



**US Army Corps
of Engineers**®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: June 7, 2022

Comment Period Ends: July 7, 2022

File Number: NAE-2015-625

In Reply Refer To: Peter Olmstead

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The District Engineer has received a Department of the Army permit application from the Connecticut Department of Transportation (CTDOT) to perform work in waters of the United States. This work is proposed in the Norwalk River and adjacent wetlands, in Norwalk, Connecticut. The center coordinates for the site are: Latitude 41.1005, Longitude -73.4153.

In cooperation with the Federal Transit Administration (FTA), the Connecticut Department of Transportation proposes to replace the existing railroad bridge (Bridge No. 04288R) over the Norwalk River just north of Washington Street in Norwalk, Connecticut. The primary project includes removal of the existing deteriorated swing bridge and construction of a new vertical lift bridge. The project also includes several related activities such as dredging, staging and storage areas, submarine control cables, mooring facilities, and compensatory mitigation as described in further detail below. The project encompasses part of the federal navigation channel for Norwalk Harbor, a federally authorized U.S. Army Corps of Engineers (USACE) civil works project.

The existing bridge was originally constructed in 1896 and is currently subject to routine outages (stuck open or closed). The existing bridge consists of a swing span, supported by a center pivot pier and two fixed-span approaches. The primary purpose of the project is to improve reliability of rail service using the bridge by reducing or eliminating outages. The proposed structure will continue to carry four tracks of rail line supporting service for the Metro North Railroad (MNR) commuter rail, Amtrak passenger service, and two freight carriers. The proposed replacement of Walk Bridge will improve reliability for the Northeast Corridor (NEC) rail line between Washington D.C. and Boston; as well as the New Haven Line providing service into New York City.

The U.S. Coast Guard has authority over bridges in navigable waters of the U.S. under Section 9 of the Rivers and Harbors Act of 1899. As such, the proposed bridge itself and removal of the existing bridge are not regulated by the USACE under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). This includes temporary construction activities such as work (spud) barges, trestles, and platforms required for demolition or construction at the bridge site. However, the project also includes several related activities in the surrounding areas that are regulated by USACE under Section 10 as listed below. Bridge construction activities resulting in a discharge of dredged or fill material into the Norwalk River (i.e., installation of new piers) are regulated by the USACE under Section 404 Clean Water Act.

The following activities within the Norwalk River and adjacent wetlands are being evaluated by the USACE, Regulatory Division. Impact amounts associated with these activities can be found in the summary tables below.

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- Discharge of fill material associated with construction of the new bridge substructure (piers, abutments).
- Removal (excavation) of existing submarine control cables underneath and north of the existing bridge
- Removal of existing IMAX theater (bank excavation) and relocation of an existing stormwater outfall
- Establishment of new Marine Staging Yard, including new bulkhead, south of Stroffolino Bridge
- Construction of new Sheffield Island Ferry & Maritime Aquarium dock on new piles at existing site
- Construction of temporary dock on piles at Marine Storage Yard for Sheffield Island Ferry & Maritime Aquarium
- Installation of new submarine control cables via micro-tunneling south of the bridge
- Install temporary mooring buoys near Fitch Point Lighthouse, Veterans Memorial Park, and Greens Ledge Lighthouse for construction barges
- Compensatory mitigation consisting of invasive species treatment and/or removal, native shrub planting, existing riprap removal, and establishing living shorelines

SUMMARY OF TEMPORARY IMPACTS (SF)						
SITE	STATE				FEDERAL	
	VEGETATED TIDAL WETLAND	INTERTIDAL FLAT	INTERTIDAL ZONE	BELOW CJL	BELOW HTL	FEDERAL NAVIGATION CHANNEL
1	0	0	100	0	100	0
2	0	0	0	200	200	200
3	0	0	100	0	100	0
4	0	0	200	6,400	6,600	0
5	0	0	100	200	300	0
6	0	0	0	0	0	0
7	0	0	0	0	0	0
8	0	0	0	0	0	0
9	0	0	0	0	0	0
10	0	0	0	0	0	0
TOTAL	0	0	500	6,800	7,300	200

SUMMARY OF PERMANENT IMPACTS (SF)						
SITE	STATE				FEDERAL	
	VEGETATED TIDAL WETLAND	INTERTIDAL FLAT	INTERTIDAL ZONE	BELOW CJL	BELOW HTL	FEDERAL NAVIGATION CHANNEL
1	2,800	0	7,100	9,100	17,200	0
2	0	0	0	50,500	50,500	50,500
3	3,700	200	10,200	17,000	29,600	0
4	100	0	0	4,800	4,900	0
5	1,900	0	8,100	9,900	19,500	0
6	0	0	0	0	0	0
7	0	0	0	100	100	0
8	0	0	0	300	300	0
9	0	0	0	400	400	0
10	0	0	0	0	0	0
TOTAL	8,500	200	25,400	92,100	122,500	50,500

Approximately 23,490 cubic yards of material will be dredged from 2.9 acres of the Norwalk River using conventional clamshell methods. Dredging will occur at 3 locations, including the Federal navigation channel, to depths ranging -8 to -13.98 ft. (NAVG88) as depicted in the enclosed drawings. The sediment consists of predominantly a fine-grained silt-clay and contains contaminants at concentrations exceeding the CT DEEP RSR16 criteria and therefore are classified as contaminated material. Any sediment removed from the Norwalk River will therefore be handled as controlled material. Material dredged from the Norwalk River will be disposed of in one of three CTDOT pre-identified waste stockpile areas (WSA) along Route 7 within

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approximately 5 miles of the project area. These WSAs are located entirely in uplands and landward of the 500-year floodplain elevation.

The work is shown on the enclosed plans entitled “*WALK BRIDGE REPLACEMENT OVER THE NORWALK RIVER BRIDGE No. 04288R/MP 41.5*” on 200 sheets and dated May 19, 2021 (last revised).

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers, New England District (Corps), 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 this proposed activity. The Corps will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SECTION 408

The activities proposed herein will also require permission from the U.S. Army Corps of Engineers (USACE) pursuant to 33 U.S.C. 408 (Section 408) as the proposed project will temporarily and permanently alter, by way of temporary and permanent occupation of, the Norwalk Harbor Federal Navigation Project (FNP), a Federally authorized Civil Works (CW) project. Section 408 requires that any proposed alteration to a CW project be evaluated by the USACE to determine that the alteration will not impact the usefulness of the CW project and not be injurious to the public interest. The proposed alteration involves temporary occupation of the FNP channel by construction equipment during construction; the removal and replacement of the Walk Bridge and appurtenances (permanent occupation); dredging of the FNP channel, and the removal and replacement of the associated submarine cables beneath the FNP channel. The proposed alteration is located at the Walk Bridge and activities within the river will occur along the segment extending from the proposed Marine Staging Yard (41°05'51" N and 72°24'53 W), just south of the Stroffolino Bridge, approximately one-half mile north to near Oyster Shell Point (41°06'16" N and 73°24'55 W), and west of the outer harbor at the southern tip of Manresa

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Island (41°04'22" N 73°24'28" W). Walk Bridge is located at 41°06'02" N and 73°24'55 W. Barge moorings or work vessel moorings will occur south of the Stroffolino Bridge on the eastern shore of the Norwalk River near the Veteran's Memorial Park (41°05'49" N and 72°24'46 W), in the anchorage in South Norwalk east of Norwalk Harbor (41°05'28" N and 73°24'23 W), and in Long Island Sound (41°02'29" N and 73°26'26" W), as shown on the attached maps. A USACE permit pursuant to Section 10/404/103 shall not be granted until the Section 408 permission is issued. Through this joint public notice the USACE is soliciting information necessary to inform the USACE Section 408 permission evaluation and review.

Comments specific to the USACE Section 408 authority can be submitted to the following:

Bill Kavanaugh
Email: william.m.kavanaugh@usace.army.mil
Phone: (978) 318-8328

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact EFH within the project area for up to 15 fish species known to occur within the Norwalk River. Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations will be conducted as needed prior to the final decision.

CTDOT on behalf of FTA (the lead Federal agency) has conducted EFH consultation with NMFS for these activities. The National Marine Fisheries Service provided written concurrence, including conservation recommendations to avoid and minimize adverse effects on EFH, to CTDOT on August 30, 2018, and January 8, 2021.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, will be ongoing as part of the permit review process.

A Section 106 Memorandum of Agreement (MOA) was executed among the FTA , CTDOT, and the Connecticut State Historic Preservation Officer (CTSHPO) on May 25, 2017. The MOA contains mitigative actions that will be implemented by CTDOT for work that may impact properties listed on, or eligible for listing on, the National Register of Historic Places.

ENDANGERED SPECIES CONSULTATION

The Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We will coordinate with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service as needed on listed species prior to the final decision.

CTDOT on behalf of FTA (the lead Federal agency) conducted informal consultation with NMFS for listed species present in the Norwalk River at this location and may be affected by the action. On July 17, 2018, NMFS provided concurrence that project is not likely to adversely effect those species or their designated critical habitat in the project area.

OTHER GOVERNMENT AUTHORIZATIONS

The following authorizations have been applied for, or have been, or will be obtained:

- Permit, license or assent from State.
- Permit from local wetland agency or conservation commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

Neighbouring Jurisdictions 401(a)(2) review. Pursuant to 40 CFR 121.12, we are seeking comments from the neighbouring jurisdictions of Connecticut regarding any potential impacts the proposed action may have on water quality in areas within your authority that border Connecticut. Although we do not anticipate these activities will violate any neighbouring jurisdiction's water quality standards, we are seeking your comments and feedback on this matter.

COMMENT

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Peter Olmstead at (978) 318-8211, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of factual information submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to address concerns.

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THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, Permits and Enforcement Branch B
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____

ADDRESS: _____

PHONE: _____