U.S. Department of Transportation

Federal Railroad Administration

Walk Bridge Replacement Project

FINDING OF NO SIGNIFICANT IMPACT

Submitted Pursuant to 42 U.S.C. 4332 (2)(c)
By the
U.S. Department of Transportation
Federal Railroad Administration
and
Connecticut Department of Transportation

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U.S. Department of Transportation
Federal Railroad Administration

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1 Introduction

The Connecticut Department of Transportation (CTDOT) proposes the Walk Bridge Replacement Project (Project). The Project involves replacement of Walk Bridge (Bridge Number 04288R) on the New Haven Line (NHL) over the Norwalk River in the City of Norwalk, Fairfield County, Connecticut with a new railroad bridge and other improvements within the NHL railroad right-of-way (ROW), including replacement of track and ballast and overhead catenary and supports from approximately the Washington Street Bridge to approximately 300 feet east of the Fort Point Street Bridge; realignment and replacement of the Fort Point Street Bridge, realignment of Fort Point Street, and functional replacement of the existing northeast stone retaining wall between Fort Point Street and the railroad corridor; replacement of retaining walls on both sides of the railroad corridor to the west of Walk Bridge; construction of new support walls at the Walk Bridge west abutment; and construction of a new retaining wall to the southeast of Walk Bridge. Additionally, the Project involves improvements outside the railroad ROW in the vicinity of the existing bridge, including construction of a pedestrian/bicycle trail connection to the Norwalk River Valley Trail's Harbor Loop Trail in East Norwalk, and mitigation of Project impacts to existing wetlands on the east and west sides of the Norwalk River.

Construction of the Project requires the use of parcels abutting the Norwalk River and Norwalk Harbor for staging and storage of construction materials and equipment and for access to the river and railroad. Use of these parcels during construction will result in permanent impacts, such as parcel acquisition, building demolition, and displacement; and temporary parcel improvements, such as stabilization with processed aggregate to provide a stable working surface. Most of the parcels will be used only for the duration of the Project and will be sold, or their easement agreements terminated following construction completion. CTDOT will retain permanent easements on parcels immediately adjacent to the new bridge in the northwest, southwest, and southeast quadrants for access to the bridge for future operations and maintenance.

Walk Bridge was built in 1896 by the Pennsylvania Steel Company's Bridge and Construction Department as part of the four-tracking and elevation of the NHL. Walk Bridge carries four tracks of the NHL and is currently used for Metro-North Railroad's (MNR) commuter rail service, passenger rail service operated by the National Railroad Passenger Corporation (Amtrak), and freight rail service operated by the Providence & Worcester Railroad. The NHL ROW and rail infrastructure within Connecticut, including Walk Bridge, are owned by the State of Connecticut, and maintained by CTDOT. The NHL runs between New Haven, Connecticut and Mount Vernon, New York, and is part of the Northeast Corridor (NEC).

In August 2016, the U.S. Department of Transportation's (USDOT) Federal Transit Administration (FTA), in cooperation with CTDOT, prepared an Environmental Assessment (EA) and Section 4(f) Evaluation for the Project pursuant to FTA's Environmental Impact and Related Procedures (23 CFR Part 771), Section 4(f) of the U.S. Department of Transportation Act (23 CFR Part 774), and the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR 1500). The EA/Section 4(f) Evaluation was prepared concurrently with an Environmental Impact Evaluation (EIE) in accordance with the Connecticut Environmental Policy Act (CEPA), Connecticut General Statues (CGS) 22a-1a to 1h and regulations of Connecticut State Agencies 22a-1a-1 through 12. The USDOT's Federal Railroad Administration (FRA) participated in the EA as a cooperating agency because of its role leading long term

intercity passenger rail service planning efforts and being a potential Federal funding source for rail projects on the NEC.

FTA and CTDOT made the EA available to the public for review and comment through various means.[1] A notice of availability of the EA and a public hearing appeared in *The Hour*, a Norwalk area newspaper of general circulation, on September 6, 2016 and September 14, 2016, with updates on October 5, 2016, October 11, 2016, October 18, 2016, November 15, 2016, December 2, 2016, and December 5, 2016. A notice of availability of the EA and a public hearing appeared in *El Sol News*, a Spanish language Norwalk area newspaper, on September 9, 2016, October 14, 2016, and October 17, 2016. Press releases about the EA and public hearing appeared on CTDOT's Walk Bridge Program website (www.walkbridgect.com), on September 6, 2016, September 23, 2016, and November 28, 2016. The availability of the EA was noticed in the Connecticut Council on Environmental Quality's Environmental Monitor on September 6, 2016, with revisions issued on October 5, 2016 and November 28, 2016.

FTA issued a Finding of No Significant Impact (FONSI) for the Project's EA on July 17, 2017.[2] FTA subsequently approved three NEPA re-evaluations on September 19, 2019, March 12, 2021, and June 15, 2021 for CTDOT's proposed changes to the Project scope as design of the Project advanced.[3] The FONSI and subsequent NEPA re-evaluation determinations are provided as Project Documents on the Walk Bridge Program website.

CTDOT is designing and constructing the Project using state and federal funds. These include funds allocated through the 2013 Disaster Relief Appropriations Act administered by FTA under its Emergency Relief Program. FRA is also providing Final Design (FD) and construction funding for the Project through its Fiscal Year (FY) 2019 and FY2020 Federal-State Partnership for State of Good Repair Grant Program.

To satisfy its compliance responsibilities for FRA funding for the Project under NEPA and its implementing regulations at 40 CFR Parts 1500-1508; 23 CFR Part 771; Section 4(f) of the United States Department of Transportation Act (49 USC §303) and the FHWA/FTA/FRA joint implementing regulations (23 CFR Part 774); and related laws, and to document its own decision-making under NEPA, FRA is adopting FTA's EA, FONSI, and NEPA re-evaluations for the Project and incorporating these by reference into this document. FTA's FONSI and NEPA re-evaluation determinations are included as Attachments A-1, A-2, A-3, and A-4 to this document.

Information about the Project is available at https://www.walkbridgect.com.

1.1 Previous NEPA Determinations

Subsequent to FTA's issuance of its FONSI on July 17, 2017, CTDOT made changes to the Project design

[1] The document was noticed and made available to the public as the Walk Bridge Replacement Project Environmental Assessment/Section 4(f) Evaluation and Environmental Impact Evaluation (EA/EIE).

[2] On July 6, 2017, the Connecticut Office of Policy and Management (OPM) issued a Record of Decision (ROD) for the Project, stating that based on a review of the EIE conducted pursuant to CGS 22a-1e, the evaluation satisfies the requirements of CEPA.

[3] FTA issued the September 19, 2021 and March 12, 2021 determinations following review of NEPA Re-evaluation documentation submitted by CTDOT. FTA issued the June 15, 2021 determination following review of information submitted by CTDOT via email.

and construction methods.[4] To address the refinements in engineering design and construction methods from 15 percent conceptual design to final design, CTDOT prepared two NEPA re-evaluations which were approved by FTA on September 19, 2019 and March 12, 2021. Copies of FTA's Environmental Re-evaluation Consultation Worksheets and determinations are included as Attachments A-2 and A-3. On May 24, 2021 and June 15, 2021 CTDOT notified FTA of minor changes that CTDOT determined did not warrant formal documentation in an Environmental Re-evaluation Consultation Worksheet. FTA concurred with CTDOT's recommendations and issued an approval for these changes on June 15, 2021 (with clarification on June 17, 2021). Copies of CTDOT's recommendations and FTA's determinations are included as Attachment A-4.

Changes to the Project since FTA's issuance of its 2017 FONSI and that were taken into account during subsequent Re-evaluations are summarized below:

- Refinement of the vertical and horizontal clearances of the replacement bridge to reflect local, state, and federal agency coordination (as described in Section 6 of this document and summarized in Attachment G), design refinement, and constructability analysis as follows: the replacement bridge will provide a vertical clearance in the closed position of approximately 26 feet (a decrease of less than one foot) and a horizontal clearance of 170 feet, which matches the width of the federal navigation channel. The final design of the replacement bridge includes lift spans that will provide a spacing of 214 feet between pier-mounted fenders, however, the horizontal clearance will match the 170-foot federal navigation channel.
- Replacement of Fort Point Street Bridge via a relocation of the bridge and realignment of the roadway to improve construction staging and traffic control, reduce design and construction risks, and reduce costs.
- Acquisition of a parcel due to the operation of the relocated Fort Point Street Bridge and realigned roadway; acquisition of temporary and permanent easements at three parcels to accommodate the construction and/or operation of the relocated bridge and realigned roadway.
- Abandonment in place and functional replacement of the existing northeast stone retaining wall between Fort Point Street and the railroad corridor, required to accommodate the additional loads associated with the realigned bridge design in compliance with industry safety requirements.
- Construction of new retaining walls on the western approach of Walk Bridge to accommodate future bridge maintenance access; the new retaining walls will be located on either side of the railroad and within the ROW.
- Refinement of the routing of the MNR communication utilities and bridge power utilities via a submarine cable crossing and transitioning to duct banks on the east and west sides of the Norwalk River. Approved by FTA as a cut and cover construction technique, design was further modified to the use of micro-tunneling techniques for two parallel duct crossings for the MNR

[4] The Project progressed from conceptual (15 percent) design, as presented in the original EA, to the advanced (60 through 100 percent) design, and final design (November 20, 2020; with Addendum 1, May 5, 2021, incorporating final design refinement to improve rail operations during construction, FTA's decision for Site 103-53, and various review comments and requests; Addendum 2, June 25, 2021, incorporating a Project reuse stockpile area and modifying areas of environmental concern; and Addendum 3, October 1, 2021, incorporating design updates based on third party coordination and various review comments).

communication utilities and the bridge power cables based on additional coordination with MNR, review of U.S. Army Corps of Engineers' requirements, and recommendations of a Value Engineering Study.

- Refinement of the existing docks of the Sheffield Island Ferry and Maritime Aquarium research vessel on a permanent basis and construction of temporary docking facilities south of the existing docks to minimize impacts to their operations during Project construction, in coordination with the vessel operators, the City of Norwalk, and the Norwalk Harbor Management Commission.
- Refinement of the stormwater drainage system for the replacement bridge, based on advanced design.
- Refinement of the ROW requirements of construction use parcels, due to the anticipated construction duration and refined construction means and methods, resulting in the following changes: from two full-parcel temporary easements to two full-parcel acquisitions; from a partial-parcel temporary easement to a full-parcel temporary easement; from a partial-parcel temporary easement to a partial-parcel acquisition; and continued use of temporary easements previously acquired for the CP-243 Interlocking and Danbury Dock Yard Improvements projects.
- Increased impact to wetlands and intertidal flats, due to advanced design and refined definition of permanent impacts to include temporary impacts of 24 or months duration. Based on conceptual design, the 2017 FTA FONSI estimated permanent wetland impacts of 2,500 square feet (sf), temporary wetland impacts of 2,400 sf, and 900 sf of permanent impacts to intertidal flats, for a total impact of 5,800 sf. Based on final design and incorporating construction duration, the Project will result in 8,500 sf of permanent impacts to vegetated tidal wetlands and 200 sf of permanent impacts to intertidal flats, for a total impact of 8,700 sf.
- Reduction in the number of wetland mitigation sites from ten candidate sites to six sites, while still retaining the required mitigation ratios as identified in the EA/FONSI. FTA previously issued an exception to Section 4(f) use for temporary impacts to local parks to conduct wetlands restoration, all of which were described in the EA.
- Increased impact to floodplains, based on advanced design and determination of entire Project impacts. Based on conceptual design and determined for the new bridge and immediate area only, the 2017 FTA FONSI estimated approximately 19,500 sf of floodplain impacts. Based on final design and inclusive of all Project elements, the Project will result in a permanent net loss of 47,500 sf of floodplain.
- Increased impact to subtidal habitat, due to refined design of bridge foundational elements and additional dredging requirements associated with the docking facilities for the Sheffield Island Ferry and Maritime Aquarium research vessel at two locations southwest of the existing bridge, resulting in less reclamation of estuarine subtidal unconsolidated channel bottom habitat than that identified in the 2017 FTA FONSI.
- Construction of pedestrian improvements on Marshall Street in South Norwalk to accommodate pedestrian traffic during limited closures of North Water Street during Project construction.
- Expanded use of existing CTDOT-owned waste stockpile areas and re-use stockpile areas, based on refinement of the Project's construction-related sediment and soil management requirements.
- Use of the existing docking facilities and adjacent work area at Manresa Island for the assembly of the replacement bridge lift spans, including temporary berthing of construction vessels and barges and temporary storage of construction materials and existing bridge components. A Value

Engineering Study determined that improved Project value would result from the use of the smaller, pre-existing staging and storage area at Manresa Island for assembling the lift spans, as opposed to constructing new facilities waterward of 68 and 90 Water Street.

Following its reviews of CTDOT's proposed changes to the Project, FTA determined the 2017 FONSI remains valid and only minor adjustments and refinements were necessary to mitigation measures as described in Sections 3 and 5 of this document and Attachments A-2, A-3, and B.

2 Selected Alternative

As described in Chapter 2, "Project Alternatives," of the EA, CTDOT developed and evaluated several alternatives to meet the Project's purpose and need. Following the opportunity for public, stakeholder, and resource/regulatory agency input, FTA and CTDOT selected the **Replacement Alternative – Movable Bridge, Long Span Vertical Lift Bridge** (Option 11C).

The Selected Alternative is described in Section 2.5 of the EA, "Preferred Alternative," the July 2019 FTA Environmental Re-Evaluation Consultation Worksheet, and the February 2021 FTA Environmental Re-Evaluation Consultation Worksheet. The Selected Alternative was further refined as design advanced based on additional coordination with MNR, U.S. Army Corps of Engineers (USACE) and U.S. Coast Guard (USCG) requirements, and recommendations of a Value Engineering Study. The Selected Alternative includes the following:

- Construction of a new four-span bridge across the Norwalk River at the alignment of the existing Walk Bridge, which will consist of two side-by-side, 240-foot vertical lift spans, each with independently operated mechanical and electrical equipment.[5]
- Construction of a bridge protection system (bridge fenders) in the Norwalk River, consisting of a pier-mounted fender system and an independent pile-mounted fender system to protect the new control house.[6]
- Replacement of track, catenary structures, and signaling, from around the Washington Street Bridge in South Norwalk (Station 1545+00) to approximately 300 feet east of the Fort Point Street Bridge in East Norwalk (Station 1571+00).
- Replacement and relocation of Fort Point Street Bridge and realignment of Fort Point Street, and functional replacement of an existing northeast stone retaining wall between Fort Point Street and the railroad corridor.[7]

[5] In a September 29, 2016 letter, USCG stated that it reviewed the EA and determined that the document "adequately addresses our bridge permit concerns regarding navigation." As design advanced, the vertical and horizontal clearances of the replacement bridge were updated to reflect agency coordination, design refinement, and constructability analysis. The guide clearances for the replacement bridge design are based on the I-95/Yankee Doodle Bridge to the north for the vertical clearance and the Federal navigation channel for the horizontal clearance, in accordance with the direction of USCG.

[6] Due to a Value Engineering Study, CTDOT revised the bridge protection system from an independent system supported on pipe piles with an offset distance from the lift span piers to a Super Cone fender system integral with the lift piers.

[7] Relocation of the Fort Point Street Bridge and realignment of Fort Point Street are described in the July 2019 FTA Environmental Re-Evaluation Consultation Worksheet. Functional replacement of the retaining wall between the

- Construction of a new retaining wall south of the railroad corridor on the eastern abutment of Walk Bridge.
- Replacement of existing retaining walls and construction of new retaining walls north and south of the railroad corridor on the western abutment of Walk Bridge.[8]
- Removal of existing infrastructure at and proximate to the Walk Bridge site, including bridge superstructure and substructure; existing fender foundations and supports; existing western bridge abutment in its entirety; two high towers, including Eversource Energy high voltage power cable and MNR power and communications cables; three submarine cables, including the bridge power cable and temporary MNR communications cables.[9]
- Installation of replacement MNR power and communications cables and new bridge power cables south of the bridge via a micro-tunnel beneath the Norwalk River, with launching and receiving shafts on the east and west sides of the river.[10]
- Dredging the unmaintained portion of the Norwalk River at the site of the existing bridge substructure, to meet the existing federal navigation channel depths.
- Treatment and removal of invasive common reed (*Phragmites australis*) in existing tidal wetlands and restoration of degraded vegetated tidal wetlands and an intertidal flat to mitigate for permanent Project impacts to wetlands.[11]
- Construction of a pedestrian/bicycle trail connection to the Norwalk River Valley Trail's Harbor Loop Trail in East Norwalk.

Figures 1, 2, and 3 show the footprint of the Selective Alternative as described in Section 2.5 of the EA and updated in the July 2019 and February 2021 FTA Environmental Re-Evaluation Consultation Worksheets.

Figures 4, 5, and 6 identify parcels that CTDOT will acquire in the vicinity of the existing bridge and south of the bridge abutting the Norwalk Harbor for the construction and operation of the Project, as described in Section 3.6 of the EA, "Property Acquisition, Displacement, and Relocation," and updated in the July 2019 and February 2021 FTA Environmental Re-Evaluation Consultation Worksheets and subsequent CTDOT clarifications in May and June 2021. CTDOT is acquiring parcels through full parcel and partial parcel acquisitions and full parcel and partial parcel construction easements, as shown in Figures 4, 5, and 6. The majority of parcels will be used only for the duration of the Project and will be sold or their easement agreements terminated following construction completion. Following construction of the Project, CTDOT will retain permanent easements on parcels immediately adjacent to the new bridge for access to the bridge for future operations and maintenance.

railroad corridor and Fort Point Street is described in the February 2021 FTA Environmental Re-evaluation Consultation Worksheet.

[8] Replacement of existing retaining walls is described in the EA; construction of new retaining walls is described in the July 2019 Environmental Re-Evaluation Consultation Worksheet.

[9] The removal depth of in-water elements was coordinated with USACE Navigation in advanced design and received approval from USACE via email communication of December 14, 2017.

[10] Due to a Value Engineering Study and based on coordination with MNR, the submarine routing of the MNR and bridge power cables via cut-and-cover construction was revised to installation via micro-tunneling.

[11] Refinement of the wetland mitigation plan is described in July 2019 FTA Environmental Re-Evaluation Consultation Worksheet. Development of the wetland mitigation plan was further refined in advanced design.

Figures 7 and 8 show the location of the ten Project activity sites along the Norwalk River. Sites 1, 2, and 3 are at and adjacent to the location of the existing and replacement bridge and include water and land activities west and east of the navigation channel; activities at these sites (roughly corresponding to Figures 1 and 2) are described in Section 2.5 of the EA and in the July 2019 and February 2021 FTA Environmental Re-Evaluation Consultation Worksheets. Site 4 is the location of the existing docks of the Sheffield Island Ferry and Maritime Aquarium research vessel, located approximately 100 feet southwest of Walk Bridge, and Site 5 is the Marine Staging Yard located southwest of the Route 136/Stroffolino Bridge.

Mitigation activities related to dredging impacts necessary to support ferry and research vessel operations at Sites 4 and 5 are referenced in the July 2019 FTA Environmental Re-Evaluation Consultation Worksheet and fully described in the February 2021 FTA Environmental Re-Evaluation Consultation Worksheet. Dredging requirements at Sites 4 and 5 are described in the July 2019 FTA Environmental Re-Evaluation Consultation Worksheet.[12] Site 6 (corresponding to Figure 3) consists of wetland mitigation activities at multiple areas bordering the Norwalk River, as described in Sections 3.10 and 5.3.7 in the EA and the July 2019 FTA Environmental Re-Evaluation Consultation Worksheet.

Mooring of construction support vessels, confirmed as design advanced and included in permit applications, will occur south of the Stroffolino Bridge on the eastern shore of the Norwalk River near the Veteran's Memorial Park (Site 7), in the anchorage in South Norwalk east of Norwalk Harbor (Site 8), and in Long Island Sound (Site 9). Site 10 (corresponding to Figure 6) consists of a water-based construction staging and storage yard for the assembly of the replacement lift spans, as described in the February 2021 FTA Environmental Re-Evaluation Consultation Worksheet.

[12] As indicated in the February 2021 FTA Environmental Re-Evaluation Consultation Worksheet, dredging would not be required at the Marine Staging Yard for construction of the bulkhead; however, dredging would be required for the temporary docking facilities for the ferry and research vessel operations.

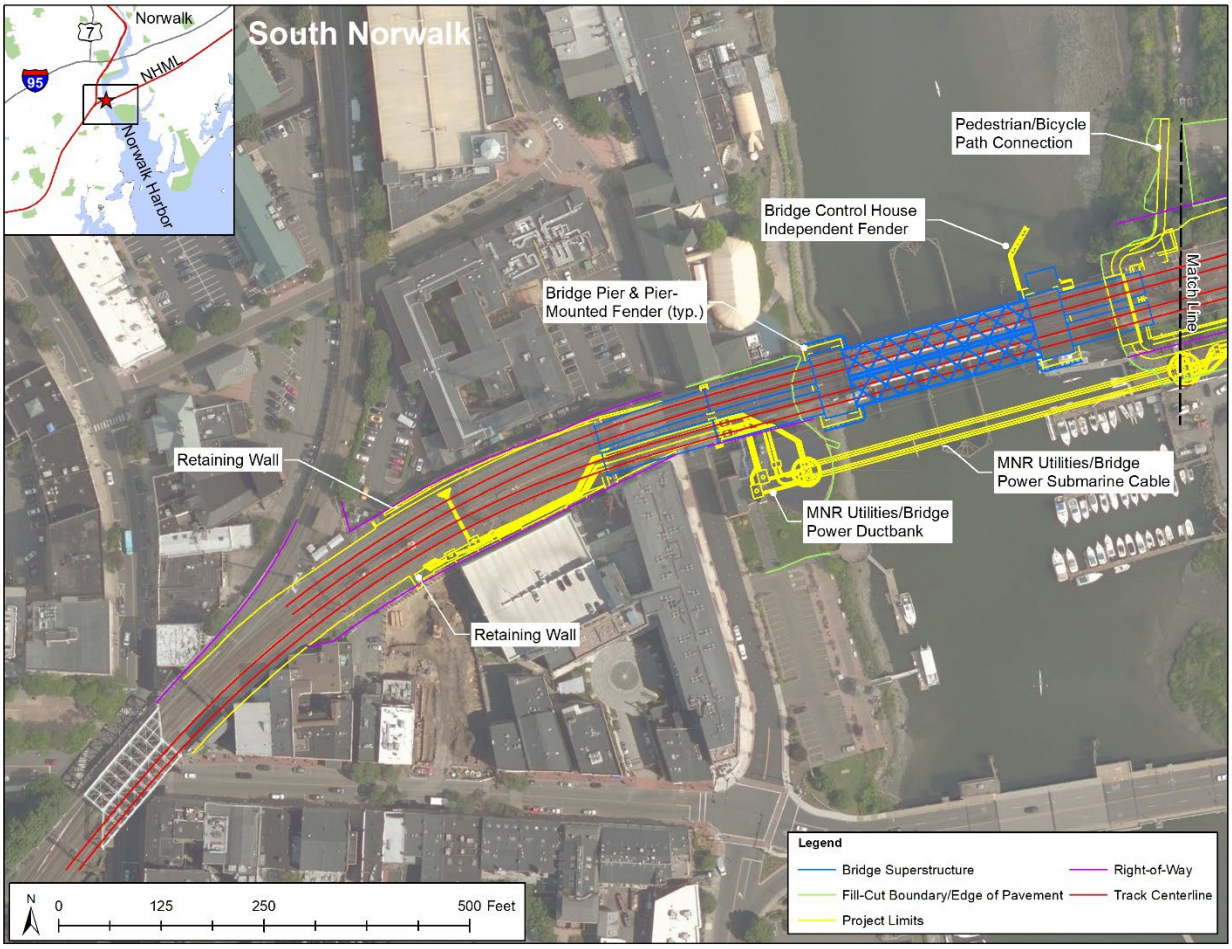

Figure 1 – Illustration of Project Limits, South Norwalk

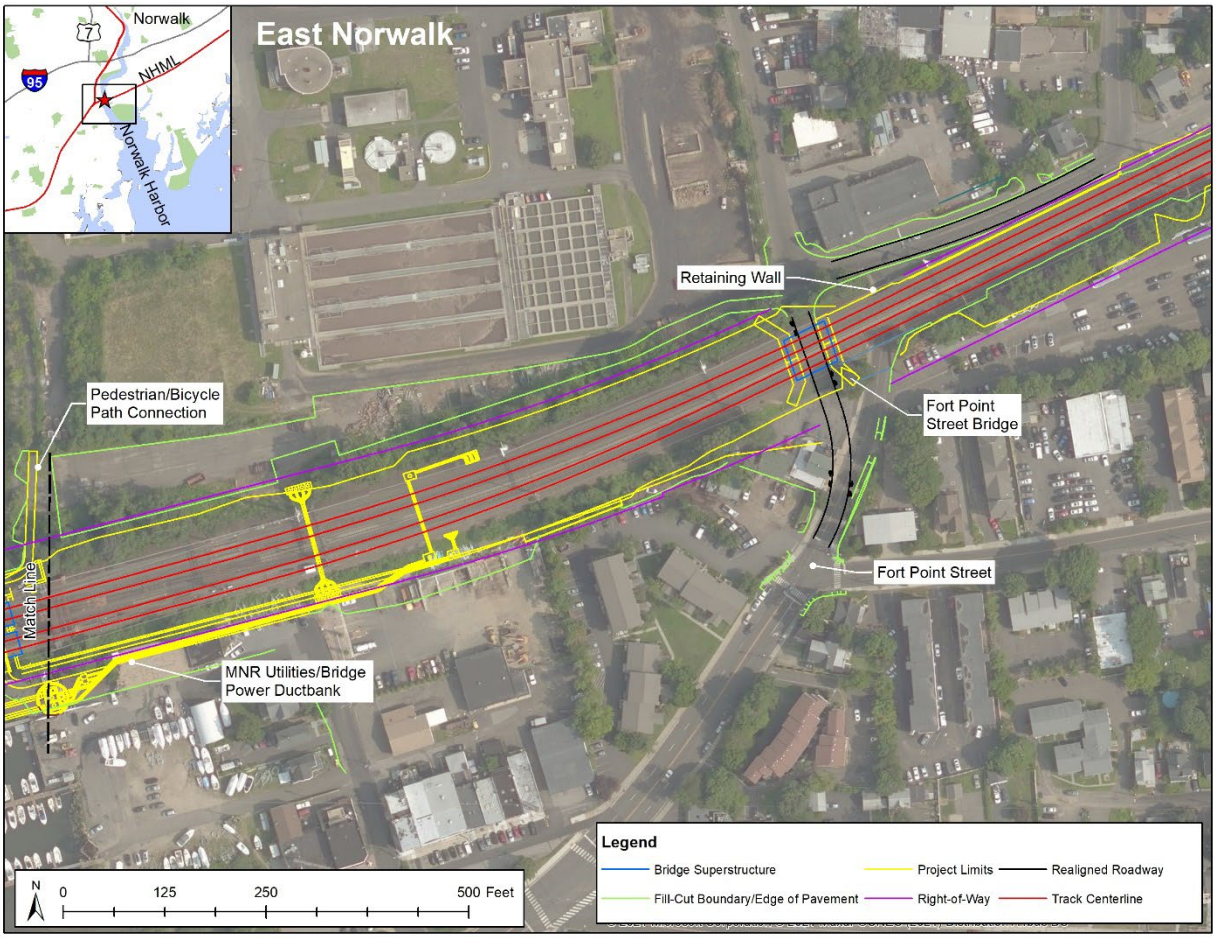

Figure 2 – Illustration of Project Limits, East Norwalk

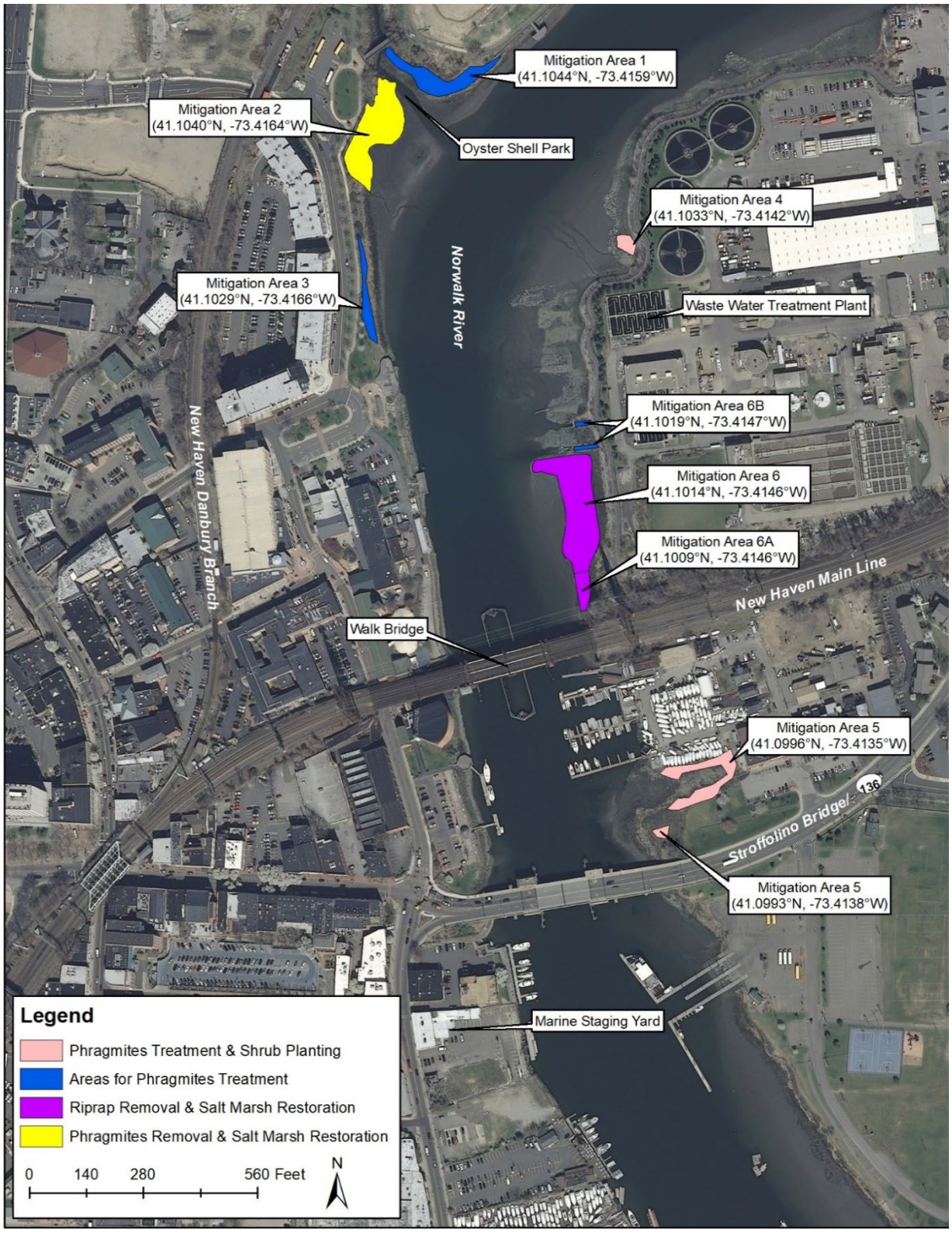

Figure 3 – Project Wetland Mitigation

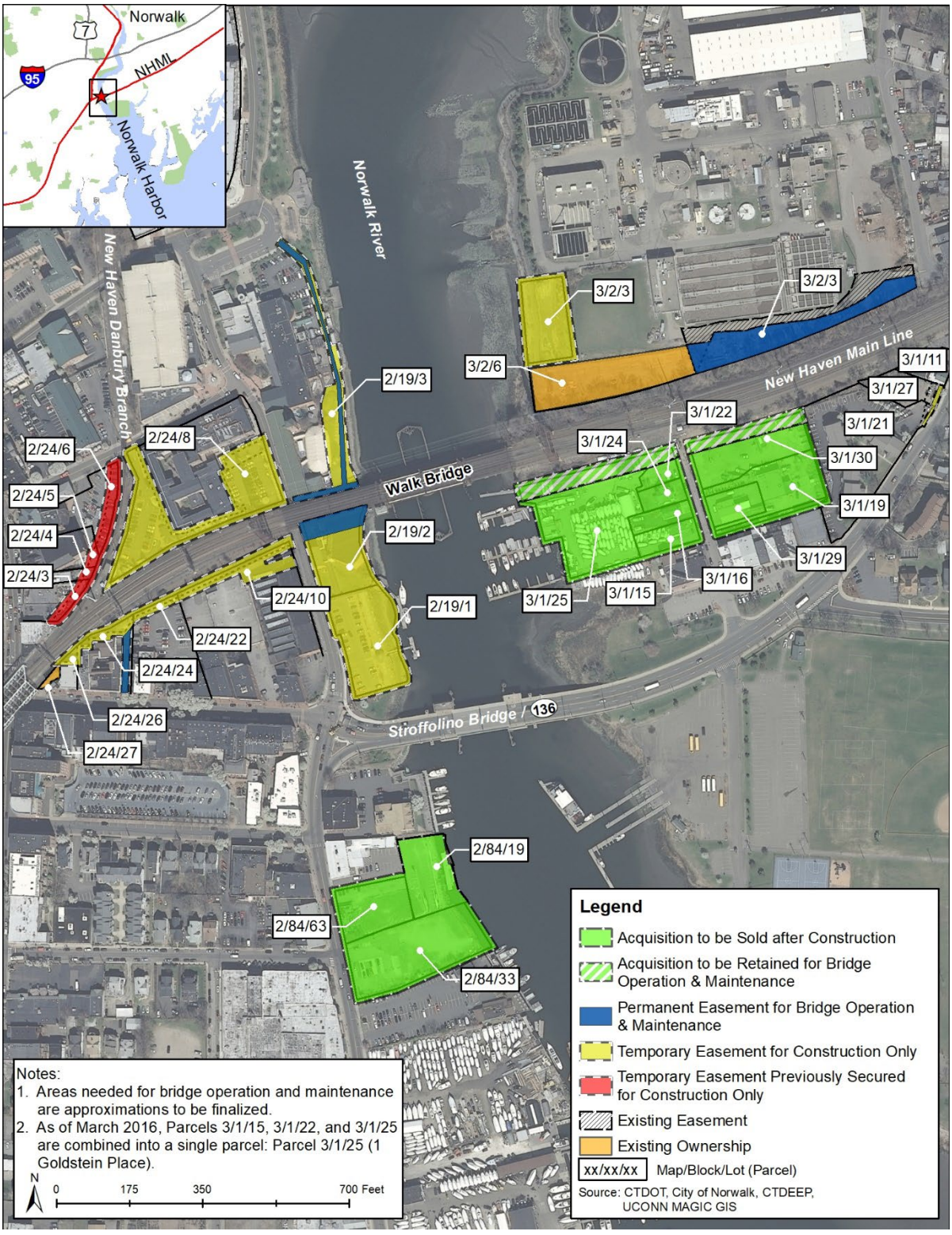

Figure 4 – Locations of Proposed Parcel Use, 1 of 3

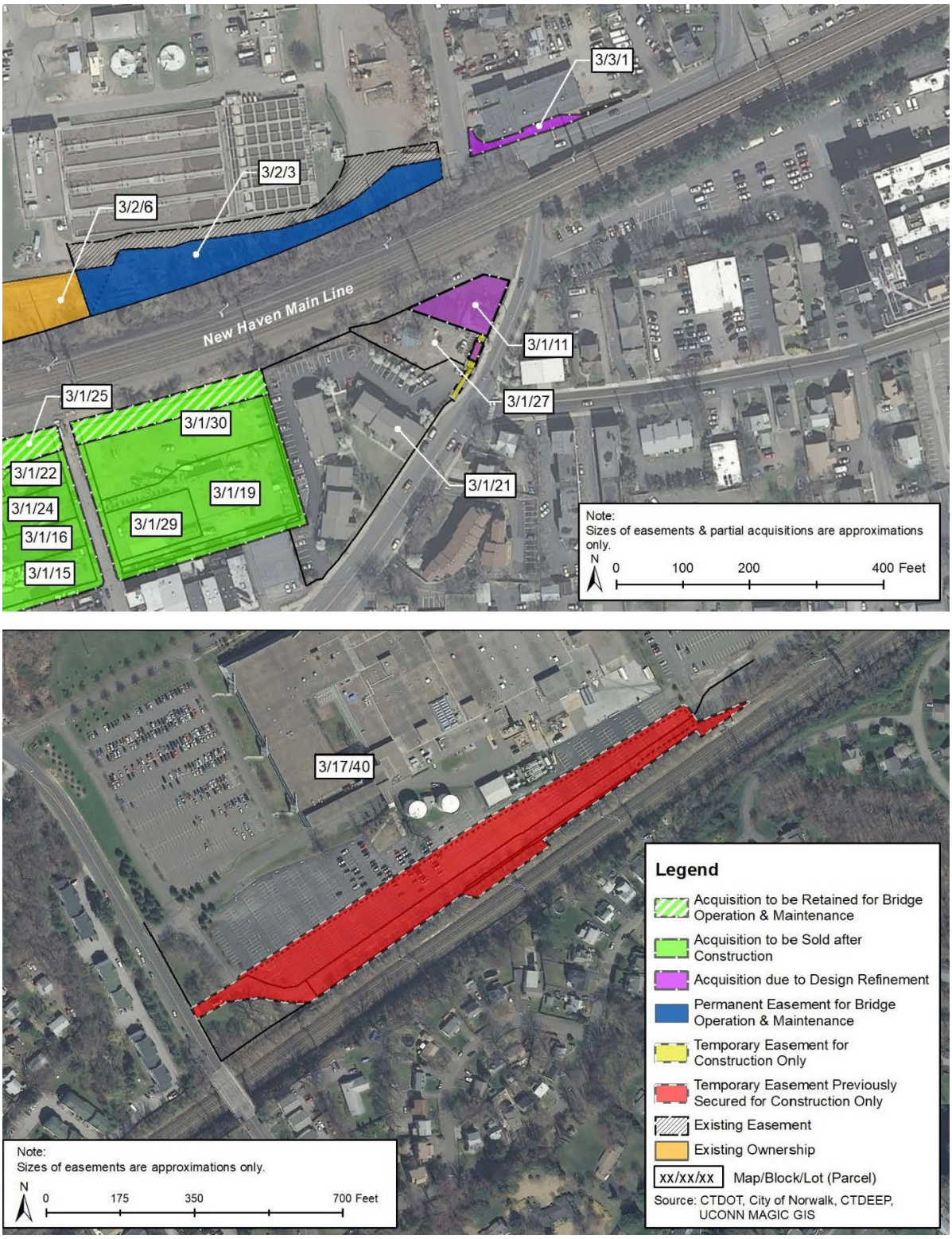

Figure 5 – Locations of Proposed Parcel Use, 2 of 3

Figure 6 – Locations of Proposed Parcel Use, 3 of 3

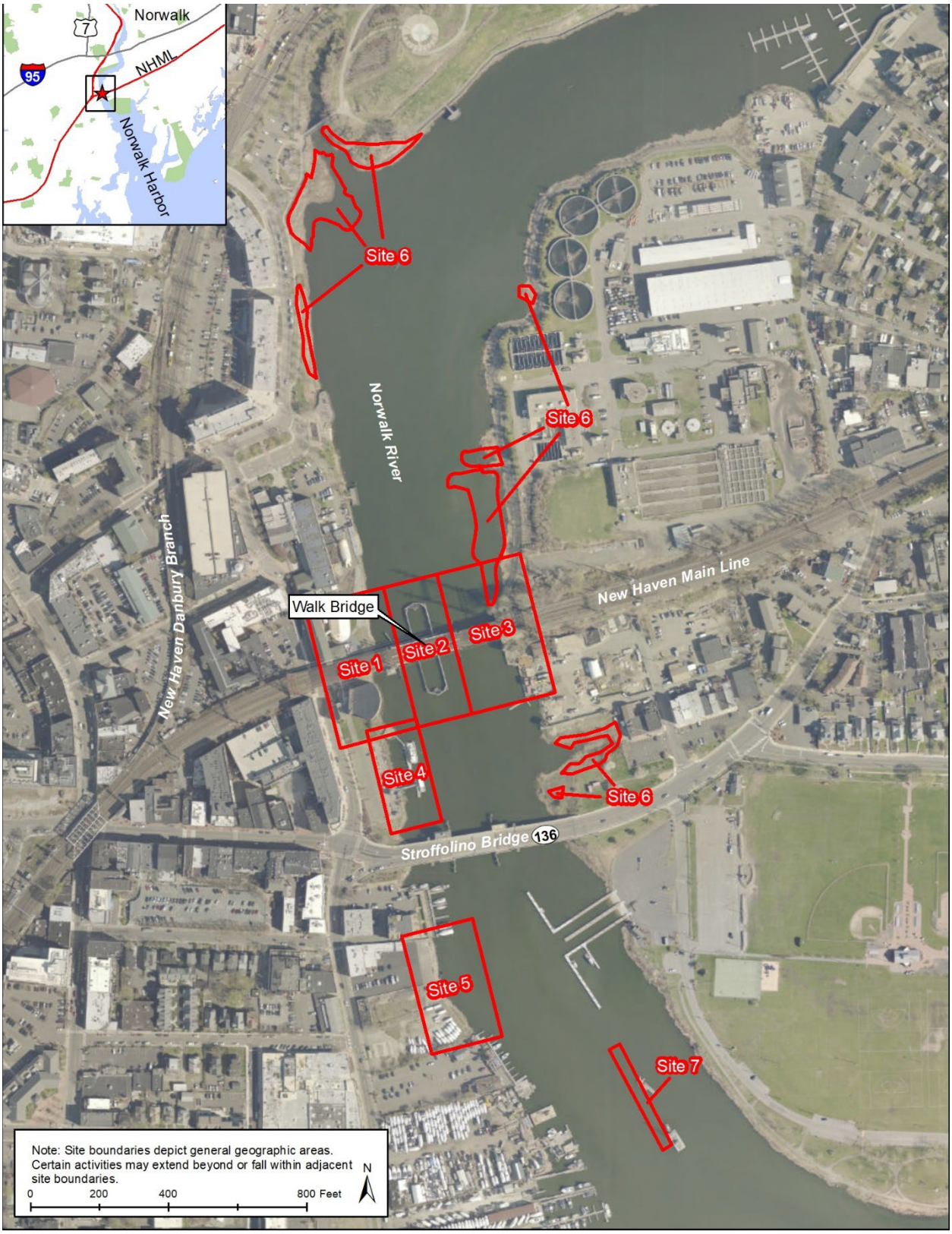

Figure 7 – Project Activity Locations - Sites 1 – 7

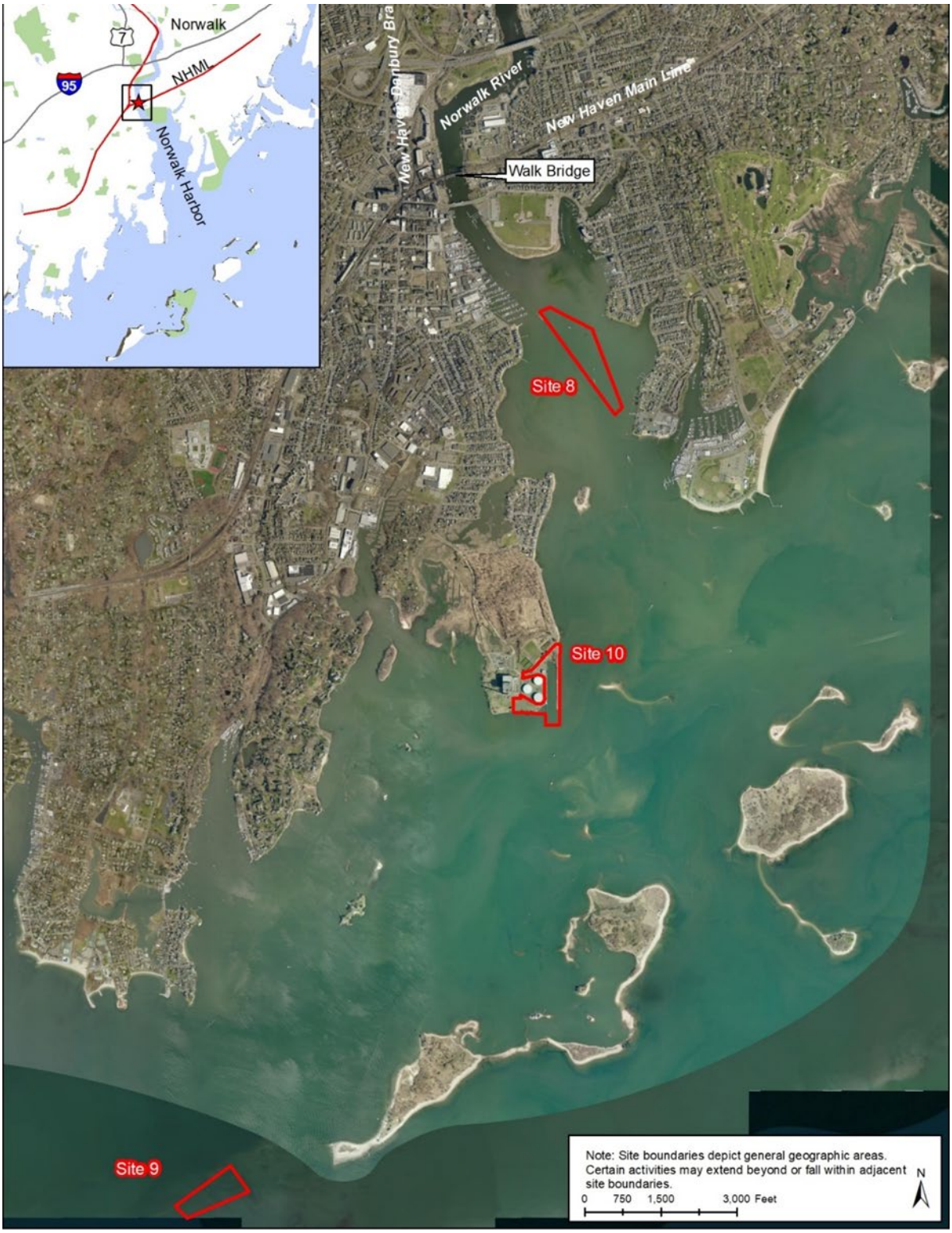

Figure 8 – Project Activity Locations – Sites 8 -10

3 Environmental Consequences

The potential of the Project to result in permanent (operational) and temporary, construction-related environmental impacts is documented in Chapter 3, "Environmental Resources, Potential Impacts, and Mitigation," and Chapter 5, "Construction Period Impacts," of the EA, and in Appendix 2-1 of FTA's July 2017 FONSI. Subsequent Project refinements would result in additional permanent and temporary, construction-related environmental impacts, which are documented in the July 2019 and February 2021 Environmental Re-evaluation Consultation Worksheets. FTA determined these changes to the Project would not result in significant environmental impacts.

The construction of the Project would result in temporary impacts to the following environmental resource categories:

- Rail transportation
- Marine transportation
- Traffic, transit, and parking
- Pedestrian and bicycle facilities
- Property acquisitions, through use of temporary easements
- Socioeconomics
- Water quality
- Floodplains
- Terrestrial resources, species, and critical habitats
- Aquatic resources, species, and critical habitats
- Endangered, threatened, and special concern species
- Water-dependent uses
- Parklands, public recreation, and community facilities
- Visual resources
- Air quality
- Noise and vibration
- Hazardous and contaminated materials/ Environmental Risk Sites
- Public utilities and service

The construction of the Project would result in permanent impacts to the following environmental resource categories:

- Property acquisition, displacement, and relocation
- Socioeconomics
- Floodplains
- Terrestrial resources, species, and critical habitats
- Aquatic resources, species, and critical habitats
- Tidal wetlands, including intertidal flats[13]
- Water-dependent uses

[13] CTDOT defines permanent impacts to tidal wetlands to include impacts of 24 or more months duration.

- Parklands, public recreation, and community facilities
- Visual resources
- Cultural resources
- Hazardous and contaminated materials/ Environmental Risk Sites
- Public utilities and service[14]

The operation of the Project would result in permanent impacts to the following environmental resource category:

- Property acquisitions, through permanent easements

Mitigation measures to address the Project's environmental impacts are presented in Appendix 2-1 of FTA's July 2017 FONSI, Table 1 in the July 2019 Environmental Re-evaluation Consultation Worksheet, and Tables 1 and 2 in the February 2021 Environmental Re-Evaluation Consultation Worksheet; these relevant FTA environmental review documents are attached to this FONSI (Attachments A-2 and A-3). A summary table of required mitigation measures for the Project's environmental impacts is provided as Attachment B. As identified in Appendix 2-1 of FTA's FONSI and summarized in Attachment B, mitigation also consists of multiple Construction Coordination Plans that CTDOT will develop prior to construction start and update as living documents through the duration of construction to reduce construction-period impacts. The Construction Coordination Plans include a Marine Use Plan, Transportation Management Plan, Alternative/Replacement Parking Plan, Water Quality Control Plan, Maritime Aquarium Coordination Plan, Air Quality/Dust Control Plan, Materials Management Plan, Historic Building Protection Plan, Storm Water Pollution Control Plan, Land-based Noise and Vibration Control Plan, Water-based Noise and Vibration Control Plan, Communications Management Plan, Business Coordination Plan, and a Safety and Security Informational Bulletin.

FTA determined the Project would not have disproportionately high and adverse effects on minority or low-income populations, as documented in its 2017 FONSI; in the subsequent reviews of the Environmental Re-evaluation Consultation Worksheets, FTA concluded that the additional changes to design and construction approach were consistent with its approved FONSI. Attachment B contains a summary of measures that were taken to provide Environmental Justice and Title VI populations with equal access to information about the Project. As documented in its 2017 FONSI, FTA determined the Project would not have a measurable effect on air quality, nor would the Project result in significant long-term noise or vibration impacts. FTA determined the Project would have beneficial impacts to the community, including the built environment and natural resources; these permanent (operational) and temporary (construction-related) benefits are presented in the Executive Summary of the EA (Table ES-2), Table 1 of the July 2019 Environmental Re-evaluation Consultation Worksheet, and Tables 1 and 2 in the February 2021 Environmental Consultation Worksheet. A summary table of Project benefits is provided as Attachment C.

[14] To mitigate for construction-related impacts to public utilities and service, CTDOT implemented an advance utility program to relocate, abandon or improve utilities immediately adjacent to and within the Project limits prior to the start of the Project in coordination with the City of Norwalk and utility providers.

4 Determinations and Findings Under Other Laws

4.1 Section 106 of the National Historic Preservation Act of 1966

FTA reviewed the Project in accordance with Section 106 of the National Historic Preservation Act of 1966 (Section 106) and its implementing regulations (36 CFR Part 800), which requires Federal agencies to consider the impacts of their undertakings on historic properties. Section 106 requires the Lead Federal Agency (LFA) to identify historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) within a project's Area of Potential Effects (APE); assess effects to historic properties; avoid, minimize, or mitigate any adverse effects; and consult with the relevant State Historic Preservation Officer (SHPO), potentially affected Native American Tribes, and other consulting parties throughout the Section 106 process.

On April 13, 2022, FRA requested in writing that FTA continue to function as the lead Federal Agency for Section 106 compliance and on April 13, 2022, FRA received FTA's written concurrence. Relevant correspondence between FRA and FTA is contained in Attachment D.

Pursuant to the Section 106 regulations at 36 CFR 800.14(b), a 15-year duration Memorandum of Agreement (MOA) was executed on May 25, 2017 among FTA, CTDOT, and the Connecticut SHPO (CT SHPO) to guide the continuance of the Section 106 process through the design and construction phases of the Project and stipulate measures for the resolution of adverse effects of the Project on historic architectural and archaeological resources. Through the Section 106 review and consultation process, FTA determined and CTSHPO concurred the Project would adversely affect the following historic architectural properties: Norwalk River Railroad Bridge (Walk Bridge), listed on the NRHP; and the high towers, catenary support structures, stone retaining walls, and Fort Point Street Railroad Bridge, identified as contributing elements to the NRHP-eligible New York to New Haven Rail Line linear historic district. FTA determined and CT SHPO concurred that the Project would have an indirect (visual) adverse effect on the NRHP-listed South Main and Washington Streets Historic District, the NRHP-eligible Industrial Buildings Historic District, the NRHP-eligible Former Norwalk Lock Company; and the Former Norwalk Iron Works, identified as contributing to an eligible historic district. In addition, the Project's APE contains resources of interest to Federally recognized Native American Tribes. Therefore, the MOA includes stipulations regarding archaeological field investigations, archaeological data recovery, and artifact disposition in consultation with Native American Tribes. The MOA also includes provisions regarding the identification of historic properties and assessment of effects resulting from refinements to the Project design. Although FTA determined and CTSHPO concurred that some proposed design refinements since FTA's issuance of its FONSI 2017 would result in additional adverse effects to historic properties, to date these parties have agreed that the mitigation specified in the MOA is sufficient. A copy of the executed MOA is included in FTA's 2017 FONSI (Attachment A-1 to this FONSI).

4.2 Section 4(f) of the U.S. Department of Transportation Act of 1966

Section 4(f) of the USDOT Act of 1966 and the USDOT implementing regulations at 23 CFR Part 774 protect publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, and significant historic sites, whether publicly or privately owned, from impacts from transportation uses. Section 4(f) prohibits a USDOT agency, including FTA and FRA, from approving a project that would use a Section 4(f) resource unless it determines there is no feasible and prudent alternative and the project incorporates all possible

planning to minimize harm, or the impact to the resource is considered *de minimis* by the USDOT agency. Use of a Section 4(f) property occurs: (1) when land is permanently incorporated into a transportation project; (2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose; or (3) when there is a constructive use (i.e., a project's proximity impacts are so severe that the protected activities, features, or attributes of a Section 4(f)-protected property are substantially impaired).

Chapter 9 of the EA contains FTA's Draft Section 4(f) Evaluation for the Project. FTA determined that removal of the NRHP-listed historic swing-span bridge and the overhead catenary system and high towers of Walk Bridge would constitute a use under Section 4(f). Removal of the stone retaining walls west of the Walk Bridge western approach span over North Water Street and on Fort Point Street and Fort Point Street Bridge also would constitute uses under Section 4(f). A permanent access easement would be required from the Norwalk Iron Works (Maritime Aquarium), which would constitute a Section 4(f) use of this property.

FTA determined, pursuant to 23 CFR 774.13, that certain Project impacts to parks and recreation areas in the City of Norwalk qualify as exceptions to Section 4(f) use: 1) temporary construction-related impacts that would occur to the Norwalk River Valley Trail (NRVT) on the east and west side of the Norwalk River, pursuant to 23 CFR 774.13(d), due to the creation of a bicycle/pedestrian connection; and 2) Project mitigation that would require the creation and/or restoration of wetlands adjacent to or within the City of Norwalk parks near the Project area, pursuant to 23 CFR 774.13(g)(1).

On November 17, 2016, the U.S. Department of Interior (USDOI) concurred with FTA's finding that there is no prudent and feasible alternative to the Section 4(f) use of Walk Bridge and Fort Point Street Bridge. On May 31, 2017, the City of Norwalk concurred that the temporary impacts to the NRVT and the use of selected City parks for mitigation of Project impacts to wetlands qualify as exceptions to Section 4(f). The USDOI concurrence and the City of Norwalk concurrence are provided as Attachment E to this FONSI.

In a letter dated July 17, 2017 to the CTDOT Commissioner transmitting a copy of the signed FONSI, FTA documented its determination that there are no reasonable and prudent alternatives to the use of Section 4(f) protected properties that meet the Project purpose and need, and all possible planning has been done to minimize harm.

5 Commitments, Mitigation Measures, and Permits

Attachment B provides a list of mitigation measures required for the Project by resource category, as identified in the EA, FTA's July 2017 FONSI, the July 2019, and February 2021 FTA Environmental Re-evaluation Consultation Worksheets. These measures were developed in consultation with federal and state agencies and incorporated into the Project's final design. Many of these mitigation measures listed in Attachment B apply to more than one resource category, however, they are listed once. Attachment F provides a list of federal and state permits and approvals required for the Project. CTDOT is responsible for applying for and obtaining all required permits. As the permit licensee, CTDOT is responsible for complying with the permit conditions.

5.1.1 Historic Properties - Section 106 of the National Historic Preservation Act; Section 304 of the National Historic Preservation Act

As of the date of this FONSI, FTA and CTDOT, in consultation with CTSHPO, Native American Tribes, and other Consulting Parties, continue to implement the Section 106 MOA to resolve adverse effects of the Project on historic architectural and archaeological resources. As indicated in Section 6, FTA determined that consultation with Native American Tribes will continue to determine the appropriate treatment and/or repatriation of recovered artifacts from archaeological data recovery efforts.

5.1.2 Protected Species and Habitat - Magnuson-Stevens Fisheries Conservation and Management Act; Section 7 of the Endangered Species Act; Fish and Wildlife Coordination Act; Migratory Bird Treaty Act; Bald and Golden Eagle Protection Act

CTDOT has incorporated all conservation measures recommended by federal and state agencies into the Project through permit applications and contract documents (contract specifications and Notices to Contractor). The conservation recommendations, consisting of time of year (TOY) restrictions and resource protection measures, are listed in Attachment B; refer to *Terrestrial Resources, Species, and Critical Habitats*; *Aquatic Resources, Species and Critical Habitats; Endangered and Threatened Species; Noise and Vibration.*

5.1.3 Resources Protected Under Section 4(f) of the USDOT Act

CTDOT will fulfill Section 4(f) obligations through adherence to the stipulations in the Section 106 MOA regarding Project impacts to Section 4(f)-protected historic properties, and through restoration of Section 4(f)-protected parks to pre-construction conditions that will be temporarily impacted by wetland mitigation activities.

6 Coordination and Consultation

Chapter 8 of the EA, the FTA 2017 FONSI, and the July 2019 and February 2021 Environmental Re-evaluation Consultation Worksheets describe the agency and stakeholder coordination and consultation and public outreach FTA and CTDOT conducted for the Project.

Following findings made during the archaeological investigations stipulated in the Section 106 MOA, in February 2019, FTA expanded Native American Tribal Consulting Parties to include the Narragansett Indian Tribe, the Delaware Tribe of Indians, Stockbridge-Munsee Mohican Tribe, and the Delaware Nation. These four federally recognized tribes are in addition to the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation, which are Tribal Consulting Parties identified in the MOA. In coordination with CTSHPO and the Bureau of Indian Affairs, FTA and CTDOT participated in an on-site meeting with the Tribal Consulting Parties on March 25, 2019. Based on Phase II intensive survey testing, the CTDOT's historic and archaeologist consultant meeting the U.S. Secretary of Interior's (SOI's) Professional Qualifications Standards recommended that one location, a multi-component Late Archaic and Contact period site as eligible for the NRHP Due to findings made during laboratory analysis associated with the Phase III Data Recovery Program, FTA conducted subsequent coordination meetings with the Tribal Consulting Parties to evaluate avoidance measures and to discuss the disposition of the site on June 14, 2019, November 13, 2019, July 14, 2020, and September 8, 2020. Following consultation with interested Tribes and CTSHPO, on November 10, 2020, FTA determined that full archaeological data

recovery of the site would resume. Further, FTA determined that Section 106 consultation will continue for the determination of the appropriate treatment and/or repatriation of recovered artifacts. Site excavation associated with the Data Recovery Program was completed in May 2021. Over 100,000 artifacts and approximately 1,000 features are being processed, curated, and analyzed by CTDOT's historic and archaeologist consultant.

Since FTA's issuance of its FONSI, CTDOT has conducted public outreach regarding Project changes including the replacement of Fort Point Street Bridge and the realignment of Fort Point Street, additional property acquisitions including the removal of the IMAX Theater in Norwalk, and the addition of a construction staging and storage site at Manresa Island, as documented in the July 2019 and February 2021 Environmental Re-evaluation Consultation Worksheets. Public outreach has included in-person public meetings and a virtual public meeting, Project updates via the Walk Bridge Program website, social media outlets, a Construction Newsletter weekly e-blasts to a 1,500-person database and over 300 businesses in South and East Norwalk, door-to-door delivery of targeted outreach flyers, relevant news stories in media outlets, and participation in special events (currently on hold due to Covid-19). Additionally, kiosks with Project factsheets and brochures are updated bi-weekly in key locations throughout Norwalk, including City Hall, the Maritime Aquarium Garage, SoNo Train Station, and the Maritime Aquarium/IMAX Theater.

During final design, CTDOT hosted Project update meetings with water-dependent users, including upstream commercial businesses and local rowing groups, and solicited feedback to minimize impacts and maximize navigational safety during Project construction. To address public concerns about the use of Manresa Island as a construction staging and storage yard, in October 2020, CTDOT conducted a construction noise study and a traffic study and posted the results on the Project website and in the February 2021 Environmental Re-evaluation Consultation Worksheet. The results of the Manresa Island Construction Noise Study indicated that although noise from the staging and storage yard will be audible at times, the construction noise levels will be below CTDOT's noise limits for the Walk Bridge Replacement Project at all modeled community locations, and well below noise limits at the Manresa Island locations. In addition, noise increases from construction-related traffic along the Woodward Avenue truck route are not expected to be significant. As referenced in the Summary Table of Project Mitigation Measures (Attachment B), mitigation measures will be incorporated to improve current and anticipated traffic conditions due to the construction staging and storage yard.

In February 2018, CTDOT opened the Walk Bridge Welcome Center, a walk-in facility located on 20 Marshall Street in South Norwalk which allows the public to obtain the most up-to-date Project information. Prior to its closure in March 2020 due to Covid-19, the Welcome Center was open 20 hours per week with one employee. Visual exhibits and marketing materials about the design updates were presented in the Welcome Center. Since March 2020, CTDOT has conducted and staffed invitation-only special events. Once restrictions on Covid-19 have been lifted, it is expected that the Welcome Center will re-open to the public for regular visiting hours and special events through Project construction.

Attachment G contains a list of meetings that CTDOT conducted with the City of Norwalk and community stakeholders, which includes meetings conducted both pre- and post-FTA FONSI.

7 Conclusion

FRA has carefully considered the Project record, including the EA and two Environmental Re-evaluation Consultation Worksheets; FTA's draft Section 4(f) evaluation prepared and circulated as part of the EA and FTA's final Section 4(f) Determination documented in its FONSI and July 17, 2017 transmittal letter to the CTDOT Commissioner; the required mitigation specified in Attachment B of this FONSI and the stipulations in the Section 106 MOA (Attachment A-1); and the written and oral comments offered by agencies, stakeholders, and the public on this record.

Based on this consideration, FRA has determined the Project as presented and assessed in the EA satisfies the requirements of NEPA (42 U.S.C. §§ 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500-1508), and the FHWA/FTA/FRA joint regulations implementing NEPA (23 CFR Part 771), and would have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in FTA's FONSI and adopted by FRA in this FONSI. FRA, relying on FTA's evaluation, has also satisfied requirements under Section 4(f) of the USDOT Act and Section 106 of the NHPA. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the Project as presented.

Jamie P Rennert

_____ 04/28/2022

Jamie P. Rennert — Date
Director, Office of Infrastructure Investment
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8 Attachments

8.1 Attachment A FTA Environmental Documentation

8.1.1 Attachment A-1 FTA FONSI, July 2017 (including the executed Section 106 Memorandum of Agreement)

8.1.2 Attachment A-2 FTA Determination, September 19, 2019

FTA Environmental Re-evaluation Consultation Worksheet, July 2019

8.1.3 Attachment A-3 FTA Determination, March 12, 2021

FTA Environmental Re-evaluation Consultation Worksheet, February 2021

8.1.4 Attachment A-4 FTA Determination, June 15, 2021

CTDOT and FTA correspondence, May-June 2021

8.2 Attachment B Summary Table of Project Mitigation Measures

8.3 Attachment C Summary Table of Project Benefits

8.4 Attachment D FRA Request

8.5 Attachment E Section 4(f) Findings

8.6 Attachment F List of Federal and State Permits and Approvals

8.7 Attachment G Coordination and Consultation