

Appendix Q

SECTION 4(F), SECTION 6(F), AND FEDERAL LANDS TO PARKS OFFICIALS WITH JURISDICTION LETTERS

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 4(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), are conducting coordination with agencies and tribes as part of preparing the Draft and Final Supplemental Environmental Impact Statement (SEIS) and Section 4(f) Evaluation for the Interstate Bridge Replacement (IBR) Program.

This letter requests your concurrence, as the official with jurisdiction for Portland Parks and Recreation, that temporary effects on East Delta Park and a segment of the Marine Drive Trail would meet the temporary occupancy exception under the Section 4(f) Requirements, as outlined in 23 CFR § 774.13(d). The program agrees to consult and work with the City on including anti-graffiti, textural, architectural, landscaping, artistic, and/or planting design solutions for the walls proposed by the IBR program that would be located adjacent to Delta Park, to the extent that this is feasible and constructable.

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.

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 a *Draft SEIS and Section 4(f) Evaluation* in late 2024 and subsequently refined the proposed design in response to comments to reduce effects on Section 4(f) properties as reflected in this letter. It is anticipated that construction for the IBR Program will begin in 2027.

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

SECTION 4(F) BACKGROUND

Section 4(f) Requirements (49 U.S.C. 303 and 23 U.S.C. 138) and its implementing regulations (23 CFR Part 774) require FHWA and FTA to avoid any use of a Section 4(f) property unless there is no feasible and prudent alternative to using the property, or the impact will be *de minimis*. Where there is no feasible and prudent alternative to the use of Section 4(f) property, FHWA and FTA may approve only the alternative that causes the least overall harm, which is determined by balancing various factors as described in 23 CFR § 774.3(c).

A Section 4(f) property is one that includes any publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance, as determined by the federal, state, or local officials with jurisdiction, or any land from a historic site of national, state, or local significance, as determined by the State Historic Preservation Officer. Although the latter include historic properties or archaeological sites listed or eligible for listing in the National Register of Historic Places, archaeological sites must warrant preservation in place to be subject to Section 4(f) requirements.

Once Section 4(f) properties have been identified in the study area, it is necessary to determine whether any of the Program’s activities would result in use of such properties. According to 23 CFR § 774.17, except as provided in 23 CFR §§ 774.11 and 774.13, use of Section 4(f) property occurs when:

- Land is **permanently incorporated** into a transportation facility;
- There is a **temporary occupancy** of land that is adverse in terms of the Section 4(f) statute’s preservationist purposes (23 CFR §774.13(d)); or
- There is a **constructive use** of land as determined by criteria in 23 CFR §774.15.

FHWA and FTA may not approve the use of Section 4(f) property with greater than *de minimis* impact unless the agency determines that (1) there is no prudent or feasible alternative, and (2) the project includes all possible planning to minimize harm to these resources resulting from such use (23 CFR § 774.3). Project effects on a Section 4(f) property may be so negligible as to constitute a *de minimis* impact or qualify as a temporary occupancy exception.

A temporary occupancy exception may apply when the requirement for land is so minimal as to not constitute use within the meaning of Section 4(f). A temporary occupancy will not constitute a Section 4(f) use when all of the conditions listed in 23 CFR § 774.13(d) are satisfied:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;

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4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) property regarding the above conditions.

If one or more of these conditions cannot be met, the temporary occupancy constitutes a use under Section 4(f). Documented concurrence of the official(s) with jurisdiction is necessary to demonstrate that the temporary occupancy exception criteria are met and must be kept on file as part of the project. Concurrence documentation is typically included in the Final Section 4(f) evaluation.

Certain trails, paths, bikeways, or sidewalks are excepted from the requirements of Section 4(f), as set forth in 23 CFR § 774.13(f). If a trail, path, bikeway, or sidewalk are part of the local transportation system and functions primarily for transportation, the requirements of Section 4(f) would not apply (23 CFR § 774.13(f)(4)).

IDENTIFICATION OF RESOURCES

The IBR Program, in consultation with Portland Parks and Recreation staff, has identified the publicly owned and publicly accessible park and recreational resources listed in Table 1 that are within the jurisdiction of the Portland Parks and Recreation Department and near the proposed improvements. Table 1 also includes the Section 4(f) preliminary use determination made by the IBR Program. Although the IBR Program has determined it would need to temporarily occupy these resources, the proposed occupancy satisfies the conditions set forth in 23 CFR § 774.113(d).

Table 1. Preliminary Use Determinations for Resources Identified within Jurisdiction of Portland Parks and Recreation near IBR Program Improvements

Park or Resource	Location	Use Determination
East Delta Park	Portland, OR	<ul style="list-style-type: none"> • No Section 4(f) use. • Temporary occupancy exception per 23 CFR 774.13(d).
Marine Drive Trail	10737 N Union Court, Portland, OR	<ul style="list-style-type: none"> • No Section 4(f) use. • Temporary occupancy exception per 23 CFR 774.13(d).

East Delta Park – Temporary Occupancy Exception under Section 4(f)

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. 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.

The Modified Locally Preferred Alternative (LPA), as described in Chapter 2 of the SEIS, would temporarily occupy approximately 5,600 square feet from the northern corner of East Delta Park to gain construction access to the I-5 right of way to build a fill wall. Attachment 1, East Delta Park Temporary Occupancy, provides an illustration of the affected area.

Construction of the retaining wall on the western edge of the park would require access from the park for a period of 6 months or less, and the area of the park that would be temporarily affected contains grass that is periodically mowed, as well as trees and shrubby vegetation. As part of IBR Program construction activities, the root systems of trees along the western edge of the park may be affected, or the trees may require removal. 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 within the park would be reviewed with the City's Urban Forestry staff, and replaced and/or mitigated by complying with applicable ordinances and codes pertaining to tree removals or damage to trees. There would be no adverse effect on the activities, features, or attributes of the park from the temporary occupancy.

The Modified LPA would meet the requirements for a temporary occupancy exception per 23 CFR 774.13(d) as outlined below:

1. Temporary duration, i.e., less than the time needed for construction of the project, and there would be no change in ownership of the land.

The construction of the fill wall in ODOT right of way adjacent to East Delta Park is anticipated to require access from the park for no longer than 6 months, which is less than the 14-plus-year construction period of the Program, and there would be no change in ownership of the land.

2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.

The Modified LPA would temporarily occupy approximately 5,600 square feet in the northern corner of the approximately 3,811,500-square-foot park (approximately 0.2 percent) to gain construction access to the I-5 right of way to build a fill wall.

3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.

The area of the park that would be temporarily affected contains grass that is periodically mowed, as well as trees and shrubby vegetation. There would be no permanent physical impacts to the park. The park and its recreational features would remain open during construction, including the sports fields, nature trail, play structure, and picnic tables. Any damaged or removed trees along the western border of the park would be replaced. The potentially affected trees are outside of the areas commonly used for recreation. Construction would have temporary visual and audible effects in the park, but they would not be so severe as to interfere with activities at the recreational features of the park.

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4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project.

Following construction, the vegetated slope would be revegetated and restored to equivalent prior conditions. Any trees removed within the park will be replaced.

5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) property regarding the above conditions.

The purpose of this letter is to address this condition.

In light of the preceding, FHWA and FTA have determined that the Modified LPA would result in no permanent use of Delta Park, and the temporary occupancy of approximately 5,600 square feet within the park would meet the exception criteria in 23 CFR § 774.13(d). Therefore, the IBR Program would not use the East Delta Park property per Section 4(f) Requirements. The IBR Program requests Portland Parks and Recreation's concurrence in this determination at the end of this letter.

Marine Drive Trail – Temporary Occupancy Exception under Section 4(f)

The Marine Drive Trail is a 5-mile trail located along North Portland Harbor, connecting I-5 and the Marine Drive interchange with Kelley Point Park. The trail extends from the North Portland Harbor bridge through the Marine Drive interchange, then merges with a public sidewalk on the north side of Marine Drive before veering slightly north onto a levee located on private property. The portion of the Marine Drive Trail closest to the Modified LPA is a sidewalk located on ODOT right of way and Metro-owned property through an easement held by the City of Portland that runs from the east of I-5 to the western edge of the Red Shores LLC property. Attachment 2 provides two images regarding Marine Drive Trail continuity under the I-5 bridges and of the affected trail area.

Most of the length of the trail within the IBR Program study area is located on a public sidewalk adjacent to Marine Drive and meets the exception in 23 CFR § 774.13(f)(4) as it is part of the local transportation system. The FHWA *Section 4(f) Policy Paper* (FHWA 2012), Question 1A, provides further guidance on this circumstance, stating that publicly owned land is considered a park or recreation area when the official with jurisdiction determines the primary purpose is as a park or recreation area. In the context of Section 4(f), incidental, secondary, occasional, or dispersed activities do not constitute a primary purpose. FHWA and FTA, in consultation with the Portland Parks and Recreation Department have determined the primary purpose of the Marine Drive Trail segment on the levee west of the Modified LPA is for use as a recreational facility, which makes it subject to Section 4(f). The IBR Program would temporarily occupy a 122-linear-foot segment of the Marine Drive Trail on the levee for the construction of a stormwater pond adjacent to the trail. This area of the trail would be temporarily closed and detoured during the construction of the stormwater pond.

The temporary effects on the Marine Drive Trail meet the requirements of 23 CFR § 774.13(d) for an exception from Section 4(f) use as documented below:

1. Temporary duration, i.e., less than the time needed for construction of the project, and there would be no change in ownership of the land.

The construction activities that would affect the Marine Drive Trail, including reconstruction of the active transportation connections through the I-5 interchange area, are anticipated to take up to 6 years, which is less than the 14-plus-year construction period of the IBR Program. The portion of the trail that would be temporarily occupied for construction of a stormwater pond would have an even shorter duration. Ownership of the land would not change.

2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.

The Marine Drive Trail is 5 miles long. The trail segment that would be temporarily occupied and reconstructed, including the 122-foot recreational segment in Portland Parks and Recreation's jurisdiction, is less than 1% of the entire trail length. During construction, due to closure of the trail segment on the levee, bicycles, pedestrians, and other trail users would be detoured (see #3 below). The trail detour would provide functionality similar to that of the portion that would be reconstructed on the north side of the road. For portions not affected by construction east and west of the IBR Program footprint, trail users would continue to be able to use the trail during construction with no additional effects. Therefore, the work would be minor and the nature and magnitude of the changes to the trail would be minimal.

3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.

Because the temporary detour would maintain continuous trail access and provide equivalent connectivity during construction, the IBR Program would not diminish or interfere with the protected activities, features, or attributes of the trail on a permanent or temporary basis. There would be no permanent adverse physical impacts to the trail because the recreational trail segment in Portland Parks and Recreation's jurisdiction would be fully restored.

4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project.

Following construction, the IBR Program would restore any damage or reconstruct the trail to a condition similar to that which existed prior to construction.

5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) property regarding the above conditions.

The purpose of this letter is to address this condition.

In light of the above criteria, FHWA and FTA have determined that the Modified LPA would result in no permanent use of the Marine Drive Trail, and the temporary occupancy of the 122-linear-foot segment of the trail on the levee would meet the exception criteria in 23 CFR § 774.13(d). Therefore, the IBR Program would not result in a use of the Marine Drive Trail under Section 4(f) Requirements. The Program requests Portland Parks and Recreation's concurrence in this determination at the end of this letter.

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CONCURRENCE

The IBR Program requests that the City of Portland Parks and Recreation Department sign below to indicate concurrence with the findings for East Delta Park and Marine Drive Trail as described above and in the attachments to this letter. Please direct any questions to Hayli Reff, IBR Program Cultural Resources, whose contact information is available below, or to Lawrence Spurgeon, IBR Section 4(f) Lead, at Lawrence.Spurgeon@wsp.com, 206-382-5272.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "HR", written over a faint blue line.

Hayli Reff (she/her)
Interstate Bridge Replacement Program
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;
Attachment 2: Marine Drive Trail

I concur with the findings for East Delta Park and Marine Drive Trail as described in this letter and shown in Attachments 1 and 2.

Sonia Schmanski

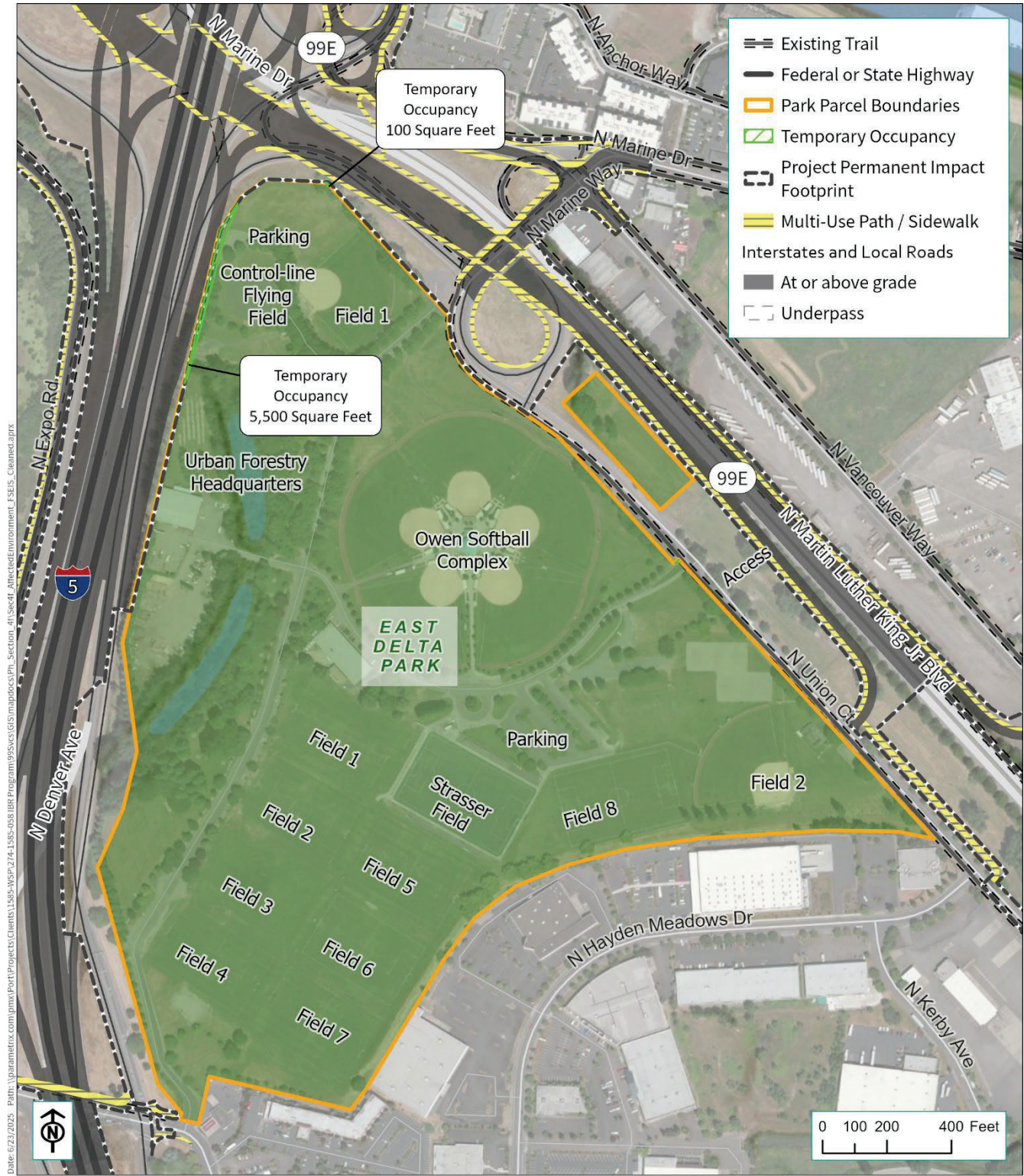
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(Signature/Date)

Sonia Schmanski, Interim Director, Portland Parks and Recreation

August 15, 2025

Attachment 1: East Delta Park



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Attachment 2: Marine Drive Trail



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>

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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.

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

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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





Allyson Brooks Ph.D., Director
State Historic Preservation Officer

August 13, 2025

Hayli Reff
Interstate Bridge Replacement Program
500 Broadway, Suite 200
Vancouver, WA 98660

In future correspondence please refer to:
Project Tracking Code: 2020-12-07501
Property: I-5 Interstate Columbia River Bridge Project
Re: Section 4(f) Evaluation for the Interstate Bridge Replacement (IBR) Program.

Dear Hayli Reff:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced proposal. This action has been reviewed on behalf of the State Historic Preservation Officer (SHPO) under provisions of Section 4(f) Requirements as outlined in 23 (CFR) 774.13(d). Our review is based upon documentation contained in your communication.

We concur that the temporary effects of the IBR Program on the Evergreen Hotel, House of Providence, House of Providence Kindergarten, Duplex Residences, Mickler House, and Who Song & Larry's Restaurant meet the requirements for a temporary occupancy exception, under the Section 4(f) Requirements as outlined in 23 Code of Federal Regulations (CFR) 774.13(d). However, as construction progresses monitoring shall be conducted by the IBR to ensure that there are no construction impacts to these historic properties. If construction results in harm, through damage or alternations to the characteristics that make these properties eligible for listing in the National Register of Historic Places, appropriate mitigation will be necessary.

Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me.

Sincerely,

Maureen Elenga, M.A.
Architectural Historian – Transportation Reviewer
(360) 972-4539
Maureen.Elenga@dahp.wa.gov



July 10, 2025

Dr. Allyson Brooks
State Historic Preservation Officer/Director
Washington State Department of Archaeology and Historic Preservation
PO Box 48343, Olympia, WA 98504-8343

Subject: Section 4(f) Concurrence Letter for the Interstate Bridge Replacement (IBR) Program

Dear Dr. Brooks:

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), are conducting coordination with agencies and tribes as part of preparing of a Draft and Final Supplemental Environmental Impact Statement (SEIS) and Section 4(f) Evaluation for the Interstate Bridge Replacement (IBR) Program.

This letter requests your concurrence, as the Washington State Historic Preservation Officer (SHPO), the official with jurisdiction for historic properties located within the state of Washington, that the temporary effects of the IBR Program on the Evergreen Hotel, House of Providence, House of Providence Kindergarten, Duplex Residences, Mickler House, and Who Song & Larry's Restaurant would meet the requirements for a temporary occupancy exception, under the Section 4(f) Requirements as outlined in 23 Code of Federal Regulations (CFR) 774.13(d). It also provides notice that the FHWA and FTA also intends to make *de minimis* impact determinations under Section 4(f) for other historic properties where DAHP has concurred on a finding of "No Adverse Effect" on the property.

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.

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 a *Draft SEIS and Section 4(f) valuation* in late 2024 and subsequently refined the proposed design in

July 10, 2025

response to comments to reduce effects on Section 4(f) properties as reflected in this letter. It is anticipated that construction for the IBR Program will begin in 2027.

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

SECTION 4(F) BACKGROUND

As further described in the Draft SEIS, Section 4(f) requirements (49 U.S.C. 303 and 23 U.S.C. 138) and its implementing regulations (23 CFR Part 774) require FHWA and FTA to avoid any use of a Section 4(f) property unless certain conditions are met.

Section 4(f) property includes any land from a historic site of national, state, or local significance, as determined by the State Historic Preservation Officer. This includes historic properties listed or eligible for listing in the National Register of Historic Places and archaeological sites that warrant preservation in place (23 CFR 774.13[b]).

FHWA and FTA may not approve the use of Section 4(f) property with greater than *de minimis* impact unless the agency determines that (1) there is no prudent or feasible alternative, and (2) the project includes all possible planning to minimize harm to these resources resulting from such use (23 CFR § 774.3). For historic sites, a *de minimis* impact means that the USDOT has determined, in accordance with 36 CFR part 800 (Section 106), that no historic property is affected by the project or that the project will have "No Adverse Effect" on the historic property in question. Use of a section 4(f) property having a *de minimis* impact can be approved without the need to complete a full Section 4(f) evaluation.

Additionally, a temporary occupancy exception applies when the requirement for land is so minimal as to not constitute use with the meaning of Section 4(f); the following five conditions set forth in 23 CFR 774.13(d) must be satisfied:

1. *Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.*
2. *Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.*
3. *There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.*
4. *The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and*
5. *There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) property regarding the above conditions.*

In cases where the five conditions of the temporary occupancy exception criteria are met, the temporary occupancy does not constitute a use of Section 4(f) properties.

TEMPORARY OCCUPANCY OF SECTION 4(F) RESOURCES

The IBR Program, in consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP), has identified historic sites within the jurisdiction of DAHP where temporary occupancy will occur during construction (Table 1). The DAHP director is the Washington SHPO and has jurisdiction over these sites. The proposed occupancy satisfies the conditions as set forth in 23 CFR 774.113(d).

Table 1. Preliminary Use Determinations for Resources Identified within Jurisdiction of the Washington State Department of Archaeology and Historic Preservation near Interstate Bridge Replacement Program Improvements

Historic Site	Location	Use Determination
Evergreen Hotel (WA 21)	500 Main Street, Vancouver	Temporary Occupancy Exception per 23 CFR 774.13(d)
House of Providence (Providence Academy) (WA 150)	400 E Evergreen Boulevard, Vancouver	Temporary Occupancy Exception per 23 CFR 774.13(d) <i>De minimis</i> impact based on CFR 774.17 (I-5 Shifted West Design Option only)
House of Providence Kindergarten (Providence Kindergarten) (WA 150d)	404 East Evergreen Boulevard, Vancouver	Temporary Occupancy Exception per 23 CFR 774.13(d) (I-5 Shifted West Design Option only)
Duplex Residences (WA 1168)	2901 K Street, Vancouver	Temporary Occupancy Exception per 23 CFR 774.13(d)
Mickler House (WA 1258)	901 E 29th Street, Vancouver	Temporary Occupancy Exception per 23 CFR 774.13(d)
Who Song & Larry’s (WA 1138)	111 SE Columbia Way, Vancouver	Temporary Occupancy Exception per 23 CFR 774.13(d)

Each of the historic properties is described in the Section 106 correspondence and documentation. FHWA and FTA have determined that the Modified LPA would result in no Adverse Effect to these properties, and the temporary occupancy would meet the exception criteria in 23 CFR § 774.13(d). Activities at each site, as described below, would meet the first four requirements for temporary occupancy exception, and this letter requests concurrence as identified in the fifth requirement.

Evergreen Hotel

The Modified Locally Preferred Alternative (LPA) would temporarily close the southern entrance of the hotel for improvements to the intersection of Main Street and E 5th Street. Construction activities would not touch the Evergreen Hotel building and would not alter any of its character-defining features, but one of the primary entrances (located on the south elevation) would potentially be inaccessible during construction of intersection improvements.

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The building's other primary entrance, located on the east elevation, would remain unobstructed and continue to function as normal. Access signage and instrumentation, such as vibration or noise monitors, may be placed in the hotel during construction. The temporary occupancy would meet the exception criteria in 23 CFR 774.13(d) because:

- Closure of the southern entrance would occur for up to 4 years, a duration less than the construction period for the project, and there would be no change in ownership.
- Work at the property would be minor, in that would not touch the Evergreen Hotel or alter any of its character-defining features, but the south entrance would be rendered inaccessible during construction. The hotel's east primary entrance would remain unobstructed and continue to function as normal.
- Construction would not cause temporary or permanent adverse physical effects to the Evergreen Hotel, nor would there be interference with the Evergreen Hotel's character-defining features related to the development history of downtown Vancouver.
- The hotel entrance would be returned to regular use upon completion of construction. Any temporary signage or instrumentation would be removed, and the site would thus be fully restored to its condition prior to the Modified LPA.

See Attachment 1, Evergreen Hotel, for an illustration of the affected area.

House of Providence

The Modified LPA would reconstruct and widen the I-5 roadway to the east of the House of Providence. For all design options except the I-5 shifted west design option (discussed below), the widened interstate roadway would not encroach into the boundary of the historic site. To make roadway and sidewalk improvements, the Modified LPA would require a 2,000-square-foot temporary construction easement along the site's southern boundary at E Evergreen Boulevard. The easement would extend approximately 10 feet into the House of Providence's boundary, where no character-defining landscape features remain. The temporary occupancy would meet the exception criteria in 23 CFR 774.13(d) because:

- The easement would be needed for up to 4 years, a duration less than the construction period for the project. There would be no change in ownership.
- The proposed road improvements along E Evergreen Boulevard are limited to the southern edge of the House of Providence site and would occur more than 100 feet away from the site's primary contributing building.
- No permanent adverse physical impacts to the House of Providence would result from construction of the Modified LPA. The site's character-defining features would remain intact and unaltered, and the Modified LPA would not diminish the site's integrity of location, design, setting, materials, workmanship, feeling, or association despite the proposed temporary construction easement and the adjacent infrastructure improvements.

- The Modified LPA would not involve construction of any additional structures or elements within the boundary of the House of Providence site and would restore to pre-construction conditions the landscape and curb within the temporary construction easement.

House of Providence – Findings for Modified LPA with I-5 Shifted West Design Option

The Modified LPA with I-5 shifted west design option would have a different impact to the House of Providence than the Modified LPA with other design options and would permanently incorporate approximately 9,800 square feet of land from the east side of the House of Providence property. The Section 106 consultation process concluded that because the east portion of the site has already been heavily altered and does not retain integrity to its period of significance, the acquisition would not impact contributing elements of the site or substantially impair the site’s ability to convey its significance; therefore, the Section 106 findings of effect (FOE) for the historic site includes a finding of “No Adverse Effect.” Based on this finding, and consistent with the definition of *de minimis* impact in 23 CFR 774.17, FHWA and FTA have found that the Modified LPA with I-5 shifted west design option would have a *de minimis* impact to this site.

See Attachment 2, House of Providence and House of Providence Kindergarten for an illustration of the affected area.

House of Providence Kindergarten

All design options for the Modified LPA would construct and widen the I-5 corridor to the east of the Kindergarten. For all of the design options except for I-5 shifted west, construction would be approximately 50 feet to the east of the Kindergarten’s east façade. Because the building façade is the boundary for the historic property, none of the Modified LPA design options, with the exception of the I-5 shifted west, would result in a temporary or permanent use of the Kindergarten.

House of Providence Kindergarten - Findings for Modified LPA with I-5 Shifted West Design Option

The Modified LPA with I-5 shifted west would widen the I-5 right of way to the west and construct a retaining wall along the western boundary of the I-5 right of way within approximately 10 feet of the Kindergarten’s east façade. The project would require a temporary construction easement behind the retaining wall extending to the building’s east façade to allow construction of the wall. The building would not be physically altered.

- The construction activities associated with the I-5 shifted west option would occur for up to 4 years, a duration less than the construction period for the project, and there would be no change in ownership.
- Construction activities would not contact the Kindergarten building or alter any of its character-defining features, but the east access to the basement would be blocked for safety during construction. The building would retain its ability to convey its significance during construction despite the temporary obstruction of the east basement access.

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- No temporary or permanent adverse physical effects to the Kindergarten would result from construction of the Modified LPA with I-5 shifted west design option, nor would there be interference with the Kindergarten's character-defining features.
- Upon completion of construction, the east access to the basement would be restored.

See Attachment 2, House of Providence and House of Providence Kindergarten for an illustration of the affected area.

Duplex Residences

The Modified LPA would require widening the I-5 roadway to the west of the 2901 K Street site and the reconstruction of the I-5 overcrossing at E 29th Street. The construction of new pedestrian and bicycle facilities at the E 29th Street overcrossing would involve improvements to the K Street and E 29th Street intersection, which is immediately southwest of the 2901 K Street site. The Modified LPA would require an approximately 300-square-foot temporary construction easement to provide space for sidewalk reconstruction at the site's southwest corner, which presently contains a portion of the site's grass lawn and a single mature ornamental shrub. The temporary occupancy would meet the exception criteria in 23 CFR 774.13(d) because:

- The easement would be needed for up to 4 years, a duration less than the construction period for the project. There would be no change in ownership.
- Construction activities would permanently alter 2901 K Street. The Modified LPA would not substantially impair the site's character-defining features or reduce its integrity and ability to convey its significance.
- No permanent adverse physical impacts to the 2901 K Street site would result from construction of the Modified LPA, nor would there be temporary or permanent interference with the site's character-defining features. While the lawn within the temporary construction easement may be removed for construction, it would be restored following completion of construction.
- If construction activities within the temporary construction easement should require the removal of a portion of the lawn, this landscape feature would be restored to its original state when construction is completed.

See Attachment 3, Duplex Residences for an illustration of the affected area.

Mickler House

The Modified LPA would reconstruct and widen the I-5 corridor, which is currently separated from the NRHP-eligible Mickler House by one residential parcel, J Street, and a concrete noise wall. Adjacent to the site, the Modified LPA would construct improvements to E 29th Street between the I-5 overcrossing and the I Street intersection. These improvements may include enhancements to pedestrian and traffic access (e.g., sidewalks, curb ramps, signage). The Modified LPA would, require a temporary construction easement of approximately 50 square feet from the northern edge of the Mickler House site. Construction activities within

the temporary construction easement could potentially interfere with or require the removal of an existing wood fence and/or disturb the northern edge of a concrete-paved walkway connecting the north elevation of the Mickler House to the sidewalk along E 29th Street. The temporary occupancy would meet the exception criteria in 23 CFR 774.13(d) because:

- The easement would be needed for up to 4 years, a duration less than the construction period for the project. There would be no change in ownership.
- Construction activities at the Mickler House would be performed at the northwest corner of the site and would not modify any character-defining features of the Mickler House. The temporary occupancy of the Mickler House site would result in minimal changes to the property in both nature and magnitude.
- No temporary or permanent adverse physical impacts to the Mickler House site would result from construction of the Modified LPA, nor would there be any modification of the site's character-defining features.
- If construction activities within the temporary construction easement should disturb the northern edge of the concrete-paved walkway or require removal of the wood fence, these landscape features would be restored to their original state once construction is complete.

See Attachment 4, Mickler House for an illustration of the affected area.

Who Song & Larry's Restaurant

The Modified LPA, inclusive of all design options, would require a temporary construction easement along the site's northern boundary for improvements to SE Columbia Way, including sidewalk and driveway reconstruction. Construction activities would not contact the principal Who Song & Larry's Restaurant building, but the primary vehicular entrance to the north would potentially be rendered inaccessible during construction. However, the site would still be made accessible from the eastern side of the boundary. Access signage and instrumentation, such as vibration or noise monitors, may be placed in the restaurant during construction. The temporary occupancy would meet the exception criteria in 23 CFR 774.13(d) because: Temporary duration, i.e., less than the time needed for construction of the project, and there would be no change in ownership of the land

- The easement would be needed for up to 4 years, a duration less than the construction period for the project. There would be no change in ownership.
- While the proposed road improvements along SE Columbia Way would not substantially impair the site's character-defining features or any aspects of the site's location or setting that enable it to convey its significance. For these reasons, the temporary occupancy of the Who Song & Larry's site would result in minimal changes to the property in both nature and magnitude.
- No temporary or permanent adverse physical impacts to the Who Song & Larry's Restaurant site would result from construction of the Modified LPA, nor would there be modification of the site's character-defining features.

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- Upon completion of construction, access to the site along the northern boundary would be returned to regular use. Any temporary signage or instrumentation would be removed, and the site would be fully restored to its condition prior to the Modified LPA.

See Attachment 5, Who Song & Larry's Restaurant for an illustration of the affected area.

CONCURRENCE

The IBR Program requests that the Washington SHPO sign below to indicate concurrence with the temporary occupancy exception findings for Evergreen Hotel, House of Providence, House of Providence Kindergarten, Duplex Residences, Mickler House, and Who Song & Larry's Restaurant as described above and in the attachments to this letter. The FHWA and FTA also intends to make *de minimis* impact determinations under Section 4(f) for historic properties where DAHP has concurred on a finding of "No Adverse Effect" on the property.

Please direct any questions to Hayli Reff, IBR Program Cultural Resources, whose contact information is available below, or to Lawrence Spurgeon, IBR Section 4(f) Lead, Lawrence.Spurgeon@wsp.com, 206-382-5272.

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

Sincerely,



Hayli Reff (she/her)
Interstate Bridge Replacement Program
Cultural Resources Program Manager
C: 503-302-0555 | E: hayli.reff@interstatebridge.org
interstatebridge.org

CC: Dennis Wardlaw, DAHP Transportation Archaeologist
Maureen Elenga, DAHP Architectural Historian – Transportation Project Reviewer

I concur with the findings for Evergreen Hotel, House of Providence, House of Providence Kindergarten, Duplex Residences, Mickler House, and Who Song & Larry's Restaurant.

_____ (Signature/Date)
Allyson Brooks
Director, Washington Department of Archaeology and Historic Preservation

July 10, 2025

Attachments

Attachment 1: Evergreen Hotel

Attachment 2: House of Providence and House of Providence Kindergarten

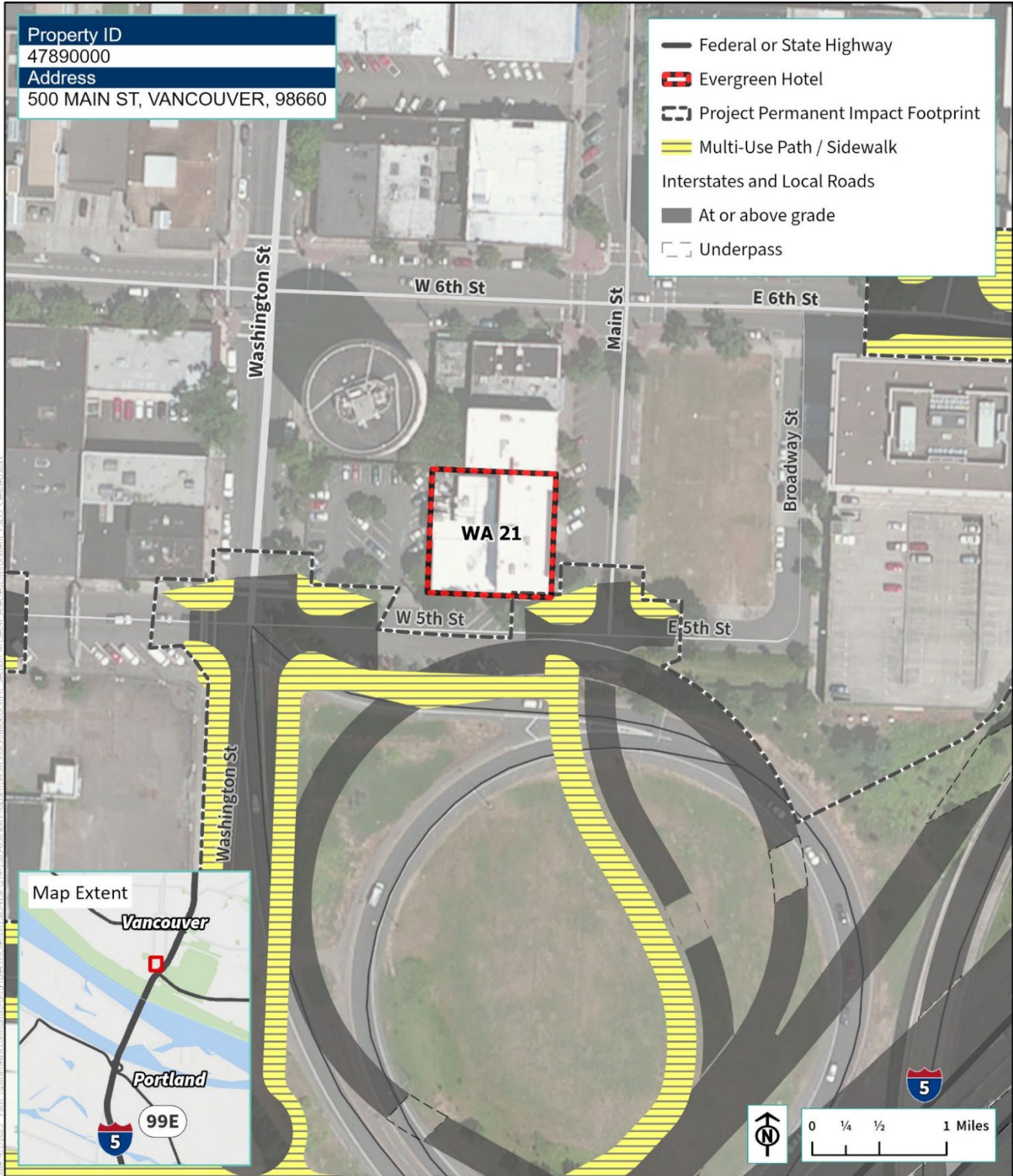
Attachment 3: Duplex Residences

Attachment 4: Mickler House

Attachment 5: Who Song & Larry's Restaurant

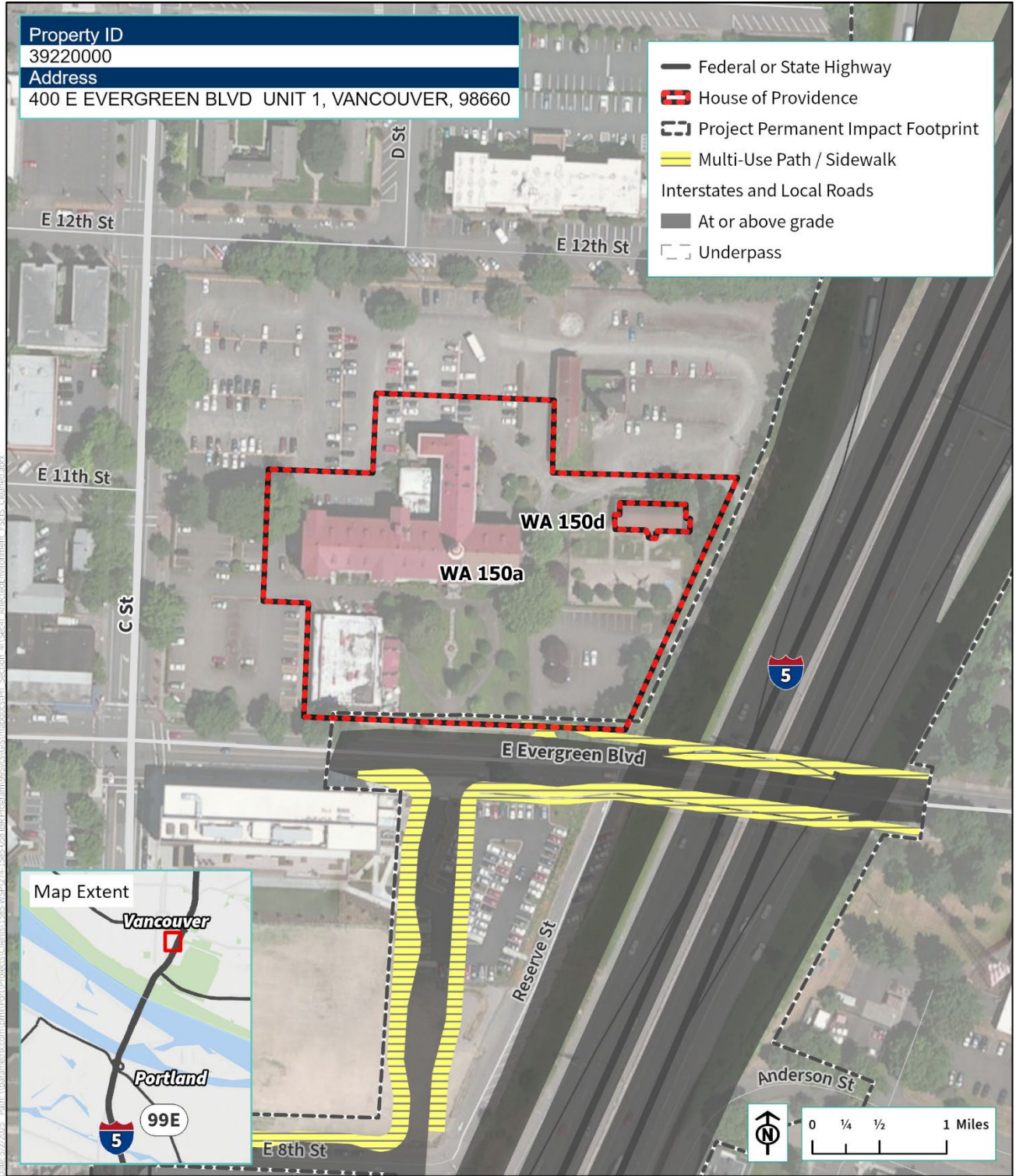
July 10, 2025

Attachment 1: Evergreen Hotel



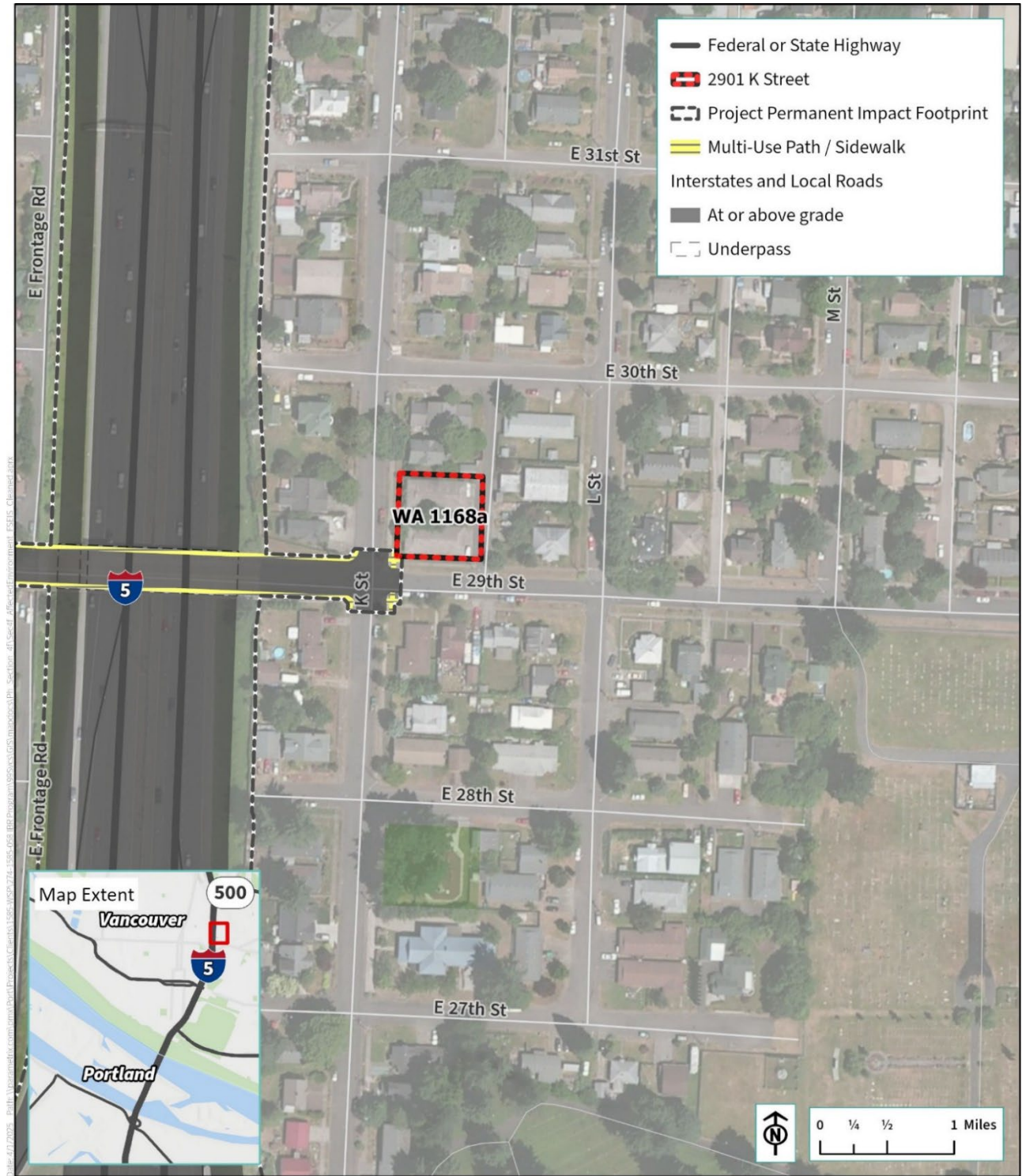
July 10, 2025

Attachment 2: House of Providence and House of Providence Kindergarten



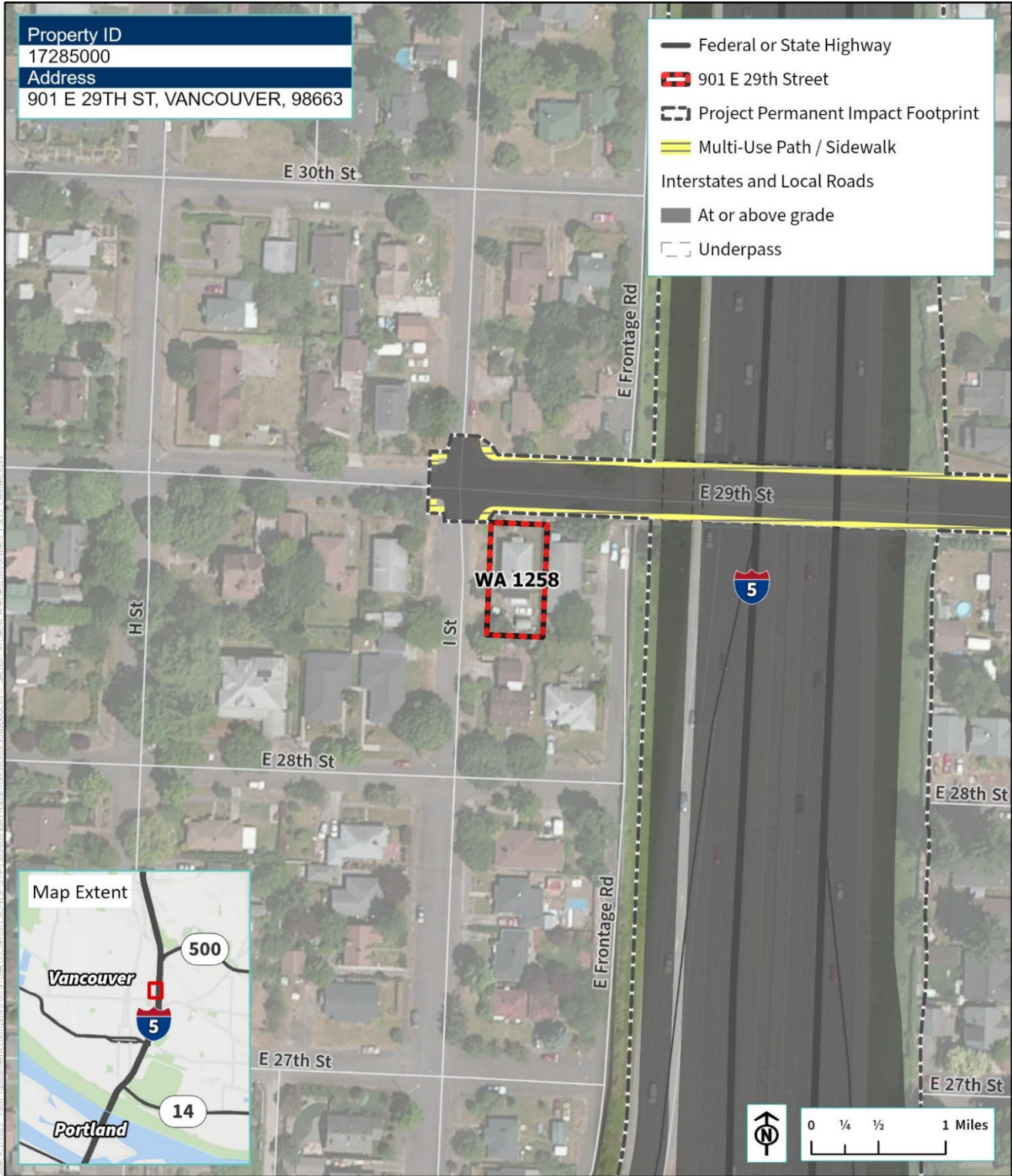
Source: ODOT, WSDOT, ESRI, Mapbox, OpenStreetMap

Attachment 3: Duplex Residences



July 10, 2025

Attachment 4: Mickler House



July 10, 2025

Attachment 5: Who Song & Larry's Restaurant



July 7, 2025

Hayli Reff

Interstate Bridge Replacement (IBR) Program

Cultural Resources Program Manager

SUBJECT: Response to Section 4(f) and Federal Lands to Parks (FLP) Concurrence Letters

Dear Ms. Reff:

On behalf of the City of Vancouver, thank you for the concurrence letters sent on June 24, 2025 and for the ongoing collaboration on the IBR Program. We concur with the following findings made by the Program:

- The IBR program would result in a *de minimis* impact to Old Apple Tree Park and Marshall Park under Section 4(f) of the U.S. Department of Transportation Act of 1966 and its implementing regulations.
- Constructing a shared-use path within Old Apple Tree Park would be consistent with the 1986 Program of Utilization (POU) for the Federal Land to Parks (FLP) program.
- The Section 106 process outlined in the Section 106 Programmatic Agreement satisfies the consultation requirement in the park deed for Old Apple Tree Park.
- FLP requirements for Marshall Park would be satisfied through: 1) transferring the FLP land permanently impacted by the IBR Program to a different public-benefit conveyance program via the National Park Service (NPS) and General Services Administration (GSA), and 2) providing recreational enhancements and replacement facilities in lieu of providing replacement property.

The City's concurrence is based on the following conditions, as discussed with the IBR Program and reflected in the City's comments on the Draft Supplemental Environmental Impact Statement (SEIS):

Old Apple Tree Park

- Throughout design and construction, the IBR Program would seek to avoid impacts to the significant features of the park that provide both active and passive recreational values, including the Old Apple Tree Monument, grass lawn surrounded by trees, plaza connecting to the Confluence Land Bridge, bike parking, and scenic views.

- Under an agreement with the Washington State Department of Transportation (WSDOT), the City of Vancouver would own, operate, and maintain the segment of the shared use path through the park.
- The alignment of the path shown on Attachment 1 of IBR's concurrence letter is conceptual and may be modified to occur anywhere in the park boundaries, subject to additional coordination with the City of Vancouver and relevant parties.
- As design advances, the IBR Program would continue to work with the City to enhance active transportation access to and through the park and support the recreational functions of both the path and park (making them safe, welcoming, and comfortable spaces that appeal to people of all ages and abilities). This includes:
 - finalizing the path alignment through the park in a way that maximizes contiguous open space, while providing a direct path from Main Street to the Park's entrance and minimizing impacts to existing trees.
 - investigating opportunities to use areas of highway right of way adjacent to the park and new shared use path that are not currently needed for highway purpose and could be programmed for temporary recreational uses (until there is a future need for highway use).
 - considering the provision of additional features within Old Apple Tree Park and areas adjacent to the path within highway right of way, such as additional landscaping, lighting, wayfinding, benches, educational features, and trash receptacles.
- The permanent airspace easement over the northwest corner of the park would not affect landscaping and would only be needed intermittently for inspection and maintenance of the ramp. When the easement would be in use for these purposes, the park and its recreational features would remain open and accessible.
- Construction easements would be confined to the western and northern portion of the park and the area immediately adjacent to the new shared-use path.
- During design and construction, the IBR Program would consider effects on the annual Old Apple Tree Festival and other events within the park.

Marshall Park

- Throughout design and construction, the IBR Program would seek to avoid impacts to the significant features of the park that provide both active and passive recreational values, including the Marshall and Luepke community centers, Ruby Luepke Center for Senior Citizens, accessible playground, community gardens, picnic tables, ball fields, horseshoe pits, grass lawns, landscaping (including mature trees and the Mayor's Grove), a loop trail, and connecting pathways.

- The IBR Program would compensate for: 1) the permanent loss of approximately 0.58 acres of parkland, 2) the displacement of active and passive recreational features (up to four horseshoe pits, grass lawn, and trees), 3) visual impacts resulting from the new sound wall and loss of mature trees that provide a visual buffer from the freeway, 4) incremental increase in noise levels within the park, and 5) construction-related disturbances for park users.
 - Under an agreement, the IBR Program would fund the City to coordinate, plan, design, and construct replacement recreational facilities within or near Marshall Park. (The City of Vancouver has initially proposed two small soccer fields, grass lawn, and additional pathways to enhance access and connectivity).
 - The IBR Program would restore the space along the fill wall within the park – using replacement trees and landscaping to provide a vegetated buffer and visual screen from the freeway.
 - The IBR Program would provide a pathway extending from E McLoughlin Blvd to the existing loop trail in Marshall Park.
- Construction easements would be confined to the western boundaries of the parcel.
- Any access closures to the parking lot would be coordinated with the Vancouver Parks, Recreation and Cultural Services (VPRCS) department and facility users. The IBR Program would re-stripe the parking lot to optimize available space during construction, as needed. Following construction, the IBR Program would re-stripe the parking lot to account for any changes to the footprint of the parking lot and to optimize circulation and accessibility.
- During design and construction, the IBR Program would ensure that the Mayor's Grove trees are adequately protected and/or mitigated in consultation with the City.

Applicable to both parks

- During design and construction, the IBR Program would minimize impacts to mature trees and their roots.
- Any trees removed from the parks would be subject to the City of Vancouver's replacement requirements during the tree removal permitting process.
- Any impacted landscaping (e.g., grass, shrubs, etc.) would be restored to its original condition or better.
- Replacement trees and landscaping would be planted as soon as feasible.
- Outside of temporary construction easements, the parks would remain open and accessible to the public during construction.

With these conditions, IBR's construction activities and permanent facilities would not adversely affect the significant activities, features, or attributes of Old Apple Tree and Marshall Park, and therefore, meet the *de minimis* impact requirements.

Thank you again for your continued coordination. We appreciate the IBR Program's efforts to minimize impacts on City parks and recreation facilities.



9/11/25

David Perlick, Director

Vancouver Parks, Recreation and Cultural Services (VPRCS)

August 13, 2025

David Perlick, Director
Vancouver Parks, Recreation and Cultural Services
PO Box 1995, Vancouver, WA 98668

Subject: Section 4(f) Concurrence Letter for the Interstate Bridge Replacement (IBR) Program

Dear Mr. Perlick:

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), are conducting coordination with agencies and tribes as part of preparing of a Draft and Final Supplemental Environmental Impact Statement (SEIS) and Section 4(f) Evaluation for the Interstate Bridge Replacement (IBR) Program.

This letter requests your concurrence, as the official with jurisdiction per Section 4(f) Requirements for parks within the jurisdiction of Vancouver Parks, Recreation and Cultural Services (VPRCS), with the proposed finding that use of Old Apple Tree Park and Marshall Community Center and Park will have a *de minimis* impact.

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. The IBR Program published a Draft SEIS and Section 4(f) Evaluation in September 2024, and are refining the proposed design in response to comments to reduce effects on Section 4(f) properties as reflected in this letter.

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. 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 4(F) BACKGROUND

Section 4(f) Requirements (49 U.S.C. 303 and 23 U.S.C. 138) and its implementing regulations (23 CFR Part 774) require FHWA and FTA to avoid any use of a Section 4(f) property unless there is no feasible and prudent alternative to using the property, or the impact will be *de minimis*. Where there is no feasible and prudent alternative to the use of Section 4(f) property, FHWA and FTA may approve only the alternative that causes the least overall harm, which is determined by balancing various factors as described in 23 CFR § 774.3(c).

A Section 4(f) property is one that includes any publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance, as determined by the federal, state, or local officials with jurisdiction, or any land from a historic site of national, state, or local significance, as determined by the State Historic Preservation Officer. Although the latter include historic properties or archaeological sites listed or eligible for listing in the National Register of Historic Places, archaeological sites must warrant preservation in place to be subject to Section 4(f) requirements.

Once Section 4(f) properties have been identified in the study area, it is necessary to determine whether any of the Program's activities would result in use of such properties. According to 23 CFR § 774.17, except as provided in 23 CFR §§ 774.11 and 774.13, use of Section 4(f) property occurs when:

- Land is **permanently incorporated** into a transportation facility;
- There is a **temporary occupancy** of land that is adverse in terms of the Section 4(f) statute's preservationist purposes (23 CFR §774.13(d)); or
- There is a **constructive use** of land as determined by criteria in 23 CFR §774.15.

FHWA and FTA may not approve the use of Section 4(f) property with greater than *de minimis* impact unless the agency determines that (1) there is no prudent or feasible alternative, and (2) the project includes all possible planning to minimize harm to these resources resulting from such use (23 CFR § 774.3). Project effects on a Section 4(f) property may be so negligible as to constitute a *de minimis* impact or qualify as a temporary occupancy exception.

USDOT's Section 4(f) regulations in 23 CFR 774.3 allow for a simplified process and approval for projects that have only *de minimis* impacts on lands subject to protection under Section 4(f). Section 4(f) use is assessed in terms of the magnitude of impact to determine whether the use is "*de minimis*." For historic sites, a *de minimis* impact means that the Administration has determined, in accordance with 36 CFR part 800 (Section 106) that no historic property is affected by the project or that the project will have "No Adverse Effect" on the historic property question. For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is defined under 23 CFR 774.17 as "one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)." Avoidance, minimization, mitigation, and enhancement measures must be considered in assessing the net impact to the Section 4(f) property to make a *de minimis* determination. FHWA/FTA is required to consider the net impact after measures to minimize harm

are applied. Use of a section 4(f) property having a *de minimis* impact can be approved without the need to complete a full Section 4(f) evaluation.

A finding of *de minimis* impact may be determined if:

1. The transportation use of the Section 4(f) property, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, or attributes of the Section 4(f) property; and
3. The official(s) with jurisdiction over the property, after being informed of the public comments and FHWA's intent to make the *de minimis* impact finding, concur in writing that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

De minimis impact determinations can be made for permanent incorporations or temporary occupancies.

If a project would have only a *de minimis* impact on a Section 4(f) property, there is no obligation to analyze feasible and prudent avoidance alternatives. A *de minimis* impact determination does not require including all possible planning to minimize harm to the property because avoidance, minimization, mitigation, or enhancement measures are included as part of the determination.

IDENTIFICATION OF SECTION 4(F) RESOURCES UNDER THE JURISDICTION OF VANCOUVER PARKS, RECREATION AND CULTURAL SERVICES

The IBR Program, in consultation with VPRCS staff, has identified measures to minimize harm to the resources listed in **Error! Reference source not found.** that are within the jurisdiction of the VPRCS as publicly owned and publicly accessible parks. These parks are near the proposed IBR Program improvements, and potential use of these parks has been analyzed under Section 4(f). Previous correspondence also identified Arnada Neighborhood Park for temporary occupancy, but the IBR Program has determined that it can be avoided entirely.

Table 1. Parks identified with *de minimis* impact within Vancouver Parks, Recreation and Cultural Services Jurisdiction

Park or Resource	Location	Use Determination
Old Apple Tree Park	112 Columbia Way, Vancouver, WA	<i>De minimis</i> impact based on CFR 774.17
Marshall Community Center, Luepke Senior Center, and Marshall Park	1015 E McLoughlin Boulevard, Vancouver, WA	<i>De minimis</i> impact based on CFR 774.17

Old Apple Tree Park – *de Minimis* Impact

Old Apple Tree Park is a 56,628-square-foot community park located north of the Columbia River and BNSF Railway, south of State Route (SR) 14, and within the boundaries of the Vancouver National Historic Reserve. Old Apple Tree Park can be accessed from the Fort Vancouver National Historic Site (NHS) waterfront beneath the railroad or from the Fort Vancouver NHS using the Confluence Land Bridge over SR 14. The Old Apple Tree from which the park derives its name died in 2020 at the age of 194, but its history lives on through saplings that share its genetic makeup planted in the same location. Old Apple Tree Park still provides a grass lawn surrounded by trees that provide passive recreational space, scenic views, bicycle parking, and a plaza that connects to the Confluence Land Bridge.

Findings

The Modified Locally Preferred Alternative (LPA), as described in Chapter 2 of the SEIS, would construct a new shared-use path through the park, which would require approximately 3,500 square feet of land. The path alignment in Attachment 1 is conceptual and the final path alignment through the park would be determined in coordination with VPRCS. The path would link the park to Main Street and downtown Vancouver. Users would travel through Old Apple Tree Park to reach the Fort Vancouver NHS via the Confluence Land Bridge. Under an agreement with WSDOT, VPRCS would own, operate, and maintain the trail and provide WSDOT a construction easement to build the trail as part of the Modified LPA, which would enhance recreational activities and broaden connectivity of the park. The shared-use path would improve nonmotorized access to and through Old Apple Tree Park, enhancing access to recreational opportunities in the park and the adjacent Fort Vancouver NHS, resulting in a benefit to recreational value in the park. The final path alignment in this park will be coordinated with VPRCS and would meet *de minimis* impact requirements because it would not adversely affect the activities, features, or attributes of the park. In addition to the recreational benefits provided by the new shared-use path, WSDOT also would investigate opportunities for VPRCS access to areas of highway right of way adjacent to the park that are not currently needed for highway purpose. These areas could be programmed for temporary recreational uses until there is a future need for highway use.

In addition to the shared-use path connection, the Modified LPA would also require a permanent easement, of approximately 4,400 square feet, over the northwest corner of Old Apple Tree Park for maintenance of the I-5 northbound to SR 14 elevated ramp. This easement would provide WSDOT with the right to enter Old Apple Tree Park with equipment to perform routine inspections of the ramp structure. This easement would not

affect landscape on the park and would only be needed intermittently for inspection and, potentially, maintenance of the ramp. At all other times, it would not affect access to or activities within the park. During the ramp inspection or maintenance, when the easement would be in use, access to the park would remain open and would not affect the activities, features, or attributes of the park property. Because the easement would not affect access to or activities within the park, it would not adversely affect the activities, features, or attributes of Old Apple Tree Park and would result in a *de minimis* impact.

In addition to the approximately 10,900 square foot area needed to construct the new shared-use path, construction of the elevated ramp immediately north of the park would require access to and temporary occupancy of, but no permanent acquisition of approximately 7,500 square feet of land from the park. This temporary occupancy is required to provide workspace along the south side of the ramp and to exclude the public from the work area for safety. Landscaping in this area would be restored. In total, approximately 18,400 square feet of construction easements would be needed in the western and northern portion of the park and the area immediately adjacent to the new shared-use trail. The area would be fully restored. Because active park areas would be isolated from construction activity and/or fully restored through mitigation, construction of the elevated ramp would not adversely affect the features, attributes, and activities that are significant to the park. The existing shared-use path through the park and the Old Apple Tree monument, which are the primary recreational features of the park, would remain open and accessible to the public. The temporary easement for construction work is included in the *de minimis* impact determination for the park.

The Modified LPA would enhance the park by constructing a new shared-use path. It also would require land for permanent inspection and maintenance easement and include temporary occupancy of Old Apple Tree Park to provide access for the elevated ramp and shared-use path construction. As described above, these activities would not adversely affect activities, features, or attributes of the park and would result in a *de minimis* impact consistent with the definition in 23 CFR Part 774.17. The preliminary determination is that, as described above, the IBR Program would not adversely affect the activities, features, or attributes that qualify Old Apple Tree Park for Section 4(f) protection. In addition, as design advances the IBR Program would continue to coordinate with VPRCS to minimize effects on park users, enhance active transportation access to and through the park, and investigate opportunities for VPRCS access to areas of highway right of way that could be used for public benefit until there is any future need for highway use.

The IBR Program requests VPRCS's concurrence in this determination. A concurrence clause is provided at the end of this letter for this purpose.

See Attachment 1, Old Apple Tree Park, for an illustration of the affected area.

Marshall Community Center, Luepke Senior Center, and Marshall Park – *de Minimis* Impact

The Marshall Community Center and Park is an 827,640-square-foot community park located on the east side of I-5 south of McLoughlin Boulevard. The park, which was renovated in 2006, is owned by the City of

Vancouver and maintained by VPRCS and is open daily from 5:00 a.m. to 10:00 p.m. The park facilities include a large, fully accessible playground with multiple features, grass lawns, community gardens, a loop trail, picnic tables, horseshoe pits, ball fields, the Mayor’s Grove, the Marshall and Luepke Centers, and the Ruby Luepke Center for Senior Citizens.

A portion of the property was originally transferred to the City of Vancouver in 1986 through the Federal Land to Parks (FLP) Program, as administered by the National Park Service (NPS). The FLP portion of the parcel is adjacent to a horseshoe pit area and gently slopes from south to north. FLP land requirements are being addressed separately with VPRCS and the NPS. The existing parcel also contains a few medium-sized trees that provide a partial vegetative buffer between Marshall Park and I-5.

Findings

The Modified LPA would permanently incorporate approximately 25,200 square feet of Marshall Park property along the western edge of the parcel for the fill wall for the I-5 northbound to Fourth Plain Boulevard elevated off-ramp. The permanent acquisition would displace up to four horseshoe pits, as well as trees located in state right of way and within the park boundary that currently serve as a visual buffer between the community center campus and I-5. The fill wall would be located along the border of the parking lot and would be up to 20 feet high. Remaining space between the fill wall and parking lot would be restored with sidewalk, trail, and/or landscaping in coordination with VPRCS.

Trees removed from the park would be subject to the City of Vancouver’s replacement requirements during the tree removal permitting process. Landscaping would be restored to its original condition once construction is complete. Under an agreement with VPRCS, the IBR Program would displace and remove four horseshoe pits. To compensate for the loss of the horseshoe pits, the IBR Program would fund VPRCS to coordinate, plan, design, and construct replacement recreational facilities, such as sports courts or fields, that provide a similar recreational benefit to park users. Because the Modified LPA would replace recreational facilities and would replant trees, it would not have a net adverse impact to activities, features, or attributes qualifying the park for protection under Section 4(f) consistent with 23 CFR 774.17; therefore, the permanent effects on the park would be *de minimis*.

The Modified LPA also would require the temporary use of approximately 19,100 square feet along the western boundaries of the parcel. Access to and from the Marshall Community Center would be maintained for the duration of construction. One of the two access points may need to be closed for short periods to complete construction. During potential access closures, the one-way access between the two main parking lots may be signed and controlled for two-way traffic to allow for full use of the parking facility. Access closures would be coordinated with the VPRCS and facility users. The IBR Program would restripe the parking lot to optimize available space. Because access to the park facilities would remain open throughout construction, there would be no adverse effects on the activities, features, or attributes of the park that qualify the park for protection under Section 4(f); therefore, the temporary effects on the park during construction would be *de minimis*.

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The Modified LPA would result in permanent and temporary effects on Marshall Park, including the Marshall Community Center and Luepke Senior Center. The permanent incorporation would constitute a use of Marshall Park under Section 4(f). With replaced recreational facilities, there would be both a permanent and a temporary construction-phase *de minimis* impact to the park. The IBR Program would not adversely affect the activities, features, or attributes that qualify the Marshall Community Center and the Luepke Senior Center for Section 4(f) protection.

The Program requests VPRCS's concurrence in this determination. A concurrence clause is provided at the end of this letter for this purpose.

See Attachment 2, Marshall Community Center, Luepke Senior Center, and Marshall Park, for an illustration of the affected area.

CONCURRENCE

The IBR Program requests that VPRCS sign below to indicate concurrence with the findings for Old Apple Tree Park and Marshall Community Center, Luepke Senior Center, and Marshall Park as described above and in the attachments to this letter. Please direct any questions to Hayli Reff, IBR Program Cultural Resources, whose contact information is available below, or to Lawrence Spurgeon, IBR Section 4(f) Lead, at Lawrence.Spurgeon@wsp.com, <206-382-5272>.

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

Sincerely,



Hayli Reff (she/her)
Interstate Bridge Replacement Program
Cultural Resources Program Manager
C: 503-302-0555 | E: hayli.reff@interstatebridge.org
interstatebridge.org

CC: Katherine Kelly, City of Vancouver

Attachments


Attachment 1: Old Apple Tree Park

Attachment 2: Marshall Community Center, Luepke Senior Center, and Marshall Park

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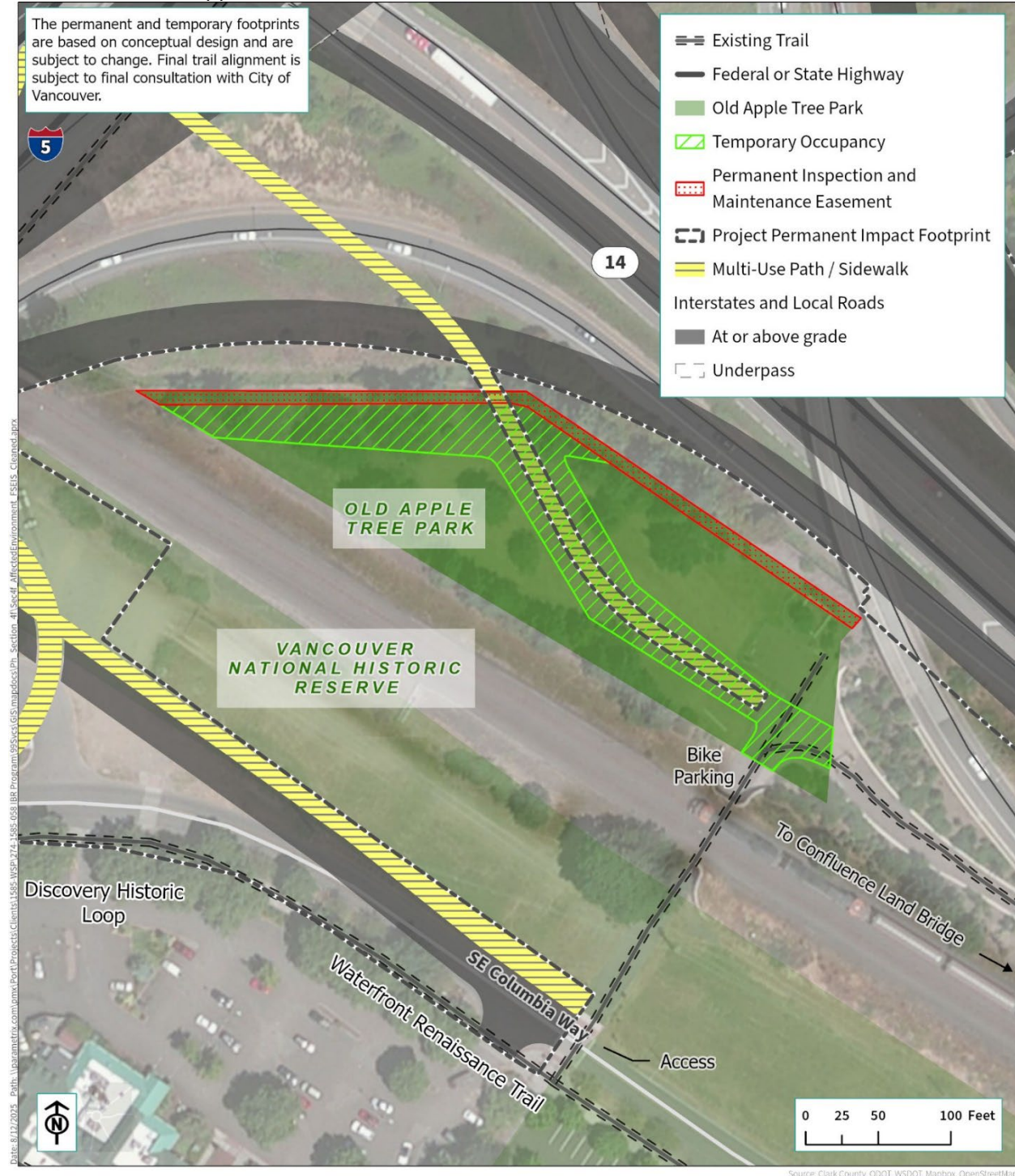
I concur with the findings for Old Apple Tree Park, Marshall Community Center, Luepke Senior Center, and Marshall Park as described in this letter and Attachments 1 and 2.

 9/11/2025 (Signature/Date)

David Perlick, Director

August 13, 2025

Attachment 1: Old Apple Tree Park



Attachment 2: Marshall Community Center, Luepke Senior Center, and Marshall Park



August 13, 2025

David Perlick, Director
Vancouver Parks, Recreation and Cultural Services
PO Box 1995, Vancouver, WA 98668

SUBJECT: Federal Lands to Parks Concurrence Letter for the Interstate Bridge Replacement (IBR) Program

Dear Mr. Perlick:

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”), are conducting coordination with agencies and tribes as part of preparing a Draft and Final Supplemental Environmental Impact Statement (SEIS) for the Interstate Bridge Replacement (IBR) Program.

This letter requests your concurrence with the IBR Program’s proposed conclusions and actions to comply with the requirements of the Federal Lands to Parks (FLP) Program, authorized by the Federal Property and Administrative Act of 1949 (40 U.S. Code [U.S.C.] § 550 (b) and (e)), and administered by the National Park Service (NPS).

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 remain 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. The IBR Program circulated a Draft SEIS in September 2024 and is refining the proposed design in response to comments to reduce effects on FLP properties as reflected in this letter.

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. It is anticipated that construction for the IBR Program will begin in 2027.

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

FEDERAL LANDS TO PARKS BACKGROUND

The FLP Program provides a mechanism for states and localities to acquire surplus real property from the Federal government for public park and recreation purposes. 40 U.S.C. § 550(e)(2). Property transferred through the FLP Program must be used and maintained for the public purposes for which it was conveyed, i.e. public parks and recreation. The requirements may be set forth in a Program of Utilization (POU) and the deed, which reserves the right of reversion to the United States if the land is no longer used or needed for public parks and recreation, or for other noncompliance with the terms of the deed. 40 U.S.C. § 550(e)(4). The restrictions on property transferred through the FLP Program may be removed if it is determined that doing so will not prevent accomplishment of the statutory purposes of the Program. 40 U.S.C. § 550(b)(1). This can be done through an amendment to the POU (e.g., for a public recreation use that is different than the use in the original application for the property) or imposition of such restrictions on a suitable substitute property. 41 CFR §§ 102-75.625, 102-75.685. Alternately, the property can be transferred to a different public-benefit conveyance program. NPS must approve any such changes.

Ultimately, the General Services Administration (GSA) must concur on a conveyance and process the exchange of property rights.

FLP RESOURCES UNDER THE JURISDICTION OF VANCOUVER PARKS, RECREATION AND CULTURAL SERVICES

The IBR Program, in consultation with Vancouver Parks, Recreation and Cultural Services (VPRCS) staff, has identified the following park resources within the jurisdiction of the VPRCS that are near the proposed IBR Program improvements and contain FLP Program property:

- Old Apple Tree Park
- Marshall Community Center, Luepke Senior Center, and Marshall Park

Old Apple Tree Park

Old Apple Tree Park is a 56,628-square-foot community park located north of the Columbia River and BNSF Railway, south of State Route (SR) 14, and within the boundaries of the Vancouver National Historic Reserve. Old Apple Tree Park can be accessed from the Fort Vancouver National Historic Site (NHS) waterfront beneath the railroad or from the Fort Vancouver NHS using the Confluence Land Bridge over SR 14. The Old Apple Tree from which the park derives its name died in 2020 at the age of 194, but its history lives on through saplings that share its genetic makeup planted in the same location. Old Apple Tree Park still provides a grass lawn surrounded by trees that provide passive recreational space, scenic views, bicycle parking, and a plaza that connects to the Confluence Land Bridge.

By deed (10-GR-(2)-WA-49), dated September 1986, the property on which Old Apple Tree Park is located was conveyed to the City of Vancouver for perpetual use exclusively as and for public park and recreation purposes, as described further in a POU, dated April 21, 1986. The deed also requires that development of the

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property would require consultation with the Washington State Historic Preservation Officer (SHPO) to assure that any historic structures, archaeological sites, or other cultural resources are not compromised, lost or destroyed. The Modified Locally Preferred Alternative (LPA), as described in Chapter 2 of the Draft SEIS, would construct a new shared-use path through the park, which would require approximately 3,500 square feet of land. The path alignment in Attachment 1 is conceptual and the final path alignment through the park would be determined in coordination with VPRCS. The path would link the park to Main Street and downtown Vancouver. Users would travel through Old Apple Tree Park to reach the Fort Vancouver NHS via the Confluence Land Bridge. Under an agreement with WSDOT, VPRCS would provide WSDOT a construction easement to build the trail as part of the Modified LPA, and own, operate, and maintain the trail, which would enhance recreational activities and broaden connectivity of the park. The shared-use path would improve non-motorized access to and through Old Apple Tree Park, enhancing access to recreational opportunities in the park and adjacent Fort Vancouver NHS resulting in a benefit to the recreational utility of the park. The final path alignment in this park will be coordinated with VPRCS. In addition to the recreational benefits provided by the new shared-use path, WSDOT also would investigate opportunities for VPRCS access to areas of highway right of way adjacent to the park that are not currently needed for highway purpose. These areas could be programmed for temporary recreational uses until there is a future need for highway use.

In addition to the approximately 10,900 square feet needed to construct the new shared-use path, construction of the elevated ramp immediately north of the park would require access to, but no permanent acquisition of approximately 7,500 square feet of land from the park. In total, construction easements would be needed for approximately 18,400 square feet and would be confined to the western and northern portion of the park and the area immediately adjacent to the new shared-use trail including grassed and landscaped area that would be fully restored. The existing shared-use path through the park and the Old Apple Tree monument, which are the primary recreational features of the park, would remain open and accessible to the public during construction.

See Attachment 1, Old Apple Tree Park, for an illustration of the affected area. The path alignment in Attachment 1 is conceptual and the final path alignment through the park would be determined in coordination with VPRCS.

Old Apple Tree Park – Federal Lands to Parks Conclusions and Proposed Actions

As described above, the Modified LPA would include a new shared-use path within Old Apple Tree Park. To satisfy the terms of the deed, the IBR Program concludes that the proposed shared-use path is consistent with the 1986 program of utilization, which specifies “preservation of apple tree, landscaping, and interpretation.” Furthermore, the IBR Program has completed coordination through the Section 106 consultation process to satisfy the deed’s requirement for SHPO consultation and has committed to future consultation with Section 106 consulting parties once additional design details are known, as described in the Section 106 Programmatic Agreement. The IBR Program requests VPRCS’s concurrence that the shared-use path is consistent with the 1986 POU and that the Section 106 process outlined in the Section 106 Programmatic Agreement satisfies the consultation requirement in the park deed. A concurrence clause is provided below for this purpose.

Marshall Community Center, Luepke Senior Center, and Marshall Park

The Marshall Community Center and Park is an 827,640-square-foot community park located on the east side of I-5 south of McLoughlin Boulevard. The park, which was renovated in 2006, is owned by the City of Vancouver and maintained by VPRCS and is open daily from 5:00 a.m. to 10:00 p.m. The park facilities include a large, fully accessible playground with multiple features, grass lawns, community gardens, a loop trail, picnic tables, horseshoe pits, ball fields, the Mayor's Grove, the Marshall and Luepke Centers, and the Ruby Luepke Center for Senior Citizens.

A portion of the property was originally transferred to the City of Vancouver in 1986 through the FLP Program, as administered by the NPS. The FLP portion of the parcel is adjacent to a horseshoe pit area and gently slopes from south to north and contains a few medium-sized trees that provide a partial vegetative buffer between Marshall Park and I-5.

The Modified LPA would permanently incorporate approximately 25,200 square feet of Marshall Park property, of which approximately 5,000 square feet of land is subject to FLP Program provisions, along the western edge of the parcel for the fill wall for the I-5 northbound to Fourth Plain Boulevard elevated off-ramp. The acquisition would displace up to four horseshoe pits, as well as trees located in state right of way and within the park boundary that currently serve as a visual buffer between the community center campus and I-5. The fill wall would be located along the border of the parking lot and would be up to 20 feet high. Remaining space between the fill wall and parking lot would be restored with sidewalk, trail, and/or landscaping in coordination with VPRCS.

Trees removed from the park would be subject to the City of Vancouver's replacement requirements during the tree removal permitting process. Landscaping would be restored to its original condition once construction is complete. Under an agreement with VPRCS, the IBR Program would displace and remove four horseshoe pits. To compensate for the loss of the horseshoe pits, the IBR Program would fund VPRCS to coordinate, plan, design, and construct replacement recreational facilities, such as sports courts or fields, that provide a similar recreational benefit to park users.

The Modified LPA also would require the temporary use of approximately 19,100 square feet along the western boundaries of the parcel. Access to and from the Marshall Community Center would be maintained for the duration of construction. It is possible that one of the two access points may need to be closed for short periods to complete construction. During potential access closures, the one-way access between the two main parking lots may be signed and controlled for two-way traffic to allow for full use of the parking facility. Access closures would be coordinated with the VPRCS and facility users. The IBR Program would restripe the parking lot to optimize available space.

See Attachment 2, Marshall Community Center, Luepke Senior Center, and Marshall Park, for an illustration of the affected area.

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Marshall Park – Federal Lands to Parks Conclusions and Proposed Actions

As discussed above, converting FLP Program lands or facilities to nonpark use requires either the identification of replacement property or transfer of the FLP Program lands or facilities to another federal public-benefit conveyance program (such as for education, public health, or law enforcement). The IBR Program met with the City of Vancouver on October 28, 2024, to propose potential replacement property for the approximately 5,000 square feet of Mashall Park acquired through the FLP Program that is proposed for acquisition for construction of the Modified LPA. Instead of replacement property, the City of Vancouver requested recreational enhancements and funding to construct replacement recreational facilities, discussed above. To satisfy the FLP Program requirements, the IBR Program proposes to transfer the affected FLP Program land to a different public-benefit conveyance program. The IBR Program will coordinate with NPS and GSA to complete the transaction before commencement of construction activities. The IBR Program requests VPRCS's concurrence in this proposed approach. A concurrence clause is provided below for this purpose.

CONCURRENCE

The IBR Program requests that VPRCS sign below to indicate concurrence with the conclusions and proposed approach for Old Apple Tree Park and Marshall Community Center, Luepke Senior Center, and Marshall Park as described above and in the attachments 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 FLP Lead, at Colin.Drake@interstatebridge.org, 206-450-5845.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "HR" or similar initials.

Hayli Reff (she/her)
Interstate Bridge Replacement Program
Cultural Resources Program Manager
C: 503-302-0555 | E: hayli.reff@interstatebridge.org
interstatebridge.org

CC: Katherine Kelly, City of Vancouver

Attachments

Attachment 1: Old Apple Tree Park

Attachment 2: Marshall Community Center, Luepke Senior Center, and Marshall Park

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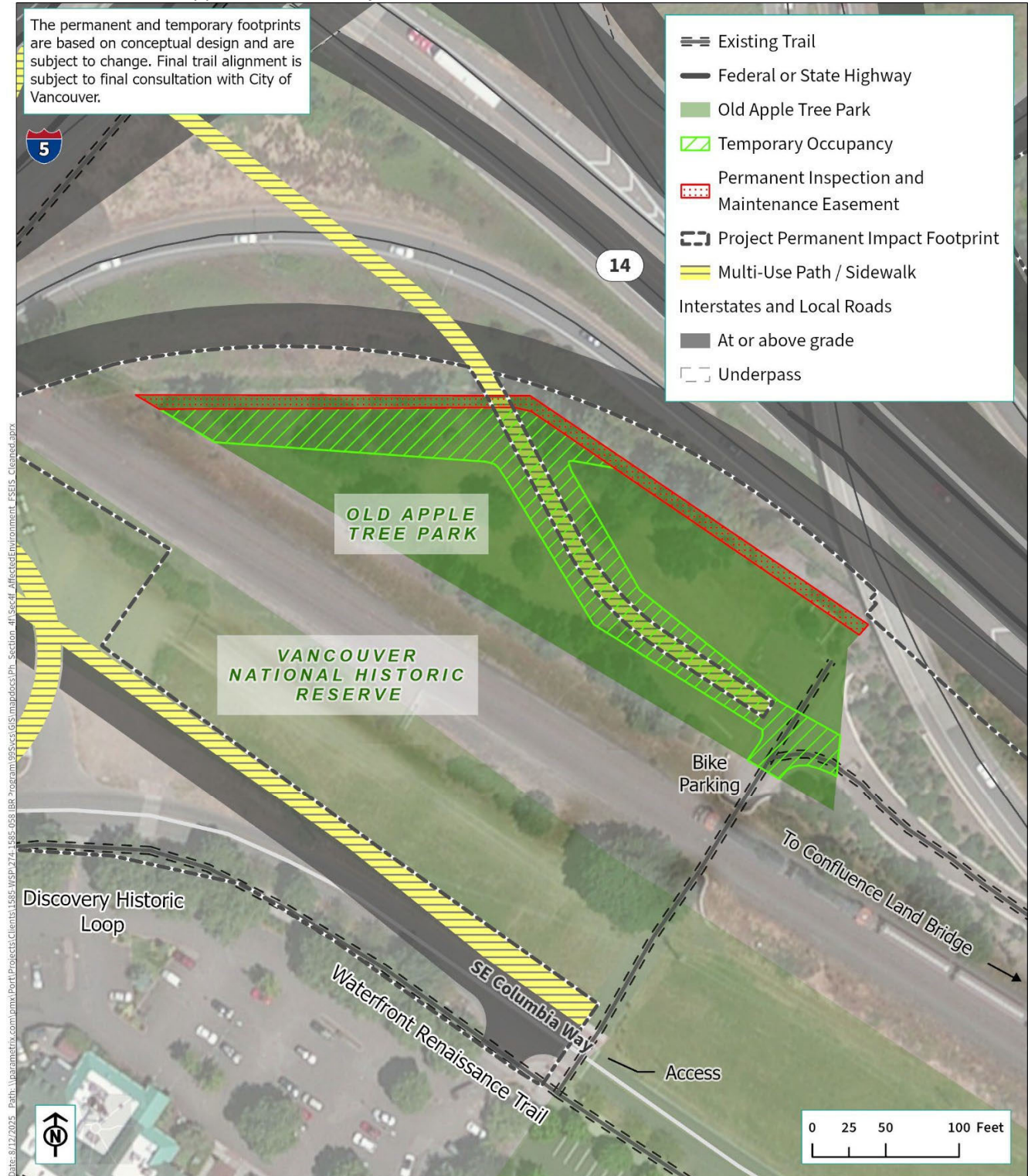
I concur with the FLP conclusions and proposed approach for Old Apple Tree Park, Marshall Community Center, Luepke Senior Center, and Marshall Park as described in this letter and Attachments 1 and 2.

David Perlick 9/11/2025 (Signature/Date)

David Perlick, Director

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Attachment 1: Old Apple Tree Park (subject to deed 10-GR-(2)-WA-49)



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Attachment 2: Marshall Community Center, Luepke Senior Center, and Marshall Park (subject to deed 10-GR-(3)-WA-49)

