

3.21 Section 6(f) and Federal Lands to Parks

Analyses of impacts to park and recreation resources protected under Section 6(f) of the federal Land and Water Conservation Fund (LWCF) Act of 1965 (Section 6[f]) (16 U.S.C. § 460l-4 et seq. and Public Law 88-578, 78 Stat. 897) and the Federal Lands to Parks (FLP) program are included in this section.

The assessment of reasonably foreseeable effects in this section is based upon the geographic and temporal proximity parameters detailed in the Chapter 3 introduction.

3.21.1 Changes or New Information Since 2013

The Columbia River Crossing (CRC) Selected Alternative identified in the 2011 Record of Decision (ROD), as revised by the 2012 and 2013 re-evaluations, is referred to as the CRC Locally Preferred Alternative (LPA). Over the past 10+ years since the CRC LPA was identified, the physical environment near the Interstate Bridge, community priorities, and regulations have changed, which necessitated design revisions and resulted in the proposed IBR Program Modified LPA (see Section 2.5.2). Evaluation of potential impacts associated with Section 6(f) and FLP were updated in this Final SEIS to include:

- Updates to information on Section 6(f) and FLP resources.
- Changes in land uses such as development at the Vancouver Waterfront, planned uses on Hayden Island, and recently constructed, altered, or removed buildings.
- Changes in the project footprint necessitated by changed conditions resulted in shifting the LRT alignment and modifying interchange designs.
- Updates to long-term and temporary effects of the Modified LPA.
- Updates to mitigation, in consultation with the agencies with jurisdiction, for the reasonably foreseeable long-term and temporary effects of the Modified LPA.

The Parks and Recreation Technical Report for the CRC Final EIS identified the following four resources in the CRC study area that are protected by either Section 6(f) and/or the FLP program. The CRC Final EIS (Appendix T) discussed potential FLP replacement property related to Marshall Park but did not conclude the FLP or 6(f) processes. The same four facilities are identified in this Final SEIS.

- East Delta Park (Oregon) – Section 6(f) (south of North Union Court) and FLP program (north of North Union Court)
- Burnt Bridge Creek Trail (Washington) – Section 6(f)
- Old Apple Tree Park (Washington) – FLP program
- Marshall Community Center and Park (Washington) – FLP program

3.21.2 Relevant Laws and Regulations

The following provides a description of the Section 6(f) and FLP program regulations and requirements.

Section 6(f)

Section 6(f) of the LWCF Act requires that an area funded with LWCF assistance be “continually maintained in public outdoor

What is Section 6(f)?

Section 6(f) of the Land and Water Conservation Fund Act protects parks and recreational facilities that have received funding through this act. Converting protected properties to non-recreational use requires replacement land of at least equal fair market value and reasonably equivalent recreational utility and location.

recreation use” unless the Secretary of the Interior, via the National Park Service (NPS), approves substitution per the conversion requirements. Environmental review of affected properties must include the entire LWCF-assisted park proposed for conversion even if only a partial conversion is proposed (54 U.S.C. § 200305[f][3]). 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.

A partial acquisition of Section 6(f) property cannot affect the recreational function of the parklands. A temporary use of the land for more than six months may be considered a permanent conversion and acquisition of replacement land may be required.

Section 6(f)(3) requires that conversion of these lands or facilities be coordinated with NPS via the appropriate state liaison officer(s), which, for the IBR Program, are the Oregon Parks and Recreation Department (OPRD) and the Washington State Recreation and Conservation Office (RCO), and that all practical alternatives to the conversion of a 6(f) property must be evaluated as a prerequisite for conversion approval. If conversion is approved, other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location must be substituted.

FLP Program

The FLP program is authorized by the Federal Property and Administrative Act of 1949 (40 U.S.C. § 550 (b and e)) and administered by the National Park Service (NPS). States, counties, and communities may (at no cost) acquire federal land and buildings that are no longer needed by the federal government with the condition that they are protected as public parks and recreation. Ultimately, the General Services Administration (GSA) must concur on a conveyance and process the exchange of property rights. 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 USC § 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 USC § 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.

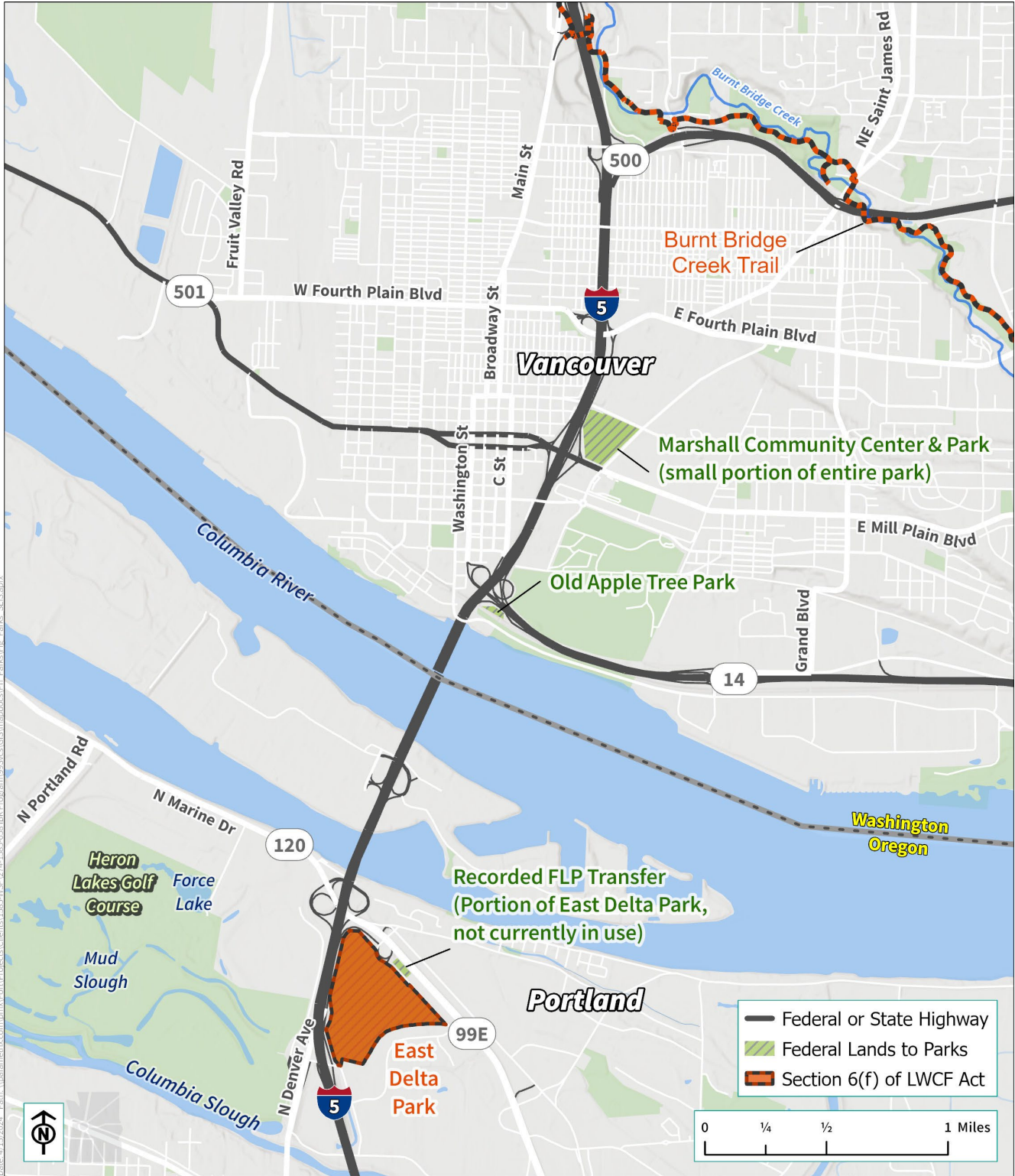
What is Federal Lands to Parks?

The FLP program helps communities to acquire, reuse, and protect federal properties for local parks and recreation.

3.21.3 Existing Conditions

As described in Section 3.7, Parks and Recreation, parks and recreation facilities were identified within the primary study area, which extends from approximately the SR 500 interchange in Washington and the I-5/Columbia Boulevard interchange in Oregon and includes the potential construction staging sites, identified in Chapter 2, and the Ruby Junction Light-Rail Operations and Maintenance Facility in Gresham, Oregon. Both East Delta Park and the Burnt Bridge Creek Trail have received LWCF grant funds (OPRD 2023; RCO 2023). Portions of Marshall Park, Old Apple Tree Park, the Burnt Bridge Creek Trail, and a portion of East Delta Park that is not currently in use are protected by the FLP program. Parks within the primary study area that are protected by Section 6(f) and the FLP program are shown on Figure 3.21-1.

Figure 3.21-1. Section 6(f) and FLP Program Resources in the Primary Study Area



Source: City of Portland, Clark County, ODOT, WSDOT, Mapbox, OpenStreetMap

Note: This figure does not include resources protected under Section 4(f) of the U.S. Department of Transportation Act, which are described in Chapter 4 of this Final SEIS.

East Delta Park (Oregon)

Protected by Section 6(f) of the LWCF Act and FLP Program

East Delta Park is an 87.5-acre neighborhood/regional park located adjacent to I-5 between NE Martin Luther King Jr. Boulevard and N Denver Avenue.

East Delta Park is open to the public from 6:00 a.m. to 10:00 p.m. and is managed by Portland Parks and Recreation (PP&R). Facilities at East Delta Park include a sports complex with seven lighted softball fields, four synthetic soccer fields, five grass soccer fields, six sand volleyball courts, a playground, picnic tables, restrooms, a parking lot, support buildings, and nature trails. An off-leash dog area was located in ODOT right of way across Union Court; the dog park is currently closed. East Delta Park is also home to the PP&R Urban Forestry Division Headquarters, located between I-5 and Walker Slough. The area of East Delta Park protected with LWCF federal assistance is only the area within the official Section 6(f) boundary identified by NPS and shown in OPRD's geographic information system (GIS) data layer.

The FLP program-protected land is limited to an approximately 1-acre area north of North Union Court (Figure 3.21-2). This portion of East Delta Park is separate from the land protected by Section 6(f).

Old Apple Tree Park (Washington)

Protected by FLP Program

Old Apple Tree Park is a 1.3-acre community park located north of the Columbia River and BNSF Railway and south of SR 14 in the Vancouver National Historic Reserve (VNHR). Old Apple Tree Park can be accessed from Waterfront Park via a pedestrian underpass beneath the railroad or from the VNHR using the Confluence Land Bridge over SR 14. It is owned and maintained by the City of Vancouver and is open to the public from 5:00 a.m. to 10:00 p.m.

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 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 Old Apple Tree died in 2020 at the age of 194. Its history lives on through saplings that share its genetic makeup. Interpretive signs, fencing, and the stump of the original tree remain. 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.

Marshall Community Center, Luepke Senior Center, and Marshall Park (Washington)

Protected by FLP Program

The Marshall Community Center and Park is a 19-acre community park located on the east side of I-5 south of McLoughlin Boulevard. Marshall Park, which was renovated in 2006, is owned and maintained by the City of Vancouver and is open from 5:00 a.m. to 10:00 p.m. The site facilities include large fully accessible playground with multiple features, grass lawns, community gardens, a loop trail, picnic tables, horseshoe pits, ball fields, the Mayor's Grove, and the Marshall Community Center and Luepke Senior Center. The Marshall Community Center, open weekdays from 6:00 a.m. to 8:00 p.m., with shortened hours on Fridays and weekends, has a swimming pool, a fitness center, two basketball courts, a commercial kitchen, meeting rooms, administrative offices, an aerobics dance studio, and an arts and craft studio. In 2022, the City of Vancouver completed a playground renovation at Marshall Park. The parking lot contains 272 parking spaces, including 26 spaces that

are accessible per requirements of the Americans with Disabilities Act. The Luepke Senior Center is a full-service senior center with a multi-purpose room and meeting rooms. In 2010, a large group picnic shelter was added to Marshall Park.

The property was originally transferred to the City of Vancouver in 1986 through the FLP program, as administered by NPS. The FLP parcel is described in the original Application for Federal Surplus Property as a grassy area that is used by the public. It is adjacent to a horseshoe pit area and is gently sloping from south to north. The existing parcel also contains a few medium-sized trees and provides a partial vegetative buffer between Marshall Park and I-5.

Burnt Bridge Creek Trail (Washington)

Protected by Section 6(f) of the LWCF Act

The Burnt Bridge Creek Trail is an 8-mile paved multiuse trail that travels through the Burnt Bridge Creek Greenway located on the east and west sides of I-5, north of the I-5/SR 500 interchange. The trail is owned and maintained by Vancouver Parks, Recreation and Cultural Services and travels over I-5 on a pedestrian and bicycle-only overcrossing south of the I-5/Main Street interchange.

3.21.4 Long-Term Benefits and Reasonably Foreseeable Effects

The geographic proximity and temporal scope described in the Chapter 3 introduction are used to assess long-term benefits and reasonably foreseeable effects to Section 6(f) and FLP resources. The analysis of the Modified LPA includes all design options (including the Recommended Design Options) described in Chapter 2, Description of Alternatives. If there is a difference in the reasonably foreseeable effects among design options, those differences are identified and described specifically.

East Delta Park (Oregon)

Protected by Section 6(f) of the LWCF Act and FLP Program

Under all current design options, the Modified LPA would construct a wall supporting the I-5 northbound to Marine Drive interchange ramp along the western edge of East Delta Park (see Figure 3.21-2). This ramp footprint would lie entirely within ODOT right-of-way and would not require a permanent conversion of any Section 6(f)-protected property. The IBR Program would have no permanent conversion of land from East Delta Park.

The portion of the park protected by FLP would not be affected by the Modified LPA.

Figure 3.21-2. East Delta Park Section 6(f) and FLP Program Boundaries



Source: City of Portland, ODOT, WSDOT, Mapbox, OpenStreetMap

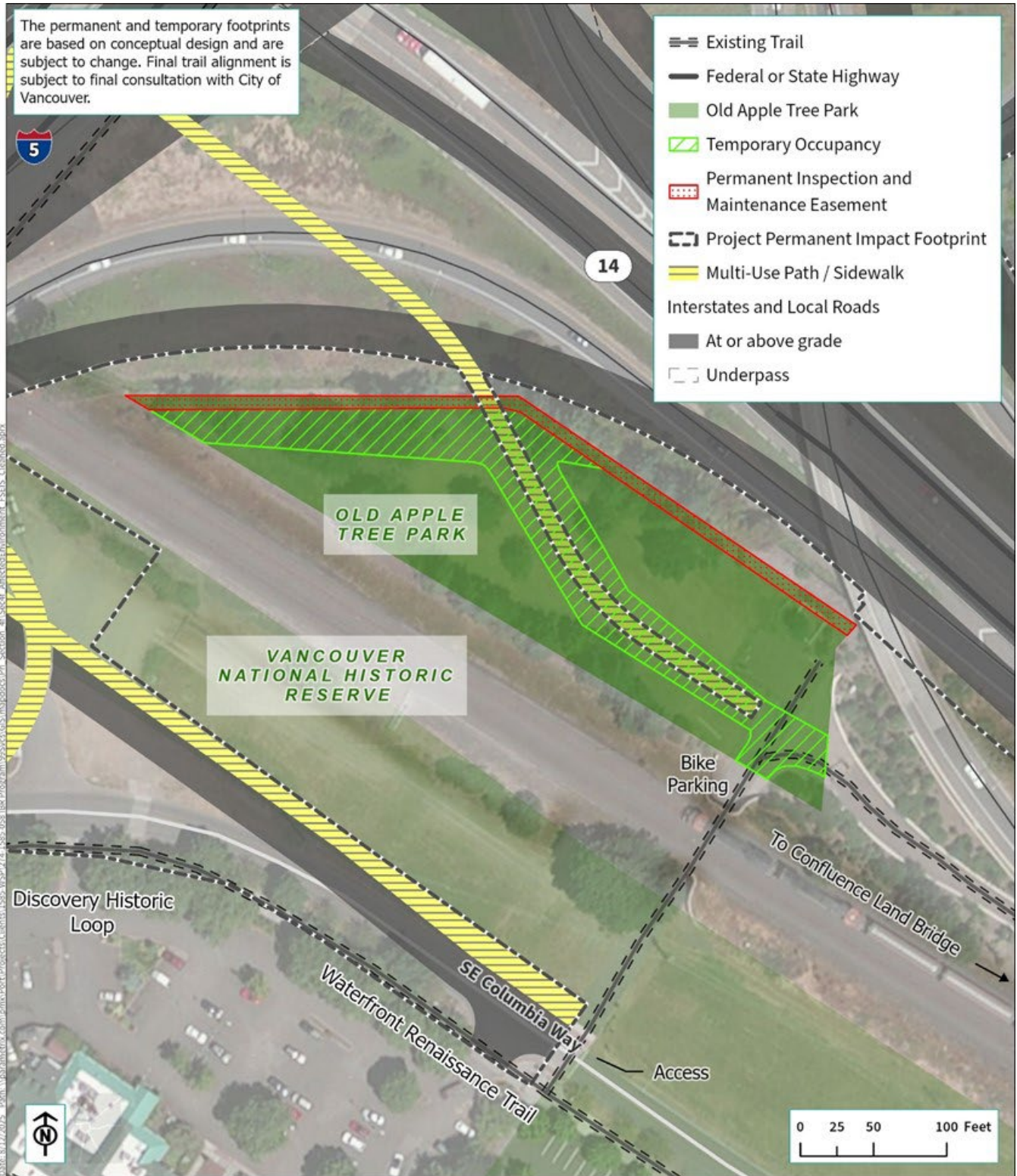
Old Apple Tree Park (Washington)

Protected by the FLP Program

Under all design options, the Modified LPA would construct a new shared-use path that would link Main Street and downtown Vancouver on approximately 0.08 acres within Old Apple Tree Park (Figure 3.21-3). This facility would provide an enhancement to the park by improving non-motorized access to and within the park. Users of the Confluence Land Bridge, which extends over SR 14 and connects the Vancouver waterfront with the VNHR, would benefit from this new path as they travel through Old Apple Tree Park. 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 program of utilization dated April 21, 1986. The deed also requires that development of the 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. To satisfy the terms of the deed, in June 2025, the IBR Program requested concurrence from the City of Vancouver that the proposed shared-use path is consistent with the 1986 program of utilization. The City of Vancouver provided concurrence in September 2025. 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 parties once additional design details are known, as described in the Section 106 Programmatic Agreement.

All design options would also require a permanent inspection and maintenance easement (less than 0.1 acres) along the northern edge 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 change the recreational use of the park, affect landscaping on the park property, or convert the land to a nonpark use. The path alignment in Figure 3.21-3 is conceptual and the final path alignment through the park would be determined in coordination with VPRCS.

Figure 3.21-3. Old Apple Tree Park FLP Program Boundaries



Marshall Community Center, Luepke Senior Center, and Marshall Park (Washington)

Protected by the FLP Program

The total area of FLP program-protected land at Marshall Park is approximately 0.5 acres. All design options for 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. This acquisition would include approximately 5,100 square feet (0.12 acres) of the 0.5 acres of FLP program-protected land. Figure 3.21-4 shows this permanent property transfer occurring along the western edge of the park parcel. This 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.

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 the City of Vancouver Parks, Recreation and Cultural Services (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 IBR Program is coordinating with the City of Vancouver and NPS on how to avoid, minimize, and mitigate potential impacts to Marshall Park. The IBR Program met with the City of Vancouver on October 28, 2024 to propose potential replacement property for the FLP-protected parkland permanently transferred for construction of the proposed Modified LPA. Instead, the City of Vancouver requested recreational enhancements and funding to construct replacement recreational facilities, discussed in the Official with Jurisdiction letter, currently under review by the City of Vancouver. As recommended by NPS, to satisfy the FLP requirements, the IBR Program will coordinate with NPS and GSA to transfer the FLP property to a federal public-benefit conveyance process through FHWA.

Figure 3.21-4. Marshall Community Center, Luepke Senior Center, and Marshall Park FLP Program Boundaries



Burnt Bridge Creek Trail (Washington)

Protected by Section 6(f) of the LWCF Act

No design option under the Modified LPA would result in a conversion of the Burnt Bridge Creek Trail that is protected by Section 6(f) of the LWCF Act. The Burnt Bridge Creek Trail travels through Leverich Community Park (Figure 3.21-5) but would not be affected by the ramp from 39th Street to I-5 northbound that would tie into mainline I-5 south of the trail overpass. No reasonably foreseeable adverse impacts to the trail and no conversion would occur.

Figure 3.21-5. Burnt Bridge Creek Trail



Source: Clark County, ODOT, WSDOT, Mapbox, OpenStreetMap

3.21.5 Temporary Reasonably Foreseeable Effects

The geographic proximity and temporal scope described in the Chapter 3 introduction are used to assess the temporary reasonably foreseeable effects to Section 6(f) and FLP resources.

Reasonably foreseeable temporary effects on Section 6(f) and FLP resources would not differ among the Modified LPA design options. A temporary construction easement of approximately 0.1 acres and lasting less than 180 days at East Delta Park would be required to construct a retaining wall in ODOT right of way. 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. Because the use would be temporary and would not exceed beyond 180 days, there would be no requirements for the provision of substitution property; however, mitigation will require bringing this area back to its original state, including reseeding the lawn in this area, revegetating and restoring it 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. The IBR Program is coordinating with the City of Portland, OPRD, and NPS on how to request a temporary non-conforming use, most recently in November 2024. 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:

- Agreement from the City of Portland, as documented by concurrence with the 6(f) concurrence letter sent in June 2025 and signed by the City of Portland in August 2025.
- 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 acknowledgement from local agencies with jurisdiction over LWCF resources and OPRD stating that a full conversion will result if the temporary use extends beyond the maximum six-month (180-day) period.

Construction activities (vegetation removal, grading, placement of forms, equipment movement, fill, restoration) would also result in reasonably foreseeable temporary effects on FLP-protected parkland in the City of Vancouver at Old Apple Tree Park during construction of a new shared-use path and in Marshall Park during construction of a fill wall for the I-5 northbound to Fourth Plain Boulevard elevated off-ramp. City of Vancouver concurrence with temporary effects sent June 2025 will be used in future correspondence with NPS to authorize temporary construction activity on FLP-protected property.

3.21.6 Intentionally Left Blank

3.21.7 Avoidance, Minimization, and Mitigation Measures

Table 3.21-1 lists temporary avoidance and minimization measures. No long-term avoidance or minimization measures within control of the IBR Program were identified. Table 3.21-2 lists temporary and long-term mitigation measures.

Table 3.21-1. Avoidance and Minimization Measures

Temporary or Long-Term	Impact Type	Avoidance and Minimization Measure
Temporary	Construction activities at East Delta Park	ODOT will confirm that the temporary construction work at the northwest edge of Delta Park will not exceed 180 days.

ODOT = Oregon Department of Transportation

Table 3.21-2. Mitigation Measures

Temporary or Long-Term	Impact Type	Mitigation Measure
Temporary	Construction activities at East Delta Park	ODOT will implement mitigation for temporary impacts to East Delta Park as detailed in the temporary non-conforming use document in Appendix P to this Final SEIS. If impacts to this park exceed those listed in the temporary non-conforming use document, then further coordination would be undertaken with the applicable federal, state and local agencies during design and construction.
Long-Term	Implementation of the new shared use path within the Old Apple Tree Park	WSDOT will develop and execute an agreement with NPS and City of Vancouver confirming the new shared use path within Old Apple Tree Park is consistent with the existing park program while maintaining current ownership of the land.
Long-Term	Transfer of the existing FLP property at Marshall Park	To address FLP requirements at Marshall Park, WSDOT will develop and execute an agreement with FHWA, GSA, and NPS to transfer existing FLP property to a different federal land conveyance program. WSDOT will also provide City of Vancouver funding to advance their park planning and improvements on a timeline that allows for the City's public involvement and an informed decision-making process.

FHWA = Federal Highway Administration; FLP = Federal Lands to Parks; GSA = General Services Administration; NPS = National Park Service; ODOT = Oregon Department of Transportation; SEIS = Supplemental Environmental Impact Statement; WSDOT = Washington State Department of Transportation