GP 96

December 30, 2002

Karen Hagerty
USACE, **Rock** Island **District, Clock** Tower Building
P.O.Box 2004
Rock Island, IL. **6**1204-2004

Re: Daybreak EA/Lease

Dear **Karen:**

It's herd to know where to start with these comments. I'll share some of the conclusions followed by the details.

Conclusions:

33-33 1. ~~**This is not a camp**~~. Referring to it **by** that name is in itself offensive, shows a purposeful intent to mislead and a **serious** lack of how to even use that basic word.

7-6 2. You have **failed** to meet and document **the** Statement **of** Purpose of the Corps Administrative **Policy on** page iv. **All** four purposes were quoted **by** you but not one of them documented - not even one!

31-17 3. The errors and omissions in the **Figures** and Data **section** are at best pathetic. I list **27** of them, many repeated **over** and over. The worst being inaccurate scale **on** maps you attempt to draw **serious** conclusions from. ***I insist on a letter to the Johnson County Board of Supervisors stating you made an error in showing the Zoning there.*** It could have **serious** consequences **on our** property values, taxes and development.

6-1 4. **Most** serious **of** all **was the** constant **reference** to the use **of** the **1977** Master Plan - **yet** you use two Land Use provisions in total ***error.*** Those **serious and** unforgivable ***errors*** alone ***makes*** the whole report invalid.

6-15 5. About as bad is the ***error*** to base **your EA** and lease plans/construction to include *areas* **off** the **lease** boundaries. **And** in a clearly designated Wetlands. Why?

6. **Numerous** other ***errors*** and omissions are related to Traffic, Wastewater Treatment, Soil conditions, **Wildlife** and totally failing to address **security** from **a *group*** who have **no** admitted expertise in **running** a **compound.**

33-27 7. In the process of **all** this **you** have seriously insulted the Girl Scouts **by** misquoting their fundamental purpose. ***I ask for that statement to be taken out of this report and an apology in writing sent to them***

32-4 30-10 8. **How** you can possibly approve this proposed use and lease **when** there are no neighbors, community **leaders and** all municipal governments telling you its a bad idea. **This is** based on the violation of most county regulations while not meeting state wastewater standards without variances - variances you don't even know you can get. Doesn't any of that mean anything in an EA study - or in just your using plain common sense? That's **a** very **scary** thought.

Summary

Based on the findings and conclusions reached, there is no logical way you can consider this EA/Lease proposal based on the failure to abide by your own Master Plan and the errors and omissions about the site. Then there's that common sense thing.

With the limited time given over three national holidays, we have not had time to compare notes with others effected. Your time period worked, at **least** for that purpose. These comments must therefore be limited to an incomplete review **of** many other parts of the study. Hopefully others can comment on those. Our detailed comments are attached. 29-1

Sincerely,

Tom & Doris

Tom/Doris Woodruff
4115 Rodeo Road
Davenport, **Iowa**

Dec. 28th, 2002

Additional Comments **to add to** the **EA**

To:COE - Karen

I want the following excerpts from a letter sent to a Coralville Resident, included in my comments about the **EA.**

"First let me **say,** this proposal at Daybreak is not **a** camp, it is as ***MYCA*** themselves call it, a Compound. **Our** Johnson County Attorney calls it a Commercial enterprise. Second, and most important, adjoining neighbors and your elected officials, have never opposed the **group,** but the *size* of the proposal. The Johnson County Board of Supervisors have in fact offered to help **them** find a site for their Compound.

In spite of that offer(see the **January** 13th, 2001 Meeting tape and **long** before 9/11), after legitimately questioning the overall **plan,** they(Superviors) were called a ***"Kangaroo*** Court". Not a good **omen** for resolving future problems.

A little research will tell you MYCA did purchase private property for such a Compound bordering Corps property on the north side of Coralville Lake. The Board vacated Roberts Ferry Rd leading to the lake through that property so as to make the site more adaptive for this purpose. For some reason, in year 2000, their minds went blank when reminded by then **supervisor Duffy of this1990 plan.**

Then as recently as early 2001, they attempted to rezone that private property to negate any zoning for a compound type operation and thus avoid criticism for not using their own very valuable private property(?). The *Corps* could still consider leasing them adjoining COE lake property if they(MYCA) were willing to build on **their on land. Why not?**

Comment - COE, are you aware of this?

Very important to understand is that this proposed compound violates almost every land-use regulation that residents developed and support related to green space and the environment in Johnson County. Talk to the Johnson county P & Z staff. Read the EA prepared for this project. It clearly points out this alternative will **NOT** meet County Standards and any **IDNR** waste and water standards without variances.

Doris and I would more than welcome you to visit us at Sherwood Forest and to share our woods and the beautiful adjoining Daybreak wildlife area. We really believe the Daybreak site can **be** used for a more public environmental sensitive site.

Sincerely,
Friends, Tom & Doris Woodruff
E-mail:APWood70@aol.com

Tom

Detailed Response to **The COE** EA/Lease Study

Dated Sept 16,2002 and **based on:**

a) A 1977 Master Plan(with **'60's** data)

b) A Three day EA Field Study in the summer of 2000

c) A **Study** that ran **400%** over time schedule **and** not sent **us** until November 20th, **2002 for** comment over a three holiday time period. **A** request for a comment time extension denied.

First Omit **any reference in the EA Study to the word Camp. This** is not a camp by any definition. **If** you want to have **any** credibility, the first thing 33-33 ***you*** will change is the name "Camp". Suggest calling it **a** "Compound" as **MYCA** has in their correspondence.

Lets start with the Figures and **Data** shown on which you base your studies.

Fig. 2-1 Project Location

- Omission -At least ten homes adjoining the site not shown
- Omission - the Shoreline boundary line elevation that designated the perimeter of the **106** acres not shown. Why? 31-17
- **Error** - North Liberty City limits
-

Figure 3-1 Alternative 1 **MYCA** Lease

- Omission - property boundary elevation lease designation(E1.696 ')
  (Important!! - **this** lease is 20 feet below the **1993** Flood elevation)
- Omission -Whats the encircled "C"?
- Error - Caretakers Guard House not where survey located it during study.
- Omission - failed to note private Cumberland Ridge Rd on map Inset "A". Why?
- Omission -What's the big circle on the lodge **supposed** to be? Identify & purpose.
- . Error - Your scale is screwed **up** ????
- Error - Roadway already exceeds 18' - please correct or explain.

Figure 3-2 **Alt.** 2 Reduced Use Lease

- Same errors/omissions as Fig 3-1 except lodge

Figure 3-3 Alt. 3

- Why would you want to remove only one of two(you only show one) perfectly repairable pit toilets for this designation? Inattention? 31-17
- **Errors - Your** boundary lines on all *your* figures are inaccurate along Cumberland Ridge Road. Several offsets not shown.

Figure 4-1 Soils of Proiect Area(NCRS source 1983?)

- Have you checked the previous use of these Legends ie 163c? Can we assume they mean exactly the same as they did in a land inventories you did in the1990's? Please respond to this question.
- Important here are the slopes. Can you by state/government standards build/site/waste discharge on these slopes? This is not addressed in your report so please respond in your EA. 13-10
- Error - The note "Approximate Flood" line on the east shore is totally wrong! Why don't you put that designation on the Daybreak site? Why?
-

Figure 4-2 Environmental Resources of Proiect Area*(where to start?)*

- Error - Osprey nest site locations. Probably effects some regulation. Check. 9-7
- **Error** - Scale incorrect in many locations yet conclusions based on this **map?** 31-17
- Omission - Numerous plated roads not **shown - others** are? Sloppy work.
- Omission - Important - Four(4) private wells not shown. The one **shown** is **so** totally mis-located that.....! 13-6
- Why even bother **with** noise receptors **unless** you use actual comparative sites where **similiar** Compounds are located?
- Omission -Your Lease(property) line elevation **is** not shown. Why? Are you serious about leasing/developing 20 feet below the **1993** flood line? Who pays for flood damages?
- Omission - Where's Cumberland Ridge Road? **And** Lorie Lane? And Deanne Dr.? And Blue Heron? **And...?** Wh yshow some/not others?
- How can you use /leaseareas designated as "Wetlands" on this map?
- ***Important - You have failed to abide by the Shoreline Designation from your very own 1977 Master Plan -Appendix "F". This omission is enough at this point to completely throw out all of this EA study. We will press that omission and document where you knew and applied this restricted use Shoreline Designation as recently as 1990 - along with hundreds of other errors/omissions listed so far.*** 61

Figure 4-3 Land Use of Project Area

- **Omission** - Again, you fail to show all roads that impact the site and development that has occurred in that area. Explain **why?**
- **Error** -It appears you are in serious error **showing** and subsequent development of ***"Protected Shoreline"*** areas. Doesn't agree with and in violation of **your** outdated, but used, **1977** Master Land **Use** Plan. 6-1
- **Error** -You show A3 zoning in error. Correct or **my** property use in violation of county regulations. Advise **me** immediately of that correction
- **Error** - you have a serious error in designating the Daybreak site as 'Recreation- Intensive Land Use". Recent land-use studies you yourself have done verify the Daybreak area as either Recreation - Low Density Use and Reserve Forest Land. We will pursue this **serious** omission to the point of voiding the EA study. Show us where we are in error. 6-1

Figure 4-4 Traffic Volumes of Project Area

- This map background **is** so out-of-date that it undermines any confidence in the **data** associated with it. Wen you get it corrected, we will comment. 22-13
- You should not show Cumberland Ridge **as** you do public roads in the area. Why not show all private roads - significant to the data you present.
- Those **traffic** numbers you present are bogus because of time and development since taken. At least **four** families on Cumberland Ridge alone now have driving teenagers(and buddies) **since** this data was gathered. That's only a small fact in the overall changes.

Figure 5-1 Wastewater Treatment Setback Limits of Project Area

(This is one Figure you should have got right. It so misleading of the facts as to totally misrepresent the EA study. Unfortunately some State or Federal Agency may look at is as correct). I'm sending this map to the IDNR with comment so they to don't get confused.)

- **Error** - There are other area wells, not shown, that effect the set back limits. 13-6
- **Error** - The homes shown in Cumberland Ridge are not even close to actual location and reality. 31-17
  What's that left-over black dot doing in east Cumberland Ridge II?
- **Error** -You have completely forgot home/s in Sherwood Forest, Nowotnys
- **Errors** - You have completely forgot numerous wells effecting that may effect these set back limits thereby sending an inaccurate and misleading message of the maps intent.

Executive Summary Comments:

7-6

p.iv. I quote from **your** study and statement of purpose "*Corps administrative policy requires that* ***land use decisions should:***

1. "Provide the best possible combination of responses to regional needs, resource capabilities and.. ....."

   Comment - *Show where in the EA you have done that. It's not there. Failure to do this is a clear violation of this policy*

2. "Contribute toward **a high** degree **of recreational** diversity **within the region".**

   Comment - *Show where* ***you*** *have verified* ***you*** *have done that. You can't because its not addressed. What* ***is*** *diversified about another camp area and hiking trails? Did you consider something really diversified and much needed like quiet or birding areas etc. etc. ? List some.*

3. "Emphasize **the particular qualities, characteristics, and potentials of the project".**

   Comment - *Compared with what? What criteria did* ***you*** *use (show the page)* ***and*** *show the actual comparison with this criteria you made while looking at other organizations.*

4. **"Exhibit consistency and compatibility with national objectives and other state and regional programs.**

   Comment - *Where did you do that in this report? Not there. What are the national objectives you considered. List them. Show* ***us*** *the State and regional programs you compared this project with. Why didn't* ***you?,***

Summary - You have clearly failed to make the case in this EA for all four of the Criteria that your own national administrative policy requires. Without that documentation, your EA is seriously flawed and can not be used.

Selected Sections and Comments/Questions in the EA.

1.2 p.1 Purpose and Need

"Very little opportunity **exists** within ***Corps* managed or leased recreation developments to meet the needs** of **nonprofit** group **activities"**

Comment - *What? Are nonprofits restricted from the other thousands of acres always open to the public?* ***Going*** back *to your Administrative Policy* on *Land Use Decisions - where does it specifically say you are to favor any nonprofit group? If so, why did you fail to publicly open this opportunity to many other nonprofit groups?* 1-2 2-3

2.1 Previous use

Comment - *Where did you get this information?. It is so totally inconsistent with 30 years* ***of*** *owning land next to Daybreak and being a part of many of the activities and friendships with those involved. Let* ***me*** *tell you, there* ***was*** *little activity year 'round I have a fully detailed letter provided to the* ***Johnson County*** *Board of Supervisors* ***on*** *this subject. Ask me* ***for*** *it before the final EA decision. The water system described is inaccurate and the leachfield you describe was certainly not verified.* 31-21 33-27

NOTE:

I take issue with and am personal. insulted by the statement that the primary purpose of the girls scouts "was to provide other organizations with similiar beliefs and principles the opportunity.... ". Anyone and everyone was invited and could be **part** of that group - and no membership fee as now proposed. If you make that statement then you must be prepared to back it **up,** Show **us** what credible source gave you that. **Or** Apologize!

p.vii Preferred Alternative

" The **MYCA** Lease(and reduced Use Alt.) does not meet the current state standards for location of wastewater treatment facilities."

Comment - *Just think a minute about your recommending a project that doesn't meet state standards. That's really an "in your face" decision to the public. Do you really mean that? cDo you really plan to issue a lease and tie up 106 acres of public land while these issues are being addressed? Explain your plan of addressing a lease under these conditions.* 3-14

4.5 p32 Social Environment

Comment -*This section completely destroys your logic in section 1.2 where you state that there is a need for nonprofit groups to have locations where they can participate. Explain the contradiction.* 6-19

p33 4.5.2 Land Use and Zoning

Comment - *An error in your statement that other subdivisions bordering this site have smaller lots. Both the Nowotny and Sherwood Forest are the same or larger in lot size. Please correct that statement or both subdivisions mentioned are in violation of county zoning. Advise when you have corrected that statement,*

Another error - land to the west of Scales Bend road does not have an outstanding plan to plat it. Your study is two years out of date. Please correct that and notify the owner that you have or he is in violation of county zoning. 31-11

Interesting that you say absolutely nothing about the compatibility with present county regulations there. What are your thoughts about dumping a Commercial 365 day/year, 24 hours per day, 7 days a week facility in the middle of a residential area? No impact? 16-3

p.35 Existing Traffic Conditions

Comment - *Your traffic counts are completely out of date - 1998? Four years ago the area was almost totally rural. This is pretty bad data.* 22-13

p36 Noise

Comment - *How can you not include non-motorized craft from this proposal? And to not include youth activities, delivery and road maintenance traffic etc. clearly shows a misunderstanding and a situation not well understood.* ? **Many of these activities go on and on and on. Quite a comparison with what has been there the past thirty years and yet you say - no environmental impact? Did you put noise receptors on teenage youth camps anywhere to get correct readings?** 25-5

Serious Errors/Omissions in Daybreak Land Use Designation

1. Designated Land Use as Recreation - Intensive Use. We have reviewed your 1977 Master Plan for Coralville Lake and question the designation of Daybreak being 'Recreation - intensive use". It is shown on your Management Zones map as "Existing Use". Nowhere can we find it as you propose. Areas marked as Intensive Use are clearly shown. 6-1 6-1

This is further verified by your own 1990 Resource Inventory made where Daybreak is divided into smaller sections with the Master Plan referenced. All portions are either designated "Reserve Forest Land(RF)" or "Low Density Recreation(LR)".

Comment - ***This appears to void your whole EA study, the thoroughness of your study and ultimately your faulty recommendation.***

2. Proposed Use of the Lake Shoreline - It appears again you are in clear violation of Appendix "F" to the Master **Plan. All** areas along **the** shoreline by Daybreak are clearly marked "Protected Shoreline - No private or public development. Environmental area". 6-1

Comment - ***It appears you once again may be in clear violation of your oft-quoted 1977 Resource Master Plan. This voids any further action on the EA study and lease proposal.***

3. One more Omission - Your lease clearly designates the lease boundary going to el. 696. **Any** proposed construction or use below that level is off the easement rights. Water and shore use at **the** normal summer pool el. of 683 must be prohibited and should not be a **part** of the overall plan. That boundary easement line just adds to the problem of the proposed and unlawful use of the Master Plan designated Protected shoreline. 6-15

Comment - ***Once again it appears your reliance on your own Master Plan must void any further study and action on the EA and Lease.***

!

Neighborhood/Community Security You Fail to Address in the EA

1. Why?
2. Your lessee admits concern on their part and ask for your help. Where's ours? 5-4
3. The CQE can't police hundreds of kids using and parking on nearby roadways down at "diving rock (COE property)". What will change? 3-1
4. When parking is filled at the Compound, people aren't going to drive very far to park, they will use the nearest roadway or drive entrance whether public or private to do it. That's common sense - you do remember what that means? Then what happens when we attempt to have a car towed from blocking our drives etc.? The community will be over matched both due to millions of overseas dollars that play by different rules and by the COE's demonstrated inability *to* react. 22-11
5. There has been a very serious incident related to opposition to this over use of the Daybreak Site.. Authorities investigated and photographed disgraceful acts of a possible life threatening nature. These are on file with an attorney to be used in case of any negative incident related to the COE Lease of Daybreak. A system of notifying major news media is in place through an Attorney should anything happen - or - if this EA is approved and a lease given prior to the COE providing the Daybreak neighbors and law enforcement with an approved(by us) adequate plan and financing for our security and protection. **Write that down.** 21-18

Comment - ***On file is the media article on the COE Commanders out-of-town reaction and concerns about his staff on Arsenal Island on 9/11. A secure location very much unlike the Daybreak neighborhood, yet he worried. Who should be worrying more? Colonel., you must know how we feel for our families due to the above plus significant traffic increases on that narrow road and no confidence in the COE's demonstrated ability to provide security.*** 5-8

This failure to address security should postpone the EA and certainly any consideration for a lease until it is addressed.

Jaw

Addendum to 12/30/02 EA Letter (by Tom Woodruff)

Omission: You failed to address all site lease locations for **this** compound. ***It has been pointed out to you numerous times (not by MYCA) they had bought private land for this purpose in 1989 on the north side of Coralville Lake located off Roberts Ferry Road This purchase adjoins hundreds of beautiful and remote acres of COE land adjacent to the lake. In their filings for non-profit status, they clearly*** say ***they have an alternative to the Daybreak site. Your intentional omission raises serious questions as to why you fail to address this alternative.***

2-2

When I discussed the four alternate sites referred to on page iv and v of the **EA** study, you told me you didn't study **this** site (or even **show** it in your study sites) because it was designated as Forest Reserve. What? **A** large part **of** the proposed Daybreak lease area is designated the same. Why not ask them to use their own land and lease adjoining **CE** land for hiking/recreation just **as** you are planning to do **on** part of the **106** acres at Daybreak?

You intentionally omitted **this** site. Explain **why.**

Conclusion - Your study **is** incomplete, shows **a** serious and purposeful intent to deceive the public and the **EA** should be thrown out.

A little background on that private ***MYCA*** land. They bought the approx. 34 acres in 1989 and successfully petitioned Johnson County to abandon Roberts Ferry Road through it. By the way, Roberts Ferry Road was the **only** available access to Coralville Lake for miles in either direction. **Was** the COE notified and if so, why didn't they intervene?

At a Johnson County Supervisors Board meeting in 2000, Supervisor Duffy reminded them of this purchase and purpose and the assistance Johnson County gave them in the road vacation. Their minds went blank. Finally former MYCA rep. Chaffee said the site was too **small????** Too small, it was obvious he had never visited, or even known about this very valuable developmental site. This private property has hundreds of very remote lake adjoining COE acres to access!

Then in 2001, ***MYCA*** attempted to rezone the site in such as way as to possibly make the requested zoning not meet standards for a compound such as proposed at Daybreak. When they failed, they wanted their study money back! Interesting.

Respond specifically as **to why the EA failed to look** at leasing **COE** land **adjoining this MYCA private property that was purchased this very purpose.**

Hagerty, Karen H MVR

From: apwood70@aol.com

Sent: Thursday, January 02,2003 1:58 PM

To: Hagerty, Karen H

Subject: Daybreak Compound EA

Karen:

Correct an obvious word choice in my Cover letter of 12/30/02.
Item #8 , first line should read, ".....when there are "**all**" neighbors ....." instead of the word **"no"** neighbors.....,I

You still haven't responded to my earlier question **as** to whether or not MYCA did purchase the Daybreak site as they reported nationally. I asked you to check that out and, if in error, correct it with them. OR **IS** THAT TRUE TOO?

Also, **I** asked you to send me the original notes related to granting that lease - the original stuff. When can **I** expect that? 3-18

Thanks for confirming that the **EA** is based totally on the 1977 Master Plan for the Coralville Reservoir.

Tom Woodruff