

# **Chapter 8**

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

*This page intentionally left blank*

## 8 SECTION 6(F) EVALUATION

### 8.1 Introduction

The purpose of this chapter is to identify and evaluate the potential effects of the West Lake Corridor Project (Project) on properties protected by Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) of 1965.

### 8.2 Regulatory Setting

The LWCFA (16 United States Code [USC] §§ 4601-4 to 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 the Department of the Interior's National Park Service (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 redevelop all or a portion of the property (36 Code of Federal Regulations (CFR) § 59 et seq.). When property is converted, mitigation is required in the form of replacement property of at least equal recreation value. Review of the Indiana listing of properties encumbered by Land and Water Conservation Grant Funding revealed two Section 6(f) properties within the Study Area.

### 8.3 Methodology

This evaluation of potential Project effects on properties protected by Section 6(f) began with identifying whether and where such properties are found within the Study Area. Tools used in making this determination included the LWCFA list of sites, found online at <http://waso-lwcf.nrc.nps.gov/public/index.cfm>, and coordination with the Indiana Department of Natural Resources (INDNR), the City of Hammond, and the Town of Munster, as municipalities are typical recipients of LWCFA funds. Identified properties were then mapped using a Geographic Information System (GIS) and the potential for Project impact was determined by overlaying the Project footprint and identifying where overlaps would occur.

### 8.4 Affected Environment

In 1984, the City of Hammond applied for a \$95,000 LWCFA grant to build the paved, Erie Lackawanna Trail in the former CSX right-of-way (ROW) in downtown Hammond, making the trail a Section 6(f)-protected property. The property on which the trail was built was acquired by the City of Hammond from CSX in 1981 via a quit claim deed, and is located adjacent to NICTD's ROW. As described in **Section 7.4.1** and shown on **Figure 7.4-2** and **Figure 8.5-1**, the City of Hammond's portion of the trail is part of a larger Erie Lackawanna Trail system consisting of a linear, 17-mile multi-use trail; the longest continuous trail in Northwest Indiana. In Hammond, the trail is approximately 4.5 miles long, of which the Project would be adjacent to approximately 0.3 mile (1,750 feet) between Douglas Street and Sibley Street in downtown Hammond. The northern end of the trail begins at Dan Rabin Plaza on Sibley Street in Hammond, and runs south through the communities of Highland,

Griffith, Schererville and Crown Point. In the Study Area, the trail consists of a paved, maintained thoroughfare for use by bicyclists and pedestrians.

## 8.5 Environmental Consequences

This section describes the potential impacts of the No Build Alternative and NEPA Preferred Alternative, including long-term operations, short-term construction, and secondary and cumulative effects.

### 8.5.1 No Build Alternative

The No Build Alternative is not expected to use or convert Section 6(f)-protected properties.

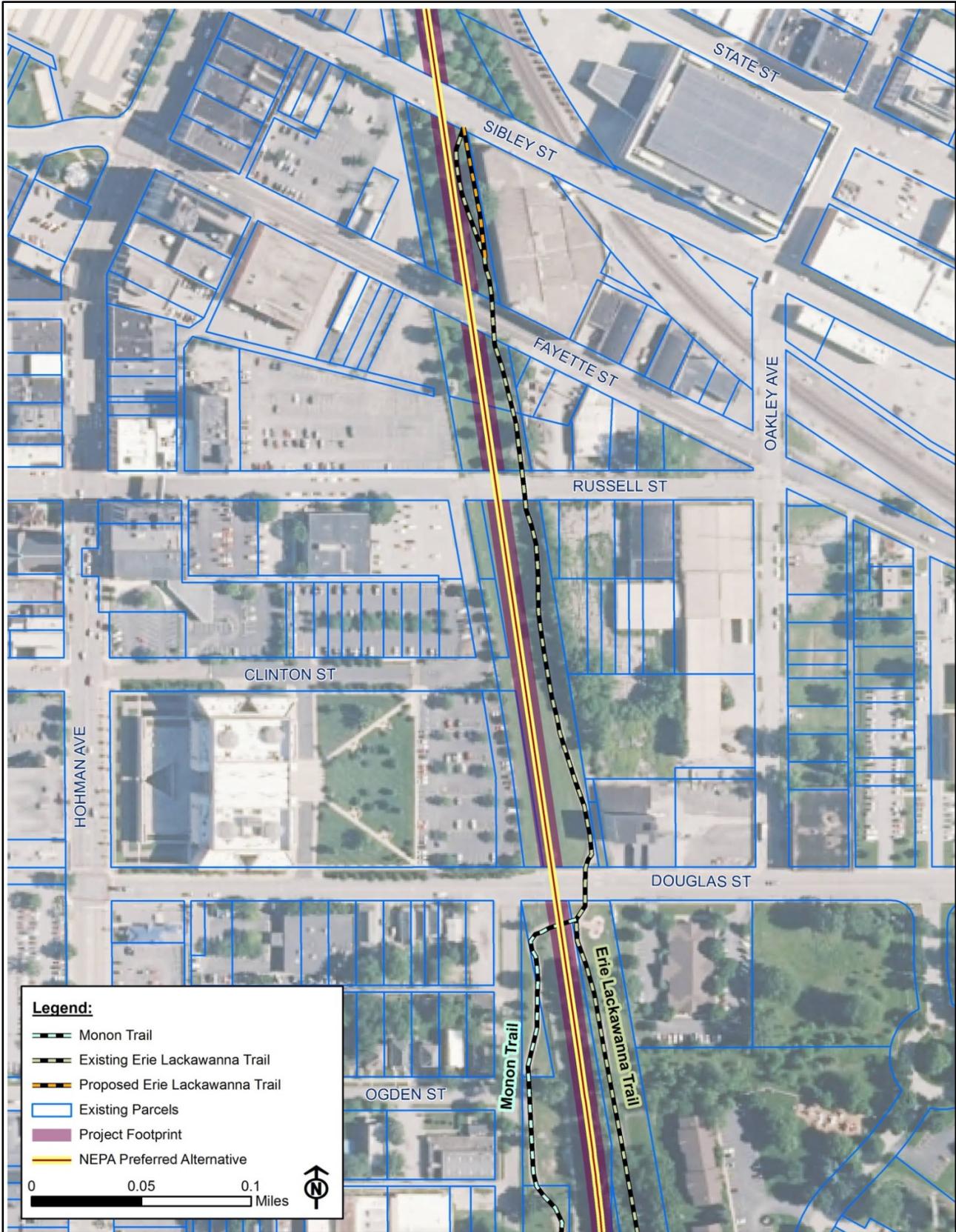
### 8.5.2 NEPA Preferred Alternative

The NEPA Preferred Alternative would be aligned alongside the Erie Lackawanna Trail between Sibley Street and Ogden Street in Hammond. South of Ogden Street the trail gradually turns southeasterly, away from NICTD's ROW. **Figure 8.5-1** illustrates this configuration.

#### 8.5.2.1 Erie Lackawanna Trail

Where the Project runs alongside the Erie Lackawanna Trail corridor, NICTD's ROW is not wide enough to accommodate the proposed alignment and to provide adequate separation distance between the rail and trail alignments. As a result, NICTD proposes to acquire additional ROW from Hammond's Erie Lackawanna Trail property; in this acquisition, NICTD would permanently convert the trail land from the trail use to transportation use. In doing so, NICTD would also shift the trail's paved thoroughfare within the trail's land for a distance of approximately 0.06 mile (320 feet) between Sibley Street and Fayette Street, forming a new terminus point at the north and connecting to the remaining portion of the trail to the south. Shifting the trail would involve removing existing pavement, realigning the route of the trail, and laying new trail pavement on the new alignment.

**Section 6(f) Use Determination** – The trail relocation would be a partial conversion of land since only part of the Erie Lackawanna Trail would be impacted and the paved trail thoroughfare would be relocated and retained for its recreational intent. As a conversion would occur, NICTD would be required to replace the impacted portion of the trail in a manner that provides equivalent recreational use (1:1 basis). NICTD would comply with the Section 6(f) requirements for seeking and obtaining approval for the relocation of the trail, including appropriate coordination with the City of Hammond and the NPS, and addressing mitigation stipulations pertaining to trail relocation that could arise from this coordination. For example, NICTD would work with the City of Hammond to develop the plan for relocating the trail.



SOURCE: INDNR Indiana Trails Inventory 2016.

Figure 8.5-1: Erie Lackawanna Trail

### **8.5.3 Commuter Rail Alternative Options**

The Commuter Rail Alternative Options would have similar impacts on the Erie Lackawanna Trail as the NEPA Preferred Alternative; however, these options would affect the approximately 0.3 acre (1,750 feet) of the trail between Sibley Street and Douglas Street. Each Option would require relocation of a portion of the trail for the proposed rail alignment and Downtown Hammond Station, resulting in a partial conversion of the trail. NICTD would be required to seek approval of this partial conversion and replace the trail with an equivalent facility. NICTD would comply with the Section 6(f) requirements for seeking and obtaining approval for the partial conversion of the trail.

### **8.5.4 IHB Alternative Options**

All IHB Alternative Options would have the same impacts on the Erie Lackawanna Trail as the Commuter Rail Alternative Options.

### **8.5.5 Hammond Alternative Options 1 and 3**

Hammond Alternative Options 1 and 3 would have the same impacts on the Erie Lackawanna Trail as the NEPA Preferred Alternative.

## **8.6 Avoidance, Minimization, and/or Mitigation Measures**

NICTD would continue to coordinate with the City of Hammond on the Project effects on the trail and the design of the relocated portion of the Erie Lackawanna Trail. Through the Section 6(f) approval process, NICTD would work with the City of Hammond and NPS to seek approval for relocating the trail, a partial conversion of the trail, to identify a reasonably feasible location adjacent to the Project for the trail, and develop and implement other commitments that may be binding on NICTD as a result of the LWCFA approval.

### **8.6.1 Long-Term Operating Effects**

The relocated portion of the Erie Lackawanna Trail would connect to the remainder of the City of Hammond's trail to the south; a new, northern terminus would be identified in coordination with the City. Maintenance of the trail would remain the responsibility of the City of Hammond. NICTD would design the Project and relocated trail with a focus on safety of rail and trail operations. NICTD would apply appropriate access barriers such as safety fencing as needed. Long-term operational mitigation is not warranted.

### **8.6.2 Short-Term Construction Effects**

During construction the impacted portion of the trail would be closed to trail users for worker access and public safety. The duration of trail closure is expected to be only as long as needed to construct the portion of the Project and the relocated trail in Hammond; this duration would be less than six months and less than the overall construction period for the Project. NICTD would coordinate with the City of Hammond in regard to temporary signage to, and accessibility of, the unaffected portion of the trail to the south of the impacted area.