

Assessment of Effects

# Section 106 Consulting Parties Final AOE Overview

[January 23, 2020]



# Webinar Participation

- Volpe Center will facilitate today's conversation
- You may **chat your comments or questions at any time** in the chat window (bottom left of screen)
- Please identify which Consulting Party you represent at the beginning of your chat messages or comments
- Selected questions will be read aloud to initiate the Q&A period after the presentation concludes
- All chatted comments will be included in the video and audio record of today's meeting and will be posted online tomorrow
- After a few chatted questions are answered, we will open participant phone lines to take remaining questions and comments. During that time, please:
  - Try not to repeat a question that has already been asked
  - Share the time with other organizations if someone from your Consulting Party has already spoken
  - Limit your remarks to 3 minutes or less

# Agenda For Today

## **Section 106 Consulting Party Meeting**

1. Introduction
2. Federal Agency Roles Under Section 106
3. Overview of AOE Comments
4. Next Steps for Section 106
5. Questions About AOE Revisions and Findings



# Section 106 Process

## Phased Process

Initiation

Identification

Assessment of Effects

Resolution of Effects

## Documentation

Establish Consulting Parties & Cooperating Agencies ✓

Historic Property Inventory (HPI) & Archaeology Survey ✓

Assessment of Effects (AOE) ✓

Memorandum of Agreement (MOA)

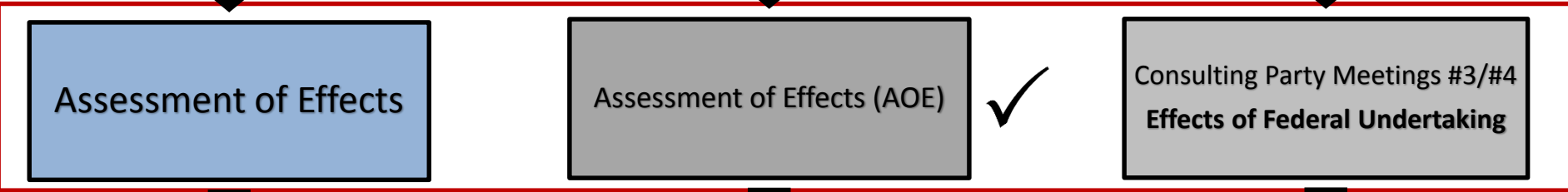
## Consulting Party Involvement

Consulting Party Meeting #1  
Kick-Off

Consulting Party Meeting #2  
Historic Property Identification

Consulting Party Meetings #3/#4  
Effects of Federal Undertaking

Consulting Party Meeting #5  
Mitigation Measures



# Section 106 Contacts and Website

Agency	Contact(s)	Email
<b>LEAD AGENCY</b> Federal Highway Administration (FHWA)	Matt Fuller	matt.fuller@dot.gov
National Park Service (NPS)	Lee Terzis	lee_terzis@nps.gov
Chicago Department of Planning and Development (DPD)	Abby Monroe	abby.monroe@cityofchicago.org
Chicago Department of Transportation (CDOT)	Nate Roseberry	nathan.roseberry@cityofchicago.org
Chicago Park District	Heather Gleason	heather.gleason@chicagoparkdistrict.com
Illinois Department of Transportation (IDOT)	Brad Koldehoff	brad.koldehoff@illinois.gov

Project Website: <https://tinyurl.com/JPIimprovements>

# Assessment of Effects Overview

- Revised draft offers more context and analysis to respond to comments we received
- Updated the Historic Properties Inventory via addendum to include the new Chicago Park Boulevard System National Register nomination
- Most notable changes to the final Assessment of Effects are:
  1. Enhanced background detail and organization of adverse effect analysis related to the cultural landscape of the Jackson Park Historic Landscape District and Midway Plaisance
  2. Conducted a viewshed analysis from a higher elevation. Overall conclusions of the report remain unchanged.
  3. Offered additional traffic analysis for adjacent historic neighborhoods. Overall findings of the report remain unchanged.
  4. Extended the adverse effect finding for Jackson Park Historic Landscape District and Midway Plaisance to include the Chicago Park Boulevard System.

# Assessment of Effects Findings

*Table 7: Summary of Effect Findings*

Resource ID	Historic Property	Effect Finding
01	Jackson Park Historic Landscape District and Midway Plaisance	Adverse Effect
37	Chicago Park Boulevard System Historic District	Adverse Effect
02	Stony Island State Trust and Savings Bank/Stony Island Arts Bank	No Adverse Effect
04	Island Terrace Apartments	No Adverse Effect
05	Hyde Park Academy High School	No Adverse Effect
06	Jackson Park Terrace Historic District	No Adverse Effect
07	Hyde Park-Kenwood Historic District	No Adverse Effect
03	William Dexter Three-Flat	No Effect
08	South Shore Country Club Historic District (Currently known as the South Shore Cultural Center Park)	No Effect
09	South Shore E. 67 <sup>th</sup> Street Apartment Historic District	No Effect
10	Residences at 6700 S. Crandon Avenue	No Effect

**Table 7 can be found on pages 81-82 of the AOE**

# Federal Agency Roles Under Section 106





# Federal Agency Roles under Section 106

- **FHWA Role** – Lead Federal agency; consider transportation improvements (including location) to address transportation needs
- **USACE Role** – Consider permits for resources affected that are under USACE jurisdiction (resulting from City, FHWA, and NPS actions)
- **NPS Role** – Review lost recreation opportunities, determine if the proposed replacement site and proposed recreation opportunities are equivalent to what was lost, and amend the grant agreement to reflect the change to the UPARR boundary

# Urban Parks and Recreation Recovery Act of 1978 (54 U.S.C. §2005 et seq.)

Created to provide grants to predetermined economically stressed urban communities by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems.

- Grant types
  - Planning
  - Rehabilitation
  - Innovative
- Perpetual Stewardship
  - The Act contains a provision to protect grant-assisted parks from conversion to non-recreation (lost) uses unless approved by the Secretary of the Interior.

Key prerequisites for NPS conversion approval provided from applicant:

- **Lost Recreation Land**
  - Define the area
  - Determine what recreation needs are being met by existing facilities
  - Determine the types of recreation resources and opportunities available
- **Proposed Replacement**
  - Selected by and administered by same political jurisdiction
  - Can be new or existing parkland
  - Need not be adjacent or close by the lost recreation land
  - Meet existing public recreation needs
  - Provide equivalent recreation opportunities to those lost (need not be the same recreation opportunities)

# Conversion and Section 106

- Undertaking – review of conversion conditions to approve a boundary adjustment.
  - Conditions include:
    - in accord with the then-current local park and recreation recovery action program; and
    - ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.
- The area of potential effect (APE) for a conversion is generally defined as the replacement property and remaining UPARR protected parkland, and may extend to areas that can be seen from those places.
- Compliance authority is typically focused on the recreation opportunities that will be developed on the proposed replacement property.

# Overview of AOE Comments



# How were comments on the Draft AOE addressed?

- AOE was revised to incorporate applicable comments and responses
- Disposition of comments was prepared to document all comments and responses
- All comments become part of the project record

## **Comments Received:**

**170** Public  
Comment Emails

**40** Consulting  
Party Letters

# Key Themes from Comments Received

1. USACE should be included as a federal action agency based on its permitting responsibilities.
2. How will traffic affect adjacent historic neighborhoods due to road closures?
3. Why is Washington Park not included in the APE?
4. The viewshed analysis should be completed from a higher perspective to ensure all visual effects are assessed.
5. The AOE should be revised to articulate how the undertaking is altering or diminishing the integrity of the character-defining landscape characteristics of Jackson Park.
6. It is not clear why the Midway Plaisance was selected as UPARR replacement and whether other sites were considered.
7. Will Jackson Park and Midway Plaisance remain on the National Register of Historic Places and retain eligibility if the undertaking is implemented?

## COMMENT:

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

## RESPONSE:

- The AOE was updated to describe and evaluate USACE's actions as a part of the overall Federal undertaking
- The City will be requesting the USACE to take the following actions:
  - Authorize proposed discharge of fill material into Federal waters related to widening Lake Shore Drive and expanding the 59<sup>th</sup> Street bridge abutment (Section 404 permit)
  - Authorize proposed discharge of fill material into Federal waters to dewater a portion of the lagoon under Hayes Drive to complete bridge improvements (Section 404 permit)
  - A wetland may need to be filled to improve the east end of the Midway Plaisance for replacement recreation (Section 404 permit)
  - Alter a Federally-funded ecosystem restoration project under the Great Lakes Fishery & Ecosystem Restoration (GLFER) program (Section 408 permit).



## COMMENT:

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

#### RESPONSE:

- Traffic analysis is based on information from CMAP, a federally-recognized planning agency for the Chicago region
- Road closures affect Stony Island Avenue, Hayes Drive, and Lake Shore Drive
  - Increased traffic requires roadway modifications to address **unacceptable levels of service** on these roadways without capacity improvements
- Traffic increases on other roads but changes are modest and:
  - Do not require roadway modifications
  - Do not perceptibly increase noise
- Therefore, the **historic integrity** of adjacent historic neighborhoods are not affected by road closures (indirectly or directly) and additional traffic
- AOE revised to document these conclusions

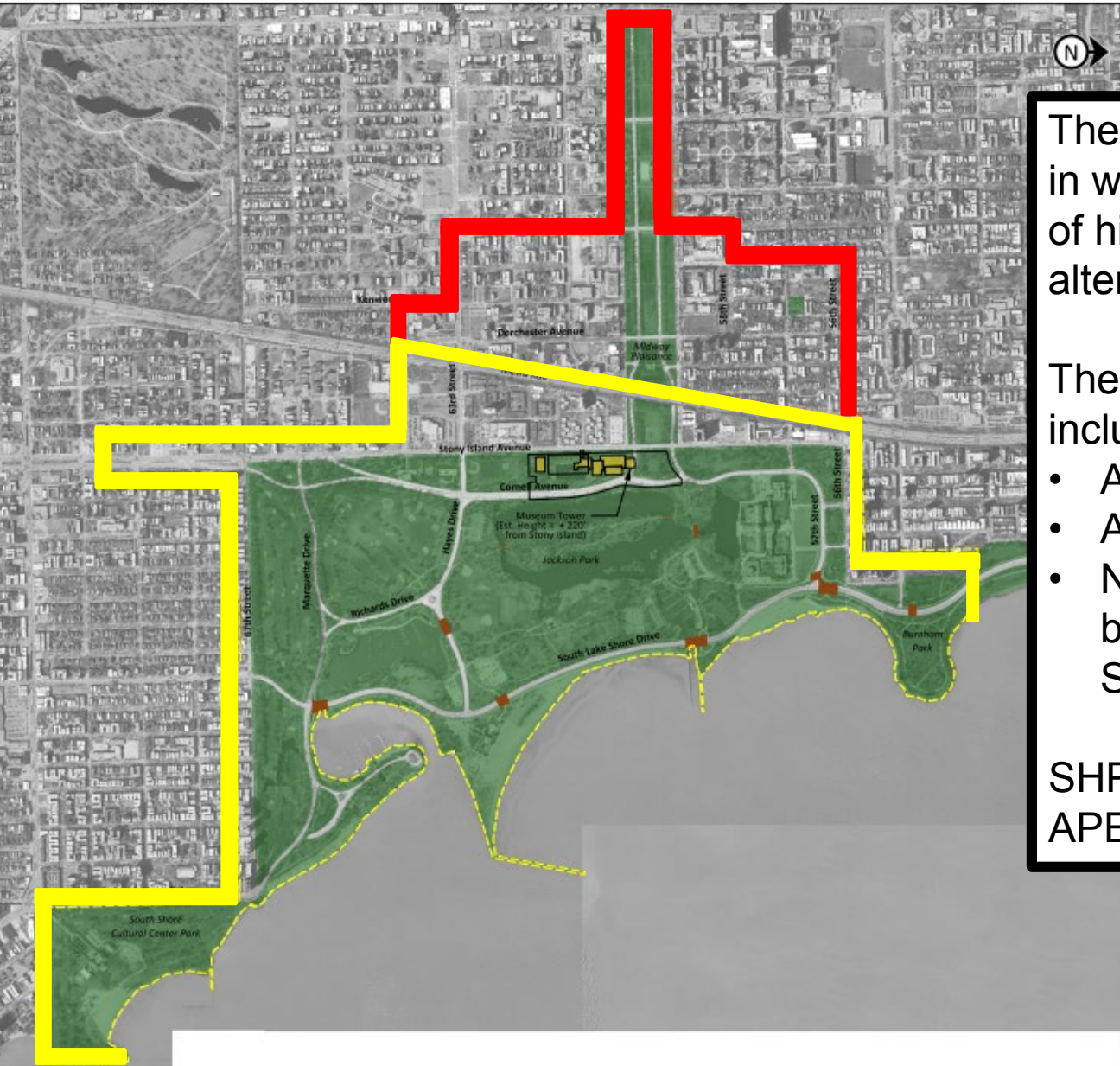
## COMMENT:

### Why is Washington Park not included in the APE?

#### RESPONSE:

- No perceptible changes in Washington Park as a result of increased traffic
- No direct or indirect effects as a result of the undertaking
- Jackson Park, Midway Plaisance and Washington Park are managed separately and have independent bases for historic significance despite having overlapping histories

# Area of Potential Effect



The APE is defined as areas in which the character or use of historic properties could be altered (36 CFR 800.16(d))

The APE is very broad, including:

- All of Jackson Park
- All of Midway Plaisance
- Nearby neighborhoods between 56th and 64th Streets

SHPO concurred with the APE

## COMMENT:

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

## RESPONSE:

- Viewshed analysis was revised to include elevated views within the APE

Photos using drone technology have been taken to capture **elevated views** from buildings within the Area of Potential Effect that are taller than the existing tree line (generally more than 3 stories) and that are:

- (a) Individually eligible or listed in NRHP
- (b) Contributing to an eligible or listed historic district

# Visual Impact Analysis



While the Museum Building is visible in several images (see AOE Appendix D), the specific reasons those buildings are listed on the National Register (see Table 1 in AOE) do not include views. **Therefore, effects to these properties remain not adverse.**

## **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.**

## **RESPONSE:**

- AOE was revised to incorporate more information regarding effects on the cultural landscape

# Effects to the Cultural Landscape

## Revisions include:

- Additional background and detail on contributing resources including the women's garden and cultural landscape components
- New summary of adverse effect to the cultural landscape that discusses:
  - Spatial Organization
  - Land Use and Views
  - Circulation
  - Topography
  - Vegetation
  - Buildings, Structures, and Small Scale Elements
- New summary of effects to the east end of the Midway Plaisance



## COMMENT:

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

## RESPONSE:

- Per UPARR regulations(36 CFR 72.72), the replacement site is selected by the applicant (the City)
- NPS evaluates proposed replacement site to ensure compliance with regulatory requirements at 36 CFR 72.72, which includes:
  - Proposed replacement is administered by the same political jurisdiction
  - May be either new or existing parkland
  - Not required to be adjacent or close to lost recreation
  - Meets existing recreation needs
  - Provides equivalent recreation opportunities to those that were lost (does not have to be the same recreation opportunity)



# Midway Plaisance as UPARR Replacement

- The City evaluated 7 sites as replacement recreation
- The City considered the following in selecting a replacement site:
  - Similar in magnitude and impact for the user community
  - Serves the same communities
- The City also considered:
  - Walkability to Chicago's Lakefront
  - Walkability to neighborhoods surrounding the OPC site
  - Potential for recreation opportunities and improvement
  - Cost and feasibility of each site
  - Similarity to the site that is being lost to recreation (e.g., historic Olmsted-designed landscape)
- The Midway Plaisance fulfills the City's criteria to satisfy the community's recreational needs and meets the UPARR-eligible replacement criteria

## COMMENT:

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

#### RESPONSE:

- Under Section 106 adverse effects may occur without affecting eligibility or resulting in a property being removed from the NRHP
- Jackson Park and Midway Plaisance will remain eligible for listing on the NRHP after the undertaking is implemented because:
  - Cultural landscapes are considered dynamic historic properties that will evolve through time
  - Changes to the park, a cultural landscape, may occur that alter character-defining elements or portions thereof without removing the overall ability of the park to convey its historic significance
  - The adverse effect is limited to specific portions of the historic district's character-defining elements and does not sufficiently diminish or remove its overall integrity such that it would no longer be eligible for NRHP eligibility
- The evaluation of qualified professionals supporting this determination is located in Appendix E of the AOE (IDOT Memorandum)

# Next Steps



# Next Steps for Consulting Parties

1. Final AOE was posted online on **January 16, 2020**
2. If a Consulting Party disagrees with any effect finding, they may object in writing within 30 days and must specify the reason for the disagreement in the notification (**Deadline: February 18, 2020**)
  - Email objection letters to City (Attn: Abby Monroe, **abby.monroe@cityofchicago.gov**) and copy FHWA (Attn: Matt Fuller, **matt.fuller@dot.gov**)
3. FHWA may either consult with the party to resolve the disagreement or ask ACHP to review the finding
4. If no Consulting Parties object within the 30 day period, FHWA will move on to discuss the resolution of any adverse effects with Consulting Parties and the general public
5. Webinar audio and video will be posted online tomorrow

# Next Steps for Federal Reviews

- Upon concluding the effects step of the Section 106 process, we will move to the “resolution of adverse effects” step
- Consulting party meeting/workshop to identify avoidance/minimization/mitigation measures to address the adverse effect findings
- Draft Section 106 MOA – consulting party review/comment
- Section 106 is concluded upon completion of an MOA
- Other Federal review processes are being conducted in parallel with Section 106 (e.g., NEPA, Section 4(f))

# Consulting Party Questions

About AOE Revisions and Findings



# Question/Comment Format

- Panelists available to answer questions include:
  - Matt Fuller, FHWA
  - Lee Terzis, NPS/Section 106
  - Joel Lynch, NPS/UPARR
  - Emily Ferguson, NPS/UPARR
  - Colin Smalley, ACOE
  - Nate Roseberry, City of Chicago, CDOT
  - Eleanor Gorski, City of Chicago, DPD
  - Greg DeVries, Cultural Landscape Expert, Quinn Evans (consultant to the City)
- After a few chatted questions are answered, we will open participant phone lines to take remaining questions and comments. During that time, please:
  - Try not to repeat a question that has already been asked
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**Thank you for your input!**

