



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

PUBLIC NOTICE

Request ID: 408-NAE-2019-0018

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Connecticut Department of Transportation, Rehabilitation of Bridge No. 06026 (Route 156), State Project No. 44-154

PUBLIC NOTICE COMMENT PERIOD:

Begins: November 22, 2019

Ends: December 6, 2019

REQUESTER: The Connecticut Department of Transportation, 2800 Berlin Turnpike, P.O. Box 317546, Newington, CT 06131-7546

LOCATION: This action is proposed in the authorized 8-foot deep, 100-foot wide, entrance channel feature of the Niantic River & Harbor Federal Navigation Project (FNP). See attached figure for vicinity map.

REQUESTER'S PROPOSED ACTION: In cooperation with the Federal Highway Administration, the Connecticut Department of Transportation (CTDOT) is currently developing plans for State Project No. 44-154, which consists of the rehabilitation of Bridge No. 06026 (a swing-bridge carrying Route 156 over the Niantic River) in the Towns of East Lyme and Waterford, Connecticut. The proposed rehabilitation is to provide an additional 25-year service life to the bridge and to ensure safe and reliable use of the bridge by the traveling public. The planned bridge rehabilitation includes: steel superstructure repair and painting, deck repair, resurfacing and joint replacement, control house architectural updates and repairs, mechanical and electrical system updates and repairs, repair to existing timber fender systems protecting the two in-water bascule piers, approach roadway, sidewalk, stair tower, and traffic safety feature updates and repairs and the replacement of external intermediate bracing members.

The proposed bridge rehabilitation work is planned to take place over two construction seasons commencing in Spring 2020 and concluding by Spring 2022. The work will occur during a period of low navigation channel traffic, between November 1st and January 31st. A 20-foot by 30-foot barge (or one with similar dimensions) will be used by the contractor and may temporarily occupy a portion of the channel to perform some of the work. Any work that partially obstructs the federal navigation channel, such as that involved with the fender repair work, mechanical and electrical system repair, blast cleaning and painting of the lift span will take place before April 1st and after October 31st, avoiding interference with the peak boating season between Memorial Day and Labor Day. Additional in-water work time-of-year restrictions will overlap this time period, so that all in-water work will take place between November 1st and January 31st. The bridge will not be able to fully open

during the painting, bolt replacement and mechanical/engineering repairs to the lift span. During the lift-span repair, painting, and mechanical/electrical repair, the channel will only be accessible for small boat traffic. The proposed work requiring closure of the bridge's lift span, impeding marine navigation, will take place over approximately 120 days, from December 2020 to March 2021. The United States Coast Guard has authorized this temporary deviation from the drawbridge operations regulations 33 CFR 117.215(b) to allow for the drawbridge to remain in the closed position starting on November 1, 2020 to March 31, 2021

SECTION 408 AUTHORITY: The authority to grant permission to alter (including temporary or permanent occupation, use or obstruction) of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including, but not limited to, any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision under Section 408 whether to grant the requested permission to alter the USACE civil works project will be based on several factors:

1) Impair the Usefulness of the Project Determination. The USACE will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs.

2) Injurious to the Public Interest Determination. The proposed alteration will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposed alteration will be compared against its reasonably foreseeable detriments. The decision whether to grant permission for the proposed alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration has on the public interest.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements.

OTHER COORDINATION: The CTDOT has coordinated this proposal with the following agencies:

- United States Coast Guard
- CT DEEP Marine Fisheries
- CT DEEP Wildlife Division - Natural Diversity Data Base (state listed species and critical habitat)

- CT State Historic Preservation Office (SHPO) - Section 106 coordination
- National Marine Fisheries Service (listed species and essential fish habitat)
- U.S. Fish and Wildlife Service (listed species and critical habitat)
- East Lyme and Waterford Harbor Management Commissions

Additionally, the CTDOT has prepared a Categorical Exclusion (CE) in compliance with NEPA for the proposed project which includes the bridge rehabilitation and fender repairs. The USACE will prepare its own NEPA documentation specific to the Section 408 action and may adopt and incorporate some or all of the NEPA documentation established by the CTDOT.

PUBLIC INVOLVEMENT: The USACE is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed action. Comments should be limited to only the proposed action and action area. Comments received before the deadline listed above will be used in the evaluation of potential impacts of proposed action on important resources and in the evaluation of whether allowing the proposed action would be injurious to the public interest and/or would impair the usefulness of the authorized project.

SUBMITTING COMMENTS: Written comments should reference the U.S. Army Corps of Engineers Public Notice Request ID: 408-NAE-2019-0018. Comments must reach this office no later than December 6, 2019 to become part of the record and be considered in the decision. Comments or requests for additional information should be mailed or emailed to the following address:

Email: William.M.Kavanaugh@usace.army.mil

Mailing Address: ATTN: William Kavanaugh, PPMD, Navigation Section
U.S. Army Corps of Engineers, New England District
696 Virginia Rd,
Concord, MA 01473

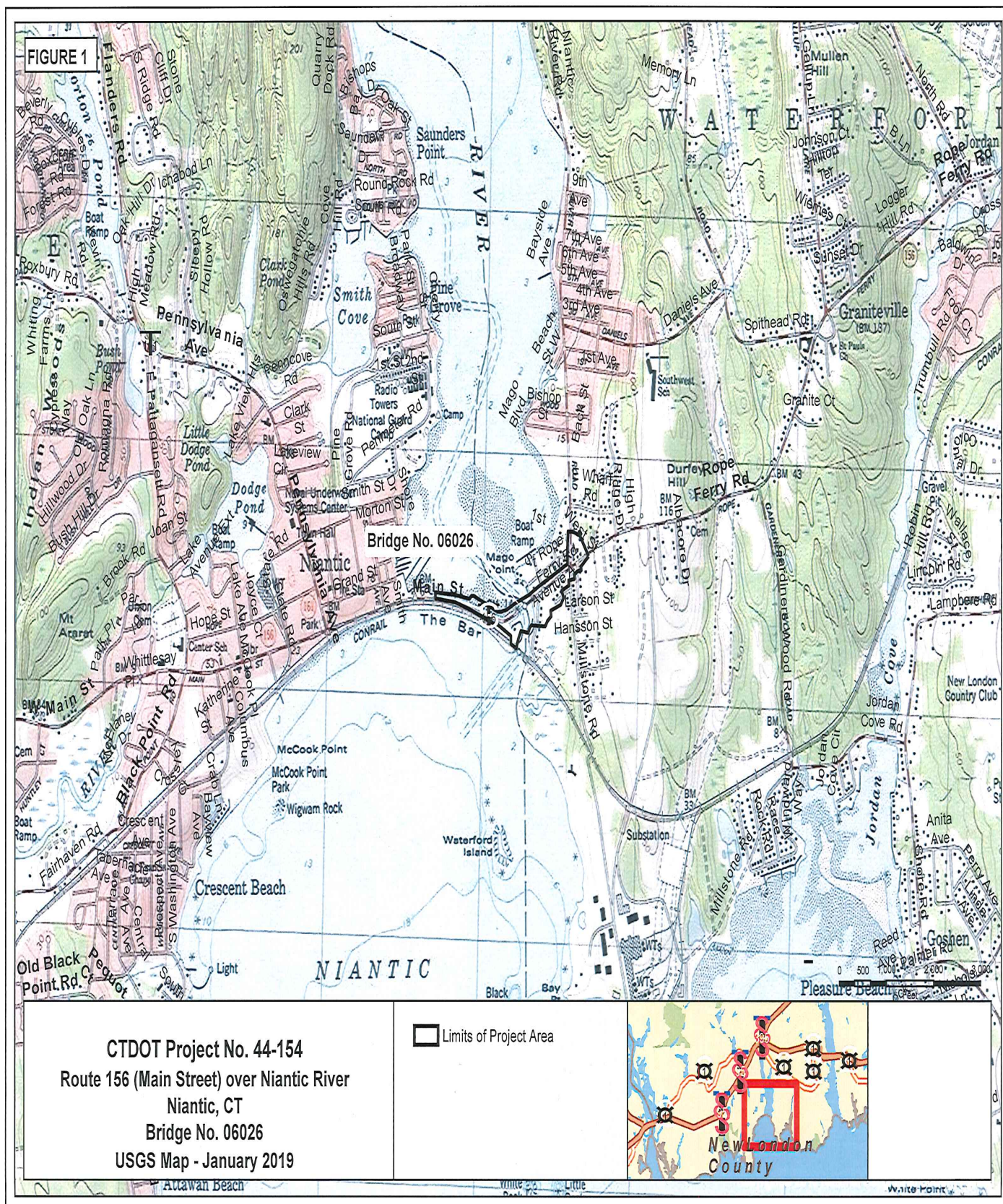


Figure 1: Vicinity Map