

Appendix P

SECTION 6(F) TEMPORARY NON-CONFORMING USE
DOCUMENTATION

LWCF

National Park Service
U.S. Department of the Interior
State and Local Assistance Programs



Compliance and Stewardship (C&S) Form

Grant Name & Project Number(s): East Delta Park – Strasser Field

NPS# 41-01568 OPRD# 2503

Park Name(s): East Delta Park

LWCF Sponsor(s): City of Portland

The purpose of the C&S form is to provide information about Land and Water Conservation Fund (LWCF) compliance and stewardship proposals submitted for National Park Service (NPS) review. This form should be completed for any proposal that will impact a park or other recreation area that received LWCF assistance. Consultation with the NPS should occur before the form is completed. All proposals will be reviewed by the NPS in accordance with the LWCF Manual and other applicable federal laws, regulations, and guidance.

Generally, all compliance actions require the completion of all of Section 3.0 – Resource Information. Any exceptions are noted in the instructions for Section 3.0.

- Conversion of Use (fill out 1.0 with relevant sub-section(s), 3.0, and 4.0)
 - All Conversions (1.1)
 - Small Conversions (1.1 and 1.2)

- Other Compliance Actions Requiring NPS Review and Approval (fill out 2.0 with relevant sub-section(s), 3.0, and 4.0)
 - Sponsor Change (2.1)
 - Significant Change in Use (2.2)
 - Temporary Non-Conforming Use (2.3)
 - Sheltering (2.4)
 - New Public Facility (2.5)

Brief Description of the Proposal:

[Click here to enter text.](#)

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), as the federal joint lead agencies, published a Draft Supplemental Environmental Impact Statement (SEIS) and Section 4(f) Evaluation and are preparing a Final SEIS and Section 4(f) Evaluation for the Interstate Bridge Replacement (IBR) Program. The joint lead agencies have identified property within the study area that was improved with assistance from the Land and Water Conservation Fund (LWCF) Act (54 USC 200301, et. seq.). LWCF property cannot be wholly or partly converted to other than public outdoor recreation uses without the approval of NPS, on behalf of the Secretary of Interior (54 U.S.C. § 200305(f)(3); 36 CFR § 59.3).

East Delta Park is a 3,811,500-square-foot neighborhood/regional park located adjacent to I-5 between Martin Luther King Jr. Boulevard and N Denver Avenue, which is within the jurisdiction of the Portland Parks and Recreation Department. In 2008, LWCF funds were approved to rehabilitate Strasser Field, a recreation facility within East Delta Park.

Construction of retaining walls on ODOT right-of-way (ROW) along the western and northern edges of the park would require access on a small section (approximately 5,600 square feet) of East Delta Park for a period of 6 months or less, in an area containing grass, trees, and shrubby vegetation. As part of IBR Program construction activities, pruning of select trees along the western and northern edges of the park may be required or their root systems may be affected. The park and its recreational features would remain open during construction, including the sports fields, nature trail, play structure, and picnic tables. Following construction, the vegetated slope would be revegetated and restored to equivalent condition, and any damaged or removed trees along the western or northern border of the park would be replaced.

The IBR Program submitted a letter to the City of Portland on June 27, 2025, requesting concurrence with the IBR Program's intention to coordinate with OPRD to prepare this application for temporary non-conforming use. The City responded with a written concurrence on August 29, 2025, attached as IBR OWJ 6f concurrence letter 8-29-25.

SECTION 2.0 OTHER COMPLIANCE ACTIONS FOR NPS REVIEW AND APPROVAL

2.3 Temporary Non-Conforming Use

A. Attachments checklist

- Transmittal letter from the SLO/ASLO that indicates the state's support for the proposal
- Maps:
 - Drawings and/or renderings of the proposed use
 - Site plan showing the location of the proposed use in relation to the LWCF boundary

B. Description

1. Describe in detail the proposed temporary non-conforming use and all associated activities, why it is needed, and alternative locations that were considered and why they were not pursued.

As the only continuous north-south interstate route on the West Coast of the United States connecting the Canadian and Mexican borders, Interstate 5 (I-5) is vital to the local, regional, state, and national economies. At the Columbia River, I-5 provides a critical economic connection to two major ports, deepwater shipping, upriver barging, two transcontinental rail lines, and much of the region's industrial land. Truck-hauled freight movement over the I-5 Columbia River crossing is critical for industrial centers, for employment, and for the regional and national economies.

The Interstate Bridge provides the primary transportation link between Vancouver, Washington, and Portland, Oregon, and it is the only direct connection between the downtown areas of these cities. Residents of Vancouver and Portland drive, ride buses, bicycle, and walk across the Interstate Bridge for work, recreation, shopping, and entertainment. With one span now 108 years old, the bridge is at risk for collapse in the event of a major earthquake and no longer satisfies the needs of commerce and travel. Replacing the aging Interstate Bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods and services is a high priority.

In addition to replacement of the Interstate Bridge, the IBR Program includes improvements to seven I-5 interchanges and I-5 mainline improvements between Interstate Avenue/Victory Boulevard in Portland and SR 500/39th Street in Vancouver. These improvements include modifications to the Marine Drive/Martin Luther King Boulevard interchange near East Delta Park, which would require rebuilding and reconfiguring highway infrastructure. In particular, the rebuilt northbound offramp from I-5 to Marine Dr/MLK Blvd would require new retaining walls located in ODOT ROW just outside East Delta Park. Construction of these retaining walls would primarily occur from within ODOT ROW, but temporary access to a small strip of parkland would be needed to maneuver equipment during early phase activities including excavation, footing placement, and backfilling.

The location of the existing I-5 infrastructure dictates where IBR Program construction activity would occur. Alternative locations for the reconstructed northbound offramp were not pursued because the locations of I-5 and Marine Dr/MLK Blvd are predetermined. A ramp connecting these roadways must be located near its current location, adjacent to East Delta Park. Every effort has been made to contain ramp reconstruction activity within ODOT ROW.

2. Explain length of time needed for the temporary non-conforming use and why.

Temporary non-conforming use would occur within two small areas within the park: an approximately 5,000 square foot area along I-5 and an approximately 100 square foot area at the north corner of the park. Construction

activities are anticipated to begin between 2039 and 2042. The temporary non-conforming use in each area would occur for a less than 6-month period within that construction window. Exact scheduling will be coordinated with City of Portland Parks and Recreation as design and project schedule advances. The activity would include excavation, placement of footings, backfilling, and restoration/revegetation of park property. Once these activities have been completed, the remainder of ramp construction activity would occur within ODOT ROW.

3. Describe the size of the LWCF area that will be affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain plans or efforts to keep the size of the area impacted to a minimum.

LWCF funds were used in 2008 to rehabilitate Strasser Field, a 93,100 square foot recreational facility within East Delta Park. Strasser Field would be unaffected by the proposed temporary construction activity. East Delta Park is a 3,811,500-square-foot neighborhood/regional park, which includes a sports complex with seven lighted softball fields, five grass soccer fields, four synthetic turf soccer fields, six sand volleyball courts, a playground, picnic tables, restrooms, a parking lot, support buildings, and nature trails. The LWCF area affected by temporary construction activities would be confined to a small section (approximately 5,600 square feet, less than 1% of the overall park area) on the western and northern edge of the park, in an area containing grass that is periodically mowed, as well as trees and shrubby vegetation.

The park and its recreational features would remain open during construction, including the sports fields, nature trail, play structure, and picnic tables. There would be no expected impacts to public outdoor recreation areas, facilities, and opportunities.

Through consultation with Portland Parks and Recreation staff, the IBR Program identified design changes to avoid permanent conversion of the LWCF area. Construction activities are almost entirely contained within ODOT ROW, except for the temporary area identified in this application.

4. Describe any anticipated temporary/permanent impacts to the LWCF area and how the sponsor will mitigate them during and after the non-conforming use ceases.

Construction of retaining walls on the western and northern edges of the park would require access on a small section (approximately 5,600 square feet) of East Delta Park for a period of 6 months or less, in an area containing grass that is periodically mowed, as well as trees and shrubby vegetation. As part of IBR Program construction activities, the root systems of select trees along the western and northern edge of the park may be affected, or the trees may require removal. Following construction, IBR Program would restore the vegetated area to equivalent condition, and any damaged or removed trees along the western or northern border of the park would be replaced.

There will be no permanent impacts to the LWCF area.

NOTICES

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 200301 et. seq.). Your response is required to obtain or retain a benefit. We use this information to obtain descriptive and environmental information about the proposal. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

Estimated Burden Statement

Completion times vary widely depending on the use of the form. We estimate that the average completion time for this form is 16 hours for most stewardship requests, and 92.5 hours for a conversion of use (although a difficult conversion can take up to 500 hours), including the time necessary to read, gather data, review instructions, and complete the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242 Rm. 2C114, Reston, VA 20192. Please do not send your completed form to this address.

Date: 6/18/2025 Path: \\parametrix.com\my\Port\Projects\Clients\1505\1505_098\Program\999\GIS\MapDocs\Fn_Section_6(f)_Figures_ESR1505.aprx



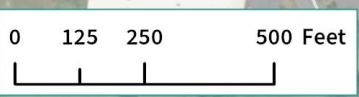
- Existing Trail
- Federal or State Highway
- East Delta Park
- Section 6(f) Boundary
- FLP Boundary
- Project Permanent Impact Footprint
- Temporary Non-Conforming Use
- Multi-Use Path / Sidewalk
- Interstates and Local Roads
- At or above grade
- Underpass

Temporary Construction Impact

Temporary Construction Impact

EAST DELTA PARK

The permanent and temporary footprints are based on conceptual design and are subject to change.



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N Expo Rd









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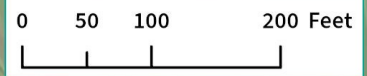
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Temporary Impact
100 Square Feet

Temporary Impact
5,500 Square Feet

East Delta
Park

-  Federal or State Highway
-  Section 6(f) Boundary
-  East Delta Park
-  Temporary Impact
-  Project Permanent Impact Footprint
-  Multi-Use Path / Sidewalk
- Interstates and Local Roads
-  At or above grade
-  Underpass



August 15, 2025

Sonia Schmanski, Interim Director, Portland Parks & Recreation
Portland Parks and Recreation
1120 SW 5th Ave UNIT 1302, Portland, OR 97204

Subject: Section 6(f) Concurrence Letter for the Interstate Bridge Replacement (IBR) Program

Dear Ms. Schmanski:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), as the federal joint lead agencies, and the Washington State Department of Transportation (WSDOT), Oregon Department of Transportation (ODOT), Southwest Washington Regional Transportation Council (RTC), Oregon Metro (Metro), Clark County Public Transportation Benefit Area Authority (C-TRAN), and Tri-County Metropolitan Transportation District of Oregon (TriMet) as local joint lead agencies (collectively, the joint lead agencies), published a *Draft Supplemental Environmental Impact Statement (SEIS) and Section 4(f) Evaluation* and are preparing a *Final SEIS and Section 4(f) Evaluation* for the Interstate Bridge Replacement (IBR) Program. The joint lead agencies have identified property within the study area that was improved with assistance from the Land and Water Conservation Fund (LWCF) Act (54 USC 200301, et. seq.). LWCF property cannot be wholly or partly converted to other than public outdoor recreation uses without the approval of the National Park Service (NPS), on behalf of the Secretary of Interior (54 U.S.C. § 200305(f)(3); 36 CFR § 59.3). The LWCF conversion requirements may not be triggered, however, if a proposed use qualifies as a temporary non-conforming use.¹ This letter requests your concurrence, as the Director for Portland Parks and Recreation, that temporary effects on East Delta Park would meet the requirements of temporary non-conforming use.

PROJECT DESCRIPTION

In 2019, a bi-state legislative committee requested that ODOT and WSDOT reinstate the Columbia River Crossing (CRC) Project, renaming it the IBR Program. The purpose and need of the IBR Program remains the same, and the SEIS supplements the CRC National Environmental Policy Act (NEPA) documentation, including the 2011 Final Environmental Impact Statement, 2011 Record of Decision (ROD), and 2012 and 2013 Re-evaluations. The IBR Program is a multimodal transportation project focused on improving safety, reducing congestion, and increasing mobility of motorists, freight traffic, transit riders, bicyclists, and pedestrians along a 5-mile section of the Interstate 5 (I-5) corridor connecting Vancouver, Washington, and Portland, Oregon.

¹ U.S. Dep't of Interior, Nat'l Park Serv., *Land and Water Conservation Fund State Assistance Program: Federal Financial Assistance Manual*, p. 114 (vol. 72, Jan. 17, 2021), available at <https://www.nps.gov/subjects/lwcf/lwcf-manual.htm>

August 15, 2025

IBR Program representatives are updating previous studies to integrate new data; incorporate regional changes in transportation, land use, and demographic conditions; and consider public input. The IBR Program published the *Draft SEIS and Section 4(f) Evaluation* in September 2024 and is currently in the process of refining the proposed design in response to comments to reduce effects on Section 6(f) properties as reflected in this letter. It is anticipated that construction for the IBR Program will begin in 2026.

Additional information is available on the IBR Program’s website at www.InterstateBridge.org.

SECTION 6(F) BACKGROUND

The purpose of the LWCF Act is to assist in preserving, developing, and ensuring accessibility to outdoor recreation resources and to strengthen the health and vitality of the citizens of the United States by providing funds, planning, acquisition, and development of recreational facilities. Section 6(f) of the LWCF Act requires that an area funded with LWCF assistance be “continually maintained in public outdoor recreation use” unless the NPS, on behalf of the Secretary of Interior, approves substitution per a conversion based upon the requirements set forth in 36 CFR § 59.3.

As discussed above, the LWCF conversion requirements may not be triggered if a proposed use qualifies as a temporary non-conforming use. A temporary non-conforming use may be requested by the Oregon Parks and Recreation Department (OPRD) and granted by NPS for temporary uses lasting less than six months. Per OPRD correspondence, the procedure for OPRD and NPS approval of a temporary non-conforming use within an LWCF boundary area would require completion of a Compliance and Stewardship form, which includes documentation of the following:

- Acknowledgement by the City of Portland, documented by concurrence with this letter, of the IBR Program’s intention to:
 - Temporarily use a portion of LWCF-assisted property
 - Coordinate with OPRD to request a temporary non-conforming use from NPS
- Complete description of the proposed temporary use, including the following:
 - Start and completion dates.
 - Identification of the portion of the site affected, including a map, and its impact to the other areas of the fund-assisted park.
 - Justification of why the area needed is the minimum necessary for the proposed use.
 - Analysis of alternatives considered.
 - Description of impacts.
 - Mitigation and schedule.
- An acknowledgment from OPRD and local agencies with jurisdiction over LWCF resources stating that a full conversion will result if the temporary use extends beyond the maximum six-month period.

August 15, 2025

IDENTIFICATION OF RESOURCES

East Delta Park is a 3,811,500-square-foot neighborhood/regional park located adjacent to I-5 between Martin Luther King Jr. Boulevard and N Denver Avenue, which is within the jurisdiction of the Portland Parks and Recreation Department. In 2008, LWCF funds were approved to rehabilitate Strasser Field, a recreation facility within East Delta Park. Facilities at East Delta Park include a sports complex with seven lighted softball fields, five grass soccer fields, four synthetic turf soccer fields, six sand volleyball courts, a playground, picnic tables, restrooms, a parking lot, support buildings, and nature trails.

East Delta Park is located near improvements proposed as part of the IBR Program. Accordingly, the IBR Program has consulted with the Portland Parks and Recreation Department. Through the consultation with Portland Parks and Recreation staff, the IBR Program has identified design changes that would allow it to avoid the conversion of the Park.

Section 6(f) Conclusion

As noted above, the IBR Program has proposed to conduct temporary construction activity (lasting less than 6 months) on a small section (approximately 5,600 square feet) of East Delta Park, which is located adjacent to I-5. Because East Delta Park has been granted funds through the LWCF State Assistance Program, a request for the temporary non-conforming use within the LWCF boundary area must be submitted by OPRD, under the guidelines of the LWCF Federal Financial Assistance Manual, for approval from NPS. The use would be temporary and would not exceed 6 months. Further, the IBR Program would restore the area to its original state, including reseeding the lawn in this area and replanting any landscaping removed during construction. The IBR Program is coordinating with the City of Portland, OPRD, and NPS on the request for a temporary non-conforming use determination, most recently in November 2024.

CONCURRENCE

The IBR Program requests that the City of Portland Parks and Recreation Department sign below to indicate concurrence with the Section 6(f) conclusion for East Delta Park, as described above and in the attachment to this letter. Please direct any questions to Hayli Reff, IBR Program Cultural Resources, whose contact information is available below, or to Colin Drake, IBR Section 6(f) Lead, at Colin.Drake@interstatebridge.org, 206-450-5845.

The IBR Program appreciates your time to coordinate with us on these important properties.

Sincerely,



Hayli Reff (she/her)
Interstate Bridge Replacement Program

August 15, 2025

Cultural Resources Program Manager
C: 503-302-0555 | E: hayli.reff@interstatebridge.org
interstatebridge.org

CC: Brett Horner, Portland Parks and Recreation
Brenda Martin, Portland Bureau of Transportation

Attachments

Attachment 1: East Delta Park

I concur with the Section 6(f) conclusion for East Delta Park as described in this letter and shown in Attachment 1.

Sonia Schmanski Digitally signed by Sonia Schmanski
Date: 2025.08.29 16:41:26 -07'00' _____ (Signature/Date)

Sonia Schmanski, Interim Director, Portland Parks and Recreation

August 15, 2025

Attachment 1: East Delta Park

