

Memorandum of Agreement  
 Proposed Undertaking In and Adjacent to Jackson Park  
**Disposition of Comments Received During Consulting Party Webinar #3 and the 30-day Comment Period**

Comment Number	Affiliation	Comment	Response	MOA Section Reference
1	ACHP	I do think given the range of the comments as well as the detail that needs to be added to the MOA, it's likely that there will need to be another couple or at least a meeting to discuss the mitigation and to make sure that those stipulations have adequate detail and reasonable timelines. It's critically important that we all see the revised MOA before it goes out for signature.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
2	ACHP	The ACHP recommends FHWA consider additional revisions to ensure the agreement clarifies the roles and responsibilities for all the signatory parties according to the Section 106 regulations and provides sufficient detail for the implementation of the mitigation measures. In particular, we recommend FHWA clarify that it has notified and invited federally recognized Native American tribes to consult on this undertaking; include a post review discovery stipulation and other federal involvement stipulation; and broaden the design review of the recreation replacement at the east end of the Midway Plaisance to include more of the historic property's character-defining elements. FHWA should review the stipulations to ensure the mitigation measure is clearly identified, to clarify the review period timeframes for the draft and final deliverables, and to require a comment and response document summarizing all the parties' comments they receive on the deliverables for the different mitigation measures. Finally, the ACHP recommends FHWA consider conducting an additional consultation meeting to review FHWA's responses to the consulting parties' comments, and to address questions and comments on the second draft MOA. For complex undertakings such as this one, it is important that the consulting parties have more than one opportunity to review and comment on a draft Section 106 agreement.	The revised MOA reflects or addresses ACHP's comments and proposed redline changes. A further meeting with Consulting Parties is being scheduled to discuss the revised MOA and the disposition of comments.	See MOA Whereas clauses, Stipulation I.G, Stipulation V, and Stipulation VI
3	ACHP	Have the attachments for the draft MOA been provided to the consulting parties, yet?	The MOA with attachments was posted online 7/9/2020.	N/A
4	ACHP	Redline edits made in the word document of the MOA.	All edits accepted with the following exceptions: -Whereas clauses: some specific wording and order of clauses revised differently than suggested. The Whereas clauses have been heavily revised per SHPO, ACHP, and other commenters for accuracy and clarity; therefore, not all edits were applicable. -The SOI Standards citation revised for accuracy to the specific section referenced. -Revised Dispute Resolution Stipulation to clarify objection process for both parties to the MOA and non-parties to the MOA.	See entire MOA.
5	Blacks in Green	Blacks in Green is as an ally to all parties authentically committed to wealth-building in the black community. We are willing partners of the Obama Foundation and welcome your partnership as well.	Thank you for your comment. It will be included in the project record.	N/A
6	Blacks in Green	UPARR replacement should include new parklands including parcels in historic West Woodlawn honoring the journey of great migration strivers who settled Chicago's first black middle income neighborhood, including icons of the American story, such as Lorraine Hansberry, Emmett Till, Gwendolyn Brooks and renowned sculptor Richard Hunt. The replacement parkland should not be limited to the Midway. City-owned land and other supports could and should be wisely invested in the establishment of such green spaces which would be privately stewarded as community land trusts public spaces.	UPARR does not require that replacement recreation be located on vacant land or land that is not already used as a park. The City evaluated alternative replacement UPARR locations, including Harold Washington Park and five vacant sites located between 57th Street and 71st Street. The City evaluated these sites for their similarity to the qualities exhibited by the area where the conversion is proposed, including accessibility to the lakefront, pedestrian accessibility from Woodlawn and Hyde Park, and its historic, Olmsted-design character. The City also considered whether it already owned the sites or would need to acquire them and address any need for remediation. The City and the Chicago Park District concluded that the east end of the Midway Plaisance best meets the required criteria under UPARR and is the most feasible and prudent site to select as a UPARR replacement property for recreational improvements.	N/A

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7	Don Nash PAC	Please note the Don Nash Park Advisory Council is not in favor of adding another meeting to discuss any changes to the MOA that may arise from today's questions and comments. Incorporating those final changes, if any, can be best addressed in writing to prevent continued efforts to conclude the process.	Thank you for your comment. It will be included in the project record.	N/A
8	Don Nash PAC	I am writing you today on behalf of the Don Nash Park Advisory Council (DNPAC) to provide our comments on the draft Memorandum of Agreement. Throughout the entire Section 106 process, this group has maintained overwhelming support of the review process, the Assessment of Effects document, and most notable, the construction of the Obama Presidential Center in Jackson Park. We feel the same way about the proposed Draft Memorandum of Agreement. We concur with the draft as written and look forward to adding our signature to the official MOA.	Thank you for your comment. It will be included in the project record.	N/A
9	Don Nash PAC	I wanted to provide our membership support of all of the mitigation efforts that have been presented. I want to also say that we support the way the entire process has been done.	Thank you for your comment. It will be included in the project record.	N/A
10	DuSable Museum of African-American History	I would just want to say that I am in complete support of the MOU as it has been reviewed and presented today.	Thank you for your comment. It will be included in the project record.	N/A
11	Emerald South	... we do not need additional webinars to iron out the details of the MOA. FHWA has already promised to address public comments that are submitted between now and August 10. There is nothing to be gained from adding another Webinar to our calendars.... I would like to propose that any additional feedback can be gathered via email.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
12	Emerald South	The Midway has a severe flooding issue. Significant investment needs to be made to address the drainage.	The proposed work in and adjacent to the wetland will include regrading, reseeding, and providing a catch basin to drain the east end of the Midway Plaisance just west of Stony Island Avenue. The proposed grading and drainage improvements will facilitate converting the area to active recreational space. The regrading work will generally involve leveling the existing area and generally restoring to the original (circa 1894) grading. The proposed catch basin will provide positive drainage for the area which currently has none.	N/A
13	Emerald South Economic Development Collaborative	... It's projects like this that will directly create jobs and the economic impact that it will have will reverberate far beyond the 19 acres of this park.	Thank you for your comment. It will be included in the project record.	N/A
14	Friends of the Parks	... we object to the use of utilizing existing parkland for the center; we repeatedly have suggested the alternative use of available vacant land across the street from Washington Park. Since this option has not been considered seriously, we have since maintained the position that the Obama Presidential Center should replace in surrounding communities any parkland acreage that gets taken up by the library.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.	N/A

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15	Friends of the Parks	... there has not been a process in place by the Federal Highway Administration to appropriately minimize adverse effects or consider any methods whatsoever to avoid adverse effects, which is required in a Section 106 review process ... The Section 106 review process of the OPC has been deeply troubling to FOTP. As such, we cannot in confidence sign the draft Memorandum of Agreement (MOA) as it is written.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A
16	Friends of the Parks	.... there must be an agreement to replace the parkland in surrounding communities such as West Woodlawn, Washington Park, and South Shore because park space is essential to city-goers health and environment. Unfortunately, the process has not addressed or discussed such options.	The City has proposed as replacement recreation 5.2 acres in the east end of the Midway Plaisance as well as land from reclaimed roadways that will result from the closure and reconfiguration of existing roads within the park (11.1 acres). The proposed replacement recreation opportunities in the east end of the Midway Plaisance will include a new play area, improved open space, and rehabilitated walkways. The reclaimed roadways will be converted to park space and will provide recreation opportunities such as informal recreation trails and multi-use recreation opportunities.  The City of Chicago consistently evaluates opportunities for new open space and parkland with its neighborhood planning and will expand on this in the just-launched We Will Citywide Plan.	N/A
17	Hyde Park Arts Center	The Hyde Park Art Center is more than ready to sign-off on the MOA. If changes are made as a result of last Thursday's webinar, we would be happy to review them via email. To schedule yet another webinar would only further delay the groundbreaking for this important project. And in this time of COVID, when so many are having to juggle work and child care responsibilities, it only adds an undue burden on those who are already stressed. We, who live on the south side of Chicago, and who have been waiting for the kind of attention to, and restoration of, our beloved Jackson Park, can't wait to see this project completed. Thank you for your work at the ACHP, and for helping Chicago embark on this exciting undertaking.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
18	Hyde Park Arts Center	... the Art Center, as a Consulting Party, is eager to sign the Memorandum of Agreement. I believe the process has been thorough and transparent and has enabled the Consulting Parties and the residents of the South Side who will be affected by the building of the Obama Presidential Center to voice their views, suggestions and concerns.	Thank you for your comment. It will be included in the project record.	N/A

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19	Individual Consulting Party, Mary Anton	Improving the east end of the Midway does not preclude creating new parks in Woodlawn. Recent planning discussion about renewal and development in Woodlawn recognizes the need for parks in its planning.	Thank you for your comment. It will be included in the project record.	N/A
20	Individual Consulting Party, Mary Anton	I would like to continue to participate in the Section 106 process as an individual consulting party. I fully support the MOA, and will send a letter to that effect in my role as a consulting party partner.	Thank you for your comment. It will be included in the project record.	N/A
21	Jackson Park Golf	...recommend emailing a confirmation of Section 106 Review Consulting Party participation and/or sign-off of the MOA document by each Consulting Party listed in the draft MOA.  Jackson Park Golf & Community Leadership Council was not listed as a consulting party, despite my participation, multiple submission of documents, letters and comments.	Jackson Park Golf has been added as a Consulting Party and will have an opportunity to sign the MOA as a Concurring Party.	See signature pages of MOA
22	Jackson Park Golf	... our members look forward to the next meeting of Consulting Parties in August or September and eventual execution of an extraordinarily scrutinized MOA document that contains unparalleled community input and overwhelming vested stakeholder support.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
23	Jackson Park Golf	It is important to know that every one of the stakeholders in all of this area had the opportunity to participate in this process and they overwhelmingly support this effort. Their voices are few who do not and they are not vested stakeholders who do not speak for.	Thank you for your comment. It will be included in the project record.	N/A
24	Jackson Park Golf	...do we need another meeting and calls ? ... there has been tremendous community input in this process. So we strongly suggest that it really should be minimal to no other meetings.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
25	JPAC	... the Women's Bench on the hill for the train tracks. It's very historic and I think that it's restoration, which is cheap compared to the Comfort Station and Statue of the Republic, ought to be definitely be put on the list because it will be affected by any changes to the Midway.	Thank you for this suggestion. The City and Chicago Park District selected the Statue of the Republic and the English Stone Comfort Station for rehabilitation as a result of Consulting Party discussion during the Section 106 process and because of the particular value that such rehabilitation would afford to the enjoyment of Jackson Park and its historic integrity. We will note the Women's Bench as a potential focus for attention as the City and the Chicago Park District continue to maintain and improve the park according to budget priorities.	N/A
26	JPAC	I don't think we can delay any longer and let this go. ...We hope it gets done quickly. Let's get the shovels in the ground to be able to create this space for our kids to have a future they can be proud of.	Thank you for your comment. It will be included in the project record.	N/A
27	JPAC	I would favor an email of the changes and have us sign off on them instead of another meeting. The delays for "just one more change necessitating one more meeting, can go on infinitely.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
28	JPAC	Now we see on the average of about 20 to 25 wheelchairs making their way through the Park. So one of the things with the MOU I hope gets covered in that the conversation is a handicapped accessible place because it truly, truly is needed by the people that come through the Park every day in wheelchairs. We had to come the side where people feel safe to come in the chairs and just sit and roll through and enjoy the Park.	The ADA and any local accessibility requirements must all be met when renovation work occurs and will be met with the park and restroom construction. Therefore, it is not necessary to include this as a commitment in the MOA .	N/A
29	JPAC	... we really hope that in the MOU we can put together a plan for a space that kids who are traumatized in neighborhoods around Chicago who come to Jackson Park anyway will have another safe play space to play in.	The proposed replacement recreation opportunities in the east end of the Midway Plaisance will include a new play area, improved open space, and rehabilitated walkways. The reclaimed roadways will be converted to park space and will provide recreation opportunities such as informal recreation trails and multi-use recreation opportunities.	N/A

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30	JPAC	I am concerned about your request for yet another meeting to discuss the MOA. I would be happy to read and sign off online for any minor changes to and approve the MOU. I truly believe that we don't need more meetings if Consulting Parties can verify participation in the Jackson Park Section 106 process and consent to MOU execution.	Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
31	Ross Peterson	In regards to the MoA for the Obama Presidential Center, appears to go against the spirit, if not the law, behind a section 106 review. Avoidance, minimization, mitigation are supposedly our options. All we are being presented with is 'mitigation'. This MoA is flawed from the onset.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.	N/A
32	Ross Peterson	Will this Park be able to remain on the National Register of Historic Places?	The Jackson Park Historic Landscape District and Midway Plaisance will still be listed in the NRHP if the proposed undertaking is implemented as described in the AOE. While the proposed undertaking will cause an adverse effect to this historic property, it will not sufficiently diminish or remove the overall integrity of the historic property in such a way that it will no longer qualify for NRHP listing. These conclusions are based on analysis by the Illinois Department of Transportation cultural resource staff, who meet the Secretary of Interior's professional qualification standards. The IDOT analysis is included in the final AOE in a memo dated 09/19/2019.	N/A
33	Ross Peterson	Why is No replacement Park land being suggested to make up for the twenty acres of land the OPC occupies?	Only a small portion of the acreage made available for the OPC in Jackson Park involves a loss of public recreation (4.6 acres), for which UPARR requires equivalent recreation opportunities to be provided elsewhere. The City has proposed as replacement recreation 5.2 acres in the east end of the Midway Plaisance. The proposed replacement recreation opportunities in the east end of the Midway Plaisance will include a new play area, improved open space, and rehabilitated walkways.	N/A
34	Ross Peterson	The OPC also poses environmental hazards, owing to its location directly in the path of major migratory flyways. I can only hope an environmental impact statement will be done, considering these issues. We can ill afford to cut down 800 to 1,000 trees to build this inside the Park.	The Federal agencies are currently preparing an environmental assessment under the National Environmental Policy Act (NEPA) to determine whether this undertaking is a "major Federal action significantly affecting the quality of the human environment," in which case an environmental impact statement (EIS) would be prepared under NEPA. A finding of adverse effect on historic properties does not necessarily require an EIS under NEPA.	N/A
35	Ross Peterson	Locations adjacent, on the West side of Stony Island, would be every bit as prominent as a location inside this Park, and would expand the Park. Building it inside of the Park, that just takes our Park away from us. This plan has been described as the "City's decision", only it really wasn't. It was a back room deal, and it strives to do an end-run, around good governance. This plan was not discussed at any public meeting, it was simply 'unveiled'. It robs local citizens of their Park, for a community center that could be located anywhere in the City. What ingredient does the Park add, that another location wouldn't?	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.	N/A
36	Rodd Peterson	... the MOA as its currently drafted does nothing to address the identified adverse effects and it's kind of a contradiction of the definition of the undertaking that's included in the MOA which does include the whole-- all the changes to the Park.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.	N/A
37	JPW	It seems appropriate and necessary for the City to provide an estimate of the costs that it would bear for the proposed mitigation measures. Of particular issue is the wetland area of the Midway, which Mr. Foreman notes is a major challenge that will be very expensive to remove. This wetland sits on top of a former underground creek.	Cost estimates are not typically provided at this point to ensure no interference with the contracting process for the stipulations within the MOA. Costs would be available at time of award.	N/A
38	JPW	...where is the promised list/record of all suggestions/responses submitted to the June on-line survey? A FOIA request to DPD has still be unfulfilled after 3 weeks.	The city has posted this information on our website.	N/A



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39	JPW	...the City has enormous fiscal problems and it's difficult to understand how they or the State can pay the tens of millions in public funds that are needed to enact the current plan, which is when there are many, many urgent demands on public funding. ... we need a new plan and we need to rethink this so that it can actually get built in some near-term situation. Regarding this, I would like to ask for clarification for what the FHWA actually who pays for the various mitigation plans that are put out there? And I'm particularly interested in the one for the Midway.	Mitigation expenses for any mitigation measure that is part of a project funded by FHWA are eligible for federal aid funding. Whether or not the applicant chooses to use those funds is the applicant's decision. Any mitigation measure that appears in the MOA is enforceable and must be completed regardless of the funding source. The City will determine how to fund the mitigation measures as it finalizes planning and construction budgets for the improvements. The general cost of the improvements will be released when the City bids out the work.	N/A
40	JPW	Jackson Park Watch will not be a signatory to the document. The draft Memorandum of Agreement does absolutely nothing to address the well-documented adverse effects on Jackson Park of the current plan for the OPC and the road changes it requires. It does nothing to preserve the distinctive circulation pattern laid out by Olmsted or to preserve the historic Perennial Garden/Women's Garden that crowns the intersection of the park with the Midway Plaisance. ...the draft MOA does nothing to provide for new parkland to replace the 19.3 acres that would be lost to the OPC This completely dismal and inadequate "agreement" is the product of a process characterized by tortured interpretations and misrepresentations. Deliberate misrepresentation of the South Lakefront Framework Plan. Tortured claim that "City action" is exempt from review. Use of improper baseline for evaluation. Manipulation of requirements for resolution of adverse effects.	<p>The FHWA, as lead Agency for the purpose of NHPA, is following the Section 106 process as described in the regulations at 36 CFR 800 and is meeting or exceeding the requirements for involving consulting parties and the public. More than 50 individuals and organizations have been accepted as Section 106 consulting parties to participate in the Section 106 process. All Section 106 documents have been made available for consulting parties and the public to review and comment upon. Consulting party and public input has helped shape the Area of Potential Effect, the Assessment of Effects, and the MOA.</p> <p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.</p> <p>The South Lakefront Framework Plan (SLFP) is a local planning document which describes the Chicago Park District's vision for Jackson Park and the South Shore Cultural Center. The development of the SLFP is not a Federally funded activity and is not subject to Federal requirements. The public involvement process for the SLFP is under the jurisdiction of the Chicago Park District. The Federal agencies are not relying upon the public involvement process the CPD used for the SLFP to satisfy its consulting party and public involvement responsibilities under Section 106.</p> <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 Assessment of Effect. 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. Under UPARR, the proposed replacement may be either new or existing parkland and need not be adjacent to or close to the lost recreation opportunity.</p>	N/A
41	Landmarks Illinois	In its current draft form, Landmarks Illinois is not inclined to sign the MOA as a concurring party.	Thank you for your comment. It will be included in the project record.	N/A

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42	Landmarks Illinois	We agree with the findings in the final Assessment of Effect (AOE)... because very few of our requested improvements to the siting and design have been incorporated, which we believe would have minimized its impact. The project's associated road changes also alter the park's historic setting, which led to its National Register listing. We are extremely disappointed that the avoidance and minimization suggestions received during the Section 106 process were not considered more seriously based on the rationale that these measures were evaluated by city officials prior to Section 106 consultation. We understand that this pre-evaluation was legal. Though the public was able to comment on these measures during the city's approval process, primarily at the Plan Commission and City Council in 2018, the Section 106 impact findings noted in the AOE were not available to inform those local approval processes, which is the intention of federal regulatory review.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A
43	Landmarks Illinois	The Federal Highway Administration (FHWA) has continually stated the federal agencies remain open to any avoidance and minimization efforts proposed by the consulting parties that are within the federal area of jurisdiction. However, the FHWA itself had made the continuous claim that the OPC, and the city's actions, are not subject to the NHPA's requirement to consider avoidance, minimization and mitigation of adverse effects because no federal funding or approvals were necessary. Thus, how and where would the FHWA's openness to alternatives even be applicable to demonstrate a genuine consideration process? (Assessment of Effects to Historic Properties Proposed Undertaking In and Adjacent to Jackson Park, January 2020, page 75).	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A

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44	Landmarks Illinois	We disagree with the FHWA's above claim and believe it is improperly limiting its review of the undertaking to segmented areas. It is not considering funding or permitting actions that are reasonably foreseeable because of OPC's construction. Once again we offer our comments regarding mitigation opportunities that we urge you to consider for the final MOA. If some or all of these suggestions are included, LI will reexamine signing the MOA as a concurring party.	The AOE provides a full review of effects on historic properties arising from the undertaking, including the development of the OPC even though the OPC is not itself subject to Federal authority. The MOA stipulates a variety of commitments to mitigate the adverse effect found in the AOE in connection with the undertaking. The scope of these commitments reflects the consultative process to develop the MOA as well as the lack of Federal authority to require the City of Chicago to change the location of OPC from Jackson Park to another location or to require changes in the scope or design of the OPC site.	See MOA Stipulation I.A through I.H
45	Landmarks Illinois	The Dispute Resolution section of the draft MOA refers to signatory and concurring parties only and should be changed to signatory and consulting parties. The opportunity for consulting parties in the future to participate in discussions or objections to how the MOA is being carried out should not be disallowed or discouraged. The Section 106 process does not mandate, but encourages consulting parties to sign the MOA. Therefore, excluding consulting parties from future consultation due to a decision to not sign the MOA is exclusionary and wrongly gives special privileges for concurring parties.	The Dispute Resolution section of the MOA has been revised to clarify the process by which non-parties to the MOA can object to the sufficiency of implementation measures, and identifies how the objection will be resolved.	See MOA Stipulation VII
46	Landmarks Illinois	Extend the duration of time of the MOA. Currently the MO A's duration is set at five years from the date of execution. Considering the scope of the OPC project and necessary infrastructure, along with the goals of the MOA, five years seems unrealistic for completion. In consultation with the Advisory Council on Historic Preservation (ACHP), we greatly encourage extending the MOA duration.	The duration of the MOA is five years. This is a standard period that is appropriate for implementing the measures in the MOA's stipulations. Attachment C to the MOA sets forth a target schedule for these measures, including the rehabilitation of the Statue of the Republic and the English Stone Comfort Station.	See MOA Stipulation III
47	Landmarks Illinois	Incorporate older and historic buildings in the housing affordability and anti-displacement strategy for Woodlawn. We commend the Community Benefits Agreement (CBA) Coalition and the city for negotiating a tentative CBA ordinance. LI has consistently raised concerns about the OPC's unintended impact of causing real estate speculation and potential resident displacement. We stressed the need for the city, state and federal agencies to evaluate potential programs to curb displacement with one solution being incentivizing building rehabilitation over demolition. This older building stock often serves as naturally occurring affordable housing. Preservation should be one tool that helps low-income renters and owners stay in their homes and low- and middle-income earners buy homes in the community around the OPC. Lessons should be taken from neighborhoods around The 606 and in Pilsen where housing programs and landmark district efforts should have been coalesced in a comprehensive plan addressing both the need to curb displacement and retain places significant to the community both culturally and historically. We urge the city to consider the findings of the May 2018, Historic Properties Identification Report and the Woodlawn Plan Consolidation Report to identify local landmark districts that protect older and historic building stock serving as naturally occurring affordable housing. Any landmark district effort should be considered within the context of a comprehensive housing and anti-displacement strategy, which must also include broad community engagement, accessible and equitable incentives, and flexible and adaptable regulatory tools.	Socio-economic effects of the Federal agency actions are being evaluated in the environmental assessment under NEPA.	N/A



Comment Number	Affiliation	Comment	Response	MOA Section Reference
48	Landmarks Illinois	Select other city-owned vacant land in the community to create new parks where green and open space is severely lacking. We continually believe it is counterintuitive to recommend the eastern end of the Midway Plaisance for the Urban Park Recreation and Recovery (UPARR) grant land replacement area. Not only would this impact the Olmsted design for the Midway Plaisance, it would replace passive with active parkland. Additionally, it could trigger another Section 106 review process if a Section 404 permit is determined necessary from the Army Corps of Engineers due to wetland conditions. FHWA responded to our questioning of this location in our August 30, 2019 AOE comment letter by stating, "Land already dedicated to recreation purposes are acceptable in a UPARR conversion." If the city maintains its decision to use the eastern end of the Midway for UPARR replacement, with our colleague organizations Friends of the Parks and Blacks in Greens, we challenge the city to allocate additional land for new green space in the community, especially in the area of Southwest Woodlawn. In the city's February 2020 Woodlawn Plan Consolidation Report, Southwest Woodlawn is acknowledged as being underserved by green space. The report only identifies two city owned parcels (0.7 acres) for potential green space conversion. More city-owned land should be identified for additional green space in the Woodlawn community.	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 Assessment of Effects. 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.	N/A
49	Landmarks Illinois	Broaden the State Historic Preservation Office (SHPO) design review for replacement park land to include more than "play area features" in the east end of the Midway Plaisance. Isolating SHPO design review to the Plaisance's east end play area features, which sounds like playground equipment, is inappropriate. The city should coordinate with the SHPO to review proposed plans for the entire Plaisance east end with the goal of complying with the Secretary of Interior Standards. Also, the UPARR replacement design in the Midway's eastern end should be developed under the supervision of a qualified historic landscape architect based on the National Park Service 1999 Professional Qualification Standards.	The MOA has been revised to provide the public and the signatories, invited signatories, and concurring parties the opportunity to review and comment on landscaping features and other character-defining elements of the design for the east end of the Midway Plaisance. The MOA also now specifies the modifications to the east end of the Midway Plaisance will be consistent with the SOI Standards for the Rehabilitation of Historic Properties with respect to standards 9 and 10, which address compatible new additions. These requirements adequately ensure the quality of the work to be performed.	See MOA Stipulation I.G
50	Landmarks Illinois	Rehabilitate the Women's Garden (Perennial Garden) built in 1936 and designed by female landscape architect May Elizabeth McAdams. The response to our August 30, 2019 AOE comment letter further concerned 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. Rehabilitation of the existing garden would be a direct mitigation approach.	The design decisions related to the OPC are outside the scope of the Federal agencies' authority. Informed by the Section 106 consultation process, the City is committing in the MOA to rehabilitate the Statue of the Republic and the English Stone Comfort Station. As previously noted in responses to comments on the AOE, the City of Chicago provided information concerning the Women's Garden and how the OPC developer's plans were modified in response to comments to recognize the completed May McAdams/Chicago Park District design in the development plans, which retain most of the iconic landscape features of the May McAdams design and incorporate original limestone from the current wall, while also improving accessibility to the space (bringing the Women's Garden into compliance with the Americans with Disabilities Act).	See MOA Stipulations I.E and I.F
51	Landmarks Illinois	Rehabilitate the golf shelter, built in 1912 located near the 9th hole, designed by the D.H. Burnham Company. This Classical building with an open loggia providing direct views of Lake Michigan is highly visible from Lake Shore Drive and is in a deplorable condition. It has long been recognized as a building needing to be prioritized for rehabilitation as it continues to be closed to the public and structurally compromised.	While other park features, such as the golf shelter near the 9th hole, the Cheney-Goode Memorial, the Iowa Building, and the Cecil ParTEE golf shelter have not been included in the MOA, the City and the Chicago Park District are aware that they may benefit from investment in future maintenance planning for the park as a whole.	N/A

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Comment Number	Affiliation	Comment	Response	MOA Section Reference
52	Landmarks Illinois	Fund the maintenance and renovation of other historic structures in Jackson Park. These include the 1932 Cheney-Goode Memorial on the Midway Plaisance, which honors women elected to early public office in Chicago, as well as the Iowa Building and the Cecil Partee golf shelter.	While other park features, such as the golf shelter near the 9th hole, the Cheney-Goode Memorial, the Iowa Building, and the Cecil Partee golf shelter have not been included in the MOA, the City and the Chicago Park District are aware that they may benefit from investment in future maintenance planning for the park as a whole.	N/A
53	Landmarks Illinois	Add timelines to the Rehabilitation and Restoration section of the MOA. As of now, any rehabilitation and restoration work to projects identified, including the Statue of the Republic and the English Stone Comfort Station, is not committed to a timeframe. A definitive timeframe provides for accountability and assurances that the conservation assessments and rehabilitation/renovation plans won't be shelved. Stated timelines for these projects will demonstrate a realistic, good faith effort to execute them.	The target schedule in Attachment C to the MOA specifies that the final Historic Structures Report for the English Stone Comfort Station and the final conservation assessment and proposed rehabilitation plan for the Statue of the Republic be submitted by the end of 2023, and further provides that the rehabilitation work will be initiated following approval of these documents.	See MOA Attachment C
54	Landmarks Illinois	Clarify adherence to the Historic American Landscapes Survey (HALS) standards in the Submission of Documentation section of the MOA and include National Park Service (NPS) review. Adherence to the HALS guidelines should be specified again in this section and the NPS should be included in determining whether HALS standards have been satisfied.	Stipulation I.B. of the MOA specifies that field documentation of existing conditions in specific areas will be prepared consistent with the Historic American Landscape Survey (HALS) guidelines. Other stipulations in the MOA refer to SOI standards that are appropriate to the stipulated measures.	See MOA Stipulation I.B
55	Landmarks Illinois	What I'd like to know is out of the stipulations you mentioned in describing them a series of dates by which you hoped to have these processes begin and end. None of those dates are outlined actually in the draft MOA, so I'm wondering if those dates will be added to be more specific on those deadlines and that type of timeline for each of those items. And then if any of those projects are not completed whether it's the assessments, the recommendations, the actual rehabilitation of those structures, the Republic Statue as well as the Comfort Station, what are the legal obligations if they are not completed? What assurances do we have that that work will be done? And lastly, I'm just wondering why the decision was just those two structures, the Republic and the Comfort Station, because we know there's other structures and needs in the Park that have been identified in terms of in need of rehabilitation and conservation. And will there be opportunity to still add those, such as the Burnham designed structure on the east side of the Park as well as other things people have raised. So I'm just wondering where the legal obligation will be and if that will be further detailed in the MOA.	The duration of the MOA is five years. This is a standard period that is appropriate for implementing the measures in the MOA's stipulations. Attachment C to the MOA sets forth a target schedule for these measures, including with respect to the rehabilitation of the Statue of the Republic and the English Stone Comfort Station. The MOA requires FHWA to give the parties to the MOA an annual summary report detailing work undertaken pursuant to the MOA, thereby facilitating transparency on progress to achieve the commitments made in the MOA. Informed by the Section 106 consultation process, the City is committing in the MOA to rehabilitate the Statue of the Republic and the English Stone Comfort Station. While other park features, such as the golf shelter near the 9th hole, the Cheney-Goode Memorial, the Iowa Building, and the Cecil Partee golf shelter have not been included in the MOA, the City and the Chicago Park District are aware that they may benefit from investment in future maintenance planning for the park as a whole.	See MOA Stipulation III, Stipulations I.E, I.F. and I.G, and Attachment C
56	Landmarks Illinois	... the consulting parties that are listed in the draft MOA, many of those parties ended up either not participating or outright deny-- you know, not accepting 106 consulting party status. So that list is a little misleading in the document right now. There's a lot of organizations in there that have not participated at all. So I'm wondering if there will be clarification as to which of the consulting parties truly that have participated versus that long list. And if the blank pages where one page is dedicated to each organization, if those will all be included even for those who never participated.	The list of consulting parties included in the draft MOA are correct. The final, executed MOA will include only signature pages from the required signatories, invited signatories, and concurring parties that sign their respective signature sheets. If an entity does not sign its signature sheet, then that sheet will not be included in the final executed MOA.	See MOA signature pages and Attachment B
57	MPAC	Does the MOA draw comments/recommendations from the survey administered by the city and FHWA? If so, where do these appear?	On May 13, 2020, the consulting parties were provided a survey to solicit ideas on mitigation, particularly in four categories identified during the MOA consultation: research, interpretation, restoration, and design review. The raw results of the survey were shared with the public and are available online at <a href="https://www.chicago.gov/content/dam/city/depts/dcd/supp_info/jackson/mitigation_survey_packet.pdf">https://www.chicago.gov/content/dam/city/depts/dcd/supp_info/jackson/mitigation_survey_packet.pdf</a> . The Federal agencies and the City reviewed the results in preparation for further discussion during the following meeting of the consulting parties on May 20, 2020.	N/A

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Comment Number	Affiliation	Comment	Response	MOA Section Reference
58	MPAC	How does FHWA ensure that the consulting party signatories are authorized by their bodies to be signatories to the MOA? MPAC has experienced in the past persons who have illegitimately represented themselves as endowed with the authority to represent MPAC positions and the body has had to notify FHWA of this type of fraud. We hope this can be avoided moving forward.	When the MOA is ready for signature, the FHWA will provide it to organizations that are recognized as consulting parties for their signature. Each organization must ensure that the individual signing on its behalf has the authority to do so.	See MOA Attachment B
59	MPAC	The slide on p. 11, has an error that I'd request be promptly corrected in the slideshow and in the MOA. Specifically, MPAC's listing as a contributor under the "Interpretation" and "Design Review" categories are incorrect given that the body did not approve or take a singular, official position as noted in the slides. Any comments from individual members should *not* be attributed to MPAC. Please remove any and all references to MPAC's provision of recommendations both in the referenced slide, in the MOA, and any other material related to Webinar 3. Thank you very much for your prompt attention to this matter. Thank you for your reply, Todd and for noting the correction in a footnote. Please add the following language: The particular member comments were selected by The City of Chicago and do not reflect the membership's stance or MPAC's position as a body. This accurately conveys the context so there is no ambiguity regarding MPAC's position as it pertains to that table.	The slideshow cannot be revised because it is part of the administrative record. Since the FHWA presented this information to the public and the Consulting Parties at the webinar, it must stay as is. However, the FHWA can include a footnote or statement in the administrative record that the suggestions attributed to MPAC are not from the organization, but rather represent the personal opinions of some members of the organization.	N/A
60	MPAC	Is there a process for correcting errors where there's been a comment attributed to MPAC that's incorrect? I don't want to spend my time kind of figuring it out, just wanted to know what that next step would need to be.	Regarding the concern that we are attributing a position to MPAC that is a position of a few members, and not the collective, we can't go back and "revise" the slideshow because it is part of the administrative record, which is the information that we presented at the webinar to the public and consulting parties and it will have to stay as it is. However, we can include a footnote or statement in the administrative record that the suggestions attributed to MPAC are not from the organization, but rather personal opinions expressed from some members.	N/A
61	MPAC	We did have a question one of our members had submitted I wanted to share, a general question about whether pedestrian overpasses like the ones downtown between Art Institute and Grant Park and the silver bridge over Cornell Drive connected to Maggie Daley Park have been considered to the greatest extent possible in lieu of permanent street closures?	There are two types of grade separations to protect pedestrians and bicycles from roadways: going underneath the roadway or going over the roadway. In this case, the City has proposed that any new grade separations within the park be done under the roadway to minimize the visual impacts within the park. Based on a cursory review of overpasses, the necessary clearance above the roadways would have a greater impact on the park than underpasses.	N/A
62	MPAC	And that question is whether or not pedestrian overpasses like the ones Downtown between the Art Institute and Grant Park and the—connected over Columbus Drive connected to Maggie Daley Park, have they been considered to be to the greatest extent possible in lieu of permanent street closures? And that's my question.	There are two types of grade separations to protect pedestrians and bicycles from roadways: going underneath the roadway or going over the roadway. In this case, the City has proposed that any new grade separations within the park be done under the roadway to minimize the visual impacts within the park. Based on a cursory review of overpasses, the necessary clearance above the roadways would have a greater impact on the park than underpasses.	N/A

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Comment Number	Affiliation	Comment	Response	MOA Section Reference
63	MPAC	<p>... The proposed Memorandum of Agreement makes no provision for the “avoidance” or “minimization” of any of the adverse effects of the construction of the Obama Presidential Center (“OPC”) and the projects that the City of Chicago has chosen to link to the construction of the OPC, including the closure of portions of the South Midway Plaisance, the shutdown of Cornell Drive and related changes to Lake Shore Drive, and the designation of the eastern end of the Midway as an Urban Park and Recreation Recovery Act (UPARR) replacement site, in contravention of Section 106 and related provisions in the Code of Federal Regulations, at 36 C.F.R. §§800.1, et seq. The “mitigation” provisions of the proposed Memorandum of Agreement are a sham, consisting of a memorialization of the destruction caused by the adverse effects of these projects.</p>	<p>The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of “mitigation”; however, in the National Environmental Policy Act (NEPA) context, “mitigation” is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago’s website: <a href="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</a>. Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.</p> <p>The MOA was developed in consultation with consulting parties, SHPO and ACHP, and it includes commitments to afford opportunities for review and comment prior to finalizing plans for the east end of the Midway Plaisance.</p>	N/A
64	MPAC	<p>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 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 Olmstead traffic circulation design should be avoided. Moreover, the proposed roadway changes fail to account for the rising level of Lake Michigan. Earlier this year, 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. Also, the State of Illinois and the City of Chicago are burdened with debt and rising taxes, and that this situation has been exacerbated by the economic impact of the COVID-19 pandemic. 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.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the closure of part of Cornell Drive. To address the traffic impacts of this closure and related measures, the City plans transportation improvements for which the City seeks Federal-aid funding, subject to the approval of the FHWA in coordination with the Illinois Department of Transportation. No funding or approval is required from FHWA for the proposed closure of roads in Jackson Park or the construction of the OPC, and, therefore, these activities are not considered part of FHWA's action. The Assessment of Effects analyzes the effect on historic property arising from the undertaking, including the City's road closure and the related traffic improvements. Environmental impacts from the proposed Federal actions are being evaluated under the National Environmental Policy Act.</p>	N/A

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Comment Number	Affiliation	Comment	Response	MOA Section Reference
65	MPAC	<p>The proposed use of the eastern end of the Midway as a UPARR replacement site is unnecessary, and should be avoided. The construction of any structures on the eastern end of the Midway (the City has been insisting on the construction of play structures) would be contrary to the Olmsted design for open space at this location. Moreover, the City of Chicago’s purported concession, at page 4 of the proposed Memorandum of Agreement, that it will “conduct a public engagement process ... with input from the Consulting Parties and the public to review final design options from the Chicago Park District for play area features to be used in the recreation planned for the east end of the Midway Plaisance in fulfillment of the City’s responsibilities under the Urban Park and Recreation Recovery Act (UPARR)” is a sham.</p>	<p>The adverse effects of the proposed Federal actions are analyzed and presented in the Assessment of Effects. 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 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 MOA was developed in consultation with consulting parties, SHPO and ACHP, and it includes commitments to afford opportunities for review and comment prior to finalizing plans for the east end of the Midway Plaisance.</p>	See MOA Stipulation I.G
66	MPAC	<p>In the first place, the City of Chicago chose the eastern end of the Midway as a UPARR replacement site in a secret process without any public input. Second, the City withheld the identification of other sites it purportedly considered for UPARR replacement, thereby avoiding any public discussion of whether there might be another site that would be appropriate. Third, the City chose to put playground equipment on the site, also without any public input. The proposed “review” of “final design options” would be the final act in a sham public planning process, because the public has been excluded from participation in the critical choices – that is, site selection, and whether there should be any playground equipment on the site. The City’s proposed 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 supposedly were considered within 1 mile from Jackson Park.</p>	<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 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. The City’s selection of the east end of the Midway to replace lost recreation opportunities from the OPC site must satisfy equivalency pursuant to the UPARR Act.</p>	N/A



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Comment Number	Affiliation	Comment	Response	MOA Section Reference
67	MPAC	<p>The City claims that it has resolved the adverse effects identified in the Assessment of Effects. However, this claim is baseless, because the City’s purported resolution of adverse effects took place before the Assessment of Effects was developed. Put simply, there cannot be a public discussion of avoidance, minimization, or mitigation of adverse effects before the adverse effects have been identified.</p> <p>Moreover, the City’s position is contrary to 36 C.F.R. §800.1(c), which authorizes “nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties.” (Emphasis supplied.) The proposed Memorandum of Agreement violates this regulation, because it seeks to preclude any identification of alternatives to avoid, minimize or mitigate adverse effects, as well as the public consideration of such alternatives.</p> <p>Under 36 C.F.R. §800.6(a)(4), the lead agency is required to “ensure that the public’s views are considered in the consultation” concerning the “resolution of adverse effects.” Insofar as the draft Memorandum of Agreement has been prepared before there has been any public discussion of the resolution of adverse effects, the preparation of the draft Memorandum of Agreement is premature.</p> <p>Under 36 C.F.R. §800.6(b), the agency official is required “to seek ways to avoid, minimize or mitigate the adverse effects” that have been identified. It does not appear that the lead agency has proposed anything to avoid or minimize any of the adverse effects identified in the Assessment of Effects, and instead has simply accepted the refusal by the City of Chicago to even discuss avoidance or minimization of adverse effects. It is respectfully submitted that this is a violation of 36 C.F.R. §800.6(b).</p>	<p>The Section 106 process proceeds in stages and includes consultation at all stages. Following the preparation of the final Assessment of Effects in light of public comment, the MOA was developed in consultation with Consulting Parties over a series of virtual meetings, a survey, and circulation of and comment on a draft MOA. The MOA provides commitments to take measures that avoid, minimize or mitigate the effect on historic property identified in the Assessment of Effects.</p> <p>The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.</p>	See MOA Stipulations I.A through I.H
68	MPAC	<p>No federal funds, and no federal approvals should be provided for the OPC or any of the projects that the City of Chicago has chosen to link to the OPC, based on the City’s complete failure to make any effort to avoid or minimize adverse effects. The City’s proposed mitigation, consisting of memorializing the destruction caused by the adverse effects caused by these projects is a sham, and unworthy of serious consideration.</p> <p>It is respectfully submitted that the proposed Memorandum of Agreement should be withdrawn by the Federal Highway Administration (FHWA), and that the FHWA should “seek ways to avoid, minimize or mitigate” the adverse effects that have been identified. It also is respectfully submitted that the proposed Memorandum of Agreement should not be signed by any of the consulting parties, including but not limited to the Illinois State Preservation Officer and the Advisory Council on Historic Preservation.</p>	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.	N/A

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69	National Association for Olmsted Parks	<p>As outlined in the draft Memorandum of Agreement, plans for the Obama Presidential Center (OPC) will result in “adverse impacts” to historic Jackson Park and the Midway Plaisance. The OPC covers more than 19 acres and includes four new buildings, a new parking garage, major roadway modifications and closures, and a new active recreation area in the Midway Plaisance. The combined effect of these proposed changes will be to destroy the integrity of this historic and nationally recognized landscape designed by visionary social reformer Frederick Law Olmsted.</p> <p>The City and the Obama Foundation know there are alternative locations that would allow for a new Center with all its amenities, without radically altering Jackson Park and the Plaisance. The fact that this desirable outcome —and other avoidance measures—were never genuinely explored illuminates the flawed process that has produced the MOA. Indeed, the process bears little resemblance to the Section 106 mandate to “develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.” 36 C.F.R. § 800.6(a).</p> <p>The draft MOA virtually ignores the diverse and thoughtful comments and suggestions made in good faith by the consulting parties. Instead, city residents and visitors who have enjoyed this landscape treasure are left with the promise of a few interpretive signs, a restored “comfort station,” and the suggestion that this radically transformed historic landscape will somehow remain on the National Register.</p> <p>Bottom line: The adverse impacts cannot be mitigated in ways that will retain the integrity of Jackson Park and Olmsted’s work.</p>	<p>The Jackson Park Historic Landscape District and Midway Plaisance will still be listed in the NRHP if the proposed undertaking is implemented as described in the AOE. Further, as proposed, while the undertaking will cause an adverse effect to this historic property, it will not sufficiently diminish or remove the overall integrity of the historic property in such a way that it will no longer qualify for NRHP listing. These conclusions are based on analysis by the Illinois Department of Transportation cultural resource staff, who meet the Secretary of Interiors professional qualification standards. The IDOT analysis is included in the final AOE in a memo dated 09/19/2019.</p> <p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.</p>	N/A
70	National Association for Olmsted Parks	<p>NAOP solidly supports the planning and construction of a vibrant presidential center to honor our 44th president in a locale that will retain and recognize the value of Chicago’s historic Olmsted parks. However, the current construction plans in Jackson Park and the minimal mitigation efforts set out in the MOA are unacceptable. Accordingly, the National Association for Olmsted Parks will not be a signatory.</p>	<p>Thank you for your comment. It will be included in the project record.</p>	N/A
71	National Association for Olmsted Parks	<p>If the HALS survey, Historic American Landscapes Survey, needs to be completed by 2020, I think it's an extraordinarily quick time and turnaround to complete them. It's very important and to me very much at the core of this whole conversation about the identification and documentation of the park heritage if there is to be change. Secondly, Cornell Drive was one of the ideas that had been raised initially and was considered dismissed because it wasn't related to this undertaking. I'm curious how a project that has been driven largely by transportation funding and transportation changes for this part of this review can determine a Park drive is not part of a consideration. And lastly regarding UPARR, I believe that, you know, taking other bits of historic parkland and transferring things that are being lost in terms of recreation to historic sites is missing the whole conversation here. In a part of the city that is severely lacking in public park space, it seems to me that new properties could be identified and acquired for new parks that might be closer to residents that are severely under-parked.</p>	<p>The field documentation is the documentation to be completed by 2020 as stated in Stipulation I.B.</p> <p>Cornell Drive is a locally-owned roadway that is maintained by agreement between IDOT and CDOT. Any decision by those entities to close Cornell is a local decision; FHWA doesn't have the authority to review and approve those kinds of decisions by local and state agencies. While those decisions drive the need to look at transportation alternatives to address the traffic impacts from that change, the decision to close the road is not within FHWA's purview to change. There will be no Federal funding involved in the closure or removal of the roadways. The potential Federal funding would be for road changes.</p> <p>The UPARR Program was created to revitalize existing parks that needed beautification or reinvigoration; it was never about purchasing property for new parks. The conversion provisions of UPARR are about identifying replacement park property if UPARR-protected parkland is converted to a non-recreational use. The replacement parkland does not have to be a new piece of property. It can be an existing park property. The City of Chicago, as the original UPARR grant recipient, has the discretion to identify proposed replacement park sites. In this case, the City identified the Midway as where they would like to provide a more updated outdoor recreation opportunity.</p>	See MOA Stipulation I.B

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72	National Association for Olmsted Parks	In a part of the city with a deficiency of park land using the Midway, rather than developing new park spaces is not an adequate response.	UPARR does not require that replacement recreation be located on vacant land or land that is not already used as a park. The City evaluated alternative replacement UPARR locations, including Harold Washington Park and five vacant sites located between 57th Street and 71st Street. The City evaluated these sites for their similarity to the qualities exhibited by the area where the conversion is proposed, including accessibility to the lakefront, pedestrian accessibility from Woodlawn and Hyde Park, and its historic, Olmsted-design character. The City also considered whether it already owned the sites or would need to acquire them and address any need for remediation. The City and the Chicago Park District concluded that the east end of the Midway Plaisance best meets the required criteria under UPARR and is the most feasible and prudent site to select as a UPARR replacement property for recreational improvements.	N/A
73	Nichols Park Advisory Council	This proposed Memorandum of Agreement is a betrayal of the Section 106 process and reflects a total failure to make a good faith effort to avoid, minimize or mitigate the adverse effects of the proposed projects. The City's apparent reliance on processes that took place prior to the Development of the Assessment of Effects is suspicious because it renders the Section 106 process a nullity that was over before it even started. The refusal to give no more than pro forma consideration of avoidance and minimization is in conflict with applicable federal regulations under Section 106 in the Code of Federal Regulations §800.1 which states that, while planning activities may take place prior to the completion of compliance with Section 106, that is only true if "such actions do not restrict the subsequent consideration of a alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties."	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.	N/A
74	Nichols Park Advisory Council	All parties already know there is no possible way to mitigate the destruction of Jackson Park after 500 to 1000 trees are clear cut, Cornell Drive is closed creating a traffic nightmare and a landscaped campus complete with a huge tower in the path of a national migratory bird flyway is constructed, except by refusing to fund or otherwise authorize it. The excuse that any of these agencies cannot refuse funding or authorization as long as the paperwork is correctly completed is not only insulting but also untrue. Under §800.6 the lead agency is required to work with consulting parties to seek ways to avoid, minimize or mitigate the adverse effects. Under §800.2, the views of the public are described as essential to inform Federal decision making. Under §800.10, the lead agency is required "to the maximum extent possible to undertake such planning and actions as may be necessary to minimize harm to any national historic landmark that may be directly and adversely affected by an undertaking." For example, the City's concession that it will engage in a public process concerning UPARR replacement is illusory. The City chose the eastern end of the Midway as its UPARR replacement site in a secret process without any public input. It would be wrong as well as illegal to shortcut the Section 106 process without having a complete and full public discussion of the justification for any previous determination that avoidance and minimization were considered unfeasible or unreasonable. That complete and full public discussion has yet to take place.	The City of Chicago's decision to authorize the construction of the OPC in Jackson Park and its decisions concerning road closures are not subject to Federal approval by NPS, FHWA, or USACE. The roles of the Federal agencies have been summarized in a variety of documents and meetings that are part of the NHPA review process, including the Assessment of Effects. The Federal agencies will approve the pending applications for authorization only if all Federal requirements are met, including with respect to Section 106. The Section 106 process proceeds in stages and includes consultation at all stages. Following the preparation of the final Assessment of Effects in light of public comment, the MOA was developed in consultation with Consulting Parties over a series of virtual meetings, a survey, and circulation of and comment on a draft MOA. The MOA provides commitments to take measures that avoid, minimize or mitigate the effect on historic property identified in the Assessment of Effects. The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Note that Section 800.10 does not apply because no National Historic Landmark is affected by the undertaking.	See MOA Stipulations I.A through I.H

Comment Number	Affiliation	Comment	Response	MOA Section Reference
75	Nichols Park Advisory Council	<p>First, you state that the three federal offices and many of the consulting parties “appreciate the wide array of suggestions for mitigation” and that prior communications with the FHWA and the city convinced you that the mitigation measures proposed in the draft MOA are “reasonable and proportional to the adverse effects of the federal actions....in this undertaking.” What happened to the public discussion of avoidance and minimization?</p> <p>The “adverse effects” of this undertaking were not even published until after the private decision to ignore both avoidance and minimization had been reached. So, how could you conclude that the mitigation measures were proportional to the adverse effects, without any public discussion of avoidance or minimization? How, when, why, and by whom was the decision made to not include public discussion of avoidance or minimization? I thought the CFR was the “rule book” by which the Section 106 process was supposed to operate. 36 CFR Sections 800.1 and 800.6 are quite clear. While some planning decisions may be reached before the Section 106 process begins, that is only true if public discussion and consideration of avoidance and minimization also takes place during the Section 106 process itself. Such public discussion and consideration has yet to take place. If the CFR is not the “rule book”, then what are the rules? Why does the CFR exist, in such excruciating detail, if your agency doesn’t have to follow its strictures? Under the circumstances, the draft MOA is invalid, and the acceptance of it based on a seriously flawed Section 106 process is illegal.</p>	<p>The City of Chicago's decision to authorize the construction of the OPC in Jackson Park and its decisions concerning road closures are not subject to Federal approval by NPS, FHWA, or USACE. The roles of the Federal agencies have been summarized in a variety of documents and meetings that are part of the NHPA review process, including the Assessment of Effects. The Section 106 process proceeds in stages and includes consultation at all stages. Following the preparation of the final Assessment of Effects in light of public comment, the MOA was developed in consultation with Consulting Parties over a series of virtual meetings, a survey, and circulation of and comment on a draft MOA. The MOA provides commitments to take measures that avoid, minimize or mitigate the effect on historic property identified in the Assessment of Effects.</p> <p>The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.</p>	N/A
76	Nichols Park Advisory Council	<p>... the environmental cost of this proposed destruction is unacceptable to any reasonable person, and should also be to an agency whose mandate is the protection of Illinois Natural Resources. The wholesale removal of 600 or more trees from Jackson Park is a travesty we should not even contemplate in this era of global warming.</p>	<p>Environmental impacts (to trees, socio-economics, avian species, and other resources) that are the result of a federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).</p>	N/A

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77	Nichols Park Advisory Council	This proposed Memorandum of Agreement is a betrayal of the Section 106 process and reflects a total failure to make a good faith effort to avoid, minimize or mitigate the adverse effects of the proposed projects. The City's apparent reliance on processes that took place prior to the Development of the Assessment of Effects is specious because it renders the Section 106 process a nullity that was over before it even started. The refusal to give no more than pro forma consideration of avoidance and minimization is in conflict with applicable federal regulations under Section 106 in the Code of Federal Regulations §800.1 which states that, while planning activities may take place prior to the completion of compliance with Section 106, that is only true if "such actions do not restrict the subsequent consideration of a alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties." To be absolutely honest, all parties already know there is no possible way to mitigate the destruction of Jackson Park after 500 to 1000 trees are clear cut, Cornell Drive is closed creating a traffic nightmare and a landscaped campus complete with a huge tower in the path of a national migratory bird flyway is constructed, except by refusing to fund or otherwise authorize it. We believe the first Black President of the United States deserves to be recognized and honored for what he accomplished, not remembered for what he destroyed. He deserves his own monument, not someone else's. We will not sign the Memorandum of Agreement in its proposed form .	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.	N/A
78	Nichols Park Advisory Council	I'd like to respond to the idea that this is a once in a lifetime opportunity. It is a once in a lifetime opportunity to honor the first Black President of the United States. There never will be another first Black President of the United States ever, so because there already is one. So to honor him, we think he deserves his own monument. We can always put in other parks and other parks are sorely needed on the west side of the city. But this once in a lifetime opportunity is not the building of playgrounds, it's a question of honoring the first Black President of the United States and he deserves his own monument.	Thank you for your comment. It will be included in the project record.	N/A
79	Nichols Park Advisory Council	I'd like to repeat a previous question which I don't believe was answered and that was the question of overpasses. We recently discussed underpasses. But what about overpasses? Are those being considered?	There are two types of grade separations to protect pedestrians and bicycles from roadways: going underneath the roadway or going over the roadway. In this case, the City has proposed that any new grade separations within the park be done under the roadway to minimize the visual impacts within the park. Based on a cursory review of overpasses, the necessary clearance above the roadways would have a greater impact on the park than underpasses.	N/A



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80	Open Lands	We are extremely disappointed that many of the excellent ideas provided by Openlands and other Consulting Parties to avoid, minimize, and mitigate the many historical impacts of the project have been perfunctorily ignored. Due to this, and regardless of the revisions, Openlands will not be signing the MOA due to continual de-minimization of the process and the fact that no actions were taken to legitimately avoid, minimize and mitigate the projects impact on the historic surroundings as identified by the Section 106 process.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A
81	Open Lands	In general, there is no description or portion of the document addressing penalties or restitution should any of the mitigation measures not be completed.	FHWA will work with the City and IDOT to ensure the mitigation measures are carried out	new response has been added
82	Open Lands	Field Documentation: the relevant SOI Professional Qualification Standard should be specifically called out so there is no confusion or room for argument.	The MOA has been revised to specify that field documentation will be prepared consistent with the Historic American Landscape Survey (HALS) guidelines for an existing conditions plan, vegetative plan, field photographs keyed to a site plan, and aerial photographs. The work will be prepared by or under the supervision of individuals who meet the relevant SOI Professional Qualification Standards for history or historic landscape architecture (62 Fed. Reg. 33720-33721, June 20, 1997).	See MOA Stipulation I.B
83	Open Lands	Cultural Landscape Report: the relevant NPS Standards should be specifically called out so there is no confusion or room for argument.	The MOA has been revised to specify that the cultural landscape report for Jackson Park will be prepared consistent with Federal guidance for such reports in Robert R. Page, Cathy A. Gilbert, and Susan A. Dolan, <i>A Guide to Cultural Landscape Reports: Contents, Process, and Techniques</i> (Washington, DC: U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Park Historic Structures and Cultural Landscapes Program, 1998).	See MOA Stipulation I.C
84	Open Lands	Interpretive Materials: This section is far too vague and leaves confusion regarding who is involved in this planning process and who is not, and what opportunities for interpretation are legitimate.	The MOA has been revised to specify that the draft plan for interpretive materials will be prepared in consultation with Consulting Parties, local museums, community groups, schools and universities, and the draft plan will be made available for review and comment by signatories, invited signatories, and concurring parties to the MOA.	See MOA Stipulation I.D
85	Open Lands	Design Review of the Recreation Replacement at the East End of the Midway Plaisance: Openlands feels that there are too many unresolved issues regarding the UPARR replacement parklands. As illustrated by past comments both from Openlands and other Consulting Parties, this UPARR issue has not been addressed to the point where a legitimate path forward can be realized with consensus.	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 Assessment of Effects. 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.  The MOA stipulates that the public and signatories, invited signatories and concurring parties to the MOA have an opportunity to comment on the draft design concerning landscaping features and other character-defining elements of the design. The MOA also notes that, in furtherance of the City's responsibilities under UPARR, the final design will include new play area features whose final selection will be made after seeking public comment.	See MOA Stipulation G

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86	Open Lands	Submission of Documentation, First Paragraph: This paragraph assumes that documents and plans will neither change, nor require revision during this process. Openlands recommends detailing a concrete process to avoid confusion and delays by all parties involved.	The MOA has been revised to describe in the individual commitments under Stipulation 1 the scope of review of documents prepared pursuant to the particular commitment. Stipulation II addresses the process for transferring such documents.	See MOA Stipulation I and Stipulation II
87	Open Lands	Openlands recommends that Consulting Parties have another opportunity to review this document, assuming revisions are made by FHWA. Regardless, we appreciate your consideration of these comments.	A final meeting of Consulting Parties is being scheduled and will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
88	Preservation Chicago	I want to note that organizations like Preservation Chicago that are looking at the impact of this project objectively have a complete and extensive awareness of the project's considerations, the flawed traffic study, the UPARR non-replacement of new parklands, the rising lake levels and the decades of disinvestment of communities of color in Chicago and throughout the nation. This internationally renowned park system that includes Jackson Park, Washington Park and the Midway Plaisance makes everyone a stakeholder in this process. Preservation Chicago supports the development of the Obama Presidential Center on the South Side of Chicago. All of the extraordinary impacts of such a development of a great president that has ties to Chicago and community organizing will be received if it is built on private land adjacent to one of these park spaces. I think the comment earlier about President Obama deserving his own monument and not someone else's are pretty incredible and right on. There is a great opportunity to improve Jackson Park, Washington Park and the Midway Plaisance without, and sorry, Anne, I'm going to use the word "destroying" the internationally significant value of this parkland. We can put people and our parks together without having this negative impact. I think it's essential that we don't make this if we don't support destroying Jackson Park we don't care about people of color. That is a preposterous and offensive attack on a process that is a federal process to ensure that we protect the legacy -- so many incredible historic legacies have been destroyed on the South Side of Chicago in the decades of urban renewal and not caring about people of color and communities of color. And here we have this opportunity to both improve the South Side, invest substantially with the Obama Presidential Center and have this great legacy for the City of Chicago.	Thank you for your comment. It will be included in the project record.	N/A

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89	Preservation Chicago	<p>The key checks throughout the checks and balances began to fall in line, and we have a Memorandum of Agreement (“Agreement”) that does not reflect the integrity and thoughtfulness that is at the core of the NHPA and the Section 106 process therein. It is with equal sadness that we have to accept that we cannot be a signatory to this Agreement. This entire Section 106 review process ignored avoidance and minimization of adverse effects, two of the most essential strategies to protect the historic landscape and features of Jackson Park. Avoidance and minimization have been discounted throughout this entire process and attempts to address adverse effects by consulting parties have summarily dismissed. Agencies overseeing this Section 106 process have employed creative manipulations to achieve minimal thresholds in traditional Section 106 review. From a convoluted process of figuring UPARR replacement park within the existing park to bypassing entirely a thorough, objective and thoughtful exploration of avoidance and minimization. At the earliest meetings in this federal review process, the City of Chicago made it clear that there would be no consideration of avoidance. This disregard for avoidance and minimization consideration is tragic, and it sets a dangerous precedent for future reviews. The ideal avoidance measures would include moving the Obama Presidential Center out of Jackson Park to a location just west of Washington Park on parcels that are already owned by the City of Chicago and the University of Chicago. This is an obvious Plan B solution, and we encouraged the Federal Highway Administration to direct the Obama Foundation to that site. We understand that the FHWA has said it does not have the authority to mandate avoidance, but the FHWA does have the authority to review the project and decide to withhold funding.</p>	<p>The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.</p> <p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.</p> <p>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>FHWA will approve funding for a project provided all federal requirements are satisfied by the applicant. It would be improper for the FHWA to withhold funding for a transportation project to influence/affect a local land use decision made by a local or state government.</p>	N/A
90	Preservation Chicago	<p>Since this clear and reasonable avoidance measure stated above was not asserted, we urged all of the following minimization approaches – none of which were incorporated into the MOA: 1. Move the Obama Presidential Center south of its present location within Jackson Park. 2. Limit the height of the Obama Presidential Center to less than three stories as per the original competition drawings and renderings for the Jackson Park site. 3. Narrow Cornell Drive to its historic proportions, quieting and calming traffic. Bicycle and pedestrian paths can be added along that route. 4. Retain the Woman’s Garden as designed by May McAdams in its current location and add ADA accommodations to improve access to the site. Universal accessibility is of great importance, and we encourage a more sensitive approach to achieving that goal. 5. Eliminate plans to widen Lake Shore Drive and Stony Island. With an intact albeit quieter Cornell Drive, those modifications are not necessary. This would save hundreds of trees from being lost. 6. Keep access to the land up to around the privately managed Obama Presidential Center open and accessible year-round just as the rest of the park, regardless of any special events or visits to the OPC.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority. PD 1409 and the Use Agreement between the City of Chicago and the Barack Obama Foundation considered together provide legal certainty concerning the siting, uses, design, and public accessibility of the OPC in its historic setting.</p>	N/A
91	Preservation Chicago	<p>When it assigned the City of Chicago as the project facilitator for this process, the Federal Highway Administration (FHWA) created a significant conflict of interest having the Project Sponsor be the same as the Project Facilitator.</p>	<p>The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.</p>	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
92	Preservation Chicago	The FHWA falsely found that City action in this matter is exempt from the standard federal review under NHPA and specifically Section 106. This assumption has tainted the entire process and has destroyed the legitimacy of this review.	The NHPA requires Federal agencies to review the adverse effects of their decisions on proposed actions. The decision to locate OPC in Jackson Park is not a proposed Federal action and is not subject to Federal approval by NPS, FHWA, or USACE. The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park.  The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process.	N/A
93	Preservation Chicago	We continue to object to the assessment that the Midway Plaisance, already a park, be used as Urban Park and Recreation Recovery (UPARR)-required replacement parkland.	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 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. NPS will evaluate the proposed replacement site to ensure compliance with the regulatory requirements of 36 CFR § 72.72, pursuant to which the proposed replacement must be administered by the same political jurisdiction, must meet existing recreation needs, and must provide equivalent recreation opportunities to those that were lost (but need not be the same recreation opportunity).	N/A
94	Preservation Chicago	We object to the outright destruction of the Women's Garden, designed by landscape architect May McAdams in 1937 in honor of the Women's Building from the World's Fair designed by Sophia Hayden.	The proposed changes to the Women's Garden are not part of FHWA's action or NPS's action. The changes are part of the OPC plans, and are not subject to Federal review and approval. Nonetheless, it is worth noting that the limestone wall of the Women's Garden will be rebuilt incorporating the original limestone in the exact location, and at the same elevation, as the current wall. Modifications to the grading and the pathways between the central circular lawn and the larger network of Jackson Park circulation have been proposed to create accessible routes into the space (bringing the Women's Garden into compliance with the Americans with Disabilities Act) and to facilitate stormwater management.	N/A
95	Preservation Chicago	There is a false equivalency of replacement park being planned inside Jackson Park itself. Any recreational areas in and around the proposed OPC in Jackson Park will not be equally accessible as regular parkland – with restrictions during large events held at the privately managed presidential center.	Under UPARR, the National Park Service will evaluate the equivalence of the proposed replacement sites and recreation opportunities in comparison to the recreation lost as a result of the proposed conversion. Pursuant to 36 CFR § 72.72, the proposed replacement must be administered by the same political jurisdiction, must meet existing recreation needs, and must provide equivalent recreation opportunities to those that were lost (but need not be the same recreation opportunity).  The proposed replacement recreation areas in the east end of the Midway Plaisance and within Jackson Park are and will continue to be part of the Chicago Park District system and will be accessible to the public in the same manner as other parks in the system. The replacement areas are not part of the OPC. Like all other parks in Chicago, especially large regional parks, Jackson Park and the Midway Plaisance may occasionally host private events, but all private uses are subject to the Chicago Park District's rules and regulations relating to permits and public access.	N/A
96	Preservation Chicago	We strongly disagree that redevelopment of the Midway Plaisance parkland will be publicly discussed and considered after the completion of the Section 106 review process. Such conversations are critical to this overall project and should take place as part of the Section 106 review process.	The MOA includes a stipulation affording the opportunity for review and comment on the design for the east end of the Midway Plaisance before it is finalized.	See MOA Stipulation I.G
97	Preservation Chicago	In its review of itself, the City of Chicago has not demonstrated real effort in identifying replacement parkland in and around the Woodlawn community.	UPARR does not require that replacement recreation be located on vacant land or land that is not already used as a park. The City evaluated alternative replacement UPARR locations, including Harold Washington Park and five vacant sites located between 57th Street and 71st Street. The City evaluated these sites for their similarity to the qualities exhibited by the area where the conversion is proposed, including accessibility to the lakefront, pedestrian accessibility from Woodlawn and Hyde Park, and its historic, Olmsted-design character. The City also considered whether it already owned the sites or would need to acquire them and address any need for remediation. The City and the Chicago Park District concluded that the east end of the Midway Plaisance best meets the required criteria under UPARR and is the most feasible and prudent site to select as a UPARR replacement property for recreational improvements.	N/A
98	Preservation Chicago	The 235-foot block/tower that is the proposed Obama Presidential Center will have a negative visual impact on every single historic property or district within sight of it. Historic viewsheds created by Olmsted and Vaux will be impacted from nearly every visual vantage point in Jackson Park and looking/extending eastward on the Midway Plaisance.	While the siting and design of the OPC are not within the authority of the Federal agencies, the effect of the OPC on historic property has been evaluated in the Assessment of Effect, including consideration of visual effects.	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
99	Preservation Chicago	The combining of the Jackson Park Golf Course and the South Shore Cultural Center Golf Course into one PGA-level course is in fact a reasonably foreseeable effect and should be evaluated as a part of this Section 106 process. Combining the courses would impact thousands of trees throughout this historic lakefront property.	The rehabilitation of the golf courses within Jackson Park is not considered a reasonably foreseeable project and was not evaluated as part of this process because, while a golf course project was noted in the SLFP, the final plans and design for the golf course project are not yet approved. Interim information previously shared about the project's layout, design, and other critical details will be further developed as part of a longer-term plan for Jackson Park.	N/A
100	Preservation Chicago	The road impact analysis does not offer a complete review of essential data to determine traffic and road closure impacts. Removal of vehicular access through the park puts an added burden on people with accessibility challenges who would best view the amenities via motorized transportation.	The Traffic studies completed to date have followed national standards and will be further discussed in the Environmental Assessment. The proposed transportation changes will improve accessibility to and through Jackson Park by providing new ADA accessible pathways, sidewalks, curb ramps and traffic signals.	N/A
101	Preservation Chicago	The current OPC plan does not adequately address loss of existing street parking opportunities.	Environmental impacts (including concerning street parking) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
102	Preservation Chicago	Tree removal was not included in the visual impact analysis done by the City on behalf of the City.	Environmental impacts (including concerning trees) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
103	Preservation Chicago	Migratory bird flyways and wildlife habitats will be severely and negatively impacted by this proposed development as well as the development site during the long and disruptive construction period.	Environmental impacts (including concerning species) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
104	Preservation Chicago	We disagree with the City's argument that since Lake Shore Drive is already the widest road in the area, it will not be a problem to make it wider. With rising lake levels and sensitive natural areas like the South Shore Cultural Center Nature Preserve around it, making more progressive planning decisions about Lake Shore Drive is essential.	The proposal to widen Stony Island Avenue and Lake Shore Drive is based on traffic analysis and geometric design with a goal to provide adequate traffic operations and minimize footprint within Jackson Park. The Traffic studies completed to date have followed national standards and will be further discussed in the Environmental Assessment.	N/A
105	Preservation Chicago	The widening of Lake Shore Drive and Stony Island will impede access to Jackson Park and the lakefront, creating potentially dangerous conditions for children, physically challenged individuals and all park visitors. City's assertion is flawed that widening Stony Island will not be a negative impact because it will retain its "association of the road with the sidewalk and setting of perimeter topography and vegetation." Cornell Drive can be modified to quiet car traffic, improve accessibility for bicycles and pedestrians, and restore the original character of this roadway without removing it entirely.	The proposal to widen Stony Island Avenue and Lake Shore Drive is based on traffic analysis and geometric design with a goal to provide adequate traffic operations and minimize footprint within Jackson Park. The proposed design of Stony Island also includes pedestrian safety elements such as curb extensions, pedestrian refuge islands, and traffic signal modifications that all have been proven nationally to improve safety for people walking across roadways. The Traffic studies completed to date have followed national standards and will be further discussed in the Environmental Assessment.	N/A
106	Preservation Chicago	Need vs. want. The Secretary of Interior standards clearly distinguish between need and want. The requested changes to Jackson Park are wanted by the OPC to make the Obama Foundation's vision for the Center a reality. They do not demonstrate that this is the one and only site for its Center and therefore needed to make the project successful.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE. Design decisions related to the OPC are also outside the scope of Federal authority.	N/A



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Comment Number	Affiliation	Comment	Response	MOA Section Reference
107	Preservation Chicago	The AOE continues to dismiss avoidance and minimization as important strategies. Going forward, this process should put high priority on avoidance first.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A
108	Preservation Chicago	Consider the loss of 19.5 acres of this Frederick Law Olmsted landscape. We should be looking at repair of all of the structures even beyond the "undertaking area" of English Comfort Station. And you know, certainly we should be getting something in terms of repairs. If we're going to give up 19.5 acres of Jackson Park, we should have as part of the MOA Agreement the Iowa Building and the Comfort Station and the pathways and roadways in Jackson Park repaired.	The commitments in the MOA reflect the nature and extent of the adverse effect documented, input from the 106 process, and practical limitations on the City's resources and time.	See MOA Stipulations I.A through I.H

Comment Number	Affiliation	Comment	Response	MOA Section Reference
109	Protect our Parks	<p>There were virtually no opportunities to comment on the character, or design of the building, rather, attendees were asked about circulation, the layout of pathways around the OPC. No discussion of alternative locations was considered. No consideration of environmental impact, nor loss of Public Park land was discussed. I think it is disingenuous to describe these presentations as meetings, as the Public did not have any opportunity to comment. As originally proposed, the OPC was to occupy a section of the Park bordered by Stony Island, the Midway Plaisance, and Cornell Drive. Later, Cornell Drive, also East bound Midway Plaisance was removed, calling for widespread road widening, and the central tower was moved North. The height of the central tower was also increased, from 180 up to 235 feet in height. As I understand, avoidance, minimizing, these options should be available to us, but are not. I would also point out that this list of museums, inside City Parks, fails to note that virtually All of these buildings were either re-purposed, (Art Institute, Notebaert, MSI, Dusable), or built on land which was then private (Field, Adler, Shedd) (the Parks coming later). This list fails to note the distinction between a museum and a political organization, and the connection of the benefactor to the Center. The museum act deserves closer scrutiny. We have a finite amount of Nature, of open Parks along our lakefront. These areas, if the City fails to protect them, I feel the Federal government needs to step in. This is corrupt, and this is why you have heard, all along, just how bad an idea this is. Have you considered the impact, of this 235 foot tall mid-rise building, directly in the flight path of migrating birds? Based on the location, alone, this building will have a terrible environmental impact. It takes away public Park, and gives us not a museum, but an oversized community center. There is no reason to take away our Park, when so many alternative locations are available.</p>	<p>The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a>. Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.</p> <p>With respect to the origins of other museums in Chicago parks, the City informs us: the Art Institute was built conjunction with the City to serve as a school and museum; the Notebeart was built on the site of the Park District's north shops in the late 1990's; the Field Museum was built on land donated by the South Park Commissioners in 1911 (a predecessor of the CPD before consolidation), While a portion of the Museum of Science and Industry was repurposed from use during the 1893 Columbian Exposition, its use during that event was as a museum. The Shedd was built on the land of the South Park Commissioners in 1925, as was the Adler in 1930. The buildings that were re-purposed have been expanded repeatedly on CPD property since their establishment as museums. The OPC's siting in Jackson Park is consistent with this history.</p>	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
110	Public	<p>I note the 5th "Whereas" references "the relocation of an existing track and field on the OPC site to adjacent parkland in Jackson Park." A couple of years ago, Chicago newspapers reported that despite the pending POP, ADELMAN case opposing construction of the OPC in Jackson Park, the Obama Foundation and the Chicago Park District used earth moving and other equipment to destroy about 40 Jackson Park trees growing outside the 19.3 OPC- designated acres.</p> <p>The Obama Foundation and Chicago Park District destroyed these magnificent trees without seeking or obtaining permission from Judge Blakey. Nothing was done about it until the plaintiffs brought the tree destruction to Judge Blakey's attention. The judge chastised the Obama Foundation and the Chicago Park District for their improper conduct and told them to cease the destruction. Why did this happen?</p> <p>According to the Obama Foundation and the Park District, the trees were destroyed to make room to rebuild the track and field located on the OPC-19.3-acre proposed site. The two destroyed these irreplaceable trees on the arrogant assumption that the Obama Foundation would eventually prevail in both the law suit and in all of the federal reviews. Evidently, the two believed they could do whatever they wanted and experience no actual negative consequences, such as a court order finding them in contempt of court or a fine. Conduct like that exhibited by the two often signals an antisocial personality disorder (ASPD or APD), a personality disorder characterized by a long-term pattern of disregard for, or violation of, the rights of others. But the two were correct because in fact, the judge did not punish the Obama Foundation or the Park District. The judge permitted the Obama Foundation and the Park District to get away with what I suggest was blatant criminal damage to public property perpetuated publicly in broad daylight.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.</p>	N/A
111	Public	<p>Thus, "mitigating" the loss of 640 trees requires vastly more than each individual tree replacement. Calculations must account for the number of years it takes each fruit, nut, and acorn bearing tree to produce fruit, nuts, and acorns. Planting one immature native food tree for each destroyed mature native fruit, nut or acorn producing tree does NOT replace each destroyed tree.</p>	<p>Environmental impacts (including concerning trees) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).</p>	N/A
112	Public	<p>...I too write letters to the editor on issues I deem of great importance. Here is one that was recently published: Clear-cutting 640 Jackson Park trees makes a mockery of Chicago motto 'City in a Garden' The planned tree destruction and Obama Presidential Center construction will evict small wildlife, including resident birds. <a href="https://chicago.suntimes.com/2020/6/25/21303206/chicago-lost-trees-city-garden-letters-charlotte-adelman-obama-presidential-center-jackson-park...">https://chicago.suntimes.com/2020/6/25/21303206/chicago-lost-trees-city-garden-letters-charlotte-adelman-obama-presidential-center-jackson-park...</a></p>	<p>Environmental impacts (including concerning trees) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).</p>	N/A
113	Public	<p>The OPC should be built in a non-park location in Chicago.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.</p>	N/A

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Comment Number	Affiliation	Comment	Response	MOA Section Reference
114	Public	<p>The draft Memorandum of Agreement dated July 9, 2020, responds to virtually none of the concerns brought by concerned parties about detrimental effects of situating the Obama Presidential Center at the proposed site in Jackson Park. These changes are not improvements, but will cause huge disruption in traffic flow, expense to the City (i.e. taxpayers), destruction of beautiful parkland, and detrimental effects on the quality of life of people living nearby. Cutting down mature trees and “replacing” them with saplings is no compensation for the loss of the trees. The OPC plan, if carried out, would transform a quiet residential area into an amusement park-like tourist attraction, with all its attendant problems-- increased traffic in all the surrounding areas, trash littering, noise pollution, light pollution at night, air pollution (dust) during the construction. The relevant passages are: “transportation improvements in and adjacent to Jackson Park,” (p. 1) “construction of a variety of roadway, bicycle and pedestrian improvements in and adjacent to Jackson Park,” (p. 1) “funding of roadway improvements and bicycle and pedestrian enhancements by FHWA” (p. 1) “the State of Illinois, through the Illinois Department of Transportation, is contributing to the cost of the roadway improvements;” (p. 1) “mitigate traffic impacts from the proposed closure of roadways within Jackson Park and for bicycle and pedestrian improvements in and adjacent to Jackson Park;” (p. 2) “(c) the areas planned for traffic improvements in Jackson Park.” stages, and conversion of green space into concrete-covered area and buildings. Heat island effects are already a contributing factor to climate change in urban areas. In short, locating the OPC in Jackson Park would result in a net diminution in beauty for Jackson Park and its environs as well as the city as a whole. . In my view, by situating it according to the present plan, the Obama Foundation would squander a real opportunity to do something audaciously new and benefit the people in a truly needy area, thus failing to realize the potential of the Obama legacy.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.</p> <p>The Assessment of Effects evaluates the effect of the undertaking on historic properties, and the environmental analysis required by the National Environmental Policy Act (NEPA) addresses environmental impacts of the proposed Federal actions on various resources, including the park and socio-economic conditions.</p>	N/A
115	Public	<p>I am writing to express disappointment in what I had hoped would be a useful process through which some of the concerns related to the Obama Center development in Jackson Park might get resolved or taken into serious consideration. Instead, it appears that the process is now being rushed through under the cover of the pandemic. I urge you to take the concerns of the community seriously and either resolve them or uphold them as reasonable cause to reject the location of the Center. Bureaucratic responses to a development that will dramatically impact our communities here on the South Side (I live at 65th and Stony Island - this project will be across the street and just up the block from me) will just further discourage and alienate people. Please make a good faith effort to avoid that outcome.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.</p>	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
116	Public	<p>...1. The proposal to close Cornell Drive, widen Lake Shore Drive, and transform Stony Island into a commuter highway is ill-conceived. Given the rising of the lake levels, the destruction of several Chicago beaches and major damage to the bike path, we should realize that this is only the beginning: the lake is going to rise further; storms and winter weather will contribute to major damage to the land close to the water's edge. The portion of the Drive that is supposed to be widened is already in danger and at times will become impassible; attempts to widen it, at substantial cost, make no sense. The plans to close Cornell Drive forces traffic into Stony Island, and that, too, is unrealistic. During the times that the Drive is impassible, there will be no alternative to commuters but to use Stony Island. Anyone who lives in the neighborhood and uses that street knows that it is a local street, with schools, neighborhood housing, local bus routes and foot traffic. It will no longer be safe for pedestrians and it will create a huge bottleneck, especially given the need for visitors to make a left turn when going south in order to enter the projected OPC parking garage...</p>	<p>The proposal to widen Stony Island Avenue and Lake Shore Drive is based on traffic analysis and geometric design with a goal to provide adequate traffic operations and minimize footprint within Jackson Park. The Traffic studies completed to date have followed national standards and will be further discussed in the Environmental Assessment.</p>	N/A
117	Public	<p>A far better choice would be to place the OPC in the land west of Washington Park - if the University of Chicago and the City would make its land parcels available. There would be no need for road closures, since public transportation is there already. And there is the now-growing arts scene: the Arts Incubator, the Green Line Performing Arts Center, and the Currency Cafe; the surrounding area would benefit from whatever economic development the OPC location might bring...</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.</p>	N/A
118	Public	<p>Having attended and participated in numerous community meetings and processes since the inception of the OPC, we would like to take this opportunity to express our support for the proposed Draft Mitigation Agreement from the Assessment of Effects. We consider it to be sufficiently comprehensive to move to the next stage of the process without further delay.</p>	<p>Thank you for your comment. It will be included in the project record.</p>	N/A
119	Public	<p>I am a Tree Keeper and I am opposed to the Obama Presidential Center's plans to locate in Jackson Park for both environmental and cultural reasons. This is an issue of environmental and racial justice. I don't believe this travesty would be forced on a more prosperous part of the city. There are many alternatives on the south side where the Obama center could be located without trashing a beautifully designed historic park and cutting down 600 to 1,000 trees. Cutting down 600 to 1000 established trees should be considered criminal in a global climate crisis. This is unacceptable in a city that has committed to reducing its carbon footprint. We can do better.</p>	<p>Environmental impacts that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).</p>	N/A
120	Public	<p>As a Consulting Party to the Section 106 Process I want to express my full support of the Memorandum of Agreement which I believe it is ready to be signed in its present form. If any further edits are made, I am willing to review them by email rather than schedule another webinar.</p>	<p>Thank you for your comment. The final meeting of Consulting Parties will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.</p>	N/A
121	Public	<p>I am against locating the OPC in Jackson Park. I think it is a tragedy that 19.3 acres of open park land will be taken over by the Obama Presidential Center. Please vote against having the Obama Presidential Center in Jackson Park.</p>	<p>The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.</p>	N/A



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Comment Number	Affiliation	Comment	Response	MOA Section Reference
122	Public	It's time to put the brakes on all previous plans for development. Especially the building of OPC in Jackson Park. There is too much shade around the entire transaction. After everything society has been through this year, to saddle the tax payers with the additional costs of this poorly designed center is fiscally irresponsible and culturally destructive. A prudent Dept of Planning would have recommended one of the many empty lots in Woodlawn be developed for this project. Why develop historic public parkland? It's an asset. Treat it that way.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.	N/A
123	Public	I would like to voice my opposition to the Obama Presidential Center's plans to locate in Jackson Park. I am honored, as I know everyone is, that the Obamas selected Chicago to house this center, but there are many vacant areas where it could be housed that would not disturb the park and its trees. As you know, trees are essential not only for aesthetics, but they sequester carbon; cutting down between 600 and 1,000 trees is unacceptable for a city that has committed itself to reduce its carbon footprint. We need tens of thousands MORE trees in Chicago, not to be cutting them down. I do not remember any public meetings to discuss this. Were there any? There are so many other places this could be housed—why weren't they at least considered?	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.  Environmental impacts (including concerning trees) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
124	Public	I have just learned that there are other environmental hazards. It will be located directly in the path of major flyways of migratory birds—a huge problem since we are losing our bird population at an alarming rate. Wouldn't the Obamas want an environmental impact study done here before this goes forward? Please reconsider this MoA in light of the environmental impact of the OPC being located inside Jackson Park. We are a progressive city that is trying to de-carbonize and I am convinced that this is a bad decision in the midst of a global climate crisis.	Environmental impacts (including concerning species) that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
125	Public	Maintain the historic street configuration of the Midway Plaisance with Jackson Park. The OPC should be shifted slightly south from the historic intersection of the Midway Plaisance with Jackson Park.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC and the closure of roadways in Jackson Park. The decision to locate OPC in Jackson Park and the closure of roadways is not subject to Federal approval by NPS, FHWA, or USACE.	N/A
126	Public	I would encourage a study of recreation needs in Woodlawn and the surrounding area be undertaken and that the UPARR recreation funds be dedicated to existing parks in Woodlawn facilities in their neighborhoods.	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. NPS will evaluate the proposed replacement site to ensure compliance with the regulatory requirements of 36 CFR § 72.72, pursuant to which the proposed replacement must be administered by the same political jurisdiction, must meet existing recreation needs, and must provide equivalent recreation opportunities to those that were lost (but need not be the same recreation opportunity).	N/A
127	Public	Maintain the footprint of the historic alignment of Cornell Dr. The original park drives and avenues of Jackson Park, such as Cornell Drive, are an integral part of the Olmsted legacy	The City of Chicago is the authority for making local land use and management decisions, including authorizing the closure of part of Cornell Drive. The MOA stipulates a variety of commitments to mitigate the adverse effect found in the AOE in connection with the undertaking. The scope of these commitments reflects the consultative process to develop the MOA as well as the lack of Federal authority to require the City of Chicago to change its decisions concerning municipal matters, including the closure of part of Cornell Drive.	See MOA Stipulations I.A through I.H

Comment Number	Affiliation	Comment	Response	MOA Section Reference
128	Public	Insufficient recognition of historic landscape architecture. Stipulations I and II (Measures, and Research and Documentation) are inconsistent and inaccurate regarding accepted practices to evaluate historic landscapes. I am concerned that the absence of a National Park Service (NPS) recognized "Historical Landscape Architect" from the proposals for an updated NRHP nomination, Field Documentation and a Cultural Landscape Report for an Olmsted park shows a fundamental ignorance of standard project staffing for the resource to be studied.	The MOA has been revised to correct and clarify the references to SOI standards, to add details to the stipulation concerning interpretive materials, and to clarify the involvement of consulting parties and the public in reviewing designs for the east end of the Midway Plaisance. The stipulation concerning the submission of documents has been clarified.	See MOA Stipulations I.A through I.G and Stipulation II
129	Public	Interpretation. The erection of plaques and interpretive panels is not meaningful mitigation for the loss of 19 acres of historic Jackson Park	Thank you for your comment. It will be included in the project record.	N/A
130	Public	Insufficient time for SHPO review of field documentation	Stipulation I.B. of the MOA specifies that field documentation of existing conditions in specific areas will be prepared consistent with the Historic American Landscape Survey (HALS) guidelines. Stipulation II.B. specifies the process and timetable for reviewing the field documentation for the purpose of confirming that it is acceptable for documenting existing conditions. SHPO has confirmed that 30 days is sufficient for that purpose. The MOA has been revised to clarify that the 30 days begins upon SHPO's, not IDOT's receipt of the field documentation.	See MOA Stipulation I.B and Stipulation II
131	Public	What right does the Obama shrine have to destroy the beautiful park that is supposed to be for the people. And what about a environment impact statement. 800 trees will be cut down. There are many areas close by were the center could go.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.  Environmental impacts that are the result of a federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
132	Public	All green space in urban areas is not a luxury but essential for all of us to remember to honor the earth and all living forms—and how we humans must live in harmony with our natural surroundings. And this beautiful, peaceful sanctuary nourishes our humanity—and it's free!! Jackson Park is a cherished gift to all.	Thank you for your comment. It will be included in the project record.	N/A
133	Public	1. Proponents of the OPC kept stressing that the entire OPC campus would use only a very small—less than 4 % of the parkland, and the main building of the center would use less than 1 % of the park. This ignores the fact that a majority of the park is water, yacht clubs, and the golf course, the Museum of Science & Industry campus, and the La Rabida campus. Furthermore, an integral part of the plan not considered would take an additional 40 acres of parkland, mostly trees not otherwise counted, to add to the golf course. The Obama center will be placed on the area referred to as the Perimeter, which Olmsted saw as the area for the neighborhood to interface with the park. The 20 acre Obama Center campus will use more than 20% of the 96.4 acre Perimeter. Furthermore, The widening of Stony Island Avenue and extra traffic generated by the Center and the closure of Cornell Drive will make Jackson Park less accessible to the neighborhood.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.	N/A
134	Public	2. The 235 foot building will dominate the view from practically everywhere in the Park when the trees are bare, and from anywhere along the west lagoon when the trees are green, destroying the serene natural environment which Olmsted created.	Environmental impacts that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
135	Public	3. The closing of Cornell Drive will deprive thousands of people daily from the soothing, healthful effects of the water and green trees on their daily trips to and from work, or on weekend jaunts. Would anyone propose closing the roadways in Rock Creek Park in Washington DC for a 235 food office building/ museum? Scenic roadways were a carefully planned part of Olmsted's historic designs.	Environmental impacts that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
136	Public	4. The GLFER restoration will also be impacted by the shadow of the building. Unfortunately, this is not apparent on the incomplete Shadow Study submitted to the Chicago Plan Commission, which totally omits the spring (and any hours after 4 pm ), a critical time for both plant and animal life.	Environmental impacts that are the result of a Federal action are addressed through the environmental analysis required by the National Environmental Policy Act (NEPA).	N/A
137	Public	There are plenty of other sites in Chicago suitable for the center. In fact, an earlier analysis done by the foundation and/or the University of Chicago found the site to the west of King Drive to be preferable because of its proximity to the Green line. It Would be far cheaper for the city than the remaking of roadways and trying to prepare the site for the rising water levels of Lake Michigan.	The City of Chicago is the authority for making local land use and management decisions, including authorizing the construction of the OPC in Jackson Park. The decision to locate OPC in Jackson Park is not subject to Federal approval by NPS, FHWA, or USACE.	N/A
138	Public	I was wondering whether the Federal Highway Authority or the Department of Transportation issued a "Mitigation Survey" on May 13, 2020 as part of the Section 106 Review linked to the building of the Obama Presidential Center in Chicago's Jackson Park.	The Chicago Department of Planning and Development administered the survey and collected data.	N/A
139	Public	99.99% of the people who travel between 63rd Street and the MSI drive on Cornell Drive and enjoy the view of many old stand trees and Wooded Island . A few people a year would want or need a restful woodland walk" which wouldn't be very woodland with all the old growth trees clear cut. The cost of this stupid walk is a minimum of \$174 million which is only because the 19.3 acre site is located in the economically stupidest of all the possible places given the 551 acres of park.	Thank you for your comment. It will be included in the project record.	N/A
140	RVHA	It has come to our attention that the Memorandum of Agreement for the upcoming Obama Community Center and Presidential Library contains our neighborhood association as a consulting party with limited voting rights. I am the President of our association here on Harper Ave. and I am requesting that we be removed from your list of community consulting parties because we are not an association with any charter that allows us to vote as a block on larger neighborhood issues. We are just a 2-block street with diverse homeowners who have diverse opinions on the subject, none of whom can speak for the whole block or association. Our charter and sole operation is simply to remove snow during the winter season.	We will offer individuals within your organization the opportunity to continue acting as an independent consulting party under their name only.	N/A
141	Save the Midway	...additional design review of the work of the UPARR conversion to the east end of the Midway Plaisance must meet the standards for rehabilitation as determined by the Illinois SHPO.	The MOA has been revised to correct and clarify the references to SOI standards, to add details to the stipulation concerning interpretive materials, and to clarify the involvement of consulting parties and the public in reviewing designs for the east end of the Midway Plaisance.	See MOA Stipulations I.A through I.G

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Comment Number	Affiliation	Comment	Response	MOA Section Reference
142	Save the Midway	We support the suggestion by Naomi Davis that some UPARR replacement be new park and playground in West Woodlawn, and we would join in working to help develop this.	UPARR does not require that replacement recreation be located on vacant land or land that is not already used as a park. The City evaluated alternative replacement UPARR locations, including Harold Washington Park and five vacant sites located between 57th Street and 71st Street. The City evaluated these sites for their similarity to the qualities exhibited by the area where the conversion is proposed, including accessibility to the lakefront, pedestrian accessibility from Woodlawn and Hyde Park, and its historic, Olmsted-design character. The City also considered whether it already owned the sites or would need to acquire them and address any need for remediation. The City and the Chicago Park District concluded that the east end of the Midway Plaisance best meets the required criteria under UPARR and is the most feasible and prudent site to select as a UPARR replacement property for recreational improvements.	N/A
143	Save the Midway	Save the Midway is disappointed that more has not been done to mitigate the adverse effects of the OPC campus and we reiterate our Resolution suggestions in our 26 May 2020 letter to you.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of "mitigation"; however, in the National Environmental Policy Act (NEPA) context, "mitigation" is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago's website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A
144	SHPO	I would like to comment that we are satisfied with FHWA and the City of Chicago's response to our mitigation comment. We are in agreement that the mitigation measures stipulated in the MOA are representative of the scope and nature of this undertaking and we look forward to executing this MOA and moving forward with the project.	Thank you for your comment. It will be included in the project record.	N/A
145	SHPO	Redline edits made in the word document of the MOA.	All edits accepted with the exception of some wording edits in the Whereas clauses. The Whereas clauses have been heavily revised per SHPO, ACHP, and other commenters for accuracy and clarity; therefore, not all edits were applicable.	See entire MOA.
146	South Shore Works	The transparency and deliberateness displayed has been impressive and like all good things should now come to an end. The work of ACHP is complete and we support your conclusions. Your good work can stand on its own and does not need a laborious, redundant, delay that puts us at the mercy of a small group of naysayers who will never be satisfied The will of the community has been held hostage long enough. Our history should inspire our future, not impede it. Let's move forward. Thank you all for the work that has been put in on this MOA... we want to move forward. We don't want the satisfaction of the few to trample the desires of the many. We support this. We enthusiastically endorse it.	Thank you for your comment. It will be included in the project record.	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
147	South Side Neighbors for hope	...so many of the people out there that had been on this bandwagon of repeatedly saying that it's destroying Jackson Park, might not have actually looked at the plan for the park. And so I encourage all of you to maybe go back and look at the environmental plans, all of the planting. The fact that every tree that will be taken down, many of which are diseased or not in good state or don't represent the diversity that probably should be there and probably won't be there in 10 or 20 years due to climate change, that these are being replaced with a very incredibly well thought out environmental plan to make sure that the parkland that the OPC will be sited on is going to be suitable for wildlife, for children and for people of our South Side communities but also people from our nation to bring them together.	Thank you for your comment. It will be included in the project record.	N/A
148	South Side Neighbors for hope	One of the most promising aspects of the OPC is the closing of Cornell Drive, where vehicles currently speed through the two unmeted crosswalks, all but blocking pedestrian access to the park north of 67th St. It is worth noting that a modern NEPA analysis would have identified the construction of Cornell Drive in the park as causing significant adverse effects on the historical "Olmsted vision" as well as on human safety and wildlife resources. Rectifying this 60-year-old wrong is one of the many benefits of the OPC. I am particularly pleased by the inclusion of the Design Review of the Recreation Replacement at the East End of the Midway Plaisance, which emphasizes that the Chicago Park District is responsible for this play area for our children.	Thank you for your comment. It will be included in the project record.	N/A
149	SSNH	My organization does not see a need for a further meeting to finalize this document, as important as it is, and instead we are confident that any minor changes that need to be made can be done so over email or other time-efficient methods of communication. I've been following the Section 106 process and do not feel that another meeting is necessary for the MOA to be signed. We desperately need this process to move forward; our community has been waiting for this for years. Please reconsider this additional meeting, it is not necessary and will likely be perceived as another attempt at derailing a process that has already taken longer than any of us had anticipated.	A final meeting of Consulting Parties is being scheduled but will focus on describing revisions to the MOA, answering questions about the revisions, and outlining next steps for signatures.	N/A
150	SSNH	I would like this process finalized and the MOA signed. I am satisfied with the process and the final MOA. I do not see the need for an additional meeting and would instead like to see this project move forward with no further delay.	Thank you for your comment. It will be included in the project record.	N/A
151	Sun Times Press	Can someone please get some ballpark estimate of the costs for the projects?	Cost estimates are not typically provided at this point to ensure no interference with the contracting process for the stipulations within the MOA. Costs would be available at time of award.	N/A



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152	The Cultural Landscape Foundation	The abdication to consider any methods to avoid and/or minimize the adverse effects that have repeatedly been identified since the very first consulting party meeting on December 1, 2017. Section 106 requires that alternatives be developed to address adverse effects – this did not happen, which is a contravention of established law, policy, procedure and precedent. Instead FHWA declared that it and the federal regulatory process were helpless, impotent and powerless to address the “city action” that would enable construction of the OPC, despite established precedent to the contrary. The Section 106 managers in this case were complicit in the undermining of a process meant to safeguard the nation’s unique and historic built legacy.	The FHWA, in coordination with NPS and USACE, has complied with all procedural requirements for the Section 106 process as described in the regulations at 36 CFR Part 800. The Federal agencies will continue to comply with all procedural requirements for the remainder of the Section 106 process. Section 106 of the National Historic Preservation Act (NHPA) (now codified at 54 U.S.C. 306108), requires agencies to (1) consider the effects of their undertakings on historic properties and (2) offer the Advisory Council on Historic Preservation an opportunity to comment. The Federal agencies are not mandated under the NHPA to adopt measures to avoid, minimize or mitigate adverse effects to historic properties. The Advisory Council on Historic Preservation (ACHP) issued regulations, found at 36 CFR 800, which prescribe the process for implementing Section 106 of the NHPA. The regulations acknowledge that the goal of the consultation process is to seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The Section 106 regulations do not provide a definition of “mitigation”; however, in the National Environmental Policy Act (NEPA) context, “mitigation” is broadly defined to include (1) avoiding the impact altogether, (2) minimizing impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time, or (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20). FHWA embraces this broad, all encompassing, definition of mitigation. The FHWA has considered many avoidance and minimization efforts, and those that are feasible have been incorporated into the undertaking. Those avoidance and minimization efforts are documented and described in the Assessment of Effects documentation (dated January 2020) and the 36 CFR 800.11(e) documentation (dated March 16, 2020). Those documents have been shared with all consulting parties and are also available on the City of Chicago’s website: <a href="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</a> . Avoidance or minimization measures that have previously been proposed by consulting parties, and dismissed, will not be re-considered. For example, the Federal agencies considered comments from multiple consulting parties suggesting that the Obama Presidential Center (OPC) be relocated outside of Jackson Park to avoid an adverse effect to historic properties. 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.	N/A
153	University of Chicago	On behalf of UChicago, we believe the process has been fair as is the draft MOA. Thank you for your work. We have no other comments at this time.	Thank you for your comment. It will be included in the project record.	N/A
154	VHBA	Given the lack of public park space in the South Side, would like to reiterate our objection to not creating new park space to replace park lost by OPC and calling the existing park of the Midway as replacement as part of UPARR. This was promised in the ordinance first submitted by the City to grant the land to the Library now OPC	UPARR does not require that replacement recreation be located on vacant land or land that is not already used as a park. The City evaluated alternative replacement UPARR locations, including Harold Washington Park and five vacant sites located between 57th Street and 71st Street. The City evaluated these sites for their similarity to the qualities exhibited by the area where the conversion is proposed, including accessibility to the lakefront, pedestrian accessibility from Woodlawn and Hyde Park, and its historic, Olmsted-design character. The City also considered whether it already owned the sites or would need to acquire them and address any need for remediation. The City and the Chicago Park District concluded that the east end of the Midway Plaisance best meets the required criteria under UPARR and is the most feasible and prudent site to select as a UPARR replacement property for recreational improvements.	N/A
155	VHBA	Appreciate that there is now recognition of the historic importance of the Woman’s garden, but it is still being destroyed by the current plans. Why not treat the garden like many historic planners have done with historic facades: keep it as it is but build the OPC to incorporate it as it is. Surely, there are other areas that could be used for the staging. The Women’s Garden should not be destroyed in order to be used as a construction staging area and then redesigned.	The proposed changes to the Women's Garden are not part of FHWA's action or NPS's action. The changes are part of the OPC plans, and are not subject to Federal review and approval. Nonetheless, it is worth noting that the limestone wall of the Women's Garden will be rebuilt incorporating the original limestone in the exact location, and at the same elevation, as the current wall. Modifications to the grading and the pathways between the central circular lawn and the larger network of Jackson Park circulation have been proposed to create accessible routes into the space (bringing the Women’s Garden into compliance with the Americans with Disabilities Act) and to facilitate stormwater management.	N/A

Comment Number	Affiliation	Comment	Response	MOA Section Reference
156	VHBC	<p>We note that the City has not had a good history in seeking community involvement: in 1982, the federal government forced the City of Chicago through a consent decree to create local park councils in order to ensure that local communities would be able to control their own parks. Yet, throughout this process, the City has not consulted the community when making decisions, notably, the lack of community input in selecting the Midway as UPARR replacement; the creation of initial designs for that area without local community involvement; the initial decision to use the Midway for a private parking garage, etc. We further note that the Midway Plaisance Park Advisory Council passed the following resolution on 11 September 2019: "Any changes that happen to the Midway, we want to be sure that the Midway will not lose or come close to losing its listing on the National Register of Historic Places."</p>	<p>The Jackson Park Historic Landscape District and Midway Plaisance will still be listed in the NRHP if the proposed undertaking is implemented as described in the Assessment of Effect. Further, as proposed, while the undertaking will cause an adverse effect to this historic property, it will not sufficiently diminish or remove the overall integrity of the historic property in such a way that it will no longer qualify for NRHP listing. These conclusions are based on analysis by the Illinois Department of Transportation cultural resource staff, who meet the Secretary of Interiors professional qualification standards. The IDOT analysis is included in the final AOE in a memo dated 09/19/2019.</p> <p>The MOA has been revised to provide SHPO and Consulting Parties the opportunity to review and comment on landscaping features and other character-defining elements of the design for the east end of the Midway Plaisance.</p> <p>The nearly 40 year old consent decree was vacated in 1989. It is not in effect anymore, and is not applicable to this project.</p>	<p>See MOA Stipulation I.G</p>
157	Vista Garage	<p>...over and above the Federal assurance that these mitigations will take place, I'm very concerned that they will fall by the wayside as funding and other priorities raise their heads. The City does have many, many other priorities and if the implementation of all of these mitigations falls on the City of Chicago, how can we assure that they will actually take place?</p>	<p>The duration of the MOA is five years. This is a standard period that is appropriate for implementing the measures in the MOA's stipulations. Attachment C to the MOA sets forth a target schedule for these measures. The MOA requires FWHA to give the parties to the MOA an annual summary report detailing work undertaken pursuant to the MOA, thereby facilitating transparency on progress to achieve the commitments made in the MOA.</p>	<p>See MOA Stipulation III, Stipulation IV, and Attachment C</p>