

Section 106 Webinar Transcript

Thursday, January 23, 2020 at 11:30AM Eastern

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Assessment of Effects

Section 106 Consulting Parties

Final AOE Overview

Operator: Ladies and gentlemen, thank you for standing by. Welcome to the "Section 106: Consulting Parties Final Assessment of Effects Overview". At this time, all participants are in listen-only mode. Later, we will conduct a question-and-answer session. And if you wish to ask a question over the phone, please signal by pressing star-one. I would now like to turn the conference over to your host. Abby Monroe, please go ahead.

Abby Monroe: Okay, thanks, everybody. For those of you looking at the webinar, I'm showing up as Samantha Primer, someone on our consulting team here. But this is actually the voice of Abby Monroe with the City of Chicago and Department of Planning and Development. I'm joined here in the room by several folks from our project team who will introduce themselves over time throughout the webinar, but I will be the primary presenter along with Matt Fuller from Federal Highway Administration. So, I just want to welcome everybody to this webinar for consulting parties on the final assessment of effects. Let me just advance the slides.

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Webinar Participation

Abby Monroe: So, just to give a few tips for your participation today, because this is a new format for the way we've been communicating with you, we wanted to make it easy for everyone to join and, therefore, you can all call in from your office or home today. But we will be giving the presentation for about 20 to 30 minutes and kind of going over the final AOE and the changes that we've made and the comments that we've heard from you all. Any time during that presentation, if you'd like to chat a question, please go ahead and do that. There's a chat feature as a part of the webinar that we are monitoring. If you wouldn't mind including your consulting party affiliation in your chat so we can make sure we know the nature of your comments, and then we will select a few of those to read aloud at the end of the presentation. Or if there's a very pertinent question, we'll try to get to it in real time. All the chatted comments are going to be included in a video and audio recording of today's webinar, and we're going to be posting that online. So, just so you know, this information will be public. And, at the very end of the presentation, after we've addressed a few chatted questions, we'll open up the phone lines for verbal questions and comments from the consulting parties on the line. Right now, we have about-- it looks like 47 participants in the webinar, including the Advisory Council on Historic Preservation, as well as the State Historic Preservation Office. And, so, we'll be having a panel of speakers that can respond to questions. And, so, we ask that if a question's already been asked, please do not ask it again. Please share the time with other organizations. As I said, there's 47

groups on the phone and I'm sure everybody wants a chance to speak. So, we're asking that you limit your remarks to three minutes or less. And, so, with that, I'd like to go over a quick agenda for today.

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Agenda For Today

Abby Monroe: I'm going to give a brief introduction about where we are in the Section 106 process and then I'm going to hand it over to our Federal partners to go over the eight Federal agency roles within the Section 106 process. I'll then give an overview of seven themes from the comments that we received on the draft assessment of those comments and the agencies' collective response to those comments. We'll then go over next steps for consulting parties in the Section 106 process and then we'll open it up for questions, as I just described.

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Section 106 Process

Abby Monroe: So, hopefully, this is not your first consulting parties meeting, but just to go over where we've been to-date, the Section 106 process includes four steps. We started with establishing this list of consulting parties, which you're a part of, and then identifying all of the historic properties within our area of potential effect. We also completed an archeology survey as a part of the second step of the process. Right now, we're sort of at the tail end of the assessment of effects stage. We issued a draft assessment of effects back in August and we received comments on that from consulting parties and the general public. We've taken our time to be really careful in addressing those comments. And here we are today. We've released the final assessment of effects. We're here to go over what changes have been made to you. And then we'll explain sort of the next steps in the process later on.

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Section 106 Contacts and Website

Abby Monroe: So, this slide is included just to give you contact information for all of the different agencies that are involved in the project. I'll leave it up here just for a minute. But we have all of these folks, except Becky Wellman instead of Brad Koldehoff today, able to participate and answer questions for you at the end of the call. I also just want to highlight that we have a project website where you can get all of the documents that are associated with this project as well as project schedule updates listed at the bottom of this slide.

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Assessment of Effects Overview

Abby Monroe: And, so, just to give kind of a brief overview of where we're at in terms of the final assessment of effects, we have issued the final draft and it has been revised to include more

context and analysis based on the specific comments that we received from consultant parties and the general public. In addition to that, we updated the historic properties inventoried via an addendum to include the new Chicago Park Boulevard System National Register nomination. The most notable changes to the actual assessment of effects are enhanced background detail and organization of the adverse effect analysis related to cultural landscapes in Jackson Park and the Midway. We also conducted a viewshed analysis from a higher elevation, as well as offered additional traffic analysis for the adjacent historic neighborhoods. In both of those analyses, the overall findings of the report remain unchanged. And then, lastly, we extended the adverse effects finding for the Jackson Park Historic District to include the Chicago Park Boulevard System. And I'll kind of go into a little bit more detail about all of these things later on. We just wanted to kind of give you an overview of the most notable changes.

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Assessment of Effects Findings

Abby Monroe: And this slide is included just to underscore – this is a direct excerpt, screenshot, from the report itself. This table in its entirety can be found on pages 81 and 82 of the assessment of effects, where you'll see that the effects findings for the report remain unchanged, except for the addition of the Chicago Park Boulevard System Historic District. So, we're still only finding an adverse effect for the Jackson Park Historic Landscape District and Midway Plaisance, as well as adding the Chicago Park Boulevard System Historic District.

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Federal Agency Roles Under Section 106

Abby Monroe: And, so, now I'll had it over to Matt Fuller from Federal Highways to kind of get an overview of the Federal agency roles under Section 106.

Matt Fuller: Thanks, Abby. For this undertaking, there are three Federal agencies that have approval actions associated with elements of the undertaking. The three Federal agencies are the Federal Highway Administration, National Park Service, and US Army Corps of Engineers. Each of these three Federal agencies must fulfill the requirements of Section 106 prior to issuing its approval for funding or issuing a permit. Because more than one Federal agency is involved in the undertaking, a lead Federal agency was identified to serve as the agency official to fulfill the collective responsibilities under Section 106. The Federal Highway Administration, or FHWA, has been identified as the lead Federal agency under Section 106 for this undertaking. As the lead Federal agency under Section 106, Federal Highway is responsible for all aspects of the Section 106 process and coordinates closely with the other Federal agencies to meet these responsibilities. Federal funding is proposed to be used on a roadway modification, which would require Federal Highway approval. FHWA's approval is for the proposed funding of the modifications to Stony Island Avenue, Hayes Drive, and Lakeshore Drive, as well as the bicycle and pedestrian improvements in and around Jackson Park. The US Army Corps has jurisdiction over water resources within the area of potential effect, including permitting for impacts to

waters of the US, and impacts to the Great Lakes Fishery and Ecosystem Restoration, or GLFER, program. Approval from the US Army Corps is required if either of these resources are impacted. National Park Service also has an approval authority related to the UPARR Program and we received a number of comments during the comment period on the draft assessment of effects. And I'm going to turn over the presentation to the National Park Service folks, so they can explain in a little more detail about the UPARR Program and how that operates.

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Urban Parks and Recreation Recovery Act of 1978

Joel Lynch: Thank you, Matt. This is Joel Lynch and I'm with the National Park Service, as Matt indicated. And I'm the Chief of State and Local Assistance, which has the administrative responsibilities for the UPARR Program. And I've got a colleague in the room here with me, Emily, who I will pass it off onto after this slide. So, the Urban Parks and Recreation Recovery Program was created in 1978, and it provided direct matching grants to a pre-determined list of economically distressed urban communities. And the purpose of those grants was to stimulate those local governments to revitalizing their park and recreation systems. So, there's three grant types that were available at the time. Planning, which was a prerequisite for participation in the program, and those funds went towards cities and urban counties to identify needs prioritizing strategies to revitalizing the total recreation system within their communities. The heart and soul of the program, though, were the rehabilitation grants, which were brick-and-mortar type grants and grants that tended to rebuild both indoor and outdoor recreation facilities and not just the recreation components of the park, but the entire park itself, with walkways and plantings and things of those sorts. And, finally, there were grants that were available – we called them innovative grants and they were designed to allow the cities and communities demonstrate innovative ways to enhance park and recreation opportunities in their communities.

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UPARR Conversion

Joel Lynch: And, finally, the UPARR Act itself created a unique legacy. It required assisted parks to remain in public recreation in perpetuity unless the city requests to convert the site to a non-recreation use and get approval. And that approval was conditioned on replacing the lost recreation with adequate recreational property and opportunities as well. So, at this time, I'll pass it over to Emily Ferguson.

Emily Ferguson: Good morning. Can you advance the slide, please? In 1986, the UPARR Program actually published regulations that outline the prerequisites, to be completed in order for a grant recipient to receive approval for a conversation from the National Park Service. Under UPARR the following were associated with the lost recreation land that had to be identified: define the footprints; determine the rec needs that the current site offers through existing facilities; and they also had to determine the types of recreation resources and opportunities that were available. And that's for the piece of property that's going to be taken out of the UPARR

boundary. And then for the replacement property, we need to know the following things, or these are the prerequisites: it has to be administered by the same political jurisdiction and that means they also select it; it can be new parkland or existing parkland; it does not need to be adjacent or close to the lost recreation lands; it must meet existing public recreation needs – that's usually through community involvement; and it has to provide equivalent recreation opportunities to those that are lost – and those don't need to be same types of recreation opportunities, so, if we lost a basketball court, we could put in a tennis court instead. Next slide.

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Conversion and Section 106

Emily Ferguson: So, conversion under UPARR, how it works and how it corresponds to Section 106, there's this undertaking and the National Park Service has to review the conversion conditions, and approve a boundary adjustment and that's usually done through amendments to the grant. The conditions include that it has to be in accord with the current local park and recreation action programs. And the City of Chicago has just updated their plan for Jackson Park and they have to ensure the provisions of adequate recreation properties and opportunities of reasonably equivalent in location and usefulness. Under the Section 106 for our program, the area of potential effect for conversion, generally, is defined as the replacement property, the remaining UPARR protected parklands, and may extend to any areas that can be seen from either of those places. And our compliance authority is typically focused on the recreation opportunities that will be developed on the proposed replacement property. Thank you.

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Overview of AOE Comments

Abby Monroe: Okay, so, I will now go over a review of the comments we received in the agency responses. I can see that people are having a little bit of a challenge hearing others in the room besides those of us that are right next to the phone. So, as we answer questions, I'll just ask all the speakers to make sure you're speaking loudly and maybe come over here if you need to.

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How were comments on the Draft AOE Addressed?

Abby Monroe: So, we received over 40 letters from consulting parties and over 170 public comment emails during the comment period on the draft assessment of effects. And we have since revised that to incorporate the applicable comments and responses. Those of you that are interested in a very detailed review of what the comments are should review the disposition of comments that were shared in the package of documents that was released with the final AOE. It's also available on our website currently. All of the comments, both during that period as well as the comments today, will become part of the project record.

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Key Themes from Comments Received

Abby Monroe: And just for organization's sake, we've boiled down the key themes from the comments that we received into seven categories. The remainder of the presentation is going to kind of walk through each one of these seven topics and present a response.

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Comment: USACE should be included as a primary Federal agency due to its Federal action based on its permitting responsibilities.

Abby Monroe: The first comment was that "The US Army Corps of Engineers should be included as a primary Federal agency due to its Federal action based on its permitting responsibilities." And we agree with that. The AOE has been updated to describe and evaluate the Army Corps' actions as a part of the overall Federal undertaking. We've listed here the four things that the Army Corps will do. And if you have questions about any of the Section 404 permits or the 408 permit, we'd be happy to answer that during the question-and-answer period.

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Comment: How will traffic affect adjacent historic neighborhoods due to road closures?

Abby Monroe: The next comment was "How will traffic affect adjacent historic neighborhoods due to road closures?" And our response is that the traffic analysis we provided is based on information from CMAP, which is a federally recognized planning agency for the Chicago region. The road closures affect specifically Stony Island Avenue, Hayes Drive, and Lakeshore Drive and then, therefore, create unacceptable levels of service on those roadways without capacity improvements. The traffic increases on other roads are modest and do not require roadway modifications and do not perceptibly increase noise. Therefore, the historic integrity, which is what this review is about, of the adjacent historic neighborhoods are not affected by the road closures or the additional traffic. And the AOE has been revised to elaborate on this and include these and document these conclusions.

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Comment: Why is Washington Park not included in the APE?

Abby Monroe: The next comment is "Why is Washington Park not included in the area of potential effect?" It is not included, because there are no perceptible changes in Washington Park as a result of increased traffic.

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Area of Potential Effect.

Abby Monroe: There are no direct or indirect effects as a result of the undertaking. Jackson Park, Midway Plaisance, and Washington Park are all managed separately and have independent bases for historic significance, despite having overlapping histories. And we've included here a map of the area of potential effect. The area of potential effect is defined as areas in which the character or use of historic properties could be altered. And, in this case, for this project, the area of potential effect is very broad including all of Jackson Park, all of the Midway Plaisance, and nearby neighborhoods between 56th and 64th Streets. This map and the area of potential effect was concurred by the state historic preservation office during the historic properties inventory portion of the Section 106 review.

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Comment: The viewshed analysis should be completed from a higher perspective to ensure all visual effects are assessed.

Abby Monroe: The next comment is that "The viewshed analysis should be completed from a higher perspective to ensure all visible effects are assessed." We agreed and we enhanced the viewshed analysis and revised it to include elevated views within the area of potential affect.

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Visual Impact Analysis

Abby Monroe: To do that, photos were taken using drone technology, captured at elevated views from buildings within the area of potential effect that are taller than the existing tree line, which is generally more than three stories, and that were individually eligible and listed on the National Register of Historic Places or contributing to an eligible or listed historic district. These photos are an example, with the red arrow highlighting what these views may look like. While the museum building is visible in several images, you can see all of the images in the Appendix D of the Assessment of Effects. The specific reasons those buildings are listed on the National Register are described in Table 1 of the assessment of effects, do not include views. Therefore, effects to these properties remain not adverse.

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Comment: The AOE should be revised to articulate how the undertaking is altering or diminishing the integrity of the character-defining cultural landscape characteristics of Jackson Park.

Abby Monroe: The next comment is "The assessment of effects should be revised to articulate how the undertaking is altering or diminishing the integrity of the character-defining cultural landscape characteristics of the Jackson Park."

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Effects to the Cultural Landscape

Abby Monroe: The assessment of effects was revised to incorporate more information regarding effects on the cultural landscape. Specifically, the revisions include additional background and detail on contributing resources, including the women's garden and cultural landscape components. There is a new summary of adverse effects to cultural landscape that organizes the information and discusses spatial organization, land use and views, circulation, topography, vegetation, building structures and small-scale elements. And, finally, we've included a new summary of effects to the east end of the Midway Plaisance.

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Comment: It is not clear why the Midway Plaisance was selected as UPARR replacement and whether other sites were considered?

Abby Monroe: The next comment is that "It is not clear why the Midway Plaisance was selected as the UPARR replacement site and whether other sites were considered." Per UPARR regulations, the replacement site is selected by the applicants, in this case the City of Chicago. The National Park Service, as we described, evaluates the proposed replacement site to ensure compliance with the regulatory requirements, including: that the proposed replacement is administered by the same political jurisdictions; it may be either new or existing parklands; it's not required to be adjacent or close to the lost recreation; meets the existing recreation needs; and provides equivalent recreation opportunities to those that were lost, although it does not have to be the same recreation opportunity.

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Midway Plaisance as UPARR Replacement

Abby Monroe: To give a little bit more detail, the city evaluated seven sites as replacement recreation options. We considered sites to be similar in magnitude and impact for the user community, and also sites that served the same communities where the lost recreation is. The City also considered walkability to the Chicago lakefront, walkability to neighborhoods surrounding the Obama Presidential Center site, potential for recreation opportunities and improvement, cost, and feasibility of each site, and the similarity of that site to the one that is being lost to recreation. The Midway Plaisance, in our view, fulfills the city's criteria to satisfy the community recreational needs and meets the UPARR eligible replacement criteria.

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Comment: Will Jackson Park and Midway Plaisance remain on the National Register of Historic Places and retain its eligibility if the undertaking is implemented?

Abby Monroe: Next comment is that "Will Jackson Park and the Midway Plaisance remain on the National Register of Historic Places and retain its eligibility as the undertaking is implemented?" Under Section 106 adverse effects may occur without affecting eligibility or resulting in a property being removed from the National Register of Historic Places. Jackson Park and the Midway Plaisance will remain eligible for listing on the National Register of

Historic Places and a letter that evaluated that is included in Appendix E of the assessment of effects as written by the Illinois Department of Transportation.

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Next Steps.

Abby Monroe: And, so, that sort of concludes the overview of the changes that we've made to the assessment of effects. I'll ask Matt Fuller to kind of go over the next steps for consulting parties, specifically, and then the Section 106 process, and then we'll get to answering some of your questions.

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Next Steps for Consulting Parties

Matt Fuller: Thanks, Abby. Just to remind everyone, the final assessment of effects was posted online on January 16, 2020, which is the beginning of the review and opportunity to either concur or object with the findings that were contained in the assessment of effects. If a consulting party disagrees with the assessed findings, they may object in writing within 30 days and must specify the reasons for the disagreement when they notify us. That notification can either be sent to Abby Monroe or myself at the contact emails on the screen. The deadline for receiving either agreement or disagreement or objections to the findings is February 18th. If we do receive any objections, Federal Highway has two options. We can either consult with the party to resolve the disagreement or we can ask the Advisory Council on Historic Preservation to review the finding and provide us with their opinion. If no consulting parties object within the 30-day period, then we're able to move on to the next step of the Section 106 process, which is to resolve the adverse effects in consultation with the consulting parties.

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Next Steps for Federal Reviews

Matt Fuller: Once we're able to conclude the assessment of effects step of the 106 process, we will move into the resolution of adverse effects step. We'll host a consulting party meeting or workshop to identify avoidance, minimization, and mitigation measures to address adverse effects. And, at the conclusion of that process, we'll prepare a draft Section 106 Memorandum of Agreement and make that available to consulting parties for review and comment. Once the Section 106 Memorandum of Agreement is signed by the required signatories, that concludes the Section 106 process. Other Federal review processes are being conducted in parallel with the Section 106 process, including the Section 4(f) evaluation for the transportation elements of the project, as well as a NEPA document, which covers Park Service, Federal Highway, and US Army Corps actions.

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Consulting Party Questions
About AOE Revisions and Findings

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Question/Comment Format

Abby Monroe: Okay, great. Thanks, Matt. So, we'll go ahead and see if there are any questions that have come through in the chat that we will want to answer. Just give everyone a minute to look through that while I go over the panelists that are here and available to answer your questions. So, we have, again: Matt Fuller from Federal Highways; Lee Terzis from the National Park Service, who is a Section 106 expert; Joel Lynch and Emily Ferguson, also, from the National Park Service that can speak to the UPARR Program; Collin Smalley from the Army Corps of Engineers; Nate Roseberry with the City of Chicago's Department of Transportation; Eleanor Gorski with the City of Chicago's Department of Planning and Development; and Greg DeVries, who is a cultural landscape expert, who helped us with the assessment of effects from Quinn Evans. Do we have any chatted comments that we want to address? I'm seeing heads shaking, "No." Okay. Then I think we'll just go ahead and open the phone lines. Angela, or the operator, would you mind going over the process for those that are participating and how they can ask the question?

Operator: Yes, thank you. If you wish to ask a question over the phone, please signal by pressing star-one. Again, that is star-one to ask a question over the phone.

Abby Monroe: And then I believe you'll be placed into a queue where we just kind of move through the questions.

Operator: Yep, correct. And we do have some questions. So, caller, please go ahead. Your line is open.

Abby Monroe: Please tell us which consulting party you represent as you begin.

Scott: Hi, this is Scott from the Cultural Landscape Foundation. Can you hear me?

Abby Monroe: Yes.

Scott: Great. So, here's my question: In a letter dated September 24th, 2018, the Federal Highway Administration determined that even though the relocation of the new track and field in Jackson Park was not subject to Federal permits, funding, or approval, that the work was, however, an indirect effect in the proposed Federal action and that, therefore, as part of the Federal review process, the effects of relocating the track and field will be taken into account under Section 106 and NEPA. But in the recent version of the AOE, Federal Highway Administration seems to support the claim that the city's actions do not require Federal funding

or approval and, therefore, are not subject to NHPA's requirements to consider avoidance, minimization, and mitigation of adverse effects. In addition to being contrary to the pertinent regulations in 35CFR, this recent claim also contradicts the Federal Highway Administration's earlier position. And, so, my two-fold question is this: Why has FHWA adopted this new position, one that ignores the reasonably foreseeable effects of the undertaking, and at what administrative level was that decision made? Thank you.

Abby Monroe: Thank you for your question, Scott. I think I'm going to ask Federal Highway to respond to – the question seems to relate to the letter that they wrote.

Matt Fuller: Yeah, Scott, this is Matt Fuller with Federal Highway Administration. The AOE does address the track and field and it reflects the effects as part of the undertaking. But, just because we analyzed this as an indirect effect it does not mean that Federal Highway has any approval authority over that action. That remains a city and park district decision, where to locate or relocate track and field.

Abby Monroe: Thank you. We'll take the next question.

Operator: Caller, please go ahead.

Mary Lu Seidel: Hi, this is Mary Lu Seidel with Preservation Chicago. Can everybody hear me?

Abby Monroe: Yes, go ahead.

Mary Lu Seidel: I have a question for the Federal Highway Administration and the National Park Service – I guess all the participants at the Federal level – with the City of Chicago being the lead facilitator of this process and coordinator of the assessment of effects, does it strike anyone, with all due respect to the City of Chicago, as a conflict of interest when this entire project has been approved by the City of Chicago and accepted and ready to move forward, yet they are serving as the lead organizer process now? Thanks.

Matt Fuller: This is Matt Fuller with Federal Highway Administration, and I'll go first. It's allowable in the Section 106 regulations that the applicant can prepare information on behalf of the Federal agency. We're required to review that and make sure that it meets all the applicable requirements and that's what we've done for this project. Is there a second part to your question?

Mary Lu Seidel: Is my line still open? Sorry.

Matt Fuller: It is, yes.

Mary Lu Seidel: No, I think it's just a conflict of interest. Should there be another party directly coordinating this process that does not have a direct conflict of interest?

Matt Fuller: That's the standard practice for Federal Highway Administration, for the applicant and Illinois DOT to prepare the documentation on our behalf. And, again, we review it very carefully and we make sure that all of the requirements are fulfilled in that documentation. And if there are changes that are to be made, we ensure that those changes are made. And, so, while the city prepares the documentation, ultimately, it's the Federal agencies' responsibility to make sure that the information is accurate, and those findings are the Federal Highway Administration's.

Emily Ferguson: This is Emily Ferguson from the UPARR program. Our applicants that received grants from our program are the ones that have to put together the conversion package to provide to us. So, all of the documentation has to be put together by them for our review and approval. We do take a look at everything and we make sure that it's consistent, it makes sense, that it meets the requirements for the program, before we move forward with anything. But it is delegated to our applicants, because of the way that program was set up and that's how it's written in our regulations.

Abby Monroe: Thank you. We'll take the next question.

Operator: Please go ahead, caller. Your line is open.

Jaime Loichinger: This is Jaime from ACHP. I'm not sure who the line was open for, but I did have a quick question or, I guess, more accurately, wanted to kind of clarify something. Because of where we are in the process any objections should be forwarded to FHWA as the lead Federal agency for Section 106, not to the city, although the city can certainly be copied on them. But it's up to FHWA as the lead Federal agency to resolve any objections. I guess, second to that, then, would be on one of the slides – I believe it was the previous one – it was mentioned that there would be a meeting or a workshop to put together the resolution of adverse effects. Typically speaking, that kind of resolution takes place over multiple meetings or teleconferences. So, I'd like to have some additional detail on the timeline and the proposed scheduling for those kinds of meetings, so that consulting parties have the ability to participate in the resolution of adverse effects and provide additional ideas on other minimization or mitigation efforts.

Matt Fuller: Hi, Jaime. It's Matt Fuller with Federal Highway Administration. We don't have a specific timeline right now, because we're in the middle of the assessment of effects objection period. Our intent would be as soon as we can get through assessment of effects process and resolve any objections, if we somehow get them, we would have the meeting on resolving adverse effects in short order after that process is complete. We won't have specific timeframes right now, because we don't know exactly the timeframe for resolving the objections, should we get any.

Abby Monroe: But we will release a schedule for the mitigation process at the beginning of that fourth step of the Section 106 program. And we will share that information as it becomes available.

Jaime Loichinger: Abby, was that you that was just speaking?

Abby Monroe: Yes.

Jaime Loichinger: I understand that applicants can have a robust role to play in the Section 106 process, particularly in the first three steps, but when it comes to the resolution of adverse effects, it's critically important that the Federal agency, the lead Federal agency in this case, come back to manage the resolution of adverse effects. So, it's a question for FHWA as far as developing that schedule in consultation with the city, NPS, and all the other consulting parties.

Matt Fuller: Thanks, Jamie. That's how we've managed the process throughout and we'll continue to do that in the next step.

Jamie: Thank you.

Abby Monroe: Thank you. Before we go on the next global question, I think there were a couple of questions from the chat pod. One, the first one, is for the National Park Service. And the question is "When is the National Park Service component of the review expected?" Does anyone want to take that? It's not very detailed in terms of if they mean Section 106 or UPARR, but maybe you could talk about both.

Lee Terzis: This is Lee Terzis for the Section 106 point of contact for the National Park Service. We have already been embedded in the process with Federal Highway and we will continue to be embedded in terms of making sure that all Section 106 documentation meets Federal regulations and Park Service policy, in terms of analysis and working with consulting parties and the public. I will let my comrades speak to the UPARR schedule.

Emily Ferguson: This is Emily Ferguson again. What will happen is that we're going to proceed through the Section 106 process, we'll get to the point where an MOA is put together and everybody has signed it, then we roll into the NEPA process, because that piece informs the NEPA cultural section. And once we have the NEPA document that is released to the public, it goes through a 30-day comment period; sometimes that can be extended. And, at the conclusion of that, the National Park Service would write a FONSI, if that's the direction we can go to conclude NEPA. We would write a FONSI and amendments to approve. The UPARR conversion would occur at that time. And that's all contingent on all pieces being done and right and in their correct order, and we have adequate information and documentation.

Abby Monroe: Thank you, Emily. The next question in the chat pod was, "Can you please explain how you defined 'most increase' in the traffic study?" And I'm going to ask Nate Roseberry from our City Department of Transportation for this one.

Nate Roseberry: Thanks, Abby. This is Nate Roseberry with CDOT. To determine that, what we look at is the level of increase and what its potential impact might be. So, there are three

roadways in the project area where we determined that the traffic volume increases would require roadway changes to adequately accommodate those increases in traffic. For the remaining roadways, what we look at is, number one, does it require any changes? All the other roadways did not. And then, number two, what level of traffic is happening on the road? We see fluctuations in traffic on our roadways. We see increases, typically, with changes in development and such. All of the other changes were within the context of what those typical cross sections of roadways could accommodate. So, they're in that range of what people would expect to see the traffic volumes, for instance, on a two-way collector or a two-lane local roadway.

Abby Monroe: And then one last question before we move on: "What provisions are being made for those consulting parties that are objecting and want to delay the process? Is there a final deadline for the Section 106 to conclude?"

Matt Fuller: This is Matt Fuller with Federal Highway Administration and I'll address that comment. So, each consulting party has the opportunity to either concur with our determinations or object to the findings. And within the Section 106 process, there is a step-by-step process for resolving those objections. So, once we receive an objection, then Federal Highway Administration can go either two routes: One, we can either talk to that party to try to resolve the disagreement, or admit that objection to the Advisory Council if we cannot resolve the objection locally. If we submit something to the Advisory Council, their typical response time is 15 days, although they may extend that if they find it necessary. And, so, there are some timelines associated with the objection process to make sure that the Section 106 process keeps advancing.

Abby Monroe: Thank you. We can move on to the next question from the phone.

Operator: Thank you. We'll take our next question. Caller, please go ahead. Your line is open.

Mike McNey: Hi, this is Mike McNey from Save the Midway. Can you hear me?

Abby Monroe: Yes.

Mike McNey: Okay. So, my question is for Lee Terzis and Joel Lynch and Emily Ferguson of NPS. So, there are some neighborhoods near the Midway that are currently underserved for public parks and playgrounds. And some of these have been identified by Save the Midway, the Midway Plaisance Advisory Council, and other community organizations near the Midway. My question is if the City Department of Planning worked with Save the Midway and other community organizations to identify a parcel now owned by the city appropriate for a new park and playground that was not on the Midway Plaisance, could that, theoretically, be eligible to be considered as a replacement UPARR location?

Joel Lynch: This is Joel Lynch. Thanks for the question, Mike. And, yes, it would be, to keep the response simple.

Mike McNey: Okay, great.

Abby Monroe: Thanks, Mike. We'll go onto the next question.

Mike McNey: That was my question.

Abby Monroe: Thank you.

Operator: Please go ahead. Your line is open.

Scott: Hi, this is Scott from TCLS again for Matt Fuller. Matt, can you hear me?

Matt Fuller: Yes, Scott, I can hear you.

Scott: So, I want to follow up on my last question and be more direct about it: Is the FHWA's position that it's going to deal with the reasonably foreseeable effects of the city's actions when it comes to consultation and resulting adverse effects, or is it not going to do that?

Matt Fuller: The reasonably foreseeable effects or actions that occur, we do identify as effects in the Section 106 analysis, but those effects are not directly related to the Federal Highway project. And, so, those aren't going to be subject to mitigation requirements for Federal Highway.

Dani Rosenberg: This is Dani Rosenberg from the –

<overlapping conversation>

Jaime Loichinger: I'm sorry. Scott, may I just jump in to point out that while –

Scott: Please.

Jaime Loichinger: – while one point that I think is important to make is that while the city's actions may not be subject to Section 106, they are part of the undertaking and part of the area of potential effect. The agency, FHWA in this case, when it looks at resolving those adverse effects, would take into account the level of Federal involvement as one of the factors in the reasonable and good faith effort, but it is part of the Section 106 analysis. It would just be kind of scaled at an appropriate point recognizing the level of Federal involvement.

Abby Monroe: I'm sorry, Jaime. For those who didn't hear you jump in, that was Jaime Loichinger with the Advisory Council on Historic Preservation. Can we go on to the next question then?

Operator: Please go ahead, your line is open.

Al DeBonnett: Hi, this is Al DeBonnett, Jackson Park Golf and Community Leadership Advisory Council. One of the things I have to press upon – and, everyone, again, thank you for this process – but, Matt, I've participated in at least over 100 forums, meetings, community as well as stakeholder meetings since, I guess, 2016, if not more. And the City Department of Planning, Department of Transportation, the Obama Foundation, the Jackson Park Advisory Council stakeholders, including the park district, have had all these meetings where there's unbelievable, tremendous community input at every step of the way. And there will be those who – again, I had this question before – that will, no matter what, may not be satisfied. And I appreciate that you're articulating the process of moving forward and advancing it over the 15-day process for the Advisory Council. But one of the things I have to impress upon you is that this whole entire footprint, including the 120-year old golf course, in all the stakeholders and community members who have overwhelming support of this, there's only a few that will take that opportunity to delay even more. And we met with the Army Corps of Engineers and we're at a process, or at least a point, inflection point, where there is danger to the entire lakeshore shoreline. Is that also going to move the ball forward? Is this emergency erosion situation environment going to propel and not allow there to be additional disruption and delay? I'm just really curious-- and, again, Collin, I know a few other Army Corps personnel and they are very cognizant of this entire process being accelerated. And I just hope that everyone understands every stakeholder organization, and those members who really participate, have expressed overwhelming support in moving it forward. So, that's my final statement. And thank you again for allowing this opportunity.

Abby Monroe: Thank you, Al, for sharing those comments. I didn't hear a specific question in there, but we definitely have your comments recorded and hear you. Is there anyone else on the line that would like to ask a question?

Operator: Yes, we do have one more question. Please, go ahead. Your line is open.

Erin Adams: Hi, this is Erin Adams for Southside Neighbors for Hope. I just wanted to reflect what Al DeBonnett commented on and, also, ask again about this, what I feel like is an attempt to further delay this process, which I think has been a real rigorous one. So, we've had hundreds of meetings, we've had delays in the Section 106 process in order to accommodate all of these comments, and now I feel like there are additional comments being dumped on this. We have almost 600 signatures on a letter of support for this process. And I think for all of the opponents that are trying to throw sand in the wheels of this process, there's easily hundreds of supporters that are getting frustrated at this. So, I hope that we can move forward with continuing this process, by continuing it and not further delaying.

Abby Monroe: Okay, thanks, Erin. Is there anyone else who needs to ask a question?

Louise McCurry: Yes, can you hear me?

Abby Monroe: Just barely.

Louise McCurry: Let me speak louder then.

Abby Monroe: Yes, thank you.

Louise McCurry: This is Louise McCurry from the Jackson Park Advisory Council. We have very decidedly waited for this process to complete, but this comes to the next stage, which is our children's play areas have been adversely affected by all this, big time, because they can't use the new track and field; it's in the process of being built. So, my question is if we decide that we need to build new children's play areas, new gymnasiums, anything they can use, can we use the reports of this process as part of the assessment of effects? Or do we have to do this entire process all over again to get even the simple things, like, a swimming pool or a play area?

Abby Monroe: So, Louise, we're having a little bit of trouble hearing you. It sounded like your question was if you can repurpose the Section 106 report for something else, but we couldn't hear what that was. Can you speak louder?

Louise McCurry: Let me try again! If we have the text of this wonderful report that will now be approved or disapproved, should the field house decide to add a new play area or a new swimming pool, even, do we have to repeat this entire long process again? Or is this sufficient for considering new play areas around the field house?

Abby Monroe: Is the question about changing a recreation element of the park separate from this process and what would apply in terms of a regulatory requirement?

Emily Ferguson: Sure. So, this is Emily Ferguson from the UPARR Program. The City of Chicago and Park Districts – I don't always know everything about how it functions here – they are allowed to make any changes they want to Jackson Park as long as it stays in recreation. The National Park Service does not need to be involved. So, the addition of another playground, the addition of another basketball court, pickle ball court for seniors, they would not need to come to the National Park Service to get any approval to do that.

Louise McCurry: Thank you.

Abby Monroe: I believe that answered the question. Was there anything else? Okay, we can go on to the next caller.

Operator: Thank you. We'll move on to the next question. Please go ahead. Your line is open.

Operator: Please go ahead, your line is open. It appears they may have stepped away. We'll move on to the next question. Please go ahead. Your line was open.

Margaret Schmid: This is Margaret Schmid from Jackson Park Watch. I want to remind us all that the purpose of the Section 106 review is assess the impacts of proposed project under the

historic landscape, historic property. That said, the city is the sponsor of this project. This revised AOE makes it abundantly clear that the project will have significant adverse effects on Jackson Park and its roadways. This is a question for the city: Is it the city's position that it is unable and unwilling to work to alter the project's designs for the OPC buildings and the roadway changes to avoid and/or minimize these adverse effects?

Abby Monroe: Thank you, Margaret. I'm going to ask Eleanor Gorski to respond.

Eleanor Gorski: Hi, Margaret. It's Eleanor. I think that you're aware of the process the city has gone through up to this point to determine the roadway configuration as well as the review the design and placement of the Obama Center. And it was through that process that we looked at minimizing the effect on the landscape, receiving comments from advocates as well as folks in the neighborhood. And there were many, many public hearings held on this, eventually going to Plan Commission and our City Council, considering that entire record. So, we do feel that we have gone through the process to consider that.

Margaret Schmid: Well, I would just like to push back on that. The South Lakefront framework plan process, which you have now inserted in this AOE, was demonstrably not a process that we reviewed the proposals for the OPC designs or for the roadway changes. So, that's just a factor. We'll certainly put it in comments going forward. But we think that more can be done and should be done. Thank you, both, Eleanor.

Abby Monroe: Thank you for your comments. We'll go on to the next caller.

Operator: Please go ahead. Your line is open.

Scott: Hi, this is Scott from TCLF. I want to follow up with Eleanor on Margaret's comments and questions. The AOE, the most recent version, sort of repeats that same idea that the opportunity to avoid adverse effects was a part of what the city did through its approval processes and its public hearings and its community meetings. That's written in there. So, I guess, my question is, aside from not erecting the parking garage on the Midway, Eleanor, can you tell us one single example of a modification to the proposed OPC design that resulted from the city's efforts to avoid adverse effects?

Eleanor Gorski: Very much. The roadway design, that went through probably, I want to say five different iterations and then tweaking throughout the process, the details of which are visible on our website, the different presentations that were given over time. As for the center itself, the building design and the evolution of the site as well, changed over time. And, as you may be aware, many of the buildings, I should say, the landscape rolls up onto the roof of the buildings, and that was very fine-tuned in order to recess into the landscape and was very much discussed in the public, not just in presentations, but in workshops, community meetings, as well as there were multiple models built to demonstrate to the community at large the changes and how it would appear in the landscape.

Scott: Eleanor, thank you, but, if I may, the two examples you gave show the opposite is true. The roadways are an adverse effect. And, so, that's hardly something that the city did to avoid an adverse effect. The change in the roadways, according to the AOE, are an adverse effect. And, as to the OPC building, that has only grown taller during the Section 106 process. It's become a taller building. So, that can hardly be an example of what the city has done to avoid an adverse effect. So, I'd like to ask you the question again: Is there a single example, outside of replacing a Midway park garage, of a thing that the city has achieved to mitigate an adverse effect on the design of this building?

Eleanor Gorski: So, the other area I was reminded of is the UPARR replacement parcel and the design of the park land recreation that would be included there, that that has been tweaked again to reduce the impact on the overall district.

Scott: And do you feel that that's a significant tweak, as you put it?

Eleanor Gorski: Yes, in particular, because in the first draft of the assessment of effects, we thought that the adverse – the impact to the Midway Plaisance would be adverse, given what we were proposing. And we tweaked the design in the latest, final version to remove the adverse effects finding. So, there are impacts, but they are not adverse.

Scott: Well, I would submit to you that I have – looking at this project from any kind of distance I can't see evidence that the city has asked the Obama Foundation to do a single thing to avoid significant adverse effects and I think the best evidence of that is the report the city just produced. And, so, one only has to hope that going forward, Federal Highway and other Federal agencies who do this sort of thing for a living are prepared to do their duty and obligation when it comes to avoiding and minimizing and mitigating those adverse effects. The city certainly did not. Thank you.

Matt Fuller: I was just going to follow up, that the Federal government doesn't have any authority to decide whether OPC should be built or what it would look like. So, we won't be looking at those kinds of measures to avoid, in terms of where the OPC is located or designed. That's beyond our decision-making authority in the Federal Highway Administration.

Scott: Section 106 is your authority. That's the process we're involved in. And, so, I find it distressing that you're so willing to abdicate that. That's exactly what we've all been doing here for two years. And I think that representatives from the ACHP commented earlier that, in fact, you will be obligated to do that in proportion or in scale to what's in the Federal undertaking. But I suppose that'll have to be ironed out in more detail later.

Matt Fuller: And just to follow up, Scott, we took a very broad approach to identifying effects. Federal Highway Administration approves roadway projects. We've certainly looked at multiple alternatives to avoid and minimize effects to Jackson Park related to the roadway improvements. The city development decisions are not Federal Highways. We have no role in that process. We

certainly identify what the effects are as part of this broader scope undertaking, but, ultimately, we cannot tell the city how to develop their properties.

<overlapping conversation>

Collin Smalley: This is Collin Smalley from the Corps of Engineers. If I can, just real quick, I wanted to kind of differentiate between authority and procedure. So, Section 106 is a procedure that we have to follow when we're issuing Federal permits. But our authority to do the Federal action comes from other places, other lines. Here, in my case, it's the Clean Water Act and a particular funding authority for our Federal project. And, so, that's really what we mean when we say "authority". Each agency has something in law that allows it to do the Federal action. Then we have other procedures that we have to follow; like, Section 106 and NEPA are two sort of prominent examples. Thank you.

Abby Monroe: Thank you, Collin. We'll go on to the next caller.

Operator: Thank you. We'll take our next question. Please go ahead. Your line is open.

Mary Lu Seidel: Hi, this is Mary Lu Seidel with Preservation Chicago. I do want to concur with Scott's points about the avoidance. There is no avoidance in this AOE and there was no avoidance in the last AOE. I know that the design of the building is outside of the Federal government's review, but to suggest, which I think I heard, that they can't tell the city how to develop their land, they can oversee a process that, in fact, spells out some avoidance strategies that could be considered and that could mean not closing off some roads or narrowing existing roads, instead of closing them. That is certainly within your authority. I guess I have two quick questions about the access to the public spaces that are outlined in this assessments of effects. I'm assuming that access to public spaces immediately adjacent to the Obama Presidential Center will have limited accessibility. It's going to be privately controlled, but publically accessible. So, if there are special events or the president's in town visiting the center for an event, that those areas will be off-limits. I also have a question about, again, finding a replacement park. I didn't see details of the seven sites that were considered, but the section on park relocation was talked about: "It's really hard to look at sites that aren't already a park, because there could be unknown soil conditions." Well, it's not tricky. There's due diligence. They're not unknown conditions. You can assess that stuff before a new park land is considered. But I really think, to the point earlier about having newer park land in an area that is underserved by parks is more important than finding a way to make these changes to the Midway Plaisance.

Abby Monroe: Okay, I think there were three parts to that question, so, were going to let Federal Highways.

Matt Fuller: Yeah, sure. This is Matt Fuller, again, Federal Highway. You noted that there weren't any avoidance options evaluated in the AOE. I would point you to the roadway evaluation that we undertook to evaluate different options to avoid impacting Jackson Park. That

was a very extensive process that's documented in the AOE as well as other documents that have been prepared on behalf of the Federal Highway Administration. So, it's not accurate to indicate that no avoidance options have been considered for this undertaking. With respect to the closed roadway, again, similar to where the city decides to place the OPC, Federal Highway Administration is no approval action or approval authority over those decisions. So, the city can choose to close roadways as it sees fit. And it's not the Federal Highway's role to take any action on those decisions. I'll turn it over to the city for the other questions.

Eleanor Gorski: Thank you. Mary Lu, this is Eleanor. I think the two questions I heard you started about the access to the public space on the Obama Center site. Did you have a question about that?

Mary Lu Seidel: So, that is considered – that is counted as we're returning this land to publically accessible recreation space. And I just want to clarify, the question is, I'm assuming that has to be that those areas adjacent to the center would have limited public accessibility. And I just wanted to know if there's anything outlined in the agreement with the Obama Foundation when those privately controlled public spaces will actually be accessible to the public.

Eleanor Gorski: There is. Mary Lu, this is, again, something that was reviewed by council. So, a few points. The land, it continues to be owned by the city, the foundation leases it, and there is a lease agreement that outlines those terms. I'm sorry: use agreement that outlines those terms. And that is separate, of course, from this process. Now, the third question you had, remind me.

Mary Lu Seidel: It was about the alternate sites for the replacement parks being a place that is an area within the Jackson Park that has limited access to park space. And I think the gentleman from Save the Midway brought up the same question, brought up a similar question, related to that, but, you know, considering other spaces that are not already park land to expand access to areas within the neighborhood that are park-deprived.

Eleanor Gorski: So, Mary, you know, the city had to take into other consideration besides what would make the UPARR requirements, and we considered cost, feasibility, ownership, the complexity of turning a space or land into parkland and the quality of the recreational opportunity within a mature landscape. We also looked at walkability to the lakefront and walkability to neighborhoods surrounding the OPC site so it would serve the same community. So, that, in a nutshell, is where we ended up with the east end of the Midway. We thought that was the best choice.

Abby Monroe: Okay. Thank you. We'll go on to the next caller.

Operator: Thank you. We'll take our next question. Please go ahead. Your line is open.

Brenda Nelms: Hi, this is Brenda Nelms from Jackson Park Watch. I actually have two connected questions, but the first one is a follow-on to the discussion about the selection of the

Midway for the UPARR replacement. My understanding earlier in this conversation this morning by, I believe it may have been Emily Ferguson, but I may have the name wrong, from the Park Service, was that part of their consideration was that the recreation needs to be address – need to be defined by public involvement, that there needed to be discussion and engagement in the determination of what would be used if it was a different site. Forget that it didn't have to be adjacent and the issues about walkability to the lakefront. Those don't seem relevant. That's more to the OPC. So, there has been no public discussion of the plan that's there now. And I just want to ask both the city and the Park Service about that. My second question has to do with where the Federal funding for the roadwork is going to be used specifically, exactly what areas will be used for Federal funding and for the others where is the city getting the money for the other work?

Mary Lu Seidel: And how about taking that Cornell one. And who's going to take up Cornell's –

<overlapping conversation>

Eleanor Gorski: So, I'll just go ahead and answer the first question related to public engagement around selecting the recreation opportunity components that are going to be proposed for the east end of the Midway. I believe that you were in attendance, Brenda, but we did host more than one meeting with several stakeholder groups related to the Midway area to propose our very initial ideas, which included four different concepts for that site, and then narrowed it down to assign community input to the proposal that you see today evaluated in the assessment of effects. And, so, we believe that we've had quite a bit of public input on what the recreation opportunities should be and the park district has also been participating in that. And we also know that there needs to be further public engagement on the specific design details, which we have planned to begin at the close of the Federal review process. And then I don't remember what the second question was.

<overlapping conversation>

Nate Roseberry: This is Nate Roseberry with CDOT. For the second question on funding: So, we are going through this process to ensure that the project is Federal aid eligible for the proposed transportation improvements. To-date, there is an agreement with the State of Illinois to provide funding for the transportation improvements. To-date, all the funds for those have been consecrated as state funds.

Mary Lu Seidel: I understand that. But are they – can you specify will the funding go for Lakeshore Drive, Hayes Drive, closing Cornell Drive, Stony Island, all of it, none of it, parts of it? That's the part that's a black box.

Nate Roseberry: Sure. So, the way we have it structured is we are approaching the transportation improvement currently with three different construction bid sets. We had come to agreement on the funding of the first bid set, which would be out for construction and to include Lakeshore Drive between 63rd and 57th; Hayes between Stony Island and Lakeshore Drive; and

Stony Island between 64th and 59th. So, that would be out as the first bid set. There are no proposed Federal funds in that bid set. And there are no proposed Federal funds for any of the closure or removal or roadways.

Mary Lu Seidel: So, the closure of Marquette or the closure of Cornell are city responsibilities.

Nate Roseberry: Correct. There are no Federal funds for those.

Abby Monroe: Okay, thank you.

Mary Lu Seidel: Is the city paying for the closure of Cornell?

Nate Roseberry: The closure of Cornell is included in that bid set as well, so, that it would partly state funding.

Mary Lu Seidel: It *would* be part of the state funding for the closure of Cornell? I'm having a hard time understanding the transmission. I'm sorry to ask for the repetition.

Nate Roseberry: Sure. Yeah, so, that first bid set I've walked through that is consecrated to be state funded and included the improvements I listed, and the closure of Cornell and Midway. Future bid sets would include other improvements and other closures. They are – we have come to final agreement on the exact funding breakdown of those, quite yet, but any removal will be consecrated to the state or local funding.

Mary Lu Seidel: Thank you.

Abby Monroe: Okay, thank you. We'll go on to the next caller.

Operator: Thank you. We'll take our next question. Please go ahead. Your line is open.

Mary Alton: Hi, Mary Alton, I'm Rosemary Villas Homeowners Association, but I also have membership associations with both the Jackson Park Advisory Council and the Midway Advisory Council. Abby, I was also at that meeting that you referenced to Brenda and I believe one of the things that was discussed at that meeting was the idea of the Midway as a regional park and, therefore, was it appropriate for a UPARR site. And having one person from – one member of the Midway Plaisance Advisory Council who was present who happens to be a resident of Woodlawn, basically saying, "I live across the street from that site and I would love to have a children's park there." We also had several people who noted that there are a lot of seniors who live around the Midway Plaisance and having a passive park location there would actually be quite lovely for seniors as well as children. So, I don't think there's a consensus, necessarily. You've talked about there being public meetings and I think there will be lots of people who will be interested in attending that. Another point that I'd like to make is I really appreciate all the work that all of you are doing, both city and Federal agencies to get through

what's a fairly complex and convoluted process. I think in the conversations that we're having today, we've actually sort of undervalued all the work that the city and the Obama Foundation have actually done to modify the plans for the site. Just a comment. Not really a question. But thank you all for all of your work.

Kineret Jaffe: And this is Kineret Jaffe from the Hyde Park Art Center as a consultant party. The discussion so far has focused on many aspects of Jackson Park. As a board member at a cultural institution in the neighborhood, I'd like to point out that rather than seeing the building of the OPC in Jackson Park as an adverse effect – I understand the narrow definition of that space, the Federal statute – but here we live in the 21st Century, we believe cultural resources ought to be available to people, both in their neighborhood, in the city, and in the world. And we tried for many years through the Hyde Park Art Center to kind of define the South Side as the south coastal coast. We were never successful in that, but we have wonderful, wonderful museums in the park already on the South Side. And we would love to see the cultural institution, the building of the OPC as a cultural resource in that park to add to our neighborhood, and to our city, and, indeed, to the country, and the world. Thank you for listening to this comment.

Abby Monroe: And, Mary, I just want to go back to one comment that you made about the consensus around what should be as a part of the Midway replacement recreation. I agree that we've heard comments in favor of a children's park and we've also heard comments in favor of a passive open space. And this is why, right now, our proposal includes both of those recreational opportunities. We imagine that the playground will be designed in a way that is respectful of the historic surrounding, but we understand that many folks like to have a wide open space that's very flexible for a lot of different types of recreation use. And, so, that's what is analyzed and described in the final assessment of effects.

Kineret Jaffe: Abby, thank you for saying that. I think the other aspect of it is that that particular Midway site, at the moment, tends to be under water a lot. And, therefore, part of what we're dealing with here is also making it a habitable space, whether it has any amount of programming so, you know, it's a cesspool right now. It's a duck pond right now. And I think that's another point that is noteworthy in terms of the evolution of the planning for the OPC site. There is amazing detail and focus on putting together a landscape site that is companionable to people and birds and creatures and really is focused on being really a laboratory for what you do in climate change in terms of landscaping an area. So, thank you again.

Eleanor Gorski: Thank you. And just to clarify, we are planning to resolve the water retention issues of a part of the improvement.

Abby Monroe: Thank you. So, we can go on to the next caller.

Operator: Thank you. We'll take our next question. Please go ahead. Your line is open.

Mike McNey: This is Mike McNey, again, from Save the Midway. And I have a follow-up question for the National Park Service for Joel and Emily and Lee. So, if there is a simple way to choose a UPARR replacement site that avoids adverse effects to the Midway, will the National Park Service prefer that result?

Emily Ferguson: This is Emily Ferguson from the National Park Service. We believe that this city is allowed to put forth any parks that they would like to for replacement property. We don't make a decision or have any involvement in that part. If it is a culturally sensitive area, then we will complete Section 106 as needed, associated with that, and mitigate as needed. If it was a non-historic park, we would still have to go through Section 106 to make sure there are no historic properties evidenced or nearby or underground before we went forward. It does not prevent it being used for replacement property.

Abby Monroe: Thank you, Emily. We can go on to the next caller.

Operator: Thank you. We'll take our next question. Please go ahead. Your line was open.

Operator: Please go ahead. Your line is open. It appears that they may have stepped away. There are no further questions over the phone.

Jaime Loichinger: This Jaime from the ACHP. I just had a couple of – one question and then one, sort of, comment that's generally on could the National Park Service, since I understand you are responsible for the National Environmental Act review, could you please maybe provide some information on what the schedule is for releasing the draft environmental assessment and what opportunities there may be for some of the consulting parties here to participate in the public review process under NEPA? I think people might enjoy or might appreciate hearing that additional information. And then just one note on any objections that may come up here in the Section 106 review. At this point, any objections that are lodged should relate to the application of the criteria of the adverse effect contained within the regulations. It's important to note that an adverse effect to any historic property that was identified means that the undertaking itself results in an adverse effect. So, if people are worried about or concerned that perhaps an adverse effect to historic property wasn't explicitly stated in the assessment of effect, it's important to note that there already is an adverse effect to, at least, two historic properties which means the undertaking overall is an adverse effect that does require resolution. Of those effects, there is the execution of a Memorandum of Agreement.

Morgan Elmer: All right, thanks. This is Morgan Elmer from the National Park Service, project manager for the EA and NPS project manager for the NEPA process. We have re-engaged our analysis and assessment of the impacts to the project underneath us and we invite all stakeholders in the AOE process to participate in the public involvement of the EA. And we expect to release the EA later this summer and we'll provide a schedule on the city's website as it is confirmed.

Abby Monroe: All right, has anyone else come on the line to ask a question?

Operator: Yes, we do have a question on the line. Please go ahead. Your line is open.

Candice Washington: Hi. My name is Candice Washington and I run a children's program that caters directly to the children and families that live in the community, as well as the surrounding communities. And while this is very significant and important, what's happening right now in the present in these communities are way more important. And what's blatantly important to me that the children in these communities are able to benefit from the OPC and will be able to benefit. It's so frustrating that these gamers are constantly attempting to delay this process. I'm so sorry to hear about these attempts to delay. I'm just looking forward to moving on with this process so we can develop this this year. Thank you so much.

Abby Monroe: Thank you for your comment. And I think we had one more question coming through on the chat, specifically related to describing the difference now that we have a second adverse effect finding through a Chicago Park Boulevard Historic District on top of the Jackson and Midway Plaisance District. And Greg DeVries from Quinn Evans, who is our cultural landscape consultant, could speak to that and what that means in terms of the Section 106 review process.

Greg DeVries: Well, this is Greg DeVries. I just wanted to note that really that Jackson Park and Midway Plaisance Historic District are basically two resources that are contributing to the Parks and Boulevards Historic District. And, so, because of the proposed changes within Jackson Park specifically, less so the Midway Plaisance, there's a determination of adverse effect for the overall much-larger Chicago Parks and Boulevard District, because of the impacts on – proposed impacts in Jackson Park. As far as the Midway Plaisance UPARR replacement recreational action goes, the city has a proposed design process that would adhere to the Secretary of the Interior guidelines. For the treatment of historic properties specifically the rehabilitation of cultural landscapes. And, so, that's a change within this version of the AOE.

Slide:

Next Steps for Consulting Parties

Abby Monroe: Thank you, Greg. Since we're kind of nearing the end here, I'm going to go back up to the next steps for consulting parties just to quickly remind everybody that the deadline for submitting any formal rejection letters is February 18th and that they should be emailed to both Matt Fuller at Federal Highways and myself at the city so that we can be as responsive as we possibly can. And, as a reminder, this webinar audio and video are going to be posted online tomorrow, if you'd like to share with anybody. Could the operator let us know if there are any other people waiting to ask a question? If not, we'll close.

Operator: Yes, we have some questions on the phone. Please, go ahead, caller. Your line is open.

Robin Hop: Hi, this is Robin Hop with the Nichols Park Advisory Council. On the question of adverse effects, which you asked us to address, when he first created the design for the park, Olmstead said, "I know changes will come as times change. What's critical is that no matter how good a project may be, that it not change the basic ruling purpose of the park," which, in this case, was the scenic, tranquil place for city dwellers to escape. The basic premise of the Obama Center – and I've looked into the tapes of President Obama – is to create a very, very vital, busy space, which is the antithesis of the design of the park. Now, I'm also concerned with, on Page 75, where they're saying, because the Federal Highway Authority isn't involved, you don't need to look at the avoidance and minimization effects. I would be very surprised if they don't eventually get involved. And, finally, I want to read from something here, very brief, when – this refers to at the beginning: "In considering the proposal, the city had two practical alternatives: Deny the foundation's proposal and lose the opportunity to host the OPC, or approve the foundation's proposal, subject to development limits." Times have changed. They are now committed to being in Chicago. Everybody agrees we want to see the Obama Center, we want to see it soon. If we want to see it soon, the best thing would be to look at the avoidance and minimization, because what we need is more park space on the South Side, not less. Thank you very much.

Abby Monroe: Thank you. Move on to the next caller, if there is one.

Operator: Thank you. We'll take our next question. Please, go ahead. Your line is open.

Margaret Schmid: Hi, this is Margaret Schmid from Jackson Park Watch and just a quick comment. It was pointed out earlier in the webinar that the IDOT Cultural Resources section has written a letter saying that despite the significant adverse effects, Jackson Park will remain on the National Register of Historic Places. And I would just like to point out that that it is actually not a determination that the IDOT Cultural Resources section has the authority to make. So, that is an open question and we will see what happens. Thank you much.

Matt Fuller: This is Matt Fuller at Federal Highway Administration. The Illinois DOT has qualified professionals in historic architecture who completed that analysis and provided that to support our conclusion, that Jackson Park and Midway Plaisance would remain eligible for the National Register. In order for a property to be removed from the National Register, there's an entire process that would have to be gone through. Our conclusion is that, even after this project undertaking is complete, that the Jackson Park and Midway Plaisance would still remain eligible for the National Register.

Margaret: Oh, we understand that's an opinion that your section has released. And we just want to just point out, again, that it is not really in your authority to determine that, that this is a process many others would be involved in as well. Thank you, again.

Matt Fuller: Yes, well, under the Section 106 process, the Federal agency is the agency that leads the eligibility determinations. If there are challenges to those determinations, there's a process for elevating those to the National Park Service. One of the comments – several commenters asked whether the Jackson Park and Midway Plaisance would be eligible after the undertaking and we provided our opinion on that.

Lee Terzis: And Margaret, this is Lee Terzis with the National Park Service. We concur that it's up to the Federal agencies to make that determination. And we do concur with the IDOT conclusions on this undertaking, although adverse would not rise to the level where it would be potentially jeopardizing the overall listing on the National Register of Historic Places.

Margaret Schmid: So, I object. So there's an additional process that, has IDOT sent this to you requesting a concurrence, or can you somehow share that with the public more broadly?

Matt Fuller: The letter is in the assessment of effects and it's available online. And it's clearly described in the disposition of comments. That is the Federal agencies' position. And that's described in the AOE.

Margaret Schmid: Well, again, I am sorry, but it is IDOT's position that we have not seen anything prior to this comment right now from the National Park Service saying that the National Park Service has been in any way involved. And, so, I would ask of Lee Terzis from the National Park Service to please provide some documentation about your involvement in that process. That would help us understand it. Thanks again.

Lee Terzis: Okay, Margaret, the assessment of effects document speaks to what the Federal Highway Administration and the National Park Service, as well as the Corps of Engineers, have concurred upon as far as describing the effects under the provisions of 106 and, also, the conclusion. And we do state quite clearly that we feel that the listing requirements for the National Register are not being jeopardized by this undertaking. In other words, our assessment of effects is a Federal document, it's been approved by Federal agencies, and we are very clear in that document that that is our finding.

Abby Monroe: Thank you. Okay, were there any other callers who are waiting?

Operator: Yes, we do have one more question. Please go ahead. Your line is open.

Mary Lu Seidel: Hey, it's Mary Lu Seidel. I'm going to try and be quick. I have a couple of – I've thought about the impact on the Boulevard Historic District, the language in this AOE indicates that, quite honestly, that this won't affect the National Register designation, because we're just chipping away at a little part of the Boulevard District and there's plenty of other miles of boulevard within the district to keep it eligible, except that the precedent it's setting is future developments can come in and chip away at another section of the boulevard until, ultimately, the Boulevard District loses its integrity. So, that's more of a comment, but I also want to go back

to the avoidance measures on page 75 and the city saying there were really only two options to approve this project or deny it. And I would argue there is a third option that would satisfy everybody and even eliminate the need for this 106 process, is to move the Obama Presidential Center just west of Washington Park to an incredible site that would have the same overwhelmingly positive impact. Probably more so. It's an area that's in greater need of re-development than the area immediately adjacent to Jackson Park. That's just another comment, that there is a third option, and it's one that was considered and was actually, I believe, by the University of Chicago, thought to be the best site for the location. We don't lose. I think everybody on this call agrees that having the Obama Presidential Center in Chicago would be the most extraordinary outcome for the city, but it's how we get there that's the issue. Thanks.

Abby Monroe: Thank you. I saw one more question come in through the chat area, which is a question about whether or not any objection letters that we receive and whether they'll be made public and posted on our website. And I'll let Matt respond to that.

Matt Fuller: Yes, Matt Fuller, Federal Highway Administration. All of the letters that we received as part of the comment period, or the objection period will be made available as part of the public record.