



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**Illinois Division**

October 17, 2018

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Springfield, IL 62703  
(217) 492-4640  
[www.fhwa.dot.gov/ildiv](http://www.fhwa.dot.gov/ildiv)

In Reply Refer To:  
HDA-IL

Subject: Update Consulting Parties on Section 106 Process for Federal Action in and Adjacent to Jackson Park in Chicago, Cook County, Illinois

Dear Consulting Party Representative:

I am writing this letter to provide Section 106 consulting parties with an update on the Section 106 process for the subject project. The Section 106 process consists of four steps: (1) initiate the Section 106 process, (2) identify historic properties, (3) assess adverse effects; and (4) resolve adverse effects.

**Step 1 – Initiate the Section 106 Process (Complete)**

The City of Chicago (“the City”) is seeking Federal approval and financial assistance resulting from its decision to locate the Obama Presidential Center (OPC) in Jackson Park and to close roadways in Jackson Park. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. The procedures in 36 CFR Part 800 define how Federal agencies meet the statutory responsibilities under Section 106 of the NHPA.

The City is seeking a Federal approval from the National Park Service (NPS) because proposed construction activity would result in a partial conversion of parkland from recreational use under the Urban Park and Recreation Recovery Program, administered by NPS.

The City is seeking Federal financial assistance from the Federal Highway Administration (FHWA) for roadway improvements necessary to address the traffic impacts from the City’s decision to close roadways in Jackson Park and to provide bicycle/pedestrian improvements in and around Jackson Park. In Illinois, Federal-Aid funding for roadway improvements is administered through the Illinois Department of Transportation (IDOT) for local projects and IDOT has an oversight role with local agencies.

Per the Section 106 regulations, the NPS and FHWA actions are considered undertakings. The FHWA agreed to be the lead Federal agency for the Section 106 process and is working closely with NPS to ensure the Section 106 process satisfies each agency’s responsibility under the NHPA.

The Section 106 process was initiated in November 2017 when FHWA notified the Illinois State Historic Preservation Officer (SHPO) of the undertaking, notified Tribes of the undertaking, and invited the Advisory Council on Historic Preservation (ACHP) to participate in the Section 106 consultation due to public interest in historic preservation considerations in Jackson Park. Concurrently, potential Section 106 consulting parties were notified of the undertaking by the City. Potential Section 106 consulting parties were identified by the City in consultation with FHWA, IDOT, and the Illinois SHPO. This step of the Section 106 process is complete.

### **Step 2 – Identify historic properties (Complete)**

The identification of historic properties step was completed on July 10, 2018 when the Illinois SHPO concurred with the eligibility determinations in the Historic Properties Inventory report.

Prior to completing the Historic Properties Inventory report, FHWA developed the area of potential effect (APE) in consultation with the SHPO, IDOT, the City, and NPS after considering comments from consulting parties and the public. The Section 106 regulations define the APE as the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

After establishing the APE, the City prepared a draft Historic Properties Inventory report to identify historic properties within the APE. As the applicant for Federal assistance, the City and its contractor may prepare information, analyses, and recommendations to the FHWA, per 36 CFR 800.2(a)(3), provided they meet the Secretary of the Interior's professional standards described in 36 CFR Part 61 ("Secretary's Standards"). The FHWA, NPS, and IDOT independently evaluated the information, analyses, and recommendations from the City to ensure the Section 106 requirements were met. The FHWA remains legally responsible for all required findings and determinations.

The City made the draft Historic Properties Inventory report available to consulting parties and the public for review and comment on March 19, 2018. A consulting party meeting, open to the public, was held on March 29, 2018 to describe the Historic Properties Inventory report and solicit feedback. After the close of the 30-day comment opportunity, comments received from consulting parties and the public were taken into consideration by FHWA. The City revised the report and submitted it to the SHPO, who concurred with the eligibility determinations in a letter dated July 10, 2018. This step of the Section 106 process is complete.

### **Step 3 – Assess adverse effects (Ongoing)**

The assessment of adverse effects step is ongoing. The City is preparing a draft Assessment of Effects (AOE) report, which will document the application of the criteria of adverse effect to historic properties which were identified in the approved Historic Properties Inventory. An adverse effect is found when an undertaking may alter any of the characteristics that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The AOE will be reviewed by FHWA, NPS, and IDOT to ensure that applicable standards and guidelines are met prior to the report being released for consulting party and public review. The draft AOE will be made available for a 30-day comment period to the consulting parties and the public. Additionally, within the comment period, a consulting party meeting and a public information meeting will be held to provide an overview of the report and seek comments.

After the comment period, FHWA will take into consideration all of the comments received and in cooperation with the City, IDOT, and NPS, and in consultation with the SHPO, will finalize the AOE report and issue its finding of effect.

#### **Step 4 – Resolve adverse effects (Pending)**

The resolve adverse effects step cannot begin until the assessment of adverse effects step is completed. If FHWA determines the undertaking will have “no adverse effect” on historic properties, and the SHPO agrees, then the Section 106 process is concluded.

If FHWA determines the undertaking will have an “adverse effect”, then FHWA will consult with the SHPO, the ACHP, and other consulting parties to seek ways to avoid, minimize, or mitigate the adverse effects. The public will also be offered the opportunity to express their views on resolving adverse effects of the undertaking. If the FHWA, NPS, SHPO, and ACHP agree on how the adverse effects will be resolved, then a memorandum of agreement is executed and implemented and evidences the Federal agency’s compliance with Section 106.

#### **Conclusion**

As noted above, we have completed the first two steps of the Section 106 process and are in the process of assessing adverse effects. Within the coming weeks, after the draft AOE is complete, the City will notify the consulting parties and the public of its availability for review and comment. The City will also schedule a meeting for consulting parties and a public information meeting to provide an overview of the draft AOE and seek feedback. If you have specific topics you would like discussed at the next consulting party meeting, please provide those suggested topics to Abby Monroe ([Abby.Monroe@cityofchicago.org](mailto:Abby.Monroe@cityofchicago.org)) no later than October 26, 2018.

Thank you for agreeing to participate as a Section 106 consulting party for the subject project and we look forward to working with all consulting parties as the Section 106 process is advanced.

Sincerely,



Catherine A. Batey  
Division Administrator