

AREA OF POTENTIAL EFFECTS (APE)

WHAT IS AN APE?

How was the APE for archaeology determined?

The APE for archaeology focuses on locations where there could be potential for ground disturbance according to the proposed project.



The APE is the geographic area(s) within which a project may directly or indirectly affect historic properties (see definition on “National Register” handout). The APE boundary is defined before the identification of any historic properties. Therefore, to determine the APE, you do not need to know whether any historic properties exist in the area(s), but you should consider all locations where the project may result in ground disturbances; visible or audible disturbances; or changes in public access, traffic patterns, or land use.

How was the APE for architecture/landscape determined?

The APE for architecture initially covered the study area used in the South Lakefront Framework Plan update as well as buildings fronting Jackson Park and properties within a ½ mile radius viewshed of the proposed OPC museum tower. The APE for architecture has since been enlarged (based on consulting party input) to include the entire area of the National Register of Historic Places nomination that addresses both Jackson Park and the Midway Plaisance.



How will the APEs be used in the Section 106 process?

The APEs establish the boundary within which historic properties will be identified. Potential or known historic properties outside of the APE will not be evaluated. Potential or known historic properties within the APE are discussed to varying degrees of detail in the Historic Properties Inventory (HPI) and archaeology reports. For this project, the APE for architecture/landscape is divided into two areas:

- **East of the Metra viaduct:** in-depth historic surveying was conducted
- **West of the Metra viaduct:** reconnaissance-level surveying was conducted for properties not already included in a National Register district, or deemed non-contributing to a National Register district

NATIONAL REGISTER OF HISTORIC PLACES

HOW DOES THE NRHP APPLY TO SECTION 106?

Existing National Register of Historic Places nominations: Jackson Park Historic Landscape District and the Midway Plaisance, South Shore Country Club, Hyde Park-Kenwood Historic District and Promontory Point

What is a historic property?

For the purposes of Federal review and the Section 106 process, a historic property is any property that is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). The Section 106 process treats properties that are already listed or eligible for listing on the NHRP equally. National Register-listed or -eligible properties fall into five broad categories:

Buildings: constructions designed principally to shelter human activity, including houses, barns, commercial buildings, government buildings, etc.

Structures: functional constructions not principally designed for human shelter, including bridges, canals, lighthouses, dams, boats, aircrafts, etc.

Sites: Locations of significant events, or prehistoric or historic occupation or activity, including ceremonial sites, battlefields, shipwrecks, trails, designed landscapes, archaeological remains of habitation sites, natural features having cultural significance, etc.

Objects: Constructions that are relatively small in scale, frequently artistic in nature, and associated with a specific setting or environment. They are not museum objects, but include sculptures, monuments, fountains, boundary markers, etc.

Districts: A concentration or continuity of sites, buildings, structures, or objects that are united by their history or aesthetics. The identity of a district results from the interrelationship of its resources. Frequently encountered districts include residential areas, commercial areas, transportation networks, large farms, rural villages, groupings of habitation sites or ceremonial sites.

What criteria are used to determine a property's eligibility for listing on the NHRP?

To be National Register-eligible, the property must be 50 years old or older and meet one or more of the following criteria:

(A) is associated with events that have made a significant contribution to the broad patterns of our history; or

(B) is associated with the lives of persons significant in our past; or

(C) embodies distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

(D) has yielded, or may be likely to yield, information important in prehistory or history.

AND a property must also possess sufficient integrity to convey its significance.

What does it mean if your property is determined to be eligible for the NHRP through the Section 106 process?

A determination that a property is eligible for the NRHP during the Section 106 process does not place any restrictions or obligations on the owner of the property. If the Federal agency (FHWA and NPS) determines that your property is eligible for the NRHP, then they will evaluate if their respective undertakings will have an effect on the historic property. Effect means "alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP" (36 CFR 800.16(i)).

Historic properties are only listed on the NRHP after a nomination is prepared and submitted to the NRHP through the Illinois State Historic Preservation Officer (SHPO). No privately-owned property can be listed on the National Register if the owner objects to the listing. Historic properties listed on the NRHP do not carry any restrictions for what the property owner can do to the property, unless the proposed activity is funded, permitted, or licensed by a Federal agency.

What is an adverse effect?

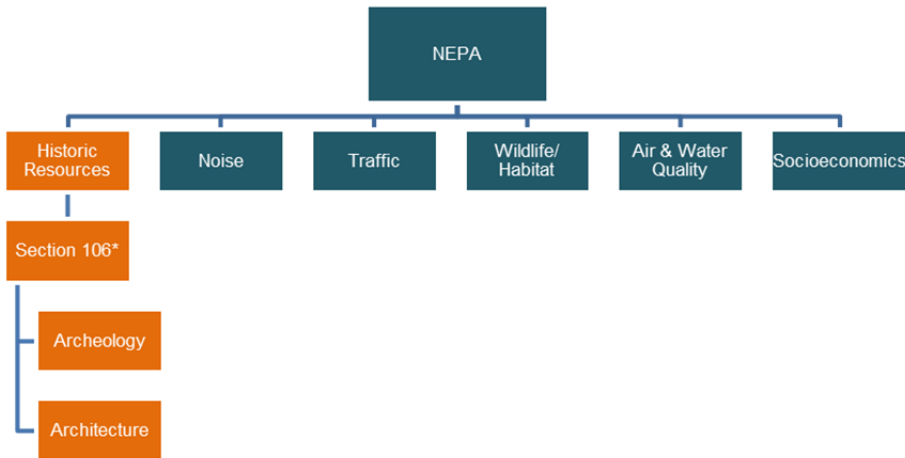
The Section 106 process determines if a proposed project will have no effect, a non-adverse effect or an adverse effect on historic properties within the APE (see "APE" handout). An adverse effect occurs when a project may directly or indirectly diminish the integrity of a historic property by altering any of the characteristics that qualify that property for National Register inclusion. Examples of adverse effects include:

- Physical destruction or damage
- Alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties
- Relocation of the property
- Change in the character of the property's use or setting
- Introduction of incompatible visual, atmospheric, or audible elements
- Neglect and deterioration
- Transfer, lease, or sale out of Federal control without adequate preservation restrictions

SECTION 106

WHAT IS SECTION 106?

How does Section 106 relate to the National Environmental Policy Act (NEPA)?



What does the Section 106 process seek to accomplish?

The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that preservation values are factored into federal agency planning and decisions.

To successfully complete a Section 106 review, federal agencies must do the following: 1) gather information to decide which properties in the area that may be affected by the project are listed, or are eligible for listing, in the National Register of Historic Places (referred to as "historic properties"); 2) determine how those historic properties might be affected; 3) explore measures to avoid or reduce harm ("adverse effect") to historic properties; and 4) reach agreement with the SHPO/THPO (and the ACHP in some cases) on such measures to resolve any adverse effects or, failing that, obtain advisory comments from the ACHP, which are sent to the head of the agency.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The ACHP is an independent Federal agency that promotes historic preservation, oversees the operation of the Section 106 process, and advises the President and Congress on historic preservation policy.

Who are key participants in the Section 106 process?

Agency official (FHWA)

Relevant Federal agencies, which include the National Park Service (NPS), the Advisory Council on Historic Preservation (ACHP) and the US Army Corps of Engineers (USACE)

Consulting Parties, including:

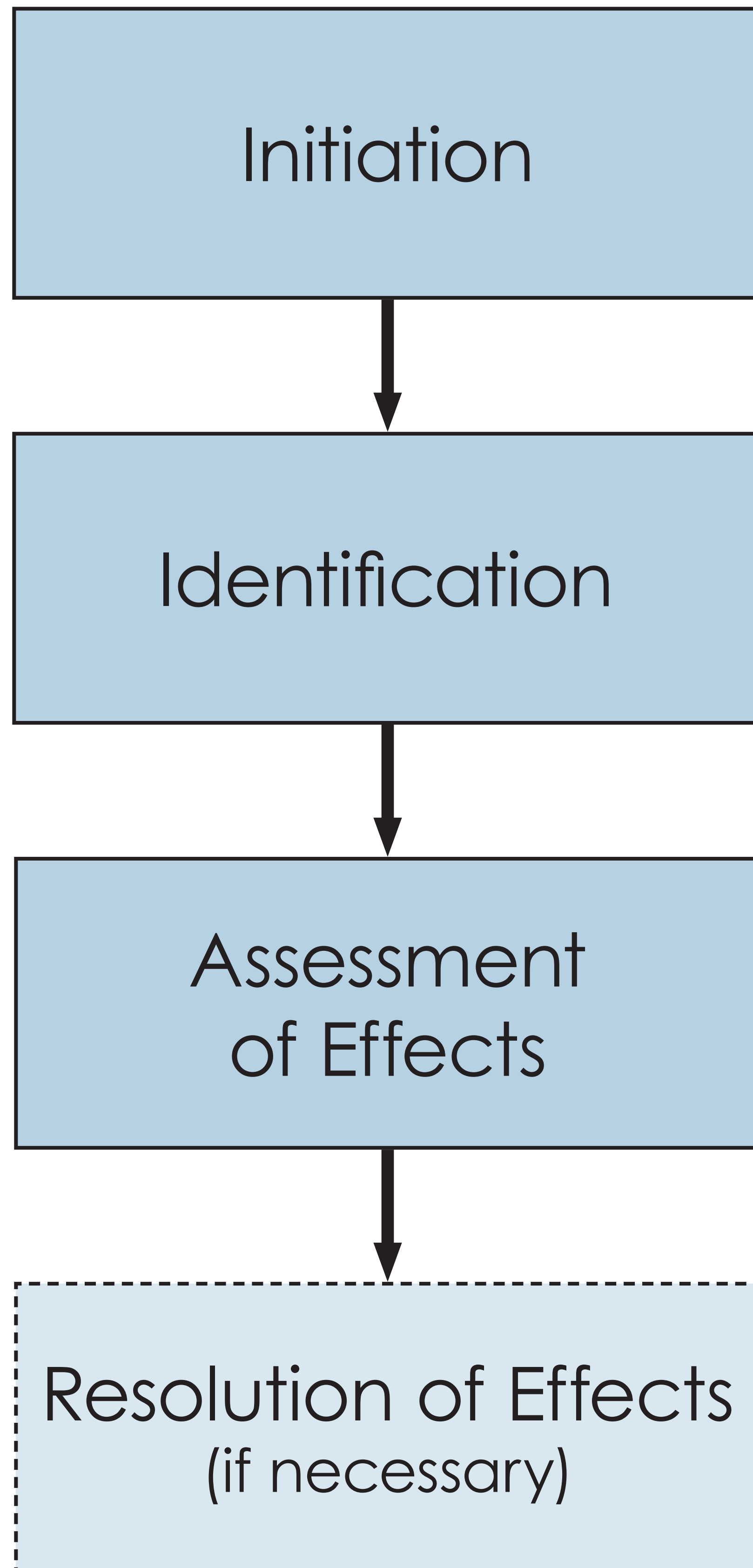
- Applicant for Federal assistance (in this case, City of Chicago (CDOT and DPD))
- Illinois State Historic Preservation Officer (SHPO)
- Representatives of local governments
- Native American Tribes with an interest in Illinois lands
- Additional parties with a demonstrated interest in the undertaking due to the nature of their economic or legal relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties

General public

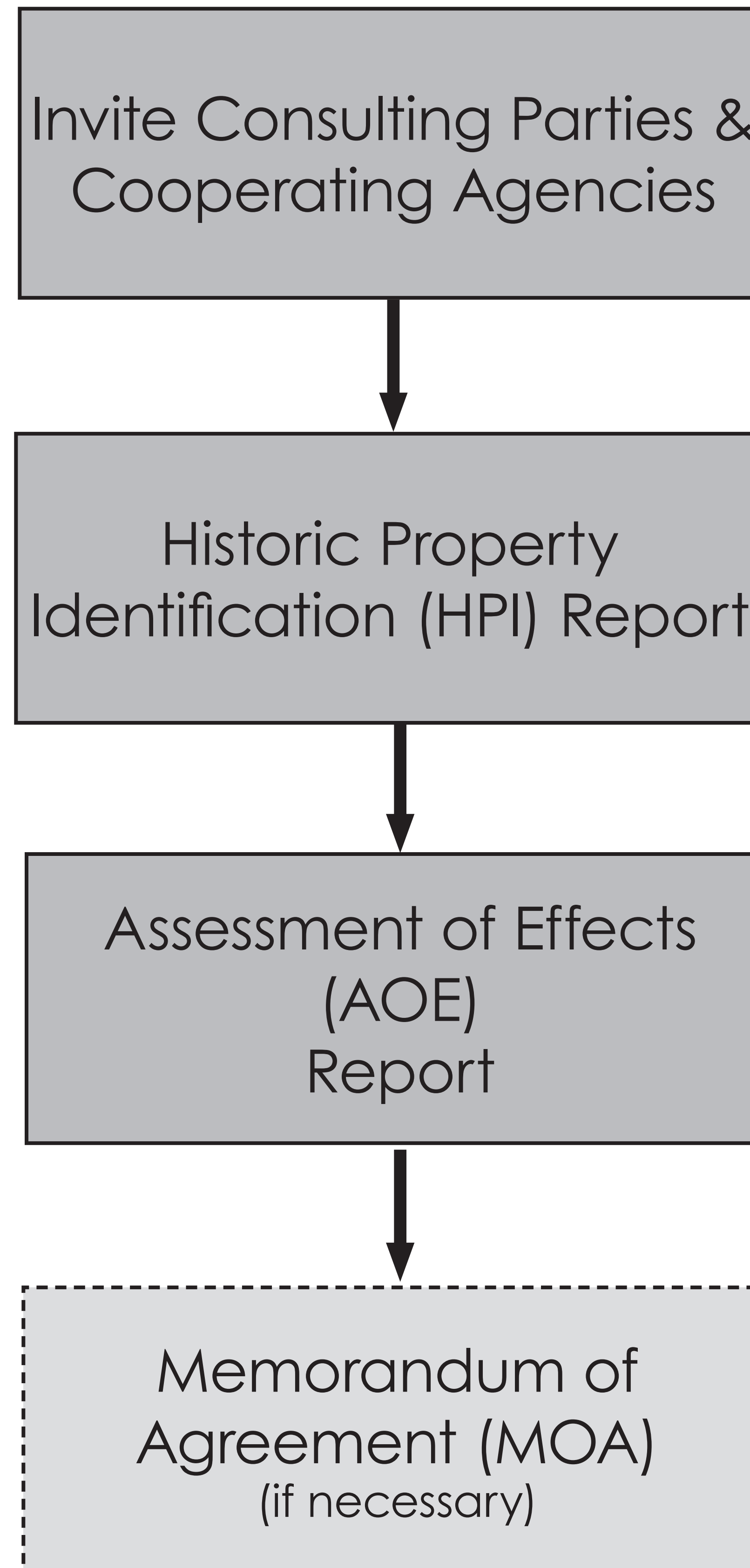
Views of the general public are essential to informed Federal decision-making in the Section 106 process. The agency official must seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties.

Section 106 Process

Section 106 Regulations Flowchart



Documentation



Consulting Party and Public Meetings

