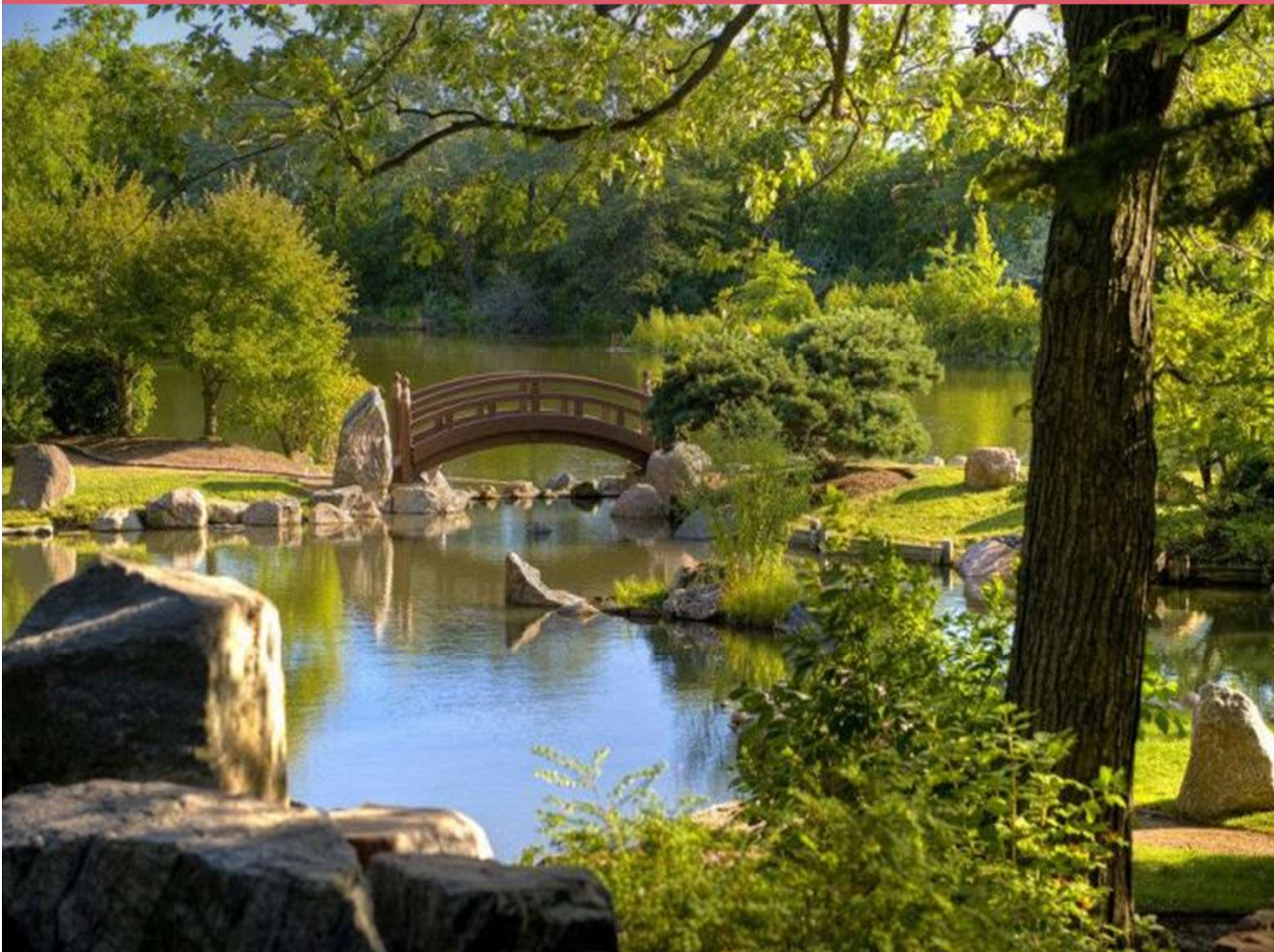


# Section 106 Consulting Parties Resolve Adverse Effects

May 6, 2020



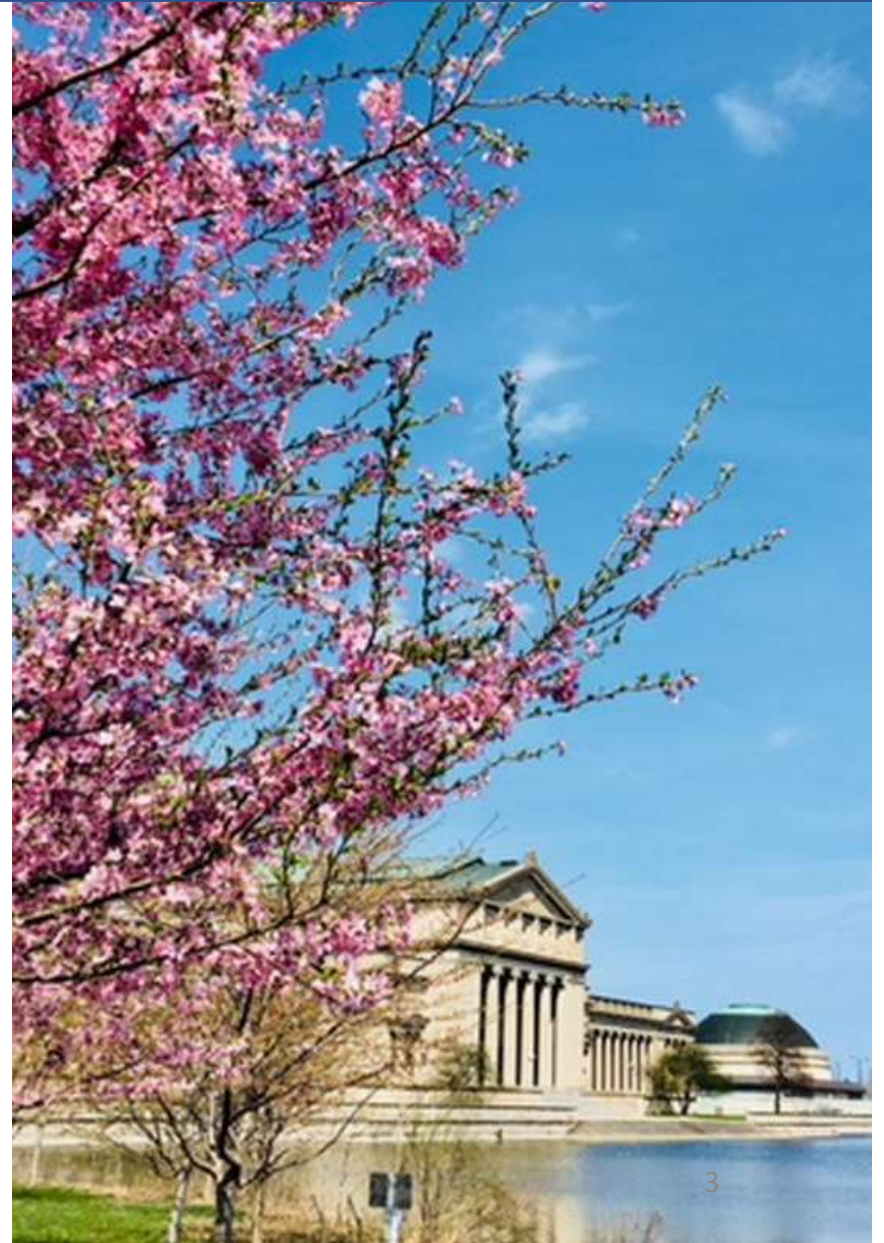
## Webinar Participation

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

# Agenda

## Section 106 Consulting Party Meeting - Resolve Adverse Effects

1. Welcome
2. Federal Agency Roles Under Section 106
3. Overview of Resolve Adverse Effects Step
4. Examples of Mitigation Measures
5. Q & A
6. Discussion of Potential Measures to Resolve Adverse Effects
7. Next Steps



# Federal Agency Roles Under Section 106



## Section 106 Agency Contacts

Agency	Contact(s)	Email
<b>LEAD AGENCY</b> Federal Highway Administration (FHWA)	Matt Fuller	matt.fuller@dot.gov
National Park Service (NPS)	Lee Terzis	lee_terzis@nps.gov
Chicago Department of Planning and Development (DPD)	Eleanor Gorski	Eleanor.gorski@cityofchicago.org
Chicago Department of Transportation (CDOT)	Nate Roseberry	nathan.roseberry@cityofchicago.org
Chicago Park District	Heather Gleason	heather.gleason@chicagoparkdistrict.com
Illinois Department of Transportation (IDOT)	Brad Koldehoff	brad.koldehoff@illinois.gov
US Army Corps of Engineers (USACE)	Colin Smalley	Colin.C.Smalley@usace.army.mil

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

## Federal Agency Roles under Section 106

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

# Overview of Resolving Adverse Effects



# Consultation Schedule to Resolve Adverse Effects

## **Meeting 1 (Today)**

- Explain the process.
- Explain what mitigation is, what it should address and examples of types of mitigation.
- Overview of ideas already received from consulting parties and additional ideas from consulting parties.

After meeting 1:

- Participate in a poll to solicit input.

## **Meeting 2 (May 20, 2020 - 9:30am to 11:30am)**

- Summarize results of discussion 1 and poll.
- Discuss feasibility of mitigation ideas and execution.

After meeting 2:

- Distribute draft MOA for review and comment to consulting parties and make available to the public for review/comment.

## **Meeting 3: (June 17, 2020 – 1pm to 3pm)**

- Discuss final MOA and next steps.



## National Historic Preservation Act – Section 106

Section 106 of the National Historic Preservation Act requires Federal agencies to:

- (1) Take into account the effects of their undertakings on historic properties; and
- (2) Offer the Advisory Council on Historic Preservation an opportunity to comment.

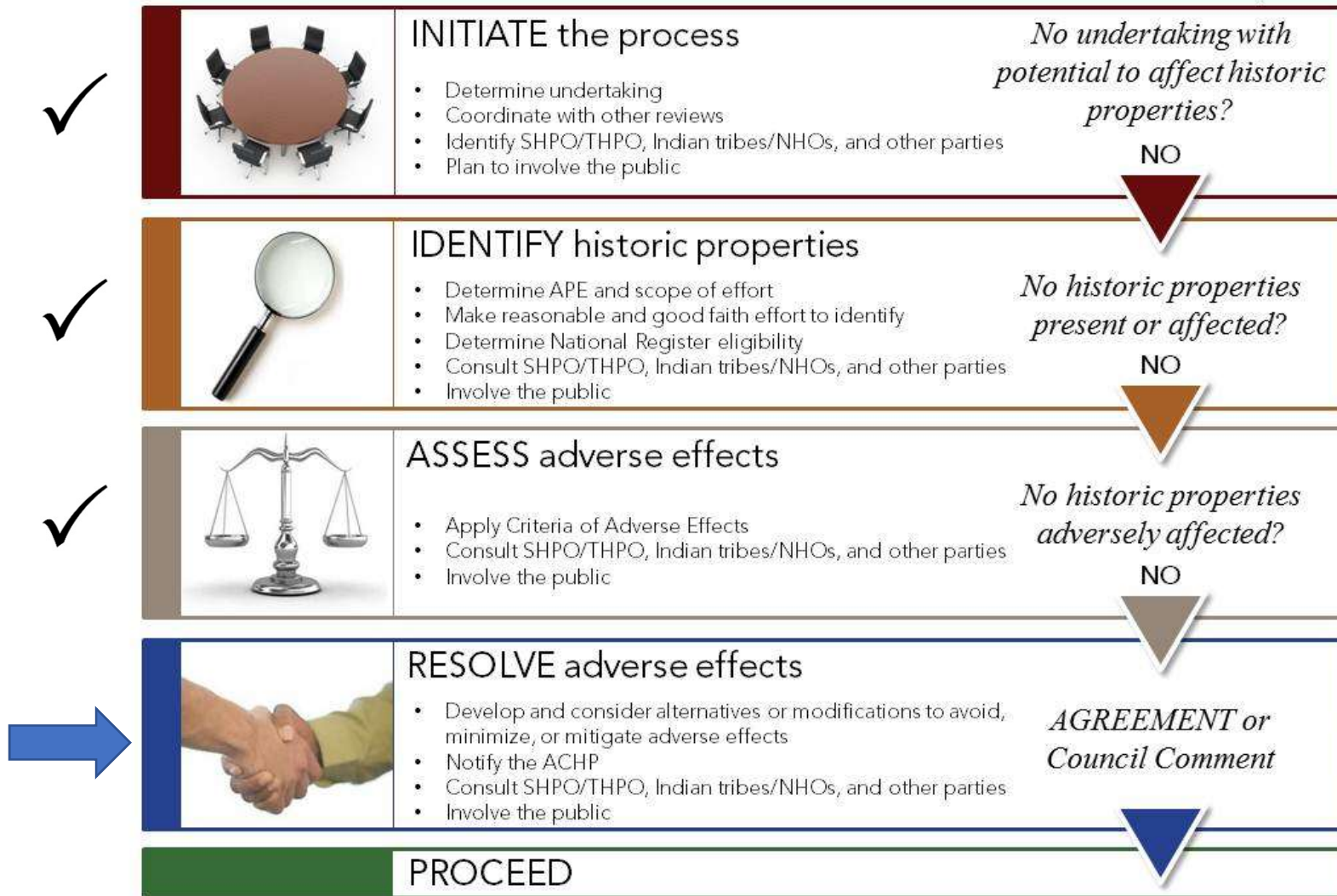
# Section 106 Process Overview



## Section 106 Review Process

36 CFR § 800.3-7

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## Resolve Adverse Effects - Steps

- Consult to identify measures to resolve adverse effects with:
  - Consulting parties
  - Illinois State Historic Preservation Officer (IL-SHPO)
  - Advisory Council on Historic Preservation
  - Public
- Incorporate measures into a “Memorandum of Agreement”, or MOA
  - MOA is legally binding agreement
  - Assigns responsibility for implementation
- Sign, or “execute” the MOA
  - **FHWA, IL SHPO, ACHP are required signatories**
  - Invited signatories (agencies with responsibilities assigned to them) – City, IDOT, NPS, USACE
  - Concurring parties (all other consulting parties)
- Section 106 process complete after **required signatories** sign the MOA

## What are “measures to resolve adverse effects”

- Measures to resolve adverse effects include “avoidance, minimization, and mitigation” measures, per the Section 106 regulations
- Section 106 regulations do not define “mitigation”; however:
- The National Environmental Policy Act’s definition of mitigation is defined broadly to include:
  - (1) avoiding the impact altogether,
  - (2) minimizing impacts,
  - (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
  - (4) reducing or eliminating the impact over time, or
  - (5) compensating for the impact by replacing or providing substitute resources (40 CFR 1508.20).
- For the purposes of our discussion, we will use this definition of mitigation.

## Mitigation Already Considered

- Federal agencies consider mitigation throughout the project development process
- Mitigation measures have already been incorporated into the project:
  - Avoidance – e.g., evaluated different locations of highway improvements to avoid impacts
  - Minimization – e.g., minimize the “footprint” of highway improvements to reduce the impact.
  - For a full description, see the Assessment of Effects and the 800.11(e) documentation on the City’s website.
- Mitigation measures considered and dismissed outside of federal authorities:
  - E.g., relocating OPC to another location, not closing roads in Jackson Park

## Tips for identifying mitigation measures

- **Mitigation measures should:**
  - Be creative and technically possible and practical
  - Address an impact from the project
  - Be a reasonable public expenditure and commensurate with the proposed impact.
- **Mitigation measures must:**
  - Be acceptable to the affected property owner, as applicable.

# Examples of Mitigation Under Section 106



# Examples of Mitigation

## Julia C. Lathrop Homes



Lathrop construction 1938



Lathrop rehabilitation 2019

## Significance

- Completed during the Great Depression, the Lathrop Homes was one of the first federal public housing developments in Chicago

## Project

- Rehabilitation of the complex as a mixed income/mixed use community

## Mitigation Measures

- Documentation-Photographs and Drawings
- Exhibit on-site interpreting the history of the housing complex as well as the work of social reformer Julia C. Lathrop
- Remove and preserve resident-produced artwork
- Collecting oral histories from long term residents
- Panel discussions on the history of the site
- Update National Register Nomination
- Inventory of other historic CHA properties

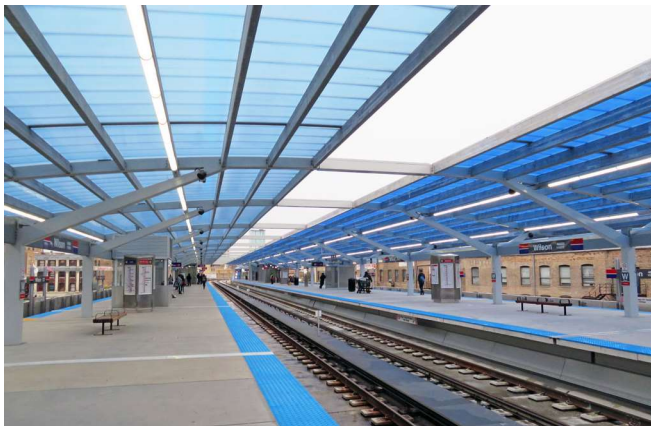


# Examples of Mitigation

## Chicago Transit Authority (CTA) Red-Purple Bypass Project



Wilson Station 2012



Wilson Station 2019

## Significance

- Elevated track structure, platforms and stations that have served Chicago commuters for over a century

## Project

- Rebuild track structure and expand platforms and stations to accommodate increased ridership

## Mitigation Measures

- Historic American Engineering Record (HAER) documentation prior to demolition
- Seek public input on preferred visual preferences for new track structure
- Create exhibit in the project area on the history of the elevated systems
- Preferential option to relocate rather than demolish the historic Vautravers Building in a local landmark district

# Examples of Mitigation

## East 43rd Street Pedestrian Bridge Replacement



Photographic documentation part of the Illinois Historic Engineering Record (HIER)

### Significance

- Constructed in 1938 and 1954, the pedestrian bridge over the IC Tracks and Lake Shore Drive at 43rd Street was deemed eligible for the National Register.

### Project


- Plan to replace the bridge with a new structure led to Section 106 review resulting in a Memorandum of Agreement (MOA) finalized in 2019.

### Mitigation Measures

- Documentation of the historic bridge pursuant to the Illinois Historic Engineering Record (HIER).
- Signage on or adjacent to the new bridge interpreting the significance of the historic bridge.

**43<sup>RD</sup> STREET PEDESTRIAN BRIDGE**

The original 43rd Street Pedestrian Bridge (SN 016-6156) constructed in 1938 connected the Kenwood/Oakland neighborhood with the Lakefront and Burnham Park by spanning the Metro Electric and Canadian National railroad tracks, and in 1954 a second structure was constructed to span South Lake Shore Drive (US 41). The total length of the bridge was 448 feet.



**METRA ELECTRIC/CN RAILROAD BRIDGE**

- This open steel beam through truss structure with riveted connections constructed in 1938.
- The overall structure is 268 feet in length and is 10'-8" in width from the centerline of the trusses.
- The structure was built with single and double angle members with gusset plates and riveted connections.
- Soon 1 originally located at 35th Street was relocated to 43rd Street during construction.

**SOUTH LAKE SHORE DRIVE BRIDGE**

- This open steel beam through truss structure was constructed in 1954.
- Constructed with only two steel beams on either side with perpendicular bracing beams.
- At the west end, the supporting column was encased with stone and a diaphragm approach slab connected with the Metro Electric/CN pedestrian bridge.
- At the east end, a pathway wrapped around the stone encased supporting tower and descended to ground level.
- The overall structure was 180 feet in length and was 10'-8" in width from the centerline of the stringers.

Proposed interpretive signage.

# Q&A



## Q&A and Discussion Format

### **Panelists available to answer questions include:**

FHWA: Matt Fuller

NPS: Lee Terzis

USACE: Colin Smalley

City of Chicago: Eleanor Gorski and Nate Roseberry

### **Format:**

Q&A (15 minutes)

- Each Consulting Party will be called on to ask one question via chat or phone. A 2<sup>nd</sup> round of Q&A will occur as time permits. All questions received via telephone and in the chat box will be recorded, answered and documented.

### **Discussion to Follow Q&A:**

- Participants can call in and offer mitigation ideas for discussion. The chat box will be monitored for ideas and several will be discussed. All ideas received via telephone and in the chat will be recorded and documented.

# Discussion of Potential Measures to Resolve Adverse Effects



# Adverse Effects Identified in the 106 Process

## Jackson Park Historic Landscape District and Midway Plaisance



Jackson Park Historic Landscape District and Midway Plaisance

- Resource ID: 01
- Effect Finding: Adverse Effect

### Potential Mitigation Measures:

- **TBD - for discussion**

# Adverse Effects Identified in the 106 Process

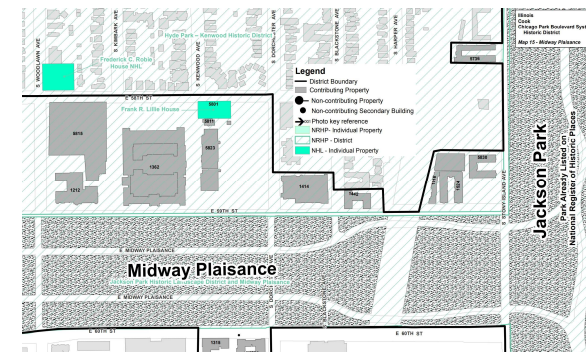
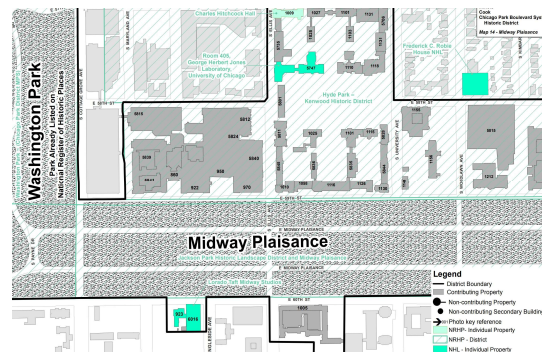
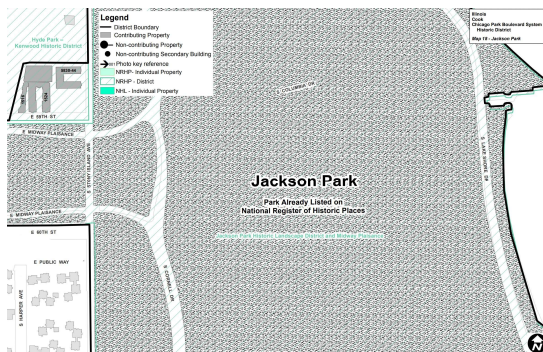
## Chicago Park Boulevard System Historic District



- Resource ID: 37
- Effect Finding: Adverse Effect

### Potential Mitigation Measures:

- TBD - for discussion



# Previously Suggested Mitigation Ideas Received from CP's for Discussion

## **Related to Improvements to Buildings and Structures:**

- Interpret Jackson Park's women's history through multimedia methods and signage
- Restoration of the Cheney Goode Memorial and other park structures
- Restoration of Statue of the Republic
- Restoration of landscape features
- Use of an Olmsted-specialist landscape architect to review and approve landscape plans, and possibly provide construction oversight

## **Related to Process:**

- Consulting party review at different design levels for the Midway
- Contribute to the virtual model of the world's fair in Chicago, work being done by UCLA
- Monitor traffic impacts
- Update National Register nomination



# Next Steps



## Next Steps

- Review input from this meeting and distribute a poll for participants
- Post meeting audio on DPD's website
- Consulting Party Meeting #2 on May 20 to discuss ideas received today and from the poll
- Other Federal review processes are being conducted in parallel with Section 106 (e.g., NEPA, Section 4(f))

**Thank you for your participation!**

