

Jackson Park Watch

P.O. Box 15302, Chicago, Illinois 60615

jacksonparkwatch@gmail.com www.jacksonparkwatch.org www.facebook.com/jacksonparkwatch

August 26, 2019

Abby Monroe, Public Participation Officer
Department of Planning and Development
City of Chicago
Via email: abby.monroe@cityofchicago.org

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

Dear Ms. Monroe:

As a consulting party to the Section 106 review of the proposed changes to Jackson Park and the Midway Plaisance to accommodate the siting there of the Obama Presidential Center (OPC), we write to comment on the draft report of the Assessment of Effects to Historic Properties that was issued on July 29 and to address the next steps in the review process.

In this letter, we will discuss the following:

- Determination of Adverse Effect on Jackson Park and Midway Plaisance
- Omissions and Inconsistencies in Assessments of Adverse Effects on Other Historic Properties
- Need for a 4(f) Review Prior to Completion of the Section 106 Review
- Proposed Recreational Changes and Parkland Replacement
- Avoidance, Minimization, and Mitigation
- Definition of the Undertaking and Linkages between Section 106, EIS, and NEPA Reviews
- Scheduling and Further Meetings

I. Determination of Adverse Effect on Jackson Park and Midway Plaisance

We appreciate that the AOE report (Section 1) defines the undertaking under review expansively, that is to say, realistically, in light of the fact that the separate actions of both the Federal Highway Administration (FHWA) and National Park Service (NPS) are the result of and are inextricably tied to the City's actions. We think it essential that this realistic definition of the

undertaking under review be adopted and continued throughout the remainder of the Section 106 review, the 4(f) review, and the National Environmental Protection Act (NEPA) review as well.

We appreciate and totally agree with the determination that there will be clear and significant adverse effects as a result of the undertaking proposed by the City, the Federal Highway Administration (FHWA) and the National Park Service (NPS). We note that the City has adopted and promoted the proposal for the OPC developed by the Obama Foundation along with its demand for road closures and realignments without allowing any open public review or consideration of alternative road designs. We also note that the City's proposal to use the eastern portion of the Midway as acreage for a replacement recreation opportunity to meet the City's obligations to the National Park Service under the UPARR program is speculative and has not been endorsed by the National Park Service.

The AOE report (Section 3.3.2.1) identifies in detail the adverse effects, direct, indirect and cumulative, of the undertaking that would:

- alter the legibility of the design of the cultural landscape in ways that diminish the overall integrity of spatial organization in the property as a whole, ignoring that the park was designed as a single entity;
- alter the systems of pedestrian and vehicular circulation in ways that would further destroy the spatial design, including changing the symmetrical roadway design and spatial patterns that define the connection between Jackson Park and the Midway Plaisance;
- transform the settings of contributing resources in ways that are inconsistent with the Secretary of Interior's Standards for the Treatment of Historic Properties;
- diminish the intended prominence of the Museum of Science and Industry and disrupt the balance between park space and built areas; and
- diminish the sense of a particular period of time and impact the integrity of feeling and the integrity of the conscious design decisions made by the Olmsted firm.

We also agree with the comments of the Advisory Council for Historic Preservation (ACHP), dated August 22, 2019, that the adverse effects are even greater than has been set forth in the AOE report, and that all of the adverse effects should be fully and accurately identified and documented so that the complete picture on adverse effects can be understood, and so that principles of avoidance and minimization can be properly applied.

On a related point, one issue that should be recognized is the numerous attestations to the historic integrity of Jackson Park after 1968, the end date of the period of significance chosen for this review.

- The 1999-2000 South Lakefront Framework Plan adopted by the Chicago Park District after extensive community input states on page 9 in point 6: "Respect Historic Context:

Jackson Park, Washington Park, and South Shore Cultural Center have a proud historic heritage. Carefully consider historic context when proposing circulation alterations.” On page 13 of the same document the Plan asserts “Historic Context is an important consideration as one looks at upgrading present conditions and weighing future improvements. The original Olmsted design has served the park well over time and should not be compromised by future plans.” (See Attachment A.)

- On December 10, 2012, in conjunction with a separate proposed project in Jackson Park, Deputy State Historic Preservation Officer Anne E. Haaker wrote: “As currently designed, [Jackson Park] retains a great deal of its integrity. While some of the original features have been modified, or removed, the remaining defining characteristics such as the overall plan developed by Olmstead (sic), Olmstead, and Elliot as depicted on the 1905 map must be respected. These include, but are not limited to, the Golden Lady statue, the Osaka Garden, the current roadway configuration, the beach house, and the configuration of the lagoons.” (See Attachment B.)
- The Historic Properties Inventory compiled for the current Section 106 review also testifies to the current historic integrity of Jackson Park. In section 2.1.2, Jackson Park Landscape Integrity Analysis, the HPI concludes on page 59 that “Overall, Jackson Park generally possesses a high level of integrity...” and again, on page 60, “Jackson Park generally retains a high level of integrity.”
- Finally, the Assessment of Effects report itself comes to the same conclusion. In Section 3.3.1 on page 21 it states: “As community needs have changed, alterations to the park have been necessary to sustain its purpose, but the park continues to retain historic integrity because the overall effect of previous alterations retained consistency with the original design principles.” Shortly after that passage comes this summary on page 22: “In aggregate, the majority of alterations to the historic property over time have been consistent with the original design principles applied by the firm of Frederick Law Olmsted, Sr. As established by the HPI, the combination of changes made to date do not impair the integrity of the existing character-defining features reflecting the original design principles.”

II. Omissions and Inconsistencies in Assessments of Adverse Effects on Other Historic Properties

We disagree with and call attention to the report’s finding in Section 3.4 that there will be no adverse effects on other historic properties adjacent or proximate to Jackson Park and the Midway Plaisance. The draft AOE report should be revised to correct the following errors and omissions:

- The draft AOE report utilizes incorrect assumptions about the impact of traffic and parking diversions on these properties as a result of the road changes required by the

OPC design. In Section 3.1.2, p. 15, the report asserts that the major north-south roadways “will not experience perceptible changes in traffic. Traffic volumes are not anticipated to be largely dispersed to lesser volume roadways through historic districts.” This implausible and awkwardly worded conclusion is based on the Traffic Impact Study conducted for the City by Sam Schwartz Engineering and released on February 2018.

Jackson Park Watch commissioned an independent assessment of the CDOT road proposal and of the Sam Schwartz study on which it is based. That assessment was conducted in May 2018 by Patrick E. Hawley, P.E., PTOE, of raSmith, a national civil engineering and surveying firm with transportation expertise. (See Attachments C-1 and C-2.) That independent assessment (Attachment D) identified several problematic aspects of the Sam Schwartz report, in particular with regard to the estimates for traffic diversions at both the major roadway and the local street levels. Among the examples of questionable conclusions in the AOE report as a result of reliance on incomplete data is the assertion that 67th Street would be unaffected even though the traffic volumes on that street at the southern border of Jackson Park were predicted to increase by 25-30%.

The AOE report’s determination of “No Effect” on historic residences along/by that street should be reexamined and corrected for the final version of the AOE report. Similarly, the assertion in Section 3.1.3 on page 17 that the neighborhood roadway network north and south of Jackson Park and the Midway Plaisance will “only experience minor traffic increases that will not be perceptible” lacks credibility and should be reexamined and corrected. The entire issue of traffic diversions throughout the area should be revisited to allow for a thorough assessment of effects on historic structures and areas – and to avoid increased traffic problems in an area that already experiences frequent traffic overload.

- The loss of existing on-street parking and the impact of expanded visitor parking along the streets adjacent to Jackson Park has not been addressed in the draft AOE report. As noted by the Sam Schwartz report, the road reconfigurations and closures will result in the loss of over three hundred free, centrally located parking spaces within Jackson Park. Of particular note is the proposal to ban parking along Hayes Drive between Lake Shore Drive and Cornell Drive, an area that is heavily used for parking by people accessing playing fields, natural areas and the 63rd Street beach. The proposed parking garage to be built on the OPC campus is designed only to accommodate visitors to the OPC proper, not to accommodate local park users who will come for other activities. Either those local users will no longer be able to access Jackson Park or they will seek on-street parking along the streets adjacent to the Park, causing congestion and other problems for near-by residents in South Shore, Woodlawn, and Hyde Park. This, too, should be considered an adverse effect on these areas. Discussion of the impact of inadequate parking should be included in a corrected final version of the AOE report.
- As noted by the ACHP, the City and FHWA have inexplicably failed to conduct a proper above-ground-level analysis of the visual impact of the OPC museum tower on the surrounding properties, neighborhoods and historic districts despite the ready availability

of relatively inexpensive technology; see Section 3.1.2, p. 15. That omission should be corrected in the final version of the AOE report.

- The failures to properly assess the visual impact of the OPC and the impact of new traffic patterns and other aspects of the undertaking in Section 3.4.5 seem particularly egregious when considering the “No Effect” determination regarding the Jackson Park Terrace Historic District. The Jackson Park Terrace Historic District will experience adverse effects in several regards: the alterations proposed for Stony Island between 60th and 62nd streets, far from improving traffic, will severely impact access into and out of that residential area. The increased traffic will assuredly increase the amount of traffic noise to which the residents will be subjected. The intrusion of a 235’ tower in the near proximity – replacing healthy mature trees – will clearly have adverse visual effects. The conclusion that the undertaking will not alter the District’s integrity of feeling and association should also be reexamined. The assessment of the District needs to be corrected in the final version of the AOE report.
- Similarly, the assessment of the Hyde Park-Kenwood Historic District in Section 3.4.6 should be reviewed and corrected. It is illogical and disingenuous to apply a single criteria and “No Effect” assessment to all parts of the large Hyde Park-Kenwood Historic District, an area that is more than a mile square, when one well-defined portion of the district – the area east of the ICRR Viaduct and Embankment – is adjacent to and will be immediately and directly impacted by the undertaking in ways that the rest of the historic district will not. The necessary and proper approach is to consider that impacted segment, that fronting on 59th Street and Stony Island Avenue, separately. It contains an NRHP-eligible residential high rise, a daycare center, the Earl Shapiro Campus of the University of Chicago Laboratory Schools serving kindergartners and early elementary grade students, a number of low-rise apartment complexes, the headquarters office of a national sorority, and, at the north end of Stony Island, a Chicago public elementary school. Here again the proposed undertaking will cause severe adverse effects for this area. It is already crowded with both vehicular and pedestrian traffic many hours every weekday as a result of the operations of the schools and daycare center. Under the proposed OPC and related road plans, traffic volumes will increase, with attendant increased dangers to both vehicles and pedestrians in the already busy area. The proposed reconfiguration of the roadway connections between the Midway Plaisance, Stony Island, and Cornell Drive into a new pattern with several forced extremely sharp turns will cause confusion, consternation and accidents. Traffic noise will increase. Visitors to the OPC will likely attempt to find free, on-street parking the area, an area that already experiences severe parking problems all day long each weekday. The visual impact of a 235’ tower looming at the south end of the district will be an additional adverse effect. Here, too, is a significant incomplete and erroneous assessment that needs to be corrected in the final version of the AOE report.

We also note for correction a misstatement on p. 43 of the draft AOE report of the boundaries of the HPK Historic District. It is bounded roughly by 59th St. on the south and by 47th St. on the north.

III. Need for a 4(f) Review Prior to Completion of the Section 106 Review

In the mid-1960s federal legislation was enacted to help preserve publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state or local significance. The Section 106 review now underway is mandated by one of those pieces of legislation, the Historic Preservation Act of 1966. The Department of Transportation Act, also passed in 1966, likewise included a special provision, called Section 4(f), to assist in this effort to protect these important sites.

Section 4(f) provides that the FHWA cannot approve an action that would use land from a significant public park, recreation area, wildlife or waterfowl refuge, or historic site unless there is no feasible and prudent alternative to the use of that land and unless the decision about the proposed FHWA action includes consideration of all possible alternatives to minimize harm to the property resulting from use. A 4(f) review is required to determine whether that is the case.

Jackson Park is an example of the type of property to which the 4(f) mandate applies. However the FHWA has not carried out the mandated 4(f) review to date, a review that is necessary for completion of this Section 106 review and to inform the efforts to avoid and/or minimize adverse effects to this historic site.

Instead, major sections of the AOE report currently reflect the insistence of the FHWA and City that the roadway changes *proposed* to accommodate the Obama Presidential Center as described in Section 1.1.1.2 are actually in effect. Discussion of *Effects from Federal Actions* in Section 3.3.2.2 reflects this stance as does the discussion of Minimization and Mitigation of Effects in Section 5.0, which for example asserts that “the FHWA considered a wide range of alternatives to avoid and minimize effects to Jackson Park while meeting the objectives of the project.”

There is simply no evidence of such considerations. In fact, FHWA has not done a substantive search for feasible and prudent alternatives to the closure of Cornell Drive between 59th and 63rd Streets, closure of the section of the Midway Plaisance roadway between Stony Island Avenue and Cornell Drive, and the additional related major changes to Lake Shore Drive, Stony Island Avenue, and Marquette Drive. Prudent and feasible alternatives have not been investigated – although several have been identified – and planning to avoid and/or minimize the harm of the proposed roadway changes to Jackson Park has not occurred. As a result, the Section 106 review cannot come to a proper conclusion until the FHWA has conducted a proper 4(f) review.

IV. Proposed Recreational Changes and Parkland Replacement

The City’s proposals for recreational changes and parkland replacement (Section 1.1.1.3) are ill-conceived and, as the AOE report determines (Sections 3.3.2.2, p. 24 and 3.3.2.3, pp. 30-33), would have an adverse effect on Jackson Park and on the Midway Plaisance. The one exception is the proposed relocation of the track and field, which alone among the proposals would be

consistent with Secretary of the Interior standards. The City must develop new proposals for recreational parkland replacement in keeping with both Section 106 and UPARR protocols.

With regard to the requirements for replacement parkland under the terms of the Urban Parks and Recreation Recovery Act of 1978, we note that the National Park Service has not yet approved the City's proposals for either the OPC campus or the Midway Plaisance. We also note that the UPARR legislation (Section 72.72.b.3.ii) does not require that the replacement parkland be located at the same site: "Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions."

We have previously communicated concerns about the determination of replacement parkland to Morgan Elmer of the NPS. (See Attachment E.) We offer the following comments on the information in the draft AOE report and the City's presentation on August 5.

- Although it was not discussed at either of the August 5 meetings, the City's presentation (slide 8, Proposed Changes to UPARR Designation) seems to indicate that (1) the vacated roadway footprints, scattered throughout the park, are to be counted as new recreational park space, and (2) the area on the OPC campus that is judged to violate UPARR standards includes all of the buildings around the main plaza (museum, forum, library). Though no acreage is specified for that OPC plot, it is obviously greater than the one-acre footprint of the museum building, which had previously advertised as the amount of replacement parkland needed to meet UPARR requirements; perhaps it matches the 5.2 acres of the east end of the Midway Plaisance that the City proposes to use as replacement parkland (Section 1.1.1.3, p. 4). More and accurate information on this point is required.
- An unspecified amount of vacated roadway should not count as recreational replacement parkland.
- Claiming that the 5+ acres at the east end of the Midway Plaisance is proper replacement parkland for the park space lost to the OPC should be disallowed on several grounds.
 - First, the Midway is already parkland. This attempt at double-counting does not pass inspection. The UPARR designation should be applied to new space(s) that would add to, not subtract from, the amount of public parkland available to nearby residents.
 - Second, the City's proposal to establish a playground on that portion of the Midway, if executed, would violate the Midway's status on the National Register of Historic Places and, as the AOE report concludes, would constitute an adverse effect.

- Third, on page 4 of Section 1.1.1.3, the AOE report describes the land in question as including “an isolated low-quality wetland.” Historically both the proposed OPC site and this Midway site were marshy, and the far eastern end of this proposed replacement parkland area now experiences standing water for a good portion of the year. It is well documented that water levels in Lake Michigan have recently risen substantially and that extensive flooding is occurring in multiple areas in Jackson Park. The Park District has asserted that the area could be engineered so as to end the problem of standing water but said at the same time that no studies of the issue have been completed, that no cost estimates are available, and that the cost of any such work would be borne by City taxpayers. Given the predictions of continuing increases in Lake Michigan water levels and the ready availability of other replacement parkland sites in the near neighborhoods, the selection of other sites seems prudent.
 - The UPARR legislation states that "the property should meet existing public recreations needs," but there appears to have been no analysis comparing the number of children who might use a playground in that location with the number of children who might use new playgrounds in other locations in the near neighborhoods. The nearest school serving young children in the area (the University of Chicago Laboratory School Earl Schapiro Campus) already has playground facilities and the adjacent residential high rise has an enclosed playground area as well. An additional consideration in assessing need should be the proximity of the Midway site to the playground to be erected as part of the OPC campus, which will be situated at approximately E. 61st Street, a block to the south along Stony Island Avenue.
 - The area in questions has an active roadway to the east and two roadways on both the north and south, suggesting that safe access to the site could be problematic. Weekday parking is very limited. Here again no data has been presented.
- If the current OPC plan to build in Jackson Park proceeds, the City should provide actual replacement parkland equivalent to the entire 19.3 acre site. The assertions that vacated roadway and other outdoor spaces on the proposed OPC campus constitute public parkland are nonsensical. While the agreements to be signed between the City and the Obama Foundation assert that the OPC campus will be, for the most part, open to all, those same agreements give the Obama Foundation control of the site for 99 years, allow it to maintain, operate, and control the site and the activities and visitors in it, and recognize that the U.S. Department of Homeland Security must review and approve security measures. In no way should this space be considered public parkland or public space at all. As example, Appendix B, Figure 1 of the draft AOE report labels spaces on the OPC campus as “generally available informal picnicking opportunities,” a designation that raises more questions than it answers: For example, will there will be many times when these “opportunities” are not available? Will the “opportunities” be available via reservation as with the Park District’s designated picnic areas?

IV. Avoidance, Minimization, and Mitigation

The Section 106 process requires a hierarchy of review that reflects important policy concerns.

Given a finding of adverse effects, first there must be consideration of avoidance of the cause of the adverse effects, next consideration of minimization of the cause, and, only as a last step, consideration of mitigation.

Given this, we are extremely concerned that the City, IDOT, and FHWA seemed determined to skip the mandated consideration of, first, “avoidance” and then “minimization” as the review continues. Discussion at the August 5 meetings – both the consulting parties and public meetings – made it clear that the City, FHWA, and IDOT intend to subvert proper consideration of the federally mandated steps of avoidance and minimization in seeking ways to address the cause of the adverse effects. This was evident from the slide presentation during the August 5 meetings, which solely described mitigation. The documents and presentation expressly put forward that only mitigation is to be considered, and that is wrong legally and as a matter of policy under Section 106 and Section 4(f). Similarly problematic, Section 5.0 of the AOE report presents the avoidance and minimization steps as already completed, relying upon the truncated definition of undertaking that the City and FHWA have attempted to maintain to date – that is, that the only actions to be considered are the separate actions of the FHWA and NPS rather than the realistic definition of the undertaking as the consolidated, intertwined and inseparable actions of the City, FHWA, and NPS. We anticipate that consistent with the definition of the undertaking in the AOE report, consistent with federal law and regulations, and consistent with the continuing groundswell of concerns over the proposal for the OPC, both avoidance and minimization will be seriously and closely considered so that not only will the OPC project be improved as a result, but that this critical process be upheld and enhanced.

- *Avoidance*, as the preferred remedy, should be the first remedy explored. Given the determination that the current proposal for the OPC would, as a whole, have an adverse impact on Jackson Park, the avoidance option would be to relocate the OPC outside of Jackson Park elsewhere on Chicago’s South Side, recognizing that the OPC will be a success and a beacon of pride and promise for Chicagoans wherever it is located. There are other suitable spaces available on the South Side that would not compromise an historic park and would enhance the positive impact of the OPC as a direct catalyst for economic development on particular areas of the South Side. Similarly, given the determination of the adverse impact of the City’s proposal to use the eastern portion of the Midway Plaisance to satisfy UPARR requirements for replacement parkland, the avoidance option would be to seek space elsewhere in the community for this purpose. The change of location, perhaps to West Woodlawn or other nearby park-poor areas, would greatly improve the value and beneficial impact of the project for the community.
- *Minimization*, as the second remedy to be considered, presents several options that would be compatible with the possibility of siting the OPC in Jackson Park but with a different and redesigned footprint. Such options include:

- keeping Cornell Drive open, but with a narrowed profile, traffic calming features and multiple enhanced pedestrian crosswalks;
- retaining the east bound segment of the Midway Plaisance given its importance to the iconic design linking the Midway and Jackson Park;
- retaining the Perennial/Women’s Garden in its present state but with enhanced pedestrian crossings to connect with Jackson Park;-
- right-sizing the OPC museum tower to make it compatible with the Olmsted design for the park that established the Museum of Science and Industry as the dominant building;
- retaining more of the mature trees on the OPC site and throughout the park.

Consideration of such alternatives would be both realistic and effective. We note that Obama Foundation officials have stated in direct conversation with Jackson Park Watch that the OPC could and would be built in Jackson Park even if Cornell Drive were to be kept open. Plans for a narrowed and calmed Cornell Drive have been proposed before: Project 120 developed such a plan in 2014-15 to address the problems of vehicular speed and pedestrian safety while also respecting the Olmsted design, and the concept was endorsed by the Park District. The professional traffic study commissioned by Jackson Park Watch and referenced above suggested the option of narrowing but not closing Cornell Drive as a traffic-effective and cost-effective alternative to closing the drive and transforming Hayes Drive into a new express crossway. Such alternatives should be considered as part of the minimization discussion.

- *Mitigation* is the remedy of last resort, and the least satisfactory of the options with regard to historic preservation. At the August 5 meetings, the City and federal officials gave several examples of possible mitigation steps in this case along with examples from other projects, actions such as taking measurements and creating a photo archive of the site as it is now. All would seem to result in the decertification of Jackson Park and the Midway Plaisance from the National Register of Historic Places, a step that would leave a cloud over the OPC and a troubled legacy for the current mayoral administration.

Here too, the comments from the ACHP are important because they affirm our concerns regarding the absence of proper consideration of avoidance and minimization to remedy the adverse effects documented by the AOE report. All of this suggests that these steps are being ignored so as to implement a predetermined result insisted upon by the applicants. Such a process violates Section 106.

V. Definition of the Undertaking and Linkages between Section 106, EIS, and NEPA Reviews

As noted above, we applaud the expansive – and realistic – definition of the undertaking as set forth in Section 1.1 of the draft AOE report and believe that it is critical that this expansive and inclusive definition is adopted for the remainder of the Section 106 review and for the NEPA

review going forward. We continue to have grave concerns about segmenting the definition of the undertaking in such a way that the proposals for changes in Jackson Park are considered in separate silos. Such a slice-and-dice approach makes no sense, because the designs for the OPC and the roadways are completely intertwined and the parkland replacement issue flows directly from that integrated plan. Such an approach is also yet another violation of Frederick Law Olmsted's vision of the park as a single entity. We have already discussed the failure of the FHWA to conduct a required 4(f) review as a result of this flawed stance.

Just as there is a critical need for a legitimate and complete 4(f) review, there is a critical need for a proper NEPA review and a full Environmental Impact Study (EIS). The magnitude of the project, the already documented adverse effects, and the critical policy considerations and legal requirements all mandate that an EIS be performed.

Importantly, the recent significant rise in Lake Michigan water levels, an increase that the U.S. Army Corps of Engineers has predicted will continue, calls into questions the viability of some key elements of the undertaking. For example, plans call for an underground parking garage on the site of the Obama Presidential Center. Both the OPC and underground parking garage are to be situated adjacent to the western edge of the West Lagoon in Jackson Park. Due to the high water level in Lake Michigan, Jackson Park is already experiencing flooding in multiple locations. Construction of an underground parking garage in this location would require creation of what is called a "bathtub," as was done for the parking garage at the Museum of Science and Industry, constructed in 1999 at a cost of \$57 million. Additionally, plans call for a 235' museum tower on the same site, a building that would need to be grounded in bedrock. The City is insisting on locating UPARR replacement parkland at the east end of the Midway, another site in close proximity to Jackson Park lagoons and one that already suffers from intermittent flooding. Since water levels are expected to continue to rise as a result of climate change, there are critical questions concerning not only the costs of construction and maintenance in these at-risk locations, but also the long-term viability of such facilities. Expert examination of the environmental impact and feasibility of these plans is urgently needed now, and should part of a detailed and complete EIS.

We have seen the results of the attempt to truncate the definition of the undertaking into unrealistic segments in the deeply flawed NEPA documents developed by the City, FHWA, and IDOT in 2018 (still posted on https://www.chicago.gov/city/en/depts/dcd/supp_info/jackson-park-improvements.html). These documents pretend that the City's action – the plans for the OPC and the roadway closures it demands – is completely disconnected from the current Section 106 and NEPA reviews rather than being the trigger for them. They disingenuously assert that the proper procedure is to assume that the OPC is built and the road closures are in place and to conduct the Section 106 and NEPA reviews as if that construction were complete, resulting in the fanciful proposal that the proper "baseline" for review is the completed project.

We have previously outlined our objections to this approach with regard to the Section 106 review (statements of January 4, 2018 and April 18, 2018). We also outlined our concerns about

how this approach distorted and invalidated the preparations for the NEPA review. Our letter of April 18, 2018 to Eleanor Gorski and John Sadler (Attachment F) stated our concerns about the flawed “Purpose of and Need for Action – Federal Highway Administration” developed by the City for the FHWA and dated February 6, 2018. Our letter of July 4, 2018, to the same project leaders (Attachment G), stated our concerns about the “Alternatives To Be Carried Forward” report, which used the flawed Purpose and Need statement as its basis. Now that the AOE report has documented the clear adverse effects on Jackson Park and the Midway that we and others have feared, it is vital that these flawed NEPA documents be discarded and that they be redrafted to conform to the realities of the situation.

VI. Scheduling and Further Meetings

The ACHP has identified flaws in the content of the AOE report relating its failures to provide complete detail relative to the adverse effects. It has also identified flaws relative to the Section 106 process to date, flaws that were evident in the timing and conduct of the August 5 meeting. We echo these sentiments, and believe that there needs to be a much more thorough, detailed and procedurally proper process, with significantly more time allowed to actually prepare the reports, more fully and accurately identify the adverse effects, and then review and discuss them. The failure to address these issues will allow a flawed and incomplete process to continue.

We appreciate the opportunity to participate as a consulting party in the Section 106 review and look forward to the next steps in that process.

Sincerely,

Brenda Nelms and Margaret Schmid
Co-presidents, Jackson Park Watch

cc: Matt Fuller, Federal Highway Administration; Arlene K. Kocher, Federal Highway Administration; David Clarke, Federal Highway Administration; Lee Terzis, National Park Service; Morgan Elmer, National Park Service; Jaime Loichinger, Advisory Council on Historic Preservation; Eleanor Gorski, Chicago Department of Planning and Development; Nate Roseberry, Chicago Department of Transportation; Brad Koldehoff, Illinois Department of Transportation; Anthony Rubano, Illinois Historic Preservation Agency; Heather Gleason, Chicago Park District; Bonnie McDonald and Lisa DiChiera, Landmarks Illinois; Gerald Adelman, Ted Haffner, and Stacy Meyers, Openlands; Ward Miller and Mary Lu Seidel, Preservation Chicago; Juanita Irizarry, Lauren Moltz and Fred Bates, Friends of the Parks; Charles Birnbaum, The Cultural Landscape Foundation; Dan Marriott, National Association of Olmsted Parks; Betsy Merritt, National Trust for Historic Preservation; Michael McNamee and Karen Rechtschaffen, Save the Midway; Bronwyn Nichols Lodato, Midway Plaisance Advisory Council; Walter Kindred, SSCC Advisory Council; Naomi Davis, BIG; Jawanza Malone,

Kenwood-Oakland Community Association; Alex Goldenberg, STOP; Jack Spicer, Promontory Point Conservancy

Attachments:

- A. Jackson Park South Shore Cultural Center South Lakefront Framework Plan. Phase 2 ([link](#))
- B. Illinois State Historic Preservation letter, December 12, 2012
- C-1. Patrick E. Hawley curriculum vitae
- C-2. raSmith Corporate Overview
- D. "CDOT's Transportation Plan for the Obama Presidential Center in Jackson Park: A Review and Alternative," May 10, 2018
- E. JPW letter, August 27, 2018, regarding replacement parkland
- F. JPW letter, April 18, 2018, regarding NEPA Purpose and Need statement
- G. JPW letter, July 4, 2018, regarding NEPA ATBCF report