

Jackson Park Watch

P.O. Box 15302, Chicago, Illinois 60615

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

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Matt Fuller
Environmental Programs Engineer
Federal Highway Administration
3250 Executive Park Drive
Springfield, IL 62703
Via E-mail: Matt.Fuller@dot.gov

RE: Draft MOA for Section 106 review of Obama Presidential Center

Dear Mr. Fuller:

As a consulting party to the Section 106 review since November 2017, Jackson Park Watch has submitted extensive comments, critiques and suggestions about the many major changes proposed to accommodate the Obama Presidential Center in Jackson Park and about the flawed review process run by the City of Chicago on behalf of the FHWA. That process has now yielded a deeply flawed Memorandum of Agreement (MOA).

Given the woefully inadequate nature of the draft MOA presented on July 16, Jackson Park Watch will not be a signatory to the document. The draft Memorandum of Agreement does absolutely nothing to address the well-documented adverse effects on Jackson Park of the current plan for the OPC and the road changes it requires. It does nothing to preserve a central portion of Jackson Park as it has stood for over a century, defined by an Olmstedian vision of open spaces and natural areas. It does nothing to preserve the distinctive circulation pattern laid out by Olmsted or to preserve the historic Perennial Garden/Women's Garden that crowns the intersection of the park with the Midway Plaisance. Despite today's heightened awareness of the civic importance of outdoor space and public parkland, the draft MOA does nothing to provide for new parkland to replace the 19.3 acres that would be lost to the OPC

This completely dismal and inadequate "agreement" is the product of a process characterized by tortured interpretations and misrepresentations. As a result, the proposed MOA is and will continue to be tainted by a strong sense of illegitimacy, a sense that will cast a lingering cloud over the OPC. For the record, we offer a few key examples of how the process came to be so fully compromised.

Deliberate misrepresentation of the South Lakefront Framework Plan. JPW has repeatedly pointed out the deceptive use by the City and the FHWA of the Park District's South Lakefront Framework Plan (SLFP) to assert that the OPC and road changes were required by prior City planning. The record is very clear that the SLFP planning process was launched only after the

plans for the OPC and road changes were completed and announced, and that any review, comment, or critique of those plans was off limits during that process. To the contrary, the planning documents utilized in the public meetings for the SLFP process *presumed* that the OPC site plan and related road changes were unchangeable.

Tortured claim that “City action” is exempt from review. The FHWA accepted and promoted the false narrative that the “City action” -- to approve of and facilitate the construction of the OPC and the related road changes -- was fully separate from and independent of any approval and funding actions by federal agencies, despite ample documented evidence to the contrary. This fiction was then used to declare that, even though the Assessment of Effects report found that the plans for the OPC and related road changes would have severe adverse effects on Jackson Park, they were *exempt from the standard federal review*.

Use of improper baseline for evaluation. As a matter of common sense and logic, when seeking to determine the impact of a proposed action on an existing entity – building, road, park – the evaluation assesses the impact of the proposed action on the entity in its current state. However, the FHWA insisted on an illogical approach in setting the “baseline” starting point for evaluating the effects of the OPC and road changes on Jackson Park. Rather than taking the Park as it stands today as the starting point for the evaluation, the FHWA chose to evaluate the foreseeable impacts of the proposed changes on the *post-construction Park -- the Park as it would be after the OPC is constructed and the planned road changes put in place*. By using this contorted approach, the FHWA avoided conducting a full and legitimate evaluation of the anticipated impact of the proposed OPC and road changes on the Park.

Manipulation of requirements for resolution of adverse effects. Continuing the convoluted and improperly executed Section 106 review process, the FHWA manipulated an important concluding step – development of proposals to resolve the adverse effects. Substituting controlled webinars for substantive engagement with consulting parties, it skipped over the legal requirement to consider proposals to avoid and minimize the adverse effects, arguing *ex post facto* that such considerations had somehow been embedded in the OPC plans from the beginning. Further, in presenting the results of a City-run survey, the FHWA simply excluded from consideration numerous proposals for avoidance or minimization that had been submitted.

In sum, through these and myriad other improper actions large and small, the Section 106 federal review of the OPC and related road changes in Jackson Park has been rendered impotent, setting a precedent that threatens to undermine important federal regulatory protections that have served well to preserve historic and environmentally significant sites for over five decades.

For more specific comments on these and other issues relating to the Section 106 review, we refer you to the many well-documented statements we have submitted to the FHWA and others over the past three years, statements that are in the public record.

Sincerely,

Brenda Nelms and Margaret Schmid
Jackson Park Watch

cc: Todd Wyatt, Chicago Department of Planning and Development; Jaime Loichinger and Sarah Stokely, Advisory Council on Historic Preservation; Arlene K. Kocher and David Clarke, Federal Highway Administration; Lee Terzis, Joel Lynch and Morgan Elmer, National Park Service; Colin Smalley, US Army Corps of Engineers; Eleanor Gorski, Chicago Department of Planning and Development; Nate Roseberry, Chicago Department of Transportation; Heather Gleason, Chicago Park District; Brad Koldehoff, Illinois Department of Transportation; Anthony Rubano and CJ Wallace, Illinois State Historic Preservation Office; Maurice Cox Chicago Department of Planning and Development; Gia Biagi, Chicago Department of Transportation; Samir Mayekar, Deputy Mayor, City of Chicago