

Federal Review – Frequently Asked Questions

Prepared on July 28, 2018

Regulatory Process

Why are the National Park Service (NPS) and the Federal Highway Administration (FHWA) preparing separate Environmental Assessments (EAs) under the National Environmental Policy Act (NEPA) and performing separate Section 106 reviews? Aren't federal agencies supposed to work together on a single EA that evaluates the cumulative effects?

FHWA and NPS are working together on combined reviews under the National Historic Preservation Act (NHPA) and under NEPA. Under NHPA there will be one **Assessment of Effects** (AOE) and potentially one **Memorandum of Agreement** (MOA) that considers impacts to historic properties from the proposed actions of FHWA and NPS. Similarly under NEPA, one **Environmental Assessment** will be prepared that considers impacts of the proposed actions of the two agencies.

The agencies' integrated approach differs from what was presented at the March 29 consulting parties meeting, but it should simplify the public's access to information, among other benefits. It is also consistent with guidance from the Advisory Council on Historic Preservation (ACHP) and other federal directives to coordinate agency reviews.

The Federal Highway Administration will continue to act as the lead agency on the NHPA Section 106 review and the National Park Service will act as the lead agency on the NEPA review, while working closely together on both efforts. Each agency will still make independent determinations relating to their authority, but both will draw from the same information gathered during the NHPA and NEPA processes.

Why isn't the decision to locate the Obama Presidential Center (OPC) in Jackson Park under direct Federal jurisdiction?

The decision whether to locate the OPC in Jackson Park belongs to the City of Chicago and is not a federal decision. The Chicago Park District owns and operates Jackson Park for the benefit of Chicago and its residents. Federal involvement arises if the City seeks Federal funds or a Federal permit or requires Federal regulatory approval. In this case, certain changes that the City proposes in Jackson Park are subject to review by Federal agencies, notably the NPS and the FHWA.

Under the Urban Park and Recreation Recovery Act (UPARR), NPS reviews any use changes of lands acquired under that statute (in this case, Jackson Park) that are not public recreation uses. While NPS is not reviewing the OPC project or participating in the decision to locate the OPC in Jackson Park, NPS is reviewing the impact of the OPC on public recreation opportunity within Jackson Park. It is also reviewing public recreation impacts from traffic improvement measures in the park in light of the anticipated roadway closures. The traffic improvement measures are being reviewed by the FHWA as well. Under the Federal-Aid Highway Program, the FHWA makes available federal funding to state departments of transportation and local agencies for roadway

projects. Any roadway project for which the City proposes to use Federal-aid funding is subject to authorization and approval by the FHWA.

As part of their reviews, both NPS and the FHWA must comply with NEPA, which concerns environmental impacts, and Section 106 of the National Historic Preservation Act, which concerns impacts to historic resources.

Why is the current level of environmental review an Environmental Assessment (EA) and not an Environmental Impact Statement (EIS)?

Federal agencies prepare EAs in order to determine whether the Federal action has the potential to cause significant impacts. An EA results in one of two findings: a Finding of No Significant Impact (FONSI) or a directive to conduct an EIS.

Why did the Obama Foundation present its project to the Plan Commission and City Council prior to completing Federal reviews?

Decisions related to proposed actions in Jackson Park require separate local, state, and Federal approvals, and these processes are proceeding in parallel and complement one another. We are at a point where approval of the proposed plans for the OPC at the local level is appropriate. As stated throughout the presentation, final plans for the OPC will be considered in the context of the NEPA and Section 106 processes, including the adoption of potential mitigation measures.

Why isn't the decision to close roads in Jackson Park subject to Federal review?

The roads proposed for closure are not Federal roads, and no Federal approvals or Federal funds are involved in closing them. In addition, the existing roadways in Jackson Park were excluded from the Federal UPARR grant restrictions (see grant documents posted online). The City anticipates converting the closed roads to parkland, and the NPS will evaluate the impact of the new parkland on the historic integrity of the park.

Why did the South Lakefront Framework Plan (SLFP) update assume the Obama Presidential Center and road closures were a given? How can the Federal reviews be based on "changes to support the SLFP" when those two decisions pre-dated the SLFP public process?

The SLFP is a forward-looking document that provides a general framework for future decisions concerning Jackson Park. The SLFP includes the Obama Presidential Center and the proposed road closures because these near-term projects are anticipated to proceed and will provide important context for future decisions about Jackson Park in the years to come.

How will the outcomes of the Federal review process impact Obama Presidential Center development plans?

As indicated in all OPC, CDOT and CPD planned development and lakefront protection ordinance documents, any final plans for the OPC will be considered in the context of the NEPA and Section 106 processes, including the adoption of potential mitigation

measures. In addition, the UPARR process may identify displaced recreational uses for which mitigation is required.

Why did the Section 106 process begin before establishment of final purpose and need statements, alternatives and a preferred alternative to base the analysis on?

The joint Section 106 process conducted by NPS and FHWA will inform the historic impact review under NEPA. It is common practice that the Section 106 process proceeds in parallel with the NEPA review. To initiate the Section 106 process, the City looked at the scenario with the most conservative assumptions, thus ensuring a comprehensive inventory of relevant historic features. Public review of key NEPA documents detailed the purpose and need, alternatives and, eventually, a preferred alternative is currently ongoing. Those documents are posted online as they become available. The public is invited to review and share comments as each project milestone is released.

Please clarify why the period of significance was chosen for the Section 106 process and provide maps of the historic landscape and circulation pattern that will serve as the baseline for impact analysis.

The period of significance, which was determined by the State Historic Preservation Office (SHPO), refers to the time frame when the park achieved its primary historic value. The period of significance for the historic designed landscape of Jackson Park and the Midway Plaisance is 1875 to 1968. This is an adjustment from the initial draft of the Historic Properties Inventory report that listed 1875 to 1953. This revised time frame encompasses design and initial construction beginning in the 1870s, the 1893 World's Fair, and subsequent redevelopment as a park based on the 1895-1897 plans of Olmsted, and compatible additions associated with the Works Progress Administration (WPA) and the Chicago Park District through 1953. Additionally, 1954 saw the installation of Nike missiles in Jackson Park, subsequent infill of water features, and a period when roadway changes began to compromise the historic designed landscape of the Park. Not all changes between 1954 and 1968 are considered contributing features to the Park's historic significance. The National Register nomination for Jackson Park and the Midway (available online) establishes the park's significance under Criterion C, which relates to distinctive characteristics representative of the work of a master (such as Olmsted). The preparation of the Historic Properties Inventory (HPI) Report for this project may in the future be used in evaluating additional criteria of significance for the purpose of an updated National Register nomination, if pursued. Please see the final draft of the HPI for more information on this topic.

How will the public participate in the NEPA process?

Draft NEPA documents are being released for public review as they become available. The public is invited to send comments to DPD@cityofchicago.org concerning the NEPA documents at any time and until the public comment period closes (which will be defined at a later date).

Please note that NEPA does not require a public scoping meeting in advance of preparing an environmental assessment. However, the City intends to hold at least two public meetings to share information and receive input on components of the

environmental assessment. Details about any public meetings related to the NEPA documents will be shared publicly once confirmed.

What will happen from a regulatory perspective on the eastern end of the Midway if it becomes the location for UPARR replacement recreation?

Any land designated to fulfill the city's UPARR obligation will be encumbered with a UPARR designation. This means that any significant change in the future to the recreational uses in the designated area will be subject to review by NPS. And, if any recreation use within the new Midway UPARR site were to be proposed for conversion to non-recreational use at some future date, the City would be required to replace it elsewhere.

How will a recreational use be determined for the eastern end of the Midway if it becomes the location for UPARR replacement recreation?

The City and NPS have identified the easternmost portion of the Midway Plaisance as the most suitable UPARR replacement site (in terms of proximity and quality) for the proposed converted recreational areas in Jackson Park. The City is developing a public process to discuss recreation uses on the Midway that is intended to begin in late Summer 2018.

What does the National Park Service consider to be a "recreational use"?

Under UPARR, NPS considers public recreation use broadly. The agency supports the community's previous proposal for a children's nature park in the Midway as public recreation, if that remains the outcome of the upcoming public process.

How will the City replace the displaced baseball field if it is not located on the eastern end of the Midway?

The City and CPD are working collaboratively to identify additional parcels outside of Jackson Park and the Midway that would be suitable for a baseball field. Baseball fields are not currently proposed for the Midway.

Separately, CPD is actively working to upgrade three existing baseball fields within Jackson Park. That work is anticipated for completion in 2019.

Please describe the UPARR grants the City has received.

The City received two UPARR grants for Jackson Park in the early 1980s. The City received the first grant in 1980 in the amount of \$125,300 (UPARR Grant No. 17-CTY-1670-80-02) as pass-through funding to the Woodlawn Organization for the operation of "community-based recreation awareness, anti-vandalism training, and park rehabilitation programs." The grant documentation recognized that "[t]he area lack[ed] . . . recreational programs available in other areas of the city which hinder[ed] the redevelopment of the community." The City received a second grant for Jackson Park in 1981 in the amount of \$135,870 (Grant No. 17-CTY-1670-80-04) for the replacement of 700 trees and shrubs and restoration of 7,000 square yards of landscaped area within Jackson Park. This grant was intended to improve the aesthetics of Jackson Park and

to enhance picnicking and other “passive” recreational activities through improved landscaping.

The UPARR program was developed in 1978 to provide grants to rehabilitate recreation facilities in economically distressed urban communities. Congress stopped funding the program in 2002.

Grant documents have been posted online for public reference.

Will the replacement land under UPARR be part of this environmental review process (including Section 106)? Has the City requested the “delayed replacement option” from the NPS?

Yes, the proposed replacement land is already a part of the Section 106 Area of Potential Effect (APE), and it can be included in the environmental review without any modifications to the APE boundary. No, the City has not requested the delayed replacement option.

Why is the Chicago Park District moving the track and field in Jackson Park prior to the completion of the NEPA and NHPA Federal reviews?

Relocation of the existing track and field is a local action only and does not trigger Federal review under NEPA or NHPA. NPS becomes involved when recreational uses are proposed for conversion to non-recreational uses within UPARR designated areas. In this case, no recreational resources are proposed for conversion (only relocation). Therefore, NPS does not need to review.

The Chicago Park District submitted a Lakefront Protection Ordinance application to the Chicago Plan Commission in January 2018 and it was approved in May 2018. Therefore, they are entitled to proceed with the elements included in that application, namely relocating the track and field.

One of the two baseball diamonds displaced by the relocated track and field will be enhanced and relocated elsewhere in Jackson Park and the second will be located in the surrounding neighborhood (exact details are still to be determined).

Historic Features

Is the current roadway configuration in Jackson Park, including those roads that have been widened, a defining characteristic of the Olmsted, Olmsted & Eliot plan of the park?

The overall system of vehicular circulation within Jackson Park and the Midway Plaisance is a defining characteristic of the park. The overall system largely retains its historic pattern and alignments that channel movement within the Park and provide definition to the surrounding landscape spatial organization. However, it has been determined in the Historic Property Inventory that the roadways which were widened during the period of significance are not characteristic of Olmsted plans for the park.

What does it mean if a building or structure is within the APE, but not constructed within the period of significance?

The period of significance in the Historic Property Inventory (HPI) defines the timeframe when the park achieved its primary historic value as a designed landscape, in this case, the period from 1875 to 1968. Resources identified within the Area of Potential Effects (APE) during preparation of the HPI that are listed on or eligible for listing on the National Register of Historic Places (NRHP) will be evaluated in the Assessment of Effects report, regardless of whether that resource was constructed within the period of significance.

What will happen to the artifacts found during archaeological testing and future construction excavation?

Artifacts found during archaeological testing will be made available to the Chicago Park District (CPD) for appropriate handling. An inadvertent discovery plan for dealing with artifacts found during construction excavation is something that can be discussed during the final stage of the Section 106 review (writing the Memorandum of Agreement) if any adverse effects are found.

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

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

What is happening to the historic berms along Stony Island Avenue?

The berms within Jackson Park are being assessed as part of the Section 106 review and defined as part of the overall cultural landscape of the Park. Many sections of the original berms have been removed or altered by previous construction projects in Jackson Park. We anticipate that the widening of Stony Island will have no effect to the crown of the berms. There may need to be some minor re-grading of the western slope of the berms due to the widening of Stony Island.

Transportation

How does the Section 106 process relate to Section 4(f)?

Section 4(f) of U.S. Department of Transportation Act of 1966 (which only applies to FHWA) and Section 106 of the NHPA (which applies to both FHWA and NPS) both mandate consideration of the potential effects of federal actions on historic or cultural sites. Although the requirements of these two laws differ, it is common practice for transportation agencies to address compliance with both laws in a coordinated approach.

The most important connection between the two statutes is that the Section 106 process is generally the method by which historic properties are identified that would be subject to consideration under Section 4(f). The results of the identification step under Section 106 — including the eligibility of the resource for listing on the National Register of Historic Places, are a critical part of how a transportation agency fulfills its obligations under Section 4(f).

The most important difference between the two statutes is the way each of them measures impacts to historic sites. Whereas Section 106 is concerned with adverse effects, Section 4(f) is concerned with “use.” The two terms are not interchangeable, and an adverse effect determination under Section 106 does not automatically equate to a Section 4(f) use of the property.

If it is determined that a proposed transportation project will “use” a Section 4(f) property, the project proponent must demonstrate that there is no feasible and prudent alternative that avoids the Section 4(f) properties, and that the transportation project includes all possible planning to minimize harm to the Section 4(f) properties. The City is in the process of evaluating alternatives that can meet these requirements.

How will the City sequence construction projects to minimize traffic impacts?

The construction of the roadway projects will be completed in multiple stages to minimize traffic impacts. The sequencing of projects is being coordinated with the OPC construction. The final sequencing of projects has yet to be determined. Cornell Drive will remain open until construction is complete on other roadways to accommodate the diverted traffic. CDOT will work through its Project Coordination Office to coordinate with all planned construction activities on roadways in Jackson Park and in the surrounding neighborhoods.

How will the roadway changes impact traffic levels in and around Jackson Park?

The roadway closures will require modifications to the streets in and around Jackson Park. The traffic studies completed indicated that the implementation of the roadway improvements to Stony Island, Lake Shore Drive and Hayes Drive will effectively handle traffic resulting from the closure of roadways. Travel times should not be negatively impacted following the roadway improvements.

How is Stony Island drop-off being coordinated?

The proposed drop-off area was coordinated through standard development review between CDOT and OPC. The proposed curb-side drop-off and pick-up design provides a wider parking lane to accommodate anticipated loading and unloading activities, similar to other museum destinations currently operating in the City of Chicago. To ensure the area would operate without impacts to Stony Island operations, the Obama Foundation’s traffic consultant provided pick-up/drop-off queuing analyses for buses and autos to support the design.

What is the historical roadway alignment compared to the existing and proposed?

The historical roadway alignment used as a basis of comparison is the 1905 General Plan for Jackson Park. The existing roadways in Jackson Park have been modified from this plan over the past 100 years, along Cornell Drive, Hayes Drive, and with the removal of supplemental access drives. The proposed roadway changes will likely use the example of recent projects in Jackson Park as a basis for design, where roadway geometry followed historic alignments where feasible and provided transportation corridors along historic alignments in other locations. The proposed changes will provide the opportunity to better reinstate the curved alignment at the intersection of Hayes and Cornell.

Other Topics

Given that the University of Chicago proposal to locate the OPC on the South Side of Chicago has been referenced in the NEPA Draft Purpose and Need statement, why has the proposal not been included as an exhibit or addendum?

All information on the OPC's potential use of public land and related information involving City resources and civic planning has been disclosed and was discussed at open public meetings and hearings in 2015. The public process continued in subsequent years as the Obama Foundation has further developed plans for the site. During the bid process for locating the OPC, the Obama Foundation committed to applicants that the content of bids that did not involve the City or public resources would remain confidential.

Did the city collaborate with the University of Chicago on the development of the University's proposal?

The University of Chicago led a collaborative effort to bring the OPC to the South Side. This collaboration included a wide variety of other community and university partners in Chicago.

On March 20, 2014, the Obama Foundation released a Request for Qualifications (RFQ), to solicit responses from institutions or other parties interested in hosting the OPC. On June 16, 2014, the University of Chicago submitted a response to the RFQ in collaboration with organizations and civic leaders on the South Side and across Chicago. On September 15, 2014, the Obama Foundation announced that the University of Chicago's collaborative effort was selected for the next round in the Obama Foundation's site selection process and issued a Request for Proposal (RFP). On December 11, 2014, the University of Chicago submitted a collaborative response to the RFP.

In January 2015, the Chicago Park District hosted community meetings with thousands of residents in Woodlawn and Washington Park to discuss the use of small portions of Jackson or Washington Park as the site for the OPC. These meetings included presentations with extensive information on the potential use of park sites, and this information was made available to the public online. On February 11, 2015, the Park District board approved the transfer one of the sites to the City of Chicago if it was selected by the Obama Foundation for the OPC. On March 18, 2015, the Chicago City

Council unanimously approved a measure to accept a section of Jackson Park or Washington Park from the Chicago Park District to be available for the OPC.

The Obama Foundation announced on May 12, 2015, the City's proposal to locate OPC on the South Side of Chicago in either Jackson Park or Washington Park. On August 3, 2016, the Obama Foundation announced that they had selected Jackson Park as the site of the OPC.

What is the University's relationship with the Foundation and what role will the University play in the future use and occupancy of the OPC?

The University of Chicago is an important partner of the Obama Foundation. Both organizations are currently collaborating on economic development efforts and programming to further our shared goal of supporting and promoting our vibrant South Side community. The Obama Foundation is solely responsible for the fundraising, building, construction, design, and operation of the OPC.

Doesn't the Park District need to replace 19.3 acres of park land, since that is how much land was transferred to the City and subsequently the Obama Foundation?

The City committed in 2015 to replace any open space occupied by the OPC building footprint, not the entire site. The grounds surrounding the OPC buildings will remain open space and must remain open to the general public in a manner consistent with the public's access to the rest of Jackson Park. This is a requirement under state law (the Park District Aquarium and Museum Act).

In addition, as a bonus, the City is also working with Aldermen and the Park District to identify additional properties in surrounding neighborhoods to develop public open space.

Why is the City only replacing roughly one acre of UPARR land outside of Jackson Park?

Based on plans submitted by the City, OPC and CPD, NPS identified whether existing public recreation uses in Jackson Park would be displaced by the presence of the OPC (including road closures) and roadway improvements. NPS determined that roughly one acre of Jackson Park would be converted to uses other than public recreation use and three baseball fields would be displaced. Under UPARR, NPS does not require replacement property to be the same acreage. Instead, NPS focuses on ensuring that the property provides adequate recreation opportunities of reasonably equivalent usefulness and location, taking into consideration the community's recreational needs.

How will trees be impacted?

The City, CPD and OPC have shared initial tree impact studies online. All three entities will take every effort possible to reduce impacts to trees.