Friends of Riverfront Park (FORP),
an Illinois not-for-profit corporation
Written Public Comment Period Response

In regard to

Revised and Compiled
Environmental Assessment (EA)

Riverfront Park
Peoria, Illinois

A conversion of land protected under Section 6(f)(3) of the
Federal Land and Water Conversation Fund Act
Published February 4, 2017

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Friends of Riverfront Park (FORP),
an Illinois not-for-profit corporation

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# Table of Contents

FORP Requests For NPS Action ........................................................................................................... 1

LWCF Stewardship and City of Peoria's Performance .................................................................... 2

NEPA 30 Day Completed EA Comment Period Deficiency ............................................................ 4

Loss of Public Recreational Land & Usefulness vs. Precipitating Activities as applied to LWCF Conversion .................................................................................................................... 4

LWCF Conversion Footprint .............................................................................................................. 6

LWCF Previous Project Agreements and Actions ........................................................................... 7

1 Purpose, Need and Background ..................................................................................................... 9
   1.1 Summary of Purpose .................................................................................................................. 9
   1.2 Background and Need ................................................................................................................ 9

2 Description of Alternatives .......................................................................................................... 12
   2.1 Alternative A – No Action ....................................................................................................... 12
   2.2 Alternative B – Proposed Alternative ..................................................................................... 12
   2.3 Other Alternatives Considered But Not Selected .................................................................... 15

3 Affected Environment ..................................................................................................................... 17
   3.1 Geological Resources .............................................................................................................. 17
   3.2 Air Quality .............................................................................................................................. 17
   3.3 Noise ....................................................................................................................................... 17
   3.4 Water Quality/Quantity ......................................................................................................... 17
   3.5 Natural Resources (Wetlands, Floodplain, Species/Habitat) .................................................. 17
   3.6 Land Use and Planning .......................................................................................................... 21
   3.7 Circulation, Transportation, and Accessibility ...................................................................... 22
   3.8 Recreation ............................................................................................................................... 22
   3.9 Aesthetics ............................................................................................................................... 22
   3.10 Historical and Cultural Resources ......................................................................................... 23
   3.11 Socioeconomic Resources and Economic Justice ............................................................... 23
3.12 Mandatory Criteria ................................................................. 25

4 Environment Impacts .................................................................. 26

4.1 Geological Resources ............................................................ 26
4.1.1 Alternative A ................................................................... 26
4.1.2 Alternative B ................................................................... 27

4.2 Air Quality ............................................................................. 27
4.2.1 Alternative A ................................................................... 27
4.2.2 Alternative B ................................................................... 27

4.3 Noise .................................................................................... 28
4.3.1 Alternative A ................................................................... 28
4.3.2 Alternative B ................................................................... 28

4.4 Water Quality/Quantity ........................................................... 28
4.4.1 Alternative A ................................................................... 28
4.4.2 Alternative B ................................................................... 28

4.5 Natural Resources (Wetlands, Floodplain, Species/Habitat) ....... 28
4.5.1 Alternative A ................................................................... 28
4.5.2 Alternative B ................................................................... 28

4.6 Land Use and Planning ............................................................ 29
4.6.1 Alternative A ................................................................... 29
4.6.2 Alternative B ................................................................... 29

4.7 Circulation, Transportation, and Accessibility ......................... 29
4.7.1 Alternative A ................................................................... 29
4.7.2 Alternative B ................................................................... 30

4.8 Recreation ............................................................................. 31
4.8.1 Alternative A ................................................................... 31
4.8.2 Alternative B ................................................................... 31

4.9 Aesthetics .............................................................................. 32
4.9.1 Alternative A ................................................................... 32
4.9.2 Alternative B ................................................................... 32

4.10 Historical and Cultural Resources .......................................... 33
4.10.1 Alternative A ................................................................... 33
4.10.2 Alternative B ................................................................... 33
4.11 Socioeconomic Resources and Minority and Economic Justice ..........34
  4.11.1 Alternative A .............................................................................34
  4.11.2 Alternative B .............................................................................34

4.12 Mandatory Criteria ......................................................................35
  4.12.1 Alternative A .............................................................................35
  4.12.2 Alternative B .............................................................................35

5 Coordination and Consultation ..........................................................36
  5.1 Public Availability of Draft EA .........................................................36
  5.2 Previous Opportunities for Public Comment .................................37

6 Miscellaneous Comments ..................................................................39
  6.1 NPS Knowledge of Proposed 3rd LWCF Conversion of Riverfront Park
     ........................................................................................................39
  6.2 Figure 2 – Conversion and Replacement Areas ..............................39
  6.3 Figure 3 - Current 6 (f) Boundary Map ..........................................39
  6.4 Figure 4 - Proposed 6 (f) Boundary Map ........................................40
  6.5 Figure 5 Concept Site Plan ..............................................................40
  6.6 Table 1 – Impact of Flooding on Proposed Park .............................40
  6.7 Table 2 – Mandatory Criteria for LWCF Proposals .......................41
  6.8 Appendix D – Draft EA Concerns and responses ..........................41
Friends of Riverfront PARK (FORP) asks that the:

- NPS terminates the EA Process as the City has not adequately addressed the Connected Actions resulting from this proposed 3rd LWCF conversion of Riverfront Park.

- NPS denies the City's proposed 3rd LWCF conversion of Riverfront Park as this proposal fails to meet multiple requirements of the LWCF Act and regulations for a conversion proposal to be approved, including but not limited to Fair Market Value (FMV).

- NPS, in accordance with their jurisdictional authority, preserve Riverfront Park as public outdoor recreational space in accordance with the LWCF regulations by denying this proposed 3rd LWCF conversion.

- NPS further safeguard Riverfront Park from any private development by requiring a registered and recorded land conservation restriction in Peoria County Illinois.

- NPS sanction the City by designating the City as ineligible to apply for and/or receive any additional LWCF grants due to its performance and documented actions as a serial LWCF park land converter.

FORP also incorporates its written comments and supporting documents submitted to the City of Peoria on January 25, 2016 in response to what the City of Peoria has now titled the City's Draft EA as part of FORP's February 20, 2017 written comment response.

FORP in its January 25, 2016 filing has previously submitted over one hundred unique documents obtained via FOIA to substantiate FORP's written comments. FORP considers it environmentally unfriendly to resubmit the same documents.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

* The City continues to seemingly not understand both the stewardship role and responsibilities associated with being a LWCF grant recipient for public outdoor recreational park land.

The NPS LWCF Conservation Principles are three fold:

- Reinvest in Resources
- Encourage State Leadership
- Protect Grant-Assisted Sites in Perpetuity.

It is this third principle that the City has an especially difficult time fulfilling, namely ‘the concept of a permanent, national recreation estate’ ... not just for today’s citizens but for all future generations of Americans on a local level through the LWCF program and as a local LWCF sponsor, including Peoria, Illinois.

- A third principle, and one with major impact on long-term resource protection, is the concept of a permanent, national recreation estate. The LWCF Act requires that all property acquired or developed with LWCF assistance be maintained perpetually in public recreation use. This ensures that tens of thousands of outdoor sites - at every level of government and in almost every county of the United States - are recognized as continuing legacies that must remain available, not just for today’s citizens but for all future generations of Americans.

The City is a serial LWCF park land converter, having now been approved for two (2) previous LWCF conversions on the one and only LWCF park land parcel for which the City has stewardship. While the City was working on its 2nd LWCF conversion, the City was already planning a 3rd LWCF conversion and the IDNR had been informed of this course of action in 2007.

The City was given permission to develop the 1.79 acres of Riverfront Park for the RiverPlex without having any replacement land in place. The City offered up the original City-owned riverfront site as which was approved by the IDNR. The NPS reversed the IDNR’s decision to accept this as suitable replacement land. “Apparently, never before in their (IDNR) dealings with the National Park Service has the State’s recommendation been reversed.” [August 17, 1999 City Memo to Mayor and City Council thru Michael McKnight, City Manager from Thomas Tincher, Riverfront Development Executive Director] The City then advanced the Southtown parcel as LWCF replacement land.

There was no way that these two parcels with respect to FMV and recreational usefulness were equal or comparable. Furthermore, the proposed replacement land (Southtown), the 1st LWCF conversion was being actively marketed for sale and development as part of a larger 6 plus acre parcel while it was under consideration by the IDNR and NPS.

The IDNR and NPS approved the Southtown parcel as suitable LWCF replacement land and the 1.97 acre were appraised for $430,000 or $5.00 / square foot by James Klopfenstein on August 25, 1999.

The City continued to actively market the Southtown parcel and found a buyer. The City was approved by the IDNR to sell this land without any suitable replacement land for this 2nd LWCF conversion. The Southtown parcel was now appraised at $343,300 or $4.00 per square foot by Harold Turley on April 7,
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

2008. It is appears that the IDNR approved the sale of the Southtown parcel without the approval of the NPS.

The City was unable, even after multiple attempts to provide an acceptable piece of replacement land. It took five (5) years for the City to find a piece of replacement land, Rocky Glen which was again not comparable for FMV, recreational usefulness and now location as Rocky Glen is located in West Peoria not Peoria. Riverfront land (relatively flat) and part of a park. Southtown (flat) located within a 6 acre parcel in the middle of nowhere, not part of a park. Rocky Glen, although beautiful, is not flat, not disability accessible and difficult terrain even for the most sure footed and physically fit person and is not on a bus line. The Southtown parcel was appraised on August 28, 2012 by Brian A. Finch for $270,000 or $3.00 / square foot.

Rocky Glen was appraised by Brian A. Finch on August 28, 2012 for $336,000. The City purchased Rocky Glen on December 12, 2012 from the Connaughtons for $230,000. How does that comply with the Uniform Act’s ‘Just Compensation’ requirement when the City purchases a LWCF parcel (federal funds) and pays the sellers less than the appraised FMV? The City and the IDNR have no documentation to show that the sellers saw the appraisal and that the sellers ‘donated’ $106,000 of FMV to the City.

The City informed the IDNR and the NPS that the City ‘will most likely transfer this property (Rocky Glen) to the Peoria District after conversion approval’. [February 13, 2013 IDNR letter from J. Christopher Stucki to NPS’s Dennis Burmeister]. The City received approval in December 2013 to convey Rocky Glen to the Peoria Park District and recorded the transfer deed on February 14, 2014 thereby changing the LWCF sponsorship from the City to the Peoria Park District.

The City claims that they have banked a LWCF FMV carry over in the amount of $66,000. The City is ineligible to claim said credit for the following reasons:

1. The City is no longer the LWCF sponsor of LWCF park land now known as Rocky Glen having transferred said property to the Peoria Park District;

2. The City did not follow the Uniform Act’s ‘Just Compensation’ requirement. The City underpaid the Connaughtons by $106,000 as explained above; and

3. The City was allowed to take five (5) years to find suitable LWCF replacement land for the Southtown sale and during this time the taxpayers lost FMV value of $73,300 from the Southtown parcel and $94,000 from the 1st Conversion.

4. Both the request by IDNR to NPS and the NPS approval of the Southtown to Rocky Glen conversion occurred more than six (6) years after the sale of the Southtown property in 2007. The conversion request did not identify the use of a banked carry over FMV to the River Trail Apartment project. The City has written in requests for council actions that the City proposed fifteen (15) parcels before the Rocky Glen parcel was approved.

The City has no banked LWCF FMV carry over to be used on this proposed 3rd conversion. The City is in arrears in the amount of $106,000 plus interest for underpayment of the ‘Just Compensation’ to the Connaughtons under the Uniform Act relative to the purchase of Rocky Glen.
ACTION REQUESTED: The NPS disapprove the City’s claim to use a $66,000 LWCF banked carry over for the reasons cited above.

ACTION REQUESTED: The NPS further safeguard Riverfront Park from any private development via registered and recorded land conservation restriction in Peoria County Illinois.

ACTION REQUESTED: The NPS sanction the City be designating the City as ineligible to apply for and/or receive any additional LWCF grants due to their demonstration and documented actions as a serial LWCF park land converter.

** The City has presented a "Revised and Compiled Environmental Assessment" (EA) which appears to instead be the City’s first completed environmental assessment which requires a mandatory at least 30 days public review and written comment period as required for a completed environmental assessment with an inadequate time period (February 4-20, 2017).

- The City has not complied with the mandatory NEPA requirement of ‘at least 30 days to ensure the interested and affected public has had an opportunity to review and provide written comments on completed environmental assessments for LWCF proposals.’

- Just because the City previously released a “draft” environmental assessment (December 31, 2015) see section 5.1 Public Availability of Draft EA and had a public comment period, it is not required for a draft EA nor does it take the place of an at least 30 days public review and written comment period as required for a completed environmental assessment.

ACTION REQUESTED: The NPS uphold the NEPA regulations and require the City to have the mandatory at least 30 days public review and written comment period.

*** The City has presented a "Revised and Compiled Environmental Assessment" (EA) which DOES NOT focus on the loss of public outdoor recreational park land and recreational usefulness in the remaining portion of the LWCF park and its replacement but rather focuses on the activities precipitating the conversion and the hoped for benefits of the private apartment development and the road bisecting the park.

NPS USDOI LWCF Proposal Description and Environmental Screening Form (PD/ESF) provides a detailed explanation for what is required for the Section 6(f)(3) proposal [Step 3 Project Amendments B. Section 6(f)(3) Conversion Proposal].
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) 
"Revised and Compiled Environmental Assessment“ (EA) (published 2/4/17)

The Section 6 (f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreational park land and recreational usefulness, and its replacement per 36 CFR 59, and not the activities precipitating the conversion or benefits thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather the environmental review must 1) focus on ‘resource impacts’ as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park and each replacement site. Section 6 (f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss or parkland requiring an EA, except for “small” conversions as defined in the LWCF Manual Chapter 8.

The City focuses and describes in detail the anticipated and hoped for benefits from their proposed private development and road which will bisect Riverfront Park. The City continues to minimize the effect on what will be left of said park and completely fails to mention material information regarding the impact on the loss of open space for people without opportunity and public recreational access in this area, event space loss, how a road bisecting a park introduces pollution and noise hazards as well as vehicle-pedestrian-bike – trail user safety issues, necessary brownfield remediation on their L-shaped parcel adjacent to Riverfront Park, the lack of analysis of flood plain management and development issues required by federal regulations, private docks being used in conjunction with public land, and many other issues. The loss of public park land is not limited to the introduction of the footprint of the private luxury apartment development and the road bisecting the park as the impact will have impact for generations to come as the park will forever not be able to be enjoyed or used in the same manner. This lack of regard for impact clearly violates the third principle of conservation for LWCF sponsors, namely permanent, national (local) recreational space.

The City cites from its traffic study that ‘the apartments will generate less than 1,000 average daily trips’. This is illustrates how the road will impact the users of Riverfront Park. The introduction of the road with the anticipated volume of daily trips subjects park users to pollution, noise, and safety issues never before experienced in this LWCF since the 1980’s. The development and road within Riverfront Park along with other issues will have a major impact on park users and how the park will be able to be used today, tomorrow and in the future. Riverfront Park will be forever changed in a very negative manner. Due to extreme concerns for safety of their RiverPlex customers, the Peoria Park District voted against the River Trail development if it included an extension of Water Street.

Furthermore, the City via Christopher Setti who wrote an email on Sunday, February 15, 2015 1:55 PM to Desmond Curran (Developer), Subject: Agreement (River Trail Redevelopment Agreement):

1. Caterpillar is going to announce their headquarters plan this coming Friday (Feb. 20). I’d like this agreement to be viewed in the light of that announcement.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

On Tuesday, January 31, 2017, Caterpillar (CAT) Inc., the iconic manufacturer of bulldozers and excavators, announced Tuesday that it will relocate its global headquarters to the Chicago area by the end of the year. This relocation announcement is in addition to their announcement in September 2015 to downsize their worldwide workforce by 10,000 employees, with many in Peoria. When viewed in light of these announcements this apartment development and road bisecting the park are economically not viable and unnecessary.

**ACTION REQUESTED:** The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.

**** The City has presented a ”Revised and Compiled Environmental Assessment” (EA) which DOES NOT accurately reflect the amount of land which is affected by the proposed luxury apartment development and road bisecting the park.

Prior to developing your Section 6(f)(3) conversion proposal, you must consult the LWCF Manual and 36 CFR 59.3 for complete guidance on conversions. Local sponsors must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity. Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary. [NPS (PD/ESF) Step 3 Project Amendments B. Section 6(f)(3) Conversion Proposal].

When Rocky Glen was accepted as the replacement property for the sale of the Southtown parcel, the City’s LWCF grant area increased from 36.6 acres to approximately 102.6 acres.

The City’s remaining (after transferring ownership of Rocky Glen- approximately 66 acres) LWCF grant is 36.6 acres.

The City is now using 21.4 acres as the size of Riverfront Park when all of their previous documents have used the 19.5 acre figure for this park.

Why is the City now adding the triangular piece of Riverfront Park above Spring Street but does not use the entire acreage of the LWCF grant (36.6 acres) which was originally known as Riverfront Park when the land was purchased and developed in the 1980’s? The City has arbitrarily renamed the entire parcel as two separate parks – Riverfront and Festival and subdivided it into three (3) separate parcels.

The LWCF park appraisal of land to be converted as of October 2015 is based on 19.5 acres not 21.4 acres nor the 36.6 acre figure which the City uses as the remainder from the original LWCF grant (38 plus acres). Portions of this LWCF park land are located in the water, perhaps upwards of four (4) acres located along the Illinois River primarily along the 19.5 acre subdivided parcel of the 36.6 acre grant and
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) "Revised and Compiled Environmental Assessment" (EA) (published 2/4/17)

are not accounted for in the documentation. All of these issues impact the appraisal values and the calculations regarding fair market value of land to be converted and replacement parcels.

The City discloses in this EA that the City has been working on this project since 2008 (although we have documentation that the City was working on this plan in 2007) and now in 2017 the proposed new 6(f)(3) Map shows a cut out for the Peoria Boat Club (PBC) to remain on the land. This action, the PBC remaining on the land, is prohibited by the terms of the Non Judicial Settlement Agreement entered into by the City, the Detweiller Playground Inc. and the Illinois Attorney General (ILAG) for the sale of one of the proposed LWCF replacement group of parcels. The ILAG has provided written comment to the COP that the land cannot be leased to the PBC or any private group as this land is already impressed for public recreational use by the terms of Mr. Thomas Detweiller’s Will, yet the City continues to show a carve out for the PBC in the proposed LWCF replacement parcels. The proposed 6 (f) Map is improperly drawn.

The City does not take into account the orphaned or fragmented parcels created by the proposed road extensions of Water Street and Morton Street and the subdivision requirements of the City which ensure that subdividing of land parcels results in parcels which are not grossly irregular shaped. This City requirement takes additional land from the park, impact on the loss of event use et al. Rather than 6.4 acres for the development and road the amount of impact on the park is about 11 acres.

ACTION REQUESTED: The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.

*V The City has presented a "Revised and Compiled Environmental Assessment" (EA) which DOES NOT include the information about ‘any previous LWCF project agreements and actions which must be identified and understood to determine the actual Section 6 (f) boundary.

Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary. [NPS (PD/ESF) Step 3 Project Amendments B. Section 6(f)(3) Conversion Proposal].

The City’s LWCF grant is 36.6 acres. The City has arbitrarily renamed the entire parcel as two separate parks – Riverfront and Festival and subdivided it into three (3) separate parcels.

The appraisal is based on 19.5 acres not 21.4 acres nor the 36.6 acre figure which the City uses as the remainder from the original LWCF grant (38 plus acres). Portions of this LWCF park land are located in the water, perhaps upwards of four (4) acres located along the Illinois River primarily along the 19.5 acre subdivided parcel of the 36.6 acre grant and are not accounted for in the documentation. All of these issues impact the appraisal values and the calculations regarding fair market value of land to be converted and replacement parcels.
The impact on the 1st LWCF conversion, the Riverplex, is not mentioned in this LWCF 3rd conversion proposal.

The City's traffic study does not account for the impact of less than 1,000 daily trips in the park on park and trail users. The City claims that there will be no impact on the RiverPlex patrons but if there is, the City will deal with it then. That would be too late.

The City does not mention the 2nd LWCF Conversion (Southtown to Rocky Glen) in this document.

The City does not mention the impact on what the City calls Festival Park where the volleyball courts may be moved. There is no plan and no budget for this action even though the developer is required to pay for the relocation of the volleyball courts in 'as good or better than condition' what the volleyball courts are in their current location. The preliminary estimates are upwards of $200,000.

The City does not mention the 2nd LWCF Conversion (Southtown to Rocky Glen) in this document and the loss of taxpayer FMV from $430,000 to $270,000 from the approval of the 1st and 2nd LWCF conversion resulting from the City's unwise LWCF stewardship.

The impact of the luxury apartment development and road bisecting the park is upwards of 11 acre impact which makes the park a sliver of its current configuration if this proposed 3rd conversion were to be approved. This development and road consume the most desirable portion of the park which was designed and landscaped by Craig Mitckes (Peoria Park District) to be flat and not flood.

The City has not removed the carve out for the Peoria Boat Club which is not allowed per the Non Judicial Settlement Agreement between the Illinois Attorney General's Office, the City and the Detweiller Playground Inc. A private group cannot remain on this public land. The City has not addressed how public and private access to the Peoria Boat Club's private boats docks off shore of the Detweiller Playground replacement parcel would be accommodated and what impact this would have on the use of the proposed replacement land by the public.

**ACTION REQUESTED:** The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.
1. PURPOSE, NEED AND BACKGROUND

1.1 Summary and Purpose

The City writes:

- *The Proposed Action is the conversion of 6.4 +/- acres of '6 (f) park land to accommodate the construction of a market-rate, multi-family housing development within Riverfront Park in Peoria Illinois.*

This opening statement crystallizes the City’s lack of understanding of LWCF stewardship and Conservation Principle 3 – *‘perpetually in public recreation use ... not just for today’s citizens but for all future generations of Americans.’*

It is truly inconceivable that the City can think that it would be acceptable to put such a development WITHIN a LWCF park parcel.

Such a belief and course of action by the City --- FOREVER changes the manner in which this LWCF park can be used today, tomorrow and for generations to come.

1.2 Background and Need

The City has supplied inaccurate information.

The City writes:

- *The City received $400,000 (Project 17-00769) in 1983 to help fund the acquisition of 38.4 +/- acres of property from the Rock Island Railroad Company (then in bankruptcy) just north of the Murray Baker Bridge and directly northeast of downtown Peoria.*

The City partnered with Peoria Park District, Peoria County and the Tri-County Regional Commission and Tri-County Riverfront Action Forum for this transaction. The Tri-County Regional Action Forum purchased the property from the Rock Island Railroad Company so that the City would not already own this property. The City could not already own the property to apply for the LWCF acquisition grant from the then Illinois Clearinghouse which is now the I DNR.

The City was fully aware that the land was to be public outdoor recreational space in perpetuity as previously submitted by FORP in their response to the City’s ‘draft’ EA. Peoria City Council minutes clearly show that the City and the staff and the public were aware of these challenges.

In their original LWCF application, the City identifies that this land would be adding to the public recreational space and what a great benefit that was to the citizens of Peoria and this region.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

The City writes:

- ‘The City was awarded a second grant of $200,000 (Project 17-00849) in 1987 to help offset the cost of developing the property into a recreational area.’

This is the original intent of the grant which was awarded on a competitive basis. The money was to be used for an outdoor public recreational area.

The City continues to use LWCF land as a land bank. There is no need to destroy this park for private development.

The City has been working on this project since 2007, when Craig Hullinger emailed Jan Nation at the IDNR to tell her about the proposal. There has always been public opposition to any private development in Riverfront Park. The City was working on their 2nd conversion and was already talking about a 3rd conversion.

The City continues to focus on ‘the activities precipitating the conversion or benefits thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy’ without understanding the impact and loss of this public outdoor recreational space for current residents and generations to come. The continual promotion of the dollar investment is the antithesis of where the focus is required to be placed.

The City, in a 2008 RFP, shared that ‘a substantial amount of privately owned land that could be added to the development of the approximately nine city owned acres for development.’

ACTION REQUESTED: The NPS requires the City to explain why the City was seeking to develop the LWCF park and trigger a conversion when there was privately owned land available for development.

The City fails to disclose that the City owned L-shaped land has the same environmental remediation issues that the Simantel property has as these two parcels were previously owned by and used for the former Hawkeye Rubber Facility. The City has no remediation plan or remediation funding set aside to address the issues associated with their L-shaped property that is not included in the 6(f) map but is intended to be seamlessly contiguous with the LWCF proposed replacement land.

ACTION REQUESTED: The NPS requires the City to remediate their L-Shaped parcel.

The City does not include either the - to be vacated Spring Street Parcel or the City L-shaped parcel in need of environmental remediation in the newly proposed 6(f) map but gives the impression that it is adding to Riverfront Park but not officially included.

ACTION REQUESTED: The NPS requires the City to include the – to be vacated Spring Street Parcel and the City’s L-Shaped parcel within the 6 (f) boundary Map.
The City writes:

- The City conducted appraisals of both the conversion property and the replacement property.

The City did not follow the IDNR standards for appraisals by obtaining Title Insurance prior to the appraiser completing the appraisals for the proposed LWCF replacement parcels as mandated and required by the IDNR appraisal process and standard appraisal procedures.

The lack of Title Insurance pre-appraisal for the Detweiler Playground parcels is problematic. These parcels are already dedicated for public recreational use per the terms of the will of Mr. Thomas Detweiler and are now held in trust by the Detweiler Playground Inc. This land restriction allows the land to only be sold and used for public recreational use which would likely affect the value of these parcels and is not accounted for in the current appraisals. Additionally, this land is being sold to the City with a title of first refusal which may precipitate another LWCF conversion. This is again problematic.

The terms of Mr. Detweiler’s Will made his land, the Detweiler Playground land to be public outdoor recreational space for perpetuity.

Both the Detweiller Playgound and Simantel parcels have comparables which do not respectively take into account the use restriction for only public recreational use and environmental remediation.

The appraisals are deficient not having had the title insurance issued before the appraisal was done. Knowing the history of parcel is essential and critical to evaluating all criteria to accurately determine the FMV. A parcel which can only be used for public recreational use has a limited market and will affect the price. A parcel which has environmental remediation issues will need additional funds and IEPA approval in order to be used for development. In addition, the appraisals did not take into account that the Peoria Boat Club private docks would remain, that the Peoria Boat Club would have a “carve out” of land nor that the City sewer overflow pipe extends out from this land.

Additionally the appraisals were finished after the City had negotiated purchase option prices for these proposed replacement properties in violation of the Uniform Act. The Detweiler Playground negotiated purchase price is lower than its appraised FMV and the Simantel negotiated purchase price is higher than its appraised FMV.

**ACTION REQUESTED:** The NPS require the City to do a new appraisals for the Detweiller Playground and Simantel properties.
2. DESCRIPTION OF ALTERNATIVES

2.1 Alternative A – No Action

The City writes:

- ‘Alternative A was not selected because it would not allow for the private development to occur. The City of Peoria believes the loss of a small portion of Riverfront Park, adequately compensated by the northeast extension, is beneficial to the community in exchange for investment in market rate housing in the urban core.’ [EA - pg 11]

The City does not understand their LWCF stewardship responsibilities. For the City to believe and assert that there will only be the loss of a small portion further demonstrates their lack of understanding. Additionally, ‘Section 6 (F)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss or parkland requiring an EA, except for “small” conversions as defined in the LWCF Manual Chapter 8.’ [NPS LWCF PD/ESF Step 3 B.]

The City focuses on the ‘precipitating activity’ rather than the loss of the amenities and recreational usefulness.

The City contends that that the only impact is the luxury apartment foot print and the road while leaving out the impact on the park users and well as the neighborhood residents whose have limited access to public outdoor recreational opportunities. The Riverfront Park in its entirety and Morton Square Park are the only public parks in the North Valley. Other impacts include but are not limited to the orphaned park sections, loss of large memorial events, the amount taken out of park use for straightening subdivision lines according to the City’s subdivision requirements, the impact of the street extensions of Water and Morton Streets, the introduction of less than 1,000 daily vehicles trips through the park, the noise, pollution and safety issues now introduced into the park and affecting park and RiverPlex (LWCF conversion #1) users by adding the Water Street Road Extension, as well as never being able to enjoy and use this tranquil park in the same manner forever and so on. There are negative environmental justice issues in relation to this proposed 3rd LWCF conversion.

2.2 Alternative B – Proposed Alternative

- The City in a June 25, 2013 Request For Council Action from Patrick Urich, City Manager to the City Council requesting $25,000 from the Northside Riverfront TIF for continued environmental studies of Riverfront Park describes the background for this request.

  “Since late 2007, the City has sought residential development on approximately 22 acres of City-owned land along the Illinois River between the RiverPlex and Detweiller Marina.”

The City’s statement clearly shows their disregard for the City’s one and only LWCF parcel and their LWCF stewardship responsibilities, especially when this parcel is located in an area with poverty and limited access to recreational assets.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) "Revised and Compiled Environmental Assessment“ (EA) (published 2/4/17)

- The City long ago determined that the City was going to market this LWCF parcel. Any attempt by the City in 2015, 2016 or 2017 to show that the City engaged in any meaningful practical alternatives to conversion evaluation is not true.

- The requirement for ‘all practical alternatives to the proposed conversion must have been evaluated and rejected on a sound basis. Documentation of such an evaluation must be provided to the IDNR for review.” The City never complied with this requirement. The IDNR and NPS must ensure that this criteria is upheld.

- The City artificially describes the LWCF grant as two separate parks. The public views it as one park.

- The area to be converted for development is the widest section of the park, generally between Morgan Street and Morton Street, and closest to the railroad tracks.’
  The City is proposing to develop the most desirable land which is flat and does not flood in the park and taking it away from the public which is a socioeconomic, minority and environmental justice issue.

- The City writes: ‘The convert property is the less utilized portion of the park.’
  What does the City base this statement on? There is no objective data presented. The people who use this part of the park benefit from its availability for use.

- The City writes: Approximately 1.6 acres of the converted area is occupied by a surface parking lot and a maintenance building.
  The City proposes to remove the parking lot which has been essential to the Courageous Pacers program for the past nine (9) years and the maintenance building which houses the Peoria Park District equipment for maintaining the park as well as the control building. While denigrating the park usefulness of the existing parking lot off of Morton Street the City’s plans call for a new and larger parking lot to be built south of the proposed apartments on the extension of Water Street (identified in City zoning plans as overflow parking for the apartments). This new parking lot will no longer have public access to the park through Morton Street as this becomes a private drive into the proposed apartments.

- The City writes: Constitution Garden (impacted by the development) and the sand volleyball courts (impacted because of the roadway) will both be relocated as part of the development project and remain in as good better condition.

Constitution Garden will be in a much smaller area, which floods and is not conducive to Flag Day events. The City has not maintained this area as it has no budget nor funding on an annual basis for decades.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) "Revised and Compiled Environmental Assessment" (EA) (published 2/4/17)

There is no publically available plan for the volleyball courts, no budget: although the developer is required to pay for the relocation and reconstruction by city ordinance. The City does not have a track record of keeping promises.

- *The City writes: The most heavily used asset in the park – the riverside bike/walk path remains largely intact.*

The City plans to remove approximately 1,250 linear feet of the upper half of the bike/walk path which is a section used by the Courageous Walkers for the past nine years. This portion of the path is near the current Constitution Gardens parking. The Courageous Pacers is a program developed by the Peoria Public Schools Physical Therapy Department and is geared for all children, disabled and nondisabled children. The celebration event, the walk begins at Constitution Garden and ends at the Gateway Building. The removal of this section of the trail will not allow access from the parking lot.

The original trees were hand selected by Craig Mitckes (Peoria Park District) from four different states – Illinois, Indiana, Wisconsin and Ohio to provide for an arboretum experience for school children and other park users. Many of these Trees will be removed.

The City presents a site concept plan (Figure 5 - no PBC carve out) which differs from the 6(f) Map (PBC carve out, Figure 4).

**ACTION REQUESTED:** The NPS require the City to remove the carve out section and add the COP L-shaped parcel and – to be vacated Spring Street portion to the official 6(f) Map.

The replacement land is unsuitable both in FMV and recreational usefulness. One proposed replacement parcel has a right of first refusal which if exercised would trigger another LWCF conversion.

**ACTION REQUESTED:** The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.

*The city writes: ... the southern half of the Detweiler marina ... the property includes ... ‘access to private docks’*

NPS LWCF regulations require that marinas are open to the public. Private docks, even if on a floating dock system cannot be ‘attached’ to a LWCF designated park.

**ACTION REQUESTED:** The NPS require the City to adhere to the NPS LWC requirements for marinas and ensure that the marina is for public and not private use.

*The City writes: The Clubhouse and surrounding grounds (about 6,000 square feet) may remain leased to the Peoria Boat Club and is not included in the conversion request.*
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City)
"Revised and Compiled Environmental Assessment" (EA) (published 2/4/17)

The City has not removed the carve out for the Peoria Boat Club which is not allowed per the Non
Judicial Settlement Agreement between the Illinois Attorney General’s Office, the City and the
Detweiller Playground Inc. A private group cannot remain on this public land.

**ACTION REQUESTED:** The NPS require the City to add in the carve out being proposed for the PBC as it
is not allowed by the Non Judicial Settlement Agreement described above.

The City writes: The replacement site adds approximately 1,200 linear feet of additional shoreline for
public access, and puts into public ownership the entire riverfront from Interstate 74 to Detweiller
Marina.

It is unclear how the City has calculated this measurement. The shoreline for the City L-shaped parcel is
already accessible to the public as the parcel is already owned by the City.

The Detweiller Playground replacement property was already designated public recreational land via the
terms of Mr. Detweiller’s Will. The land does not have to be owned by the public. The Detweiller
Playground did not carry-out Mr. Detweiller’s instructions by continuing to lease the land to the Peoria
Boat Club after his death and not in keeping with the terms of his will. The Detweiller Playground
property should be ineligible for use as replacement land, as it is already impressed for public park use.
If this replacement is allowed, Peoria will lose total land dedicated for public park recreation, as
Riverfront park LWCF land would be replaced by the Detweiller Playground that has been impressed for
public park use since 1947 by the Will of Thomas Detweiller.

**ACTION REQUESTED:** Determine that the Detweiller Playground parcels are ineligible to be used as
replacement land.

2.3 Other Alternatives Considered But Not Selected

The City never considered another alternative site. “Since late 2007, the City has sought residential
development on approximately 22 acres of City-owned land along the Illinois River between the
RiverPlex and Detweiller Marina.” ([March 12, 2103 Request For Council Action, Patrick Urich, City
Manager to Honorable Mayor and Members of the City Council $25,000 from the Northside Riverfront
TIF Fund Balance for continued investigation into residential development potential in Riverfront Park.]

The City, in a 2008 RFP, shared that ‘a substantial amount of privately owned land that could be added
to the development of the approximately nine city owned acres for development.’

**ACTION REQUESTED:** The NPS requires the City to explain why the City was seeking to develop the
LWCF park and trigger a conversion when there was privately owned land available for development.

The City cites the Tracy Cross Study as justification for building River Trail Apartments within Riverfront
Park. As FORP has previously documented, the Tracy Cross Study is only applicable to the housing south
of I-74 which seems to have been omitted from the City’s Revised and Compiled EA. Additionally, the
Tracy Cross Study states that only a portion of the housing needs south of I-74 should be met by new
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria's (City) "Revised and Compiled Environmental Assessment" (EA) (published 2/4/17)

apartment construction. It is misleading and inappropriate for the City to continue to use the Tracy Cross Study in this manner as this study does not apply. The City's misuse of the findings of the Tracy Cross Study must be discontinued.

The City linked this proposed development to the Caterpillar Headquarters announcement and now that Caterpillar will not build their world headquarters in Peoria, the City should withdraw their application.

Figure 7 --- Taft Homes -- In 2011, the Brinshore Michael Plan for a mixed use and mixed income residential development at the Taft Homes site was brought forward. This plan would have provided for market rate and affordable housing as well as a grocery store and other amenities to develop a residential community. Mayor Ardis sent a letter to the Peoria Housing Authority and squashed this plan along with then Representative Aaron Schock that this land at the Taft Homes was too valuable to be used for this purpose. This was a viable alternative to building on and within Riverfront Park.

The proposed development is no closer to the Illinois River than 401 Water Street or other residential developments south of Interstate 74. The tenants of the proposed River Trail development would have to traverse down the broken concrete embankment to access the river, they would have no better access to the river than at any other point south of I-74 where intense residential and commercial development are being undertaken.

The proposed conversion violates the intent of the LWCF Act as well as the intent of the original grant which was to provide for land to be added to the local recreational estate.

**ACTION REQUESTED:** The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.
3 AFFECTED ENVIRONMENT

3.1 Geological Resources

The City has neglected to disclose that the City owned L-Shape parcel has the same environmental remediation issues as the proposed property owned by Simantel. The City has no environmental remediation plan or RAP or budget.

The City has not included this parcel within the 6 (f) map but continues to claim it as an extension of the current park.

ACTION REQUESTED: The NPS requires that the City remediate this land and include it within the 6 (f) map unless the NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.

3.2 Air Quality

The City does not disclose that the park users will be exposed to vehicle exhaust pollution.

3.3 Noise

The City does not disclose that park users will be exposed to vehicle noise as well as the noise generated by the apartment residents and their visitors, delivery vehicles, trash pick-up, etc.

3.4 Water Quality/Quantity

The citizens remain concerned about the CSO at the end of Spring Street. The City has yet to receive the EPA Consent Decree due to the lawsuit has not been settled. This may impact the park depending on the solutions agreed upon.

3.5 Natural Resources (Wetlands, Floodplain, Species/Habitat)

LWCF funded parcels are subject to E.O. 11988 – Flood Plain

Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities" for the following actions:

- acquiring, managing, and disposing of federal lands and facilities;
- providing federally-undertaken, financed, or assisted construction and improvements;
conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

The City constricted the search for suitable replacement by mandating that the only replacement that would be considered was along the river. This is not a requirement of LWCF that the land be next to a proposed conversion site or in any specific location and the City should be required to not develop in the flood plain.

**ACTION REQUESTED:** The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois for proposing to replace the current, non-flood plain LWCF park land with flood plain land.

*The City writes:* According to the National Weather Service, the Illinois River at Peoria has been in flood stage 31 times since 2000. For Peoria, flood stage is anything above 18 feet.

This is very misleading. In speaking with the Army Corp of Engineers and reviewing the river data at rivergauges.com, the flood water rises faster than falling. For example a flood comes on about five days before the highest crest but may take two or three weeks to recede. This scenario means that the land may be flooded for three weeks and then still take additional time to ‘dry out’ and be usable again by park users.

Furthermore, the park has been a LWCF park since the 1980’s, where is the flood stage data for the entire time period for the proposed replacement land? There have been more events that what the City is choosing to present from the 1980’s to 2000.

It appears that the City may have missed a flood stage on 1/25/2017 so that would be 32 times according to how the City calculates. This event lasted two days.

It would be more accurate to take each event that the City has listed in their Table 1 and calculate the actual total numbers of days that the flood stage has been at 18 feet or higher for the time period from the 1980’s to 2000 and would give a better idea of the impact.

<table>
<thead>
<tr>
<th>Stream Name: Illinois River</th>
<th>Longitude: -89.56444000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gage Zero: 428.40 Ft. NGVD29</td>
<td>Latitude: 40.70222000</td>
</tr>
<tr>
<td>Flood Stage: 18 Ft.</td>
<td>Flat Pool: 11.60</td>
</tr>
<tr>
<td>Record High Stage: 29.35 Ft.</td>
<td>River Mile: 164.6 miles above the mouth of the Illinois River</td>
</tr>
<tr>
<td></td>
<td>Drainage Area: 14165.00 Mi²</td>
</tr>
<tr>
<td></td>
<td>Record High Stage Date: 04/24/2013</td>
</tr>
</tbody>
</table>
The City in Table 1- Impact of Flooding on Proposed Park and lists an event on 1/3/2016.

As you below and on the next page this flood stage at 18.12 feet commenced on 12/27/2015 on receded on 1/20/2016 ... this area wasn’t at the flood stage for just one day 1/3/2016 rather it was at flood stage for twenty-five (25) days. Twenty-five (25) events at flood stage of more than 18 feet.

There are various other examples where it can be weeks at time that portions of the replacement land are under lots of water which makes this land unsuitable as replacement land whereas the current Riverfront Park proposed for conversion does not flood.
This gage is operated by the US Army Corps of Engineers (Rock Island District).

Flat Pool Elevation = 440.0

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<tbody>
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</tr>
</tbody>
</table>
The land proposed to be converted has not had 31 floods since 2000 (which is an arbitrary year to present flood data). That land does not flood.

The City has minimized the recreational usefulness of the proposed LWCF replacement properties due to repeated documentable flooding which occurs for weeks at a time. The proposed replacement land is not recreational useful compared to the current LWCF park land proposed for conversion which does not flood.

ACTION REQUESTED: The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois for proposing to replace the current, non-flood plain LWCF park land with flood plain land.

3.6 Land Use and Planning

Rezoning land to be R-8 in the middle of a R-3 parcel is the prime example of spot zoning. Spot zoning is the placing of a small area of land in a different zone from that of neighboring property. It is not appropriate urban planning.

Additionally, the City created a TIF district, the River Trail TIF District with one parcel, the 19.5 acre portion of the Riverfront Park to comprise the entire TIF district. The City claimed, among other criteria, that the brick building (used to house equipment to maintain the park) was blighted, the railroad turntable was blighted and that the EAV was lagging and it made it into a conservation TIF district. It is ironic that park land has zero EAV as it is owned by a municipality that is not taxed could qualify and become approved as a TIF. The City is certainly not conserving the park in perpetuity as open space as is the intent of the LWCF Act.

The City failed to maintain the building and the architectural element of the railroad turntable, even though this parcel had previously been in the Northside Riverfront TIF for years and there was funding to maintain both of these items as well as Constitution Gardens.

The City and the IDNR both claimed on the required 5 year inspections of Riverfront Park for both the LWCF acquisition and development grants that the building and railroad turntable were well maintained.

It is this type of action that demonstrates that the City cannot be trusted to properly carry out their LWCF stewardship roles and that the relocation of the volleyball courts although promised is highly suspect of being completed.
3.7 Circulation, Transportation, and Accessibility

The City makes no mention of the 1st LWCF conversion (RiverPlex) and the impact of the less than 1,000 cars which will be added to the circulation system with the proposed Water Street extension. Water Street has parking on both sides and this added traffic will add to traffic issues on this already narrow street.

The City makes no mention of the impact on the park users with the introduction of the development and the road for safety, noise and pollution. The proposed Water Street extension is especially problematic by introducing vehicles within a park.

The railroad has an active train line with trains traveling at up to 10 mph and train lengths of up to 50 to 70 cars. If a medical, police and/or fire emergency occurs at the proposed development while the train is on the tracks on either side and between Water and Morton Streets these routes would be blocked. First Responders would be prevented and denied access to provide critical response services.

The City removes one parking lot at Constitution Gardens then replaces it with another parking lot in the interior of the park which is for guests of the apartment development and a second parking lot in the proposed replacement parcels.

3.8 Recreation

The City talks about the amenities in the park in one paragraph. All of these areas will be impacted by the proposed development and road bisecting the park. The park will never be able to be used in the same manner with this proposed development which being taunted as an economic development engine for this area of town. With the announcement of the massive layoffs (10,000 lost jobs with 5,000 estimated in the Peoria area) from Caterpillar and then the later announcement that Caterpillar would not be building its world headquarters in Peoria that projected economic impact is unrealizable. The amenities will be destroyed forever based on the City’s track record. The native plantings were part of the Prairie Restoration Project which has taken many years to mature to establish and supports wildlife as well as providing habitat area for the Monarch Butterfly. This area will be destroyed.

The proposed replacement parcels can never replace the amenities as the parcels do not have comparable recreational usefulness.

3.9 Aesthetics

The City chooses to focus on the 19.5 acre parcel where the proposed development and road bisecting the park will be located. There is no direct access to the shoreline in the area of the park. This land provides no better access to the Illinois River than the residential warehouse developments south of Interstate 74.

The park does contain large open grass spaces (that do not flood) which will be forever lost and not to be replaced by the proposed replacement parcels. Large event space by the Dan Fogelberg Memorial
and the Alzheimer's Memorial cannot be duplicated within the proposed replacement parcels. Flat land which never floods is being replaced by land which has multiple 18 foot flood events lasting weeks at a time over the course of the park's history.

The proposed idea to move the volleyball courts further impacts the large event space and presents an additional challenge for volleyball users as the proposed relocation area has direct access to the Illinois River. There was a drowning in this area from a toddler who went into the water even while being with adults. The volleyball courts in their current location have no access to the river and volleyball enthusiasts with children do not have to be concerned about this risk. This proposed relocation area would likely involve the relocation of irrigation equipment, the relocation of playground event and volleyballs could go into the Illinois River as well as onto Water Street. There is no definite plan and no budget for these proposed impacted sections of the park. The large open event space may also be impacted by the relocation of the volleyball courts.

The City describes that the park's topography “as slightly sloping with drainage to the southeast towards the Illinois River’. Flat and graded for proper drainage to prevent flooding per Craig Mitches, the landscape architect from the Peoria Park District who designed the park in the 1980’s.

The replacement property is mixed topography with some undulation, with environmental remediation needed on one of the proposed replacement properties (Simantel) and the City's L-shaped parcel which has the same environmental issues as the Simantel parcel. The City has no remediation analysis, No RAP and no budget to remediate their land adjoining the park. Additionally the City claims that this land is part of the park extension but does not include this parcel within the official LWCF 6 (f) map.

### 3.10 Historical and Cultural Resources

The City has had testing done and has received a copy of the testing company’s report. From the testing company’s report - “In sum, it is our opinion that the Area of Potential Effect (APE) does not hold evidence of significant historical structures or archeological resources that may be adversely impacted by direct or indirect activities related to the project.”

The public is required to take a leap of faith, which is a large leap based on the City’s other actions which do not follow LWCF guidelines that the results are accurate and to take the City’s, IHPA’s and IDNR’s word for this determination. Historical records and artifacts have told us that the entire Illinois River shore area was used by early settlers and Native people for housing and settlements. We remain very skeptical that adequate testing for cultural history was performed in the conversion or replacement sites.

### 3.11 Socioeconomic Resources and Economic Justice

Riverfront Park is a unique linear park located adjacent to a river. Many municipalities and cities would love to have this type of community asset to be used and enjoyed for public outdoor recreational space. It is not broken and there is no need to destroy this beloved park by the introduction of private ownership and development within this park.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) "Revised and Compiled Environmental Assessment" (EA) (published 2/4/17)

The City describes the various current users and amenities of Riverfront Park. The introduction of the proposed luxury apartment development and the road bisecting the park will forever change the amenities and aesthetics of said park. Private development will not allow current and future generations to enjoy the tranquility of this park. The proposed extension of Water Street introduces noise, pollution and safety issues which impact users. Likewise the apartment residents and their less than 1000 daily vehicle trips through the park take away from the unique serenity of this park.

In the North Valley of Peoria, from Interstate 74 and north to War Memorial Drive there are only two (2) public parks. Riverfront Park is being proposed for private ownership and private development via the 3rd LWCF conversion proposal. Morton Square Park is one square block used for soccer, basketball, picnic and a playground area. That’s it. This area is where many people live in poverty conditions and have transportation access limited to walking and riding the bus.

The Tri-County Regional Planning Commission prepared a map of Peoria County - four tiered Concentrated Areas of Poverty dated April 11, 2014 for use on the Taft Homes relocation project. This map shows that Census tracts 12 and 13 are in Tier II. Tier II has as its description that ‘a family poverty rate greater than or equal to 40% or have a family poverty rate greater than or equal to 300% of the regional family poverty rate.’

Tract 12 contains downtown property which is the Twin Towers where affluent individuals and families live in luxury and expensive housing with access to personal transportation and financial resources to be able to enjoy more options than just Riverfront Park.

Tract 13 contains both the current park as well as the proposed replacement parcels. The City writes: "that the 2015 ACS estimates 1963 individuals in that Tract, with 44% reporting as “Black Alone,” 40.6% as “White Alone,” and 24.4% as “Latino/Hispanic.” {Note that totals 109%.} 29% of the individuals are below the poverty line.”

The City is again taking a community asset away from people who are most vulnerable and live in an area of limited opportunity. The Tri-County Regional Planning Commission on their April 11, 2014 map prepared for the previously referenced project defined Areas of Opportunity as areas in which elements that contribute to a high quality of life are accessible. The areas of opportunity mapped here examine seven different elements: school proficiency; poverty; job access; labor market engagement; health hazards exposure; housing occupancy; and travel time to work. It is interesting to note that the Sources section includes the NPS. This map is divided into six categories: Very Low Opportunity; Low Opportunity; Moderate Opportunity; High Opportunity; Very High Opportunity and Areas of Highest Opportunity.

Census Tract 12 had labeled as a Moderate Opportunity area. Please note that this census tract is where the Downtown Central Business District and Twin Towers are located. With the recent announcements that Caterpillar is laying off 10,000 employees with 5,000 in the Peoria area and that their world headquarters would not be built in Peoria may impact this determination. If Census Tract 12 was to be divided into an A and B sections, Section A - south of Interstate 74 would likely retain its Moderate Opportunity designation and Section B – north of Interstate 74 would likely be reclassified as a Very Low
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

Opportunity area. In addition, the very low income residents of Taft Homes in census 12 would be placed in excess of ½ mile from the replacement park, thus essentially negating their real access to this LWCF park.

Census Tract 13 is identified as a Very Low Opportunity area. This is the same area where the largest flat non flooding portion of Riverfront Park being proposed for conversion as well as the unsuitable proposed LWCF replacement parcels which flood and need environmental remediation are located.

The City Parks Alliance in Washington, D.C. has recently published information about the impact and importance that Land and Water Conservation Funded parks have on local communities. These publications, “A Smart Investment For America’s Health” and A Smart Investment For America’s Economy’ details the benefits of acquiring, developing and retaining LWCF park land as public outdoor recreational open space in perpetuity. The importance for LWCF grantees to honor and fulfill their stewardship responsibilities, to resist the temptation to develop or convert LWCF land and to retain these parcels for generations to come are just a few of the topics contained within these valuable and educational publications.

In the fast paced world in which people work and live, especially those persons suffering from economic hardships including poverty, health care access, transportation disparity, housing access, employment opportunity and so on, the access to public recreational space is beneficial for physical and mental health and decreases stress. The proposed conversion of Riverfront Park is a socioeconomic resource and economic justice impact that can be avoided. The City does not need this development.

**ACTION REQUESTED:** The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.

### 3.12 Mandatory Criteria

NPS USDOI LWCF Proposal Description and Environmental Screening Form (PD/ESF) provides a detailed explanation for what is required for the Section 6(f)(3) proposal [Step 3 Project Amendments B. Section 6(f)(3) Conversion Proposal].

*Section 6 (f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for “small” conversions as defined in the LWCF Manual Chapter 8.*

This NPS criteria is the baseline for evaluation ... *Section 6 (f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA.*

*Section 6(f)(3) conversions ALWAYS have more than minor impacts!*

Please refer to Section 4.12.
4 ENVIRONMENTAL IMPACTS

4.1 Geological Resources

4.1.1 Alternative A

FORP disagrees with this proposed course of action.

The City writes: “It should be noted that there are no plans to remediate environmental contamination present within the conversion site ...

The City spent thousands of dollars to ‘find’ contamination to help set the stage as a requirement for the River Trail TiF which was created to have one parcel, namely the 19.5 acre portion of Riverfront Park. The City can plan to remediate the conversion site per Peoria City Council direction. The funding could come from the Northside Riverfront TiF (expires 2018) because the 19.5 portion of Riverfront Park was part of this TiF until the City removed said parcel to create the River Trail TiF.

The City was the developer of this LWCF park via the LWCF development grant. If this park land is contaminated, what type of soil was used by the City in this original development?

The City also removed the Simantel and City owned L-shaped parcel from the Northside Riverfront TiF at the same time. The Simantel parcel ‘is privately owned but its value has not grown and therefore is not generating any increment.’ [September 10, 2013 Peoria City Council memo to remove three parcels from Northside Riverfront TiF.] The City owned L-shaped parcel adjoins the Simantel parcel and has the similar documented environmental issues which are not being addressed by the City as the City has no RAP nor funding identified for this remediation. The City claims their L-shaped parcel is part of the eight plus acre Riverfront Park extension yet does not include said parcel with the official LWCF 6 (f) map boundary.

The City proposes to purchase the Simantel property for $200,000, which is more than the FMV appraisal approved by the IDNR and substantially above any reality based FMV as this property has been for sale for years with no buyers. The $200,000 purchase price was about $167,000 above the estimated FMV of $33,000 which has been the value of this land for more than ten years. Only recently was the EAV increased to around $33,000 raising the estimated FMV to approximately $99,000 which is still less than FMV appraisal completed by Mr. Neff. Simantel’s parcel’s ‘value has not grown’ during the time of January 1995 to September 2013, yet somehow grows 300 percent in one year and the City is still paying double the newly raised EAV?

ACTION REQUESTED: The NPS requires that the City remediate this land and include it within the 6 (f) map unless the NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.
4.1.2 Alternative B

**Conversion Site: Negligible Impact** - FORP disagrees. This is a major impact on the City’s LWCF stewardship responsibilities and performance. The City should remediate the park.

The City appears to have zero concern to remediate any contamination unless there is a private development. If this remediation is so essential and necessary, if there was no private development, why would the City not want to remediate for park users? The City’s course of action seemingly indicates that public park users are not as important as privately owned land users.

**Replacement Site: Negligible Impact** - FORP disagrees. This is a major impact on the City’s LWCF stewardship responsibilities and performance. The City should remediate their L-shaped parcel as it has the same environmental contaminants as the Simantel land.

The City owned L-shaped parcel adjoins the Simantel parcel and has the similar documented environmental issues which are not being addressed by the City as the City has no RAP nor funding identified for this remediation. The City claims their L-shaped parcel is part of the eight plus acre Riverfront Park extension yet does not include said parcel with the official LWCF 6 (f) map boundary.

**ACTION REQUESTED:** The NPS requires that the City remediate the proposed conversion site even if the NPS denies the 3rd LWCF conversion proposal.

**ACTION REQUESTED:** The NPS requires that the City will remediate the City owned L-shaped parcel and include it within the 6 (f) map unless the NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois.

4.2 Air Quality

4.2.1 Alternative A

FORP agrees.

4.2.2 Alternative B

**Conversion Site: Minor Impact:** FORP disagrees. This is a major impact on park users.

The introduction of vehicles within the park exposes the park users to a different air quality. The City states that there will be less than 1,000 vehicle trips per day which averages to 42 trips per hour over a twenty four hour period. There have always been zero trips per hour through this section of the park (with the exception of park maintenance vehicles). Park users will likely be impacted with a higher concentration of pollution as the park users and vehicles using the road bisecting the park may be between 6 am and 10 pm which adjust the trips per hour to 62.

**Replacement Site: Minor Impact:** FORP does not have enough information to take a position.
4.3 Noise

4.3.1 Alternative A

FORP agrees.

4.3.2 Alternative B

Conversion Site: Minor Impact: FORP disagrees. This is a major impact on park users.

The City minimizes the noise impact from the vehicular traffic and residential units.

Less than 1000 trips per day as explained in 4.2.2 will have an impact on noise or sound as experienced by park users.

Riverfront Park is a tranquil and serene place to recreate. The savannah which the developer will remove from the park for the road and development construction also acts as sound absorption barrier for train and industry noise from the two chemical plants to the west of the railroad tracks.

Replacement Site: Minor Impact: FORP does not have enough information to take a position.

4.4 Water Quality/Quantity

4.4.1 Alternative A

FORP agrees.

4.4.2 Alternative B

Conversion Site: Negligible Impact - FORP does not have enough information to take a position.

Replacement Site: Minor Impact - FORP does not have enough information to take a position.

4.5 Natural resources (Wetlands, Floodplain, Species/Habitat)

4.5.1 Alternative A

FORP Agrees.

4.5.2 Alternative B

Conversion Site: Negligible Impact - FORP disagrees. This is a major impact.

The converted site has over one acre of mature prairie which will be destroyed.

Replacement Site: Minor Impact - conversion site does not flood.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) "Revised and Compiled Environmental Assessment" (EA) (published 2/4/17)

The proposed replacement site is classified as A13 on the FEMA Floodplain mapping site (FEMA Mapping) which clearly shows that this area is at risk for flooding.

The City presents flood data which paints an inaccurate flooding effect on the proposed replacement land which can be under water for several weeks at a time. Please refer to Section 3.5.

The City has no joint application with the IDNR and IEPA to determine if the City will be approved for this project which is located in the flood plain and possibly the floodway.

The City could have avoided purchasing replacement land in the flood plain. The City needs to complete a Practical Alternatives to Conversion of a Flood Plain prior to any NPS approval. The City never explored the possibility of considering any replacement parcels other than along the river front and therefore was determined and decided on this course of action.

ACTION REQUESTED: The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois for proposing to replace the current, non-flood plain LWCF park land with flood plain land.

4.6 Land Use and Planning

4.6.1 Alternative A

FORP disagrees.

The City has gone through a rezoning process which resulted in spot zoning in the flat section of the 19.5 acre parcel of the three (3) parcels of the original LWCF grant. The City has received authorization via Peoria City ordinance to rezone this area for the proposed 3rd LWCF conversion of the luxury apartment development as R-8 multifamily residential (September 2015).

The City must be required by authorization via a Peoria City Ordinance to rezone the portion of said parcel from R-8 to R-3 to prevent the very type of action which is the consideration of the City’s EA document published on 2017 and well as the City’s draft EA published in 2015 and the proposed 3rd LWCF conversion of the park.

4.6.2 Alternative B

Conversion Site: Minor Impact - FORP disagrees. Please use 4.6.1 as our explanation.

Replacement Site: Minor Impact - FORP agrees.

4.7 Circulation, Transportation, and Accessibility

4.7.1 Alternative A

FORP agrees.
4.7.2 Alternative B

Conversion Site: Minor Impacts - FORP disagrees. This is a major impact on park users.

The City asserts via their ‘2015 Site Traffic Analysis conducted as part of the project planning found no detrimental impacts of the roadway extension to park users. According to its conclusion, “... the proposed Riverside Trail Apartments full development traffic can be added to the existing roadway system with no operational problems anticipated at any of the impacted intersections. The apartments will generate less than 1,000 average daily trips, which can be accepted into the existing street infrastructure without the need for additional improvements.”

Development of the Water Street extension, the road bisecting a LWCF park to service the luxury apartment development and the addition of the apartment’s guest parking to destroy more park land is insanity. The City conversion proposal for hoped for economic benefit is contrary to the intent of the LWCF act as well as the requirements for a conversion.

Bike and Trail users will now have to deal with a road which is less than standard width, again because the City is shoehorning this development on too small of a land parcel, which may very well put all park users at risk of injury should the park users and vehicles intersect.

The City makes no mention of the impact on the 1st LWCF conversion in Riverfront Park, the Riverplex built by the Peoria Park District. The Peoria Park District Trustees took a vote and opposed the construction of the Water Street extension.

Peoria’s City Manager, Patrick Ulrich, sent a letter to now retired Peoria Park Board Director, Bonnie Noble that the City did not think that there would be a problem but if there was a problem, then the City would deal with it at that time. Too late!

The City always hopes for the best and frequently finds themselves in legal situations for not following state and federal rules and regulations. Just ask HUD who has emailed between other agency officials about Peoria not being able to follow the rules. The City’s reckless behavior has resulted in the repayment to HUD for hundreds of thousands of dollars and various other legal settlements costing sometimes hundreds of thousands of dollars in settlement amounts as well as outside attorney’s fees.

Additionally, the removal of the parking lot impacts how the trail can be accessed.

Replacement Site: Minor Impact - FORP disagrees.

Why does the city remove a public parking lot from the edge of the park only to introduce a public parking lot and a private parking lot for apartment guests built within the Park?
4.8 Recreation
4.8.1 Alternative A

FORP agrees. There is no need to change the recreational amenities currently contained in the park. There is currently a wide variety of recreational activities from passive to active. A unique feature of Riverfront Park is its location on the Illinois River and many municipalities would love to have and preserve this type of park. Additionally, the tranquil and serene nature because there are no vehicles going through this park is another unique feature.

The City appears to be unaware of the NEPA Connected Actions Concept and requirements. The City is unnecessarily creating a domino effect which impacts the volleyball courts, the savanna, the Constitution Gardens area to potentially be relocated. There are no set plans or evidence of the estimated $200,000 plus for the volleyball court relocation which must be required especially based on the City’s poor past performance to keep their word and complete project.

4.8.2 Alternative B

Conversion Site: Exceeds Minor Impacts – FORP Agrees. And there are additional exceeds minor impacts area that the City has not included in this section.

In addition, the City must include how the Dan Fogelberg and Alzheimer’s Memorials are impacted for serenity and tranquility for contemplation which are features embraced by the City when these memorials were originally sited.

The gathering area is reduced so that large event gatherings are no longer possible in the flat portion of the conversion which does not flood as the proposed develop encompasses the majority of the widest flat portion of this parcel. This parcel has several acres covered with broken concrete more than thirty feet deep per the original Peoria Park District landscape architect which is unusable and has trees now growing among the broken concrete.

The City writes that the sand volleyball courts will be relocated to an area adjacent to and southwest of the RiverPlex in Festival Park (the southern portion of the LWCF project).

Karrie Alms, FORP President, confirmed on Friday, February 17, 2017 with Mr. Tim Cassidy, Peoria Park Board President, who also confirmed with Peoria Park District staff about the City’s volleyball relocation claim. Mr. Cassidy shared that there was ‘talk’ about moving the volleyball courts to this location. There is no final plan. There are issues with the Illinois River, flooding, traffic, the playground relocation, possible impact on events at this location which the City describes as Festival Park and so on. The proposed developer is required by the City to pay for the volleyball court relocation which has been estimated at upwards of $200,000. The proposed developer has provided no financial commitment or financing.

Replacement Site: Exceeds Minor Impacts – FORP Agrees. And there are additional exceeds minor impacts area that the City has not included in this section.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

The City references that the city will be having a ‘marina’ in the replacement site.

The City references that “the preserved boat launch near the northeast edge of the site will provide an opportunity for non-motorized craft such as kayaks and canoes to enter the marina.”

The City omits in this section any reference to the private boat docks.

NPS LWCF regulations allow marinas which are for public use only.

The City has run the Peoria Boat Club members ragged with their interactions. The City worked with the owner of the Detweiller Playground proposed replacement site to keep the Peoria Boat Club (PBC) members in the dark about a potential sale. This appears to be in direct conflict with the Uniform Act which regulates how land owners and leasees are to be treated with respect and to be notified of actions which would affect them. The City has publically stated that the City does not have to compensate the Peoria Boat Club for their clubhouse or out buildings or any relocation fees. Likewise the City entered into a purchase price for the Detweiller Playground parcels prior to obtaining an appraisal. The agreed upon purchase price is substantially lower than the FMV appraisal value which is in violation of the ‘just compensation’ requirement of the Uniform Act.

The proposed new 6(f) (3) map still includes the carve out for the PBC to retain their clubhouse which the ILAG has written to the City and informed the City that this not allowable under the Non-Judicial Settlement Agreement as previously explained in this document.

The City has included a replacement site design plan which does not include the PBC carve out.

In other documents which may have been modified, the City and the IDNR have adjusted the appraisals to subtract the value of not only the PBC carve out but the removal of the Spring Street parcel value from both the Simantel and Detweiller Playground appraisals. These appraisals were not revised just the numbers crossed out via simple math problem calculations and new appraisal values written in.

4.9 Aesthetics

4.9.1 Alternative A

FORP agrees.

4.9.2 Alternative B

_conversion Site: Negligible Impact – FORP disagrees. It is a major impact to park users._

The City once again describes the benefits and aesthetics of the precipitating action, the development of the luxury apartment development and the extension of Water and Morton Streets as far as the design standards.

The introduction of this proposed development is a major impact on how the park looks, can be enjoyed, can be experienced and would permanently destroy this park.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

The impact on the destruction of the trees as previously described, having been hand selected from four states, Illinois, Indiana, Wisconsin and Ohio. Dorothy Sinclair one of the original visionaries for the acquisition of this parcel to be public recreational land has a grove of trees associated with her in this park in remembrance of her efforts.

The impact to removing mature trees to then plant new trees is bewildering.

Replacement Site: Negligible Impact - FORP disagrees.

The City continues to have no RAP or remediation funding for their L-shaped parcel as previously described in this document.

The City has published documents which are contradictory about the PBC staying on the land which in violation of the ILAG Non Judicial Settlement Agreement.

The PBC not being able to stay on the land is not in concert with the Peoria City Council’s direction that the PBC retain access to their private docks.

Additionally, private and public uses on public LWCF land are incompatible and appear to be illegal per the NPS LWCF regulations.

And the previously discussed issues with the Uniform Act remain unresolved.

4.10 Historical and Cultural Resources

4.10.1 Alternative A

FORP Agrees.

4.10.2 Alternative B

Conversion Site: No Impact - FORP neither agrees nor disagrees.

We are required to take a leap of faith, which is a large leap based on the City’s other actions which do not follow LWCF guidelines that the results are accurate and to take the City’s, IHPA’s and IDNR’s word for this determination.

Replacement Site: No Impact - FORP neither agrees nor disagrees.

The public is required to take a leap of faith, which is a large leap based on the City’s other actions which do not follow LWCF guidelines that the results are accurate and to take the City’s, IHPA’s and IDNR’s word for this determination.
4.11 Socioeconomic Resources and Minority and Economic Justice

[Please not that this header does not match the corresponding descriptive section 3.11 Socioeconomic Resources and Economic Justice.]

4.11.1 Alternative A

FORP agrees.

4.11.2 Alternative B

**Conversion Site: Negligible Impact -** FORP disagrees. This is a major impact.

Unbelievably, the City’s written comments do not any address socioeconomic resources, minority or economic justice issues as it relates to people who live within Census Tracts 12 and 13.

The City writes that “One of the overall goals of the project is to encourage further development in an economically distressed part of Peoria.”

The City provides a short description of what the precipitating action – the development of the luxury apartment and the road extensions of Water Street only will do to the park. The City remains silent on the impact on people.

The City continues to show no regard for residents in poverty and their access to public recreational amenities.

The City’s lack of regard for her vulnerable residents is clearly stated ... money is more important than people. The destruction of Riverfront Park if it were to occur is irreversible for several generations. Public recreational open space in perpetuity is supposed to be for people today, tomorrow and the future.

**Replacement Site: Negligible Impact -** FORP disagrees.

The City has no plans for environmental remediation on the City’s L-shaped parcel but will remediate the land for the luxury apartment development. The City appears to have more regard for the health of those persons of means vs. those persons of limited means – even poverty.

The increased access to the Illinois River could prove to be problematic as there has been a drowning incident down at the playground area south of the RiverPlex.

The Detweiller property is already impressed for public recreational use by the terms of Mr. Thomas Detweiller’s will which the Detweiller Playground has disregarded for more than 70 years by allowing the Peoria Boat Club to continue to lease the land. The City does not have to purchase the Detweiller property nor does the Detweiller Playground Inc. have to sell their property to the City for the Detweiller property to be returned to its public recreational use required per the terms of Mr. Detweiller’s will.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

In essence, the City is using taxpayer dollars to purchase the Detweiller property to be public recreational land when the Detweiller Playground Inc. is already charged with and should be ensuring that their land is for public recreational use.

The citizens of Peoria continue to be shortchanged when it comes to value when flooding and environmentally contaminated land is worth more than flat non flooding park land.

4.12 Mandatory Criteria

NPS USDOI LWCF Proposal Description and Environmental Screening Form (PD/ESF) provides a detailed explanation for what is required for the Section 6(f)(3) proposal [Step 3 Project Amendments B. Section 6(f)(3) Conversion Proposal].

Section 6 (f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for “small” conversions as defined in the LWCF Manual Chapter 8.

This NPS criteria is the baseline for evaluation ... Section 6 (f)(3) conversion always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA.

ALWAYS!

4.12.1 Alternative A

FORP agrees.

4.12.2 Alternative B

The City is only concerned about the environmental contamination and remediation if luxury apartments were built.

Conversion Site: Negligible Impact - FORP disagrees.

Criteria 1 - Public health and safety will be affected by the introduction of an unnecessary road built within and running through the widest flat portion of the park permanently and negatively impacting the park users and how the park can be used.

The City is only concerned about the environmental contamination and remediation if luxury apartments were built.

Criteria 10 – Yes the proposed conversion will have a disproportionately high and adverse effect on low income or minority populations. Please refer to Sections 3.11 and 4.11.

Replacement Site: Negligible Impact - FORP disagrees.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

The City is not even concerned about environmental contamination and remediation on the City’s L-shaped parcel in the replacement site area.

5 COORDINATION AND CONSULTATION

5.1 Public Availability of Draft EA

The City on page 30 of their Revised EA clearly writes and verifies that the information for which the City made available to the public on December 18, 2015 were for their “draft” Environmental Assessments.

*Per 43 CFR 46.305(b) Publication of a “draft” environmental assessment is not required.*

It appears that that may have been the method by which the City sought to seek public involvement when their ‘draft’ environmental assessment was being prepared [(46.305(a)].

*NPS USDOI - LWCF Manual Chapter 4-9 (2) Opportunity for public review and comment. At a minimum, States are required to ensure the interested and affected public has had an opportunity to review and provide written comments on completed environmental assessments for LWCF proposals. This public comment period shall be no less than 30 days.*

The City has not allowed for a public comment period of not less than 30 days. The City as well as the State (IDNR) and the NPS are in apparent violation of this mandatory NEPA requirement. The City somehow negotiated with the IDNR and NPS to decrease the public comment period to fifteen (15) days which in violation of the NEPA requirement. Just because the City made their ‘draft’ EA available for public review and comment, the City completed EA is mandated to have a no less than 30 days public review and written comment period.

**ACTION REQUESTED:** That the City of Peoria (IDNR and NPS) be required to comply with the NEPA requirement for the public comment period to be at least 30 days or more as cited above.

The City further writes on page 30 (ibid):

“According to the 2015 National Park Service NEPA Handbook, ”A revised EA may be issued without the need to initiate another public comment period (46.305) ... A final EA should include an appendix containing responses to comments and does not require another comment period.” (pg 66).

The City’s course of action is consistently unclear. The City made available a draft EA for public comment and seemingly believes that is a completed environmental assessment. Then the public comments are received and the City revises their draft EA and calls it a revised EA when the City never made their completed EA available to the public for the mandatory at least 30 day public comment and review period. Then the City issues a revised and compiled EA and seems to indicate that it is a final EA because it contains responses to comments from the City’s draft EA.

The public should not be denied the ‘at least 30 days’ public review and comment period because the City doesn’t understand the requirements contained within 43 CFR 46.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) "Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

ACTION REQUESTED: That the City of Peoria (IDNR and NPS) be required to comply with the NEPA requirement for the public comment period to be at least 30 days or more as cited above because the City’s revised and compiled EA is essentially their first completed environmental assessment.

5.2 Previous Opportunities for Public Comment

Citizens of Peoria want Riverfront Park to remain a public park period. There has always been opposition to the idea of private development in this park. The introduction of a road bisecting the park is even more egregious. This situation has been an ongoing effort by the Peoria community to preserve Riverfront Park since 2007.

The stewardship associated with being a LWCF grantee is to preserve parks and safeguard them for public use in perpetuity.

The City, a serial LWCF converter, has demonstrated time and again that they have no concept of said LWCF stewardship responsibilities.

During the first conversion of Riverfront Park, there was intense public opposition to building the RiverPlex and still the City proceeded. Then the City was allowed by the IDNR and the NPS to use as replacement land, a piece of land that was being actively marketed for development by the City. Then this 1.97 acre of strip of land (Southtown) that was not in any way comparable in value or recreational usefulness to the land on the Illinois River in Riverfront Park was approved by the IDNR and NPS as replacement land for the RiverPlex footprint. Land that is being actively marketed by the local sponsor (City) is certainly not land that would LWCF designated land that would be public recreational space in perpetuity. The sale of said land will trigger a LWCF conversion.

Why was the City allowed to sell the Southtown land prior to a completed and approved conversion application by NPS?

Then said replacement land (Southtown) was continued to be actively marketed for development by the City and was sold. Replacement land is to be found within one year. Not one or two or three or even four but five years later, replacement land (Rocky Glen) was located. Rocky Glen although beautiful is again not land that in any manner comparable to Southtown nor the original Riverfront Park Parcel which were flat pieces of land. Rocky Glen’s terrain is only for the most sure footed individuals and is certainly not disability accessible.

Why was the City allowed to purchase Rocky Glen prior to a completed and approved conversion application by NPS?

Why did the NPS approve the Southtown to Rocky Glen conversion—after all transactions had been completed?

While the City is in the process of complying with finding replacement land for Southtown, the City was already proposing to develop Riverfront Park for private development. The City again engages in the
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

same behavior of using the LWCF land as a type of land bank rather than uphold its LWCF stewardship responsibilities.

Did the NPS know that the City was working on a 3rd conversion during the time the 2nd conversion had not yet be approved by NPS?

While the City is in the process of complying with finding replacement land for Souhttown, the City is already proposing to develop Riverfront Park for private development. The City again engages in the same behavior of using the LWCF land as a type of land bank rather than uphold its LWCF stewardship responsibilities.

Citizens could not believe that the Green Edge Plan which called for dredging silt from the Illinois River as replacement land which would then be formed into islands of the banks of said river was serious. It certainly seemed like reading from a science fiction novel. Additionally, the City was not yet done with their second conversion of this park (Rocky Glen), which was finally completed five years after the sale of the first replacement parcel for the RiverPlex. Citizens came to some meetings and did oppose development and asked for Riverfront Park to be preserved.

In 2008 a RFP was issued by the City and then the great economic downtown came along and citizens really were trying to keep their heads above water. Then another RFP in 2012 and the process continued to destroy Riverfront Park. The City even writes in a June 25, 2013 Request for Council Action document that the City has been trying to develop 22 acres of the LWCF Riverfront Grant for residential development.

In 2015, the pace picked up and there were more definite plans and documents being developed for the public to comment on in the form of a redevelopment agreement with the developer. In March and April 2015, the groundswell of public opposition to development was on the flip side a massive wave of support for the retention of Riverfront Park as a public park. The developer wondered where all this opposition came from as he had been speaking with city council members and had no indication that there was public opposition. The Peoria Boat Club was adversely affected, their membership has decreased by more than half and their existence continues to be precarious due to continued uncertainty.

In 2016 and now into 2017, the citizens of Peoria remain engaged to preserve their beloved Riverfront Park as a public park.

It has now been ten (10) years that citizens have advocating for Riverfront Park to remain a public outdoor recreational park in perpetuity as original promised by the City.

ACTION REQUESTED: The NPS terminates the EA process and denies the proposed 3rd LWCF conversion of Riverfront Park in Peoria, Illinois. That this beautiful linear park be preserved as a public outdoor recreational space for today, tomorrow and perpetuity.
6 Miscellaneous Comments

6.1 NPS Knowledge of Proposed 3rd LWCF Conversion of Riverfront Park

The NPS relies on the IDNR about proposed conversions. The IDNR knew in 2007 that the City was proposing to development their LWCF park via an email between Craig Hullinger (City) and Jan Nation (IDNR).

Did the IDNR follow the required protocol and notify the NPS of the proposed 3rd conversion?

"States shall consult with NPS when conversions are proposed or discovered and prior to making the formal request to NPS." [NPS LWCF Manual (Chapter 8-5) Prerequisites to the NPS consideration of conversions.]

Did the NPS know that the 2nd and 3rd conversions of the same LWCF park, Riverfront Park, the only LWCF parcel under the City's stewardship was running on parallel conversion tracks?

6.2 Figure 2 – Conversion and Replacement Areas

Conversion Site:

The City does not show the proposed extension of Water Street which is also an area to be converted.

The City does now the orphaned land, impacted land remaining at this site, the Morton Street extension, the subdivision fragments et al.

Replacement Site:

The City includes the City L-shaped parcel which requires environmental remediation as part of the replacement area and claims in the document that it is not part of the official 6(f) map.

The City includes the to-be vacated portions of Spring Street but does not include them as part of the official 6 (f) map.

The City does not show the proposed carve-out for the Peoria Boat Club which is not allowed per the Non Judicial Settlement Agreement issued by the Illinois Attorney General’s Office required as a purchase condition of the Detweiller Playground Inc. parcels.

6.3 Figure 3 – Current 6 (f) Boundary Map

The City shows the approximate 36.6 acre boundary for the original LWCF development and acquisition grants called Riverfront Park.

The City does not show the property known as Rocky Glen (approximately 66 acres), the City’s 2nd LWCF replacement parcel for Riverfront Park as part of the City’s current 6(f) Boundary Map.
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

The City conveyed Rocky Glen to the Peoria Park District on February 14, 2014 and the Peoria Park District is now the LWCF sponsor for Rocky Glen.

6.4 Figure 4 - Proposed 6 (f) Boundary Map

Conversion Site:

The City does not show the proposed extension of Morton Street which is also an area of the park which will be converted by the proposed luxury apartment development.

The City does not show the orphaned land, impacted land remaining at this site, the subdivision fragments et al which must be included as park land that can no longer be used as park land.

The amount of park land impacted by this proposed development is not accurately reflected in the proposed 6(3) Boundary Map.

Replacement Site:

The City does not include the City’s L-shaped parcel which requires environmental remediation as part the proposed 6 (f) Boundary map.

The City shows that the City’s L-shaped parcel provides for a seamless connector between the remaining portion of the proposed converted parcel and the proposed replacement properties on the City’s Figure 5 – Concept Site Plan but does not include it as part of the proposed 6 (f) Boundary Map.

The City does not include the to-be vacated portion of Spring Street as part of the proposed 6 (f) Boundary map.

The City does not include to-be vacated portion of Spring Street as part of the proposed 6 (f) Boundary map but claims them a part of the seamless connection between the remaining portion of the proposed converted parcel and the proposed replacement properties on the City’s Figure 5 – Concept Site Plan.

The City shows the proposed carve-out for the Peoria Boat Club which is not allowed per the Non Judicial Settlement Agreement issued by the Illinois Attorney General’s Office required as a purchase condition of the Detweiller Playground Inc. parcels being proposed as part of the replacement site.

6.5 Figure 5 – Concept Site Plan

Please refer to Section 6.5 – Replacement Site.

6.6 Table 1 – Impact of Flooding on Proposed Park

The City has provided a table which lists a single data point for each flood event. Flood events at 18.0 or higher usually come on slowly and can take several weeks for flood waters to recede. A flood event which last several days or weeks should be represented by each data point that is shows flooding at 18.0 feet or higher. These multiple data points for a single flood event demonstrate the unsuitability of the
Friends of Riverfront Park (FORP) Written Public Comments (2/20/17) to the City of Peoria’s (City) “Revised and Compiled Environmental Assessment” (EA) (published 2/4/17)

proposed replacement properties for comparable recreational usefulness. The prolonged flooding makes the park useable for prolonged periods of time. The City represents only one data point and seems to indicate that the flooding only lasts one day.

Please refer to Section 3.5.

6.7 Table 2 – Mandatory Criteria for LWCF Proposals

The City presents a table and does not individually answer the twelve (12) mandatory criteria which are supposed to be individually answered. This is unacceptable.

The City must be required to evaluate and answer each of the twelve (12) questions separately.

6.8 Appendix D – Draft EA Concerns and Responses

The City has not provided adequate answers in response to public questions from the City’s Draft EA from December 2015, including but not limited to the Uniform Act.

The City should be required to provide these answers to the public.

ACTION REQUESTED: The NPS uphold the Uniform Act regulations and ensure the City of Peoria complies with these regulations regarding appraisal process, timing of title insurance, just compensation, relocation expenses et al.