



# **Chapter 8**

## **Section 6(f) Evaluation**



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## 8 Section 6(f) Evaluation

### 8.1 Introduction

This chapter evaluates the effects of the FEIS Preferred Alternative and identifies the effects of the DEIS NEPA Preferred Alternative. This chapter describes the effects of the Project on properties protected by Section 6(f) of the Land and Water Conservation Fund Act of 1965 (LWCFA).

#### *Changes to This Chapter since Publication of the DEIS*

Since the publication of the DEIS, design refinements have been made to the DEIS NEPA Preferred Alternative to minimize impacts of the Project.

- **Section 8.5.3.1** describes the effects on the Erie Lackawanna Trail. With the DEIS NEPA Preferred Alternative, the Project included ROW from the City of Hammond's Erie Lackawanna Trail property, shifting the paved trail on the trail's land for approximately 0.06 mile (320 feet) between Sibley Street and Fayette Street. This would form a new trail terminus at the north and connect to the remaining portion of the trail to the south. Through design refinements, the FEIS Preferred Alternative was developed to avoid any changes to the trail and, therefore, would have no Section 6(f) conversion of the Erie Lackawanna Trail.
- **Section 8.5.3.2** was added to describe the effects of the FEIS Preferred Alternative on the Dan Rabin Plaza. The Dan Rabin Plaza is located adjacent to the Project alignment between State and Sibley Streets in the city of Hammond. The DEIS did not recognize the Dan Rabin Plaza as a Section 6(f) property. Comments received on the DEIS identified that portions of the Dan Rabin Plaza were purchased with LWCFA funds. The FEIS Preferred Alternative would have no Section 6(f) conversion of the Dan Rabin Plaza.

### 8.2 Regulatory Setting

The LWCFA (16 USC §§ 4601-4–4601-11, et seq.) regulates the use of parklands that were purchased or developed using LWCFA funds. Section 6(f) of the LWCFA, administered by the Interagency Committee for Outdoor Recreation and NPS, provides funding for acquiring property and developing public recreational facilities, and protects against the loss of that property to other uses. The act states, "No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Department of the Interior], be converted to other than public outdoor recreation uses" [16 USC § 4601-8(f)(3)].

Section 6(f) applies when a project proposes to convert property where Land and Water Conservation Grant Funds have been used to purchase or redevelop all or a portion of the property (36 CFR Part 59). A conversion occurs when the use of all or part of a Section 6(f) site is changed to a non-outdoor recreation use for longer than 6 consecutive months, or when a project occurs on the Section 6(f) property and would affect access to the Section 6(f) resource for more than 6 months.

When property is proposed to be converted, mitigation is required in the form of replacement property of at least equal recreation value. NICTD's review of the Indiana listing of properties identified two properties within the Project Area that have received Land and Water Conservation Grant Funds.

### 8.3 Methodology

NICTD's evaluation of Project effects on properties protected by Section 6(f) began with identifying whether and where such properties are found within the Project Area. The tools used to make this determination included reviewing the LWCFA list of sites, found online at <https://waso-lwcf.ncrc.nps.gov/public/index.cfm>, and through coordination efforts with INDNR, the City of Hammond, and the Towns of Munster and Dyer, because municipalities are typical recipients of Land and Water Conservation Grant Funds. NICTD then mapped identified properties using GIS software. The potential for Project effects was determined by overlaying the Project footprint with the identified LWCFA properties and identifying where overlaps would occur.

### 8.4 Affected Environment

In 1984, the City of Hammond applied for and received a \$95,000 LWCFA grant to build the paved Erie Lackawanna Trail on the former CSX ROW in downtown Hammond, making the trail a Section 6(f)–protected property. The property is adjacent to NICTD's ROW. The City of Hammond's portion of the trail is part of a larger Erie Lackawanna Trail system consisting of a linear, 17-mile multiuse trail—the longest continuous trail in northwest Indiana. In the city of Hammond, the trail is approximately 4.5 miles long, and the Project would be adjacent to approximately 0.3 mile (1,750 feet) of the trail between Douglas Street and Sibley Street in downtown Hammond. The northern end of the trail begins at the Dan Rabin Plaza on Sibley Street in Hammond and runs south through the communities of Highland, Griffith, Schererville, and Crown Point. In the Project Area, the trail consists of a paved, maintained thoroughfare intended for use by bicyclists and pedestrians.

In 1986, the City of Hammond applied for and received a \$99,000 LWCFA grant to develop the eastern portion of the Dan Rabin Plaza (formerly known as Centennial Plaza) with ornamental vegetation, making the plaza a Section 6(f)–protected property. The eastern portion was intended to complement the western portion, which serves as a bus transfer area.

### 8.5 Environmental Consequences

This section describes the effects of the No Build Alternative, the DEIS NEPA Preferred Alternative, and the FEIS Preferred Alternative.

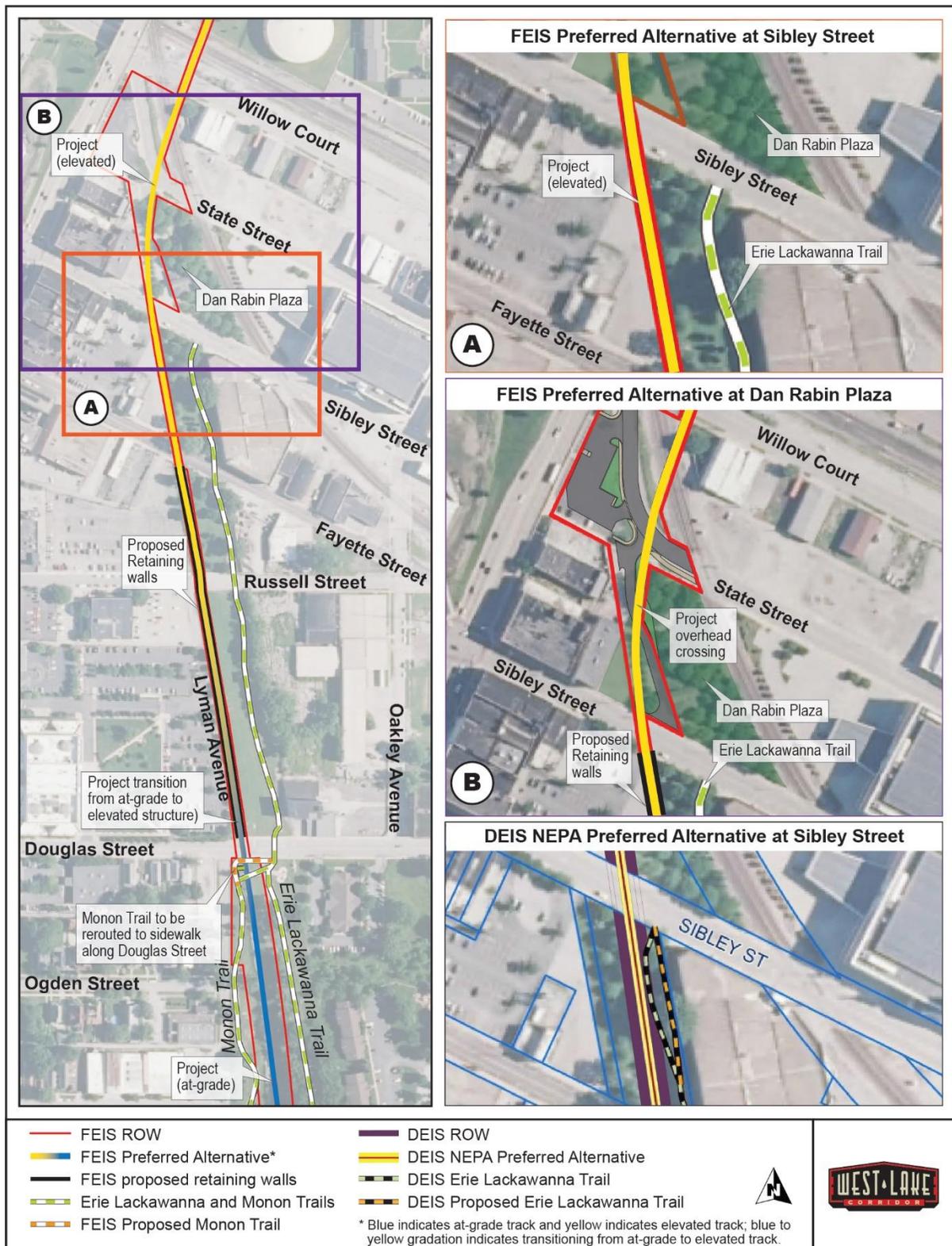
#### 8.5.1 No Build Alternative

The No Build Alternative would not use or convert Section 6(f)–protected properties.

#### 8.5.2 DEIS NEPA Preferred Alternative

The DEIS NEPA Preferred Alternative (see inset titled "DEIS NEPA Preferred Alternative at Sibley Street" in **Figure 8.5-1**) would be horizontally aligned next to the Erie Lackawanna Trail corridor. NICTD's ROW is not wide enough to accommodate the proposed DEIS NEPA Preferred Alternative alignment and provide adequate separation between the rail and trail alignments. As a result, NICTD proposed to acquire additional ROW from the City of Hammond's Erie Lackawanna Trail property; in this acquisition, NICTD would have permanently converted the trail land to a transportation use. In doing so, NICTD would have also shifted the trail's paved thoroughfare within the trail's land for approximately 0.06 mile (320 feet) between Sibley Street and Fayette Street, forming a new terminus at the north and connecting to the remaining portion of the trail to the south.

**Figure 8.5-1: Erie Lackawanna Trail and Dan Rabin Plaza**



Sources: NICTD 2016; HDR 2017a.

### **8.5.3 FEIS Preferred Alternative**

**Figure 8.5-1** shows that the FEIS Preferred Alternative would be horizontally aligned next to the Erie Lackawanna Trail between Sibley Street and Ogden Street in the city of Hammond.

#### **8.5.3.1 Erie Lackawanna Trail**

In order to avoid converting Section 6(f) property associated with the Erie Lackawanna Trail, NICTD made design changes for the FEIS Preferred Alternative. The Project alignment was revised and retaining walls were added, as shown in Inset A in **Figure 8.5-1**. Because of these changes, the trail would have adequate horizontal and vertical separation distance between the rail and the trail alignments, and the Project would no longer require any relocation of the Erie Lackawanna Trail. As a result, there would be no Section 6(f) conversion of the Erie Lackawanna Trail.

#### **8.5.3.2 Dan Rabin Plaza**

The FEIS Preferred Alternative would cross over the northwest corner of the eastern portion of the Dan Rabin Plaza, which is considered the recreational portion for which Section 6(f) funds were used. At this location, the Project would be elevated on structure at least 25 feet above the plaza. The design was modified so that no columns would be placed in the eastern portion of the Dan Rabin Plaza, and the Project would not require permanent incorporation of the plaza recreational property (see Inset B in **Figure 8.5-1**). The Project structure would overshadow less than 1,000 square feet of the plaza, which is approximately 4 percent of the eastern portion of the plaza area. The eastern portion of the plaza area is a total of 24,000 square feet.

The City of Hammond concurred with the design of the structure. The proposed design was also reviewed by INDNR along with a summary of very minor project effects related to noise, vibration, and visual resources. INDNR determined that the Project would not constitute a Section 6(f) conversion of the protected portion of the Dan Rabin Plaza. NPS concurred with INDNR's determination. The letter from NPS concurring with INDNR's determination is included in **Appendix C**.