MEMORANDUM OF AGREEMENT

AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE NATIONAL PARK SERVICE, THE UNITED STATES ARMY CORPS OF ENGINEERS, THE ILLINOIS DEPARTMENT OF TRANSPORTATION, THE CITY OF CHICAGO, ACTING BY AND THROUGH THE CHICAGO DEPARTMENT OF TRANSPORTATION, THE CHICAGO PARK DISTRICT, THE

ILLINOIS STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING PROJECTS IN JACKSON PARK IN CHICAGO, COOK COUNTY, ILLINOIS

WHEREAS, the Federal Highway Administration (FHWA) plans to fund transportation improvements in and adjacent to Jackson Park, in the City of Chicago, Cook County, Illinois pursuant to the Federal-aid highway program as authorized by 23 U.S.C. § 101 et seq.; and

WHEREAS, the National Park Service (NPS) plans to approve the City of Chicago's request for a partial conversion in Jackson Park in the City of Chicago, Cook County, Illinois pursuant to the Urban Park and Recreation Recovery (UPARR) Act (54 U.S.C. § 200501 et seq.) and conversion requirements (36 C.F.R. § 72.72); and

WHEREAS, United States Army Corps of Engineers (USACE) plans to authorize (1) the City of Chicago's proposed discharges of fill material into waters of the United States, and 2) the Chicago Park District's proposal to alter a Federally-funded ecosystem restoration project under the Great Lakes Fishery & Ecosystem Restoration (GLFER) program pursuant to 33 USC § 1251 et seq. and 33 USC § 408, respectively; and

WHEREAS, the City of Chicago (City) has decided to close portions of South Midway Plaisance, Cornell Drive and Marquette Drive in Jackson Park and has authorized the construction of the Obama Presidential Center (OPC) in Jackson Park by a private organization, The Barack Obama Foundation (Obama Foundation), and these actions require no Federal approvals, licenses, permits, or authorizations; and

WHEREAS, FHWA has defined the undertaking for the purposes of assessing potential effects on historic and/or cultural resources to include the construction of the OPC in Jackson Park by the Obama Foundation, the closure of roads to accommodate the OPC and to reconnect fragmented parkland, the relocation of an existing track and field on the OPC site to adjacent parkland in Jackson Park, and the construction of a variety of roadway, bicycle and pedestrian improvements in and adjacent to Jackson Park, the NPS approval of the UPARR partial conversion, and the USACE approval of Section 404 permits and Section 408 permissions; and

WHEREAS, FHWA has defined the Federal actions to include the funding of roadway improvements and bicycle and pedestrian enhancements by FHWA; amending the UPARR grant agreement and boundary map by the NPS; and Section 404 permits and Section 408 permissions by the USACE; and

WHEREAS, the NPS and the USACE have designated the FHWA as the lead Federal agency to fulfill the Federal agencies' collective responsibilities under Section 106; and

WHEREAS, FHWA has defined the undertaking's area of potential effects (APE) as shown in Attachment A; and

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WHEREAS, the State of Illinois, through the Illinois Department of Transportation, is contributing to the cost of the roadway improvements; and

WHEREAS, the City, an Illinois municipal corporation, is acting by and through its Department of Transportation for purposes of this Memorandum of Agreement; and

WHEREAS, the Chicago Department of Transportation (CDOT) proposes to use Federalaid highway funding and State of Illinois funds for roadway improvement and related activities to mitigate traffic impacts from the proposed closure of roadways within Jackson Park and for bicycle and pedestrian improvements in and adjacent to Jackson Park; and

WHEREAS, the Chicago Park District was created by the Illinois Legislature under the Park Consolidation Act, under which the Chicago Park District exercises control over and supervises the operation of parks within the limits of the City, including for example owning Jackson Park (except roadways, under CDOT jurisdiction, and the 19.3 acre site planned for the OPC, owned by the City) and operating the Midway Plaisance; and

WHEREAS, FHWA has determined that the undertaking may have an adverse effect on (1) the *Jackson Park Historic Landscape District and Midway Plaisance* and (2) the *Chicago Park Boulevard System Historic District*, which are listed in the National Register of Historic Places, and has consulted with the Illinois State Historic Preservation Officer pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, FHWA has invited the NPS, USACE, the Illinois Department of Transportation, the City, CDOT, and the Chicago Park District, to be invited signatories to this MOA; and

WHEREAS, FHWA has consulted with the consulting parties identified on Attachment B regarding the effect of the undertaking on historic properties in accordance with 36 C.F.R. §800.6(a)(1) and has invited them to sign this MOA as concurring parties; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FHWA, IDOT, the City, acting by and through CDOT, the Chicago Park District, the Illinois SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

I. MEASURES

FHWA shall ensure that the following measures are carried out:

Research and Documentation

A. <u>Updated NRHP Documentation</u>. CDOT and the Chicago Park District in consultation with the

SHPO will prepare an updated nomination of the Jackson Park Historic Landscape District and Midway Plaisance to the National Register of Historic Places. The updated nomination will conform to the current standards for nominations to the NRHP. The updated nomination will be prepared by or under the supervision of individuals who meet the relevant Secretary of the Interior's (SOI) Professional Qualification Standards for history or architectural history.

- B. Field Documentation. CDOT and the Chicago Park District will prepare photographs and drawings documenting existing conditions on (a) the 19.3-acre site planned for the OPC, (b) the east end of the Midway Plaisance, and (c) the areas planned for traffic improvements in Jackson Park. The work will be prepared in accordance with the Historic American Landscape Survey (HALS) guidelines for an existing conditions plan, vegetative plan, field photographs keyed to a site plan, and aerial photographs. The work will be prepared by or under the supervision of individuals who meet the relevant SOI Professional Qualification Standards for history or landscape history.
- C. <u>Cultural Landscape Report</u>. CDOT and the Chicago Park District, in consultation with the SHPO, will prepare Part 1 (site history, existing conditions, and analysis/evaluation) and Part 2 (long-term preservation strategy) of a Cultural Landscape Report (Report) for Jackson Park, consistent with NPS standards. The Report will assemble and analyze pertinent historic documentation and will provide recommendations for the long-term management of Jackson Park based on significance, existing condition, and use, taking into consideration all changes to Jackson Park that are proposed as part of the undertaking. The work on the Report will be prepared by or under the supervision of individuals who meet the relevant SOI Professional Qualification Standards and are experienced in cultural landscape identification and evaluation and in the application of the SOI Standards for the Treatment of Cultural Landscapes.

Interpretation

D. <u>Interpretive Materials</u>. CDOT and the Chicago Park District will develop a plan for interpretive materials in collaboration with Consulting Parties, local museums, community groups, schools, and universities, for the purpose of developing a plan for how to best commemorate and present the cultural and natural historical contributions to Jackson Park and its use by South Side residents.

Rehabilitation and Restoration

- E. <u>Comfort Station</u>. CDOT and the Chicago Park District will prepare a Historic Structures Report for the English Stone Comfort Station located on the western perimeter of Jackson Park. The recommendation provided in the Report will be consistent with applicable SOI Standards for the Treatment of Historic Properties and will be used as a basis for rehabilitation of the Station. The Report and future rehabilitation design will be performed by or under the direction of individuals meeting the SOI Professional Qualification Standards for historic architects.
- F. Statue of the Republic. CDOT and the Chicago Park District will prepare a conservation assessment and proposed restoration plan for the Statue of the Republic located at the intersection of East Hayes Drive and South Richards Drive in Jackson Park. The restoration plan will be consistent with applicable SOI Standards for Rehabilitation and will be implemented in phases. The assessment, plan, and restoration will be performed by or under the direction of professional objects conservators with experience in applying the SOI Standards for Restoration.

Design Review

G. Design Review of the Recreation Replacement at the East End of the Midway Plaisance. CDOT and the Chicago Park District will conduct a public engagement process with input from the Consulting Parties and the public to review final design options from the Chicago Park District for the play area features to be used in the recreation planned for the east end of the Midway Plaisance in fulfillment of the City's responsibilities under the Urban Park and Recreation Recovery Act (UPARR). The City will decide the final design to be implemented in the Midway Plaisance, taking into consideration input provided by the Consulting Parties and the public with respect to the design of the play area features. CDOT will communicate the final design to the public and Consulting Parties promptly upon the City's decision.

Planting Review

H. Review of Planting Plans for Required Tree Replacement. CDOT and the Chicago Park District will ensure that planting plans detailing the species and placement of native plantings required in the GLFER mitigation areas are consistent with the original GLFER approval.

II. SUBMISSION OF DOCUMENTATION

CDOT will submit to IDOT, and IDOT will submit to the SHPO for its review, such documents and plans that are developed pursuant to Stipulations I.A-G. In coordination with IDOT, CDOT will circulate these documents and plans to other Consulting Parties for their review.

SHPO shall have 30 days after IDOT's receipt of the field documentation for any of the construction areas identified in clauses (a)-(c) in Stipulation I.B (each, a Field Documentation Area) to review the field documentation. The City and CPD will not begin construction of any elements as defined by the Federal undertaking in any Field Documentation Area until the earlier of (a) the date IDOT receives written concurrence from SHPO that the field documentation referred to in Stipulation I.B for the subject Field Documentation Area is acceptable for documenting existing conditions, or (b) SHPO fails to concur or reject concurrence in writing within the 30 days for review. If SHPO rejects the field documentation for any Field Documentation Area, SHPO shall provide a written statement to CDOT indicating in adequate detail how CDOT has failed to complete the field documentation in conformity with Stipulation I.B., and what measures or acts will be necessary to obtain approval. CDOT shall then resubmit the field documentation to IDOT in compliance with SHPO's written statement, and SHPO shall have 15 days after IDOT's receipt of the submission to review the new or revised documentation. The field documentation shall be deemed approved unless SHPO determines in the 15-day period following submission that CDOT has failed to make a good faith effort to comply with SHPO's requirements.

The City and CPD will not begin construction at the eastern end of the Midway Plaisance until after IDOT receives written concurrence from the SHPO that the final design for the replacement recreation referred to in Stipulation I.G is consistent with the Secretary of the Interior Standards for the Treatment of Historic properties, with respect to standards 9 and 10 which address compatible new additions.

III. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

IV. SCHEDULE, MONITORING AND REPORTING

CDOT and the Chicago Park District will endeavor to undertake the Measures specified in Stipulation I above according to the target schedule appended as Attachment C to this MOA.

No later than June of every year, following the execution of this MOA until all stipulations are implemented or the MOA expires or is terminated, FHWA shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this MOA. CDOT will ensure that the annual reports are made available to the public on a City website.

V. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the way the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

- A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

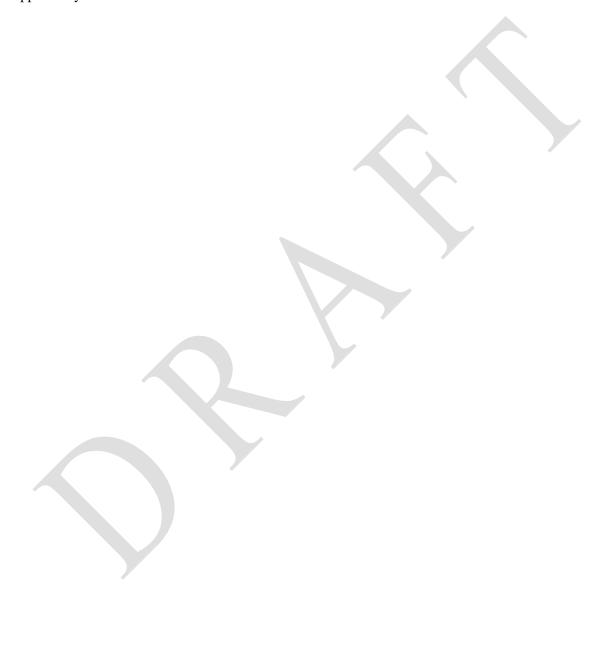
VII. TERMINATION

If any signatory to this MOA determines that the signatory's responsibilities under the MOA will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing under authorization from FHWA, the

NPS, or USACE relating to the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the FHWA, the NPS, USACE, IDOT, CDOT, the Chicago Park District, the Illinois SHPO, and the ACHP and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.



ATTACHMENT A

Area of Potential Effect (APE)







ATTACHMENT B

Consulting Parties

1.	1Woodlawn
2.	20th Ward Service Office
3.	51st Street Business Association
4.	5th Ward Service Office
5.	Advisory Council on Historic Preservation (ACHP)
6.	Blacks in Green
7.	Business Leadership Council
8.	Chicago Historical Society
9.	Chicago Lawyers' Committee for Civil Rights
10.	Chicago Park District
11.	Chicago Transit Authority
12.	Chicago Urban League
13.	City of Chicago, Office of the Mayor
14.	Coalition for the Obama Presidential Center
15.	Cultural Landscape Foundation
16.	Don Nash Park Advisory Council
17.	DuSable Museum
18.	Emerald South
19.	Federal Transit Administration
20.	Friends of the Parks
21.	Hyde Park Academy
22.	Hyde Park Art Center
23.	Hyde Park Historical Society
24.	Hyde Park-Kenwood Community Conference
25.	Illinois Department of Agriculture, Bureau of Land and Water Resources
26.	Illinois Department of Natural Resources
27.	Illinois Department of Transportation
28.	Illinois Environmental Protection Agency
29.	Illinois Natural Resources Conservation Service
30.	Illinois State Archaeological Survey
31.	Illinois State Geological Survey

32.	Illinois State Historic Preservation Office (SHPO)
33.	Jack and Jill Moms Chicago
34.	Jackson Park Advisory Council
35.	Jackson Park Highlands
36.	Jackson Park Watch
37.	Jackson Park Yacht Club
38.	Kenwood-Oakland Community Association
39.	KLEO Community Life Center
40.	La Rabida Hospital
41.	Landmarks Illinois
42.	LISC
43.	Local Chapter of NACWC
44.	Metra
45.	Midway Plaisance Advisory Council
46.	Museum of Science and Industry
47.	Museum Shores Yacht Club
48.	Nation of Islam
49.	National Association for Olmsted Parks
50.	National Trust - Chicago Office
51.	Network of Woodlawn
52.	Nichols Park Advisory Council
53.	Obama Foundation
54.	Openlands
55.	Preservation Chicago
56.	Promontory Point Conservancy
57.	Pullman National Monument Preservation Society
58.	Real Men Charities, Inc., South Shore Current & West of the Ryan Magazines
59.	Rosalie Villas Homeowners Association
60.	Save the Midway
61.	School of the Art Institute of Chicago
62.	South Shore Advisory Council, South Shore Cultural Center
63.	South Shore Chamber
64.	South Shore Works
65.	South Shore YMCA
66.	Southern Shores Yacht Club

67.	Southside Neighbors for Hope (SSN4H)
68.	Southside Together Organizing for Power
69.	The Neighborhood Network Alliance
70.	Tribes - Ho Chunk Nation
71.	Tribes - Miami Tribe of Oklahoma
72.	Tribes - Peoria Tribe of Indians of Oklahoma
73.	Tribes - Potawatomi – Forest County
74.	Tribes - Potawatomi – Prairie Band
75.	Tribes - Potawatomi-Citizen Nation
76.	Tribes - Potawatomi-Hannahville Indian Community
77.	Tribes - Potawatomi-Pokagon Band of Potawatomi
78.	Tribes - Sac and Fox Nation of Missouri
79.	Tribes - Sac and Fox Nation of Oklahoma
80.	Tribes - Sac and Fox Tribe of the Mississippi in Iowa
81.	U.S. Department of the Interior Fish & Wildlife Service
82.	U.S. Environmental Protection Agency
83.	University of Chicago
84.	Vista Garage Building Cooperative
85.	Vista Homes
86.	Washington Park Advisory Council
87.	Westside Health Authority
88.	Woodlawn Community Development Corporation

ATTACHMENT C

Target Schedule

<u>Stipulation I.A – Updated NRHP Documentation</u>

• Submission of the updated nomination to SHPO: to be submitted by the end of 2025

Stipulation I.B – Field Documentation

• final portfolio of documentation: to be completed by the end of 2020

<u>Stipulation I.C – Cultural Landscape Report</u>

• final Cultural Landscape Report: to be submitted by 2024

<u>Stipulation I.D – Interpretive Materials</u>

final plan for interpretive materials: to be initiated in 2021

<u>Stipulation I.E – Comfort Station</u>

- final Historic Structures Report: to be submitted by the end of 2023
- rehabilitation work: to be initiated following approval of the Historic Structures Report

Stipulation I.F – Statue of the Republic

- final conservation assessment and proposed restoration plan: to be submitted by the end of 2023
- restoration work: to be initiated following approval of the conservation assessment and proposed restoration plan

<u>Stipulation I.G – Design Review of the Recreation Replacement at the East End of the Midway Plaisance</u>

Consulting Party input in the public engagement process: to be completed by 2022

<u>Stipulation I.H – Planting Review</u>

• Submission of planting plans: prior to planting of related replacement plants

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National Park Service	
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United States Army Corps of Engineers

Aaron W. Reisinger Date Colonel, U.S. Army District Engineer

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Chicago Park District	
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Illinois State Historic Preservation Officer

Colleen Callahan Date Director, Illinois Department of Natural Resources, and Illinois State Historic Preservation Officer

Advisory	Council (on Historic	Preservation
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Community Task Force for Promontory Point	
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