

U.S. DEPARTMENT OF INTERIOR - National Park Service

AND

U.S. DEPARTMENT OF TRANSPORTATION - Federal Highway Administration

**FINDING OF NO SIGNIFICANT IMPACT
FEDERAL ACTIONS IN AND ADJACENT TO JACKSON PARK:
URBAN PARK AND RECREATION RECOVERY AMENDMENT AND
TRANSPORTATION IMPROVEMENTS**

**Jackson Park
Chicago, Illinois**

INTRODUCTION

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS), the Federal Highway Administration (FHWA), and the Illinois Department of Transportation (IDOT) prepared an environmental assessment (EA) to examine alternative actions and environmental impacts associated with proposed federal actions in and adjacent to Jackson Park in Chicago, Illinois. In the selected alternative, the NPS would amend the Urban Park and Recreation Recovery Act (UPARR) (54 U.S.C. 2005) grant agreements between the City of Chicago (the City) and the NPS relating to Jackson Park, and the FHWA would authorize funding under the Federal-Aid Highway Program for certain transportation improvements that include Stony Island, Lake Shore Drive, Hayes Drive, and pedestrian improvements made in and adjacent to Jackson Park. In this Finding of No Significant Impact (FONSI), the NPS and FHWA conclude that there is no significant impact to the human environment associated with these decisions. Mitigation measures designed to avoid, minimize, and/or mitigate impacts to affected resources and a summary of public engagement by the agencies are also provided. A summary of agency consultation and tribal coordination can be found in Attachment A, and a summary of public involvement and comment analysis can be found in Attachment B. Attachment C documents, via an *errata*, provide revisions to the EA.

BACKGROUND

The City intends to make changes in and adjacent to Jackson Park that are a result of its approval for the construction of the privately funded Obama Presidential Center (OPC) identified in the 2018 South Lakefront Framework Plan (SLFP). The City plans to close roadways to allow the construction of the OPC in Jackson Park. These changes triggered the need for specific federal actions by the NPS and FHWA under their individual authorities that apply to certain aspects of the City's plans. The federal agencies do not have approval authority over the placement of the OPC in Jackson Park (or of its design); nor do they have approval authority over the road closures in Jackson Park. The NPS and FHWA prepared the *Environmental Assessment for Federal Actions in and Adjacent to Jackson Park: Urban Park Recreation Recovery Amendment and Transportation Improvements* (EA) to evaluate alternatives to the proposed federal agency actions and their potential impacts on the natural, cultural, and human environment. The EA is available online at <https://parkplanning.nps.gov/ChicagoJacksonPark>.

The City's planned OPC project would impact lands subject to provisions of UPARR as two grants (providing federal funding) were awarded to the City for improvements to Jackson Park. Any property improved or developed with UPARR grant funds may not be converted to non-recreation uses without the approval of the NPS. The NPS reviewed and considered whether to approve a partial conversion of use at Jackson Park pursuant to UPARR program requirements. Under the UPARR Act, the NPS shall approve a partial conversion when it is in accord with the current Jackson Park recovery action plan or similar plan and only if recreation properties and opportunities of reasonably equivalent location and usefulness are provided (54 U.S.C. 200507).

The NPS had to evaluate the City's proposed UPARR partial conversion in Jackson Park, including the proposed replacement property and planned development of recreation opportunities, to compensate for lost recreation before making a decision to amend the UPARR grant agreements and adjust the UPARR boundary. The NPS has no legal authority over the presence or physical aspects of the OPC in Jackson Park such as the design, configuration, materials, or workmanship of those projects. The NPS has an obligation to review the recreational impacts of the City's decisions affecting Jackson Park and to approve conversion proposals if the City meets the conditions outlined in the Act and conversion requirements regulations (36 CFR 72.72).

Under Title 23 U.S.C., the FHWA administers the Federal-Aid Highway Program, which makes available federal funding to state departments of transportation and local agencies for transportation projects. In Illinois, all Federal-Aid Highway Program funds are administered through IDOT through a stewardship and oversight agreement with FHWA. Through this agreement, IDOT maintains responsibility for oversight of local agencies, including Chicago Department of Transportation (CDOT), when federal funding is sought for a project. CDOT proposes to use Federal-Aid Highway funding for roadway construction and bicycle and pedestrian improvements within Jackson Park. Prior to the authorization of Federal-Aid Highway funds, the FHWA had to ensure that the proposed construction activities meet all federal requirements and all applicable environmental laws.

The statements and conclusions reached in this FONSI are based on documentation and analysis provided in the EA, the errata that have been prepared in response to public and agency comments (see Attachment C), and associated decision file.

SELECTED ACTION

The NPS and FHWA selected Alternative C: NPS + FHWA Action (the Preferred Alternative) for implementation. The selected action is described in detail Sections 4.2 and 4.3 of the EA and is summarized below.

Under the selected action, the NPS would approve the City's proposed partial conversion of UPARR lands in Jackson Park by amending the original grant agreements to document the changes in two areas: (1) The NPS would remove a 4.6-acre portion of the OPC site containing the forum, library, and museum buildings from the UPARR boundary and include within the UPARR boundary the 5.2-acre proposed replacement property at the east end of Midway Plaisance; (2) The NPS would remove areas of parkland lost due to road improvements and replace them with new recreation land gained by converting closed roadways to recreation areas.

To resolve the removal of 4.6 acres from recreation use for the OPC site, the City has identified the east end of Midway Plaisance as possible replacement property that would require improvements in order to provide a mix of formal and informal recreation space. The City will:

- Develop formal playground recreation facilities, including inclusive play facilities as well as nature play facilities.
- Modify the sunken lawn area where a wetland is currently located to enhance use of the flexible open field and facilitate infiltration and drainage. The flexible open space on the site would accommodate a variety of activities such as dog-walking, picnicking, and soccer practice.
- Install a missing historic walk to improve access to the Cheney-Goode Memorial and the playground area as well as rehabilitate a historic circulation pattern.
- Confirm with the NPS these formal and informal recreation opportunities meet the statutory equivalency requirement after the design review outlined in the Memorandum of Agreement executed December 17, 2020 is completed.

With respect to roadway improvements, approximately 5.2 acres of parkland would be converted from Jackson Park to accommodate the FHWA funded improvements. These areas are currently used for aesthetic vegetated buffer areas or informal recreation (walking or running along roadway alignments). The City intends to use permanently closed roadways as replacement property. The following roadways within Jackson Park would be closed (see Section 2.4 of the EA for more detail):

- Cornell Drive between 63rd Street (Hayes Drive) and 59th Street,
- the northbound section of Cornell Drive between 68th Street and 65th Street,
- Marquette Drive between Stony Island Avenue and Richards Drive, and
- the eastbound portion of Midway Plaisance between Stony Island Avenue and Cornell Drive.

The closure of roadways does not require any federal approval from FHWA or from the NPS. These closed roadways would be converted to parkland. Because roadway improvements to Stony Island, Lake Shore Drive, and Hayes Drive would require NPS approval for the conversion of UPARR recreation land, the closed roadway corridors would be used for replacement UPARR land dedicated to recreation. The new recreation opportunities provided in these areas within Jackson Park would:

- predominantly include new informal recreation space, and
- include new pathways, sidewalks, and underpasses that are incorporated in the roadway improvements.

The portion of the selected action under FHWA authority includes transportation improvements to mitigate traffic congestion as a result of roadway closures in Jackson Park. Transportation improvements throughout Jackson Park would include capacity improvements, bridge modifications, intersection modifications, and pedestrian and bicycle enhancements. See Section 4.3 of the EA for details. Roadway improvements would occur primarily along Stony Island Avenue, Lake Shore Drive, and Hayes Drive. Lake Shore Drive would be widened to the west to add an additional

southbound travel lane between Hayes Drive and 57th Drive. Stony Island Avenue would be widened to the east to allow for additional lanes between 67th Street and N. Midway Plaisance. Hayes Drive would be reconfigured to allow for two lanes in each direction between Cornell Drive and Lake Shore Drive. Pedestrian and bicyclist improvements generally consist of Americans with Disabilities Act (ADA) enhancements at intersections, pedestrian underpasses, curb extensions, pedestrian refuge islands, high visibility crosswalk markings, and pedestrian countdown signals.

Mitigation Measures

The selected action incorporates mitigation measures as described under the applicable impact topics in Section 5.0 and Appendix B of the EA. To avoid, minimize, and/or mitigate impacts on the natural, cultural, and human environment, the following environmental commitments would be implemented, as described in Section 6.3.4.1 of the EA:

- Wetland mitigation would occur at the Cedar Creek A1 Bank site to meet the requirements of the Illinois Interagency Wetland Policy Act. A mitigation ratio of 1.5 to 1.0 would be applied. Wetland credits would be purchased prior to construction.
- To avoid impacts to threatened and endangered species that may be located within and along the shoreline of Lake Michigan, including the Piping Plover, Rufa Red Knot, Pitcher's (Dune) Thistle, Seaside Spurge, or Sea Rocket, the City's construction would generally occur west of Lake Shore Drive, with the exception of some curb and gutter elements proposed in existing concrete areas.
- To avoid impacts to the Yellow-crowned Night Heron and Black-crowned Night Heron, the City commits to prohibit tree removal during the breeding season, between March 1 and August 31. This commitment excludes tree removal that may need to occur at any time during the year due to damage, disease, pests, or other unforeseen circumstances in the interest of public safety. If removal is needed, a staff expert at the Chicago Park District (CPD) would inspect potentially impacted trees for signs of nesting activity prior to removal and postpone, if necessary. Impacted trees would be replaced at a 1:1 ratio and would be in keeping with historic designs. Specific details regarding tree replacement can be found in Section 5.1.2 of the Tree Impact Evaluation Memorandum contained in Appendix D of the EA.
- Great Lakes Fishery and Ecosystem Restoration (GLFER) areas would be restored or replaced within Jackson Park. Areas impacted temporarily for construction would be restored in place using the GLFER planting palette as a guide. Permanent effects to GLFER areas would be replaced on the east side of the Jackson Park Inner Harbor to the south of Hayes Drive.
- Erosion Control Blankets made of sod, straw mats, or synthetic materials would be placed over areas containing soils susceptible to erosion during construction as a temporary erosion control method. Landscaping, coordinated with CPD, would be completed in these areas following construction to promote vegetation growth in order to prevent future erosion.
- A Stormwater Pollution Prevention Plan would be developed during the design stage of the transportation improvements project.

- Dust and airborne dirt generated by roadway construction activities would be controlled through dust control procedures outlined in the IDOT Standard Specifications for Road and Bridge Construction.
- To minimize the effect of roadway construction noise on adjacent properties, as part of its mitigation measures, the City would ensure that IDOT's Standard Specifications for Road and Bridge Construction, particularly Article 107.35, are incorporated into the City's plan and bid documents so that any selected contractor would implement such specifications.
- Continuity of pedestrian and bicycle facilities would be maintained throughout construction. When necessary, detour routes would be constructed and signed.
- Access to CPD facilities would be maintained throughout construction.
- CDOT would transfer ownership of the right-of-way from the abandoned roadways (described in Section 2.4 of the EA) to the CPD in the amount of 7.7 acres. All areas in Jackson Park that are used temporarily for construction purposes would remain in the ownership of the CPD, and those areas would be returned to a condition as good, or better, than they were in prior to construction.
- All mitigation measures developed as part of the Section 106 of the National Historic Preservation Act (NHPA) process, described in the fully executed Memorandum of Agreement (MOA), would be incorporated as part of the project to address adverse effects to historic properties.

FINDING OF NO SIGNIFICANT IMPACT

As described in the EA, impacts on natural, cultural, and human resources would occur as a result of implementing the selected action. The potential for these impacts to be significant was analyzed considering relevant context and the intensity of impacts as required by Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27. As explained below for each resource, these impacts would not be significant.

Recreation Resources

As described in Section 5.2.2 of the EA, the selected action would include loss of recreation facilities and opportunities in some areas and the replacement of recreation facilities in other areas. Construction of the OPC campus would result in the loss of an existing picnic grove, open space, track and field, the 62nd Street Playground, and, temporarily, the Perennial or Women's Garden. The track and field and the 62nd Street Playground would be relocated by the City within Jackson Park. Upon completion of the OPC campus, the Women's Garden would be replaced with a new garden of equivalent size and improved accessibility.

For UPARR, the loss of recreational facilities and opportunities resulting from the OPC campus would be replaced at the east end of the Midway Plaisance. The new play area would provide new recreational opportunities, including facilities for people with a wide range of disabilities. The improved infiltration and drainage of the sunken lawn area would enhance use of this area as open space for informal recreation. This would be an improvement over the current state of the area, which can only be partially used because of the wetland on the site and degraded conditions. Additionally, the installation of a missing historic walk would provide better access to the Cheney-Goode Memorial and new play area.

The NPS will amend the grant agreement to reflect these changes but request the City to confirm these formal and informal recreation opportunities meet the statutory equivalency requirement after the design review outlined in the Memorandum of Agreement executed December 17, 2020 is completed.

Loss of recreational facilities and opportunities would result from roadway changes that remove linear, narrow, informal recreation spaces available for walking, running, or biking. However, conversion of these areas to transportation use would not prevent park users from continuing to use the adjacent open areas of Jackson Park for informal recreation. Additional UPARR-designated land would be added through the closure of roads and conversion to open space.

The FHWA improvements would improve connectivity for recreation users. New paths and underpasses would provide safer and more comfortable access for users by physically separating pedestrian and vehicular traffic. The combination of new paths and underpasses would allow users to enter at the far southwest corner of Jackson Park and travel all the way to the northeast corner without having to cross a road at grade.

Overall, the selected action would result in a net gain of 6.4 acres of UPARR-designated land. Recreation facilities and opportunities that would be lost (directly or indirectly) as a result of the selected action would be replaced with facilities and opportunities of equivalent location and usefulness. Therefore, the impacts on recreation resources would not be significant.

Traffic Congestion

Traffic congestion is addressed in Section 5.2.3 of the EA. As described in Section 5.2.3 of the EA, the selected action would result in acceptable levels of service for the movement of people and goods in the project area. If no improvements were made to the roadway system, the road closures by the City of Chicago would cause poor levels of service on the transportation network. Thirteen signalized intersections would experience a failing Level of Service (LOS) and/or operate over capacity. Under the selected action, the congestion and delays caused by the roadway closures would be mitigated by the roadway improvements and all intersections would operate at an acceptable level of service. The selected action would result in a loss of 233 on-street parking spaces available due to road closures and improvements. However, parking demands indicate that even with the loss of parking spaces, there would continue to be an excess of parking in Jackson Park. Therefore, the impacts on traffic congestion will not be significant.

Cultural Resources (Historic Properties)

As described in Section 5.2.4 of the EA, the selected action would have an impact on cultural resources (historic properties) within the project area, including the Jackson Park Historic Landscape District and Midway Plaisance (684-acres) and the Chicago Park Boulevard System Historic District (CPBSHD) (1,700 acres).

The replacement recreation proposed for the east end of the Midway Plaisance would have a direct impact on the Jackson Park Historic Landscape District and Midway Plaisance and the Chicago Park Boulevard System Historic District (CPBSHD); however, these impacts would be minimal in scale compared to the size of the 683-acre Jackson Park Historic Landscape District and Midway Plaisance and 1,700-acre CPBSHD. Contributing features of the Midway Plaisance would be impacted by the

change in the recreational use. Transportation improvements would also have a direct impact on the Jackson Park Historic Landscape District and Midway Plaisance and the CPBSHD.

The selected action would indirectly result in impacts from the development of the OPC. The development of the 19.3-acre OPC site would alter contributing physical elements of Jackson Park; however, the area of change would be small in scale given the overall size of the historic resources.

The combined direct and indirect impacts on the historic properties diminishes the characteristics for which the historic properties are listed on the National Register of Historic Places. Historic integrity of location, design, setting, materials, feeling, and association would be diminished. However, the combined direct and indirect impacts are small in scale given the overall size of the historic resources. Specifically, less than 3 percent of the 683-acre Jackson Park Historic Landscape District and Midway Plaisance and less than 2 percent of the 1,700-acre CPBSHD would be altered. Moreover, the proposed changes are compatible with the existing character of the area, including land use patterns and developmental history. Jackson Park has offered a variety of cultural activities and institutions over its history and has been altered to suit the public's changing needs. Alterations, to both historic and non-historic elements, have reflected a continual adaptation that is part of the park's cultural landscape and development history and the proposed changes are compatible with the existing character of the area. Mitigation measures for impacts to historic properties were developed as part of the consultation process under Section 106 of the National Historic Preservation Act of 1966, which help to offset the impacts to historic properties.

The mitigation measures have been committed to in a Section 106 Memorandum of Agreement, which was fully executed on December 17, 2020. After implementation of the selected alternative, the historic properties will retain enough historic integrity to remain eligible for and listed on the National Register of Historic Places.

Therefore, the impact on cultural resources (historic properties) would not be significant.

Social and Economic Issues

As described in Section 5.2.5.1 (pages 56-57) of the EA, all Census tracts within the South Shore and Woodlawn neighborhoods were found to meet the criteria of an Environmental Justice area, and all but Tract 4111 in the Hyde Park neighborhood also meet the criteria. As discussed in Sections 5.2.5.3 and 5.2.5.4 of the EA, the selected action would result in short-term employment increases related to construction activities. These increases would arise directly from the selected action such as for development of recreation opportunities on the east end of Midway Plaisance and for roadway and bicycle/pedestrian improvements. Both short- and long-term employment increases would also arise indirectly such as for construction, startup, and operations of the OPC campus. In total, approximately 3,904 jobs would be provided with \$214.6 million in income to the State of Illinois. The transportation construction projects proposed for FWA funding are estimated to cost \$174 million.

Although there would be increases in employment and income under the selected action, none of the other socioeconomic factors detailed in Section 5.2.5.1 of the EA, such as the population level or population composition, are expected to change as a result of the selected action. Likewise, housing trends are not anticipated to be affected. Public space impacts are expected to be positive, improving the recreational amenities of the area. The selected action would not impact community cohesion or

otherwise geographically divide or isolate the residents or businesses within South Shore, Woodlawn, or Hyde Park. Therefore, the impacts on social and economic issues are not anticipated to be significant.

Great Lakes Fishery and Ecosystem Restoration Areas (GLFER)

As discussed in Section 5.2.6 of the EA, both permanent and temporary impacts would occur on GLFER restoration areas as a result of the selected action. Impacts would occur directly as a result of the selected action due to roadway improvements such as widening, grading, utility work, and installation of pedestrian underpasses. In total, these actions would result in 1.32 acres of permanent impacts and 1.47 acres of temporary impacts, for a total of 2.79 acres of impacts.

Indirect impacts would occur as a result of CPD's proposed new lift station, sanitary sewer, and electrical duct bank as well as due to the Obama Foundation's (the Foundation's) proposed accessible pathway connections from existing pathways to the OPC site. In total, these actions would result in 0.002 acres of permanent impacts and 0.226 acres of temporary impacts, for a total of 0.228 acres of impacts.

Although the selected action would result (directly and indirectly) in 3.02 acres of total impacts to GLFER restoration areas, all impact areas would be restored or replaced within Jackson Park. All areas temporarily impacted by construction would be restored using the GLFER planting palette as a guide. Permanently impacted GLFER areas would be replaced with 2.43 acres of new restoration area on the east side of the Jackson Park Inner Harbor to the south of Hayes Drive. Overall, there would be a net increase of 1.11 acres of GLFER restoration areas in Jackson Park. Therefore, the impacts on GLFER restoration areas are not expected to be significant.

Cumulative Impacts

As discussed in Section 5.2.1 of the EA, other past, present, or reasonably foreseeable actions in conjunction with the selected action would result in cumulative impacts on recreation resources, traffic congestion, cultural resources (historic properties), and social and economic issues. Together with the other actions described in Section 5.2.1 of the EA, the selected action would have a beneficial impact to recreation, negligible impacts on traffic congestion, a minor adverse impact on cultural resources (historic properties), and impact on social and economic issues would not differ overall for the region; there also would be minimal impact on GLFER restoration areas. Although the selected action would contribute to the cumulative impact on the resources discussed above, the overall cumulative impacts would be negligible, minor, or otherwise relatively small; therefore, the selected action would not result in a significant cumulative impact on any resources, as discussed in Section 5.2 of the EA.

Finding

The NPS and FHWA have determined that the selected alternative (Alternative C) will have no significant impact on the human environment. This FONSI is based on the attached EA and its Errata which has been independently evaluated by the NPS and FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed action and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required.

DECISION REACHED AND RATIONALE

The NPS and FHWA have selected Alternative C for implementation because it best meets the purposes and needs of both NPS and FHWA. For the NPS, Alternative C allows for the evaluation and approval of the partial UPARR conversion at the OPC site and along roadways in Jackson Park as well as associated replacement recreation in the east end of Midway Plaisance and in vacated roadways not currently part of the UPARR boundary within Jackson Park.

In addition, Alternative C addresses traffic congestion resulting from roads that will be closed by the City of Chicago and improves bicycle and pedestrian access to Jackson Park. The transportation improvements included in Alternative C best balance impacts to the environment with providing acceptable performance of the transportation system. Alternative C results in a Section 4(f) use under the United States (U.S.) Department of Transportation Act of 1966. The FHWA evaluated avoidance alternatives and completed a least harms analysis, which was documented in a Final Section 4(f) evaluation. The Final Section 4(f) evaluation was approved by FHWA on December 18, 2020, and the transportation improvements selected in the Final Section 4(f) evaluation are consistent with the transportation improvements selected in this FONSI.

Alternative A is not a viable or practical alternative as it does not meet either agency's purpose and need for action. Under Alternative B, the City's closure of east bound Midway Plaisance (Stony Island Avenue to Cornell Drive) and Cornell Drive (63rd Street to 59th Street) would increase traffic congestion. By taking no action in Alternative B, the FHWA would not fulfill its purpose and need to address changes in travel patterns from closing the roadways and to improve bicycle and pedestrian access and circulation.

CONCLUSION

As described above, the selected action would not have a significant impact on the human environment in accordance with Section 102(2)(C) of NEPA. Therefore, it has been determined that an Environmental Impact Statement is not required for this project and therefore will not be prepared. For these reasons and in consideration of the likely environmental impacts described in the EA and this FONSI, Alternative C has been selected for implementation.

Approved: _____

Herbert C. Frost
Regional Director
Regions 3, 4, and 5, National Park Service

Date of Approval

Approved: _____ January 21, 2021

Arlene K. Kocher
Division Administrator
Federal Highway Administration

Date of Approval

- Attachment A: Agency and Tribal Consultation
- Attachment B: Comment Analysis Report
- Attachment C: Errata

ATTACHMENT A AGENCY CONSULTATION AND TRIBAL COORDINATION

AGENCY CONSULTATION

Throughout the planning process, the National Park Service (NPS) and the Federal Highway Administration (FHWA) consulted with the following agencies, as described in Section 6.3 of the *Environmental Assessment for Federal Actions in and Adjacent to Jackson Park: Urban Park Recreation Recovery Amendment and Transportation Improvements* (the EA):

- Advisory Council on Historic Preservation
- Federal Transit Administration
- Illinois Department of Natural Resources
- Illinois Environmental Protection Agency
- Illinois State Historic Preservation Officer
- U.S. Coast Guard
- U.S. Department of the Interior Fish & Wildlife Service
- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers

Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 (NHPA), 54 U.S.C. 306108, and its implementing regulations (36 CFR Part 800) require federal agencies to take into account the impacts of their undertakings on historic properties and offer the Advisory Council on Historic Preservation the opportunity to comment. The FHWA is the lead agency for Section 106 compliance under the NHPA for this project. The Illinois Department of Transportation (IDOT), through a stewardship and oversight agreement with the FHWA, assists in reviewing the compliance of a project with environmental laws and conducts coordination with necessary state officials, including the State Historic Preservation Officer (SHPO). Compliance under Section 106 was conducted separately from but concurrently with this NEPA process. The process is summarized below and more information and documents mentioned in the summary can be found on the project website at <http://www.tinyURL.com/JPIImprovements>.

Under Section 106, the FHWA made a finding of an *adverse effect* for this undertaking for the Jackson Park Historic Landscape District and Midway Plaisance as well as for the Chicago Park Boulevard System Historic District. This finding is documented in an assessment of effect (AOE) on historic properties, available on the project website at <http://www.tinyURL.com/JPIImprovements>.

On April 1, 2020, the Advisory Council on Historic Preservation (ACHP) issued an advisory opinion concerning the AOE and concluded that FHWA had correctly applied the criteria of adverse effect in the AOE. On April 14, 2020, FHWA released Errata with respect to the AOE in light of comments received from consulting parties and the public during the AOE comment period. The revisions do not change the conclusions or analysis in the AOE. The Errata is available on the project website at <http://www.tinyURL.com/JPIImprovements>.

On April 14, 2020, the FHWA notified consulting parties that it had concluded the assessment of effects step in the Section 106 process and had determined that the proposed undertaking will have an “adverse effect” on historic properties. Four consulting party meetings followed to discuss the resolution of the adverse effect to historic properties. These meetings were each held via webinar and included a presentation followed by Q&A sessions and/or opportunities for the consulting parties to

provide comments. Presentations, transcripts, and chat pod transcripts for each meeting are available on the City's website at <http://www.tinyurl.com/JPIImprovements>.

The FHWA consulted with the ACHP, the Illinois SHPO, and numerous consulting parties, invited consulting parties, and other interested parties to develop a Memorandum of Agreement (MOA) that outlines the stipulations for mitigation under the NHPA as a result of the selected action. The final MOA was fully executed on December 17, 2020, and is available on the City's website at <http://www.tinyurl.com/JPIImprovements>.

Section 4(f) of the U.S. Department of Transportation Act

Section 4(f) of the U.S. Department of Transportation Act of 1966, known as Section 4(f), provides for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites (prehistoric and historic districts, sites, buildings, structures, or objects listed in, or eligible for, the National Register of Historic Places) during transportation project development. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, applies only to agencies within the U.S. Department of Transportation (USDOT) and is implemented by the FHWA and the Federal Transit Administration (FTA) through the regulation at 23 C.F.R. Part 774.

A total of 41 properties are protected by Section 4(f) within the project area. Of these properties, four are not avoided by the transportation project and would have a Section 4(f) use. These properties are Jackson Park, Midway Plaisance, Jackson Park Historic Landscape District and Midway Plaisance, and the Chicago Park Boulevard System Historic District.

A Draft Section 4(f) Evaluation was approved and is located in Appendix K of the EA.¹ It was approved on April 22, 2020, and sent to the officials with jurisdiction and federal agencies with encumbrances on Section 4(f) land for a comment period that concluded on June 12, 2020. The Draft Section 4(f) Evaluation was also made available on the City's website (<http://www.tinyURL.com/JPIImprovements>) for public review. After the close of the comment period, the FHWA considered the comments received and completed the Final Section 4(f) Evaluation. The Final Section 4(f) Evaluation was approved on December 18, 2020, and is available on the City's website (<http://www.tinyURL.com/JPIImprovements>).

The total Section 4(f) use of land, including permanent and temporary uses, is 28.7 acres. Approximately 23.5 acres are temporary uses only. Approximately 5.2 acres of Section 4(f) land within Jackson Park will be permanently used for transportation purposes. The City will close several roadways in Jackson Park and transfer 7.7 acres of right-of-way that is currently used for transportation purposes to the Chicago Park District (CPD), which will be incorporated into Jackson Park for recreational area and park purposes and to satisfy the UPARR conversion provisions. After the transfer of closed roadways from the Chicago Department of Transportation to the CPD and after the temporary uses are ended, there is a net increase in Section 4(f) park land of 2.5 acres in Jackson Park.

¹ The "No-Action" alternative for the Section 4(f) evaluation is consistent with Alternative B in the Environmental Assessment (EA). Alternative B in the EA is FHWA's no-action alternative for the purposes of the NEPA evaluation. The EA was made available to the public on September 28, 2020 under the lead of the National Park Service.

TRIBAL COORDINATION

There are no known tribal lands within the project study area. However, in accordance with the Tribal Memorandum of Understanding for Illinois transportation projects, the FHWA initiated coordination with tribal governments with an interest in Illinois lands. The Forest County Potawatomi Community and the Miami Tribe of Oklahoma expressed an interest in any project archaeological information as part of the Section 106 NHPA consultation. On behalf of the FHWA, IDOT completed archeological investigations for Alternatives B and C and found no archaeological resources listed or eligible for listing in the National Register of Historic Places. The result of the archaeological investigations was shared with the tribal governments. No further coordination is required. However, if human remains are found, the FHWA will contact the tribes in accordance with the Tribal Memorandum of Understanding for Illinois transportation projects.

ATTACHMENT B PUBLIC COMMENT ANALYSIS REPORT

SUMMARY OF PUBLIC INVOLVEMENT

Project Website

The City of Chicago (the City) dedicated a website to the federal review of the proposed project, which can be accessed at <http://www.tinyURL.com/JPIImprovements>. The website provides reference documents and updates that support the environmental review and permitting processes necessary to arrive at the federal decisions. The National Park Service (NPS) Planning, Environment and Public Comment (PEPC) website also provided resources related to the project at <https://parkplanning.nps.gov/ChicagoJacksonPark>.

Public Information Meeting on Jackson Park Combined NPS and FHWA Process

A Public Information Meeting was held on September 17, 2018, at the South Shore Cultural Center and provided the public with information regarding the federal review process. Information included a summary of the timeline for the federal process to date and the roles and responsibilities of each federal agency. Additional information included draft purpose and need statements and a description of each proposed federal action, the City's actions, and the next steps in the federal review.

Public Hearings and Public Comment Period on the Environmental Assessment

The Environmental Assessment (EA) was available for review and comment September 28, 2020, through October 30, 2020. An electronic version of the EA was available on the NPS PEPC website at <https://parkplanning.nps.gov/ChicagoJacksonPark>. Hard copies of the EA were available at the South Shore Cultural Center.

Public Hearing notices were published on September 28, 2020 and October 6, 2020 in the Chicago Sun Times. Notice was also published in a local newspaper, the Hyde Park Herald (October 1, 2020), and an advertisement was published in a locally circulated magazine, the South Shore Current (October 2, 2020). Both the City's project website (<http://tinyURL.com/JPIImprovements>) and the NPS PEPC website (<https://parkplanning.nps.gov/ChicagoJacksonPark>) were updated to include information for the Public Hearing. A Public Hearing flyer was mailed to property owners within 500 feet of the project limits and email notifications were sent to interested parties. The NPS and the Chicago Department of Transportation (CDOT) distributed a press release to various media outlets. The Public Hearing was also announced in the City of Chicago Department of Planning and Development newsletter.

Public comments were accepted electronically via the NPS PEPC website or the project email address, in hard copy via mail, or verbally via one of the two webinars or the in-person appointment.

A Public Hearing consisting of two online webinar sessions was held on Tuesday, October 13, 2020, and Wednesday, October 14, 2020. The meetings were scheduled to occur between 5:00 p.m. and 8:00 p.m. to allow for public comments. The duration of the webinar on October 13, 2020, was between 5:00 p.m. and approximately 6:30 p.m. and the duration of the webinar on October 14 was between 5:00 p.m. and approximately 6:00 p.m. The webinar sessions utilized the Zoom platform.

The Public Hearing began with a presentation, followed by public comments for members of the public who submitted speaking requests. Any member of the public was able to view each webinar during the date and time of the hearing via the following link:

<https://tinyurl.com/JacksonParkPublicHearing>. A court reporter was present to transcribe each of the Public Hearing webinar sessions.

Webinar session #1 included 18 public comment participants and approximately 50 people viewing on the live streaming service. Webinar session #2 included 9 public comment participants and approximately 45 people viewing on the live streaming service.

An opportunity for the public to speak with a court reporter was held on Thursday, October 15, 2020, from 3:00 p.m. to 5:00 p.m. at the South Shore Cultural Center (7059 S. South Shore Drive, Chicago, Illinois 60649). Four people attended and provided comments to the court reporter.

SUMMARY OF PUBLIC REVIEW OF THE EA

The NPS is the lead federal agency for the EA. Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) and its implementing regulations (40 CFR 1500-1508), and NPS Director's Order #12, *Conservation Planning, Environmental Impact Analysis, and Decision-Making* (DO-12, 2011), and accompanying NPS NEPA Handbook (2015), the NPS considered public and agency comments submitted on the *Environmental Assessment for Federal Actions In and Adjacent to Jackson Park: Urban Park Recreation Recovery Amendment and Transportation Improvements*. The Federal Highway Administration (FHWA) also considered public and agency comments submitted on this EA as part of its own process. This report describes how the federal agencies considered all of the comments received and provides responses to substantive comments. This EA was initiated before the 2020 Council on Environmental Quality (CEQ) Implementing NEPA Regulations were in effect, and therefore it was developed in accordance with the 1978 CEQ NEPA Regulations and 2008 Department of the Interior NEPA regulations. The process for this EA and content is consistent with those regulations.

Comment Analysis Methodology

During the comment period, a total of 185 pieces of correspondence were received by one of the following methods: hard copy letter via mail, verbal statement provided at a public webinar, verbal statement via an in-person appointment, e-mail, or entered directly into the PEPC website. All correspondence delivered by any of those methods were entered into the PEPC system for analysis.

Once all the correspondence was entered into PEPC, each was read, and specific comments within each correspondence were identified. A total of 394 comments were derived from the correspondence received. When identifying comments, every attempt was made to capture the full breadth of comments submitted.

During analysis, comments were classified as substantive or non-substantive. As explained in section 4.6 of the 2015 NPS NEPA Handbook, a substantive comment does one or more of the following:

- Question, with reasonable basis, the accuracy of information presented in the EA;
- Question, with reasonable basis, the adequacy of the environmental analysis;
- Present reasonable alternatives other than those presented in the EA; and/or
- Cause changes or revisions in the proposal.

Substantive comments raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive. While all comments were read, considered, and part of the record, only those determined to be substantive under the handbook's definition are explicitly addressed by the NPS responses provided in this report.

Substantive comments were grouped by similar themes, and those groups were summarized with a "concern statement." A concern statement summarizes the issues and ideas expressed in the comments that are grouped under that concern.

Public Review of Environmental Assessment

A total of 170 substantive comments were identified. These comments are summarized into concern statements below along with the federal agencies' responses to those concern statements.

A total of 224 non-substantive comments were identified. Many of those comments expressed support for the Obama Presidential Center (OPC) generally, including the NPS action to approve the Urban Park and Recreation Recovery Act (UPARR) boundary changes and the FHWA action to make roadway changes and improvements. Some commenters expressed their opposition to the City decisions concerning the location and/or design of the OPC campus buildings. Some commenters expressed their opposition for the City's selection of land at the east end of the Midway Plaisance as replacement property to satisfy UPARR, and some commenters expressed their opposition for closing and/or widening roadways within Jackson Park. Some commenters suggested other actions that the city should undertake in Jackson Park that are outside the scope of this project. These include repairing and maintaining the historic buildings and structures throughout Jackson Park as well as creating community land trusts and housing preservation funds to address speculative land development and displacement.

Analysis of Substantive Comments Received with NPS Responses

Concern statements derived from comments received are provided below. NPS and FHWA responses are provided for each concern statement. In some cases, changes were made to the text of the EA as a result of public comments. The changes are explained in the response and are shown in the errata in Attachment C.

NEPA PROCESS

Concern #1: An Environmental Impact Statement (EIS) should be done for this project due to the impacts on trees, historic properties, the roadway network, open green space, and natural resources, as well as due to the cost to taxpayers and the public controversy surrounding the OPC. An EIS would also allow for additional public involvement to define the range of issues and potential alternatives to be addressed.

Response: Impacts to these resources were all considered in the EA. Detailed technical appendices addressed impacts to natural resources, trees, open green space, and traffic (Appendices C, D, G, and H, respectively). Impacts to historic properties were also considered in detail in the Section 106 process pursuant to the National Historic Preservation Act (NHPA).

The EA was prepared to determine if a significant impact would occur there were no significant impacts identified. This determination by the federal agencies, based on the analysis presented in the EA, will be provided in the agencies' NEPA decision document, a Finding of no Significant Impact.

Public involvement in this process has been substantial and included opportunities both in the NEPA process and in the NHPA process, which informed the EA analysis. The NEPA process and related public involvement are summarized above at the beginning of this Attachment B.

The discussion over the cost to taxpayers and the use of Jackson Park for the site of the OPC does not warrant an EIS for two reasons. First, "public controversy" concerning either the local project decision or the federal decisions does not trigger preparation of an EIS. The reference in the former Council on Environmental Quality NEPA regulations to "public controversy" relates to substantive disagreements over the nature and scale of potential environmental impacts or other technical disputes. Based on review of the comments received, those circumstances are not present here. Second, the decisions to close the roadways to support locating the OPC in Jackson Park are purely municipal decisions with no federal involvement. The City's decisions with respect to the OPC were made through municipal processes that included extensive public engagement, including the development of the 2018 South Lakefront Framework Plan (SLFP). See <http://www.tinyURL.com/JPIImprovements>.

Concern #2: The public involvement process for this project was inadequate for the following reasons:

- **The public was not able to adequately receive information and comment on all project stages, including the alternatives considered, and the federal agencies only presented predetermined decisions to the public.**
- **The EA comment period of 30 days was too short considering the length of the EA, its appendices, and the information provided on the project website.**
- **The public webinars held for the EA release were not adequate replacements for public hearings because they did not allow for any public discussion outside of prepared public statements that were made at the end of the webinar.**
- **The OPC plan and the associated roadway changes were unveiled to the public without public discussion. There were no opportunities for deep public discussion of the plans or possible alternatives.**
- **The public process was confusing because of the number of plans, actions, processes, and federal agencies for which the public was asked to comment or attend meetings.**
- **The public meetings did not give adequate time or space for the public to ask questions and submit ideas regarding the proposed alternatives or the avoidance, minimization, and mitigation measures. The meetings felt like the agencies were presenting predetermined outcomes.**

Response: A summary of the public involvement activities associated with the federal review is presented in the summary provided at the outset of this Attachment B. The federal agencies confirm that all legal requirements have been met.

UPARR ANALYSIS

Concern #3: **The UPARR analysis failed to fully meet the statutory requirements to determine whether or not the siting of the OPC and the associated UPARR conversion is consistent with the local park and recreation recovery action program (54 U.S.C. §200507). Instead, the EA concludes that the NPS is not authorized to site OPC in Jackson Park or approve the design of the campus, that it also does not have jurisdiction to evaluate whether the proposed siting is consistent with all of the UPARR prerequisite conditions, including whether alternatives to the current proposal would avoid such conversion. As a result, alternatives that did not require conversion were never explored in the EA, nor were alternatives explored in the EA for lost UPARR replacement land.**

Response: The EA summarizes the City’s OPC project and its impact on Jackson Park, a UPARR-assisted property. If the City chooses to change the public recreation use to a non-recreation use, the UPARR Act provides one remedy to do so; and as long as certain conditions and prerequisites are met, the Secretary of the Interior will provide approval through the NPS. The City’s decision to use a portion of the site for non-recreation purposes triggers a conversion of use. The conditions outlined in the Act include that the replacement property is in accord with the then-current local park and recreation recovery action program, is adequate recreation property, and contains reasonably equivalent recreation opportunities.

Under the UPARR regulations, a list of prerequisites that must be met for conversion approval are provided. One of those prerequisites is if the applicant can demonstrate that “[a]ll practical alternatives to the proposed conversion have been evaluated” 36 C.F.R. 72.72 (b)(1). In other words, the City should have reviewed and eliminated all practical alternatives before requesting approval for a UPARR conversion. The nature of the alternatives analysis is explained on page 26 of the EA, which refers to the “City of Chicago Analysis of its Proposal Related to Jackson Park, Cook County, Illinois” for the City’s evaluation of alternatives to the proposed conversion. The NPS lacks the authority to second guess an applicant’s local land use decisions. As mentioned previously, the NPS reviews conversion packages to ensure both the conditions of the Act and prerequisites of the conversion regulations are met before providing an approval.

In the Environmental Assessment, the NPS evaluated the proposed federal action, which is a narrow one in light of the NPS’s statutory authority. As part of this evaluation, the City’s proposed use of the Eastern Midway as replacement property that will have recreational opportunities developed for public recreation. Under UPARR, the NPS must determine whether the applicant has provided “adequate recreation properties and opportunities of reasonably equivalent usefulness and location” 54 U.S.C. 200507). This analysis was comprehensively explained in

Appendix G to the EA. This Appendix G includes the City's evaluation of potential replacement properties.

Concern #4: Taking an already recreational space and claiming it as replacement UPARR land violates the letter and spirit of UPARR regulations.

The purpose of UPARR funding was to rehabilitate and protect urban parks. Existing parkland that is not currently subject to UPARR may be used as replacement property. Jackson Park itself was a park when the UPARR grant was first issued. In this instance, the proposal will result in substantial recreational enhancements to the replacement property and will ensure that the property remains available for public recreational use as required under UPARR.

PURPOSE AND NEED

Concern #5: Dividing the purpose and need based on the agency that oversees the action is not adequate. It segments the NEPA review and does not allow for a full consideration of all proposed actions of the project and how they would impact the natural and human environment. Segmenting the EA in this way also narrows each agencies' oversight so that a broader required review under NEPA, Section 106, Section 4(f), and UPARR was not conducted.

Additionally, the EA relies on the passage of the South Lakefront Framework Plan to segment projects out of analysis in the EA such as the OPC itself and the golf course project.

Response: As stated in the EA Section 1.0 (page 1), the need for federal review under NEPA is triggered by the City's actions to allow for the construction and operation of the OPC, to close roadways within Jackson Park, and to make improvements to the roadway network in and adjacent to Jackson Park. The decision to site the OPC in Jackson Park, the design of the OPC campus, and the related closure of roadways in Jackson Park do not require federal approval or funding. The federal actions include (1) an amendment of the original UPARR grants by the NPS, following the review of a partial conversion of use in Jackson Park and evaluation of replacement recreation opportunities pursuant to the UPARR program, and (2) the authorization of Federal-Aid Highway Program funds for roadway improvements and bicyclist and pedestrian facilities by the FHWA.

The agencies' Environmental Assessment did not "segment" actions subject to NEPA review. This NEPA compliance strategy is consistent with the "One Federal Decision" approach to federal environmental reviews and permitting. Consistent with that approach, each agency has determined a purpose and need pursuant to their scope of authority. This procedural decision allowed the public to understand more completely the impacts of related federal actions in and around Jackson Park in a single EA and to review those actions in their proper context. The purpose and need for each agency depends on the nature of its statutory authority and the action proposed be taken; these cannot be combined because each agency has specific authority and proposed actions to be evaluated in the EA. The agencies' regulatory authorities and purpose and need statements are described in the EA Section 3.0 (pages 9-15).

The analysis presented in the EA considers potential connected impacts of the City's actions. Construction of the OPC in Jackson Park and the decision to close roadways in Jackson Park are analyzed as indirect effects of the NPS decision in Alternatives B and C. All impacts are considered, and review is not segmented by the way impacts are categorized in the EA.

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 provides for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites (prehistoric and historic districts, sites, buildings, structures, or objects listed in, or eligible for, the National Register of Historic Places) during transportation project development. It applies only to agencies within the USDOT and is implemented by the FHWA and the Federal Transit Administration (FTA). Section 6.2.2 of the EA (pages 69-70) describes why the following actions (local and federal) are not subject to Section 4(f) requirements because (1) the actions do not require an approval from the FHWA to proceed, (2) the actions are not transportation projects, and (3) the actions are being implemented to address a purpose that is unrelated to the movement of people, good, and services from one place to another:

- The City's decision to close roadways in Jackson Park;
- The City's decision to allow construction of OPC in Jackson Park;
- The NPS decision with respect to the partial conversion of UPARR land in Jackson Park and the replacement recreational opportunity; and
- The U.S. Army Corps of Engineers (USACE) decision with respect to Section 404 permits and Section 408 permissions.

Section 6.2.2 of the EA (pages 69-70) further describes the status and next steps associated with the separate Section 4(f) Evaluation process.

The past, present, and reasonably foreseeable future actions analyzed as part of this EA are described in Section 5.2.1 (pages 32-34). The golf course consolidation/expansion proposal is an independent project from this federal review process. The golf course consolidation/expansion proposal contained in the 2018 SLFP is not included as a "reasonably foreseeable action" for the purposes of the cumulative impact assessment because the scope and detail of this project are largely aspirational and not sufficiently developed to allow for the kind of reasoned analysis that meaningfully informs federal decision-making. It is not anticipated to be completed or programmed (i.e., funding committed for the project construction) in the near future.

As stated in Section 2.4 of the EA (pages 8-9), the proposed roadway closures of Marquette Drive between Stony Island Avenue and Richards Drive and the northbound section of Cornell Drive between 68th Street and 65th Street would implement long-standing planning recommendations to reduce the number of multilane roadways that currently divide Jackson Park and allow for a more contiguous park. The roadway closures do not require any federal approvals. The golf course would be subject to a separate approval process under the Lake Michigan and

Chicago Lakefront Protection Ordinance. If any federal approval, funding, or permit is required for the golf course consolidation/expansion in the future, then federal requirements would be the responsibility of the relevant federal agency.

Concern #6: The purpose and need is inadequately articulated in the EA and fails to define a true need for either the FHWA or the NPS. The EA never provides a statement of need but rather references that it arises from the City's actions to site the OPC in Jackson Park and alter roadways. No clear need is defined in either case, only a condition that brings about the need.

Response: Each agency's authority and purpose and need for review is defined in Section 3.0 (pages 9-15) of the EA. The federal review is conducted to evaluate the potential impacts of the federal decisions by each agency, namely, the amendment of the UPARR agreements with conversion approval by the NPS and the potential use of Federal-aid Highway Program funds authorized by the FHWA.

Section 1.0 (page 1) explains the reason for the proposed federal decisions—the City's decisions to allow for the construction of the OPC in Jackson Park and to close roadways and improve the roadway network in and adjacent to Jackson Park. The decision to site the OPC in Jackson Park, the design of the OPC campus, and the related closure of roadways in Jackson Park do not require federal approval or funding.

ALTERNATIVES

Concern #7: The EA does not fully consider rising lake levels and the feasibility of the alternatives in light of this issue. There is flooding on Lake Shore Drive due to rising lake levels. Cornell is the only other major alternative route during floods, and it would be closed for this project. This will result in major traffic when Lake Shore Drive is closed due to flooding. The EA does not consider the feasibility of road and underpass construction close to the lake given the rising levels. Additionally, the EA does not consider how the tower itself and the proposed underground parking garage would affect the floodplain or how they would be affected by groundwater flooding. The EA does not consider how flood events related to rising lake levels would disrupt construction activities and staging areas.

Response: Lake Shore Drive and Hayes Drive are adjacent to Lake Michigan, the East and West Lagoons, and the South Lagoon in Jackson Park. Each of the lagoons are hydraulically connected to Lake Michigan. The existing elevations of both Lake Shore Drive and Hayes Drive are approximately 2-3 feet above the established 100-year floodplain elevation. Marquette Drive also does not fall within the 100-year floodplain. The elevations of these roadways will remain approximately the same following the proposed transportation improvements along each individual roadway. Therefore, frequent flooding of these roadways is not anticipated to occur in the future, even when current high lake levels are observed. Recent recorded events that resulted in full or partial closures of Lake Shore Drive occurred from overtopping wave action. Within the limits of Jackson Park, the only location reported to observe flooding is at the intersection of S. South Shore Drive and 67th Street. Shoreline improvements are outside the scope of this project; however, improvements to the

shoreline in this area were identified in the SLFP. The proposed transportation improvements will not exacerbate any existing flooding conditions; new stormwater pump stations will be installed at the 59th Street and 67th Street underpass locations along Lake Shore Drive. The analysis of impacts to water resources is documented in Appendix F of the EA.

The OPC site is not located within a FEMA Special Flood Hazard Area nor is it within a geomorphic floodplain. The proposed activities will not increase any flooding impacts on adjacent floodplain areas. A detailed analysis of existing and proposed drainage conditions, including an analysis of water levels in the lagoons and detailed drawings of floodplain limits, is provided in the Location Drainage Study, available on the City's website (<https://tinyURL.com/JPIImprovements>).

Concern #8: Improvements to the east end of the Midway should not include a playground. Only the proposed nature play area should be constructed. Plastic and steel playground equipment should not be added to the area and would be redundant because the 62nd Street playground would be relocated and expanded. The EA does not consider whether the east end of the Midway Plaisance is an appropriate place for a children's playground or whether the playground is needed or would be regularly used. This location is difficult to access and is somewhat isolated due to being bound by roads with heavy traffic.

Response: The new recreational opportunities proposed for the Midway Plaisance must meet the requirements of UPARR. The NPS evaluates the proposal in relation to the recreation opportunities that would be lost in the area of conversion in Jackson Park. The EA analyzes the impacts of the proposed new recreation on the Midway Plaisance based on the design parameters proposed by the City. The improvements will include restoring historic tree plantings and a walkway; installing playground structures (both nature play and inclusive play facilities) on the west side of the site; and improving the drainage on the eastside to provide a sunken lawn (approx. 30 by 50 yards) for informal recreation. Within those parameters, final decisions on playground materials and equipment have not been made. Once the NPS has determined that UPARR criteria are satisfied, the remaining decisions will be made by the City, with NPS confirmation, through a public process.

Concern #9: The proposed action should include replacement of the full 20 acres that will be removed for the construction of the OPC.

Response: The proposed actions will result in additional acreage within the park becoming available for recreational park uses instead of roads. Within the 19.3-acre area where the OPC will be built, a 4.6-acre area containing the forum, library, and museum buildings was determined to not qualify as public recreation under UPARR. The NPS understands through correspondence with the City that the remaining 14.7 acres of the OPC site will remain open and available to the public for recreational use consistent with UPARR. A Use Agreement between the City and the Obama Foundation (the Foundation) will govern the Foundation's development and use of the site, ensuring continued public access to the property. Based on this information, only the 4.6 acres for the OPC campus buildings requires replacement acreage with equivalent recreation opportunity consistent with UPARR.

Concern #10: The federal agencies have not considered a reasonable range of alternatives for analysis. The EA doesn't evaluate alternatives beyond those presented by the City for either UPARR conversion or roadway changes. Other locations for the OPC campus and the UPARR replacement area should have been considered in the EA. The UPARR evaluation report was referenced in the EA but is not available to the public; this evaluation should be more transparent. The EA references that FHWA analyzed 11 alternatives for roadway improvements, but it fails to list or otherwise describe those alternatives considered. The document posted to the City of Chicago website (linked in the EA) is only a draft document; a final document analyzing the alternatives should be completed and made available to the public.

Response: The federal agencies have evaluated alternatives within the scope of their authority. None of the federal agencies has the authority over the siting, construction, or operation of the OPC, which is subject to municipal authority nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City. Section 2.3 on the EA (pages 6-8) describes the processes used by the City to approve the placement of the OPC within Jackson Park.

The NPS regulations implementing UPARR require an applicant for a conversion of recreational parkland to non-recreational uses to evaluate all practical alternatives to the proposed conversion. For NEPA purposes, an alternative that avoids conversion is evaluated as Alternative A in this EA. As explained in Section 4.4.1 of the EA (page 26), the NPS did not consider any other alternatives than the proposed conversion because the ultimate decision to allow the placement of the OPC within Jackson Park is up to the City to make. However, as part of its submission to the NPS, the City described its process for approving the Jackson Park site for the OPC and its proposal of the Midway Plaisance for replacement recreation.

The FHWA alternatives analysis considered a wide range of proposed improvements to meet the FHWA's purpose and need, while avoiding or minimizing impacts to Jackson Park and other environmental resources. The *Alternatives to Be Carried Forward* and *Preferred Alternative* documents describe the development and evaluation of alternatives and are incorporated by reference in full at <http://www.tinyURL.com/JPIImprovements>.

Concern #11: Some commenters offered new suggestions for alternative elements. These include the following:

- 1) Shift the OPC campus footprint approximately 250 feet to the south to avoid impacts on the Women's Garden and the south twin road of the Midway Plaisance. Preserve the existing historic Women's Garden with minor accessibility improvements.**
- 2) Keep roadbeds after closing Cornell Drive and redesign the area as a hardscape plaza where events and festivals can be held.**
- 3) Close all roads to vehicular traffic through the park to make it more pedestrian-friendly.**

- 4) **Include additional safe pedestrian crossings, either underpasses or crosswalks with raised pavement and flashing signs, across Hayes Drive and the remaining portion of Cornell Drive.**
- 5) **Add additional points of access for pedestrians, particularly to the Wooded Island.**
- 6) **Add an underground connection for visitors to the OPC campus should be added to avoid the need to close the roads in Jackson Park.**
- 7) **Rather than closing Cornell Drive and Marquette Drive as proposed, narrow Cornell Drive to a four-lane roadway and Marquette Drive to one lane in each direction. An additional southbound lane could be added to Lake Shore Drive from 57th Street to Marquette Drive.**
- 8) **Add on-street parking to Marquette Drive to retain parking in the south side of Jackson Park.**
- 9) **Improve transit access to the park, such as creating a footbridge to the 59th Street Metra station.**
- 10) **Enhance, rather than remove, the existing wetland at the east end of the Midway Plaisance by installing a small, narrow, designed water feature.**

Response:

The federal agencies do not have authority over the siting, construction, design, or operation of the OPC, which is subject to municipal authority, nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City. The roadway closures and construction of the OPC are separate local land use and land management decisions by the City and do not require any federal approvals. The authority of each of the federal agencies is described in Section 3.0 (pages 9-15) of the EA, and the alternatives assessed in the EA present a reasonable range of alternatives consistent with the federal authorities.

Many of the alternatives suggested and summarized above pertain to the details of project design rather than the proposed federal actions. However, the analysis in the EA addresses many of the concepts embodied in these alternatives.

Impacts to the Women's Garden under NEPA are discussed in Section 5.2.4.3 of the EA.

The City proposes improvements for pedestrian and bicyclists within and adjacent to Jackson Park, including the following: ADA enhancements at intersections, pedestrian underpasses, curb extensions, pedestrian refuge islands, high visibility crosswalk markings, and pedestrian countdown signals. These enhancements strive to improve pedestrian access, comfort, and safety for residents from Hyde Park and Woodlawn aiming to access Jackson Park. Access across Stony Island Avenue to and from the 59th Street Metra station as well as access and circulation within Jackson Park will also be enhanced by the proposed pedestrian and bicyclist improvements. All these project elements fulfill the identified FHWA Purpose and Need regarding enhanced bike and pedestrian access and circulation. A complete list of pedestrian and bicyclist enhancements is provided in Section 4.3.4 of the EA (pages 25-26).

The existing transit network is acknowledged in Exhibit I-6 in Appendix I of the EA. Several Chicago Transit Authority (CTA) routes provide transit access through Jackson Park and the surrounding communities. While improvements to transit accommodations are not requirements for meeting the FHWA Purpose and Need, transit enhancements are proposed by the City as part of the transportation improvements. These include measures to improve transit operations such as consolidating signalized intersections, converting all-way stop controlled intersections to signalized intersections, interconnecting all signals, and modernizing signals for transit signal priority capabilities. In addition, ten bus stop consolidations and relocations and three bus bulbs are proposed along Stony Island Avenue.

Considering these accommodations and the transportation improvements provided for addressing congestion in the study area, the EA adequately considers a reasonable range of alternatives with respect to a variety of key transportation issues, including congestion, safety, and access to transit services.

The UPARR regulations require that replacement recreation opportunities be of “reasonably equivalent usefulness and location.” The sunken lawn on the proposed UPARR replacement parcel is currently used for informal recreation, but it floods frequently and the City reports that many area residents complain that the site is unusable. By installing a stormwater drainage system, the sunken lawn will become a reliably usable destination for recreation activities such as dog-walking and picnicking.

Concern #12: The EA relies on a false baseline No-Action Alternative that presumes the OPC and other overlapping or related projects will be built. This skews the forecasts, projections, and alternatives described in the EA. There are two baselines used in the EA. The NPS actions are evaluated against the Alternative A, and the FHWA actions are evaluated against Alternative B. The FHWA has incorrectly assumed a baseline condition in their Purpose and Need statement that considers a condition where the City’s proposed roadway closures are in place. A proper no-action baseline should consider the existing conditions of the project area for both the NPS and FHWA actions.

Response: The relevant baselines for NEPA analysis are different for the NPS and the FHWA because their proposed actions are premised on different conditions. Because the federal agencies collaborated on a consolidated NEPA analysis, the EA addresses the baseline conditions of both agencies. The EA describes the No-Action Alternative as the alternative under which no federal actions are triggered. As a result, neither the OPC nor the road closures would occur as proposed. Under Alternative B, the City would close roadways and move forward with plans to build the OPC, thus taking part of Jackson Park out of recreation and triggering a conversion of use needing the NPS to approve a partial UPARR conversion. The resulting traffic impacts under Alternative B create the baseline condition that leads to FHWA’s proposed action, which is to approve federal funding eligibility for transportation improvements that alleviate the traffic problems arising under Alternative B. The roadway closures and resulting traffic impacts are the predicate condition—the baseline—for the FHWA’s proposed action, which is considered as part of Alternative C. The FHWA’s need to

remove additional parkland for roadway improvements would result in additional partial conversion that the NPS needs to review for approval. This formulation of alternatives properly characterizes each agency's proposed action in relation to the appropriate baseline. Considering the impacts of federal funding for transportation improvements in the absence of the OPC development and proposed road closures would not be useful to the decisionmaker because that scenario is not an expected outcome.

Concern #13: The EA inappropriately concludes that the location, design, and road closures of the OPC campus are outside of the federal agencies' jurisdiction and, therefore, are out of the scope of the NEPA review process. This resulted in a lack of analysis of a reasonable range of alternatives for the project as well as a lack of consideration for all avoidance, minimization, and mitigation measures.

Response: The federal agencies have evaluated alternatives within the scope of their authority. The range of alternatives considered during the NEPA process is appropriate to inform the federal agencies about reasonable alternative actions that would avoid or minimize the impacts of the proposed action. Concerns regarding the sufficiency of the alternatives analysis are addressed in Concerns #10 and #12 above.

The EA discusses a variety of avoidance, minimization, and mitigation measures within the discussion of impacts on various resource topics. For example, mitigation measures for impacts on cultural resources are discussed on pages 52 and 55 of the EA. Additionally, the NHPA AOE discusses avoidance and minimization efforts in Section 5.0 (pages 75-80 of the AOE). In another example as explained in Appendix D of the EA, tree removal is restricted to March 1 through August 31 to avoid any possible impacts to protected bird species. The transportation improvements were also designed to minimize impacts to Jackson Park. These efforts are summarized in Section 5.1 of Appendix D (pages 16-17) of the EA. These are just some examples of avoidance, minimization, and mitigation efforts considered as part of the EA.

IMPACT TOPICS CONSIDERED BUT DISMISSED

Concern #14: The EA impact analysis didn't adequately consider the impacts of the loss of tree canopy and habitat due to tree removal and replacement. There is no consideration for how tree canopy removal would affect air quality. The EA does not evaluate the drastic change in view that would occur due to the removal of hundreds of trees along Lake Shore Drive and Stony Island Drive as well as due to the clearcutting of 19.2 acres of trees. Replacing 3-foot-diameter trees with 3-inch-diameter trees is not sufficient, and the assessment didn't consider that it would take decades for the saplings to grow to the size of the existing trees. These proposed mitigation trees would be too small for many of the nesting bird species who prefer to nest in places inaccessible and concealed from view, which the existing trees provide. Additionally, the proposed mitigation trees would not supply the same amount of food as the existing larger trees. These impacts are considered "temporary" in the EA, but they should be

considered “permanent” due to the time frame for tree growth. The EA lacks a census of trees in the park as a baseline to understand what percentage of trees will be affected.

Response: As noted in Section 3.0 of Appendix D (pages 2-5) of the EA, tree surveys were conducted within the OPC site, track and field replacement site, and adjacent to proposed transportation improvements. Previous tree surveys conducted for the Chicago Park District (CPD) were also considered. The boundaries of these surveys extend to 57 percent of Jackson Park and identified 4,672 trees. The other 43 percent of Jackson Park, where proposed changes are not contemplated, contains an unknown number of trees.

Appendix D of the EA describes in detail the existing conditions of the trees, the trees to be removed, and trees used as replacements. An evaluation of the existing tree species diversity and changes in canopy in Jackson Park over the years is also provided in Section 3.1 of Appendix D (page 4).

As noted in Section 5.1.3 of the EA (pages 29-30), the preferred alternative would result in the removal of 789 trees: 326 trees anticipated to be removed within the OPC site, 39 trees were removed by the track and field relocation, 417 trees would be removed by the transportation improvements, and 7 trees would be removed by projects considered under cumulative analyses (2 trees were removed by the Lakefront Trail separation, 5 trees are anticipated for removal by the baseball field reconfiguration). A total of 17 percent of the trees identified by the surveys would be affected by this project.

Studies were completed for the OPC site to observe existing tree and soil biology conditions (*Obama Presidential Center: Reinforcing Landscape Ecology* [see link provided under Section 7.0 References in the EA]). The report notes that approximately 40% of the trees within the OPC site are in declining condition. The report also strategizes how to repurpose, relocate, or preserve the mature and legacy tree populations on site.

The transportation improvements were designed to minimize impacts to Jackson Park. These efforts are summarized in Section 5.1 of Appendix D (pages 16-17) of the EA. In all cases, minimization efforts included reviewing the size, species, and condition of existing trees so that the preservation of large native species trees, and in particular oak species, could be prioritized when possible.

The EA recognizes the loss of trees on the site and the temporal loss of habitat as the site is revegetated and matures. The size of replacement trees is driven by experience with newly planted trees, which suggests that smaller trees establish faster and with more success. Tree diversity will be improved, as will broader vegetative diversity in the understory and at the groundplane across the OPC site. While the new trees will take some time to mature and to provide suitable habitat, the temporal impact is small given the size of the park and remaining mature trees, the availability of other habitat, and the acclimation of wildlife to human activity.

As stated in Section 5.2 of Appendix D of the EA, impacts to trees would be replaced at a minimum ratio of 1:1. New replacement trees will be a mix of 2.5- and 4-inch caliper trees. The preference is to use 2.5-inch caliper as much as possible, as this size based on experience by CDOT and CPD has shown to transplant from nurseries better and establish faster than larger trees. In areas that are more heavily trafficked, including areas along Stony Island Avenue, larger 4-inch caliper trees will be used. This larger size ensures that the tree can be pruned such that limbs will be above head height and also provides more of an instant-landscape effect upon installation.

Replacement tree species were preliminarily determined to include a mix of shade and ornamental trees. Species selection also considered largely native species and a diverse population to avoid the potential for mass removal due to disease, as was required after the introduction of Emerald Ash Borer (EAB) in 2002, which unexpectedly decimated the Chicago region's ash population.

Potential impacts to tree canopy resulting from the project alternatives were evaluated using details available in the existing tree surveys, as well as preliminary planting plans for the proposed road improvements and private development. The following impacts to the existing canopy are added to the EA in the Errata in Attachment C.

Under Alternative A, there are no proposed changes to the tree population; therefore, there are no changes to the existing canopy in Jackson Park.

Under Alternative B, there are no tree removals proposed as part of the proposed roadway closures. The tree removals associated with the relocation of the track and field resulted in a canopy loss of 0.26 acres. The proposed planting plan for the relocated track and field work is anticipated to restore a total of 0.57 acres at maturity, resulting in a net gain of 0.31 acres of tree canopy. The tree removals associated with the OPC site development would result in a loss 5.4 acres of canopy. The preliminary planting plan for the OPC anticipates 7.79 acres of canopy at maturity, resulting in a net gain of 2.2 acres of tree canopy at maturity on the OPC site. As detailed in *Obama Presidential Center: Reinforcing Landscape Ecology* (see link provided under Section 7.0 References in the EA), the Foundation recognizes the importance of tree cover, which brings longevity to the site and plays a major role in moderating local micro-climate. The proposed tree cover for the OPC site is more diverse and advances efforts to provide varied habitat for vital ecosystem function. The proposed design also looks to reinstate and enhance the important middle layers. Currently, there are few shrub-scaled plants on the site, which means that the site is missing a critical layer in the ecosystem. This planting layer typically provides cover, screening, and shelter from weather. Shrubs will be used strategically on the OPC site to help develop soil structure, provide habitat, and serve as a source of food for wildlife.

Under Alternative C, the proposed tree removals would result in a canopy loss of 4.8 acres. Considering the mix of shade and ornamental tree species proposed as part of the mitigation plan, approximately 9.2 acres of canopy will be restored at maturity, resulting in a net gain of 4.4 acres of tree canopy in Jackson Park.

Concern #15: The EA impact analysis didn't incorporate impacts of the OPC building in terms of the migratory flyway, including doppler radar studies done by the US Fish & Wildlife Service.

Response: As noted in public correspondence received during the comment period, the United States Fish & Wildlife Service (USFWS) completed a study of migratory birds as documented in the *Great Lakes Avian Radar Technical Report Lake Michigan Shoreline*, Spring 2017. The report studies activity patterns, timing, and magnitude of migration using radar units located at Montrose Point (in Lincoln Park, Chicago, IL) and the Indiana Dunes State Park (Porter County, IN). Similar to the EA (Section 3.2 of Appendix C, page 5), the USFWS report recognizes the Lake Michigan shoreline as an Audubon Important Bird Area and acknowledges stopover habitats along the lakeshore.

All actions evaluated as part of the EA, including both federal actions and City actions, are proposed to occur west of Lake Shore Drive, with the exception of minor ADA improvements at the Hayes Drive/Lake Shore Drive intersection. Therefore, there will be no impacts to resting areas for migratory birds that may occur along the Lake Michigan shoreline.

During migration season, the Wooded Island generally has the most migratory birds within Jackson Park. Both the Wooded Island and Bobolink Meadow are popular birding locations within Jackson Park. There are no proposed construction activities or tree removals that will occur on the Wooded Island or in the Bobolink Meadow as part of the considered federal and City actions.

To avoid impacts to state-listed endangered bird species, the City proposes to restrict tree removals between March 1 and August 31 for projects assessed in the EA. Migratory birds, as a result, would also be protected by this commitment during nesting season. Habitat for migratory birds would be temporarily impacted by tree clearing; however, all trees removed would be replaced at a 1:1 mitigation replacement ratio (See EA Appendix D). Therefore, there are no permanent direct impacts to migratory birds as a result of the federal or City actions.

While the USFWS report provides statistical and trend information regarding direction, altitude, and timing of migratory bird flight patterns, it does not provide specific additional information regarding the potential impacts of the federal actions to migratory bird species beyond the considerations listed above or in the EA. While the design of the OPC campus falls outside the scope of the federal agencies' authority, the Foundation recognizes the importance of Jackson Park as a stopover for migratory birds along the Mississippi Flyway and took steps incorporate bird friendly strategies within the design of the OPC, some of which are highlighted within the *Obama Presidential Center: Reinforcing Landscape Ecology* (see link provided under Section 7.0 References in the EA).

The report, as well as outreach efforts with bird advocates, has influenced the lighting, landscape, and architectural features of and around the OPC buildings to consider migratory bird movement and habitat. The landscape design incorporates diverse plant selections and vegetative layering to serve as habitat for migratory

birds. As discussed in *Reinforcing Landscape Ecology* on pages 64-67, the OPC's design will also explore the use of alternative materials to minimize transparent or reflective glass, while also consisting largely of opaque surfaces. The OPC's design will also reduce the amount of direct window-to-window building corners wherever possible and will avoid the placement of interior plants in areas where birds may perceive them as continuation of the canopy. These design elements will reduce the threat of bird strikes. Additionally, the design targets the Light Pollution Reduction LEED Credit, which is designed in part to minimize impact on migratory birds. The Foundation will also support the City's efforts (and comply with all ordinances) with respect to satisfying the Audubon Society's "Lights Out" goals or City equivalent, which seeks to reduce excess exterior lighting that can disorient birds during the months that migrating birds are flying between their nesting and wintering grounds.

Concern #16: The EA impact analysis doesn't note the return of federally protected shorebirds within the project area, most notably the piping plover.

Response: As stated in Appendix C of the EA, Piping Plover and Rufa Red Knot habitat is present in the project study area east of Lake Shore Drive. To avoid impacts to these species, CDOT committed that all construction activities would occur to the west of Lake Shore Drive with the exception of some curb and gutter elements proposed in existing concrete areas. This commitment will avoid effects to the Piping Plover and Rufa Red Knot. See Attachment C-2 of Appendix C of the EA for details of the commitment. Because there would be no effect on these species, the impact topic was considered and dismissed from further analysis in the EA. See Appendix C of the EA for more details of the analysis and determination of no effect.

Concern #17: The EA didn't properly assess the impacts of the shadow cast by the proposed OPC campus building. The shadow will impact the ecology of recent Great Lakes Fishery and Ecosystem Restoration (GLFER) project areas, the Wooded Island, and the Bobolink Meadow, as well as cover the Women's Garden during winter months. The shadow study presented by the Barack Obama Foundation did not consider shadows cast during the spring equinox or any time after 4 p.m.

Response: When the sun is out, the shadow cast by the Museum Building will constantly shift with the passing of the sun across the sky and will not rest in any single place for an extended period. The shadow study projects the expected shadow location at five times during the course of the day, on three dates during the year, in order to depict both daily and seasonal variation. Shadow positions at other dates and times can be interpolated in relation to the studied dates and times. The study shows that the Museum Building's shadow will generally be confined to the OPC site, occasionally reaching into the Midway Plaisance to the west (early in the morning) and across the lagoon (late in the day). These shadows will be temporary and are consistent with natural shading provided by trees and clouds. The GLFER project used native species, which are well adapted to prevailing conditions of sun and shade. Within the OPC site, the planting plan will take into consideration the prevailing conditions as well. The citation for the shadow study is added to the EA in the Errata in Attachment C.

Concern #18: The EA analysis of impact topics considered but dismissed is cursory and vague, particularly for the resources of wildlife, special status species, air quality, and water quality. The EA concludes that it will avoid impacts on state threatened or endangered species but does not say how it reached that conclusion or what those impacts would be. The EA also concludes that water resources will be affected but does not state how. The EA does not analyze whether increased noise, light, pollution, salt spray or splash, vibration, or construction activities will affect wildlife known to frequent the area. The EA also doesn't discuss potential impacts on natural resources as a result of construction work along the shoreline on the southeast corner of the park beyond the terminus of Lake Shore Drive.

Response: The EA summarizes the agencies' evaluation of impacts to special status species, wildlife, habitat, air quality, and water resources and concludes that there will be no or minimal impacts. The details of this review are included in the Technical Memorandum Appendices C, E, and F which were available for public review and comment.

With respect to state or federally listed species, the EA recognizes that there is suitable habitat for a number of such species. See EA Section 5.1.2 (pages 28-29). No effects to federally listed Piping Plover and Red Rufa Knot species are expected to occur. The EA analysis determined tree removals within the project study area may affect the northern long-eared bat (NLEB). The USFWS has issued a Programmatic Biological Opinion that defined the types of activities that may affect the NLEB but are not prohibited under the Final 4(d) Rule. Impacts associated with the project alternatives were evaluated in accordance with the USFWS Programmatic Biological Opinion on the Final 4(d) Rule and sent to the USFWS for review. A response was not received within 30 days; therefore, in accordance with the Endangered Species Act (ESA) Section 7 guidelines, agency coordination for the NLEB is complete. See Attachment C-3 in Appendix C of the EA.

With respect to state-listed species, the agencies concluded that, with a combination of avoidance of suitable habitat and seasonal tree removal restrictions, adverse effects are unlikely. No project construction will take place along lakeshore beaches in areas of suitable habitat for state-listed plants. Seasonal tree removal restrictions will minimize all impacts to state listed birds, if any were to be present. This is further explained in Appendix C. Temporary impacts of construction activity are acknowledged, but impacts on any wildlife or habitat are expected to be minimal and are speculative given the commitments to abide by seasonal construction restrictions and to confine construction to areas not suitable for state-listed plants.

With respect to migratory birds, Appendix C recognizes the importance of the Lake Michigan shoreline and its status as an Audubon Important Bird Area and the popularity of Jackson Park for recreational birding. Frequent birding tours take place in parts of the park that will be unaffected by the project—the Wooded Island and the Bobolink Meadow—and the Jackson Park shoreline is an important area for birds. Appendix C explains that some habitat will be temporarily impacted by the work at the OPC site and that tree removal will not occur during breeding season and that all

trees removed will be replaced and the site enhanced. The agencies expect that while some temporary displacement of birds may occur as the site is developed and matures, Jackson Park and nearby parks are sufficiently large to allow birds and birdwatchers to adapt around construction activities—especially given that the primary parts of the park used for recreational birding will be unaffected. Further, as detailed in the report titled *Obama Presidential Center: Reinforcing Landscape Ecology* (see link provided under Section 7.0 References in the EA), design of the OPC site was specifically tailored to accommodate and protect migratory birds, including bird-sensitive landscape features, lighting, and architectural design. See Response to Concern #16 for additional information.

Potential impacts to water resources are summarized in the EA and explained further in Appendix F. That Appendix carefully identifies the minor expected impacts to surface waters, the lack of any implications for the flood plain or ground water, and the plans to accommodate surface water runoff and the need for minor additional drainage. As explained in various submissions to the federal agencies, including the report titled *Obama Presidential Center: Reinforcing Landscape Ecology* (see link provided under Section 7.0 References in the EA), the OPC site will be designed to achieve advanced stormwater management goals.

Potential air quality impacts are explained in detail in Appendix E. As summarized in the EA, impacts are expected to be short term and would meet applicable regulations and standards.

The proposed underpass at South Shore Drive and 67th Street is intentionally designed to avoid any impacts to the shoreline. The limits of work are constrained to areas currently occupied by existing pathways.

Concern #19: The EA does not address light pollution that would result from illuminating the OPC campus and how the air and light pollution would affect children at nearby schools.

Response: Neither lighting nor air emissions are anticipated to have a notable impact on people, including children at nearby schools.

With respect to lighting, the majority of the OPC site consists of open park areas consistent with the rest of Jackson Park. No lighting will be directed beyond the boundary of the OPC campus, although some may be visible from beyond the site boundaries. As noted in the “Report to the Chicago Plan Commission from the Department of Planning and Development” dated May 17, 2018, for approval of the OPC’s Planned Development application, the addition of improved lighting and resurfaced pathways with clearer sightlines will create a safer means to traverse the park. As detailed in *Obama Presidential Center: Reinforcing Landscape Ecology* (see link provided under Section 7.0 References in the EA), the OPC is designed to achieve LEED (Leadership in Energy and Environmental Design) certification, including specifically the Light Pollution Reduction LEED Credit. Certification to LEED standards is widely recognized and involves third-party evaluation of a design. The LEED lighting credit involves using luminaires that do not exceed specified upright ratings; achieving specific backlight and glare ratings; ensuring that exterior

signage does not exceed luminance of 200 cd/m² (candela per square meter) during nighttime hours and 2,000 cd/m² during daytime hours; and using exterior lighting that reduces impacts to people and wildlife. Additionally, as explained above in response to Concern #15, the design targets the Light Pollution Reduction LEED Credit, which is designed in part to minimize impact on migratory birds. The Foundation will also support the City's efforts (and comply with all ordinances) with respect to satisfying the Audubon Society's "Lights Out" goals or City equivalent, which seeks to reduce excess exterior lighting that can disorient birds during the months that migrating birds are flying between their nesting and wintering grounds.

Collectively, these measures help to ensure that, compared to traditional buildings, lighting associated with the OPC will have substantially less impact on people and wildlife.

The analysis of air quality impacts, available in Attachment E to the EA, recognizes that construction activities at the OPC site may result in short-term air quality concerns from construction equipment or airborne dust particles. As noted in the EA (Appendix E, Section 4.1.2.2, page 10), air quality effects can be limited through standard practices such as the selection of construction equipment, idle times, equipment maintenance, and fuels and by following erosion and sedimentation control protocols and best management practices. Construction is also subject to municipal laws. These include the City's noise ordinance (Section 8-32-140), which generally limits construction activities within 600 feet of residential buildings, but exempts work on public improvements 8:00 a.m. to 8:00 p.m. unless approved by the Aldermanic office serving the local community, and the City's dust control ordinance (Section 14B-33-3324), which requires construction contractors to minimize dirt and debris from construction vehicles and to use dust-tight chutes or containers for debris removal from elevation, among other requirements.

Concern #20: Commenters questioned why there were no highway traffic noise impacts observed under Alternative B and why the EA did not include an analysis of noise levels under both ordinary and peak traffic conditions.

Response: As noted in the EA (Section 5.1.6, pages 31-32), highway traffic noise was studied in accordance with FHWA Noise Regulations to determine highway noise impacts as a result of the transportation improvements included in Alternative C. The *Highway Traffic Noise Analysis Report*, referenced in the EA and available on the City's website (<http://www.tinyURL.com/JPIImprovements>), was produced to comply with these regulations, which apply only to "Federal or Federal-aid Highway Projects authorized under title 23, United States Code." (23 CFR 772.7). There are no actions that occur or require authorizations under title 23 of the United States Code under Alternatives A or B.

Alternative B as described in the EA, also referred to in the *Highway Traffic Noise Analysis* as the "2040 No-Build Condition," was analyzed to determine a baseline condition of highway traffic noise levels for purposes of comparison to proposed conditions. Alternative C, referred to in the *Highway Traffic Noise Analysis* as the "2040 Build Condition," determined the highway traffic noise levels experienced once the proposed transportation improvements are in place.

Highway traffic noise impacts are observed if the predicted noise level of a receptor location approaches, meets, or exceeds the Noise Abatement Criteria, or when predicted highway traffic noise levels are substantially higher than the existing condition. (23 CFR 772.11, *Highway Traffic Noise Analysis*, Section I-C).

When predicting noise levels and assessing impacts, highway traffic noise analyses are conducted during the worst traffic-noise conditions. This condition occurs during the period of analysis when the projected traffic volumes along a particular roadway are higher and traveling at or near posted speed limits, yielding the greatest traffic noise level observed by a receptor. This methodology yields relevant data to assess maximum noise impacts and does not require a distinction between “ordinary” and “peak” traffic conditions.

As reported in the *Highway Traffic Noise Analysis* Tables A-3.1 and A-3.2, predicted noise levels of Alternative C (2040 Build Condition) will not be noticeably greater than noise levels under the modeled baseline (2040 No-Build Condition) at all of the representative receptors both outside and inside of Jackson Park. Changes in noise levels from the proposed transportation improvements would be 3 decibels (dBA) or less. A change in noise levels of 3 dBA is barely perceptible to an average human with normal hearing.

RECREATION RESOURCES

Concern #21: Impacts on recreation would be significant. The EA claims only 20 acres of the whole 643-acre project area would be affected. However, the EA does not take into account the fact that much of Jackson Park is limited to specific use such as for the Museum of Science and Industry, La Rabida, the golf course, the lagoons, harbors, and nature sanctuary. Therefore, the actual park space available for casual recreation is more limited, making the loss of 20 acres a significant loss. Additionally, the cumulative effect would result in an additional 40 acres taken by the planned golf course, which brings the total park land lost for general use up to 25% of the 268 acres not taken by water, golf, La Rabida, and the Museum of Science and Industry. Although there will be open space available on the OPC campus after construction, existing informal uses of the area such as barbequing and other gatherings will not be permitted.

Response: As detailed in Appendix G, several picnicking opportunities would be available across the OPC campus. Those areas include: Community Grove, Lagoon View Lawn, and the Great Lawn, among other spaces. There would be a minimum of one acre of informal picnicking space collectively within these spaces. Opportunities for informal recreation include areas used informally for sitting, walking, gathering, pick-up games (soccer, other), play, and for landscaping or as buffer between recreation areas and sidewalks, paths, and roadways. These opportunities would continue to exist on the OPC site as well as in new landscaped areas made available by the closure of certain roads on the site.

As the park’s natural areas (including the lagoons) and recreational facilities (including harbors and museums) are part of the recreation experience for Jackson Park, there will not be a loss of 20 acres of recreation opportunity. Rather, the OPC

site will remain public park land owned by the City. While a 4.6-acre area containing the forum, library, and museum buildings includes uses that the NPS has determined do not qualify as public recreation under UPARR, the remaining 14.7 acres of the OPC site will remain open and available to the public for UPARR-qualified recreational use. Furthermore, a Use Agreement between the City and the Foundation will govern the Foundation's development and use of the site, ensuring continued public access to the property. The remainder of the 551-acre park will continue to be available for all the current recreational uses, and the closed roadways in Jackson Park will add open space for informal recreation.

Concern #22: There is a finite quantity of parkland in the City; the impact on humans in terms of nature's importance to maintaining good physical and mental health as well as child development was not adequately addressed by the EA impact analysis.

Response: The Proposed Action will not result in a loss of parkland in the City and is therefore not anticipated to negatively impact human physical and mental health or child development. The Proposed Action will provide several recreation opportunities, including a new play area, improved open space, and rehabilitated walkways. In addition, the reclaimed roadways in Jackson Park will be converted to park space and will provide recreation opportunities such as informal recreation trails and multiuse recreation opportunities. There will, in fact, be a net increase of 6.4 acres of parkland under the Proposed Action (see Table B-2: Impact Summary Table in Appendix B of the EA).

TRAFFIC CONGESTION

Concern #23: Commenters requested an analysis of additional air and noise impacts and potential access reduction that may result from the creation of T-intersections.

Response: The analysis in the EA reviews the traffic operations, air quality and highway traffic noise for existing and projected traffic volumes. Traffic operations are reviewed to determine the Level of Service (LOS) benchmarks at intersections based on delay experienced per vehicle as an indicator for how well an intersection operates under projected traffic conditions. The air quality and noise analysis is also based on the projected traffic volumes. As a result of the City's proposed closure of Cornell Drive between 63rd Street (Hayes Drive) and 59th Street, the signalized intersection of 63rd Street (Hayes Drive) and Cornell Drive is converted from a four-legged intersection to a three-legged intersection (or "T-intersection") and the three-legged intersection of Cornell Drive at North Midway Plaisance is removed. In addition, the City's proposed closure of Marquette Drive between Stony Island Avenue and Richards Drive converts the signalized intersection at Marquette Drive and Stony Island Avenue from a four-legged intersection to a three-legged intersection.

Section 5.2.3 (pages 41-49) and Appendix H of the EA provide analysis of traffic conditions for each of the project alternatives. Under Alternative C with transportation improvements in place, the 2040 intersection LOS at 63rd Street (Hayes Drive) and Cornell Drive operate at LOS A and LOS B in the morning and evening peak hours, respectively. These operations are observed as a result of the improvements to the roadway network, as well as by providing a through movement

for predominant travel through the intersection. Under the same conditions of Alternative C, the intersection of Marquette Drive/Stony Island Avenue experiences a LOS B for both peak hours. For both intersections, results are similar to those experienced under 2016 existing conditions and 2040 projected conditions in Alternative A and provides substantial improvement to traffic congestion compared to conditions in Alternative B.

Section 5.1.4 (page 30) and Appendix E of the EA provide analysis of Air Quality impacts for each of the alternatives. The transportation improvements included in Alternative C were determined to meet conformity requirements under the Clean Air Act (CAA). The improvements under Alternative C were also determined to be compatible with the Transportation Improvement Program (TIP) through the Chicago Metropolitan Agency for Planning (CMAP) amendment process. See Appendix E.

Section 5.1.6 (pages 31-32) and a separate *Highway Traffic Noise Analysis* report analyzes the potential for highway traffic noise impacts associated with Alternative C. The analysis of predicted noise levels for receptors adjacent to the Marquette Drive/Stony Island Avenue intersection show predicted noise levels change by 1 dBA or less and result in no noise impacts. The same analysis for receptors adjacent to the 63rd Street (Hayes Drive)/Cornell Drive intersection show predicted noise levels change by 3 dBA or less. As noted in the *Highway Traffic Noise Analysis* report (Section I-B), for the average human with normal hearing, a 3 dBA change in noise level is barely perceptible, especially if the change occurs gradually over time.

Vehicular access to amenities within Jackson Park will be maintained under Alternative C. In addition, pedestrian and bicyclist access to and throughout Jackson Park will be enhanced by the proposed improvements under Alternative C.

Concern #24: The analysis of traffic congestion in the EA is inadequate for the following reasons:

- **The traffic study used as a baseline is outdated using the CMAP GoTo 2040 traffic projections. Since that study, new projections were released in the CMAP long-range regional plan, OnTo 2050. The EA did not consider changes in vehicle transportation and commuting habits related to the pandemic.**
- **The EA does not explain how the maximum projected capacity values for the roads in Table 1 were calculated or obtained.**
- **The EA does not explain what counts as an acceptable travel time before presenting travel time comparisons in the traffic technical memorandum.**
- **The analysis did not take into account traffic during special events at the OPC or consider other multimodal factors such as transit, bicycle, taxis, rideshares, school buses, etc.**

Response: Traffic congestion is discussed and analyzed in EA Section 5.2.3 (pages 41-49) and Appendix H. As discussed in Appendix H Section 2.4 (pages 5-6), mobility at intersections is typically measured by calculating the average control delay experienced by vehicles passing through an intersection and relating it to LOS

benchmarks. Peak hour conditions are analyzed to accommodate the highest traffic volume during both morning and peak hours of travel. Providing roadway capacity for atypical conditions, such as special event traffic or temporary roadway closures, would result in excess roadway capacity, additional costs, and further impacts by roadway construction. Section 6.2 of the Use Agreement (Public Access) between the City and the Foundation requires the Foundation to conduct special events "in accordance with standards and procedures set forth in a written agreement to be negotiated in good faith between the City, the Park District and the Foundation . . . [regarding] coordination among the parties on the advance scheduling of events so as to account for security considerations, the avoidance of conflict with other events in and around Jackson Park and other logistical and public access considerations." This agreement was passed by the City Council on October 31, 2018 and is available on the City Clerk's website.²

Projected traffic volumes are typically analyzed to ensure a transportation improvement accommodates future traffic volumes through the typical life-cycle of the facility. For Northeastern Illinois, projections of future travel demands are provided by CMAP using regional travel-demand analyses and comprehensive plans. These plans consider regional planned transportation improvements as well as multimodal travel factors. CMAP provided traffic projections for the year 2040 in accordance with their *GO TO 2040* regional plan. These traffic volumes are presented for comparison through the EA analyses. In October 2018, CMAP adopted their *ON TO 2050* comprehensive plan. Further coordination with CMAP was conducted to ensure the proposed transportation improvements would perform satisfactorily. The 2050 sensitivity analysis demonstrated that intersections would continue to operate satisfactorily under 2050 projected traffic volumes in Alternative C and would not materially change the alternatives analysis completed by the FHWA. A summary of this analysis is provided in Appendix H Section 4.0 (pages 26-29). Varying restrictions relating to the pandemic have affected traffic patterns generally, but the long-term effects of these dynamic circumstances in Jackson Park and environs remain entirely speculative.

As part of an initial study documented as part of the *Jackson Park Revitalization Traffic Impact Study*, CMAP estimated approximately 24-28 percent of all vehicle trips will reroute to alternative roadways outside of the project area. The results of the travel demand modeling indicated that traffic diversion to roadways outside of Jackson Park can be accommodated without providing additional capacity on alternate collector and arterial roadways. See Table 1 in Appendix H of the EA. The maximum projected capacity values for the roadways in this table were validated by transportation engineering planning tools and factoring local system knowledge, such as driver behaviors and network operations.

The design of the transportation improvements also considers multimodal travel, providing improvements targets for improved transit operations within the network,

² See <https://chicago.legistar.com/View.ashx?M=F&ID=6685246&GUID=F7A31359-2809-4E1B-B7D1-F330FC094611>

accommodating bus operations at the OPC site, and improving pedestrian and bicyclist access and circulation.

As part of the impact analysis provided in Section 3.0 of Appendix H (pages 10-26), anticipated travel times for predominant travel routes are presented. The purpose of this analysis is to provide a comparison of impacts across the project alternatives, as opposed to a comparison against a singular measured value.

Concern #25: Traffic congestion resulting from closing roadways in Jackson Park and diverting traffic to alternate routes will cause increased congestion that extends outside of the project area and into the local neighborhoods. These changes to traffic circulation patterns will cause unnecessary inconvenience and congestion as well as endanger residents and school children due to faster traffic on Stony Island Avenue.

Response: The *Jackson Park Revitalization Traffic Impact Study (TIS)* was completed to evaluate the potential traffic impacts as a result of proposed changes within and adjacent to Jackson Park. CMAP assisted in the development of future traffic volumes from the regional travel demand model developed for the *GO TO 2040* regional plan. The results of the travel demand modeling indicated that traffic diversion to roadways outside of Jackson Park can be accommodated without providing additional capacity on alternate collector and arterial roadways. See Table 1 in Appendix H of the EA. Sufficient reserve capacity exists on parallel arterials to absorb any traffic diversions that would occur without adverse neighborhood impacts.

The City proposes improvements for pedestrians and bicyclists, including the following: ADA enhancements at intersections, pedestrian underpasses, curb extensions, pedestrian refuge islands, high visibility crosswalk markings, and pedestrian countdown signals. Along Stony Island Avenue, where schools are present, curb extensions, refuge islands, high visibility crosswalk markings, and pedestrian countdown signals will be provided. These enhancements strive to improve pedestrian access, comfort, and safety for residents from Hyde Park and Woodlawn aiming to access Jackson Park. These project elements fulfill the identified FHWA Purpose and Need regarding enhanced bike and pedestrian access and circulation. A complete list of pedestrian and bicyclist enhancements proposed is provided in Section 4.3.4 of the EA (pages 25-26).

Concern #26: The assessment of impacts related to parking supply is inadequate for the following reasons:

- **The analysis is based on a parking study conducted in the fall of 2018, which is a time when Jackson Park usage is typically lower than in the summer; therefore, the baseline does not reflect typical park usage. It also didn't take into account the change in demand for park use during the pandemic and the reduction in use of public transportation or rideshares.**

- **The loss of parking along Hayes Drive would violate the intent of the Americans with Disabilities Act (ADA) by making the park less accessible. Parking on Stony Island is not suitable for all people and is likely to be filled up by visitors to the OPC.**
- **Addressing lost on-street parking with a new parking garage does not take into account the fact that on-street parking is currently free and the garage would be fee-based. This would result in more visitors seeking free parking on nearby streets. Additionally, the garage would likely be filled with visitors to the OPC rather than visitors using the rest of Jackson Park.**
- **The analysis did not take into account parking demand for special events at the OPC.**

Response: Table 14 in Appendix H of the EA summarizes the parking supply impacts as a result of implementing Alternative C. Alternative C results in a loss of 105 unmarked on-street parking spaces. When added to the parking impacts under Alternative B, Alternative C results in total net loss of 233 unmarked on-street parking spaces.

As part of the OPC development, additional off-street parking is proposed to accommodate anticipated parking demand resulting from the visitors to the center. The amount of off-street parking was evaluated as part of the *Jackson Park Revitalization TIS* (See Section 5.0 of the TIS). The OPC parking demand study is not seasonally dependent. The parking analysis completed for the study used standard methodologies based on assumptions concerning estimated annual attendance, the percentage of visitors that are likely to use personal vehicles, the average "dwell-time" for a visit, and how busy the OPC will be across different times of the day to determine the appropriate on-site parking capacity (i.e., number of parking spaces in the planned garage).

The number of off-street spaces proposed meets City zoning regulations and is sufficient to accommodate visitors to the OPC and its employees. The proposed off-street parking design has been approved by the City. The parking garage for the OPC is also intended to accommodate parking demand for the OPC and some demand for the remainder of Jackson Park. The use of parking fees is intended to allow for more frequent turnover of the parking spaces, allowing for more visitors to use fewer parking spaces. The overall project provides a combination of new free and paid parking, similar to existing conditions.

The City has the ability to enact specific parking regulations for on-street parking in the event that it is deemed necessary, such as permit parking, duration-based parking, or others if an issue arises with a portion of existing free parking not being available for nearby residents. The *Jackson Park Revitalization TIS*'s study of the existing on-street parking inventory concluded that there were more than sufficient existing spaces to accommodate demand, especially during weekdays. As part of Alternative C, the proposed transportation improvements include the addition of 84 new on-street parking spaces. The parking study conducted as part of the *Jackson Park Revitalization TIS* concluded that, even with the additional loss of 105 unmarked on-street parking spaces, there is still an excess parking supply in Jackson Park based on

parking demands. While the physical count for the TIS was taken in the fall, it is not uncommon for a TIS or parking study to analyze typical conditions rather than conditions that only occur only 10-15 days per year (i.e., summer Saturdays).

Varying restrictions relating to the pandemic have affected traffic patterns generally, but the long-term effects of these dynamic circumstances in Jackson Park and environs remain entirely speculative. As the implementation of the South Lakefront Framework Plan continues in Jackson Park, the City will continue to work with the CPD to implement additional parking supply as needed in Jackson Park. The plan includes additional parking options such as 60 additional spaces at the East Meadow (Driving Range), 170 at the 63rd Street Beach, 200 at the golf course, 90 at the boat launch, 101 in the Promontory Drive Lot and 19 more on Promontory Drive, and 40 at the South Shore Cultural Center, totaling an additional 680 potential parking spaces. These additions to parking supply, when fully implemented, would more than offset the loss of 105 unmarked on-street parking spaces due to the transportation improvements.

The additional 31 on-street parking spaces along Marquette Drive (between Richards Drive and Lake Shore Drive) and the proposed off-street spaces at the golf course will provide similar parking accommodations to amenities accessed by previous unmarked on-street parking spaces lost along Marquette Drive between Stony Island Avenue and Richards Drive. Similarly, additional off-street parking spaces proposed at the East Meadow and boat launch provide similar parking accommodations to amenities accessed by previous on-street parking spaces along Hayes Drive. The proposed changes to parking do not impact any existing on-street accessible parking spaces and the proposed new parking spaces provide similar ADA access to park amenities as existing conditions.

Concern #27: The traffic technical memorandum notes that 680 additional parking spaces would be constructed at the completion of the South Lakefront Framework Plan; however, this is only a vision for the park and is dependent upon construction timelines and funding commitments. Therefore, those parking spaces should not be considered mitigation for lost parking spaces.

Response: The parking supply contemplated with the South Lakefront Framework Plan provides the City and the CPD with options to implement additional parking supply as needed in Jackson Park, with options for up to 680 spaces. Per the *Jackson Park Revitalization TIS*, the existing parking demand does not warrant the installation of all 680 spaces. The City and CPD will utilize this plan as a framework to meet future parking demand if it increases and will also aim to balance the needs of parking demand with a goal to minimize excess pavement area within Jackson Park. The plan demonstrates that there will be more than sufficient opportunities for new parking within Jackson Park to offset the removal of some existing parking supplies and meet future parking demands.

CULTURAL RESOURCES

Concern #28: Impacts on cultural resources are downplayed in the EA and are actually significant. The EA does not provide a solid basis for the claim that though the AOE determined the project would have an adverse effect on historic properties under Section 106, the properties would remain listed in the National Register of Historic Places. Even if the historic properties remain listed on the National Register and mitigation measures have been developed, that is an inappropriate threshold to use when determining significance of impacts.

Response: As noted in the EA, a finding of an adverse effect on a historic property under the NHPA does not require a finding of a significant impact under NEPA. The Advisory Council on Historic Preservation (ACHP) regulations explicitly recognize this (36 C.F.R. 800.8). Under the NHPA, the criteria for identifying an “adverse effect” ask whether an undertaking would alter qualifying characteristics of a property in a manner that diminishes its integrity (36 CFR 800.5). In contrast, NEPA specifically considers whether an impact is significant. The local, regional, or national context of the affected area as well as the degree or intensity of the impact bear on the significance of an impact under NEPA. Accordingly, the EA properly considered the impacts on cultural resources, and a FONSI was prepared that determined that the impact does not rise to the level of NEPA significance.

The AOE prepared pursuant to NHPA provides a detailed analysis of the effects of the federal and nonfederal actions on the cultural landscape and historic features of the Jackson Park Historic Landscape District and Midway Plaisance. As explained in the AOE, the anticipated effect does not so alter the characteristics and aspects of integrity that qualify this cultural landscape for listing on the National Register of Historic Places, as to render the cultural landscape ineligible for listing (see supporting documentation in Appendix E to the AOE available on the project website: <http://www.tinyURL.com/JPIImprovements>).

The context of Jackson Park includes that it is an urban park surrounded by dense residential, commercial, and civic/educational developments, including large buildings and complexes within the park (e.g., the Museum of Science and Industry and the La Rabida Children’s Hospital) and immediately outside the park (e.g., various residential towers and multi-building communities and the Hyde Park Academy High School). The park’s context also includes the City’s distinctive tradition of including large civic buildings—in particular museums—in the City’s parks, including within Jackson Park. Jackson Park’s textured history includes mixed and changing uses across a broad spectrum, including open spaces, natural settings, indoor and outdoor sports facilities, civic buildings, major temporary installations like the World’s Fair and the Nike Missile Site, and large-scale events such as festivals and marathons. This is reflected in the park’s broad period of significance from 1875 to 1968. The breadth and dynamic range of uses over time are an important aspect of Jackson Park and distinguish it from other historic properties whose importance is confined to a particular event (e.g., the birthplace of a president or the site of a historic battle) and a narrow period of time.

With the affected area's context in mind, the degree of impact to Jackson Park is limited. The proposed changes will affect specific portions of the historic district's character-defining elements, leaving intact a very large majority of the park. The federal and nonfederal actions do not destroy the park or its ability to project its cultural significance, and they enhance the park's ability to support uses that have long been integral to the park such as outdoor recreation, enjoyment of natural settings, civic-educational programming, and athletics. As shown in the visual studies supporting the AOE, the visual effect of the OPC site, in particular the Museum Building, will be distinctive but not dominant, located at the park's western edge where it meets the urban architecture of the surrounding community, away from the central visual axis extending south from the Museum of Science and Industry. Overall, the purpose and scale of the proposed changes in the park fit comfortably within the park's dynamic range and will add historic significance to the park by virtue of the OPC's memorialization of a nationally historic and locally relevant presidency.

SOCIAL AND ECONOMIC ISSUES

Concern #29: The socioeconomic analysis in the EA does not adequately assess the effects of the OPC on communities in the immediate vicinity for the following reasons:

- **It does not consider an estimate of economic costs that may be borne by nearby communities as a result of the OPC.**
- **It does not consider how the OPC will impact affordability and gentrification of the nearby communities.**
- **It does not provide any contextual discussion of decades of institutional racism and historic practices such as redlining and resource allocation nor does it have contextual discussion of recent social unrest.**

Response: The EA, supported by Appendix I, presents a socioeconomic analysis of the effects of the federal actions on local populations and communities according to NEPA requirements. These effects include direct effects of the NPS and FHWA actions, as well as the indirect effects associated with the OPC. The analysis concluded that the presence of the OPC would necessitate additional police and fire protection activity but otherwise would not have a substantial impact on public facilities in the study area. State and local tax revenue resulting from the OPC's development and start-up is estimated at \$16.5 million, plus \$11.3 million annually during the operating phase. A portion of these revenues would be available to defray the additional costs of police and fire protection.

The socioeconomic analysis addresses potential housing impacts and the issue of gentrification (Appendix I, pp. 38-40). Based on relevant plans, studies, and housing projections, the analysis found that the City owns nearly 25 percent of Woodlawn's vacant land. Further, approximately 30 percent of the existing housing stock has long-term affordability guarantees (EA, p. 60). In September 2020, the Chicago City Council passed the Woodlawn Housing Ordinance, which is described in the Errata (see Attachment <https://doimsp.sharepoint.com/:w:/r/sites/JacksonParkUPARRFHWA/EAMayreview>

/Shared%20Documents/Public%20comment%20analysis/2020_01_09%20Jackson%20Response%20to%20PublicComment_ef%20mcc%20by%20%20memory%20.docx?d=w86df01041d4e42f3909e3c506c7be8b5&csf=1&web=1&e=e6V9UDC). This ordinance is “designed to ensure the Woodlawn community and other Chicago residents can benefit from the unprecedented economic and cultural opportunities created by the future Obama Presidential Center.”³ Key components include:

- On 25% of city-owned vacant land, 30% of units in each project must be affordable at 30-50% of area median income (AMI).
- \$1.5 million for the Preservation of Existing Affordable Rental (PEAR) to help existing apartment building owners refinance their property to keep tenants in place and rents affordable.
- \$1.175 million for Renew Woodlawn, a rehab homeownership program tailored for low to moderate income households.
- \$1.52 million supplement for the Woodlawn Loan Fund to purchase and rehabilitate vacant units to create new affordable housing.
- \$1 million for the Woodlawn Long-term Homeowner Home Improvement Grant Program to assist homeowners with five or more years of residency in their home with a grant of up to \$20,000 for home repairs.
- Tenant Right of First Refusal pilot program for larger apartment buildings.

The EA and Appendix I describe existing socioeconomic conditions in the communities of Woodlawn, South Side, and Hyde Park, as they have been affected by past practices. Neither the proposed federal actions nor the OPC will encourage or support institutional racism, redlining, or biased resource allocation. Rather, these projects will enhance the socioeconomic conditions in these communities. As described in Appendix I, the Foundation has taken steps to ensure that the workforce for construction and operations of the OPC is diverse and inclusive (pp. 40, 41). Further, Lakeside Alliance, the Foundation’s construction manager, has opened a South Side Resource Center, allowing residents storefront access to the OPC builders and to information about subcontractor and workforce opportunities related to the project. The public comments received from local residents attest to the strong community desire to see these changes. The overall conclusion of the socioeconomic study is that local communities will experience positive impacts, particularly in jobs and income.

Concern #30: The socioeconomic analysis is not valid because it is based on outdated data. The analysis also does not take into account the changes in use and access that has occurred due to the pandemic. The economic benefits associated with the OPC are speculative at best.

³ Office of the Mayor, City of Chicago. September 9, 2020. “City Council Passes the Woodlawn Housing Ordinance.” Accessed November 10, 2020.
<https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2020/September/WoodlawnHousingOrdinance.pdf>

Response: The socioeconomic study relies on a wide variety of data from the US Census Bureau's American Community Survey (ACS), CMAP, AECOM, Deloitte Consulting, and CDOT. In each case, the study used the most recent data available at the time, as is standard protocol in a socioeconomic study. Census ACS data are vintage 2017, which were the most recent available at the time the data were gathered (Fall 2019). For smaller geographies, such as the tracts and block groups examined for this study, the data available are five-year estimates. These five-year estimates benefit from a large sample size and are considered to be highly reliable. Five-year data has the additional quality of smoothing out short-term anomalies to provide a more stable view of the populations. Therefore, year-to-year variations in ACS estimates are typically small. Only the Decennial Census produces demographic, housing, and income/poverty data from surveys gathered from a larger population. As presented in Appendix I, AECOM's analysis of populations in Hyde Park, Woodlawn, and Southside was released in 2019 and covers the period from 2010 through 2018 (p. 7). CMAP's population and housing projections forecast neighborhood trends for the 2015 through 2050 period (p. 7). These projections were produced in 2018 and provide relevant data for evaluating available housing stock and vacant land.

The Deloitte Consulting report on economic impacts was published in October 2016 using estimates of construction and operating costs from the developer. Any cost increase from inflation will be borne by donors, rather than by governmental entities.⁴ Increases in construction and operational spending will lead to greater economic impacts than those presented. Therefore, the economic impacts should be considered conservative. In evaluating indirect and induced economic impacts (secondary impacts) of the OPC, Deloitte Consulting applied the widely used IMPLAN model, which is briefly described in Appendix I (p. 24). The model is based on a national input-output dollar flow table called the Social Accounting Matrix (SAM), which measures the purchasing relationships between industry and household sectors and between government, industry, and household sectors. The model is updated annually. While an updated model would likely result in revised numbers, due in part to inflation, the overall conclusion that the OPC would generate substantial personal income, jobs, and tax revenue would be unchanged, since regardless of economic conditions, hiring workers and purchasing materials and supplies, within a defined area, have a direct, positive relationship with income, jobs, and tax revenues within that area.

The direct impacts from the FHWA action, as presented in the EA (p. 62) and Appendix I (p. 44), include current construction cost estimates from CDOT. Direct labor expenditures and direct jobs are also presented and are the most currently available data. Diversity and workforce development plans and construction minimization efforts provide further relevant information for evaluating the effects of the proposed federal action on the local communities.

In summary, the socioeconomic analyses use recent Census data and customary analytical methods. The conclusions presented in the study are not speculative but are

⁴ <https://www.obama.org/chicago/opc-faq/>

based on extensive, available information concerning existing conditions and the effects of the proposed federal actions, as described in the record.

The effects of the COVID-19 pandemic are highly dynamic, undermining the utility of using limited interim data in predicting modeling for long-term projects. Overall, participation in outdoor recreation in the United States appears to have increased, despite the closure of various facilities and amenities. The Outdoor Industry Association has reported interim data (relating to April, May, and June 2020) from an ongoing full-year study (to be reported in 2021) showing that running, bicycling, day hiking, bird watching, and camping by urban respondents increased noticeably.⁵ Likewise, IMPLAN has been developing a new data set for modeling, based on a single quarter (2nd quarter 2020).⁶ However, pending more complete data and analysis, it would be both imprudent and highly speculative to assume that use of Jackson Park would be either materially diminished or materially increased over the long term as a result of the pandemic.

A commenter expressed a concern related to the “shaky finances” of the State of Illinois and the City of Chicago. The budgets of these entities are unrelated to the decision related to the proposed federal action and are outside the scope of the EA and the NEPA process.

Concern #31: The topic of environmental justice is inadequately addressed because there is no discussion of equitable access to public park space and facilities. Despite the EA’s assertion that there are ample public parks on the South Side of Chicago, there are statistics from the Mayor’s office and others that show a distinct lack of parks on the South Side. Additionally, the parks are generally plentiful in Hyde Park but not in Woodlawn or South Shore. The loss of acres to the OPC in Jackson Park would be felt more in Woodlawn and South Shore than in Hyde Park.

Response: The basis for the City’s selection of the Midway Plaisance for replacement recreation under UPARR is explained in the “City of Chicago Analysis of its Proposal Related to Jackson Park, Cook County, Illinois” (referred to on page 26 of the EA), which the NPS considered in its review under UPARR. This document identifies the criteria and sites that the City evaluated as alternatives to the Midway Plaisance.

The City confirmed that each of Woodlawn, South Shore, and Hyde Park meets the CitySpace criteria that the CPD strives to achieve, namely proximity to open space within a half mile or a ten-minute walk. In addition, each of the neighborhoods reflects the CPD’s goal of 2 acres of open space per 1,000 residents.

None of the federal and nonfederal actions considered in the EA will diminish the size of Jackson Park. There will be a net increase of improved parkland under the Proposed Action (see Table B-2: Impact Summary Table in Appendix B of the EA). All of Jackson Park’s acreage will remain available to the public on terms consistent with the use of amenities elsewhere in the park. Municipal law ensures that public

⁵ See: <https://outdoorindustry.org/article/increase-outdoor-activities-due-covid-19/>

⁶ See: <https://blog.implan.com/modeling-coronavirus>

access to Jackson Park, including the OPC, is not and will not be based on or limited by the ethnic, religious, sexual, economic, or other protected status of any individual or group.

GLFER

Concern #32: The impact analysis under the impact topic of GLFER is inadequate. The EA does not discuss how stormwater from the OPC will be discharged into the lagoon and how it would affect the GLFER project areas within the Jackson Park Lagoons. Additionally, the EA does not discuss the deleterious effects of tearing out Cornell Drive along a substantial edge of a GLFER area between 59th and 63rd Streets. These effects combined with the removal of a berm and adjacent area of GLFER plantings on the west side of South Lake Shore Drive cannot be mitigated elsewhere. The EA fails to take a hard look at these impacts.

Response: The habitat improvement project completed under the GLFER program is subject to the jurisdiction of the USACE. The USACE is a cooperating agency as part of this EA. The USACE will complete its own NEPA decision to evaluate the environmental impacts of decisions pursuant to its authority.

With respect to habitat impacts, this EA considered stormwater management and the impacts of the NPS and FHWA actions on the area.

In the existing condition, stormwater runoff from Cornell Drive roadway pavement discharges directly into the Jackson Park East and West lagoons. The removal of the Cornell Drive roadway pavement and associated roadway runoff will provide a benefit to the lagoon water quality. The proposed OPC site drainage is also designed to encourage on-site infiltration that would meet or exceed the City of Chicago stormwater regulations. This design will assist in protecting the ecology of the adjacent lagoon system while reducing stress on the City's storm sewer system. Only extraordinary rainfall events are expected to require active routing of excess stormwater using the existing outfall system. On those rare occasions, systems designed to meet the required City stormwater quality threshold will be used. The OPC site design complies with the City of Chicago's Stormwater Ordinance and separate LEED and SITES certification criteria.

The Location Drainage Study (available on the project website: <http://www.tinyURL.com/JPIImprovements>) also includes a detailed hydrologic analysis that determines the impact of removing the drainage area associated with existing Cornell Drive from the adjacent lagoon. The analysis determined that there would be no impact on lagoon water levels.

As discussed in the EA Section 5.2.6 (pages 64-67) and Appendix J, any impacts to the existing berms (dunes) along the west side of Lake Shore Drive will be maintained in place or relocated further to the west along Lake Shore Drive.

Concern #33: The EA approach to mitigating impacts on GLFER areas improperly assumes that the only issue involves acreage and not the specific purpose, placement, or value of the GLFER areas proposed to be removed. The GLFER areas do not share a uniform design and it undermines the conditions, purposes, and outputs of the GLFER project to take out one piece of land and create another piece elsewhere.

Response: The intent of the GLFER improvements was for ecological restoration of various areas within Jackson Park. The effort aims to create or enhance nearly 147 acres of native habitat within Jackson Park and along the Lake Michigan shoreline including 24 acres of new natural areas. By restoring aquatic and buffering habitats and addressing invasive species issues, the GLFER project provides habitat for fish, migratory birds, reptiles, and amphibians within a highly urbanized area.

A total of four areas were identified to be improved under the GLFER project in Jackson Park. The four improvement areas were grouped by their geographic location: the East and West Lagoons (Project Area 1), the Jackson Park Inner Harbor (Project Area 2), the Jackson Park Golf Course (Project Area 3), and the area near La Rabida Children's Hospital (Project Area 4). All improvements in Project Area 1 were generally bound by Lake Shore Drive to the east, Hayes Drive to the south, Cornell Drive to the west, and the Museum of Science and Industry to the north. Project Area 1 received funding and a construction contract was awarded in 2014. These improvements were completed in 2019 and included a five-year maintenance and monitoring program. The remaining three project areas were identified as options to improve under the GLFER program, should funding become available.

The proposed project will permanently impact 1.32 acres and temporarily impact 1.69 acres of existing GLFER areas. The majority of the impacted areas restored in place, and none of the previously created buffer areas will be completely eliminated. By providing 2.43 acres of replacement GLFER improvements to the Jackson Park Inner Harbor (identified in the GLFER project as Project Area 2), proposed modifications and additions would maintain the intent of the initial improvements and help further achieve the project goals by restoring additional areas. USACE is considering whether this meets the requirements for approving an alteration to the GLFER project. USACE will prepare a NEPA analysis specific to its proposed action, to inform its decision whether to permit changes to the GLFER project.

IMPACT ANALYSIS — OTHER

Concern #34: The EA states that the UPARR conversion would not impact trees but does not consider impacts on the ground cover of shrubs, grasses, aesthetics, wildlife habitat, or migratory birds, nor does it consider the impacts of drainage and use patterns.

Response: The conversion of UPARR area does not have physical on-the-ground impacts, because the conversion represents a legal change in UPARR status only. This is discussed in the EA Appendix C: Natural Resources Technical Memorandum (Section 3.1) and Appendix D: Trees Technical Memorandum (Section 4.2). The impacts associated with the development of the OPC, which cause the 4.6-acre

UPARR conversion within the site, are evaluated as indirect impacts under Alternatives B and C. The EA focuses its analysis on the key resources that would be affected by the alternatives. Several impact topics were considered but not carried forward for further analysis as described in Section 5.1 of the EA (pages 28-32). These resources include special status species (including migratory birds) and other wildlife and wildlife habitat. Aesthetics are considered in the EA as part of the analysis of Cultural Resources (EA page 51) as well as the analysis of tree impacts (EA page 30 and Appendix D page 20). Drainage is discussed in Appendix F: Water Resources Technical Memorandum as well as in response to Concern #32 above.

Concern #35: The EA does not consider the implications of disturbing contaminated soils on the site, including the former NIKE missile installation west of Lake Shore Drive that extends through the Bobolink Meadow, the East Lagoon, and the Wooded Island.

Response: No proposed construction activities will occur within the limits of the former NIKE missile site, through the Bobolink Meadow, the East Lagoon, or on the Wooded Island.

The City and the Foundation have performed environmental testing and soil sampling at the OPC site and have concluded that the site does not contain contaminated soils. If contaminated soil or other environmental hazards are discovered during construction, the Foundation and the OPC construction manager will comply with all applicable laws and regulations for the handling of such soils. Because the City is the owner of the land, the Environmental Remediation and Indemnity Agreement between the City and the Foundation provides additional information as to how such a discovery will be handled. See Exhibit F to the ordinance adopted on October 31, 2018, (link provided in Concern #24 above) and published at pages 85875 to 85986 in the Journal of Proceedings of the City Council of such date.

A Preliminary Environmental Site Assessment (PESA) was completed for the transportation improvements to document the potential for special waste and determine appropriate treatments, if needed. The PESA identified 48 sites with Recognized Environmental Conditions (REC). As excavation activities are associated with the proposed transportation improvements, a Preliminary Site Investigation (PSI) report will be completed during detailed engineering. If any special waste or hazardous materials are present, proper procedures for handling and disposing will be specified in the design plans in accordance with IDOT standard specifications.

Concern #36: The EA fails to conduct a proper indirect impact analysis. Under the impact topic of Recreation, the EA describes the loss of recreational opportunities within the OPC footprint as an indirect impact of the UPARR boundary conversion, but it treats the replacement of those lost recreational opportunities as a direct impact. This does not meet the separate requirement of taking a hard look at indirect impacts under NEPA. Additionally, the traffic impacts under Alternative B are described as indirect impacts, although they would be a result of the closure of roadways.

Response: The EA thoroughly evaluates all impacts of the proposed agency actions in one comprehensive document and the labeling of them as direct or indirect is not relevant to the sufficiency of the analysis. CEQ regulations (40 CFR 1502.16) require a discussion of all impacts of the proposed action and alternatives, but do not require a separate indirect impact analysis. Similarly, the 2015 NPS NEPA Handbook (pg. 62) does not require direct and indirect impacts to be differentiated in the analysis, provided all impacts are described. However, with respect to the impacts related to the NPS action, the implications of using the Eastern Midway as replacement property are considered as direct impacts because the NPS must approve the use of that site as replacement property subject to appropriate conditions agreed to by the NPS. The development of the OPC is treated as an indirect effect of NPS's approval of the proposed conversion because the NPS does not approve the nature of the use of the converted site itself or the design of the facility. The NPS can only base its conversion decision on the UPARR regulatory factors. Similarly, traffic impacts are considered indirect impacts because the road closures that give rise to the traffic impacts are City actions in relation to OPC and are not part of the federal approval.

CUMULATIVE IMPACT ANALYSIS

Concern #37: The cumulative impact analysis incorrectly omits the consideration of the Jackson Park and South Shore Golf Course projects. The roadway improvements that FHWA considers in the EA are designed to accommodate the golf course projects; therefore, how can it be premature to consider as cumulative actions? The golf course projects would affect the historic resources, recreation resources, socioeconomics, and natural resources. It is negligent to ignore these projects and their impacts in combination with the OPC project.

Response: The EA provides an analysis of cumulative impacts, including the following projects:

- Stony Island Avenue Traffic Improvements
- Lakefront Trail Separation
- Baseball Facilities
- Osaka Garden and Other Improvements on the Wooded Island
- Clarence Darrow Bridge
- Midway Plaisance Resurfacing
- Jackson Park Harbor Navigation Project

See EA Section 5.2.1 (pages 32-34) for project descriptions. These actions have occurred or will occur in the project study area, independent of the federal actions. If any of these separate projects qualifies as a federal action, it will undergo its own NEPA process before the individual project receives federal approval. Each of the seven identified projects has either completed construction or is programmed for construction. Each of them also has begun, completed, or is not required to proceed through the City approval processes. Of the seven projects considered in this EA, those that require federal and/or state review have either initiated or completed those activities.

The golf course consolidation/expansion proposal contained in the 2018 SLFP is not included as a "reasonably foreseeable action" because the scope and detail of this project are largely aspirational and not sufficiently developed to allow for the kind of reasoned analysis that meaningfully informs federal decision-making. And no funding is available or foreseeable at this point. The golf course will be subject to a separate approval process under the Lake Michigan and Chicago Lakefront Protection Ordinance. If any federal approval, funding, or permit is required for the golf course consolidation/expansion in the future, then federal requirements would be the responsibility of the relevant federal agency.

Concern #38: The EA should include climate change as a foreseeable future action. The analysis should consider how climate change will affect the park and how trees and other plantings can sustain the current and evolving environments.

Response: The consequences of climate change for Jackson Park and for the City's actions in the park are outside the scope of the agency review. Neither the NPS nor the FHWA has authority or responsibility for planning for changes to the park that may be caused by climate change. To the extent the commenter seeks analysis of how the environmental setting of the federal actions may change in the future and result in unanticipated impacts, such changes are not reasonably foreseeable and are within the City's authority to address as part of its management of its municipal parks. The City has its own climate change resiliency plans.

Concern #39: The cumulative impact analysis in the EA is inadequate, and the reasonably foreseeable future actions are improperly defined. The cumulative actions analyzed in the EA are limited to public projects conducted by CDOT and CPD, which is unreasonably constrained. The analysis lacks detail about the expected impacts from the cumulative actions described in Section 5.2.1 of the EA. The analysis does not include a discussion of the cumulative effects on GLFER areas or socioeconomic resources.

Response: Section 5.2.1 of the EA (pages 32-34) addresses the past, present, and reasonably foreseeable actions considered as part of the cumulative impact analysis, regardless of their association with CDOT or CPD. This section describes the projects that have occurred or will occur in the project area that affect the same resources as those affected by the alternatives. To assess the cumulative impact of the alternatives in the EA, the analysis considers the overall impact of the other actions when combined rather than providing a detailed discussion of the impacts of each action. To that overall impact, the impacts of each alternative are added, resulting in the cumulative impact of the alternative and the other actions. Cumulative impacts are assessed for each of the alternatives and each of the resources evaluated in the EA, including socioeconomic resources and GLFER. Cumulative effects on socioeconomic resources are discussed under each alternative in Section 5.2.5 (pages 57, 61, and 63). As discussed in Section 5.2.6 of the EA (pages 64, 65, and 67), because none of the cumulative actions considered would result in impacts on GLFER resources, the alternatives presented in the EA would not contribute to any cumulative impacts on GLFER areas.

MITIGATION

Concern #40: The proposed mitigation for wetland impacts is inadequate because although the proposed mitigation to purchase a replacement segment in a wetland bank in Will County will replace the acreage, the evaluation of this mitigation gives no consideration to the function of the current wetland in regards to stormwater storage or sediment retention.

Response: Impacts to the wetland located within the east end of the Midway Plaisance and the associated mitigation requirements are discussed in EA Section 5.1.5 (pages 30-31) and are further detailed in Appendix F. This wetland is not subject to federal jurisdiction. The impacts to the wetland will be mitigated as required by the Illinois Interagency Wetland Policy Act, as described in Section 4.2 of Appendix F (pages 7-8). The requirements take into consideration the functional value of wetlands, and the replacement wetland is located in the closest available wetland banking site. Note that the any sediment retention properties for the existing wetland area are low because the wetland is isolated and there are no streams or aquatic resources flowing in or out of the area and there are no adjacent eroded areas (the entire area outside the wetland is vegetated or paved). The proposed modifications to the east end of the Midway Plaisance include regrading of the area as well as placement of a proposed drainage structure to provide positive drainage and allow for enhanced recreational use of the site. The drainage structure will discharge stormwater to the City's combined storm sewer system along Stony Island Avenue. In addition, the future development of this site by the City will be required to comply with the City of Chicago Stormwater Management Ordinance for site infiltration as well as volume control (stormwater detention).

Concern #41: All of the Environmental Commitments stated in Section 6.3.4.1 of the EA should be formalized by including them in the NEPA decision document.

Response: The environmental commitments stated in Section 6.3.4.1 of the EA (pages 72-73) that have been formalized will be included in the Finding of No Significant Impact (FONSI) under the heading, "Mitigation Measures."

Concern #42: Mitigation measures are not clearly described in the EA and those developed under Section 106, Section 4(f), the USACE 404 review, and USACE 408 review are not laid out in the EA. There is no information in the EA about how impacts on special status species will be mitigated. Because of these shortfalls, the EA does not demonstrate that mitigation measures will be adequate to compensate for severe disturbances and should not be used to justify a finding of no significant impacts.

Response: The EA Section 4.4 (pages 26-27) discusses the alternatives considered which included consideration of avoidance or minimization of impacts. Mitigation is also considered in the EA with respect to specific resources. For example, the City has committed to seasonal restrictions on tree removal to reduce potential impacts to nesting birds. Impacts to water resources would be mitigated as explained in Appendix F. Impacts from construction noise will be mitigated through the City's noise ordinance. Other similar mitigation efforts are addressed throughout the EA and

appendices. Section 6.3.4.1 of the EA (pages 72–72) describe environmental commitments that will be implemented to avoid, minimize, and mitigate impacts. These commitments are included in the FONSI under the heading, “Mitigation Measures.”

The purpose of the EA is to evaluate impacts of proposed alternatives in accordance with NEPA. Section 106 of the NHPA, Section 4(f) of the USDOT Act of 1966, and authorizations by the USACE under Section 404 of the Clean Water Act and Section 14 of the Rivers and Harbors Act, referred to as Section 408, are separate processes that are being conducted by the appropriate agencies and pursuant to their respective authorities.

Compliance with Section 106 of the NHPA and Section 4(f) of the USDOT Act of 1966 is acknowledged and referenced in the EA Section 6.2 (pages 69-70).

Avoidance and minimization of adverse effects is documented in the NHPA Section 106 Assessment of Effects, Section 5.0. Measures to further address adverse effects are detailed under Stipulations of the Memorandum of Agreement.

Section 4(f) applies to all agencies within the U.S. DOT, including the FHWA. Transportation projects that do not require the approval of a U.S. DOT agency are not subject to the requirements of Section 4(f). The Draft Section 4(f) Evaluation documents the consideration given to all prudent and feasible alternatives to avoid, minimize, and mitigate impacts to Section 4(f) resources from the proposed action by the FHWA. The Draft Section 4(f) Evaluation is incorporated by reference in the EA as Appendix K. Section 4(f) mitigation measures are discussed in Appendix K Section 9.2 (pages 81-82).

The Final Section 4(f) Evaluation was completed separately from the NEPA process and incorporates all final mitigation measures, including those related to Section 106 discussed below. The NHPA Section 106 process was conducted separately, but in parallel to, the NEPA process. Avoidance and minimization of adverse effects is documented in the NHPA Section 106 AOE, Section 5.0 (pages 75-80 of the AOE). Measures to further address adverse effects are detailed under Stipulations of the Memorandum of Agreement.

Impacts of the alternatives that fall under the USACE Section 404 authorization, namely, impacts to Waters of the United States, are documented in Appendix F. There are no impacts to jurisdictional waters that require mitigation. Impacts of the alternatives to areas improved under the GLFER project, which require USACE permission under Section 408, are documented in Appendix J. Proposed GLFER replacement areas adjacent to the Jackson Park Inner Harbor are described and detailed in the EA Section 5.2.6 (pages 64-67) and Appendix J Section 3.0 (pages 2-6).

As detailed in Appendix C and Section 5.1.2 (pages 28-29) of the EA, there are no effects to federally listed Piping Plover or Red Rufa Knot species expected to occur. The evaluation of impacts to the NLEB are detailed in the response to Concern #18. With respect to state-listed species, the agencies concluded that, with a combination

of avoidance of suitable habitat and seasonal tree removal restrictions, adverse effects are unlikely.

Concern #43: The EA does not provide any enforcement mechanism to ensure promises of replacement park land, new park amenities such as the playground at the Midway Plaisance, and restoration of the Cheney-Goode Memorial are completed as proposed.

Response: The replacement recreation is a condition of regulatory approval under UPARR and will be a legal requirement. It will be embodied in a written agreement signed by the City and the NPS with which the City must comply.

AGENCY CONSULTATION AND COMPLIANCE WITH OTHER LAWS

Concern #44: The EA is inappropriately segmented, leading to inadequate impact analyses. The related compliance processes including NEPA, NHPA Section 106, USDOT Section 4(f), and the USACE Section 404/NEPA merger processes were undertaken separately and segmented, which allowed the EA to erroneously downplay the intensity of the effects. Conclusions from these separate processes should be included in the impact analysis of the EA.

Response: The EA analyzes all environmental effects of the federal actions in compliance with NEPA. This includes effects that are also subject to reviews or regulatory approvals under other statutes and requirements such as Section 404 of the Clean Water Act, Section 408 of the Rivers and Harbors Act, Section 106 of NHPA, and Section 4(f) of the USDOT Act of 1966. The EA expressly acknowledges and relies upon the analysis generated pursuant to the other requirements. However, each of these other laws has its own requirements for documentation and review resulting in stand-alone documents and decisions under each law's specific requirements. Consistent with federal policy and to the extent practicable, the federal agencies conducted their statutory analyses in coordination with one another to ensure that each agency had a thorough understanding of impacts as reflected in the federal EA. USACE was a cooperating agency but is preparing separate decision documents in coordination with the FHWA and the NPS, taking into account the information developed as part of this EA.

Concern #45: An update on the status of coordination with the officials with jurisdiction (OWJs) under Section 4(f) should be added to the EA, including clarifying if the proposed temporary uses for construction are considered an exemption to Section 4(f) approval or if they are considered a use. A final EA should include the Final Section 4(f) evaluation, which itself should include a copy of the executed MOA under Section 106 of the NHPA.

Response: Coordination of the Draft Section 4(f) Evaluation with the OWJs, including addressing the exemption for temporary occupancy, is documented in the Final Section 4(f) Evaluation. The Final Section 4(f) Evaluation is available on the City's website.

Concern #46: No consultation with the US Fish and Wildlife Service is documented in the EA. Was it completed?

Response: Consultation with the U.S. Fish & Wildlife Service is described in Section 5.1.2 of the EA (pages 28-29). Correspondence documentation is provided in Appendix C of the EA. No further consultation with USFWS is required.

Concern #47: An updated summary of Section 106 consultation, including the ACHP/SHPO concurrence on the adverse impacts on historic properties and a summary of mitigation measures should be included in a final EA. Additionally, the EA should include a summary of the disputed effects finding that several of the project stakeholders raised to FHWA during the Section 106 process.

Response: An updated summary of the Section 106 consultation is documented as part of the FONSI. See Attachment A of the FONSI.

Although the EA is informed by the Section 106 process, it was undertaken separately from the NEPA process. Details of the Section 106 process, including the effects finding, objections received during that process, and the resolution of those objections are available in documentation on the project website at: <http://www.tinyURL.com/JPIImprovements>.

ATTACHMENT C ERRATA

These errata document changes to the text of the environmental assessment (EA) as a result of public and agency comment during the 30-day review period. Changes to the EA text below are noted by section and page number. Unless otherwise noted, additions to the text are denoted by underlines and deletions are denoted by strikeouts.

ERRATA

EA, Section 2.3, Background, Obama Presidential Center, Page 7

The proximity of the PAAC to the landscape features would also allow for more coordinated indoor/outdoor recreation programs. The planting plan of the OPC site would take into consideration the shadow that would be cast by the OPC Museum Building and would consider species that are well adapted to prevailing conditions of sun and shade. A shade study conducted by the Foundation in 2018 showed that the Museum Building's shadow would generally be confined to the OPC site, occasionally reaching into the east end of Midway Plaisance to the west (early in the morning) and across the lagoon (late in the day) (TWBTA 2018). These shadows would be temporary and are consistent with natural shading provided by trees and clouds. Overall, the design for the OPC site is intended to reflect principles of landscape ecology relevant to storm water, tree and soil biology, biodiversity, bird habitat, and pollinators (The Obama Foundation 2020). Figure 5 includes the OPC Design Development Site Plan.

With respect to lighting, the majority of the OPC site consists of open park areas consistent with the rest of Jackson Park. No lighting will be directed beyond the boundary of the OPC campus, although some may be visible from beyond the site boundaries. As detailed in *Obama Presidential Center: Reinforcing Landscape Ecology* (The Obama Foundation 2020), the OPC is designed to achieve Leadership in Energy and Environmental Design (LEED) certification, including specifically the Light Pollution Reduction LEED Credit. Certification to LEED standards is widely recognized and involves third-party evaluation of a design. The LEED lighting credit involves using luminaires that do not exceed specified uplight ratings; achieving specific backlight and glare ratings; ensuring that exterior signage does not exceed luminance of 200 cd/m² (candela per square meter) during nighttime hours and 2,000 cd/m² during daytime hours; and using exterior lighting that reduces impacts to people and wildlife.

EA, Section 5.1.3 Affected Environment and Environmental Consequences, Impact Topics Not Carried Forward for Further Analysis, Other Wildlife and Wildlife Habitat, Page 29

The following text is added to the end of the second paragraph in this section:

The OPC buildings are designed to achieve Leadership in Energy and Environmental Design (LEED) certification, including specifically the Light Pollution Reduction LEED Credit. In part, the design of the OPC buildings intends to minimize impact on migratory birds. The Foundation will also support the City's efforts (and comply with all ordinances) with respect to satisfying the Audubon Society's "Lights Out" goals or City equivalent, which seeks to reduce excess exterior lighting that can disorient birds during the months that migrating birds are flying between their nesting and wintering grounds.

EA, Section 5.2.5.3, Alternative B: NPS Action (FHWA No Build) – Social and Economic Issues, Housing, Page 60-61

The following text replaces the final paragraph under the “Housing” subheading:

On September 9, 2020, the Chicago City Council passed the Woodlawn Housing Ordinance. This ordinance is “designed to ensure the Woodlawn community and other Chicago residents can benefit from the unprecedented economic and cultural opportunities created by the future Obama Presidential Center” (Office of the Mayor 2020). Key components include:

- On 25% of city-owned vacant land, 30% of units in each project must be affordable at 30-50% of area median income (AMI).
- \$1.5 million for the Preservation of Existing Affordable Rental (PEAR) to help existing apartment building owners refinance their property to keep tenants in place and rents affordable.
- \$1.175 million for Renew Woodlawn, a rehab homeownership program tailored for low to moderate income households.
- \$1.52 million supplement for the Woodlawn Loan Fund to purchase and rehabilitate vacant units to create new affordable housing.
- \$1 million for the Woodlawn Long-term Homeowner Home Improvement Grant Program to assist homeowners with 5 or more years of residency in their home with a grant of up to \$20,000 for home repairs.
- Tenant Right of First Refusal pilot program for larger apartment buildings.

EA, Section 6.3.3, Jurisdictional Transfer of Roadways, Vacations and Dedications, Page 72

- The following roadways will be transferred from IDOT to CDOT jurisdiction: 57th Drive from 57th Street to ~~Lake Shore Drive~~ Hyde Park Boulevard, Cornell Drive from 67th Street to 57th Street, Stony Island Avenue from 69th Street to 65th Place and Hyde Park Boulevard from 57th Street to ~~55th Street~~ East Hyde Park Boulevard. Coordination of a jurisdictional transfer agreement is ongoing. EA, Section 7.0, References, Page REF-2

The following citations are added to the references list:

Office of the Mayor, City of Chicago

2020 “City Council Passes the Woodlawn Housing Ordinance.” September 9, 2020.

Accessed November 10, 2020.

<https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2020/September/WoodlawnHousingOrdinance.pdf>.

TWBTA

2018 “Obama Presidential Center Shade Study,” May 10, 2018. Accessed December 21, 2020. <http://www.tinyURL.com/JPIImprovements>. [NOTE: final date and URL to be updated when document posted online by City.]

Appendix D, Section 4.1.1 Alternative A: No Action, Direct Impacts, Page 6

There are no direct impacts to trees associated with Alternative A. There are no proposed changes to the tree population; therefore, there are no changes to the existing canopy in Jackson Park.

Appendix D, Section 4.2.2.2 Alternative B: NPS Action (FHWA No Build), Indirect Impacts—City Actions, OPC Site Development, Page 9

The following text is added as a final paragraph in this section:

The tree removals associated with the OPC site development would result in a loss 5.4 acres of canopy. The preliminary planting plan for the OPC anticipates 7.79 acres of canopy at maturity, resulting in a net gain of 2.2 acres of tree canopy at maturity on the OPC site. As detailed in *Obama Presidential Center: Reinforcing Landscape Ecology* (see link provided under Section 7.0 References in the EA), the Foundation recognizes the importance of tree cover, which brings longevity to the site and plays a major role in moderating local micro-climate. The proposed tree cover for the OPC site is more diverse and advances efforts to provide varied habitat for vital ecosystem function. The proposed design also looks to reinstate and enhance the important middle layers. Currently, there are few shrub-scaled plants on the site, which means that the site is missing a critical layer in the ecosystem. This planting layer typically provides cover, screening, and shelter from weather. Shrubs will be used strategically on the OPC site to help develop soil structure, provide habitat, and serve as a source of food for wildlife.

Appendix D, Section 4.2.2.2 Alternative B: NPS Action (FHWA No Build), Indirect Impacts—City Actions, Track and Field Relocation, Page 12

The following text is added as a final paragraph in this section:

The tree removals associated with the relocation of the track and field resulted in a canopy loss of 0.26 acres. The proposed planting plan for the relocated track and field work is anticipated to restore a total of 0.57 acres at maturity, resulting in a net gain of 0.31 acres of tree canopy.

Appendix D, Section 4.3.1 Alternative C: NPS + FHWA Action, Direct Impacts, Page 15

The following text is added as a final paragraph in this section:

Under Alternative C, the proposed tree removals would result in a canopy loss of 4.8 acres. Considering the mix of shade and ornamental tree species proposed as part of the mitigation plan, approximately 9.2 acres of canopy will be restored at maturity, resulting in a net gain of 4.4 acres of tree canopy in Jackson Park.

Appendix G, Section 3.0 Existing Conditions, Page 5

The following text is added before the first paragraph:

The following sections provide an overview of information regarding the existing conditions within Jackson Park, and describe the recreational uses of and facilities within the affected areas by the proposed alternatives. Background information was provided by the Chicago Park District as well as the data collected for the 2018 South Lakefront Framework Plan (SLFP).

Appendix G, Section 3.2.2 Existing Recreation Use and Opportunities, Page 11

The CPD has one picnic grove within the footprint of the OPC site—grove 11. According to data compiled by the ~~Jackson~~ Chicago Park District, the grove...

Appendix G, Section 4.2.1 Direct Impacts, Page 20

Under Alternative A, recreation within Jackson Park ~~and the~~ would continue under the current CPD ownership and management, and recreation within the Midway Plaisance would continue under the current City ownership and CPD management; there would be no change to the UPARR boundary.

Appendix G, Footer, Pages II – 38

~~UPARR~~ Recreation Technical Memorandum

Appendix I, Section 4.2.2.5, Alternative B: NPS Action (FHWA No Build) – Indirect Impacts of City Actions, Housing, Housing Costs, Page 40

The following text replaces the second paragraph and bulleted list on page 40:

On September 9, 2020, the Chicago City Council passed the Woodlawn Housing Ordinance. This ordinance is “designed to ensure the Woodlawn community and other Chicago residents can benefit from the unprecedented economic and cultural opportunities created by the future Obama Presidential Center” (Office of the Mayor 2020). Key components include:

- On 25% of city-owned vacant land, 30% of units in each project must be affordable at 30-50% of area median income (AMI).
- \$1.5 million for the Preservation of Existing Affordable Rental (PEAR) to help existing apartment building owners refinance their property to keep tenants in place and rents affordable.
- \$1.175 million for Renew Woodlawn, a rehab homeownership program tailored for low to moderate income households.
- \$1.52 million supplement for the Woodlawn Loan Fund to purchase and rehabilitate vacant units to create new affordable housing.
- \$1 million for the Woodlawn Long-term Homeowner Home Improvement Grant Program to assist homeowners with 5 or more years of residency in their home with a grant of up to \$20,000 for home repairs.
- Tenant Right of First Refusal pilot program for larger apartment buildings.

Appendix I, Section 5.0, References, Page 47

The following citation is added to the references list:

Office of the Mayor, City of Chicago
2020 “City Council Passes the Woodlawn Housing Ordinance.” September 9, 2020.
Accessed November 10, 2020.
<https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2020/September/WoodlawnHousingOrdinance.pdf>.

Appendix J, Section 3.2.2.2, Alternative B: NPS Action (FHWA No Build), Indirect Impacts – City Actions, OPC Site Development, Page 3

The following text is added as a final paragraph in this section:

A shade study was conducted by the Foundation in 2018 to determine the extent of the shadow that would be cast by the OPC Museum Building at various times of day (TWBTA 2018). The study shows that the Museum Building’s shadow would generally be confined to the OPC site, occasionally reaching into the east end of Midway Plaisance to the west (early in the morning) and across the lagoon (late in the day). These shadows would be temporary and are consistent with natural shading provided by trees and clouds. The GLFER project utilized native species, which are well adapted to prevailing conditions of sun and shade.

Appendix J, Section 5.0, References, Page 8

The following citation is added to the references list:

TWBTA
2018 “Obama Presidential Center Shade Study,” May 10, 2018. Accessed December 21, 2020. <http://www.tinyURL.com/JPIImprovements>. [NOTE: final date and URL to be updated when document posted online by City.]