



August 8, 2018

Ms. Sarah Stokely
Program Analyst
Advisory Council on Historic Preservation

Dear Ms. Stokely,

The Cultural Landscape Foundation (TCLF) wishes to bring the following points to your attention in regard to the ongoing federal reviews, in accord with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (Section 106), related to Jackson Park in Chicago, Illinois. As you know, Jackson Park is listed in the National Register of Historic Places. TCLF is an official consulting party to the federal review process, and we have concerns about the manner in which that process has been, and continues to be, implemented. We therefore ask your guidance on the following two issues:

First, on April 19, 2018, TCLF officially responded to the Draft Historical Properties Identification Report (HPI), the Archaeological Properties Identification Report (APIR), and the Draft Purpose and Need Statement posted to the City of Chicago's website. As our response (attached) indicated, we objected to the fact that the archaeological sites identified in the APIR were evaluated solely under Criterion D. We contend that the large amount of artifacts identified suggests that the archaeological material should have been evaluated under Criterion A, and possibly Criterion B. The investigators, however, immediately discounted that possibility without any justification. As you are no doubt aware, the use of Criterion A to evaluate cultural material has evolved significantly over the past few decades, and most archaeologists no longer evaluate sites for their significance solely under Criterion D. The refusal to evaluate the archaeological sites under Criterion A represents a failure to analyze the material culture in the larger context of Jackson Park and its cultural significance, both as an historically important, planned cultural landscape and an indispensable national example of reform-era recreational planning. In our letter, we further stated:

“The Advisory Council on Historic Preservation (ACHP) has given specific guidance regarding the criteria for such archaeological assessments, but that guidance has not been followed in this case. The ACHP's *Section 106 Archaeology Guidance* (p. 25, item 37) clearly states that an archaeological site can be “eligible under Criteria A, B, C, and D” and goes on to say:

The ACHP's Section 106 regulations call for the federal agency to consider how all of the National Register qualifying characteristics of a historic property may be affected by the undertaking [36 CFR § 800.5(a)(1)]. Accordingly, when conducting its evaluation, a federal agency should determine the full range of criteria that may apply to a property (emphasis present in the original document).

“To acquire even the most cursory sense of the larger significance of Jackson Park that qualifies it for consideration under additional criteria, one need go no further than the HPI, which explicitly emphasizes the park's key role in the broader historical movement of reform-era recreational planning: “One of the most significant aspects of the 1895 Plan was that it included one of the Olmsted firm's first open-air gymnasiums (**an amenity that would soon influence park development throughout the nation**)” (p. 67, emphasis added). The HPI also makes abundantly clear that Jackson Park was the site of the World's Columbian Exposition, whose influence in shaping the cultural life of the nation is very well known. Likewise, there can be little doubt of the renown of Frederick

Law Olmsted, Sr., whom the HPI says is “recognized today as the ‘Father of American Landscape Architecture’” (p. 5).

“In other words, the HPI itself makes a strong case that the archaeological evaluation for Jackson Park should also have been carried out under Criteria A and C as a site “associated with events that have made a significant contribution to the broad patterns of our history” (Criterion A) and that “represents the work of a master” (Criterion C). Until the archaeological materials are fully evaluated under the additional criteria, the APIR must be regarded as incomplete and, therefore, unready for further substantive review or comment.”

As an apparent response to this issue, the City of Chicago posted the following text on its website (in a document titled “Federal Review – Frequently Asked Questions”) on July 27, 2018:

“Why does the archaeology report only evaluate under Criterion D? What about Criteria A, B and C?”

The archaeological investigation concluded that none of the sites warrants NRHP consideration under Criterion D. The NR Bulletin states that “the use of Criteria A, B, and C for archeological sites is appropriate in limited circumstances and has never been supported as a universal application of the criteria.” Because the investigation found that none of the archaeological resources has potential to yield important information that can add to our understanding of the site’s history, it is not appropriate to evaluate these below-ground resources under Criteria A, B, and C (associated with significant events, with significant persons, and with significant trends, respectively).

We respectfully submit that that response is circular and unsatisfactory, and that the abundant archaeological materials should have been evaluated not only for their informational value under Criterion D, but also for their interpretive value under Criterion A, as cultural material that may describe the use of the landscape over time.

Second, via an article published in the *Chicago Sun-Times* on August 6, 2018, we have recently become aware that work has commenced to remove trees and excavate portions of baseball fields in Jackson Park so that a running track, which would potentially be displaced by the Obama Presidential Center, can be moved to the affected location. We and other consulting parties were taken aback by this news, having understood that no work related to the Obama Presidential Center would commence until all relevant federal reviews were concluded. One cannot seriously argue that the recent work in question is unrelated to the construction of the Obama Presidential Center, so it remains to be explained why it has been allowed to commence and whether it will continue.

We are very grateful for the prompt attention of the Advisory Council on Historic Preservation to these matters. If more information is needed, please do not hesitate to ask.

Sincerely,



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

Cc: Juanita Irizzary, Friends of the Parks; Margaret Schmid, Jackson Park Watch; Ted Haffner, Openlands; Arleyne Levee and Lucy Lawliss, National Association for Olmsted Parks; Michael McNamee, Save the Midway!; Lisa Dichiera, Landmarks Illinois; Ward Miller, Preservation Chicago