



August 28, 2019

Ms. Abby Monroe
Coordinating Planner
City of Chicago
Department of Planning and Development
121 N. LaSalle, Room 1000
Chicago, Illinois 60602

Dear Ms. Monroe,

As a designated consulting party to the National Historic Preservation Act Section 106 review and the National Environmental Policy Act (NEPA) review underway for Jackson Park, The Cultural Landscape Foundation (TCLF) is pleased to comment on the draft Assessment of Effects (AOE; “Assessment of Effects to Historic Properties: Proposed Undertaking In and Adjacent to Jackson Park, Chicago, Illinois”), publicly released by the City of Chicago on July 29, 2019.

We commend the explicit commitment to use the *Secretary of the Interior’s Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes* as a baseline of analysis in preparing the AOE (AOE, p. 14), and we believe that doing so will further aid consulting parties as they fully consider efforts to avoid, minimize, or mitigate adverse effects to properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP). We are also pleased that the AOE formally recognizes and evaluates the effects of non-federal actions on historic properties (AOE, pp. 2, 6, 20 ff.) as part of this Section 106 review, categorizing such effects as those to be avoided, minimized, or mitigated and thereby informing the applicable reviews that are still to come in accord with NEPA.

We were, however, surprised when, at a meeting of consulting parties on August 5, 2019, a representative of the city stated that the location of the Obama Presidential Center “is not something that would change.” Given that the undertaking, as defined, includes “the construction of the Obama Presidential Center in Jackson Park” (AOE, p. 2), as well as related road closures, we hope that the city’s remarks do not indicate an intention to place prior restrictions on statutory requirements that direct consulting parties “to seek ways to avoid, minimize, or mitigate the undertaking’s adverse effects.”

With regard to the draft AOE, we believe that the assessment is incomplete for the following reasons, which are discussed in more detail below:

- Effects on the Midway Plaisance, listed in the NRHP in 1972, are not fully assessed, because detailed plans that would directly affect that historic designed landscape, pursuant to the proposed federal action, have not yet materialized.
- Effects on Washington Park, listed in the NRHP in 2004, are not assessed, because no analysis of such effects was undertaken in the AOE (see TCLF’s initial request for such an

analysis [in our correspondence](#) dated January 3, 2018; “Expanding the APE to Include the Entire South Park System”).

- The visual and spatial effects of the undertaking are not fully assessed, because the requisite visual analyses related to the undertaking were not completed.

In addition to the above points, we offer the following comments to suggest necessary improvements to the AOE, which are discussed in more detail below:

- The AOE’s sections titled “Effect Determination” and “Minimization and Mitigation of Effects” contain contradictory statements, and those contradictions must be reconciled to clearly state unambiguous conclusions and preserve the internal logic of the document.
- The AOE’s overall analysis of effects should be reorganized and expanded so as to delineate individual effects on character-defining features of the historic designed landscapes, thus enabling a clearer, more detailed statement of specific adverse effects that are to be avoided, minimized, or mitigated.

I. Completing the AOE

- A. The AOE states (p. 4) that “the future public process regarding the changes on the Eastern Midway will carefully consider the historic nature of the Midway Plaisance and seek to minimize any potential effects to historic properties, pathways, and plantings, to the extent possible.” That passage indicates that effects of the undertaking cannot be fully assessed at this time, because the specific plans to modify the Eastern Midway in order to create recreational space for a conversion under the UPARR Program, pursuant to the undertaking, have not yet materialized. As much was affirmed at a public meeting on August 20, 2019, some 22 days *after* the AOE was released for review, when a representative of the City of Chicago stated that “the concept [for the Midway] is very loose.” At a meeting of consulting parties on March 29, 2018, Eleanor Gorski, now the acting commissioner of the city’s Department of Planning and development, was asked whether potential adverse effects to the Midway Plaisance, stemming from the UPARR conversion, would be assessed during the present Section 106 review, to which she answered in the affirmative. What the present AOE reflects, however, is essentially an ‘IOU’—a general statement that some future process will do its best to “minimize any potential effects” on the National Register-designated landscape.

We believe that any effects to the Midway Plaisance deriving from the undertaking should be fully assessed in the current AOE. To delay such an assessment would be contrary to the purpose of the Section 106 process itself and would deprive consulting parties of the ability to ascertain the impact of the full scope of the undertaking and to weigh whether other prudent action was taken to avoid adverse effects. The provisions and strictures of the UPARR Program have been in place since 1978, when the program was established by law. Furthermore, the city has presumably understood its obligations under the UPARR agreement since it moved to cede land in Jackson Park to the Obama Foundation, so seeking a separate, future review process is unwarranted. Moreover, the staffs of consulting parties and federal agencies are now actively engaged in the assessment process, and the city has already indicated its intention to move

forward with plans that will have demonstrable adverse effects on the historic designed landscape. As signatory consulting parties, the National Park Service and the Advisory Council on Historic Preservation should be fully availed of those plans before the AOE is finalized—all the more so because the Eastern Midway is intrinsically linked to both Jackson and Washington Parks (see below) and would appear to be an inapposite location for recreational activity.

- B. As TCLF stated in an [earlier correspondence](#) to the City of Chicago, of the three tracts of land today known as Washington Park, the Midway Plaisance, and Jackson Park were conceived and designed as a single park. The report to the South Park Commission by Olmsted, Vaux & Co., submitted in March 1871, refers, in fact, to the whole of the bounded area as “The Chicago South Park,” which it then describes as comprising an “Upper Division,” a “Midway Division,” and a “Lower or Lagoon Division.” As such, Chicago’s South Park System is today the only intact park system designed by Olmsted and Vaux outside the State of New York. In failing to analyze potential effects on Washington Park, listed in the NRHP in 2004, the current AOE fails to recognize the essential unity of the three parks. We therefore urge the City of Chicago to provide a full assessment of the potential cumulative and indirect effects of the undertaking on Washington Park, without which the AOE must be regarded as incomplete.
- C. With regard to the visual impact of planned OPC structures, the AOE states (p. 15) that “the ability to capture viewpoints from above-ground level (i.e. upper-levels of a multi-story building) is not available, however, possible views of the OPC Museum Building from elevated viewpoints are noted, as applicable, for historic properties.” The precise meaning of the phrase “not available” in that passage is unclear. In fact, relatively inexpensive (*i.e.*, licensed for less than \$1,000) off-the-shelf software (*e.g.*, TerrSet Geospatial Monitoring and Modeling Software) enabling such analyses has long been widely available. When asked, at a public meeting of consulting parties on August 5, 2019, why the proper visual analyses had not been conducted, a representative of the City of Chicago responded that the city does not have the technology. We believe the city should acquire the technology and conduct a proper above-ground-level visibility analysis of potential effects on all historic properties and districts within a one-half-mile radius of the location of planned OPC structures. Absent those analyses, the AOE is incomplete because the potential adverse effects on such designated resources cannot be fully assessed.

II. Improving the AOE

- A. In the section titled “Effect Determination,” the AOE states (p. 22) that “primary physical changes that are concentrated in the western perimeter of Jackson Park and the eastern Midway Plaisance impact adjacent park areas including the Lagoons, Fields, and Lake Shore.” But the AOE later states, in the section titled “Minimization and Mitigation of Effects” (p. 51), that “The project footprint has been developed to affect a relatively small area of the total acreage of the historic property (approximately three percent).” Both statements cannot be true. One can say that the project footprint was developed *with the intention* to affect a relatively small area of the historic property, and that despite that intention, the AOE has concluded that a much larger portion of historic properties would nonetheless be impacted. This important distinction underscores the fact that the stated efforts to minimize the impact of the OPC during the design phase, so as to affect only

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approximately three percent of Jackson Park, were not successful, as the AOE otherwise makes clear.

Likewise, the AOE states (p. 23) that “New materials with modern functions differ from historic materials at a scale and intent that does not conform to the Secretary of the Interior’s Standards. Integrity of workmanship is obscured by changes to the integrity of park design, the addition of new features and materials, and by the removal and alteration of historic fabric that relates to material integrity.” Despite this clearly stated conclusion that the building materials introduced by the OPC would constitute an adverse effect on the historic property, the AOE later states, again in the section titled “Minimization and Mitigation of Effects” (pp. 51–52), that “the orientation, location, and materials of the Museum Building have been developed with attention to views from the historic property and the skyline surrounding.” The statements are, again, at odds, and the text should be rewritten to note that here, too, efforts to minimize or mitigate effects, with regard to materials, were unsuccessful.

- B. We strongly suggest that the AOE’s analysis of effects be reorganized and expanded so as to delineate individual, categorical effects on character-defining features of the historic designed landscapes of Jackson Park, the Midway Plaisance, Washington Park, and other designated historic resources. As in the original effects assessment, the *Secretary of the Interior’s Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes* should continue to serve as a baseline of analysis. The overall aim is a clearer, more detailed statement of specific adverse effects that are to be avoided, minimized, or mitigated—one that is more comprehensible to consulting parties and the public, and that can be easily converted to a tabular matrix.

TCLF appreciates the opportunity to comment on the draft AOE, and we look forward to responses to all of the issues that we and other consulting parties have raised.

Sincerely,



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

Cc: Eleanor Gorski, Chicago Department of Planning and Development; Anthony Rubano, Illinois State Historic Preservation Office; Matt Fuller, Federal Highway Administration; Juanita Irizzary, Friends of the Parks; Margaret Schmid, Jackson Park Watch; Ted Haffner, Openlands; Lucy Lawliss, National Association for Olmsted Parks; Michael McNamee, Save the Midway!; Lisa Dichiera, Landmarks Illinois; Ward Miller, Preservation Chicago