



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Illinois Division**

March 17, 2020

3250 Executive Park Drive  
Springfield, Illinois 62703

In Reply Refer To:  
HDA-IL

Reid Nelson  
Director, Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

Subject: Request Advisory Council on Historic Preservation's Opinion on Application of  
Criteria of Adverse Effect, Proposed Undertaking in and Adjacent to Jackson Park,  
City of Chicago, Cook County, Illinois

Dear Mr. Nelson:

Pursuant to 36 CFR 800.5(c)(2)(i), the Federal Highway Administration (FHWA) hereby requests the Advisory Council on Historic Preservation (ACHP) review the finding of effect for the subject undertaking. The FHWA is seeking the ACHP's opinion as to whether the adverse effect criteria have been correctly applied. One consulting party objected to FHWA's determination that the undertaking will have "no adverse effect" on the Jackson Park Terrace Historic District.

The FHWA determined the undertaking will have an "adverse effect" on historic properties, which is documented in the final Assessment of Effects (AOE). While the overall undertaking's effect determination is "adverse effect," within the AOE the FHWA made effect determinations for each historic property within the Area of Potential Effects.

The AOE was made available for consulting parties and the public to review beginning January 16, 2020 and the opportunity to either concur or object to those findings concluded on February 18, 2020. The FHWA received twenty responses to the final AOE, including replies from the ACHP and the Illinois State Historic Preservation Officer (SHPO). Neither the ACHP nor the Illinois SHPO objected to the effect findings in the final AOE.

Most of the concerns expressed in the comments objected to the location and design of the Obama Presidential Center, the location of the Urban Park and Recreation Recovery replacement site, the public process, the alternatives, and the role of the Federal government in the resolution of adverse effects. These issues are not subject to the dispute resolution process described in the Section 106 regulations because they are not related to FHWA's application of the criteria of adverse effect.

Several consulting parties "objected" to the "no adverse effect" findings for historic properties surrounding Jackson Park. However, the consulting parties did not provide specific reasons for

their disagreement with the FHWA's findings. Therefore, FHWA is not reconsidering its findings with respect to those objections.

The FHWA is enclosing the documentation specified in 36 CFR 800.11(e) so that the ACHP can evaluate whether the adverse effect criteria have been correctly applied with respect to the Jackson Park Terrace Historic District. The FHWA has determined the undertaking will have "no adverse effect" to the Jackson Park Terrace Historic District and a consulting party has objected to the finding.

Concurrently with the submittal of this documentation to the ACHP, the FHWA will notify all consulting parties that we have requested the ACHP's opinion on the effect finding. Additionally, the documentation we are submitting to the ACHP will be posted on the City of Chicago's website to make it available to the public. Please contact Matt Fuller at FHWA via e-mail ([Matt.Fuller@dot.gov](mailto:Matt.Fuller@dot.gov)) or by phone (217-492-4625) with any questions.

Sincerely,

Arlene K. Kocher  
Division Administrator

Enclosure

**Section 106**

**FHWA Response to Objection Letters (36 CFR 800.11[e])**

Proposed Undertaking In and Adjacent to Jackson Park  
Jackson Park, City of Chicago, Illinois

Prepared For:  
Federal Highway Administration (Lead Federal Agency)  
National Park Service  
U.S. Army Corps of Engineers  
Illinois Department of Transportation

March 16, 2020

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## 36 CFR 800.11(e) Documentation

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

The **undertaking** comprises the construction of the Obama Presidential Center (OPC) in Jackson Park by The Barack Obama Foundation (Foundation); the closure of roads to accommodate the OPC and to reconnect fragmented parkland; the relocation of an existing track and field on the OPC site to adjacent parkland in Jackson Park; and the construction of a variety of roadway, bicycle, and pedestrian improvements in and adjacent to the Park.

The Federal actions proposed include the proposed amendment of the UPARR grant agreement and 1010 boundary by the NPS; funding of roadway improvements and bicycle and pedestrian enhancements by FHWA; and potential Section 404 permits and Section 408 permissions by the US Army Corps of Engineers.

The City of Chicago (City) has approved the construction of the OPC project in Jackson Park. The Foundation is privately funding the construction, future operation, and maintenance of the OPC. Further details of the undertaking can be found in the Assessment of Effects to Historic Properties for the Proposed Undertaking In and Adjacent to Jackson Park (AOE), sections 1.1-1.4.

The **Area of Potential Effects (APE)** was determined at the initiation of the project in 2017 by the Federal Agencies with the State Historic Preservation Office. There were two different geographic areas determined to have potential effects, one for archaeology and one historic architecture/landscape. After consultation with consulting parties, the APE for historic architecture/landscape was expanded in 2018. Descriptions of each APE are below.

The **Archeological APE** is documented in the Section 106 Archeological Properties Identification Report which was completed in February 2018 by the State of Illinois, Department of Transportation and can be found here: [https://www.chicago.gov/content/dam/city/depts/dcd/supp\\_info/jackson/2018-03-19-Arch-Report.pdf](https://www.chicago.gov/content/dam/city/depts/dcd/supp_info/jackson/2018-03-19-Arch-Report.pdf). This report includes maps and photographs of the archeological APE and documents the results of field investigations and subsequent recommendations. The boundaries of the Archeological APE lie within the Jackson Park Historic Landscape District and Midway Plaisance (Fig. 1.3). The State Historic Preservation Office concurred with the findings of this report on September 12, 2018.

The **Historic Architecture/Landscape APE** is the basis for the Section 106 Historic Properties Identification Report (HPI) which was prepared by consultants on behalf of the National Park Service and the Federal Highway Administration. This document was initially drafted in March 2018 and then updated in May 2018 after review with consulting parties. The State Historic Preservation Officer provided concurrence with the final report on July 10, 2018. The final report can be found here: [https://www.chicago.gov/content/dam/city/depts/dcd/supp\\_info/jackson/hpi-report.pdf](https://www.chicago.gov/content/dam/city/depts/dcd/supp_info/jackson/hpi-report.pdf). The HPI Addendum is dated January 2020 and is found here: [https://www.chicago.gov/content/dam/city/depts/dcd/supp\\_info/jackson/hpi\\_addendum.pdf](https://www.chicago.gov/content/dam/city/depts/dcd/supp_info/jackson/hpi_addendum.pdf)

The HPI includes maps of the historic architecture/landscape APE which was divided at the Illinois Central Railroad Viaduct into an eastern and western section due to its size (Appendix A of the HPI, found on the project website here: [www.tinyURL.com/JPimprovements](http://www.tinyURL.com/JPimprovements)). The APE is centered on Jackson Park and the Midway Plaisance but extends to include portions of the Hyde Park, Woodlawn, and South

Shore communities. Documented in the HPI are the historic resources within the APE either listed on the National Register of Historic Places (National Register) or eligible for listing on the National Register. This includes both individual resources as well as districts, and the report also discusses the cultural landscape resources of Jackson Park and the Midway Plaisance. Extensive appendices include photos of the resources as well as historic surveys noting the eligibility criteria for resources not yet listed on the National Register.

**(2) A description of the steps taken to identify historic properties;**

The identification of historic properties and resources within the APEs identified for the undertaking was initiated with the first public consulting parties meeting in December 2017. At that time, a proposed APE with historic resources was presented for discussion and the consulting parties were asked to provide comment and note other historic resources that may not have been identified. This was an iterative process that resulted in extensive historic surveys conducted to determine possible eligible historic resources in addition to those already listed on the National Register. The entire process is documented in section 2.0 of the AOE.

**(3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;**

Table 5 in the AOE lists two historic properties that would be adversely affected and five historic properties that would be affected but not adversely by the undertaking. Table 1 in the AOE summarizes the criteria by which these properties qualify to be listed on the National Register. The two properties that have adverse effects are: (1) Jackson Park Historic Landscape District and Midway Plaisance and (2) the Chicago Park Boulevard System Historic District (CPBS). The Jackson Park Historic Landscape District and Midway Plaisance is listed under Criterion C for its landscape architecture and architecture. The CPBS Historic District is listed under Criterion C for its landscape architecture and architecture and under Criterion A for its association with community planning and development.

**(4) A description of the undertaking's effects on historic properties;**

After applying the criteria of adverse effect as described in 36 CFR 800.5(a)(1), a finding of adverse effect was found for two historic properties as a result of proposed landscape changes, as mentioned above. A finding of no adverse effect was found for five historic properties. Although the undertaking would not have an adverse effect on the characteristics for which those five properties were found eligible for listing on the National Register, the undertaking would change the neighborhood setting, thereby changing to varying degrees the outward views from the five properties. Finally, no effect was found for 31 historic properties. A detailed discussion of methodology and effects is found in section 3.0 of the AOE.

**(5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects;**

With respect to the Jackson Park Historic Landscape District and Midway Plaisance, the proposed undertaking would alter contributing resources of the historic property by altering its Spatial Organization, Land Use, and Views; Circulation; Topography; Vegetation; and Buildings, Structures, and Small Scale Elements. With respect to the CPBS Historic District, the adverse effect on the Jackson Park Historic Landscape District and Midway Plaisance constitutes an adverse effect on a contributing

resource of the CPBS Historic District. The adverse effect on the Jackson Park Historic Landscape District and Midway Plaisance and on the CPBS Historic District do not render either historic property ineligible for listing on the National Register. Section 3.0 of the AOE provides a detailed analysis of the criteria of adverse effect as they apply to the historic properties identified in the HPI.

The analysis of effects in the AOE also recognizes that the undertaking would change views of Jackson Park Historic Landscape District and Midway Plaisance from certain historic properties in the vicinity. Appendix D of the AOE provides simulated street-level and elevated views from a range of properties. Changes in views were analyzed in relation to the criteria for which historic properties are eligible for listing. While a few historic properties would experience altered views, none would be adversely affected by the altered views because in each case the view does not contribute to the basis for which the historic property qualifies for listing on the National Register.

Measures to avoid, minimize, and mitigate adverse effects are discussed in section 5.0 of the AOE. The Federal agencies considered comments from multiple consulting parties suggesting that the OPC be relocated outside of Jackson Park to avoid the adverse effect. However, the Federal agencies concluded that they cannot require the City of Chicago to change the location of OPC from Jackson Park to another location nor can they require changes in the scope or design of the OPC site because it is not within the scope of their Federal authorities to do so. Recognizing the siting and design of the OPC are not subject to Federal authority, the AOE summarizes the measures of the City as well as those of the Federal agencies. The report also acknowledges in section 6.0 that a Memorandum of Agreement (MOA) would be developed and may identify additional measures to avoid, minimize, or mitigate adverse effects that are within the Federal authorities.

#### **(6) Copies or summaries of any views provided by consulting parties and the public.**

Over 70 organizations with an interest in Jackson Park or the surrounding community areas are actively participating in the Section 106 review as official consulting parties. FHWA and the other agencies leading this Section 106 process have facilitated several meetings with the general public as well as dedicated consulting parties meetings for input at each milestone. In December 2017 the agencies held the first consulting parties meeting to discuss the Section 106 process; the second consulting parties meeting was held in March 2018 to present the HPI; the third consulting parties meeting as well as a public open house were held in August 2019 to present the draft AOE. A timeline and materials from each meeting can be found on the project website at [www.tinyURL.com/JPimprovements](http://www.tinyURL.com/JPimprovements). These materials include a detailed summary of public comments on the draft AOE and related responses by the Federal agencies (posted January 16, 2020) as well as a summary of comment themes that was presented at a consulting party webinar (posted January 23, 2020).

The final AOE was issued publicly on January 16, 2020 by posting it online and sending notice to the project email list, including all consulting parties. The deadline for response was 5:00 PM on February 18, 2020. FHWA received 20 unique letters commenting on the final AOE, 15 of which were from consulting parties. These letters are compiled in Appendix A.

Notably, the Advisory Council on Historic Preservation and the State Historic Preservation Office did not object to any of the findings outlined in the final AOE. Both requested that the MOA outline the process and input opportunities related to finalizing the design of the Midway UPARR recreation replacement site. FHWA and the City agree that this is an appropriate use of the MOA and intend to meet this request.

## Additional Items Requested by ACHP

- (1) Clarify which avoidance measures were considered while finalizing PD 1409 and if any further avoidance measures can be implemented based on the Effects Report and comments from the consulting parties.

During the local municipal planning process for the review and approval of the planned development of the OPC site, the design of Planned Development 1409 went through an extensive public engagement process, which included public hearings and approval at the Chicago Plan Commission, the Chicago City Council Committee on Zoning, and the Chicago City Council. During this process, which concluded on May 23, 2018, the following items were modified to avoid adverse effects:

- A multi-story parking garage structure proposed for the east end of the Midway Plaisance was removed and parking was relocated underground within Jackson Park.
- The landscape at the north end of the OPC site was redesigned to incorporate historic elements and features of the Woman's Garden.
- The grading of the south end of the OPC site was modified to frame and preserve the historic comfort station, which will remain.
- The OPC was placed outside of a primary visual axis to help reduce visual competition with the Museum of Science and Industry (MSI) and moderate the effect on the historic dominance of the MSI.
- The Forum Building and the Library Building are partially below grade to maximize landscape.
- The limited footprint of the Museum Building minimizes direct impacts to the historic property.
- The Program, Athletic, and Activity Center (PAAC) does not attempt to duplicate the historic concept of outdoor gymnasias. The PAAC is a modern, enclosed venue with programming for the physical recreation historically envisioned for the gymnasias.

The Federal agencies considered comments from multiple consulting parties suggesting that the OPC be relocated outside of Jackson Park to avoid the adverse effect. However, the Federal agencies concluded that they cannot require the City of Chicago to change the location of OPC from Jackson Park to another location nor can they require changes in the scope or design of the OPC site because it is not within the scope of their Federal authorities to do so.

In addition, CDOT has taken the following actions to minimize adverse effects to historic resources during design of the roadway improvements:

- Designed grading/drainage of northbound Stony Island Avenue and the sidewalk and parkway on the east side of the street to minimize impacts to adjacent existing trees and the historic berms in Jackson Park.
- Designed path alignments to minimize tree impacts.
- Designed drainage system to minimize tree impacts.
- Designed roadways to utilize low-speed urban geometric design guidelines (smaller horizontal radii, normal drainage slopes on roadways, narrower travel lanes, etc.) to minimize grading impacts and parkland conversion adjacent to reconstructed and newly constructed segments or roads.



- Designed new shared-use paths along vacated Cornell Drive and Marquette Drive within the limits of existing roadway pavement.
- Designed underpasses and associated paths to minimize depths and the resulting grading impacts to Jackson Park.
- Incorporated the removal and reinstallation of historic stone facades at the 59th Street Inlet Bridge to maintain its historic integrity.
- Designed Hayes Drive Arch Bridge rehabilitation and Hayes Drive roadway geometric design to maintain its historic integrity.
- Designed Maintenance of Traffic (MOT) and Staging to minimize park impacts. For example, used lane closures to provide work areas on existing roadway pavement and utilize existing parking lots for construction staging areas.
- Designed grading and new sidewalk near the Statue of the Republic to provide new access for people walking and biking without impacting the existing statue or granite walkway around its base.

During the MOA development phase, the Federal agencies, the City, and the consulting parties will consider further actions within the agencies' authority that would avoid, minimize, or mitigate the identified adverse effects.

**(2) Consider including a measure in the MOA to monitor noise/vibration levels during construction, traffic through neighborhoods, and the location of staging areas.**

These and other suggested measures are being noted. During the MOA process, the Federal agencies, the City, and the consulting parties will consider actions within the agencies' authority that would avoid, minimize, or mitigate the identified adverse effects.

**(3) Summarize comments received by the consulting parties and share responses to those comments.**

The requested summary is provided in a table at the end of this report, excluding the objection from The Cultural Landscape Foundation, which is addressed separately below. In addition to The Cultural Landscape Foundation, a few other consulting parties submitted objections to specific "no adverse effect" findings, but these objection letters did not provide any or enough information for FHWA to reconsider its determinations. In particular, Jackson Park Watch, Preservation Chicago, and Elena Bashir objected to the findings of "no adverse effect" for several historic properties surrounding Jackson Park. Save the Midway objected to the finding of "no adverse effect" for the east end of the Midway Plaisance, although the AOE identifies an adverse effect to Jackson Park Historic Landscape District and Midway Plaisance, which is a historic district that includes the Midway Plaisance, and also identifies an adverse effect to the Chicago Park Boulevard System Historic District. The majority of comment letters did not object to specific findings of "no adverse effect" in the AOE, but rather objected to the location and design of the OPC, the location of the UPARR replacement site, the public process, the alternatives, and the role of the Federal government in the resolution of adverse effects. Several comment letters included ideas for avoidance, minimization, and mitigation of adverse effects. These ideas will be part of the project record and will be discussed with consulting parties during the MOA development phase of the Section 106 process. The final step of Section 106 is for the Federal agencies, the City, and the

consulting parties to consider actions within the agencies' authority that would avoid, minimize, or mitigate the identified adverse effects.

**(4) Share a consultation schedule with consulting parties to ensure meaningful participation.**

Following a response on this submission from ACHP, FHWA will provide a tentative schedule for completion of all remaining Section 106 activities.

## Objections by The Cultural Landscape Foundation

On February 17, 2020, The Cultural Landscape Foundation (TCLF) submitted a letter of objection concerning the Assessment of Effects (AOE) issued by the Federal Highway Administration in January 2020 concerning a proposed undertaking in and adjacent to Jackson Park, Chicago. Given the specificity of TCLF's letter and the overlap with the content of certain other letters submitted, FHWA is providing the following summary and response to TCLF's letter as part of the materials being submitted to the Advisory Council on Historic Preservation under Section 800.5(c)(2) of the National Historic Preservation Act (NHPA) implementing regulations.

### **A. TCLF objects to the finding that the undertaking will not adversely affect the Jackson Park Terrace Historic District (JPTH).**

The JPTH has been determined eligible for listing in the National Register under Criterion A for its significance related to the development of low-income housing in Chicago, a response to urban renewal of the 1960s and 1970s, African American history, and the Civil Rights Movement; it is also eligible under Criterion C for its design by the prominent African American architecture and planning firm Whitley-Whitley and for being distinctive of a type, period, or method of construction for its Modernist design. Contrary to assertions made by consulting parties, the JPTH is not eligible for listing on the National Register under Criterion B. Moreover, while the undertaking may impact views of Jackson Park from the JPTH, those views do not contribute to the property's historic significance.

The JPTH was designed as a fenced-off complex with the goal of providing "a viable community both economically and socially." See HPI at 90. The complex was purposefully designed to be oriented towards the center of the development, emphasizing the "viable community" that the architects and planners strove for. As a result, the primary façades and main entrances to most of the apartment buildings are located on the interior of the complex, facing the parking areas, the other apartment buildings, and community facilities within the complex rather than Jackson Park and the Midway Plaisance. The buildings that front Jackson Park on the west side of S. Stony Island Avenue have a limited number of entrances that provide access to the sidewalk adjacent to S. Stony Island Avenue.

Although the complex has had views of Jackson Park since its construction in 1974 and the OPC is proposed to be located directly across the street from the JPTH, the proximity to Jackson Park and the views towards it from the complex do not contribute to the significance of the JPTH. The "physical and visual relationship" between the JPTH and Jackson Park and the Midway Plaisance is one of proximity and not significance. The primary setting of the JPTH is the complex itself, which was intentionally designed to be fenced off and separated from adjacent properties in order to emphasize the sense of community within the JPTH. The existing setting has been affected by previous development nearby, but the district still maintains its integrity of setting. The OPC would be visible from the JPTH, which would affect, but not compromise the setting of the JPTH. The construction of the OPC would not adversely affect the integrity of the JPTH, nor would it render the JPTH ineligible for listing in the National Register. As such, the Assessment of Effect for JPTH remains "no adverse effect."

### **B. TCLF asserts that a potential Jackson Park golf course renovation project should have been analyzed as a reasonably foreseeable action for purposes of the cumulative effects review under the NHPA.**

The NHPA requires agencies to identify the effects of their actions on historic properties, including reasonably foreseeable effects that are cumulative. See 36 C.F.R. § 800.5(a)(1). In general, cumulative effects result from the incremental effect of the agency's action when added to other projects whose effects on the same resources are reasonably foreseeable; cumulative effects are reasonably foreseeable when they are based on concrete and detailed plans rather than speculation.

The Final AOE does not analyze effects of a potential future golf course renovation because that project is not sufficiently developed to reasonably foresee its effects in conjunction with the effects of the federal actions now under review. However, the Final AOE properly analyzes the cumulative effects from eight other projects that have either initiated, completed, or are not required to proceed through the City approval process. See Final AOE § 3.8.1. The scope and details of these projects is known, thus allowing the federal agencies to analyze the potential for cumulative effects in conjunction with the proposed federal undertakings. For example, some initial work on the Osaka Garden has already been completed, and other improvements are anticipated in the near future. As explained in the Comment Disposition, while a golf course project was noted in a conceptual framework planning document (namely the 2018 South Lakefront Plan, SLFP), it is not anticipated to be completed or programmed (i.e., funding committed for the project construction) within the next two years. See Comment Disposition, Response to Comment No. 85. The mere fact that the golf course project is mentioned in the 2018 SLFP does not make its effects reasonably foreseeable. The final plans and design for the golf course project are not yet approved. Interim information about the project's layout, design and other critical details are largely aspirational. As such, there is no basis for the type of reasoned analysis that would meaningfully inform federal decision-making.

Consulting parties cite public statements to local media outlets, etc. as evidence that golf course improvements are "reasonably foreseeable." See, e.g., Letter from Charles Birnbaum, The Cultural Landscape Foundation, to Matt Fuller, Federal Highway Administration (dated February 17, 2020) at 4. These general statements do not provide any specificity or clarity about the scope, design, or other project parameters; therefore, it is neither practical nor possible to analyze the potential cumulative effects of the project on historic resources.

As the disposition of comments to the Draft AOE notes, should the golf course project advance to a more concrete proposal requiring federal approval, it will undergo its own analysis of effects, including cumulative effects in conjunction with the effects of the OPC to the extent they are reasonably foreseeable at the time of analysis. See Comment Disposition, Response to Comment No. 85. In short, the potential for cumulative effects between the OPC project and the possible future golf course project will not evade review at a time when meaningful analysis can inform federal decision-making, as contemplated by the NHPA.

**C. TCLF asserts that the City's actions are subject to the NHPA's requirement to consider avoidance, minimization, and mitigation of adverse effects.**

Section 106 of the NHPA requires federal agencies to "take into account the effects of their undertakings on historic properties." 36 C.F.R. § 800.1(a). In doing so, agencies have a responsibility to consider ways to "avoid, minimize, or mitigate any adverse effects on historic properties." *Id.* § 800.6. This responsibility does not change or expand the jurisdiction of the responsible federal agencies. Rather, the federal agencies are only obligated to consider actions within their existing authority that would avoid, minimize, or mitigate adverse effects.

The Final AOE describes the scope of jurisdiction of each of the federal agencies involved in the undertaking. See Final AOE §§ 1.2, 1.3, 1.4. NPS's authority arises under the Urban Park and Recreation Recovery Act of 1978 (UPARR). Within an area previously designated under UPARR (such as Jackson Park), the NPS has the authority to review and approve the conversion of public recreation to other uses. The NPS does not have any authority over the City's decision to pursue a conversion, and it has no authority over the new use. The FHWA has authority to approve federal funding for roadway, pedestrian, and bicycle alterations. FHWA's jurisdiction is limited to those portions of the undertaking that will be carried out with federal funding through the Federal-Aid Highway Program. It has no authority over the City's decision to approve Jackson Park as a location for the OPC, nor over the plan to close a portion of Cornell Drive or any of the other roadways being closed by the City. The USACE has authority to approve discharges of fill material into waters of the United States and alterations to the federally-funded Great Lakes Fishery & Ecosystem Restoration (GLFER) program. USACE's jurisdiction is limited to those portions of the undertaking that require federal approval pursuant to the Clean Water Act and the Rivers and Harbors Act of 1899. Like NPS and the FHWA, USACE has no jurisdiction over the City's decision to approve the location and design of the OPC or the roadway closures.

Despite their limited federal authority, the agencies followed ACHP's advice to take an expansive approach in describing the effects of federal and non-federal actions. Accordingly, the Final AOE describes numerous steps taken by the City of Chicago and the Obama Foundation to avoid and minimize adverse effects to historic resources. See Final AOE §§ 5.1.1, 5.2.1. These avoidance and minimization measures are described in more detail in the Final AOE and further below. These avoidance and minimization measures were developed prior to and during the City of Chicago's review and approval process for the OPC planned development ordinance proposal, which involved a series of public hearings and community outreach. The agencies' consideration of these avoidance and minimization measures is in keeping with and furthers the NHPA's goal of "accommodat[ing] historic preservation concerns . . . at the early stages of project planning." 36 C.F.R. § 800.1(a).

**D. TCLF contends that "the unaltered cause of an adverse effect cannot rationally be regarded as a measure that avoids, minimizes, or mitigates the adverse effect."**

The decision to approve Jackson Park as a location for the OPC is not subject to the approval of the NPS, FHWA, or USACE. See Comment Disposition, Response to Comment 25. Nevertheless, the agencies followed ACHP's advice to take an expansive approach in describing the effects of this and other non-federal actions, which are described in Section 1.1.1 of the Final AOE. Because these actions are analyzed in the AOE, efforts to avoid, minimize, and mitigate the impacts of these actions are relevant to the agencies' analysis under Section 106. While the Final AOE describes these avoidance and minimization efforts (see Final AOE §§ 5.1.1, 5.2.1), it does not suggest that these efforts fulfill the *federal agencies'* obligations to avoid, minimize, or mitigate adverse effects. To the contrary, these actions supplement the agencies' avoidance, minimization, and mitigation efforts and further inform the agencies' decision-making. As the Section 106 process proceeds to the resolution of effects stage, the federal agencies will consider additional measures to avoid, minimize, and minimize the adverse effects of their actions.

The Section 106 process encourages efforts to avoid, minimize, and mitigate adverse effects to historic resources. These efforts need not entirely eliminate adverse effects in order to be considered and credited by the reviewing agencies. Measures can reduce (minimize) the scope of some adverse effects without removing the effect entirely or reducing any other effect. Measures can mitigate remaining effects by offering compensating benefits that, while unable to alter or remove the effect itself,

compensate for the loss. In this case, as noted in the Final AOE and comments submitted by Consulting Parties, the City of Chicago and the Obama Foundation took numerous steps to avoid and minimize adverse effects to the Jackson Park Historic Landscape District and Midway Plaisance. For example:

- The City incorporated minimization efforts into PD 1409 and the Use Agreement, which collectively govern the development and operation of the OPC in Jackson Park, as described in our response in "E." below;
- The OPC's landscape design employs traditional Olmsted typologies;
- The OPC is proposed to be located on the western perimeter of Jackson Park in order to concentrate physical changes in a small area of the park, avoid physical adjacency to the most prominent historic building in the park, the Museum of Science and Industry, and avoid the primary north-south visual axis to and from the MSI within the park; and
- The visibility of other new OPC buildings within the park landscape has been minimized and the prominence of landscape scenery enhanced through the location of buildings, the design of green roofs, and the partial submergence of approximately forty percent of the project's occupied space, and underground parking.

See Final AOE § 5.2.1. While these measures do not eliminate impacts to historic properties entirely, they are plainly relevant to the Section 106 analysis and are consistent with the spirit and purpose of the NHPA.

**E. TCLF challenges the assertion that the City's only practical options were either to approve the Foundation's proposal to locate the OPC in Jackson Park, subject to negotiated limitations, or deny the Foundation's proposal and risk losing the OPC.**

In the Final AOE, the federal agencies assess the potential for adverse effects to historic properties arising from their actions. Following the ACHP's advice, the AOE takes an expansive approach that also includes consideration of the effects of the City's actions. Nevertheless, the City's decision to approve Jackson Park as a location for the OPC was not a federal process and is not subject to federal approval.

The City has provided additional information to the federal agencies concerning its decision:

Even before President Obama left office, the Obama Foundation reviewed numerous nationwide responses to its Request for Qualifications for the development of a presidential center. The Foundation issued a formal Request for Proposals (RFPs) in 2014 to two Chicago institutions, as well as one in Hawaii and one in New York. In 2015, the Foundation accepted a response to the RFP submitted by the University of Chicago which, in coordination with the City of Chicago and the Chicago Park District, suggested siting and developing the Obama President Center (OPC) in either Washington Park or Jackson Park. Thus, the proposals to site the OPC in Chicago both involved south side public parks listed on the National Register of Historic Places. Both sites had received support from the Chicago City Council.

Subsequently, over many months, the Foundation closely analyzed both locations with respect to a wide variety of factors tied to internal mission-related goals and external community impact. The Foundation selected the Jackson Park site for its project and subsequently began a lengthy and public process with the City. It developed detailed site and building plans, which were submitted for approval by the Chicago City Council through a planned development ordinance proposal. The approval process for this

ordinance involved a full series of public hearings and community outreach, conducted by both the City and the Foundation.

At no time did the Foundation indicate that it would construct the OPC elsewhere in Chicago, including solely on a private site, given the strong community and governmental support for a park-based site, consistent with the longstanding Chicago history of museum-based cultural recreation in Chicago's parks. The City therefore felt that its practical alternatives were to approve, after substantial negotiation as to design and public access considerations, the OPC at the proposed Jackson Park site or to risk the Foundation's selection of a site outside the region for the project.

The negotiated design and public access restrictions were central to the City's decision to authorize the use of the Jackson Park site for the OPC. The Foundation is only authorized to build within Jackson Park the specific proposal authorized by the planned development (Institutional Planned Development No. 1409). Per the Use Agreement authorized by the Chicago City Council, the Foundation may only use the site to build and operate the OPC consistent with the agreement terms. These terms include, among other items related to ensuring public access to the park and to the facilities that would be built in the OPC, requirements that the OPC allow free admission a minimum of 52 days per year, that the OPC provide free access to school children accompanied by a teacher, that the buildings remain open to the public in the same manner as other museums in Chicago's parks, that the outdoor areas be generally open to the public during Chicago Park District hours, and that the public library, presidential reading room and several interior areas of the museum and forum buildings be free to the public.

## Summary Table of Comments Received and FHWA Responses

NO.	AFFILIATION	COMMENT	RESPONSE
<b>Reasonably foreseeable projects and cumulative impacts</b>			
1.	The Cultural Landscape Foundation, Jackson Park Watch, Openlands, Preservation Chicago, Nichols Park Advisory Committee, Ross Petersen, Robin Kaufman	The golf course consolidation is a reasonably foreseeable project. Two road segments (Marquette Drive west of Richards and Cornell Drive between 68th Street and 65th Street) are being closed in order to accommodate the golf course. Therefore, a review of the impact of the golf course changes should be done before making the road changes.	<p>The golf course consolidation/expansion proposal is independent from this undertaking and the associated Federal review process. The golf course consolidation/expansion proposal contained in the 2018 SLFP is not included as a "reasonably foreseeable action" because the scope and detail of this project are largely aspirational and not sufficiently developed to allow for the kind of reasoned analysis that meaningfully informs federal decision-making. The golf course will be subject to a separate approval process under the Lake Michigan and Chicago Lakefront Protection Ordinance. If any federal approval, funding, or permit is required for the golf course consolidation/expansion in the future, then Federal requirements (including Section 106) would be the responsibility of the relevant Federal agency. The approval of the undertaking described in the AOE does not force or require golf course consolidation/expansion and is therefore an independent project.</p> <p>The closure of the northbound section of Cornell Drive between 68th Street and 65th Street and Marquette Drive between Stony Island Avenue and Richards Drive will reduce the number of multilane roadways within the park and are consistent with recommendations from the South Lakefront Framework Plan.</p>
2.	Openlands	The UPARR project should be included in the cumulative effects analysis. The UPARR project is omitted from the analysis.	The proposed UPARR conversion and its effects on historic properties is included in the analysis. The AOE addresses the direct, indirect, and cumulative effects of NPS's decision under UPARR concerning the proposed conversion of public recreation within Jackson Park and the proposed replacement recreation on the east end of the Midway Plaisance.
<b>Section 106 process</b>			
3.	Jackson Park Watch, Friends of the Park, Preservation Chicago	FHWA should play the lead role in the Section 106 process in resolving adverse effects. The City is managing the process, not FHWA. There is a clear conflict of interest to have the City of Chicago be the lead facilitator and information gathering entity for this Section 106 review because it has a bias.	<p>FHWA has played a lead role in the Section 106 process throughout, and will continue in this role through resolving the adverse effect. The FHWA, as the lead federal agency under NHPA, requires applicants for federal approvals or financial assistance to prepare information, analyses, and recommendations relevant to the Section 106 process, which is consistent with the regulations at 36 CFR 800. The FHWA remains legally responsible for all required findings and determinations. It is not a conflict of interest for the City to facilitate the Section 106 review process in support of the federal agencies and is consistent with the regulatory requirements in 36 CFR 800.</p> <p>For example, the FHWA worked with NPS and USACE to review and revise drafts of the AOE until it met all requirements. After extensive work on the analysis, the federal agencies approved the final AOE and authorized its release to the public as part of the Section 106 process. The federal agencies remain committed to fulfilling all of their responsibilities under the NHPA.</p>
4.	Jackson Park Watch, Openlands, Debra Hammond, Wendy Posner	The FHWA should not use as a baseline for its review a "post-construction" condition which assumes OPC is built and roadways are closed.	<p>The AOE presents the effects analysis for the entire undertaking, including the effects of OPC's construction and operation as indirectly related to the federal (NPS) action.</p> <p>As the lead agency under NHPA, FHWA oversees the entire analysis of adverse effects for all the federal agencies. In its decision-making process, FHWA considers the effect of the entire undertaking in order to make an informed decision related to the proposed Federal funding to support transportation improvements. However, with respect to FHWA's narrower federal action, it is important to identify the contribution of the FHWA decision to the effects to historic properties to discern FHWA's responsibility for mitigation, and to clearly delineate what effects are not within its authority to avoid, minimize, or mitigate.</p> <p>The transportation improvements proposed are only necessary, as a predicate, if the OPC is built and roads are closed. Accordingly, it is correct for FHWA to analyze the effects of its own action based on the existence of the OPC and road closures. Even so, as noted above, on behalf of all the federal agencies the FHWA as lead federal agency ensured that the effects of the OPC and road closures were included as part of a comprehensive analysis of the undertaking as a whole.</p>



NO.	AFFILIATION	COMMENT	RESPONSE
5.	The Cultural Landscape Foundation, Jackson Park Watch, Openlands, Save the Midway, Preservation Chicago, Landmarks Illinois, Nichols Park Advisory Council, VHBC, Debra Hammond, Wendy Posner	The described actions of the City of Chicago (closed roads, OPC) are subject to the National Historic Preservation Act's requirements to consider avoidance, minimization, and mitigation of adverse effects to historic properties. FHWA cannot abrogate its responsibilities in requiring avoidance and minimization efforts. The Federal agencies do have sufficient control to condition project approval for the construction of the OPC, closing roads in Jackson Park, or relocating the existing track and field in Jackson Park.	<p>Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to (1) take into account the effects of their undertakings on historic properties; and (2) afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings (36 CFR 800.1). Where there are adverse effects to historic properties, Federal agencies must consider measures within their authority to "avoid, minimize, or mitigate" the adverse effects, but they may authorize activity without imposing any such measures.</p> <p>The AOE presents the effects analysis for the entire undertaking, which has been defined to include actions and decisions that the City has made. Those decisions include closing roadways in Jackson Park and allowing construction of OPC in Jackson Park. The approach of comprehensively assessing effects resulting from Federal and City actions is consistent with ACHP's August 22, 2019 letter concerning the draft AOE. None of the federal agencies has authority over the siting, construction or operation of the OPC, which is subject to municipal authority, nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City.</p> <p>The FHWA is fulfilling the requirement to "take into account" the effects of the undertaking on historic properties to support an informed decision related to proposed funding for transportation improvements. However, it has no control or ability to require the City to avoid impacts to historic properties through its decision to close roads or through the siting, construction, or operation of the OPC, which are both subject to municipal authority.</p>
6.	Jackson Park Watch, Landmarks Illinois, Vista Homes Building Corporation, Debra Hammond, Wendy Posner	FHWA separated the undertaking into "Federal action" segment that falls under the NHPA's requirements to "avoid, minimize, or mitigate adverse effects to historic properties" and a "non-Federal" or "City action" segment that is exempt from that requirement. This segmentation is contrary to the requirements of the NHPA and standard practice for Section 106 reviews and contrary to common sense. Numerous City actions depend upon the Federal actions, and therefore FHWA's definition of its oversight is too narrow and is flawed. The "City Actions" could not occur but for actions of the FHWA itself, the US Army Corps of Engineers, and the National Park Service. The artificial division of the undertaking into federal and non-federal categories should be rejected because it violates all meaningful review of the adverse effects of the OPC on Jackson Park and the Midway Plaisance and sets a deregulatory precedent severely damaging all future historic preservation reviews nationally. Challenges FHWA determination that local land use decision is not subject to the Federal approval process, including mitigation.	<p>Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to (1) take into account the effects of their undertakings on historic properties; and (2) afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings (36 CFR 800.1). Where there are adverse effects to historic properties, Federal agencies must consider measures within their authority to "avoid, minimize, or mitigate" the adverse effects, but they may authorize activity without imposing any such measures.</p> <p>The AOE presents the effects analysis for the entire undertaking, which has been defined to include actions and decisions that the City has made. Those decisions include closing roadways in Jackson Park and allowing construction of OPC in Jackson Park. The approach of comprehensively assessing effects resulting from Federal and City actions is consistent with ACHP's August 22, 2019 letter concerning the draft AOE. None of the federal agencies has authority over the siting, construction or operation of the OPC, which is subject to municipal authority, nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City.</p> <p>However, with respect to FHWA's narrower federal action, it is important to identify the FHWA contribution to the effects to historic properties to discern FHWA's responsibility for mitigation, and to clearly delineate what effects are not within its authority to avoid, minimize, or mitigate.</p> <p>The FHWA is fulfilling the requirement to "take into account" the effects of the undertaking on historic properties to support an informed decision related to proposed funding for transportation improvements. However, it has no control or ability to require the City to avoid impacts to historic properties through its decision to close roads or through the siting, construction, or operation of the OPC, which are both subject only to municipal authority.</p>

NO.	AFFILIATION	COMMENT	RESPONSE
7.	Openlands	The federal actions cannot legitimately confine their scope, quantities, and design elements and processes of these reviews without recognizing that the OPC is the legitimate promulgator of the undertaking and is therefore inextricably tied to the federal actions and vice versa.	<p>The AOE presents the effects analysis for the entire undertaking, which has been defined to include actions and decisions that the City has made. Those decisions include closing roadways in Jackson Park and allowing construction of OPC in Jackson Park. The approach of comprehensively assessing effects resulting from Federal and City actions is consistent with ACHP's August 22, 2019 letter concerning the draft AOE. None of the federal agencies has authority over the siting, construction or operation of the OPC, which is subject to municipal authority, nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City.</p> <p>The FHWA is fulfilling the requirement to "take into account" the effects of the undertaking on historic properties to support an informed decision related to proposed funding for transportation improvements. However, it has no control or ability to require the City to avoid impacts to historic properties through its decision to close roads or through the siting, construction, or operation of the OPC, which are both subject only to municipal authority.</p>
8.	Brownwyn Nichols Lodato	How does the Section 106 process deal with a "dual" adverse effect finding for Midway Plaisance and Chicago Park Boulevard System Historic District?	The AOE concludes that the undertaking would have an adverse effect on two historic properties, the Jackson Park Historic Landscape District and Midway Plaisance, and the Chicago Park Boulevard System Historic District. The Section 106 process does not change based on the number of resources that are impacted by a particular undertaking. It is not unusual for multiple properties to be affected by an action. As the Section 106 process moves into the next stage of consultation, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
9.	The Cultural Landscape Foundation	Unaltered cause of an adverse effect cannot rationally be regarded as a measure that avoids, minimizes, or mitigates the adverse effect.	None of the federal agencies has authority over the siting, construction or operation of the OPC, which is subject to municipal authority. However, the analysis of effects reflected in the AOE is broader than the authority of the federal agencies. The AOE presents the effects analysis for the entire undertaking, including the effects of OPC's construction and operation as indirectly related to the federal (NPS) action. This approach is consistent with ACHP's August 22, 2019 letter concerning the draft AOE. As the Section 106 process moves into the next stage of consultation, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
<b>Effect analysis</b>			
10.	Preservation Chicago	The visual impact analysis doesn't show the effect of tree removal planned around the perimeter of Jackson Park. The AOE should show that.	The AOE determines that the undertaking would result in an adverse effect on the Jackson Park cultural landscape. The report specifically acknowledges the effect on historic vegetation patterns, including canopy trees surrounding playing fields, street trees at the park perimeter, and terraced planting beds of the Women's Garden. See Section 3.5.2.1.1.
11.	Preservation Chicago	Existing shadow studies do not take into account the long shadows cast by the tower in the early morning and late afternoon hours.	The visual impact analysis does not address shadows; however, changes to existing visual character resulting from the OPC Museum Building are addressed in section 3.5.2.3, which states "Construction of the OPC includes the addition of new visual elements that diminish the integrity of views within Jackson Park and the Midway Plaisance along the western perimeter of this historic property. Tall buildings exist outside of the historic property but not within it." Additional visual analysis is set out in section 3.2.3 and in the discussion of individual properties in section 3.7, although none of these properties achieves significance as historic properties on the basis of viewshed. Shadow studies were conducted as part of the Planned Development (PD) process and discussed extensively during the approval of the project at the City level. Images of these shadow studies are available on the City's project website.
<b>Traffic and parking</b>			
12.	Hyde Park Historical Society, Preservation Chicago, Friends of the Parks	Concerned about removal of Cornell Drive. Consider leaving Cornell as a narrower two-lane roadway with bike lanes and pedestrian paths, which would be in complete alignment with Olmsted's original design. Heat, cold, and accessibility issues limit some people's ability to travel through the park except by motor vehicle. There has not been any public consideration of any options other than closing the roads.	The FHWA has authority to approve federal funding for roadway, pedestrian, and bicycle alterations. FHWA's jurisdiction is limited to those portions of the undertaking that will be carried out with federal funding through the Federal-Aid Highway Program. It has no authority over the City's plan to close a portion of Cornell Drive. The City has indicated that one of its principal objectives is to improve connectivity from the west side of the park to the lagoon and lakefront, and that the implementation of traffic calming measures along Cornell would not achieve this goal. Therefore, the traffic studies considered alternative ways to address traffic issues and non-vehicular access to and around Jackson Park based on closing Cornell.

NO.	AFFILIATION	COMMENT	RESPONSE
13.	Jackson Park Watch	No analysis of the impacts of closing Cornell Drive between 59th and 63rd Streets and a segment of the Midway Plaisance between Stony Island Avenue and Cornell Drive has taken place to date.	The analysis of effects from non-Federal actions, such as the proposed roadway closures by the City, are evaluated in the AOE. Specifically, the effects to the Jackson Park cultural landscape of the roadway closures of Cornell Drive between 59 <sup>th</sup> and 62 <sup>nd</sup> Streets and South Midway Plaisance are discussed in Section 3.5.2.3 of the AOE. The AOE concludes that the closure of these road segments would have an adverse effect on the cultural landscape.
14.	Jackson Park Watch	FHWA has failed to provide any meaningful analysis of changes in neighborhood traffic and parking resulting from the closure of segments of Cornell Drive and the Midway Plaisance, and the likely effects of such changes on the overall integrity of the historic properties and relevant historic districts. Analysis of detailed local data is required to accomplish that effectively. The failure to do so impacts the designation of no adverse effects on properties, effectively nullifying such designations.	The AOE directly addresses the potential effects of traffic and parking on historic properties. See, e.g., Section 3.2.2. Regional traffic modeling performed by CMAP and analyzed as part of the Jackson Park Revitalization Traffic Impact Study has shown that anticipated traffic diversions from the closure of Cornell Drive will be to arterial and collector streets and not local neighborhood streets due to the reserve capacity available on the arterial and collector streets to absorb the diverted traffic. As a result, increased traffic on the local streets is not anticipated and therefore detailed analysis on the individual local street level is not warranted.
15.	Preservation Chicago, Vista Homes Building Corporation, Marc Lipinski	The assertion that 67 <sup>th</sup> street will see an increase in traffic of 31% is not a significant impact is missing some key analysis. General concerns with traffic flows.	The transportation improvements at key intersections along 67 <sup>th</sup> Street demonstrate satisfactory levels of service can be achieved even with the increased traffic levels. Future volumes along 67th Street, including traffic to and from the OPC, do not exceed 60% of the capacity of the roadway during peak hours at any of the unsignalized intersections between Stony Island Avenue and Jeffrey Boulevard. Peak hour intersection Levels of Service along 67th Street within the same segment are at LOS B or better and do not change under the proposed roadway configuration changes within Jackson Park.  The increase in traffic on 67th Street does not cause a perceptible change in traffic noise levels (i.e. < 3 dBA increase) that would affect historic properties.
16.	Marc Lipinski	The Olmsted traffic circulation design is used by thousands every day. The proposed changes to the Olmsted design will cause unnecessary inconvenience and congestion.	The results of the traffic study indicates that the proposed changes will maintain or improve traffic mobility compared to the existing traffic network, while also providing increased access for all users to and from Jackson Park, enhancing user safety, and improving circulation within the park. Inconvenience due to construction of the proposed roadway changes will be temporary in nature.
17.	Preservation Chicago	For the street parking that will be lost if the proposed OPC is developed, where will the residents who rely on this parking go?	The AOE addresses parking in various places, including Section 3.2.2, which refers to City plans (per the SLFP) to develop new parking in excess of the lost parking. The plans include new on-street and off-street parking opportunities in and around Jackson Park, which will be discussed further in the NEPA EA process. Street parking on the exterior of Jackson Park will remain for the most part unchanged, with impacts limited to Stony Island Avenue (increase of 17 parking spaces) and Midway Plaisance Eastbound (loss of 24 parking spaces) near the project area, so impacts to residents will be minimized.
18.	Nichols Park Advisory Council, Ross Petersen, Robin Kaufman	Some of the roadwork changes (closing historic Marquette Drive west of Richards, and closing the Northbound part of Cornell Drive from 68th Street to 65th Street) have nothing to do with the OPC, but are being done to accommodate the TGR designed golf course.	The City proposes the following permanent roadway closures and removals within Jackson Park: Cornell Drive between 63rd Street (Hayes Drive) and 59th Street, the northbound section of Cornell Drive between 68th Street and 65th Street, Marquette Drive between Stony Island Avenue and Richards Drive, and the eastbound portion of Midway Plaisance between Stony Island Avenue and Cornell Drive. Closures of the eastbound Midway Plaisance and Cornell Drive between 63rd Street and 59th Street are necessary to accommodate the development of the OPC, reduce vehicle conflict with visitors to the park, and improve connectivity to the lagoons and lakefront. The additional roadway closures will reduce the number of multilane roadways within the park and are consistent with recommendations from the South Lakefront Framework Plan.
19.	Wendy Posner	Who is going to pay for the relocation of Lake Shore drive and attendant road/street/drive revisions? As a 50+ year Chicago resident I have a pretty good idea that these burdens will fall to Illinois/Chicago taxpayers. If that is the case, we need to know a great deal more than has been revealed about the cost and other details.	There is no proposal to relocate Lake Shore Drive. The proposed roadway changes include adding a southbound lane to Lake Shore Drive, adding one-lane in each direction to Stony Island, and reconfiguring Hayes Drive to provide an additional lane in each direction. The estimated cost for the roadway and bicycle and pedestrian improvements is \$174 million. The State of Illinois has committed the \$174 Million to fund the roadway, bicycle and pedestrian improvements to accommodate the diverted traffic from roadway closures and improve pedestrian and bicycle connectivity in Jackson Park. The City may also seek Federal participation in the transportation improvements through its share of Federal funding allocated to it.

NO.	AFFILIATION	COMMENT	RESPONSE
20.	Ross Petersen	We are also losing a substantial number of trees- some 800, when you count the OPC (426 according to Bartlett Study) as well as removals for road widening / underpasses (400 according to CDOT study). While the plan calls for installing 400 trees, these will be saplings. At present, the OPC site contains specimens over two hundred years old. The report ignores this.	The AOE discusses impacts to trees and the effects on historic properties in Section 3.5.2.
<b>Issues to clarify</b>			
21.	Jackson Park Watch	FHWA shouldn't defer discussion of traffic and parking to the NEPA review. It should be discussed/analyzed in the Section 106 process.	The AOE directly addresses the potential effects of traffic and parking on historic properties. See, e.g., Section 3.2.2.
22.	Jackson Park Watch	FHWA needs to do a legitimate Section 4(f) review to consider all alternatives to minimize harm to Jackson Park and must be completed for a proper and complete Section 106 review.	Section 4(f) of the U.S. Department of Transportation Act of 1966 only applies to USDOT agencies, including FHWA, and actions that convert Section 4(f) protected properties to a transportation use. Section 4(f) is separate from the Section 106 process, which applies to all Federal agencies. The FHWA will complete the Section 4(f) process, which is not part of the Section 106 process. The proposed roadway closures in Jackson Park and the City's decision to locate OPC in Jackson Park are not subject to Section 4(f) because (1) these actions do not require an approval from FHWA in order to proceed; (2) these actions are not transportation projects (3) the actions are being implemented to address a purpose that is unrelated to the movement of people, goods, and services from one place to another (i.e., a purpose that is not a transportation purpose.).
23.	Jackson Park Watch	An EIS should be prepared based on the size, scope, and controversial nature of the full undertaking.	Consistent with 36 CFR Part 800.8, the Federal agencies will include consideration of the undertaking's likely effects on historic properties in the determination of whether this undertaking is a "major Federal action significantly affecting the quality of the human environment," and therefore requires preparation of an environmental impact statement (EIS) under NEPA. A finding of adverse effect on historic properties does not necessarily require an EIS under NEPA.
24.	Jackson Park Watch	The AOE concludes that in spite of the alleged efforts to avoid adverse effects, the undertaking will still have a significant adverse effect to Jackson Park, Midway Plaisance, and the CPBS Historic District, a conclusion with which the City and involved Federal agencies agree.	The AOE did not conclude "...the undertaking will still have a significant adverse effect to Jackson Park, Midway Plaisance, and the CPBS Historic District..." as stated in the comment. Further, the Federal agencies have not reached a conclusion with respect to "significance" of the effect to (1) Jackson Park Historic Landscape District and Midway Plaisance or (2) the Chicago Park Boulevard System as asserted by the commenter. However, the Federal Highway Administration did determine that the Jackson Park Historic Landscape District and Midway Plaisance will remain eligible for the National Register of Historic Places despite the potential adverse effects to that historic district.  The AOE concludes that the undertaking would have an adverse effect on two historic properties, the Jackson Park Historic District and Midway Plaisance, and the Chicago Park Boulevard System Historic District. As the Section 106 process moves into the next stage of consultation, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
<b>UPARR</b>			
25.	Mark Lipinski	The AOE doesn't identify UPARR facilities in Jackson Park that would be lost as a result of the OPC and fails to indicate where these facilities are located. The AOE fails to make the case for why UPARR replacement is needed or required.	Public recreation within Jackson Park is subject to UPARR as a result of federal grants received in 1980 and 1981 for use in the park. The proposed changes to public recreation are described in Section 1.1.1.3 of the AOE. The AOE is part of the NHPA section 106 process and is not a substitute for the request for conversion of public recreation under UPARR. The NPS is evaluating the request for conversion in a separate UPARR process and is using the NHPA Section 106 process to understand how its UPARR decision will affect historic properties.

NO.	AFFILIATION	COMMENT	RESPONSE
26.	Friends of the Park	It is absurd to replace a baseball field with a playground. The UPARR requirements call for an amenity that serves the same user community. Those who use a baseball facility at a huge park like Jackson Park and those who use a playground for children at a neighborhood park are not the same user community.	<p>NPS will evaluate the proposed conversion of public recreation within Jackson Park to ensure compliance with the regulatory requirements of UPARR. The proposed replacement recreation may be either new or existing parkland and need not be adjacent to or close to the lost recreation opportunity. The replacement recreation must meet existing recreation needs and provide equivalent recreation opportunities, but it does not need to be the same as the lost recreation.</p> <p>The City has indicated that the new track and field facility will displace one junior baseball playing field and one senior baseball playing field. The City has also indicated that the senior baseball playing field will be moved to another location within Jackson Park. These changes were discussed with the public during the planning process for the South Lakefront Framework Plan (SLFP) and do not result in a conversion of recreation under UPARR. The Chicago Park District is responsible for managing shifting interests in recreational activities and user group expectations, while at the same time serving the broadest needs of the public. For instance, some neighborhoods have asked to convert tennis courts to either mini soccer pitches or pickleball courts as those sports have gained prominence.</p>
27.	Jackson Park Watch, Openlands, Friends of the Parks	A larger tract of replacement parkland equaling the entire 19.3-acre OPC site or 24.55 acres (19.3-acre OPC site plus parkland converted to roadways) must be considered for UPARR replacement.	<p>Under the UPARR program, the City has the authority to select a site to replace lost recreational opportunities using criteria that best meet the needs of its community; the NPS role is to determine if the proposed replacement site and proposed recreation opportunities are equivalent to what was lost. Under UPARR, the proposed replacement recreation may be located on new or existing parkland and need not be adjacent to or close to the lost recreation opportunity. UPARR does not require an acre-for-acre replacement of land that is converted to non-recreation use.</p> <p>As proposed, the acreage for replacement recreation is larger than the acreage to be converted from recreation use. Within the OPC site, NPS has determined a 4.6-acre parcel containing the forum, library, and museum buildings will include uses that do not qualify as recreational under UPARR. The remaining 14.7 acres would remain in public recreational use. For ease of administration, the City agreed to draw a box around the OPC buildings and designate a 4.6-acre conversion area. The NPS also concluded that the proposed roadwork would result in the conversion of an additional 5.2 acres of parkland, for a total of 9.8 acres of converted parkland. The replacement recreation is proposed to be located on the east end of the Midway Plaisance and on roadways within Jackson Park that will be closed to traffic and opened for recreation use. The total proposed replacement recreation will expand the UPARR boundary by adding approximately 16.3 acres of land for recreation use, compared to converted acreage of approximately 9.8 acres – resulting in a net enlargement of the UPARR boundary by approximately 6.3 acres.</p>
28.	Brenda Nelms, Save the Midway, Debra Hammond	The targeted space on the Midway is already parkland, and double-counting it as “replacement parkland” would constitute an actual loss of park space for the communities that surround Jackson Park and the Midway and that would benefit from the development of new public park spaces to replace the acreage being lost in Jackson Park (24.5 acres in all). Replacing lost parkland with already existing parkland cheats the public of its parkland. The targeted area on the Midway is near other current and planned play areas and would thus be redundant. Such redundancy would not be the case in some neighborhoods close to the Midway.	<p>NPS will evaluate the proposed conversion of public recreation in Jackson Park to ensure compliance with the regulatory requirements of UPARR. The proposed replacement recreation may be either new or existing parkland and need not be adjacent to or close to the lost recreation opportunity. The replacement recreation must meet existing recreation needs and provide equivalent recreation opportunities, but it does not need to be the same as the lost recreation.</p>

NO.	AFFILIATION	COMMENT	RESPONSE
29.	Save the Midway, Openlands, Landmarks Illinois, Nichols Park Advisory Council, Vista Homes Building Corporation, Preservation Chicago, Marc Lipinski, Brenda Nelms, miscellaneous Midway Plaisance Advisory Council members	Move the UPARR replacement property from the Midway Plaisance to other vacant land in the community to create new parks where green and open space, owned and programmed by the Chicago Park District, is severely lacking. The proposed UPARR replacement property is insufficient. This spot is in a particularly wealthy and white part of the Southside, already well endowed with parks.	<p>The City's decision-making process to select the east end of the Midway Plaisance as a site for replacement recreation is discussed in Section 1.1.1.3 of the final AOE. Under the UPARR program, the City has the authority to select a site to replace the lost recreational opportunities using criteria that best meet the needs of its community; the NPS role is to determine if the proposed replacement site and proposed recreation opportunities are equivalent to what was lost.</p> <p>The City has provided information stating that areas around Jackson Park meet the two main measures, used nationally and locally, to determine residents' access to open space:</p> <ol style="list-style-type: none"> <li>1. The City of Chicago's CitySpace Plan has guided park development for many decades. The CitySpace Plan's standard is two acres of open space per 1,000 residents. This method calculates open space needs within each Community Area using 2010 Census population counts and acreage of parks and open space within the 77 Community Areas boundaries.</li> <li>2. Two national organizations both endorse another measure for quantifying open space, called the accessibility standard. The Trust for Public Land and the National Recreation and Park Association's accessibility standard states that all residents live within a ½ mile or 10- minute walk of an open space. This method uses a simple Euclidean distance buffer of one-half mile from the edge of each park and open space to identify service areas within the Community Area boundary.</li> </ol> <p>The Chicago Park District uses both measurements to ensure that residents have access to open space. The four Community Areas surrounding the proposed site of the Obama Presidential Center all exceed The CitySpace Plan's standard of two acres per 1,000 residents. Additionally, each of the Community Areas have achieved the accessibility standard of every resident living within a ½ mile or 10-minute walk of a park or open space. See Attachment A, below. The City will continue to pursue the acquisition and development of new parkland in the community.</p>
30.	Jackson Park Watch, Preservation Chicago, Debra Hammond, Brenda Nelms	Disagrees with using Midway Plaisance as replacement recreation land for UPARR purposes. Without a detailed design for the Midway Plaisance, effective review is impossible and the Section 106 review is incomplete. Objects to deferring final design plans for Midway Plaisance until after the federal process is closed.	The conceptual design for replacement recreation under UPARR provides sufficient information to assess the potential for historic effects. The City and the Park District, in consultation with the community, will make the final design selections (such as specific playground equipment) in light of the historic nature of the Midway Plaisance. See AOE Section 1.1.1.3 at p. 7. Moreover, the City and the Park District have indicated that they welcome the participation of the Illinois SHPO and other Consulting Parties during the design review process for the replacement recreation site. FHWA and the City anticipate addressing the design review process during the MOA stage of consultation.
31.	Jackson Park Watch, Bronwyn Nichols Lodato	There has to date been no legitimate community process to consider the replacement recreation proposal. The proposed plan for designating the eastern portion of the Midway Plaisance as replacement parkland was not derived from a transparent public process.	The concept plan for the Midway Plaisance establishes a design envelope for the purpose of analyzing potential impacts to historic properties. Within these parameters, the City and the Park District, in consultation with the community, will make the final design selections (such as specific playground equipment) in light of the historic nature of the Midway Plaisance. (See Section 1.1.1.3). The Park District gives the community several options from several manufacturers and they choose the final design. The Park District ensures safety, fall zones and ASTM regulations are followed. The schedule for public input for the final design will be announced by the City following completion of the Federal review process.
32.	Preservation Chicago, Brenda Nelms	It is unacceptable to open up a public input process for the proposed changes to the Midway Plaisance after the federal review has ended. The City will have great authority to alter course after the Section 106 process has been closed.	The design for the Midway Plaisance is sufficiently mature for purposes of the NPS's action under UPARR and for purposes of the assessment of effects. The City and the Park District have indicated that they welcome the participation of the Illinois SHPO and other Consulting Parties during the design review process for the replacement recreation site. FHWA and the City anticipate addressing the design review process during the MOA stage of consultation.
33.	Save the Midway, miscellaneous Midway Plaisance Advisory Council members	Don't drain the ephemeral wetland on the Midway Plaisance.	Since the ca.1980s wetland does not contribute to the historic significance of the historic district and deviates from historic landscape character in this part of the property, its proposed treatment does not contribute to a finding of adverse effect.

NO.	AFFILIATION	COMMENT	RESPONSE
34.	Preservation Chicago	The National Park Service will accept any UPARR replacement park proposals so long as they meet the regulatory requirements.	This is correct.
35.	Jackson Park Watch, Preservation Chicago	[T]he assertion that vacated roadway within the confines of the OPC site constitutes new public parkland defies common sense. If this project were to proceed, the 7.75 acres of parkland should be found outside of Jackson Park and the Midway Plaisance.	The roadways within Jackson Park were excluded from the original UPARR or "Section 1010" boundary. The City's proposal to close and improve portions of these roadways for public recreational use permits the NPS to add these newly landscaped areas to an amended Section 1010 boundary. At the same time, the NPS has determined that newly paved areas associated with the proposed roadway work constitute a conversion of UPARR parkland and are being excluded from the amended Section 1010 boundary.
<b>OPC Site Design</b>			
36.	Ross Petersen	Subsequent to the selection of Jackson park, the OPC announced the closure of Cornell Drive. This requires road revisions to include widening Stony Island, Hayes Drive, Lake Shore Drive. This will consume further parkland, and no figure is given for these losses.	The proposed alterations of roadways that will remain in the park (e.g. changes that will improve traffic flow and safety) may affect various open park spaces used for informal recreation as well as some sidewalks and pathways used for walking, jogging, and biking. The park spaces that would be lost to roadway alterations are linear, narrow and mainly serve as landscape buffer between roadways and more functional recreation areas nearby. Although some pathways and sidewalks will be removed when the roadways described above are closed and converted to greenspace, new pathways and sidewalks are proposed to replace the affected pathways and sidewalks while also providing improved connectivity and circulation within the park. Proposed underpasses will also facilitate better connectivity and safety. As part of the OPC site development, the City intends to close certain roadways within Jackson Park and convert those roadways into parkland to also satisfy UPARR. The City will restore these new areas, comprising approximately 7.75 acres of open space, to provide replacement recreation opportunities. These actions are discussed in AOE Section 1.1.1.3 – Recreation Changes.
37.	Save the Midway, Preservation Chicago, Hyde Park Historical Society, Landmarks Illinois, Vista Homes Building Corporation	We object to the destruction of the Women's/Perennial Garden. The elimination of the Women's Garden is an unacceptable and avoidable effect caused by this project. Digging up the Women's Garden entirely and replacing it with new materials destroys everything about that layered history and landscape.	The AOE addresses the effects to the Women's Garden, including the alteration of historic physical features as well as the impact on the direct association of the garden to its legacy of female designers. While the design decisions related to the OPC are outside the scope of the federal agencies' authority, the City of Chicago has provided information concerning the design, including the evolution of the design to retain most of the iconic landscape features of the May McAdams design. These measures do not fully avoid effects on the historic feature but reduce or mitigate them. More information is provided in the final AOE at p. 51 and in the response to Comment Number 58 concerning the draft AOE.
38.	Save the Midway	Federal standards are being violated in numerous respects in the OPC plans, not meeting the Secretary of the Interior's Standards.	<p>The Secretary of the Interior's Standards for the Treatment of Historic Properties are "common sense historic preservation principles" used to "promote historic preservation practices that will help to protect our nation's irreplaceable cultural resources." The Standards for Rehabilitation, codified in 36 CFR 67 are regulatory for the review of rehabilitation work in the Historic Preservation Tax Incentives Program. The Guidelines that accompany the Standards are advisory, not regulatory. Neither the Federal actions nor the non-federal actions are required to meet these standards; however, as part of minimization and mitigation efforts, the Federal agencies will consider commitments to ensure their actions comply with the Standards and Guidelines to the extent that is practicable.</p> <p>The effects of developing the OPC are analyzed in section 3.5.2.3 of the AOE to provide a comprehensive assessment of the undertaking's potential for adverse effects. Additionally, the AOE acknowledges that aspects of the non-federal actions, including site development for the OPC, do not meet Secretary of the Interior Standards for the Treatment of Historic Properties. The OPC site development is a privately funded construction activity and that work is not subject to review under the Historic Preservation Tax Incentives Program.</p>
39.	Save the Midway	Object to the size of the OPC museum tower.	The height of the OPC Museum Building is taken into consideration in the AOE, and a visual impact analysis of the OPC Museum Building was conducted for each historic property and district listed in Table 1 of the AOE. While the effects of the OPC Museum building were "taken into account" in the assessment of effects, it is outside of the Federal agency's control to implement avoidance, minimization, or mitigation efforts for the site development of OPC.

NO.	AFFILIATION	COMMENT	RESPONSE
<b>Consulting party and public comment opportunities</b>			
40.	Jackson Park Watch, Hyde Park Historical Society	The recent move away from a more inclusive and public process by using a webinar at the 1/23/2020 consulting party meeting. The recent January 23rd meeting was again deeply flawed and deviated from established practice	<p>The webinar on January 23, 2020 had over 50 individual connections to allow robust participation in the discussion. Several of the individual connections had multiple participants taking part in the webinar.</p> <p>The FHWA and the City have used a mix of tools to engage the public and consulting parties in the Section 106 process, which have included face-to-face meetings and virtual public involvement opportunities. Nationally, the FHWA encourages the inclusion of virtual public involvement activities through the "Every Day Counts-5: Virtual Public Involvement" initiative. Virtual public involvement supports agencies' efforts to engage the public more effectively by supplementing face-to-face information sharing with technology. Virtual public involvement activities also support participation of organizations who reside outside of Illinois or individuals/groups who cannot physically participate in the regular course of their business. As with each of the consulting party engagement activities held to date, there are multiple ways for the consulting parties to be involved in the process, including ready access to all Section 106 documents through the City's website which also includes access to (1) a recording of the webinar, (2) the webinar presentation slides, (3) the closed captioning transcript, and (4) a transcript of the chat pod.</p> <p>The City has committed to facilitating meetings with the broadest public engagement and has made those meetings available through video conferencing and they are recorded either through video or transcript. In addition, all information from the process is documented on the City's website.</p>
41.	Friends of the Park, Openlands	The public sessions called for by the Section 106 process cannot be satisfied by meetings that took place during the SLFP.	<p>The Federal agencies are not substituting the public meetings held for the SLFP for the input opportunities during the Section 106 process. The South Lakefront Framework Plan is a local framework plan that is not itself subject to federal review; however, as a local planning document it is an important reference for the Federal agencies to consider and acknowledge in its decision-making process to determine consistency of the proposed Federal actions with local planning efforts.</p> <p>The Section 106 consulting party meetings and public involvement opportunities are independent of and separate from any public involvement that occurred for the SLFP, and are designed to seek feedback on (1) the historic properties potentially affected by the undertaking (2) the potential effects to historic properties from the undertaking and (3) identify measures to avoid, minimize, or mitigate those adverse effects. The federal agencies are committed to meeting all their responsibilities under the NHPA.</p>
<b>General comments</b>			
42.	Preservation Chicago, Vista Homes Building Corporation, Save the Midway, Marc Lipinski, Wendy Posner	Concerns about rising Lake Michigan waters and its impact on the project.	<p>The Section 106 process addresses effects to historic properties. Comments regarding environmental impacts of the project will be addressed as part of the NEPA process.</p> <p>The Chicago Park District is partnering with various city, state and federal agencies to address rising lake levels separate from this effort. The Park District submitted an application to the U.S. Army Corps of Engineers to construct two breakwaters at the mouth of Jackson Outer Harbor to combat wave attack in the harbor and reduce the need for frequent dredging.</p>
43.	Landmarks Illinois	What is the status of the GLFR project?	The USACE Section 506 Great Lakes Fisheries and Ecosystem Restoration Project in Jackson Park officially ended with the close of the contract between the Army Corps and the Chicago Park District in 2019. However, several activities are still occurring such as final close out documents, work in kind and O & M (operations and maintenance) procedures.



NO.	AFFILIATION	COMMENT	RESPONSE
44.	Landmarks Illinois, Friends of the Parks	Calling for City, state, and Federal agencies to evaluate potential programs to curb displacement and encourage building rehabilitation over demolition, especially within the National Register listed historic districts. Recommending advance planning to assure that the Obama Presidential Center does not cause displacement, as we have seen in Chicago regarding The 606 and has happened across the country in relation to other park development efforts.	The City of Chicago, through its Departments of Housing and Planning and Development, have released a Woodlawn Consolidated Plan in February 2020 that addresses this issue and will be pursued with community engagement in the following year.
45.	The Cultural Landscape Foundation	Challenges the AOE's premise that the Obama Foundation would withdraw the OPC from Chicago unless the City approved OPC in Jackson Park.	The AOE is not premised on any actions the Obama Foundation might take to withdraw the OPC from Chicago. The City's decision to approve the construction and operation of the OPC in Jackson Park is a local land use decision. The Federal agencies do not have any authority to approve or deny it. The City has indicated that the decision followed a thorough public process, and honors the former President and First Lady's deep connection to the Southside communities of Hyde Park, Woodlawn, Washington Park and South Shore. The City contends that the Jackson Park location for the OPC is consistent with the City's historic practice of placing important cultural institutions in regional public parks, and that locating the OPC in Jackson Park will underscore the vital role the OPC will play in the public life of Chicago.
<b>Suggested Mitigation Measures</b>			
46.	Friends of the Park	The Obama Foundation should pay for actual mitigation in a way that reflects the \$175 million public investment to facilitate the plan they insist upon.	The Obama Foundation is not the applicant seeking Federal assistance, permits, licenses, or any other approval and is considered a consulting party to this Section 106 process. Other parties may assume responsibilities under the memorandum of agreement (MOA) and the applicant for the Federal assistance is often expected to complete the mitigation measures identified in the MOA. The Federal agencies are ultimately responsible for ensuring mitigation measures committed to in the Section 106 process are fulfilled.  Mitigation measures suggested by consulting parties will be carried forward for consideration as the Section 106 process moves into the next stage of consultation. In consultation with consulting parties, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
47.	Friends of the Park	The Obama Foundation should pay for a new fieldhouse in Jackson Park and a new sports field.	The Obama Foundation is not the applicant seeking Federal assistance, permits, licenses, or any other approval and is considered a consulting party to this Section 106 process. Other parties may assume responsibilities under the memorandum of agreement (MOA) and the applicant for the Federal assistance is often expected to complete the mitigation measures identified in the MOA. The Federal agencies are ultimately responsible for ensuring mitigation measures committed to in the Section 106 process are fulfilled.  Mitigation measures suggested by consulting parties will be carried forward for consideration as the Section 106 process moves into the next stage of consultation. In consultation with consulting parties, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
48.	Friends of the Park	Replace the 19.3 acres of green space by the creation of parks and playlots throughout the surrounding communities.	Mitigation measures suggested by consulting parties will be carried forward for consideration as the Section 106 process moves into the next stage of consultation. In consultation with consulting parties, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
49.	Hyde Park Historical Society	Suggest excavations for the OPC be supervised by an archaeologist who would monitor the work to preserve historic material. Recent test diggings have revealed historic material.	The archaeological investigations determined that there are no resources within the Area of Potential Effect that are on or eligible for the National Register of Historic Places.  Mitigation measures suggested by consulting parties will be carried forward for consideration as the Section 106 process moves into the next stage of consultation. In consultation with consulting parties, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.

NO.	AFFILIATION	COMMENT	RESPONSE
50.	ACHP, SHPO	In the MOA, include a measure to allow the SHPO and consulting parties to review and comment on the proposed design at the Midway Plaisance UPARR recreation site.	Mitigation measures suggested by consulting parties will be carried forward for consideration as the Section 106 process moves into the next stage of consultation, including a stipulation to allow continued consultation on the design of the UPARR recreation site at the Midway Plaisance. In consultation with consulting parties, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.
51.	ACHP	Consider including a measure in the MOA to monitor noise/vibration levels during construction, traffic through neighborhoods, and the location of staging areas.	Mitigation measures suggested by consulting parties will be carried forward for consideration as the Section 106 process moves into the next stage of consultation. In consultation with consulting parties, the federal agencies will consider additional measures for avoiding, minimizing, and mitigating the effects of their actions.

## Appendix A: Comment Letters



February 18, 2020

Ms. Arlene K. Kocher  
Division Administrator  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, IL 62703

Ref: *Obama Presidential Center Mobility Improvements to  
Support the South Lakefront Framework Plan  
City of Chicago, Cook County, Illinois  
ACHPConnect: #012213*

Dear Ms. Kocher:

On January 16, 2020, the Chicago Department of Transportation (CDOT), on behalf of the Federal Highway Administration (FHWA), provided the Advisory Council on Historic Preservation (ACHP) with its *Final Section 106 Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Jackson Park, Chicago, Illinois* (Effects Report) for the referenced undertaking. The Effects Report is submitted as part of the FHWA's compliance with the Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) and its implementing regulations, "Protection of Historic Properties" (36 C.F.R. Part 800). As the ACHP is participating in this consultation, we are providing our comments regarding FHWA's final assessment of effects. Our comments are also informed by the January 23<sup>rd</sup>, 2020, consultation webinar regarding this Effects Report.

The Effects Report responds to the consulting parties' comments and requests for additional information and detail regarding the undertaking's effect, particularly regarding noise, traffic increases, and view shed impacts. The report's reorganization and additional detail provides a more thorough review, and allows the consulting parties to understand which character-defining elements of the Jackson Park Historic Landscape District will retain integrity. In addition, the ACHP appreciates the time and effort the National Park Service utilized in responding to questions from the consulting parties regarding the Urban Park and Recreation Recovery (UPARR) program during the last webinar, and as further explained in the Effects Report.

The ACHP would like to offer the following comments on sections within the Effects Report to facilitate the Section 106 review process, prior to proceeding with the resolution of the adverse effect:

#### *Avoidance Measures*

On page 75, in Section 5.1.1 (Avoidance Measures - City Action), there is a statement noting that "...the actions of the City are not subject to the NHPA's requirements to consider avoidance, minimization, and mitigation of adverse effects to historic properties." Such an assertion can cause unnecessary confusion, as the previous sections of the report do consider the reasonably foreseeable effects of the City's actions on

historic properties. While FHWA does have limited federal involvement in the overall undertaking, with no jurisdiction over the placement and design of the Obama Presidential Center, it has analyzed the potential effects for the entire undertaking as required by the Section 106 regulations.

However, the Effects Report states that in advancing a planned development for the site (finalized as Institutional Planned Development No. 1409), the City of Chicago considered avoiding impacts to the historic properties as part of its ordinance process, an assertion repeated during the January 23<sup>rd</sup>, 2020, webinar. As FHWA moves to the next step in consultation, the ACHP recommends FHWA, with the City, clarify which avoidance measures were considered while finalizing the PD 1409 and if any further avoidance measures can be implemented based on the Effects Report and comments from the consulting parties.

#### *UPARR Midway Plaisance*

In the Effects Report, FHWA summarizes the minimization measures for the Midway Plaisance, including designing structured recreation amenities in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (page 79). In order to ensure that these standards are met, the ACHP recommends that the Memorandum of Agreement (MOA) include a design review process that will allow the Illinois State Historic Preservation Officer (SHPO) and the consulting parties opportunities to review and comment on the proposed design at various stages.

#### *Construction Impacts*

Multiple consulting parties raised concerns about the potential effects to historic properties during construction, including the noise and vibration impacts, traffic through historic residential neighborhoods, and the location of the staging area. The ACHP encourages further coordination and consultation with the City to determine if a monitoring program should be implemented and included as a minimization measure in an MOA.

#### *Section 106 Consultation – Next Steps*

While FHWA indicated that it may contact our agency in the event a consulting party disputes a finding in the Effects Report, we note that disputes at this step are limited to findings of “no adverse effect (36 C.F.R. § 800.5(c)(2)). Accordingly, FHWA should ensure that it develops a summary of the comments it receives on the Effects Report, and share its responses to those comments. FHWA should then focus its efforts on planning for consultation to develop, draft and execute an MOA that will resolve the undertaking's adverse effect. Accordingly, FHWA should share a consultation schedule with consulting parties to ensure their meaningful participation.

We look forward to working with FHWA, NPS and the consulting parties as we progress to the next step of consultation for this undertaking. Should you have any questions or concerns regarding our comments, please contact Ms. Sarah Stokely at (202) 517-0224, or via e-mail at [sstokely@achp.gov](mailto:sstokely@achp.gov).

Sincerely,



Jaime Loichinger  
Assistant Director  
Federal Permitting, Licensing, and Assistance Section  
Office of Federal Agency Programs



February 18, 2020

Ms. Arlene K. Kocher  
Division Administrator  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, IL 62703

cc: Mr. Matt Fuller, Environmental Programs Engineer, Federal Highway Administration, [matt.fuller@dot.gov](mailto:matt.fuller@dot.gov)

cc: Ms. Abby Monroe, Public Participation Officer, City of Chicago, Department of Planning and Development (DPD), [abby.monroe@cityofchicago.org](mailto:abby.monroe@cityofchicago.org)

RE: *Obama Presidential Center Mobility Improvements to Support the South Lakefront Framework Plan City of Chicago, Cook County, Illinois*

Dear Ms. Kocher,

As a Section 106 Consulting Party, Friends of the Parks is pleased to submit our comments regarding the *Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Jackson Park, Chicago, Illinois*, January 2020 (AOE) prepared by the City of Chicago Dept. of Planning and Development on behalf of the Federal Highway Administration (FHWA).

We again echo the concerns of many other Consulting Parties. Many of the comments speak very formally in response to a very formal federal process. But rather than repeat that language and each of those topics, Friends of the Parks seeks to focus our attention, that of the Lightfoot administration, and that of the public on a few key problem areas that others may not stress in this particular manner. We are aware that the Lightfoot administration may not be aware of all the conversations and processes that did and did not take place under the Emanuel administration, as we recently heard in the media that they mayor said she has not been part of any conversations about replacing the park acreage taken up by the proposed Obama Center in the neighborhoods surrounding Jackson Park.

While Section 106 is a federal process, it is City staff that is managing it. We continue to have concern about the process, and we continue to call upon the Mayor Lightfoot to manage this process according to the administration's standards as: Transparency, Transformation, Accountability, Equity, and Diversity and Inclusion.

Though we continue to call for Consulting Parties to be invited to participate in conversation about potential avoidance and minimization measures, if this process is going to go straight to mitigation, then:

- 1) The Obama Foundation should pay for actual mitigation in a way that reflects the \$175 million public investment that is required to facilitate the plan that they insist on. While Friends of the Parks has not taken a position on the road closures, any straightforward examination of the process will reveal that there has not been any public consideration of any options other than closing the roads—a very costly measure. (Even though green space organizations like ours can appreciate the closure of roads, we have also seen the Chicago Park District employ traffic calming measures in other large parks in Chicago. These options—minimizing the number of lanes and adding crosswalks and islands to facilitate pedestrians crossing the street—have not been offered for public vetting in this case.)
- 2) Additionally, the conflation of the South Lakefront Framework Plan process that often takes place in the broader Jackson Park community with the design of the Obama Presidential Center leads many in the community to be confused about what amenities the community is getting back in replacement for the 19.3 acres of the Obama campus. Many people in the community believe that the amenities laid out in the South Lakefront Framework plan are promised to come to fruition. Per our conversations with the Chicago Park District, the park district has funding for only a little bit of that plan. They are hoping that sometime in the next couple of decades they might be able to find money for some of those things. Friends of the Parks understands that such is typically how things go with park framework plans. But much of the public does not know this, and they are being duped. Even if the public agreed that those items constituted appropriate mitigation for the construction of the Obama Presidential Center in Jackson Park, there is no money committed by anyone for most of it. And it still doesn't provide a plan for the replacement of the baseball field that is being displaced by the new track and field because the previous track and field is being displaced by the Obama Center. As such, if this is the only opportunity to call for mitigation measures, we would name appropriate mitigation as the replacement of 19.3 acres of green space by the creation of parks and playlots throughout the communities surrounding Jackson Park, according to the needs and desires of those communities. And we call for the Obama Foundation to pay for a new field house in Jackson Park and new sports fields conceived of in the South Lakefront Framework Plan—conversations which we have already had with them and the Chicago Park District repeatedly.

Additionally as it relates to transparency, the South Lakefront Framework Plan public process took place long before the Section 106 process was announced. Regardless of one's opinion of the usefulness of that process, it is not honest or straightforward to suggest that questions that are legitimately being asked now by Consulting Parties and community residents during the formal Section 106 process had space to be asked in the very different process that was that framework plan process. The public sessions called for by the Section 106 process cannot be satisfied by meetings that took place before it was announced.

The Obama Foundation met with Friends of the Parks and then with the Midway Plaisance Advisory Council with Friends of the Parks staff and board members who live in Hyde Park present back in Winter 2017-2018 to pitch the idea of some set of us centering community conversations about what should be done with the east end of the Midway. It was suggested back then that a new and very inclusive Midway Framework Plan process be initiated, and it was suggested by the Obama Foundation that they would pay for the process and the community-derived outcome. Yet here we are, in 2019, with the Obama Foundation having abandoned that conversation. No such community conversations ever moved forward. But a mysteriously-derived proposal to put a playground on the east end of the Midway did move forward as a Section 106 response to the UPARR requirement that existing parkland be replaced. And now the public is asked to trust that whatever conversations happen in the future will be robust, inclusive, and not based on done deals. This comes after the City has already decided, as expressed at several recent Section

106-related meetings, to move forward with a playground proposal recommendation for the east end of the Midway and pitch it to the community as a done deal. That is on top of the fact that the playground proposal has not been approved by the National Park Service. This does not rise to the level of transparency and transformation that we would expect of the new mayoral administration.

Finally, it is absurd to replace a baseball field with a playground, anyway. Regardless of what a community-led conversation about what is best for the east end of the Midway would come up with, the UPARR requirements call for an amenity that serves the same user community. Those who use a baseball facility at a huge park like Jackson Park and those who use a playground for children at a neighborhood park are not the same user community.

Again, we also call for minimization efforts in the vein of planning ahead to assure that the Obama Presidential Center does not cause displacement, as we have seen in Chicago regarding The 606 and has happened across the country in relation to other park development efforts. We appreciate that the City is exploring programs to help create healthy, mixed-income communities in the neighborhoods around Jackson Park. Certainly, we appreciate that there has been some conversation about pocket parks and other appropriate green spaces for the health of the community. But, this transformation opportunity calls for a lot more acreage than what has been presented to the public thus far.

Thank you for this opportunity to speak into the Section 106 process regarding the Obama Presidential Center.

Sincerely,

A handwritten signature in cursive script that reads "Juanita Irizarry". The signature is written in black ink and is positioned to the left of the typed name.

Juanita Irizarry  
Friends of the Parks





5529 South Lake Park Avenue, Chicago, IL 60637 + 773.493.1893

April 17, 2018

Ms. Abby Monroe  
Coordinating Planner  
City of Chicago, Department of Planning and Development  
121 N. LaSalle, Room 1000  
Chicago, Illinois 60602

RE: Historic Preservation in Jackson Park and the Current Section 106 Review

Dear Ms. Monroe:

Thank you for another opportunity to comment on the 106 Review process following the March 29, 2018 meeting. As we said in our previous letter to you, "The Hyde Park Historical Society takes very seriously the preservation of the important historic resources' in Jackson Park." We continue to be concerned about the Obama Presidential Center plans for entirely removing a section of Cornell Drive and are confused about the OPC's intentions for the Women's Garden. In addition, we urge more diligent attention be paid to remaining archaeological evidence, especially regarding Louis Sullivan's World's Columbian Exposition Transportation Building.

Cornell Drive:

The current intention of the City to entirely remove a section of Cornell Drive remains insensitive to the historic character of Jackson Park, and it is not the only solution to mitigate traffic near the OPC. A narrower two-lane road with protected bike lanes and pedestrian paths would restore Olmsted's safe, leisurely passage through the park for all – cars, bikes and pedestrians. Even if this restored park road were paved in historic brick it would be considerably cheaper than what is being proposed. Leaving Cornell as a roadway should also reduce the scope of the proposed widening of Stony Island Avenue, a project that currently would demolish the remnant berms along the east side of Stony Island Avenue between 57th and 63rd Streets intended in the Olmsted plan to muffle traffic noise before it enters the park. This berm was finally executed by Alfred Caldwell in 1939 and is now heavily wooded. Retaining Cornell Drive would also eliminate the need to widen southbound Lake Shore Drive, a project that would destroy much valuable parkland and plant material.

Women's Perennial Garden:

It has been mentioned that the OPC now intends to retain the Women's Garden albeit with some disruption/modification. One account says that the garden will be completely taken apart during construction and then reassembled at a later date. This seems unnecessary and wasteful. It also

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appears that the surrounding terrain will be redesigned with a severely undulating grade. This will obscure sight lines both to and from the garden. We ask that clear plans be presented to the public before any decisions are made that would damage this important historic feature of Jackson Park.

Archaeology:

The OPC buildings will be constructed on the site of Louis Sullivan's World's Columbian Exposition Transportation Building. Recent test diggings have revealed historic material. Given the historic importance of Sullivan's building and the entire site of the World's Columbian Exposition, we ask that the excavations for the OPC be supervised by an archaeologist who would monitor the work to preserve historic material.

Thank you very much for your time and attention.

Respectfully,

*Michal Safar*

Michal Safar, President  
Hyde Park Historical Society



5529 South Lake Park Avenue, Chicago, IL 60637 + 773.493.1893

August 30, 2019

Ms. Abby Monroe  
Coordinating Planner City of Chicago, Department of Planning and Development  
121 N. LaSalle, Room 1000  
Chicago, Illinois 60602

RE: Historic Preservation in Jackson Park and the Current Section 106 Review

Dear Ms. Monroe:

Thank you for yet another opportunity to comment on the 106 Review process following the August 5, 2019 meeting regarding the draft Assessment of Effect (AOE) report. As we said in our previous letter to you, "The Hyde Park Historical Society takes very seriously the preservation of the important historic resources in Jackson Park." We continue to be concerned about the Obama Presidential Center (OPC) plans for entirely removing a section of historic Cornell Drive and are distressed about the OPC's intentions to demolish the historic Women's Garden. In addition, we urge more diligent attention be paid to remaining archaeological evidence, especially regarding Louis Sullivan's World's Columbian Exposition Transportation Building. (For the details of our concerns see our April 17, 2018 letter which is attached).

These are among the many clear and significant 'adverse effects' noted in the draft AOE presented on August 5<sup>th</sup>. The Section 106 Review process enacted as part of the National Historic Preservation Act is designed to prevent the needless destruction of historic public resources. The Section 106 review process provides clear review criteria and procedural requirements to ensure the public that protection would be provided. The recent August 5<sup>th</sup> meeting failed to address these review criteria or the specific findings in the report. We find that only superficial attempts were made in the AOE draft and the city's presentation to avoid or minimize these adverse effects. Instead the emphasis was on mitigation that has little direct bearing on the adverse effects. The superficial and cursory nature of the draft AOE indicates a lack of good faith that compromises the 106 process. This is regrettable and poses a threat both to Jackson Park and to historic cultural landscapes across the nation.

As this process goes forward, we are concerned about the continuation of genuine public and democratic discourse. Until now the debate about the Obama Presidential Center and its potential effects on historic Jackson Park has been marked by articulate, civil and reasoned arguments from all sides. Contributing parties have been passionate but always serious, respectful and thoughtful. For

**Hyde Park Historical Society**  
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its part, the City has professed a commitment to transparency and thoroughness of the process. This is the kind of civic behavior that makes democratic participation worthwhile. The presentation at the August 5<sup>th</sup> meeting left the impression that the City is no longer fully engaged in this process and will pursue a predetermined path regardless of the validity of the public response to the Section 106 draft report. However, your email dated August 28, 2019 reaffirming the importance of the role of the Consulting Parties is evidence to the contrary.

The Hyde Park Historical Society looks forward to continued positive dialog on this important subject. Thank you very much for your time and attention.

Respectfully,

*Michal Safar*

Michal Safar, President  
Hyde Park Historical Society, Section 106 Consulting Party



5529 South Lake Park Avenue, Chicago, IL 60637 + 773.493.1893

February 18, 2020

Ms. Abby Monroe  
Coordinating Planner City of Chicago, Department of Planning and Development  
121 N. LaSalle, Room 1000  
Chicago, Illinois 60602

RE: Historic Preservation in Jackson Park and the Current Section 106 Review

Dear Ms. Monroe:

Thank you for yet another opportunity to comment on the 106 Review process following the January 23, 2020 webinar meeting regarding the revised AOE report regarding the proposed Obama Presidential Center. As we've said in our previous letters to you, "The Hyde Park Historical Society takes very seriously the preservation of the important historic resources in Jackson Park."

We continue to be concerned about the serious adverse effects the proposed Obama Presidential Center would have on the historic value of Jackson Park's cultural landscape. Jackson Park is public property, part of which would be surrendered to a private corporation for private use. The OPC project not only privatizes **public property**, it treats that property as if it were a 'brownfield' that needed complete removal, remediation and reconstruction. The Women's Garden, Cornell Drive, World's Columbian Exposition archaeological evidence, and 400 mature trees would all be completely destroyed, forever lost to the public to whom they belong. It seems obvious to all that a perfectly fine Obama Presidential Center could be built without this needless waste of historic public assets. Our previous letters from April 17, 2018 and August 30, 2019 are attached to this email for reference.

The Section 106 Review **public process** enacted as part of the National Historic Preservation Act is designed to prevent the needless destruction of historic public resources. There are clear review criteria and procedural requirements to ensure the public that protection would be provided. The recent January 23<sup>rd</sup> meeting was again deeply flawed and deviated from established practice. We find that no genuine attempts were made in your revised AOE to avoid or minimize these adverse effects of the proposed OPC project on the historic resources of Jackson Park. The superficial and cursory nature of the revised AOE indicates a lack of good faith that compromises the entire 106 process. This is inexcusable, regrettable and dangerous both for Jackson Park and for historic cultural landscapes across the nation.

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5529 South Lake Park Avenue, Chicago, IL 60637 + 773.493.1893  
[www.hydeparkhistory.org](http://www.hydeparkhistory.org)

We urge you to reconsider your decision to allow the Obama Presidential Center project to destroy historic public property in Jackson Park and to compromise the Section 106 public process.

Thank you very much for your time and attention.

Respectfully,

*Michal Safar*

Michal Safar, President  
Hyde Park Historical Society, Section 106 Consulting Party

Cc: Matt Fuller, [matt.fuller@dot.gov](mailto:matt.fuller@dot.gov)

**From:** [DPD](#)  
**To:** [Nolan Zaroff](#); [Rosa Ortiz](#); [Abby Monroe](#)  
**Subject:** Fw: Affordable Housing Plan in Woodlawn  
**Date:** Monday, February 10, 2020 12:16:16 PM

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From: Joshua Telser <jtelser@yahoo.com>  
Sent: Monday, February 10, 2020 9:47 AM  
To: DOH; DPD; Jeanette Taylor  
Cc: Leslie Hairston; lee@leebey.com; lee@leebey.com; George Rumsey; Gary Ossewaarde; Ross Petersen; Wendy Walker-Williams; Raymond Vance; s.smylie@hpherald.com; Suzanne Malec-McKenna  
Subject: Affordable Housing Plan in Woodlawn

Dear Department of Housing, Planning and Development,

Re: Hyde Park Herald article on Woodlawn housing plan (05 February 2020, p 1)

The whole problem with respect to affordable housing in Woodlawn in connection with the Obama Presidential Center (OPC) is that, as has been pointed out by Lee Bey and many others, the location of the OPC is totally wrong. It should not be in Jackson Park / adjacent to the Woodlawn community, or on public park land anywhere else.

The ideal location for the OPC is on the northwest and southwest corners of E. Garfield Blvd. and S. Martin Luther King Jr. Dr. All that is on this site is a gasoline service station (NW corner), which in any case is an inappropriate usage for the intersection of two historic boulevards adjacent to Washington Park. There is plenty of space at this, once built up but now vacant, location for the OPC. The Museum should be on one side of Garfield and Foundation offices on the other, perhaps with an attractive pedestrian overpass over Garfield Blvd.

This location is directly adjacent to the CTA Green Line that links the South and West Sides, as well as to CTA bus lines. The location, when properly developed, will have a lovely view over (but not in) Washington Park and the Obamas would probably be able to see Lake Michigan from the top of the taller structure (the proposed building could be built easily at this location).

With the move of the OPC to an appropriate location adjacent to Washington park, then housing development in Woodlawn would be absent any artificial stimulus / frenzied speculation and continue normally, including affordable housing.

Sincerely,

Joshua Telser  
1312 E. 56th St., #2  
Chicago, IL 60637  
773 324 8140

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**From:** [Jackson Park Watch](#)  
**To:** [jloichinger@achp.gov](mailto:jloichinger@achp.gov)  
**Cc:** [Matt Fuller](#); [lee\\_terzis@nps.gov](mailto:lee_terzis@nps.gov); [joel\\_lynch@nps.gov](mailto:joel_lynch@nps.gov); [Colin.C.Smalley@usace.army.mil](mailto:Colin.C.Smalley@usace.army.mil); [Abby Monroe](#); [Nathan Roseberry](#); [Gleason, Heather](#); [brad.koldehoff@illinois.gov](mailto:brad.koldehoff@illinois.gov); [anthony.rubano@illinois.gov](mailto:anthony.rubano@illinois.gov); [Carol.Wallace@illinois.gov](mailto:Carol.Wallace@illinois.gov); [Margaret Schmid](#); [Jackson Park Watch \(bnelms2120@gmail.com\)](#)  
**Subject:** Follow-up to January 23 Section 106 webinar  
**Date:** Sunday, February 02, 2020 1:28:31 PM

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## *Jackson Park Watch*

*P.O. Box 15302, Chicago, Illinois 60615*

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February 2, 2020

Jaime Loichinger  
Assistant Director  
Federal Permitting, Licensing, and Assistance Section  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
Via Email: [jloichinger@achp.gov](mailto:jloichinger@achp.gov)

Dear Ms. Loichinger,

Jackson Park Watch extends a sincere thank you for the important, much needed role you have been playing in the Section 106 review of the undertaking related to the proposed construction of the Obama Presidential Center (OPC) in Chicago's Jackson Park and the road closures and reconfigurations it would require.

In particular, we appreciated the August 22, 2019, letter than you sent to Arlene Kocher of the Federal Highway Administration (FHWA), identifying the need for more detailed information about the adverse effects, direct and indirect, of the OPC on Jackson Park and the Midway Plaisance. We also greatly appreciate your role in the January, 23, 2020 webinar clarifying the processes established by the National Historic Preservation Act (NHPA), in particular these points:

- Having observed and been puzzled by a process to date in which the City has played an outsized role as reviewer of its own plans, we found very helpful your comment about the need for the responsible federal agency, the FHWA, to take the lead and play its rightful role as manager of the overall review and especially of the resolution of the adverse effects that have now been identified.
- Also very helpful were your comments pointing to the need for multiple meetings and significant interaction with consulting parties as part of the process to resolve the significant adverse effects that have been identified.
- Finally, we appreciate your emphasis that the undertaking for which adverse effects have been determined includes the City's actions regarding the OPC and the related road closures.

JPW is a community-based organization that has been actively participating in discussions of the proposals for the OPC since the selection of Jackson Park was first announced in 2016 (see [www.jacksonparkwatch.org](http://www.jacksonparkwatch.org)). We do recognize that the NHPA is not designed to prevent any changes to historic properties whatsoever, but do also understand that its purpose is to prevent unnecessary and destructive changes to such properties.

With that understanding in mind, we remain particularly concerned about these points:

- The attempt to segment the “undertaking” into two portions, one subject to NHPA requirements and one exempt from those requirements, ignoring the inextricable connection between the proposed actions. The fact is that those actions that the FHWA concedes do fall under NHPA requirements were not previously planned and would not occur but for the “City action” authorizing construction of the Obama Presidential Center and the closing of roadways to accommodate the OPC.
- The FHWA’s attempt to claim that the proper baseline for any review is post-construction, that is, after the roadways within the designated OPC site have been removed and the OPC buildings constructed.
- The FHWA’s hesitation during the webinar to commit to a schedule of actual robust engagement with consulting parties on ways to resolve the adverse effects.
- The recent move away from rather than toward a more public and inclusive process, as evidenced in the decision to hold a webinar instead of a meeting on the “Final AOE.” While teleconferences can be useful for straight-forward presentations, they are less useful for productive discussion of complex undertakings such as the OPC, as the communication problems involved in the recent webinar indicated – imperfect audio reception, confusion about who is speaking, auto-transcription of the audio interactions that is garbled during the session and a long delay to provide a corrected written record of the proceeding.

Once again, we thank you for acting to ensure that NHPA processes and procedures are followed throughout the Section 106 review of proposed changes to this invaluable historic property. We hope that you will continue to point us all in a constructive direction that will respect established historic preservation procedures while also reaching a resolution that will allow things to move forward.

Sincerely,

Brenda Nelms and Margaret Schmid  
Co-Presidents  
Jackson Park Watch

Cc:  
Matt Fuller, Federal Highway Administration  
Lee Terzis, National Park Service  
Joel Lynch, National Park Service  
Colin Smalley, US Army Corps of Engineers

Abby Monroe, Chicago Department of Planning and Development  
Nate Roseberry, Chicago Department of Transportation  
Heather Gleason, Chicago Park District  
Brad Koldehoff, Illinois Department of Transportation  
Anthony Rubano, Illinois State Historic Preservation Office  
CJ Wallace, Illinois State Historic Preservation Office

# *Jackson Park Watch*

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February 18, 2020

Matt Fuller  
Environmental Programs Engineer  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, IL 62703  
Via E-mail: [matt.fuller@dot.gov](mailto:matt.fuller@dot.gov)

Re: Section 106 Review – Assessment of Effects to Historic Properties From the Proposed Undertaking in and Adjacent to Jackson Park

Dear Mr. Fuller:

As a consulting party to the Section 106 review of the proposed changes to Jackson Park and the Midway Plaisance to accommodate the construction of the Obama Presidential Center (OPC), we write to state our points of agreement and our objections to the Assessment of Effects to Historic Properties (AOE) that was issued on January 16, 2020 and presented to consulting parties in a webinar on January 23, 2020.

In this comment letter we will address the following:

- I. Definition of the Undertaking
- II. Flawed Analytical Framework for the AOE
- III. Determination of Adverse Effects on Jackson Park, Midway Plaisance and Chicago Park Boulevard System
- IV. Adverse Effects on Other Historic Properties
- V. Foreseeable Actions and Cumulative Effects on Historic Properties Not Included
- VI. UPARR and Parkland Replacement Issues
- VII. Improper NEPA and 4(f) Deferrals
- VIII. Avoidance, Minimization, and Mitigation

## **I. Definition of the Undertaking**

We agree with the expansive definitions of the undertaking that are used in the AOE, including the new acknowledgement of the role of the US Army Corps of Engineers (USACE) in addition to the Federal Highway Administration (FHWA) and National Park Service (NPS). Specifically, the Introduction (Section 1.0, p.1) states that “the undertaking comprises the construction of the OPC in Jackson Park by the Obama Foundation, the closure of roads to accommodate the OPC

and to reconnect fragmented parkland,<sup>1</sup> the relocation of an existing track and field on the OPC site to adjacent parkland in Jackson Park, and the construction of a variety of roadway, bicycle and pedestrian improvements in and adjacent to the park.” That phrasing is utilized in the Project Overview: “For the purpose of assessing effects to historic properties under Section 106, the above described Federal actions (conversion approval, Federal funding for transportation improvements, and USACE permits) and the local actions (approval of the construction of the OPC, road closures and track and field relocation) are collectively referred to in this AOE as the undertaking.” (Section 1.1, p. 4) The definition is further clarified in Appendix F – Public Comments and Responses with the statement for Comment 220 that “this Section 106 process evaluates not only the direct effects to historic properties from the Federal actions, but also the indirect effects of private and City actions (including the OPC and road closures) and additional foreseeable actions.” All of these variations acknowledge that the undertaking is the entire set of changes proposed for Jackson Park and the Midway Plaisance and that it is regarded as a collective whole.

## **II. Flawed Analytical Framework for the AOE**

Despite the inclusive definition of the undertaking noted above, however, the analytical framework advanced by the FHWA<sup>2</sup> improperly undermines and defeats that definition and is deeply flawed in at least two ways:

- First, the FHWA asserts that it is appropriate to separate the undertaking into a “Federal action” segment that falls under the NHPA’s [National Historic Preservation Act] requirements that the lead Federal agency “consults with consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on the historic properties,”<sup>3</sup> and a “non-Federal” or “City action” segment that is exempt from that requirement (Section 5.1.1, p. 75).
- Second, by using such terms as “post-construction” (Section 3.1.2, p. 24) and in its own statement that “the purpose of the FHWA action is to (1) address changes in travel patterns *resulting from* [emphasis added] closing roadways in Jackson Park...” (Section 1.3, p. 8), the FHWA also asserts that the baseline for any review that does occur should be the condition of the park and surrounding historic neighborhoods *after the OPC is constructed and all of the roadway changes have occurred*.

We object strenuously to the attempt by the FHWA to segment the undertaking, contrary to the requirements of the NHPA and standard practice for Section 106 reviews and contrary to common sense. We note that we have previously stated our concerns about this approach in our earlier responses as a consulting party (January 4, 2018; April 18, 2018; August 26, 2019), including its implications not only for the Section 106 review but also for the subsequent National Environmental Policy Act (NEPA), 4(f), and Urban Parks Recreation and Recovery program (UPARR) reviews (see separate sections below). We object equally strenuously to the

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<sup>1</sup> Historical note: this parkland was never “fragmented,” but was laid out this way in the original Olmsted design.

<sup>2</sup> Because the FHWA is the lead Federal agency with responsibility for this Section 106 review, we refer to the FHWA in our comments throughout.

<sup>3</sup> 36 CFR § 800.6 (a)

attempt to use a post-construction baseline that renders the requirements to consider adverse effects of the full undertaking through avoidance, minimization, and mitigation virtually meaningless. We objected (in a second letter of April 18, 2018, specifically regarding the NEPA Review Process, that is part of the record) to the FHWA's assertion of a similarly flawed framework in the draft NEPA documents that it produced and remain posted on the City's web site<sup>4</sup> even though it has since been replaced as the lead Federal agency for the NEPA review.

**Flawed Assertion of Insufficient Federal Control.** Based on this flawed analytical framework – use of a “post-construction” baseline and segmentation of the undertaking – the FHWA declares that “[t]he Federal agencies do not have sufficient control to condition project approval for the construction of the OPC, closing roads in Jackson Park, or relocating the existing track and field in Jackson Park” (Section 5.1.1, p. 75).

In fact, as further detailed below, there are inextricable connections between the “Federal” and “non-Federal” actions related to the undertaking that mandate full and complete review of the total undertaking under the applicable statutes and regulations. The “City Actions” could not occur but for actions of the FHWA itself, the US Army Corps of Engineers, and the National Park Service.

**FHWA Action Required:** The Use Agreement between the City of Chicago and the Obama Foundation was included as Appendix “D” of the ordinance (O2018-7136) passed by the Chicago City Council on October 31, 2018<sup>5</sup>, which approved plans for the OPC and related road changes. The Use Agreement contains language that directly ties the alleged non-Federal “City action”<sup>6</sup> of closing Cornell Drive between 59<sup>th</sup> and 63<sup>rd</sup> Streets to the FHWA action to be taken *prior to that closure*. Section 4.14 of the Use Agreement, Closure of Roads within OPC Site, is directly relevant: “The Foundation acknowledges, however, that the permanent closure of the Cornell Segment depends on the completion by the City of transportation improvements on Lake Shore Drive, Hayes Drive, and the portion of Stony Island Avenue located between East 63<sup>rd</sup> Street/Hayes Drive, and the North Midway Plaisance Segment, and certain utility work within the right-of-way of the Cornell Segment.”

In fact, as will be shown immediately below, the City is unable to complete the listed “transportation improvements” without action by and funding through the FHWA. Stated

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<sup>4</sup> [https://www.chicago.gov/city/en/depts/dcd/supp\\_info/jackson-park-improvements.html](https://www.chicago.gov/city/en/depts/dcd/supp_info/jackson-park-improvements.html). Scroll down to Additional Resources and look under National Environmental Protection Act (NEPA) Documents. The FHWA draft NEPA documents are dated February 6, 2018, April 18, 2018, and June 27, 2018.

<sup>5</sup> [Journal of the Proceedings of the City Council of the City of Chicago, Illinois](#), October 31, 2018, Volume 1, pp. 85891-86004. Note that the Use Agreement can only be executed when the federal reviews are complete. Note also that the federal review process might alter the proposed OPC and road changes given the requirement for consideration of measures to avoid, minimize and/or otherwise mitigate their adverse effects.

<sup>6</sup> Review of the Use Agreement shows that the Obama Foundation, not the City of Chicago/CDOT, is to remove the “Cornell Segment” and the “South Midway Plaisance Segment” of the existing roadways after the City has arranged for permanent closure of these roadway segments and has had them vacated (see especially Section 4.14., Closure of Roads within OPC Site). More importantly, it shows that the “City” (CDOT and/or FHWA) must first complete “transportation improvements” on Lake Shore Drive, Hayes Drive, and a portion of Stony Island Avenue before the Cornell Segment can be permanently closed. Note that some of the actions described in the AOE as “City actions” would actually be taken by the Obama Foundation. *Ibid.*, p. 85903.

differently, FHWA action is required to facilitate and enable the addition of the needed travel lanes on Lake Shore Drive and a portion of Stony Island Avenue and to make the needed changes to Hayes Drive prior to the permanent closure of Cornell Drive but for which the closure of Cornell Drive between 59<sup>th</sup> and 63<sup>rd</sup> Street could not occur.

This inextricable connection between the City/non-Federal action and the FHWA/Federal action can also be seen in the language of the AOE itself. In *Roadway Changes* (Section 1.1.1.2, p. 4), the roadway changes that the City proposes are described not only as “permanent roadway closures and removals within Jackson Park: Cornell Drive between 63<sup>rd</sup> Street (Hayes Drive) and 59<sup>th</sup> Street...and the eastbound portion of Midway Plaisance between Stony Island Avenue and Cornell Drive,” but also as those outside the Park – “widening Lake Shore Drive (Hayes Drive to 57<sup>th</sup> Drive) one travel lane to the west; removing parking and replacing it with a travel lane in each direction on Hayes Drive (Cornell Drive to Lake Shore Drive; widening Stony Island Avenue (67<sup>th</sup> Street to 65<sup>th</sup> Place) one travel lane to the east; widening Stony Island Avenue (65<sup>th</sup> Place to 59<sup>th</sup> Street) one travel lane in each direction; and the associated intersection improvements on each roadway.” This City action closely resembles if not entirely matches that of the FHWA, that states “...the roadway alterations considered under the proposed FHWA action occur along Lake Shore Drive, Hayes Drive, and Stony Island Avenue and their intersecting roadways,” establishing a clear connection between the City’s “non-Federal” action and the FHWA’s “Federal” action (Section 1.3, p. 9).

US Army Corps of Engineers (USACE) Action Required: As shown above, the widening of Lake Shore Drive and changes to Hayes Drive are required before the City action of closing segments of Cornell Drive and the Midway Plaisance can take place. USACE action is required for this roadwork to proceed. The roadwork on Lake Shore Drive and Hayes Drive required for the City action to proceed requires USACE approval of a permit to allow expansion of the 59<sup>th</sup> Street bridge abutment on Lake Shore Drive as well as USACE approval of a permit to dewater a portion of the lagoon under Hayes Drive to complete bridge improvements on that road (Section 1.4, pp. 9-10).

Additionally, the City’s proposal to utilize the east end of the Midway Plaisance, a wetland, for UPARR replacement land may require USACE approval. Finally, the proposed changes to Lake Shore Drive and Hayes Drive would require removal and/or alteration of portions of the GLFER project nearing completion in Jackson Park, also requiring USACE permission.

Here again there is a direct and clear connection between the proposed City action and the Federal actions but for which the City action could not be executed.

National Park Service (NPS) Action Required: The City action authorizes the citing of the OPC in Jackson Park and the modification of roads in the Park to accommodate that location of the OPC. These plans require the conversion of parkland now devoted to recreational use to non-recreational functions. Because of UPARR grants previously given to the City to improve the Park, NPS approval of this so-called “conversion” is required.

While this applies most specifically to the City’s controversial proposal to utilize the east end of the Midway Plaisance as the main location for UPARR replacement land, it also means that the

plan to construct the OPC itself, located as it is on UPARR parkland, cannot proceed without NPS approval of UPARR replacement plans. Here again is a clear tie between the City action and a required Federal action without which the City action could not proceed.

Consideration of these three clear and direct links between the proposed City action and the actions of the three Federal agencies *but for which the City action cannot proceed* demonstrates that “Federal” and “City/non-Federal” actions related to the OPC and related roadway changes are inextricably tied together; the idea that the undertaking can be segmented is a fiction. *But for* these Federal actions, the plan approved by the City cannot be executed. The assertion that “City actions” are separate from “Federal actions” and thus exempt from the NHPA requirements to consider avoidance, minimization, and mitigation is thus exposed as a fallacy.

### **III. Determination of Adverse Effects on Jackson Park, Midway Plaisance, and Chicago Park Boulevard System**

We appreciate that the FHWA followed the advice of the Advisory Council on Historic Preservation to take a more expansive approach in revising the draft AOE in order to provide a more detailed description and assessment of the adverse effects of the undertaking on the cultural landscape of Jackson Park and the Midway Plaisance. We also appreciate the addition of the Chicago Park Boulevard System Historic District (the “CPBS Historic District”) to the historic properties to be evaluated for adverse effects. These additions continue to recognize the breadth of the adverse effects that would be caused by the proposed undertaking on those areas.

We agree with the conclusions presented in Section 3.5 of the AOE, stating that the undertaking – directly, indirectly and cumulatively – would have severe adverse effects on the historic integrity of Jackson Park Historic Landscape District and Midway Plaisance, diminishing the sense of the historic period and the careful design by the Olmsted firm for the spatial organization of the park. Section 3.5.2.1.1 (pp. 41-43) provides a detailed “Summary of the Adverse Effect to the Cultural Landscape,” addressing spatial organization, land use, views, circulation, topography, vegetation, and structures.

We also agree with the conclusion presented in Section 3.6 that the undertaking, by inflicting severe adverse effects on Jackson Park and Midway Plaisance, would also have an adverse effect on the CPBS Historic District.

### **IV. Adverse Effects on Other Historic Properties**

We disagree with and object to the AOE’s assertion that there will be no adverse effects on other historic properties or historic districts near or immediately adjacent to Jackson Park and the Midway Plaisance (Section 3.7, pp. 58-66). In particular, we disagree with and object to the failure to find adverse effects on the following historic resources: the Jackson Park Terrace Historic District; a significant portion of the Hyde Park-Kenwood Historic District; the South Shore E. 67<sup>th</sup> Street Apartment District; the Windemere Hotel/Apartments; Jackson Towers; the Hyde Park East Historic District; and multiple individual historic properties in each of these areas.



Instead, we conclude that the FHWA's failure to recognize that those properties will suffer adverse effects is due to its use of the flawed analytical framework already discussed. Thus, rather than reviewing the projected impacts of all of the proposed road closures and realignments on historic properties and districts and comparing conditions at present with those projected to occur after the road changes, the FHWA does two things:

- First, it considers only conditions after these changes have been made, that is, post-construction: "The purpose of the FHWA action is to (1) address changes in travel patterns *resulting from* [emphasis added] closing roadways in Jackson Park, and (2) improve bicycle and pedestrian access and circulation" (Section 1.3, p, 8). Stated differently, the FHWA analysis of adverse effects on historic properties and historic districts assumes that the road changes and their impacts *are already in place*; for the purposes of its analysis, it uses the post-construction condition of the park as its baseline.<sup>7</sup>
- Second, in keeping with its segmented approach to the undertaking, the only effects the FHWA assesses are the impacts of the FHWA-supported widening of Lake Shore Drive and Stony Island Avenue and alteration of Hayes Drive (which, in comparison with doing nothing after the segments of Cornell Drive and the Midway Plaisance are closed, would indeed ease traffic problems resulting from those closures), and of the addition of bicycle lanes and pedestrian crossings. No analysis of the impacts of the so-called "City action" of closing Cornell Drive between 59<sup>th</sup> and 63<sup>rd</sup> Streets and a segment of the Midway Plaisance between Stony Island Avenue and Cornell Drive has taken place to date.

This framework has multiple consequences for the resulting analyses.

**Traffic:** We and others have noted in prior communications that the FHWA has failed to provide any analysis of the changes in traffic on the local neighborhood streets resulting from the closure of segments of Cornell Drive and the Midway Plaisance in Jackson Park. The present AOE fails once again to provide any meaningful analysis of traffic changes in local neighborhoods resulting from these closures. An [analysis by raSmith](#), a national consulting firm, identified a number of shortcomings in the data presented in the City-commissioned Traffic Impact Study by Sam Schwartz that directly demonstrate the need for a more robust analysis of traffic impacts in the local area (see raSmith study, p. 1) Significant changes in traffic volumes or patterns on local roads in historic neighborhoods could introduce visual, atmospheric, and audible elements that could diminish the integrity of historic districts and historic properties in them, and could bring about major alterations in their settings. Properties at risk include those already noted above: the Jackson Park Terrace Historic District; a significant portion of the Hyde Park-Kenwood Historic District; the South Shore E. 67<sup>th</sup> Street Apartment District; the Windemere Hotel/Apartments; Jackson Towers; the Hyde Park East Historic District; and multiple individual historic properties in each of these areas. Absent any analysis whatsoever of traffic changes on

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<sup>7</sup> Note that the FHWA attempted to use the post-construction condition of the park as the baseline in the NEPA documents it posted on the City website (see above, Footnote 4). JPW and other consulting parties submitted comments objecting to this at the time. Since the National Park Service was subsequently made the lead agency on the NEPA review, it appears appropriate that new documents prepared by the actual lead agency with a proper baseline should be submitted and the other drafts be withdrawn.

these neighborhood roads, such potential adverse effects cannot (and should not) be credibly dismissed.

Parking: Similarly, the loss of existing on-street parking in Jackson Park and the anticipated impact of OPC visitors seeking free parking on local roads in historic neighborhoods in the vicinity of the OPC has not been addressed. The raSmith analysis of the Traffic Impact Study also identified numerous gaps in the analysis of parking data (see raSmith study, p. 2). The assertion that "... there are plans to provide a total parking supply in excess of existing parking via new on and off-street parking" (Section 3.2.2, p. 31) when no such plans have been made public, when no details are known, and when no timeline or committed funding exist is completely inadequate. Significant increases in individuals seeking to park their vehicles in historic neighborhoods, coming and going through the day, could well negatively impact the integrity and feeling of the historic district. Data and analysis, which have not been adequately provided to date, are called for.

Noise: The FHWA has used the same post hoc baseline in its analysis of the changes in noise when it refers to "the change in noise level (post-construction) as a result of the FHWA action" (Section 3.1.2, p. 24) in its Noise Analysis. Not surprisingly, given this approach, it finds "no effect."

Since it appears that the FHWA has used this segmented and post-construction baseline in all of its analysis of adverse effects on other historic properties and historic districts – that is, looking at projected impacts on traffic, parking, and noise *after the road changes have been made* rather than comparing traffic, parking, and noise *now* with projected traffic and parking *after the road closures in Jackson Park have taken place* – it is not surprising that the FHWA finds no adverse effects.

Legitimate analysis of the impacts of the closure of the roadways in Jackson Park on traffic, parking, and noise levels on historic properties and historic districts outside of the Park must take place before the FHWA's current conclusions can be accepted as conclusive. Analysis of the *complete* undertaking is essential. That can and must occur in the next phase of the Section 106 process, which should include all of these historic resources.

#### V. Foreseeable Actions and Cumulative Effects On Historic Properties Not Included

We object to the omission of the proposed merger and expansion of the Jackson Park and South Shore golf courses from the list of foreseeable actions that should be taken into account in assessing the incremental impact of the undertaking on the environment as addressed in Section 3.8 (pp. 68-72). We find it particularly puzzling that the golf course project is not included as a foreseeable action because elements of the Federal action embraced by the FHWA – the construction of two underpasses (under Jeffrey just north of 67th St. and under South Shore Drive at 67th St.) – as well as the closure of Marquette Drive (defined in the AOE as a City action) are not related to the OPC, but instead are directly related to the golf course project and would not be pursued but for that project. The rationale behind those underpasses is to connect segments of the enlarged golf course for use by golfers and golf carts; the labeling of them as

“pedestrian underpasses” is, at best, incomplete. The plan for the golf course project, with its expanded park footprint, was revealed in mid-2017 in conjunction with the plans for the OPC and the road changes. The timing was not an accident, but an indication of the total dependence of the golf project on the proposed road changes, similar to the dependence of the OPC on those same Federal actions. The golf project may be independent of the OPC, but it definitely has been discussed in tandem with the OPC as part of the proposed changes to Jackson Park and South Shore Cultural Center Park. Further, the proposed road changes incorporate specific plans that link directly to the golf project. If the golf project is not considered as a foreseeable action with cumulative effects for the undertaking under review, then the relevant underpasses that are golf-specific and the changes to Marquette Road should not be included in the infrastructure changes proposed for review now.

We have previously expressed our concern about this issue (letter of April 18, 2018), but the omission seems particularly grievous given the list of other activities that are included in the AOE (Section 3.8.1, p. 68). The explanation given in Comment 85 is that the golf course project is not “programmed (i.e., funding committed for the project construction) within the next two years.” That same caveat could be applied to other projects on the 3.8.1 list – e.g., improvements to the Osaka Garden, other improvements on Wooded Island, Jackson Park Harbor Navigation Improvement project, or potential improvements to the Columbia Bridge. This approach to assessing the cumulative effects of the undertaking is arbitrary and capricious.

## **VI. UPARR and Parkland Replacement Issues**

While the AOE correctly finds that the Midway Plaisance will be adversely affected by the undertaking, the City continues to assert that the east end of the Midway Plaisance between the Metra tracks and Stony Island Avenue should serve as the site for the UPARR replacement recreational land. The AOE also expands the claim that the closure of Cornell Drive between 59<sup>th</sup> and 63<sup>rd</sup> Streets and “certain” other roadways will “also satisfy UPARR” (Section 1.1.1.3, p. 6). This land, already in the park but currently covered by Cornell Drive between 59<sup>th</sup> and 63<sup>rd</sup> Streets, the eastbound segment of the Midway Plaisance roadway between Stony Island Avenue and Cornell Drive, and other segments of roadway designated for removal, totals approximately 7.75 acres. The AOE report wants to count this both as UPARR replacement land and as parkland replacement more broadly.

The National Park Service has not yet approved the City’s proposal to use this site for UPARR replacement land. Nor should it, for the City’s continued insistence on identifying the east end of the Midway Plaisance park as UPARR replacement land is highly problematic in multiple ways.

While the City has insisted that the parkland replacement must be in Jackson Park, UPARR legislation (Section 72.72.b.3.ii) does not require that the replacement parkland be located at or adjacent to the same site: “Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions.”

The east end of the Midway is already part of an historic park on the National Register of Historic Places. Utilizing this plot as replacement parkland would not add to public parkland, but would in fact diminish it through double-counting. The UPARR designation should be applied to new parkland that would add to that available to local residents.

Also questionable is the implication that this land could serve a specifically “recreational” function, one that does not appear to comport with UPARR requirements. There is no detailed design for this proposed UPARR replacement, meaning that effective review is impossible; even if there were appropriate design to review, there has to date been no legitimate community process to consider the proposal.

Finally, the City’s proposal would potentially have an adverse effect on the historic parkland, but whether and when a separate Section 106 process would be launched has not been specifically discussed and identified. The manner in which the actions are being proposed and discussed makes it appear that somehow the UPARR selection can circumvent Section 106 review, when in fact the City’s problematic proposal creates the necessity for a separate and detailed Section 106 review associated with its proposal.

Some additional concerns include but are not limited to the following:

- The land in question includes a seasonal wetland, as has been pointed out by the USACE. Historically both the proposed OPC site and this Midway site were marshy, and the far eastern end of this proposed replacement parkland area now experiences standing water for a noticeable portion of the year. It is well documented that water levels in Lake Michigan have recently risen substantially and that extensive flooding is occurring in multiple areas in Jackson Park. The City and Park District have asserted that the area could be engineered so as to end the problem of standing water, but said at the same time said that no studies of the issue have been completed, that no cost estimates are available, and that the cost of any such work would be borne by City taxpayers. Given the existence of the wetland as a natural feature, the predictions of continuing increases in Lake Michigan water levels, and the ready availability of other replacement parkland sites in the near neighborhoods, the selection of other sites seems prudent.
- The UPARR legislation states that "the [replacement] property should meet existing public recreations needs," but there is no available analysis comparing the number of children who might use a playground in that location with the number of children who might use new playgrounds in other locations in the near neighborhoods. The nearest school serving young children in the area (the University of Chicago Laboratory Schools Earl Shapiro Campus) already has playground facilities and the adjacent residential high rise on 59<sup>th</sup> Street at Stony Island Avenue has an enclosed playground area as well. An additional consideration in assessing need should be the proximity of the Midway site to the playground to be erected as part of the OPC campus, which will be situated at approximately E. 61<sup>st</sup> Street, a block to the south along Stony Island Avenue.

- The area in question has an active roadway to the east and two busy roadways on both the north and south, indicating that safe access to the site could be problematic. There is no designated parking area, current street parking will be diminished by the proposed road changes, and weekday parking is already very limited. Here again no data has been presented.

In the recent webinar discussing the AOE, a key question was asked: If additional potential UPARR replacement sites in the community are identified, will the NPS consider those sites? The answer was in the affirmative. We strongly encourage the NPS to pursue this route.

Beyond UPARR, there are serious concerns about the need for legitimate parkland replacement.

If the current OPC plan to build in Jackson Park proceeds, the City/Chicago Park District should provide actual replacement parkland equivalent to the entire 19.3-acre site. As noted above, the assertion that vacated roadway within the confines of the OPC site constitutes new public parkland defies common sense. Assertions that the OPC site itself, even in part, is the equivalent of public parkland is equally illogical for several key reasons.

One key issue is governance of the site. The draft agreements to be signed between the City and the Obama Foundation – if the federal review processes approve the OPC and UPARR plans as they currently exist – do assert that the OPC campus will be, for the most part, open to all for some uses some of the time. These same agreements give the Obama Foundation control of the site for 99 years and allow it to maintain, operate and control the site and the activities and visitors to the site. The agreements also recognize that the U.S. Department of Homeland Security must review and approve security measures. These governance features in themselves differentiate the proposed OPC site from public parkland in major ways.

Additional analysis reveals that the space will not be actual public parkland or public space at all. As is currently the case with Millennium Park in downtown Chicago, which is also not under the control of the Chicago Park District, this space could readily be closed to the public for unspecified events. Private security, not Chicago Park District security, would control the area. There are a myriad of unanswered questions concerning the use of the minimal amount of actual green open space that would be left for picnicking or informal leisure and recreation. Whether and how a family or church group might obtain a permit for a picnic on the OPC site is completely unclear, whether gatherings with amplified music would be permitted is unknown, whether frisbee would be allowed is likewise unknown. The list goes on.

A look at the description of what should be anticipated on the OPC site (Section 1.1.1.3, pp. 5-6) shows that the current largely open, largely green space used for a broad range of recreational, leisure, and family activities will be replaced by a far more structured, built up, and restricted area with many more restrictions on activities the community will be allowed to enjoy. While there may be a place for such a more formal and structured site, it is certainly not the same as an actual public park.

## **VII. Improper NEPA and 4(f) Deferrals**

The attempts by the FHWA in the current Section 106 review to segment the undertaking for the purpose of largely nullifying the NHPA requirement to consult with consulting parties to consider ways to resolve adverse impacts and also to use a post-construction baseline in the analysis so as to further limit the effectiveness of the review raises multiple questions beyond the impacts in the present Section 106 review itself.

One relates to the fact that FHWA seeks to defer numerous issues related to traffic and parking to the NEPA review. We question this on two grounds.

First, we are in the Section 106 review of effects on historic properties. The criteria described in 36 CFA 800.5(a)(1) apply. It is entirely appropriate to assess the likely effects of the proposed changes in traffic and parking on neighborhood streets and local roads on the overall integrity of the historic properties and relevant historic districts during the current Section 106 review. Analysis of the type of detailed local data that we have called for is required to accomplish that effectively. This task remains to be accomplished, not deferred. The failure to do so impacts the designation of no adverse effects on properties, effectively nullifying such designations.

Second, as has been noted, the FHWA's flawed analytical framework would carry over to the NEPA review that is to follow. If the FHWA succeeds in restricting the scope and baseline of the NEPA review to the post-construction state of Jackson Park, the Midway Plaisance, and the surrounding neighborhoods and to "Federal actions" only, the scope of review and the questions to be reviewed would be so limited and insignificant as to render any NEPA review toothless and largely irrelevant.

Separately, the FHWA's analytical approach also has significant implications for the mandatory 4(f) review required pursuant to the Department of Transportation Act of 1966. In our letter of August 26, 2019, commenting on the draft AOE released July 29, 2019, we commented extensively on the 4(f) issue. We incorporate those comments concerning the important of a legitimate 4(f) review here via reference to that letter. Continuing to apply such a post-construction baseline reflects a decision to improperly avoid a legitimate 4(f) review. We repeat for the record that a legitimate 4(f) review – one considering all possible feasible and prudent alternatives to minimize harm to Jackson Park – must be completed for a proper and complete Section 106 review to be performed.

We and others have also called for an Environmental Impact Statement. (EIS) rather than an Environmental Assessment, given the size, scope, and controversial nature of the full undertaking. Efforts to segment the project or otherwise short circuit the necessary reviews through improper baselines and other actions discussed above so to try and avoid an EIS are not proper in and of themselves.

## **VIII. Avoidance, Minimization, and Mitigation**

Section 5.0, Avoidance and Minimization of Effects, appears to be a summary of efforts the FHWA and City claim to have already made to avoid or minimize impacts to the historic properties. We note that the AOE concludes that, in spite of these alleged efforts, the undertaking

will still have significant adverse effects to Jackson Park, Midway Plaisance, and the CPBS Historic District, a conclusion with which the City and involved Federal agencies agree.

Given that determination, we anticipate that consistent with the appropriate, expansive definition of the undertaking in the AOE report and consistent with the requirements of the National Historic Preservation Act, the FHWA and City will now consider ways to resolve adverse effects in consultation with the consulting parties, addressing first ways to avoidance the adverse effects, then to minimize them and, finally – only as a last resort – to mitigate them. For these efforts to be more than window-dressing, these must involve actual dialogue and consideration of alternatives. The consulting parties were not involved in any way in the efforts the FHWA and City claim to have made during the design of the OPC and roadway changes; that must now change. In that regard, we agree with the comment from the representative of the Advisory Council for Historic Preservation during the webinar of January 23, 2020, who indicated that multiple meetings to properly discuss and analyze avoidance and minimization measures should be planned and expected.

The final paragraphs of the report (Section 6.0, p. 82) state that the Federal agencies and the City “will explore measures to further avoid, minimize, or mitigate adverse effects to historic properties from the Federal actions” but then in the following, concluding sentences make reference only to mitigation measures. The implication is that only mitigation is to be seriously considered and that no new discussions of avoidance or minimization will be considered; such a process violates the applicable statutes and regulations as well as established practice. Furthermore, we object to any effort to avoid required consideration of avoidance and minimization of the adverse effects on the entire undertaking. We object both as a matter of policy and of fact to the assertion that the actions of the City described in the AOE do not require Federal funding or approval and so are not subject to NHPA’s requirement to consider avoidance, minimization of adverse effects: the “City’s actions” absolutely depend on Federal funding and approval, without which they cannot proceed, and therefore they are rightly subject to NHPA regulations.

We would like to comment on ways to resolve the adverse effects.

- Avoidance: Clearly, the most effective way to resolve the adverse effects of the OPC and roadway designs on Jackson Park and the Midway Plaisance and to move the OPC project forward would be to relocate the entire project to the alternate site that was originally envisioned, at the juncture of 55<sup>th</sup> St./Garfield Blvd and MLK Jr. Drive. That site, with no building in Washington Park itself, might not have to undergo the current federal review process. It was found in the Obama Foundation’s own due diligence work to have a considerably more beneficial economic impact on the community than the Jackson Park site, bounded as that site is by residential and institutional development. If the so-called “Washington Park” site had been chosen, construction of the OPC would be well advanced. There are many who advocate such a relocation as the most expeditious way to move the OPC forward. Similarly, given that the City’s proposal to use the eastern portion of the Midway Plaisance to satisfy UPARR requirements for replacement parkland would have an adverse impact on the Midway Plaisance park, the avoidance option would be to seek space elsewhere in the community for this purpose. The change

of location, perhaps to West Woodlawn or other nearby park-poor areas, would greatly improve the value and beneficial impact of the project for the community.

- **Minimization:** We would also like to advance suggestions about how to minimize the adverse effects of the undertaking to Jackson Park and Midway Plaisance, some of which were included in our letter of August 26, 2019. Minimization presents several options that would be compatible with the possibility of siting the OPC in Jackson Park but with a different and redesigned footprint. Such options include:
  - keeping Cornell Drive open, but with a narrowed profile, traffic calming features and multiple enhanced pedestrian crosswalks;
  - retaining the east bound segment of the Midway Plaisance given its importance to the iconic design linking the Midway and Jackson Park;
  - retaining the Perennial/Women’s Garden in its present state but with improved accessibility;
  - right-sizing the OPC museum tower to make it compatible with the Olmsted design for the park that established the Museum of Science and Industry as the dominant building;
  - retaining more of the mature trees on the OPC site and throughout the park;

We look forward to opportunities to discuss these and other ways of resolving the adverse effects of the OPC and roadway changes on Jackson Park and the Midway Plaisance in dialogue with the FHWA and City and other consulting parties.

Sincerely,

Brenda Nelms and Margaret Schmid  
Co-Presidents  
Jackson Park Watch

cc: Abby Monroe, Chicago Department of Planning and Development; Arlene K. Kocher and David Clarke, Federal Highway Administration; Lee Terzis, Joel Lynch and Morgan Elmer, National Park Service; Colin Smalley, US Army Corps of Engineers; Nate Roseberry, Chicago Department of Transportation; Heather Gleason, Chicago Park District; Brad Koldehoff, Illinois Department of Transportation; Anthony Rubano and CJ Wallace, Illinois State Historic Preservation Office; Jaime Loichinger, Advisory Council on Historic Preservation; Maurice Cox and Eleanor Gorski, Chicago Department of Planning and Development; Gia Biagi, Chicago Department of Transportation; Samir Mayekar, Deputy Mayor, City of Chicago; Bonnie McDonald and Lisa DiChiera, Landmarks Illinois; Gerald Adelman, Ted Haffner, and Stacy Meyers, Openlands; Ward Miller and Mary Lu Seidel, Preservation Chicago; Juanita Irizarry, Lauren Moltz and Fred Bates, Friends of the Parks; Charles Birnbaum and Scott Craver, The Cultural Landscape Foundation; Dan Marriott, National Association of Olmsted Parks; Betsy Merritt, National Trust for Historic Preservation; Michael McNamee and Karen Rechtschaffen, Save the Midway; Bronwyn Nichols Lodato, Midway Plaisance Advisory Council; Walter Kindred, SSCC Advisory Council; Jack Spicer, Promontory Point Conservancy; Michal Safar,



Hyde Park Historical Society; Naomi Davis, BIG; Jawanza Malone, Kenwood-Oakland  
Community Association; Alex Goldenberg, STOP



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August 30, 2019

(SENT VIA EMAIL)

Ms. Abby Monroe  
Coordinating Planner  
City of Chicago,  
Department of Planning and Development

*RE: Response to request for comments on the Assessment of Effects to Jackson Park Historic District and Midway Plaisance*

Dear Ms. Monroe,

Landmarks Illinois is writing to provide its comments regarding the Assessment of Effects (AOE) to the Jackson Park Historic District and Midway Plaisance associated with proposed road and park changes to accommodate the Obama Presidential Center (OPC). As a consulting party, we have several comments and questions in regards to this phase of the Section 106 review process.

The city, state and federal agencies have acknowledged an “Adverse Effect” finding in the AOE due to changes to the following:

- Cultural landscape
- Spatial organization of roadways
- Spatial organization of contributing resources such as:
  - Cheney-Goode Memorial
  - Statue of the Republic
  - English Comfort Station

An adverse effect finding in the AOE is also due to inclusion of new elements in the park including the OPC buildings and plaza, and due to removal, replacement, or alteration to historic resources including:

- Women’s Garden
- Western Perimeter Playground
- Eastern end of Midway Plaisance

## Failure to Document Consideration of Avoidance of Adverse Effect

Landmarks Illinois agrees with the adverse effect findings stated above. However, at the August 5<sup>th</sup>, 2019 consulting parties meeting releasing the AOE Report published July 2019, the city’s presentation only posed considerations for minimization and mitigation. The Section 106 process, with a finding of adverse effects, first calls for the development of measures to

avoid the adverse effect by either cancelling or making significant changes to the project. Second to avoidance is minimization of the adverse effect, and mitigation as *the last option* if avoidance and minimization are not feasible. The AOE Report includes in Section 5.0, pages 51-52, a description of the minimization and mitigation efforts by the Federal Highway Administration (FHWA) and the National Park Service (NPS) in collaboration with the City of Chicago. Our concerns hinge on the important fact that the consulting parties were not consulted in the discussion, or development of, avoidance or minimization efforts. We call for a series of meetings that would focus on: 1) avoidance; 2) minimization; and then, 3) mitigation. Each step must be given full and transparent consideration and include the consulting parties. Otherwise, this Section 106 process is nothing more than a *fait accompli*. This is particularly troubling when a review under Section 4(f) of the U.S. Department of Transportation Act [1966] (discussed below) requires that avoidance measures be thoroughly investigated, but which remains largely unaddressed.

### Examples of Avoidance Measures

As it relates to avoidance, Landmarks Illinois requests that the following actions be considered and implemented:

#### *Eastern End of the Midway Plaisance*

While the Area of Potential Effect (APE) was extended to include the entire Midway, as we had recommended in our January 5, 2018 letter, we do not agree that the eastern end of the Midway Plaisance should be offered for Urban Park Recreation and Recovery (UPARR) grant recreational land replacement. The intent of UPARR recreation replacement should be to provide recreational space where it does not currently exist, not on existing park property. Reuse of an existing park greenspace is not replacement. Not only does this deny the opportunity to create new park land in an area underserved by existing passive and active green and/or recreational space, but causes an additional adverse effect on the eastern end of the Midway Plaisance. The Plaisance was intended to be an open, green, passive and scenic vista creating an axial connection between Jackson and Washington Parks. We recommend the UPARR recreation replacement be moved to another geographic area where little accessible parkland currently exists and is in most need, such as West Woodlawn, Parkway Gardens, Greater Grand Crossing or Chatham. The eastern end of the Midway Plaisance should remain open and free of new landscape design and obstructions, as was intended in the *1909 Plan for Chicago*.

#### *Midway Plaisance twin roadways that buffer the Midway's connection into Jackson Park.*

The twin roadways on the north and south sides of the Midway Plaisance that connect into Jackson Park are a key original design feature of Frederick Law Olmsted's park circulation system. The current OPC campus site plan calls for the elimination of the southern road along the Midway Plaisance east of Stony Island Avenue. We recommend the OPC campus be shifted south toward the Jackson Park

track and field by the necessary measure to avoid elimination of this section of road that also flanks the Women's Garden and either retain the roadway as is, or hardscape using universal design principles to accommodate pedestrian and other individual active transportation modes (bicycle, scooter, skateboard, rollerblades, etc.).

#### *The Women's Garden*

This important Works Progress Administration (WPA) -era perennial garden, the first Chicago Park District woman-designed landscape, should be left intact, not destroyed and then recreated with alternative landscape features. Technology for water retention is advanced enough today that water runoff can be accommodated utilizing the design of the OPC Plaza and Entry Grove, the Forum Building, the Library Building, and the Program, Athletic and Activity center green roofs and permeable pavers. Should this treatment endangered archives, artifacts, or activities underneath, there is also planned green space, such as the Woodland Walk, the Entry Garden, the Lagoon View Lawn, the Wetland Walk, and the Great Lawn that provide ample water recapture and retention areas. Destroying the significant historic feature of the Women's Garden can be avoided.

#### **Methods to Minimize the Adverse Effect**

As it relates to minimization, we believe the following should also be implemented:

#### *Real estate speculation and displacement*

In our January 5, 2018 letter, looking to the recent example of The 606 trail on Chicago's northwest side, we noted the risk of real estate speculation that will invariably result in displacement and demolition. While The 606 is a valued and accessible amenity, it has caused documented displacement of low-income residents through speculative developments. As we previously stated, there is an opportunity to plan ahead to assure that the OPC does not have the same unintended impact. We strongly encourage that the city explore programs to ensure the preservation of the existing mixed-income community and create opportunities for its existing residents to remain and to invest, particularly relating to housing in the Woodlawn community. Programs, such as the creation of community land trusts or a housing preservation fund, which may curb displacement and encourage building rehabilitation over demolition should be prioritized.

#### *Historic roadways and circulation patterns*

FHWA and the Chicago Department of Transportation (CDOT) are proposing to expand Lake Shore Drive, Hayes Drive, and other intersections to accommodate diverted traffic from the closed Cornell Drive. The following should be considered concerning road widening:

- While Cornell Drive was widened over the years, there has been a circuit drive around the park since its original Olmsted design. A minimization effort would be to retain some aspect of this historic road for vehicular traffic, such as narrowing the road. A mitigation effort could include memorializing the roadway alignment in an expanded pathway utilizing alternate hardscape material, to set it apart from the other new design features, and providing interpretive activities and signage about how people felt moving through and around Jackson Park. Through our conversations at Section 106 meetings with Black residents living near the park, few felt welcome, understood how to navigate or use the park, or felt they had access to its history (because of a lack of signage). These important stories could be told using interpretive methods.
- Hayes Drive, and the southern portion of Cornell Drive that would remain open, will require appropriate traffic-calming measures so as to protect the expected experience of park-goers visiting the museum campus and the natural setting. Jersey barriers and high-speed traffic diminish the experience of being in Jackson Park.
- Existing historic resources should not be moved or locations altered for the proposed expansion of Hayes Drive, such as the Statue of the Republic which just celebrated the 100th anniversary of being its current location in 2018. The AOE report states of the proposed Hayes Drive and triangular road intersection reconfiguration, “the realignment will introduce visual elements that diminish the integrity the Statue of the Republic.” This impact could be avoided by maintaining and redesigning the traffic circle, and keeping the Statue in situ. Traffic circles have been deployed by departments of transportation nationwide as more efficient for the flow of vehicles than stop lights.

## Mitigation Measures

As previously stated, the consulting parties should not be asked to present mitigation measures at this time, since we have not contributed to the discussion of avoidance and minimization. In the event our request for additional consultation is denied, and for the purposes of this response’s deadline, we suggest mitigation measures here.

Interpret Jackson Park’s women’s history through multimedia methods and on-site signage:

- The Women’s Garden, built in 1936 and designed by May McAdams, should not only be preserved (see avoidance section above), but interpreted with appropriate signage that notes its significance as the first woman-designed public landscape in the city, and that tells the story of McAdam’s career.
- The Cheney-Goode Memorial, dedicated in 1932, should be given a prominent location, conserved and interpreted with appropriate signage. The Chicago

Park District's website states, "The Cheney-Goode Memorial is one of Chicago's few early monuments dedicated to women who played a significant role in the city's history. It honors two accomplished women who lived on the city's South Side, Flora S. Cheney and Katherine H. Goode." Few people know this monument exists or the role these women played in Chicago and Illinois politics.

- The location of the Woman's Building from the World's Columbian Exposition of 1893 should be interpreted where appropriate at the OPC so that its prior existence on the site is understood.

Invest in, repair and maintain historic buildings and structures in Jackson Park, including:

- Iowa Building comfort station in the northeast corner of Jackson Park at 56<sup>th</sup> Street.
- Darrow Bridge, constructed in 1880 and designed by Daniel Burnham and John Wellborn Root, built as the Columbia Bridge and dedicated by Mayor Richard J. Daley as the Clarence Darrow Memorial Bridge in 1957.
- 9<sup>th</sup> hole golf shelter, circa 1912, designed by the D.H. Burnham & Co.
- Cecil Partee golf shelter building, circa 1900.
- The English Comfort Station, 1936, designed by E.V. Buchsbaum.

Additional concerns, requiring a response, include:

1. The Chicago Park District and its consultants with the Army Corps of Engineers ensured that that 2013-initiated Great Lakes Fisheries and Ecosystem Restoration (GLFER) project met the Secretary of Interior Guidelines for Cultural Landscape Rehabilitation and balanced ecological needs with historic preservation goals. We previously understood that the GLFER project was still underway and to be completed by the fall of 2019 according to the Corps of Engineers. What is the status of this effort and has its completion been stalled due to the current OPC planning?
2. It is still not clear if FHWA plans to conduct a Section 4(f) process for the OPC proposal, in coordination with a National Environmental Policy Act (NEPA) process. Such a review is required here. Often the outcomes of Section 4(f) have impact on Section 106 of the National Historic Preservation Act, and vice-versa. How will recommendations from 4(f) and NEPA studies be integrated with Section 106 outcomes?
3. While it has been continuously stated that the golf course project is a distinct and separate project from the OPC, the two projects will be equally benefitting from the same infrastructure changes, and it seems inconceivable that the planners of both projects are not in communication. What is the planned regulatory review for the golf course project, and when will these

reviews take place as it relates to the timing of OPC's Section 106 and NEPA reviews?

We echo the serious concerns raised by the Advisory Council for Historic Preservation (ACHP) in its recently issued comments. Some of those comments raised questions regarding the meaningful nature of the process being implemented and the timeline moving forward. We believe that an inclusive and transparent process is of the utmost importance for the public and the successful development of the OPC. Consistent with the concerns raised by the ACHP we encourage at least three different sessions in the future on the adverse effects, one devoted solely to the issues of avoidance, a second to minimization, and a separate one related to mitigation.

Lastly, there has been much reported in the press (as well as during the August 5<sup>th</sup>, 2019 meeting) relative to the start of construction at the OPC. The ongoing federal review process requires that no construction begin on the project as it remains subject to review – in essence, the whole point of engaging in a review process that would permit adverse effects to be avoided, minimized or otherwise mitigated. We would appreciate confirmation that no physical alterations to Jackson Park will be made for purposes of the construction and development of the OPC site (including all related roadwork) until the federal review processes have been completed, including Section 106, Section 4(f), and NEPA.

We look forward to participating in the ongoing Section 106 process and making further comments regarding the AOE draft and reviewing all avoidance, minimization and mitigation suggestions.

Sincerely,



Bonnie McDonald  
President & CEO

Cc: Matt Fuller, FHWA  
Arlene K. Kocher, FHWA  
Lee Terzis, NPS  
Nate Roseberry, CDOT  
Heather Gleason, CPD  
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February 18, 2020

(SENT VIA EMAIL)

Ms. Abby Monroe  
Coordinating Planner  
City of Chicago,  
Department of Planning and Development

RE: *Response to request for comments on the final Assessment of Effects (AOE) to Jackson Park Historic District and Midway Plaisance*

Dear Ms. Monroe,

Landmarks Illinois, as a consulting party, is writing to provide comments regarding the final Assessment of Effects (AOE) to the Jackson Park Historic District and Midway Plaisance associated with proposed road and park changes to accommodate the Obama Presidential Center (OPC). Our comments are limited, as our issues of concern from our attached August 30, 2019 letter remain the same, despite the responses provided by the Federal Highway Administration (FHWA).

We agree with the adverse effect findings in the final AOE, which are primarily due to inclusion of new elements in the park including the OPC buildings and plaza. It is also due to the removal, replacement or alteration to historic resources including the Women's Garden, the eastern end of Midway Plaisance and the southern twin road along the Midway Plaisance east of Stony Island Avenue. These elements of the plan continue to be of great concern.

As we recommended in our August 30, 2019 letter, and as we emphasize again now, we would like to see avoidance measures taken in regards to the Women's Garden, the Eastern end of the Midway Plaisance and the southern twin roadway that buffers the Midway's connection into Jackson Park east of Stony Island Avenue. In our previous letter, we provided suggestions for avoidance to these resources.

In addition to requesting that our previous avoidance suggestions be considered as they relate to these three historic resources in Jackson Park, we have additional concerns based on FHWA's responses to our August 30, 2019 letter and the revised final AOE.



1. It is counterintuitive to continue to recommend the eastern end of the Midway Plaisance to be put forth as the preferred location for the UPARR replacement recreation area. As the final AOE report acknowledges, the action may require a Section 404 permit from the Army Corps of Engineers, due to wetland conditions, and based on that and other circumstances, triggers another Section 106 review process. While FHWA responded to our questioning of this location in our August 30, 2019 letter by stating, "Land already dedicated to recreation purposes are acceptable in a UPARR conversion," converting passive parkland to active parkland will impact its Olmsted-design integrity, and in turn we believe activates Section 106. This could be avoided by selecting other vacant land in the community to create new parks where green and open space, owned and programmed by the Chicago Park District, is severely lacking and would appropriately retain the integrity of the eastern end of the Midway.
2. In response to one of Friends of the Parks' August 2019 comments regarding the bypassing of avoidance and minimization within the Section 106 process, the response was that, "The federal agencies remain open to any avoidance and minimization efforts proposed by the consulting parties that are *within the federal area of jurisdiction.*" (emphasis supplied) This points to a continued flawed process in that the FHWA is limiting its review of the undertaking to segmented areas, without consideration of funding, permitting or actions that are reasonably foreseeable because of OPC's construction. However, the definition of undertaking is the OPC in Jackson Park, and the city actions cannot take place without a broader FHWA review. Road changes are being proposed to accommodate the OPC. For example, it is noted in Sections 4.14(a) and (b) of the City's Use Agreement with the Obama Foundation that numerous "City actions" (as referred to in the final AOE) depend upon the federal actions discussed in the AOE. Therefore, FHWA's definition of its oversight is too narrow and is flawed. In addition, Section 4.14(b) notes that approvals from IDOT are needed for the closure of the "South Midway Plaisance Segment." If FHWA continues to assert this is state jurisdiction from a permitting standpoint and not federal, then one could question whether Section 707 review under Illinois law may in fact be triggered and required.
3. In regards to the Women's Garden, the response to our August 30, 2019 comments further concerns us regarding the proposed treatment of this historic resource. Retaining the location of the garden and reconstructing it with salvaged pieces still requires its destruction and reconstruction. This is not avoidance or minimization, but a direct mitigation approach.
4. In response to our question about the status of the GLFER project, no actual status update was provided or specifications regarding the Army Corps' remaining obligations.
5. Again, as was noted previously by the Advisory Council for Historic Preservation, we concur that this process is of utmost importance and the public should be engaged in

multiple sessions (both individual and group sessions) that substantively address methods to avoid, minimize and mitigate the Adverse Effects.

6. Lastly, our rationale for raising concern regarding the potential of real estate speculation and displacement was not relative to believing demolitions of any historic buildings are needed to accommodate the OPC, as the FHWA response implies. Instead, the OPC undertaking could result in this unintended impact and, therefore, we again stress the need for the city, state and federal agencies to evaluate potential programs to curb displacement and encourage building rehabilitation over demolition, especially within the National Register-listed historic districts that do not have additional protection through Chicago Landmark designation.

Landmarks Illinois looks forward to further discussions and opportunities for avoidance, minimization and mitigation suggestions.

Sincerely,



Bonnie McDonald  
President & CEO

Enclosure

Cc: Matt Fuller, FHWA  
Arlene K. Kocher, FHWA  
Lee Terzis, NPS  
Gia Biagi, CDOT  
Nate Roseberry, CDOT  
Heather Gleason, CPD  
Eleanor Gorski, DPD  
Samir Mayekar, City of Chicago, Mayor's Office  
Brad Koldehoff, IDOT  
Anthony Rubano, SHPO  
Carol Wallace, SHPO  
Jaime Loikinger, ACHP

**From:** [Vera Mccurry](#)  
**To:** [Abby Monroe](#); [Matt Fuller](#); [Morgan Elmer](#)  
**Subject:** February 14, 2020  
**Date:** Friday, February 14, 2020 6:46:58 PM

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February 14, 2020

Ms. Abby Monroe, City of Chicago Department of Planning Mr. Matt Fuller, Federal Highway Administration

Dear Ms. Monroe, Mr. Fuller, Ms. Elmer, :

As the founder and organizer of the Midway PAC and Hyde Park Resident who has founded, organized, and coached thousands of AYSO Youth Soccer Players from Hyde Park, Woodlawn, Washington Park, South Shore playing soccer on the Midway Plaisance for past 32 years, and spent thousands of hours over the past 32 years, clearing, marking, and maintaining the children's Playing Fields and coaching children on the Midway Plaisance, I want to register my complete support for the findings of the AOE Report and thank the agencies and their personnel who carried out this thorough and detailed analysis of the park.

The final report responds to concerns raised throughout the long Section 106 process, and in particular clearly explains the framework of the historical preservation analysis and the responsibilities of all parties involved. I believe this has been a fair, responsive, and markedly transparent process for an undertaking as complex as this analysis.

The findings regarding the Midway Plaisance and the recommended designation of UPARR to the East End of the flooded east end of The Midway Plaisance. The 2000 Midway Plaisance Framework Plan and its following discussions designated that area as a children's recreational space. In fact that was the primary use of that space for past 32 years. The Park District has recognized and written permits for games and practices here for 32 years. The Midway - east end has become a swamp of dirty, poop filled, standing water. For decades, As a coach, I have manually removed the standing water, using hand pumps and buckets, from this East End of the Midway play and practice area until the poor drainage has totally overwhelmed the playing space. I welcome your planned Children's Play Space with Better landscaping and improved drainage. This would be greatly appreciated by those of us who support its continued usage as a passive children's recreational play area and garden. I look forward to the public meetings to discuss the goals and wishes of our diverse community members from Woodlawn, Washington Park, and South Shore for themselves and their Children for this UPARR passive recreation site.

Finally, I would like to comment on the MPAC decision not to make a single statement as a Consulting Party but submit a bundle of individual letters from its membership. My letter is intentionally not a part of our this bundle. MPAC has membership of almost 100 from surrounding areas. On snowy, cold last Wednesday, a sparsely attended MPAC meeting of only 20 primarily elderly Hyde Park residents, members were encouraged to write individual letters in opposition to findings of the 106 AOE report, without making them aware that they could also write letters of concurrence with the findings of the report. The PAC would bundle them together, giving the appearance of volume. The statement was made during the meeting that "This will slow them down since they will have to answer every objection letter before they can proceed with the project." So the MPAC bundle of letters does not represent the full range of MPAC members views from Woodlawn, South Shore, and Washington Park members who did not or could not come out in the dangerous weather to this meeting. It represents a small group who no longer want any children's play areas on the Midway. The parents and children of our diverse community look forward to challenging this minority viewpoint in the community meetings that you organize.

Thank you for all of your efforts in this careful and thoughtful study of our park. I look forward to the continued revitalization of our Historic Midway Plaisance Park.

Thank You,  
Louise McCurry, MPAC Organizer and Founding Member.

Vera Louise McCurry

February 15, 2020

Comments of Marc Lipinski regarding Assessment of Effects

1. I am a Chicago resident and taxpayer, and have used both Jackson Park and the Midway, along with my family. Also, I am a member of the Midway Plaisance Park Advisory Council.
2. The proposed change to roadway patterns by shutting down Cornell Drive and making related changes to Lake Shore Drive and Stony Island Avenue, at a cost of \$175 million (based on current estimates which likely will be exceeded) will destroy the Olmsted traffic circulation design for Jackson Park.

The Olmsted traffic circulation design is used by thousands every day. The proposed changes to the Olmsted design will cause unnecessary inconvenience and congestion. The safety improvements which are being touted to justify this project can be obtained without destroying the Olmsted design, at a fraction of the proposed cost.

Any roadway work in Jackson Park that is contrary to the Olmsted traffic circulation design should be avoided.

The proposed roadway changes fail to account for the rising level of Lake Michigan. Earlier this month, Governor Pritzker issued a state disaster proclamation for Cook and Lake counties, based on storm damage related to rising lake levels, and Mayor Lightfoot and Senator Durbin called on FEMA to declare a lakefront emergency for Chicago and Cook County. In light of the threat posed by rising lake levels, the decision to divert traffic from Cornell Drive to Lake Shore Drive makes no sense.

It should be noted that the State of Illinois and the City of Chicago are burdened with debt and rising taxes. Maintaining the Olmsted traffic circulation design would help maintain the aesthetic integrity of Jackson Park, while minimizing inconvenience to the public and reducing proposed public expenditures.

3. The current draft of the Assessment of Effects fails to describe any UPARR facilities in Jackson Park that would be lost as a result of the proposed Obama Presidential Center. It also fails to indicate where these facilities are located. As a result, the Assessment of Effects fails to make a case for why UPARR replacement is needed or required.
4. Even if UPARR replacement is required, the proposed use of the eastern end of the Midway as a UPARR replacement site should be avoided, and another site should be chosen. The construction of any structure on the eastern end of the Midway (the City is proposing the construction of play structures) would be contrary to the Olmsted design for open space at this location.

Also, the use of the Midway as a UPARR replacement site would not add parkland, when the opportunities to add parkland to underserved areas in the vicinity abound. In light of

the myriad vacant lots owned by the City in, for instance, Woodlawn, it is amazing that only two other UPARR replacement sites were considered within 1 mile from Jackson Park. Based on the City's list of the sites it considered, it appears that the City avoided considering other sites. Moreover, the City fails to offer any explanation in the Assessment of Effects for why it rejected any of the other sites it supposedly chose to consider.

Another site should be found for any required UPARR replacement, where play structures would be more readily accessible to residential areas, by creating or expanding a neighborhood park in an area which currently is underserved.

**From:** [Mary rita Ryan](#)  
**To:** [Abby Monroe](#)  
**Subject:** OPC  
**Date:** Tuesday, January 28, 2020 12:36:52 PM

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Dear Ms. Monroe,

I am shocked to think Mayor Lightfoot would add, at least, \$300 million to the tax burden for infrastructure renovation to support the OPC.

To destroy 126 year old park designed by the premier landscape architects, Olmsted and Vaux makes no business sense design sense or environmental sense. The decision to build on this historic park is not just a South side issue or a neighborhood issue. It affects us all.

The question the mayor, Maurice Cox, you and everyone supporting this plan is; would you build this in Central Park, Biltmore in North Carolina, Mount Royal Park in Montreal, Niagara Falls State Park? I could go on and on.

We've been blessed with this historic park. It's our responsibility as good stewards of the land to preserve this park for generations to come.

Thank you and I feel it would be beneficial to have a town hall discussion with all parties interested in this project.

M. Rita Ryan

Sent from my iPhone

**From:** [Mary rita Ryan](#)  
**To:** [Abby Monroe](#)  
**Subject:** South Shore Library  
**Date:** Tuesday, February 04, 2020 12:58:16 PM

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Good day Abby,

Please note, Chicago Public Library reopening it's South Shore Branch after a year long, 2.5 million dollar renovation.  
There really is no need for library branch  
in OPC it's redundant.

Stay in touch,

M. Rita Ryan

Sent from my iPhone



**From:** [Bronwyn N](#)  
**To:** [Abby Monroe](#)  
**Cc:** [Radiah Smith-Donald](#); [Donald McGruder](#); [Midway Plaisance](#)  
**Subject:** Re: Hard copies of AoE Report?  
**Date:** Friday, January 24, 2020 3:30:22 PM

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Thanks, Abby. Is it possible to have three to five? Let me know when they'd be ready and I can arrange for pick up.

Also, there were a few other items that I received about the report I received:

At page iii of the assessment of effects, there is a listing for "Figure 3: Recreation Replacement, East End of Midway Plaisance" and for "Figure 4: Recreation Replacement Site Considerations". Figure 3 and Figure 4, in turn, are found in Appendix B. With respect to the replacement sites considered, it is not clear whether the sites are existing parks (except for Washington Park) or city-owned vacant lots. Please specify the methodology for the selection of potential replacement sites.

At page 3 of the assessment of effects, it is stated that "the City has proposed to replace the converted parkland with 5.2 acres of open space on the east end of the Midway Plaisance." Given that this is not the creation of new park space, it would be more accurate to convey that this proposed conversion is simply a re-designation of existing park space.

At page 44 of the assessment of effects (concerning UPARR), it is stated "The features of the play area retain the simple formality of open space." Note that structures are not open space.

I'll share the responses with membership. Thanks again!

Best, Bronwyn

On Jan 23, 2020, at 2:42 PM, Abby Monroe <[Abby.Monroe@cityofchicago.org](mailto:Abby.Monroe@cityofchicago.org)> wrote:

I can have a few copies printed for pick up here at City Hall - how many are needed?

-----Original Message-----

From: Bronwyn N [<mailto:bronwynnich@gmail.com>]  
Sent: Thursday, January 23, 2020 1:49 PM  
To: Abby Monroe <[Abby.Monroe@cityofchicago.org](mailto:Abby.Monroe@cityofchicago.org)>  
Cc: Radiah Smith-Donald <[rsmith-donald@midwaypac.org](mailto:rsmith-donald@midwaypac.org)>; Donald McGruder <[dmcgruder@midwaypac.org](mailto:dmcgruder@midwaypac.org)>; Midway Plaisance <[midwaypac@gmail.com](mailto:midwaypac@gmail.com)>  
Subject: Hard copies of AoE Report?

Hi Abby. Are there bounded hard copy versions of the latest AoE report available? If so, how could MPAC obtain copies? We have members who don't have internet access, and others who have experienced problems downloading the report.

Thank you!

Best,  
Bronwyn

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This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail (or the person responsible for delivering this document to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this e-mail, and any attachment thereto, is strictly prohibited. If you have received this e-mail in error, please respond to the individual sending the message, and permanently delete the original and any copy of any e-mail and printout thereof.

**From:** [Abby Monroe](#)  
**To:** [Bronwyn N](#)  
**Cc:** [Donald McGruder](#); [Radiah Smith-Donald](#); [Midway Plaisance](#)  
**Subject:** RE: AoE Final Report - MPAC Questions  
**Date:** Thursday, January 23, 2020 1:55:00 PM

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Hi Bronwyn,

Thank you for the invitation! Unfortunately, both Heather Gleason and I are not available on 2/12. Is there a March meeting date that we can attend?

Also, I'm not sure I understand your question. Can you elaborate?

Best,

Abby

-----Original Message-----

From: Bronwyn N [<mailto:bronwynnich@gmail.com>]

Sent: Thursday, January 23, 2020 12:22 PM

To: Abby Monroe <[Abby.Monroe@cityofchicago.org](mailto:Abby.Monroe@cityofchicago.org)>

Cc: Donald McGruder <[dmcgruder@midwaypac.org](mailto:dmcgruder@midwaypac.org)>; Radiah Smith-Donald <[rsmith-donald@midwaypac.org](mailto:rsmith-donald@midwaypac.org)>;  
Midway Plaisance <[midwaypac@gmail.com](mailto:midwaypac@gmail.com)>

Subject: AoE Final Report - MPAC Questions

Hi Abby. Thanks for hosting the webinar. MPAC would like to extend an invitation to you as a representative of the Department of Planning to attend MPAC's next monthly meeting on Feb. 12 at 6:30. MPAC would appreciate the opportunity to ask further questions about the latest report. I'd also like to follow up on the question I posted during the webinar to make sure I'm clear about the next steps when there's an additional finding of adverse effects that now ascribes \*two\* negative impacts on the Midway. The reply Greg DeVries partially answered the query, but there remains the question of how the proposed UPARR resolution is tantamount to a resolution, if that makes sense. Above all, MPAC wants to make sure that it moves forward as a body from an informed position, so your presence for a Q&A would be greatly appreciated!

Thanks for your continued willingness to address the MPAC!

Best,

Bronwyn

**From:** [Midway Plaisance](#)  
**To:** [Abby Monroe](#)  
**Cc:** [Bronwyn Nichols-Lodato](#); [Donald McGruder](#); [Radiah Smith-Donald](#); [Midway Plaisance](#)  
**Subject:** Correction request - Final Assessment of Effects Report  
**Date:** Monday, February 03, 2020 5:16:14 PM

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To: Abby Monroe  
Public Participation Officer  
City of Chicago, Department of Planning and Development

It has come to the attention of the Midway Plaisance Advisory Council (MPAC) that a comment letter submitted on August 29, 2019 in response to the Draft Assessment of Effects Report, issued on July 29, 2019, is incorrectly categorized in the Final Assessment of Effects Report, issued on January 16, 2020, as a letter from MPAC, a Section 106 Consulting Party. The letter is included in the "Consulting Party Comments" section of Appendix F and in the table of "Public Comments and Responses" also in Appendix F (Comment #91).

While the authors of the letter identified themselves as 'members of the Midway Plaisance Advisory Council', the council determined that **no comments on the Draft Assessment of Effects Report would be submitted by MPAC as a Section 106 Consulting Party or organization.**

MPAC has tasked the officers with notifying you of this error and requesting that the referenced letter be removed from all Consulting Party sections of the Final Assessment of Effects Report issued on January 16, 2020. In addition, at the direction of council membership, MPAC officers ask that you please confirm the status of this request via email.

Thank you,  
Bronwyn Nichols Lodato, MPAC President  
Donald McGruder, MPAC Vice President  
Radiah Smith-Donald, MPAC Secretary/Treasurer

January 18, 2020

To: Abby Monroe, City of Chicago

[abby.monroe@cityofchicago.org](mailto:abby.monroe@cityofchicago.org)

Cc: Matt Fuller, Federal Highway Administration

[matt.fuller@dot.gov](mailto:matt.fuller@dot.gov)

While the Midway Plaisance Advisory Council (MPAC) does not have an official position as an entity, MPAC does have members with strong opinions on the National Historic Preservation Act Section 106 process and the Final Assessment of Effects to Historic Properties report prepared by the City of Chicago's Department of Planning and Development and released on January 16, 2020. At the behest of MPAC membership, a collection of comments authored by MPAC members is enclosed here, listed by the author's last name in order of receipt. It was requested that submitted comments be kept to one page or less, and members were directed to the Department of Planning's language (as posted on the 'Federal Review of Jackson Park Improvements' webpage) regarding comment submissions.

As a Section 106 Consulting Party, MPAC requests that all of the comments included here from MPAC members be noted.

List of MPAC Members Submitting Comments

- Hammond, Debra
- Posner, Wendy
- Bashir, Elena
- Nelms, Brenda
- Spicer, Jack
- Gokl, Renate and multiple signatories:
  - Astrida Orle Tantillo
  - Patricia Schulman
  - Karen Culberg Rechtschaffen
  - Elena Bashir
  - Jack Spicer
  - Caroline Ross
  - C.M. Naim
  - Bonnie Muirhead
  - Raymond M. Lodato
- Anton, Mary
- McNamee, Michael
- Nichols Lodato, Bronwyn

Thank you,

*Bronwyn Nichols Lodato*

Bronwyn Nichols Lodato, MPAC President

*Donald McGruder*

Donald McGruder, MPAC Vice President

*Radiah Smith-Donald*

Radiah Smith-Donald, MPAC Secretary/Treasurer

DATE: 13 February 2020

TO: Mr. Matt Fuller, Federal Highway Administration

As a member of the Midway Plaisance Park Advisory Committee (MPAC, consulting party), I am writing to comment on the revised report of the Assessment of Effects to Historic Properties (AOE) regarding the Obama presidential tower and campus (OPC).

*Federal Highway Administration (FHWA) analytical framework*

The FHWA's division of the undertaking into two artificial categories, federal and non-federal, should be rejected because it violates all meaningful review of the adverse effects of the OPC on Jackson Park and the Midway Plaisance and sets a deregulatory precedent severely damaging all future historic preservation reviews nationally. Essentially, the FHWA's framework establishes the post-construction, completed OPC as the baseline for review rather than assessing the effects of the OPC post-construction to the current, historic landscape. Making a completed construction project its own standard for historic preservation totally ignores the destruction planned for the 19+-acre OPC location: clear cutting, at minimum, 326 trees, bulldozing and reshaping the historic Olmsted park design, and many other adverse effects to Jackson Park and the Midway Plaisance. Creating a massive brown site so as to require no avoidance, minimization or mitigation in the 106 review and using that brown site as the baseline is not only a travesty but Kafkaesque. I urge the FHWA to use the process spelled out in the National Historic Landmark Act and documented in prior 106 reviews: true avoidance, minimization and mitigation of adverse effects. But to avoid a valid review process by trickery and bizarre illogic endangers all national historic treasures for the foreseeable future.

*Proposed parkland replacement and new play lot: UPARR*

The City's proposal for a play lot and parkland replacement connects two completely disconnected things in a clever and devious way that violates the intent of the 106 review and the designation of historic parkland. To replace lost parkland with already existing parkland cheats the public of its parkland. Obviously, the proposed play lot is itself an additional adverse effect to the Midway Plaisance, further harming its historical significance and endangering its status on the National Registry. Therefore, the full 19 acres lost to the OPC needs to be replaced with equivalent acreage for new parkland in underserved, adjacent communities in the Southside because Jackson Park is a regional park in the City. If the Chicago Parks Dept. (CPD) chooses to drain the swamp at the east end of the Midway, that is a legitimate action on behalf of the public to enhance the public use of the Midway and complies with the three principles spelled out in the Midway Plaisance framework plan. To add a play lot and call this replacement park for the 19 acres of park lost is deceitful when new parks in the region such as Woodlawn and Englewood would be most welcomed by the community. Twentieth Ward Alderman Jeanette Taylor would be elated to work with CPD and all appropriate Federal agencies to identify new replacement parks adjacent to Jackson Park other than the east end of the Midway.

Sincerely,  
Debra Hammond

**2/14/2020**

**Matt Fuller Federal Highway Administration**  
**Abby Monroe City of Chicago**

[matt.fuller@dot.gov](mailto:matt.fuller@dot.gov)  
[abby.monroe@cityofchicago.org](mailto:abby.monroe@cityofchicago.org)

I am a 50+ year resident of Hyde Park, a member of the Midway Plaisance Park Advisory Committee (MPAC). This letter is to comment on the revised report of the Assessment of Effects to Historic Properties (AOE) recently reported by the City of Chicago regarding the placement of the Obama Presidential Tower in Jackson Park.

It is my understanding that with this report, by dividing the assessment into federal and non-federal categories, the Federal Highway Administration (FHWA) has set a new and dangerous nationwide standard for future reviews of historic preservation. This standard would have an adverse effect on groups anywhere in the country seeking to keep modernity from encroaching on historically relevant settings. I find that deeply disturbing.

As well, the FHWA review appear to be based on baselines of completed, post-construction stats rather than from the more usual utilization of existing norms. Since these include; the destruction of 19+ acres of Jackson Park, clearcutting (minimum) 325 old-growth trees, destroying the historic design of Frederic Law Olmsted

I would like to suggest that the FHWA revert to the process successfully used on over 100 previous reviews and spelled out in the National Historic Act. These tried and true evaluation standards would minimize damage to historically significant Jackson Park.

Perhaps the elements that disturb me the most about the possible destruction of Jackson Park are best enumerated in a simple list:

Publicly owned land is being handed off to the Obama Foundation with precious few details as to public access once the Center is in operation.

With Lake Michigan at record levels, what does the Obama Foundation have in mind building a tower below the water table in a park so close to the lake? Who will shoulder the cost for the remediation of future water damage?

Who is going to pay for the relocation of Lake Shore drive and attendant road/street/drive revisions? As a 50+ year Chicago resident I have a pretty good idea that these burdens will fall to Illinois/Chicago taxpayers. If that is the case, we need to know a great deal more than has been revealed about the cost and other details.

While this list may not directly be part of the FHWA review, I am hoping that these concerns can be part of any reconsideration going forward.

Sincerely, Wendy Posner 5533 S Kimbark Ave Chicago, IL 60637



Letter to Abby Monroe and Matt Fuller re proposed OPC and Midway Plaisance-related changes

I live in the Vista Homes co-op residential building on the corner of 59<sup>th</sup> Street and S. Stony Island. Therefore my home is vulnerable to being affected both by the construction of the OPC and by its requested takeover of the Midway Plaisance east of the Metra tracks. Instead of having a view of trees, grass and open space, those of us who live in the south wing of this building will have to see the very tall Obama Center building during the day, and if (as is proposed) it is illuminated at night, a peaceful nighttime view will be replaced by a major new source of light pollution. Instead of open lawn and trees on the Midway east of the Metra tracks, it is proposed that that land be taken over for structured recreational spaces. These developments represent a double loss to the quality of life of those of us who live in the approximately 45 south-facing apartments affected by these proposed changes.

As far as I know, no one has yet addressed the concerns of those of us who live here, almost next door to the proposed OPC site. That this vintage building was built in 1926, and falls within the boundaries of the Hyde Park-Kenwood Historic District as defined in the AOE document:

“The Hyde Park-Kenwood Historic District is bounded roughly by E. 59th Street on the north; (sic)E. 47th Street on the south (sic); S. Lake Park Avenue from E. 47th Street to E. 56th Street and S. Stony Island Avenue from E. 56th Street to E. 59th Street on the east; and S. Cottage Grove Avenue on the west. See Exhibit 2. In February 1979, the Hyde Park-Kenwood Historic District was officially listed on the NRHP under Criteria A, B, and C. Periods of Significance were not clearly specified in nomination forms of the 1970s; however, a Period of Significance of 1860-1937 can be inferred from the nomination form. Research and analysis was conducted for the HPI produced for this project to evaluate properties erected between 1937 and 1978. The project determined that numerous properties erected between 1937 and 1978 within the historic district could be deemed as contributing resources. Both the 1979 nomination and this project determined that the Hyde Park-Kenwood Historic District possesses an enormous collection of historic properties that have important associations with Jackson Park, the Midway Plaisance, and the University of Chicago.”

Despite this, it is not listed as a potentially affected historical place in the AOE document, and has been completely ignored during the compilation of the Assessment of Effects document. This is a request that this omission be remedied so that our concerns also be taken into account.

I hope you will consider the points made here seriously.

Yours sincerely,

Elena Bashir  
5842 S. Stony Island, Apt. 3G

February 15, 2020

Matt Fuller, Federal Highway Administration

Re: Section 106 Review of the Proposed Undertaking in and Adjacent to Jackson Park

Dear Mr. Fuller:

I write as an active member of the Midway Park Advisory Council to state my individual concerns and objections to the information presented in the Assessment of Effects report of January 2020 regarding the City's proposed use of the east end of the Midway Plaisance for replacement parkland to compensate for the conversion of parkland in Jackson Park for the construction of the Obama Presidential Center.

- The targeted space on the Midway is already parkland, and double-counting it as "replacement parkland" would constitute an actual a loss of park space for the communities that surround Jackson Park and the Midway and that would benefit from the development of new public park spaces to replace the acreage being lost in Jackson Park (24.5 acres in all).
- The City proposes to construct a children's playground on the Midway in order to meet conversion requirements. Yet there is no study of the number of children who might use a playground in that location with those who might use new playgrounds in other locations in the near neighborhoods; there is no acknowledgement of the proximity of the Midway site to the playground to be erected as part of the OPC campus, just one block to the south; and there is no consideration of the safety concerns raised by the heavily trafficked roadways surrounding the Midway space.
- The land in question includes a seasonal wetland. The City and Park District have asserted that the area could be engineered so as to end the problem of standing water, but at the same time said that no studies of the issue have been completed so no cost estimates are available. Again, the plan for the Midway location seems rushed and inadequately vetted.
- The issue of UPARR replacement parkland is an integral element of the current undertaking, which cannot proceed but for a final resolution of that issue (among others). Yet the potential effects of the City's proposal for the Midway as UPARR replacement land cannot be fully assessed under the current Section 106 review because there is as yet no final proposal for the park design, and there is also no indication that there would be any subsequent Section 106 review to verify that later "final" designs would be in compliance. This seems an attempt to thwart or circumvent the proper Section 106 review that is now required by the "Proposed Undertaking in and Adjacent to Jackson Park."

I appreciate this opportunity to present my concerns and your attention to them.

Sincerely,

Brenda Nelms (5630 S. Harper Avenue, Chicago IL 60637, bnelms2120@gmail.com)

February 15, 2020

Regarding use of UPARR money to create a new play space in the eastern portion of the Midway Plaisance Park between Stony Island Avenue to the east and the elevated railway embankment to the west:

Abby Monroe and Matt Fuller –

Because of the loss of recreational value due to the the 19 acres of public land that will be lost to the Obama Tower, the City of Chicago owes \$260,000 to the public for new public parkland. To use this public money to make a playground at the east end of the Midway and to call that new replacement parkland is a tricky sleight-of-hand. And worse, to use this special money to benefit Hyde Park lacks any sense of **social justice**. This spot is in a particularly wealthy and white part of the Southside, already well endowed with parks, and half a block from the Lab School's Early Childhood Center. South Shore, East Woodlawn, West Woodlawn, Washington Park, Englewood – these neighborhoods are all park-poor and their residents need new park spaces much more than the southeast corner of rich Hyde Park. For instance, West Woodlawn, two square miles big, has not one park, not even a playlot.

I object to this misuse of public money to benefit the wealthy few in Hyde Park to the loss of the many in surrounding neighborhoods who lack Chicago Park District parkland.

Best,

– Jack Spicer

member, Midway Plaisance Advisory Council

February 15, 2020

To: Abby Monroe, City of Chicago & Matt Fuller, Federal Highway Administration,

The individuals who have signed below are members of the Midway Park Advisory Council (MPAC) and strongly object to the proposed use of the east end of the Midway Plaisance for replacement (UPARR) recreation.

1. We reject the idea of an existing park being co-opted as a replacement park and see this as a net loss of parkland for the community. Instead, we advocate creating new parkland on empty lots or other City owned property within the area in order to provide more neighborhood parks.
2. The proposed play area is redundant given that the proposed OPC is planning to build a play area practically across the street.
3. Reconfiguring, subdividing, or building structures undermines the historic character of this section of the Midway and potentially erodes its status on the National Register of Historic Places. The original design creates an open flexible meadow for undefined use and that invites imagination. It is the only space in the area that allows for quiet contemplation and enjoyment of an unimpeded view. Children currently explore and enjoy the area without prescribed activities or structures. Among other things, it is a wide-open space to run, play soccer, walk dogs, and in the winter, go sledding. The planned play lot would cut short the long sled runs and take away winter recreation opportunities.
4. Part of the land is an ephemeral wetland. Instead of draining it, we encourage responding to the natural environment by enhancing it rather than subjugating it. The eastern edge should be respected as an ecological resource that promotes the richness of flora and fauna of the entire area.

Sincerely,

Renate Gokl  
Astrida Orle Tantillo  
Patricia Schulman  
Karen Culberg Rechtschaffen  
Elena Bashir  
Jack Spicer  
Caroline Ross  
C.M. Naim  
Bonnie Muirhead  
Raymond M. Lodato

February 15, 2020

Ms. Abby Monroe, City of Chicago Department of Planning  
Mr. Matt Fuller, Federal Highway Administration

Dear Ms. Monroe and Mr. Fuller:

As a member of the Midway Plaisance Advisory Council and a Hyde Park resident living “down the block” from both the Midway Plaisance and the Obama Presidential Center site, I want to register my complete support for the findings of the AOE Report, and thank the agencies and their personnel who carried out this thorough and detailed analysis. The final report responds to concerns raised throughout the long Section 106 process, and in particular clearly explains the framework of the historical preservation analysis and the responsibilities of all parties involved. I believe this has been a fair, responsive, and markedly transparent process for an undertaking as complex as this analysis.

I am particularly pleased with the findings regarding the Midway Plaisance and the recommended assignment of the UPARR designation to the east end of the Midway. The 2000 Midway Plaisance Framework Plan and subsequent discussion of its implementation designated that area for children’s recreational space, and discussed the possibility of seeking sponsorship for a themed design for the site (International Harvester and tractors were discussed). I believe there is already some consensus among those who support the UPARR designation for the Midway that a passive use recreational area and garden that could serve children and families, but with better drainage and improved landscaping, would be welcomed. I look forward to the public meetings required for this planning to see what the broader community most desires.

As a final note, I would like to comment on the MPAC decision not to make a single statement as a Consulting Party but submit a bundle of letters from its membership. The point I want to make is that these letters may or may not represent the full range of MPAC membership views. MPAC has grown to nearly 100 members, with substantial new membership from the communities of Woodlawn, Washington Park, and South Shore. At Wednesday’s meeting, on a frigid and snowy evening, there were about 20 people present for the discussion, virtually all Hyde Parkers within walking distance of the meeting site. And while the discussion that evening indicated there would likely be differences in opinions expressed in our letters, that message was not fully conveyed in the communication to those who did not attend and who might wish to express other viewpoints whether objections or concurrence.

Once again, thank you for all of your efforts. I look forward to the revitalization of our historic South Side Parks that I expect to follow from the successful conclusion of this process.

Mary Anton  
[antonmary.bmaa@gmail.com](mailto:antonmary.bmaa@gmail.com)

February 15, 2020

TO: Mr. Matt Fuller, Division Administrator, Federal Highway Administration

cc: Ms. Abby Monroe, City of Chicago, Department of Planning and Development (DPD)

Dear Mr. Fuller,

(Please note: The following are my personal comments and not the comments of the Midway Park Advisory Council.) I am providing my comments to the *Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Jackson Park, Chicago, Illinois*, January 2020 (AOE) prepared by the City of Chicago Dept. of Planning and Development on behalf of the Federal Highway Administration (FHWA)

The draft Assessment of Effects report of July, 2019 found that the City's proposal to install a play area on the east panel of the Midway in their Urban Park and Recreation Recovery (UPARR) replacement plan would be an adverse effect on the Midway. If this finding were to be confirmed through the rest of the section 106 process and the plan were to be built without change, the east panel would become the fourth of the Midway's eleven main panels to be determined to detract from the historic integrity of the Midway.

This disruption would not be enough by itself to remove the Midway from its listing on the National Register of Historic Places. But it would certainly be better to avoid moving the Midway closer to removal from its registry listing, and to thereby strengthen protection of the Midway.

The UPARR protection and new play area should be placed in a different location. The City has studied seven other excellent possible locations for UPARR replacement sites. One of them for example is located at 67<sup>th</sup> and Champlain, in the heart of West Woodlawn. West Woodlawn is a neighborhood of about 23,000 residents, about a third of them children, which has no public parks or playgrounds within it. Two-thirds of residences do not meet the walkability standard of being within four blocks of a park or playground. For over a decade, community and community-based organizations and city plans have been calling for a new park and playground in West Woodlawn.

The mission of the UPARR program has been to increase access to recreation opportunities. The City should choose a site such as 67<sup>th</sup> and Champlain in West Woodlawn as its UPARR replacement location and apply to place that new site under UPARR protection. A new park and playground there would secure access to open green space and outdoor play for a large segment of community members in the UPARR target area. The City can in this way secure UPARR protection in our community for a new generation, and help preserve and protect the Midway.

Sincerely,

Michael McNamee

February 15, 2020

Ms. Abby Monroe, City of Chicago  
Mr. Matt Fuller, Federal Highway Administration

Thank you for the opportunity to comment on the most recent Assessment of Effects Report released on January 16, 2020. The report builds on the finding of adverse effect on the Midway Plaisance presented in the draft report issued on July 29, 2019. The current report adds to this initial finding by including a new finding of adverse effect on the Chicago Park Boulevard System Historic District, which includes the Midway Plaisance.

With the addition of this finding described in the January 16, 2020 report, the Midway Plaisance has a doubling of adverse effect. It is not clear, nor does the report acknowledge, how the Section 106 process copes with a dual finding of adverse effect on a single site. Furthermore, the proposed plan for designating the eastern portion of the Midway Plaisance as replacement parkland that is outlined in the report was not derived from a transparent public process, as called for by MPAC in its October 30, 2018 letter to the National Park Service. As such, it is not clear how a proposed UPARR replacement plan addresses the first principle of avoidance of adverse effect, then minimization and finally mitigation, as outlined in the Section 106 process, nor how the proposed plan takes into account the dual finding of adverse effect on the Midway Plaisance.

As a public body that prioritizes the preservation and protection of the Midway, MPAC proudly sustains membership from the Midway's surrounding communities, Hyde Park, South Shore and Woodlawn, and from across Chicago. As such, a key strength of the body, I believe, is its diverse perspectives that come together around the central value of the Midway Plaisance as a treasure of the South Side. I look forward to further discussions to address the issues of adverse effect in an inclusive and transparent manner, adhering to the rules and regulations of Section 106, in service to protecting and preserving the Midway Plaisance as an historic, public park.

Thank you again for the opportunity to comment.

Sincerely,  
Bronwyn Nichols Lodato



February 18, 2020

# Nichols Park Advisory Council

<http://www.hydepark.org/programs/nicholspark.html>

## STATEMENT OF NICHOLS PARK ADVISORY COUNCIL IN RESPONSE TO SECTION 106 ASSESSMENT OF EFFECTS FINAL REPORT

We believe the disruption of the original Olmsted design, the proposed road closures necessitating the loss of additional slices off the east and west sides of the park, the sacrifice of from 500 to perhaps as many as 2,000 mature trees (estimates vary), the encroachment on the Midway, the potential exposure of the Paul Douglas Nature Sanctuary (aka Wooded Island) to substantially more human visitors, and the erection of a 23-story tower directly in the path of the North American migratory bird flyway are costs too great to tolerate when they are so unnecessary.

“The proposed undertaking will have an **adverse effect** to Jackson Park Historic Landscape District and Midway Plaisance because it will alter, directly and indirectly, characteristics of the historic property that qualify it for inclusion in the National Register.” (AOE Final Report)

The City’s decision to use Jackson Park for the OPC does *not* obviate the requirement for a complete and thorough section 106 Review. In fulfilling its duty to the section 106 process, the Department of Planning and Development must consider the full range of options for ‘avoidance, minimization, and mitigation’ with avoidance being the most important of these. The reluctance to even broach potential strategies for avoidance is problematic. Certainly, the unnecessary and avoidable destruction of the historical and physical aspects of Jackson Park and the Midway Plaisance deserves a thorough and unbiased section 106 review including a robust consideration of avoidance measures. This has been lacking (you might say ‘avoided’) in both the proposed and final draft assessments.

Chicago is the third largest city in the United States, but in spite of our expansive lakefront, it is 14<sup>th</sup> in the amount of open green park space per capita. The reason that Chicago is the only Great Lakes city with a magnificent stretch of public park along its lakefront is due to the foresight of our city founders. In contrast, the current attempt to destroy one landmark to build another is incredibly myopic. Undeniably, due to the magnitude of the adverse effects listed in the Section 106 assessment, no amount of “minimization” or “mitigation” will be sufficient to offset the damage to Jackson Park if the current OPC plans were to be followed.

“The City also considered anticipated cost, feasibility, and complexity of using the sites for UPARR replacement recreation....the City also owns the Midway Plaisance, substantially limiting the risk of unforeseen complexities like environmental contamination.” (AOE Final Report)

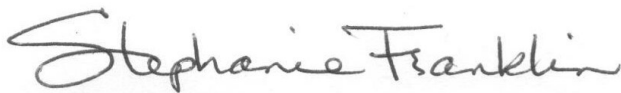
NPAC believes that the UPARR replacement sites need to be park-positive. Using existing parkland as replacement for parkland lost to the OPC is shortsighted and counterproductive. There are underserved communities west and south of Jackson Park that are ideal locations for additional park resources. Given that the City proposes to spend ~\$200



million on site improvements to benefit the OPC, it's is disingenuous to claim cost and feasibility as genuine limitations for adding additional recreation facilities where we need them, instead of taking existing, already in-use parkland from the Midway.

Given the total lack of discussion of the 'avoidance' option, and the obvious bias the Section 106 review reveals for supporting the City in its misguided intention to locate the OPC in Jackson Park regardless of the costs, both monetary and socially, and in view of the potential danger posed by rising lake levels, the NPAC respectively again suggests the obvious solution: In cooperation with the University of Chicago, which is currently rapidly acquiring land in west Woodlawn, we urge the involved parties to relocate the proposed OPC site to that area. Chicago's south side would then have two magnificent historic sites instead of one, Olmsted's park would be preserved, and Chicago would add substantially to the amount of open, green, public space on the south (or west) side of the city.

Respectfully submitted on behalf of the Nichols Park Advisory Council,

A handwritten signature in cursive script that reads "Stephanie Franklin". The ink is dark and the handwriting is fluid and legible.

Stephanie Franklin  
NPAC President



# openlands

conserving nature for life

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February 18, 2020

Ms. Abby Monroe  
Public Participation Officer  
City of Chicago Department of Planning and Development  
121 N. LaSalle Street, 10th Floor  
Chicago, IL 60602

Dear Ms. Monroe,

Openlands is submitting these disagreements to the Final Assessment of Effects to Historic Properties (AOE) as a consulting party for the Section 106 process for the proposed undertaking in and adjacent to Jackson Park. As a consulting party, we appreciate the amount of work between the draft and final AOE release to review and incorporate important information and comments and many of our previous comments have been addressed through the revisions presented in the final AOE. Despite these welcome revisions, we feel that significant disagreements still remain.

## **1. Comment Disposition # 120: Avoidance and Minimization**

Our comments on avoidance and minimization for the Draft AOE were reflected in the disposition of comments. Despite the disposition response, we still raise this as a legitimate concern and disagreement regarding the impacts of the undertaking on the historic resources of Jackson Park. AOE Sections 5.1 and 5.2 discuss avoidance and minimization, citing several examples and attempts to avoid and minimize the adverse effects of the undertaking. We summarize and present our disagreements in a case by case basis.

- A. Actions: “The actions of the City described in this report (authorizing construction of the OPC, closing roads, and relocating an existing track and field in Jackson Park) do not require Federal funding or approval and, therefore, are not subject to the NHPA’s requirement to consider avoidance, minimization, and mitigation of adverse effects to historic properties. The Federal agencies do not have sufficient control to condition project approval for the construction of the OPC, closing roads in Jackson Park, or relocating the existing track and field in Jackson Park.”
  - Yet in Section 1.3, the AOE states in part that “The purpose of the FHWA action is to (1) address changes in travel patterns resulting from closing roadways in Jackson Park,…”
  - Furthermore, in this same section, the AOE states: “The FHWA administers the Federal-Aid Highway Program, which makes available Federal funding to state departments of transportation and local agencies for roadway projects. The Chicago Department of Transportation (CDOT) proposes to use Federal-aid highway funding for roadway construction activities to mitigate traffic impacts from the proposed closure of roadways within Jackson Park.”
  - Lastly, also in 1.3, the AOE states: “Prior to the authorization of Federal-aid highway funds, the FHWA must ensure the transportation project meets all Federal requirements, including

but not limited to compliance with the National Environmental Policy Act (NEPA), Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, and Section 106 of the NHPA.”

**These passages highlight the flawed argument that the FHWA claims. Based on this reading, the FHWA cannot abrogate its responsibilities in requiring avoidance and minimization efforts as stated in Item A above while still upholding its responsibilities under bullet point three. Simply, the FHWA does have the responsibility and the sufficient control to consider the existing conditions as the baseline alternative for avoidance and minimization.**

- B. Process: “Nevertheless, the opportunity to avoid adverse effects presented itself indirectly to the City through its own municipal approval process. The governing bodies of the City and the Chicago Park District approved the construction of the OPC in Jackson Park or Washington Park, with the Foundation ultimately selecting the Jackson Park location.”
- In Section 5.1.1 the AOE indicates “The municipal process included 11 public hearings (4 in 2015 and 7 in 2018) and over 50 community meetings on the OPC and related infrastructure and open space improvements.”
  - In Section 5.2.1, the AOE indicates: “In addition, through an iterative process with frequent public input, the design of the project reflects extensive minimization efforts to address the historic resources and character of the historic property, including specifically Olmsted’s designs for Jackson Park. As a result, the design of the OPC avoids or minimizes many effects on the historic cultural landscape.”

**We agree that there were an exhaustive number of meetings held surrounding both the Obama Presidential Center and the South Lakefront Framework Plan. We do, however, disagree that the content of these meetings, at least as it regards the OPC and the road closures, has been ineffective to the AOE’s point of view towards maximizing the full range of opportunities associated with avoidance and minimization. Yes, the public had a choice of plan elements through the Park District’s presentation of three different plans with multiple plan elements. However, in all three of these plans, the depiction of both the OPC and the identified road closures were consistent to the current design without variation or altered detail. With no opportunity or public input to avoid or minimize neighborhood and historic impacts, this steadfast and rigid representation diminishes the search for valid avoidance and minimization opportunities and a thorough and thoughtful public engagement process. Furthermore, previous comments submitted by Openlands reflect the myriad ways the design of the OPC counters the principles intended by Olmsted. These range from impacts to views, impacts to park topography, and impacts to building and road hierarchy.**

- C. FHWA Alternatives: “The FHWA alternatives analysis (available on the project website, [www.tinyURL.com/JPIImprovements](http://www.tinyURL.com/JPIImprovements)) considered a wide range of proposed improvements to meet the FHWA’s purpose and need, while avoiding or minimizing impacts to historic properties and other resources.”
- To avoid any effects to historic properties by the project, the FHWA considered a No-Action Alternative and an alternative to implement Congestion Management Process Strategies.

**The exploration of alternatives by the FHWA make the same mistake the City made in its own process. It assumed the OPC and post-construction road closures and reconfigurations**

were a foregone conclusion. Therefore, the No-Action-Alternative incorporating the OPC and the desired road closures and reconfigurations became the baseline for the No-Action-Alternative. Simply, there would be no road closures or road reconfigurations but for the OPC. Had the FHWA not short-changed and narrowly defined its responsibility to fully vet all reasonable alternatives based on an existing conditions baseline, a legitimate No-Action-Alternative would have explored avoidance and minimization efforts. A legitimate No-Action-Alternative would have either kept the road configuration as is, or minimally altered them via road-diets and other pedestrian and traffic friendly measures.

## **2. Comment Disposition #130: UPARR and Replacement Parkland:**

The clarifications and additional information regarding UPARR in the Final AOE text are informative. However, we still have significant concerns regarding UPARR and the quantity of replacement parkland that must be addressed and provided.

- A. Section 1.1 of the AOE presents the following math associated with the accounting for the amount of required replacement parkland:
- “(1) a 4.6-acre rectangular space within the OPC site on which the building campus will be situated, and (2) strips of parkland along existing roadways (approximately 5.25 acres) to accommodate proposed transportation improvements.”
  - To meet this requirement the City has proposed to replace the converted parkland with 5.2 acres of open space on the east end of the Midway Plaisance (east of the railroad embankment), and approximately another 7.75 acres of new parkland created from road reconfigurations and road closures within Jackson Park.
- B. Section 1.2 of the AOE and the disposition response state: “The UPARR regulations do not mandate acre-for-acre replacement of recreation land.”

**While 36 CFR § 72.72 does not mandate an acre for acre replacement, there is no language present to the contrary either. And this interpretation arrives at the heart of the UPARR issue. Both the Obama Foundation and the City argue that they are generously exceeding the 9.85 acres lost by providing 12.95 acres of replacement park. Meanwhile, the total of parkland lost is actually 24.55 acres due to the combination of parkland lost to the Lakeshore Drive expansion and the entire 19.3 acres within the OPC footprint. While the OPC and the City argue that as much as 14.7 acres of the OPC site will still be publicly available, they have not released details to attest for this. For instance, neither the Obama Foundation or the City has indicated whether or not this portion of the park will operate similarly to Maggie Daley and Millennium Parks with a private security patrol that curtails familiar park activities (running, biking, ball playing, etc.). The insidious advance of publicly-owned-private-parks into Chicago’s park vernacular is inconsistent with the City’s 150-year commitment to provide truly public open spaces and facilities. Nor has the Obama Foundation or the City responded to the questions of limiting park usage due to security measures while President Obama is present. While acre for acre mandates are explicitly missing from 36 CFR § 72.72, item (b) 4 of CFR § 72.72 states: “In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.” We argue that because of the lack of information presented above as to the accessibility to and nature of park activities immediately adjacent to the OPC, these impacts cannot be currently known. Therefore, a larger tract of replacement parkland equaling the totality of the 24.55 acres must be considered for UPARR replacement.**

### **3. Comment Disposition #130, #133: Cumulative Effects of Replacement Parkland and Chicago Parks Golf Alliance Project:**

We disagree with the disposition response that the Chicago Parks Golf Alliance project should not be included in the list of cumulative effects “as a ‘reasonably foreseeable action’ because it is not completed or programmed (i.e., funding committed for the project construction) within the next two years.”

Moreover, we feel that the UPARR project should also be included on the cumulative effects list precisely because it is a reasonably foreseeable action. We note that neither project is currently considered within the undertaking, despite the existence of the UPARR replacement parkland as a necessary condition within the AOE. Omitting both elements from the cumulative effects allows them to slip through without a separate Section 106 review and significantly under-documents the impacts of what reasonably and clearly is the larger undertaking. Both are reasonably foreseeable actions for the following reasons:

- A. As the AOE indicates in Sections 1.2 and 3.5.2.2. The UPARR replacement parkland is required by the undertaking and therefore is a reasonably foreseeable action. The AOE indicates and recognizes that it will likely be relocated “to the east end of the Midway Plaisance (east of the railroad embankment and viaduct).” While the AOE also states that “the change in legal status of these areas does not in itself cause physical effects on historic properties” we note that this change in status is separate from the proposed design for the mandated UPARR replacement parkland. Therefore, the design plan should be either included within the undertaking itself or be recognized as part of the cumulative effects as a “reasonably foreseeable action” given the historic nature of the Midway and the potential impacts of this separate but required project.
- B. While the disposition response indicates that funding does not exist for the Chicago Parks Golf Alliance project, recent [articles in the press](#) within the past six months indicate that City Aldermen are actively courting and supporting the project. Furthermore, funds for this effort are being actively raised by a non-profit and can be secured at any time with nothing more than one or two generous benefactors. Additionally, Tiger Woods, the project designer [has linked the project to President Obama](#). Despite the recent press and the reasonable linkage to the undertaking, the Chicago Parks Golf Alliance project is neither part of the undertaking nor included on the list of foreseeable projects. The golf course project also necessitates the closure of Marquette Drive. The closure of Marquette Drive directly contributes to the need for other road alterations (widening and reconfiguring) that cannot be decoupled from the OPC project. The position by the City and the Obama Foundation that the golf course should not be included as part of the undertaking is egregiously flawed and should be reversed before proceeding further.

As a consulting party, we disagree on the scope elements, process, and segmentation of the AOE reviews. Both Section 106 and NEPA reviews allow a hard look at the impacts of projects. Similarly, both Section 106 and NEPA apply to all actions carried out, assisted, or licensed by the Federal Government in historically significant areas. This “hard look” cannot be applied in an inconsistent manner to the benefit of certain aspects of the project while ignoring others. As the AOE states, “the undertaking comprises the construction of the OPC in Jackson Park by the Obama Foundation, the closure of roads to accommodate the OPC and to reconnect fragmented parkland, the relocation of an existing track and field on the OPC site to adjacent parkland in Jackson Park, and the construction of a variety of roadway, bicycle and pedestrian improvements in and adjacent to the park.” The federal actions, therefore, cannot legitimately confine their scope, quantities, and design elements and processes of these reviews without recognizing that the OPC is the legitimate promulgator of the undertaking and is therefore inextricably tied to the federal actions and vice versa.

We look forward to further discussing these issues, disagreements and objections throughout the remainder of the Section 106 process in the hopes that the impacts presented by the undertaking to the historic nature of Jackson Park, the Midway Plaisance and the Boulevard system can be avoided or minimized.

Very truly,

A handwritten signature in black ink, appearing to read "Gerald Adelman", with a long horizontal flourish extending to the right.

Gerald Adelman  
President and CEO, Openlands

cc: David Clarke, Federal Highway Administration; John Fowler, Advisory Council on Historic Preservation; Matt Fuller, Federal Highway Administration; Jaime Loikinger, Advisory Council on Historic Preservation; Samir Mayekar, City of Chicago; Lee Terzis, National Park Service



February 18, 2020

Ms. Abby Monroe  
Public Participation Officer  
City of Chicago Department of Planning & Development  
121 N. LaSalle Street, 10<sup>th</sup> Floor  
Chicago, IL 60602

RE: Obama Presidential Center January 2020 Assessment of Effects Comments

Dear Ms. Monroe:

Preservation Chicago has prepared the following comments and objections to the Assessment of Effects and the process under which this Section 106 review has been following. Preservation Chicago is a Consulting Party to this Section 106 process. While some additional analysis was conducted between the first AOE and this second AOE, there are still substantive flaws in the interpretation of adverse effects and most especially with a determination by the City of Chicago to refuse to outline proper avoidance measures. We also continue to object to the replacement parkland identified by the City of Chicago to meet the UPARR Act requirements.

**Conflict of interest.** Page 1, Section 1.0: There is a clear conflict of interest to have the City of Chicago be the lead facilitator and information gathering entity for this Section 106 review when it has a clear bias toward seeing the proposed Obama Presidential Center be developed in Jackson Park. During the webinar, that bias was clear when the National Park Service said it will accept any UPARR replacement park proposals so long as they meet the regulatory requirements. Who is advocating for the best outcome for this community and city when the cheerleader is being asked to referee the game?

Page 38, 3.4 Presentation of Assessment. Again, this section highlights the conflict of interest inherent throughout this AOE process. "The project sponsor (the City of Chicago) has agreed to this request" presumably made by the project facilitator (the City of Chicago).

**Replacement parkland.** Page 3, Section 1.1. It continues to be objectionable that parkland that formerly housed roads and sidewalks will now qualify as replacement parkland under the UPARR Act. If this project were to proceed, the 7.75 acres of parkland should be found outside of Jackson Park and the Midway Plaisance. Additionally, the 5.2 acres of Midway Plaisance may barely meet UPARR Act requirements, but it is not a good faith attempt to in fact create new parkland in an area that has for so many decades been short of parks or seen their parks overlooked for updates and improvements. This switch again gets to the conflict of interest argument about the City of Chicago overseeing this process.



The City of Chicago has said yes to everything presented to it regarding the proposed Obama Presidential Center. The City now appears to be figuring out a way to improve existing parkland at taxpayer cost to the benefit of the proposed OPC which will be across the street. Neighbors will enjoy the improvements to the Midway Plaisance as well, but it is clear this replacement area was chosen for the benefit of the proposed Obama Presidential Center.

Page 6, Section 1.1.3 Recreation Changes. This section references seven potential sites evaluated for UPARR replacement recreation. The City, who fully endorses the OPC proposal, evaluated those seven sites and deemed the Midway Plaisance as the best choice because they already owned it, it was very close to Jackson Park, and they are not aware of any unforeseen complexities or environmental contamination. Beyond how hard or easy the City deems it would be to choose one site over the other, has the City done a full assessment of the area around Jackson Park to determine if there are areas that would in fact benefit from a park on one of the vacant lots? This UPARR replacement selection should not be about what is easiest for the City but should get to the core of what is most needed for the community.

**Women's Garden.** Page 5, Section 1.1.3 Recreation Changes. The elimination of the Women's Garden is an unacceptable and avoidable effect caused by this proposed project. Improved accessibility is a noble and essential goal, but not at the loss of the one remnant connected to the World's Fair designed by a woman architect Sophia Hayden (the original Women's building in 1893) and the Women's Garden itself by landscape architect May McAdams in 1937.

Page 51, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. May McAdams, the Chicago Park District's first female landscape architect, was commissioned to design a Women's Garden to commemorate the site of the one building in the World's Fair that was designed by a woman architect, Sophia Hayden. Accessibility is essential goal for all projects, but it is well known that not every historic site can be made accessible. Digging up the Women's Garden entirely and replacing it with new materials destroys everything about that layered history and landscape.

**False equivalency.** Page 5, Section 1.1.3 Recreation Changes. This section references the loss of informal recreation areas that will be taken away for this project, but it notes that they will be replaced by equivalent informal recreation area. Will these new informal recreation areas be accessible at the full equivalent of the old recreation areas? Will special events or programming at the proposed Obama Presidential Center on occasion restrict access to these areas? This is not an equivalent result. The problem with giving away public lakefront parkland to private developers, however noble their stature, is that this privately managed land does not result in any equivalence. A lease with a private entity will forever alter access to this site from what it is today.

**Public input after approval.** Page 7, Section 1.1.3 Recreation Changes. This section notes that the City will open up a public input process for the proposed changes to the Midway Plaisance after this federal review period has ended. While there are broad parameters that will be outlined, the community will not know what it is getting until most opportunities to impact that design have been closed to them. That is unacceptable from a community planning and organizing perspective, and it gives the City – the lead advocate for this development and the facilitator of this traditionally objective Section 106 review – great authority to alter course after the Section 106 process has been closed.

**Replacement park consideration.** Page 7, Section 1.1.3 Recreation Changes. The final paragraph in this section notes that one of the reasons the City chose Midway Plaisance is because it would not be stuck with “unknown site conditions” like it would be if it chose another site or vacant lot. The City presumably has a great deal of experience with due diligence before it acquires parcels. Proper due diligence would eliminate any unknown site conditions, giving the City a clean parcel on which to proceed with new park construction.

**Impact of negative views.** Page 14, Assessment of Effects to Historic Properties table. A question asks whether “views of Jackson Park contribute to the historic integrity of these historic sites. The question should more appropriately be asked “Will these historic buildings be negatively impacted by the view of a 235-foot block/tower in a Frederick Law Olmsted-designed landscape?” We are of the opinion that the proposed tower will adversely impact the entire northwest perimeter of Jackson Park and its viewsheds.

**PGA Golf course as reasonably foreseeable.** Page 22, Section 3.3.1 Methodology: Definitions and Guidelines. “Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.” By this very definition, the proposed PGA-grade golf course should be evaluated for its adverse effects. A design has been presented. A sponsor and development team have come forward. The idea was advanced in the South Lakefront Framework Plan. Although the proposal was tabled while this Section 106 process has continued, it is without a doubt a foreseeable project for which some of the road modifications in the proposed OPC project are being made to accommodate.

Page 68, 3.8 Cumulative Effects. Again, the list of “reasonably foreseeable actions” put together by the Project Sponsor the City of Chicago is notably missing plans for a large golf course that would combine both Jackson Park’s and South Shore Cultural Center’s two golf courses and would have a substantial impact on the historic integrity of Jackson Park. This project is on the horizon, it is included in the South Lakefront Framework Plan, and it is about “foreseeable” as they come. If this project were added to the list of reasonably foreseeable actions, the cumulative effects of all these changes would permanently, irreparably and negatively impact the historic character of Jackson Park – putting its designation on the National Register of Historic Places in serious jeopardy. Whether this golf course proposal has been pulled off the table to unencumber the Section 106 review for the proposed Obama Presidential Center or whether it is currently not a high priority for the development team, it is most likely to return and should be a part of what is currently a flawed Section 106 process.

**Road impact analysis.** Page 31, 3.2.2 Determination of No Effect. The assertion that 67<sup>th</sup> Street will see an increase in traffic of 31% is not a significant impact is missing some key analysis. At what capacity does the road currently operate? At its highest traffic counts? Its average traffic counts? Does this number take into account the projected visitors to the proposed Obama Presidential Center? This AOE should include that information as well as include increases to traffic on all roads surrounding Jackson Park.

**Replacing street parking.** Page 31, 3.2.2 Determination of No Effect. For the street parking that will be lost if the proposed OPC is developed as presented, where will the current residents who rely on this parking go? Will the OPC offer free parking to neighborhood residents in its expansive parking garage?

**Visual analysis shortfall.** Page 31, 3.2.3 Visual Analyses. It does not appear that the visual impact analysis showed the impact of the significant tree removal planned around the proposed OPC. This impact will be significant, and this AOE should include that visualization.

Existing shadow studies do not take into account the long shadows cast by the tower in the early morning and late afternoon hours.

**Evolving expressions.** Page 39, 3.5.1 Description of Jackson Park Historic Landscape District and Midway Plaisance. The narrative in this section speaks of the “layered history” and “evolving expressions that together reflect the historical significance of Jackson Park and the Midway Plaisance.” While we respect and appreciate that historic sites evolve over the course of time, but what is proposed for the OPC in Jackson Park goes far beyond “evolving expressions” into a significant destruction of Jackson Park’s historic landscape. The National Park Service website on the Secretary of Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes specifically cites that the obligation of Preservation standards “require retention of the greatest amount of historic fabric, including the landscape’s historic form, features, and details as they have evolved over time.” Significantly altering Jackson Park with the rationalization that it’s just allowing the park to evolve over time is disingenuous to the word and intent of the Secretary of Interior’s Standards.

**21<sup>st</sup> Century Analysis and Perspective.** Page 40, 3.5.1 Description of Jackson Park Historic Landscape District and Midway Plaisance. This section discusses changes that have been implemented over time and yet the park still retained its consistency. Unlike the proposed OPC, many of these changes were implemented prior to the National Historic Preservation Act of 1966 and the site’s designation on the National Register of Historic Places in 1972. Setting a standard for how our urban planning functioned in the first half of the 20<sup>th</sup> Century is akin to a coal plant developer advocating for its coal plant emissions to be in line with what was allowed in 1925.

**Lake Shore Drive changes.** Page 45, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. In discussing the proposed changes to Lake Shore Drive, this AOE suggests that Lake Shore Drive has always been the widest road in the area of the park, so it should not be a problem to make it wider. That does not come from a place of progressive urban planning. To do so would lead to further tree cutting and degradation of Jackson Park, adversely impacting the landscape.

**Cumulative effects of “minor” alterations.** Page 46, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. The significant alterations along Hayes Drive is again dismissed as “minor,” a disrespect to the integrity of this park and a clear disregard for the mandate of this Section 106 review. Each individual modification in itself contributes to the degradation of Jackson Park’s historic character, and clearly the cumulative effect of these actions along with foreseeable projects in the area will have a devastating impact on Jackson Park’s historic legacy. For decades, the Chicago Park District has not invested adequate funds to maintain and improve Jackson Park. Erasing significant historic features to enable work that will primarily covered by public funds to allow a private developer to build a center on public land is a terrible precedent demonstrating irresponsible stewardship of our lakefront parks. The Chicago Park District should right its wrongs by a means that do not destroy this great park.

**Flawed perspective on Stony Island widening.** Page 47, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. The improvements to Stony Island section of the AOE again dismisses adding a lane to a roadway as a minimal impact because “the association of the road with the sidewalk and

setting of perimeter topography and vegetation remains.” Using this rationale, it should be OK to put a full-blown highway in the place of Stony Island so long as there is a sidewalk beside it that maintains the “association of the road with the sidewalk.” This is another instance where impacts to the landscape and tree removal will adversely impact Jackson Park.

**Cornell Drive Minimization and Impacts.** Page 48, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. Regarding the Cornell Drive closures, it is unnecessary to destroy this entire road and replace it with bicycle and walk paths. A less damaging route to avoid such alteration is to narrow the car path significantly and place bicycle and walk paths adjacent to it in complete alignment with Olmsted’s original design. Unless these alterations are being proposed to future accommodate a PGA golf course, which should then be considered as a part of this AOE’s future foreseeable projects, the case has not been made why this road closure is necessary. Heat, cold, and accessibility issues limit some people’s ability to travel through the park except by motor vehicle.

Page 50, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. It is distressing to read the AOE’s assertion that the closure of Cornell “will not alter the integrity of the historic property because substantial modification of these roadway segments occurred previously...” Because pre-NHPA the roadway was widening, therefore we should just continue mucking it up? In many cases of historic preservation, a significant alteration that negatively impacts an historic asset is removed to restore the asset to its original glory. The City of Chicago, who has approved the project and is driving this process, needs to follow those standards to do no harm to this park and instead focus on ways the park can be restored and reimagined to meet 21<sup>st</sup> Century park needs. One aspect of beautiful park landscapes is to sit amongst the glory of nature and enjoy the flora and fauna and solitude that accompanies it. Changing roads, cutting down trees and adding a 235-foot tower and underground parking garage does not contribute to the peace of Jackson Park.

**Need vs Want.** Page 51, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. A quote from the Secretary of Interior’s Standards illustrates an important distinction between “need” and “want.” “When alterations to a cultural landscape are needed to assure its continued use...” The alterations proposed for the OPC are not needed. They are wanted. Jackson Park and the Midway Plaisance do need alterations to assure its continued use, but what is proposed here is almost universally driven by want.

**Avoid or minimize clear devastation of park integrity.** Page 52, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. The language noting that all that will remain of the historic character including and south of the Women’s Garden to 62<sup>nd</sup> Street would be the English Comfort Station about sums up the devastation that will ensue if the proposed OPC is built in Jackson Park as planned. We are not talking about a little wedge of damage, but a large swatch dragged through the western side of the park. While this report written by the project sponsor, the City of Chicago, acknowledges that this is not consistent with the Secretary of Interior Standards, it does not propose alterations to avoid or substantially minimize that damage. One obvious avoidance measure would be to move the proposed OPC to its best-choice location just west of Washington Park. A substantial amount of land there is controlled by the City, the CTA and the University of Chicago.

**Avoidance and minimization.** Page 53-54, Section 3.5.2.2 Effects to the Cultural Landscape from Federal Actions. It is maddening really to see the City sponsor noting in detail the damage this proposed development will do to Jackson Park – significant focus to a 235-foot tower in the park, altering historic

topography, replacing existing picnic and play areas with privately managed (but nine times larger) picnic and play areas. The project “adds buildings and landscape features that detract from and alter extant historic topography...changes existing historic vegetation in a way that is inconsistent with the Secretary of Interior’s Standards.” All this significant damage could be avoided by just moving the proposed OPC to a site outside a nationally significant historic landscape. The economic opportunities would still benefit the same community and would be an incredible monument to President Obama’s legacy and the City of Chicago’s place in it.

Page 75, Section 5.0 Avoidance and Minimization Effects. The Project Sponsor City of Chicago notes that “several comments were received regarding avoidance and minimization measures.” This issue is at the very heart of this Section 106 process. The priority is for avoidance first. The City, as the Project Sponsor, does not appear to have given more than a fleeting consideration of avoidance measures. In Section 5.1.1, the City writes that “the City had two practical alternatives” – either approve the plans to locate the OPC in Jackson Park or lose the OPC to another city. This assertion ignores a comment the City mentioned in the same paragraph of this report that it approved a plan to locate the OPC either in Jackson Park or west of Washington Park. The west of Washington Park option is a practical and viable alternative. Given the President’s and First Lady’s love for and connection to Chicago, it seems unlikely that they would twist that love and punish Chicago for not choosing to destroy a historic park to make the OPC a reality. The community would prosper if the OPC were located west of Washington Park, more Chicagoans and visitors would have great public transportation access to the Center, that location is closer to the Dan Ryan Expressway which is much more equipped to handle traffic generated by visitors to the proposed OPC, and jobs and economic revitalization would benefit the Woodlawn area and the South Side of Chicago. That is real avoidance with a happy ending for everyone involved.

Page 77, Section 5.2 Minimization Measures, Section 5.2.1 City Action. The Project Sponsor and Facilitator of this AOE report acknowledges only here its “iterative process with frequent public input” to develop minimization efforts. It does not mention this public input process in its primary purpose to first focus on avoidance. It is clear the City of Chicago never intended to seek avoidance strategies, and that in and of itself makes a mockery of this Section 106 process. This cannot be considered real public input when the City listens to public input and then, along with its partner the Obama Foundation, forge ahead as planned on this project’s development. No avoidance. No Community Benefits Agreement. No backing down from a flawed proposal that will permanently and negatively impact Jackson Park, the Midway Plaisance and the Chicago Boulevard Historic District.

Page 78, Section 5.2.1 Minimization Measures: City Action. The Project Sponsor City of Chicago notes that “this location also avoids physical adjacency to the most prominent historic building in the park, the Museum of Science and Industry.” The proposed OPC is about as close to the Museum of Science and Industry as it can get. Given the pathways and service roads essential to the operation of the MSI, it does not seem likely that the proposed OPC could have been any closer to the MSI than it is. A 235-foot tower casting a long shadow on what was designed to be the most prominent built structure in Jackson Park. While the AOE’s narrative, written by the proposed OPC’s Project Sponsor, notes that the main building was “developed with attention to views from the historic property,” it is hard to imagine how the Project Sponsor defines “attention to views.” This monument will overpower and detract from the MSI, which is seated prominently on the northern border of Jackson Park. It is hard to imagine how people will view the MSI with this large tower as close as it could reasonably get to the historic building. While we appreciate the attempt to configure “the overall project by framing a campus” that doesn’t

place all proposed activities in one building, the one prominent building that is a part of this campus is overwhelming to the park itself and the Museum of Science and Industry building.

Page 79, Section 5.2.1 Minimization Measures: City Action. The City notes here that the “changes associated with the OPC prioritize pedestrians over vehicles as well as internal circulation within the historic property.” This dedication to prioritize pedestrians can be done much less impactfully than closing down roads within the park, altering intersections within the park, and widening roads adjacent to the park. It mentions as well plans to “replace the Perennial Garden/Women’s Garden” to provide full accessibility. As we repeatedly assert, we welcome opportunities to improve accessibility in every aspect of our work. With that in mind, full accessibility cannot be accomplished everywhere, and the tradeoff for accessibility here is the complete erasure of an important historic element of Jackson Park. Finally, the planting of 400 trees will take many decades to replace the tree canopy that is being obliterated to accommodate this proposed private Center in Jackson Park. It offers little comfort to imagine that in 60 to 100 years, it will be fully filled in.

Page 82, Section 6.0 Conclusions. “The City continues to investigate other potential mitigation strategies that will be further developed as part of the next stage of the Section 106 process, resolving adverse effects.” The City did not mention its commitment to avoidance or minimization – only to mitigation. Therein lies the heart of the conflict of interest and flawed Section 106 process that we are participating in. Abby Monroe declared in the summer of 2019 that the City was not entertaining any avoidance options. That continues to trouble us as a preservation advocacy organization which relies on Section 106 to be an objective arbiter to review impacts and again prioritize first avoidance, then minimization and then only as a last resort mitigation. Would you rather have an intact historic park through which to walk your descendants or an almost unrecognizably altered park and pictures of what was once there? That’s the difference between avoidance and mitigation.

**Chicago Park Boulevard System Historic District.** Page 55-57, Section 3.6 The Chicago Park Boulevard System Historic District. The rationalization to destroy this segment of the Historic District is twisted and irresponsible. Effectively, the City Sponsor/Facilitator notes that it is just one small part of a much larger Boulevard System that will in fact be destroyed here, so it will not be a problem. This newly designated Boulevard System is comprised of many segments of boulevards across Chicago, but it sets a dangerous precedent to suggest that destroying one is not problematic since it is “limited to one park among twelve parks” and “approximately 23 of 26 miles of parks and boulevards” are located outside the APE. What percent of the 3 miles within the APE will be adversely effected? It is painful to read through this narrative written by the project sponsor so willfully disregarding the spirit, intent and standards established to protect National Register-designated properties and districts. This project should be redesigned to have zero negative impact on the Chicago Park Boulevard System Historic District. This negative effect is entirely avoidable, and it should therefore be avoided.

**Clarence Darrow Bridge.** Page 69-70, 3.8 Cumulative Effects, 3.8.2 Analysis. The discussion about the Clarence Darrow Bridge, although not directly a part of this Section 106 process, should be focused first and foremost on rehabilitation. Replacement – like mitigation in the Section 106 process – should be the option of very last resort.

**Scope of review.** Page 76, Section 5.1.3 FHWA Action. The entire scope of the proposed OPC project should fall under Section 106 review. The Obama Foundation is asserting that the road changes are

**February 18, 2020**

necessary to build its facility. But for the proposed OPC, there would be no need for the road changes if we follow the Foundation's assertion.

**Rising Lake Michigan waters.** Page 78, Section 5.2.1 Minimization Measures: City Action. While we do appreciate what attempts were made to bury structures below grade to minimize impact, that raises a much larger concern for the future of this project and the roadway and underpass changes proposed therein. Lake Michigan is a powerful natural element. In a time of rising sea and lake levels, no amount of engineering in the long run can restrain nature's tendency to take back what was once its own or expand into areas because it no longer fits in its previous boundaries. The Chicago lakefront parks are an important buffer between the lake and Chicago's built environment, which is important to retain. The City of Chicago saw the power Lake Michigan exerted on our lakefront this winter, and there is no indication that things will get better in the future. The below-grade development proposed at the OPC could further aggravate the marshy land's ability to retain sufficient water retention. Moving the OPC west of Jackson Park would ensure that the legacy of President Obama will sustain for generations to come from an environmental perspective.

The Chicago lakefront parks should be part of the National Park system much like the nearby Indiana Dunes National Park and lakefront lands. Any kind of development on these cherished lands should be avoided, not mitigated.

We are grateful for the opportunity to contribute to this Section 106 process, and we look forward to seeing further research, problem-solving and analysis through this ongoing process. If you have any questions or would like to discuss this matter further, please do not hesitate to contact Ward at 312.443.1000 [wmler@preservationchicago.org](mailto:wmler@preservationchicago.org) or Mary Lu at 312.651.3551 [mseidel@preservationchicago.org](mailto:mseidel@preservationchicago.org).

Sincerely,



Ward Miller  
Executive Director



Mary Lu Seidel  
Director of Community Engagement

Cc: Matt Fuller, Federal Highway Administration  
Arlene Kocher, Federal Highway Administration  
John Fowler, Advisory Council on Historic Preservation  
Jaime Loikinger, Advisory Council on Historic Preservation  
Samir Mayekar, City of Chicago  
Mayor Lori Lightfoot, City of Chicago  
Maurice Cox, Chicago Planning & Development Commissioner  
Lee Terzis, National Park Service

**From:** [Herbert L. Caplan](#)  
**Cc:** [Matt Fuller](#); [Abby Monroe](#); [Arlene.Kocher@dot.gov](#); [David.Clarke@dot.gov](#); [lee\\_terzis@nps.gov](#); [joel\\_lynch@nps.gov](#); [morgan\\_elmer@nps.gov](#); [Colin.C.Smalley@usace.army.mil](#); [Nathan Roseberry](#); [Gleason.Heather](#); [brad.koldehoff@illinois.gov](#); [anthony.rubano@illinois.gov](#); [Carol.Wallace@illinois.gov](#); [jloichinger@achp.gov](#); [Maurice Cox](#); [Eleanor Gorski](#); [Gia Biagi](#); [Samir Mayekar](#); [Bonnie McDonald](#); [Lisa DiChiera](#); [Juanita Irizarry](#); [Lauren Moltz](#); [Ellen Benjamin](#); [Ward Miller](#); [Mary Lu Seidel](#); [Jerry Adelman](#); [Ted Haffner](#); [Stacy Meyers](#); [Charles Birnbaum](#); [Scott Craver](#); [mark reynolds](#); [Betsy Merritt@nthp.org](#); [mike McNamee](#); [Karen Rechtschaffen](#); [Bronwyn Nichols](#); [Walter Kindred](#); [Jack Spicer](#); [Michal Safar](#); [naomidavis@blacksingreen.org](#); [J. Brian Malone](#); [Alex Goldenberg](#)  
**Subject:** Section 106 Assessment of Effects Consulting Party Comments  
**Date:** Tuesday, February 18, 2020 2:42:03 PM

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## *PROTECT OUR PARKS*

*3300 N. Lake Shore Drive, Unit 10-D*

*Chicago, IL 60657*

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*[Protectourparks.org](http://Protectourparks.org)*

August 28, 2019

Matt Fuller

Environmental Programs Engineer

Federal Highway Administration

3250 Executive Park Drive  
Springfield, IL 62703

Re: Section 106 Review – Assessment of Effects to Historic Properties relating to Jackson Park

Dear Mr. Fuller,

Protect Our Parks (POP) is an Illinois nonprofit 501(c)(3) organization dedicated to pursuing legal action to keep Chicago public parks "open, clear, and free" as they were placed in trust to be. Although not an official Consulting Party we are an interested party to the Section 106 review of the proposed taking of dedicated public park land in historic Jackson Park and the Midway Plaisance to be used for



construction of a 99 year private interest Obama Center (OPC).

Others who are Consulting Parties, with whom we totally agree, like **Preservation Chicago**, have stated the fundamental issue to be : " Avoidance and not mitigation should be the required first course of action under consideration." That is, of course, the subject of the lawsuit now pending in the Seventh Circuit Court of Appeals, which has been consolidated with a second appeal of the failure of the lower court to take notice and receive evidence of the Section 106 proceedings. [Appeal Nos. 19-2308 and 19-3333(Consolidated)]

This is how the Chicago Park District itself describes its park protection mission on the internet: "In Chicago's backyard awaits a nature oasis. Lagoons, dunes, prairie, grasslands, savannas, woodlands and wetlands not only attract more than 250 migrating bird species but also invite adventurers to explore the beauty of native plants and flora. Exploration and relaxation are offered from all natural areas. Many of these featured sites offer breath-taking views, unique nature-based activities and most importantly, a break from our busy lives."

It is not disputed that Jackson Park is a unique and historically significant lakefront public park location which is held in public trust. It came into existence and earned its prominence as a result of the Columbian Exposition of 1893 and the genius of its creator, landscape architect Frederick Law Olmsted; and to faithfully maintain and preserve its continued existence and serve the public interest, requires avoidance; there is no mitigation that does not do damage to this historic site.

The AOE report (Section 3.3.2.1) identifies the wide scope of adverse effects, direct, indirect and cumulative, of the undertaking that would result.

Lest we forget what the Park District has said, open space, access to unspoiled nature, and dedicated public parks are indispensable to provide the needed relief and quality of life in congested industrial and expanding urban centers and Chicago has heretofore had the wisdom to take environmental advantage of that 24 miles of Lake Michigan lakefront by preventing any form of commercial exploitation. In particular, the neighborhoods of Hyde Park, Woodlawn, and south shore Chicago have had the unique opportunity to experience the benefit and use of world famous Jackson Park, which is the largest public park of its kind on the south side that directly serves the local communities, and is a public amenity that if not misappropriated for an OPC also enjoys the rarity of appearing on the National Register of Historic Places.

Sincerely,

HERBERT L. CAPLAN

President



**From:** [Robin Kaufman](#)  
**To:** [Abby Monroe](#); [Matt Fuller](#)  
**Subject:** Fwd: Assessment of effects to historic properties: comments and objection  
**Date:** Tuesday, February 18, 2020 4:53:41 PM

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(The lines on the left should be ignored. Sorry. I can't figure out how to get rid of them)

In our previous letter, the Nichols Park Advisory Council raised the question of the Tiger Woods designed Golf Course modifications being considered as part of your review.

This additional statement lays out the reasons this is appropriate and necessary. The Golf course changes are directly related to the Obama Presidential Center, they are currently moving forward with funding from both the Chicago Park District and private money, and are being planned for the foreseeable future. The only thing that is delaying them is the lack of progress on the OPC.

#### Relationship of OPC and Golf renovations:

1. Some of the roadwork changes being done as part of the OPC project (closing historic Marquette Drive west of Richards, and closing the Northbound part of Cornell Drive from 68th Street to 65th Street) are being done in order to accommodate the TGR designed Golf course. These closures have no relationship to the Obama Presidential Center and are not necessary except to accommodate the new golf course. Therefore, a review of the impact of the proposed Golf course changes should be done BEFORE spending millions of dollars making the road changes.

2. Within days of the July 2016 announcement of the Obamas' selection of Jackson Park for the OPC, officers of the Obama Foundation were in communication with the Park

District and City Administration  
regarding the Golf Course plans.  
( Lynn Sweet, Chicago Sun-Times,  
December 25, 2016).

## Park District Funding, design and progress

On December 12<sup>th</sup> [2018] the  
Chicago Park District approved a  
resolution to fund services to an  
engineering group, The Smith  
Group, (Dylan Dethier in  
Golf.com, December According to  
Dylan Dethier in Golf.com)

“The Park District’s latest  
resolution extends their contract  
with the Smith Group engineering  
firm for 3.5 years, including  
resources to **support** “renovation  
of the golf course, driving range  
and support facilities.” Pursuant  
to the contract, Smith Group will  
assist the Park District with  
“layout, grading and planting of  
non-golf areas and park trails” and  
coordinate with TGR Design “who  
will develop the horizontal layout,  
grading and planting of the golf  
course.”(Chicago Park Golf  
Alliance, December 14<sup>th</sup> 2018).

Project proceeding

“Heather Gleason, Director of  
Planning and Development for the  
Chicago Park District, presented  
the measure to Superintendent

Michael Kelly and the Commissioners.... she noted that extending the agreement with Smith Group would provide a necessary next step for TGR Design's plans for a restored 18 hole golf course and new family short course.

" Following the meeting, Mark Rolfin, Founder and President of the Chicago Park Golf Alliance, stated "Thanks to Superintendent Kelly and the Board of Commissioners for this week's advancement....This is an extremely significant step toward launching construction in 2019." "

(This is the link to the article <https://chicagoparksgolfalliance.org/2018/12/chicago-park-district-approves-resolution-engineering-services-implement-south-lakefront-framework-plan/>. )

### Impact of proposed golf course changes on historic Jackson Park.

The golf course modifications magnify the adverse affects of the Obama center being in Jackson Park.

Over 30 acres of land will be removed from general public use—even more than the 20 acres that will be taken up by the OPC. This includes 3 ballfields, 2 basketball courts, 2 historic roads, and an 11 acre grove of trees.

Although not all of this was original, the concepts were. Olmstead wanted the park to have athletic facilities, scenic roads, and natural landscape with greenery. He wanted

a place where people from all walks of life could come together.

He stated that he knew there would be changes in the future, but he wanted the basic essence of the park to remain (Report to the South Park Commissioner's, March 1871, in FL Olmsted Papers, Supplement Vol. 1)

President Obama, on the other hand, has stated his wish to transform the park; he sees his center as a place for people from all over the world to come together, as in a university.

He wants the park to be a more active place, such as Millennium Park.

This is a valuable endeavor. We would like to join in and welcome it to our city. But there are better locations. He should add to our park space, not subtract from it. We could then have a great OPC AND a great Jackson Park. YES WE CAN!!

Thank you for your consideration

Robin Kaufman  
Nichols Park Advisory Council  
Consulting Party  
773-793-5116

**From:** [Ross Petersen](#)  
**To:** [Abby Monroe](#)  
**Subject:** Assessment of Effects Report  
**Date:** Tuesday, January 28, 2020 12:32:08 PM

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Dear Ms. Monroe,

While I agree that the OPC will have an adverse effect, I am most disappointed that we have not fully considered the three alternatives, those being 1. re-locating it, 2. reducing the size of the campus, its central tower, or 3. mitigating it.

I feel that certain facts presented in this report are inaccurate, such as the presentation of these plans to the public; the public's ability to comment, was highly exaggerated. These plans were unveiled, absent any public input.

The intrusion, of this mid-rise building, inside the park, desecrates the historic Olmsted design. Yet the report states this is compatible with his design. It is not.

Originally proposed as 180 feet in height, this was subsequently raised, to 235 feet high. Yet, no justification, no space inventory has been revealed, to justify a building of this height.

The site selection process was conducted by the U of C, and only park land was considered. The U of C owns land across Stony Island.

The U of C has pledged thirty million to the OPC, raising concerns of conflicts of interest.

Subsequent to the selection of Jackson park, the OPC announced the closure of Cornell Drive. This requires road revisions to include widening Stony Island, Hayes Drive, Lake Shore Drive. This will consume further parkland, and no figure is given for these losses. I am also concerned that many road revisions have absolutely nothing to do with the OPC, but are part of the golf course. Yet, you say the golf course is a separate project? The report fails to consider golf course revisions, their impact on the park. It looks like we are losing up to a square mile of our park. The report should clarify this. We are also losing a substantial number of trees- some 800, when you count the OPC (426 according to Bartlett Study) as well as removals for road widening / underpasses ( 400 according to CDOT study).

While the plan calls for installing 400 trees, these will be saplings. At present, the OPC site contains specimens over two hundred years old. The report ignores this.

The costs of these road revisions could be well in excess of 200 million. There may be other costs associated with the project, including environmental remediation for the underground garage, the OPC, its buildings. Do we have any figures on these costs?

The report responds to concerns brought up by citizens by saying it is the city's right, to do so. But the process has not involved the public, in any substantive way, which is why this has become a matter for the courts to decide. It is unfortunate that rather than opening a conversation on the OPC, how can we fit this into our city, cohesively, we have this AoE which seems to seek to slam the door in our face. There was supposed to be some back and forth here.

I can only hope they do better with this NEPA review, as I am most interested in the environmental impact of the OPC. It is the location, of this tower, in a major migratory flyway which is of concern, to me.

Sincerely, Ross Petersen

Former President of the Jackson Park Advisory Council, 1993 - 2010.



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

JB Pritzker, Governor  
Colleen Callahan, Director

February 18, 2020

Ms. Arlene Kocher, Federal Highway Administration (FHWA)  
and Section 106 Consulting Parties

**SUBJECT:** Section 106 Assessment of Effects to Historic Properties from the Proposed Undertaking in and Adjacent to Jackson Park, Cook County, Chicago, Illinois

**RE:** Comments from the Illinois State Historic Preservation Office on the *Final Section 106 Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Jackson Park, Chicago, Illinois*.

Dear Ms. Kocher and Consulting Parties:

Thank you for your effort and diligence in preparing the *Final Section 106 Assessment of Effects to Historic Properties: Proposed Undertaking in and Adjacent to Jackson Park, Jackson Park, Chicago, Illinois* (AOE), released on January 16, 2020. We concur that this undertaking will, as stated on pg. 40 of the AOE, "have an adverse effect to Jackson Park Historic Landscape District and Midway Plaisance because it will alter, directly and indirectly, characteristics of the historic property that qualify it for inclusion in the National Register."

We concur with the assertion of the following adverse effects, as documented in the AOE:

1. The proposed undertaking adversely affects historic and internal spatial divisions between Jackson Park and the Midway Plaisance. Proposed changes to roadways and placement of buildings adversely affect the historic designed relationship that is a basic aspect of the significance of the historic district (pg. 41).
2. The proposed undertaking adversely affects portions of the historic road network, which provides a framework for the historic property's designed spatial organization (pg. 41). These alterations change the relationship between interconnected systems of pedestrian and vehicular circulation and the distribution of the road hierarchy as originally designed and developed during the Period of Significance (pg. 42).
3. The proposed undertaking adversely affects the setting of the historic English Comfort Station (pg. 43).
4. The proposed undertaking adversely affects the Perennial Garden/Women's Garden and the entry walks that frame it and lead to it (pg. 41, 42 and 51). It will be demolished and replaced by a new garden. Designed in 1936 by May McAdam, Chicago Park District's first female landscape architect (Appendix A, Exhibit 4a: 1-10), the Garden lies within the center of the formal terminus of the Midway Plaisance in Jackson Park and was historically developed to be symmetrically framed by the main park drives and adjacent walks of the Midway Plaisance north and south



roadways, Stony Island Avenue, and Cornell Drive. Extant historic materials, including the sunken basin, stone-edged terraced planting beds and steps, and vegetation, will be removed, and the symmetrical layout of concentric rings of planting beds and paths will be replaced with asymmetrical winding paths, gathering spaces, and planting areas (Appendix A, Exhibit 4b: 1-2m). Removal of the relatively uniform topographic setting surrounding the sunken garden and replacement with undulating terrain does not correspond to the formality of the historic design in relation to its setting. The comprehensive changes to garden features also impact the direct, historical association of the garden to its legacy of female designers.

5. The proposed undertaking adversely affects contributing historic features, fields, and walks south of the Perennial Garden/Women's Garden to 62<sup>nd</sup> Street (pg. 41). The western perimeter exhibits integrity to the Period of Significance and demonstrates continuity in the larger patterns of spatial organization, land use, views, circulation, and tree massing. The area designed and designated by the Olmsted firm as an outdoor place for exercise retains the designed composition and general form of two, symmetrical open fields surrounded by canopy trees that are joined in the middle by the layout of the Western Perimeter Playground and English Comfort Station (Appendix A, Exhibit 4a: 1-7). The Olmsted firm used the terms "men's gymnasium" and "women's gymnasium" for the north and south fields in their original meaning as a place of exercise, rather than as a room or building for enclosed sporting activities. Part of the Library Building, lawns, picnic areas, and a playground will replace the open athletic field and track of the existing north field/gymnasium. Historic walks designed parallel to existing historic roadways will be removed between the north field/gymnasium along Cornell Drive and between Cornell Drive and the Midway Plaisance (South Roadway; eastbound) (pg. 52).
6. The proposed reconfiguration of Hayes Drive will adversely affect its historic character associated with the relationship between vehicular and pedestrian routes (pg. 42). The realignment replaces the historic triangular intersection with Richard Drive (Appendix A, Exhibit 4b: 1-2j) with a T-shaped intersection and changes roads and walks that define historic spatial organization and views within the setting of the Statue of the Republic (Appendix A, Exhibit 3b: 26). The proposal demolishes one of the last remaining historic vehicular triangular intersections within the park (pg. 47).
7. The setting of the Statue of the Republic is adversely affected by proposed alterations to the Hayes Drive and Richards Drive intersection (pg. 43). The historic triangular intersection highlights the statue as the focal point of surrounding roads and positions the monument to be viewed from vehicles or by pedestrians from walks at a distance. In addition, the realignment will install a standard traffic signal adjacent to the statue that diminishes its integrity and historic setting (pg. 47).
8. The proposed undertaking adversely effects walks along the south side of the Midway Plaisance (South Roadway, eastbound) between Stony Island Avenue, Cornell Drive, and the west side of the north field/gymnasium (pg. 42).
9. The proposed undertaking adversely effects Midway Plaisance (South Roadway; eastbound) between Stony Island Avenue and Cornell Drive. Proposed roadway closures change the shape, form, and function of the historic primary entrance to Jackson Park from Midway Plaisance (pg. 41). This roadway segment is a particularly strong expression of historic landscape character related to the design of the property in the 1890s plans of the Olmsted firm. The south roadway of the Midway Plaisance forms part of the formal and balanced juncture between the eastern parts of the original South Park (Jackson Park, the Midway Plaisance, and Washington Park) as proposed prior to the World's Columbian Exposition in the 1871 plan. This closure removes contributing historic circulation and spatial organization at the primary public interface with both Jackson Park

- and the Midway Plaisance. The action would eliminate the purposeful connection between and symmetrical composition of this distinct portion of the historic property (pg. 50).
10. The proposed removal of Cornell Drive between 59th Street and Hayes Drive and northbound Cornell Drive between 65th and 67th Streets is an adverse effect. These road segments contribute to the historic circulation network of the property (pg. 50).
  11. The proposed removal of Marquette Drive between Stony Island Avenue and Richards Drive is an adverse effect. Developed as an internal park drive (approximately 32 to 36 feet wide) following the 1905 General Plan, Marquette Drive reflects its historic alignment except for the western connection to S. Cornell Drive. In addition to removal of this roadway segment, the change eliminates the original, contributing triangular intersection with Richards Drive (Appendix A, Exhibit 4b: 1-2g). This is one of the last remaining triangular intersections within the park. The intersection and Marquette Drive approximately between South Creiger Avenue and Lake Shore Drive demonstrate particularly strong expressions of historic landscape character related to the design of the property. The road closures alter contributing spatial organization and circulation routes (pg. 50).
  12. The addition of new prominent buildings within the historic district diminishes the prominence of the historic Museum of Science and Industry (pg. 43).

We would also like to add that the proposed changes to the east end of the Midway Plaisance have the potential to constitute an adverse effect because the proposed play area has not yet been designed, and its potential effect to the historic district cannot yet be determined. Although page 44 of the AOE states that the “play area...would be designed by a design professional meeting Secretary of the Interior’s Historic Preservation Professional Qualification Standards and in accordance with the Guidelines for Rehabilitating Cultural Landscapes,” this does not mean that the play area itself will be designed in adherence to the Standards for Rehabilitation. Page 7 of the AOE states, “The City will make final design selections (such as specific playground equipment) with input from the public and in light of the historic nature of the Midway Plaisance, seeking to minimize any potential effects to historic resources, pathways, and plantings, to the extent possible. The schedule for public input for the final design will be announced by the City following completion of the Federal review process.” The design of this area should meet the Secretary of the Interior’s Standards for Rehabilitation and be reviewed by this office either as a part of the Federal review process, because the UPARR conversion by NPS and the possible USACE 404 permit are a part of the 106 process, or as a component of mitigation for the undertaking’s adverse effects.

Sincerely,



CJ Wallace  
Cultural Resources Coordinator  
Illinois State Historic Preservation Office

# Save the Midway!

February 16, 2020

Ms. Arlene K. Kocher  
Division Administrator  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, IL 62703

cc: Mr. Matt Fuller, Environmental Programs Engineer, Federal Highway Administration, matt.fuller@dot.gov

cc: Ms. Abby Monroe, Public Participation Officer, City of Chicago, Department of Planning and Development (DPD), abby.monroe@cityofchicago.org

RE: *Obama Presidential Center Mobility Improvements to Support the South Lakefront Framework Plan City of Chicago, Cook County, Illinois*

Dear Ms. Kocher,

Save the Midway is providing our comments to the *Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Jackson Park, Chicago, Illinois*, January 2020 (AOE) prepared by the City of Chicago Dept. of Planning and Development on behalf of the Federal Highway Administration (FHWA).

## **URBAN PARK AND RECREATION RECOVERY (UPARR) PROGRAM, OBJECTION TO FINDINGS OF EFFECTS**

Save the Midway objects to the FHWA's determination in the AOE that "The City's proposed use of the east end of the Midway Plaisance for replacement (UPARR) recreation would preserve the historic character of this section of the Midway" (Section 3.5.2.2, 44). The proposed play area would reduce the open central turf area of the panel. This would detract from the original design of the sloping sunken meadow, and disrupt the feeling of the "historic character of axial movement and views above sunken, open planes" of the Midway (HPIR<sup>1</sup>, Appendix F, Section 1.5.6, 14).

"At the easternmost division, the field in the central panel is used seasonally for soccer" (Section 2.9.2.1, 81). The proposed play area would reduce the area of the east end of the Midway available for some recreational use. This would detract from the "informal recreational use of sunken lawn panels" which was found to be a contributing resource of the Midway by the HPIR (Section 2.9.2.1, 82).

The HPIR found that with one exception "new playgrounds have been placed within the historic setting (of Jackson Park) and diverge from the original design." (Appendix F, Section 2.4.1, 35) One of the seven playgrounds was found to be a contributing resource

but only for spatial organization and land use because it appears on early Olmsted design plans and “retains sand and turf patterns set against the arc of the surrounding walk...” (36). The play area proposed for the east center panel of the Midway would diverge from the original design and detract from spatial organization and land use.

Therefore the proposed play area on the east Midway would be an adverse effect on the design, setting and feeling of the Midway.

<sup>1</sup>*Section 106 Historic Properties Identification Report: Federal Undertakings in and Adjacent to Jackson Park, Cook County, Illinois* (HPIR), prepared for FHWA, posted on the City’s website on July 27, 2018

### **UPARR NEXT STEPS**

Save the Midway believes it is necessary and achievable for NPS and FHWA to protect the historic integrity of the Midway and Jackson Park in the course of this undertaking.

We propose that:

1. To avoid any adverse effect to the east section of the Midway, the City should remove the playground and the UPARR designation from the plan for the east section, and leave the east section as primarily an open flexible meadow as designed by F. L. Olmsted in his *Study of Design for the Midway Plaisance—Alternative*, 1894 (Olmstead Archives, NPS).
2. The City should work with local community organizations to create new parkland on empty lots or other City owned property within the area to provide more neighborhood parks. We note that the City’s targeted area on the Midway is near other current and planned play areas and would thus be redundant. Such redundancy would not be the case in some neighborhoods close to the Midway.
3. The City should place the UPARR designation on the new parks and playground.

### **OTHER ADVERSE EFFECTS TO THE MIDWAY**

The AOE report implies that filling in a natural occurring wetland on the Midway is an improvement. We challenge this conclusion and ask that this action also be categorized as an adverse effect.

Our suggestions to avoid this adverse effect on the Midway:

- The City should not drain the ephemeral wetland but should rather replace it with a small, narrow, designed water feature. It should be respected as an ecological resource that promotes the richness of flora and fauna of the entire area. We suggest any future plans for the space respond to the natural environment and to enhance it.

### **GENERAL COMMENTS AND OBJECTIONS TO THE 16 JANUARY 2020 ASSESSMENT OF EFFECTS**

Save the Midway would like to object to several aspects of the 16 January 2020 Assessment of Effects document. Namely,

- 1) “The City’s approval of the Foundation’s proposal to locate the OPC in Jackson Park is a local land use decision and is not subject to the Federal approval process, including mitigation.”

According to section 106 of the National Historic Preservation Act of 1966, the 106 process is to seek to “[r]esolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts on historic resources.” Given the admitted and documented adverse effects to the Midway, Jackson Park, and the Women’s/Perennial Garden in the AOE, the plans of a private foundation (OF) and the City, seem to be very much subject to the Federal approval process. **If there has been a change to the National Preservation Act, could the Federal Highway Administration please provide the documentation for this change? Is the Advisory Council on Historic Preservation in agreement with the claim that what happens to National Historic Registry properties is no longer of concern to the federal agencies?**

We note that up until this January 2020, the process was proceeding as if the OPC and the City had to seek to avoid, minimize and mitigate. We note that this change in essence cuts out community and other stakeholder voices in this process. We note that is an anti-democratic move and is on top of a process that has already been fraught with the lack of engagement with the community (e.g., the lack of community input in selecting the UPARR replacement; the lack of community input in designing the proposed UPARR replacement park; the initial confiscation of the Midway for a private parking garage, etc).

**Up until last month, we understood that given the historic significance of the parks and area, the OPC and the City were under an obligation to avoid, minimize, or mitigate. This change in process is a disturbing one and signals a dark time for the patrimony of the U.S.: if cities and private foundations can now make determinations on their own regarding how national treasures are treated, we are about to lose our own history.**

We note that according to AOE report itself, federal standards are being violated in numerous respects in the OPC plans. We note in particular on page 51: “the addition of the Museum Building and other buildings will alter the historic design principles of the prominence of landscape scenery, unified composition, and orchestration of use within the historic open space of the project footprint. This is not consistent with the Secretary of the Interior’s Standards that state: ‘When alterations to a cultural landscape are needed to assure its continued use, it is most important that such alterations do not radically change, obscure, or destroy character-defining spatial organization and land patterns or features and materials.’”

One further wonders about the environmental review procedures that are also supposed to be part of this process. We call attention to the fact that the rising Lake Michigan waters

have already once this winter forced the nearby closure of South Shore Drive/US Route 41: if Cornell Avenue is closed as planned, where will local and through traffic go if US Route 41 becomes more frequently closed because of rising water levels? Indeed, will the OPC with its expansive subterranean private complex further exacerbate these rising water levels?

We note that the City of Chicago was forced in 1982 by a federal consent decree to create local park councils in order to make sure that local communities would be able to control their own parks. Given that the City has without community input decided upon UPARR replacement, we question the assumption that the planning decisions are simply ones of local land use.

- 2) We reiterate our objections to the destruction of the Women's/Perennial Garden. It is an insult to claim that using a modified circular pattern in the back entrance to the OPC in any way preserves the landscape design of May McAdams and her tribute to Sophia Hayden. We reiterate our dismay at the erasure of the accomplishments of two women, Sophia Hayden and May McAdams, by the work of Michael Van Valkenburgh.

We applaud the desire to make the garden universally acceptable, but deny that this may only be accomplished by the complete destruction of the McAdams's landscaped garden. Indeed, we note that during this year's annual commemoration of the first automobile race, participants in wheelchairs and crutches were able to access the central area without difficulty.

We further object to the size of the museum tower of the OPC: it destroys the visual coherence of the unity of the three Olmsted parks by blocking the open view shed from Jackson Park to the west and from the Midway Plaisance to the east. The tower becomes the primary focal point rather than open space and unobstructed views.

Sincerely,

Michael McNamee and Karen Rechtschaffen  
Co-chairs  
Save the Midway  
[SavetheMidway.org](http://SavetheMidway.org)  
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February 17, 2020

Matt Fuller  
Environmental Programs Engineer  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, IL 62703

Dear Mr. Fuller,

As a designated consulting party to the National Historic Preservation Act Section 106 review and the National Environmental Policy Act (NEPA) review underway for Jackson Park, The Cultural Landscape Foundation (TCLF) is pleased to comment on the Assessment of Effects (AOE; “Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Chicago, Illinois”) publicly released by the City of Chicago on January 16, 2020.

TCLF formally and strenuously objects to the following findings in the AOE, which are discussed in further detail below:

- Contrary to the AOE, we believe that the undertaking will have an adverse effect on the Jackson Park Terrace Historic District.
- Contrary to the AOE, we believe that the planned “golf course consolidation/expansion” project in Jackson Park must be analyzed as a reasonably foreseeable action that when combined with the undertaking creates a cumulative effect.
- Contrary to the AOE, and in accordance with federal regulations codified in 36 CFR Part 800—Protection of Historic Properties, we believe that the described actions of the City of Chicago *are* subject to the National Historic Preservation Act’s requirements to consider avoidance, minimization, and mitigation of adverse effects to historic properties.
- Contrary to the AOE, with regard to several statements proffered in Section 5.0: Avoidance and Minimization of Effects, we believe that the unaltered cause of an adverse effect cannot rationally be regarded as a measure that avoids, minimizes, or mitigates the adverse effect.

Before proceeding to address the above points, we would like to bring your attention to a statement in the AOE that is particularly problematic because its source is unclear, and its veracity is questionable. The following appears in Section 5.1.1: City Action (p. 75): “In considering the proposal, the City had two practical alternatives: (1) deny the [Obama] Foundation’s proposal and lose the opportunity to host the OPC, or (2) approve the

Foundation’s proposal subject to development limits and obligations to preserve park uses and public access.”

Because of its placement and its sweeping implications, the statement seems to be the foundational assumption for much of what follows it. We are, therefore, prompted to ask: Has the FHWA been given any documentation to support the statement, or can the FHWA point to any communication between the Obama Foundation and the City of Chicago that has indicated that the Foundation would withdraw the Obama Presidential Center from Chicago unless the city approved “the Foundation’s proposal subject to development limits and obligations to preserve park uses and public access”?

Thus far, the public record points to a different conclusion. For example, an article published on May 3, 2017, in *Hawaii News Now*, with the headline [“Obama: Presidential library 'had to be' in Chicago, not Hawaii”](#), opens as follows:

“Proposals to build Barack Obama's presidential library anywhere but Chicago—including one that would've seen it built on an eight-acre parcel in Kaka'ako—were never going to be seriously considered, the former U.S. president said Wednesday. "Although we had a formal bidding process to determine where the presidential library was going to be, **the fact of the matter was it had to be right here on the South Side of Chicago**," Obama said.” [emphasis added].

And on February 27, 2018, during a [town-hall-style meeting](#) (posted on YouTube), former president Obama told the crowd that when it came to where the OPC would be built, “that part was easy” [20:25]. After speaking at length about the significant role that Chicago’s South Side had played in his life and career, he said [22:16]: “**and I became president because of the South Side of Chicago**,” before concluding [22:28], “**so we were going to have the presidential center on the South Side of Chicago**.” [emphasis added].

It is thus unclear why such a conclusory statement about the city’s “practical alternatives” was included in the AOE, whether the FHWA supports the statement as fact, and on what basis the agency would do so. At least one other practical alternative suggests itself: The City of Chicago could have worked with the Obama Foundation and the University of Chicago to secure a South Side location for the OPC that did not include public parkland listed in the National Register of Historic Places, thus eliminating the need for reviews under the National Historic Preservation Act. We therefore suggest that the statement in question be removed from the AOE. If it remains, we request to see the evidentiary basis on which it is made.

## **I. The undertaking will have an adverse effect on the Jackson Park Terrace Historic District.**

As described in the AOE (Section 3.7.4; p. 63 ff.), the Jackson Park Terrace Historic District is located on the west side of South Stony Island Avenue at 6018–6050 S. Stony Island Avenue and 6040–6050 S. Harper Avenue. The district is directly opposite—and fewer than 100 feet distant from—the location proposed for the Obama Presidential Center (OPC)



campus in Jackson Park. The district was recently determined eligible for listing in the National Register of Historic Places under Criteria A, B, and C.

Comprising 24 low-rise apartment buildings and one nineteen-story building, the Jackson Park Terrace complex opened in 1974 and was designed by “renowned African-American planners and architects” Whitley/Whitley Architects and Planners, Inc. The AOE further states that the historic district derives its significance from the fact that it was a “landmark development of the local African-American community in response to the threat of neighborhood urban renewal.”

The [guidelines](#) of the National Register of Historic Places define integrity as a property’s ability to convey its significance. Integrity is determined by seven separate aspects, or qualities: Location, Design, Setting, Materials, Workmanship, Feeling, and Association. According to the AOE, the Jackson Park Terrace Historic District retains “a high degree of integrity” in six of those seven aspects, with the seventh aspect, that of Setting, having been “somewhat diminished” by “substantial changes” to areas directly north and south of the district. The AOE describes those changes thus: an eight-story hotel immediately north of the property was demolished and eventually replaced with a parking lot, and low-rise apartments to the south were replaced by new low-rise apartments in 1980, two years after the district’s Period of Significance ended. It is difficult to understand how replacing low-rise units with other low-rise units to the south of the historic district has affected its setting in the least.

The AOE (Section 3.7.4.2, p. 64) adds that “the historic district has continuously maintained its physical and visual relationship with Jackson Park and the Midway Plaisance.” But it concludes: “While the OPC Museum Building will be visible, the property’s setting with the visual and physical relationship between the property and Jackson Park and the Midway Plaisance will be maintained and none of these changes will cause effects to features that contribute to the significance of the Jackson Park Terrace Building and its eligibility to be listed on the National Register.” The analysis here is untenable. For if the historic district’s setting had been “somewhat diminished” by removing an eight-story building to its north, how could it be that after constructing the OPC’s 235-foot-tall tower and other buildings directly opposite the district, “the property’s setting with the visual and physical relationship between the property and Jackson Park and the Midway Plaisance will be maintained”?

Contrary to the findings in the AOE, it seems abundantly clear that the proposed OPC campus would completely alter the visual relationship between the historic district and Jackson Park, given that, since the time of its construction, the Jackson Park Terrace complex has enjoyed uninterrupted views into the relatively flat, sylvan setting directly to its east, across South Stony Island Avenue. The western perimeter of Jackson Park was designed to be visually permeable, lined with trees that define the landscape’s edge while allowing lightly veiled views into it. The OPC tower and associated buildings would demonstrably obstruct views into the park and beyond from the historic district, much altering the skyline in the process. We therefore believe that the undertaking will have an adverse effect on the Jackson Park Terrace Historic District.

## II. The planned “golf course consolidation/expansion” combines with the undertaking to create a cumulative effect that has not been analyzed.

In its consideration of cumulative effects (Section 3.8, p.68 ff.), the AOE states that its analysis “assesses the result of combining the effects of the undertaking and other past, present, or reasonably foreseeable actions potentially affecting the same historic properties at the same time.” It then goes on to analyze the combined effects of the undertaking and a handful of “unrelated projects, several of which are noted in the 2018 South Lakefront Framework Plan” (AOE, p. 69). But the so-called “golf course consolidation/expansion project,” which features prominently in the [2018 South Lakefront Framework Plan](#) (2018 SLFP), is not analyzed in the AOE.

In addition to occupying an important place in the 2018 SLFP, a document that purportedly “sets a course for the evolution of the south lakefront parks...”, the golf course project is reasonably foreseeable for the following reasons:

(a) It has been publicly discussed at length with stakeholders on multiple occasions by Michael P. Kelly, then serving in his capacity as general superintendent and CEO of the Chicago Park District.

(b) Professional golfer Tiger Woods, chosen by former president Obama, has publicly agreed to lead the design of the project, [saying](#) that “It’s exciting to create something for the public right there in president Obama’s front yard/back yard...”

(c) The Chicago Park District has approved and since [modified a contract](#) with SmithGroup JJR, an engineering consulting firm, to “implement the 2018 South Lakefront Framework Plan recommendations for Jackson Park including the preparation of design and bid documents for: **the renovation of the Jackson Park golf course, driving range and other support facilities...**” (emphasis added).

(d) The Chicago Park District has [confirmed to local media outlets](#) that fundraising for the project is well underway.

Despite these uncontested facts, after Landmark Illinois, an official consulting party to the Section 106 review, enquired in writing about how the golf course project would be addressed in regulatory reviews, the FHWA responded as follows in its [Comment Disposition](#), released on January 16, 2020:

*The golf course consolidation/expansion proposal is independent from this undertaking and the associated Federal review process. The golf course consolidation/expansion proposal contained in the 2018 SLFP is not included as a “reasonably foreseeable action” because it is not completed or programmed (i.e., funding committed for the project construction) within the next two years. If any federal approval, funding, or permit is required for the golf course consolidation/expansion in the future, then Federal requirements*

*(including Section 106) would be the responsibility of the relevant Federal agency. The approval of the undertaking described in the AOE does not force or require golf course consolidation/expansion and is therefore an independent project.*

But contrary to that response, there is no applicable statutory or regulatory language that restricts or defines reasonably foreseeable actions as those actions that are “completed,” “programmed,” or “funded” within two years of the undertaking. Neither should labelling the golf course project as an “independent project” exclude it from the AOE, the more so because the projects that *are* analyzed as cumulative effects in the AOE are themselves characterized as “unrelated projects” (AOE, p. 69) with regard to the undertaking.

Dr. Thomas F. King, formerly of the Advisory Council on Historic Preservation, is a widely read and widely recognized expert on the implementation of the National Environmental Policy Act and the National Historic Preservation Act. Dr. King’s *Cultural Resource Laws and Practice* (AltaMira Press), now in its fourth edition, is a standard text in the field. With regard to cumulative effects, Dr. King [concluded](#) as follows in a 2006 paper presented at a meeting of the Committee on Historic and Archaeological Preservation in Transportation: “Waiting to consider the effects of a project until it’s funded not only would make cumulative impacts analysis impossible, it would stand the whole NEPA process on its head.”

With these and other facts presented, we therefore submit that the exclusion of the “golf course consolidation/expansion project” from analysis in the AOE is arbitrary, erroneous, and highly consequential. The project should be analyzed as a reasonably foreseeable action that when combined with the undertaking creates a cumulative effect. Doing so is all the more imperative given the ACHP’s direct enquiry, in its [letter dated August 22, 2019](#), as to whether “the proposed undertaking will result in the properties no longer being listed in the NRHP.” In response to that enquiry, the Illinois Department of Transportation reviewed the continued National Register of Historic Places (NRHP) eligibility of Jackson Park and Midway Plaisance in light of potential adverse effects stemming from the undertaking; but, as we have asserted, that review did not benefit from knowledge of the full range of effects on the historic resources, because the AOE did not include the golf course project as a cumulative effect. Absent the complete analysis, the FHWA’s actions must be regarded as deficient, and the full range of effects on historic properties will remain unknown.

**III. As reasonably foreseeable effects of the undertaking, the described actions of the City of Chicago are subject to the National Historic Preservation Act’s requirements to consider avoidance, minimization, and mitigation of adverse effects to historic properties.**

The following is stated in the AOE at the beginning of the discussion of avoidance and minimization of effects (Section 5.1.1, p. 75):

*The actions of the City described in this report (authorizing construction of the OPC, closing roads, and relocating an existing track and field in Jackson*

*Park) do not require Federal funding or approval and, therefore, are not subject to the NHPA's requirement to consider avoidance, minimization, and mitigation of adverse effects to historic properties. The Federal agencies do not have sufficient control to condition project approval for the construction of the OPC, closing roads in Jackson Park, or relocating the existing track and field in Jackson Park.*

Those statements are contrary to federal regulations, promulgated by the Advisory Council on Historic Preservation (ACHP), that compel federal agencies to consider the “reasonably foreseeable” effects of the federal undertaking (36 CFR 800.5(a)(1)), not just the effects that the agency directly controls. In this case, the federal undertaking has, from the beginning of the Section 106 review, been collectively defined as authorizing federal funds for road work; amending a federal grant agreement; closing roads and relocating extant facilities; and “the construction of the OPC in Jackson Park.”

For its part, the ACHP has reinforced the fact that the City of Chicago's actions are indeed “part of the undertaking” and that, accordingly, the FHWA should make a reasonable and good faith effort to consider the effects of those actions. One notes that the ACHP is owed deference in interpreting the National Historic Preservation Act because it is the primary agency responsible for administering the statutes, as has been affirmed in recent case law.

It is also noteworthy that the pertinent statements in the AOE are contrary to others made by the FHWA in its [letter to the ACHP](#) dated September 24, 2018, in which the former responded to an enquiry regarding the premature work on a track-and-field facility in Jackson Park. In that letter, FHWA Division Administrator Catherine Batey wrote as follows:

*The relocation of the track and field is an indirect effect from the proposed Federal action to convert a portion of Jackson Park from recreational to non-recreational use in order to construct the OPC. **Therefore, as part of the Federal review process, the effects of relocating the track and field within Jackson Park will be taken into account as part of the Section 106 and NEPA processes.** We have requested the City not complete their work on the new track and field facility until the Federal review process is completed (emphasis added).*

Although the relocation of the track-and-field facility neither was nor is under the control of the FHWA, the agency nonetheless correctly identified the activity as an indirect effect of the federal action that should, therefore, be taken into account in the Section 106 and NEPA reviews. As such, when the agency intervened, work on the track-and-field facility ceased. The FHWA's more recent position, in which the agency has abdicated its responsibility to consider the effects of the city's actions, is misguided and inconsistent. Three federal agencies must sign agreements, issue permits, and supply funds in order for the Obama Presidential Center to be built as planned in Jackson Park. If the FHWA does not engage in good faith efforts with consulting parties to consider avoidance, minimization, and mitigation of adverse effects resulting from the undertaking, then the agency's actions must be regarded as deficient.

**IV. The unaltered cause of an adverse effect cannot rationally be regarded as a measure that avoids, minimizes, or mitigates the adverse effect.**

In the AOE's discussion of "Minimization Measures" (Section 5.2.1, p. 77ff.), several measures are mentioned that cannot possibly avoid or minimize adverse effects, because they themselves are the unaltered causes of adverse effects, as is clearly documented elsewhere in the AOE. Among such measures that are said to avoid or minimize adverse effects are the following:

- (a) "The proposed OPC site lies on the western perimeter of Jackson Park, using a footprint that concentrates primary physical change within a small area of the historic property (approximately three percent). While some nearby historic resources are affected, the perimeter location avoids impacts to many historic resources in other parts of the historic district. (p. 78)"

But the AOE states (p. 41) that "Overall, physical changes concentrated in the western perimeter of Jackson Park and the east end of the Midway Plaisance would impact adjacent park areas originally differentiated by the Olmsted firm, including the lagoons, fields, lake shore, and museum grounds. The changes alter the legibility of the design of the cultural landscape in ways that diminish the integrity of spatial organization demonstrated by internal divisions of the property."

Therefore, if placing the OPC campus on the western perimeter of Jackson Park was intended as a measure to avoid an adverse effect, then that measure has failed. Furthermore, if one were to regard the western perimeter location as a measure that avoids adverse effects, then, by that rationale, placing the OPC in *any* location within the historic district could be regarded as avoidance, so long as any other single location could be shown to impose greater adverse effects.

- (b) "This location [of the OPC site] also avoids physical adjacency to the most prominent historic building in the park, the Museum of Science and Industry (MSI), while also avoiding the primary north-south visual axis to and from the MSI within the park. Doing so helps reduce visual competition with the MSI and helps moderate any effect on the historic dominance of the MSI in the cultural landscape of Jackson Park. (p. 78)"

But the AOE states (p. 43) that "The prominence of the Museum of Science and Industry building, which is part of the overall composition and design intent of balancing park scenery with specific built areas, is diminished by the addition of new prominent buildings within the historic district."

Here again, the location of the OPC within the historic district is *the cause* of the adverse effect to the Museum of Science and Industry and cannot, therefore, be regarded as a measure that avoids the adverse effect. If the claim of avoidance were accepted, then one could equally posit that as long as some greater adverse effect on the Museum of Science and Industry were *possible* (such as its outright demolition), then the OPC's location has avoided an adverse effect on the museum, which is an absurd proposition.

- (c) “The height of the prominent OPC Museum Building enables a smaller footprint within the historic property than if the building were shorter. (p. 78)”

That statement deserves magnification. Here, the claim seems to be that the exceptional height and prominence of the OPC tower are factors that avoid or minimize adverse effects on historic properties. But, in fact, the AOE (p. 53) states as follows: “Tall buildings exist outside of the historic property but not within it. Within this historic property, the comparatively low-lying Museum of Science and Industry building was intended as the only building to be a “dominating object of interest” inside of Jackson Park and the Midway Plaisance. The OPC Museum Building affects views within this historic property by drawing specific focus to an exceptionally prominent building.”

Statement (c) is an example of a ‘false dichotomy’—a logical fallacy in which two opposing outcomes are presented without considering other relevant possibilities. In this case, a claim has been made that the OPC museum building must either be exceptionally high and prominent, or it must occupy more of the ground plane. Ignored here are several other relevant possibilities, including placing a greater portion of the facilities underground, or, perhaps most obviously, reducing the interior area of the building.

- (d) “The placement of the outdoor recreation amenities and the Program, Athletic, and Activity Center echoes the intended location of the outdoor gymnasium and an associated facility in early plans by Olmsted. (p. 78)”

But the AOE states (p. 52) as follows: “The area designed and designated by the Olmsted firm as an outdoor place for exercise (he used the term “gymnasia”) retains the designed composition and general form of two, symmetrical open fields surrounded by canopy trees that are joined in the middle by the layout of the Western Perimeter Playground and English Comfort Station (Appendix A, Exhibit 4a: 1-7). Olmsted’s use of “men’s gymnasium” and “women’s gymnasium” for the north and south fields refers to the original meaning of the word as a general place of exercise, rather than as a room or building for enclosed sporting activities. Part of the Library Building, lawns, picnic areas, and a playground replace the open athletic field and track of the existing north field/gymnasium. Historic walks designed parallel

to existing historic roadways will be removed between the north field/gymnasium along Cornell Drive and between Cornell Drive and the Midway Plaisance (South Roadway; eastbound). The changes to this portion of the historic property are not consistent with the *Secretary of the Interior's Standards* that stipulate the need to preserve contributing historic features and discourage 'placing a new feature where it may cause damage to, or be intrusive in spatial organization and land patterns.'"

Here, the placement of outdoor recreation amenities and other buildings is *the cause* of the serious adverse effects. Were the forms, placements, and dispositions of those amenities and buildings truly compatible with the spatial organization and land patterns in the area of Olmsted's original gymnasium, then the AOE would have regarded their presence as being consistent with the *Secretary of the Interior's Standards*, rather than reaching the opposite conclusion.

- (e) "The orientation, location, and materials of the Museum Building have been developed with attention to views from the historic property and the skyline surrounding. (p. 78)"

While the meaning of that sentence is elusive, the reference to materials that are somehow attentive to views from the historic property can certainly be dismissed. For the AOE states, "New materials with modern functions differ from historic materials at a scale and intent that does not conform to the *Secretary of the Interior's Standards*. (p. 43)"

- (f) "The OPC's landscape design employs traditional Olmsted typologies within the park in order to provide a greater degree of compatibility with the park as a whole. For example, the more formal or urban typology is reflected in the plaza and campus area; the wooded landscape typology is reflected in landscaping and plantings around the site, including the Woodland Walk; the wet landscape typology is reflected in the Lagoon Walk; and the field landscape typology is reflected in the Great Lawn. Using typologies that are broadly congruent with the historic design practices of Olmsted helps minimize the effect of the OPC on the historic cultural landscape." (p. 78).

But the AOE states (pp. 42-43) that several elements of the OPC's landscape design are *the causes* of adverse effects: "The subtle berms at the edges of the north field/gymnasium (outer edge of the park and S. Cornell Drive) within the western perimeter are altered"; "The sunken topographic bowl of the Perennial Garden/Women's Garden is altered"; "Historic vegetation patterns are altered," including "canopy trees surrounding playing fields, street trees at the park perimeter, and terraced planting beds of the Perennial Garden/Women's Garden within the western perimeter."

In conclusion, TCLF objects to these several findings in the AOE. We do, however, appreciate the opportunity to comment as a consulting party, and we look forward to

*Jackson Park-Section 106 Review; Response to Assessment of Effects*

resolving these issues in accordance with federal guidelines and statutes. We do so in the sincere hope that the already substantial work of the many agencies, stakeholders, and consulting parties will not be invalidated.

Sincerely,

A handwritten signature in black ink, consisting of a large loop followed by a smaller loop and a long horizontal stroke extending to the right.

Charles A. Birnbaum, FASLA, FAAR  
President + CEO  
The Cultural Landscape Foundation

Cc: Abby Monroe, Chicago Department of Planning and Development; Eleanor Gorski, Chicago Department of Planning and Development; Jaime Loichinger, Advisory Council on Historic Preservation; Anthony Rubano, Illinois State Historic Preservation Office; Juanita Irizzary, Friends of the Parks; Margaret Schmid, Jackson Park Watch; Ted Haffner, Openlands; Lucy Lawliss, National Association for Olmsted Parks; Michael McNamee, Save the Midway!; Lisa Dichiera, Landmarks Illinois; Ward Miller, Preservation Chicago



*Vista Homes Building Corporation*

5844 Stony Island Avenue  
Chicago, IL 60637

February 17, 2020

Ms. Arlene K. Kocher  
Division Administrator  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, IL 62703

Dear Ms. Kocher,

This letter is submitted by the Board of Directors on behalf of the Vista Homes Building Corporation (VHBC), a recognized consulting party to the Section 106 process. We represent VHBC, a 120-unit residential cooperative that is located at 59th and Stony Island Avenue.

We would like to reiterate our concerns and objections from our 28 August 2019 letter, namely, our concerns with traffic flow; our objections regarding the use of the eastern parcel of the Midway for UPARR replacement; our objections regarding the destruction of the historic aspects of both Jackson and Midway Plaisance Parks; and the destruction of the Women's/Perennial Garden.

We note with dismay that the City and the Federal Highway Administration have seemingly declared a new mode of operation in respect to the 106 process: whereas according to the National Historic Preservation Act of 1966, the 106 process is to seek to “[r]esolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts on historic resources,” the claim is now being made that “the City’s approval of the Foundation’s proposal to locate the OPC in Jackson Park is a local land use decision and is not subject to the Federal approval process, including mitigation.” VHBC requests that its 28 August 2019 suggestions for avoidance, minimization, and mitigation be revisited and not dismissed out of hand. As concerned citizens, we would like to further request documentation behind the change in how the National Historic Preservation Act is being interpreted and enforced.

We note that since we wrote the 28 August letter, that winter storms and the rising level of Lake Michigan have closed portions of South Shore Drive/U.S. Route 41. Such closures are likely to become more frequent given climate change: have the City and the Federal Highway Administration taken such closures into account in their traffic studies that support the proposed closure of Cornell Drive? Further, do we know the extent to which the planned OPC campus, with its proposed, large underground complex will have an impact on local water tables? While this question may seem more appropriate for the NEPA part of the review process, given the radical change to the 106 process as evidenced in the 16 January 2020 AOE document, we fear that the environmental portion of the review process may receive a similar dismissal as the 106 process as being a “local” matter.

Respectfully submitted,  
Alyssa Qualls  
President, Board of Directors, Vista Homes Building Corporation

# *Vista Homes Building Corporation*

5844 Stony Island Avenue  
Chicago, IL 60637

August 28, 2019

This letter is submitted by the Board of Directors on behalf of the Vista Homes Building Corporation (VHBC), a recognized consulting party to the Section 106 process. We represent VHBC, a 120-unit residential cooperative that is located at 59th and Stony Island Avenue. Our location gives us intimate day-to-day knowledge of the roadways and parks, and we note the following aspects that have either been left out of the AOE report or, in our view, ones which have not received the proper emphasis.

A key aspect of Olmsted's landscape philosophy was a democratic perspective: he designed parks and their road- and pathways in ways that were meant to make them as accessible as possible to all people. Widening Stony Island Avenue and closing off of Cornell, will actually make the parks less accessible to the people in the neighborhood. For residents on the Southside—whether they will be driving or as pedestrians trying to cross a much busier and wider Stony Island—accessing the park will be much more difficult. For a discussion of this issue, please listen to Professor Stovall from the University of Illinois at Chicago at his recent Chicago Tonight appearance. <http://bit.ly/2KoFVRn> Given Olmsted's democratic vision of parks, this decrease in the park's accessibility is an adverse effect on the historical nature of the park.

We are concerned about the adequacy of the traffic studies that have been done. From our experience living on Stony Island, we fear that the traffic jams will be frequent and severe and will thus create a barrier to the park and its accessibility. We note as one recent example, when Uber held a private event at the Museum of Science and Industry, Stony Island was completely overwhelmed and this happened while Cornell Drive was still open. Please see the Chicago Tribune's coverage of this event: <https://www.chicagotribune.com/news/breaking/ct-met-uber-event-museum-science-industry-hyde-park-traffic-20190611-story.html> Traffic jams will certainly serve as a barrier to park usage; this is an adverse effect of the historical nature of the park.

Suggestions for amelioration:

- Consider adding more pedestrian underpasses for local Hyde Park and Woodlawn residents
- Consider not closing Cornell entirely, but only some of its lanes

A great many of VHBC's residents are concerned with the City's plans for the Midway and would argue that the AOE report does not go far enough in reporting the damage to the Midway. Many of us believe that the City should honor UPARR and the City ordinance that promised replacement parkland to create new, replacement parkland and not to destroy the open, meadow nature of the Midway. We realize that it may be difficult for those simply driving by on Stony Island to appreciate the quiet beauty and elegance of the open meadow as Olmsted designed it, but as residents, we have experienced this firsthand and wish to maintain it for posterity. We encourage anyone who wishes to pour concrete and build fences on the eastern panel of the Midway to go onto the park and look east in various seasons and times of the day to appreciate the park fully. We note further that Olmsted designed the three parks—Jackson, Washington

and the Midway Plaisance—as a park system. The size and location of the high-rise museum tower will destroy the eastern vistas and views from the Midway and will serve to sever the visual coherence of the three parks.

Suggestions for amelioration:

- To honor the true spirit of UPARR, create new parkland entirely in the Woodlawn neighborhood, large areas of which do not have public parks.
- To avoid further damage to the Midway's historic status, place the proposed playground initiatives next to the skating rink on the Midway. According to the AOE, this area has already suffered an adverse effect.
- Rather than seeking to eliminate the ephemeral wetland of this section, enhance it by creating a year-round pond in one corner.
- Reduce the height of the tower and move it south, away from the site lines of the Midway.

Finally, we note that the AOE seems to focus upon the utilitarian aspect of the Women's/Perennial Garden and only refers to the loss of historical materials should the OPC plans proceed. We note, however, that there would be additional historical losses that have not been documented in your report. This garden was designed in 1936 by noted landscape architect, May McAdam, the park district's first female landscape architect. The location is further noteworthy because it resides on the location of the Women's Pavilion of the 1893 World's Fair, a pavilion that was designed by Sophia Hayden, the only woman who designed a building at the World's Fair and the first woman to graduate from the architecture program at MIT. We are concerned that the accomplishments of women, May McAdam and Sophia Hayden, will be destroyed by using this park as a staging area for the OPC construction and then by the subsequent plans to "enlarge" it and combine it with the larger OPC campus. It is our understanding that McAdam's 1936 designs are still intact but will be wiped out by the new plans.

We would like to add that we have a unique perspective on the Women's/Perennial Garden given our close proximity to it. We have seen how its enclosed, sunken space is used so variously, whether for weddings, children's groups, or the annual commemoration of the Thanksgiving Day Chicago Times-Herald Race of 1895 (the first automobile race in the U.S. which served to introduce the car to the American people.) Like the eastern panel of the Midway, unless you have experienced the beauty of this park oasis in various seasons, it may be difficult to appreciate its significance as a separate park.

Suggestions for amelioration:

- Stage the construction site on property that is not historically significant or intact.
- Respect the design and legacy of noted women designers; keep the current design of the park; and keep it as a separate park.

Respectfully submitted,  
Alyssa Qualls  
President, Board of Directors, Vista Homes Building Corporation