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August 30, 2019

Ms. Abby Monroe  
Public Participation Officer  
City of Chicago Department of Planning and Development  
121 N. LaSalle Street, 10th Floor  
Chicago, IL 60602

Dear Ms. Monroe,

We are submitting these comments regarding the Assessment of Effects to Historic Properties (AOE) as a Consulting Party for the Section 106 process for the proposed undertaking in and adjacent to Jackson Park. As a Consulting Party, we welcome the candor of the AOE report, particularly the adverse impacts on the historic nature of Jackson Park. Despite this recognition, Openlands feels that this report disregards or omits several pertinent issues and items that are germane to both the Section 106 process and the undertaking. Given the interrelationship between various processes and the issues noted herein, Openlands strongly recommends that the National Park Service (NPS) and Federal Highway Administration (FHWA) conduct an Environmental Impact Statement (EIS) based solely on the results of the AOE. These issues and items are as follows:

## **1. Process and Policy**

Openlands appreciates both the clear and thorough definition and subsequent examples of adverse effects presented in Section 3.1.1 (Definitions and Guidelines) of the AOE. Openlands recommends a similar approach in Section 5.0 (Minimization and Mitigation) so that all Consulting Parties understand the terms used in the first sentence: “The following summarizes efforts made to minimize or avoid impacts or effects to historic properties.” Openlands understands that as part of the Section 106 process, avoidance and minimization precede mitigation both as policy and regulation. We note these strategies are cogently missing from both the NPS and FHWA actions as presented in the AOE. We recommend the report be revised to both include the definitions of avoidance, minimization and mitigation, as well as describe the linear progression to addressing adverse impacts by these means within the Section 106 process. We note that to date, both avoidance and minimization have been ignored with respect to the undertaking. Furthermore, in section 1.2 and 1.3, the AOE presents a very clear and thorough explanation of the NPS and FHWA actions. As Federal Agencies, both the FHWA and the NPS may not be as well versed on the local issues, particularly a feasibility study by U3 Advisors that showed the alternative Washington Park location to be the least impactful and most preferential site. This analysis is completely ignored in terms of the policy and regulatory trajectory: avoidance, minimization, and mitigation.

Additionally, there is no reference to the 4(f) review within Section 5.0 of the AOE. Openlands understands that the 4(f) process is a separate but intertwined element of the National Environmental

Policy Act (NEPA), but we were surprised by this omission given Jackson Park's listed designation on the National Register of Historic Places. Openlands understands that 4(f) is a substantive law and precludes project approval if there is a use of a historic site when a prudent and feasible avoidance alternative is available. Again, the operative word avoidance arises and yet is critically missing from Section 5.0. Moreover, since the Section 106 process cannot be completed until the 4(f) process is complete, delaying (or omitting the results) of the 4(f) process is problematic because it short-circuits the Section 106 process as well as the search for alternatives. Therefore, Openlands recommends that a description of the 4(f) process to date, if not the results, be included as part of this AOE.

What is not so clear is the concluding paragraph in section 3.2 (Presentation of Assessment.) The AOE indicates that information within the report was included at the request of the Advisory Council on Historic Preservation (ACHP) and the agreement of the project sponsor (the City) but does "not obligate either NPS or FHWA to address mitigation related to these reasonably foreseeable/probable actions. Furthermore, inclusion of this evaluation does not commit either NPS or FHWA to proceeding similarly with respect to other undertakings or obligate these agencies to future mitigation actions not related to the federal actions." As we have commented previously, it is important to recognize and note that both the FHWA and NPS actions and adverse impacts cited in the AOE would not occur but for the Obama Presidential Center (OPC) project. Worse, this statement appears to clear the way for the proposed golf course to be ignored altogether as part of this undertaking as an impact and/or adverse effect on the Park, yet not require an additional Section 106 review process in the future – despite the fact that both these projects share common costs and design elements as part of this review.

## **2. FHWA Actions – Roadway Configuration:**

As illustrated in previous comments, both Cornell Drive and the southern portion of the Midway Plaisance eastbound lane are reflected in all of the plans generated for the post-1893 World's Columbian Exhibition plans for Jackson Park. Furthermore, Marquette Drive is also recognized for all plans except the 1895 plan. Pursuant to, and complimentary of, the comments above, Openlands has similar concerns regarding the proposed roadway closures and widenings. As witnessed by the various iterations of the Park District's South Lakefront Framework Plan, there was no effort to undertake design solutions that explore avoidance or minimization. Avoidance would include adjusting the location of the proposed OPC to fit within the current historic roadway configuration. Minimization would include explorations of traffic calming measures such as road narrowing, bumpouts, etc... to reduce speed and increase safety while maintaining the current roadway alignments. With these comments we note:

- That the AOR fails to acknowledge the hierarchy of roads both present during the period of significance. This hierarchy was both an intentional design element and an invaluable tool to Olmsted as a means to provide varied park experiences. Unfortunately, past alterations to Jackson' Park's roadway networks have eroded this experience. Therefore, it should be noted that the proposed future closures and widenings will further the loss of the park-like scale of roads that are either eliminated altogether (Cornell, Marquette) or increased in width to become arterials (Hayes). If this road plan is fully implemented, there will be no remaining park-scale roads, arguably impacting and denying a valuable way to experience the park.
- A traffic analysis of the proposed plan by raSmith indicates that the original study by Sam Schwartz was flawed and that avoidance and or minimization measures would be acceptable without impacting traffic.
- As highlighted above, the FHWA actions and adverse impacts cited in the AOE would not occur but for the Obama Presidential Center (OPC) project.

- The closure of Marquette Drive has no beneficial impact on the undertaking other than to more easily accommodate the proposed golf course renovation. As previously highlighted, the golf project is omitted as part of the undertaking.

While the AOE presents eight bullet points on pp. 22-23 specific to the nature of the impacts and adverse effects, we feel that the general nature of these eight items trivializes both the effects and adverse impacts to the Park. For example, the first bullet point indicates that “the changes alter the legibility of the design of the cultural landscape in ways that diminish the overall integrity and spatial organization in the property as a whole.” What is not mentioned is the fact that 350-400 mature trees will be removed to accommodate the roadway reconfigurations alone. While these trees will no doubt be replaced at some mathematical value, we note the following cumulative effects not discussed in the AOE:

- Replacement trees will likely not be replaced at an inch for inch diameter value, typical of CDOT projects. Assuming these trees have an average diameter of 12”, CDOT would have to plant +/- 2,250 trees at 2” diameter to replace these +/- 375.
- While the AOE deals with historic impacts, Openlands would like to point out that these landscapes are also functional. Mature trees not only have a different aesthetic, but also provide important functions in terms of climate change mitigation benefits that will not be recognized through immature trees. These include carbon sequestration, heat island mitigation, rainwater interception and flood reduction.

### **3. NPS Action - Replacement Parkland:**

Openlands has many issues with the replacement parkland associated with the NPS actions. First and foremost, it seems odd that the proposed replacement parkland as required by the Urban Park and Recreation Recovery (UPARR) grant agreement is slated for transfer to existing parkland. While Openlands is not an expert on UPARR Act grants, we note:

- The Chicago Park District is not pursuing an acre for acre allotment of replacement parkland for the entire 19.3 acres of the project despite numerous opportunities for such replacement within the adjacent neighborhoods.
- The proposed UPARR replacement site at the eastern end of the Midway has not been approved by NPS.
- That the proposed replacement parkland site both sits on an existing wetland and does not appear to have the support of the community.
- As highlighted above, the NPS action and adverse impacts cited in the AOE would not occur but for the Obama Presidential Center (OPC) project.

### **4. Missing or Incorrect Information**

The AOE suggests that the visual impact analysis of the OPC tower is sufficient based on the description of activities presented in Section 3.1.2 as well as in the Appendix. Additionally, this issue was brought to light in the Consulting Parties meeting on August 15. The description of means and methods for this assessment, as well as the Appendix exhibits and the City’s explanation regarding this matter are rudimentary and insufficient. Inexpensive technology does exist through products like TerrSet geospatial monitoring and monitoring software. A license for the Terrset product costs approximately \$1300, while other products of similar quality and affordability no doubt exist. Openlands recommends that a more robust visual analysis be conducted and the determination of effects be re-examined, especially for the areas immediately adjacent to the proposed OPC site including but not limited to the Wooded Island, the

Jackson Park Terrace Historic District, The Hyde Park-Kenwood Historic District as well as regular intervals of the entire Midway Plaisance.

As previously mentioned, an independent report by raSmith examines the original traffic study performed by Sam Schwarz Engineering. This report finds multiple inconsistencies and incongruities and requests further information for five separate assumptions. Additionally, the report contains seven other noteworthy points as well as an alternative conceptual plan for consideration. Given the cost over-runs with which the City currently faces, the traffic analysis should be re-examined by an independent firm and the pertinent AOE sections revised as necessary.

Similarly, as previously indicated, there is no mention of the Golf Chicago effort to combine the Jackson Park course and the South Shore course into a single championship caliber golf course. At the very least, this effort should either be:

- Included within this undertaking given its direct relationship with the closure of Marquette Drive, or;
- Listed with the other activities in Section 3.5.1 (Methodology) as an unrelated activity that are currently and reasonably foreseeable given its own impact on Jackson Park as a designated National Register of Historic Places.

## 5. Call for NEPA EIS

As Openlands indicated in the opening paragraph of these comments, we feel there is enough complexity and inconsistency associated with the undertaking to call for a deeper examination of this project. Once again, we praise the AOR for its honest and open reporting on the adverse impacts to Jackson Park. In a process that has been historically closed rather than transparent, this information is welcomed.

At the very first Section 106 meeting, a portion of the meeting was dedicated to explaining the Section 106 process and its integration into the NEPA process. For reference, this graphic is highlighted below in Figure 1. What is striking about this graphic is the six buckets associated with the NEPA process, all of which are directly related to the proposed undertaking in ways that have not been sufficiently addressed or studied with any modicum of diligence. The Section 106 process reveals adverse impacts on Jackson Park as a historic resource. While noise and traffic have been somewhat addressed within the AOE, our comments indicate that a deeper examination should not only be explored but is necessary. Moreover, the proposed OPC tower will be located approximately .10 mile from arguably one of the City's most beloved destination for bird watching on the Wooded Island. The recently installed

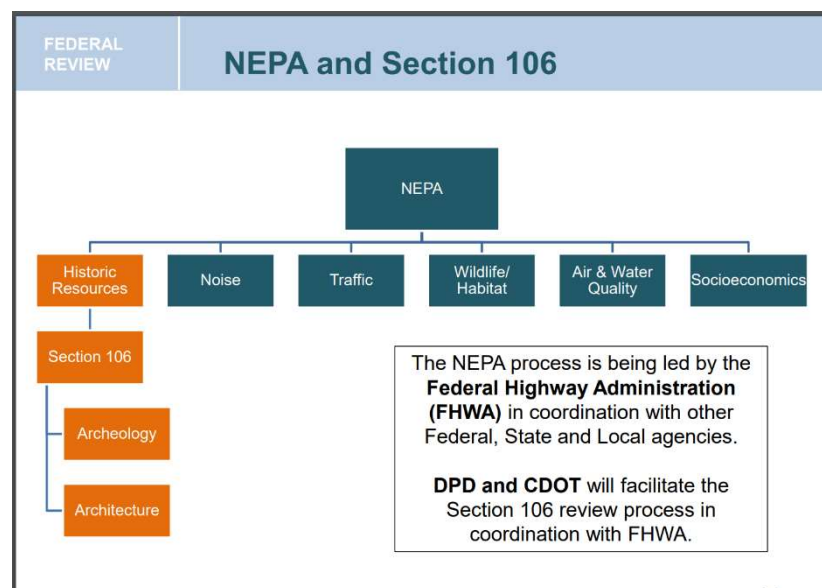


Figure 1: Introductory Process Slide Presented to Consulting Parties on 12/1/2017

GLFER restoration project increases habitat, but a deeper understanding of the undertaking's impacts on these wildlife and habitat areas are not well understood. Similarly, the air and water quality impacts from the undertaking are also not well understood. We know that stormwater must be addressed on-site as part of the City of Chicago requirements. We also know that the proposed redesign of the historic Women's Garden serves solely as a stormwater retention area for the OPC site to meet the City requirements. Simultaneously, as the recently updated Bulletin 70 indicates, Chicago is currently experiencing increasingly larger storm events. How will the undertaking and the proposed stormwater strategies serve to deal with the increasing amounts of precipitation? Finally, there has been much discussion regarding the undertaking and its effects on the socioeconomics of the adjacent communities. Many local community groups seek a Community Benefits Agreement (CBA) while other meetings address gentrification. Rents in the area are already becoming unaffordable for some who have long suffered a lack of investment.

It is Openlands understanding that an EIS will more thoroughly address and study the effects of the undertaking on all of these issues. As Exhibit 1 correctly indicates, the Section 106 process will be complete only when a NEPA determination has been made by NPS. Yet as Exhibit 2 indicates, a less thorough Environmental Analysis (EA) is slated, tidily completing the process in a matter of mere months. We note that Exhibit 2 indicates that all dates are subject to change, however, we are also aware that the project timeline has slipped, and the project sponsors are eager to proceed.

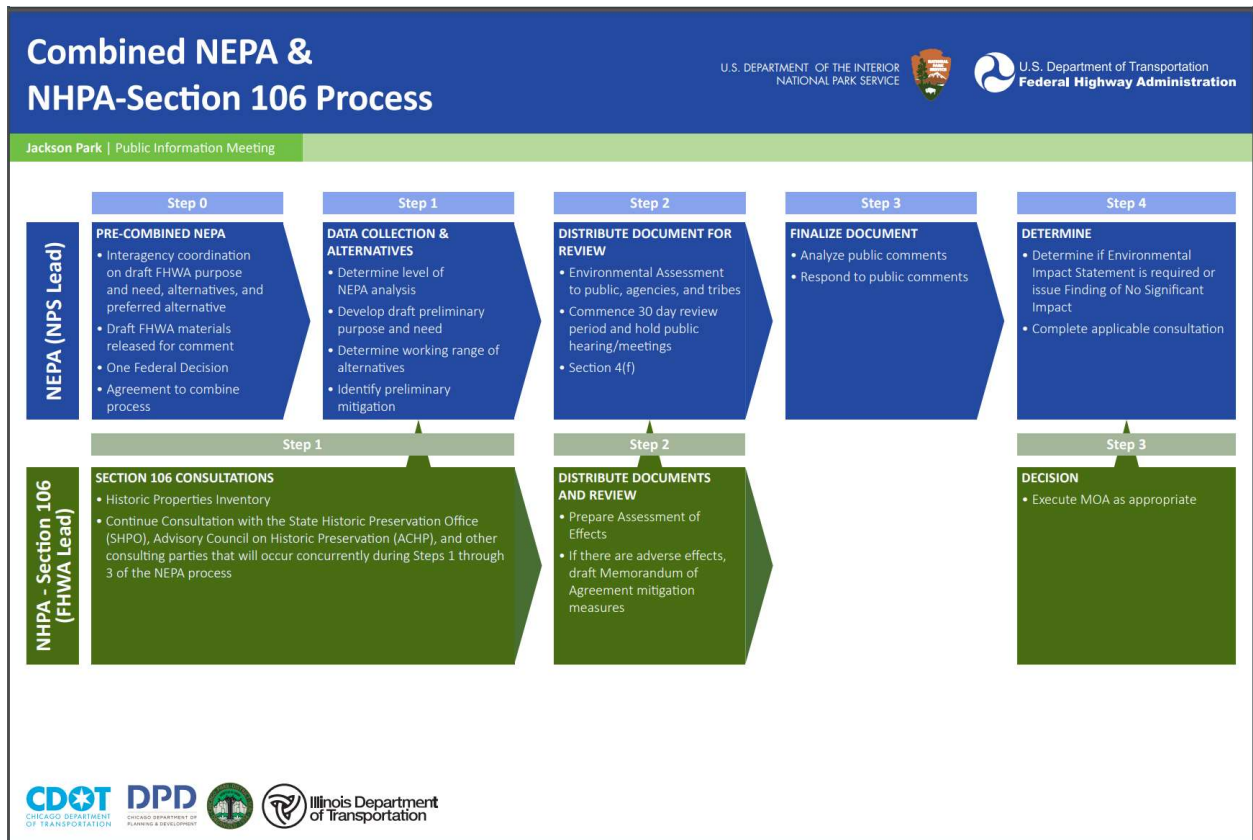
At each comment submission, Openlands as a Consulting Party concerned about access to open space, reiterates its support for the OPC on the south side of Chicago. But as the AOE indicates, the undertaking to date has flaws and serious impacts on Jackson Park as a historic resource. Therefore, we request that the AOE be revised as suggested and that both the NPS and FHWA recognize the complexities and various tensions of this undertaking and commit to an EIS. While this is a longer process, it is imperative that the avoidance and minimization alternatives other than mitigation be explored so that the impacts to this historic and officially recognized park are fully minimized to the extent possible.

Sincerely,

Gerald Adelman  
President and CEO, Openlands

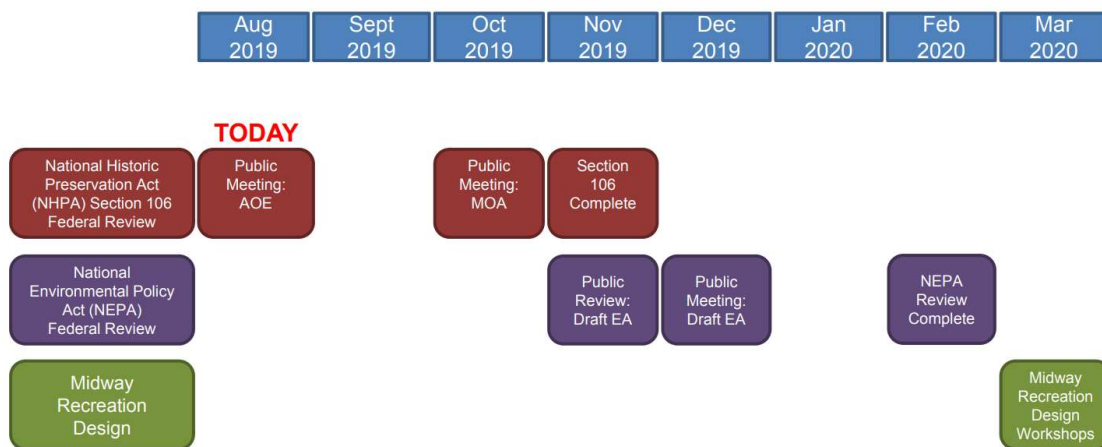
cc: David Clarke, Federal Highway Administration; John Fowler, Advisory Council on Historic Preservation; Jaime Loikinger, Advisory Council on Historic Preservation; Samir Mayekar, City of Chicago

## Exhibit One: NEPA Schedule Presented at Introductory NEPA Presentation, 9/17/2018



**Exhibit Two: Updated Section 106 Schedule Presented at Third Consulting Party Meeting, 8/5/2019**

## Anticipated Timeline\*



*\*All dates are subject to change.*