United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

JUL 0 1 2005

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Mr. Barry Cooper
Chicago Area Modernization Program Office Manager
Federal Aviation Administration
2300 East Devon Avenue
Des Plaines, Illinois 60018

Dear Mr. Cooper:

As requested, the U.S. Department of the Interior (Department) has reviewed the draft Section 4(f) and 6(f) Evaluation for the **Chicago O'Hare International Airport** (O'Hare) modernization project, Cook and DuPage Counties, Illinois. The Department offers the following comments and recommendations for your consideration.

SECTION 4(f)/6(f) COMMENTS

The Federal Aviation Administration (FAA) is the lead agency, responding to a request by the City of Chicago (City) to approve an amendment to the City's Airport Layout Plan (ALP) to modernize O'Hare. Through a screening of potential alternatives, prior to and following the release of the draft Environmental Impact Statement (EIS), three action alternatives were carried through an evaluation of properties within the study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)) and Section 6(f)(3) of the Land and Water Conservation Fund Act (L&WCF; 16 U.S.C. 4601-8(f)(3)). The properties to be directly impacted by the three build alternatives include two city parks (Schuster Park and Bretman Park in Bensenville), two historic cemeteries (St. Johannes and Rest Haven), a historic building (roadside gas service station in Bensenville), a historic farmstead (Schwedtfeger Farmstead in Chicago), and one county forest preserve (DuPage County Forest Preserve District property Silver Creek). The three build alternatives would indirectly impact a locomotive museum (Railroad Monument and Park in Bensenville) through increased aircraft noise levels.

In addition to the properties above, 113 locally important sites were identified as indirectly impacted by the three build alternatives, primarily by aircraft noise impacts. These locally important sites are not typically considered Section 4(f) resources unless the FAA decides to consider them. These sites include a church, a historic log house (used as a museum), and many historic residences in several surrounding towns. The Department appreciates the FAA's consideration of impacts to these properties despite the lack of a requirement to do so.

Also considered are properties that have received assistance in the form of L&WCF grants. Assistance from L&WCF places restrictions on actions that convert the use of the property from recreational activities. Specifically, Section 6(f)(3) states:

> "No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

The document identifies only Bensenville's Schuster Park as having received L&WCF assistance and will be directly impacted by all build alternatives.

The FAA has not identified a Preferred Alternative; and it has not yet completed determinations of eligibility for inclusion in the National Register of Historic Places for the cemeteries above. Normally, it would be premature for the Department to provide a complete statement on concurrence with any determination on Section 4(f) resources as long as the lead agency had yet to determine the Preferred Alternative. However, since all of the Section 4(f) and Section 6(f) properties would be affected by any of the three build alternatives, there would be no lessening of impacts through the selection of a Preferred. The Department would concur with a determination that there are no prudent or feasible avoidance alternatives. Each of the proposed alternatives would result in impacts to the Section 4(f)/6(f) properties; there are no alternatives avoiding impacts to the identified properties. The Department would likely agree that all measures to minimize harm to Section 4(f)/6(f) resources have been employed since the mitigation discussion in the document is complete for the most part. The mitigation presented in the evaluation is very specific and the consultations necessary to determine the acceptability of these measures is completed, at least to the point that the other parties appear to be in agreement with the mitigation. In terms of the Section 6(f) property, Schuster Park, the FAA is working directly with the National Park Service and the responsible State representative, but the selection of the final replacement property is not presented in the draft evaluation. The consultation on the historic status of the cemeteries has yet to be concluded, as well as a decision by the State Historic Preservation Officer (SHPO) on an agreement with the proposed mitigation for all historic sites. The Department would likely support the mitigation provided a final resolution of the issue can be obtained with the SHPO.

SUMMARY COMMENTS

The Department has a continuing interest in working with the FAA, ensuring that impacts to resources of concern to the Department are adequately addressed. For Section 4(f) matters, please contact Regional Environmental Coordinator Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive,

Omaha, Nebraska 68102. He may be reached on 402-661-1844. For issues related to Section 6(f), please contact Jim Krejci at the same address, telephone 402-661-1560.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
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