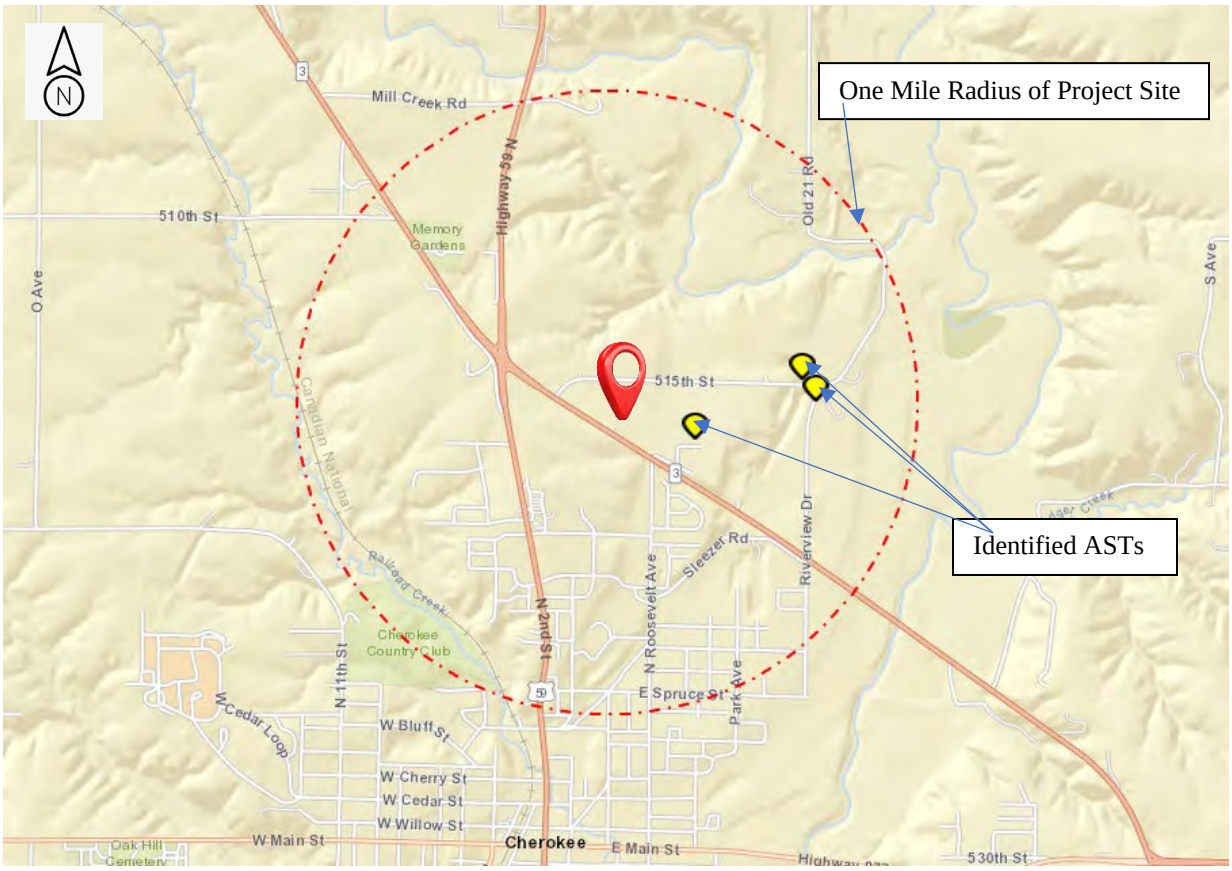

Figure 25: Above Ground Storage Tanks Within One Mile of Site No. 1 (Red Location Marker)

Of these three locations none have been identified as requiring any additional investigation and an acceptable separation distance assessment is not required for the proposed project.

The IDNR Facility Explorer was also checked for above ground storage tanks within one mile of the existing Wescott Park site. These sites are shown in Figure 26.

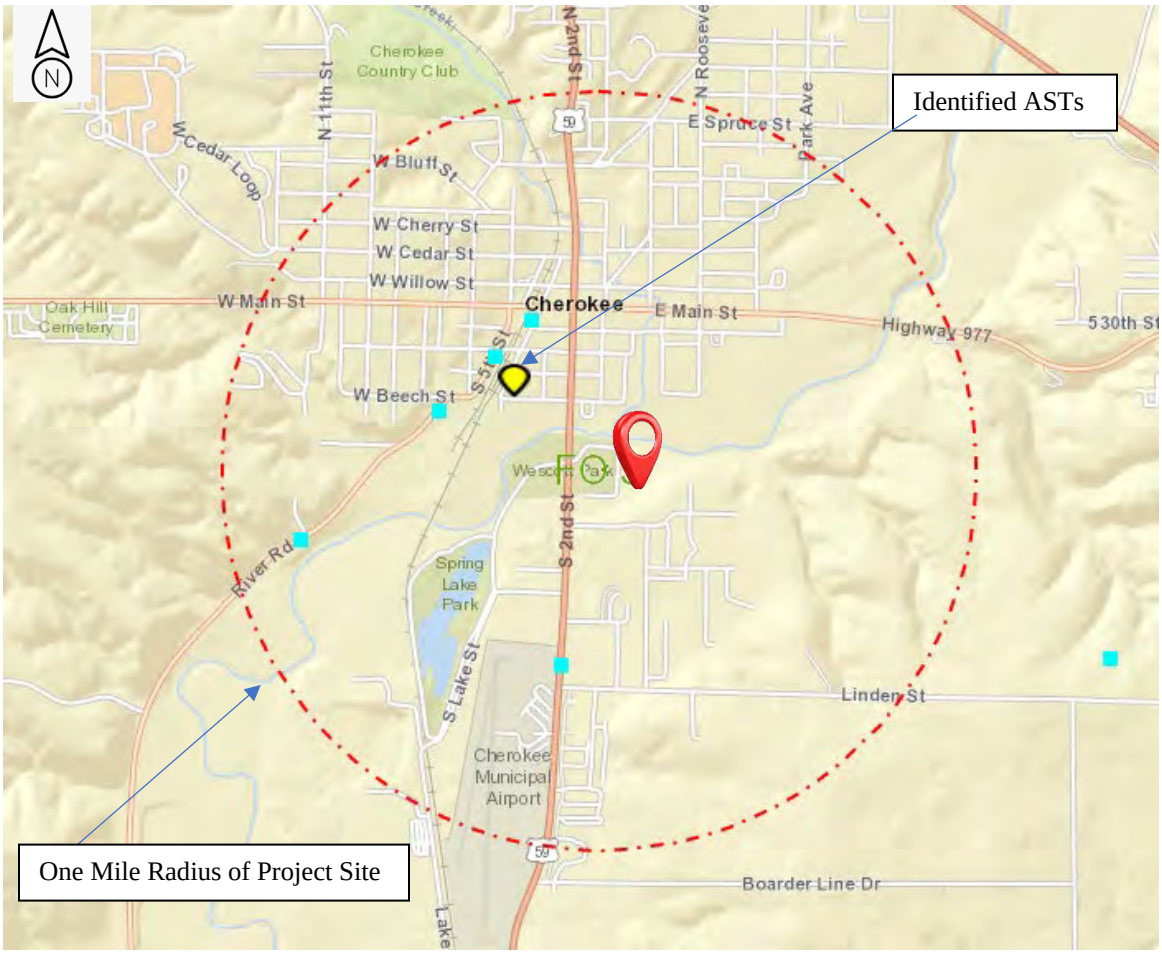

Figure 26 Above Ground Storage Tanks Within One Mile of Existing Wescott Park (Red Location Marker)

The identified locations have not been identified as requiring any additional investigation and an acceptable separation distance assessment is not required for the proposed project.

In addition, the IDNR Facility Explorer was searched for Underground Storage Tanks (UST) locations within one mile of the proposed location for the new Wescott Park, Site 1. The IDNR Facility Explorer identified eight locations of underground storage tanks as shown in Figure 27.

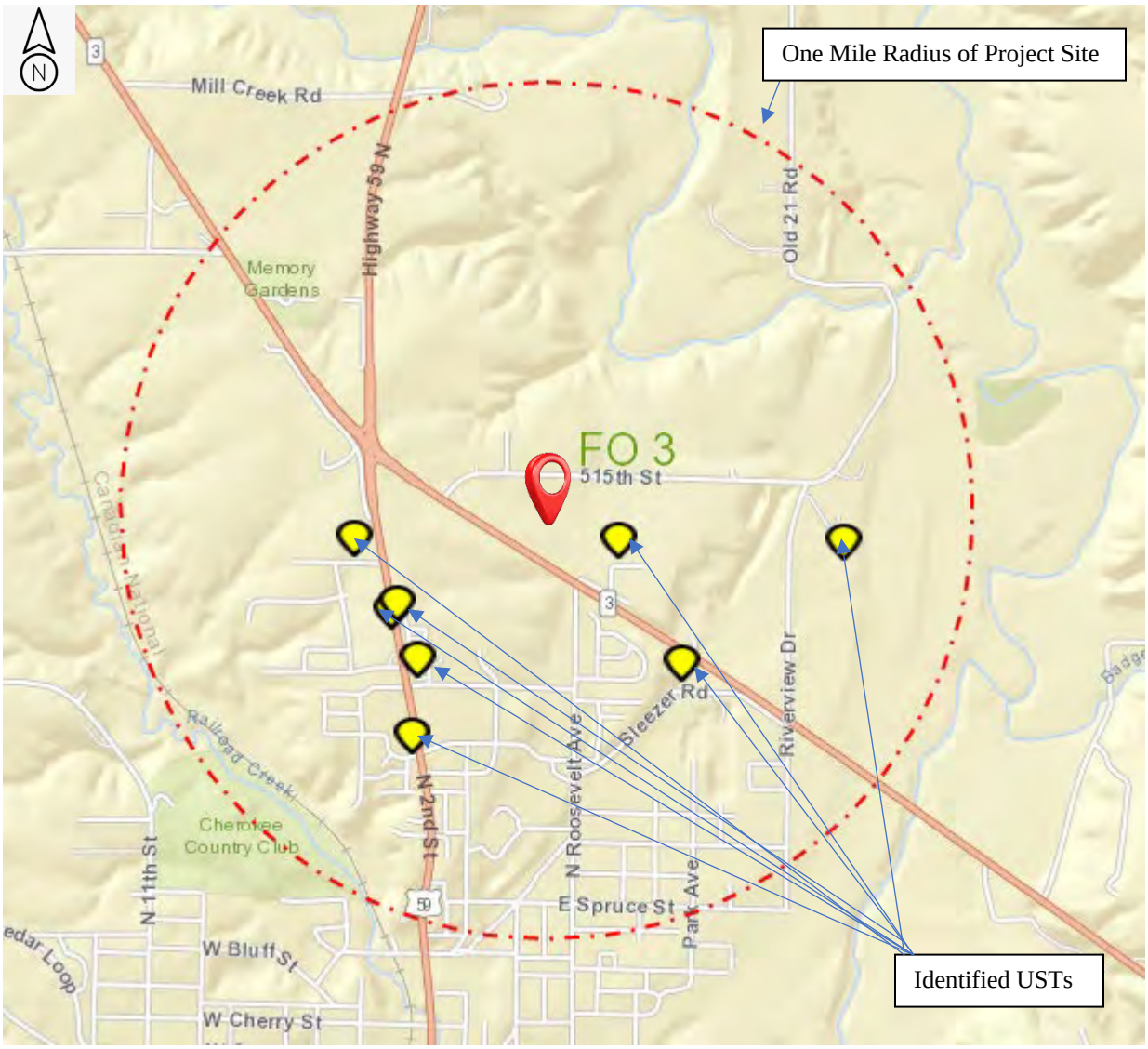

Figure 27 Site 1 Proposed Wescott Park Location Underground Storage Tank Locations. Source: IDNR Facility Explorer

Of the identified underground storage tanks shown in Figure 27 four have been identified as LUSTs. The four leaking sites are shown in Figure 28.

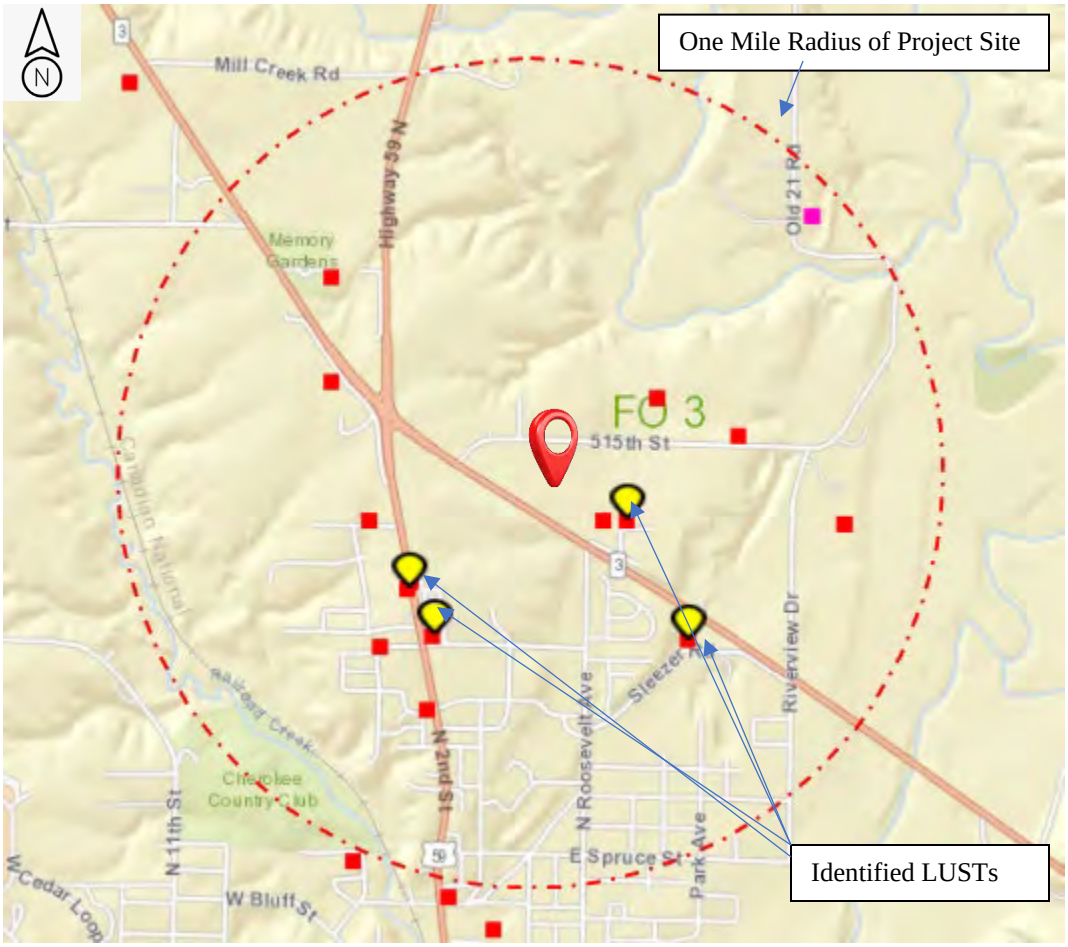

Figure 28 Site 1 Wescott Park Location One Mile Radius Leaking Underground Storage Tank Location. Source: IDNR Facility Explorer

Of the four leaking underground storage tank locations identified in the IDNR Facility Explorer all four are identified as “No Action Required” by the IDNR.

The IDNR Facility Explorer was also accessed to identify underground storage tank locations within one mile of the existing Wescott Park site. These locations are shown in Figure 29.

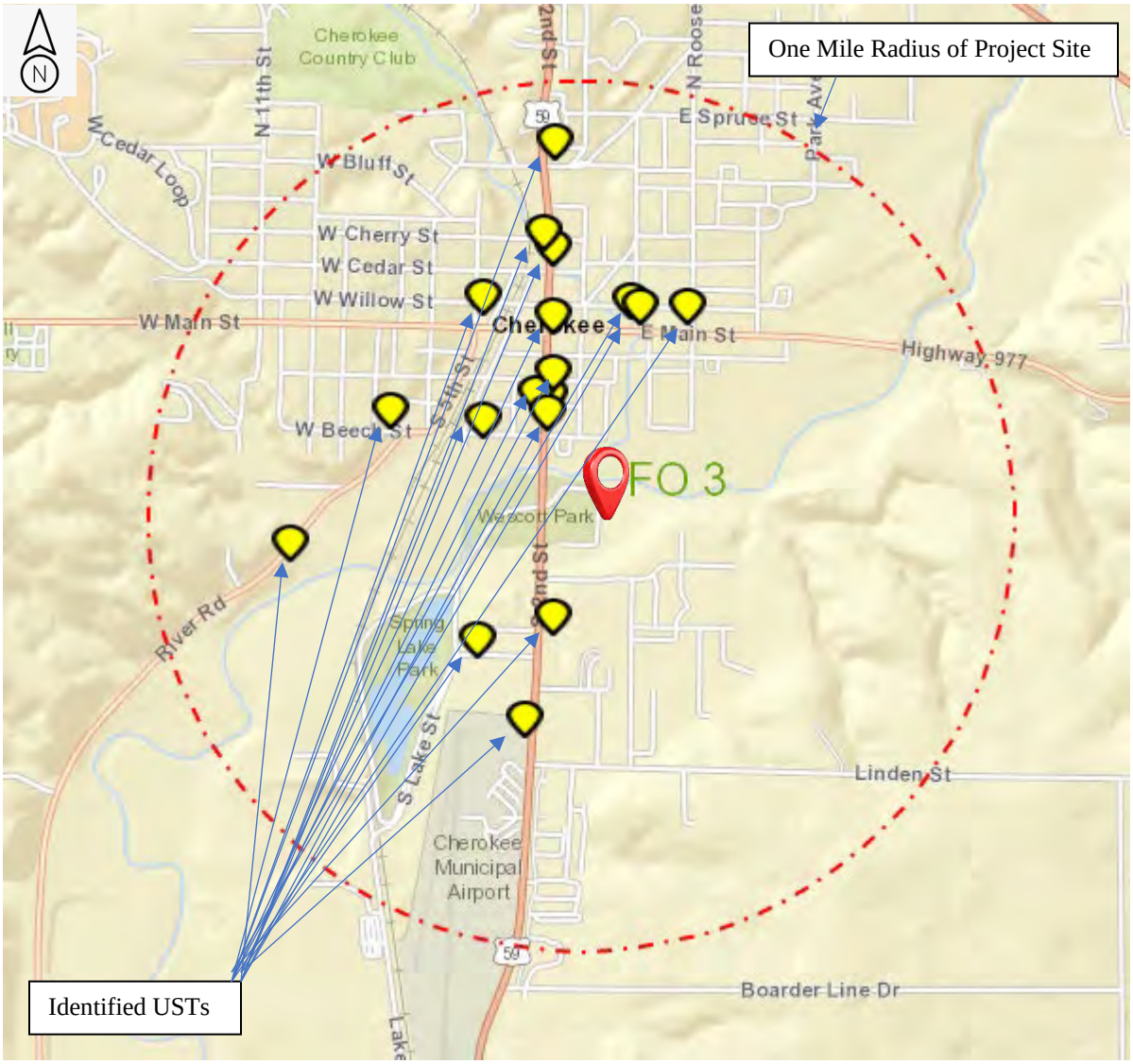

Figure 29 Existing Wescott Park Location One Mile Radius Underground Storage Tanks. Source: IDNR Facility Explorer

Of the identified underground storage tanks shown in Figure 29 fourteen (14) have been identified as leaking underground sites. The fourteen (14) leaking sites are shown in Figure 30.

Figure 30 Existing Wescott Park One Mile Radius of Leaking Underground Storage Tank Locations. Source: IDNR Facility Explorer

Of the fourteen (14) identified leaking underground storage tank locations all of the sites are identified as "No Action Required" by the IDNR.

The IDNR Facility Explorer was also queried to identify any potential contaminated sites within a one-mile radius of both the proposed new location of Wescott Park, Site No. 1 and the existing location of Wescott Park.

The facility explorer site reported no contaminated sites within a one-mile radius of the proposed new location for Wescott Park, Site 1.

Within one mile of the existing location of Wescott Park the IDNR tool identified one contaminated facility which are shown in Figure 31.

Figure 31 Contaminated Facilities Within One Mile of the Existing Wescott Park Location. Source: IDNR Facility Explorer

This site is owned by Cherokee Coal Gas (Interstate Power and Light Company) and the site is being monitored under a consent order between the IDNR and Interstate Power and Light Company.

Due to the filed status of AST, UST, LUST, and contaminated facility sites within a one-mile radius of both the current location of Wescott Park and the proposed Site No. 1 listed with the IDNR, there is not expected to be any impact on the proposed project. In addition, the project as proposed is not anticipated to generate any hazardous materials or wastes and the City has no intention of building or installing any above ground or underground storage tanks on either site as part of the proposed project.

4.6.2.3 Mitigation

The proposed project will not impact any of the AST, UST, LUST, and contaminated facility sites within a one-mile radius of both the current location of Wescott Park and the proposed Site No. 1 therefore mitigation is not required.

During construction there is potential that a contractor may utilize a portable above ground storage tank for fueling equipment. To ensure protection of the environment the City through their

contracted project engineer will require that the awarded contractor implement safety measures for any fuel tanks on location to potentially include double walled tanks and secondary spill containment. The contractor will be required to have a spill cleanup kit located on site at all times and the City will hold the contractor responsible for any cleanup, mitigation, and damage that occur at the project site due to any spill or leaks from above ground storage tanks used on site. The City, contractor, and engineer will comply with all required Federal and State regulations.

4.6.3 Noise

Noise is Federally regulated by the Noise Control Act of 1972. Noise is generally defined as unwanted sound. Human response to noise can vary according to the type and characteristics of the noise source, distance between the noise source and receptor, sensitivity of the receptor, and time of day. The Applicant does have some noise limitations in place within their Code of Ordinances including noise limitations for construction type activities.

Noise-sensitive receptors are defined as locations where people reside or where the presence of unwanted sound may adversely affect the use of the land. Noise-sensitive receptors include residences, schools, hospitals, lodging, libraries, churches, and some recreational uses.

No data exists for ambient noise in the area. The proposed site of the new Wescott Park is located in an industrial park area with adjacent uses of light industrial uses and agricultural fields. Site No. 1 is located adjacent to State Highway 3 which carries a variety of traffic including passenger vehicles, semi-trucks, motorcycles, and other regular vehicles allowed on State highways per the *Code of Iowa*.

4.6.3.1 No Action Alternative

The No Action Alternative will not result in the relocation of the park which is currently located adjacent to State of Iowa Highway 59. The existing traffic on Highway 59 is similar to the traffic on Highway 3 near the proposed location. The No Action Alternative would not result in any change to the existing noise to the existing park.

4.6.3.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed relocation of Wescott Park to Site 1 will create temporary noise impacts with the general surrounding area, which is agricultural and light industrial in nature, due to the use of heavy construction equipment including bull dozers, scrapers, tractors, and dump trucks. The sound impacts from this equipment will be limited to the immediate area around proposed Site 1.

Once the park is constructed noise impacts will be limited to traffic on the adjacent State Highway 3 and amplified noise from any public address system installed at the ballfield. The impacts of each of these sources of noise should be minimal to the adjoining properties and use types. Any public address system that would be utilized at the park would be scaled so that it would localize the noise to the immediate area.

The work at the existing Wescott Park site which will include demolition of the existing structures and planting of native pollinating plants will also create a limited temporary noise impact to the immediately surrounding area. The existing park is located in a more densely populated area where construction noise may have a more significant impact. The noise created at the existing park site should be minimal since the equipment used will be smaller and the work is more limited in terms of duration.

4.6.3.3 Mitigation

The City does have ordinances in place to help control and limit the impacts of noise on the residents within the City. This ordinance specifically identifies and requires that construction equipment be properly equipped with adequate muffler devices to reduce the impacts of sound during construction. The language from the City's Code is included below.

> 156.09 NOISE POLLUTION. All construction equipment used in conjunction with the project shall be in good repair and adequately muffled so as not to produce average sound levels in excess of eighty-five (85) decibels.

4.6.4 Traffic

Traffic within the City is moderate for most Iowa communities with the major thoroughfares being State Highway 59, State Highway 3, and Main Street.

4.6.4.1 No Action Alternative

The No Action Alternative would have no impact on traffic circulation or volume because no work is proposed and no changes to existing conditions would occur.

4.6.4.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The location for the proposed relocation of Wescott Park to Site No. 1 would be along State Highway 3. Access to the park is proposed to be from the north off of 515th Street which is currently a low volume gravel road. The 2019 Iowa Department of Transportation (IDOT) traffic county data shows and average daily traffic count of 130 vehicles on 515th Street and 3,560 vehicles along Highway 3. The IDOT numbers show that of those 3,560 vehicles 2,764 (77.6 percent) were passenger vehicles while the remaining 796 vehicles were either single unit or combination trucks.

Neighboring land uses are light industrial and heavy commercial type uses including the City's public works facility (directly to the east of the proposed site), the State of Iowa Department of Transportation regional facility, and a HyVee Food Distribution facility, and residences, acreages, and farmsteads directly to the north.

The proposed development of the new Wescott Park will increase traffic on 515th Street especially during the late spring and summer months. Increases in traffic will be limited to late afternoon and evenings and weekends based on the proposed development. This increased traffic will not conflict

in any major way with the existing traffic flow and likely will occur at times that are opposite that of the existing traffic along these routes.

The proposed site will not cause any significant amount of traffic within the proposed area that would result in the need for additional street maintenance, reconstruction of roads, or enhanced traffic safety measures (signage, traffic lights, turning lanes, or other similar features).

The current Wescott Park location is located along State Highway 59 where Highway 59 crosses the Little Sioux River. The 2019 IDOT traffic counts along this stretch of highway shows 5,300 average daily vehicles. While the relocation of the park will result in some reduction in the traffic counts on this road the project will not have a significant impact on traffic at this location. The existing park will have the fields and the facilities removed as part of the project and will be repurposed as a natural area; however, the City anticipates allowing the area to remain accessible to the public. Still the volume of traffic will decrease slightly as a result of the change in park uses.

4.6.4.3 Mitigation

The proposed project will not adversely affect the traffic patterns of the adjacent roadways or result in any significant increase or decrease in traffic to any neighboring uses. As such no mitigation efforts are proposed for the impact of traffic from the proposed project.

4.6.5 Public Services and Utilities

Public services and utilities include water and sewer services, police, fire, and other emergency services, general municipal services such as transportation infrastructure, public health services, road maintenance, energy and telecommunications supply, and many others. Figure 32 shows the location of the existing Wescott Park and Site No. 1, the proposed new park location in relationship to the City limits and the public service locations, including police, fire, public works, and medical facilities.

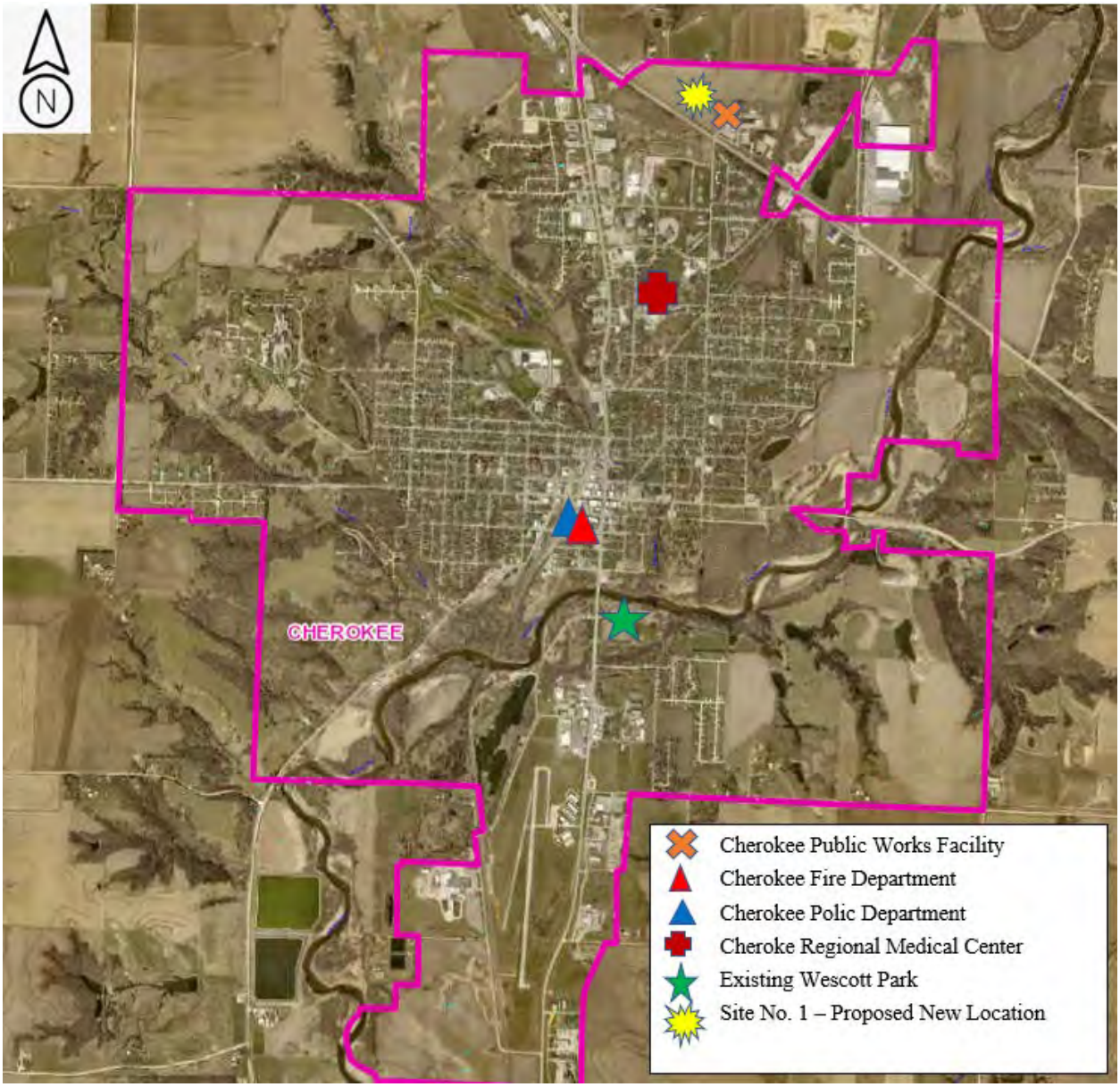

Figure 32 Cherokee Map Showing Current and Proposed Wescott Park Locations with City Emergency Service Locations

The existing location of Wescott park is along the south shore of the Little Sioux River, when flooding occurs the area is inundated with floodwaters resulting in a lack of access to the area for City services including police and fire services as well as general maintenance services. Loss of access to this area limits the ability of the City to provide public safety resources to the area.

Access to public utilities including water and sanitary sewer service is available at the existing Wescott Park site and at the proposed Site No. 1 location for the relocation of Wescott Park.

4.6.5.1 No Action Alternative

Under the No Action Alternative, the park would not be relocated. The City would abandon the existing Wescott Park, and over time as the City crews have the time, they would remove the existing fence and structures within existing footprints of already disturbed ground, and would let the area revegetate naturally. The No Action Alternative would have no impact on public services and utilities because no work is proposed and no changes to existing conditions would occur.

4.6.5.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed relocation of Wescott Park to Site No. 1 would eliminate the potentially hazardous conditions that exist with the current location. Site No. 1 is a location outside of the floodplain and where impacts from flooding to public infrastructure and services would be significantly reduced. The proposed project would not create any new negative impacts for public utilities and services with the relocation of the park to Site No. 1. Site No. 1 is located within an already existing developed area of the community that has access to adequate public services and utilities including water, sanitary sewer, electricity, and roads. The site is easily accessible for police, fire, and ambulatory services.

The City will need to extend public utilities to the new park facilities from existing locations just outside of the proposed property limits of the new park. Extension of utilities will be done in accordance with local and State regulations. Electric service is also existing on adjacent properties and can be extended easily by the electric provider in the area.

The conversion of the existing Wescott Park to open space will reduce the potential negative impacts to public services and utilities due to the decrease in the active use of the area and the removal of public infrastructure servicing the existing facilities within the park.

4.6.5.3 Mitigation

Iowa One Call Law requires that anyone who engages in any type of excavation must provide advanced notice to the underground utility owners in order to minimize the risk of damaging any type of underground utility. (811/Iowa One Call or 1-800-292-8989)

With the use of utility location, the Proposed Action would not be expected to have any impact on public services and utilities in the project area during the construction phase. Interruption of service that is required to complete the project would be short-term and minor. Affected users would be notified prior to the interruption. Additionally, caution should be used during construction to avoid contact with overhead utility lines.

5.0 CUMMULATIVE EFFECTS

The CEQ regulations for implementing National Environmental Policy Act (NEPA) define cumulative effect as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. The proposed activities associated with the proposed Wescott Park relocation to Site No. 1 and restoration of the existing Wescott Park to a natural state were evaluated against existing Applicant's municipal planning documents related to current and planned future actions to determine the potential for cumulative environmental impacts as defined in the CEQ regulation of implementing the procedural provisions of NEPA (40) CFR Part 1508.27.

The City is a commercial center in rural northwest Iowa and provides commercial services, retail, and jobs to residents of an approximate 75 mile plus radius. The City is working diligently to grow the community including implementing incentives to help with the creation of new jobs and the construction of new homes. Growth in Cherokee, similar to other areas of rural Iowa, can be slow in developing and typically requires incentives from the local government to stimulate growth. The City is an active participant in defining its future and has implemented a number of projects over the past several years to help reinvest in the community and drive new development by the private sector.

5.1 No Action Alternative

The No Action Alternative would not result in any cumulative effects.

5.2 Proposed Action, Relocation of Wescott Park to Site No. 1

The proposed relocation will not result in cumulative effects to any environmental resources and will have positive effects on the City. The project does not directly influence any new planned development or expanded access for additional development. The new facilities will better facilitate athletic events centered around the amenities of the park, specifically baseball, softball, and soccer games and tournaments. The use of a facility that isn't subject to flooding will ensure availability during and after flood events and will reduce the negative impacts that flooding and the subsequent cleanup activities can have on City facilities.

The restoration of the existing Wescott Park facility will ensure a natural environment that is conducive to flooding events and help to protect public and private property from the impacts of flood waters.

Implementation of the project will also generate facilities that can be used by the entire community and can be an attraction that will help achieve the City's desired results of growing their community by providing quality of life facilities.

5.3 Mitigation

The proposed project will have significant positive benefits and will not result in negative impacts cumulative effects. As such there is no need for mitigation activities.

6.0 SUMMARY OF IMPACTS AND MITIGATION

This chapter summarizes the existing environmental resources and the environmental impacts that may occur from the Proposed Action (FEMA's funding of the relocation of Wescott Park to Site No. 1 and the restoration of the existing Wescott Park location. Temporary and permanent impacts were analyzed for the no build and park relocation alternative within each of the resource areas. The potential environmental impacts were analyzed through comparison with potentially affected environmental components or conditions and mitigation measures that could offset any environmental impacts.

The existing conditions of the environmental resources within the work area of Proposed Action and at its alternatives, are presented in Chapter 4. Chapter 4 also presents an analysis of the alternative's potential effects on each environmental resource. Cumulative impacts are discussed in Section 5. The resource areas eliminated from further analysis in Section 4.1 are not discussed in this summary.

In accordance with CEQ regulations (40 CFR Part 1502.14 and 23 CFR 771), Table 6-1 on the following page presents "the environmental impacts of the proposed and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice amount options by the decision maker and the public."

Table 6.1 Summary of Environmental Consequences and Impacts

Environmental Resource	**No Build Alternative**	**Relocation of Wescott Park to Site 1 & Restoration of Existing Wescott Park Alternative**
Farmland (FPPA)	No Impact	No Impact
Geology and Soils	No Impact	Temporary 20 Ac
Water Quality	No Improvement to Pollutant Loading to Little Sioux River During Floods	No Impact, some water quality improvement during flooding
Sole Source Aquifers	No Impact	
Surface Waters	No Improvement to Pollutant Loading to Little Sioux River During Floods	No Impact, improved widened riparian corridor for the Little Sioux River
Wetlands	No Impact	No Impact
Floodplain	No change in the impact of flooding on the existing Wescott Park location.	Practicable Floodplain Minimization Alternative – Floodplain Improvement
Threatened & Endangered Species	No Affect	General improvements for wildlife, aquatic species, and pollinators including the federal candidate Monarch butterfly.
Visual Resources	No Impact	
Historic Resources	No Impact	
Archeological Resources	No Impact	
Tribal Resources	No Impact	
Air Quality	No Impact	Temporary during construction
Noise	No Impact	Temporary during construction
Hazardous Materials	No Impact	No Impact, Secondary Containment and Spill Cleanup facilities will be required for any onsite above ground storage tanks used during construction
Environmental Justice	No Impact	No Disproportionate Effects to EJ Populations
Traffic	No Impact	No Impact
Public Services and Utilities	No Impact	No Impact
Cumulative Impact	No Impact	No Impact, Enhanced Cumulative Effect of Future Development of the City

6.1 Mitigation

No formal mitigation measures are necessary to offset the minor impacts of the proposed alternative. However, the following measures will be included where appropriate to limit the impacts to the minimum necessary to accomplish the work:

- Erosion and sediment controls will be required during construction activities on Site No. 1, including the use of silt fencing or geogrid slope stabilization techniques;
- Necessary permits for construction phase on Site No. 1, including the National Pollutant Discharge Elimination System (NPDES) will be obtained;
- Utilizing BMPs to protect workers and the environment during construction will be required as part of the specifications for work conducted at Site No. 1;
- Use of proper erosion and sediment controls will be required of the contractor for work conducted at Site No. 1;
- Construction activities at Site No. 1 will be required to minimize fugitive dust emissions through watering, controlling of dust by vehicles and other measures to reduce the disturbance of particulate matter;
- Planting of trees, bushes, and grasses, at the existing Wescott Park location, will impact the environment in a positive manner long term;
- Construction activities at Site No. 1 will be limited to daylight hours;
- The Applicant will incorporate the use of native seed mixes to restore and promote natural and pollinator habitat at the current Wescott Park location where possible. Additionally, seed mixes used at both Site No. 1 and the current Wescott Park location will be specified to ensure that they are not contaminated by invasive species;
- The contractor for Site No. 1 will be required to control and eradicate any identified invasive species that are identified during construction;
- Contractors for the construction of Site No. 1 will be required to have secondary containment and spill cleanup kits on site for all above ground storage tanks used onsite during the construction of the project;
- If artifacts or human remains are found on site during construction or within borrow areas the FEMA will be contacted immediately, the City will take all reasonable measures to protect the finds, work will cease in the area of discovery, and will not resume until FEMA consults with the SHPO and interested parties including tribes;
- Fill soil and or gravel from non-commercial sources will require additional compliance review and potentially consultation with the SHPO and or USFWS, and or may require permits, and failure to obtain these prior to doing the work may jeopardize Federal funding;
- The City will have the Proposed Action reviewed for the presence of Bald Eagle nesting sites at the existing Wescott Park location. If a site is located FEMA will be notified and the City will coordinate with the USFWS;

- The proposed relocation Site 1 for Wescott Park does not have tree habitat suitable for roosting or hibernacula for the Northern long-eared bat and tree removal will not occur as part of the project activities. Roosting tree habitat for the Northern long-eared bat occurs adjacent to the existing Wescott Park, however, no trees will be removed for the habitat restoration actions proposed at this site. If the removal of trees is required to complete the project, the City must notify FEMA and coordinate with the U.S. Fish and Wildlife Service (USFWS) before work begins; and
- The City will ensure that the selected contractors comply with the existing City ordinance for noise reduction.

No long-term adverse impacts are expected from this project. The only potential adverse environmental impacts identified for this project would be related to noise, solid waste, and air quality standards, but these impacts would be minimal and temporary, occurring only in the construction phase of development. Increased truck traffic resulting from construction activities may also result. These impacts are minimal and temporary and should not result in any problem that would significantly affect the quality of the environment. With the implementation of the mitigation measures and all appropriate permits obtained, the Proposed Action, Relocation of Wescott Park to Site No. 1 and the restoration of the existing Wescott Park would have no significant impact on the environment.

7.0 AGENCY COORDINATION, PUBLIC INVOLVEMENT, AND PERMITS

7.1 Agency Coordination

The following agencies and individuals were consulted in the preparation of this Environmental Assessment:

- City of Cherokee – Eric List, City Administrator
- City of Cherokee – Duane Mummert, Parks Superintendent
- Beck Engineering – Mike Cedar, PLA, ASLA
- U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) system
- USDA NRCS – Louis Moran
- State Historic Preservation Officer
- Tribal Historic Preservation Officers
- Cherokee County – Matthew Todd, Weed Commissioner
- Cherokee County Conservation Board – Laura Jones, Director and Naturalist

7.2 Public Involvement

The draft Environmental Assessment will be made available for public review and comment. A public notice will be issued requesting comments from the public on the Proposed Action for a 30-day public comment period, publicized in the Cherokee Chronicle Times, as well as on the websites of FEMA, the City of Cherokee, and Iowa Department of Homeland Security and Emergency Management (HSEMD). A copy of the Environmental Assessment, prepared for the action, will be made available for public review at the City of Cherokee, City Hall (416 West Main Street, Cherokee, Iowa) and the Cherokee Public Library (215 South 2nd Street, Cherokee, Iowa). In addition, a copy of the Environmental Assessment will be made available in an electronic format online on FEMA and the City of Cherokee's websites. Input received during the 30-day public comment period will be documented, together with responses thereto, in a subsequent Final Environmental Assessment and FEMA decision document.

8.0 REFERENCES

The following references were used in the preparation of this Environmental Assessment:

- IDNR Contaminated Sites – https://programs.iowadnr.gov/contaminatedsites/
- USFWS IPaC – https://ecos.fws.gov/ipac
- USEPA Environmental Justice Screening and Mapping Tool – https://ejscreen.epa.gov/mapper/
- State Data Center – https://iowadatacenter.org/city-quick
- FEMA Map Service Website – https://msc.fema.gov/portal/home
- Iowa Draft Flood Hazard Maps – https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/
- Sole Source Aquifers Website – https://www.fws.gov/wetlands/Data/Mapper.html
- USEPA Website -Air Quality – https://www3.epa.gov/airquality/greenbook/mapnpoll.html
- IDNR Facility Explorer – https://facilityexplorer.iowadnr.gov/facilityexplorer/
- IDNR Storage Tanks – https://programs.iowadnr.gov/tanks/pages/advanced.aspx
- USEPA – Enforcement and Compliance History Online – https://echo.epa.gov
- USDA National Resources Conservation Service – https://www.nrcs.usda.gov/wps/portal/nrcs/main/nationa/landuse/fppa/
- Iowa Department of Transportation – Traffic Count – https://iowadot.gov/maps

9.0 LIST OF PREPARERS

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City of Cherokee – Duane Mummert, Parks Superintendent, 416 West Main Street, Cherokee, Iowa 51012, Phone 712-225-2715

APPENDICES

A. AD-1006 Farmland Conversion Impact Rating Assessment

B. Eight-Step Decision-Making Floodplain and Wetland Analysis

C. Listing of Iowa's Noxious Weeds

D. USFWS IPaC Official Species List

E. FEMA's Section 106 NHPA Consultation with Iowa SHPO and Figures

F. SHPO Concurrence Documentation

G. Example of FEMA's Section 106 NHPA Tribal Consultation Letter

H. Upper Sioux Community Tribal Consultation Response

Appendix A

AD-1006 Farmland Conversion Impact Rating Assessment

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*		Date Of Land Evaluation Request 2/25/2021	
Name of Project Cherokee Wescott Park Project		Federal Agency Involved FEMA	
Proposed Land Use Park		County and State Cherokee County / Iowa	
PART II *(To be completed by NRCS)* Louis Moran		Date Request Received By NRCS 2/25/2021	Person Completing Form: Louis Moran

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☑ NO ☐	Acres Irrigated 37	Average Farm Size 392
Major Crop(s) Farm Operations; Ag Land	Farmable Land In Govt. Jurisdiction Acres: 92 % 339,003	Amount of Farmland As Defined in FPPA Acres: 69 % 254,507	
Name of Land Evaluation System Used Iowa CSR2	Name of State or Local Site Assessment System Iowa CSR2	Date Land Evaluation Returned by NRCS 3/3/2021	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	25.9			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	25.9			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	10.7			
B. Total Acres Statewide Important or Local Important Farmland	15.2			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.0			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	59.6			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)	88			

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)	8			
2. Perimeter In Non-urban Use	(10)	9			
3. Percent Of Site Being Farmed	(20)	20			
4. Protection Provided By State and Local Government	(20)	0			
5. Distance From Urban Built-up Area	(15)	0			
6. Distance To Urban Support Services	(15)	0			
7. Size Of Present Farm Unit Compared To Average	(10)	4			
8. Creation Of Non-farmable Farmland	(10)	0			
9. Availability Of Farm Support Services	(5)	3			
10. On-Farm Investments	(20)	3			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	0			
TOTAL SITE ASSESSMENT POINTS	160	47	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	88	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	47	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	135	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

(See Instructions on reverse side) **Form AD-1006 (03-02)**

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, http://fppa.nrcs.usda.gov/lesa/.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s)of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

Appendix B

Eight-Step Decision-Making Floodplain Analysis

EXECUTIVE ORDER 11988/11990

FLOODPLAIN MANAGEMENT/WETLANDS – CHECKLIST (44 CFR Part 9)

APPLICANT:	City of Cherokee
COUNTY/STATE:	Cherokee County, Iowa
COORDINATES:	New Park Location (42.769416, -95.545427)
PROPOSED ACTION:	The applicant intends to relocate Wescott Park to a location outside of the regulatory floodway and return the existing park to open space.

APPLICABLILITY: **Actions which have the potential to affect floodplains/wetlands or their occupants, or which are subject to potential harm by location in floodplains/wetlands.**

☐YES ☒NO The proposed action could potentially adversely affect the floodplain/wetlands.

Remarks:

☐YES ☒**NO** The proposed action could potentially be adversely affected by the floodplain/wetlands.

Remarks:

The proposed location for the new park is located outside of the floodplain, however the existing park is within the regulatory floodway.

IF ANSWER IS NO, REVIEW IS COMPLETED, OTHERWISE CONTINUE WITH REVIEW

ACTION:

☐ **Review against 500 Year floodplain (for Critical Action)**

☒ **Review against 100 Year floodplain**

STEP NO. 1 **Determine whether the proposed action is located in the 100-year floodplain/wetland (500-year floodplain for critical actions); (44 CFR §9.7)**

The project is located within the regulatory floodway, area of 100-yr flooding, per Flood Insurance Rate Maps (FIRM) Panel #19035C0256C, dated December 2, 2021.

STEP NO. 2 **Notify the public at the earliest possible time of the intent to carry out an action in a floodplain/wetland, and involve the affected and interested public in the decision-making process; (44 CFR §9.8)**

☐ Notice was provided as part of a disaster cumulative notice:

☒**YES** Project Specific Notice (e.g. EA, newspaper, public meeting, etc):

Type of Public Notice: In accordance with 44 CFR Part 9.12(c) FEMA will include the required information in the FONSI to constitute a final public notice.

Date: TBD

STEP NO. 3 **Identify and evaluate practicable alternatives to locating the proposed action in a floodplain/wetland (including alternatives sites, actions and the "no action" option). (44 CFR §9.9)**

Alternative Options

☒**YES** ☐**NO** Is there a practicable alternative site location outside of the floodplain/wetland?

Site location: 42.769416, -95.545427

☒**YES** ☐**NO** Is there a practicable alternative action outside of the floodplain/wetland that will not affect the floodplain/wetland?

Alternative action:

☐**YES** ☒**NO** Is the NO Action alternative the most practicable alternative?

If a practicable alternative exists outside the floodplain/wetland, FEMA must locate the action at the alternative site.

STEP NO. 4 **Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains/wetlands and the potential direct and indirect support of floodplain/wetlands development that could result from the proposed action; (44 CFR §9.10)**

☒**YES** ☐**NO** Is the proposed action in compliance with the NFIP?

☐**YES** ☒**NO** Does the proposed action increase the risk of flood loss?

Remarks:

Relocation of the park would support open space use of the floodplain and alleviate the risk of continued flood damage

☐**YES** ☒**NO** Will the proposed action result in an increased base discharge or increase the flood hazard potential to other properties or structures?

☒**YES** ☐**NO** Does the proposed action minimize the impact of floods on human health, safety and welfare?

Remarks:

The existing park will be returned to greenspace, providing additional space for floodwater retention within the regulatory floodway.

☐**YES** ☒**NO** Will the proposed action induce future growth and development, which will potentially adversely affect the floodplain/wetland?

☐**YES** ☒**NO** Does the proposed action involve dredging and/or filling of a floodplain/wetlands?

☐**YES** ☒**NO** Will the proposed action result in the discharge of pollutants into the floodplain/wetlands?

☒**YES** ☐**NO** Does the proposed action avoid long and short-term adverse impacts associated with the occupancy and modification of floodplains/wetlands?

☐**YES** ☒**NO** Will the proposed action result in any indirect impacts that will affect the natural values and functions of floodplains/wetlands?

☐**YES** ☒**NO** Will the proposed action forego an opportunity to restore the natural and beneficial values served by floodplains/wetlands?

☐**YES** ☒**NO** Does the proposed action restore and/or preserve the natural and beneficial values served by floodplains/wetlands?

☒**YES** ☒**NO** Will the proposed action result in an increase to the useful life of a structure or facility?

REMARKS:

While the existing park would be demolished and returned to greenspace the relocation would ensure that the park remains available for future use by the public.

STEP NO. 5 **Minimize the potential adverse impacts and support to or within floodplains/wetlands to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains/wetlands; (44 CFR §9.11)**

☒**YES** ☐**NO** Were flood hazard reduction techniques applied to the proposed action to minimize the flood impacts if site location is in the 100- or 500-Year floodplain/wetlands?

☒**YES** ☐**NO** Were avoidance and minimization measures applied to the proposed action to minimize the short and long term impacts on the 100-Year floodplain/wetlands?

If no, identify measures required as a condition of the grant:

☒**YES** ☐**NO** Were measures implemented to restore and preserve the natural and beneficial values of the floodplain/wetlands.

If no, identify measures required as a condition of the grant:

Remarks:

☐**YES** ☒**NO** Is new construction or substantial improvement in a floodway, and new construction in a coastal high hazard area proposed? If Yes:

☒**YES** ☐**NO** Is the activity considered as functionally dependent use or a structure or facility which facilitates an open space use?

STEP NO. 6 **Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain/wetlands values and second, if alternatives preliminarily rejected at Step 3 are practicable in light of the information gained in Steps 4 and 5. (44 CFR §9.9)**

☒**YES** ☐**NO** The action is still practicable at a floodplain/wetland site in light of the exposure to flood risk and ensuing disruption of natural values.

☐**YES** ☒**NO** The floodplain/wetlands site is the only practicable alternative.

☒**YES** ☐**NO** There is no potential for limiting the action to increase the practicability of previously rejected non-floodplain/wetlands sites and alternative actions.

☒**YES** ☐**NO** Minimization of harm to or within the floodplain/wetlands can be achieved using all practicable means.

☒**YES** ☐**NO** The action in a floodplain/wetland clearly outweighs the requirement of E.O. 11988/11990.

FEMA shall not act in a floodplain/wetland unless it is the only practicable location.

STEP NO. 7 **Prepare and provide the public with a finding and public explanation of any final decision that the floodplain/wetland is the only practicable alternative; and (44 CFR §9.12)**

☐ Check if the Initial Public Notice serves as the Final Public Notice. No condition required.

☒ In accordance with 44 CFR Part 9.12(c) FEMA will include the required information in the FONSI to constitute a final public notice.

STEP NO. 8 **Review the implementation and post - implementation phases of the proposed action to ensure that the requirements stated in Section 9.11 are fully implemented. Oversight responsibility shall be integrated into existing processes. (44 CFR §9.11)**

☐**YES** ☒**NO** Was Grant conditioned on review of implementation and post-implementation phases to ensure compliance of EO 11988?

Failure to comply with conditions enumerated in the Record of Environmental Consideration may jeopardize federal funding.

Appendix C

Iowa's Noxious Weeds

Common Name	Scientific Name
Buckhorn Plantain	Plantago lanceolata L.
Buckthorn	Rhamnus spp. L.
Bull Thistle	Cirsium vulgare (Savi) Ten.
Canada Cocklebur	Xanthium strumarium Var. canadense (Mill.) Torr. & A Gray
Canada Thistle	Helianthus annuaa L.
Curly Dock	Rumex crispus L.
Field Bindweed	Convolvulus arvensis L.
Field Sowthistle	Sonchus arvensis ssp. arvensis L.
Hoary Cress	Lepidium draba (L.) Desv
Horsenettle	Solanum carolinense L.
Leafy Spurge	Euphorbia esula L.
Multiflora Rose	Rosa multiflora Thunb.
Pale Dock	Rumex latissimus Wood
Plumeless Thistle	Carduus spp. L.
Poison Hemlock	Conium maculatum L.
Puncturevine	Tribulus terrestris L.
Quackgrass	Elymus repens (L.) Gould
Red Sorrel	Rumex acetoselia L.
Russian Knapweed	Rhaponticum repens (L.) Hidalgo
Sorghum (type unspecified)	Sorghum bicolor (L.) Moench
Spiny Plumeless Thistle	Carduus acanthoides L.
Teasel	Dipsacus spp. L.
Thistle	Cirsium spp. P. Mill.
Velvetleaf	Abutilon theophrasti Medik
Wild Carrot	Daucus carota ssp. carota L.
Wild Mustard	Sinapis arvensis L.

Appendix D

USFWS IPaC Official Species List

Proposed Park Location

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807

In Reply Refer To: November 04, 2022
Project Code: 2023-0012502
Project Name: Wescott Park Relocation - Proposed Park Location

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website https://ipac.ecosphere.fws.gov at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the U.S. Fish and Wildlife Service (Service) if they determine their project "may affect" listed species or designated critical habitat. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action may affect endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service to make "no effect" determinations. If you determine that your proposed action will have

no effect on threatened or endangered species or their respective designated critical habitat, you do not need to seek concurrence with the Service.

Note: For some species or projects, IPaC will present you with *Determination Keys*. You may be able to use one or more Determination Keys to conclude consultation on your action.

Technical Assistance for Listed Species

1. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain information on the species life history, species status, current range, and other documents by selecting the species from the thumbnails or list view and visiting the species profile page.

No Effect Determinations for Listed Species

1. If there are *no* species or designated critical habitats on the Endangered Species portion of the species list: conclude "no species and no critical habitat present" and document your finding in your project records. No consultation under ESA section 7(a)(2) is required if the action would result in no effects to listed species or critical habitat. Maintain a copy of this letter and IPaC official species list for your records.

2. If any species or designated critical habitat are listed as potentially present in the **action area** of the proposed project the project proponents are responsible for determining if the proposed action will have "no effect" on any federally listed species or critical habitat. No effect, with respect to species, means that no individuals of a species will be exposed to any consequence of a federal action or that they will not respond to such exposure.

3. If the species habitat is not present within the action area or current data (surveys) for the species in the action area are negative: conclude "no species habitat or species present" and document your finding in your project records. For example, if the project area is located entirely within a "developed area" (an area that is already graveled/paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping, is located within an existing maintained facility yard, or is in cultivated cropland conclude no species habitat present. Be careful when assessing actions that affect: 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; structures that have been known to support listed species (example: bridges), and 2) surface water or groundwater. Several species inhabit rights-of-ways, and you should carefully consider effects to surface water or groundwater, which often extend outside of a project's immediate footprint.

4. Adequacy of Information & Surveys - Agencies may base their determinations on the best evidence that is available or can be developed during consultation. Agencies must give the benefit of any doubt to the species when there are any inadequacies in the information. Inadequacies may include uncertainty in any step of the analysis. To provide adequate information on which to base a determination, it may be appropriate to conduct surveys to determine whether listed species or their habitats are present in the action area. Please contact our office for more information or see the survey guidelines that the Service has made available in IPaC.

May Effect Determinations for Listed Species

1. If the species habitat is present within the action area and survey data is unavailable or inconclusive: assume the species is present or plan and implement surveys and interpret results in coordination with our office. If assuming species present or surveys for the species are positive continue with the may affect determination process. May affect, with respect to a species, is the appropriate conclusion when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat,

'may affect' is the appropriate conclusion if the action area overlaps with mapped areas of critical habitat and an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.

2. Identify stressors or effects to the species and to the essential physical and biological features of critical habitat that overlaps with the action area. Consider all consequences of the action and assess the potential for each life stage of the species that occurs in the action area to be exposed to the stressors. Deconstruct the action into its component parts to be sure that you do not miss any part of the action that could cause effects to the species or physical and biological features of critical habitat. Stressors that affect species' resources may have consequences even if the species is not present when the project is implemented.

3. If no listed or proposed species will be exposed to stressors caused by the action, a 'no effect' determination may be appropriate – be sure to separately assess effects to critical habitat, if any overlaps with the action area. If you determined that the proposed action or other activities that are caused by the proposed action may affect a species or critical habitat, the next step is to describe the manner in which they will respond or be altered. Specifically, to assess whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."

4. Determine how the habitat or the resource will respond to the proposed action (for example, changes in habitat quality, quantity, availability, or distribution), and assess how the species is expected to respond to the effects to its habitat or other resources. Critical habitat analyses focus on how the proposed action will affect the physical and biological features of the critical habitat in the action area. If there will be only beneficial effects or the effects of the action are expected to be insignificant or discountable, conclude "may affect, not likely to adversely affect" and submit your finding and supporting rationale to our office and request concurrence.

5. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, check IPaC for species-specific Section 7 guidance and conservation measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects. If you modify your proposed action to include conservation measures, assess how inclusion of those measures will likely change the effects of the action. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, contact our office for assistance.

6. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

For additional information on completing Section 7 Consultation including a Glossary of Terms

used in the Section 7 Process, information requirements for completing Section 7, and example letters visit the Midwest Region Section 7 Consultations website at: https://www.fws.gov/library/collections/midwest-region-section-7-consultations.
You may find more specific information on completing Section 7 on communication towers and transmission lines on the following websites:

- Incidental Take Beneficial Practices: Power Lines - https://www.fws.gov/story/incidental-take-beneficial-practices-power-lines
- Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. - https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation

Northern Long-eared Bat Update

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.
Other Trust Resources and Activities

Bald and Golden Eagles

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, please contact our office for further coordination. For more information on permits and other eagle information visit our website https://www.fws.gov/library/collections/bald-and-golden-eagle-management.
We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
(309) 757-5800

Project Summary

Project Code: 2023-0012502
Project Name: Wescott Park Relocation - Proposed Park Location
Project Type: Disaster-related Grants
Project Description: Due to repeated flood damages the City of Cherokee, Iowa proposes the relocation of Wescott Park to higher ground within the City away from the potential impacts of flooding along the Little Sioux River. The proposed new park site will contain two baseball or softball fields, storage sheds, soccer fields, parking, sand volleyball courts, and a concession restroom building. One of the baseball/softball fields and the sand volleyball courts will be lighted with LED downcast lighting.

The layout of the proposed new Wescott Park incorporates stormwater features to ensure that stormwater runoff from the site doesn't impact adjacent properties and uses. The layout also allows room for future growth and improvements. Future improvements may include a playground structure, open shelters, and additional park features. The site owned by the City includes land that is not part of the initial scope of a new Wescott Park and could be developed in the future in a manner that is in compliance with the City's zoning regulations and Future Land Use Plan.

Ingress to the park would be along 515th Street on the northern boundary of the property. The plan does not include any new access points off of State Highway 3.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@42.76943115,-95.54636525838279,14z

Counties: Cherokee County, Iowa

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover *Pluvialis dominica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Aug 31
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence ( )

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ( )

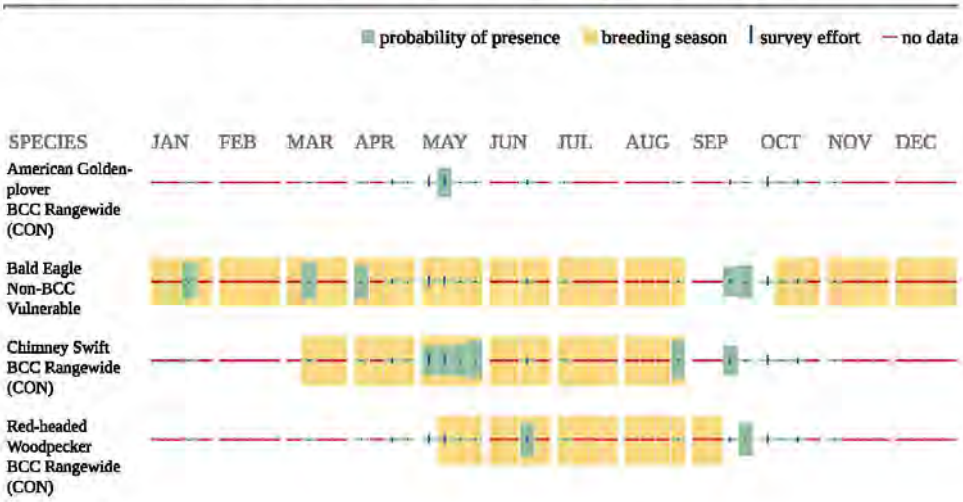
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.
Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits

may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?
The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Federal Emergency Management Agency
Name: Aaron Sole
Address: 500 C St. W
City: Washington
State: DC
Zip: 20024
Email asolephoto@gmail.com
Phone: 2028056454

Existing Park Location

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807

In Reply Refer To:
Project Code: 2023-0012491
Project Name: Wescott Park Relocation - Current Park Location

November 04, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website https://ipac.ecosphere.fws.gov at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the U.S. Fish and Wildlife Service (Service) if they determine their project "may affect" listed species or designated critical habitat. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action may affect endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service to make "no effect" determinations. If you determine that your proposed action will have

no effect on threatened or endangered species or their respective designated critical habitat, you do not need to seek concurrence with the Service.

Note: For some species or projects, IPaC will present you with *Determination Keys*. You may be able to use one or more Determination Keys to conclude consultation on your action.

Technical Assistance for Listed Species

1. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain information on the species life history, species status, current range, and other documents by selecting the species from the thumbnails or list view and visiting the species profile page.

No Effect Determinations for Listed Species

1. If there are *no* species or designated critical habitats on the Endangered Species portion of the species list: conclude "no species and no critical habitat present" and document your finding in your project records. No consultation under ESA section 7(a)(2) is required if the action would result in no effects to listed species or critical habitat. Maintain a copy of this letter and IPaC official species list for your records.

2. If any species or designated critical habitat are listed as potentially present in the **action area** of the proposed project the project proponents are responsible for determining if the proposed action will have "no effect" on any federally listed species or critical habitat. No effect, with respect to species, means that no individuals of a species will be exposed to any consequence of a federal action or that they will not respond to such exposure.

3. If the species habitat is not present within the action area or current data (surveys) for the species in the action area are negative: conclude "no species habitat or species present" and document your finding in your project records. For example, if the project area is located entirely within a "developed area" (an area that is already graveled/paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping, is located within an existing maintained facility yard, or is in cultivated cropland conclude no species habitat present. Be careful when assessing actions that affect: 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; structures that have been known to support listed species (example: bridges), and 2) surface water or groundwater. Several species inhabit rights-of-ways, and you should carefully consider effects to surface water or groundwater, which often extend outside of a project's immediate footprint.

4. Adequacy of Information & Surveys - Agencies may base their determinations on the best evidence that is available or can be developed during consultation. Agencies must give the benefit of any doubt to the species when there are any inadequacies in the information. Inadequacies may include uncertainty in any step of the analysis. To provide adequate information on which to base a determination, it may be appropriate to conduct surveys to determine whether listed species or their habitats are present in the action area. Please contact our office for more information or see the survey guidelines that the Service has made available in IPaC.

May Effect Determinations for Listed Species

1. If the species habitat is present within the action area and survey data is unavailable or inconclusive: assume the species is present or plan and implement surveys and interpret results in coordination with our office. If assuming species present or surveys for the species are positive continue with the may affect determination process. May affect, with respect to a species, is the appropriate conclusion when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat,

'may affect' is the appropriate conclusion if the action area overlaps with mapped areas of critical habitat and an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.

2. Identify stressors or effects to the species and to the essential physical and biological features of critical habitat that overlaps with the action area. Consider all consequences of the action and assess the potential for each life stage of the species that occurs in the action area to be exposed to the stressors. Deconstruct the action into its component parts to be sure that you do not miss any part of the action that could cause effects to the species or physical and biological features of critical habitat. Stressors that affect species' resources may have consequences even if the species is not present when the project is implemented.

3. If no listed or proposed species will be exposed to stressors caused by the action, a 'no effect' determination may be appropriate – be sure to separately assess effects to critical habitat, if any overlaps with the action area. If you determined that the proposed action or other activities that are caused by the proposed action may affect a species or critical habitat, the next step is to describe the manner in which they will respond or be altered. Specifically, to assess whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."

4. Determine how the habitat or the resource will respond to the proposed action (for example, changes in habitat quality, quantity, availability, or distribution), and assess how the species is expected to respond to the effects to its habitat or other resources. Critical habitat analyses focus on how the proposed action will affect the physical and biological features of the critical habitat in the action area. If there will be only beneficial effects or the effects of the action are expected to be insignificant or discountable, conclude "may affect, not likely to adversely affect" and submit your finding and supporting rationale to our office and request concurrence.

5. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, check IPaC for species-specific Section 7 guidance and conservation measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects. If you modify your proposed action to include conservation measures, assess how inclusion of those measures will likely change the effects of the action. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, contact our office for assistance.

6. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

For additional information on completing Section 7 Consultation including a Glossary of Terms

used in the Section 7 Process, information requirements for completing Section 7, and example letters visit the Midwest Region Section 7 Consultations website at: https://www.fws.gov/library/collections/midwest-region-section-7-consultations.
You may find more specific information on completing Section 7 on communication towers and transmission lines on the following websites:

- Incidental Take Beneficial Practices: Power Lines - https://www.fws.gov/story/incidental-take-beneficial-practices-power-lines
- Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. - https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation

Northern Long-eared Bat Update

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.
Other Trust Resources and Activities

Bald and Golden Eagles

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, please contact our office for further coordination. For more information on permits and other eagle information visit our website https://www.fws.gov/library/collections/bald-and-golden-eagle-management.
We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
(309) 757-5800

Project Summary

Project Code: 2023-0012491
Project Name: Wescott Park Relocation - Current Park Location
Project Type: Disaster-related Grants
Project Description: Due to repetitive flood damages the City of Cherokee, Iowa proposes to relocate Wescott Park. The area being evaluated in this portion of the project is the existing park. The applicant intends to remove the ball fields and facilities located adjacent to the Little Sioux River and return the area to green space to be managed primarily as a pollinator planting and a dog park.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@42.7435927,-95.5519473927507,14z

Counties: Cherokee County, Iowa

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover *Pluvialis dominica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Aug 31
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (▒)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (▒)

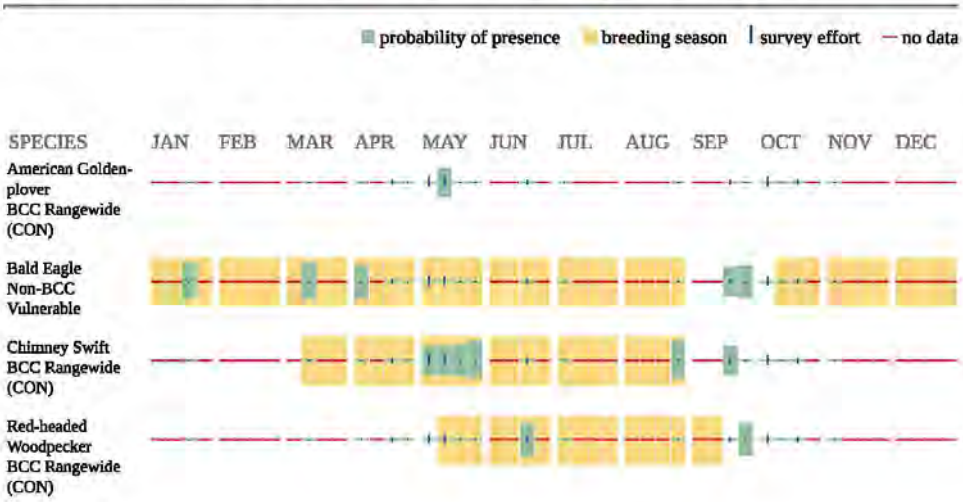
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.
Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits

may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?
The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- Palustrine

RIVERINE

- Riverine

IPaC User Contact Information

Agency: Federal Emergency Management Agency
Name: Aaron Sole
Address: 500 C St. W
City: Washington
State: DC
Zip: 20024
Email asolephoto@gmail.com
Phone: 2028056454

Appendix E

FEMA's Section 106 NHPA Consultation with Iowa SHPO and Figures

U.S. Department of Homeland Security
FEMA Region VII
11224 Holmes Road
Kansas City, MO 64131

FEMA

IN REPLY REFER TO:
JCB-DR-4421-IA-PW#1242-GM#106535

December 7, 2021

Dr. Heather Gibb
Deputy State Historic Preservation Officer
State Historical Society of Iowa
Iowa Department of Cultural Affairs
600 East Locust Street
Des Moines, IA 50319-0290

Re: **SHPO R&C #:** 210318043
Project Number: FEMA-DR-4421-IA-01242 (106535)
Subrecipient: City of Cherokee, Cherokee County, Iowa
Undertaking: Wescott Park Relocation
Location Coordinates: 42.769989, -95.546740
Finding: No Historic Properties Affected

Dear Dr. Gibb,

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide a Federal grant, through the Iowa Department of Homeland Security and Emergency Management (Iowa HSEMD or Recipient), to the City of Cherokee (Subrecipient), authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to major Disaster Declaration FEMA-DR-4421-IA dated March 21, 2019, regarding severe storms and flooding that occurred from March 12 through June 15, 2019. The Subrecipient has requested funding through FEMA's Public Assistance Program for the relocation of Wescott Park (Undertaking).

FEMA is reviewing the Undertaking for compliance with Section 106 of the National Historic Preservation Act (NHPA) in accordance with the 2015 *Programmatic Agreement Among the Federal Emergency Management Agency, the Iowa State Historic Preservation Officer, and the Iowa Department of Homeland Security and Emergency Management* (Agreement). Accordingly, FEMA is providing this information regarding the above referenced Undertaking.

Undertaking

During the incident period, heavy rain and snow melt caused flooding along the Little Sioux River that inundated the Wescott Park, located on the south bank of the river in southern Cherokee, IA (42.743397, -95.550623). FEMA initially prepared a scope of work for the project to repair the park facilities in-kind to pre-disaster condition including the soccer and baseball fields, restroom and concession buildings, picnic shelters, limestone surface on parking lots, fencing, and replace destroyed athletic equipment. The project was reviewed for compliance with Section 106 and determined to comply with Programmatic Allowances, outlined in Appendix B of the Agreement.

Due to repeated flood damage at the current location, in lieu of repairing the park, the City of Cherokee has requested an Improved Project, that involves applying the eligible funding to relocate the park to higher ground, farther from the Little Sioux River, and outside of the floodplain, to mitigate repetitive damage to the park during future flooding events. The proposed new location for the park is on the north side of the City of Cherokee, in Section 22, Township 92 North and Range 40 West (42.769989, -95.546740) (See Figure 1). The Subrecipient plans to return the current park to a more natural state by removing the ball fields including the score booth and dugouts, restroom and concession buildings, two open picnic shelters, and fencing, and seeding the area with native prairie grasses and nectar producing plants for pollinators to encourage native habitat for birds, butterflies, small mammals and reptiles (See Figure 2).

FEMA initiated Section 106 consultation with your office for the Improved Project scope of work on March 30, 2021 with a finding of No Historic Properties Affected. The Area of Potential Effects (APE) for this consultation was limited to the area of direct effects at the new park location resulting from the proposed ground disturbing activities that would take place at the approximately 25.9 acre (10.5 HA), parcel bounded by 515th Street, and State Highway Route 3 to the north and south, respectively, on the north side of the City of Cherokee. FEMA's finding of No Historic Properties Affected was informed by *Phase I Cultural Resources Investigation for the Proposed Relocation of Westcott Park, Cherokee Township, Cherokee County, Iowa* that was completed in November of 2020 by Bear Creek Archeology, Inc. of Cresco, Iowa (BCA 2823).

April 30, 2021 your office responded to FEMA's consultation and requested that FEMA provide the following additional information:

- Justification for the current Area of Potential Effects (APE) or an alternative APE that takes into effect the light, sound and traffic effects; and
- Documentation on the above ground historic resource identification efforts

Your office noted that it found the BCA 2823 survey and reporting to be consistent with best practices advocated by the Association of Iowa Archaeologists (AIA) in its Guidelines for Archaeological Investigations in Iowa [2020].

FEMA is continuing consultation with your office for the Undertaking in accordance with Stipulation II.C of the Agreement regarding Standard Project Review. FEMA Historic Preservation Specialists who meet the Secretary of the Interior's Professional Qualifications

Standards (SOI Qualified) for Historic Architecture and Architectural History completed two field site inspections in the City of Cherokee on May 4 and June 11, 2021, to survey the vicinity of the proposed new location for Wescott Park, and to respond to the SHPO's comments and concerns.

Area of Potential Effects

FEMA acknowledges that the APE was initially insufficient to determine effects to potential historic properties that may be located on parcels adjacent to the proposed new location. Therefore, in response to your office's request, and in accordance with Stipulation II.C.2.b of the Agreement, FEMA has determined the direct APE regarding ground disturbance remains unchanged at the triangular property measuring roughly 25.9 acres (10.5 HA) where the park is proposed to be relocated (see Figure 3). However, due to the proposed change in character and use of the current agricultural field, FEMA conducted a windshield survey of an approximate one-mile radius of the proposed Wescott Park location during its field site inspections to consider potential of the Undertaking and determined the indirect APE extends to three residential properties and a farmstead immediately north of the proposed park location, on the north side of 515th Street (see Figure 4).

In addition, the APE also includes the current Westcott Park location, which will be returned to a more natural state through the removal of the park-related infrastructure and seeding the area with local grasses and pollinators.

Identification and Evaluation of Historic Properties

In accordance with Stipulation II.C.3 of the Agreement, FEMA has considered the Undertaking's potential to affect historic properties. A FEMA SOI Qualified Archaeologist conducted a records search to determine if any previously recorded historic properties including archaeological sites are located within the APE including a one-mile radius, and to determine the potential for the APE to contain previously unidentified historic properties. This review included the National Park Service's National Register of Historic Places (NRHP) and National Historic Landmarks database, the Office of the State Archaeologist of Iowa's (OSA) I-Sites online GIS and database, Lidar hill-shade, Lidar (color) hill-shade, elevation, historic maps, and aerial imagery. No previously identified historic properties are located within the direct or indirect APE. No previously recorded archaeological sites are located within the APE at the proposed or current park location. One previously recorded linear survey bisected the current park, the results of which were negative.

Beginning in the late 1980s, and up to the latest proposed update of the City of Cherokee's Land Use Plan in 2011, the City identified the corridors of US Hwy 59 and State Hwy 3 as a growth cell to attract future commercial, manufacturing, light industrial, and residential development. To date, this area in northern Cherokee largely followed the City's planning efforts, with the exception of the planned residential development. Until recently the proposed location for the Wescott Park was marketed exclusively for the development of light industrial activities; however, the City is now in the process of rezoning the land for Public use to facilitate the relocation of Wescott Park.

The three (3) residential properties and one (1) farmstead that have been determined to be within the indirect APE include:

- **1691 515th Street** (42.773243, -95.548453), review of historic aerials indicates this location contains a farm that dates to the 1930s. The farm is currently approximately 34 acres. The current house was constructed in 1974. The farm buildings do not meet the NRHP 50-year requirement; none of the agricultural structures date to the 1930s. The oldest building or agricultural structure (machine shed) was constructed in 1978 (see Figure 5).
- **1693 515th Street** (42.773606, -95.545408) is a dwelling constructed in 2014, and is located across the street from the proposed location of Wescott Park. This residential acreage was likely a part of the original 1691 515th Street farmstead (see Figure 6).
- **1699 515th Street** (42.771373, -95.544864) is a dwelling constructed in 1978, and is located across the street from the proposed location of Wescott Park. This residential acreage was likely a part of the original 1691 515th Street farmstead (see Figure 7).
- **1657 515th Street** (42.771892, -95.548748) is a dwelling constructed in 1977, and is located across the street from the proposed location of Wescott Park. This residential acreage was likely a part of the original 1691 515th Street farmstead (see Figure 8).

Additional properties and activities adjacent to and or within the immediate viewshed of the proposed location for Wescott Park, that were not determined to be within the indirect APE include:

- Hallett Quarry (42.774381, -95.534995) is located northeast of the proposed location of Wescott Park, on the north side of 515th Street, comprises approximately 40 acres, and is still a working quarry (see Figures 9 and 10).
- HyVee Distribution Center and Warehouse (42.767229, -95.533762) is located east of the proposed location of Wescott Park, from 515th Street to State Hwy 3 along Riverview Drive (see Figure 11 and 12).
- Manufacturing and public works facilities are located immediately east (42.768001, -95.541948) of the proposed Wescott Park location: U.S. Army Center, City of Cherokee Public Works Yard, and Iowa DOT Engineering and garage facility. An extension of Hallett Quarry is located directly east of these industrial facilities (42.766938, -95.537817).
- Commercial development occurred along the US Hwy 59 corridor, south of State Route 3, in the early 1990s, with the construction of a BP Gas Station (1996), Holzhauer Ford Chrysler Dodge Auto Dealership (1997, expanded 2016), McDonalds (1996), HyVee (1993), Gardens Assisted Living Residences for the Elderly (2007), etc. Two schools were constructed by the Cherokee Community School District directly south of the proposed location of Wescott Park, across State Route 3, in 2001 (Middle School) and 2020 (Elementary School). The land the schools were constructed on was originally zoned Residential and re-zoned Public for the construction of the new schools (see Figure 13)
- The residential neighborhoods located southeast of the proposed park location, on the south side of State Hwy 3, were developed in the late 1970s, and early 1980s. Due to the hilly topography, the proposed location of Wescott Park cannot be viewed from the individual residences in these neighborhoods.

As noted in the Phase I Cultural Resources Survey, BCA 2823, ten (10) historic resources have been previously recorded within a one-mile radius of the proposed new site for the park. FEMA has determined that all ten (10) previously recorded resources identified in BCA 2821 and recorded in I-Sites are separated from the project viewshed by roadways, buildings and structures, trees, hillslopes, and distance. As indicted in BCA 2821, nine (9) of the ten (10) resources have been recommended *not eligible* for listing in the NRHP. The only NRHP-listed structure is the bridge over Mill Creek along Old 21 Road (18-00155) which is 0.9 miles away from the proposed park relocation property and not within the viewshed. Daily roadway traffic is carried by a bridge constructed in 2005 on Old 21 Road, and therefore any increase in traffic to the new park to would not impact NRHP-listed Mill Creek Bridge (see Figure 14).

The topography of the rural area north of the proposed Wescott Park location is extremely hilly. Photos of the viewshed from two high elevation points north of the proposed Wescott Park location were taken at 500th Street (42.792899, -95.539668, approximately 1.6 miles away, Figure 15) and at Mill Creek Road (42.784482, -95.565419, approximately 1.2 miles away, Figure 16). Only the City of Cherokee Water Tower and several distant commercial buildings off of US 59 within the City Limits of Cherokee (such as the HyVee Grocery Store) are visible on a clear day. The area north of the proposed park location is largely comprised of modernized farms with large residential acreage infill between large farm tracts (see Figures 17 through 30 showing park location and surrounding area).

A review of Iowa's Century Farm database (https://centuryfarms.iowaagriculture.gov/) was also conducted, and there are no Century Farms located in the vicinity of the proposed location of Wescott Park. The closest Century Farm to the City of Cherokee is located south of the City of Cherokee's incorporated limits. There are no listed Heritage Farms located in Cherokee County.

Regarding the change in character and use and removal of park-related infrastructure and facilities at the existing Wescott Park location, most of the infrastructure dates to 1990-1991, including the restroom, concession building, one open shelter, the baseball dug outs, and score box. The garage, and picnic shelters, and an additional open air shelter were constructed slightly earlier (approx. 1985), and will all be removed as part of the park relocation project. (See existing park facilities, Figures 31 through 40). Ground disturbing activities would not notably disturb more ground than was disturbed during construction of the park features, and one linear archaeological survey that bisected the park was negative for cultural resources.

Tribal Involvement

In accordance with Section I.C of the Agreement, FEMA is required to consult with Federally recognized Tribes in a manner appropriate to the nature and scale of the Undertaking. FEMA initiated consultation with a total of eight (8) Tribal Nations on March 22, 2021 regarding the proposed Wescott Park relocation project. The tribes contacted include the Apache Tribe of Oklahoma, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Menominee Indian

Tribe of Wisconsin, Omaha Tribe of Nebraska, Otoe-Missouria Tribe of Indians, Oklahoma, and The Sac & Fox Nation, Oklahoma, and Upper Sioux Community (USC), Minnesota.

FEMA received one response during the tribal consultation. Drew Brockman, Assistant to the Tribal Historic Preservation Officer (THPO) for the USC, Minnesota, responded to FEMA on May 21, 2021 and had no comment specific to the proposed location of Westcott Park (see enclosed, 20210602 - DR-4421-IA - Project 106535 PW1242 Upper Sioux Community Response). However, Mr. Brockman requested that in the event ground disturbance from this project inadvertently uncovers any human remains, funerary objects or artifacts, ongoing work must stop, and the Iowa SHPO and the USC THPO should be contacted as soon as possible.

Public Involvement

In accordance with Stipulation I.D. of the Agreement, FEMA is required to notify the public of a proposed Undertaking in a manner that reflects the nature, complexity, and significance of historic properties likely affected by the Undertaking, and the likely public interest given FEMA's specific involvement. FEMA has not identified any properties that are listed in or eligible for listing in the NRHP that would potentially be affected by the Undertaking. However, due to the proposed conversion of active agricultural fields to recreational use, an Environmental Assessment (EA) in accordance with requirements of the National Environmental Policy Act (NEPA) is currently in development for the park relocation project, and the EA process involves soliciting the views of the public.

At the conclusion of FEMA's review of the proposed park relocation project in accordance with a number of Federal environmental planning and historic preservation laws and Executive Orders including Section 106 NHPA, the results will be incorporated into the draft EA, which will be made available for public comment for a period of 30-days prior to finalization. A public notice with information about the Proposed Action and the opportunity to comment will be made available on the FEMA website at: https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/7, and the City of Cherokee website. A physical copy of the EA will be made available for viewing at a City of Cherokee location. If no substantive comments are received, FEMA will issue a Finding of No Significant Impact (FONSI) at the close of the 30-day public comment period.

Finding of Effect

As a result of *Phase I Cultural Resources Investigation for the Proposed Relocation of Westcott Park, Cherokee Township, Cherokee County, Iowa* that was completed in November of 2020 by Bear Creek Archeology, Inc. of Cresco, Iowa (BCA 2823) regarding ground disturbing activities at the proposed new site, and FEMA's identification efforts regarding indirect effects, and at the original park location, no properties that are listed in or eligible for listing in the NRHP have been identified within the APE. Accordingly, FEMA finds the Undertaking will result in **No Historic Properties Affected** in accordance with Stipulation II.C.4.a of the Agreement. FEMA, therefore, requests that the SHPO review and concur with this finding.

Conclusion

Unless the SHPO objects to this finding within 30 days from receipt of this documentation, the Section 106 review of the Undertaking will have concluded in accordance with Stipulations I.E.2.b and II.C.4.a of the Agreement, and FEMA may fund the Undertaking. In the interest of time, however, your prompt attention to this matter would be greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me at teri.toye@fema.dhs.gov or (510) 512-2373, or FEMA Historic Preservation Specialist Joshua Barbee at Joshua.barbee@fema.dhs.gov or (202) 552-9340.

Sincerely,

TERI L TOYE Digitally signed by TERI L TOYE Date: 2021.12.07 09:19:13 -06'00'

Teri Toye
Deputy Regional Environmental Officer
FEMA Region VII

Figures:

1 – City of Cherokee
2 – Existing Wescott Park Location and APE
3 – Proposed Wescott Park Relocation and APE
4 – Direct and Indirect APE, Proposed Relocation Location
5 – 8 – Properties within Indirect APE
9 – 13 – Additional Properties adjacent to or within the immediate viewshed
14 – NRHP Listed Mill Creek Bridge
15 – 16 – Photos of the viewshed from two high elevation
17 – 30 – Proposed Wescott Park Relocation Location and surrounding area.
31 – 40 – Existing Wescott Park Location Facilities

Enclosures:

1 - 20210430 SHPO Response- DR-4421-IA - Project 106535 - PW 1242 - Wescott Park Improved Project.PDF
2 - 20210602 - DR-4421-IA - Project 106535 PW1242 Upper Sioux Community Response.PDF
3 - Original Wescott Park Facility – Renovation Layout
4 - 20211206 - DR-4421-IA - Project 106535 - PW 1242 - Historic Aerials of Original Wescott Park

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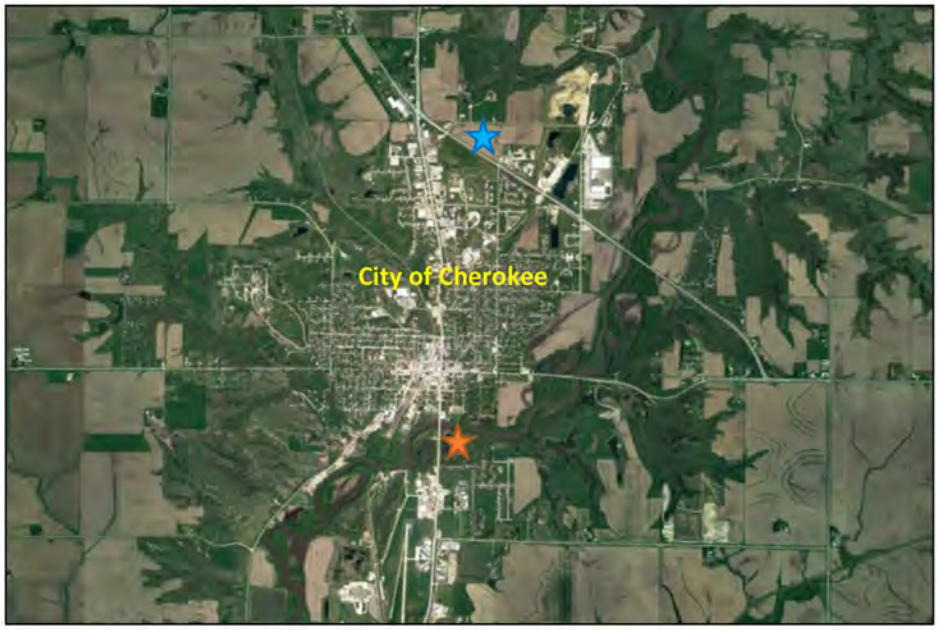

Figure 1: Aerial view of the City of Cherokee. Wescott Park, indicated by the red star, is currently located off the southern banks of the Little Sioux River, to the east of US 59. The City of Cherokee will be relocating Wescott Park to the north, indicated by the blue star, where the park will be out of a flood plain. Source: Google Earth.

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Figure 2: Area of Potential Effect (APE) of the current Wescott Park location. The baseball fields of Wescott Park are bordered to the west by US 59, which has been significantly elevated over the years to keep the transportation corridor open for traffic during flooding events. There are two baseball fields, indicated in yellow numbers, in Wescott Park. The northern (along the Little Sioux Riverbanks), eastern, and southern perimeter of the park is heavily vegetative. There is no view into the park from US 59 on the northern banks of the Little Sioux River, and from the residential neighborhoods south of Wescott Park. The APE is indicated by the turquois polygon. Source: Google Earth.

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Figure 3: Schematic of the proposed relocation site. This 25.9-acres (10.5 HA) is bounded by 515th Street, and State Highway Route 3. Source: Google Earth, May 2016; Beck Engineering, Inc., June 9, 2020.

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Figure 4: The APE (direct effects: ground disturbance – outlined in red). The three residential acreages, and farmstead (1691 515th Street) directly north of the proposed Wescott Park location were reviewed due to the proximity to the proposed park (indirect effects: noise, light, traffic, etc., outlined in orange). Source: Google Earth, May 2016; Beck Engineering, Inc., June 9, 2020.

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Figure 5: 1691 515th Street (42.773627, -95.547713). Located north of the proposed location for Wescott Park, this farmstead dates to the 1930s and is ~34 acres. The house was constructed in 1974. All the farm structures are less than 50 years old and none of the original farm structures are extant. The earliest agriculture structure on property was constructed in 1978.

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Figure 6: 1693 515th Street (42.773606, -95.545408), constructed in 2014, is located across the street from the proposed location of Wescott Park. This residential property was likely part of the original 1691 515th Street farmstead.

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Figure 7: 1699 515th Street (42.771373, -95.544864), constructed in 1978, is located across the street from the proposed location of Wescott Park. This residential property was likely once part of the original 1691 515th Street farmstead.

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Figure 8: 1657 515th Street (42.771892, -95.548748), constructed in 1977, is located across the street from the proposed location of Wescott Park. This residential property was likely part of the original 1691 515th Street farmstead, located directly behind the dwelling.

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Figure 9: 1745 515th Street, Hallett Quarry (42.774381, -95.534995). The approximately 40-acre quarry is ~0.29-miles northeast of the proposed project.

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Figure 10: 1745 515th Street, Hallett Quarry (42.774381, -95.534995). The approximately 40-acre quarry is ~0.29-miles northeast of the proposed project.

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Figure 11: HyVee, constructed in 1996, is on the US 59 commercial corridor and is ~0.28-miles southwest of the proposed Wescott Park location.

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Figure 12: HyVee has a large warehouse distribution center on Riverview Drive (42.767229, -95.533762). The warehouse is ~0.54-miles east of the proposed park location.

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Figure 13: Properties to the south and east of the APE. Two schools were constructed by the Cherokee Community School District directly south of the proposed location of Wescott Park, across State Route 3, in 2001 (Middle School) and 2020 (Elementary School). Source: Google Earth, May 2016; Beck Engineering, Inc., June 9, 2020.

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Figure 14: The old Mill Creek Bridge (I-Sites 18-00155) is located ~0.84-miles northeast of the proposed Wescott Park location. The bridge is listed in the National Register of Historic Places and is owned and maintained by the Cherokee County Conservation Board for recreational activities. The Old 21 Road concrete bridge, DOC 2006, was constructed 40 meters to the west of this historic bridge and now conveys the automobile traffic over Little Creek. The view toward the proposed Wescott Park location is not visible due the lower topography of Little Creek and the hillside where the quarry is located.

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Figure 15: The topography of the rural area north of the proposed Wescott Park location is extremely hilly. Photo taken from 500th Street (42.792899, -95.539668), ~1.6 miles to the north of the proposed Wescott Park location. The proposed location of the park is not visible from this location; only the City of Cherokee Water Tower and several distant commercial buildings off US 59 within the City Limits of Cherokee (such as the HyVee Grocery Store) are visible.

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Figure 16: The topography of the rural area north of the proposed Wescott Park location is extremely hilly. Photo taken from Mill Creek Road and State Hwy 3 (42.784482, -95.565419), ~1.2-miles northwest of the proposed Wescott Park location. The gravel road entry is for the Cherokee County Highway Yard. The proposed Wescott Park location is not visible from this location, only the City of Cherokee Water Tower off US 59 is visible.

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Figure 17: Looking northeast across the farm fields from the intersection of State Hwy 3 and 515th Street where the new Wescott Park is proposed to be constructed. Hallett Quarry can be seen in the distant horizon on 1745 515th Street. The ~40-acre quarry is 0.29-miles to the northeast along 515th Street (42.774381, -95.534995) (see also Figures 23 and 24 for the quarry).

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Figure 18: Looking west from the intersection of State Hwy 3 and 515th Street toward US Hwy 59. The entrance to the new Wescott Park would be on 515th Street.

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Figure 19: Looking west from 515th Street along the proposed Wescott Park location. The water tower is located at the intersection of US 59 and State Hwy 3.

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Figure 20: Looking west across the proposed Wescott Park location from 515th Street toward the intersection of US 59 and State Hwy 3.

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Figure 21: Looking south across the farm field from 515th Street where the proposed Wescott Park would be constructed. The structures off to the left are part of the City of Cherokee Public Works yard which is adjacent to the southeast side of the proposed project location.

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Figure 22: US 59 Commercial Corridor, southwest of the proposed Wescott Park location. This location is north of the Central Business District of Cherokee.

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Figure 23: Cherokee Elementary School, constructed in 2020, is south of the proposed Wescott Park, south of State Highway 3.

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Figure 24: Cherokee Middle School, constructed in 2001, is ~0.17-miles southwest of the proposed Wescott Park, south of State Highway 3.

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Figure 25: Residential neighborhood southeast from the proposed Wescott Park, located south of State Highway 3.

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Figure 26: Residential neighborhood southeast from the proposed Wescott Park, located south of State Highway 3. The residential neighborhood was developed in the late 1970s through early 1980s.

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Figure 27: Light industrial, public works, and warehouse activities are located adjacent to the southeast of the proposed Wescott Park location (42.768001, -95.541948). The agricultural field to the left is the proposed location for the new park. These commercial and public properties with structures include but are not limited to: HyVee Warehouse Distribution Center, US Army Center and surplus yard, City of Cherokee Public Works, and Iowa DOT Engineering. The City of Cherokee Public Works yard is pictured above.

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Figure 28: Light industrial, public works, and warehouse activities are located immediately east of the proposed Wescott Park location (42.768001, -95.541948). These include, but not limited to: HyVee Warehouse Distribution Center, US Army Center and surplus yard, City of Cherokee Public Works, and Iowa DOT Engineering.

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Figure 29: View of a typical residential property found within a 1.5-mile radius north of the proposed Wescott Park location. This property is located off Mill Creek Road, ~1.1-miles north of the proposed project (42.784521, -95.560017).

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Figure 30: View of a typical farm employing modern farming practices found within a 1.5-mile radius north of the proposed Wescott Park location. This farm is located off of 500th Street ~1.5-miles north of the proposed project (42.793789, -95.544936).

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Figure 31: Looking northwest over the first baseball field, from behind the score box in the current Wescott Park. US 59 runs behind the outfield of the first baseball field.

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Figure 32: Looking northwest over the first baseball field, from the concession and restroom facilities. The roadway in between the two baseball fields (where the car is parked) is flanked by an alley of trees, planted when the baseball fields were constructed in Wescott Park.

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Figure 33: View from Wescott Park's concession and restroom facilities, looking northwest towards the garage and first baseball field.

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Figure 34: View of the front of Wescott Park's concession and restroom facilities, looking southeast.

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Figure 35: View from the side of Wescott Park's concession and restroom facilities, looking northwest towards the first baseball field. The row of trees running along the 3rd baseline (in the photo, the row of trees between the concession and restroom facilities and the score box) of the first baseball field are all landscape trees, planted when the baseball fields were constructed in Wescott Park.

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Figure 36: View from Wescott Park's concession and restroom facilities, looking northeast towards the second baseball field. Note the pad-mounted transformer next to the score box behind home plate of the second baseball field.

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Figure 37: View of the front of Wescott Park's garage from the northwest; used for storage. View looking southeast.

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Figure 38: Wescott Park's score box, located behind home plate of the first baseball field. View looking south. Note the pad-mounted transformer behind the score box behind home plate of the first baseball field

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Figure 39: Weeds have grown in the first baseball field since the flooding of the Little Sioux River. The City of Cherokee will be relocating Wescott Park to the northern city limits of Cherokee, where the new baseball fields will be out of the floodplain. Looking southwest.

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Figure 40: Weeds have grown in the first baseball field since the flooding of the Little Sioux River. The City of Cherokee will be relocating Wescott Park to the northern city limits of Cherokee, where the new baseball fields will be out of the floodplain. Looking northwest.

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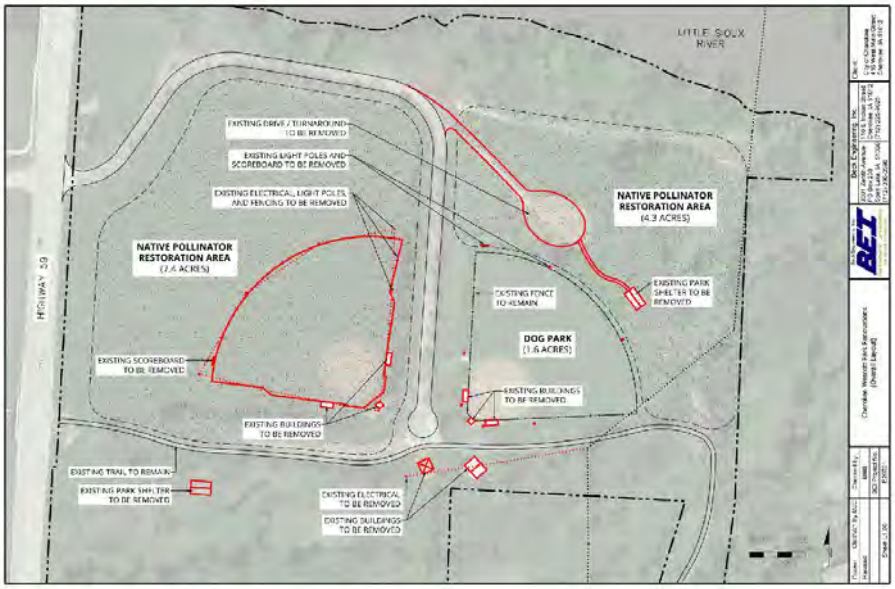

Figure 41: Demolition plan for existing Cherokee Park features

Appendix F

SHPO Concurrence Documentation

Kinney, Colleen <colleen.kinney@iowa.gov>

R&C 210318043 - FEMA - Cherokee - Wescott municipal park relocation project - Proposed relocation of the entire park facility to mitigate flooding of the park during future incidents

Heather Gibb <heather.gibb@iowa.gov> Thu, Jan 13, 2022 at 5:52 PM
To: "colleen.kinney@iowa.gov" <colleen.kinney@iowa.gov>, "joshua.barbee@fema.dhs.gov" <joshua.barbee@fema.dhs.gov>
Cc: "sara.andre@iowa.gov" <sara.andre@iowa.gov>, "shpo106@iowa.gov" <shpo106@iowa.gov>

We have received your submittal for the above referenced federal undertaking. We provide the following response in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR 800.

Regarding this project, please see the following comments:

R&C 210318043 - FEMA - Cherokee - Wescott municipal park relocation project - Proposed relocation of the entire park facility to mitigate flooding of the park during future incidents

Concur with the federal agency and/or their designated representative (No Historic Properties Affected - No Properties).

You will not receive a hard copy of this email. It is the submitter's responsibility to maintain the official file of record. If you have any questions or comments, please feel free to contact our office.

Best,

Heather Gibb, Ph.D.
Deputy State Historic Preservation Officer
Pronouns: She/Her/Hers
heather.gibb@iowa.gov | 515.281.4137 | iowaculture.gov

Iowa Arts Council | Produce Iowa | State Historical Society of Iowa
Iowa Department of Cultural Affairs

Appendix G

Example of FEMA's Section 106 NHPA Tribal Consultation Letter

FEMA Region VII
11224 Holmes Road
Kansas City, MO 64131

FEMA

March 22, 2021

Mr. Darren Cisco, Head of Cultural Affairs
Apache Tribe of Oklahoma
511 East Colorado
Anadarko, OK 73005
Apacheculture510@yahoo.com

Section 106 Review Consultation
Undertaking: *Wescott Park, Resource Relocation, City of Cherokee, Iowa*
FEMA Project: *DR-4421-IA; Project Worksheet #01242, Grants Manager #106535*
FEMA Finding: *No Historic Properties Affected*

Dear Mr. Cisco,

As a result of damage caused by severe storms and flooding that occurred from March 12 through June 15, 2019, the President signed a major disaster declaration for the State of Iowa, refereneed as DR-4421-IA, making Federal Emergency Management Agency (FEMA) funding authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act P.L. 93-288, as amended, available to eligible applicants of Cherokee County. The City of Cherokee (Applicant) applied to FEMA for Public Assistance (PA) funding to relocate Wescott Park, a municipal park located on South 2nd Street and Park Ridge Drive, in the City of Cherokee, to a 10.5 hectare (HA) agricultural field near the northern city limits at 515th Street.

During the incident period, severe flooding from heavy rain and snow melt caused the Little Sioux River to overflow its banks and flood Wescott Park, located right on the southern banks of the river (42.743397, -95.550623). FEMA's Environmental and Historic Preservation (EHP) Staff reviewed the damage, submitted under Project Worksheet #01242, on March 3, 2021. Per 36 Code of Federal Regulations (CFR) Part 800, this undertaking requires consultation with your office.

Due to continuous flooding, the Applicant has elected to abandon the existing municipal park facility and relocate the entire park facility to higher ground, away from the Little Sioux River, to mitigate flooding of the park during future incidents. The proposed relocation of the park facility is on the north side of the City of Cherokee, in Section 22, Township 92 North and Range 40 West (42.769989, -95.546740).

The proposed scope of work (SOW) calls for shaping and leveling off the ground to develop the existing agricultural fields into recreational playing fields (soccer fields, baseball fields, and sand volleyball courts), a children's playground, a concession stand, restrooms, park shelters, maintenance/storage sheds, and gravel parking lots (see Attachment 6, Cherokee Wescott Park Relocation Excavation Limits Drawing). A paved access drive for the newly relocated Wescott Park will be constructed off 515th Street (see Attachment 5, Cherokee Wescott Park Relocation Concept Drawing).

The Area of Potential Effect (APE) for this undertaking, also called the Project Area, is roughly triangular measuring 26.8 acres (10.5 HA), bounded by State Highway Route 3, 515th Street, and N Roosevelt Avenue (see Figures 3 & 4, BCA Report, attached).

As a result of the amount of new ground disturbances, and the proposed land use change from agricultural farmland to municipal park and recreational activities, a Phase I was commissioned by the Applicant to survey the potential for archaeological resources on the newly disturbed ground the proposed SOW calls for. Prepared by Josh Anderson (Project Archeologist) and Lowell Blikre (Principal Investigator) of Bear Creek Archaeology (BCA), the "Phase I Cultural Resources Investigation of the Proposed Relocation of Wescott Park," was completed in November 2020 This letter provides FEMA's concurrence with their findings, and requests your concurrence as well.

In its Phase I, BCA provided the following findings and recommendation in addition to its review of online data, "The project area was pedestrian surveyed at 5–10 m (16.4–32.8 ft) intervals and no archeological materials were discovered. Due to the negative findings, BCA recommends no further cultural resources work in association with this project" (see Page 9, BCA Report, attached).

It is FEMA's determination the proposed SOW will result in **No Historic Properties Affected**. FEMA requests your concurrence with its finding of **No Historic Properties Affected** within thirty (30) calendar days from receipt of this transmittal.

Should you have any questions, please do not hesitate to contact me at kate.stojsavljevic@fema.dhs.gov or at 202-705-1192, or our Historic Preservation Specialist, Joshua Barbee at joshua.barbee@fema.dhs.gov or at 202-552-9340. Thank you very much for your time and efforts.

Sincerely,

KATIE A STOJSAVLJEVIC
Digitally signed by KATIE A STOJSAVLJEVIC
Date: 2021.03.22 16:20:16 -04'00'

Kate Stojsavljevic
Regional Environmental Officer
FEMA Region 7

Attachments:

1. Project Location Map
2. Area of Potential Effect (APE) Map
3. Topographic Map
4. Cultural Resources LiDAR Hillshade Map
5. Cherokee Wescott Park Relocation Concept Drawing, Beck Engineering, Inc.
6. Cherokee Wescott Park Relocation Excavation Limits Drawing, Beck Engineering, Inc
7. "Phase I Cultural Resources Investigation of the Proposed Relocation of Wescott Park, Cherokee Township Project, Cherokee County, Iowa," Prepared by Josh Anderson (Project Archeologist) and Lowell Blikre (Principal Investigator); Bear Creek Archaeology, Inc., November 2020.

Appendix H

Upper Sioux Community Tribal Consultation Response

Tribal Historic Preservation Office
Upper Sioux Community
5722 Travers Lane
Post Office Box 147
Granite Falls, MN 56241
320.564.3853
thpo@uppersiouxcommunity-nsn.gov

Friday, May 21, 2021

U.S. Department of Homeland Security
Federal Emergency Management Agency FEMA
536 South Clark Street, 6th Floor
Chicago, Illinois 60605-1521

SUBJECT: Request for Concurrence – Project ID: Wescott Park Relocation
City of Cherokee, Iowa.
T92N-R40W-S22

Hello,

USC-THPO has reviewed the proposed relocation of Wescott Park due to severe flooding of the Little Sioux River. Continuous flooding has elected the city of Cherokee to abandon the present location of the park and relocate the park to higher ground.

This is an area where the Dakota lived, prayed, hunted, gathered, battled, and buried our relatives. At this time, the USC-THPO has no further comment on this site. However, in the event that ground disturbance from this project inadvertently uncovers any human remains, funerary objects or artifacts; ongoing work must stop and the IA-SHPO and the USC-THPO should be contacted as soon as possible.

Thank you for the opportunity to comment on this project and for following the Federal guidelines for 106 consultations.

Pidamaya,

Drew Brockman
USC-THPO Assistant

Per:
Samantha Odegard
Tribal Historic Preservation Officer
Upper Sioux Community